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## **REBUILDING LIVES**

**a reflection on the experiences  
of disaster affected poor people**



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Report compiled by Bijay Kumar (formerly the ActionAid Tsunami Management Team Convener and ActionAid Sri Lanka Country Director) and Moira O'Leary (formerly the ActionAid Tsunami Policy Director).

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**india:** Fisherfolk were forced to fight for both their livelihoods and homestead land rights.

**Disasters are not inevitable, nor are inequities** in disaster response interventions. Communities can increase their resilience to hazards and prevent them from becoming disasters if they have the necessary knowledge, skills, financial resources, infrastructure, institutions and linkages. The evidence clearly suggests that poor and excluded people – particularly women – are disproportionately affected by disasters.

To address this inequality, those intervening must take sides with people who are poor and excluded if their vulnerability is to be reduced and their rights fulfilled.

This report, *Rebuilding Lives: a reflection on the experiences of disaster affected poor people*, reflects upon the experience of ActionAid International's Tsunami Response Programme, which covered India, Indonesia, the Maldives, Somalia (Puntland) and Sri Lanka. It was compiled by Bijay Kumar and Moira O'Leary (formerly the ActionAid Tsunami Management Team Convener and ActionAid Sri Lanka Country Director, and the ActionAid Tsunami Policy Director respectively).

*Rebuilding Lives* draws primarily from People's Reports on violence against women; disaster risk reduction; land rights and adequate housing; and fisheries-based livelihoods in the response to the Indian Ocean Tsunami, prepared by alliances of around 350 organisations in the above countries.

The reports and studies document the post-disaster experience of poor and excluded people and highlight the persistent structural discrimination they face, even after disasters. This discrimination may in fact be intensified through policies and practices which perceive the disaster to be an opportunity for economic investment and large-scale development projects, which in turn increase the vulnerability of poor people.

*Rebuilding Lives* describes some of ActionAid's experiences in operationalising a rights-based approach in the disaster response. The endeavour

was to go beyond the provision of support to meet basic needs and to respond in ways which could simultaneously facilitate the empowerment of women and excluded social groups, enabling them to claim their rights. We understand that a long-term perspective is critical in disaster response if the available resources are to be employed to support change rather than to merely restore people to their pre-disaster level of poverty.

Learning how to institutionalise these lessons is an outstanding challenge. Numerous evaluation reports from a wide range of disaster responses in different locations reveal that too often what is practiced is not congruent with what is aspired to in international conventions, national laws and policies, standards and codes of conduct. While international laws are binding on signatory governments and multilateral and bilateral institutions, and NGOs are committed to codes of conduct and standards such as the Sphere Humanitarian Charter and Minimum Standards in Disaster Response, it is evident that there is much to be desired to translate these into practice.

We must continue to learn and discern the processes and mechanisms and the accompanying attitudes and behaviours to ensure the space for communities, their institutions and local civil society to take a central role in rebuilding lives and livelihoods.

**Richard Miller**  
**International Director, Human Security**  
**ActionAid**  
**Executive Director**  
**ActionAid UK**

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**Sri Lanka:** Community reviews were held in affected villages to ensure public accountability of programmes.

**This report draws on affected people's** experiences and practitioners' reflections of disaster response. It is distinctive in its focus on poor and excluded people and the operationalisation of a rights-based approach in the post-disaster context. Response interventions, while assisting affected poor people to obtain their basic needs/rights, had a simultaneous purpose to support affected poor people to organise and mobilise with others, have a voice and develop their power to negotiate in order to claim, secure and enjoy their human rights.

The importance of reflecting and learning from previous disaster response is crucial in light of the numerous reports documenting the increasing incidence of disasters over recent decades and predictions of the trend increasing.<sup>1</sup> Disasters are now an integral part of millions of people's lives. According to *the Red Cross World Disasters Report 2007*, trends in the past ten years show a large increase over the previous decade. Between 1997 and 2006, there were 6,806 reported disasters compared to 4,241 from 1987 to 1996, an increase of 60 percent. Comparing the same period, the number of deaths doubled from 600,000 to 1.2 million, and the average reported number of affected people per year rose from around 230 million to 270 million, an increase of 17 percent. This rising trend represents a significant constraint to sustainable development in the affected countries.

As in previous years, Asia remained the region hardest hit and most affected by natural disasters in 2007, underscoring the vulnerability of the region. Thirty-seven percent of the year's reported disasters occurred in Asia, accounting for 90 percent of all the reported victims and 46 percent of the economic damage due to natural disasters in the world. The country comparison shows that the majority of Asian countries experienced between one and five natural disasters in 2007. (ADRC 2005, CRED 2007).

The Intergovernmental Panel on Climate Change (IPCC) fourth assessment report concludes that climate change is likely to affect the severity, frequency and spatial distribution of extreme climatic events such as hurricanes, storm surges, floods

and droughts (CRED 2007). Developing countries, many of which are already the most vulnerable to natural disasters, will be particularly affected by climate change. The occurrence of disasters can also be attributed to government policy (for example, promoting inappropriate "development"), population growth, ad hoc urbanisation and community-level resilience to natural disaster, all of which contribute to the degree of vulnerability that people experience (CRED 2007).

The connection between poverty and vulnerability to hazards is clear, and the fact that disasters have the greatest impact on poor and excluded people is not coincidental, as illustrated by this report. Disaster results from people's and institutions' inability to cope with hazards. This can be attributed to various social, political, economic and environmental factors – yet regardless of cause poor and excluded people suffer disproportionately. This was their situation prior to the disaster, and it is exacerbated during and after the disaster.

This poverty-induced vulnerability reflects the failure of development to reduce the underlying causes of risk, and the lack of engagement with the socio-cultural and political perpetuation of inequity. People are vulnerable because they do not have access to resources: to a house that could withstand the hazard; to livelihoods that could absorb the shocks; to the services that would develop their capacities; to the institutions and officials who should protect them; to the infrastructure which would make them safer; to the socio-cultural freedoms that would enable them to be resilient; to the fora that make decisions which affect them; to the information that would enable and empower them; and to the right to be included as an equal member of society, living a life with dignity. Poverty-induced vulnerability is a direct consequence of the denial or violation of human rights and the result of unequal power relationships in the process of claiming and/or realising one's rights.

This report is based on various 2007 People's Reports from India, the Maldives, Sri Lanka and Thailand which focus on four crucial areas impacting

<sup>1</sup> The following three paragraphs are based on information from: CRED (2007) Annual Disasters Review; Red Cross (2007) World Disasters Report; and [http://www.adrc.or.jp/publications/databook/ORG/databook\\_2005\\_eng/pdf/chapter1.pdf](http://www.adrc.or.jp/publications/databook/ORG/databook_2005_eng/pdf/chapter1.pdf)

on the lives of tsunami affected people: (1) Violence against women; (2) Livelihoods, particularly small-scale, fisheries-based livelihoods; (3) Homestead land rights and adequate housing, with a focus on the threat to the land rights of coastal communities and their relocation from the coast; and (4) Disaster risk reduction. Over 31,500 people were consulted by alliances of around 350 organisations. It draws on the people's experiences and those of ActionAid and its local partners involved in the Tsunami Response Programme. This report also draws on studies conducted with more than 2,500 women in Bangladesh, Nepal and Pakistan after the 2007 floods regarding their experience of violence against them.

Unfortunately, the experiences and concerns of poor and excluded people presented here are not being heard for the first time in the post-disaster context, but echo a recurrent pattern which has been evident from one disaster to the next, regardless of its location, type and magnitude. It is also evident from existing laws, policies, standards and codes of conduct that policy makers have grappled with what is required to address the problems. A key challenge confronting us is the operationalisation of mechanisms and processes which will ensure that the rights of poor and excluded people will be respected, protected, promoted and fulfilled.

The voices of affected people reflected in this report remind us that widows, single women, older people, small-scale fisher folk, labourers, socially-excluded groups and people with disabilities or living with HIV/AIDS continue to be overlooked. Their pre-existing poverty and vulnerabilities remain largely unchanged as they benefited the least from the response. They are still struggling to meet their basic needs and to realise their rights: women are not safe from violence against them; poor and excluded people's livelihoods have not been 'built back better'; poor fisher folk face eviction from their land- and sea-based livelihoods; and for many, the new houses are inadequate or unsafe.

Some of the key lessons reiterated here are:

- The need for social, political and economic analyses of the affected populations, which will adequately identify the different excluded or 'invisible' groups according to ethnicity, gender, generation and disability, and their different needs, issues and experiences of discrimination/abuse of their rights.
- The imperative to take sides with poor and excluded people; support their conscious inclusion; and address the political dimension and power relationships which perpetuate poverty and, in turn, vulnerability.
- The importance of responding to people as active agents in their own recovery, respecting their capacities and resilience.
- The fundamental necessity of congruence

between what is stated (and written in laws, policies, guidelines and standards of conduct to uphold and protect people's rights) and what is done.

- The importance of a long-term commitment to working with poor and excluded people and their institutions to enable them to claim their rights and change their lives.
- The need for a critical analysis of the policies and practices of government and international response agencies and the need to generate rigorous evidence from the ground to challenge those who increase vulnerability of poor and marginalised groups, for example, through the promotion of investment and economic development.
- The essential need for proactive measures to ensure that women's rights to bodily integrity, information, participation, health care and education, water and sanitation, livelihoods, shelter and security of tenure are respected, protected, promoted and fulfilled.
- An understanding of disaster response as an integral component of the development process, rather than something separate, spontaneous and short term. As disasters are a part of life for many people who are poor, the capacity to respond to disasters should be factored into development processes, with a longer-term perspective that takes into account the time needed to strengthen poor people and their institutions to be resilient.
- The integration of disaster risk reduction into the disaster response.
- The need to enhance coordination among intervening agencies and make space for affected communities to participate in decision-making to ensure that what is written in the national and district level disaster-response policies and plans is consistent with the ground level reality.
- The fundamental necessity to devise and put into practice effective accountability mechanisms by which the affected population can hold implementing agencies accountable and seek redress for poor quality, inadequate and inappropriate work.
- The importance of skilled human resources at all levels for effective and efficient disaster response and risk reduction programming, training and implementation.

ActionAid attempted to integrate these lessons learnt in our intervention strategies. The understanding of poverty – and so vulnerability – is that it results from the violation and abuse of people's rights. This report presents two examples of supporting people to be active agents in the relief and recovery processes with the aim of them claiming and enjoying their rights. The first example concerns identity and exclusion and the other example concerns people's



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*Disaster Risk Reduction: tsunami warning signs were posted along emergency evacuation routes in Thailand.*

right to land. People’s participation is unequivocally recognised as a critical factor in good governance. For this to be meaningful, particularly in the post-disaster context, people must have easy access to the information and the space/opportunity to be involved in the decision-making processes that are essential to their lives: where they live; the house design; what they need for their livelihoods; and how to be safe from violence and future disasters.

The usefulness of the people-centred, programme linked policy work to influence policy and practice reflects on the work conducted with disaster affected women and the violence they experienced. The ‘model’ integrates a number of critical principles: the centrality of affected people at all stages; the connectedness between programme, policy and communication functions; the discourse being informed by affected people’s voices at all levels; and the formation/strengthening of alliances to amplify the power of these voices. Knitted together, our experience is that these processes have great potential to effect change at different levels.

ActionAid has made a commitment to being accountable to rights holders and has institutionalised a number of mechanisms and processes such as: Community-Led Participatory Change Plans, Social Audits, Community Reviews, People’s Hearings, and Economic Literacy and Budget Accountability for Governance (ELBAG). The processes also create a space or environment, empowering communities to ask questions, facilitating a shift in a person’s view of her/himself as a beneficiary/recipient of aid to that of a person with rights to aid (a ‘rights-holder’). The assumption is that by going through

such processes with ActionAid, communities can gain confidence and skills.

Efforts to integrate disaster risk reduction in the disaster response are illustrated both in a community-led disaster risk reduction model developed in the Andaman and Nicobar Islands post-tsunami, as well as in South Asia regional level policy work on disaster risk reduction.

Following this introduction, the report looks at trends in the increasing incidence of hazards and disasters and the consequence for people who are poor. Chapter two explores affected poor and excluded people’s experience in the post-disaster context. The focus is on affected people’s concerns about their livelihoods, their rights to land and adequate housing, the increased violence against women, reducing disaster risk, and governance. The second part of chapter two examines the major laws, policies and plans in relation to these four focus areas and, by juxtaposing these to people’s experience, identifies some of the key policy issues which impacted rehabilitation and reconstruction efforts after the disaster. In chapter three some positive examples of the rights-based approach in disaster response are presented.

This report is intended for development practitioners involved in disaster response, as well as policy makers.

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**maldives:** Affected women in all countries reported consistent, persistent and structural discrimination.

## 1.1 Affected people's experience of disaster response

### 1.1.1 Introduction

This section is based on the experiences of poor and excluded people in India, Maldives, Puntland (Somalia), Sri Lanka and Thailand who were affected by the 2006 Indian Ocean Tsunami<sup>1</sup> and women in Bangladesh, Nepal and Pakistan who were affected by the 2007 floods. In the tsunami context, the impact and experience in four key areas were explored: livelihoods; rights to land and adequate housing; violence against women; and disaster risk reduction. In the flood context, violence against women was the focus of study. Details of the methodology are provided in appendix 1.

*The international human rights framework states that all people have a human right to a standard of living that is adequate for their health and well-being, to food, clothing, housing, medical care and social services, civil and political freedoms. However, many people living in poverty experience a disproportionate lack of enjoyment of their human rights... Furthermore, active processes of discrimination and impoverishment are at work to ensure that their rights are denied.*

*Poverty is thus explained as a denial or a violation of human rights, though not all violations of human rights cause poverty. The human rights-based approach to poverty eradication and development is thus best explained as having poor people fulfill their individual needs by claiming or securing their human rights. (ActionAid International (2008): Human Rights-Based Approaches to Poverty Eradication and Development)*

The key message emerging from these consultations is that the denial or violation of human rights through processes of discrimination and impoverishment which poor people experience in 'normal' day-to-day life are also inherent in disaster response policies and practices, and the violations they confront are exacerbated post-disaster.

### 1.1.2 Violence against women

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provided the framework to discuss and analyse women's experience of violence following the tsunami in India, the Maldives, Puntland (Somalia), Sri Lanka and Thailand and the floods in Bangladesh, Nepal and Pakistan.<sup>2</sup>

Everywhere, women reported consistent, persistent structural discrimination against them which denied or abused their right to information, participation, health care and education, water and sanitation, livelihoods, shelter and security of tenure. They also consistently reported an increase in physical, sexual and emotional violence against them.<sup>3</sup> They attributed this rise to a number of factors including: the lack of security in camps or temporary settlements resulting from the lack of privacy and inadequate lighting; family and community disruption and exposure to 'outsiders'. The majority of women said it resulted from men's frustration/anger compounded by men's unemployment, lack of counselling to overcome grief and frustration, and consumption of alcohol or drugs.

*"My young daughter was raped by a man with a military uniform two weeks ago while she was coming back from school. With the assistance of my neighbours, I took her to the hospital. She sustained very serious injury to her genitals. I was not able to buy the drugs prescribed by the doctors because the medical bill was too high. Everyone advised me not to go to the police because I would not get any help – they would just waste my time. Thank God she is doing well healthwise, but she keeps having nightmares."*

- Puntland

*"All I want is for my husband to stop drinking and to bring up my children in peace. My future seems bleak but I am not going to give up for the sake of my children."*

- Sri Lanka

The institutions which should have protected and provided for women too frequently failed them. The often authoritarian and bureaucratic mechanisms for information provision, registration, distribution of relief and even for taking legal recourse against injustice also discriminated against women; intimidating them, discouraging their participation and denying them their rights. Staff of these institutions frequently advised women to accept or 'adjust' to the situation rather than to claim their rights.

