

## **International Seminar: Envisioning New Trajectories for Peace in Sri Lanka**

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### **Session 3: Tsunami Disaster Response - Politics of Aid – SIHRN- PTOMs**

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#### **Tsunami disaster response and its relevance for peace process**

Details of the tragedy caused by the Indian Ocean Tsunami on 26<sup>th</sup> December 2004 is well documented and widely known. I wish to raise only few issues for discussion which we tried to highlight since tsunami.

#### **Post-Tsunami Scenario**

##### **Community Solidarity**

- 1) The participation of all communities during the crisis, saving lives and meeting emergency situation has to be noted. During our visits to the affected area immediately afterwards this generosity was well appreciated.

##### **Unprepared Administration**

- 2) The GOSL and the divisional administration was unable to cope with tasks of dealing with clearing of dead bodies, debris and providing emergency assistance. The work of the community and local NGOs actually came as strength to the government.

##### **Emerging Ethnic Differences**

- 3) While the community was willing to provide assistance to all affected we did receive reports from North and East regarding the behaviour of armed forces at check points. Especially in Trincomalee those at the check points were asking 'why do you wish to take things to that area – referring to Nilaveli and Muttur'. Furthermore media began to spread stories about heavy casualties faced by the LTTE.
- 4) In the first week of January we visited Jaffna with few some journalists. We were also able to visit Mullathivu during this visit. I wish to reproduce few observations we made after this visit:
  - The damages to North were extensive spreading from Vadamarachi south to Mulathivu. At the time we were told that 2000 persons were dead/missing and 23,000 displaced in Jaffna.
  - Coastal area along the North-East coast was totally damaged. Livelihood affected as all fishing equipment and boats were destroyed.
  - Double tragedy was observed as people got entangled in the wire mesh that demarcated the HSZ along the coast eg: Manlakadu coast.

- Tensions were rising between the armed forces and groups working with the welfare camps.
- TRO and NGO had established a co-ordinating committee to streamline assistance. At the time of our visit the GA had received funds for clearing and to make a payment for the burials. Food and other assistance was not being received.
- Objection to the appointment of army personnel to maintain relief centres/camps.
- Non inclusion of data of the LTTE controlled areas in the information released by the media/government.

### **Problems of relief supply and displacement**

- 5) Few weeks later I had the opportunity to visit the Eastern Province this was during the month of February 2005 and we documented unsystematic manner in which relief activities were carried out by the government authorities. Despite the decision taken to issue dry ration in the first week of February the required food stamps were not received by the Divisional Secretaries.
- 6) Muslim community in Kinniya and those in Nilaveli were in little huts or sheds in unbearable heat. We could not even sight a small medical – kit inside these relief camps.
- 7) At the end of the fourth month after the tsunami, `most displaced persons have been resettled in tent villages and temporarily constructed shelters pending permanent resettlement. This process has for the most part gone forward with minimal consultation with affected persons regarding the sites and available choices.

### **Gender concerns and displacement**

- 8) Women in these camp sites had no proper protection and private space even to change clothes. Women who had to perform IDDA according to Muslim custom had to taken away to other places which was also traumatic for them.

### **Rebuilding and reconstruction**

- 9) The state has handed over the reconstruction of schools and temporary shelters entirely to the private sector and to non-governmental organizations.
- 10) The Ministry of Education has set in place some standards of reconstruction of schools.
- 11) There are reports of disparities in the types of temporary shelters that have been put up for displaced persons. There has been no emphasis on the fact that permanent resettlement any take some time , up to six to eight months, due to problems with identifying suitable land, and that therefore these settlements should be equipped with then basic facilities that would enable people to live in them with some dignity over a reasonable length of time While some agencies that took on the task of building have constructed sturdy structures with adequate space between houses, provision for a community gathering place , and with toilets located some distance away from the living quarters others have erected structures that are cramped , with no consideration for dynamics of human-social interaction with such a settlement. These very visible disparities result in tensions among displaced communities.
- 12) The temporary relocation sites are almost all on extremely inhospitable grounds, with no shade trees and no water at hand.

### **Issue of land**

- 13) **Issues of Land allocation for permanent resettlement continue to be fraught, especially in the Eastern Province.** While the state authorities are identifying land owned by the state, set aside for other development projects and allocated to government agencies as well as land owned by private individuals in the tsunami-affected areas, the reality is that much of this land is situated at a distance from the beach. Therefore, the process of relocation and resettlement has to be carried out with care and in constant consultation with the affected communities. However this does not seem to be the practice so far.
- 14) In many places along the south-western coast, people have resumed livelihoods and rebuilding of permanent houses by survivors has commenced often with the support of non-governmental organizations.

