

INDIAN OCEAN TSUNAMI: A DOSSIER

REPORTS FROM
NGOS AND CSOS

VOLUME III

Produced for
SAAPE –ICSF Regional Meeting on

A People's Process for Post-Tsunami Rebuilding

24-26 April 2005
Colombo, Sri Lanka



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Reports from NGOs and CSOs

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INTRODUCTION

This dossier is a compilation of various reports produced by Non-governmental organizations (NGOs) and civil society organizations (CSOs) on rehabilitation in the aftermath of the tsunami in the Indian Ocean region on 26 December 2004. It includes reports, critics and policy recommendations on issues relating to rehabilitation and reconstruction. It also provides information on the legal and institutional arrangement for disaster management in the region.

This dossier has been produced by the International Collective in Support of Fishworkers (ICSF) for the regional meeting on "A People's Process for Post-Tsunami Rebuilding" organized jointly by the South Asia Alliance for Poverty Eradication (SAAPE) and ICSF, from 24 to 26 April 2005 at Colombo, Sri Lanka, to facilitate a comprehensive understanding of the impact of the 2004 Indian Ocean tsunami and proposed rehabilitation measures, particularly in the most affected countries. (Full reports are available on the CD-ROM *Indian Ocean Tsunami*, also produced for the same meeting.)

**Civil Society Input to the Permanent Shelter Rehabilitation and
GOVT-NGO Partnership Policies
for the Tsunami-Affected Communities in Tamil Nadu**

Submitted to the Govt of Tamil Nadu in Chennai by the NGO Coordination
Centre, Nagapattinam, with Support from the Auroville Tsunami Relief Center
January 13, 2005

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IMPORTANT NOTE (MUST READ):

This note was submitted to the Government of Tamil Nadu on Janury 13, 2005, in response to its urgent request for input and was prepared with input from NGOs and community groups in the Nagapattinam area, from Auroville, and from people from other parts of the country who have experience in post-disaster management. We have no idea if, and in what form, this paper might influence government policy; however, we are sharing it widely with donors and NGOs in the interest of transparency, as there has been no time to consult widely. We welcome your feed-back, which may be sent to tsunami_ngp@rediffmail.com and to bhoomikaindia@yahoo.co.in. While we may not be able to individually respond to your feed-back, we shall certainly take any additional input to the government, should there be further opportunities to provide such input.

—NGO Coordination Centre,
Nagapattinam

**Input to the Permanent Shelter Rehabilitation and
GOVT-NGO Partnership Policies
for the Tsunami-Affected Families in Tamil Nadu**

Submitted to the Govt of Tamil Nadu in Chennai by the NGO Coordination Cell,
Nagapattinam, on January 13, 2005

Since the Latur earthquake, each subsequent disaster has been contributing to refinements to shelter reconstruction policies, based on the lessons learned, mistakes made, and the achievements of the previous policies. Having taken cognizance of earlier shelter rehabilitation policies, the following recommendations focus on those aspects that can contribute to a more owner-driven, technologically appropriate, efficient, equitable, and culturally/environmentally aligned reconstruction and rehabilitation programme for the communities affected by the Tsunami.

I Developing an Owner-Driven Shelter Policy:

1. The policy should ensure that the shelter reconstruction programme, in particular, is an owner-driven approach – where affected families/communities are involved in the planning and execution of their own shelters and habitats.
2. Such an owner-driven approach can be primarily ensured by providing the assistance amounts, as direct cheque payments, to the affected owners, in 3 installments (based on the completion levels). However, this must also be accompanied by technical support to the community, in each village, and a monitoring mechanism by recognized technical institution(s), which can ensure the standards of construction.
3. The reconstruction programme must be guided by a standard set of technical guidelines for seismic-safety, cyclone-safety, wind-proofing, etc; the guidelines should be framed based on national norms and guidelines, after also taking into account the context of local geological conditions.
4. Similarly, design guidelines for houses, infrastructure, and planned habitats should be framed keeping in mind environmental, ecological, and cultural contexts of the communities that are in need of rehabilitation in this disaster. Design guidelines should inform and guide different housing designs that may emerge in different villages. It is important that we NOT rigidly and mechanically repeat a small number of designs in all the villages, irrespective of the micro context of the particular village/community.
5. Most rehabilitation and reconstruction programmes end up strengthening economies that are outside of the affected communities, rather those of the affected areas, which are most in need of economic revival. In order to mitigate this, the shelter reconstruction programme must ensure that as far as possible, the programme benefits the local rural economy of the affected areas. This can be achieved by ensuring that local skills – masonry, carpentry, blacksmiths, etc, and local material and technologies are incorporated into the construction process, and integrated with appropriate technologies and material from the outside. In the end, the choice of technologies, material, designs, etc. will clearly determine the reconstruction and rehabilitation approach.
6. *While immediate and interim relief have to be extremely speedy, it is critical that permanent shelter reconstruction be undertaken only after a basic assessment has been undertaken with the affected communities on the nature of their habitat and*

houses--it is important that the new reconstruction be integrated with the nature of their livelihoods. At least the next one month should be utilized for the above assessment, and for preparing technical and design guidelines, before the permanent shelter rehabilitation policy is announced.

II GOVT-NGO Partnership:

1. We must clearly define each NGO's role, based on their areas of strengths, and their desired area(s) of involvement, before formulating a broad public-private partnership. There are clearly three types of NGOs - all of whom must contribute to the reconstruction and rehabilitation process:
 - a) Donor Organizations, which could be corporate houses, religious/spiritual charitable trusts, international NGOs, international aid agencies, and national institutions.
 - b) Developmental Organizations, which work with, and mobilize communities at the grass-roots, in the area of rural development and empowerment.
 - c) Community-based Organizations, such as self-help groups, fishworkers cooperatives, federations, etc.
 - d) Technical Expert Institutions, research organizations/institutions and individuals.

While a Donor Organization is a body investing financial resources, primarily in the reconstruction and rehabilitation programme, it is recommended that a Donor not become direct implementing agency in reconstruction/rehabilitation. It is critical that they be partnered with a Developmental Organization which will primarily facilitate the rehabilitation process in the villages to ensure that reconstruction is undertaken with the active participation and ownership of the affected communities.

The role of the Facilitating Organization is to invest in human resources with managerial skills and with a long-term development perspective. The community or a Community-based Organization, where possible, should ideally be involved in conflict-resolution, in ratifying the plans, and in resolving individual issues, grievances, specific requirements, etc. in the reconstruction process. The role of this body becomes more critical in the reconstruction of the public infrastructure.

2. In Tamil Nadu there is already a strong tradition of community organizations and now SHGs. It is important to ensure that this strength is not compromised in the public-private partnership and a tripartite partnership is developed between the Government, Donor Organizations, and Facilitating Organizations in the reconstruction and rehabilitation programme.
3. It is suggested that a mechanism be developed whereby organizations can express their intent and extent of intervention they would like to undertake; and to get them registered clearly for specific regions, purposes, and village(s), to ensure that there is no duplication of effort.
4. It is also suggested that a small Steering Committee, comprising Government and NGO representatives, be formed, which identifies the many different organizations wanting to reconstruct and rehabilitate villages, based on their desired intervention, and the nature of their organization.
5. It is strongly recommended that the Government clarify--within the next week--that affected villages in Tamil Nadu are not up for 'adoption,' and that organizations

would have to enter a rehabilitation and developmental partnership with communities in a manner which respects their socio-cultural, economic and cultural norms. Such a clarification would restore the self-respect and dignity of the affected communities and regions, which are being bombarded with well-intentioned, but sometimes undignified, ways and expressions of relief and support.

6. The GOVT-NGO partnership should not be restricted to the reconstruction of permanent shelters alone in specific villages. It should be extended to sector-specific partnerships with technical/research organizations, which may provide input to the entire affected region or parts of the affected coastline villages and communities. For instance, Tamil Nadu and Kerala architects and shelter foundations have contributed extensively to the country's understanding of appropriate, environment-friendly, shelter technologies and habitat planning. They should be invited as a consortium to provide input to the shelter reconstruction process.

III Equity in the House Reconstruction Process:

1. The government must make it VERY CLEAR in the permanent shelter rehabilitation policy as to whether the Government is paying a 'compensation' and/or 'assistance' in reconstruction. While the former could lead to inequities, the latter is a more equitable form of support for permanent reconstruction.
2. Under the GOVT-Donor partnerships, there should ideally be a ceiling on both the area of reconstruction and the amounts that will be budgeted for each family. In the absence of such a norm, different donors and partnering facilitating organizations can create severe inequities based on the extent to which they want to support.
3. It is recommended that a basic 'core' house/floor area be supported, and the house owners be allowed to extend their house by themselves, as their livelihoods revive.
4. A policy for damaged houses must be developed--rather than having multiple damage categories based on extent of damage, and applying differential norms for assistance, all damaged concrete or 'pucca' houses should be 'supported' with a flat amount for retrofitting their houses, if they can be retrofitted. (This will prevent administrative nightmares and delays.)
5. In determining whether a house has to be retrofitted or reconstructed, it is suggested that norms be developed for defining what is 'livable' and what is 'not livable'. All houses which are not livable should be supported for full reconstruction; and all those which are livable, but damaged, should receive support for repair and retrofitting.

IV Lessons Learned from the Gujarat E/Q Shelter Reconstruction Policies:

1. In the Gujarat Earthquake, there were two policies: The primary one was an owner-driven policy, where the Government provided 'assistance to reconstruct' directly to those whose houses were fully or partially damaged. This was done through cheque payments to each affected family. However, it also put into place a structured public-private partnership for 'NGO' involvement in the permanent reconstruction and rehabilitation of the affected villages. Villages could choose whether they wanted an NGO to support them or not. If they did choose to get NGO support, they would get only 50% of their direct assistance

from the Government, and the NGO would support the deficit with whatever amount that they wanted to put into the reconstruction of a house. If the village chose not to go with an NGO, then they would get the full 100% of their assistance in three stages based on the completion of their work. It must be noted here that 72% of the villages chose to construct their house without an NGO, and they were helped by an engineer from the Government placed in each village; and 28% of the villages were supported by NGOs. This policy, which worked basically to undertake a quick, owner-driven rehabilitation, while creating space for private participation, however, needs to be critically examined, redefined and refined in many ways.

- a) Wherever people were enabled to construct seismic-safe houses directly, with Government providing assistance, they were most satisfied with the final houses, and their habitat – because, after all, the reconstruction was controlled by the affected owner. It is also important to note that wherever people constructed directly the speed of construction was faster than where an NGO was involved – going against the common perception.
 - b) However, the huge scale of direct monetary disbursements—even through the banks—led to a fair degree of corruption, stemming essentially from the exaggerated extent of damage claimed by the affected person during the damage assessments. Thus it is important to curtail this through clear and one-time (not repeated) shelter damage assessments.
 - c) The ‘NGO’ was everyone who was not the Government – which included corporate houses, donor/aid agencies, religious groups, and grassroots developmental organizations. Thus, in 28% of the housing reconstruction where NGOs were involved, there was a major differences in the way all these categories of NGOs worked; and four years after the disaster, an assessment shows that while donors and corporate houses worked directly with the village, the reconstruction programme was by and large without the community’s participation or even consensus in house designs. The houses were not aligned to people’s ways of living, and used material and technologies that were not suited to the weather and living conditions of the communities. Today, in at least 11 such villages, houses lie unoccupied. On the other hand, wherever donors or corporates contributed and worked through grass-roots developmental organizations, the reconstruction was undertaken with a very high level of community participation, apart from being fairly quick.
2. In terms of direct assistance for reconstruction to the affected families, what worked was paying it in installments – with the three installments being paid at three levels – completion of plinth, lintel, and roof. However, in the urban rehabilitation, a critical mistake made was that in order to convince the affected that the Government was moving fast, the first installment was provided even before land access, engineering support, and technical by-laws were in place; as a result of which the first installment was spent by the affected families on other things, and a number of very low income families found it difficult to access the second installment, because they did not have their first foundation and plinth up. Thus, it is important to have all the support mechanisms ready before the disbursal of payments.
 3. In the Gujarat earthquake, during the first phases of policy making, there was confusion as to whether the amount being paid for the permanent rehabilitation was ‘compensation’ or ‘assistance’ to reconstruct. While it was termed as assistance, the norms of payment was that of a compensation (a unit cost was paid for the amount of square feet bst, making the basic

from the Government, and the NGO would support the deficit with whatever amount that they wanted to put into the reconstruction of a house. If the village chose not to go with an NGO, then they would get the full 100% of their assistance in those stages based on the completion of their work. It must be noted here that 75% of the villages chose to construct their homes without an NGO, and they were helped by an engineer from the Government placed in each village, and 25% of the villages were supported by NGOs. This policy, which worked basically to undertake a quick, owner-driven rehabilitation, while creating space for private participation, however, needs to be critically examined, redefined and refined in many ways.

41. Participatory process was enabled in consistent manner - with houses directly with Government providing assistance that was most wanted with the final houses and their layout - because after all, the reconstruction was controlled by the affected owner. It is also important to note that wherever people constructed directly the speed of construction was faster than where an NGO was involved - going against the common perception.

42. However, the huge cost of direct construction of houses, especially during the period led to a fast degree of deterioration, meaning eventually from the exaggerated extent of damage claimed by the affected person during the change processes. This is especially so during the period when the cost (not revenue) of direct construction was high.

43. The 'NGO' was everyone who was not the Government - which included corporate houses, business agencies, religious groups, and grassroots developmental organizations. Thus, in 1976 of the housing reconstruction where NGOs were involved, there was a major difference in the way all these categories of NGOs worked, and few years after the disaster, an assessment shows that while houses and corporate houses worked directly with the village, the reconstruction program was by and large without the community's participation or even consent in house design. The houses were not aligned to people's ways of living, and used materials and technologies that were not suited to the weather and living conditions of the communities. Thus, in at least 15 years after the disaster, the reconstruction of houses in at least 15 years after the disaster, the reconstruction was not aligned to people's ways of living, and used materials and technologies that were not suited to the weather and living conditions of the communities. Thus, in at least 15 years after the disaster, the reconstruction of houses in at least 15 years after the disaster, the reconstruction was not aligned to people's ways of living, and used materials and technologies that were not suited to the weather and living conditions of the communities.

44. In terms of direct assistance for reconstruction in the affected families, what worked was speed in installation - with the first installation being paid in three parts - completion of pipes, pipes, and roof. However, in the urban reconstruction, a critical mistake was that in order to convert the affected into the Government was moving fast, the first installation was provided when before and second, engineering support, and technical assistance was in place, as a result of which the first installation was spent on the affected families on other things, and a number of very low income families found it difficult to access the second installation, because they did not have their first installation and that is, it is important to have all the support mechanisms ready before the financial of payments.

45. In the digital technology during the first phase of policy making, there was confusion as to whether the national policy had for the institutional reconstruction was 'assistance' or 'reconstruction'. While it was noted as assistance, the nature of payment was that of a compensation. In fact, cost was paid for the amount of material loss, but making the basic

Government, which often led to duplications, or a low value-addition to activities other than construction.

V Do's and Don'ts in the Framing of the Permanent Shelter /Public-Private Partnership Policy and in Implementation:

Do's:

1. Immediately make a clear statement to the numerous donors, NGOs, and other partners in civil society, who are waiting to participate in the permanent rehabilitation efforts, that their interventions could begin once the government policy has been framed; and that ad-hoc shelter or livelihood interventions must not be undertaken till the nature of the government partnership and inputs, and issues such as land/Coastal Regulation Zone (CRZ) have been resolved. A time period should be indicated when these issues are likely to be resolved.
2. A clarification needs to be issued whether organizations could help improve (or put up new) interim shelters in case the current government-driven interim shelters do not last beyond a month, or show wear and tear.
3. Start identifying key resource institutions at the local level that are familiar with local conditions. in the area of shelter reconstruction, fishing, and agriculture, especially those organizations which are likely to become the focal point for policy feedback, and can also be used by outside organizations for information, advice, and critical feedback.
4. Begin a process of corporate and other donor consultations; and commence meetings with identified and willing facilitating organizations as soon as the basic policy has been framed.
5. A date by which permanent shelters can begin should be set, which will help all the stakeholders to plan; and will release undue pressure upon the State on a day-to-day basis for a response on permanent rehabilitation.

Don'ts:

1. Avoid undue haste in giving permissions to begin permanent rehabilitation (like it happened in the interim shelter phase), till all the mechanisms to actually implement the policy are put in place.
2. Looking at the proposed sequence:
 - Stage 1: Finalizing the overall policy framework.
 - Stage 2. Simultaneously undertaking field assessment for the appropriate selection of land; community feedback on resettlement and habitat planning.
 - Stage 3: Finalizing the policy details
 - Stage 4: Setting up the mechanism for developing partnerships – tax exemptions, registering partnerships, screening and identifying organizations, setting up the State Level Steering Committee, etc.
 - Stage 5: Implementation
 - This entire process should take at least one to two months before implementation should begin.
3. Don't provide financial disbursements till purchase mechanisms for boats and nets are set up; and in the case of shelters till land issues are sorted out. Otherwise, the

first disbursements will be spent and when the family is ready for rehab, there will be depletion in the money available.

4. Immediately ensure that the fresh influx of GI corrugated [tin] sheets is not used to improve the present temporary shelters or to build fresh shelters as roofing or walling material. It can be used to make makeshift godowns for material storage, provided the sheets are properly anchored.

VI Housing as a Process:

Housing is often looked upon as a product: 'so many families need so many houses, so deliver them once and the problem is solved.' There is much talk of housing shortages and about figures running into the millions.

Just a casual visit to any planned mass housing that is a few years old will show that housing is a dynamic process. New needs come up all the time, and families add to the structures or modify them to suit specific needs. In reality, housing is a dynamic process where transformation takes place all the time. We often tend to dismiss this process of transformation as a 'problem' arising out of lack of education of the people and our inability to control/ police the process of transformation.

We have a rich vernacular tradition of buildings that offers appropriate solutions to local climatic conditions - the Bhuj "bungas", the Vizag fishermen villages that are cyclone resistant, the way the Nagapattinam thatch roofs come down very low to counter strong winds etc. Interestingly, some local fishermen, in a meeting of traditional leaders from the fishermen villages, have said they would like to build circular huts to minimize impact of waves. This is the solution that the Vizag fishermen as well as Kutch people have been following for many years to resist cyclones and earthquakes, both with a good amount of success. Clearly, this intuitive ability to come up with commonsense solutions is still alive among our communities.

For too long the government and NGOs have been building houses in large numbers for communities all over the country. The results have mostly been disastrous. There is no sense of ownership of these houses. Communities have either rejected these shelters in many places, or have stripped down buildings to salvage materials and the site for reconstruction of their choice. One only needs to make a visit to Tharangambadi and look at the old government housing done for fisherfolk there. Recent experiences from Bhuj, where there are corporate-built good quality housing lying vacant, clearly shows that it is not just a matter of quality of construction--where the community doesn't participate in the planning process, there is bound to be a lack of sense of ownership; only a sense of ownership can ensure acceptance and maintenance as time goes by.

The process has to be owner-driven. The owners have to be involved in deciding the policy, site location, site planning, individual unit designs and disbursement of finances. This would also lead to speedier and better quality construction. Money could be handed out in stages to a committee of representatives of the villagers and facilitating NGOs, with clear guidelines of how and when money is disbursed and a transparent accounting system.

Agencies can play a facilitating role in terms of:

- Providing advice on building guidelines. Within the guidelines people should have the choice of planning and building according to individual needs.
- Setting up materials and labour banks to make these easily available for construction.
- The design brief should reflect an understanding of the social and cultural realities of the community.

- **Site Planning:** Appropriate location at a safe distance and elevation. Where there are no elevated sites closer to older villages, the possibility of raising the site needs to be looked into. At the least it should be ensured that there are safe public buildings similar to the 'cyclone shelters' to take refuge in times of flooding.
- Being a coastal area, particular emphasis needs to be given to drainage. This is both in terms of sanitation to avoid stagnant water and in terms of draining rainwater/floodwaters. Toilets/ solid wastes management also needs to take note of the high water table.
- Playgrounds for children need to be provided.
- Orientation with respect to sea: Should take into account wind and rain direction and shelter dwellings accordingly. There is much to be learnt from the traditional buildings of the area. The way thatch roofs are anchored to the ground to take care of the winds/ and the good slopes provided to take care of intense rains from cyclonic storms is an example.
- Occupational needs: recognize that fishing is a special occupation with its own needs. Therefore place for boats nets [store outside] and engine that are stored at homes needs to be taken care of.
- Guidelines that need to be put in place to ensure resistance to earthquakes and resistance to high-speed winds.

Owner-driven process will also sensitize the locals as to the way safety guidelines can be incorporated in building so that they get entrenched in the local construction practices henceforth.

To conclude, the need to relocate a large number of communities following the disastrous Tsunami, especially fisherfolk communities, offers a unique opportunity to prepare and implement a comprehensive settlement plan.

ANNEXURES

A. Structuring Government-NGO (Public-Private) Partnerships

Introduction

The actors in the non-governmental sphere or "private" domain who can participate in the Tsunami rehabilitation programme may be called upon to play one or more of the following roles.

1. Facilitating Organisation
2. Donor Organisation
3. Technical Support Organisation

The overseeing of the work of these set of organisations will be the task of a *District Steering Committee (DSC)* composed of Government and Civil Society representatives. A *State Steering Committee (SSC)*, once again composed of Government and Civil Society representatives, to sort out policy issues related to the Government-NGO partnership may also be set up. The SSC will also be responsible for selection of Facilitating Organisations and allotting areas for Donor Organisations to fund rehab.

The following are the proposed details of the roles/activities for each category of organization, and the criteria for selecting them:

Facilitating Organisation:

In each of the villages, where rehabilitation work on a significant scale has to be undertaken, including the physical reconstruction of the village itself, there will be one Facilitating Organization, which will perform the following roles/tasks. It is however possible that some of the larger organisations can work as Facilitating Organisations in more than one village.

Role/Activities:

- Work closely with the village community and prepare a micro level plan for reconstruction and rehabilitation
- Liaise with Donor Organizations, government agencies, and Technical Support Organisations in implementation
- Build the capacity of the local village community and institutions for participating effectively in rehabilitation and help them move on to larger developmental roles at the end of the rehab period
- Collect all relevant information for the rehabilitation process and document the various processes

Criteria for Selection of a Facilitating Organisation:

- Capacity and track record of grass roots level community development work
- Willing to work for a minimum of two years in the village(s) allotted
- Have capable field staff who will be based in the village and who will be able to effectively liaise with outside agencies
- Order of preference should be: local NGOs already working in the affected area, other NGOs from Tamil Nadu, regional or National NGOs

The Selection Process:

To be done by the State Steering Committee

Donor Organisation:

This could be any NGO, local, National, or International, Corporate house, Intern-governmental organisation or even another State Government willing to put up funds for the reconstruction and rehabilitation of the affected villages. The role of the donor shall be mainly

financial support. It is recommended that Donors be allowed to separately support one or more of the following:

- Permanent individual shelters
- Village/Community level facilities and infrastructure (could include water and sanitation)
- Livelihood support (boat, motors, nets, etc.)
- Shore protection measures like mangrove afforestation, tree cover, etc.
- Any other

While some donors may provide funding for more than one of the above in more than one village, a "village adoption" approach (whatever be the semantics used) should be actively discouraged.

As there are likely to be a large number of organisations willing to play the donor role, the State Steering committees will have to play an active role in deciding on which donor will do what and to what extent. The SSC will have to ensure that all villages are covered equitably in the process. It is even possible that if there are too many donors in one district, some of them may be encouraged by the SSC to take on roles in districts that do not have many interested donors.

Technical Support Organisation:

These will be organisations with technical competence in one or more of the areas of rehabilitation.

- Habitat and Building Design
- Coastal Protection
- Fishing Livelihoods
- Agricultural Livelihoods
- Other Income Generating Programmes
- Water and Sanitation

The above is just an indicative list, and organisations capable of playing the role of Technical Support Organisations can be approved by SSC. Alternatively, Donor and Facilitating Organisations may also choose Technical Service Organisations of their choice. If more than one organisation is capable of providing this service in one thematic area, some coordination among them may be desirable.

Role of the Government in Funding Rehabilitation:

As the State has the primary responsibility for the welfare of the affected population, and there are great expectations of State funding in the affected villages, it may be desirable that the main items of rehabilitation like houses and boat replacements may be done on the basis of Government contributing a certain part of the amount, and donors contributing the rest. While some flexibility may be needed in implementation, significant variations in unit costs should not be encouraged.

Mechanisms Required for Public-Private Partnerships:

1. In shelter reconstruction – Government provides land, exemptions on cement and steel, and 25% of the unit cost which will go as assistance to reconstruction.
2. Donor Organizations supporting shelter and community infrastructure will provide the required finances to the community. The Government share of 25% can be reimbursed after completion, and after the structures are designated as conforming to the technical and design guidelines, and norms of public-private partnership.
3. Communities should be given a choice on whether they want to participate in an owner-driven approach with the support of organizations or would like the support

- organizations to construct. Their consent should be taken in writing by the Facilitating/Donor Organizations and submitted to the Government before implementation begins.
4. The Government could get the technical guidelines from Prof Arya of CBRI, Roorkee, who has done extensive work on seismic and cyclone-safe structures and has provided his inputs to disasters in India and across the world.
 5. Design guidelines to be provided, after inputs from across the country, through the resource institution. It is recommended that the hub for this can be in Auroville, Pondicherry, which is not only in the geographic center of this disaster, but has proven technical expertise and credibility to be a resource hub – but not the only institution inputting.
 6. An institution to undertake concurrent technical audits of the progress should be assigned to an experienced organization or institution in the country.
 7. A State Steering Committee formed at the apex to overlook all aspects of the public-private partnership should: receive expressions of intent in a prescribed manner; identify, screen and allocate different sectors in different villages to Donor-Facilitating Organizations.
 8. Every donor agency will have to identify who their Facilitating Organization will be before submitting their application.
 9. District Steering Committee under the leadership of the District Collector, including Technical Support Institutions, and Facilitating Organisations, and relevant government representatives should be constituted for any follow up or support to all the partnering organizations in the district.
 10. Consent of letters by Gram Panchayats and Gram Sabhas/village community should be sought for the basic plan of the shelter, habitat, land realignments, and financial arrangements. The letters should be sought by the Facilitating Organization, and can be checked by the District Committees.

B. Land Issues:

Three separate policy directives may be required for the three different ground situations that appear to exist, based on a quick assessment. And, depending on which of the following categories applies to a particular village, and depending on which type of organization is assisting in the rehabilitation process, the organization must follow the policy directives that are applicable to them.

1. Villages where complete relocation of entire village/ settlement is required; and where the entire village – damaged or undamaged -- is within the CRZ, and must therefore be relocated.
2. Villages where partial relocation of the village/ area may be required. Within this, there will be two sub-situations: that part of the village damaged or undamaged within the CRZ; and the rest of the village is undamaged and outside the CRZ.
3. Villages where the entire reconstruction of the village is on the existing settlement: These are villages where there may be minimal damage, and the village is outside the existing CRZ; but the village has faced losses to infrastructure within the CRZ and to their livelihoods. So, as part of the rehabilitation, facilities for boats, nets, auctions, etc. can be provided and infrastructure upgraded to bring them on par with the new settlements coming up.

Every village must be categorized carefully in the next one month, after consultations with the entire community – primarily the affected communities, but also those less affected within the

village, who may be residing within the CRZ. It is very critical that this process is not hurried up without adequate consultations with the community and observations from the field.

The following points are required to be taken into account:

1. There are different income levels within the fishing community, and existing villages have mixed income groups residing with each other. In the new settlement, as plot sizes are allocated, under any of the aforementioned categories, there has to be a well-thought-out basis which takes into account the fact that there are mixed income levels, and that there will be a need in the future for a family to be able to extend/expand. And the basis for allocating land has to be equitable. The Government must not promote inequity, and yet has to be pragmatic in how the settlement will grow in future. In Gujarat, the land allocated to all -- high or low income levels -- was equal. However, if the higher income persons want to purchase a part of the land to be able to extend his/her house, then they should be free to do so. Thus, the land made available for rehabilitation must keep this in mind.
2. In the existing settlements, families from all economic strata stay together. They feel this need in order to keep the crew together as well as to be able to hire labour. This should be kept in mind, and hence the need to provide availability of options in terms of plot sizes.
3. The plot ownership formula should address several permutations of the people who are being resettled: plot owners with patta land, persons who were leasing land, persons who were renting structures, and persons who were squatting.
4. Allocate land for boats at the beach, place for auction of fishes, place for repairing the nets, and storage of equipment such as motors and nets. Adequate provision for these at the beach would mean less land is required in the housing area for these activities. Such a possibility has to be taken on a case to case basis with consultation with the community.
5. Street layout should be climatically appropriate to ensure ventilation and shading. The street, being an extension of the private space, is used for social interaction besides livelihood related activities.
6. Street layout should also be such that high speed winds during a cyclonic storm do not get enhanced to create damage to individual shelters.
7. The setback from streets should allow space for trees that will not only provide shade but will act as wind breakers.
8. Emergency access for fire engines/ambulances should be provided.
9. Adequate attention to solving the above issues would be crucial in proper relocation, and in ensuring that the existing areas on the beach are not reoccupied, wherever the settlements are being relocated.
10. We need to also recognize that there are both urban and rural situations, with local histories and peculiarities. These have to be kept in mind and flexibility provided in the policy.

C. Site Planning:

Minimum, Basic Requirements to be considered:

- Appropriate location at a safe distance and safe elevation, not in the natural or man-made drainage channel to the sea and/or in low laying area that is the natural or artificial water catchment area.
- Where there are no elevated sites closer to older villages, the possibility of raising the site needs to be looked into. At the least, it should be ensured that there are safe public buildings similar to the 'cyclone shelters' to take refuge in times of flooding. These could also double up as schools/PHCs.

- The location of the land should be such that the linkages for livelihood needs, social networks and primary/secondary economic networks are maintained and ensured.
- Being a coastal area, particular emphasis needs to be given to drainage. This is both in terms of sanitation to avoid stagnant water and in terms of draining rainwater/ floodwaters. Toilets/ solid wastes management also needs to take note of the high water table.
- Playgrounds for children need to be provided.
- Orientation with respect to sea: We must take into account wind and rain direction and build shelter dwellings accordingly. There is much to be learnt from the traditional buildings of the area. The way thatch roofs are anchored to the ground to take care of the winds/ and the good slopes provided to take care of intense rains from cyclonic storms is an example.
- If water supply is with ground water resources then the bore well location should be at least 30 mts/100 ft from any soak pit/septic tank, garbage collection points, composting areas, fish drying areas and land fills.
- Sewage treatment systems of decentralized nature should be used where the re-cycled water can be used for horticulture/vegetable gardens that can be part of income generation schemes.
- Roof water harvesting should be incorporated on plot level with rain water being lead to soak pits.
- Rain/Storm water drains should not be linked or combined with open sewage drains. The storm water drains should be connected to tanks or low lying areas to recharge of the water table.
- Electric lighting to be provided in public open spaces and community open spaces to allow livelihood activities to take place in the evenings.

D. Building issues:

- The concept of a core house of ---- sq ft. needs to be taken up. This will be a one room with toilet, water, electricity and a paved street access. There can be flexibility in the actual placing of this room within the plot. Clear building guidelines must be provided.
- Earthquake resistant features: Prof. Arya / CBRI (Central Building Research Institute, Roorkee) can be asked to recommend these, based also on local geo-hydrological context.
- Cyclone resistant features: Not more than G plus one; Roofs well anchored; A ban on dangerous materials like corrugated Tin sheets which can fly in high winds and kill people. (CBRI guidelines to be made available).
- Appropriate Technology: Ideally, these should not be thrust on the people and agencies should be encouraged to go for the Building Centres concept where the emphasis is on material banks, skill upgradation of local masons, local material wherever appropriate, local manufacturing of building requirements such as doors and windows. This will help generate new skills, as well as enable a revival of the local economy.
- Sensitising village level community workers on issues related to planning/ design/ options in house design and use of appropriate materials / information related to materials and financial inflows/ disbursement to make the process transparent. Institutions such as Auroville --Centre for Scientific Research, Habitat in Trivandrum,

Inspiration of Emakalum, Centre for Environment and Planning, Ahmedabad, Hunnarshalla -Foundation for Appropriate Building and Shelter Technologies-Kutch, ASAG-Ahmedabad and other such experienced agencies in community planning and building technologies with disaster management experience could be invited to undertake this planning in different villages across the coastal belt.

- In case the permanent shelter is to be a core shelter, then the design should allow for easy expansion.
- The orientation and scale of the shelter should be climatically appropriate. (large over hanging eaves that are anchored for high speed winds with driving rains)
- Safety standards that are appropriate to the seismic category and cyclonic activity of the coast line must apply.
- If toilets and showers are not provided with the core shelter, then plot area should be such that the beneficiary can add them if they can at a later time.
- The core shelter should be built of materials that are appropriate to the climatic stress of the coast. Salt winds-Corrosion, hot-humid days-roofing that is self insulating, high wind speeds-low walls and steep roofs for wind buffeting actions.
- Hygienic standards within the shelter: adequate ventilation and natural day lighting.
- Design to have continuity to the vernacular layout of the affected shelters. Case studies of unaffected settlements and shelters to be done and used as starting points by the agency that would be facilitating the re-building.
- The construction techniques should be at par with the skills of the construction labor available in the area. This is important as the fishermen have an activity that does not allow re-building themselves so they will have to employ local labor.
- Kitchen/entry/courts should be incorporated according to the traditional pattern.
- Building materials used should allow easy maintenance. If materials that are introduced in the core shelters are not available locally to the beneficiary then expansion/repairs and maintenance will not be done by them when needed, leading to the deterioration of the shelter.

