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PROTECTING AND PROMOTING RIGHTS IN NATURAL DISASTERS IN SOUTH ASIA: PREVENTION AND RESPONSE

CHENNAI, INDIA
9-10 APRIL 2009

SUMMARY REPORT

CONVENED BY:
ALL INDIA DISASTER MITIGATION INSTITUTE

THE BROOKINGS INSTITUTION – UNIVERSITY OF BERN PROJECT ON INTERNAL DISPLACEMENT

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List of Abbreviations

AIDMI	All India Disaster Mitigation Institute
CBDRM	Community-based disaster risk management
CLC	Community learning center
CSO	Civil society organization
DBM	Dead body management
DRR	Disaster risk reduction
EERL	Turkey Emergency Earthquake Loan
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
IHL	International humanitarian law
IHRL	International human rights law
INGO	International non-governmental organization
KK	Kalvi Kendra [India]
MM	Mingalar Myanmar [Myanmar]
MSWRR	Ministry of Social Welfare, Relief, and Resettlement [Myanmar]
NDMA	National Disaster Management Authority [India]
NGO	Non-governmental organization
PWDs	Persons with disabilities
RSG	Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons
SEWA	Self Employed Women's Association [India]
ToTs	Training of Trainers
UN	United Nations
UNFPA	United Nations Population Fund
WDOs	Women's Development Organizations
WHO	World Health Organization

Introduction

On April 9-10, 2009, the All India Disaster Mitigation Institute (AIDMI)[1] and The Brookings-Bern Project on Internal Displacement[2] co-convened a two-day workshop on "Protecting and Promoting Rights in Natural Disasters in South Asia: Prevention and Response" in Chennai, India. A total of 37 participants attended from Bangladesh, India, Maldives, Myanmar, Nepal, Pakistan, Sri Lanka, and the United States. Participants represented national and international non-governmental organizations (NGOs), the International Committee of the Red Cross (ICRC), civil society organizations, the UN, government representatives, the military, media, academic institutions and environmental organizations. The workshop brought together diverse policymakers, activists and practitioners to discuss the salient issues related to protecting and promoting human rights in South Asian disasters.

The objectives of the workshop were:

1. To introduce and raise awareness of the Inter-Agency Standing Committee's (IASC) Operational Guidelines on Human Rights and Natural Disasters;

2. To discuss the added value of a rights-based approach to humanitarian response in natural disasters with an emphasis on the national and regional context;

3. To discuss good practices in terms of regional, national and local monitoring mechanisms of humanitarian response in natural disasters;

4. To generate specific recommendations to strengthen policy and action for rights protection at the local, national and regional levels.

Background

South Asia is a "theater for disaster." In the past decade alone, floods, cyclones, earthquakes, droughts, and a devastating tsunami destroyed hundreds of thousands of lives and livelihoods and left millions more homeless. In each disaster, humanitarian responders rushed to the scene to preserve human life and reduce immediate suffering.

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[1] Established in 1989 after repeated droughts in India, the All India Disaster Mitigation Institute (AIDMI), Gujarat, is a community-based action research, action planning and action advocacy organization. It works towards bridging the gap among policy, practice, and research related to disaster risk mitigation, in an effort to link the local community with policy level activities. AIDMI sets agendas, shapes knowledge, and pilots projects in favor of the poor and excluded among disaster victims and the vulnerable.

[2] The Brookings Institution-University of Bern Project on Internal Displacement was created to promote a more effective national, regional, and international response to the global problem of internal displacement and to support the work of the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons in carrying out the responsibilities of the mandate. The Project monitors displacement problems worldwide, promotes the dissemination and application of the Guiding Principles on Internal Displacement, works with governments, regional bodies, international organizations and civil society to create more effective policies and institutional arrangements for IDPs, convenes international seminars on internal displacement, and publishes major studies, articles and reports.

For many humanitarian agencies involved in immediate disaster response, human rights protection has been a secondary concern. It is the national government that is charged with the responsibility to protect the rights of its citizens–including when citizens are displaced. When governments are unable or unwilling to act, or require assistance, humanitarian actors must step in to fill this "protection gap."

This workshop was organized with the aim of discussing *The IASC Operational Guidelines on Human Rights and Natural Disasters*[3], the practical guide to fill this gap. The Operational Guidelines, published by the Brookings-Bern Project on Internal Displacement, were formally adopted by the Inter-Agency Standing Committee in June 2006 and include a list of easily accessible principles and guidelines for humanitarian actors to promote a human rights based approach in disaster response and relief. The accompanying Field Manual (currently under revision) explains the human rights legislation that undergirds the guidelines and outlines how they can best be implemented in the field.

Regional Context

This workshop was organized to develop a concrete strategy for rights promotion in South Asian disasters. All too often, egregious human rights abuses have been committed, either intentionally or unintentionally, in disaster response in South Asia. These abuses came to light most recently in the Koshi River flood in 2008 in Bihar, India, and Nepal; in the 2005 Kashmir earthquake in India and Pakistan; and in the 2004 tsunami that wreaked havoc across the region.

While disaster-affected persons of all groups have suffered rights abuses, monitoring and evaluation continually reveal the exclusion and abuse of particular groups, including women, children, persons from the so-called "lower-castes," indigenous peoples, older persons, persons with disabilities (PWDs), persons living with HIV/AIDS, and others. Owing to the regional, national, and local contexts, these groups are more vulnerable to rights abuses and it is thus essential to design policies that protect their rights before, during, and after disasters.

National Context

This workshop brought together key practitioners and policymakers working at the national level who are engaged in promoting human rights in disaster response. In India, especially during the tsunami, post-disaster evaluations found many rights violations of marginalized groups. Women, Dalits, indigenous peoples, minorities, children, PWDs, and other groups are often given short shrift when it comes to protection of their rights. In relief, disproportionate aid is frequently disbursed to relatively advantaged groups while Dalits and indigenous minorities are completely neglected. Moreover, international and national humanitarian responders are often unaware of the specific needs of PWDs (such as assistive devices), women (such as feminine hygiene items, undergarments, and, critically, reproductive health care), Dalits, and indigenous groups (such as appropriate food and shelter).

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[3] Available at: http://www.brookings.edu/projects/idp/2006_naturaldisasters.aspx.

The National Disaster Management Authority (NDMA) of India has taken important steps towards improving human rights protection of marginalized groups in disaster. NDMA is engaged in conversations with human rights advocates at Action Aid India and with others to craft more inclusive and appropriate strategies for rights protection.

Session I: Welcome, Opening, and Overview

Introductory Remarks

Mr. Mihir Bhatt, Honorary Director, All India Disaster Mitigation Institute (AIDMI)

Mr. Mihir Bhatt welcomed and thanked the participants and commended their important work in protecting human rights in disasters. The goal of the workshop was to discuss ways to protect and promote rights during natural disasters and as such, he encouraged participants to contribute their experiences and to think of concrete individual and collective actions that could be undertaken after the workshop ended.

While this is a regional workshop in terms of the geographic representation of participants, it is also regional in the sense of identifying common concerns and threats to countries throughout South Asia. Although it is primarily focused on rights in disasters, discussions on the ongoing protection of rights outside of disaster situations would also be relevant.

Dr. Elizabeth Ferris, Co-Director, Brookings-Bern Project on Internal Displacement

Dr. Elizabeth Ferris welcomed participants and introduced the Brookings-Bern Project. The Project, founded fifteen years ago, is co-directed by RSG Walter Kälin and Dr. Ferris. The Project promotes a human rights based approach to prevention, response, and solutions to internal displacement caused by conflict and by natural disasters. The Project's work with displacement led it to consider the broader needs of the 200 million people affected each year by natural disasters alone.

Dr. Ferris then explained the workshop objectives. First, participants were charged with analyzing the added value of a right-based approach to disaster response. In the past, organizations have focused primarily on logistics and saving lives through traditional humanitarian relief, such as food distribution. Only after the 2004 tsunami did organizations begin to look seriously at the human rights dimensions in disaster response. Second, the workshop was designed to collect best practices in disaster response that could be applicable or replicable nationally, regionally, and internationally as it is often useful to share experiences and practices across regions (e.g. experiences from South Asia in Central America).

Anne Stenhammer, Regional Program Director, UNIFEM, India

Ms. Stenhammer oversees UNIFEM's work in nine countries that have a population of more than 1.5 billion people, half of whom are women and girls. In 2005, she visited and listened to the concerns and fears of women and girl survivors of the Kashmir earthquake in Pakistan.

Under the aegis of UNIFEM, she helped to facilitate trainings of trainers (ToTs) for disaster risk reduction (DRR) in Islamabad.