*Ramola, her husband and six children took shelter in the school for more than 20 days, sharing space with 30 other families. With the entire village inundated, everyone defecated directly into flood waters. Women had to wait until night-time.*

*"To make matters worse, I had my period, and I had to use wet cloth all the time. I developed an infection and not knowing what it was, I was really scared thinking that it might be some kind of venereal disease. I could not share this with anyone and it was only three months later, after much suffering, that I finally went to a female health worker and got some medicines."*

- Nepal

*Gulpari has been married for two years and she and her husband have no children. The floods destroyed their home and her husband lost his legs and is now disabled. They lived in a relief camp for two months and later began to share a house with her mother-in-law, brother-in-law and his wife and three children, and a nephew.*

*"My husband's disability put our family under great financial pressure and we depended on my brother-in-law. After some time, he began to take an interest in me and indicated that he wanted to have sexual relations with me. I resisted for a long time but one day he tied me to a bed and raped me. Since then, he has made a routine of it. I complained to my mother-in-law but she began accusing me instead of having an affair with my nephew. My brother-in-law's wife who sensed what was happening protested, but he physically tortured her and silenced her. When I tried to complain to my husband a few times, he begged me to remain silent for the sake of our self-respect."*

- Pakistan

*"My daughter was raped by a powerful man in our village. They threatened me that I should not complain to the police, but somehow I went to the police. However, they did not accept my complaint because they have been influenced by the man who did this crime."*

- Sri Lanka

A common experience of women survivors of disasters is the denial of their right to information. Most women consulted in each of the countries said that they were not clearly informed about their entitlements regarding relief and rehabilitation packages. This was attributed to issues of access to government offices/information centres, women's immobility, psychological trauma and other political, cultural and economic restrictions such as the attitudes of officials, political party allegiances and cultural mores that constrain the mobility of women in general and in particular those who had lost their husbands.



*"I lost everything in the tsunami. I approached the Grama Sevaka (village level government officer) to get information about compensation, but he refused to give me the information and told me to come another day. This happened repeatedly. Finally I went and met the Divisional Secretary and he asked why I did not come earlier - now it was too late. That was the reply I got!"*

- a woman from the conflict affected Eastern Province of Sri Lanka

*"In the days following the floods, the army distributed relief items and funds. Men collected these items and took them to their homes. One day when my husband was not home, I went to collect the items. But unfortunately, my husband returned and saw me standing in a queue with other men. He began beating me right there; I was six months pregnant at the time and I lost my child."*

- Pakistan

Almost all the women consulted, from all the countries, stated that women had either been excluded or had had a very limited role in planning and decision-making fora, particularly as committee members. The practice of the male being recognised as the 'head of household' obstructed women's access to distribution, compensation, and livelihood support and was a major cause of women being left out.

*"On the day of the tsunami I was selling beetles at the Hambantota Market and I lost everything. But I was not considered when livelihood assistance was given as I was only a small-scale business woman."*

- Sri Lanka

In Nagapattinam district alone there are nearly 300,000 women who live by selling fish, drying fish or working as small commission agents. On the day of the tsunami, there were many women on the seashore who lost their money: on the way to purchase fish, while they were vending their catch, or while they were on their commission agent work. Many lost their fish-drying shed. These women and their livelihoods were neglected by the government. On the other hand, the male commission agents and ice plant owners received compensation from the government. (Source: India People's Report)

### 1.1.3 Land rights and adequate housing

#### Land

The term 'land' as it is used in this report refers to people's customary and/or legal rights to land by the sea, enabling access to their livelihoods and land for their houses.

*"We did not expect much; only secure living quarters and to be able to go back to our occupation: that is going out in the sea to fish – our way of life as it was with our ancestors."*  
- Thailand

A common concern articulated by the affected people consulted was that they did not have information regarding policies pertaining to land and/or relocation, nor were they consulted or involved in making decisions or amendments. A critical factor for affected people was the threat to their customary rights. Under the guise of safety and protection, governments in India and Sri Lanka applied coastal zone regulations which prohibited

fishing communities from rebuilding or repairing their houses which were located close to the shore – although tourism and other private sector investments were allowed.

People experienced land grabbing, dispossession and violence. In Tamil Nadu, India, the fishing village of Kovalam was subjected to conflict regarding their land, and the tsunami has worsened the situation. One woman described her part in the fight for the villagers' coastal rights, which even involved confrontation with the police. *"One day policemen entered the village and randomly picked people and beat us up."* The interests of powerful investors clash very often with the rights of ordinary citizens. For this woman and thousands like her, the struggle against forced eviction has just begun.

*"We had been living here in peace for years until the tsunami came. Then they did not allow us to rebuild but expected us to move uphill. They said it is best for us. I say they know nothing about how we live. How do they expect us to take care of our boats if we live uphill? And what if they build a marina on the beach? How can we live then?"*

- an Urak Lawoi fisher folk  
from Lanta Islands, Thailand

*"I was forced to sign a paper by the village administrator. Later I understood that it was for evicting me from the house site."*

- a woman in Tamil Nadu, India

The policies and practices ignore the close link between fishing people's lives, land and livelihoods and their need to be close to the sea in order to keep their boats and nets and observe the fishing conditions. Customary or traditional rights to land are being undermined, ignored and dismissed. For example, state bodies have asserted ownership over coastal lands where people have been settled for long periods. In Thailand, a significant number of fishing communities who have been living on traditional land as owners without any legal documents for many generations and who have had access to the sea (as they depend on marine resources) are threatened with eviction and have been involved in land disputes since the tsunami. Although this is public land, private 'business people' are also now appearing with land titles.

*"I was sad. I asked them how they could do this [demolish her house]. They said my house was in the National Park area. I retorted it was not possible because it was the heritage from my grandparents [before the area was declared a National Park. Her grandmother is 101 years old.] How could that be invasion? They said they would report me to the police."*

- a woman from Chang Islands, Thailand

## Adequate housing

Adequate housing, as set out in the International Covenant of Economic, Social and Cultural Rights (ICESCR), General Comment Four regarding Article 11(1), encompasses the following components: legal security of tenure; access to services and materials; affordability; habitability; location linked to livelihoods and cultural adequacy.

In general the initial timeframes anticipated for the permanent housing reconstruction programmes were unrealistic. Along with this, transitional shelters were built with the idea that they would provide shelter for only a short period, yet many were still housing families in substandard living conditions two and a half years later. As has been already been well documented and so will not be covered here in detail, their design and construction made life very difficult, especially for women and girls' security and privacy.

While many people expressed concerns about the permanent housing<sup>4</sup> some people stated that the housing provided was better than where they had lived previously.

*"In fact, not just us who were tsunami affected but even others who lived in mud huts and cadjan-covered sheds got houses. It is a great thing for them to have got a house like this."*

- Sri Lanka

In all countries the vast majority of people consulted who had been relocated did not know the status of their ownership of the land and had not been given legal title. Where this had been provided, women's right to land and security of tenure through joint titling was largely disregarded.

In Sri Lanka, for example, the Tsunami Housing Policy established a framework for the distribution of state land and cash allocations to those affected by the tsunami. In practice, cash allocations have been deposited into bank accounts which are usually in the name of the male head of the household. Land allocation by the state to the 'head of the household' generally refers to the man of the household and effectively disavows women owning property. The process to issue land titles in joint names was problematic.

In Thailand some communities were relocated because they could not prove their more than 100 years' residence by the shore. They received only five-year leases on their new houses, which is leaving them with little security and they fear they will have to move again soon.

Lack of access to water, reliable electricity supply, schools and medical care, as well as inadequate

roads and sanitation facilities, was frequently voiced by affected people in relocation sites.

*"[In the village] there were about 400 houses, of which 56 were huts. They were all completely damaged. No one had a land title for their house and the government has not provided new houses. An NGO constructed 104 titled houses for the survivors. People were not consulted in planning the house design and are not happy with the result. The house has no rooms or partition; it is a single room. There is no kitchen or racks on which to keep the utensils. During the rains, water and insects come in through the gaps between the wall and the roof. The remaining people are to construct their houses (huts) themselves."*

*Now the government wants to relocate these people to another location that is already known to be vulnerable to hazards. There are many reasons why they are not willing to move there: they do not want to leave the place of their ancestors; the new location is too far away from the shore and they cannot keep boats and nets safe; there is no hospital, school or transport facilities; and other people who had to move there left again due to social problems."*

- Chennai, India

In Sri Lanka the question of affordability arose principally in relation to owner-driven housing. A number of people consulted in Sri Lanka felt that the compensation package to rebuild their houses was insufficient in the circumstances. This consisted of Rs. 100,000 (USD 1,000) for a partially damaged house and Rs. 250,000 (USD 2,500) for a fully damaged house.

The villagers of Medaketiya in Hambantota illustrate the point well. They said that houses have not been rebuilt because the money given was just not enough. Due to the effect of the tsunami on their livelihoods, people's income levels have gone down, so they could not rebuild as they might have been able to prior to the tsunami. Housing compensation had to be expended on day-to-day living. This impact is seen especially on those who were given the compensation money soon after the tsunami, when they were struggling the most. One woman said her husband took about a year to get back to fishing, and in the meantime the housing money was spent on other needs. (Source: Sri Lanka People's Report)

After lack of legal tenure, the complaint voiced most commonly across villages was the poor standard of the new housing. People considered the quality of houses, particularly in relocated areas, generally to be unsatisfactory. Poor quality materials and construction such as leaking roofs and cracked walls, as well as inadequate or non-existent kitchens and toilets/ bathrooms were reported. The majority of people consulted felt that the house was not disaster resistant.



In Siribopura, Hambantota, the rights holders had been consulted on housing design but not on location – which

they regarded as unsatisfactory. Their views on the habitability of the houses were mixed. Space was sufficient and the kitchens satisfactory. But the toilets which had been built according to a special design were faulty and prone to overflowing. The walls were cracked and the doors weak, so that the occupiers were worried about their physical safety and women especially felt vulnerable.

The relocatees preferred to have the houses built quickly even if that meant sacrificing some degree of quality in order to leave the camps move into the houses faster. The blame was put on the building contractors, who were accused of siphoning off money allocated for construction, and not on donors who were often responsible for the design and consultation process. They did not want to blame donors, or think of placing the overall responsibility on the government. (Source: Sri Lanka People's Report)

People stated that relocation away from the coast or town/city centres effectively resulted in loss of livelihood due to travel costs, and for fisher folk, problems in storing boats and gear.

*“We were able to make dry fish and earn some money when we were living by the sea. But now we cannot even make dry fish for our own consumption. It is two kilometres from our new village to the sea. We sell our fish at very low prices and come back home.”*

- Hambantota, Sri Lanka

## Relocation of coastal fishing communities in Chennai

Since 1977 the World Bank has been involved in the State's Urban Development Plan in Chennai, India. In 2005 the Tamil Nadu Slum Clearance Board decided that families living in slums in 'objectionable' areas would be relocated. Two massive relocation sites, Okkium Thuraipakkam and Semmenchery in Kanchipuram District, were established, resettling people from 65 different slums.

After the tsunami the World Bank approved the Emergency Tsunami Reconstruction Project (ETRP) that is being implemented by the State of Tamil Nadu and the Union Territory of Pondicherry. The expected date for completion of the ETRP is November 2011 and the total cost of the project is USD 467 million.<sup>5</sup> The Tamil Nadu Slum Clearance Board (TNSCB) is one of the implementing agencies of the ETRP.

About 2,000 tsunami affected families previously residing in the coastal village of Thideer Nagar, Chennai – many of whom are Dalits – were forcibly relocated to Okkium Thuraipakkam without their consultation. Despite people's demand for in-situ housing, the government invoked Government Order 172 which states that those choosing to stay in their house within 200 metres of the High Tide Line will be ineligible for any assistance from the government. This effectively left many people with little choice but to forego their traditional habitation and livelihoods and move to distant relocation sites.

In Okkium Thuraipakkam some 5,166 multi-storied tenements are being constructed with World Bank funds. The flats are less than 200 square feet, with an inner plinth area of 168 square feet; inadequate to meet the needs of even a small family.

Some of the crucial issues for the relocated people are the lack of infrastructure; inadequate water supply; poor drainage and sewerage systems; lack of access roads; and lack of services. The nearest hospital is 15 kilometres away, schools are far away, public transport is inadequate for a population of 10,000 people and garbage is not collected. Unemployment is also very high; the site is 18 kilometres from the city where people were previously able to find work but transport costs are now prohibitive. The area is adjacent to an IT corridor but without skills people have no hope of finding employment there. They also had to pay rent for their flat. Only after a long struggle for their entitlements did the government promise to revoke the rent.

A key element in the right to adequate housing is 'cultural adequacy'. In India, Sri Lanka and Thailand people frequently stated that the design of the new house, and the materials used were inappropriate for their lifestyles and needs. The design and layout of houses in new areas often did not provide for women's privacy and security needs.

*is done? But no one seems to be bothered. We are the public representatives. We have so much pressure from the people, but the Administration does not want to hear the public representatives. They have their own plans, their own ideas on how we should live here."*

- Hut Bay, Andamans, India

An example of inappropriate design can be seen in southern Sri Lanka. The houses, located very close to the sea, were built using a Japanese construction method highly inappropriate to the local culture and location. The houses were built using wooden planks, so the sand from the beach on which they stand blows in through the gaps. The kitchen and bathroom were built with no upper covering, so they are open to the sky, leading to problems with pests in the kitchen and lack of privacy in the bathroom.

When people said they did not want these houses, the Divisional Secretary stated they would then have to stay indefinitely in shelters, and would only be able to move out if an NGO built other houses. This indicates the pressures faced by tsunami affected people, where they are forced to choose between undesirable options.

By contrast, in another location in eastern Sri Lanka people stated that because they themselves were allowed to choose the masons who worked on the houses, they were satisfied with the quality and structure of the housing and the building process. (Source: Sri Lanka People's Report)

In the Andaman and Nicobar Islands, India, the government was to rebuild some 8,955 of the 9,714 houses destroyed. The standard model adopted is a twin-unit house (two homes together with a dividing wall rather than free standing wall) built of pre-fabricated imported materials such as isolated reinforced cement concrete footings, steel frames and corrugated galvanised iron sheets from the mainland. This was done through private contractors. People expressed dissatisfaction and frustration with the materials, design, location, unnecessary cost, and the lack of information and opportunity for them to have a say in the process.

*"I have raised the issue of the twin house with the Administration. I have explained to them that the lifestyles are very different here. There are issues of the maintenance of the house and the neighbour; who will stay next to whom? What is going to happen to our social structure here if this*

#### 1.1.4 Livelihoods

While livelihoods all along the coastal areas were affected by the tsunami, this report focuses on the issues and concerns of people engaged in small-scale fisheries-based livelihoods.

As the worst affected livelihood sector, fisheries received the most coverage in the rehabilitation efforts both from governments and I/NGOs. It was widely reported in the community consultations that post-tsunami livelihood-related rehabilitation focused on the replacement (sometimes far in excess of pre-tsunami levels) of boats, nets and other gear, which catered to the male-dominated aspects of fisheries. Assistance to post-harvest and ancillary activities was sporadic and, in terms of actual investments, insignificant. This was largely attributed to the agencies' overwhelming interest in providing boats and a quick and tangible output.

Affected groups that reported being largely overlooked or ignored included: women and men involved in vending and post-harvest activities; ancillary workers; socially excluded groups; communities engaged in backwater and tsunami affected inland fishing; migrant fishers; and vulnerable groups such as older people and single women.

Mrs Visalatchi, aged 32, lives in Nagapattinam District, Tamil Nadu. Her husband is a labourer. They have a six-year-old daughter. They do not have a boat so her husband worked as a labourer in another person's boat and used to earn Rs. 2,000 (USD 50) per month. Their life depended on the boat owner. During the tsunami the boat on which her husband worked as a labourer was damaged. After the tsunami the boat owner received Rs. 80,000 (USD 2,000) as compensation but he did not share even a single paisa with his labourers. He was then free to use that compensation for another purpose instead of purchasing a boat. What is then the position of the labourers? While making the policy, the government must consider and give compensation to others who depend on the sea but do not have any assets. (Source: India People's Report)

Little or no comprehensive research or planning was undertaken to understand the fishers' livelihood needs from capture to sale so that coherent interventions could be made at different points in the supply chains to enhance the viability of their operations.