E. Guidelines for Re-location, Settlement Layout and Shelter Design **submitted by Auroville Tsunami Relief Centre 13th Jan'05**

A: - In case of the total or partial re-location of the settlements:-

1. The land should have safe elevation, not in the natural or man-made drainage channel to the sea and/or in low laying area that is the natural or artificial water catchment area.
2. The location of the land should be such that the linkages for livelihood needs, social networks and primary/secondary economic networks are maintained and ensured.
3. The environmental consideration like CRZ, annual climatic stress (cyclones, floods and tidal action) are taken into account so that the rehabilitation process is not repeated with the next natural disaster.

B: - House plots:-

1. Size of the plots should be appropriate to the traditional and livelihood needs.
2. If the resettlement plots are not compensation but part of the assistance package equity should be ensured to prevent social crisis.

3. The plots ownership formula should address several permutations of the people who are being resettled. (plot owners with patta land, persons who were leasing land, persons who were renting structures and persons who were squatting)

C: - Settlement layout:

1. Communal open space to integrate the storage of nets, ropes and spare parts.
2. Open and partially shaded space for drying of nets, repairs of boats/nets and repainting.
3. Street layout should be climatically appropriate to ensure ventilation and shading. The street being an extension of the private space is used for social interaction besides livelihood related activities.
4. Proper drainage slopes with solid waste collection points to ensure hygiene and sanitation.
5. Equity of access to open spaces within the hierarchy of street layout. No street should be more than 2 levels away to the common open spaces.
6. Street layout should also be such that high speed winds during a cyclonic storm do not get enhanced to create damage to individual shelters.
7. The setback from streets should allow space for trees that will not only provide shade but act as wind breakers.
8. Emergency access for fire engines/ambulances should be provided.

D: - Community infrastructure:

1. According to size of the population of the settlements community facilities like the following should be provided:
 - Primary schools
 - Health centre
 - Shop spaces
 - Community centre/ballade/marriage halls
 - Market platforms and auction sheds with electrification.
 - Cyclone shelters.

E:- Physical Infrastructure:

1. If water supply is with ground water resources then the bore well location should be at least 30 mts/100 ft from any soak pit/septic tank, garbage collection points, composting areas, fish drying areas and land fills
2. Sewage treatment systems of decentralized nature should be used where the re-cycled water can be used for horticulture/vegetable gardens that can be part of income generation schemes.
3. Roof water harvesting should be incorporated on plot level with rain water being lead to soak pits.
4. Rain/Storm water drains should not be linked or combined with open sewage drains. The storm water drains should be connected to tanks or low lying areas to recharge of the water table.
5. Electric lighting to be provided in pubic open spaces and community open spaces to allow livelihood activities to take place in the evenings.

F:- Individual Shelters: -

1. In case the permanent shelter is to be a core shelter than the design should allow easy expansion.
2. The orientation and scale of the shelter should be climatically appropriate. (large over hanging eaves that are anchored for high speed winds with driving rains)
3. Safety standards that is appropriate to the seismic category and cyclonic activity of the coast line.
4. If toilets and showers are not provided with the core shelter than plot area should be such that the beneficiary can add them if they can later.
5. The core shelter should be built of materials that are appropriate to the climatic stress of the coast. Salt winds-Corrosion, hot-humid days-roofing that is self insulating, high wind speeds-low walls and steep roofs for wind buffeting actions.
6. Hygienic standards within the shelter: adequate ventilation and natural day lighting.
7. Design to have continuity to the vernacular layout of the affected shelters. Case studies of unaffected settlements and shelters to be done and used as starting points by the agency that would be facilitating the re-building.
8. The construction techniques should be at par with the skills of the construction labor available in the area. This is important as the fishermen have an activity that does not allow re-building themselves so they will have to employ local labor.
9. Kitchen/entry/courts should be incorporated according to the traditional pattern.
10. Building materials used should allow easy maintenance. If materials that are introduced in the core shelters are not available locally to the beneficiary than expansion/repairs and maintenance will not be done by them when needed, leading to the deterioration of the shelter.

Individual shelters:

1. In case the permanent shelter is to be a core shelter then the design should allow easy expansion.
2. The orientation and scale of the shelter should be climatically appropriate (large overhanging eaves that are anchored for high speed winds with driving rains).
3. Safety standards that are appropriate to the seismic category and cyclonic activity of the coast line.
4. If toilets and showers are not provided with the core shelter then plot area should be such that the beneficiary can add them if they can later.
5. The core shelter should be built of materials that are appropriate to the climatic stress of the coast. Salt winds-Corrosion, hot-humid days-cooling that is self-insulating, high wind speeds-low walls and steep roofs for wind buffering across.
6. Hygiene standards within the shelter adequate ventilation and natural day lighting.
7. Design to have continuity to the vernacular layout of the sheltered shelter. Case studies of vernacular construction and shelter to be done and used as design basis by the agency that would be facilitating the re-building.
8. The construction techniques should be in line with the skills of the construction labor available in the area. This is important as the laborers have an activity that does not allow re-building themselves so they will have to employ local labor.
9. Construction/techniques should be incorporated according to the technical param.
10. Building materials used should allow easy replacement. It is essential that any introduced in the core shelter are not available locally to the beneficiary. When expansion/repairs and replacement will not be done by them when needed, leading to the deterioration of the shelter.

**For PROCEEDINGS OF THE ONE DAY WORKSHOP ON POST-TSUNAMI
REHABILITATION AND FUTURE PROSPECTS IN FISHERIES**

13 March 2005, 9:30 a.m.-5:00 p.m.
Conference Hall, Collectorate, Nagapattinam

**Jointly Organised by: Department of Fisheries, Gov't of Tamil Nadu &
NGO Coordination Centre, Nagapatinnam.**

**[NOTE: ALL VISUAL PRESENTATIONS ASSOCIATED WITH THESE
PROCEEDINGS WILL BE PROVIDED SEPARATELY ON C.D. TO
PARTICIPANTS]**

**Presiding: Shri. Vivekandanam (SIFFS), Collector (Shri. Radhakrishnan IAS),
Additional Director of Fisheries (Shri. Pankaj Bansal IAS), Additional Collector
(Shri. Ranvir Prasad IAS), Smt. Jesurathnam (SNEHA)**

Welcome Note: J.D. of Fisheries Mr. MohanaSundaram

Introduction: A.D. of Fisheries: Mr. Pankaj Bansal IAS

Basic purpose of this workshop is to discuss issues that emerged out of discussion with SIFFS and SNEHA. The response of the International and National community to the Tsunami was overwhelming. But various issues arose, especially in the Fisheries sector, because many NGOs are new to this sector. We will discuss what is the Fisheries sector, what are the issues and problems in this sector, what infrastructure gaps exist, how can fishermen be helped in restoration of livelihood, how is the Fisheries Dept. helping. This will be helpful for NGOs to have an overview so that they may plan properly and go in the right direction. It is a pride that all of the NGOs are present to have a discussion on this issue.

We have circulated a paper on compensation scheme for fishermen:

- Kattumaram
 - Partially damaged: Rs. 15,000
 - Fully damaged (including net): Rs. 32,000
 - Fully damaged (excluding net): Rs. 22,000
 - Net only: Rs. 10,000
- FRP
 - Partially damaged: Rs. 15,000-60,000
 - Fully Damaged (including net): Rs. 75,000 subsidy (Rs. 75,000 loan)
 - Net only: Rs. 20,000
- Mechanized sector/Trawlers:
 - Partly damaged boats: Subsidy is 60% of repair to be done or 3 lakhs, whichever is less.
 - Fully damaged: Subsidy is 35% of total boat or 5 lakhs, whichever is less.
- Repair of engines for FRP and kattumaram: Rs. 5,000

The list of beneficiaries in each of these categories will be available on a web-site. This list is also available either at the NGO Coordination Centre or at the Fisheries Department.

Collector: Shri. Radhakrishnan IAS

I am basically a field-oriented person. I feel communities should be a part of everything. Even before the Tsunami, many of the issues flagged by the Additional Director were very much alive. The Tsunami has brought these issues back into the limelight. One of the main issues is that the Tsunami should not be allowed to create a new ownership. For example, boats should not be given to those who did not own a boat in the first instance, such as labourers. Government and NGOs should be complementary. One idea is for the NGOs to partner with the government and give the balance of the boat compensation.

Instead of giving ten new boats, if you give twenty in partnership with the government to people who lost their boats, that would ensure livelihood restoration without creation of new assets and ownership. I request that NGOs who are not familiar with the fisheries sector, but have resources for rehabilitation, educate yourselves. Another issue is the mechanised sector (trawling). Let us encourage these people to do something else such as manage a processing an exporting facility, ice plant, or drying area. Next, I complement people who are encouraging the women in the fishing community to engage in alternative livelihoods.

Additional Collector: Shri Ranvir Prasad IAS

My expectation from the seminar should be that, instead of generalised statements, we should have a very technical view on all of the issues arising in the fisheries sector. I hope that this seminar is very useful in making policy decisions.

SESSION 1

11:00 a.m. – Post Tsunami rehabilitation in Fisheries sector in Nagapattinam

District: Key issues and Recommendations

- **Sri. V. Vivekanandan, CEO, SIFFS**

This program has come about as a result of the dialogue between the NGOs and the government. Nagapattinam is very lucky to have a very progressive district administration that literally has thrown open its doors from the day of the Tsunami onwards to work hand in hand with the district administration. We have a very dynamic and transparent Collector. We have been able to do things that are difficult to dream of in other districts. NGOs have direct access to district administration to discuss any issue. The district administration has been proactive with conveying our views to the State government. The origin of several of the State government's policies is right here in the Collectorate.

Thanks to Collector, Additional Collector, and Additional Director of Fisheries, Fisheries Department, speakers, and NGOs.

[Collector's Departure: I suggest that we can have meetings just like this on Permanent Shelters, Unorganised Labour, Gender, and Agriculture (we are suggesting Rs.2500 for lost crops, Rs.1200 [CHECK] for salinated agricultural land.)]

1. The Resource Constraint:

Marine fish resources are finite. You don't have an endless amount of fish in the sea and it can be exhausted if you fish beyond certain limits. There is a spatial distribution of fish resources in the sea. It is actually skewed in that the distribution is actually greater closer to the shore. Sunlight distribution creates greater numbers of smaller fishes closer to the shore, whereas the larger predators are in deeper waters. 99% of the resources are concentrated towards the shore. Another issue is that Tamil Nadu fish catches have been stagnating (around 400,000 tonnes) in the last few years despite increases in craft and gear.

About technology: Bombay fisherman have large boats traditionally. Calicut fishermen use dugouts. Cochin fishermen use plank canoes. Madras fishermen use kattumarams. Is this just primitive? Is it just an accident of history or some whim of the fishermen?

This is not just an accident. Nature plays a major rule in this choice of technology. The factors are: the continental shelf and its width, surf action, availability of safe anchorage, tidal action, and species composition (large shoals, etc.)

From Bombay, you go very far (nearly 200 km perhaps) to reach the continental shelf, whereas in Madras, you go only about 20 km. So the fishable waters are 10 times greater in Bombay. Thus, boats can anchor far out in sea. These are some factors affecting our technology.

Rough zonation of coast from techno-ecological point of view: Bombay to Ratnagiri, Ratnagiri to Quilon, Quilon to Puri. Each zone has different boats and different types of shoals.

2. Sub-sectors

- Sailing Kattumaram
- Kattumaram with motor: very popular from Kanyakumari to Orissa.
- Fibre glass "maruti" boat with motor:
- Trawling boat: they catch mainly bottom dwellers such as prawns. There is an iron chain called a tickler that tickles the prawns in the sand to come up and get caught in the net. However this method of fishing has contributed to a considerable amount of conflict within the sector. First, there is a lot of habitat destruction. Second, there is competition with the smaller kattumaram/fibre boat fishermen.
- Other mechanised boats

3. *Issues of ownership*

The four different sub-sectors do not represent four different interest groups. There are only two interest groups. The first three categories above form one interest group known as the traditional/artisanal fishermen. The trawlers form another interest group.

- Fishermen are differentiated based on the basis of ownership of assets.
 - o Crew, kattumaram owner, motor boat owner, trawler owner.
- Agrarian analogy misleading; only two classes but many strata. The analogy is: the man without any boat is the agrarian labourer. The man with a kattumaram is a small farmer. The man with a trawler is the large farmer. This is misleading because:
 - o Fishermen are differentiated on the basis of skill rather than assets.
 - o Different levels of fisherman have very different incomes than farmers because of their skill (hooks, nets, boats, etc.), hard labour (getting to the location on time and not even a few minutes late), and luck.
- Sharing system and its role: everybody on the boat gets a share of the income.
- Who is an owner and why? The owner is a man who has certain advantages. In all probability, he is not the only one in the family who goes fishing.

4. *Economics of fishing*

- Sharing system: Gross income, common expenses, and net divisible income. From gross income, you have to deduct common expenses (such as marketing cost, commissions, etc.).
- Shares made on divisible income: each person has a share based on boat, net, and motor.
- Owner share to cover: maintenance costs (every 3 years replace net, every 7 years replace kattumaram, etc.), interest and depreciation (replacement fund).
- Sailing vessels have no operating costs and hence little difference between gross income and divisible income. But if we are talking about motorised boats, the owner may actually lose money in some trips.
- As we move to motorised and mechanised boats, operating costs are significant; loss making trips.
- Break-even point exists for every fishing unit. The kattumaram has a very low break-even point, a trawler has a very high break-even point.

5. *Upgradation*

- Giving crew new boats is not going to solve the problem.

- Upgrading sailing vessels with motor boats is a good thing, but you cannot accelerate what has thus far been an organic process screened by the market (rather than NGOs)
- Deep sea fishing is good.
- Issue of investment and technology vs. skills and management. Just investment and technology will not solve the problem.
- Economics of fishing and break-even point cannot be taken care of when distribution of assets are not decided by the market.

Nobody is saying that we should not help fishermen. But we should not put them in trouble in the name of help. Indiscriminate distribution of fishing assets, even with good intentions, may not work.

6. Post-tsunami Implementation issues.

- There is a serious danger of overcapacity in both mechanised and artisanal sector.
- At the moment, there are three parallel streams for distribution of fishing equipment: (1) government package; (2) independent distribution by NGOs; (3) village rehab package of Tamil Nadu government (this will start with the Collector starts issuing acceptances of proposals by NGOs under GO 35).
- Problems with loss assessments and list of beneficiaries: every fisherman would love to have a motorboat, and even if he never had a boat, he may say he lost it.
- Problem with credit package for rehabilitation: pre-Tsunami, there was no system of bank loans to cooperatives of fishermen. It is unlikely that any Tsunami loan will be repaid by fishermen. It is a disservice to help fishermen get a bank loan.
- Problems with group ownership: In the last 20 years, groups have been formed for ownership of a boat, but not a single one still functions. This system has not worked in the past. Today, if you promise a group boat, they are not going to say no. A fisherman is not going to say no to a gift horse. However, this will not work in practice. The fishing in this part of the world is highly individualistic, and doesn't need large groups. Katumaram fishing breeds individuals. Everybody is skilled and nobody is boss. There may be groups functioning well in other parts of India (such as Kerala, where boats are larger). But group ownership here creates control problems.

7. Recommendations

- Replace only fully damaged equipment in the artisanal sector
- Do not allow fishing fleet to increase beyond pre-tsunami levels
- Do not fully replace trawlers; encourage alternatives
- Alternatives for harmful fishing methods rather than replacement
- Full subsidy rather than bank loans which will not be repaid.
- NGOs/Donors should partner with Government in implementing package rather than do independent distributions.

- Additional fishing gear and tackle can be distributed with some caution (be aware of particular nets used)
- Village rehab package should not include boat, motor distribution. Let us not look at "livelihoods" as boats and motors. Be creative and use the compensation in other ways.
- Do not disrupt existing ownership patterns
- Do something else for the crew if you feel guilty about leaving them out! (ice box, GPS, compasses, etc.)

11:50 p.m. – Fisheries resource of Tamil Nadu – Current level of exploitation and Future prospects

- Dr. Mohamed Kasim, CMFRI, Chennai

Global marine fish production between 1948-2001: 17.7 million to 110.6 million tonnes.

Profile of Marine Fisheries of India:

- Potential yield in EEZ: 3.9 mt
- Potential yield in inshore area: 2.2 mt
- Marine fish production (200): 2.7 mt
- Production from inshore area: 2.2 mt
- Offshore waters: 1.7 mt.

Statewise Marine fish production: Kerala first.

Fish constitution: Pelagic finfishes (54%), Demersal finfishes 24%), crustaceans (17%), molluscs (5%).

Regionwise fish production. The Northeast and Southeast are together only about 30%, whereas the remainder is the West Coast.

Important fishing groups that constitute the Tamil Nadu Groups:

Pelagic Finfish Resources: Sardines are among the most prominent catch in Tamil Nadu. Tamil Nadu's main economy depends on Lesser Sardine. Ribbon Fish are also important in Tamil Nadu. Seerfishes is one of the most commercially important fish. Tunas and Billfishes were not considered important in Tamil Nadu, but now they will become more important because fishermen will be forced to go offshore.

Demersal Resources: Elasmobranchs account for 63% of the landings followed by rays (33%) and skates (4%). The deep sea trawlers' major catch is sharks. Catfish resource is dwindling because they get caught in the nets easily because of their unusual heads. Lizardfishes/Soiler has a lower commercial value; however, it is commonly sold in liquor shops. Bulls Eye fish are a developing resource, only now emerging. Pomfrets are famous. This is the costliest fish because the resource has been dwindling. There is a step to culture this species. Flatfishes are also a vulnerable group for mechanised fishing. They are considered a delicacy. Whitefish is considered next to Pomfret. This is a very

commercially important resource but stock has dwindled due to overfishing. Goatfish are a major species along the Tamil Nadu coast.

Crustacean Resources: Prawns, lobsters, and stomatopods. Penaeid Prawns are larger and considered commercially very important. Viability of stock for deep sea prawns has to be studied. Lobster is very vulnerable. The ecological difference is that rock lobsters are available only in rocky terrain, whereas sand lobsters are available in the open water (and thus are more suited to trawling). We are the second (next to Australia) to successfully breed sand lobsters.

Molluscs: Cephalopods, Gastropods, and bivalves. Clams are used for captive maintenance of different live organisms. One cuttlefish is very costly and can sustain a fisherman for some time. Sacred Chank has a slow growth and is susceptible for fishing.

Coral Fauna of India: If there are no coral reefs, half of the fishing population will disappear. Gorgonids (a type of coral) are important for a medicinal purpose – prostoglandins – a stimulant that is used to heal many illnesses. This is very important in Tamil Nadu.

Sponges: Not easily noticed. Their breeding will cause zooplankton abundance in many places. Other sponges are medicinally important.

Echinoderms:

Sea cucumber fishing is banned.

Marine Mammals: They are very social with human beings. There is an exploitation of these resources. First, they are used for consumption. Second, there is a school of thought that they are competing with humans for fish resource, so fishermen sometimes attempt to decrease their populations. If our exploitation goes unfettered, is it possible to replace that species??

Turtles: Live longer and slow growing. Visit the same grounds for nesting. Vulnerable to fishing nets in the sea. And predation on the land at the time of nesting. Mandappam and Gulf of Mannar are turtle fishing areas. Now we have effective control of turtles.

Action we should take:

- Fish production in India has gone from .5 mt in 1950 to 2.57 mt in 2004. This is due to increase in technology and mechanisation, processing infrastructures. Because of this revolution, the methods of exploitation has also changed.
- The entire cost in 2000 is Rs. 42 million. In one year, production is nearly Rs. 74 billion. ??????????
- 3.94 million tonnes is potential available and 2.57 is what we have been catching in 2004, and in that 2.2 mt comes from shallow depth. So we've reached the saturation point in the shallow waters. Why does nobody want to go to the deep water?

Because the richness and variety is greater in shallower water. There is also more light in shallower water. But in deep water, you will have good plankton production and good quantities of tuna, billfish, and sharks.

- Per fisherman catch is now lower.

Symptoms of overexploitation:

- Now we get less variety
- Now we have lower abundance
- Now we get less-aged, small fishes
- Now reproduction is in critical conduction
- Average size – which is indicative of health of resource – is now smaller for each and every species.

Human interference that have affected coastal ecosystems:

- Urbanisation
- Reforestation and reclamation of land for agriculture, industry
- Mangrove deforestation (being removed for wood and other purposes)
- Breaking of coral islets for limestone requirements

Effect:

- decrease in oxygen
- increase in toxins

Actions:

- biological options: effort at regulation (time restrictions/seasonal regulations, spatial restrictions, regulation of riverboats, backwater fishing, training, resources, education, etc.)
- increase fish production: Because we have exhausted the ground resources, we have to go for pelagic resources. This means deep sea fishing for carp, tuna, billfishes, sea fish, deep water prawns & lobster. We can use satellite imagery/remote sensing to locate potential pelagic resources.
- increase fisheries resources: Introduce artificial reefs, sea ranching. Or use alternative methods such as mariculture, aquaculture, seaweed culture, etc.

Management Options:

- human activities must be banned or regulated
- pollutants must be monitored and polluting industries should foot the bill for mitigating pollution effects.
- Mangrove ecosystem must be protected.
- Certain places should be restricted to fishing (5-10 km from shore, etc.)
- Don't use dangerous fishing methods (dynamite, collection of young ones from the wild)

"The fisheries resources are the fishermen's property. And if they are not healthy, neither will the fishermen be healthy."

1:20 p.m. – Tsunami and Coastal Environment

- Dr. Shanmugam, Annamalai University, Chidambaram

Continental slope is so much wider in east coast than west coast. If you see the contour of the environment, we have the continental shelf area out to 200m, then the continental slope area between 200 and 500m. The continental slope continues as the deep sea area.

How tsunamis form: When the water moves towards the shore, the water particles start rising up as a crest, and as they reach the shore they start breaking. The Tsunami is not new to other countries on the Pacific Ocean. It is derived from the Japanese term for "Harbour wave." Tsunamis are not tidal waves because tsunamis are not connected to tides. Tsunamis are more seismic sea waves. Tsunamis can have speed of 800 kmph sometimes. In shallow waters, they arrive at 500 kmph. When Tsunamis form more than 1000 km away from shore, they are travelling with high energy, which causes heavy damage as they hit the shore. Another important feature of tsunamis is that the sea level may drop immediately prior to the wave. This is because when the crest is forming you see the water rising, but when the trough is approaching, you see the sea receding.

The first Tsunami reported in history was in 1755 in the Atlantic Coast in Lisbon Portugal area. The wave height was more than 15 m along the coast of Morocco. In 1883, in Indonesia, there was another tsunami during the eruption of Mount Krakatoa. The wave height was over 100 feet, and you could see inundation of water more than 33 miles into mainland. This completely drowned certain areas. The wave speed was 400 miles per hour (200 metres per second). 1946, 57, 60 in Hawaii was the next recorded Tsunami. The 26 December 2004 Tsunami was caused by the vertical floating of the sea floor and submarine landslide and/or eruption. The earthquake was 9.3 on the richter scale. The U.S. National Oceanic and Atmospheric Administration set up a tsunami warning system in the 1940's in Hawaii.

To reduce impact of Tsunami:

- grow mangrove plants close to the shore
- grow coconut trees close to the shore, but not indiscriminately.
- Sand dune vegetation: spiny vegetation that will keep sand particles intact.
- Cascherina trees: they will act as the buffer zone.

Studies are being conducted at Annamalai University:

COMMENTS:

Comment: SIFFS representative Dr. Subramaniam: clarifying points regarding group ownership. First is competition. Second, the fishing decision on the sea must be taken instantly, so this cannot be done by a group. Even a father and son cannot work together. Another point of clarification is regarding fishing regulation. Traditional fishermen have

a system of time of fishing and spatial regulation. For example, communities themselves may decide not to fish at night or not to cross certain areas with their boats. One reason this system is not working is that the government is not recognizing the traditional system. Second reason is that technical advance is causing fishermen not to worry about traditional systems. All of the donors are ready to talk money on boats and crafts. With the extra money, the donors should construct a good school for the children or turn to alternatives instead of pouring extra money into buying craft and gears for fishermen.

Comment. Captain Rao of Tara Relief Committee: We know that per catch per year has been dwindling. So it is a fact that we should educate fishermen and tell them that we will upgrade kattumarams to fibreglass (but reduce numbers in half), not rehabilitate the trawlers, and take other measures that will restore an economic way of fishing. There will be regional rural knowledge centres to disseminate information such as location of fishing.

Comment. Fisherman: the only way to improve fishing given the loss in boats is to replace kattumarams with fibre boats.

Comment. Dr. Kasim: Mechanised sector: half of the trawlers were not going for fishing at all because of the diminishing supply of catch. One idea is to convert the steel trawlers to long liners to use for tuna fishing. Even wooden trawlers can be used for long line work (and are being used off of Andhra coast right now, and are catching Yellow Fin Tuna). Steel trawlers and wooden trawlers have the same problems. The reason we are saying that we should not increase assets is because we need to estimate a break-even point for each sector. You can't give boats out without conducting this type of analysis. We (CMFRI) is ready to participate in this exercise.

Comment: Sudarshan: First point is, are you increasing catch per unit by giving out fibre boats instead of kattumarams? Second issue is that we need to prioritise the value of different resources. From a resource economics point of view, we would enhance livelihoods by conducting this analysis. Third point is that Cascherina does not slow down speed of water (although it may be a barrier to height) because it makes soil less porous and acts like concrete (water will not slow down.) Also, there will be access problems because the forest department will cut off access. All of this is to say that we need to look at this holistically.

Comment: Suggestion to give out fully subsidy rather than loans, which will go unpaid.

LUNCH BREAK: 1:45-3:00

SESSION II

3:00 p.m. – Experience of Deep Sea Fishing

- Sri. Kaliyaperumal, Amirtham Ice and Fish Industries, TS 970
Cheeralamman Koil Street, Pattinacherry, Nagoor (252474)

Trawling was not affordable, so he learned bio-fishing (PAYAW) method from Filipinos and from books.

PAYAW Fishing Method for Yellow Fin Tuna Fishing: 2500 metres depth. A rope is tied from a weighted platform, to which we attach palm fronds. The fronds need to stay for 30-40 days before you start fishing. Plankton growth increases in the vicinity of this palm frond. Small fish are attracted to these plankton. Large fish are attracted to the smaller fish. Soon, a colony is created. These fish gather for a 4 km radius around the platform. This colony should go undisturbed for 30-40 days before it begins.

Aggregate of fish in deep sea:

- plankton
- very small fish
- deep sea red prawn
- squid
- arali fish
- round scad
- flying fish
- rainbow runner
- skipjack
- yellow fin tuna
- bonito
- wahoo
- mackerel
- dolphin
- swordfish
- shark
- marlin
- sail fish
- turtle
- dolphin
- whale shark
- whale
- hammerhead sharks

The life of this PAYAW varies from 15 days to 1 ½ years. The last PAYAW that was placed is still flourishing but Mr. Kaliyaperumal cannot go out there because fishing is restricted in post-Tsunami.

The trawler has been converted to a deep sea fishing boat. A trip takes 7 days. We take 2000 litres water and 2000 litres fuel.

There are two deep sea methods used:

- Jigging Method (to catch yellow fin tuna): Certain species are at 2500 metres. The PAYAW attract these species. At a depth of 30-40 metres from the surface, the fishermen catch smaller fish known as redbait (similar to sardine) They use the redbait as bait to catch yellow fin tunas, which are at 80-200 metre depth.
- Troll line method: There is a double-hook that you put at the end of a line. The boat moves very fast, and you use a colourful weight (with rubber, plastic, colourful cloth), which catches several fish in just 1-2 hours. You start fishing at 5 a.m., and you can fish until 8-9 a.m.

One PAYAW investment is Rs. 1 ½-2 lakhs. However, the local market for yellow fin tuna is not high. But the market internationally and in Sri Lanka is very profitable.

The operating cost is reduced because diesel is used to reach the location. Unlike trawling, very little fuel is used. You can stay out there for 10-15 days and the cost is low because you stay in the same location and do not use that much fuel while fishing.

Turtles are among the first to come to the PAYAW.

The current season is when the PAYAW attracts whales.

To do deep sea fishing, you need a strong boat, GPS, radio-telephone. Due to security reasons, radio-telephones are not currently allowed so there need to be some policy decisions on that level. One PAYAW must have about 10-12 km radius to keep adequate distance. The entire coastal zone of India up to the coast of the Andamans is available for this type of fishing. Another major constraint is the processing and marketing. To do this on a large scale, we need good processing facility on shore (including facility for smoked fish for Ceylon market).

A new method we are currently investigating is using products of aquaculture – EM (effective microorganism) as bait in PAYAW. This can be put in a drum and used to feed the fish. 1 litre costs Rs. 160, but out of this, you can make 400 litres using jaggery, rice wash water. After a few fermentations, you can multiply them. (overall price will be less than a few paise per litre). Potential other uses are for cleaning of wastewater, agricultural land reclamation post-Tsunami, and pickling.

There are new arrivals after the Tsunami: There are some fish that Mr. Kaliyaperumal has not seen in this area for the last 20 years. He has found these fish while going on trips for his own food requirements, but they have great commercial potential (he cannot commercially fish for them yet).

3:30 p.m. – Prospects of Deep Sea fishing and need of infrastructures - Dr. Rammalingam, FSI (Fishery Survey of India), Chennai

Agenda points (details are in Powerpoint presentation that will be provided to attendees on CD)

- Mandate: surveying, monitoring, etc.
- Two vessels currently in operation doing surveys.
- Bottom Set Longline is method used for Perch:
- Trap-fishing is used for deeper sea (Kalava trap)
- Light Fishing is for catching squid (with jigs)
- Today, there is a vessel off the coast of Nagapattinam doing survey using long-line.

- So far, FSI has been doing bottom trawling. The old trawler will be replaced with a long liner.
- FSI is willing to train fishermen to do tuna long-lining. A request that the authorities give permission to FSI and people like Kaliyaperumal to train fishermen in alternatives to trawling. FSI is willing to organise such a workshop next month.

3:24 p.m. – Lobster and Crab cage culture programmes for the coastal beneficiaries
 - **Dr. Senthil Murugan, NIOT Chennai**

PRESENTATION 1: (details on Powerpoint presentation that will be available to attendees on C.D.)

Rs. 4000-6000/month can be earned using this method.

Culturing Methods:

- Cages are used for crab culture.
- Ropes and bags are used for green mussels.
- Cages were distributed to women's self help groups at Tharuvaikulam.
- NIOT has conducted training for women in lobster and crab culturing.
- Crab fattening technology (increase weight and profit)

PRESENTATION 2: Regarding the Readings Taken by NIOT around the time of the Tsunami and following the Tsunami.

This presentation includes detailed measurements of sea surface nutrient readings, temperature, etc. (details on Powerpoint presentation that will be provided to attendees on C.D.)

Some key points on effect of Tsunami:

- no change in coral diversity between Andaman and Chennai.
- Widening of mouths of estuaries and backwaters in Tamil Nadu and Andhra Coasts.
- Places with healthy coral reefs and intact mangroves were less affected.

4:00 p.m. – Model Coastal Village : Village Level People's Plans

- **Shri Tom Thomas, PRAXIS**

PRAXIS: Micro-level Planning (MLP)

Focus is on "community lead" initiatives vis-à-vis research, planning, monitoring, and evaluation.

Areas of work: research, training, documentation, networking.

Why go to the communities and plan?

- Communities' expertise/perspectives need to be prioritised in planning

- Limited understanding of fishing community/economy/dynamics
- Limited NGO presence
- Tendency to superimpose agrarian understanding to fishing (e.g., boat crew equated with landless labour and boat with land)
- Traditional community with almost nil non-fishing/vending skills
- Indiscriminate and uncoordinated distribution of fishing gear

Core principles:

- inclusive process
- participation of all groups in the planning process (men, women, children, dalits, etc.)
- capturing of community wisdom/knowledge
- triangulating findings
- facilitative and non-extractive tools: not questionnaire-type tools, but an interactive process where you spend 5-10 days in a village with the community.
- visual tools: for example, social maps of villages are created, mobility maps

Process:

- familiarisation visits
- meetings with traditional panchayats
- social mapping (create a map of pre-tsunami ownership of land/houses)
- village level peoples' plans
 - history
 - livelihood patterns
 - power dynamics
 - vulnerable groups – needs, preferences
- alternative livelihood options
 - mapping of skills
 - long listing of options
 - mobility of various groups
 - social acceptability of the various options: is, for example, working in a garment factory acceptable to the fishing community?
- techno-economic feasibility studies
- business plans

PRAXIS is doing MLP's in villages where there is an NGO commitment.

Sample profiles of Chinnangudi and Tazhampettai: (see presentation for details: Presentation will be provided on C.D. to attendees)

Issues with MLP Process:

- women's participation

Issues arising in villages:

- widows not receiving equitable distribution of compensation/relief through panchayat.
- everyone wants FRP boats, regardless of whether they had a kattumaram or not.
- Nobody wants group boats.
- Those who were resettled beyond 500 m (e.g., Tazhampettai) now find that their prior village land has become occupied by shrimp farms, which have brought down prices of fish.

4:30 p.m. – Rapid livelihood assessment of coastal districts in Tamil Nadu and Pondicherry

- Smt. Sonya LeJeune, Save the Children

Underlying theme:

- the welfare of children depends on the ability of their parents to provide for them
- parental ability depends on their access to clean water, nutritious food, timely adequate health care, etc.