Ms. Stenhammer discussed UNIFEM's extensive work in protecting and promoting women's rights in various other South Asian disasters. UNIFEM responded to several women's groups in Sri Lanka after the tsunami, even though UNIFEM had not traditionally responded to disasters. UNIFEM also supported research institutions in collecting data to assess the general impact of the tsunami; engaged in advocacy for women and girls; promoted local women's leadership; conducted needs assessments of key gender issues; facilitated vocational training for women; sensitized media on vulnerabilities and priorities of affected women; engaged the UN system in response and rebuilding women's livelihoods; and promoted women's rights in UN missions.

She provided several rights-based recommendations:
- Rebuilding should be viewed as an opportunity to promote women's rights.
- Women should be at the heart of the relief and recovery process.
- Legislation should be drafted and implemented to create gender sensitive policies including with regard to relocation to temporary shelters.
- International agencies should reach out to local women's groups.
- Monitoring at district level needs to be reported to the central bodies.
- Women should be included at all levels of response.

Mr. Mihir Bhatt provided a short summary and analysis of the demographics and backgrounds of

> "We need to share experiences and pick up what has functioned."

the participants in the workshop highlighting the diversity by country, sector, and experience. Notably, the majority of participants had engaged with marginalized groups in disaster response and in human rights protection.

Ms. Anne Stenhammer and Dr. Elizabeth Ferris lit the lamp in accordance with the Indian tradition to inaugurate the workshop.

Session II: A Framework for Action

> Key session issues:
> - IASC Operational Guidelines for humanitarian responders to protect rights in disaster
> - Failures of governments and aid agencies to address specific needs of marginalized groups

The purpose of session two was to define "protection" and discuss the human rights legislation that undergirds rights and protection. Notably, the IASC Operational Guidelines and the United Nations Guiding Principles on Internal Displacement are key practical tools for humanitarian and human rights actors.

Defining Protection

Presentation by Ms. Diane Paul, Consultant, Brookings-Bern Project on Internal Displacement
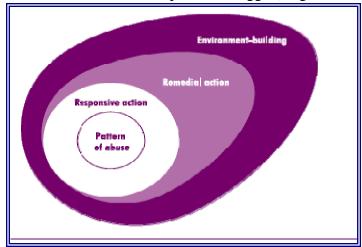
Ms. Paul described the four phases of disaster:
1. Disaster preparedness
2. Disaster response (emergency phase)
3. Situations of prolonged displacement and/or relocation
4. Early recovery/reconstruction phase (which could last years)

In each stage, protection is difficult to define and definitions vary depending on the interests of the stakeholder. The IASC has adopted a definition of protection from the ICRC workshop process as:

> "[encompassing] all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. international human rights law, international humanitarian law, refugee law)."

Significantly, this definition demonstrates that protection activities do not take place in a legal void. Rather, relevant bodies of international law (i.e. international humanitarian law (IHL), international human rights law (IHRL), refugee law) protect the rights of both citizens and non-citizens. However, definitions of protection may vary in each body of law.

Discussing the first of the key workshop themes, Ms. Paul shed light on the challenges faced by marginalized groups in disasters, including "survival sex" whereby women sell their bodies in order to survive, and discussed persons living with HIV/AIDS who are unable to continue their medication.

Ms. Paul discussed the "protection egg" (diagram developed by ICRC and IASC) and described

the three actions[4] to prevent or stop rights abuse.

1. Responsive action: pressure authorities through dialogue or public statements to stop abuse or prevent reoccurrence by:
   a) Providing direct services to victims of abuse including being present, transfer, evacuation, information, and communication.
   b) Alleviating victims' immediate suffering through material, medical, or legal assistance; restoring family links; providing psycho-social care; and other appropriate actions.

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[4] http://www.humanitarianinfo.org/darfur/infocentre/infoprotection/index.asp

2. Remedial action: convince authorities to take measures to address victims' needs and provide services such as supporting organizations to protect rights, providing technical support to local facilities, etc.

3. Environment-building activities: enhancing the framework to protect rights such as raising awareness and promoting rights, strengthening legal mechanisms for enforcement, promoting treaties, and implementing of international law and promoting fair system of justice.

Ms. Paul enumerated the human rights obligations of states and their four principal duties: 1) to respect; 2) to protect; 3) to fulfill; and 4) to **not** discriminate. These obligations draw on human rights sources and the relevant bodies of law.

Testing their knowledge of human rights, participants, were asked to consider various situations to determine whether human rights violations had been committed. For example, participants were asked if the government's failure to set up observation posts during mudslide warnings violated the right to life. Other violations illustrated included the right to security of person, right to food, indigenous rights, rights of the child, freedom to choose one's residence, and freedom of movement. Examples from Central America and Africa illustrated forced evacuations and the conditions under which forced evacuation can be a way of protecting life. These conditions include provision of information, consultation with those to be relocated, non-discrimination and relocation to living conditions that respect the dignity of evacuees, such as ensuring the right to work, to health, and to education. Discrimination on the basis of factors that are not relevant to the needs of the individual is prohibited in international law. Thus, it is discriminatory to give more food to members of one ethnic group than to those of another. However, it is not discriminatory to give particularly nutritious food to pregnant women as the category of "pregnant women" is relevant to the type of preferential treatment being extended. The principle of non-discrimination was a theme running throughout the workshop and is a key component of a rights-based approach to humanitarian action that considers the legal underpinnings of action, places the protection needs of human beings at the center of humanitarian agenda, identifies right-holders and duty-bearers, and attributes responsibility.

Ms. Paul provided an instructive example of the "well-fed dead" in Bosnia in which food and material assistance was amply provided while people were being killed. She recounted the poignant remark of one man: "At least," he said, "I shall die with a full stomach." This inattention to specific needs and rights has occurred in numerous disasters in different regions of the world. Humanitarian workers should pay close attention to the vulnerability of different groups of people and identify their specific needs with respect to hazards and capacity. As Walter Kälin, Special Representative of the UN Secretary-General (RSG) on the Human Rights of Internally Displaced Persons, has stated, there are often overlapping vulnerabilities in which double and triple jeopardy occurs (e.g. an older disabled woman from a minority group).

Appropriate terminology is also critical in promoting rights. "Beneficiary" is a commonly used term to describe recipients of humanitarian aid. A more appropriate term might be "program participant." This term, in contrast to "beneficiary," does not establish a giving/receiving

relationship (i.e. where the recipient is perceived as an object of charity) but instead places the affected person on equal footing with the humanitarian agency. The program participant must be able to avail rights and play an active role in decision-making.

Three "protection in practice" tools can be of use to ensuring the rights of the program participant:
1. IASC Operational Guidelines (currently under revision)
2. Field Manual to the IASC operating guidelines (currently under revision)
3. Global protection cluster in Geneva[5]

IASC Operational Guidelines

Presentation by Dr. Elizabeth Ferris, Senior Fellow and Co-director, Brookings-Bern Project on Internal Displacement

Dr. Elizabeth Ferris gave a presentation on the *IASC Operational Guidelines on Human Rights and Natural Disasters*. It is important to emphasize that these Guidelines apply to all those affected by disasters and not solely to those who have been displaced. While human rights are indivisible, humanitarian actors must be aware of the needs of marginalized sectors in society and often must set priorities in emergency situations.

The IASC Operational Guidelines delineate the following four groups of rights:
- Protection of life, dignity and physical safety;
- Protection of basic needs;
- Protection of other economic, social and cultural rights;
- Protection of other civil and political rights.

In addition to these four groups of basic rights, general principles of the IASC Guidelines articulate the following key points, among others:
- Persons affected by natural disasters have the same rights and freedoms under human rights law as other citizens;
- States have the primary responsibility to assist and protect affected persons;
- Human rights underpin all humanitarian action; and
- Affected communities must be able to access information related to disaster, risk, early warning, humanitarian aid, etc.

Dr. Ferris then explained the first group of rights─protection of life, security, and dignity are generally the highest priority in emergency situations, followed by rights related to basic needs–food, health care, water, shelter, etc. Assistance needs to be: Available, Accessible, Acceptable, and Adaptable. She then provided several examples in which rights to basic needs did not adhere to the four A's. For example, there are often failures to provide culturally-appropriate foods to specific religious or indigenous groups or to ensure that people with disabilities are informed about distribution points.

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[5] www.humanitarianreform.org (UN website)

In the response to Hurricane Katrina, US agencies failed to protect the rights of disaster-affected persons. For example, no plan was in place to evacuate the thirteen hospitals in New Orleans although the city lies under sea level. Secondly, the city's evacuation plan was based on private vehicles and apparently authorities did not think that some people, particularly poorer people, might not have access to private vehicles. Third, in some disaster areas, warnings were only distributed in English, although many people in those areas only spoke Spanish. Fourth, emergency shelters in New Orleans had unsuitable living conditions and inadequate provisions of basic foodstuffs, water and sanitation. Last, Dr. Ferris explained that in some cases affected persons did not want to leave their homes, raising the difficult issue of their right to stay, despite the danger, versus the government's responsibility to protect their lives. In south Texas, a highly hurricane-prone area, there have been instances when, despite the warnings of impending disaster, many people did not believe the government warnings and refused to leave their homes. This example raises an important question of how to make government warnings more credible.