The major problems faced by the small-scale fishers in the pre-tsunami period – declining fish catches; weakening access rights to the sea and to land; liberalised markets and the changing trade context; marginalisation of women and poor people; over-capitalisation and increased cost of inputs and operations – were not addressed in post-tsunami livelihood support programmes and some of the issues were reported to have been exacerbated by these programmes. The aspiration to diversify livelihoods to withstand future shocks was expressed in the consultations; however there were few examples of this in practice.

The emergency response, by not attempting to analyse or change power relationships, resulted in those who had more in turn receiving more, often as grants. Women and small fishers, if they received anything, typically were only able to access very small loans. There was little done to address poor people's access to and control over resources or change power relations. Thus inequalities were perpetuated by inequity in response.

Similarly, the rebuilding or development of infrastructure generally concentrated on what was required for larger vessels and the export market, rather than on the landing and anchorage sites and cold storage facilities needed by small-scale fisher folk or local markets.

*We lost our landing site due to the tsunami. It is dangerous to travel through the estuary to the sea. Also, we do not have a storage room, so we carry our equipment and bring it back to the coast every day. These are real difficulties for us, which need a solution.*

- Valachchenai, Sri Lanka

**S**ri Lanka: against its own estimate of Rs. 17,888 million (USD 179 million) required for reconstruction purposes, the Sri Lankan government allocated a meagre Rs. 418 million (USD 0.42 million) for livelihood development of coastal communities for the five-year period. (Source: Ministry of Finance, Tsunami Reconstruction and Development Strategy, Sri Lanka)

It was also widely reported by fisher folk that post-tsunami they were increasingly being alienated from their habitats and fishing grounds, sometimes ostensibly for their own safety or livelihood support, but at times to make way for private investment in, for example, tourism.

*When they chase us away from the coast and build hotels, will we go to sea by flying?*

- Dodanduwa, Sri Lanka

*"The government needs to do something to promote fishing in the same way as tourism. Why is the government only thinking about tourism? For them is this [fishing] dirty work or what?"*

- Raa Atoll, Maldives

*"The Oluwil Harbour construction is very difficult for our fishermen. The government had already removed beach seine fishers from the area, promising compensation. Fisher people who were displaced by the tsunami will be further displaced."*

- Oluwil, Sri Lanka

Fisher folk stated that they needed to have a more proactive role in the decision-making processes governing their lives and livelihoods, especially in the context of reduced availability of – and weakening access to and control over – fishing resources. The interactions with fishers clearly show that their awareness of and understanding about the various institutions, their roles and responsibilities, the different policies (both fisheries and non-fisheries) and the implications for their livelihoods, remain extremely weak. These impact their capacity to deal with the institutions confidently.

*"It is important that the affected fishing communities in whose name rehabilitation plans are being formulated be made a part of the entire planning process right from the beginning and not be made to choose from some options presented by the government and other multilateral agencies. We should not allow the fishing community, which has been completely devastated by the tsunami, to be enslaved by unviable and unsustainable options made in their names by others."*

- Kattumaram-Makkal Medai of the Citizens' Platform for Tsunami Affected Fishers in Tamil Nadu, India

Some of the men and women in the small-scale fisheries sector expressed concern with the lack of access to, and coverage by, social welfare programmes which would enable them to cope with deprivation and vulnerability in a more sustainable manner. Overall, small fishers felt their capacity to cope with future disasters remains as poor as it had been prior to the tsunami.

### 1.1.5 Disaster risk reduction

The Hyogo Priorities for Action provided the framework to discuss and analyse affected people's experience of disaster preparedness, reduction and response.

#### Hyogo Framework for Action: Priorities for action

HFA Priority 1: Ensure that disaster risk reduction is a national and local priority with a strong institutional basis for implementation

HFA Priority 2: Identify, assess and monitor disaster risks and enhance early warning

HFA Priority 3: Use knowledge, innovation and education to build a culture of safety and resilience at all levels

HFA Priority 4: Reduce the underlying risk factors

HFA Priority 5: Strengthen disaster preparedness for effective response at all levels

People reported that their neighbours and local groups such as self-help groups and youth clubs, were the first to assist after a disaster, followed by community-based organisations and NGOs. Many of the people consulted expressed their disappointment with government officials' response to the disaster. In this regard some people said that government officials did not go to the people, rather the people had to go to the officials to get support and help.

*"When the tsunami came, it was the Tamil people from the neighbouring village who alerted us. When we were starving it was them who gave us food and consoled us. Even though we fight each other, it was them who came to our rescue when we were in a difficult situation."*

- Nelsonpura, Trincomalee, Sri Lanka

Many people said that, for example, properly organised youth groups would be best able to help after a disaster. People also recognised the importance of women in disaster response. Not only because they are the ones at home with children and older people but also because the women did not look to outsiders to support them; rather they were the first to respond, doing whatever they could.

Despite considerable activity and organisation at the national and state/provincial level, most of those consulted did not know about or feel connected to these institutions at the local level. However, it is recognised that these institutions must, and are, developing their capacity to form such linkages.

While there have been scattered activities there is still no comprehensive early warning system in place in most areas, and where they exist, people are not confident that they work. People are concerned with the states' reliance on technical rather than community-based systems.

*"To us, the government is biased. They install the warning towers only in the places crowded with tourists, but not in our poor daily-wage income earners community."*

- a Moken villager at Tabtawan, Thailand

*"There is no rehearsal for the evacuation drill exercise on this island. The government called us to attend the evacuation exercise only once in the mainland last year. That's it.... I am not confident the warning tower is working. Since it was installed last year I have never seen anyone coming here to check it. I heard that alarms in some towers did not work when turned on. Who knows, here also it may be not working."*

- Muk Island, Thailand

The tsunami alert on 12 September 2007 resulting from the 8.4 magnitude earthquake off the west coast of Sumatra, Indonesia, indicated that much work has yet to be done. People received the news through television and radio but there was confusion about what they were to do. Communication through television and radio does not guarantee that everyone will be reached. Poorer people reported not having access to news throughout the day due to the nature of their livelihood or lack of electricity in the house, but heard through neighbours or through the mosque or temple. This indicates that the basis for a workable early warning system must recognise and link informal with formal mechanisms.

Poor people are the most affected by disasters – and particularly among them women, people with disabilities and older people. People's experiences, as described in the preceding sections indicate that interventions of agencies tend to be ad hoc in addressing their core issues. Almost three years after the tsunami, people's consultations suggested that their pre-existing poverty – and in turn their vulnerabilities – are largely unchanged. Women are not safe from violence against them; poor people's ownership of coastal land and access to the sea is being threatened' and poor and excluded people's livelihoods have not been 'built back better' or diversified.

It is evident that disaster response has been undertaken as a set of interventions generally in isolation from the mainstream development processes.

The aim to integrate disaster risk reduction into disaster response is largely not manifested in practice. In some cases “development” processes appear to have used the tsunami as an opportunity to prioritise commercial interests over affected people’s interests, leaving them more vulnerable.

*“The temporary shelter was built in a flood-prone area. We lost our shelter again in floods and in a fire. Again we were shifted to Kargil Nagar. There is no work, no food to feed our children, so I sold my kidney and got a small amount. Again I was exploited as they did not give me the promised amount. Now I am suffering due to heavy abdominal pain. I cannot do any more work.”*

- a woman in Chennai, India

Housing has yielded mixed responses. Some people feel much safer yet most do not and are concerned with poor quality and relocation issues. Others are still waiting for a permanent house.

*“The house given is beautiful, but we do not live in it as we fear another tsunami and we don’t know if the house will stand or not. The previous house was bigger but only the pillars remain.*

- Thailand

*“We have not been insured. We do not have a permanent house and we have not been given a sufficient amount of money to build the house. Nor do we have deeds for land entitlement.”*

- Ratmalana, Colombo, Sri Lanka

Public infrastructure such as educational institutions, community halls and religious buildings such as temples, mosques and churches, is regarded by people as safe shelter in times of disaster, but the majority of these are not disaster resilient. The protection provided by buildings in the Maldives is of particular concern as there is no high ground. In some cases the foundations for schools were elevated.

*“I don’t know which government unit came to install the evacuation route signs. They came without informing me or anybody else here. The people on the island know which direction to run if the tidal wave attacks again. I am worried about the tourists or visitors who are not familiar with the place. They would run to death if they follow these directions.”*

- Muk Island, Thailand

People reported that the importance of mangroves and other forms of environmental protection to reduce risk had received limited recognition and investment.

Social protection measures such as pension schemes for the most vulnerable and insurance of assets have patchy coverage. In Sri Lanka, people in the districts of the Eastern Province stated that war was the greatest threat to their security. Provision of assistance to and with affected communities in conflict areas has been severely limited.

Most of the communities consulted reported that neither they nor their institutions have the necessary information, disaster preparedness plans, resources or the skills to respond. The tsunami warning in Thailand on 12 September 2007 revealed the lack of preparedness. The community-based institutions were not in place. People did not have plans and did not know where to go or what to take with them. Some people ran towards the sea to see if the tsunami was really coming. It was also evident that resources have not percolated down from the national to the local level to meet exigencies.

*“The meeting is the matter of men. We do not know what they do for disaster management affairs [...] but we women must be ready if the disaster strikes [...] we keep important documents in a disaster (plastic) bag and put medicines and some dry food stuffs – stores for 2-3 days [...] I tell my children to run up to the hill and wait for me over there. I repeat to them, don’t come and seek for me at home.”*

- Muk Island, Trang Province, Thailand

It was recognised by people throughout the consultations that disasters are a part of their lives and that information, skills and contingency plans are needed. People asked for government and NGO support to prepare themselves and their communities.

### 1.1.6 Governance

Across all seven countries in the flood and tsunami affected communities, people complained about the lack of transparency, corruption and discrimination with regard to accessing compensation and relief items; the formulation of beneficiary lists and damage assessment of housing; and the non-functioning grievance mechanisms which made things very difficult for those seeking redress.

*“Some affected people are still living in displaced camps, while some others received two to three houses in each family. That is because of political influence. This is not just.”*

- Habaraduwa, Sri Lanka

In many places poor and excluded people have limited or no access to resources and claim that the people who have political or economic influence and who can deal with the officials get the support. The people who are familiar with the NGOs also benefited more. People who are poor, women, and those belonging to excluded groups said that they cannot approach government officials because they will be ignored or insulted. Their experience is that the officials are not ready to listen to them.

Difficulties in accessing services and obtaining rights were particularly voiced by women who were widowed by the disaster; single and older women; and members of excluded social groups such as Dalits and Irulas in India and Moken and Burmese migrants in Thailand. Some people said that although they are not happy they cannot lodge any complaints about denial or abuse because if they do, they believe they will either be ignored by the officials or that the officials will take some revenge on them in the future.

*"I don't know what will happen to us. We have heard that there are no new houses for old people. Where do they expect us to go? We don't know what is going on."*

- an older woman in an IDP camp in the Maldives

In Tuthukudi, Dalits generally faced exclusion during the relief distribution and widows were not given the initial relief grant of Rs. 2,000 (USD 50) by the relief distributors who mostly belonged to the upper caste. During relief distribution, many women – especially widows and women belonging to the Dalit community – suffered verbal abuse from the officials. The extent of the abuse was so intense that many women claimed that death was better than having to live the experience of such “undignified and degrading” words. (Source: India People’s Report)

A similar situation was experienced by some groups of stateless Moken people in Thailand. The Moken do not have identity cards or house or boat registration and so were not able to claim any monetary compensation from the government. Relief was mostly provided to them by private agencies or foundations.

People consistently stated that they lacked information. Many were unaware of post-disaster policies and guidelines and their resultant rights. In some places people stated that they were aware of the beneficiary lists which were finalised and publicly displayed

whereas in other locations most had not even heard of or seen them.

People’s experience of support and helpfulness from agencies varied and depended on the individual practitioners/officials and their attitude and commitment. In some places people reported that government officials were helpful and committed whereas in other places those affected were very critical of the performance of government staff. The current lack of skilled human resources at all levels impacts on the disaster response and risk reduction programming, training and implementation.

*"There is a committee which is taken every month to view the progress of the new houses, but not everyone knows about the progress or how the houses will be given."*  
- a resident of an IDP camp in the Maldives

*"We are not informed about what development projects are happening in our village. We have to find out on our own. Nobody tells us anything."*  
- Koh Korkhao, Thailand

People said that they had not been consulted and were not involved in decision making.

*"They all are talking about people's participation and action, but people are not given any opportunity to express their feelings or needs."*  
- Ampara, Sri Lanka

Aggrieved communities which suffer at the hands of inefficient, indifferent or corrupt officials, feel powerless as it seems there is no one to turn to. This indicates a failing system of governance, where public servants make decisions inconsistently and with seeming impunity.

*"I have been promised a lot of things by a lot of people, but I have not received any of it."*  
- a resident of an IDP camp in the Maldives

*"In the year 2006 my husband and some of his friends went to see the construction of housing units and they found the foundation works were not in accordance with the specification, and when they complained about the matter the police came and beat them with batons and took them to the police station."*  
- Mundoo, Laam Atoll

In Sri Lanka, regional and ethnic inequities were exacerbated with people in the war affected north and east receiving less than those in the south.

Virtually all agencies, particularly those who intervened quickly and left, could not be held accountable to the people for poor-quality house construction.

## 1.2 Analysis of laws, policies and institutional frameworks for disaster management

The human rights framework is rooted in the United Nations Universal Declaration of Human Rights and subsequent covenants, conventions and treaties. This framework – as well as ActionAid’s human rights-based approach – is premised on the firm belief that the state is the primary duty bearer and is responsible for respecting, promoting, protecting and fulfilling the human rights of all its citizens.

This requires the state to:

- Recognise the human rights of its citizens in its constitution, laws and regulations;
- Provide legal and regulatory mechanisms and ensure that neither state institutions or non-state institutions denies anyone from claiming and enjoying their human rights or violates these rights;
- Provide the necessary conditions – whether in the form of protection, political space, money, materials, information, capacity, etc. – to fulfill the rights of its citizens.

Holding governments accountable for the fulfillment of human rights is therefore a central part of a rights-based approach. The initial steps in holding a state accountable involve working with rights-holders and others to understand the existing constitutional, legal and regulatory framework. This means undertaking an analysis of the international human rights instruments relevant to disaster management to which the government is a signatory; the national constitutions, laws, policies and national disaster plans (vis-à-vis their consistency with the international human rights framework); and the institutional framework (relevant ministries, departments etc and related bodies at provincial/state, district, local level); as well as providing accessible information to people about their rights.

This analysis helps to establish which rights are recognised and provided for, and where there are gaps, either in absolute terms or in relation to the international human rights declaration, conventions and treaties.

In relation to, for example, disaster risk management, it includes: how the state has acted on its commitments to international laws and the conformity of existing laws and policies to the Hyogo Framework for Action (HFA); if and how the laws and policies are inclusive of poor and excluded groups, particularly women; the adequacy of existing institutional structures for the implementation of disaster risk management laws and policies at the local, district, state and national levels and the implications of this structure such as gaps

etc; and the state’s progress on the implementation of the Hyogo Framework for Action such as establishing the national platform for action etc.

As previously discussed, ActionAid believes that the most effective way for people living in poverty to claim, secure and enjoy their human rights is for them to organise and mobilise with others, have a voice, and develop their power to negotiate.

Analysis of the human rights provisions provides the clear basis to demand the rights for poor and excluded people that are not yet recognised in the constitution or laws. In the case of the People’s Reports, consultations with communities explored whether people had information about their rights, as well as their experience of the fulfillment or violation of the rights by the state or non-state actors (corporations as well as citizens and society itself) provided for in the constitution, laws and regulations. The evidence from the community consultations, recorded in the People’s Reports, was then used by the civil society alliances to work with relevant state bodies to develop positive action to secure people’s rights.