Household Economy Approach:

- a framework for analysing rural livelihoods (semi structured interviews, purposeful sampling)
- Unit of analysis = the household (smallest economically coherent unit (family))

Methodology (no questionnaires: Participatory Rural Appraisal, semi-structured interviews, and purposeful sampling):

- Household economy before tsunami and how it has changed (food and income)
- Change in productive assets, income earned, social situation (livelihoods)
- Seasonality
- Differences in assets (e.g., boats) and income earning opportunities as well as the ability to cope (socio-economics)

The Area Covered: Pondicherry to Nagapattinam

Livelihood Zones, Coastal Region:

- traditional marine fishing (no boat (coolie labour), 2-3 pers catamaran, 4-5 pers maruti/frp, 5-8 pers trawler, fish vending and processing) *what we have been talking about this afternoon*
- agriculture (landowners, sharecroppers, daily paid coolie labourers, money lenders, vendors) → the sharecropping appears to occur mostly when the fishermen own the land (need to confirm)
- inland fishing (low income fishing activities, sell catch to fishermen, coolie work)
- salt production: (leaseholders (small to large scale), coolie labourers, salt factories)
- harbour (coolie labourers, ice factories, boat repairers, fish processing and sales, traders, service, transporters)

Seasonality: (see presentation for chart): some peoples' activities have been affected during their most productive period (salt producers, salt coolie labourers, fish vendors, agricultural labourers, landowners, ice producers and sellers)

Impact of tsunami on livelihoods:

Visible:

- marine fishing boat, catamaran, trawlers,
- fishing labourers who live in coastal or riverside village
- people whose house was destroyed or who lost a member

Less Visible

- inland river fishing net and catamaran owners from inland river villages
- fish vendors
- agricultural sector
- salt sector
- ice factory owners

Invisible

- traders, shopkeepers, kiosk owners, transporters, workers who sell food and other goods to households that have lost purchasing power following tsunami
- money lenders who have capital tied up in owed credits which they will not see repaid for a long time.

Coping Strategies, Coastal Region

- relief
- loans/pledge possessions
- savings
- different activities (e.g., agricultural labour, migration)
- ?increase in children working?
- No reports of taking children out of school

Cost of coping strategy: what is the cost of taking out another loan and the household getting further indebted? What is the cost of the household migrating and taking the child out of its normal environment?

Impact on Children:

- depends on parents' livelihood and wealth group
- increasing debt burden of parents (long term ability to care for children)
- chronic problems (marginalisation, poverty) exacerbated by the current economic hardship and inequitable response.
- Fear of being left along (1 parent stays with child, therefore unable to work)

Humanitarian Response

- rapid, comprehensive
- constantly being updated
- coordination is a challenge

Questions:

- has the humanitarian response been equitable? It has been based more on visibly affected. There has been a confusion in terminology with the use of “directly” and “indirectly” affected (everyone has been directly affected)
- impact on wider economy?
- Impact on HIV/AIDS?

Recommendations:

- livelihoods has a much wider scope than simply counting lost assets (need economic and social analysis)
- a wide range of economic activities have been disrupted due to the tsunami (beyond fishing)
- children within poorer marginalised communities are particularly at risk (inclusive, equitable interventions)
- main constraint: insufficient money to replace lost productive asset/cope with lost employment opportunity (consultation, participation, monitor, trust)
- coordination challenge (active dissemination and linking)

5:10 p.m. DISCUSSION (Q & A)

Q: (to Sonia and presenters from first half): In the morning we heard that fisheries community cannot be stratified by classes. From Sonia's presentation, I got the sense that there is such a stratification. I would like clarity on that.

A: (Sonia): From my perspective, when you look at household economy, within any population, there are differences. You cannot say that everyone is at same level. Some people are able to better cope than others. Admittedly, fishing is a very precarious activity that depends on skills, luck, and other things – but it also depends upon the equipment that is used. This means relative wealth within the community is a factor. It was explained to me that if you do not have a vessel, you do not have as much income as one who does not have one.

A: (Vivek): Back to what I said, I said that there are clear economic differences that are visible. But the issue is complex. Having land is not the same as having a boat. Even if you have a boat, you need the other conditions (e.g., the number of seagoing men in your family, skill, luck) to be successful. Class and strata are different (I was using Marxist terminology).

Q: (Vinayraj): We have showed several options available to fishing community to move away from traditional fishing. All of these require some investment. But you said that tsunami loans are not going to be paid back. So how do you suggest fishermen undertake these alternative activities? Also, if you say that group boats is not going to work, how

do you look at the area of creating more fish in the existing system. Insitutional approaches to both of this need to be articulated.

A: (Vivek): It is not that we cannot have loans or boats cannot be repaid. Otherwise, SIFFS would not exist. Pre-tsunami, we had societies and there was 100% repayment. An organisation, which takes time to build up, can ensure that fishermen can make investments and repay borrowed money. Self help groups are a great example. Fishermen's cooperative Societies sponsored by the government should function more like Self Help Groups (they do not currently function that way). For larger investments, you have to go with collateral. Collateral-free is virtually a write-off. Why did we decide that this community was worthy of such support only because of the disaster? There was nobody working with these communities before. These communities have for some time been left to their own devices and have been functioning brilliantly. We have not been able to relate to these systems – actually it is our problem and not their problem.

Q/COMMENT: In the Scandinavian countries, farmers and fishermen have had very strong cooperative societies, which have done the processing and the marketing of their products. And I am sure they are quite willing to help organise such societies here.

Q: (Sudarshan): While you are looking at inclusive planning tools, are you doing any monitoring, because perspectives, aspirations, priorities of a community change with time and are dynamic? What is PRAXIS' policy on this? Secondly, what is the response of the NGO community towards the MLP process?

A: (Tom): Most of the plans where there is a definite commitment from an agency would also require the community to decide whether they would want to monitor and look at those indicators. There will be a monitoring phase as part of the MLPs. The other monitoring is the larger monitoring of the NGO community, donors, initiatives. We are looking at building a team of 15-20 community members, and using participatory approaches, looking at NGO/government/community interventions to monitor. We are looking to the community to take the lead instead of PRAXIS:

Q:

South Indian Federation of Fishermen Societies

Rehabilitation of Fishing Units in Tsunami affected Tamil Nadu

Recommendations

1. Fishing capacity should not be increased beyond pre-tsunami levels

Tamil Nadu's fish catch has been stagnating for the last few years despite increases in the number of mechanised and motorised boats. This clearly indicates that in the coastal waters of Tamil Nadu, further increases in fish catches cannot be achieved by merely increasing the capacity of the existing fleet. In other words, adding more mechanised boats or motors will not be beneficial. On the contrary, it can lead to over capitalisation, decline in incomes per boat and perhaps even depletion of fish resources. Hence it may not be advisable to increase the number of boats, motors and nets to levels beyond what existed pre-tsunami.

2. This is an opportunity to reduce the trawler fleet and increase the opportunities for small fishermen

Pre-tsunami, the mechanised trawlers were already over capitalised and facing great economic hardship. Tamil Nadu has the largest fleet of trawlers in the country and disproportionate to its coastline length and fish resources. These boats were surviving only by poaching on resources in the waters of neighbouring Andhra Pradesh, Kerala and Sri Lanka. These vessels, costing Rupees 15-20 lakhs to replace, operate often at the cost of the small fishermen and the fish resource base. It is therefore not advisable to replace *in toto* the trawlers that have been damaged in the tsunami. While it maybe unfair not allowing an owner, whose trawler was damaged, to repair or replace it, there is a need to provide incentives for at least some of the trawler owners to leave the fishery. *While compensation can be provided for the loss, they can be encouraged to invest the money in other businesses or even in small boats.* For those who wish to replace the damaged boats, entirely new boats may not be advisable. Purchase of second hand boats from other major centres can be encouraged so that the high concentration of trawlers in those centres can be reduced. The trawl workers can be encouraged to join the small scale artisanal fishing which will be able to expand if the trawl fleet is reduced.

3. Policy of replacement to be followed scrupulously in the artisanal sector¹

Many donors and NGOs are already planning a distribution of fishing equipment based on "wish lists" provided by the local fishing communities. Alternatively, Donors/NGOs are preparing their own "dream projects" to "improve" the fishing by distribution of motor boats that will cover all the families in the village. Both approaches are harmful and can easily lead to the over capitalisation of the fishery. The fishermen themselves will struggle to make the new boats viable. Providing a poor kattumaram fisherman with a motor boat might appear to be matter of social justice, but it may actually be putting a

millstone round his neckⁱⁱ. *So the priority should be to help replace what was lost in the village rather than make hasty interventions in the name of improvement of livelihood.* Experiments in livelihood improvements are better done in the second year after the rehabilitation is completed and a clearer picture emerges about the changes in the sector.

4. Disruption of existing ownership patterns to be avoided in artisanal sector

A variety of interventions are being planned involving group ownership of fishing assets. Group ownership does not exist in the Tamil Nadu fishery and all previous attempts at introducing group ownership through Government and NGO programmes have been unsuccessful. Even brothers do not necessarily form stable groups. Group ownership is promoted on the basis of equity and a donor reluctance to provide financial assistance to just one section of the fishermen. However, it is important to note that the fisherman who does not own any fishing equipment is not necessarily the "poorest of the poor". Fishing incomes are shared and there is no wage systemⁱⁱⁱ. Only families with more than one male member in fishing will find it economical to own a kattumaram or motorised boat. Skill, management capacity, etc., also play a role in determining who is an owner and who is just a worker. All owners in the artisanal fishery are also workers. So attempts to "re-engineer" the ownership patterns and bring "social change" in the fishery are ill conceived and potentially disruptive.

5. Bank loans to be avoided

A special credit package has been announced by the Government of India to complement the subsidy package for replacement of boats. For motorised boats, the subsidy is now 50% and for mechanised boats the subsidy has been put at Rs.3 lakhs for repairs and 5 lakhs for replacement^{iv}. The balance amount needed can be taken from a nationalised bank at 5.5% rate of interest repayable over a conveniently long period. Initially the subsidy was conditional to availing the loan. Most importantly, no collateral is needed for the bank loan despite the amounts being large. Now, however, due to the intervention of the Tamil Nadu Government, the loan has been de-linked from the subsidy.

It would appear to most NGOs/Donors that helping the fishermen avail of the bank loan scheme is an ideal intervention. Unfortunately, this is not the best service that one can do in this stage. Pre-tsunami, there existed no satisfactory mechanism for recovery of bank loans and the record of the entire fisheries sector, whether it be the mechanised sector or artisanal sector, has been dismal. The tsunami related expectations of the fishermen will only make things worse and a bank loan will only be seen as a subsidy given under another name. Hence, encouraging fishermen to take bank loans would be an inappropriate activity at this stage.

6. Govt.-NGO partnership in implementing package

Since bank loans are being ruled out, the issue of how a fisherman can replace his boat with just the 50% subsidy becomes an important issue. A possible way out is for NGOs/Donors to join hands with the Government in implementing the subsidy package.

NGOs/Donors can add to the subsidy component with their funds so that the fisherman does not have to take a bank loan. The details of this needs to be thought through, but this is a feasible alternative with many advantages. The role of the NGO should however not be reduced to one of just contributing the money to the Government or fishermen, but should be one of active involvement. The NGOs partnering Government may have to scrutinise beneficiary lists, organise supply of fishing equipment, etc. This will substantially reduce the administrative burden of the Government machinery, which is now expected to ensure that the boat and equipment have been acquired before allowing the withdrawal of the cash in the bank^v.

7. Distribution of fishing equipment needs to be delinked from Village Rehab package

As per G.O. 25, a donor taking up village rehabilitation needs to include rehab of livelihoods in addition to the construction of houses and community infrastructure. If the livelihood component is taken to mean distribution of fishing equipment, there is a danger of over investment and proliferation of fishing equipment. Since the replacement of damaged fishing equipment is covered by the Government package, it may be advisable to avoid distribution of fishing equipment under the village rehab scheme. The concerned donor/NGO can concentrate on other livelihoods under this scheme.

8. Distribution of fishing gear and tackle can be taken up within limits

While the independent distribution of boats and motors outside the Government package needs to be discouraged, the distribution of fishing gears and tackle needs to be considered as a separate issue. For fishing operations, a wide range of fishing gears is in use. As many as nine different nets are in popular use in many parts of Tamil Nadu. How many nets of these a fisherman has depends on his fishing specialisation as well as investment capacity. There are some fishermen of Kanyakumari who can survive without a single net and maybe happy to fish round the year with hooks and lines. So for some fishermen, the unit cost fixed by the Government for Kattumaram unit or motorised unit is perhaps very much on the lower side, if the entire set of gears they need is taken into account. For some others it may be just about okay. Hence, there is some scope for NGOs/Donors to distribute fishing gear in addition to what is covered under the Government package. In addition, we need to recognise that fishing boats need a lot of accessories other than nets or hooks. These also cost money and one can definitely find that there are a number of small things needed for fishing that are always missed out in any package and ignored when unit costs are computed. So, some support for fishing gear and tackle may be okay provided the real needs are understood and assessed. The only problem is that loss of gear and tackle is almost impossible to correctly assess in contrast to boats and motors.

^v The "artisanal" sector is generally defined in the Indian context to mean both the traditional sailing boats and the recently introduced motorised small boats that operate from the beaches. The motorised category includes the traditional craft like Kattumaram which have Out Board Motors fitted on them as well as on the newly introduced small beach landing boats made of marine plywood or glass fibre that use motors. In

contrast the term "mechanised" is used to refer to boats that have in-board engines and operate from harbours. With the exception of some boats using gill nets, the mechanised boat category is normally associated with the trawl boats which constitute 90% of the mechanised boats in Tamil Nadu. The term "artisanal" is used often as a synonym of "traditional", but this is a debatable use. The term "artisanal" is thus purely contextual.

ⁱⁱ The Kattumaram is not a primitive or unsafe craft as it might appear to a newcomer. It is one of the most finely evolved craft with very little room for improvement. Made of softwood, the Kattumaram is an unsinkable craft that is ideal for a surf beaten coast with no safe anchorage. Its limitation is obviously a limited capacity and hence you will not expect a Kattumaram fisherman to be very rich! The use of motors has increased the range of the Kattumaram. However, the range of a Kattumaram is not actually determined by technology but by the fisherman's inclination. Due to its un-sinkability, a Kattumaram can be sailed across any ocean, only it will take a long time to do so! Tor Heyerdahl's Kon Tiki expedition across the Pacific was nothing but the demonstration of the sailing capacity of the Kattumaram type craft.

ⁱⁱⁱ Trip expenses like fuel expense, marketing commission, village or temple contributions, food expenses, etc., are treated as "common expenditure" and reduced from gross earnings per trip. This "net divisible income" is then divided into shares for the crew and owner. Typically, each crew member gets a share, and this includes anyone from the owner household. Additional shares are taken by the owner towards the equipment. On a sailing kattumaram, the equipment share will be just one. In other words, if three fishermen went fishing on a kattumaram, there will be four shares and the owner gets the fourth share. In all probability, the owner would have also been on the fishing trip and would get two shares. If his unmarried son, who is part of his household, also went fishing, the owner household will get three out of four shares. As the investment and maintenance costs increase, the owner's share or equipment share increases proportionately. Thus in a motorized kattumaram, the equipment share will be higher with one share for boat, one for motor and one for the net. Thus if four fishermen went fishing there will be seven shares with three shares going to the owner. On a motorized FRP boat with a large gill net, the owner's share can go up to 50% of the net divisible income. An owner has to pay for the maintenance costs of the equipment, cost of capital and take care of the replacement of the fishing equipment when its life is over. For the owner of a motorized kattumaram to break even, an annual fish catch of at least Rs.1 lakh will be needed. For a FRP Kattumaram to break even, it might require a fish catch of Rs.1.5 lakhs. In Kanyakumari district, where fishermen use imported OBMs, the break even point is around Rs.2 lakhs. Owners who are unable to break even will not be able to replace their equipment when the time comes.

^{iv} The package has been announced under G.O 48 and further elaborated under G.O.61. The Kattumaram replacement package is Rs.32,000 and meant to help provide the fisherman with a kattumaram and one net. If the fisherman has already received Rs.10,000 for the net under the earlier announced package, this amount will be deducted from Rs.32,000. For motorized unit (Kattumaram and motor or FRP boat and motor), the unit cost has been put at Rs.1.5 lakhs. A 50% subsidy will be provided in this case. The remaining 50% can be availed as bank loan if desired by the fisherman. In the case of the trawlers, repair costs will be compensated to the extent of 60% subject to a maximum of Rs.3 lakhs. For replacement of trawlers, the maximum subsidy is Rs.5 lakhs. The balance amount required for repair or replacement of the trawler can be obtained as a bank loan. The bank loan for this package will be available at 5.5% rate of interest per annum. There will be a repayment holiday for 18 months. The loan should be repaid subsequently in installments. The total period of the loan will be 7 years.

^v The subsidy is being given to the fishermen as cheques. However, the withdrawal of the money will require the signature of the Assistant Director of Fisheries who has been made a joint signatory to the bank account. The Assistant Director has to ensure that the asset has been actually created and take photographs of the fisherman with the boat, before allowing withdrawal of the money from the bank.



National Campaign on Dalit Human Rights

J. Vincent Manoharan
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Siham Boda
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12 January 2005

REPORT: The After Effects of the Tsunami on Affected Dalit Communities

In this report, we as the National Campaign on Dalit Human-Rights (NCDHR) would like to reflect on the present position that the Tsunami affected Dalit communities are facing post the 26 December 2004 calamity.

As it stands the majority of the people affected by the Tsunami have been of the Fishermen community. However other communities such as Dalits and Muslims have also been affected and should not be neglected. Each community should be assisted proportionately in an unbiased manner to ensure that the equitable distribution of resources occurs, so as to provide relief and rehabilitation to these victims, regardless of their position on the caste hierarchy.

In order to provide a realistic synopsis of the present scenario we will firstly have to look at what the position of the Dalit communities were prior to the Tsunami. Secondly we will evaluate the extent of the devastation and damage that was encountered by the Dalit affected communities as a result of the Tsunami. Thirdly we will consider the discrimination they have faced by the Fishermen communities as well as the Government. Fourthly we will assess the relief that has been promised to the Dalit community. Finally we shall evaluate the necessary rehabilitation measures that shall be required in order to ensure that the Dalits have an equal opportunity to rebuild their lives and communities.

Position of Dalit Communities Prior to Tsunami

The Dalit communities that have been adversely affected as a result of the Tsunami are in this position primarily due to their location. Dalit hamlets were situated in close proximity to the affected Fishermen communities. The economic livelihood was also inextricably linked to that of the Fisher people - be it in doing 'coolie' work or domestic work for the Fisher people, or assisting in manufacturing and selling salt.

Dalits would work for the Fishermen loading and unloading the boats or they would purchase some of the fish to sell elsewhere. Dalit women often bought the smaller fish and hawked

that. In parts of Tamil Nadu and Kerala, a considerable percentage of Dalits are equally involved in fishing. They engage in backwater fishing by using catamarans and nets. In south Tamilnadu, Dalits also collected of seashells and conches, which they sold. Dalits, mainly worked as agricultural labourers or on saltpans. A few Dalits did some farming of their own and owned some livestock. Dalits in Kerala are also coconut tree climbers and plucked coconuts.

As a result of this economic set-up, the Fisher People tend to have more affluent status than the Dalits, who are daily wagers and are neither boat owners, nor landlords. Socially, Fisher people always have a dominant position in the caste hierarchy, and Dalits are treated as untouchables. Therefore, discrimination is rampant and there exists a division and exclusion between the two communities. Since the Fisher people are in the majority in these villages, are affluent and often intimidate the Dalits - Dalits live with a fear psyche.

Extent of Devastation as a Result of Tsunami

Due to the impoverished economic status of the Dalit communities, their homes were built out of mud and reeds resulting in them simply being washed away with the force of the Tsunami. In an initial survey of the 6 affected Tamil Nadu districts of Tiruvallur Kanchipuram, Thiruvallur, Chennai, Cuddalore, Nagapattinam (including Karaikkal, which is a small town in the neighbouring State of Pondicherry), 34 villages have been severely destroyed. Damage has been caused to 10499 houses in these districts.

This devastation has resulted in 160 deaths in the above-mentioned districts alone, with 103 people being unaccounted for. This has had a devastating social impact, as many families have been torn apart, resulting in widows and orphaned children with no support or shelter. The surviving members of the communities face the incomprehensible challenge of rebuilding their lives with seemingly few opportunities.

The livelihood opportunities have literally been washed away. As the Dalit community was largely dependant on the Fishermen for their livelihood they have been directly affected by the Fishermen's loss. In the 6 affected districts in Tamil Nadu, 1779 boats belonging to Dalits have been destroyed and a large number of nets have been lost. In Kerala, Kollam, Alapppy and Ernakulam, the 3 affected districts of Kerala about 600 catamarans belonging to Dalits were washed away and their fibre boats fitted with motors were damaged. Nets were also lost.

The Dalits who mined salt or were involved in agriculture were also affected as the saltpans and fields are flooded with salt water, which has ruined the crops. In these 6 districts, 608 acres of land belonging to Dalits have been affected. The force of the wave has resulted in the death of 2398 livestock in the 6 affected districts in Tamil Nadu. The coconut pluckers lost their climbing machines in Kerala and will cost Rs.10 000 each, to replace and the sprayers are worth Rs. 2500 each. Other agriculture farmers have had farming equipment lost and damaged.

Discrimination by Fishermen Communities and Government

Discrimination by the Fisher community

As the fisher communities belong to a higher place in the caste hierarchy, the practice of untouchability between them and Dalits is not uncommon in daily life. This is also being carried over at this hour of tragedy.

The following forms of discrimination have been witnessed at the time of relief and rehabilitation work:

- Fisher People were reluctant to allow Dalits to stay in the general relief camps,
- Fisher People did not allow Government staff/ NGOs/CSOs to provide relief materials to Dalits, this has also been reported in the Daily Telegraph (Canada) and at www.indiadaily.com,
- Members of Fishermen community chased /abused the members of Dalit community when they managed to stay in the camps or when the Dalits demanded relief materials,
- The Fisher People labeled Dalits as beggars /thieves etc,
- The Fisher People cremated dead bodies of fishermen community inside the Dalit living area,
- The Fisher People passed on relief material to the Dalits which was rejected by them,
- The Fisher People gave food / material to the Dalits which was stored, or left over and spoiled.

Manifestations of this discrimination can be understood from the following cases:

In Tarangambadi in Tamil Nadu, 513 Dalits from four affected villages were housed in separate relief camps in a community hall and local church in Thudaripet. The members said they had come to the camp fearing the possibility of discrimination by the Fisher community when living together, sharing cooked food, sharing drinking water, sharing relief materials and possible assault of young Dalit girls.

Similarly in Vanagiri village in Nagapattinam district 60 Dalit families were affected in terms of destruction of houses, loss of property, loss of livestock and inundation of agricultural farms with seawater, yet the Fisher communities would not allow the relief food and clothes to be distributed among the Dalit families. As families are slowly returning to their villages, they are trying to put up temporary shelter in some common land or temple land a little away from the seashore. In many places the Fisher community is not allowing the Dalits to put up shelter in these common lands.

Father Gunalan, pastor of Asia's Protestant Church, the 298-year old New Jerusalem Church in Tarangambadi, which is one of the worst hit coastal villages. Gunalan said it was appalling to see that the Fisher people stopping relief trucks on the road and diverting them to their own community. The camps of powerless denominations bore the brunt of this. (www.indiadaily.com)

While the loss and death in the Fisher community is of a much higher magnitude, affected families be it Dalit or Muslims have also similarly lost livelihoods that will take a long time to rebuild.

Discrimination/ Negligence /Apathy of the Government Officials (including police) against Dalits in relief and rehabilitation work

- Did not care to provide proper and adequate access to camps.
- Did not give adequate concern to provide food or other relief materials on par with the Fisher People.
- Did not show interest to provide proper medical care.
- Did not visit the camps where Dalits gathered on their own.
- Forced the Dalits to move from the place of their initial gathering to the official camps where the Dalits were apprehensive that Fisher people would physically prevent them from entering.
- Apathy to register the deaths among Dalits.
- Apathy in enumerating the conditions of Dalit victims.
- Reluctant to register missing Dalit persons.
- Reluctant to register the names of Dalit victims for relief or rehabilitation.
- Did not take appropriate action to distribute Ex-gratia payments to the Dalit victims.
- Allowed the burial of non-Dalit dead bodies inside Dalit hamlet.
- Abused or ignored Dalits when they demanded relief / rehabilitation works.
- Forced Dalits to remove dead bodies / cattle.
- Forced Dalits to clean the non-Dalit areas.
- Forced Dalits to do all filthy and undignified work.

Manifestations of Government discrimination can be understood from the following cases:

In Gilakaladindi in Machilipatnam mandal, Krishna district in Andhra Pradesh, the MRO distributed 25 kilograms of rice and Rs.750/- family to the Fisher community, but said that he cannot extend the same support to the 24 Dalit families who also eke a living out of petty trade of fish and shells from the beach.

The Dalits of Nidammarru village had tiny ponds where they grow crabs later to be sold in the market, collect seashells and make lime. These livelihoods have been destroyed by the Tsunami. When they were not given relief of 25 kgs of rice, they protested and prevented the distribution till the Panchayat President distributed the relief materials to Dalits too.

The Porailayar Taluk officials had not visited the Thudaripet relief camp where Dalits were housed four days after the disaster, saying they had asked Dalits to join the other camps but they were not willing to do so and the administration did not have the human power to manage another camp.

The Nagapattinam Sub Collector, Dr Umanath said that having segregated camps was a conscious and practical decision as there is real divisions and mistrust amongst the communities. He went on to say that 'a crisis like this is no time to experiment with castesist and religious amity'. This was report at www.indiadaily.com. The information secretary, Navin Chawla said that the Centre 'cannot preclude stray cases of discrimination'. (<http://timesofindia.indiatimes.com>). The chairman of the National Commission of

Scheduled Castes, Suraj Bhan, in response to the discrimination report said that the Tamil Nadu representative, Kannagi Packianathan would visit the areas where incidents have been alleged and take necessary action. (www.indiaexpress.com).

Ms Jayalalithaa, Chief Minister of Tamil Nadu has demanded Rs. 4,800 Crores from the Central government for relief and rehabilitation for the Tsunami victims. The proposed budget's primary focus is that of the Fishermen community. Only Rs.130.62 Crore has been allocated to the other communities (ie Muslims and Dalits). This allocation also indicates that the Government is aware that other communities besides the Fishermen communities have been affected by the Tsunami. The demand is however not proportionate to the loss suffered by the other communities and in this way the Government is displaying a bias or apathy against the Dalit and Muslim communities. The general practice in India is to have separate attention and allocation of funds for Dalits but this has not occurred in respect of the relief and rehabilitation measures or in the proposed budget.

The administration while understandably concerned about the large scale of loss of the Fisher community, but by not being sensitive to the issues of other marginalized communities, like Dalits, and by not recognizing their loss and destruction of livelihood, this bias will lead to increased polarization and social tension. The administration should ensure that all affected people are recognized, relief extended and rehabilitation planned. This neglect is resulting in death and loss in Dalit communities not being enumerated, death certificates not issued etc will result in serious problems in the rehabilitation phase.

Discrimination against Dalit Sanitary workers who were involved in relief works

In total 1264 sanitary workers, 444 other workers, 43 sanitary superintendents and 19 sanitary inspectors were mobilised from the adjacent 26 municipalities to Nagapattinam to undertake the task of removal of carcasses, debris and to dispose of the dead bodies. (The Hindu, 7 January 2005)

Dalit sanitary workers are:

- not provided with adequate masks, gloves and shoes for removing carcasses,
- forced to clean the non-Dalit areas,
- forced to do all filthy and undignified work,
- not given special honorarium for their extra time/work,
- not assured of any travel allowance or daily allowance,
- not provided housing, food and water when working away from their homes,
- not provided with sanitation/ health facilities,
- not given vaccines / preventive measures as precautions against disease,
- not able to properly inform their family workers of their movements.

Manifestations of occupational discrimination can be understood from the following cases:

In Nagapattinam we were appalled to see the conditions and treatment meted out to the sanitary workers brought from Madurai, Pollachi, Palani and Tiruchi for clearing the debris and dead bodies. None other than Dalit sanitary workers were called upon to unearth the decaying bodies and give them a burial. No facilities were provided for their accommodation,

food, sanitation, nor was an honorarium disbursed to them. No thought was given to protecting them from infection by giving them masks, gloves or boots. They were forced to share the relief materials of food and clothing that were distributed to the affected families, while medical and other staff that had come to do relief work accessed much better facilities. Expecting that the Dalit sanitary workers are the only ones who can do this work and then not recognizing their contribution nor providing sufficient facilities goes to further in fortifying the caste hierarchy and discrimination.

Relief Measures for Dalits

In 10 affected northern and southern districts of Tamil Nadu, the government announced the following relief measures.

- Rs. One Lakh exgratia payment to the next kith and kin, for each deceased,
- Rs. 4000/- to each affected family together with a dhoti, saree, blanket, rice, kerosene etc.,
- Rs. 20,000/- per lost mechanised boat/fibre-reinforced boats
- Rs.10,000/- per kattumaram lost
- Rs. 5000/- to repair the boat / kattumaram
- To adopt the children orphaned
- To provide school books and uniforms
- Rs.25,000/- to those who severely injured
- To deposit Rs. 5,00,000/ in the name of the orphaned young women
- To restore, power, drinking water supply
- To provide temporary shelter
- To provide permanent huts/houses
- To lay roads or repair the damages
- To provide bank loans to make good of the loss of boats, nets

Only part of these relief measures has reached the Dalit victims. The government has not made any announcements regarding the reclamation of the spoiled agricultural land or the damaged crops. There is no mention of the provision of employment opportunities to the agricultural labourers and daily wagers.

The speed at which restoration of the basic amenities is occurring in the Fisher villages is not commensurate in the Dalit hamlets. The enumeration of the loss of houses, missing persons and livelihood of Dalits is not being done adequately and accurately.

Necessary Rehabilitation for Dalit Communities

- Erection of temporary shelter
- Restoration of drinking water supply
- Restoration of power supply
- Clearing the debris in the Dalit hamlets
- Formation of roads
- Construction of houses
- Providing assistance to buy catamarans, boats and nets

- Providing employment for until the cultivation season commences
- Clearing the accumulation of mud and sand from the cultivable lands
- Supply of Livestock – Cows and goats
- Provision for self employment generation activities like brick kiln etc.
- Providing schoolbooks and uniforms to Dalit students
- Restoration of all records damaged or carried away in Tsunami
- Disbursement of ex-gratia payment for the loss of life
- Registration of the missing persons and sanction ex-gratia payment

The Role of NCDHR

NCDHR has been conducting routine visits to affected areas to gauge progress and tried to network with other actors to ensure what is needed reaches villages. NCDHR has decided to take on more of a "monitoring role" to evaluate the relief and rehabilitation dispensed and to ensure that Dalits are not discriminated in this process. NCDHR is setting up monitoring cells in each Dalit hamlet, which consists of 5 selected youth, who will monitor the situation and conduct surveys. NCDHR will conduct an orientation programme on 17 and 18 January 2005 with the assistance of HRFDL – a broader Dalit network in the area, for the selected monitoring youth.

Monitoring:

We have decided to monitor the following:

- The existing discrimination by the Fisher people
- The efficiency of the Government machinery in providing relief rehabilitation
- The funds earmarked, allocated and spent for the rehabilitation
- The donations raised and received by various organisations, networks, co-ordinations, including media
- The funds given by the funding agencies
- The funds provided by banks and other financial institutions
- Sensitising the media to cover the Dalit areas as well
- Pressurising the government to come out with a disaggregated data for extending rehabilitative measures to reach dalits.

NCDHR has also issued an appeal to parties involved in the relief and rehabilitation activities, including the Government, to be unbiased in their outreach and ensure that adequate attention, care and importance is given to the Dalits who are also severely affected.

NCDHR is also playing a key role in the 'Tsunami Relief and Rehabilitation Co-ordination Committee for Tamilnadu and Pondicherry' and pushing the dalit dimension in all its proposed activities to see that the affected Dalits are not ignored.

NCDHR tries to sensitise other co-ordinations and efforts, making sure they are aware of the Dalit situation and inculcate a Dalit focus in all their relief and rehabilitation activities.

NCDHR communicates and shares all its interventions to all those actors involved in this effort as well as to the national and international media, organisations and CSOs. NCDHR has created a list serve to whom daily updates are sent on post-Tsunami related activities.

NCDHR urges you to assist us in ensuring that the affected Dalit communities receive the required rehabilitation in order to develop a sustainable economy and society in order to rebuild this devastated community. Neglecting to do so will further deepen and ingrain the neglect and deprivation that has been inculcated by the discriminatory caste system. Let us utilise this calamity in a positive way and ensure opportunities are provided for this community so rebuilding can occur free of bias.

NCDHR looks forward to your co-operation and assistance in whatever manner possible to intensify our involvement of monitoring during this vital time of need.

NCDHR will continue to share further information with you. You are welcome to contact us at the following address:

Yours in solidarity,
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To Move or not to Move?

Post Tsunami Shelter Policy of Government of Tamil Nadu

A note on the Issues arising from G.O.172 prepared by the NGO Coordination Centre,
Nagapattinam

Introduction

The shelter policy of the Government of Tamil Nadu for rehabilitation of tsunami affected coastal villages came after three months of debate and discussion and was expected to put an end to the uncertainty over many aspects including that of relocation of fishing hamlets. The initial response to the G.O.172 that formalized the policy was somewhat muted as all circles found it difficult to understand the implications. On the surface, it seemed to be a well nuanced policy providing options to the community rather than use compulsion.