- While protection of the right to life and basic necessities must be met in the immediate aftermath of a disasters, other economic, social and cultural rights must be upheld as soon as possible, including education;
- Property;
- Housing;
- Livelihood and work;
- Documentation;
- Freedom of movement and right to return;
- Family unity; correct management of dead bodies and the tracing of missing persons (i.e. measures to help separated or unaccompanied children to re-establish linkages with their families and need to dispose of bodies in "respectful and culturally sensitive manner");
- Freedom of expression, assembly, association, religion;
- Electoral rights.

After the presentation, numerous issues were raised about the relevance of the IASC Operational Guidelines. Participants suggested conducting a system-wide mapping of the on-the-ground reality in relation to the guidelines. While mapping is carried out to an extent in some locations, efforts are largely piecemeal. Correspondingly, disasters occur within a "prevailing culture of power" in each location and thus it is critical to analyze the context to guide protection strategies for marginalized groups such as women, PWDs, etc.

Moreover, in Sri Lanka and other South Asian countries the core principles of the Sphere Project and the IASC Guidelines are often shunted aside as civilians are treated as non-civilians during conflict. There was a lively discussion of the question "What should humanitarians do when disaster-affected persons fall into a "protection trap" in which they are unable to exercise their rights?" Participants also pointed out that on occasion rights were ignored in the aftermath of the tsunami because of the competition among a plethora of humanitarian agencies and NGOs.

Participants discussed the challenge of bridging the gap between human rights and humanitarian actors who have varying perceptions of protection and rights. Humanitarian actors are traditionally concerned first and foremost with preserving life; promoting rights is perceived as a

secondary issue. Finalizing the accompanying Field Manual to the IASC Guidelines will be critical to bridging this gap in understanding.

Many participants emphasized the need for a good database to better understand the situation on the ground as well as the better use of existing data. Others discussed the need to link the data to concrete actions on the ground and asked how protection gaps could be filled when the state is either unwilling or unable to protect its people. Another topic of discussion was how to make governments and relief agencies comply with the IASC guidelines and how to hold them accountable. "There is no mechanism [for accountability]," one participant noted. In fact, there are times when it seems that there is "systemic violence" in the relief operations themselves.

With regard to India, comments were made about the flaws in the coastal disaster warning system and the exclusion of indigenous knowledge. In the case of the tsunami, some organizations conducted Participatory Rural Appraisals without the participation of local communities. One participant noted that large and powerful INGOs often marginalize state and local institutions.

It is vital to create awareness among the local people of their rights, including those included in the IASC Guidelines. Furthermore, participants asserted that global support for rights is vital and that third party protection specialists could play an instrumental role in enforcing protection. It was also suggested that a hazard or sector-oriented South Asian resource be created to outline what works, what does not, and what should be done to create an environment that respects the rule of law.

Session III: Common Protection Challenges in Natural Disasters in Asia: Approaches

> Key session issues:
> - Need to consult and include local communities in relief and recovery planning
> - Non-discrimination and monitoring

In this session, particular case studies provided insight into various methodologies employed to overcome protection challenges.

Lessons Learned from the Tsunami

Presentation by Mr. Mihir Bhatt, All India Disaster Mitigation Institute

Mr. Bhatt's presentation focused on rights-based humanitarian responses and lessons learned from tsunami evaluations in India, Sri Lanka and Indonesia. He cited three international declarations in which human rights and non-discrimination are enshrined:

- **IFRC Code of Conduct**, Principle 2: "aid is given regardless of the race, creed, or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone."

- **Sphere Project**: "Humanitarian agencies have the responsibility to provide assistance in a manner that is consistent with human rights, including the right to participation, non-discrimination and information."
- **Good Humanitarian Donorship Initiative (GHDI):** "Humanitarian action should be guided by… impartiality…without discrimination between or within affected populations."

Tsunami evaluations showed that these principles were easier to advocate than to implement. Due to discriminatory relief practices in distributing assistance, conflict and class-related issues surfaced in the Andaman and Nicobar Islands and other affected areas. In some cases, certain groups such as farmers were disproportionately compensated or excluded.

Mr. Bhatt also discussed "buffer zones," which can reduce exposure to hazards but may create problems with property rights and livelihoods of those that are forcibly removed. With respect to improving human rights protection in recovery programming, there has been a recent shift to holistic approaches that analyze the root causes of exclusion by conducting appropriate community-based needs assessments. Two useful materials for holistic approaches to rights protection were cited:
- Action Aid's "Learning about Rights";
- The Sphere Project's "Training Module 2."

In addition, the IASC field Manual emphasizes that authorities should: 1) provide non-discriminatory assistance; 2) inform and consult beneficiaries; and 3) monitor developments. However, despite a stated intent to respect and implement the principles of the human rights based approach, most NGOs and international organizations are unable to incorporate a human rights based approach in their responses.[6] A good first step would be to strengthen relationships between civil society and government to ensure protection of rights. Second, increasing human capacity and participation is critical. For example, in the aftermath of the tsunami, groups from the fishing communities organized themselves into informal groups and in doing so, strengthened their collective voice.

Another important point was to be cautious in what one advocates. A "right" is something that applies to everyone. During the tsunami aftermath, advocates spoke of a "right to credit" but if everyone exercised this right, the microcredit industry would collapse.[7] A second challenge is the division between external help and self-help. External assistance, if not carried out with consultation and local participation, may be at loggerheads with local leadership in recovery and development.

Notwithstanding the challenges, many practices for promoting rights are instructive. Mr. Bhatt explained the benefits of forming community recovery committees that are diverse in terms of ethnicity, background, and gender. For example, some committees have informed communities of important services in different and accessible languages, displayed lists of external assistance

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[6] Noted in: IASC Field Manual (2009), TEC LRRD Study (2006); NGO Impact Initiative Study on Human Rights (2006).
[7] ODI-UNDP (2005) ODI/UNDP Cash Learning Project Workshop in Aceh, Indonesia.

given to each household on the outside wall of public buildings and registered new structures such as houses in the name of both male and female heads of household.

Humanitarian and human rights actors would do well to make rights-based support operational and to conduct joint training to guarantee social equity and human rights in disasters. They should also adopt an assessment system that differentiates among needs that are life-threatening, are better met locally, or are prioritized by affected persons themselves. In addition, a joint resolution is needed to outline standards for the creation of grievance systems and the dissemination of information to affected communities regarding procedures for filing complaints. Correspondingly, rulings on rights abuses must be prompt.

During the discussion following Mr. Bhatt's presentation, it was noted that when informal labor coalitions and specific gender groups such as fisherwomen organized they were much more able to exercise their rights. Concerns voiced included whether disaster-affected persons always understand what is communicated to them and whether they are in a position to question top-down approaches implemented by donors. Overall, the general consensus of the participants was that needs assessments during the tsunami failed to sufficiently include a human rights dimension.

Housing, Land, and Property

Presentation by Mrs. Jesu Rethinam, SNEHA, India

Mrs. Rethinam focused on the linkages between housing, land, property, and livelihood rights in regard to the tsunami response in India, noting that the right to life includes all of these components. She observed multiple problems and rights violations in tsunami-affected communities. For example, local knowledge was ignored about the type of roof program participants preferred and rain added to the vulnerability of people as many temporary shelters were built without weatherproof roofing, allowing water to leak through the ceiling.

An agreement stipulated that the state should provide land and NGOs should build shelter, but NGOs were not consulted and cooperation between NGOs and the state was noticeably absent. Many houses were built on converted agriculture fields and wetlands that are underwater during the rainy season. Inappropriate relocation increased vulnerability. The size of temporary shelters was left up to international NGOs, who responded in terms of the availability of funds, rather than humanitarian standards.

In general, shelter construction did not consider women's livelihoods and relocations were not women or child-friendly. For example, many women were crowded into temporary shelters lacking separate areas for women and children and spaces for studying. Schools were located far away from temporary shelters, making it difficult for children to continue their education.

Relocation spaces also lacked proper sanitation and rainwater collection facilities. The fishery sector was not included in planning reconstruction and fisher folk were relocated away from the coast and forced to travel long distances both to fishing grounds and to the markets where they sold their catch. Many fisherwomen are still unable to obtain benefits and are excluded from aid

programs. However, as Mr. Bhatt noted, the other fishing community, which was well organized, was able to obtain more benefits from the recovery program.

Evacuation and Relocation Guidelines

Presentation by Mr. Saffah Faroog, Bluepeace, Maldives

Mr. Faroog described problems and lessons learned from the evacuation process in three locations in the Maldives: Laamu Atoll Gan, Alifu Dhaalu Maamigili, and Raa Atoll. In one incident, a row broke out over a sewage system due to improper planning. He also noted frequent abuse of women and girls in camps and continuous tensions between host and migrant or IDP communities. Incidents such as teenagers attacking children and sporadic fights were reported in multiple relocation areas. People lived in constant fear of repeated attacks and violence.