A number of international instruments are relevant to understanding people’s rights and the states’ responsibilities in relation to disasters. These are the Universal Declaration of Human Rights (UDHR) 1948, the International Covenant on Civil and Political Rights (ICCPR) 1966, and the International Covenant of Economic, Social and Cultural Rights (ICESCR) 1966. These provide the political and legal framework for the protection of human rights of children, women and men.

From the broader perspective on disasters, the UDHR enshrines the right of every person to social security and the realisation of economic, social and cultural rights (Article 22). This is reiterated in the ICESCR, which recognises the rights of individuals to social security and social insurance (Article 9). The ICESCR also enshrines the right to livelihood and development, to be free from hunger, and to an adequate standard of living for individuals and their families, including housing (Article 11).

These rights underpin the analysis in the following sections on: violence against women; livelihoods, particularly small-scale fisheries-based livelihoods; land rights and adequate housing, with a focus on the threat to the land rights of coastal communities; disaster risk reduction. These represent critical areas for disaster affected people.

## 1.2.1 Violence against women

The constitutions in each of the seven countries (Bangladesh, India, Maldives, Nepal, Pakistan, Sri Lanka and Thailand) enshrine the equality of all citizens and ensure protection from discrimination on the grounds of religion, race, caste, sex or place of birth. All the countries have ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) although Bangladesh and Pakistan have registered certain reservations. Most have ratified the Declaration on Eliminating Violence Against Women. Although not a signatory to CEDAW, Puntland's (Somalia) constitution enshrines certain rights of women. Except Somalia, other countries are signatories to the Convention on Racial Discrimination and the Convention on the Rights of the Child.

In each of these countries, institutions have been established to formulate policy guidelines and establish standards to protect and ensure the rights of women. Laws, such as Prevention of Domestic Violence Acts, have been passed in Sri Lanka, India and Thailand, and the Suppression of Violence Against Women and Children in Bangladesh. A cursory analysis of the laws, policies and institutions and their performance in all these countries post-disaster reveals the inadequate state of affairs. This may be attributed to some of the following:

- Despite women's experience and a body of evidence that violence against women escalates after disasters, there are no specific policies or institutions that factor this into the disaster response.
- There are multiple laws and institutions responsible for addressing violence against women in a general setting. However, experience indicates that these institutions do not take an active role in the post-disaster context. There is little clarity in the roles of each, with lack of coordination among them, and lack of financial allocation to the institutions. In the absence of a single institutional framework, women survivors of violence are at a loss regarding from whom to seek help.
- The content of policies may in themselves be discriminatory. For example, land allocation by the state to the 'head of the household' generally refers to the man of the household and effectively prevents women from owning property. As previously mentioned, the process for obtaining land titles in joint names remains an issue.
- The institutional delivery mechanisms often do not offer sensitised personnel, making it difficult for the survivor to seek assistance. Throughout the

relief, rehabilitation and reconstruction phases, women's responses indicate that state and non-state actors tend to regard them as passive beneficiaries rather than as citizens with equal rights to assistance and capacities to participate.

Discussions with women in all eight countries revealed that whether or not women know of their rights and/or what they are entitled to, the laws, policies and guidelines espoused are not being translated into practice. The mechanisms, codes of conduct and standards which exist and which should uphold and protect women's rights are ineffectual and/or ignored. Women were all too frequently not consulted about their needs and issues and excluded from decision-making bodies such as planning and implementation committees.

## 1.2.2 Land rights and adequate housing

### International law

There are a range of international conventions which contain provisions regarding the recognition and protection of the rights and entitlements of artisanal fisher people. While customary governance systems and laws prevail in most marine fisheries around the region dating back to the pre-modernisation period, these are rarely legitimised or incorporated into the formal laws.

The recognition of the seas as an open-access resource, which was necessitated by the modernisation model, worked against recognition of the traditional rights of the fishers. Similarly, their land ownership claims have survived only so long as there were no competing claims for tourism, industrial and port development, oil exploration, and environmental conservation/management. In India, for example, in almost every case where new claims have been made on the coastal lands, it is the fishing communities which have been 'resettled'.

The right to adequate housing is well recognised and entrenched in international law. The ICESCR states that: "*the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity...*" General Comment No. 4 on the ICESCR is an authoritative statement on Article 11 (1). It identifies seven substantive aspects of the right to housing which must be fulfilled for the full enjoyment of the right. These include legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy. They are all relevant to the post-disaster obligations of the state, and must



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*Thailand's Moken 'sea gypsies' and other minority groups were typically excluded in the disaster response.*

be given primary consideration when drafting and implementing government housing policy.

The UN Guiding Principles on Internal Displacement (GPID) also stress the importance of housing rights and place a dual responsibility on states to both minimise displacement and to facilitate the resettlement of internally displaced persons (IDPs). The UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles) are a more comprehensive set of guidelines dedicated to the housing rights of IDPs and articulate the international standard.

### **National laws and policies: land**

In India, Sri Lanka and Thailand there is a clash between the perceptions of fisher folk and of the state regarding 'rights to land and the sea'. Whereas the state deals with land issues from a purely legalistic framework, traditional fishing communities believe they hold a customary right to coastal land where they have lived for generations, and which is essential to their life – the basis of their residence, food and livelihood. While recognition is not formally provided in other countries, the 1997 People's Constitution of Thailand guarantees the rights of traditional communities to conserve their ways of life and to participate in the management,

maintenance, preservation and exploitation of natural resources and the environment. Although traditional communities who have resided by the sea for generations should be protected, the reality is that they found their land under threat due to their lack of legal land titles. As in India and Sri Lanka, this is not a situation created by the tsunami but a battle that has intensified as a consequence.

According to Article 21 of the Indian Constitution, every citizen has a right to life, which is interpreted as an entitlement to housing/dwelling. In recognition of this provision, some state governments have enacted laws ensuring homestead land. The right to life is further interpreted to include the right to livelihood. Hence, state governments have established regulatory measures to protect the livelihood rights of the communities. The 'right to use land' is the parlance for public land. Under the law, an individual needs to have the land title to assert his/her right but collective rights can be given to a community collectively registered with the government. According to the Tamil Nadu Government unless and until customary possession is recorded, the individual or community has no legal right or entitlements. This is the situation for many fishers as the coastal communities lack information about conferment. Protection from eviction is found in Indian State legislature but not as a universal right.

In Thai law, one of the categories of land rights provided is the Land Code in which the 'right to land' includes both legal ownership of the land and the possession right. This could be interpreted to mean that traditional communities with possession right also have land rights. However, as traditional communities are finding it difficult to get their titles, the law is being interpreted such that ownership right and possession right are not the same.

In the Maldives, land was primarily owned by the government, while within families use of housing land was passed from one generation to the next. Even with the Land Act of 2002 there is no formal acknowledgement of land or housing rights. The 2004 tsunami exposed issues relating to such rights and the need for regulations regarding a system for the equitable distribution of land. In addition to its constitution, Sri Lanka has a plethora of land-related laws. While the common law and customary laws of the land cater to interpersonal land transactions, there are many schemes under which the state allocates land to individuals.

After the tsunami in Sri Lanka and Tamil Nadu, India, a number of new policies and/or government orders were created to address the massive land and housing needs. In both cases, tsunami policies were influenced by existing coastal zone regulations which were applied and prevented fisher folk rebuilding or repairing their houses in certain zones.



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### National laws and policies: housing

As previously mentioned, India, the Maldives, Sri Lanka and Thailand are all signatories to the International Covenant on Economic, Social and Cultural Rights and are therefore obligated to provide adequate housing, even when the protection of housing rights afforded to citizens under national law is less, as in the case of Sri Lanka.

In India, the Maldives and Sri Lanka, the governments and donors are still to complete the construction of permanent houses for families whose homes were destroyed or damaged by the tsunami. The policies

– or lack of them – for the reconstruction programmes is one of the key factors behind the successes and failures. Some of the key policy issues affecting reconstruction programmes in all four countries relating to tenure and quality are:

- The absence of a single comprehensive document which sets out the complete policy, making it almost impossible to capture all the modifications to the policy.
- Inadequate dissemination of information about the policies to affected people.
- As in India and Thailand, no policy has been written giving details of the type of tenure under which new housing will be given in Sri Lanka.
- Although there is provision for joint titles in the names of wives and husbands the application of this is problematic. In Sri Lanka the question of joint ownership of state land in appropriate cases has been discussed but not decided. The practice has been to give state land to a single owner, who – due to conventional administrative practice – is generally male.
- In all four countries a range of state institutions and non-state actors were involved in housing reconstruction. Although the government is responsible for ensuring the rehabilitation of housing, Tamil Nadu's Tsunami Housing Reconstruction Programme expected NGOs, private corporations and other organisations to "reconstruct with their own money". These new houses are meant to conform to government specifications. The major part of the recovery and rehabilitation housing reconstruction process rests with the Tamil Nadu-initiated Public-Private Partnership (PPP). Section 1.1.3 indicates that while standards may exist for adequate housing these are not being consistently applied or enforced, as for example under the PPP.
- A range of institutions were created in response to the tsunami or involved in the response, resulting in a lack of clarity and/or continuity of mandate, confusion and lack of accountability in government-initiated relief and rehabilitation programmes.
- In all countries the policies/guidelines relating to damage assessment, beneficiary lists and grievance mechanisms were problematic in their application in terms of transparency and accountability.
- The provisions for and application of measures to enable the meaningful participation of people in, for example, opting for in-situ housing, deciding the site of relocation and the design and construction of houses was inadequate.

### 1.2.3 Livelihoods

As mentioned earlier, the focus of livelihoods in this report is small-scale fisheries-based livelihoods. The Programme of Action from the 1995 World Summit for Social Development lists principles for sustainable development within the fisheries sector and impresses upon countries the importance of: (i) recognising the traditional rights of fishery workers in the national context; (ii) enhancing income generation opportunities and diversification of activities to increase productivity in low-income and poor communities, including fisher folk and (iii) promoting patterns of economic growth amongst different occupational groups, including fisheries, that maximise employment creation (paragraphs 31(g), 32(d) and 50(f)).

The 1995 Kyoto or International Conference on the Sustainable Contribution of Fisheries to Food Security explicitly recognised the significant role the fisheries sector plays in ensuring food security in the world, and the important economic and social role played by subsistence, artisanal and commercial fishers. The UN Code of Conduct for Responsible Fisheries 1995, contains provisions to protect and safeguard the rights and entitlements of artisanal fisher people. Article 6.18 explicitly refers to the need for secure access rights for small-scale fisheries and advocates that states:

*“[S]hould appropriately protect the rights of fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction.”*

The World Food Summit in 1996 in Rome reaffirmed the right of everyone to be free from hunger and the right to development. The concomitant plan of action detailed the creation of an Institutional Framework for Sustainable Fisheries Development to enable states to achieve their commitments.

Currently, in all four countries, the importance of small-scale fisheries in contributing to livelihoods is widely accepted and enshrined in the policies. At the national level a ministry in each country is the main fisheries policy making body with responsibility for promotion, development and management of fisheries. Different institutions have been set up for implementation and/or enforcement of laws, regulations and projects. However the lack of institutionalised coordination mechanisms has resulted in delays, gaps and duplication, and inappropriate interventions.

Fisheries-related policies and development plans

across the four countries show some remarkable similarities in their focus as well as in the strategies adopted. There are four broad objectives around which the policies and plans are developed:

1. **Economic growth:** generally defined as contribution to national GDP, and often linked to export performance.
2. **Food security:** providing a cheap source of protein to the local populations.
3. **Livelihood support:** for production and post-harvest activities; also focusing on social and economic development of the people depending upon the fisheries sector.
4. **Environmental/natural resource management:** aimed at improved resource management.

While almost all plans, strategies and projects are aimed at achieving one or more of the key objectives, the inherent tension between the different objectives is not considered or resolved, the result being that different initiatives work at cross purposes. For example, increasing foreign exchange earnings through exports can have an impact upon domestic food security or vending and post-harvest livelihoods.

Although the various documents talk of a wide range of policy objectives, such as food security and livelihood support, their implementation is invariably reduced to increased production. The priorities adopted are also reflected in budgetary allocations. By making equity secondary to growth, fisheries policies fail to contribute meaningfully to the livelihoods of people who are poor.

The analysis of fisheries policies and laws (and especially their implementation) reveals a bias towards encouraging investments from the private sector and against the livelihoods of the small-scale fishing communities. Policies, including those in the disaster response, have essentially focused on infrastructure and transport systems in Thailand, Sri Lanka and India to meet the export demand. The small-scale sector receives much less attention, although it accounts for a major proportion of the people involved in the fisheries sector; caters mainly to domestic/local demand; and provides livelihoods to a large number of poor people.

Fisheries research is largely orientated towards fish, fishing technologies and export, but little attention has been paid to the people in small-scale fisheries – especially the poorer and more vulnerable categories – their socio-economic systems, the impact of different changes upon their lives and livelihoods and their needs and aspirations.

Only the people directly dependent upon fishing and (to a lesser extent) upon fish processing or trade

make it into the statistics, while the ancillary workers and secondary stakeholders (especially further along the supply chains) remain 'invisible' from a policy perspective. Added to that, the research that is carried out is often not made accessible.

While the lack of coordination between research and policy, between policy and implementation, and between implementation and impact assessment, could be reasons for recurrent policy failures, a more critical factor is the political dimension that underpins the policy process and resists (or encourages) change in favour of vested interests and a free market economy.

Women's contribution to the fisheries economy, especially their involvement in post harvest technologies, has either been invisible or considered too 'small-scale' to deserve much attention from policy makers. As a result they are largely overlooked and there are few policies or programmes specifically targeting their needs.

The policy processes – whether in the livelihood context under normal circumstances, or in the disaster management context – are top-down and effectively treat fishers as passive recipients rather than as people exercising their rights. The lack of representation from small-scale fishers in the decision-making processes not only reduces the effectiveness of the policies to address their needs meaningfully, but can also make them counter-productive.

#### 1.2.4 Disaster risk reduction

The UN International Decade for Natural Disaster Reduction in the 1990s was a response to the increasing incidence and costs of disasters and their negative impact on development. This led to the World Conference on Disaster Reduction in January 2005 in Kobe, Japan, when the Hyogo Framework for Action 2005-2015 was formulated. India, the Maldives, Sri Lanka and Thailand are all signatories.

The Framework sets five key global priorities with a common outcome: 'the substantial reduction of disaster losses, in lives and in the social, economic and environmental assets of communities and countries.' Since the Kobe conference, tsunami and other major disasters, there has been considerable development in the disaster management legislations, policies, institutional arrangements and plans of all four countries to build national and community resilience for effective disaster risk reduction.

In all countries these developments reveal a policy shift to more proactive approaches to disaster management in terms of risk reduction, mitigation

and preparedness, and mark a significant departure from what were mostly relief-oriented and reactive measures to disasters after they occurred.

Legislation in the form of Disaster Management Acts was passed in 2005 in India and Sri Lanka. As of September 2007, the Sri Lankan National Disaster Management Policy is in the process of being approved by the National Council and Cabinet Ministers. The Indian draft National Disaster Management Policy, though already formulated, has yet to officially enter the public domain. In the Maldives the draft National Disaster Act is currently with the National Disaster Management Centre (NDMC) and is yet to be presented to the Parliament for enactment. Thailand's national policy response was endorsed by the National Civil Defence Plan 2005 and the National Preparedness Policy in order to enhance disaster management. Each country has established a lead agency for disaster management.

In all four countries an institutional structure to link the national to provincial to district to local levels is envisaged as well as frameworks to coordinate disaster management activities. For example, Sri Lanka created their Road Map for Disaster Management in December 2005 and Thailand finalised its Strategic National Action Plan for Disaster Risk Reduction 2007-2016 in March 2009. In the Maldives, a National Disaster Management Plan is in its final draft stage. In India, national (central) government has made much progress in terms of enacting laws, strengthening institutions, allocating budgets, revising compensation packages etc. while states (provinces) are still lagging behind in doing so. Disaster management needs strong political will and coordination, ignoring party politics and blame game, at both provincial and national level for effective results.