After nearly a month of the policy being announced, the situation looks very confused and all concerned are still struggling to come to terms with the policy. Very clearly the policy is based on providing a strong incentive for the fishing community to move beyond 500 m from the sea. A plot of 3 cents (1.5 cents in urban areas) with a clear title deed and a house worth 1.5 lakh rupees is clearly a good deal for the vast majority of the poor fishermen households. It is a carrot that most cannot refuse given that the land they occupy on the coast is without a "patta" and that more than half of them live in simple huts. This incentive to move beyond the 500 m line is creating a situation which all the stakeholders in the rehab process find difficult to handle. The following summarises the confusion vis-à-vis the three key stake holders.

- In the case of the *communities* themselves, wholesale movement is being contemplated even when good houses are standing on the beach. The communities still appear to believe that they can achieve their "two house" formula despite the clear declaration in G.O.172 that this will not be allowed. Communities believe that they can hold on to their private property on the beach despite relinquishing it. As a result, communities are ready to move even where the alternative location is not safe due to its lack of adequate elevation¹. Getting a better house and a land title is too much to resist and other concerns just go overboard. However, in every village there are 10-20% of households who have expensive houses on the beach and are unclear on their strategy. A split of the village community is likely in many areas, affecting the long term social viability. In some areas the problem of conflicts with other castes as a result of the relocation is also looming large.
- In the case of the *District Administration*, which has to implement the policy, the large scale relocation of fisherfolk is an administrative nightmare, especially when it comes to finding land for such relocation. Finding land is only part of the problem, as taking the risk of using the powers conferred in land purchase is too much daunting for most revenue officials. Hence virtually all District Collectors

¹ There are also village communities where the opposite is true. Even when their existing location is patently unsafe, they do not wish to relocate if it involves relinquishing their existing lands.

are informally pushing for the communities to seek the in-situ option despite the policy itself promoting relocation.

- In the case of the *NGOs* working with the community, the fear that the beach vacated by the fisherfolk would be lost (notwithstanding the assurances in the policy)² is counterbalanced by the observation that the community itself is showing interest in taking the option of relocating. Hence they are unable to take a clear stand in favour of in-situ construction or for relocation. For *NGOs* intending to get involved in reconstruction of villages, the uncertainty over land availability and the numbers of houses that will have to be reconstructed is creating great uneasiness and anxiety.

Very clearly the current package provides an incentive to move away from the beach and creates distortions in the decision making process. Unless the incentive system is re-engineered, the communities will not be able to take a considered decision taking into account all factors. The following are a set of issues that one needs to grapple with before any final recommendation can be made on breaking the current impasse.

Policy Implementation Issues

- How does the Government propose to enforce its policy of fishermen relinquishing their original land and house on the beach? Will it raze down good pukka houses on the beach? What will it do if a fisherman goes back to his original beach space and puts up a hut, ostensibly for keeping his equipment? What will be the mechanism to ensure that the beach vacated is used only for common purposes rather than for individual residences, etc.?
- When a fishing village relocates to a new place, the sea access may not be through the old beach it relinquished. Since the policy only talks about protecting the vacated beach space, how will the long term access be guaranteed for the new location?

Legal Issues

- The Prohibitory Order Book (POB) is the mechanism proposed by the policy to ensure that the land vacated by the fishermen is not usurped by other sectors for shrimp culture, tourism or industry. How effective is the POB in the long run? What prevents a land from being taken out of the POB by the administration later on?
- Can a system of "community patta" be given as an alternative mechanism for the POB, as has been done in the case of tribal communities elsewhere? What are the pros and cons of this? Can the community patta once again be used by the community to allow private constructions?
- The land that most fishermen live on is revenue "peromboke" land or at times reserve forest lands. What does it mean when one has to execute a legal document to relinquish such land?

² That this is not a far fetched assumption can be seen by the Thallampettai case study "When fishermen vacate the beach..." prepared by PRAXIS. In fact an illegal prawn farm related construction coming on the beach in Chinamedu in Nagapattinam district now has been halted by the District Collector based on the complaint by the NGO Coordination Centre.

- Where the existing location is safe enough due to factors like elevation, can the incentive to move out be balanced by giving a "patta" for the existing land within 500 m? What are the legal or other hurdles for this?
- In Kanyakumari district, most of the land on the coast belongs to the church or has been given to fishermen by church. What does it mean to say that fishermen should relinquish his land to the Government if he wants a new plot and house?
- To ensure that the option to get a new plot and house is not based on the consideration of "encashing" it, the Government has proposed a 10 year moratorium for sale of this property. What is the legal standing of such a condition?

Social Issues

- Preservation of the existing fishing hamlets as single entities is possible only in the case of total resettlement or total in-situ construction. In most cases, it looks like it may be bit of both. What are the consequences of this?
- The break up into two settlements seems likely in some villages like Akkaraipettai and Nambiar Nagar (Nagapattinam dist.) where rehab measures of Government and NGOs is resulting in a class divide between boat owners and crews. How does one see such developments and how does one handle them?

Technical Issues

- The Government allows repair of houses within the 200 m zone as well as within the 200-500 m zone. However there are no guidelines for retrofitting buildings. Without this mere repairs will not help and can be dangerous.

In Conclusion

A discussion on the above issues is necessary to understand all the implications of the current shelter policy and will help in taking a clear stand on it.

- Where the existing location is safe enough due to factors like elevation, can the structure be moved out by giving a "pump" for the existing land within 200 m? What are the legal or other hurdles for this?
- In Karnataka district, most of the land on the coast belongs to the church or has been given to fishermen by church. What does it mean to say that fishermen should relinquish his land to the Government if he wants a new plot and house?
- To argue that the option to get a new plot and house is not based on the "best decision of" "existing" if the Government has proposed a 10 year moratorium for sale of this property. What is the legal standing of such a moratorium?

social issues

- Preservation of the existing fishing harbours as single entities is possible only in the case of total resettlement or total in-situ construction. In most cases, it looks like it may be bit of both. What are the consequences of this?
- The impact on the sea settlements will likely be in some villages like Akshayapuri and other coastal settlements. How does the impact on the sea settlements and how does one handle them?

Technical issues

- The Government allows repairs of houses within the 100 m zone as well as within the 200-500 m zone. However there are no guidelines for retrofitting buildings. How can the more repairs will not help and can be dangerous?

in conclusion

A discussion on the above issues is necessary to understand all the implications of the current situation and will help in taking a clear stand on it.

Policy Recommendation on the Rehabilitation of Andaman Small-Scale Fisherfolks Communities: Tsunami Aftermath

By The Collaborative Network for the Rehabilitation of Andaman Communities and Natural Resources (National)
The Coalition Network for Andaman Coastal Community Support (South)

24 January, 2005

The earthquake that occurred near Sumatra Island in Indonesia on December 26th resulted in a giant wave, or tsunami, that hit the Andaman Coast of Southern Thailand. This tsunami has greatly devastated the lives, property, and infrastructure of coastal communities, along with coastal resources in 6 provinces, namely Krabi, Phang Nga, Satun, Phuket, and Trang.

One of the hardest hit groups of the tsunami, are the small-scale fisherfolk who have resided on the coastal areas for many years, and traditionally sustain their livelihoods through small-scale fishing activities. Based on the information collected on the 13th January, 2005, (by the Fishery Development and Extension Office that functions as a coordinating units for relief initiatives for marine and fishery-related areas) the tsunami resulted in 5,315 fishing large-scale and small-scale vessels being damaged. With regards to the large-scale vessels (more than 10 meters in length), Phuket, Ranong, Phang Nga and Krabi have suffered the most among the six provinces. The total number of large-scale vessels damaged is 1,337. Likewise, 3,978 small-scale fishing boats (less than 10 meter in length) have also been damaged. The highest number of small-scale fishing boats that were reported to be damaged is to be found in Krabi, Phang Nga and Trang Province¹. The extent of destruction on fishing gear has also been phenomenal. Up until now, 49,548 pieces of fishing gear have been destroyed² along with a large amount of aquaculture equipment, (such as floating cages), fish ponds and fish nursery areas³. The overall destruction has so far led to a widespread setback of community's livelihoods across the six provinces.

In regards to loss of life amongst the small-scale fisherfolks, the rapid survey and most updated data collection conducted by The Coalition Network for Andaman Coastal Community Support (Please refers to annex 1 for full list of network members) revealed that, out of the 418 fishing villages located along the Andaman Coast, 186 villages have been affected. The data collected and concluded on the 15th January, 2005 showed that there have been 662 deaths while 1,016 people are missing⁴, 2,205 houses have been destroyed along with 2,519 fishing vessels and a large amount of fishing gear namely fish cages, crab nets, crab traps, shrimp nets etc (Please refers to annex 2 for more details).

The majority of the population along the Andaman Coast are small-scale fisherfolk that consist mainly of Muslims, followed by Buddhists and then the Mokens and the *U-rak-ra-woy*. The two last groups are also known as the sea gypsies. These fisherfolks are closely linked to the sea through their fishing activities. Some also take up supplementary livelihoods such as farming. There are 30 communities that were severely damaged by the tsunami. These include, Ban Bangben, Ban Ow Koe, Ban Nanok, Ban Talaynok, Ban Tobnua, Ban Pekampuan, in Ranong province; 4 communities in Koh Ra Island, Koh Phra Thong Island; and 4 villages in Kokhao Island, Ban Pak Triam, Ban Nam Khem and two villages at the Pakarang cape and some communities in Tab Lamu, Pang-nga province, 3 Moken and *U-rak-ra-woy* communities at Rawai beach, Sapam Beach and Siray Beach in Phuket province, 2 *U-rak-ra-woy* communities in Phi Phi Island, and Ban Sangka-oo and Ban Hualaem in Lanta Island, Krabi province, Ban Kohmook in Trang province, Ban Borjedlook and other 2 villages in Sarai Island in Satun province.

Problems of Past Aid Programme

¹ 314 boats in Ranong, 670 boats in Phuket, 661 boat in Trang, 552 boats in Satun, 953 boats in Phang Nga and 828 boats in Krabi Province

² 1,345 pieces in Trang, 930 pieces in Satun and 47, 273 pieces in Krabi

³ In regards to coastal aquaculture, which includes floating cages which covers an area of 1,266,931 square meters with the worst hit in Ranong Province³. In regards to fish ponds, 270.28 Rai of established fish ponds are being destroyed with worse one appeared in Ranong Province³. In regards to fish nursery, up to 94,631.14 square kilometer of fish nursery with the worse case in Phang Nga and Phuket Provinces.

⁴ This doesn't include number of community in Ban Nam Kem, Kao Lak, Phi Phi Island where searching activities are still ongoing. Preliminary survey reveals at 4,900 people have been killed, while 6,000 people remain missing

After the tsunami, a lot of aid and assistance intervention was given out to the communities. This mainly came from the government, private sector, and public organizations, that came to the affected areas to provide immediate relief and initiate long-term rehabilitation plans. Nonetheless, the aid programme and a number of policies followed by these different groups lacked a holistic or integrated approach. Each organization executed their own plan, without coordinating their work with other agencies. This resulted in duplication and other problems as described below:

1. Relief Assistance

Relief assistance in the temporary camps lacked a clear coordinating structure that could make appropriate decision rapidly. The needs assessments so far have not been clear. This resulted in a number of houses being built, but they did not match the actual numbers of people who need housing. Furthermore, the temporary shelters were built, but without consultation. These plans were carried out, based on orders from Bangkok, and did not actually correspond to the needs of the victims. For instance, take the case where shelters were being built for the community in Ban Huai Lam Klang, on Lanta Island, where the majority of communities are Muslim. Rather than using the existing school as a temporary shelter, shelters were built on the land of a Buddhist temple. The Muslim community therefore, couldn't live there, which meant that the money and effort was wasted. Since the assistance was aimed to fulfill immediate needs, many of the initiatives was conducted rapidly, without considering the importance of supporting the pre-existing community systems on the ground and community participation, as well as not considering environmental and social aspects. This lack of people-centered and environmental concerns will create additional problems.

Food assistance for the affected people was implemented in a chaotic manner, in which the affected people were excluded from sharing management responsibilities. Consequently, there were problems of unequal distribution of food. Furthermore, there was a problem of provision of food aid that contradicted people's culture. Many victims were Muslim, so the distribution of non halal tinned food caused unnecessary distress. Issues such as this must be handled sensitively, especially when the victims will have to live in temporary camps, until the rehousing programme is complete, which will be some considerable time. Otherwise, rather than being able to sooth the emotional breakdown of the community as a result of the tsunami, insensitive actions such as these will in fact worsen the situation, despite how well intentioned the aid was.

In regards to health and infrastructure, such as drinking water, and waste water, regulating garbage and disease prevention, there is a need for an overall plan for new fresh water wells.

2. Re-housing and Settlement Areas

The government policy on community regulation and coastal fishery resources through relocating fishing communities away from the sea, has not been well-received by the affected fishing communities. This was bound to result in problems because it would require the communitis to completely change their way of life. The desire of the fisherfolk communities is to live near the sea, along the coast or canals, because of the need to look after their boats, and fishing gear. To put it simply, the boats, when ashore, must be within sight of it's owner, especially during storms. This is strongly embedded into the traditions of the small-scale fisherfolks. Through relocating the community away from the water, they would no longer earn their living from the sea, and this would be likely to lead to a whole host of other problems in the future.

3. Occupational Relief

Loss and damage of small-scale fishing gear has lead to the inability of the small-scale fisherfolk to maintain their livelihoods and to being unemployed. Therefore, it is critical that there is immediate assistance to provide support, so that this destroyed gear, as well as the fishing boats are repaired and replaced as necessary. Nonetheless, government policy on compensation has been restricted due to legal and bureaucratic constraints. For instance, those who are entitled to receive compensation must have a registered boat and fishing gear, a permission document to fish, and a license issued by the Department of Fisheries, along

with 7 (seven) other official documents. So, rather than trying to facilitate the fisherfolk resuming their fishing activity as soon as possible, the compensation scheme has turned into a slow painstaking process.

Additionally, there are legal questions over property rights. This is where claimants live on government-owned land, or public land, land that belongs to member of royal family, private land or land that has unclear land title, for example multiple land title deeds, or sea gypsies who do not have Thai citizenship. Affected victims under these categories are not entitled to receive compensation and are required to submit their case, to be reviewed by a committee on a case by case basis. All of these bureaucratic processes further delay the relief for the affected communities, and the speed at which they can get back to normality and being able to stand on their own two feet, rather than waiting for donations. Such delays are no doubt becoming one of the factors that are leading to other economic and social problems, such as borrowing money and migration.

4. Natural Resource and Environmental Rehabilitation

Previous initiatives in trying to rehabilitate natural resources and the environment, have been segregated, separating out natural resources, sector by sector, and not viewing natural resource management as a whole. Furthermore, technical study and research on geology, and risk areas, as well as the rehabilitation of coastal resources that have been conducted previously do not show how they could be used in policy planning in the area of natural resource management. Furthermore, it is not yet clear how these studies would use community participation, and integrate the local community's traditional knowledge, in formulating policy frameworks and action plans, which would include the promoting the use of non-destructive fishing gear and techniques. Furthermore, there is no clarity yet on what role the community and local organisations would play in the planning and implementation of such plans.

Recommendations

The tsunami has in fact worsened the long term problems faced by the small-scale fisherfolk. The rehabilitation of community and coastal resources could turn this catastrophe into an opportunity. This should be the time to revive the community in a sustainable way, through facing the problems that each group has. This includes participatory consulting to rebuild local social systems and to not forget that the people themselves must be the driving force in rehabilitating their community and natural resources, which will differ in each area. The process requires much time and effort in formulating detailed action plans. The preliminary approach includes an establishment of the community's central fund to support community initiatives and occupation development, conduct resources assessment and implement rehabilitation activities, for instance, the replanting of mangroves, seagrass management, re-installment of artificial coral reefs, and releasing fish species

To ensure that the community can undertake the above activities, there must be studies and a work plan that is sensitive to local ecology, and to support the participation of community and other sectors that are involved. The engagement of these groups should take into account both local and scientific knowledge as well as the experience of neighboring countries that have faced similar problems of natural disasters before. Additionally, capacity building and participatory learning should be supported in order to enhance the community's ability to manage itself.

The approach to provide effective immediate relief should considered the following issues:

1. Approach in Providing Assistance to Affected Families

The government must clearly identify and enforce a variety of actions to support affected families, all of which must share the same high principles and standards. Additionally, it should clearly explain these measures to the affected groups. There should not be gaps in the support, or overlaps, where duplication of effort can take place. This would reassure the affected groups that they would receive fair treatment from the government's aid programme.

2. Approach to Relief Measures

2.1. Providing Food to the Victims

The government must be responsible in providing food to the victims during the next 3-4 months so that food availability would not become an issue. The distribution of food must be systematic with specific hand out times and measures to ensure equal distribution for communities who are fully engaged in rebuilding their homes, or repairing boats and gear.

2.2. Provide assistance for the repairing or the replacement of boats and fishing gear as well as providing immediate compensation. There is a further need to create a database to record accurate statistics on loss and damage as well as keeping track on who has received assistance from the government and how much. This database will serve as a platform of collaboration between the government and community to collectively identify responses to their problems as well as being helpful in serving as monitoring tools. The database can be published and shared with the public with updates of relief activities that have been undertaken.

2.3. Providing assistance on housing

When providing assistance with housing the legitimacy and transparency of ownership documents must be verified. In the cases where the claimants do not have legitimate legal documents, the government should withdraw these and delegate such land to the community, who need it to establish permanent settlement. In the case where the community strongly affirm that they wish to remain in the same area because it supports their livelihoods, but that the land in question belongs to private landowners, (so technically, before the tsunami, the community were squatters, or disputing ownership) the government must intervene and try to resolve the conflict. For example, maybe try to redistribute the land (through purchase and leasing) so that the community has land to live on. The lease could be long-term. Permanent settlement would not only provide security to the community, but would give it a sense of ownership. Through becoming owners of the land, the community can put concentrate on formulating long term development and community management plans. The idea of relocating the coastal communities elsewhere must be avoided. Equally important, the government should take this opportunity to assess all land title deeds for coastal areas, as previously, the issuance of such documents for these areas have not been transparent. Many pieces of public land were sold to private sector, despite the fact that the fishing community had been living there for some considerable time. They frequently did not even realize that the land that their ancestors have lived on and passed down through several generations had already become the private property of powerful individuals.

2.4. Providing assistance on infrastructure

The lack of infrastructure in coastal communities has caused many social problems. Many communities are densely populated and often do have access to electricity or clean running water. Since the tsunami, opportunities for community development have been delayed. The government should therefore take advantage of the situation to deliver necessary community development and infrastructure immediately through people's participation. The affected people should also be given a chance to identify their needs and to be able to take part in the decision making process. Many victims in fact do have strength and desire, to work together to rebuild what has been lost. If the government had taken into account people's recommendations, it would save a lot of money as seen in the case of temporary shelters(see above). The government can provide financial resources and lay on utilities such as electricity and clean water, but the people who are going to live there should control layout and design

2.5. The promotion of research and studies on geology, particularly in relation to deepwater, risk-prone areas, and tsunami warning systems. These should not be studied in isolation, but as an integrated whole.

3. Mental Health Rehabilitation

There is a need to organise and support stress-relieving activities to help the victims to feel more secure and that they are not alone in their suffering. These activities hopefully will improve their mental health, so that they can start rebuilding their shattered lives.

4. The Rehabilitation of Community, Natural Resources and Environment

- 4.1. The government should identify support plans that views victims as people that have rights and dignity. The new communities that are being rebuilt must have basic infrastructure in place, and to not overlook the importance of the community's participation in it's rebuilding. In terms of livelihoods, the government must provide support to the fishing community through guaranteed prices of seafood for a period of 3 months (January-March). There should be no enforcement of fishing quotas in order to provide incentives for community to continue their fishing activity, and to provide cheap petrol for the fishing vessels. Additionally, the government should adopt measures that discourage the use of non-destructive fishing gear. To help small-scale fisher regaining their livelihoods, the government should also consider providing compensation for not being able to engage in fishing activity due to natural disaster or uncontrollable causes (as in the case of bird flu).
- 4.2. In regards to providing permanent settlement to the community, the government must have an accurate and clear database of the needs of the community. Through this, the government agencies such as the Tambon Administrative Organisations (TAO), Village head are urged to work together with the community in identifying settlement areas, designing houses and floor plans, and community organising to ensure coherence with their own particular traditions and culture.
- 4.3. There should be an amendment in the law in response to the urgency of the problem. The law should support the basic right of the small-scale fisherfolks, which can be divided into two areas. First, rights for communities that have resided on public land, including beaches and coastal areas, and to address the problems of overlapping land ownership documents. This, in principle, should express the right for the community to be able to remain where they used to be or where they wish to be'. Second, the law should support the rights granted to individuals. Furthermore, the regulation of community and beach areas must prioritise the community's culture and people's participation, the termination of support of destructive fishing gear and techniques, particularly trawlers and push nets, and to ensure that the Fisheries Act is being enforced rigidly.
- 4.4. The Rehabilitation of natural resources and environment must consider the local ecosystem and the participation of different groups based in the areas.

5. Systemizing Coordination Structure and Management

The collaboration and establishing effective relief for affected groups should be done through establishing a fund, which has been generated from donations. This fund should be the only tsunami relief fund, and that it must be managed by appointed committees, which are composed of many sectors of society, including community organizations. To ensure that community's relief support is implemented in an integrated manner, the government must work with the affected groups, to enhance sharing amongst them, and amongst other sectors, and being able to collectively formulate community-based community rehabilitation plans. The communities can submit these plans to the committees of the fund who will review the proposals. Through this approach, it can be assured that community based initiatives can be sustained in the long-term.

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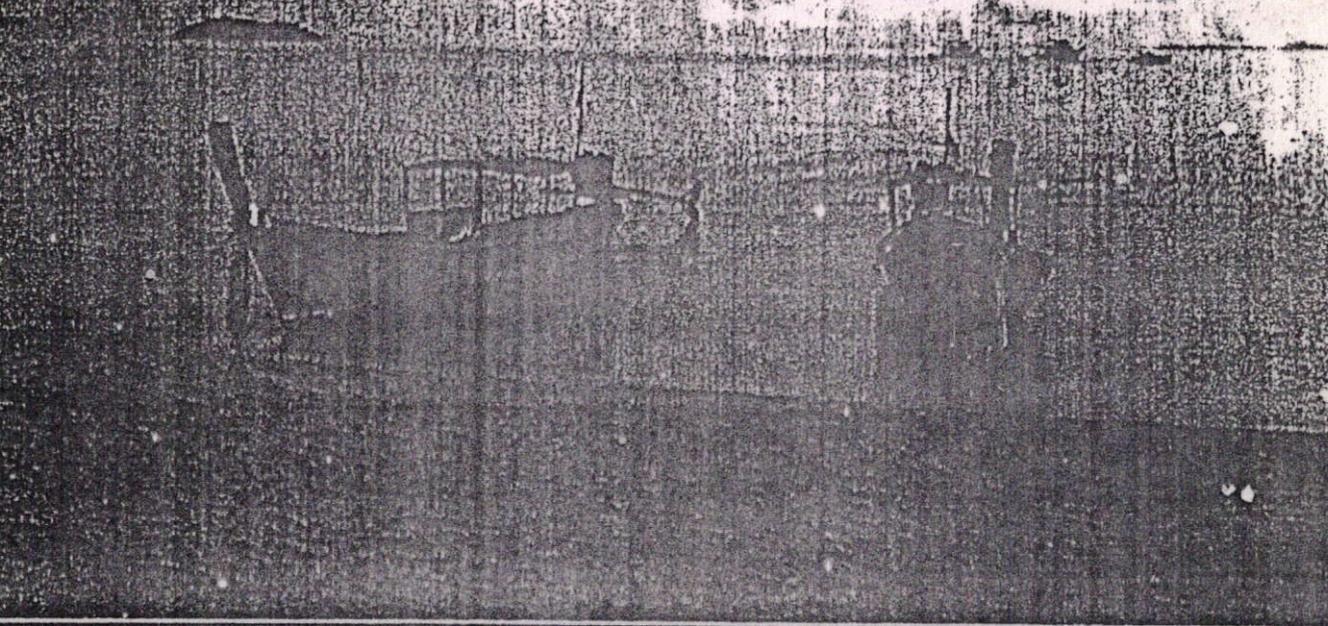
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**Collective Response to Tsunami: Rehabilitation
for Small-scale Fisherfolks in Andaman, Thailand**
A Three-Month Progress Report

by

**The Collaborative Network for Rehabilitation of
Andaman Communities and Natural Resources**
31th March 2005



Sustainable Development Foundation Thailand

Livelihood, Socio-economic and Environmental Improvements for Marginalized Groups

1. Introduction

This report is written by the Collaborative Network for the Rehabilitation of Andaman Communities and Natural Resources and the Coalition for Andaman Community Support (Save Andaman Network) to update the progress on the project of Collective Response to Tsunami: Rehabilitation for Small-scale Fisherfolks in Andaman, Thailand. The project is spanning one year and it is currently undergoing a three month operation (January – March, 2005) since the tsunami struck on the 26th December, 2004. The Sustainable Development Foundation which is a legal entity of both networks as well as the secretariat is taking responsibility in monitoring and reports this progress which can be described in the following section.

2. Formation of NGO Network

The catastrophic tsunami that devastated South East Asia on Sunday 26th December 2004 struck six provinces along Thailand's Andaman Coast. Small-scale fisher-folk communities living in these provinces were very badly affected. Based on the statistics of the Department of Fishery, there are 6,799 houses of small-scale fishers destroyed, and over 4,907 boats, 110,129 fishing gears of different types and 40 hectares of fish cages have been destroyed. There are 43 villages and moderately damaged in a further 161 villages. Some 669 small-scale fisher-folk were killed and 1016 are still missing.

Immediately after the tsunami, NGOs that had been working with the small-scale fisher-folk provided rapid assistance - seeking refuges, searching for the missing, arranging funerals, mobilizing communities and establishing temporary shelters. Local NGOs formed 'The Coalition Network for Andaman Coastal Community Support', and some 35 NGOs from across the country formed 'The Collaborative Network for the Rehabilitation of Andaman Communities and Natural Resources'. This national network has now expanded to include some 44 NGOs. The objectives of this network are to:

- Highlight the problems faced by particular marginalized groups e.g. small-scale fisher-folk, women, children and migrant laborers as a result of the tsunami.
- To use information and data in formulating rehabilitation plans on community, occupation, natural resources and environment.
- Provide a direction for government relief policies that are conducive to the community's needs, through participation of different sectors namely the community, government and academic sector.

At the same time, there are also non-governmental organizations based in Southern Thailand mobilized themselves to form *The Coalition Network for Andaman Coastal Community Support or Save Andaman Network*¹. The network is a **Southern network**, which concentrates on small-scale fisherfolks issues. The rationale behind the formation of the network is to enhance collaboration between different Southern organisations that are involved in the tsunami relief, and to reduce overlapping of assistance and work as well as to provide insurance for the collective identification of solutions to problems and concerns.

The objectives of the Save Andaman Network are to:

- Provide immediate relief for small-scale fisher-folk and ensure appropriate immediate and long-term rehabilitation of communities and coastal resources through people's participation.
- To encourage "self governance" and community's participation in designing their own recovery programs.

¹ NGO-Coordinating Committee on Development (South), Community Development Institute (Southern Office), Community Development Project in Southern Thailand-Dab Ban Dab Muang-Rien Ru U Dee Tee Pak Tai Project, Federation of Southern Fisherfolk Friends of Andaman and Health Public Life Project

2.1. Linkages Between the Collaborative and the Save Andaman Network in Tsunami Relief Effort

Both networks have a degree of autonomy. They are both capable of developing tsunami-relief proposals and attracting funding for such proposals.

The two networks are linked in part by broadly shared aims, notably with regards to providing assistance to small-scale fisher-folk communities. But, in more concrete terms, the two networks are linked because they share a common secretariat – the Sustainable Development Foundation. This legally registered NGO is coordinating the activities of both networks, and monitoring the receipt and disbursement of funds to ensure financial accountability. Detail on structure of network management and resource mobilization of the network can be found in Annex B and Annex C

2.2. Work approaches of the Networks

Short-term approach

- The development of a database system which is composed of community data and which provides detail about the registered and non-registered records. The database will provide a basis for assessing who has received support to which level and what is still needed.
- Provide immediate vocational relief such as restoring essential vocational tools, especially boats and fishing gear, as well as constructing temporary shelters for the affected groups for the affected communities that have not received support or assistance by the government and donors. The implementation approach will be to coordinate with the government and the private sector to ensure that their aid and support reaches the marginalized victims.

Long-term approach

- Organize public forums to assess the effectiveness of the policy framework in addressing problems, and to assess how the policy framework can support the rehabilitation of communities' livelihoods and natural resources.
- Promote collaboration with the Tambon Administrative Organisation (TAO) and village representatives to build the capacity of communities in restoring their coastal resources and ecosystems and.
- Organize forums to draw out lessons from experiences and the processes and procedures applied during the relief program. As part of this, identify prevention measures and improve mechanisms for the future.

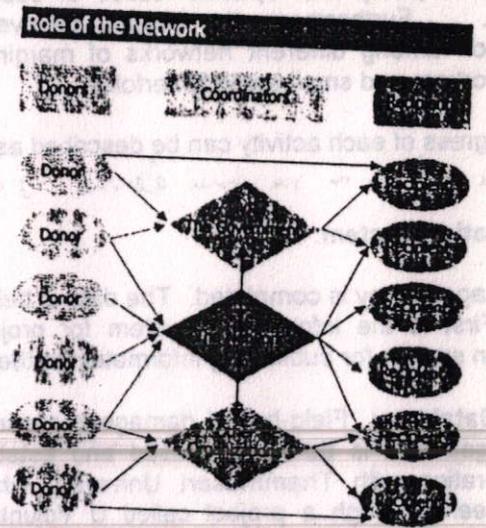
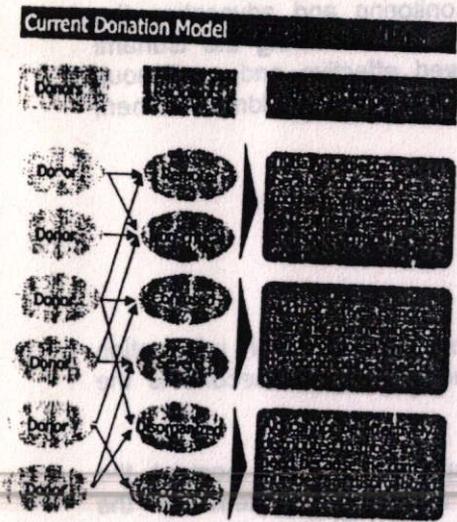
2.3. The Role of the Networks

The role of the networks is to overcome the challenges encountered by organizations working to provide tsunami relief. By leveraging the expertise and resources of over 44 different government and non-profit organizations, the network is perfectly placed to coordinate multiple interventions, organize the allocation of resources, minimize operational inefficiencies and maximize the value derived from donated funds.

The diagram 2 and 3 below illustrate the situation of the tremendous amount of effort to provide tsunami aid relief to the affected groups, which has so far faced a number of challenges particularly when the numbers of affected people are dispersed, inaccessible and dispersed. The right diagram illustrates how the formation of the Collaborative Network and the Save Andaman Network try to address this problem by serving as a coordinator between the donors, government and other organizations who have been working directly with the affected communities.

Diagram 2: Current Donation Model

Diagram 3: Role of the Collaborative at National and Save Andaman Network at Southern Level



3. Support of the Networks

A total amount of 45 million baht (as of data on 31st March, 2005) has been raised by the Collaborative Network for the Rehabilitation of Andaman Communities and Natural Resources alone to support marginalized groups affected by the tsunami including children, women, migrant workers and small-scale fisherfolks in the six affected provinces. The overall contributors towards the project implementation includes various international organizations and national organizations, which include international NGOs, foreign government as well as national public. These are:

List of Contributors to the Save Andaman and the Collaborative Network for the Rehabilitation of Save Andaman Communities and Natural Resources

1. The Siam Cement Group
2. The Federation of Thai Capital Market Association
3. Terre des Hommes (TDH)
4. Action Aids
5. Toyota
6. Oxfam Belgium
7. Oxfam United Kingdom
8. Anonymous Muslim Group
9. Heinrich Boell Foundation
10. Thai Farmer Bank
11. Phatra Securities Public Company Limited
12. Staff members of Unocal Cooperations
13. Japanese Volunteer Center (JVC)
14. American Jewish World Service (AJWS)
15. General public

4. Implementation Progress

Since the project operation since January, 2005, there has been positive progress during the last three months. The financial contribution and support of the above organisations has contributed greatly to the network. the support

has contributed on vocation relief for small-scale fisherfolks (repairing fishing boats and fishing gears). Additionally, the fund has also

contributed to the development of information system which serves as a basis for project management and development as well as a tool for communicating the work of the NGO to the public sector. In line with these activities, the support has enhanced the opportunity for the network to be able to work at the policy level in monitoring and advocating the government's policy with specific issues of sustainable rehabilitation during the tsunami aftermath. Furthermore, the support received has allowed effective and continuous coordination among different networks of marginalized groups such as children, women, migrant workers and small-scale fisherfolks.

Detail progress of each activity can be described as follows:

The activities are more diverse in the scope.