Multiple causes for the violence were identified
- Lack of consultation with IDPs and host communities vis-à-vis relocation
- Perceived discrepancies in assistance given to the migrant communities in comparison with programs provided to the host communities, leading them to feel excluded
- Proximity of temporary shelter camps (with people living in tents) in the same areas as host communities living in houses
- Opposition to relocation because they were already living near good fishing grounds despite the congestion
- Duration of stay in temporary shelters, sometimes up to five years after the tsunami, before the Red Cross moved them to permanent housing.

Key lessons can be drawn from these experiences:

- When relocating IDPs to a host community, tension between the IDPs and host community is likely to occur.
- Relief agencies should carefully and continuously monitor the communities for signs of conflict and implement strategies for conflict resolution and arbitration.
- Proper consultation with both host communities and IDPs is needed to ensure a safe environment.
- The provision of psychosocial counseling is crucial to easing anxiety and tension.

Following Mr. Faroog's presentation, participants asked if host communities were prepared for the arrival of people being relocated. While some communities were more prepared than others, humanitarian and government agencies should plan ways to better prepare host communities before the arrival of IDPs and work with both communities to create a safer environment for relocation. It was also noted that in some cases affected persons remained in camps for four years. Thus, strategies must be developed to accelerate permanent relocation to more suitable living conditions.

Gender-based violence, sexual exploitation and reproductive health

Presentation by Asoke Gladstone Xavier, Loyola College, Chennai

Professor Gladstone spoke on the abuse of women's rights in disaster situations in India, highlighting several key challenges that women face.

During and after disaster, women suffer physical abuse and violence both in and outside the household. In trying to access relief items such as food or cookware, women can be pushed and abused. If women fight back verbally or physically, they are often called prostitutes or are otherwise verbally abused or derided.

Mr. Gladstone labeled a second type of violence "social violence." Women are often blamed for intra- or inter-household problems. These problems crop up almost invariably in camps for displaced persons post-disaster.

Another type of violence is "emotional violence" or the deprivation of love, sympathy and care. This has profound consequences on a woman's psyche. In general, there is a consistently gross insensitivity to women's suffering and trauma. In one heart-wrenching anecdote, a woman saw her dead children, yet no trauma care or psychosocial support was provided as agencies were busy providing traditional humanitarian relief.

"Financial violence," or the unequal provision of relief to the benefit of men, creates further problems for women. Moreover, in the rare case that women receive the financial assistance, men often beat the women and take the money from them.

In addition, "intellectual violence" refers to the exclusion of women from participation or consultation in relief and recovery processes. For four days after the tsunami, many women were kept in halls in terrible conditions. And relief agencies forgot what women needed most: undergarments and sanitary pads. This problem could have been averted had women been consulted and included in the relief planning.

In conclusion, Professor Gladstone stated that in India, women are embedded in the family, and there is little individual attention to gender issues. The inability or unwillingness to shed the gender-neutral lens is detrimental to the entire community's survival. This insensitivity to gender needs and dignity was prevalent in the super cyclone in Orissa, the Gujarat earthquake and the Kashmir earthquake. Accordingly, the onus is on all humanitarian responders and human rights activists to reflect deeply on the issue of dignity and ensure gender sensitive planning.

Session IV: Protection planning and monitoring in natural disasters

Key session issues:
- Rebuilding social capital in disaster recovery
- Databank and analysis of vulnerable groups
- Monitoring needs and good field practices for monitoring and protecting vulnerable groups

Disaster Risk Reduction and persons at special risk: Community-based approaches to protection

Presentation by U Aung Tun Khaing, Ministry of Social Welfare, National Committee for Child Rights, Myanmar

Minister Khaing gave a comprehensive presentation on the impacts of Cyclone Nargis which struck Myanmar on May 2-3, 2008 and the multi-stakeholder response to the disaster.

The government response to Nargis began with an emergency meeting held by the Prime Minister on May 3, and the subsequent opening of an emergency office in Yangon. There was an immediate joint effort carried out by the armed forces, police force, fire brigade, and the Myanmar Red Cross Society. Moreover, 69 local construction companies engaged in reconstruction tasks. During the Myanmar cyclone response, sound coordination and cooperation among government, ASEAN, UN agencies, and INGOs was critical. The UN led the international response and 11 technical clusters. A Tripartite Core Group was formed on May 31, 2008, which developed the Post Nargis Joint Assessment & Post Nargis Recovery and Preparedness Plan. Immediate work was undertaken to facilitate rehabilitation of livelihoods in agriculture, pisculture, and salt production.

Myanmar runs multiple national DRR Programs that conduct ToTs on DRR. The Ministry of Social Welfare, Relief, and Resettlement (MSWRR) is conducting ToTs at the national, division, township, and village levels. The MSWRR works with INGOs, governments, the UN, and other organizations from the international community to coordinate with the 11 technical clusters implementing humanitarian response.

The MSWRR also collaborates with INGOs and local NGOs to conduct community-based assessment surveys and disaster risk management emphasizing vulnerable groups–children, women, older persons and PWDs. The MSWRR has established temporary training schools for orphans and separated children in townships and districts and has focused on child protection activities–health, education, livelihood

> "We have lost our lives, our property, our livelihood, and, women especially will say, we have also lost our dignity."

support and community-based child protection support groups. Women are provided with livelihood support, microcredit, and vocational training. An active PWDs program identifies PWDs and provides shelter reconstruction and livelihood support for small businesses, animal husbandry, manufacture and repair of fishing boats, fishing net weaving, home-based industry,

medical treatment, and open disability resource centers. The MSWRR provides health care and home care for older persons and encourages them to form self-help groups and microfinance projects.

Monitoring protection issues during disaster response and recovery: Analysis and Response

Presentation by Col. Sandeep Shaligram, Kota, India

As was noted throughout the conference, monitoring is important because human action, or inaction, plays a large role in determining the consequences of a disaster. Monitoring is also important to ensure better response and recovery and to avoid creating sources of future conflicts.

Col. Shaligram outlined the specific civil and political, economic, and social and cultural rights to be monitored in response and recovery phases. He highlighted problem areas in monitoring protection: no legal framework, the low priority given to protection (especially during the response phase), poor database development and a lack of interagency coordination. For effective protection monitoring, a database is needed for vulnerable groups (i.e. children, women, older persons, PWDs, indigenous, HIV/AIDS) in hazard-prone areas. Because access to information is often limited, Col. Shaligram advocated for a multi-sector participatory approach with systems for sound collection and dissemination of information. He explained the way monitoring can be carried out at the community level using methods such as rapid sample surveys, focus groups, and informal inquiries. Col. Shaligram emphasized the need to rebuild social capital during recovery–a key theme that reverberated throughout the workshop.

After the presentation, participants discussed the social audit and the coverage of the Right to Information Act. One participant asked whether the military was working with humanitarian agencies and if training programs were in place to sensitize the military to local contexts. Col. Shaligram responded that the military does often conduct special training in disaster issues.

Session V: Example of an Integrated Protection Response

Key session issues:
- Role of clusters in protection and monitoring
- Bridging gap between humanitarian and human rights approach

Implementation of the IASC Operational Guidelines on Human Rights and Natural Disasters: The Nepal Experience and the Role of the Protection Cluster

Presentation by Ms. Annette Lyth, UNICEF Nepal

Ms. Lyth spelled out the findings on the shortcomings of the international humanitarian system from the 2005 Humanitarian Response Review:
- Erratic coordination that is dependent on personalities

- "Inconsistent linkages" between UN and non-UN actors
- Insufficient accountability (particularly for IDPs)
- Inconsistent donor policies

The IASC seeks to fix these deficiencies. The IASC is composed of NGO consortia, Red Cross and Crescent Movement, IOM, the World Bank, UN agencies, and other standing invitees. There are four pillars of reform:
- Cluster approach: adequate capacity and predictable leadership in all sectors.
- Humanitarian coordinators: effective leadership and coordination in humanitarian emergencies
- Humanitarian financing: adequate, timely, and flexible financing
- Partnership: strong partnerships between UN and non-UN actors

The responsibilities of the global cluster leads (based in Geneva) are to share information (e.g. early warning), set standards and policy, build response capacity, and provide operational support. The protection cluster in Nepal started in February 2008. The following is an example of a three-month work plan:
- Conduct regular meetings
- Map mandates and resources of protection organizations
- Develop a contingency plan
- Develop assessment tools
- Review and develop checklists for other clusters

Ms. Lyth discussed the Koshi river flood that occurred in September 2008 and actions taken by the Protection Cluster such as protection assessments, identifying and responding to various protection concerns and other responses (e.g. family tracing, psychosocial counseling, inter-cluster advocacy, watch committees, etc.). She noted a number of gaps in relief and protection. For example, no counterpart for the cluster existed on the government side; activities did not reach all camps equally and did not reach populations living outside camps; protection action often focused only on women and children and not other vulnerable groups; there was no comprehensive response to sexual and gender based violence and there was a lack of intra-cluster coordination.[8]

In order to address identified protection gaps, Ms. Lyth recommended inviting more partners to cluster meetings, updating contingency plans based on lessons learned, developing generic protection training, training Women's Development Organizations (WDOs) on protection and cluster management, and developing a referral mechanism module and protection checklists for other clusters.