The recently adopted laws, policies and plans designed for citizens' protection and safety are comprehensive and are largely consistent with the HFA priorities. However, the success of these is dependent on the states' ability to maintain an unambiguous focus on the centrality of communities most at risk and particularly poor and excluded people whose lives and livelihoods are most vulnerable to the impact of disaster, as described in section 2.4.

A range of challenges to the effective implementation of disaster risk reduction laws and policies are apparent.

- As outlined in section 1.1.5, communities reported that information about the policies and plans have not been disseminated. Knowledge of the laws and policies and the various institutional arrangements are essential so that people can access the services to reduce their

risk to disasters and assert their rights in disaster response.

- Gaps are evident between the stated objectives and institutional arrangements, and between these and people's exclusion from participation in planning and decision-making processes. From example, Thailand's Strategic National Action Plan notes the "proactive role" of communities for a "people-centred" approach. However, it does not communicate measures to ensure people's participation in designing and planning disaster preparedness and risk reduction. On the contrary, the participation of citizens is defined as attending training and evacuation exercises. To ensure the translation of policies and plans into practice, it is fundamental that community-led risk assessment, planning and execution of disaster risk reduction activities be facilitated with people who are poor and excluded firmly at the centre.
- There is difficulty in effectively integrating disaster risk reduction strategies into development activities anywhere. However, these difficulties are further exacerbated in regions of war and displacement. In Sri Lanka, tsunami affected people consulted in the east of the country where war has been ongoing for two and a half decades, clearly identified the conflict as the greatest hazard in their lives. Conflict and concomitant insecurity impacts on the planning and implementation of policies for disaster risk reduction. Although it is a crucial factor in causing and aggravating risk and suffering, conflict does not feature in the Hyogo Framework for Action.
- Significant issues related to coordination and to resources and their allocation emerged. Multiple agencies with overlapping mandates and lack of clarity in roles resulted in both duplication and gaps. Added to that was the uncoordinated and unregulated activities of non-state actors. Even when policies existed the will and commitment to coordinate left much to be desired. It is crucial in coordination to ensure the centrality of poor and excluded people and their institutions in the decision-making process.
- Further to this, although the sharing of information, experience and expertise with NGOs and other civil society organisations is frequently written in codes of conduct and other documents, in practice it remains elusive. This invariably results in duplication and wastage.
- The necessary resources for disaster management and disaster risk reduction include skilled local human resources, finances, political will, technology, linkages, communications and physical infrastructure. Political recognition

and will is required to provide the necessary resources so that disaster risk reduction can be integrated in all development processes and projects, particularly those related to poor and excluded communities, and among them, women, older people and those living with disabilities.

It is fundamental that policies hold intervening agencies accountable to the communities they work with regarding the way in which the resources are used. The current policies which focus on agencies' accountability only to the donors and governments are inadequate for efficacy of the resource use on the ground.

## Endnotes

<sup>1</sup> People's Report Disaster Risk Reduction in the post-tsunami context. Download report: <http://www.actionaid.org/assets/pdf%5CDisaster%20Risk%20Reduction%20post%20tsunami.pdf>

People's Report Homestead Land and Adequate Housing in the post-tsunami context. Download report: [http://www.actionaid.org/assets/pdf%5CHomestead\\_Land\\_and\\_Adequate\\_housing\\_post-tsunami%5B1%5D.pdf](http://www.actionaid.org/assets/pdf%5CHomestead_Land_and_Adequate_housing_post-tsunami%5B1%5D.pdf)

People's Report "Fisheries-Based Livelihoods in the post-tsunami context". Download report: [http://www.actionaid.org/assets/pdf%5CFisheries\\_based\\_livelihoods\\_post\\_tsunami%5B1%5D.pdf](http://www.actionaid.org/assets/pdf%5CFisheries_based_livelihoods_post_tsunami%5B1%5D.pdf)

People's Report "Violence against women in the post-tsunami context". Download report: <http://www.actionaid.org/assets/pdf%5CVAW%20Peoples'%20Report%202007.pdf>

<sup>2</sup> Puntland, Somalia is included only in the People's Report on violence against women. Similarly, the flood studies concentrated only on violence against women. This section therefore reflects a larger evidence base than the following sections on land rights and adequate housing, livelihoods and disaster risk reduction.

<sup>3</sup> This is not only true for women in South Asia. The *World Disasters Report 2007* reports violence against women displaced from their homes increased sharply following Hurricane Katrina on the U.S. Gulf Coast in August 2005). A 2006 International Medical Corps survey found that the rape rate after this disaster was 54 times higher than the baseline rate for the state of Mississippi. (Hurricane Katrina killed at least 1,800 people.)

<sup>4</sup> Issues related to the seventh component, accessibility, were not raised in any of the community consultations.

<sup>5</sup> As of 30 June 2007 only USD 59.48 million of the 467 million committed had been disbursed. The low disbursement rate of the World Bank's tsunami project was attributed to "an unexpectedly greater response by civil society organisations in the reconstruction of the tsunami affected houses and private funds replacing the need for Bank funding." <http://www1.worldbank.org/operations/disclosure/SOPE/FY07/SAR/India.pdf>

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**somaliland:** The poorest of the poor in Eyl District received aid to rebuild their homes to prevent them sliding deeper into poverty.

## 2. Learning from practice

This section presents ActionAid's ongoing experience in (tsunami) disaster response and efforts to integrate lessons learnt along the way, with a focus on operationalisation of a rights-based approach. It includes:

- A discussion of the rights-based approach and its application to work with excluded social groups and a political analysis to support taking sides with people who are poor.
- People-centred advocacy work which integrates programme, policy and communications functions at the local to national to regional/international levels. The case study focuses on the People's Report process, women's experience of violence against them, and the formation of the South Asia Network on

Women's Rights in Disasters.

- Accountability to rights-holders through processes which aim to facilitate people's empowerment. The processes include: community-led participatory change plans; social audit; community review and public hearing. Government accountability to its citizens through the approaches of Economic Literacy, Budget Accountability for Governance and People's Planning Commission
- Disaster risk reduction focusing on a community-based disaster risk reduction model and regional advocacy for a "Disaster Free South Asia".
- Learning from the multi-country management model of ActionAid's International Tsunami Response Programme with respect to effective programme delivery and policy work.

### 2.1 Rights-based approach in disaster management

#### 2.1.1 Rights-based approach<sup>1</sup>

Poverty, in ActionAid's understanding, is a direct consequence of the denial or violation of people's human rights and the result of unequal power relationships in the process of claiming and/or realising one's rights. In 'ordinary' times people who are poor experience want, fear, discrimination and exclusion. This is particularly so for women whose unequal position in society results in widespread and severe human rights violations and social exclusion.

This experience of discrimination and exclusion is exacerbated during and after a disaster. As previously mentioned, consultations with disaster affected people who are poor reveal discrimination against them is consistent and persistent in emergency situations and in the rehabilitation and reconstruction processes, despite the fact that they are the most vulnerable to the impact of disasters. People who are poor, and moreso women, are denied their human rights, not through mere omission, forgetfulness or lack of effort, but due to unequal power relations, with the more powerful structurally denying the human rights of the less powerful, in order to appropriate

and accumulate wealth and control over productive resources. The state, whose fundamental role and responsibility is to protect and promote people's human rights, dignity and well-being, tends to be dominated by powerful elites who perpetrate this discrimination and exclusion.

The rights-based approach (in disasters) is not about simply providing services – although this is an important component in people obtaining the right to food, shelter and so on. The human rights-based approach to poverty eradication and development must focus on how these rights are claimed, secured and enjoyed by people who are poor and excluded. It must include ways which are empowering, strengthen peoples' ability to negotiate with the powerful, build dignity, and increase freedom and choice to imagine and pursue the lives, futures and the rights they value.

Rights cannot be given to people as charity. The active agency and the actions of the rights-holders need to be an integral part of a rights-based approach. Holding governments accountable for the fulfillment of human rights is central to a rights-based approach.

## 2.1.2 The rights-based approach in disaster situations

Responding to people in need – even in disaster situations – should not abandon the principles of a rights-based approach. That is, the notion of ‘saving people’s lives’ must not result in ignoring or overlooking local capacity and people’s rights to information and decision-making, or to be treated with dignity and as active agents in the recovery process. Humanitarian workers can further disempower people by treating them as helpless victims who lack capacity and who are unable to steer their own recovery.

Good intentions, without examination of one’s own attitudes, behaviour and ways of working, are not sufficient to overcome the policies and practices of structural discrimination and exclusion or to bring about fundamental change in the power relations which systematically violate people’s rights. Taking sides with poor and excluded people is essential. Emergency programme design and implementation which is based on the interests of the affected people at large, gives rise to the ‘invisibility’ of people who are poor and their omission – as usual – perpetuating their exclusion.

This ‘positive discrimination’ is not in contravention of the Red Cross Code of Conduct principle of impartiality. It is the necessary response to redress the social, political, economic and historical circumstances and relationships which have systematically denied poor people their rights, caused their poverty and given rise to their disproportionate vulnerability to disasters. Without a conscious focus on the rights of those who are ordinarily neglected and abused, insidious discrimination and exclusion will result in the perpetuation of social inequality and inequity in disaster management.

Two case studies of rights-based practice in disaster response in India and Thailand are described here:

- (i) Identity and exclusion
- (ii) A political analysis on land and housing rights

### (i) Identity and exclusion

People experience social exclusion when their deprivation is a result of their belonging to a particular group, rather than because of their specific individual situation. In disasters, the social, political and economic analysis of the affected populations must identify and disaggregate the different excluded or ‘invisible’ groups, according to ethnicity, gender, generation and disability, and their different needs, issues and experiences of discrimination/abuse of their rights.

For example, Moken, Moklen and Ulak-Lawoi people in Thailand and Dalits and Adivasi in India (here the

experience of Irula and Yanadi is described) were typically excluded in the disaster response. This included denial of compensation, relief items, shelter and livelihood support.

In Thailand, Moken have lived for about 60 years on Lao Island, Ranong Province. Immediately after the tsunami no government agency or NGO provided assistance because the Moken are stateless: they do not have Thai citizenship. Pre-tsunami, Moken on the island were unable to access public services such as health and education. They could not travel freely away from the island because they do not have Thai identity cards and so risk being arrested, charged by the police and deported to Myanmar as the police categorise people without ID cards as illegal Burmese migrants. Moken are looked down upon by the Thai majority who treat them as uneducated and uncivilised. Frequently they are paid unfair wages and sold expired manufactured goods from the market. Moken, exploited by Thai businessmen, risk fishing illegally using explosives in the Myanmar Sea for a very small wage.

ActionAid and partners have taken a range of interconnected actions to support Moken people to claim and secure their rights. To redress such historical injustice necessitates a holistic perspective of emergency response and engagement along the spectrum of relief, rehabilitation and development processes, with incorporation of long-term development considerations from the earliest stages.

Some of the interventions included:

- Provision of immediate relief such as fishing boats, fishing gear and nets and repair of houses;
- Engagement with the Ranong Provincial Public Health Department to obtain health services for Moken by setting up a health care fund to cover medical fees so that Moken can no longer be denied treatment based on their inability to pay the fees;
- Organisation of saving groups and fishing net and gasoline cooperatives so that people can have access and control over the resources needed to do their own fishing rather than undertake illegal fishing with explosives;
- Public campaign on ‘Being Moken in Thailand’ and other awareness raising activities, including with the media, to promote understanding about the Moken’s situation and their right to citizenship and equal treatment (this resulted in the government and its agencies paying increased attention to Moken);
- Formation of a civil society alliance and

collaboration with the Thai National Human Rights Commission to pursue Mokens' citizenship, including drafting a section on Indigenous People's Rights and the Customary Rights of Sea Gypsies for inclusion in the Thai Constitution which was being revised in 2007;

- Provision of extra Thai language classes for Moken students to enable them to catch up on classes at school, since language is a further barrier to Mokens integration into Thai society;
- Organisation of Moken children's camps, with a focus on child rights;
- Strengthening of Moken community institutions by documenting and disseminating information about the Moken way of life and culture has assisted Mokens to regain confidence in their own culture, customs and identity and dispelled beliefs that they are somehow inferior.

In October 2007, a group of representatives from the Ministry of Social Development and Human Security paid a visit to the Moken community living on Lao Island to hear community members voice their problems and concerns.

Four key issues were raised: the delay in obtaining Thai identity cards; no access to legal land rights and housing issues; lack of access to water and electricity; and the hardship in earning a living. The representatives committed to accelerating the processes to address these problems and concerns.



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In India the exclusion of Dalits and Irula and Yanadi tribes was initially addressed through organising separate fora which provided the space for these groups to clearly articulate their specific needs.

Raising awareness and publicising this exclusion put pressure on the government and other agencies to include them. Due to a long history of exclusion from all regular developmental processes and exploitation by outsiders, demonstrating respect for the culture and customs of Irula and Yanadi tribes in speech and behaviour was essential to develop rapport with the community, and to provide appropriate, culturally sensitive assistance.

A culturally sensitive process, respectful of local culture and customs, is illustrated in the following example (see figure 1) of rights-based work in emergencies concerning a community-driven housing reconstruction process. Facilitation of the process was built on people's knowledge, traditions, practices, designs and preferred type of construction materials.

An important factor in people being able to claim their rights is that they have accessible information regarding their entitlements from regular developmental programmes and schemes of the government. In India the training of community leaders about their right to information enabled them to demand greater transparency from government supported programmes, and, for example, to challenge government decisions on housing through filing petitions.

Older Ranchi tribes people in one part of Andaman and Nicobar Islands realised that they were being cheated out of a portion of their pensions after they received accessible and accurate information on their entitlements. Corrupt local officials had exploited Ranchi tribes' lack of information by deducting a portion of their monthly pensions. Armed with the correct information they were able to claim their rightful pension.

A key lesson from work with excluded groups is that supporting people to obtain their political rights must go hand-in-hand with support to achieve their economic, social and cultural rights.

For example, the Dalit community, with the support from partner NGOs, took up crucial issues such as the division of *Panchayats* (institutions of local self-governance at village level mandated by the Constitution of India) along caste lines and exclusion



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**Figure 1: Community-driven housing reconstruction process**

Process	Details of each step
Understanding the vulnerabilities of the community	Village workers visit the community and facilitate “Participatory Vulnerability Analysis” to build a common understanding.
Selection of community members via consultation at the village level	Identification of those for housing support by developing criteria to collectively decide eligibility.
Involvement of the local government	Invite the local government to village meetings, agree selection criteria and obtain approval and endorsement.
Entitlement to land and house	Take up with the concerned authorities: ensure joint ownership; ownership of women in the case of female-headed household; joint ownership of orphaned siblings.
Design of the house	Involvement of the community to design according to their preferences, practices, needs and natural hazards.
Finalisation of house as per family requirements	Size according to number of family members.
Quotation and estimation of materials for construction	Owner of house along with a community member gets three quotations for the materials to be used. With engineer, finalise estimate and vendor.
Skills development	House and community members liaise with engineer regarding technical aspects – especially with women.
Defining the phases for disbursement of the payment	Payment after completion of plinth, superstructure, final.
Disbursement of payment	Community keeps stock register, petty cash book, visitor’s book, individual file.

of Dalits. At the same time Dalits were denied basic needs/rights related with the unavailability of water, electricity and land, which could be resolved with local authorities. Partner NGOs working with Dalit communities decided to further focus their efforts on lobbying and advocacy with local government authorities to resolve these crucial issues. Resolving these issues will further strengthen excluded people's institutions.

### (ii) Political analysis of land and housing rights

As described in section 1.1.3 the post-disaster experience of many fishing communities/families was the threat to their ownership of their coastal land and, consequently, their way of life and livelihoods. Various government policies and/or practices favoured economic growth – through clearing the coast – rather than protecting the rights of their citizens, particularly poor and excluded people, and among them, the rights of women. In each country, the prevailing political-economic belief system of neo-liberalism encouraged states to capitalise on the 'opportunity' presented by the disaster, and in the context of people's trauma and fear, pursued actions to remove people from their land.