A. Information System:

Field damage survey is completed. The data is being use to develop two different information system. First is the information system for project management and the second is the information system for publicizing information to the public.

- **MIS Database:** Field-based damage assessment is completed. At the moment, the data gathered is being processed and established into a database system with the cooperation with Thammasart University who provide support in recruiting student volunteers through a project called U Volunteer. The roles of the volunteers are to provide relief support to the communities and conduct participatory data gathering and verification at the field. The information collected aims to assess the extent to which communities have been given support and how much more is needed, and if the affected individuals have registered or non-registered boats. At the current stage, the network has also coordinated with the Department of Fishery in trying to integrate the network's data and the government data to address issues of unequal compensation for registered and non-registered boats. The database is still undergoing a process for MIS development and the data is being updated continuously. Through developing such information system, it has been found that it is a very complex task because there is a number of organization conducting information. Therefore, time and care is needed to verify the information and making sure that the communities are participated in the data collection and verification process.
- **Website:** The Save Andaman website (www.saveandaman.com) has been uploaded. Capacity building of network staff in managing the website and producing information was also conducted in January, 2005. Today, the website features information about past and present activities that the Save Andaman Network has been implemented with the target community. It is maintained and managed by the Sustainable Development Foundation who coordinates with the information staff in the 6 target provinces in producing the information. The website is being reviewed constantly by the network member and the public. To ensure that the website is active and dynamic according to the changing situation, the Sustainable Development Foundation who is managing the website realized that more staff is needed to take responsibility in assisting the field staff in producing and updating information. This is because at the present time, not only that the field staff have to work in the field with the community, but also have to document information to be posted on the website. This expectation is somehow unrealistic, thus the network is planning to seek additional staff to work on this area.

B. Provide support to affected children

The activity related to children is conducted by the NGO network on Children, notably the Foundation for Children. The role of the Collaborative Network in this activity is coordinating with the network and mobiles resource for the network to be able to construct alternative school. At the present time, schools have being built in Trakuapar, Phang Nga Province whereby the Foundation for Children has recruited volunteer teachers and staff to be working with the affected children.

C. Policy monitoring

The network has participated in a number of policy monitoring-related activities. First, it organized two national forums with the Social Development Education Center, Chulalongkorn University to explore issues faced by the affected marginalized ground during the tsunami aftermath. Secondly, it has been collaborated with the National Human Right Commission in organizing a series of forums on land conflict in the tsunami aftermath. The aims of the forums were to synthesize and analyse problems of land ownership (conflict between private land owners and the communities) which has been prevailing among the six affected provinces. For the case of the small-scale fisherfolks who normally resided on a public land where they cannot obtain land entitlement document. Efforts have been made in advocating issues of community's rights to land and access to adequate housing whereby the community fully participate and determine the direction of their own rehabilitation. Secondly, the network is also the member of committee of the Government's Taskforce on Sustainable Livelihood after tsunami which was established by Prime Minister Thaksin Chinnawatra on the 13th January, 2005 and chaired by Deputy Prime Minister Jaturong Chaisang. The role of the network as the NGO in the committee is to ensure that the government's policy regards to tsunami relief respect people's participation and meets the needs to the victims. At the same time, the network has brought in the problems and issues related to the assistance given by the government and other groups (land ownership, housing quality, compensation fee, participation of women, treatment of community as people who can contribute to the rehabilitation process and not only helpless victims). These issues have been brought in and widely discussed with the taskforce and the concrete solutions are in the process of being identified at the policy levels. At the present time, the network is coordinating with the members of the network in preparing for a international forum on 200 Days After Tsunami. The objective of the conference is to review the past activities that have been carried out throughout the past 200 days and what are left to be done at the policy and field level to ensure sustainable livelihood rehabilitation of the communities.

D. Vocational relief for small-scale fisherfolks

Relief support for small-scale fisherfolks began immediately after the tsunami struck whereby the network of the Save Andaman provided immediate support such as providing food, and shelters. Most importantly, it also provided support in facilitating community organization to ensure collective action and solidarity among the community members. This organization lead to community-based committees who play important roles in conducting damage survey and formulating rehabilitation process with its members and identifying tsunami rehabilitation plan by themselves. The role of the networks in this area is only to provide support on field process and advice to these communities.

Between January-March, 2005, the network has been working with the village committees in setting up of boatyards and facilitating repairing activities of fishing gears and fishing boats in the target villages of the 6 affected provinces. The distribution of fund is conducted through a provision of community revolving fund which is contributed and set up by the network. The village committees normally formulate a proposal which specify the number of boats and fishing gears that need repair and the amount of financial assistance needed. This proposal is sent to the Save Andaman network after which the network committees review the proposal before approving the fund. The approved fund will be channeled to the village committees who will further distributed it equally to the households needed and according to the agreement made by the village members. (Detail process of how community is supported by the network can be found in Annex C). This is considered as an immediate support reaching out to the community as a temporary loan until further the government assistance arrives. Additional or duplicated support that occurs will be returned to the community fund, where the money will be spent on overall community and natural resource rehabilitation as approved and guided by the community plan. It is believe that this approach is contributing to a promotion of self-governance and strengthen the capacity of the community in managing their own assistance programme without inducing problems of unequal distribution of aid fund.

In addition to this, the network has contributed to setting of repairing venues, specially the establishment of temporary, permanent or mobile boatyards in the affected villages. The target number of boatyard is set for 35 boat yards and at the moment 30 boatyards have been completed. The objectives of building boatyards are to provide common venues for repairing boats while promoting a shared responsibility and community mobilization towards collective action, and to enhance boat-building knowledge among the affected fishing communities. To ensure sufficient human resources for this activity, the network has facilitated the recruit of volunteers such as students, community members from the nearby area or as far as the Gulf of Thailand who have skills in repairing boats and boat engines in coming to help repair boats. Furthermore, the volunteers have also trained community members in the affected area so that they can have technical skills and being able to repair damaged boats by themselves.

In regards to the project target site, the project was initially aiming to reach 200 affected villages. However, through our field operation, it was found that there are a number of supporters working the same target site and prepare to provide assistance to the affected communities. To prevent overlapping and over assistance, the network's committees have agreed to reduce the targets site and focus on 124 villages out of the 418 villages where no assistance is still very much in need. The detail update of boat repairing and setting up of boatyards of each province can be found in Annex D.

5. Long-term Plan (Between 2006-2008) of the Collaborative Network for the Rehabilitation of Andaman Community and Natural Resources and the Save Andaman Network

After immediate relief (from April, 2005 onwards), the networks will embark into implementing long-term community development plan as follows:

A. Plans on Developmental Activities

1. Clean water supply for household consumption. The activities to be supported and implemented with the communities includes allocated clean water source, improvement of water quality, support community-based water resource management through village's water consumption.
2. Promotion of Community Health. This includes local sanitation system such as toilets, waste treatment system, water discharge system.
3. Development of Community welfare for children, elders especially those that are marginalized. The network aims to work with the communities in establishing community-run child care nursery, provide support to orphans, handicaps and old people.
4. Promote and support education for children and community members. This includes both formal and informal education, starting from nursery education, basic education, occupation-related education, community school, religious study (Kitab, Tar De Kar, Por Nor) as well as traditional knowledge education.
5. Development of occupational skills and promotion of occupational group including fishery, agriculture, product processing, handicraft, service, community based enterprises and a direct trade between consumers and producers.
6. Addressing issues and promotion of land rights and housing rights.
7. Work with communities and promoting and preservation of traditional wisdom, traditional culture.
8. Enhance and support community-based natural resource management from terrestrial ecosystem (land and forest) to marine ecosystem (seagrass, Coral reef, mangroves and fish population).
9. Work with community in establishing community-based system warning system, escape route system and community-based health system management. This is to ensure that the response to the natural disaster is proactive and ensure that the community can effectively handle the crisis by themselves.

B. Plan on Developing Community Process to ensure Sustainable Development at Community level

1. Process on developing community's livelihood master plan. This includes participatory assessment of community's capacity and limitation as well as the issues around the community, the formulation of community-based master plan development, strategies and action plan strictly through community's participation.
2. Promotion of a learning process to enhance capacity of community's organisations, community members which includes women and children. The activities includes organising forums to creat venue to exchanges views and experiences, training, study tour and drawing of lesson learns among community members.
3. Promotion of community's process in establishing local cooperatives and community enterprises such as establish community's saving groups, village' bank, local cooperatives and community-runned fish landing cooperatives.
4. Establishment of community support fund which is a transformation of the existing community fund for repairing fishing boats and gears towards community development fund or community bank.
5. Strengthening the cooperation among communities and alliances at the local, provincials and national though the Save Andaman Network and the Federation of Southern Fisherfolk and others.

Annex A – Members of the Nationwide Network

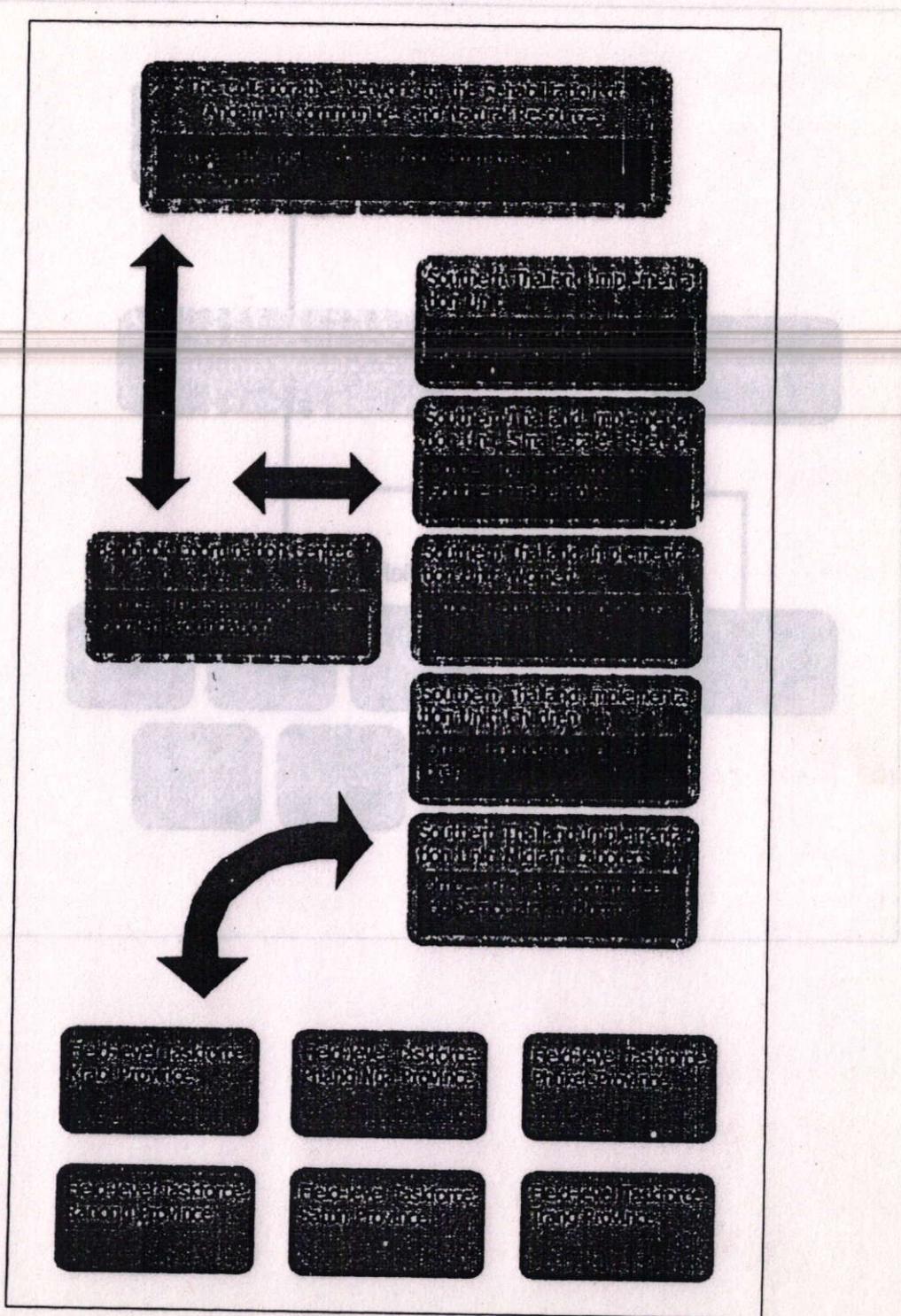
There are 44 members of 'The Collaborative Network for the Rehabilitation of Andaman Communities and Natural Resources' incorporated the Save Andaman Network

1. Action Network for Migrants (ANM)
2. Assembly of the Poor (AOP)
3. Buddhist Network for Buddhism and Society
4. Campaign for Popular Democracy
5. Campaign for Popular Media Reform
6. Community Organizations Development Institute (Southern Office), (CODI)
7. Community Development Project in Southern Thailand - Dab Ban Dab Muang-Rien Ru U Dee Tee Pak Tai Project
8. Development Support Consortium (DSC)
9. Earth Net Foundation / Greenet Foundation
10. Ecological Awareness Building
11. Federation of Southern Fisher-folk
12. Focus on the Global South (FOCUS)
13. Foundation for Children (FFC)
14. Foundation for Consumers
15. Foundation for Women
16. Friends of Andaman
17. Friends of the People (FOP)
18. Frontiers for the Advancement of Women
19. Green World Foundation
20. Health Public Life Project
21. Japan International Volunteer Center (JVC)
22. Kvae Rabom-Siyad Development Project
23. NGO Workers Credit Union Cooperative, Limited
24. NGO-Coordinating Committee on Development (NGO-COD-South)
25. NGO-Coordinating Committee on Development (NGO-COD-North)
26. NGO-Coordinating Committee on Development (NGO-COD-Northeast)
27. NGO-Coordinating Committee on Development (NGO-COD-Lower North-Central)
28. NGO-Coordinating Committee on Development (NGO-COD)
29. Project for Ecological Recovery (PER)
30. Reclaiming Rural Agriculture and Food Sovereignty Advocacy Foundation (RRAFA)
31. Sansaeng-Arun Foundation
32. Sikkha Asia Foundation
33. Social Development Education Center, Chulalongkorn University
34. Sueb Nakhasathien Foundation
35. Sustainable Development Foundation (SDF)
36. Taskforce for Children in Thailand
37. Thai Asia Committee for Democracy in Burma
38. Thai Development Support Committees (TDSC)
39. Thai Holistic Health Foundation
40. Thai Volunteer Service (TVS)
41. The Network for Aids
42. The Network of Slums in 4 Regions
43. Under Tree Schooling Network
44. Wildlife Fund Thailand under the Royal Patronage of H.M. the Queen (WFT)

Annex B: The Management and Funding of the Two Networks

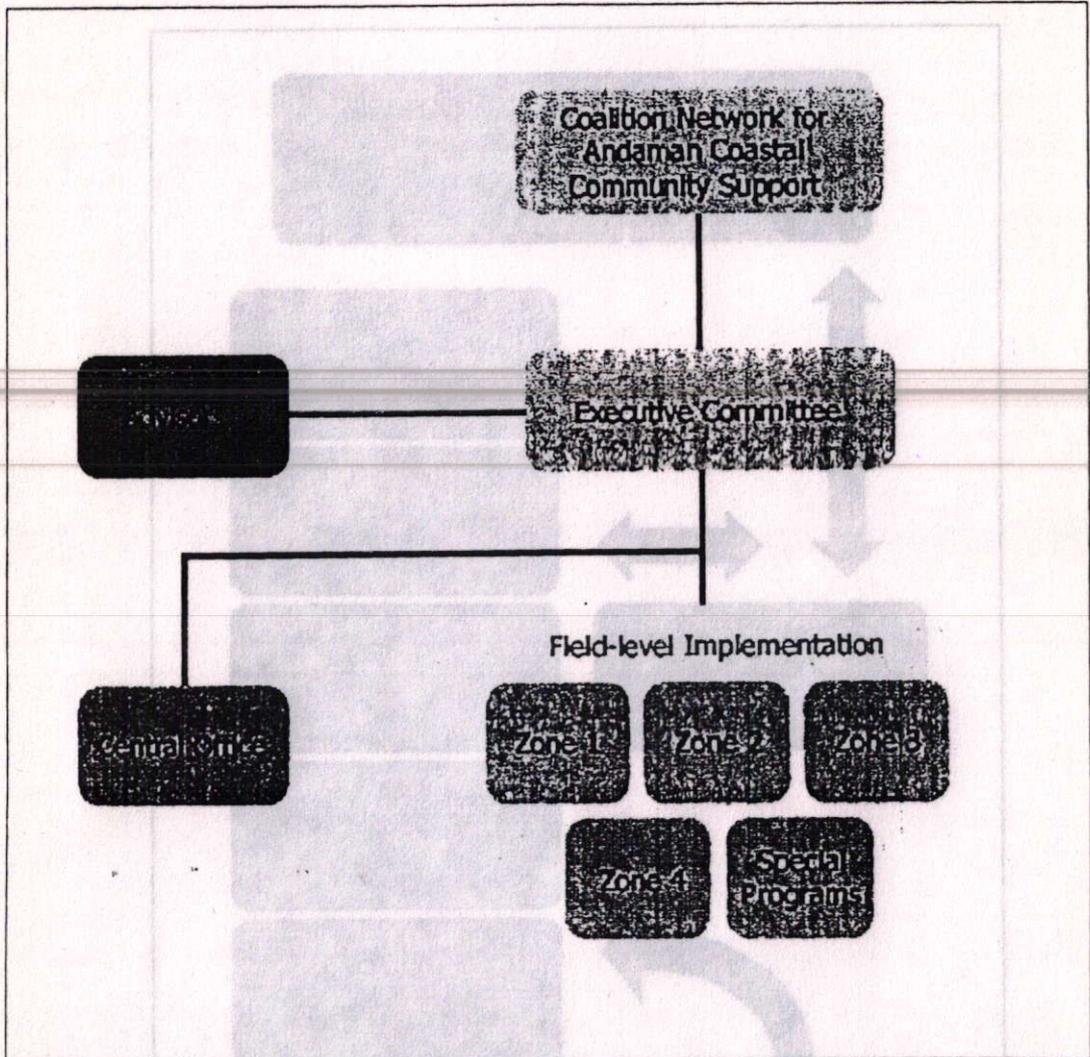
a. The Management of the Two Networks

i. The Structure of the Nationwide Network

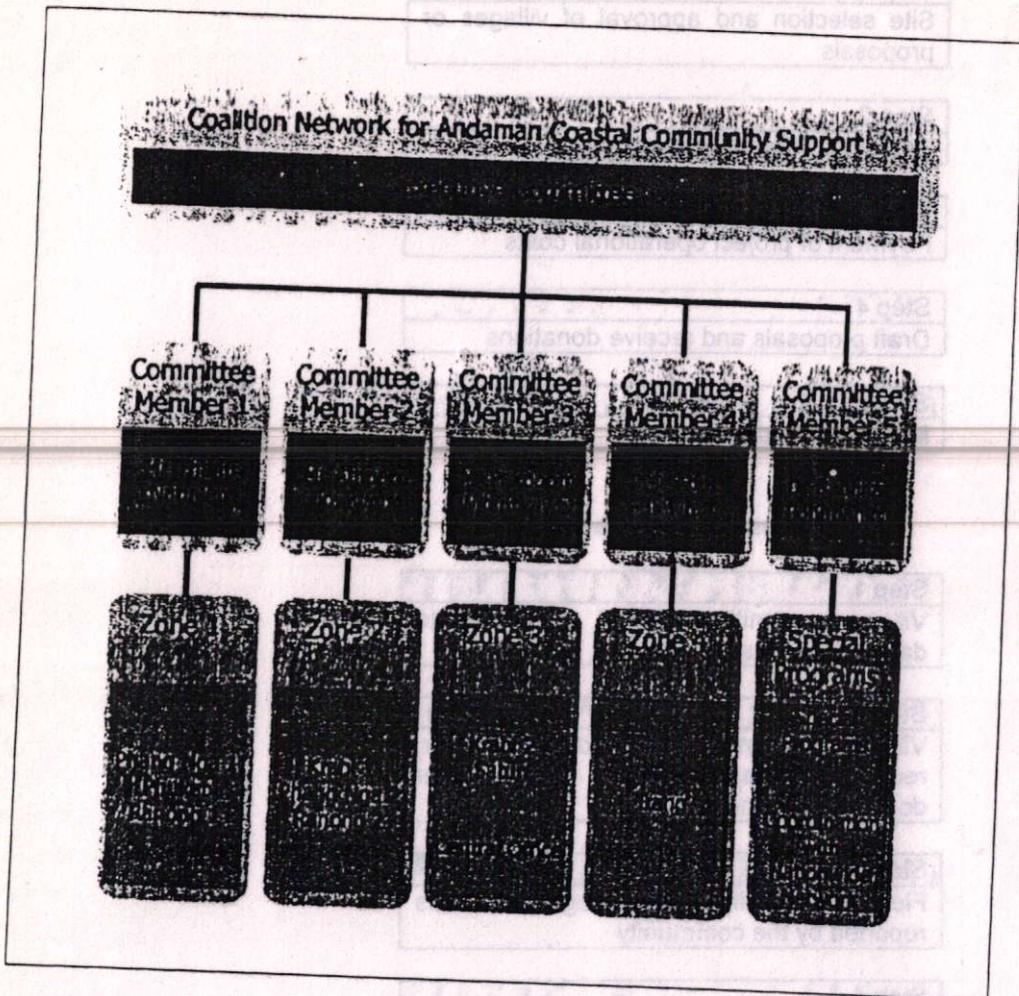


ii. The Structure of the Southern Network

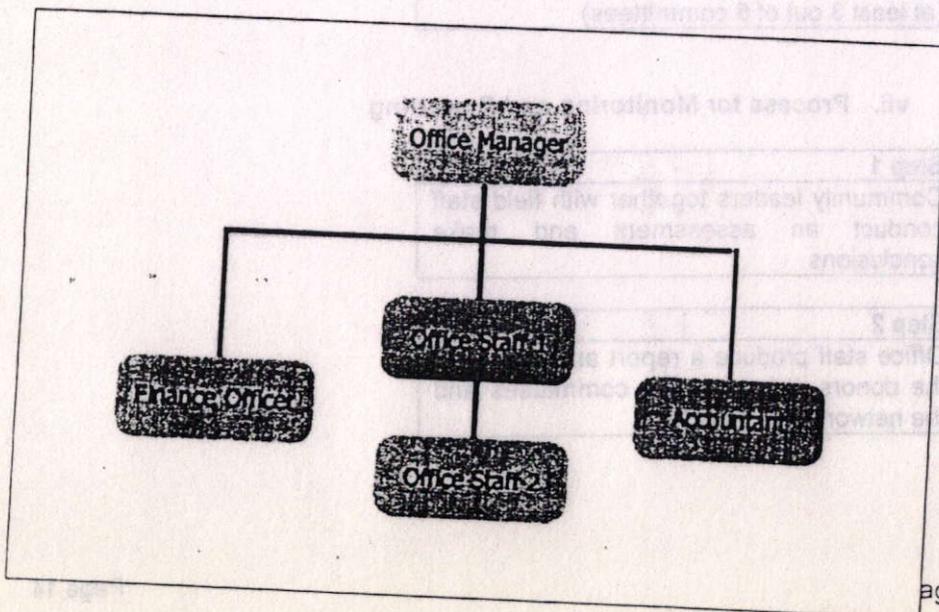
i. The Structure of the Nationwide Network



iii. The Structure of the Executive Committee



iv. The Structure of the Central Office



v. Process for Overall Implementation

- | |
|--|
| Step 1 |
| Site selection and approval of villages or proposals |
- | |
|---------------------------------|
| Step 2 |
| Payment of financial assistance |
- | |
|--------------------------------------|
| Step 3 |
| Payment of project operational costs |
- | |
|---------------------------------------|
| Step 4 |
| Draft proposals and receive donations |
- | |
|--------------------------|
| Step 5 |
| Monitoring and reporting |

vi. Process for Site Selection

- | |
|---|
| Step 1 |
| Village committees meet to evaluate damage and loss |
- | |
|--|
| Step 2 |
| Village committees send a letter, requesting assistance, and other documents to the networks |
- | |
|--|
| Step 3 |
| Field staff verify the damage and loss reported by the community |
- | |
|--|
| Step 4 |
| Finance officer assesses documentation before seeking approval from the executive committees |
- | |
|--|
| Step 5 |
| Executive committees review and approve (at least 3 out of 5 committees) |

vii. Process for Monitoring and Reporting

- | |
|--|
| Step 1 |
| Community leaders together with field staff conduct an assessment and make conclusions |
- | |
|---|
| Step 2 |
| Office staff produce a report and send it to the donors, the executive committees and the network members |

Annex C: The Funding of the Network

The Community Support Fund

After the tsunami occurred on the 26th December 2005, many different organizations and agencies, both national and international have been putting tremendous amounts of effort in providing donations or other types of assistance to support to the tsunami victims in Thailand. The scale of destruction has triggered a realization that an urgent need for immediate action is the recovery of occupation of the affected people as well infrastructure and settlements that have been destroyed.

A phenomenal amount of support and funding were generated from government agencies and the public. Many of these supports primarily pay attention to local infrastructure, tourism industry, commercial fishery and rehabilitation of natural resources and environment. The specific interest of support has, so far, led to unequal distribution of support not broadly reaching the most marginalized groups.

Given the above pressing need, 'The Community Support Fund' was set up. The aim is to generate resources to support the victims of the tsunami, namely the small-scale fisher-folk, women, children and local workers and migrant laborers.

In order to work with a planned 2,000 small-scale fisher-folk families who are in desperate need of temporary shelters, fishing boats and fishing gears, the two networks need to raise 60,000,000 Thai baht for 'The Community Support Fund'.

The Fund's Objectives

The objectives of the fund are to:

- Support the rehabilitation of occupations, livelihoods, communities, natural resources and the environment.
- Build the capacity of communities in community-based natural resource management.

The Fund's Administration and Management

A 7-member committee of non-governmental and academic individuals administers the fund. The committee sets, and reviews, the fund's rules and regulations as well as the fund's guidelines for the provision of support.

The committee reviews, and rejects or approves, proposals for support. It monitors and evaluates the management and spending of projects supported by the fund.

Community organizations will manage and implement their own projects. The management and implementation of projects by other related groups will be closely supervised by the committee.

The Fund's Guidelines for the Provision of Support

The fund will provide support to community organizations or other related groups or networks for:

- Occupational development.
- Community development.
- Natural resource rehabilitation.
- Natural resource management.

In the short term, the fund will support immediate relief for tsunami-affected communities, e.g. repairing or replacing fishing boats and fishing gears to support livelihoods.

The fund will support communities who have yet to receive adequate immediate relief. In the medium term, any money from the fund or from the government that has not been used for immediate relief will be made available for long-term rehabilitation activities.

In the long term, the fund will support natural resource rehabilitation and natural resource management by tsunami-affected communities.

Only proposals from community organizations and other related groups and networks are considered, i.e. proposals from individuals are not considered.

The Fund's Guidelines for Submitting Proposals

Community organizations and other related groups and networks are invited to submit proposals for the committee's consideration. All proposals must be consistent with the fund's objectives and the fund's guidelines for the provision of support as outlined above.

All proposals must detail:

- Person in overall charge.
- Other persons' roles and responsibilities.
- Activities to be carried out.
- Expected outputs.
- Approach for ensuring adequate monitoring.
- Approach for ensuring community development is sustainable.
- Approach for ensuring natural resource management is sustainable.

The Fund's Process for Project Approval

The committee will ensure a taskforce participates in the consideration and approval of all submitted proposals.

Process for Financial Assistance Payments

Step 1
Office staff assess documents received from communities

Step 2
Finance officer prepares payment voucher and claim form

Step 3
Persons who have authority act as signatories to approve the withdrawal of money

Step 4
Finance officer withdraws money from the bank

Step 5
Accountant records and audits

Process for Project Implementation

Process for Preparing Proposals and Receiving Funds

Step 1
Finance officer assesses payment-related documents

Step 2
Finance officer prepares payment voucher and other payment-related documents

Step 3
Persons who have authority act as signatories to approve the withdrawal of money

Step 4
Finance officer withdraws money from the bank

Step 5
Accountant records and audits

Step 1
Office manager prepares project proposal to be presented to donors

Step 2
Office manager and office staff coordinate with external groups who are interested in providing support

Step 3
Interested groups agree to support a project and transfer money

Step 4
Accountant checks whether money has successfully been received by updating the fund's account book

Step 5
Office manager prepares receipt voucher and sends to donors

Process for Daily, Monthly and Yearly Accounting

Step 1
Assessment of accounting records

Step 2
Prepare voucher

Step 3
Input accounting information to Easy Win system

Step 4
Produce general bookkeeping record to verify accounting information

Annex D: Progress-to-date Province-by-province

1 Krabi Province

In Krabi Province, the Save Andaman Network has supported the local Small-Scale Fisherfolk Society in Krabi in repairing fishing boats and fishing gears for small-scale fisherfolk in 14 villages in 4 Tambons and 2 Ampurs. Additionally, it also support a setting up of 2 boatyards in Moo 7 Ban Sangka U in Tambon Kor Lanta Yai, Ampur Kor Lanta and Moo 2 Ban Kor Pu, Tambon Sriboya, Ampur Nuer Klomg. The management of community's revolving fund and operation of boatyards is under responsibility of the local small-scale fisher groups.

Tambon kor Lanta Yai in Ampur Kor Lanta

The Save Andaman Network has provided assistance in 2 villages:

- Contributed 100,000 baht for setting up of a boatyards and another 150,000 baht towards the community's revolving fund in Ban Sang Ga U. At the present, 35 boats have been repaired. In additional to the support given by the Network, there are other contribution derived from tourists and the Community Organization Development Institute (CODI) which was mainly on purchasing equipment for boats building and woods for repairing boat, worth 200,000 baht.
- Contributed 606,000 baht towards the revolving fund of Ban Kor Por. Boat repairing activities have started and still on going.

During the early stage, the Save Andaman Network had working with in the affected villages to organize the community, as well as supporting the rehabilitation plans of another 5 affected communities. These are Ban Sriboya, Ban Klomg Bin, Ban Hua Lame Nuer, Ban Hua Lame Klang and Ban Klomg Tobe. In regarding to repaying the loan back to the revolving fund, all of these community agreed that once they receive compensation money from the government, they would return this excess support back to the community's revolving fund.

Tambon Sriboya, Ampur Nuer Klomg

200,000 baht was contributed by the Save Andaman to set up 1 boatyards in Ban Kor Pu as well as additional 1,288,500 baht for the revolving fund. The boatyards is expected to have a capacity in repairing 7 boats and being able to rebuild 5 new boats. Additionally, the network in Krabi also provided an electricity generator to be used in this boatyards too.

At this stage, the progress as updated on the 31st March, 2005, 7 boatyards have been built and 209 boats have been repair while another 190 boats are still in progress.

Table 1: The table below provides a summary of target site and progress of the boat repairing activity in Krabi Province

Moo	Name of Villages	Tambon	Ampur	Total number of Boat Damage	Number of Boats Support by the Save Andaman Network	Number of Boats Have been Repaired	Number of Boats in the Process of being Repair
9	Na Thung Klang	Kor Klang	Kor Lanta	16	16	0	16
6	Than Klong	Kor Klang	Kor Lanta	4	4	0	4
5	Lidee	Kor Klang	Kor Lanta	11	11	0	11
8	Aow Thong Lang	Kor Klang	Kor Lanta	19	19	0	19
7	Sang Ka U	Kor Lanta Yai	Kor Lanta	74	49	49	0
6	Klong Nin	Kor Lanta Yai	Kor Lanta	42	40	23	17
4	Kor Por	Kor Lanta Yai	Kor Lanta	34	34	14	20
2	Sri Raya	Kor Lanta Yai	Kor Lanta	15	15	15	0
8	Klong Tobe	Kor Lanta Yai	Kor Lanta	24	19	19	0
1	Hua Lame Nuer	Kor Lanta Yai	Kor Lanta	31	9	9	0
1	Hua Lame Klang	Kor Lanta Yai	Kor Lanta		9	4	5
3	Kor Cham	Kor Sriboyar	Nuer Klong	38	38	20	18
5	Thing Rai	Kor Sriboyar	Nuer Klong	39	39	17	22
2	Kor Puu	Kor Sriboyar	Nuer Klong	24	24	24	0
1	Klong Tor	Kor Sriboyar	Nuer Klong	14	14	12	2
5	Park Lar	Tha Ling Chan	Nuer Klong	110	59	3	56
			Total	495	399	209	190

Plan to be accomplished

- Continue providing support for boat repairing in the target areas
- Address problems of water supply system in Kor Por Village and Sang Ka U Village together with Down Chemical Company Ltd.
- Repair and rebuild 24 damaged houses in 4 villages as well as some in Sang Ka U Village

Future Plan (April –May, 2005)

- Work with the community to identify community household plan, which includes the installment of effective escape route and community base warning system.
- Work with the community to formulate long-term community rehabilitation plan to address issues previously discussed in section 5.

2. Phang Nga Province

The Save Andaman has provided financial support in setting up boatyards and purchasing fishing gears at the total amount of 1,000,000 baht. Initially, the fund was distributed to 2 areas in Tambon Kor Prathong of Ampur Kuraburi that are Ban Thung La Oon (temporary shelter of community in Ban Thung Dab) at the amount of 400,000 baht. The second area was Ban Tha Pa Yaoi at the amount of 300,000 baht and distributed 300,000 baht to Ban Nok Na, Tambon Kor Ko Kao of Ampur Trakuapa. The three areas work differently, but are similar in the sense that the fund will not be given to an individual, but to the local groups to ensure that all affected people receive equal share.