One participant asked about discrimination in the Nepal disaster response. It was noted that some organizations provided different kitchens to different castes in Bihar floods response. It was also

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[8] The Cluster Approach consists of 11 Clusters: Logistics, Agriculture, Early Recovery, Protection, Education, Health, Water, Sanitation and Hygiene, Emergency Shelter, Nutrition, Camp Management and Emergency Telecommunications. Cross-cutting issues include HIV/AIDS, Gender, Older Persons, Persons with Disabilities. For further information, see: www.humanitarianreform.org.

asked why counseling is not provided to men. During Nepal floods response, most counseling was provided to women and children, which created problems among men.

Session VI: The Human Element in Disaster Response

> Key session issues:
> - Local people know their conditions and resources best
> - Doctors and technical specialists can also play an important role in disaster management
> - Using a human rights based approach to protect the needs of marginalized groups
> - Providing equal access and addressing specific needs of PWDs

Mr. Mihir Bhatt provided opening comments framed around the question: If RSG Walter Kälin asked about the direction the workshop was taking. The following suggestions were put forth:
- Need for active and effective monitoring of protection experience (good example from Nepal on Day 1);
- Need for a Human Rights audit by sector (livelihood, health, etc.) or organization (UN, INGOs, national NGOs);
- Need for a system-level analysis of challenges within and outside the clusters and action to ensure that protection is mainstreamed in the various clusters;
- Need for examination of the relationship between funding and protection:
  - Who could help determine what funding is available?
  - How can organizations be made aware of funding opportunities and how to apply for funding?
- Need to consider asking what conditions exist for available funding. For example, how long does it take to get proposals funded? How flexible are the funds in terms of use - must they be used for specific projects or is there the possibility of flexibility in meeting needs as they arise?

This session examined the actors required in disaster response as well as the vulnerabilities that a rights-based approach to protection during disaster response must address.

People: Key resources for managing disasters

Presentation by Ms. N. Srimati, Consultant, India

Ms. Srimati emphasized that local people know their geography and conditions best. But, in addition to local knowledge, communities need doctors and technical experts for temporary shelter construction and shifting people.

She then discussed the four phases of post-disaster management: rescue, relief, rehabilitation, reconstruction and the need to differentiate among low, medium and high-risk locations.

There are variable competencies and qualities expected of particular workers and program participants on the ground. In general, humanitarian actors should be empathetic, efficient and non-discriminatory.

Ms. Srimati recommended a trained cadre of emergency specialists in each country and perhaps for the entire region.

Responding to the protection needs of the most marginalized

Presentation by Amar Jyoti Nayak, Action Aid, India

Action Aid advocates and utilizes a human rights based approach, which seeks to encourage the poor to see their own fear and exclusion in terms of human rights abuses instead of in terms of their own failings. Women's rights are central to a human rights based approach. Subscribing to

> "People are important–money is not everything."

and supporting the United Nations' Universal Declaration of Human Rights and subsequent covenants, conventions and treaties, the human rights based approach has three key pillars: participation, transparency, and social audit. These pillars entail information sharing, consulting the affected population to ensure informed choices and consent, challenging discrimination or legal entitlements as well as institutionalizing the monitoring, evaluation and social audit of all disaster response work.

The following elements are needed in order to rebuild trust with affected communities:
- Psychosocial care
- Building a cadre of community care volunteers
- Strengthening the referral system at primary health care level
- Community-based rehabilitation

The protection of the rights of persons with disabilities in natural disasters

Presentation by Prasanna Kumar Pincha, Senior Consultant, Development, Disability and Human Rights, India

Mr. Pincha painted a picture of the numbers of PWDs worldwide and India. WHO claims that 10% of the global population has a disability. The accuracy of this figure is widely challenged depending on variable definitions and classifications of disability. Twenty percent of the world's poorest of the poor are PWDs. In India, census figures put the disabled population at 2.13% amounting to 22 million people. Disability activists dispute the census figures for a number of good reasons and conservative estimates put the figure closer to 70 million.

It is important to understand disability in proper perspective. According to Mr. Pincha, a disability such as a visual impairment does not make one disabled per se. It is the lack of access that creates an unequal playing field. And it is the intersection of multiple barriers—attitudinal, environmental, institutional, and informational—that creates unequal access. Frequently, this inequality is exacerbated for PWDs who belong to other marginalized groups, including women, Dalits and older persons.

Disaster creates extreme deprivation of rights due to "multiple marginalization and enhanced vulnerability." Enhanced vulnerability results from various causes, including: a lack of data on affected people, inaccessible warning systems, higher chances of mortality, and greater chances of secondary complications. Other challenges include no access to information and communication, loss of assistive devices, inaccessible relief camps, discontinuity of medication, breakdown of support systems, and no access to relief materials.

Humanitarian actors should ensure the following during each stage of disaster:
- **Pre-disaster:** Access to warning systems and DRR education; Adequate preparedness and measures for rescue
- **Relief and rescue:**
  - Adequate measures and protection for rescue operations;
  - Access to relief camps and relief materials;
  - Immediate measures for assistive devices and medication**;**
  - Adequate and appropriate treatment**;**
  - Active participation in the consultations.

> "It would be a recipe for disaster to equate disability with inability."

- **Post relief:**
  - Psycho-social support;
  - Access to compensation**;**
  - Livelihoods developed in coordination with the interests of affected persons**;**
  - Accessible temporary shelters;
  - Access to statutory documents and lost certificates.
- **Reconstruction:**
  - Housing on a priority basis**;**
  - Accessible housing and environment**;**
  - Appropriate livelihoods**;**
  - Effective rehabilitation services**;**
  - Inclusive actions and process.

Mr. Pincha mentioned the following strategies to promote rights of PWDs:
- Inclusive training programs and manuals with specific focus on needs of disabled people;
- Specific mandate to implementing agencies for PWDs;
- Inclusive policies, laws, and DRR education;
- Alternative disaster related legal regime;
- Harmonization of the disaster related laws and policies with Article 10 of UNCRPD, which deals with situations of risks and humanitarian emergencies in relation to PWDs.

Mr. Pincha left the participants with the following salient points to ponder:
- What can we do to better address the rights of PWDs?
- How can we ensure inclusion and make it effective and meaningful?
- How can we ensure that inclusion is feasible and viable?

According to Mr. Pincha, there has been tremendous progress. For example, Action Aid India is now engaged in conversation with NDMA and providing its inputs. Further, during India tsunami relief, it was heartening to see the inclusion of PWDs at all stages of relief and rehabilitation.

Protecting the Reproductive Health and Rights of Women and Girls in Crisis Situations

Presentation by Feryal Ali Gauhar, Research Fellow, Pakistan

"People have the capability to reproduce and the freedom to decide if, when, and how often to do so," Ms. Feryal emphasized. She discussed issues relating to women's rights in the context of the 2005 Kashmir Earthquake. In the earthquake response, contraception was not made available. In Pakistan, this is a controversial issue, because of limitations in teaching its proper use and a patriarchal society that permits husbands to deny women the use of birth control.

In order to design proper response and planning, one needs to understand the social nature of disaster and differentiate between emergencies (more frequent, less severe) and disaster (more disruptive social consequences). In emergency and disaster situations, effective structural mitigation and social mitigation measures (e.g. zoning regulations, laws, and education on how to heed the local warning system) measures can greatly reduce the vulnerabilities of women.