A political analysis of laws, policies and practices was carried out to discern who stands to benefit and who stands to lose. A core component of the analysis is the awareness of how rich and powerful elites tend to capture the state structure and apparatus and deny or violate rights for others, and to maintain the conditions that allow oppression and injustice to continue. States (executive governments, judiciary and legislative parliaments) tend to be dominated by such elites.<sup>2</sup>

Recognition of the entitlements, as well as the discrimination and violation of people's rights in laws and policies, is critical if an organisation is to provide informed, effective support to poor people. Naomi Klein argues in *The Shock Doctrine: The Rise of Disaster Capitalism* that states, in conjunction with foreign investors and international advisors, exploit public disorientation following large scale collective shocks or crises, such as natural disasters, to bring in free-market programmes such as the privatisation of state services and public goods such as water.

In the case of the Indian Ocean Tsunami, states used fishing people's initial fear and disorganisation to remove them from the coast to allow for construction of tourists resorts and large-scale infrastructure. This is exemplified in a statement by a Sri Lankan government official: "In a cruel twist of fate, nature has presented Sri Lanka with a unique opportunity, and out of this tragedy will come a world class tourism destination." (2007:8)

<sup>2</sup> AA (2008) HRBA

## Box 1: People's Tribunal

A People's Tribunal was held in Chennai in January 2007 in an effort to secure justice for people who had been marginalised in the tsunami relief, rehabilitation and reconstruction processes. The People's Tribunal was based on the belief that it is the responsibility of governments to uphold and restore the human rights of its citizens.

Six hundred and ninety-two people representing nine different locations in Chennai and Thiruvallur Districts gathered at this public hearing. They expressed their solidarity with the nine representatives from their communities who testified before the jury members about the various forms of hardships, marginalisation and exploitation they faced due to the state's policies and practices. These included: threats of forced eviction; violation of land rights; discrimination against religious and caste-based minorities; and inadequate housing and services in relocation sites.

The jury comprised the Special Rapporteur for Adequate Housing from the United Nations Human Rights Council; a retired judge of the Chennai High Court; a former member of the Human Rights Commission; a former University Vice-Chancellor; and directors of two leading NGOs. The Tamil Nadu Special Deputy Collector for the Tsunami, IAS, and the Community Development Officer of the Tamil Nadu Slum Clearance Board also attended.

In response to the testimonies the jury presented their findings and recommendations to the government. The testimonies and the jury's findings and recommendations were documented and presented to a senior government officer who provided a written response. This process is documented in a report entitled: "Voiceless no more: Voices of the most marginalised tsunami survivors for whom justice is still a distant dream."



As documented in section 1.1.3, fishing communities in India were confronted by government policies which made housing assistance contingent on them leaving the coast, their source of livelihood, moving inland, and relinquishing their claim to their coastal land. In these circumstances ActionAid India and partners took the following actions:

1. Support to coastal fishing communities to repair or rebuild their houses in-situ: this ensured the communities' hold on their coastal land and enabled them to resist relocation and the fear that they would be denied assistance to recover.
2. Conducting campaigns and awareness raising to expose government policy and the potential to decrease rather than increase people's resilience: one example of this support provided to affected people and their institutions was the organisation of a people's tribunal.
3. Ongoing analysis of proposed legislation and its potential impact on affected communities: one example of this is an analysis of the Coastal Zone Management (CZM) Notification (outlined in Box 2), which threatens to undermine the traditional rights of fishing communities protected in current legislation.
4. Strengthening and supporting affected people's institutions: a fishers' movement has built up across the east coast in Tamil Nadu, Kerala and Andhra Pradesh, as well as in Orissa and West Bengal. The collectivisation and mass mobilisation of the fishing communities aims to restore the Coastal Regulation Zone Notification, which is seen as fundamental to the protection of coastal communities and the environment. A national campaign against the CZM was launched across 64 locations on 8 August 2007 to coincide with the anniversary of the Quit India civil disobedience movement. The fishers' demand led the Government of India to make a statement in Parliament. In June 2008 it organised state level protests against the CZM. In July 2008 it lobbied political parties and ministers against the CZM notification.

In Thailand, post-tsunami disputes regarding coastal land escalated sharply in affected areas.<sup>1</sup> In some cases, people returned home to find access to their land blocked and reoccupation and rebuilding of their homes prohibited. Despite occupying the land for generations, without a title of deed (record of rights) people's traditional ownership was challenged both by claims of ownership by private land owners and by government agencies, particularly the National Parks Department.

ActionAid Thailand and partners took the following action to support the affected communities:

1. Financial assistance to the Andaman Community Rights and Legal Aid Centre, which are documenting people's history of ownership and taking up court cases to protect people's land rights.
2. Network building with other organisations to form the NGO Network on Rights, which is working with the Andaman Community Rights and Legal Aid Centre to provide information and training to communities and to publicise the issues through the media.
3. Analysis of related policies affecting coastal communities, such as the Designated Areas Sustainable Tourism Authority (DASTA) which is promoting large-scale tourism development without transparency. This includes supporting the development of a network of concerned organisations and communities to follow and raise DASTA-related issues.
4. At the policy level, working on (i) the legal recognition of communal land ownership, and (ii) with other civil society groups and the government sub-committee on tsunami land problems, to develop policy solutions to land disputes.

## Box 2: Coastal Regulation Zones (CRZ) Act

In adherence to the Environmental Protection Act (EP Act) of 1986, the Government of India established the Coastal Regulation Zones Act (CRZ Act) in 1991 which regulates development within sensitive coastal zones along the entire Indian coast. The CRZ Notification has protected the livelihoods and activities of fishing and other coastal communities.

*“Most of the fishermen associations are satisfied with the present CRZ regime as it safeguards the coastal and marine ecosystems with the areas protected and no large developmental activities being permitted in the CRZ area. The No Development Zone of 200 metres in the rural areas, i.e. in the CRZ III areas have helped the fishermen to berth their boats, dry fish, mend nets, etc., thereby protecting their fishing rights.”* (Source: Swaminathan Committee Report)

The issue of the CRZ became controversial within weeks after the tsunami when the District Administration in Tamil Nadu insisted on fishers leaving their dwellings on the seashore and accepting houses up to one kilometre or more inland. In many districts, government officials obtained signatures from fishing community households for an alternative allotment of land and housing, which was conditional on the fishers relinquishing their rights over their traditional homestead land where they had been living for generations.

The Government of Tamil Nadu subsequently passed Government Order No. 172 which stated that since the Coastal Zone Regulation permitted only repairs of constructions that existed prior to 1991 in CRZ II, all families whose houses were destroyed partially or otherwise were given the choice of going beyond 200 metres and obtaining a house worth Rs. 150,000 (USD 3,750) free of charge. Those who did not choose to do so were free to repair their existing houses but would be ineligible for financial assistance.

At the same time the Government proposed that the Coastal Zone Management (CZM) Notification replace the CRZ Notification, based on the recommendations of the Swaminathan Committee Report. However, the CZM Notification does not provide for the rights and access of coastal communities. For example, livelihood activities such as fishing in CZM I waters and shores have not been mentioned thus compromising the livelihood security of traditional fishers.



© ActionAid India

A fisherman is denied access to his traditional homestead coastal land.

### 2.2.1 Process

People-centred policy work aimed to integrate five key beliefs which were considered to be fundamental to effective programme-linked policy work.

These included: (i) affected people are actively and centrally engaged in processes of analysis, mobilisation, organising and advocacy, (ii) there is synergy between the work of programme, policy and communication functions, (iii) affected people's voices and issues inform the policy discourse from the district/provincial, national, regional and international levels (iv) people's voices are strengthened through joining with alliances of organisations working together (v) the documentation or report of people's experiences brings people's voices to the policy makers. See figure 2.

The case study of people-centred policy work presented here highlights women's experience of violence against them in the post-disaster context. It illustrates the efficacy of the process in securing grassroots women's active participation in policy work.

The components of the people-centred policy process are, in practice, not chronological as indicated below. Many of these components/stages were simultaneously conducted or iteratively performed at the local and national level.

1. At the national level in each country, international laws and the relevant national legal and institutional frameworks were analysed from the affected people's perspective clarifying their rights in the nation's laws and policies (see section 2.2.1). For violence against women, this analysis was done vis-à-vis the rights enshrined in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This analysis enhanced the ability to research and report on evidence and exposure of human rights violations.
2. The analysed laws and policies were translated into local languages and converted into community-friendly forms – such as street theatre, videos, posters, leaflets and booklets – to inform people of their rights. This right to information is fundamental if people are to know and claim their rights and become informed and empowered communities.

3. Dialogue with community members, particularly women and excluded people, on the issues and related laws and policies was organised in the maximum number of villages, raising people's (especially women's) consciousness of their rights, and where/how these are being violated.
4. People's alliances and networks of organisations/NGOs were developed and/or strengthened around the key issues to ensure sustainability of various policy initiatives; this collective voice also helped strengthen policy influencing efforts.
5. At the local and district level informed women community members were empowered to take collective action and claim their rights from local government institutions.

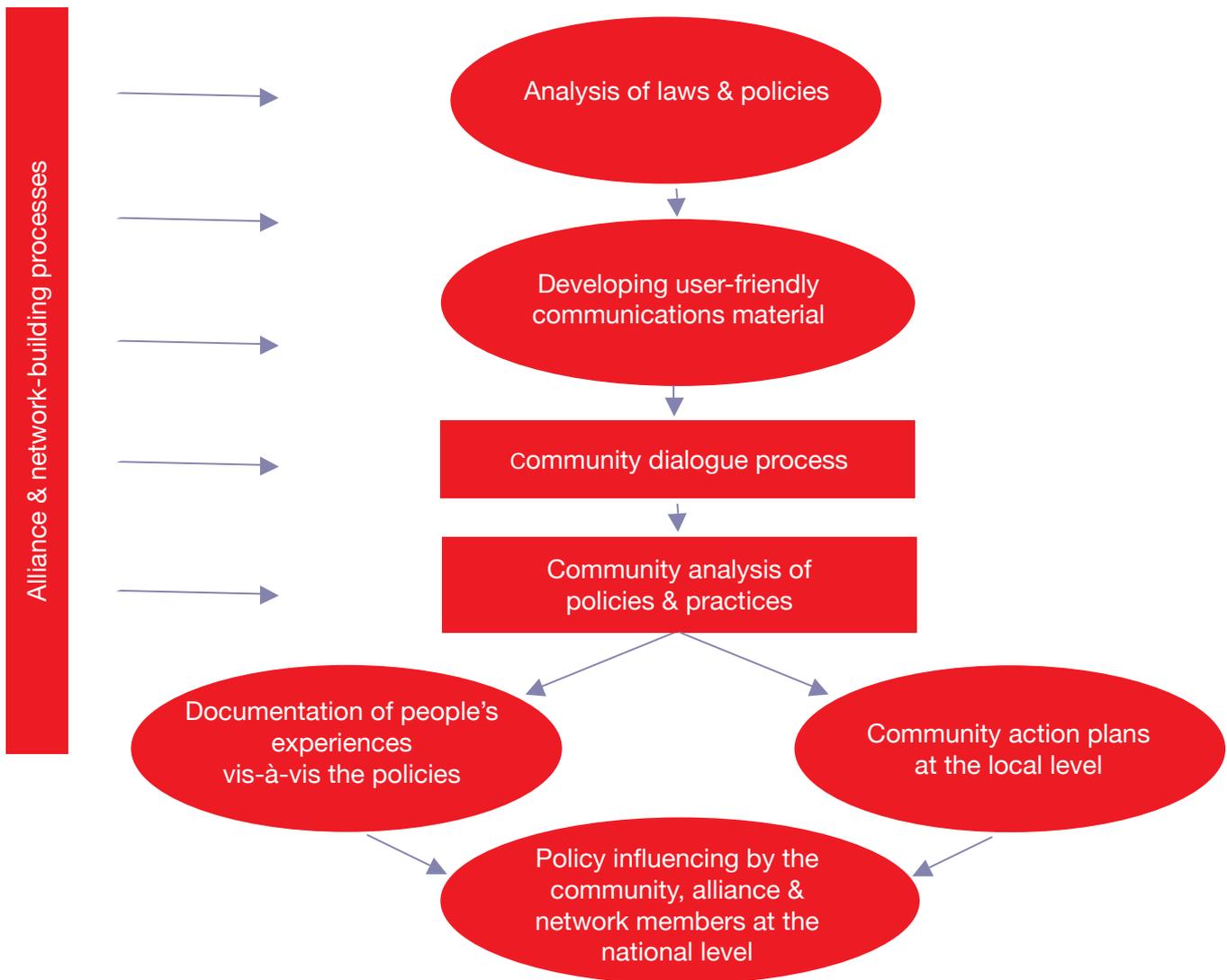
### 2.2.2 A model to connect grassroots women's concerns to policy makers

In Sri Lanka, the people-centred policy process resulted in networks being formed to connect the local to the national level. Simultaneous to the process of bringing out the Sri Lanka people's report on *Violence Against Women in the Post-Tsunami Context*, women at the village level formed vigilance committees which monitor, support and take action to prevent and protect women from violence.

Representatives of the vigilance committees constitute district committees who take action at the district level. The district representatives come together in regional committees in the south and east of the country who are then linked at the national level. Collectively these networks have formed the Sri Lanka We Women Against Violence Network, currently comprised of 46 member organisations in six districts.

At a national event, the We Women Against Violence Network presented the *People's Report* and *Women's Charter of Demands* to the Minister of Child Development and Women's Empowerment, government officers, media and civil society organisations. Grounded in the experiences of local women, the policy and practice change recommended/demanded were directly related to the women's local realities. One outcome of this process was an invitation to one of the key facilitators to be a member of the National Commission on Women.

**Figure 2: People-centred policy work framework**



### Community action by women to access services

In Netaji Nagar Panchayat, Little Andaman, India, two temporary tsunami settlements were located three kilometres apart. Distribution of relief material and rations took place only in one settlement and residents from the other settlement had to go there to collect their rations. There was no transport facility to the collection point.

Several village-level women's groups were formed to address women's issues. The problem of relief distribution was identified by the women's groups and discussed. It was felt that men lacked concern about this issue as it was the women's task to procure food.

The women wrote a letter to the *Tehsildar* (local revenue authority) requesting the establishment of another distribution centre to make it easier for women to access their rations. Since there was no response from the *Tehsildar* the women's group decided to meet him and put forward their demands. When the *Tehsildar* was confronted by the group he agreed to open another distribution centre. Women were then able to access both centres for easy collection of rations in the settlements. (Source: India People's Report)

The Network is developing its capacity and has provided training for community level workers on violence against women and strategies for protection, prevention and intervention. A hotline has been established in some districts, staffed by a person who can provide advice and information to women facing violence or rights abuses.

Similar local level groups and networks on violence against women have been formed in India (Act Now Campaign, India) and the Maldives (Maldivian Network on Violence Against Women) as a result of the people-centred process. This is particularly significant in the Maldives as prior to this process there was no organisation in the country with a focus on violence against women. What is distinctive about all these networks, including the regional network, is that membership is comprised of affected community women.

At the South Asia regional level, women from India, the Maldives and Sri Lanka met in April 2007 to launch the *Regional People's Report on Violence Against Women* during the 14<sup>th</sup> SAARC Summit in Delhi and bring the violation of women's rights and Charter of Demands to the attention of policy makers. An associated media campaign led to coverage in 67 media articles or interviews. At the same time, a related petition signed by several thousand Indian women was presented to the Chief Minister in Delhi. Presentations were made at various fora such as the SAARC Disaster Management Centre and three key universities.