Between 31st January – 9th February 2005, the Save Andaman Network supported operational cost of 1,000,000 baht for setting up boatyards and equipment for repairing and rebuilding

boats in Tambon Kor Prathong in Ampur Kuraburi. This amount of money was distributed to the following areas:

- Setting up of a boatyard in Ban Thung Dab in Tambon Kor Pathong of Ampur Kuraburi. The villagers have identified that there are 21 boats that need to be repaired. The repairing process will be conducted in a set which consists of 4 boats. The village committees will take charge in book keeping for the repairing equipment and repayment of the loans. 400,000 baht was received from the Save Andaman Network and so far 126,565 baht has been spent on repairing activities.
- Setting up a boatyard in Ban Tha Pae Yoi in Tambon Kor Pathong of Ampur Kuraburi, the villagers have been conducted a damage survey and checked who have not received support from the government since the 31st January, 2005. The repairing activities have been taken place since 7 February 2005. Under the total of 300,000 baht received from the Save Andaman Network, 103,195 baht have been spent on the activity.
- Setting up of a boatyard in Ban Nok Nar in Tambon Kor Kor Kao, Ampur Tha Kua Par. The yard will proceed in repairing 5 small boats first since the owners are the very poor and have only one boat to sustain their livelihoods. After this, they will move on to repair 6 larger boats (13-19 Kong – local unit for measuring boat size - medium size boats which cost approximately 60,000 baht – total 360,000 baht. The fund available in the revolving fund is not enough to cover this, thus more fund raising is needed. Apart from this, the Save Andaman Network has supported new fishing gears for 12 boats owners, including materials for producing different types of nets. These materials were brought to the temporary shelter camp so that the community can help each other in producing or repairing the camp. Under the total of 300,000 baht received from the Save Andaman Network, 141,985 baht have been spent on the activity.
- In Ban Bang Sak (Thap Thawan), reconstruction of houses and repairing of boats are also on going. However there is a shortage of boat builders.
- In Ban Thung Wa, German tourists have provided support in house and boat repairing.

The report as of 31st March, 2005 is confirmed that 41 boats have been repaired, while as much as 335 boats are still waiting. The work is still on-going.

Table 2: The table provides a summary of target site and progress of the boat repairing activity in Phang Nga Province

Moo	Name of Villages	Tambon	Ampur	Total number of Boat Damage	Number of Boats Support by the Save Andaman Network	Number of Boats Have been Repaired	Number of Boats in the Process of being Repair
2	Nok Nar	Kor Kor Kao	Tha Kua Par	16	16	10	6
2	Nam Kem	Bang Muang	Tha Kua Par	300	300	2	298
2	Tha Pae Yoi	Kor Prathong	Kuraburi	8	60	29	31
	Thung Laong	Kor Prathong	Kuraburi	34			
	Thung Darb	Kor Prathong	Kuraburi	25			
4	Park Jok	Kor Prathong	Kuraburi	50			
Total				436	376	41	335

Table 3: The table provides a summary of target site and progress of the House Repairing activity in Phang Nga Province

Moo	Name of Village	Tambon	Ampur	No. of Houses Damaged	No. of Houses Supported by the Network	No. of Houses Repaired	No. of Houses In the Progress of Being Repaired
	Thap Tawan	Bang Muang	Tra Kuapar	74	49	0	49
	Nai Rai	Tai Muang	Tai Muang	72	35	0	35
Total				146	84		84

Plan to be accomplished

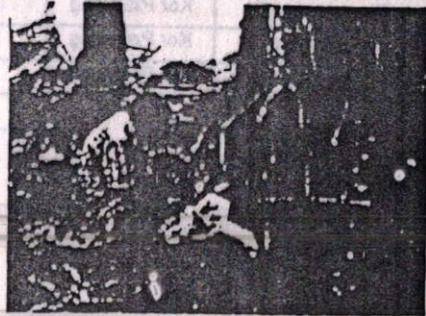
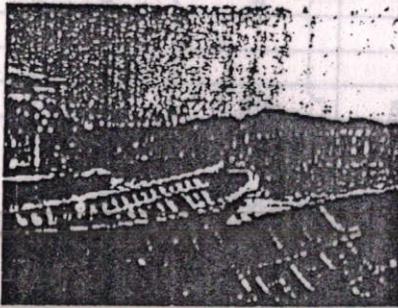
- Continue providing support for boat repairing in the target areas.
- Rebuild 49 houses in Thap Tawan Village, 50,000 baht per house.
- Rebuild 35 houses in Nai Rai Village, 100,000 baht per house.
- Establish community-based cooperatives in Ban Nai Rai and Ban Thap Thawan as well as establishing community-based occupational group for oil fund in Nam Kem Village.
- Collaborate with the Foundation for Thai Community and Housing Development Foundation in formulating household plan/layout with the community members. This activity is completed and the construction began in early April (17 houses built in Soi Trok Par, Thap Tawan, Nai Rai and another 125 houses in 4 communities of Ampur Tha Kuapar

Future Plan (April –May, 2005)

- Work with the community to identify community household plan, which includes the installment of effective escape route and community base warning system.
- Work with the community to formulate long-term community rehabilitation plan as described in the main document section 5.

3. Phuket Province

In Phuket Province, there are 5 Tambons in 3 Ampurs that are affected by the tsunami. The preliminary relief support on repairing fishing boats and gears that were given to the affected communities derived mainly from fund-raising among the network both at national and international level. This support was given in the form of donation rather than through revolving fund as practiced in the other provinces because the communities do not have a revolving fund set up in their communities yet, thus might not be able to service the loans.

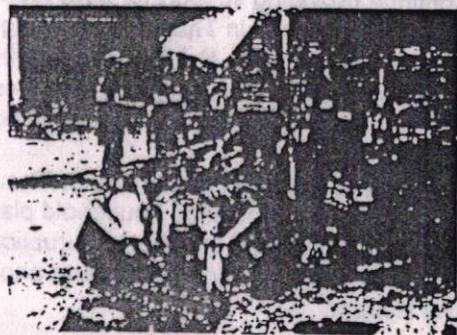


Future Plan (April –May, 2005)

- Work with the community to identify community household plan, which includes the installment of effective escape route and community base warning system.
- Work with the community to formulate long-term community rehabilitation plan as described in the main document in section 5.

4. Ranong Province

In Ranong, the affected areas cover 5 Tambons and 3 Ampurs. The Save Andaman Network has been working with the affected communities in setting up boatyards in 5 areas. These are Tambon Rachanukoon in Ampur Muang, Kor Sai Dam community in Tambon Nguay of Ampur Muang, Tambon Muang Klang Community in Ampur Kaper, Kaper Community in Tambon Kaper of Ampur Kaper and Bang Kluy Nok, Tambon Naka of sub-district Suk Samrang.



The Community Organization Development Institute (CODI) supported 200,000 baht for purchasing fishing boats. The Ratchakoon Tambon Administrative Organization has provided labor force to help repair damaged boats. Presently, some villagers can go to fish.

Field report as confirmed on 31st March, 2005, 57 boats are repaired and 479 boats are still in the progress.

Table 4: The table provides a summary of target site and progress of the boat repairing activity in Ranong Province

Moo	Name of Villages	Tambon	Ampur	Total number of Boat Damage	Number of Boats Support by the Save Andaman Network	Number of Boats Have been Repaired	Number of Boats in the Process of being Repair
	Chemee	Muang Kluang	Kapur	76	76	0	76
	Kor Lao	Hard Sai Dam	Muang	60	60	0	60
4	Kuan Sai Ngam	Naka	Sub-Suk Sam Ran				
3	Bang Kluei Nok	Naka	Sub-Suk Sam Ran	46	46	20	26
2	Bang Bane	Muang Kluang	Kapur	148	148	12	136
5	Kor Hard Sai Dam	Ngow	Muang	56	56	15	41
5	Nok Ngang	Ratcharud	Muang	150	150	10	140
			Total	536	536	57	479

Plan to be accomplished

- Continue providing support for boat repairing in the target areas

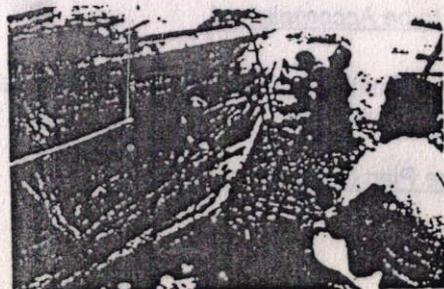
Future Plan (April –May, 2005)

- Work with the community to identify community household plan, which includes the installment of effective escape route and community base warning system.
- Work with the community to formulate long-term community rehabilitation plan as described in the main document in section 5.

5. Satun Province

The Save Andaman Network provided assistance and financial support to establish boatyards where boats and fishing gears can be repaired in 16 villages of 6 Tambons that are under 4 Ampurs. The affected communities which have already been formed as Satun Small-Scale Fisherfolk Society before the tsunami has contacted the Save Andaman Network and requested a total amount of 2,000,000 baht to support them. Under this amount, the proposal aim to earmarked 144,336 bahts for contribution towards local revolving fund for repairing vessels and fishing gears, while 258,600 baht would be utilized in establishing 2 boatyards in Ban Bor Jed Look Moo 1, Tambon Pak Nam in Ampur La Ngu and Ban Hua Hin Moo 1, Tambon La Ngu in Ampur La Ngu. The management of revolving fund and the operation of the boatyards are responsibility of Satun Small-Scale Fisherfolk Society together with the Small-Scale Fisherfolk's Saving Group of Ban Hua Hin and Small-Scale Fisherfolk's Saving Group of Ban Bor Jed Look. The Executive Committee of the Save Andaman Network has reviewed the proposal and agreed to contribute 2,000,000 baht that will be managed according to the activities proposed by the community.

Between the 15th – 31st January 2005, 750,642 baht was contributed towards the local revolving fund and has already reached 70 families to help in repairing fishing boats and fishing gears.



Additionally, 402,936 baht was spent on setting up shipyard and purchasing of boat repairing equipment as well as 1,140 baht was spent on supporting coordination expenses incurred under these activities. The total support given to Satun Province is 1,154,718 baht.

The network, through the support of international and national organizations as well as private sector, in turn supports the community in erecting community's boatyard (5 boatyards) to be used as a venue for repairing and rebuilding damaged fishing boats. At the current stage, 87 boats have been repaired, leaving another 79 to be worked on.

Table 5: The table provides a summary of target site and progress of the boat repairing activity in Satun Province

Moo	Name of Villages	Tambon	Ampur	Total number of Boat Damage	Number of Boats Supported by the Save Andaman Network	Number of Boats Have been Repaired	Number of Boats In the Process of being Repair
2	Ban Kan Yai	Kor Sarai	Muang	14	14	2	12
3	Tan Yong Kling	Kor Sarai	Muang	10	10	0	10
1	Tan Young Uma	Kor Sarai	Muang	4	4	2	2
3	Korn Karn Tok	Korn Karn	Thung Wa	6	3	3	0
2	Rawai Tai	Kob Klam	Thung Wa	12	12	8	4
4	Ta Lor Sai	Pak Nam	La Ngu	16	2	2	0
2	Pak Bara	Pak Nam	La Ngu	83	2	2	0
1	Bor Jed Look	Pak Nam	La Ngu	75	46	42	4
6	Tha Malai	Pak Nam	La Ngu	8	4	4	0
1	Hua Hin	La Ngu	La Ngu	19	19	9	10
6	Son Mai	Lam son	La Ngu	43	6	4	2
4	Son Klang	Lam son	La Ngu	25	2	2	0
1	Tan Yong Narai	Lam son	La Ngu	6	6	2	4
3	Kor Bulone	Sakorn	La Ngu	36	36	5	31
Total				357	166	87	79

Table 6: The table provides a summary of target site and progress of the House Repairing activity in Satun Province

Moo	Name of Village	Tambon	Ampur	No. of Houses Damaged	No. of Houses Supported by the Network	No. of Houses Repaired	No. of Houses In the Progress of Being Repaired
1	Tan Young Uma	Kor Sarai	Muang	1	1	0	1
2	Bar Kan Yai	Kor Sarai	Muang	3	2	0	2
3	Tan Young Kling	Kor Sarai	Muang	1	1	1	0
5	Raya Tod Yai	Kor Sarai	Muang	13	4	0	4
1	Bor Jed Look	Pak Nam	La Ngu	16	4	4	0
Total				33	12	5	7

Plan to be Accomplished

- Continue providing support for boat repairing in the target areas and in villages in Kor Sarai

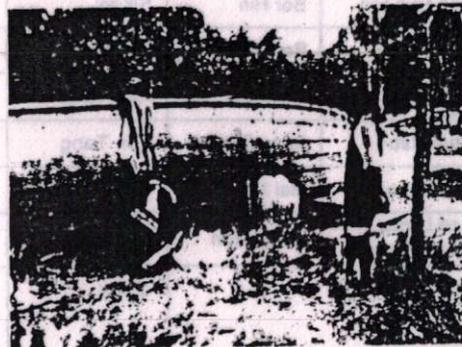
Future Plan (April –May, 2005)

- Work with the community to identify community household plan, which includes the installment of effective escape route and community base warning system.
- Work with the community to formulate long-term community rehabilitation plan to address issues previously discussed in section 5.

6. Trang Province

The Save Andaman Network has provided assistance and financial support to establish boatyards for repairing fishing boats and fishing gears for 17 villages in 7 Tambons and 4 Ampurs. The assistance being distributed from the 11th January- 9 February, 2005 was concentrated on repairing fishing boats and purchasing new fishing gears by supporting the revolving fund of 4,060,000 baht, plus 450,000 baht for setting up 4 boatyards (1 boatyards in Ban Ta Sa Moo 4, 2 boatyards in Ban Kor Muuk Moo 2, 1 boatyard in Makam and Hua Non Gulf and 1 boatyard in Ban Ba Tu Pu Ta). The total support that has been channeled in Trang is 4,510,046 baht. The Trang Small-Scale Fisherfolk Society is managing the revolving fund and repairing activities in collaboration with the Coordination Unit for the Tsunami-Affected Small-Scale Fisherfolk in 7 areas.

Under this amount of money, 1 permanent boatyard was set up in Libong Island and costing 250,000 baht and 893,910 baht was contributed towards the local revolving fund to support the boat repairing of fishing boats activities. Additionally, 1 set of boatyard equipment was purchased, costing 296,366 baht. Therefore, total amount of budget spent to support small-scale fishers in Libong Island is 1,440,276 baht.



In Muuk Island where 183 boats are destroyed, 200,000 baht was given to set up 1 boatyard. Additionally, the network has also contributed 817,000 baht towards the community's revolving fund, which will be managed to ensure repairing and repurchasing of fishing gears. Altogether, total support to Muuk Island provided by the Save Andaman Network is 1,017,000 baht. Aside from the support received from the network, the communities have also been assisted by Yadfon Association at the sum of 100,000 baht for fixing boats and another 100,000 for fixing and purchasing new fishing gears. At the current stage, 171 boats have been repaired, and 149 boats are in the process of being repaired.

Table 7: The table provides a summary of target site and progress of the boat repairing activity in Trang Province

Moo	Name of Villages	Tambon	Ampur	Total number of Boat Damage	Number of Boats Support by the Save Andaman Network	Number of Boats Have been Repaired	Number of Boats in the Process of being Repair
2	Kor Muuk	Kor Libong	Kantang	75	64	27	37
4	Batu Butae	Kor Libong	Kantang				
1	Kok Satorn	Kor Libong	Kantang	90	90	48	42
5	Lang Kao	Kor Libong	Kantang				
7	Hard Sai Kaew	Kor Libong	Kantang				
3	Mod Tha Noi	Kor Libong	Kantang	6	6	6	0

Moo	Name of Villages	Tambon	Ampur	Total number of Boat Damage	Number of Boats Support by the Save Andaman Network	Number of Boats Have been Repaired	Number of Boats in the Process of being Repair
3	Ban Thung	Kor Sukorn	Pa Lien	6	6	6	0
4	Hard Sai Thong	Kor Sukorn	Pa Lien	6	6	6	0
3	Lame Sai	Kao Mai Kaew	Sikao	3	3	0	3
5	Lame Makam	Kao Mai Kaew	Sikao	10	10	0	10
7	Thung Thong	Kao Mai Kaew	Sikao	22	22	0	22
5	Hard Samrang	Hard Samrang	Sub- Hard Samrang	12	12	0	12
4	Ban Tha Sae	Ban Tha Sae	Sub- Hard Samrang	16	16	16	0
1	Ban Nar Thalay	Tha Sae	Sub- Hard Samrang	13	13	0	13
2	Nar Chum Hed	Tha Sae	Sub- Hard Samrang	17	17	17	0
6	Ban Hua Hin	Bor Hin	Sikao	7	7	0	7
9	Pak Klong	Bor Hin	Sikao	3	3	0	3
3	Kuan Thung Ku	Bang Sak	Kan Tang	14	14	14	0
4	Nam Rab-	Bang Sak	Kan Tang	7	7	7	0
5	Chang Lang	Mai Fard	Sikao	24	24	24	0
3	Ban Lame (Wang won)	Wang won	Kan Tang	1	0	0	0
Total				332	320	171	149

Plan to be accomplished

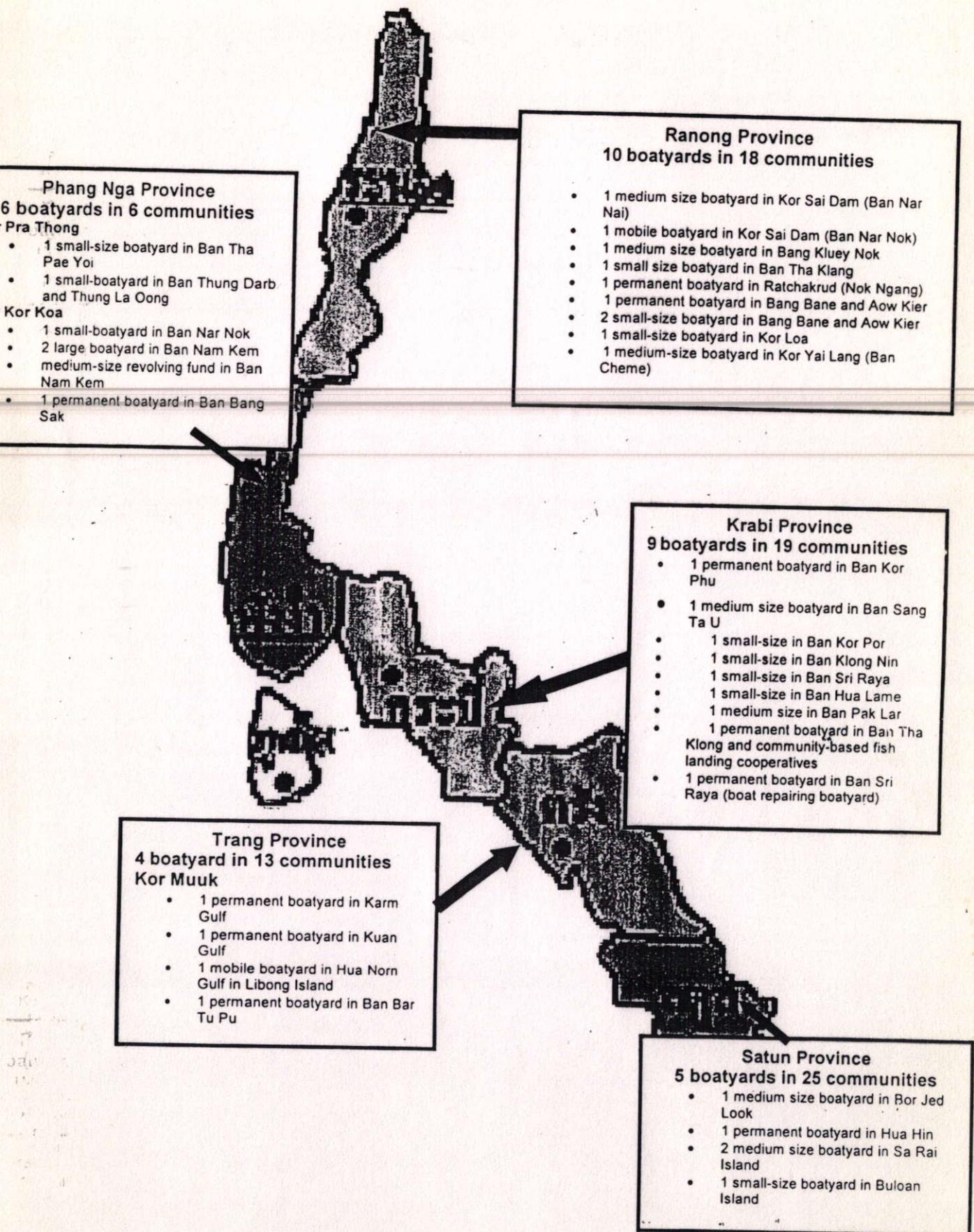
- Continue providing support for boat repairing in the target areas
- Address problems of water supply system in Muuk Island together with Down Chemical Company Ltd.

Future Plan (April –May, 2005)

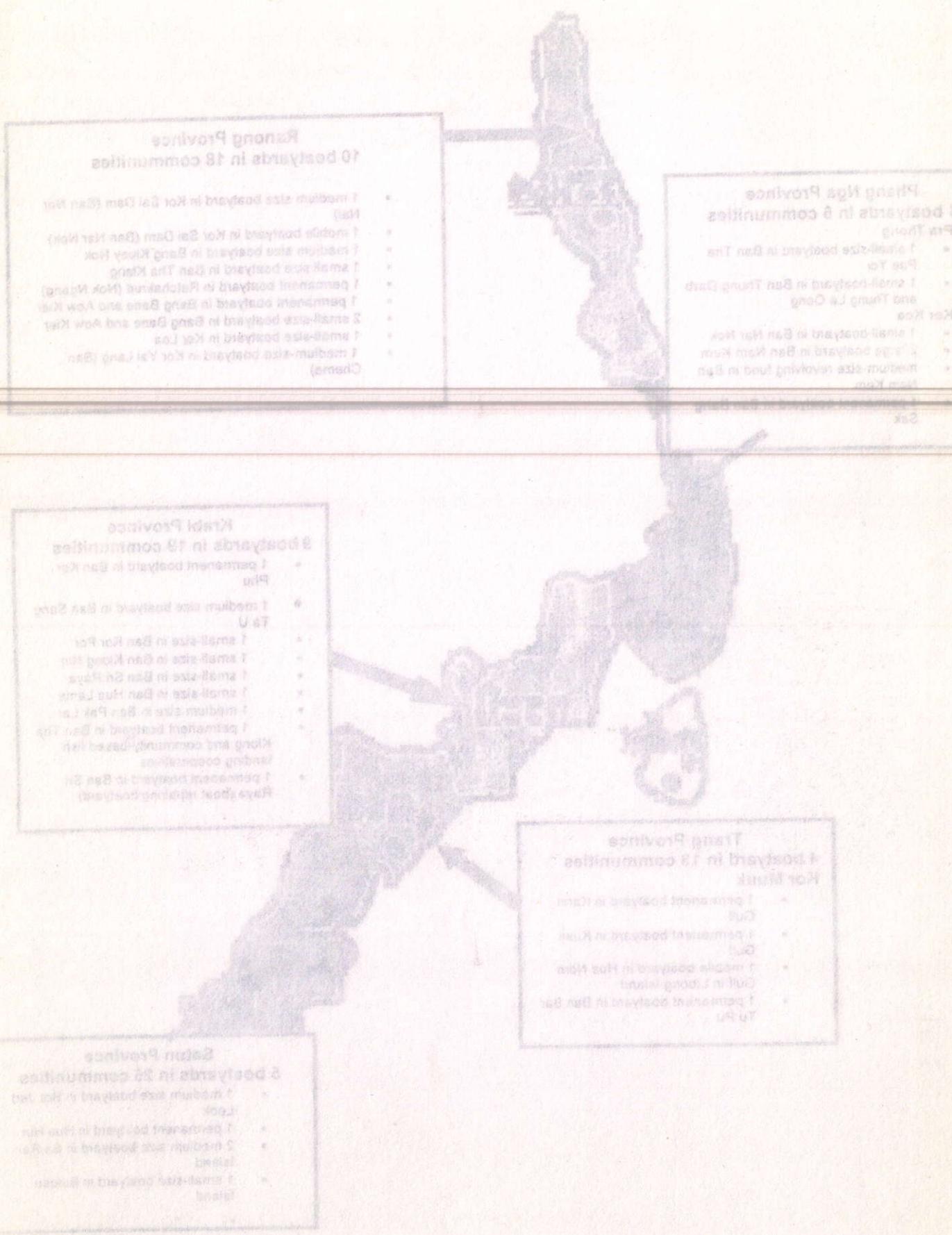
- Work with the community to identify community household plan, which includes the installment of effective escape route and community base warning system.
- Work with the community to formulate long-term community rehabilitation plan to address issues previously discussed in section 5.

Moo	Name of Villages	Tambon	Ampur	Total number of Boat Damage	Number of Boats Support by the Save Andaman Network	Number of Boats Have been Repaired	Number of Boats in the Process of being Repair
3	Ban Thung	Kor Sukorn	Pa Lien	6	6	6	0
4	Hard Sai Thong	Kor Sukorn	Pa Lien	6	6	6	0
3	Lame Sai	Kao Mai Kaew	Sikao	3	3	0	3
5	Lame Makam	Kao Mai Kaew	Sikao	10	10	0	10
7	Thung Thong	Kao Mai Kaew	Sikao	22	22	0	22
5	Hard Samrang	Hard Samrang	Sub- Hard Samrang	12	12	0	12
4	Ban Tha Sae	Ban Tha Sae	Sub- Hard Samrang	16	16	16	0
1	Ban Nar Thalay	Tha Sae	Sub- Hard Samrang	13	13	0	13
2	Nar Chum Hed	Tha Sae	Sub- Hard Samrang	17	17	17	0
6	Ban Hua Hin	Bor Hin	Sikao	7	7	0	7
9	Pak Klong	Bor Hin	Sikao	3	3	0	3
3	Kuan Thung Ku	Bang Sak	Kan Tang	14	14	14	0
4	Nam Rab-	Bang Sak	Kan Tang	7	7	7	0
5	Chang Lang	Mai Fard	Sikao	24	24	24	0
3	Ban Lame (Wang won)	Wang won	Kan Tang	1	0	0	0
Total				332	320	171	149

Map 1: Shows Numbers and Location of Boatyards established by the Save Andaman Network



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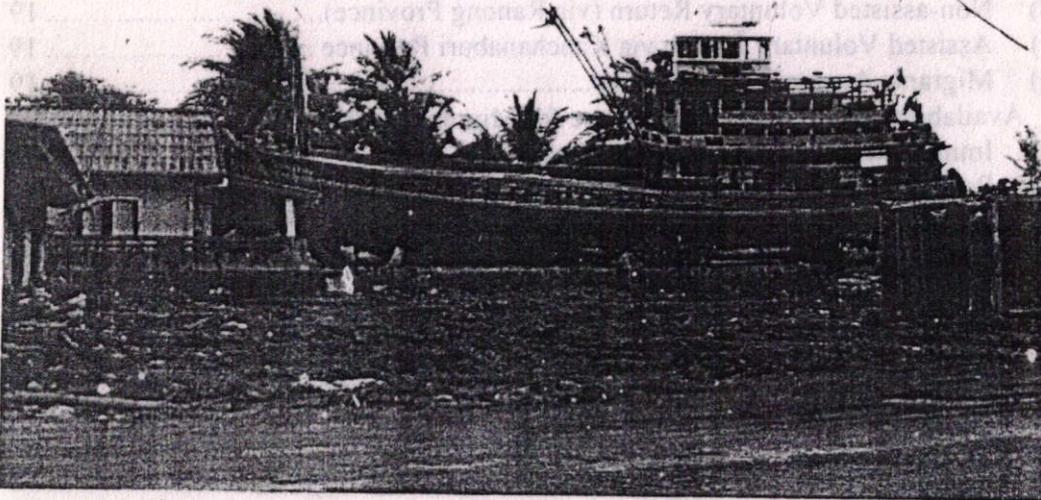


TECHNICAL ASSISTANCE MISSION REPORT

IOM/ UNHCR/UNIFEM/UNOHCHR/WB

Joint Tsunami Migrant Assistance Mission to
the Provinces of Krabi, Phangnga, Phuket and Ranong, Thailand

20-25 January 2005



Date of publication: 16 February 2005

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Overview

Objective

The objective of the 20-25 January 2005 mission was to conduct a rapid mapping assessment of the geographical distribution, dislocation and general situation of tsunami affected migrant workers in the Provinces of Krabi, Phuket, Ranong and Phangnga in order to more precisely determine the issues that need to be addressed and to ensure that the foreign workforce is properly assisted so that it is readily available for the reconstruction in the tsunami devastated areas. Both registered and unregistered migrant workers were the target of this exercise.

In particular, the mission attempted to determine the following in each tsunami-affected area:

- (i) Direct and indirect damage and/or loss caused by tsunami (Loss of family members, damage to settlement, loss of employment, general conditions faced, mental and physical health, and any other damages);
- (ii) Migrants' current location/residence (Have they been displaced if so, from where to where);
- (iii) Employment status and prospects (Have they lost jobs? Do they have other opportunities?);
- (iv) Health needs (Do they have access to health care? Are there post traumatic stress disorder (PTSD) cases?);
- (v) Future prospects (Do they intend to return to their country of origin or do they wish to stay in Thailand?).

The mission focused on labour migrants however, according to the registration figures from the Ministry of Interior, 98.6% of the registered migrants in the affected provinces are from Myanmar. Migrants from Laos and Cambodia make up the remaining 1.4%. The mission did not meet any migrants from Laos or Cambodia.

The Team

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Technical support and coordination was provided by IOM Bangkok.

Methodology

The mission team interviewed relevant government offices (labour, immigration, police, public health, foreign affairs) community-based groups, NGOs, humanitarian aid camps, temples, hospitals, Burmese migrant communities, employers, and other

key stakeholders responsible for providing relief and support for Burmese migrant workers. The team obtained both quantitative data (migrant registration) and qualitative information although the emphasis of the mission was on the quantitative data.

The mission took place following an IOM assessment from 5 to 8 January 2005 to determine the affect of the tsunami on migrant workers in Phuket, Phangnga and Ranong provinces as well as the UN Country Team assessment in Phuket and Phangnga provinces.

The Mission's itinerary is attached as Annex I
Terms of Reference for the Mission are attached in Annex II.

Executive Summary

Based on the July 2004 registration, according to figures from the Ministry of Interior, there were a total of 120,971 registered migrants and dependents in the provinces of Krabi, Phangnga, Phuket, and Ranong. In addition there are an unknown but likely significant number of unregistered migrant workers and their dependants.

It is not possible at this time to estimate the number of deceased migrant workers due to the lack of information including: (i) the total size of the migrant population prior to tsunami and (ii) the extent of their displacement after tsunami. In addition, to date only a few migrants have been able to identify and collect the bodies of deceased migrants.

It is roughly estimated that at least 7,000 migrant workers plus their dependants were affected by the tsunami¹ This estimate is based on the number of registered migrants who were employed in sectors that were most affected (fishery, construction and tourism) in the areas devastated by the tsunami. The figure does not take into account either dependants or unregistered migrants.

It is clear that large-scale relocation/displacement has occurred amongst the migrant population in the tsunami affected provinces. In the aftermath of the tsunami, some registered migrant workers returned to their countries of origin voluntarily while others, who may or may not have had a right to live and work in Thailand were deported. Some unregistered migrant workers have been deported to their countries of origin as they were in Thailand illegally without permission to stay.