The on-the-ground realities at the time of the Kashmir Earthquake included the following:
- Approximately 10,000 pregnant women needed nutrition, medicines and antenatal care to deliver safely
- Approximately 5,000 women gave birth every month
- Approximately 1,800 women experienced child birth complications

In the aftermath of the earthquake, existing gender barriers were exacerbated as women were further restricted in their expression and mobility and became increasingly dependent on men and on older women for support. Additional post-disaster anxiety for women included increasing tension and conflict within and between households. Because women and girls are extremely vulnerable and have little decision-making power, they should be included in coping strategies and provided with women-friendly spaces (as UNFPA advocated) through which women can discuss their rights and augment their collective voice. "These dedicated spaces allowed women to congregate, share their concerns and opinions, have access to literacy, legal aid, psycho-social counseling and development of skills." The following suggestions emerged from these women-friendly spaces:
- Promote female service providers
- Involve women in management of camps
- Distribute personal hygiene items to women, or women can distribute the items
- Mobilize older women with birthing knowledge
- Create space for children
- Make sewing machines available
- Create vocational center that women can run themselves
- Distribute material from tent to tent

Feryal suggested that disasters be viewed as "social upheaval" where women and children are the most vulnerable. With this point in mind, it is vital to provide reproductive health care and empower women to use the facilities on their own. Participants discussed women's rights in the context of prevailing religious traditions. One participant asked what fundamental conditions are needed to provide protection in South Asia. Because discrimination may be unintentional, concerns must be addressed at the outset. It is also important to identify and eliminate barriers and introduce positive measures for inclusive legislation. Protecting marginalized groups is a complex political issue. Still, agencies should side with the most excluded and marginalized.

Session VII: Methodologies to Increase community participation in risk reduction

Key session issues:
- CBDRM approach
- Tailoring programs to varying local conditions and explaining concepts in an easily understandable manner

Community Participation in Disaster Risk Reduction

Presentation by Dr. Phone Win, Mingalar Myanmar, Myanmar

Dr. Win presented on the work of Mingalar Myanmar (MM), a private, local, non-profit organization that seeks to strengthen civil society and to promote sustainable development. It operates, among other programs, a DRR program that emphasizes community-based disaster risk management (CBDRM). After Cyclone Nargis, MM engaged in a massive relief operation and is currently working on rebuilding livelihoods.

Dr. Win summarized the requisite tools to encourage community participation in risk reduction activities such as conducting ToT courses, and supporting community-based mangrove nurseries. The CBDRM approach after Cyclone Nargis involves trainings that encourage full and equal participation of all participants as well as active and shared learning. Participants conducted a joint "strengths, weaknesses, opportunities, and threats" analysis by asking the trainees for questions and feedback. They created a DRR plan matching the local context and encouraging participatory assessment mapping of capacity, vulnerability, and hazards.

CBDRM also includes team field exercises wherein local participants identify and assign roles and responsibilities. Dr. Win provided insight into how to implement CBDRM action plans, and the importance of forming village committees on disaster preparedness and mitigation (e.g. mangrove committees, livelihood committees, shelter committees).

After the presentation, Dr. Win was asked how MM resolves problems with marginalized groups (such as women and poor people) and if MM has to reorganize its programs to deal with these problems. In response, Dr. Win explained that MM frequently has to adjust and accommodate to meet the needs of different groups such as the elderly and to tailor ToT programs to different

conditions in different villages. Invitations to participate in ToT programs are extended to the poor, marginalized, women, older persons, persons with disabilities, etc.

One key goal for MM is to build trust and confidence within communities. MM does this by conducting trainings in both cities and other areas. It tries to understand the local situation before the start of awareness campaigns. MM also employs a user-friendly program, for example using cartoons that children and others in the community can easily understand.

Session VIII: Family Unity and Psychosocial Support

Key session issues:
- Importance of *tracing*, restoring family links, psychosocial support, respecting dead bodies
- Myths about dead bodies and epidemics

Family links, psychosocial support and respect for dead bodies: The role of the ICRC

Presentation by Ms. Tahniyat Sidiqi, ICRC, India

Ms. Sidiqi discussed the process of restoring family links, the appropriate management of dead bodies and psychosocial support in disasters. In restoring family links, tracing family members and restoring family links are crucial steps because they help to reduce the stress caused by separation from family members. The heavy impact of the disappearance of family members on an individual's physical and mental health and employment is often ignored by aid agencies.

Ms. Sidiqi cited Article 17a of the India National Charter for Children, 2003, which asserts that the state shall give priority to tracing and re-unifying the child with his parents. Tracing is carried out by exchanging family news and communicating with family members via public media, Red Cross messages (limited to family members), telephone (ICRC often provides satellite phones), and the internet. Notwithstanding the efforts to reunite families, sometimes the child does not want to return to her family or the parents do not want the child back. This obviously creates psycho-social issues that must be addressed.

The management of dead bodies in natural disaster is a critical but often neglected aspect of rights protection. In the 2004 tsunami, the overall death toll was approximately 280,000. In India, less than ten percent of bodies were properly identified. There were mass cremations and burials with unidentified bodies stacked on top of each other. Unidentified dead bodies create multiple legal (e.g. an inability to issue death certificates in some cases), psychological, religious, and cultural consequences.

In order to mitigate these consequences, the ICRC advocates that funerals and treatment of dead bodies should preserve the respect and dignity of the deceased and living family members. For

example, human remains should be recovered for future identification, but religious and cultural practices should be considered and respected.

Ms. Sidiqi also debunked the myth that dead human or animal bodies cause epidemics. There are some risks of injury and tetanus to body recovery teams who work in hazardous environments, and there is a small risk (through contact with blood or feces) of contracting hepatitis B and C, tuberculosis, HIV, and diarrheal disease. Thus, recovery teams must take necessary safety precautions of wearing gloves, boots, and using good hygienic practices. But it is very rare that the presence of dead bodies causes a health risk to the general public.

For obvious reasons, the sooner dead bodies can be identified, the better. Visual identification or photos of bodies and associated clothing, jewelry etc. as well as forensic procedures such as matching with fingerprints, dental records, and DNA studies should be carried out swiftly.

In order to improve dead body management (DBM), the ICRC is:
- Taking part of the NDMA Steering Committee on drafting guidelines on DBM.
- Acting as a neutral intermediary in the exchange of dead bodies.
- Sensitizing first responders about the subject through seminars (e.g. NDMA, National Disaster Response Force, International Red Crescent Society, Indian Red Cross Societies).
- Organizing training for security forces.

Ms. Sidiqi then defined unaccompanied minors and highlighted the multiple causes of separation. Among non-governmental efforts, *Childline* is the most involved in addressing this issue but lacks structured procedures.

Psychosocial support can be divided into three branches: psychosocial first aid, strengthening coping skills (at both individual/community levels), and self care for volunteers. The psychological effects of disaster are divided into four phases:
- PHASE I: Mild stress within few weeks (30-40% of the affected population);
- PHASE II: Moderate psychological stress remains for 1 to 2 months, 30-50%;
- PHASE III: Severe psychological stress like PTSD and depression, 5-10% ;
- PHASE IV: Severe mental disorders like psychosis, 1-2%.

Following the presentation, participants debated the use of the terms "dead body" vs. "human remains." One participant asked how to organize counseling on such a large scale and how to identify and select volunteers to train as psycho-social supporters. It was noted that sometimes volunteers do more harm than good after training. Debriefing, or bringing local communities together to talk about trauma, as well as training local psychosocial supporters are critical. In the initial stages of support, only debriefing is carried out. One participant highlighted the effective work of one organization in Kashmir where religious groups were a catchment for disaffected youth in certain areas "implanted with fundamentalist ideologies."

Session IX: Case studies: Protection in Practice

The case studies showcase effective programs and strategies for empowering women and other marginalized groups.

> Key session issues:
> - Microfinance, savings schemes and vocational training to empower women

Case Study 1: Microenterprise

Presentation by Mumtazben Baloch, Self-Employed Women's Association (SEWA), India

Ms. Baloch shed light on SEWA's rehabilitation strategy for livelihood generation for women and on the risks and vulnerabilities facing informal sector workers. SEWA promotes women's rights using an integrated life-cycle approach in seven Indian states involving labor unions and co-ops. It provides relief and livelihood security interventions such as banking and insurance to rebuild local livelihoods.

SEWA operates two new programs:
- *Sajeevika*: emphasizes building capacity and joint sustainable livelihood.
- *Work Security Fund*: encourages its members to sever dependence on outside funds for recovery from calamity and to create their own funds instead. This fund is drawn from the monthly contribution of a day's wage of the members themselves.

Case Study:
Selvi Natarajan, a fish vendor in Kasimedu, Chennai used to earn Rs. 75/- a day through selling fish at the harbor market and residential areas. This supplemented the Rs. 150/- her husband, Natarajan who was working in Kasimedu harbor as a daily wage earner, used to bring home. This modest income supported the couple and their two children. The tsunami changed all this, but government assistance came in time. Apart from essential commodities being provided free of cost through the public distribution system, the couple also received monetary assistance of Rs. 1000/- which Selvi used to set up a small snack shop in front of her house. She started earning around Rs. 40/- a day. Selvi supported the family for 10 months in this manner.

Selvi and Natarajan could reap the benefits of being organized. They were paid members of CITU which, under the ILO initiative, trained her, along with 50 other women, in the production of simple chemicals. Selvi learned to manufacture washing powder, concentrated phenyl, ready-to-use phenyl and floor and toilet cleaners. She received a daily stipend of Rd. 50/- during the training. Selvi also became a member of a self-help group that started the production and sale of cleaning products. She continued to run her snack shop in the evening, earning Rs.30/- to Rs.50/- a day. In September 2005, Natarajan resumed work on the fishing launches.