### **Lack of coordination**

- 15) The lack of coordination among all those dealing with the process of reconstruction and rehabilitation, in both the state and non-state sector, combined with the absence of any standard-setting with regard to provision of minimum facilities in the temporary resettlement sites result in continuing cycle of ad hoc responses and disparities in distribution.
- 16) The proliferation of state mechanisms to handle specific parts of the reconstruction process leads to further confusion among NGOs working in these areas as well as among the displaced communities.

### **Livelihood issues**

- 17) There is still **insufficient focus on livelihood issues**, such as the provision of resources for recommending jobs and reinvigorating the market 200,000 members of the labour force affected by the tsunami, belongs to the informal sector.

### **Participation in Decision-Making**

- 18) A dominant issue is that of continued marginalization of civil organizations, especially at the local level, from information-sharing processes regarding post-tsunami reconstruction and rehabilitation.
- 19) In terms of the approaches towards the reconstruction and rehabilitation process, there still seems to be less emphasis than is called for on the fact that the majority of affected communities constitute the poorest segments of the island's population. In addition, the fact that in the north and east the communities affected by the tsunami were already those affected by the conflict and that there remain 360,000 persons displaced by the conflict who are awaiting resettlement of tsunami-affected populations. Of not, a further arena of conflict and tension will be opened up in these very fragile areas.

### **Insensitive approach to peace building**

- 20) The GOSL and political forces within the People's Alliance government were trying to use this opportunity to weaken the LTTE or spread rumours that LTTE is destroyed and the Naval Fleet is damaged etc.
- 21) The Sri Lankan government did not permit the UN Secretary-General to visit North.
- 22) Too many mechanisms established in a short period CNO/TAFREN/TAFOR. Extremely insensitive to Ethnic and Gender issues.
- 23) Tsunami occurred in a post-conflict Sri Lanka. Families especially in the North and East were just trying to re-settle back. Some of the families who faced tsunami told us this would be the fifth time they were displaced.
- 24) Daily Mirror dated 20<sup>th</sup> March 2006 reports "15 months on the governments had barely had relocate just 15 of the 2,124 displaced families in Mullativu". Mulativu town is a shell and a reflection of an entire district. Ravage by 20 year old war and then by tsunami. This is a situation report reveal. Not only Mulativu the entire east coast is still struggling with families in living in temporary shelters further today there is also a severe shortage of human resources and materials perfectly carry out the reconstruction process. Subsequently this newspaper report had received a clarification from the GA Mulativu. In this report the government and worlds banks funded project has completed building 67 houses.
- 25) The **high levels of insecurity** that prevails among the displaced communities as to their present and their future creates many tensions within these groups as they compete with each other for information and for access to whatever resources are made available to them through state and non-state agencies. This situation then becomes a fertile breeding ground for a range of political manipulations since the displaced persons are easily led to believe that it is through allegiance to one political party or the other that they can have some assurance regarding a stable future.
- 26) The right to land is one of the most contentious issues to have a reason in a wake of tsunami. A cross the country conflicts have arisen between communities who have historically lived along the coastline and government departments.
- 27) The GOSL had also promoted a touristic approach covering the entire costal belt within the framework of rebuilding of Sri Lanka.
- 28) Due to the popular pressure mounted in the run up to the presidential elections few months ago the 100 – 200 meter 'buffer zone' established in the aftermath of the tsunami has been reduced to 35 meters in the south and west and the 50 meters in the east. But it is reported that in Jaffna it remain as 100 meters. Throughout 2005 the Sri Lankan buffer zone led to confusion and concern among families living in temporary camps who did not know when or whether they would be able to rebuild on the site of their old homes.
- 29) I would also wish to refer you to Arugam Bay Resource Development Plan: Reconstruction towards Prosperity covers a stretch of land 17km between Komari and panama, including Pottuvil town.

- 30) Land has been a contentious issue in the North east throughout the years of conflict between the Tamils, the Muslims, the Sinhalese, the LTTE and armed forces of the State. The peace process failed to deal with the issue of land occupied by the military in high security zones and elsewhere in residential areas particularly in the northern districts.

### **Gender concerns related to “Rebuilding Sri Lanka”**

- 31) Tamil and Muslim women from the eastern region has faced additional challenges with regard to Land. Most marriages have traditionally been matrilineal and women dowered with ownership to land and property. It was much of this property that was destroyed by tsunami. We are today focusing much on the issue of land rights for women. If resettlement occurs on state land since state land alienated to head of household and males are the head of house hold women will loose their traditional title to land destructing centuries old customary that gave them security and protection through matrilineal inheritance rights.
- 32) Tsunami also left behind a significant number of single women, widows,unmarried and older women who are now primarily responsible for their families.
- 33) Despite the ceasefire of 2002 the north eastern province continued has camps for the displaced. Now almost a natural and permanent fixture. Tsunami situation has given less attention to those survivors.