At this meeting of the country networks, the idea and need for a regional network on violence against women in disasters was discussed, grounded in women's ubiquitous experience that structural discrimination, physical, sexual and emotional violence was exacerbated in disasters. This proposal was discussed in each country and over the ensuing year regional meetings and deliberations resulted in the establishment of the South Asia Network on Women's Rights in Disasters in April 2008, with the mission to: "Ensure a violence free, dignified life for women and girl children by securing their rights through organising communities, particularly women's leadership, developing capacity and strategic interventions, and building alliances for policy monitoring and advocacy".

While support and funding for the regional network formation and activities initially relied on ActionAid, the funding base is now diversified. Along with the establishment of the South Asia Network's constitution, steering committee, secretariat and expressions of interest from other South Asian countries to join the network, the sustainability of the network is becoming more assured.

The usefulness of the people-centred advocacy model is that by integrating policy and programme functions, policy is informed by ground realities while practice builds on policy issues, creating the desired synergy. The link to the communications function facilitates the production of accessible information for the community as well as dissemination to policy makers and the media. The participation of affected women at all levels keeps the focus on the issues they face, and the formation or strengthening of alliances amplifies their voice in – and legitimates – advocacy efforts.

### Community action by women's groups to stop violence against women

**Y**ashodhara of South Andaman is the second wife to Ghanshyam, whose first wife left due to his violent behaviour and alcoholism. Ghanshyam regularly spent his day's income on liquor and abused Yashodhara physically. He routinely returned home very late at night intoxicated, beat her and threw her out of the house. Yashodhara endured it for her child.

Yashodhara then started earning from a cash-for-work programme. She hid her income from her husband so that he did not waste it on liquor. At times he found out and spent it. When she could not bear it any further Yashodhara approached a women's group formed through the support of an NGO in her village. A few members of the group spoke to her husband. Ghanshyam finally accepted his mistake and vowed to stop drinking.

However, Ghanshyam broke his promise as quickly as he made it. The abuse, violence and torture resumed. Yashodhara went back to the women's group and reported his behaviour. This time, two women camped inside Yashodhara's house at night and waited for Ghanshyam's arrival. When he returned late at night, drunk, and banged upon the door to enter, they did not allow him entry. Exhausted and irritated, he gave up and slept outside on the street. This happened quite a few times.

Finally, Yashodhara and Ghanshyam came to an understanding that he will not drink outside his house and will not return home drunk. This time, he was warned of serious consequences if he was abusive to Yashodhara. The situation of Yashodhara's family has improved a lot since then. (Source: India People's Report)

## 2.3 Accountability to rights-holders

### 2.3.1 Introduction<sup>1</sup>

Accountability can be understood as an obligation on the part of decision makers or those with power to account for the use of their power. A fundamental principle of democracy is that citizens have the right to demand accountability and public actors have an obligation to be accountable (World Bank 2005). Accountability is usually regarded as being about compliance and counting: assigning performance indicators and safeguards against corruption and inertia. But accountability is fundamentally about civilising power. Through raising their voice and exercising their rights, people can demand just and accountable governance.

ActionAid is committed to be more accountable to poor and excluded people and to strive to ensure that our work is relevant, cost-effective and appropriate. Disaster situations offer scope for mismanagement and misappropriation of available funds and resources, depriving those who are poor of what is meant for them, and which is their right. The relationship between humanitarian agencies and affected people often mutually reinforces the notion that relief is charity – of which affected people are the passive recipients. The mechanisms and processes developed to achieve downward accountability to rights-holders are not only for the purpose of accountability as an end in itself, but also as long-term strategic tools to empower poor and excluded people.

Programme processes such as Social Audits, Community Reviews and People's Hearings create a space or environment, empowering communities to ask questions and challenge the typical 'donor and recipient' mindset, facilitating a shift in a person's view of her/himself as a beneficiary/recipient of aid to that of a person with rights to aid (a 'rights-holder'). The assumption here is that by going through such processes with ActionAid, communities can gain confidence and skills. They can serve as a model for the community to demand transparency and accountability from other NGOs and government.

By ensuring the participation of poor and excluded people in all processes of local programme appraisal, analysis, implementation, monitoring, reviews and reflections, ActionAid spreads the message that poor and excluded people have the right to have their priorities and perspectives taken into account

and participate in decision making at various levels on issues that affect their lives and livelihoods.

### 2.3.2 Mechanisms of Accountability

Five mechanisms to achieve downward accountability are presented here:

1. Community-Led Participatory Change Plan (CLPCP)
2. Social Audit
3. Community Review
4. Public Hearing
5. Economic Literacy and Budget Accountability for Governance (ELBAG)

While all mechanisms are used to facilitate community empowerment, the first four mechanisms start with ActionAid's accountability, enabling the community gains skills and confidence. The fifth mechanism focuses on government accountability, primarily for budget allocations.

#### (i) Issues in operationalising accountability

Respect for difference and unambiguously taking sides with poor and excluded people across religion, language and ethnic divisions is a challenge, particularly in conflict situations. Through accountability mechanisms it is possible to overcome the allegation of being partisan to religion, race, language or political parties, and to spread the values of accountability and transparency.

In one Public Hearing meeting at Trincomalee, northern Sri Lanka, a local participant stated: "Even ActionAid is not free from religious influence – but in its religion a 'poor' person from any faith is God".

Without understanding the relevance of and a commitment to accountability and transparency, the mechanisms of Social Audit, Community Review and Public Hearing will not be adopted. For example, in many cultures poor and marginalised people do not expect accountability from the elite or powerful – instead accountability is an alien concept. Partner

<sup>1</sup> This section draws on the ActionAid Sri Lanka report *Development with a Difference: The Sri Lankan experience* (2008)

organisations may see disclosure of financial information as threatening. Institutionalising these mechanisms as non-negotiables in programme implementation can also result in staff/partner NGOs undertaking them as ritual requirements without understanding their potential as tools for empowerment. Time must be given for orientation to the values and beliefs underpinning the mechanisms.

## (ii) Community-Led Participatory Change Plans

CLPCP is an approach to learning and social change wherein the initiatives of planned change are from the people for the people and by the people. The primary objective of CLPCP is to develop a process-oriented, community-based social mobilisation programme that will build the capacity of local communities so they can analyse the causes of their poverty and vulnerability, access the available resources, and establish appropriate local response mechanisms by creating meaningful networks and alliances with other stakeholders so that their voices can be heard at the provincial and national levels. The community itself takes up the leadership and acts as a catalyst for its own empowerment and transformation.

CLPCP emphasises five essential elements:

- i. Support of community groups to analyse their own situation using participatory tools such as social, resource, mobility mapping, historical transects and well-being rankings;
- ii. A bias in favour of poor and excluded people;
- iii. Use of participatory methods to address key issues;
- iv. Provision of space for individual planning in the context of community ownership;
- v. Involvement of key stakeholders (apart from the community) to facilitate collective reflection and ownership and subsequent operationalisation; this mainly aims to facilitate links between local communities and the resources they require.

Some of the principles which continuously inform the CLPCP process are:

**Reversal of learning:** learning takes place from the local people, at the site and in a face-to-face relationship.

**Rapid and progressive learning:** emphasising flexible and innovative use of methods and providing opportunities for rapid and progressive learning.

**Offsetting biases:** being relaxed and not rushed, listening and not lecturing, detailed probing, and seeking out the poor, marginalised, women, etc.

**Optimal ignorance:** emphasising the usefulness of information and not going into unnecessary details – the trade-off between relevance, quantity, accuracy, and cost in terms of time and human resources is always an important consideration.

**Triangulation:** cross-checking and assessing and comparing findings from several sources.

**Diversity:** focusing on variability, capturing complexity

and diversity – deliberate attempts are made to identify and analyse contradictions, exceptions etc.

**Sharing:** exchanging information and ideas with people and villagers to enrich understanding.

**Attitude:** maintaining a self-critical awareness of one's behaviour, biases and shortcomings; embracing error; being a good active listener; having a commitment to poor and vulnerable people.

## (iii) Well-being ranking

A key component of CLPCP are well-being rankings which facilitate the community's identification of their poorest members. In this process community members devise their own criteria to categorise all community members. For example, rich families were identified by their control over traditional capital such as land, livestock, house, good storage of paddy and access to modern opportunities/amenities like a government job, tractor, small trade or business. Poor families were identified by the absence of any livelihood support, poor living conditions, many children, absence of any earning male member in the house, disability, old age and widowhood. This process can generate better understanding of the levels of poverty in the community.

Preparation of such a list creates expectations among those – at least not included in the category of 'rich' – for livelihood support from partner organisations. Often those who are on the border of the poorest among the poor category find it difficult to accept their ineligibility. Inclusion of the names of wealthy people is often problematic, frequently as the result of political interference and pressure.

Partners in the conflict-fraught north and eastern parts of Sri Lanka work in extremely difficult situations and frequently experience direct threats to their physical safety. When people came to know about the unauthorised inclusion of names in the list of rights-holders, they reported it to ActionAid in Colombo. ActionAid sent directives to the partner that such names could not be included. This enabled the partners to nullify the external pressure.

Thus the people's resistance was coupled with ActionAid's responsibilities and the partner's compliance which ensured transparency in the process of identifying rights-holders from the poorest of the poor. The very fact that the community members could raise their voices against nepotism and corrupt practices is itself a testimony of their empowerment. It also reinforces their conviction and faith in ActionAid's commitment to downward accountability.

Another complication is that in some villages there can be several lists of wealth rankings created by various agencies which are not the same. This can create many questions, expectations and apprehensions in the minds of the community members.

#### (iv) Social audit

ActionAid has adopted Social Audit (SA) as a participatory and transparent process of ensuring public accountability as well as a process by which all stakeholders jointly review and evaluate programme achievements, shortcomings and learning.

Social Audit gives people an opportunity to directly hold agencies accountable, enabling them to

question even powerful institutions and officials, strengthening grassroots democracy.

Social Audit enables an organisation to: account for its performance, maintain transparency and check corruption; induce learning and feedback from stakeholders to develop an action plan to improve future performance; holistically understand its impact on the community; promote wider participation and community ownership of the programme; build a social platform at the village level for poor and excluded people to question and demand their rights; and be accountable to all key stakeholders – especially the poor and excluded.

### Social Audit is delivered through three key processes:

#### (i) Transparency or display boards:

The name of the village, objectives, content, coverage and budget the initiatives under implementation are displayed on a board in a frequented public place in the village (i.e. temple, junction or bus stand) and updated on regular basis.

**Outcome:** Strengthens the community ownership of information.

**(ii) Vigilance Committee:** Community selects a group of volunteers mainly comprising members from excluded groups with equitable gender representation, to monitor and supervise the day-to-day implementation of the projects, including purchase and procurement. Capacity building of these volunteers is facilitated to enable them to take up larger responsibilities in community-based institutions.

**Outcome:** Community participates in all activities and decides on activities related to their lives.

**(iii) Community auditing the bills and vouchers of expenses:** Copies of vouchers and bills of the expenses incurred by partners and community members in implementing project activities in the village must be shared. The community must accept the role of the vigilance committee and approve the bills and vouchers of the expenses incurred in the village through passing a resolution. Any complaints against the vigilance committee or partner implementing the project must be immediately acted on. It is useful to invite other civil society organisations and government representatives to these interactions. This helps the community to ask for similar processes to be done in the village by other actors.

**Outcome:** Transparency in transactions. In some cases, the community asks other actors to do the same.



Some issues in operationalisation:

- Experience in some areas indicates that local elites try to undermine the practice of transparency boards, perhaps fearing that it could apply to them in the future;
- People may feel uncomfortable being publicly categorised;
- It must be clear that the purpose of the board is for transparency, not to enhance visibility;
- Separate vigilance committees can be established for each project in the village, or one committee can be responsible for all.
- The role of the vigilance committee members includes maintaining the transparency boards, obtaining quotations for materials, deciding on the purchase, sharing the bills and vouchers with the community members, and linking with other actors (the gradual empowerment of elected women to take on the role has been observed);
- The vigilance committees have emerged as a form of social support, particularly for poor and excluded people;
- Institutionalisation of the vigilance committee in the everyday life of the community is an ongoing challenge.

Depika's husband suffers from cancer and both of them were secluded from the social life of the village where they lived in Hambantota District, Sri Lanka. Married at age 25 in 2003, they have a three-year-old daughter and live on Depika's daily wage, which is earned by cutting stones in nearby quarries. After marriage both of them moved out of the village in search of livelihood opportunities but had to return when he was diagnosed with cancer.

The hamlet where they live was severely affected in the tsunami and most of her husband's relatives moved out. Now it is being developed as a resettlement colony and community solidarity is still emerging.

When the rights-holders list was being finalised in the village council (Mahasabha), initially their names were not included for a home. However, it was only after the Vigilance Committee was formed that this family's presence was recognised. A proposal to include Depika's name in the list of rights-holders was made by the Vigilance Committee before the *Mahasabha* in November 2006. This was approved in January 2007. (Source: Sri Lanka People's Report)

In a village of Batticaloa District, Sri Lanka, the priest of the temple was very influential. He had links with some underground elements, controlled the management of the temple and played a very important role in village affairs.

Yet in a neighboring hamlet, nearly 23 internally displaced families lived in virtual isolation. They were never allowed to perform the worship (*pūja*) in the temple or participate in the village council meetings, and they were never treated with dignity by the ruling elite.

The formation of a Vigilance Committee in the village led to recognition of their exclusion and adoption of strategies for future action. Some of them have become members of the Vigilance Committee and are now raising their voice against the discrimination they face at the hands of the powerful.

Nearly 120 women from the hamlet and neighboring villages marched to the Divisional Secretary to protest against the restrictions imposed on them for offering worship in the temple. Gradually they mobilised support from other hamlets of the village and the temple leader had no option but to allow their entry. After a few months one of the poor residents from the hamlet was elected to the management committee of the temple which is a great achievement in their struggle for power.

Such developments will help to rectify the power imbalances existing in the village. (Source: Sri Lanka People's Report)

#### (v) Community review

Community Review is a process held every three months whereby nominated members from vigilance committees from different villages form a team and physically verify the programme direction and achievements in each of the villages. The reviewers move from village to village to observe the programme and physically verify the quality of work in each village with the primary aim of learning from others' experiences, facilitating networking around issues, building wider solidarity with the neighbouring villages, and helping villagers gain a sense of ownership. The process changes the status of the community from 'the source of information' to 'the owner of the information'. The process of a Community Review includes:



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*A public hearing in Somaliland (top) and tsunami-affected women in Sri Lanka participate in a community review (bottom).*

- (i) Clustering of villages in a functionally feasible way to enhance networking with the government and other agencies.
- (ii) Formation of the review team: includes at least two members from each village – one of which must be a woman – selected/elected by the community from among themselves.
- (iii) Orientation on accountability including: what is planned in the village; the intended coverage; intended outcome; the process planned and agreement regarding the implementation of the programme.
- (iv) Village-wise physical verification (of each village in the cluster) through village visits by the team. In each village this coincides with the community auditing of the bills and vouchers of expenses in the social audit process which is described above.
- (v) Reporting the community review: sharing lessons learnt, good practices and program effectiveness.
- (vi) Dialogue around emerging issues.

Two ActionAid Sri Lanka partners organised a Community Review, attracting members of vigilance committees from nine different internally displaced villages in the district.

When one group raised questions to the partners about the different estimates for toilet construction in different areas – Rs. 39,000 (USD 390) per toilet in one and Rs. 46,000 (USD 460) in another – the Vigilance Committee members, without giving the partners a chance to respond, enthusiastically explained how the different requirement of constructing a three-column tank (instead of one-tier tank) by the public health inspector had led to the increase in price.

In the Community Review process, transparency is maintained through the sharing bills and vouchers with the detailed statement of expenditure by ActionAid and partner organisation(s). The community members, including the rights-holders, acquire a clear idea about the total finances for the particular village involved. The community in general and the members of the vigilance committee in particular learn more from a comparative perspective about the finances involved in similar processes initiated in neighbouring villages. The community members realise that these processes (i.e. Community Review) can be more meaningful when other development actors are also present and join in.