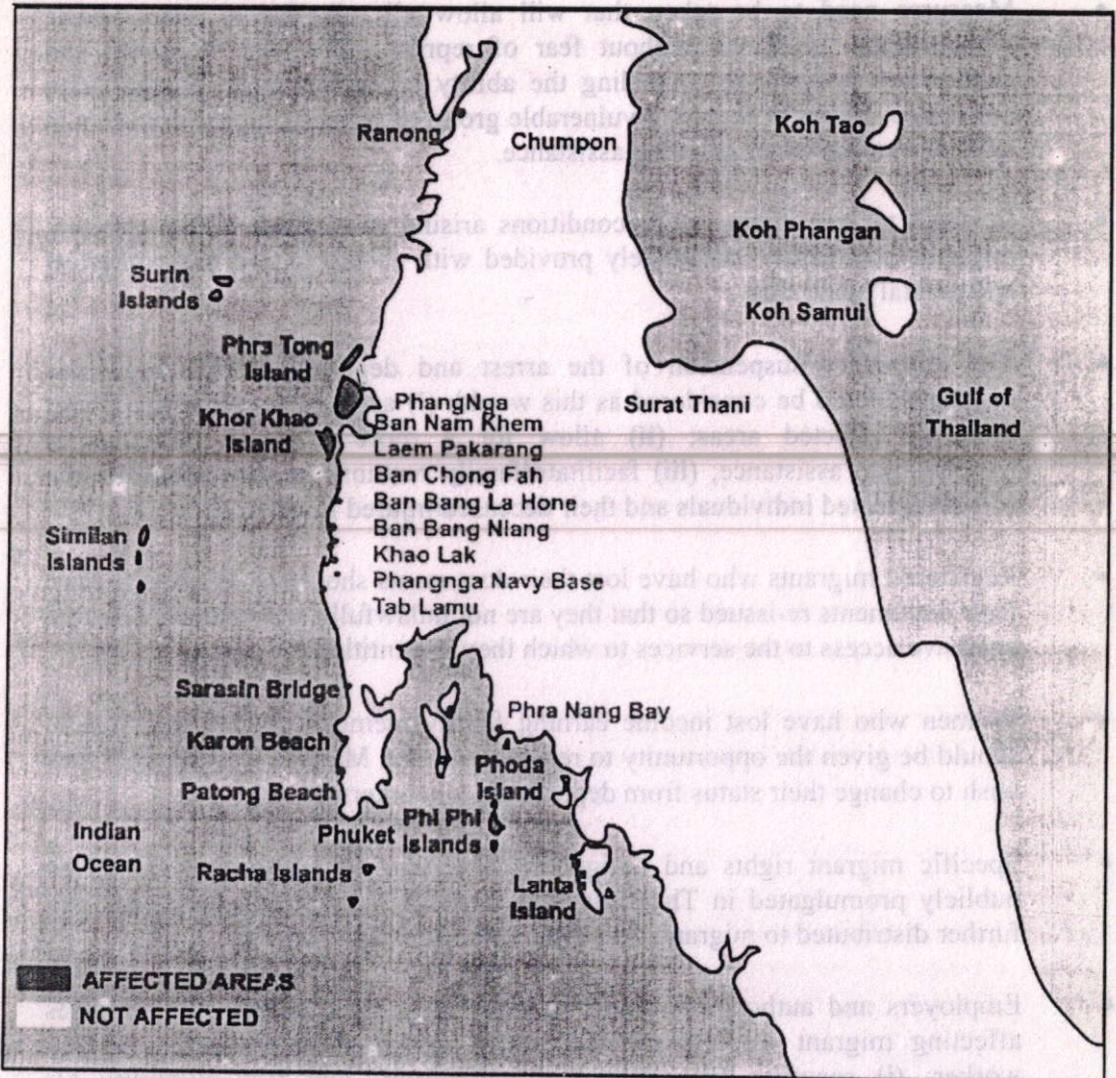
During the emergency immediately following the tsunami, relief was made available to migrant workers. Following the immediate emergency response, however, it has become increasingly difficult for migrant workers to avail themselves of further assistance. The most often cited factors which prevented migrants from accessing aid were: (1) fear that both documented and undocumented migrant workers may be subject to further arrests and/or deportation; and (2) discrimination at aid camps.

¹ Throughout this documents, "affected" means: deceased, injured, lost houses/employment, returned home or relocated to other provinces.

Summary of Recommendations

- Measures need to be taken that will allow all migrants to access basic humanitarian assistance without fear of reprisal. The fear of arrests and deportation is seriously impeding the ability to deliver basic humanitarian assistance. Needs of the more vulnerable group of women and children should be kept in mind when planning assistance.
- In order to ameliorate health conditions arising as a result of the tsunami, migrants should be immediately provided with access to and basic physical and mental health care.
- The temporary suspension of the arrest and deportation of unregistered migrants should be considered as this would: (i) assist to preserve the labour force in affected areas; (ii) allow for a more effective targeting of humanitarian assistance; (iii) facilitate family reunions and the identification of both affected individuals and their deceased/injured loved ones.
- Registered migrants who have lost their documents should be assisted to have their documents re-issued so that they are not unlawfully arrested and deported and have access to the services to which they are entitled.
- Women who have lost income earning family members during the tsunami should be given the opportunity to register with the Ministry of Labour if they wish to change their status from dependants to workers.
- Specific migrant rights and obligations attendant on registration should be publicly promulgated in Thai, Burmese and other applicable languages and further distributed to migrants and local authorities.
- Employers and authorities should be informed of and respect all measures affecting migrant workers including those designed to guarantee migrant worker: (i) security; (ii) rights and obligations; and (iii) eligibility for humanitarian assistance.
- Measures to ensure that migrant workers (both registered and unregistered) have the opportunity to identify and claim the bodies of deceased family members through DNA testing should be introduced. The families of registered migrants who died during the tsunami should be informed of their right to claim compensation and assisted to file claims. Assistance with the return of the deceased to their country of origin should also be made available.
- A regular census of migrants in Thailand should be re-introduced coupled with an economic needs assessment and review as to the numbers of migrants and conditions of migrants.
- A gender and rights perspective approach must be taken in planning and delivery of assistance.

Map of Affected Areas



Source: <http://www.sawadee.com/tsunami/>

I. Size and location of the Tsunami-Affected Migrant Population

a) Total number of migrants in four provinces

A total of 120,971 migrant workers and their dependents are registered with the Ministry of Interior (MOI)² in the four provinces Krabi, Phangnga, Ranong and Phuket based on the July 2004 migrant registration (Table 1). Data from the most recent registration in July 2004 suggests that 98.6 % are Burmese, and 1.2 % Laotian, and 0.1% Cambodian. The majority (61.6%) of the registered population is male. The number of unregistered migrants is difficult to estimate however, several sources of information including migrants themselves indicated that there are significant numbers working and living in tsunami affected areas, with numbers ranging anywhere from 20% to 500% of registered migrant workers depending on the area and sector of the economy.

Table 1 – Registration Figures

	Min. of Interior	Min. of Labour	Min. of Public Health	
	(ID registration basis)	(work permit basis)	(health check up basis)	
	31-Jul-04	15-Dec-04	4-Nov-04	
	Migrants	Employer	Migrant	Migrants
Krabi	3,820	576	2,586	3,020
Phuket	30,572	3,333	27,300	22,433
Phangnga	31,473	4,643	22,480	23,988
Ranong	55,106	7,339	30,158	31,546
Total	120,971	15,891	82,524	80,987

Source: Ministry of Labour (see also Annex III)

Males constitute 67% of the population of registered migrants in all provinces except Phuket where they constitute 55% of the registered migrants. According to the figures from the Ministry of Interior, the breakdown of males and females is as follows:

- (i) Krabi - 2,561 males (67%); 1,259 females (33%);
- (ii) Phuket - 21,256 males (67%); 10,217 (33%);
- (iii) Phangnga - 20,391 males (67%); 10,181 (33%); and
- (iv) Ranong - 30,398 males (55%); 24,708 (45%).

² This figure is based on the registration of migrant workers and dependents at the Ministry of Interior (MOI). There are three official figures for registered migrants available in Thailand: the MOI figure (based on migrant registration at district level, including dependents), a Ministry of Public Health (MOPH) figure (based on the numbers of health-checks at local health authorities after MOI registration, inclusive of dependents if they requested health service) and a Ministry of Labour (MOL) figure (based on the number of work permits granted, not including dependents if they do not work). In many districts, the MOI figure is higher than that of MOPH or MOL figures by up to 50 or 60%. Note that all figures are subject to change on a daily basis due to the relocation of migrants among provinces, loss of employment and etc.

The nationalities of the registered migrants are: 119,316 (99%) from Myanmar, 1,473 (less than 1%) from Lao and 182 (less than 1%) from Cambodia.

b) Phangnga Province

According to the July 2004 registration, 30,572 migrants were registered with the Ministry of Interior in Phangnga province. Of these, 23,988 underwent a medical examination carried out and recorded at provincial Public Health Office. Based on figures from the Ministry of Labour there were 22,480 migrants in Phangnga with work permits distributed according to the following sectors: 68% agriculture, 8.5% fisheries, 7.7% construction and 2% secondary fisheries.³

The three Districts of Phangnga affected by the tsunami are:

- 1) Takua Pa;
- 2) Thai Maeng; and
- 3) Kura Buri.

The most up to date information provided by the provincial labour office indicates that the number of migrants with work permits (excluding family members) in each district was: 5,139 in Takua Pa, 4,739 in Thai Maeng and 3,063 in Kura Buri.⁴

Most of the tsunami-damage in these three districts occurred along the coast, up to 3km inland from the shoreline and on the neighbouring islands. Affected industries which employed high numbers of migrants included fisheries, coastline construction and tourism. Some damage to plantations was also reported.

Immediately after the tsunami struck, large numbers of migrants in Phangnga voluntarily departed for Myanmar or other districts/provinces of Southern Thailand to locate work, however, on or about 28 December 2004, law enforcement officials commenced to arrest and deport illegal migrants and an unknown number of registered migrants who may or may not have lost their documentation in the natural disaster. The arrests and deportations of migrants in the immediate aftermath of the tsunami created a culture of fear within migrant communities whereby many were compelled to scatter into rubber plantations and other locations where they felt safer from arrest making them difficult to locate for aid purposes).⁵ Because of this fear, migrants did not seek available State and international humanitarian/medical aid. For example, mission delegates were advised by some migrants that they would like to return to Myanmar temporarily to visit, however, in the current climate, they do not dare to walk to the main road where they would access transport because of missing documents.

According to NGOs working with migrant workers, the police have also intervened in terms of conducting constant security checks and members of migrant settlements have reported harassment by the authorities.

i) Takua Pa District

³ Work permit documents are in the process of distribution. Many migrants are awaiting their documentation.

⁴ Source Labour Unit Phangnga

⁵ According to reports from NGOs the police have progressively thinned out migrant numbers seeking refuge on rubber plantations through a series of raids/arrests where anything of value is "confiscated".

In the Takua Pa district village of Ban Nam Kham, pre-tsunami, the fishery sector employed a large number of migrants. The natural disaster caused heavy damage to this village and the majority of its Thai residents have since left the area, temporarily relocating to Bam Muang camp. Based on interviews with migrant workers who fled the village, employers, and NGO staff, it is estimated that 2000-3000 migrants could have been in the area before the tsunami struck. The current migrant population has now fallen to below 100 according to one migrant who used to work in the area. No Burmese migrant workers were identified in the village by the mission team.

Many migrants in Takua Pa district are employed in coastline construction projects, on plantations and in hotels. While some construction work has now resumed, fewer migrant workers have returned to this area. World Vision estimates that over 5,000 migrant workers could have been working on construction sites and on rubber plantations in the area prior to 26 December 2004, however, the mission team could not confirm this figure.

Prior to the tsunami, in the Takua Pa district area of Koh Ko Kao, (also known as or Ko Kao Island) there were at least 500-1000 migrant workers on several major hotel/resort construction sites. Local residents informed the team that a large number of these construction workers may have died.

ii) Thai Maeng District

Tablamu pier is the center of a large fishing industry in which over 3000 migrant workers and dependents are employed (of which 2407 are registered)⁶. After the tsunami the number of migrant workers that remained in the area was approximately 1300.

There is one camp for displaced Thais in Ban-nai-rai village; there are no migrants there.

The team visited a migrant community (approximately 100 people) that had not been affected by the tsunami except for some minor flooding. There were no injuries or deaths in this village. One of the migrants interviewed reported that he was receiving assistance from his employer and that the relationship between the employers and the migrant workers had improved post-tsunami.

iii) Kuraburi District

Kuraburi has a large migrant settlement in Nan Yuan village near Kuraburi Port. During the mission, no immediate damage was observed. Although some migrants fled the area during and immediately after the tsunami, it is estimated that this number is small. According to World Vision which has a project in the area, over 2,500 remain employed, mostly in the fishing industry.

Koh Pa Tong is a neighbouring island damaged by the tsunami. At least 30-40 migrants lived there before the tsunami. All residents of the island relocated near the

⁶ Interview with employers, cross checked with WV estimate

school but no migrant workers could be identified during the mission. Local residents reported the death of one migrant child.

c) Ranong Province

According to the July 2004 registration, 55,106 migrants were registered with the Ministry of Interior in Ranong Province. As of 15 December 2004, 30,158 migrants were registered with the Ministry of Labour. Official figures on the distribution of migrants in specific work sectors and geographic districts is not available however, information received from the Ranong Province Labour Unit suggests that as of 21 January 2005, migrant workers were employed in the following sectors: 9,872 (32.6%) seafood processing, 7,252 (23.9%) agriculture, 2,097 (6.9%) construction, 1,609 (5.3%) sea fishing, 1,590 (5%) domestic work; 1,185 (3.9%) fresh water fish farms; 1,010 (3.33%) general labour; 994 (3.26%) food and beverage production; and the remaining 4,710 (15%) in 19 other sectors including in agricultural processing, hospitals, wood processing, gas service stations and boat repair.

It was a full moon the night before the tsunami and as the degree of illumination is not conducive to fishing, many migrants who worked on fishing boats had the day off and were not at sea. As migrants in this area do not live on their employers' boats or close to the shore, there were very few injuries and no reported deaths among migrants.

It is estimated that in Ranong Province at least 1,600 migrant workers were affected by the tsunami.

Because Ranong is the only tsunami-affected province bordering Myanmar, it is a transit province for migrant workers from other Thai provinces to cross the border. Soon after the tsunami the Ministry of Interior established a transit center to accommodate for migrants from Ranong, Phangnga and Phuket (see Section IV(b) for more detail). Some undocumented migrant workers were deported from the transit center to their country of origin while others returned voluntarily. The three tsunami-affected Districts in Ranong are:

- i) Muang;
- ii) Kapoe; and
- iii) Suksamran (ging).

i) Muang District

There are 23,496 migrant workers registered in Muang district representing 77.5% of the registered workers in Ranong Province. They are employed primarily in seafood processing, fisheries and construction.

ii) Kapoe District

There are 1,041 workers registered in Kapoe district representing 3.4% of the registered workers in Ranong Province. They are employed primarily in fisheries and on rubber plantations.

iii) Suksamran District

There are 498 workers registered in Suksamran District representing 1.6% of the registered workers in Ranong Province. They are employed primarily in fisheries.

d) Phuket Province

According to the Labour Office in Phuket, 30,572 migrants were registered with the Ministry of Interior in Phuket Province under the July 2004 registration, however, a total of 27,039 work permits had yet to be issued to registered migrant workers at the time of the tsunami. To date, only 800 permits have been issued. Most migrant workers in Phuket Province are employed in the construction sector (60%) and at the time of the tsunami there was little or no construction work on along the coastline. Approximately 4,000 migrant workers are employed in fisheries and related sectors followed by agriculture and domestic services.

The affected Districts in Phuket Province are Muang, Kratu, and Talang. The number of registered migrant workers in these districts is: 15,586 in Muang; 6,629 in Keatu; and 4,824 in Talang.

Raschatda pier in Muang District possessed a considerable number of migrant workers in the fisheries sector. There are reports from government officials in Phuket that as many as 200 migrant workers are missing since the tsunami however, the team did not witness damage in this area and could not confirm the aforementioned estimates as to missing migrants.

The team also visited affected sites such as Patong beach, Kamala beach, and Ao Po areas, which are mostly settled by Thais and frequented by tourists. There are reports that the bodies of a child and an adult from Myanmar were found on Kamala beach.

e) Krabi Province

According to the July 2004 registration, 4,820 migrants and their dependents were registered with the Ministry of Interior in Krabi Province, of which 2,586 migrant workers were registered with the Ministry of Labour. Pre-tsunami, sixty-seven per cent (67%) or 1,729 migrant workers were employed in agriculture (including rubber plantation work) and 327 in construction. Only 18 migrants were engaged in marine fisheries work.

Most of the tsunami damage in Krabi province occurred on outlying islands including Muang District (Phi Phi Island), Lanta Island District and Nua Khlong District. Migrant workers in Krabi Province were not really affected by the tsunami as the vast majority worked inland in the agricultural sector.

i) Muang District

There were 601 registered migrant workers in Muang District employed in agriculture and construction. Phi Phi Island, also in Muang District, was severely damaged by the tsunami. NGOs estimate that at least 90 migrant workers were killed on the island. There are now 20 registered migrants working on Phi Phi Island (16 in agriculture and

4 as domestic workers). Residents of Phi Phi Island's mostly Thai Muslim population are now relocated to mainland Klong Hin Camp. The team found no migrants in this camp.

The chief of Phi Phi village No. 8 informed the team that some migrants are doing construction work on the island and were not affected by the tsunami.

ii) Land Island and Nua Khlong Districts

Lanta Island and Nua Khlong Districts house 125 and 194 migrants respectively. They work mostly in construction and agriculture (shrimp farms hire many migrant workers). Fisheries are small in size and are almost entirely managed and staffed by Thai citizens. Sources advised that wages for Thai workers are low and that there is thus not as much demand for migrant workers in this province. Most migrant workers are employed on plantations, a sector little affected by tsunami.

Table 2

Tsunami affected districts in Krabi, Phangnga, Phuket and Ranong:

-Number of migrant workers and major industries employing migrants-

Affected provinces	Affected districts	Number of migrants (MOL)	Sectors hiring migrants		
Phangnga	Takua Pa	5,139	Agriculture		
			Fishery		
			Construction		
	Tay maeng	4,739	Fishery		
	Kuraburi	3,063	Construction		
Krabi	Muang	601	Construction		
			Lanta Island	211	not identified
			Nua Khlong	194	not identified
Phuket	Kratu	6,629	Construction		
			Plantation		
	Muang	15,586	Fishery		
			Construction		
Ranong	Talang	4,824	not identified		
			Seafood processing		
	Muang	23,496	Fishery		
			Construction		
Kapoe	1,041	Sea Fishery			
		Rubber plantation			
	Suk Sam Ran (ging)	498	Fishery		
Total		66,021			

Source: Labour Units, Phangnga, Krabi, Phuket and Ranong

II. Effect of Tsunami on Migrant Workers

a) Death Toll and Injuries of Migrant Workers

It is extremely difficult to estimate the number of migrant workers and/or their dependants killed by the tsunami because the exact size of the migrant population prior to tsunami is not available. In addition, large-scale displacement of migrants after the tsunami struck, including through return to their countries of origin, deportation, and relocation to other districts/provinces make it difficult to determine whether a missing migrant is deceased or merely relocated.

Authorities in Phangnga Province provided no official death toll, although a number of migrant workers interviewed said that they have identified the bodies of their relatives. Based on interviews with migrant communities and from the non-governmental sector, the estimated death toll in Phangnga Province ranges anywhere from 800 up to 3000 persons. The number of bodies found and identified to date, however, is much lower. Based on a community assessment, Burmese volunteer organizations confirmed nearly 200 deaths in Phangnga Province. The Labour Unit of Phangnga Province is considering a plan to collect more information from health facilities and employers of migrants in order to more accurately determine the size and geographical distribution of migrants in the district.

A number of deaths, as based on the number of missing or destroyed fishing boats, were reported in the media. This figure, however, may need to be reconsidered because the night before tsunami there was a full moon and fishing boats were not at sea. Although some migrant workers employed in the fishing industry live and work on the fishing boats in Phuket and Phangnga provinces, this is not the case for all of them and it cannot be assumed that all of the boats that were destroyed had migrant workers on them.

In other provinces, officially confirmed cases of missing, injured or deceased migrant workers include:

- i) two (2) migrants missing in Krabi;
- ii) two (2) bodies of Myanmar nationals in Phuket; and
- iii) no deaths reported and 14 injured reported in Ranong.

In order to have a better understanding of the number of missing and deceased migrant workers it will be necessary to have the collaboration of employers.

While Thai citizens were provided with a list of the dead and had opportunities to avail themselves of State sponsored DNA testing for identification purposes, most migrants fearing arrest and deportation have not come forward to identify and care for the remains of loved ones killed by the tsunami.

b) Women Migrant Workers affected by Tsunami

In the Province of Phangnga, which is the worst hit province in the South of Thailand, out of 10,119 women migrants registered with the Ministry of Interior, 6,755 women migrants are registered with the Ministry of Labor and hold work permits. The

remaining 3426 women stay in Phangnga as dependents or work without work permits. The mission team also learnt from the employers that the women dependents were used for work if needed.

Women migrant workers registered as dependents do not have access to health services unless they become part of the "30 bahts" scheme by paying the initial fee of 1300 baht. It was reported that in Suksamran District, the women and children registered for fee of 300 baht/person but were in fact not covered.

Many women did not buy the health scheme as they felt they would not fall sick often. Some migrant women also fear deportation upon pregnancy. The family planning service is offered free of charge for Thai women at the Public Health offices while migrant women workers have to pay for this service.

After the Tsunami there have been no requests by women dependents who have lost the income earners in their family for assistance in finding work or work permits. The Phuket Provincial Employment Unit mentioned that women dependents who were directly affected by Tsunami wished to go back home rather than stay in Thailand to find employment. The women and children are also feeling psychological trauma and anxiety.

There have been no reported cases of abuse but there were rumors of abuse in the Ranong Transit Center but it was clarified by World Vision Ranong that the rumors were not true and World Vision volunteers were always present. Women and men had separate accommodation in the transit center and 20 separate bathrooms were built for men and women. Group counseling was provided to women about the traveling and work opportunities in Ranong. Women and children were repatriated first. After the closure of the transit center, World Vision arranged for the accommodation of women and children affected by the tsunami before they were repatriated. The men stayed at the Immigration office.

The assessment team interviewed two women migrant workers at Koh Kho Khao Island and realized that they had very little knowledge of their rights and entitlements of the registration card. They were not even given copies of their registration card as both the original and copies were kept with the employer.

c) Other damage

The tsunami also destroyed the houses and settlements of migrant workers in Phangnga Districts, especially in the areas of Baan Nam Kear, Koh Ko Kao, Tab Lamu, and Koh Pa Tong. Damage was observed in migrant settlements near the coastline by Kao Lak.

In the affected districts of Ranong province most of the damage was to Thai communities because migrant workers do not live close to the coastline.

In Krabi, migrant settlements on Phi Phi Island were most probably damaged, however, the mission team did not visit the island.

No damage to migrant settlements was reported in Phuket.

Generally, it is reported that those who lost houses have either returned to their countries of origin, moved into the houses of relatives/friends in the same or in another province, are hiding in makeshift accommodation on hills or plantations, or have moved on to other provinces in search of work.

Many migrants have lost their employment due to the direct effects of the tsunami, for example, through the destruction of workplaces or they have lost employment indirectly, through a decline in demand for their labour.

A number of employers in Phangnga have resisted aid organisation efforts to assist migrants under the misbelief that such organisations will assist voluntary migrant repatriations to Myanmar. Other NGOs also report that certain employers do not allow them to access areas where migrant workers live, effectively preventing the delivery of humanitarian assistance.⁷

Despite poor working conditions and virtually no access to health services or the national social safety net, many migrant workers have little desire to return to Myanmar as they believe that, in their home nation, they would not find gainful employment. Aside from the Thap Lamu no-go area and isolated instances where employers have denied migrant worker communities access to aid, most employers are quite good to migrant labourers.

Apparently, there are now two types of work that are currently open to migrant workers in Phangnga:

- (i) Unpaid rebuilding work (working for food and nothing more); and
- (ii) Deferred payment (employers promise to pay the migrant workers in the future).

According to one NGO, many illegal migrants and those who were registered but lost their papers in the disaster, agree to work for little or no remuneration because they believe that they will be offered protection from arrest (and deportation).

There are also health issues as many migrant settlements have limited access to clean water and sanitation.

III. Identification of Dead Bodies of Migrants and Provision of Compensation

a) DNA Testing and Death Certificates

Several migrants interviewed said that they identified the bodies of their family members or friends, but that they were soon collected by authorities. Since then, they have not been able to claim or access the bodies of deceased. This measure was meant to prevent wrong body claims and/or false compensation claims, which are increasingly prevalent, however, the measures seem to be disproportionately applied to migrant workers.

⁷ Interview with the Human Rights Education Institute of Burma.

DNA testing is opened to all including Thais, foreigners, and migrants but the team found no evidence that migrants have provided DNA samples to compare against the samples of the bodies. There may be several reasons for this.

First, migrants are generally fearful of contacting authority especially if they are not registered because they might be arrested and/or deported. This fear may be compounded by language barriers. This is especially true for unregistered migrants or migrants without documents. Second, it was learned from interviews that migrants who lost family members are most likely ones who have decided to return to their country of origin or to relocate to other places in Thailand because of shock and/or discrimination by the local community. Finally, the cost of transfer and funerary services may be prohibitive for migrant workers. For this reason, they may not wish to collect the bodies of their family members or friends.

The Ministry of Foreign Affairs which is in charge of issuing death certificates for foreign victims, confirmed that if migrant workers are to approach their office, they will be assisted accordingly. According to our interview with Ministry of Foreign Affairs officers in Phuket and Phangnga, they could not recall issuing any death certificates for migrant workers. None of the migrants interviewed by the team had been issued death certificates for deceased friends or relatives.

Table 3

Death, Injured and Identified Bodies According to the Ministry of Interior

Province	Reported Missing	Dead				Injured			
		Thai	Foreign	Unknown	Total	Thai	Foreign	Unknown	Total
Phangnga	1,772	1,186	1,633	1,403	4,222	4,344	1,253	0	5,597
Krabi	642	349	198	174	721	808	568	0	1,376
Phuket	642	151	111	17	279	591	520	0	1,111
Ranong	9	156	4	0	160	215	31	0	246
TOTAL	3,065	1,842	1,946	1,594	5,382	5,958	2,372	0	8,330

Source: Department of Disaster Prevention and Mitigation (DPM), Ministry of Interior (as of 31 January 2005), quoted in WHO situation report.

Note:

- Counts on DEATH are based on the number of bodies recovered
- Counts on the INJURED are based on the number of people rescued, treated at hospitals, and this includes people discharged from hospitals.
- Counts on MISSING are based on the number of people reported missing to the officials.

b) Compensation for Loss of Family

It has been announced by the Thai government that compensation of 20,000 baht will be paid to the families of Thais and registered migrant workers who lost a family member during the tsunami. To claim the compensation, a death certificate for the deceased family member is required.

Neither migrants nor NGO staff working with migrants that were interviewed during the mission was aware that compensation was available, let alone how to claim it.

The team found did not locate migrants that had either filed a claim for or received compensation. Further, the team did not locate migrants who had been issued with death certificates for deceased family member(s). Given the aforementioned fear, migrants are also less likely to attempt to access compensation.

In Ranong province special compensation was available for injured migrant workers. There are reports that the Governor of Ranong paid money to injured Thais and migrant workers from the province's contingency fund during a visit to Ranong hospital.

IV. Post-tsunami Relocation; repatriation, deportation and displacement

a) Displacement and Assistance to Migrant Workers

It is clear that there following the tsunami there was a large-scale relocation of migrant workers, especially from the affected districts in Phangnga and Ranong Provinces. The migrants have moved either to neighboring districts and provinces or have returned to their homes in neighbouring countries. The size of the migrant population that has been displaced is not known but official immigration and migrant registration records alone suggest that at least 1,000 migrants returned to Myanmar. It is possible that the number is much higher as many more may have returned home voluntarily. It is also estimated that several thousand have probably relocated to other districts within the same province or to other provinces.

In the midst of emergency, migrant workers were seen in many relief distribution centers, temples and camps receiving emergency assistance. In front of Takua Pa city hall in Phangnga Province, over 100 migrants gathered and stayed there for 2-3 days before being transferred to the transit center in Ranong Province by the authorities where they could be assisted to return home or find another employer.

Frightened and traumatized by the natural disaster, many migrants either returned or would like to return to Myanmar, temporarily, to see their relatives and to grieve. Temporary return to their country of origin, however, may not be possible in many cases. For unregistered migrants there is no guarantee that they will be able to return even if there is employment for them and registered migrants may have employers who do not want them to go back, even temporarily and may not rehire them when they return. In addition, there is no guarantee at this time that registered migrant workers who have returned to Myanmar will be allowed to re-enter Thailand.

b) Ranong Transit Center

In order to accommodate displaced and unregistered migrants mostly from Phangnga Province, the Royal Thai Government established a transit center in Ranong Province under the initiative of the provincial Employment Office in cooperation with the Immigration Office and the Ministry of Interior. The transit center was operational from 30 December 2004 to 9 January 2005.

The first arrival of 255 migrants to the transit center occurred on 30 December 2004. Migrants continued to arrive until 2 January 2005. A total of 692 migrants were accommodated between 30 December and 9 January including 506 males, 139 female and 47 children. Six hundred and seventy-five (675) Burmese returned to Myanmar either on their own or by way of deportation.

Accommodation, food and medical care were provided at the transit center. Medical care was delivered by World Vision doctors under the supervision of the Provincial Health Office.

The transit center was also used to:

- i) Provide assistance to migrants who wished to return to Myanmar with the assistance of the with immigration police.
- ii) Provide assistance to registered migrants to find new employment if they lost their employment. There is only one reported case of this.
- iii) Accommodate unregistered migrants who were in Thailand illegally and would be deported.

Table 4

Summary: Number of Migrant Workers at the Migrant Workers' Transit Center

-Ban Thungka School, Hadsompen village, Muang district, Ranong Province-

Date	Arrival			Total	Departure			Total	Note
	Male	Female	Children		Male	Female	Children		
30-Dec-04	217	28	10	255				0	
31-Dec-04	191	35	1	227				0	
1-Jan-05	2	53	35	90	26	24	22	72	
2-Jan-05	96	23	1	120	20	81	24	125	
3-Jan-05	-	-	-	0	91	9		100	
4-Jan-05	-	-	-	0	-	-	-	0	
5-Jan-05	-	-	-	0	17	-	-	17	16 escaped; 1 picked up by employer
6-Jan-05	-	-	-	0	100	-	-	100	
7-Jan-05	-	-	-	0	100	-	-	100	
8-Jan-05				0	94	6		100	
9-Jan-05				0	58	19	1	78	
Total	506	139	47	692	506	139	47	675	

Source: Ranong Employment Unit

c) Undocumented Migrants

After the tsunami, there was a tightening of security in the affected areas, especially in the coast areas of Takua Pa and Muang Districts in Phangnga Province. Additional police officers were deployed to the affected areas from Bangkok and Surathani in order to maintain order. The tightening of security coincided with an increase in the number of arrests of unregistered migrants and migrants who had lost their documentation during the natural disaster.

Burmese migrants were arrested if they did not have a registration card. If they could identify their employer and the employer confirmed that the migrant worked for them they would be released. If not, the migrants were transferred to the Ranong transit and sent back to their country of origin (primarily Myanmar). Because the Ministry of Labour officials had limited manpower, the immigration police and other police also assisted.

d) Non-assisted Voluntary Return (via Ranong Province)

In addition to the repatriations (voluntary and involuntary) through the transit center in Ranong Province migrants reportedly returned home on independently by using public transportation to the border areas. The cost of this trip is reportedly around 1300 to 2600 baht. The number of migrants that left Thailand independently is unknown, but the team did meet a number of migrants whose friends left this way.

e) Assisted Voluntary Return via Kanchanaburi Province

The Phangnga Immigration office also provided repatriation services for registered migrant workers that wanted to return home. The office arranged for transportation (paid for by the migrant workers) to send them back to Ranong Province or Kanchanaburi. This assistance was helpful to registered migrant workers who are not normally allowed to travel outside the province in which they are registered.

f) Relocation Within or Out of Province

According to Phuket labour office, over 100 migrant workers registered in Phangnga have found employment in Phuket province and have requested to relocate there. This may be because the original employer in Phangnga province does not have employment to offer the workers.

g) Migrants Arrests for Stealing

There were several reports in the media that migrant workers were being arrested for stealing and looting.

The team was informed by Thai and Burmese oriented NGOs and migrant workers themselves that the term looting has been used rather loosely by the authorities. An example was provided of a group of 11 migrants who were arrested for looting, however, they were, in fact, scavenging the post-tsunami landscape at the behest of their employers.

As a result of being labelled as looters, there were reports that migrants now fear walking with any visible possessions on their persons.

Many informants agree that there are 'good migrants' as well as 'bad migrants' but media attention may have focused too much on "bad migrants", and not on Thais who likely also took part in these misconducts.

V. Availability of Relief and Assistance for Migrant Workers

a) Immediate Emergency Aid and Shelters

All of the organizations that the team visited indicated that the first emergency relief was provided to migrants on the basis equal to Thais. Most of government organizations or community-based organizations have indicated that migrants came to them on during the emergency phase and they were treated as equal as Thai in terms of receiving assistance. Some Tsunami-affected migrants confirmed that they received emergency relief including food. Such assistance is no longer available.

Some NGOs claimed that a number of migrants were discriminated against in attempting to access humanitarian aid at relief camps. The assessment team could not locate any migrants who could share experiences about such discrimination, however, many were located who did not attempt to access aid citing fears of arrest, deportation and discrimination.

Health services were also available to the migrant workers during the immediate aftermath of the tsunami, free of charge. As of 27 December 2004, there were 24 Burmese patients at the Takua Pa hospital mostly from Baan Nam Khaem, Baan Bang Muang, and Baan Kuk Kak.

During the post-emergency period, access to free medical service reportedly declined for migrants. However, dependents were given the opportunity to join the "30 baht" scheme at hospitals in the tsunami-affected areas. The "30 baht" scheme allows registered migrants with documentation to access medical services in the province where they are registered. The initial fee to join the "30 baht" scheme is 1300 baht per person. Once a person pays the initial fee he/she can access health service by paying 30 baht.

b) Post-emergency Assistance

Although well-organized and coordinated assistance is generally not available to migrant workers, part of the problem is that so many have been displaced or have relocated that they are difficult to reach. In addition, some are hiding because they are scared of being arrested and deported if they are unregistered or do not have documents (i.e. they have lost them or are registered the documents were never issued). Organizations that are assisting migrant workers also report that they feel threatened and cannot carry out their activities openly. One organization estimated that it was delivering food and other relief materials for 1,000 tsunami-affected migrants in Phangnga alone (as of January 22) and that it was the only aid organization that operated in the area.

c) The Reissuance of Registration Documentation

The basic procedure for re-issuing of documents is to: (i) go to the police; (ii) obtain a certificate of ID loss (from the Ministry of Interior); and (iii) submit the certificate to the Ministry of Labour for re-issuance.