### **Lost Opportunity**

Lack of Transparency

- 34) The international community came to our assistance in an unprecedented manner. Despite the lack of mechanism and may be faith in the Chandrika Bandaranaike regime donors, well-wishers and the entire world galvanized into action. The first few months saw emergency relief coming into the country.Funds received for post-tsunami relief and reconstruction remain unclassified, with no centralized data available as to the actual amounts received pledged and spent by the government. Conflicting statements made by public officials regarding the amounts that are available for the post-tsunami reconstruction process has led to much confusion.

A statement made by the President at a public meeting in Tangalle on March 15 2005 that ‘Not even 5 cents had been received by the government for tsunami-related work’ is a good example of this irresponsibility.

### **Imposing Emergency**

- 35) In a statement issued on February 28, 2005, the Civil Rights Movement drew attention to the exercise of emergency powers by the government in the post-tsunami time period, and called on the President to act in accordance with the Constitution and the law, and on Parliament to be punctilious when exercising supervisory control over emergency rule. The National Human Rights Commission has also pointed to the potential dangers inherent in the declaration of Emergency during this period.

## **Buffer Zone**

- 36) The UNHCR has also continued to raise its own questions regarding the advisability of imposing a uniform buffer of 100 meters rather than examining the nature of the coastline and determining which areas would be more vulnerable than others to sudden waves and surges in the sea level. On January 25, the UNHCR called on the government to rethink this proposal, and also affirmed the need to adhere to the principle of voluntary resettlement of the affected persons.

## **Unwillingness to develop joint mechanism with LTTE**

37) It is a well known fact that in the North and East in the areas controlled by the LTTE and outside where the majority of Tamil community was affected that TRO played an effective role.

38) The Sri Lanka government yet failed to develop a combined effort strategically to win over the confidence of the Tamil people and engaging with the LTTE to provide humanitarian assistance. We are yet to receive from the GOSL break down of funds spent regionally for tsunami work.

39) As the Sri Lankan government prepared the post –tsunami plans a major crisis loomed on the horizon related to sharing of the resources with the North. While the LTTE has agreed to be in the P-TOMS structure the political leadership in the south could not create a political environment conducive to promote an equitable and just sharing.

40) The regime was more concerned with its own existence. As the JVP and JHU staged demonstrations against the establishment of P-TOMS all activities related to post-tsunami sort of just came to a standstill.

41) Despite the fact President CBK managed to push through the signing of the P-TOMS agreement supported by civil society activism JVP/JHU forces backed by the Chief Justice blocked the establishment of the mechanism.

42) Activities of TAFREN just froze in the pre- 2005 Presidential Election period. While the NGOs carried out with some of its activities rebuilding houses became a much slower process. Land allocation was a government process and during an election period no body want to take political decisions.

## **RADA ?**

43) The President's Manifesto has expressed the desire to establish an effective process for rebuilding. The Relief and Development Authority is under His Excellency the President. We are not sure whether the original plans or new plans are being implemented and how the resources would be distributed. The Sri Lankan media is silent on post tsunami rebuilding presently!

## **Some International Experiences**

44) Little or no attention has been taken to the potential of disaster management as a tool for conflict prevention initiatives" However, In Bosnia- Herzegovina, the relationship between disaster management and the need for local capacity building following conflict has been recognized . in Colombia violently opposed local communities have worked together to mitigate

the impact of floods as a means not only of protecting livelihoods, but also of building trust and reconciliation.

45) South Africa passed a comprehensive Disaster Management Act in 2002 that calls for “a national framework for disaster management aimed at ensuring an integrated and uniform approach to disaster management in the Republic by all national, provincial, and municipal organs of state, statutory functionaries, non governmental institutions involved in disaster management, the private sector, communities and individuals. The Act goes onto spell out the responsibilities of each level of government, explicitly calling for the facilitation of community participation and capacity building. At the national level, authority is exercised by an intergovernmental committee that is to establish an advisory Forum, with representation from regional bodies, for overseeing the Act. Emphasis is placed by the Act on prevention and mitigation, both as core principals of disaster management and specifically as criteria in the determination of national funding for disaster assistance.

46) India, taking a mainstreaming approach to disaster management, is operating on “the conviction that development cannot be sustainable unless mitigation is built into the development process. The National Emergency Management Authority is set up as a Secretariat /Directorate, under the Ministry of Home Affairs but with representation from all relevant Ministries. Disaster Management Committees are also being set up at the state and district levels. Like in South Africa, mitigation has been made relevant to the devolution of funds, and States and cities have been asked to come up with their own Disaster Management Acts according to national guidelines. Foremost among the guiding principals offered is community participation, seen as necessary to the effectiveness of any disaster management strategy.