In Sri Lanka it is encouraging that some of the vigilance committees in Hambantota have demanded that the partner's monthly report to ActionAid be displayed on the transparency board. According to them the relationship between the partner and ActionAid should be more transparent and should come within the ambit of social audit.

#### **(vi) Public hearing**

The Public Hearing is a larger gathering held once a year, usually at the level of the district or a wider region. It is attended by rights-holders, vigilance committees, community review committees, partners, ActionAid staff, government officers and other stakeholders such as academics, media and members of religious institutions. Partners display and present the programme progress against plan and budget details in the public hearing. Groups of rights-holders observe all the details, while achievements and missed opportunities are discussed in an open platform. Partners, ActionAid and government officers sit together to answer questions posed by the rights-holders.

This exercise in accountability again has the assumption that the community will demand this right, and other intervening agencies might be motivated to do likewise.

#### **(vii) Economic Literacy and Budget Accountability for Governance (ELBAG)**

ActionAid views economic injustice as one of the core elements constituting denial of rights and views economic literacy and budget accountability work as a crucial instrument for strategic intervention in issues related to governance and public policy. Government budgets have a crucial role in the planning and control of the economic activities of a nation, especially poverty eradication.

The overall objective of ELBAG is to build, democratise and demystify knowledge on budgets and public finance and to look at them as political

processes and priority setting mechanisms of the government, rather than merely technical documents.

ELBAG focuses on building the capacities of communities and their organisations to engage with economic processes and challenge economic injustice at micro and macro levels.

Specifically ELBAG aims to:

1. Build people's capacities to monitor, track and question budgetary policies by institutionalising accountability mechanisms like local level budget analysis, social audits, community reviews, public hearings etc. such that the most poor and excluded people can challenge the injustices that are a part of their daily reality.
2. Strengthen engagement of community and civil society organisations with budgets on a sustained basis from the local to the national levels in order to advocate for budget formulation process reform and influence budget allocation priorities.
3. Build capacities to empower communities and civil society to understand the manifestations of economic injustice around them, to articulate the same and to be able to challenge them.

## 2.4 Disaster Risk Reduction (DRR)

This subsection focuses on two aspects of ActionAid's efforts to integrate DRR into the tsunami disaster response programme. One is a participatory approach to disaster risk reduction which took shape through programme activities in the Andaman and Nicobar Islands, India, which aims to support communities to strengthen their resilience to hazards and disasters. The second describes regional policy work in South Asia where ActionAid was a member of a loose network of organisations. The short-term purpose was to influence SAARC leaders at the 14<sup>th</sup> SAARC Summit through a Call for Action to commit to the necessary measures required to bring about a "disaster-free South Asia", while the longer term aspiration is for greater cooperation among stakeholders in the region to achieve the same.

### 2.4.1 Community-led DRR

In January 2005 ActionAid initiated its Tsunami Response Programme in Andaman and Nicobar Islands, India, with a focus on reaching the poorest – and so most vulnerable – groups in society. Andaman and Nicobar Islands comprise 572 islands covering a total area 8,249 square kilometres. The islands are extremely vulnerable to major earthquakes

and susceptible to tsunamis, as well as wind and cyclones. Disaster Risk Reduction was therefore one of ActionAid's main interventions.<sup>2</sup>

Participatory Vulnerability Analysis (PVA)<sup>3</sup> was used to develop a community-based and led disaster preparedness mechanism at the village level. Vulnerability in this context was analysed with its inextricable relationship with poverty, and poverty in turn being an outcome as well as a cause of skewed power relationships. The PVA approach facilitates the community's identification of the hazards, their vulnerabilities, the resources available in the village and the formulation and implementation of a disaster-preparedness plan, ultimately building upon existing local capacities and coping mechanisms to build resilience to disasters. In addition to this specific DRR work, disaster risk reduction perspectives were integrated into most project interventions. For example, to reduce the vulnerability of women to hazards such as tsunami and flood, women learnt how to swim and row fishing boats, both of which were earlier considered to be culturally unacceptable for women. The houses constructed were made disaster resilient and people were supported to diversify their livelihood options.



*Disaster Risk Reduction: women in the Andaman and Nicobar Islands learn how to swim and row fishing boats.*

<sup>2</sup> This section draws on ActionAid India's Andaman and Nicobar Islands Annual Report 2006

<sup>3</sup> [http://www.actionaid.org/docs/pva\\_in\\_action.pdf](http://www.actionaid.org/docs/pva_in_action.pdf)

**Figure 3. Community-led DRR**



### Process

Following the capacity building of staff and community level workers to facilitate the processes and the identification of villages most prone to hazards, the initial step with the community was environment building through cultural programmes which encouraged people to consider reducing their risk to future hazards in addition to activities focused on response to the disaster. Facilitators resided with the community for at least six to eight days.

The PVA uses tools such as social and resource mapping, timelines, historical transact of disaster, livelihoods analysis, mobility mapping, hazards and risk mapping, mapping of vulnerable families, and focus group discussions on various local issues. More than 50 percent of the participants in the PVA exercises were women. Facilitation of women's participation in sharing information, planning how their vulnerabilities can be decreased and skills strengthened can be an empowering process for women.

**D**uring a village PVA exercise in Car Nicobar, India, it was mentioned that the village's water supply had collapsed due to the tsunami. The government supply of water was totally inadequate, with provision of 3,000 litres of water every two days for a population of 570 people.

The PVA helped the community to mobilise and act on the issue. They sent a formal letter to the government stating the problem and demanding sufficient water. This collective effort bore fruit when the government understood the gravity of the situation and increased the water supply.

In all villages where the exercise was conducted, a larger scale map was made of the map produced by the community during the PVA exercises and placed at a strategic location in the village to create wider awareness. These maps illustrated various resources, safe places and emergency routes to them. Facilitating the community to prepare their own disaster preparedness plan using the information derived through the PVA was the next step of the process. The plan built on the community's list of vulnerabilities and capacities; identification of safe places; identification of the different taskforces needed for preparedness; formation of task forces with certain roles and responsibilities; and listing of the various actors and their roles in disaster preparedness.

The type of taskforce formed depended upon the context and need in each village. Members for each taskforce were selected by the community depending on their skills and knowledge. Taskforces formed included: coordination, early warning, search and rescue, first aid, psychosocial support, food preparation, child care, relief management and shelter management.

Training in several skills was organised to build the capacity of the taskforces through cooperation with other agencies. For example, training on first aid was organised with St. John's Ambulance, Chennai, with the support of the Nicobar Administration and Directorate of Health Services. Demonstrations of these first aid drills were conducted on a regular basis as well as on special occasions such as National Disaster Risk Reduction Day, Road Safety Week and so on. Training for the psychosocial support taskforces aimed to give a basic understanding of the techniques for providing psychosocial care during and after disasters.

After witnessing the results of the taskforces at the community level, the Nicobar District Superintendent of Police requested ActionAid to conduct a similar training for their personnel. ActionAid worked with the police department and St. John's Ambulance to organise a training programme involving officials from various government departments, which led to wider recognition of skill building initiatives. The objective was to develop a team of people who would be able to train others and ensure sustainability of this knowledge on the Islands.

In addition, simply worded and illustrated Information, Education and Communication (IEC) materials on disaster preparedness were developed to help people to prepare themselves for a disaster. On certain days, such as the annual International Disaster Risk Reduction Day (which occurs on the second Wednesday of October as passed by the United Nations General Assembly in its resolution), cultural events, essay and drawing competitions on themes such as 'safe schools' and First Aid demonstrations are organised to inculcate preparedness and promote a culture of disaster risk reduction which includes prevention, mitigation and preparedness.

In the DRR programme the acceptance of participatory processes among the administration and tribal council took time, but the time invested in the processes paid off in terms of mobilising and conscientising the community on the issue of disaster risk reduction with full ownership of local administration.

## 2.4.2 Disaster-free South Asia - policy work

With the 15<sup>th</sup> SAARC Summit to be held in Colombo from 27 July to 3 August 2008, ActionAid, in collaboration with Christian Aid, Oxfam America, Practical Action and Sri Lanka Red Cross, worked with the Sri Lanka National Disaster Management Coordinating Committee (NDMCC) to bring together key disaster management stakeholders from across South Asia at a regional conference entitled "Strengthening Understanding and Cooperation on Disaster Management for a Disaster Free South Asia".

The title was chosen to raise awareness that while hazards are to some extent inevitable, disasters can be prevented, but this is only possible if the resources are proactively allocated and preparedness, mitigation and risk reduction measures are operationalised. What leads to disaster is the lack of resilience of the people to the hazards – and this is a function of inequitable development and unjust governance.

Prior to the regional conference, national consultations were held in most SAARC member countries to reflect on the country's progress on its commitment to achieving the priorities for action as enshrined in the Hyogo Framework for Action which all SAARC member states have endorsed. National deliberations among key national government disaster management authorities, UN and civil society actors also considered the challenges they faced and the issues and opportunities for regional cooperation on disaster management. A realistic report of the current situation was prepared.<sup>1</sup>

<sup>1</sup> The country reports and conference proceedings were documented. For further information contact the Disaster Management Centre Sri Lanka <dgdmcsl@gmail.com>

Participants at the regional conference held on 15-16 July in Colombo included senior government officials, UN personnel and representatives from relevant civil society organisations. Representatives from each country presented their experiences and ensuing discussions deliberated on the progress made across the region.

Some key factors noted as impacting on achievement are conflict and climate change. An analysis of the SAARC Disaster Management framework was also presented, which highlighted the progress and gaps. A key concern is that disaster response dominates with resource allocation focused on a short-term humanitarian (saving lives) approach and techno-managerial solutions. While this approach has relevance, the focus needs to shift to preparedness and mitigation with a longer term perspective linked to political processes and communities at the centre strengthening their resilience and asserting their rights.

The conference culminated with the preparation of a Call for Action to the SAARC Heads of the State (see box 3). This highlights the critical issues requiring both national and regional commitments necessary to achieve the aspiration of a disaster-free South Asia. The conference also concluded with a commitment by participants to strengthen cooperation between government agencies and civil society organisations for more effective disaster risk management in South Asia, and to take forward the Call for Action through concrete measures.

A number of activities were undertaken to promote awareness and influence of the Call for Action and the adoption the measures it contains.

Country delegates from the SAARC member countries took the Call for Action to their respective official SAARC delegates to promote its contents at the SAARC official summit. The Sri Lanka official SAARC delegates took the Call for Action to the official Summit. The NDMCC sent the Call for Action to all relevant UN and multilateral agencies including the World Bank and the European Commission, bilateral organisations and active INGOs requesting them to take the Call for Action into account.

The media were invited to the closing session of the conference where the Call for Action was presented to the Minister for Disaster Management and Human Rights. This received media coverage across the region.

A session on Disaster Management was conducted at both the People's SAARC in Colombo and the Imagine a New South Asia Policy Forum, which were held prior to the official SAARC meeting. Aspects of the Call for Action featured in their declarations.

In the 15<sup>th</sup> SAARC (Colombo) Declaration "Partnership for Growth for Our People" some of the issues are incorporated. The Declaration has a strong emphasis on climate change, specifically the need to assess and manage climate change risks and impacts. It also specifies the need for timely provision of relief in humanitarian emergencies and provides for the creation of the Natural Disaster Rapid Response Mechanisms to meet such emergencies, under the SAARC Disaster Management Centre.

It does not however, deal with disaster risk reduction/mitigation or a people/community focused view of disaster management and the necessary allocation of resources at this level.

### Box 3: Call for Action to the SAARC Heads of State

We call upon the Heads of State to urgently address the following issues which emerged from national and regional consultations involving participants from government agencies, United Nations agencies, academic institutions and civil society:

1. *While appreciating the current Summit's focus on the food crisis and climate change, we urge that the linkages between these and disaster risk reduction be explicitly recognised and reflected in all actions. The SAARC Development Fund must include DRR, and all development activities should be screened to ensure they are increasing disaster resilience of the people. Any infrastructure resourced through the Fund must be disaster proof.*
2. *SAARC should allocate sufficient and predictable resources to ensure the operationalisation of the Comprehensive Framework on Disaster Management and the effective functioning of all the related SAARC regional institutions.*
3. *The member states must ensure that local government has adequate decision-making authority and resources for DRR interventions to strengthen the resilience of people.*
4. *SAARC regional institutions must be publicly accountable and transparent and access to information ensured.*
5. *Development policies and interventions - within and between neighboring states - financed by bilateral and multilateral donors must be assessed to ensure that these are not increasing the risk of disasters.*
6. *SAARC member countries should maximise efforts to ensure DRR measures are linked to, and operationalised at, the community level with the community's participation.*
7. *Formation of resource pools of people in South Asia - from community, civil society, academia, media and government - with planning expertise to operationalise policies and develop practical mainstreaming tools should take place. In line with the objectives of the SAARC disaster management framework, skilled teams who can be deployed rapidly in the region during emergencies should be established.*
8. *The SAARC heads of state should adopt regular independent, multi-stakeholder performance audits for national and regional disaster risk reduction activities.*
9. *Functional regional information mechanisms must be created to share weather-related information across member states, and for member states to invest in multi-hazard early warning information generation and dissemination to link to communities.*
10. *In order to create a disaster-free South Asia, it is essential that SAARC member states recognise the strength, knowledge and experience of communities and their institutions and the larger civil society and promote effective partnerships in policy and practice.*

- 16 July 2008

Colombo, Sri Lanka

This Call for Action was developed in the two-day regional conference organised by the Sri Lanka National Disaster Management Coordination Committee, in collaboration with ActionAid, Christian Aid, Oxfam America, Practical Action and Sri Lankan Red Cross. The conference was closed by the Hon. Mahinda Samarasinghe, Minister of Disaster Management and Human Rights, where he was presented with the Call for Action.

## Appendix 1. Methodology for the People's Reports and field studies

Fifteen country level people's reports on the topics of: livelihoods; rights to land and adequate housing; violence against women; and disaster risk reduction documented people's experiences and views in the post-tsunami context in India, the Maldives, Sri Lanka and Thailand. In the case of Puntland, Somalia, one People's Report was done on the topic of violence against women.

**Table 1. Details of community consultations for the country level people's reports**

People's Report	Number of people consulted	Number of villages/ communities consulted	Number of organisations endorsing the country level reports	Countries covered
Land rights and adequate housing	9,207	98	59	India, Maldives, Sri Lanka, Thailand
Violence against women	7,583	316	174	India, Maldives, Puntland (Somalia), Sri Lanka, Thailand
Livelihoods	11,806	127	78	India, Maldives, Sri Lanka, Thailand
Disaster risk reduction	2,954	81	44	India, Maldives, Sri Lanka, Thailand

In each of the tsunami affected countries, community consultations, mostly in the form of focus-group discussions and in-depth interviews with people who are poor, were undertaken to facilitate both community analysis and mobilisation for action on their concerns. Details of the sample and coverage is given in Table 1. At the same time, information was generated and documented for policy intervention through the formulation of the People's Reports and actions by the national alliances. Clusters or teams of community facilitators of the consultations reported on the key trends they heard from people at district level, which were then consolidated at the national level. The country level reports for each of the four topics were then synthesised into four international people's reports and provided the basis for international advocacy activities. Section 2.2 describes the process in relation to consultations, mobilisation and advocacy on violence against women post-tsunami.

Details of the sample and coverage in the studies on violence against women post-flood in three South Asian countries are set out in Table 2.

**Table 2: Details of the flood studies**

Country	Bangladesh	Nepal	Pakistan
Geographical coverage	Dhaka + 2 rural districts 4 unions, 24 villages 3 wards	3 districts 3 municipalities 6 VDCs 6 wards	2 provinces 3 districts 41 villages
Number of focus groups	30	31	56
Participants in focus groups	Approx. 600	645	1,189
Number of individual interviews	90	62	252
Number of key informants	16	30	4
Case studies	30	24	30
Partner NGOs	4	3	2

This report, while based on the findings and conclusions of these earlier reports, draws on the analysis of ActionAid International's Tsunami Response Team and the experiences and perspectives of practitioners.



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