SEWA has also established Community Learning Centers (CLCs) that promote disaster mitigation, common production and training. Innovations in areas such as Information Communication Technology enable women to use technology in their work. SEWA also

provides tools and an equipment library, operates a rural distribution network, and promotes agriculture insurance to make weather insurance accessible to all rural poor, including landless laborers.

Case Study 2: Early Recovery

Presentations by Mr. Qazi Khaze Alam, PROSHIKA, Bangladesh and by Ms. Malathy Chippi Babu, CITU, India

Mr. Alam discussed water treatment, income generation, livestock, and health interventions in Bangladesh. PROSHIKA is one of the largest NGOs in Bangladesh and covers over 25,000 villages and urban slums. PROSHIKA operates compensation schemes and a life and property risk coverage policy for group members that are unique in Bangladesh, as well as a program for people with disabilities. The organization manages a disaster management and preparedness program in response to floods, cyclones, fires, tornadoes and river erosion in Bangladesh.

After Cyclone Sidr in 2007, PROSHIKA engaged in early recovery activities such as providing appropriate food and baby food, establishing water supply and sanitation programs, establishing medical camps for immediate treatment, creating temporary safe shelters, conducting search and rescue work, providing interest-free housing loans and establishing livestock camps.

Following Mr. Alam's presentation, Ms. Babu discussed the work of women's trade unions in India. Trade unions, which need support from government and NGOs, can play a significant role in disaster management. Recent trade union efforts in tsunami relief and rehabilitation illustrate their importance. After the tsunami ravaged Tamil Nadu, CITU worked to restore existing livelihoods and promote alternative livelihoods through skill development units, vocational training, capacity building, provision of minimum wage, and social security. The union established a tailoring unit in which 50 women members were trained in a six-month internship course. In Chennai, a unit was established in which 50 women were trained for three months in preparation of simple chemicals (soap and phenols, etc.) The unit now benefits 40 families. Fifty additional women were trained in footwear production, and all trained women obtained government certificates.

Other women benefited through cash subsidy programs for small-scale enterprises. For example, one woman set up a snack shop with a cash subsidy. Other women organized production outfits to manufacture broom and bamboo sticks, established grocery stores, engaged in gem cutting or sold vegetables and fish.

Ms. Babu concluded with suggestion for rehabilitation during post-disaster management. Income-generating projects initiated by unions include:

1. Goat rearing	7. Tailoring	13. Fancy stores
2. Buffalo dairy	8. Gem cutting	14. Cloth Stores
3. Weaving	9. Broomstick manufacturing	15. Vegetable selling
4. Charcoal	10. Bamboo basket manufacturing	16. Fish selling
5. Pottery	11. Potato chip manufacturing	
6. Dye	12. Grocery stores	

Case Study 3: Empowerment of a marginalized group

Presentation by Jagdeesh Pandian, Kalvi Kendra, India

Mr. Pandian delivered a presentation on Kalvi Kendra's (KK) DRR Program, which covers ten flood-prone villages in Tamil Nadu. The program includes activities such as a workshop on micro-planning for community-based DRR and training for rescue team members, managing a DRR school with a swimming pool and identified trainers, building infrastructure (i.e. lifting hand pumps, providing training kits, construction of rescue centers and disaster free permanent shelters), and agriculture development (i.e. build up earthen barriers to slow water runoff, procure seedlings, supply heifers, crop insurance and awareness raising).

KK facilitates discussions with farmer groups, provides training on nursery development and conducts veterinary camps. KK also established a public announcement system; ran an introductory workshop on DRR and record-keeping training for community members; provided DRR education to school children; conducted volunteer training and community ToTs; created a newsletter on DRR and developed a cultural program involving puppet show demonstration.

KK is also active in promoting good governance through leadership, lobbying, and the provision of advocacy training to Panchayati Raj Institutions and community members as well as planning community-based development programs. In addition, it designs and advocates strategies to empower marginalized persons through identifying and building rapport with target groups, forming people's organizations, generating awareness, building capacity, and providing skill training incorporating sustainability.

Participants asked if there is an advocacy program for policy changes (e.g. clearing drain channels to reduce the effect of a flood). One participant asked: Is there is an essential difference between non-membership based on an outside agency responding vis-à-vis a local agency, with a larger membership base and more experience? Participants articulated objectives of engendering awareness and working class consciousness, as well as promoting worker's rights. One participant asserted that local organizations are more familiar with needs and more effective in the long-term (while outside agencies may be more effective in the short term). Another participant conceptualized disaster as a continuous state of living in deprivation, and advocated for further investigation into the barriers between powerless and powerful.

Session X: The Way Ahead

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Key session issues:
- Congestion of humanitarian actors in disaster response
- Need for better inter-agency coordination and cooperation
- Define roles and responsibilities more clearly

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The purpose of the session was to discuss on the ground protection realities in India, Nepal, and Sri Lanka and to share good practices for protecting marginalized groups.

Protecting vulnerable communities against natural disasters

Presentation by Krishna Vatsa, UNDP India

Mr. Vatsa first discussed the effect of natural disasters on the poor, including reduction in food consumption, health expenditures and school enrollment; forced migration; and the accentuation and deepening of poverty. The poor become more risk averse and are unwilling or unable to engage in risky but higher-return activities. Poverty is always the key factor in disasters and understanding the impacts of disaster on economic opportunities is useful to shape effective coping strategies.

Mr. Vatsa presented household level surveys of flood losses in Nepal and IDPs' coping strategies. Serious issues included protection for girls, theft, the fear that women and children would be trafficked across the border and communal confrontation arising between Muslims and Hindus. He then described post-disaster recovery in Bihar, India and Nepal. All three recovery efforts were impeded by the lack of institutional frameworks and resource mobilization.

Correspondingly, he spelled out the following prerequisites for protecting rights: good public policy, civil society mobilization, and international support. Moreover, social risk management (both ex ante and ex post) strategies and its instruments–cash transfer, public works programs, social funds, microfinance, food transfer, service fee/tax waivers–are needed for effective post-disaster recovery. In Turkey, PWDs were assisted through the Turkey Emergency Earthquake Recovery Loan (EERL), which financed cash transfers to PWDs affected by the earthquake.

Mr. Vatsa made the following conclusions/recommendations:
- Examine policy issues from different perspectives
- Keep a people-centered focus
- Mobilize resources (government, international agencies, NGOs, etc.)
- Develop a consensus on non-negotiables
- Institute an open and accessible institutional framework
- Develop audit mechanisms

Cooperation: Governments, Civil Society and the UN

Presentation by Jeevan Thiagarajah, Consortium of Humanitarian Agencies, Sri Lanka

Mr. Thiagarajah presented a paper focusing on the cooperation among governments, civil society, and the UN in the context of tsunami humanitarian response and relief. Shortly after the tsunami hit Sri Lanka, a plethora of agencies swarmed to provide relief. The size of the affected area and the unprecedented number of agencies made coordination extremely difficult. Moreover, the natural environment was adversely affected during relief work.

The UN-led relief coordination and the Consortium of Humanitarian Agencies established a framework to bring NGOs together. However, agencies faced the challenge of providing different forms of protection to conflict- and tsunami- affected IDPs. For example, rigid policies restricted the movement of conflict-affected IDPs in camps.

The Tsunami Evaluation Coalition's report produced useful findings. It found that coordination was expensive and ineffective among the multiple agencies; unprecedented funding did not encourage coordination or assessments; new agencies entered the field in specialization areas in which they had little experience; and the need for quick and publicity-generating results stoked competition for highly visible projects and beneficiaries with less emphasis on quality work and good coordination.

Mr. Thiagarajah put forth the following recommendations to improve humanitarian response in future disasters:
- Create greater linkages between government, environmental authorities, local and international organizations to address the impact on civilians;
- Mainstream the IASC Operational Guidelines to ensure IDP protection;
- Create regulatory systems to assess the work of humanitarian actors;
- Be self-critical of the humanitarian communities' shortcomings to ensure greater accountability and collaboration as a community in pursuit of the same goal;[9]
- Bring human rights dimensions in line with humanitarian response.

Advocacy for protection of victims and marginalized groups

Presentation by Dinesh Singh, Action Aid, Nepal

Mr. Singh provided an overview of Action Aid's DRR program in Nepal where the poor are often the most vulnerable to disasters. The humanitarian imperative and humanitarian principle of preventing and alleviating suffering, protecting life and health, and respecting human dignity are critical to Action Aid's work.

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[9] Presentation "Cooperation: Governments, Civil Society and the UN", presented by Mr. Jeevan Thiagarajah, Executive Director, Consortium of Humanitarian Agencies, Sri Lanka.

Mr. Singh articulated the reasons for protection and the roles of different stakeholders–state, market, civil society, and community−noting that roles within government agencies are not clearly defined. Action Aid Nepal is currently engaged in various interventions including organizing an awareness campaign, capacity building, advocacy, and networking. In its response to the 2008 Koshi flood, Action Aid encountered multiple government failures, lack of coordination, and limited access to information. Action Aid advocates a rights-based approach to disaster management and promotes a safety net campaign and people-centered advocacy.

> "Everyone, as a member of society has a right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resource of each state…"
>
> *-Article 22, UN Universal Declaration of Human Rights*

After the presentation, one participant asked how to increase interactions between governments and the IASC Guidelines. Moreover, if a government behaves irresponsibly, how does civil society step in to enforce rights? It was noted that the Operational Guidelines were designed primarily for humanitarian responders. More thought could be given to how to develop tools to present the Operational Guidelines to governments.

Session XI: Final Comments

The key themes emerging from the workshop were summarized as follows:
- The importance of the affected community and program participants and the need to consult with the communities throughout each stage of disaster planning and response
- An important "lesson learned": Those communities that organize themselves are more likely to obtain the specific relief and assistance they need
- How can participants engage people through participatory relief, psycho-social support, and coping mechanisms?
- A need for local analysis and regeneration of social capital
- A clear wish for a "South Asian voice" in rights protection
- The many creative and innovative ways local and national organizations are responding to disasters could be documented and shared with others
- A critical view of the way international relief organizations used power and influence in what was perceived by national NGOs and others as excessive and overwhelming for local relief efforts and initiatives
- A gap between guidelines and on the ground reality exists and must be addressed
- A need to formulate ways to protect people's rights and to plan ways to prevent discrimination *before* a disaster strikes
- The importance of monitoring continues to be neglected and monitoring methods are often not well-planned or useful
- Consider the environmental effects of relief

Importantly, the workshop participants recommended that because affected communities were not involved in drafting the current IASC Guidelines, communities should be consulted and the Guidelines should be tested with the communities before finalizing them.

Workshop attendees were also surprised that there was not more discussion of climate change given the fact that many of them are active in addressing the effects of climate change in their work.

Overall, participants made important contributions to the workshop and the outcomes will be useful in taking the rights-based approach forward in South Asia.

The next issue is how the group could proceed with existing programs. Five key themes were highlighted:

1. Diverse experiences could be collated toward development of a collective regional voice. For example, national experiences could be replicated through regional approaches
2. In addition to recognition by humanitarian agencies that protection is needed, there is also a demand for protection emerging from affected persons.
3. Ways of promoting protection—either through advocacy or financial instruments—must be considered.
4. The importance of livelihoods must be emphasized more in planning and responding to disasters (i.e. you cannot live if you do not work; therefore, your work needs to be protected).
5. What is the interplay or triangular relationship between DRR, climate risk reduction, and conflict reduction?

Mr. Bhatt also discussed how we understand rights in different situations. In terms of prevention,

> "Let us use this stream of ideas and group of individuals to take this work ahead."

what are the roles of UN and non-UN players (government, non-government, private sector) and how can these groups work together more closely? In disaster response, how do we build stronger community capacity? Mr. Bhatt urged the group to use the ideas discussed as well as work together to take the next steps in promoting rights protection in South Asia.

Participants then shared suggestions for future individual and collective action. There was a suggestion that there should be a global view but that at the same time we must be sensitive to national experiences, conditions, resources, and capacities. Further, there are distinct issues resulting from both conflict and natural disasters. However, there is also a commonality in how we protect the rights of the people affected.

It was also suggested that conversations with the appropriate representatives at the UN regarding revision of the IASC Guidelines and Manual would continue.

Ms. Vandana Chauhan of AIDMI aptly concluded the workshop by saying, "We hope this is not the end but the start of our joint work."

Section XII: Recommended Next Steps

In terms of follow-up to the workshop, participants identified the following next steps:

1. Organize follow-up workshop/seminar on rights protection in natural disasters. (Suggestion**:** Each participant could write a short paper thoroughly describing one good practice and honing in on the design, methodology, and effect of a specific protection activity or program).
2. Organize a "Child's Right to Safer Schools" workshop and plan a strategy for on-the-ground action to promote and protect children's rights during and after disaster in the South Asia region.
3. Conduct an evaluation or systematic mapping of how the national and international communities responded to a specific natural disaster.
4. Create a database of rights abuses/violations in humanitarian responses in the region.
5. Conduct rigorous evaluations of response programs that are predominantly managed by local NGOs or local communities in comparison to INGOs or externally-led response programs.
6. Draft regional (South Asian) view on rights protection in disaster.
7. Draft a policy paper describing national and regional experiences, making specific recommendations for the way ahead.
8. Finalize accompanying Field Manual to Operational Guidelines (being undertaken by the Global Protection Cluster Working Group on Natural Disasters and Human Rights).
9. Gather feedback from disaster-affected persons and local communities for revision of IASC Guidelines.
10. Rethink the use of certain terminology, e.g. "beneficiary" vs. "program participant," or "disabled" vs. "differently-abled".
11. Create a ten minute IASC Operational Guidelines video (à la the Red Cross Code of Conduct video).
12. Plan and implement national activities in each country with a specific program tailored to local conditions and needs.
13. Conduct exchange visits to see good practices.
14. Organize an event on Koshi Floods and human rights.
15. Share relevant reports/materials with disaster-affected schools and school teachers with the help of UNICEF and Save the Children.
16. Promote universities that are active in disaster studies in South Asia for similar strategic activities on human rights and natural disasters.
17. Prepare a discussion paper based on the workshop report to share with key experts as well as organizations in South Asia to inform them of the ideas discussed.
18. Shorter, policy-oriented advocacy material for civil society organizations (CSOs) will be useful to disseminate through key CSOs networking in South Asia, including Nepal, Myanmar and Sri Lanka. This could be piloted in ongoing recovery operations such as Bihar Floods response at community levels to see how they match reality.

Annex: List of Participants

Title	Name	Organization
Mr.	Mohamed Afsal	Government of the Maldives
Dr.	I. Arul Aram	Anna University
Ms.	Mumtazben Baloch	SEWA Federation-DWCRA Association
Mr.	Mihir R. Bhatt	All India Disaster Mitigation Institute (AIDMI)
	Vandana Chauhan	All India Disaster Mitigation Institute (AIDMI)
Ms.	Malathy Chippi Babu	Centre for India Trade Union
Ms.	Hasanthi Dissanayake	Ministry of Foreign Affairs, Sri Lanka (participated in her personal capacity)
Mr.	Saffah Faroog	Government of the Maldives
Dr.	Elizabeth Ferris	Brookings-Bern Project on Internal Displacement
Ms.	Gandhimathi	LAW Trust
Ms.	Feryal Ali Gauhar	Lahore Bachao
Mr.	Ashok Gladston Xavier	Loyola College
Mr.	P.B. Gowthaman	Oxfam Australia, Sri Lanka
Mr.	Anwar Hossain Manju	Bangladesh Sangbad Sanstha (BSS)
Mr.	Qazi Khaze Alam	PROSHIKA, Bangladesh
Ms.	Annette Lyth	United Nations Children's Fund (UNICEF)
Dr.	Phone Win Mingalar	Myanmar
Mr.	Ram Prakash Mukhiya	Samajik Shaikshanik Vikas Kendra
Mr.	Amar Jyoti Nayak	Action Aid India
	Sanchit Oza	All India Disaster Mitigation Institute (AIDMI)
Mr.	Jagdeesh Pandian	Kalvi Kendra Resource Centre for Education and Development
Ms.	Diane Paul	Consultant, Brookings-Bern Project on Internal Displacement
Mr.	Prasanna Kumar	Development, Human Rights & Disability

	Pincha	
Ms.	S. Prema	Centre for India Trade Union
Ms.	Sajani Ranatunge	Campaign for Development and Solidarity (FORUT)
Ms.	Jesu Rethinam	SNEHA
Col.	Sandeep Shaligram	Indian Army
Ms.	Tahniyat Sidiqi	International Committee of the Red Cross (ICRC)
Mr.	M.G.S. Silva	Yasiru Mutual Provident Society Ltd.
Mr.	Dinesh Singh	Action Aid Nepal
Ms.	N. Srimati	Independent Consultant
Ms.	Anne F. Stenhammer	United Nations Fund for Women (UNIFEM)
Mr.	Ajith Tennakoon	Sewalanka Foundation
Mr.	Jeevan Thiagarajah	Consortium of Humanitarian Agencies (CHA), Sri Lanka
	U Aung Tun Khaing	Ministry of Social Welfare, Relief and Resettlement, Myanmar
Mr.	Krishna Vatsa	United Nations Development Programme (UNDP)
	Zack Zimbalist	All India Disaster Mitigation Institute (AIDMI)