Note: There are multiple identification documents available for migrants: a registration slip (a letter containing 13 digits registration number and a picture) issued by Ministry of Interior, a picture ID card with work permit issued by Ministry of Labour, and a health card issued by the Ministry of Public Health.

There is conflicting information regarding the procedure for the re-issuance of work permits as each province seems to follow different procedures. For example, in Phangnga, the labour office informed the mission team that re-issuance is possible only if the 13-digit code is known. If it is not known the office cannot retrieve the personal information of the migrant from the central database. In Phuket however, the labour office informed the team that if migrants can show any piece of identification, they can re-issue the document.

There are no reported cases of the re-issuance of registration documentation in Phangnga or Krabi provinces. Approximately 20 have been re-issued in Phuket Province.

d) Current Concerns

One of the most common concerns among the migrants that the team interviewed is that they be able to continue to work. Many unregistered migrants are hiding because they are scared that they will be arrested and/or deported. Registered migrants who have lost their documentation or never had proper documents issued may also need assistance to obtain their documents.

Some migrant workers would also like to be able to go home and return to Thailand to work. For unregistered migrants, there is no guarantee that they will be able to return. For registered migrants the extent to which they are able to access assistance also depends on their relationship with their employer and the extent to which the employer is able to and willing to assist the worker. There are cases where employers have not allowed registered migrants to leave.

There is no clear policy on whether Thailand will accept returning migrants and if so, who will be allowed to return. The governors of some provinces have expressed an openness to permitting registered migrants return.

e) Special Health Concerns

Although this mission did not focus on health issues (because a joint WHO/IOM/UNICEF mission was conducted separately focusing exclusively on health issues) it can be confirmed that most of existing migrant settlement lack basic sanitation including fresh water and sewage. Migrants in hiding cannot be reached and their living conditions cannot be assessed but if they are living in hiding, the conditions are likely not ideal.

VI. Recommendations

On the basis of the mission's findings, the following recommendations can be made:

Security

By way of securing a secure migrant living and working environment for the present and into the future, specific migrant rights and obligations attendant on registration should be publicly promulgated in both Thai, Burmese and other applicable languages and further distributed to migrants, provincial/local State authorities and law enforcement officials. Rights guaranteed to migrants should accord to national legislation and international legal instruments Thailand has subscribed to.

Migrants should be provided with equal access to humanitarian relief, health care services and compensation without fear of reprisal. Until an effective measures guaranteeing migrant security are both in place and respected, humanitarian assistance should be provided directly to migrant workers through specialized NGOs that already work with migrant communities in the affected areas.

The needs of the more vulnerable group of women and children should be taken into account when planning assistance.

Registered migrant workers should be provided with equal access to emergency and non-emergency housing facilities open to those affected by the tsunami.

Access to Health Care

Only documented migrants who are part of the "30 baht" scheme can access health care.

Arrest and Deportation

In the exceptional circumstances created by the tsunami, consideration should be given to the temporary suspension of the arrest and deportation of irregular migrants who have been affected by the natural disaster. Such a measure would: **(i)** assist to preserve the labour force in affected areas; **(ii)** allow for a more effective targeting of humanitarian assistance; **(iii)** facilitate family reunions and the identification of both affected individuals and their deceased/injured loved ones.

Identification of the Deceased

Measures to ensure that migrant workers (both registered and unregistered) have the opportunity to identify and claim the bodies of deceased family members through DNA testing should be introduced. Assistance with the return of the deceased to their country of origin should also be made available.

Compensation

The immediate family members of deceased registered migrant workers should be made aware of their right and applicable procedures for the claiming of financial

compensation. In addition, assistance should be provided to these victims of the tsunami to ensure that meritorious claims are satisfied.

Unpaid Wages

Measures should be implemented to ensure that all wages due for labour services provided to employers both pre and post-tsunami are paid.

Re-Registration

Special re-registration assistance should be provided to migrants who lost registration documentation/information in the natural disaster.

Employment of Migrant Workers

Employers who employ illegal migrant workers, pay their employees at a rate below the nationally established minimum wage and/or violate migrant rights to security, freedom of movement, freedom of association and other human rights should be prosecuted.

Information Sharing

National, Provincial and local authorities, including immigration, labour and law enforcement/military officials and employers should be informed of and respect all measures affecting migrant workers including those designed to guarantee migrant worker: (i) security; (ii) rights and obligations; and (iii) eligibility for humanitarian/reconstruction assistance.

National, Provincial and Local State authorities, including immigration, labour and law enforcement/military officials, migrant employers and migrants should be afforded the opportunity to meet and discuss issues of common concern.

Measures should be adopted to ensure that all measures affecting migrant workers are communicated to them both the Thai language and the language commonly spoken by migrant workers in applicable the area.

Census

An annual census of migrants in Thailand should be introduced coupled with an economic needs assessment and review as to the numbers of migrants that will be allowed to remain in Thailand.

Annex I - Itinerary

<p>Day 1 Jan 20</p>	<p>Arrival in Phangnga Province</p> <p>Visit to the temporary office of Burmese Lawyers Association in Kuraburi Visit to MFA Phangnga office Visit to 2 migrant settlements in Kao Lak areas</p>
<p>Day 2 Jan 21</p>	<p>Team 1 Labour Unit, Phangnga Chamber of Commerce, Tap Lamu district, Fishery port Visit to HREIB office, Kao Lak</p> <p>Team 2 Ta Kua Pa District Health care center at Baan Pak Koh, Koh Koh Khao Takua Pa Hospital Nam Keam</p>
<p>Day 3 Jan 22</p>	<p>Team 1 Kuraburi district Kuraburi Police Station, Wat and school areas Kuraburi Port Meeting with CODI Attended migrant community leaders meeting in Kuraburi</p> <p>Team 2 Muang District Phuket Ban-nai-rai, Thuy Muang district Meeting with World Vision Phuket I-hle island (Ratsada pier), Maung district</p>
<p>Day 4 Jan 23</p>	<p>Team 1 – Krabi Province Meeting with UNICEF Visit to shelter construction site, briefing by MOSDHS Visit to Klong Hin camp (temporary shelter for Phi Phi Island residents) Visit to Awe Nang, Muang District Visit to Krabi Police Station, Muang District</p> <p>Team 2 Travel to Ranong</p>
<p>Day 5 Jan 24</p>	<p>Team 1 Phuket Province Visited Kamala Beach Patong Beach areas Visit to construction sites, migrant settlements in Katu district</p> <p>Team 2 Ranong Province Ban Ta Lay Nok, Kam Puan sub district, Suksamran (ging) district, Ranong Bang Bain beach, Laem Son national park, Kapoe district, Ranong Public health office, Muang district, Ranong Employment office, Muang district, Ranong Immigration office, Muang district, Ranong Mr. Gary Dalh, ARC country director & regional representative (Kuraburi)</p>
<p>Day 6 Jan 25</p>	<p>Visit to Governor of Phuket Visit to Labour Unit, Phuket</p>

Annex II – Terms of Reference

Technical Assistance Mission About The Labour Migrant Situation in: Krabi, Phuket, Phangnga and Ranong Provinces

UN Country Team Consisting of: IOM, World Bank, UNHCR, UNOHCHR and UNIFEM

20 to 26 January 2005

Background

Following the tsunami of 26 December 2004, the fate of thousands of migrant workers in the affected regions of Thailand is mostly unknown. Before the tsunami, there were over 120,000 registered migrants in the Krabi, Phuket, Phangnga and Ranong province. While not all labour migrants were affected by the tsunami, it is expected that a substantial number have been displaced, injured, left unemployed or even deceased.

The mapping exercise led by IOM in collaboration with the UN country team, will be used to more precisely determine the issues that need to be addressed in order to ensure that the foreign workforce is properly assisted so that it is readily available for the reconstruction in the tsunami devastated areas. The mission will also ensure that any assistance made available to labour migrants is properly coordinated and targeted.

Through a rapid assessment of the tsunami affected provinces carried out by IOM in early January, it is already known that some registered migrants have accessed assistance through a transit center in Ranong province coordinated by the Thai Ministry of Interior and some unregistered migrants are being deported while others have gone into hiding for fear of being arrested and deported to their countries of origin. Although the health needs of these migrants are little known, it is clear from the case of tsunami-affected Thais and foreign tourists that medical and psychological interventions are probably necessary.

In addition, the stigmatization of migrant workers as robbers and thieves who are allegedly using the chaos and devastation left by the tsunami as an opportunity to loot and rob, further victimizes the migrant workers and increases their vulnerability.

Objective

This **one-week** mission aims to conduct a mission mapping of the geographical distribution and/or dislocation of tsunami affected migrant workers in the selected districts of Phuket, Ranong, Phangnga and Krabi (each province contains, 1-3 tsunami affected districts for a total of 5 affected districts). Both registered and unregistered migrant workers will be the targets of this mapping exercise.

Two teams of up to 4 will be deployed. One team will cover Krabi and Phuket provinces; the other team will cover Phangnga and Ranong provinces.

The mission will determine the following in each of the tsunami-affected areas:

- (vi) Direct damage caused by tsunami (Loss of family members, damage to settlement, loss of employment, mental and physical health, and any other damages);
- (vii) Migrant's current location of residence (Have they been displaced if so, from where to where);

- (viii) Employment status and prospect (Have they lost jobs? Do they have new jobs coming up?);
- (ix) Health needs (Do they have access to health care? Are there post traumatic stress disorder (PTSD) cases?);
- (x) Future prospects (Do they intend to return to their country of origin or do they wish to stay in Thailand?);
- (xi) Identify which are the best ways to assist the migrant workers (i.e. what are their needs and the employer's needs).

Registration data from July 2004 will be used as baseline information of migrant population for this mission.

Activities

The mission will consist of the following activities:

- (i) Compilation of detailed registration statistics to examine the migrant population before the tsunami;
- (ii) Identification of key informants in each of the districts and sub-districts of the affected provinces including: district officials, community leaders, employers, non-governmental organizations and migrants for in-depth interviews;
- (iii) Development of standardized questionnaires;
- (iv) Field visits to towns and villages in each of the affected areas where migrant workers were known to be before the tsunami (approximately 7 days);
- (v) Mission report including issues that need to be addressed and mapping of migrant workers in the tsunami affected areas.

The team working on the mission will consist of one or two or three Thai or Burmese nationals (at least one of whom is a Burmese speaker).

Annex III – Ministry of Interior registration result by Nationality and Sex
(result of registration conducted in July 2004)

Province	Burmese			Laotian			Cambodian			Total
	Male	Female	Total	Male	Female	Total	Male	Female	Total	
Krabi	2,183	1,073	3,256	345	179	524	33	7	40	3,820
Phangnga	20,251	10,119	30,370	118	53	171	22	9	31	30,572
Phuket	20,665	9,924	30,589	493	283	776	98	10	108	31,473
Ranong	30,395	24,706	55,101	0	2	2	3	0	3	55,106
Total	73,494	46,651	119,316	956	515	1,473	156	26	182	120,971

Source: Ministry of Interior

Annex III - Ministry of Interior registration result by Nationality and Sex
(result of registration conducted in July 2004)

Province	Burmese		Laoan		Cambodian		Total
	Male	Female	Male	Female	Male	Female	
Krati	2,183	1,073	3,256	368	179	524	3,829
Phnom Penh	20,251	10,119	30,370	118	83	171	30,573
Preah Vihear	20,885	9,924	30,809	498	283	778	31,473
Ratanak Kiri	30,385	24,788	55,173	0	2	2	55,180
Total	73,494	45,884	119,374	986	578	1,473	120,971

Source: Ministry of Interior

WOMEN'S HUMAN RIGHTS CONCERNS IN TSUNAMI AFFECTED COUNTRIES

March 22, 2005

This report is a joint effort of women's organisations and groups involved in relief, rehabilitation and reconstruction efforts in the countries affected by the Indian Ocean Tsunami on December 26, 2004 . Representatives of women's organisations participating at the Asian Civil Society Consultation on Post Tsunami Challenges in Bangkok, February 13-14, 2005, from India, Indonesia, Thailand, Burma, Sri Lanka and Maldives felt there is a need for a comprehensive report focusing on women's human rights violations in the tsunami aftermath given the gravity of the violations and the extent of marginalisation and exclusion of women from the rehabilitation process.

We would like to make special acknowledgements to Titi Soentoro of Solidaritas Perempuan (Indonesia), Fatima Burnad of Society for Rural Education and Development (India), Pranom Somwong of Migrant Action Program (Thailand) and Wanee Bangrapha of Culture and Peace Foundation (Thailand) for their inputs to the report with detailed testimonies.

The objectives of the report are:

- to express our deep concern with violations of women's human rights in the tsunami affected countries: Indonesia , India , Sri Lanka , Thailand and Burma .
- to draw the attention of the United Nations - a coordinating agency of the international support to the countries affected by the tsunami, governments of the affected countries, national and international non-governmental organisations involved in rehabilitation and reconstruction processes to violations of women's human rights and women's specific needs that must be adequately addressed during rehabilitation process.
- to make recommendations on addressing women's concerns in the above countries.

Why we should be focusing on a gender perspective of the tsunami disaster

"Women and men experience the same hardships," replied Kofi Anan to a question on women's specific needs in the tsunami aftermath, at the press-conference during his visit to Jakarta in January 2005. The Indian Ocean tsunami may have made no distinction between men and women in the grim death toll it reaped with its waves but it has produced some very gender-specific after shocks, ranging from women giving birth in unsafe conditions to increased cases of rape and abuse. In Sri Lanka , dead bodies were sexually abused and women were dragged out of the rushing water and raped as payment for being saved.

We call on the governments of the affected countries, national and international non-governmental organisations involved in rehabilitation and reconstruction processes and international aid and UN agencies to ensure that relief and reconstruction efforts are conducted within a framework that protects and promotes human rights, especially women's human rights, as women, marginalised and disempowered under normal circumstances, are more at risk because of their socio-economic status, barriers to choice and lack of access to resources.

Women are more vulnerable during disasters and marginalised in their access to relief resources

because relief efforts rely on existing structures of resource distribution that reflect the patriarchal structure of society. Women constitute majority of tsunami victims and yet they are excluded from participation in disaster relief and their voices silenced resulting in violation of their human rights from the basic right to food to the right to housing.

Women's Specific Concerns

From consultations conducted by women's organisations in Aceh (Indonesia), Sri Lanka and Tamil Nadu (India), the most pressing problems facing women in tsunami hit areas in the order of priority set by the affected women are:

1. Access to relief support, shelter and housing

In some areas, e.g. Tamil Nadu, babies are dying for lack of milk. Distribution of food, mattresses, sheets and blankets is mainly based on the needs of single adults with no consideration of their children. As a result, mothers go hungry after sharing with their children and have to sleep on the ground during rainy season in Indonesia . Women specific requirements are not on the priority list of emergency relief items. Shelters and housing are being constructed without consulting affected communities and their size and design violate women's right to adequate housing and land and their human dignity. Further, women and their children face displacement, without adequate relocation, as many are prevented from returning to the sites of their homes, due to private sector development.

2. Health Concerns

There is an urgent need for trauma counselling, maternity and post-natal care, women gynaecologists and general health care clinics. Immediate attention is required for reproductive health concerns amongst the displaced. More than 150,000 women are currently pregnant in the affected areas, of whom 50,000 are due to give birth during the next three months. Volunteers in Aceh were eye-witnesses of women giving birth in unsanitary conditions, some in the open air in the rain. Special care must be provided to lactating women who lost their children to the tsunami. In Tamil Nadu, hospitals are denying medical assistance to women suffering with milk clotted breasts for dubious reasons.

Women in the IDP (internally displaced people) camps are worse off with no privacy, no secure bathrooms and no sanitary necessities.

Women-survivors need for psychological trauma counselling should not be underestimated. After securing food and shelter, psychological support is the next essential step to long-term livelihood recovery.

3. Violence against women

There are reports of rape and molestation in IDP camps although underreporting is obvious as rape victims are reluctant to report to the police for fear of a threat to their safety and ostracism. There is a sense of insecurity and fear in most camps. Young girls are forced into marriage to get protection and supplies. There are cases of violence against women human rights defenders from the military in Aceh.

4. *Loss of jobs and livelihoods*

Affected women lost their jobs and means to livelihood as their land, houses, equipment and workplaces have been destroyed. Now after two months of living in camps with nothing much to do women want to go back and start rebuilding their homes but in some countries people are denied this right. In Aceh, the military government launched a resettlement program which implies people are forced to live in hastily built "barracks" and not allowed to go back to their villages. In Tamil Nadu, the Government, instead of providing boats and nets to the fishing community, is bulldozing fishing settlements on the coast clearing the beaches for tourism industries. In Sri Lanka, the rule related to rebuilding homes 100 meters away from the sea shore has given rise to another wave of displacement, especially for fisherfolks.

5. *Education*

Reopening of schools would be the best way of healing the trauma suffered by children. All authorities involved in re-starting educational activities should facilitate an enabling environment and provide support services to the children. In Sri Lanka, children living in camp sites have requested for a community hall with chairs and tables to conduct educational activities.

In Thailand, the plight of thousands of Burmese migrant workers, both documented and undocumented, who largely concentrate in the tsunami affected areas of the country, is of special concern. Stranded Burmese migrant workers in Thailand have been left at bay by their "government", which has failed to even acknowledge the true damage from the disaster, and pushed aside, intimidated, and neglected by Thai officials who are more interested in cleaning up beaches for the arrival of new tourists than dealing with the devastation to the livelihoods and families of these group of workers. Several thousands of them have died in the tsunami but two months after the disaster are still left lying in makeshift morgues as their relatives, who are migrant workers themselves do not dare to claim the bodies of their loved ones, as they fear arrest. Many of them had their work permits and documents swept away into the sea. Burmese migrants are ineligible for much of the official aid due to their tenuous legal standing.

Recommendations

To address specific needs of women affected by the tsunami APWLD calls on the governments of the affected countries, national and international non-governmental organisations involved in rehabilitation and reconstruction processes and international aid and UN agencies to ensure the following:

1. Officials of both state and non-state agencies working with the displaced must recognise and address gender specific and special needs of women since gender neutral relief and rehabilitation policies reinforce the patriarchal social order where women are inherently disadvantaged.
2. Health concerns of pregnant and lactating women who lost their children must be addressed. They must be provided with special relief packages, including full nutritional support. Regular supplies of milk to the children must be provided in all camps and settlements.

3. Ensure safety and protection of women and girls from gender based violence and abuse in both camps and relocated communities through sensitisation of camp officials and security personnel and provision of secure toilets and bathrooms.
4. Ensure protection of women human rights defenders from violence by the military, especially in Aceh.
5. To ensure women's needs are addressed, involve women in the consultative and decision making processes: from camp administration and disaster management committees to policy making bodies for reconstruction efforts.
6. Special attention must be paid to marginalised groups of women: widows, women headed households, disabled, aged, minority and Dalit (so-called untouchables) women.
7. The governments of the affected countries must ensure that tsunami victims receive assistance without discrimination on the basis of sex, gender, caste, religion, ethnicity, class, age, migration, or other factors. The Indian Government must ensure that representatives of Dalits, Irulas and Muslim minorities are involved in rehabilitation processes at all levels to ensure equitable and unbiased access to assistance.
8. Facilitate rebuilding and capacity building of women's organisations: women's NGOs/CBOs themselves have been affected by the tsunami with many leaders dead or missing.
9. Facilitate immediate restoration of livelihoods and employment generation.
10. Ensure women and children have equal rights to adequate housing and land, and relocation efforts are consistent with international human rights standards.
11. The governments of the affected countries must acknowledge the right of IDPs to go back to the original place of living and the right of the fishing communities to the sea and the coastal land as non-negotiable and recognised.
12. The governments of the affected countries must ensure information about rehabilitation assistance reaches all the affected communities so that tsunami survivors can access the assistance.
13. The governments must ensure that the survivors' labour rights are not violated. Employers closing down businesses destroyed by the tsunami must pay adequate redundancy compensation to employees, according to the law. Affected workers must have access to the state social security fund.
14. The Thai government must desist from arresting migrant workers (especially from Burma) in the course of relief operations, and prioritise the provision of full humanitarian assistance to all survivors and their families including all migrant workers.

15. The Burmese military junta must be made accountable for the neglect of their citizens. It must immediately disclose the accurate number of casualties from the disaster, and extend full assistance, both immediate and long term, to the victims.

16. The government of Sri Lanka must ensure equal distribution of resources amongst all affected giving special consideration to the North-East regions that was engulfed in an ethnic war for more than two decades. Impact of tsunami in a post-conflict community must be carefully studied before drawing up rebuilding programmes.

Indonesia , Aceh

Total population of Aceh: about 4 million

People killed in 25 years of civil war: about 20,000

People killed and missing as a result of the tsunami: 300,000

People displaced from their homes by the tsunami: about 700,000

Percentage of women among IDPs 60%

Civil Emergency Situation in Aceh and its Implications for Tsunami Survivors

In 2003, after declaring martial law in Aceh, the Indonesian Government launched a massive military operation to crush the pro-independence opposition. In May 2004, the martial law was downgraded to civil emergency. However, the military conflict with gross human rights abuses, including displacement of tens of thousands of people, torture, killings, rape and sexual abuse of women continued.

Local and international NGO have to operate under severe restrictions of their movements inside Aceh. In the aftermath of the tsunami, international humanitarian agencies were permitted to enter Aceh on request but international staff must seek permission to move outside of the city centres of Banda Aceh and Meulaboh. The foreign troops helping with relief operations in Aceh have been asked to leave by the end of March 2005. A meeting of NGOs called in Banda Aceh in February aimed at discussing tsunami aftermath and coordinating relief and rehabilitation efforts was banned by the military authorities of Aceh.

The imposition of restriction of movement of humanitarian agencies is said to be based on security concerns and the need to coordinate the relief efforts. However, these restrictions isolate communities from much needed outside assistance and prevents independent human rights monitoring of the ongoing conflict and its impact on the civilian population.

Two months after the tsunami, there are still remote villages on the west coast of Aceh and North Sumatra that have received very little in the way of supplies or medical help. Relief groups, like Rumoh Kita, are still receiving requests for body bags, gum boots and masks, so that the corpse burial team can remove and bury decomposed bodies. The survivors in Sigli, which is only two hours drive from Banda Aceh, are struggling to get food and medical assistance.

External debt and civil participation in the rehabilitation process

The Consultative Group on Indonesia (CGI , includes 11 donors countries) in Jakarta on January 19, 2005, made a commitment to provide a new loan to Indonesia in the amount of USD 3.4 billion; of them USD 1.7 billion are meant for recovery measures in Aceh and North Sumatra. USD 2.8 billion will be disbursed through the Indonesian state budget for reconstruction of Aceh, and USD 600 million will be channelled through NGOs. There was no indication whether these are national NGOs of CGI countries, international NGOs or Indonesian NGOs. It is an important point given that the military denied permission to the local NGOs to participate in the distribution of aid.

Aside from concerns on misuse, lack of transparency and accountability with relation to the recovery fund, additional debt will increase the existing heavy burden of debt repayment on the Indonesian people in the form of subsidy cuts for social services, increasing costs in health and education sectors, resulting in further impoverishment of the people and feminisation of poverty since over 50% of the poor in Indonesia are women. Furthermore, CGI and international financial institutions such as IMF, WB and ADB will use increased external debt as a leverage to pressure the Indonesian Government to adopt economic deregulation, privatisation and trade liberalisation measures.

Indonesian Government's "Resettlement Programme" denies IDPs' right to go back to their villages

"Going back to the village" does not seem an option for many IDPs. The Indonesian Government is developing a blue print for recovery of Aceh excluding its 4 mln population from the process of rehabilitation and reconstruction. At the above mentioned CGI meeting, the Indonesian government presented its "resettlement programme" - concentrating IDPs in a smaller number of larger camps "to make it manageable for relief and recovery efforts". IDPs are forced to move to the larger camps which are hastily built barracks and their size and design violate human right to adequate housing and human dignity. Relief organisations and survivors are very concerned with this programme. Most survivors do not want to be relocated to bigger camps, remote from their former villages. There are allegations that the programme is designed to facilitate the Indonesian Government to control Acehnese people and to take over the coastal land. There are cases when the military solicit "payment" for the permission to clean up villages and rebuild houses.

Women's Human Rights Concerns

With the entire 4 mln population of Aceh being excluded from deciding the course of their lives, women's needs and concerns are totally ignored.

Joint Volunteer Centre of Solidaritas Perempuan (Women's Solidarity for Human Rights)-Aceh branch and Flower Aceh in Banda Aceh supported by several women's CBOs (Community Based Organisations) such as Serikat Inong Aceh, Permata (Perhimpunan Masyarakat Tani Aceh), Matahari, Kelompok Kerja Transformasi Gender Aceh (KKTGA) and CCDE, working at five IDP camps in Aceh since January 10, 2005 report on women's concerns:

- No special care provided to pregnant women. There are cases of miscarriage and premature births, and others carrying their pregnancies under conditions of severe deprivation. Premature babies and low breast milk production indicate the level of stress and malnutrition that some mothers are facing. Women are giving birth in unsanitary conditions without medical assistance, some in the open air in the rain.
- Needs of women with children, including breastfeeding mothers, are completely ignored. Food, water, mattresses, sheets and blankets are distributed based on the needs of single adults. But a mother who gets a single-adult portion has to share it with her children and often stays hungry. We have seen mothers sleeping on the wet ground.
- New barracks built under the Indonesian Government's resettlement programme are 3 meter high long barracks of thin wood not separated into rooms so it is very noisy. Lack of closed bathrooms force women to go unwashed for weeks which affects their reproductive health. Mostly, camp bathrooms are makeshift facilities with walls, no roof

and a big container with water. There are no separate toilets for women and men, so women feel insecure.

- With limited number of stoves women have to queue to cook and boil water. Underboiled water causes diarrhoea them and their children.
- There are reports of forced marriage to young women to ensure protection and supplies.
- Increased cases of violence by husbands and other family members as result of depression and trauma of loss, deprivation and inequity experienced at the camps.
- Two rape cases have been reported. In the 1st case, the perpetrator is a military personnel so the victim did not report the case for fear of life. In the 2nd case, two men went into a tent where a woman was asleep. Other camp residents, who saw the men going in, beat them up. The woman came out of the tent all embarrassed because many people were surrounding her. She then was brought to another tent to be interrogated by all men. Solidaritas Perempuan volunteers (one of them is a lawyer) who stayed overnight at the camp tried to get into the tent to accompany the woman but failed to get through the tight barricade of the men.
- Violence against a woman human rights defender. A woman, NGO worker, distributing relief packages, was beaten by a military personnel for refusing to follow his order to hand over packages to him.
- Women are not involved in the governance of the camps, in particular on the allocation of shelters and supplies. They are excluded from the negotiation processes with parties outside the camps including national and international aid organisations and government institutions that provide supplies.
- Teachers and volunteers have started makeshift schools in the IDP camps. Trained teachers are needed as thousands of teachers died in the tsunami.

Some families hosting IDPs in their houses are facing deprivation themselves as they are running out of rice and other supplies. These households do not have access to government assistance or to most organised relief support.

Aceh is a province with predominantly Muslim population and strong patriarchal culture where Shariah (Islamic) law is practiced. Women are represented by male family members in the public life, therefore at IDPs camps women are not involved in management of the camps. There are concerns among women that Shariah law will be reinforced. In the tsunami aftermath, women have not been afraid to carry on daily activities without wearing veils. Many women do not want to be forced to wear veil, or be subject to other Shariah restrictions such as not being allowed out after 6 pm unless accompanied by a male relative.

Moreover, the Indonesian government policies do not acknowledge women as head of the household. But the fact is millions of Indonesian women are head of their households and main earner of the family. This policy denies access to public services to many young women who lost their fathers or married women who lost their husbands.

We call to the international community given the involvement of the Indonesian Government in the armed conflict situation in Aceh:

- Ensure involvement of people of Aceh and North Sumatra , including women, in decision making processes for the reconstruction. UN and multilateral financial institutions must assert the rights of the IDPs to choose where they want to live: to return to their homes or resettle in another part of the country. Policies and decisions regarding resettlement and return of IDPs must not be imposed without consultation.
- Ensure that women's specific needs are addressed at all stages of rehabilitation and reconstruction.
- Ensure that specific measures are in place to protect women from sexual violence within IDP camps and to facilitate reporting of incidence of gender based violence. Mechanisms must be in place within the investigation and judicial processes to ensure the full protection of victims and witnesses from reprisals.
- The Indonesian Government must assure economic, social, cultural and political rights of women and acknowledge women as head of the family to secure them access to social services.

Tamil Nadu , India

In India, the coastal areas of Chennai, the capital of Tamil Nadu, the Pilgrim centre Nagapattinam, the state of Pondicherry, Karaikal, and the southern part of Tamil Nadu, including Tuticorin, Kanyakumari and Nagercoil are the areas worst hit by the tsunami. Over 12,000 have been reported dead, 50 percent of them children. Bodies scattered around all over the coastal villages constituted mainly women and children. Dead bodies could be seen hanging from the trees and buildings. The mortuaries cannot hold the dead bodies, which are collected and heaped up.

In Nagapattinam District alone, 45 villages where the Dalit Movement is active, have been washed away and 18 of the movement leaders have been drowned. Movement activists have been feeling psychologically traumatised themselves.

Caste discrimination

Special care should be taken to see that the needs and priorities of women, children and marginalized groups, Dalits and Irulas, are addressed. Dalits, or so-called untouchables, are denied their basic human rights and face the most terrible forms of deprivation and abuse under normal circumstances. The problems of caste discrimination have added to the misery caused by the tsunami. They are receiving less relief and support from aid groups. Indian authorities are discriminating in providing financial assistance to the families of deceased Dalits. Dalit areas have been the last to have electricity and water supplies restored during rehabilitation efforts.

In Karaikkal, in Paravaipet village, Rajeswari, 9 months pregnant woman, ran with her children away from the chasing waves. She ran into a house where another caste family lived. As Rajeswari was a Dalit woman, she was not let in. Rajeswari had to push the hostess and ran upstairs to save her children.

Caste discrimination at relief camps: at Muttukaddu, Ekanthammal (Irula) was beaten up by fisher folks for demanding milk at a centre set up by an NGO. The relief materials designated Irulas and Dalits were diverted.

Fisher folk abuse the Irulas and Dalits and prevent them from getting relief materials. Women cannot go near water pumps to get water as fisher folks scorn at them and drive them away. At Karaikkal, T.R. Pattinam Vadakattalai village Dalit women lost their work as housemaids with the fisher folks. Since the fisher folks lost means to livelihoods the Dalit women are left without jobs.

The following are testimonies of violations of women's human rights in Tamil Nadu:

Children starving to death

Akila, a two year old baby-girl, died in Vellapallam camp because there was no milk available in the camp. Jothi, an activist helping the tsunami affected families in the camp, spoke out about the issue. She demanded that relevant authorities should ensure immediate supply of milk to children. No actions were taken and it caught the media's attention. Jothi was arrested for disclosing the death of the baby to the media and harassed by the politicians belonging to the ruling political party. In Muttukaddu, in Villupuram district, a young mother with one month old triplets had to appeal for milk to feed her children.

Needs of lactating and pregnant women

The State is very insensitive to the health issues of lactating women who lost their babies to the Tsunami. No treatment is given to women who suffer from breast milk clotting at the camps. In some hospitals they are denied medical assistance for dubious reasons. Bhoopathy, a lactating mother, after 8 years of married life had a baby, who was 8 month old when taken away by tsunami waves. The mother is now suffering with milk-clotted breasts in addition to all other pains she is bearing. She could not get treatment at the camp at Poriayar in Nagai district so she had travel to the Government Hospital in Chidambaram. Kalaiselvi is suffering from the same pain. Karaikkal Government Hospital refused to give her a pain relieving injection under the pretext that she will not have milk for the next baby if she takes injection for the pain. So she has to live with the physical pain in addition to the pain of loss of her child.

There are no gynaecologists available at the camps, only midwives from Primary Health Centres to treat common illnesses. Not enough relevant medicines or doctors at IDP camps sheltering, in average, 1500 people each. Only available medicines are T.T. as anti-biotics.

There are 20 pregnant women in the village of T.R. Pattinam who do not have access to gynaecological assistance. At Jeeva Nagar, a woman who gave birth during Tsunami has not received any medical assistance. She has been suffering with the newborn child.

Needs of disabled women

At Cuddalore, Singarathoppu Venmathi was hit by a big log and fractured her hand whilst saving her son. She has been suffering from fracture with no money to pay for treatment. Kasambu with both her legs injured, stitches on her thigh and hand fractured asks in despair: "How will I carry the basket on the hip because of fractures, how will I earn my livelihood now?"

Need for trauma counselling

Amudha lived in Devanampattinam, one the worst affected villages in Cuddalore. When the tsunami hit, she grabbed both of her sons and ran into her house. As the water engulfed the house, her one-year old son died in her lap. She could not find her three-year-old. It was his birthday and Amudha cries that she could not give him the chocolates and new clothes she had bought. "I don't understand anything," she sobs. "I saw my elder child drown in front of my eyes. If I can I will bear more children but my body is weak. I have been thinking of dying, as I can't think of living. I don't want clothes or shelter. I want my children." =

Ananthi's 5-month old baby sleeping in the cradle was washed away into the sea. She has been using herbal treatment to relieve physical pain in her milk clotted breasts but she does not know how to deal with the unbearable mental pain of losing her baby. There are thousands of women like Ananthi who have to live with such pain. And most of them are not receiving any psychological counselling. Some of them are on the verge of insanity. 24-year-old Minn from Alikkal, Kanyakumari district, who lost her 4-month old baby, was admitted to hospital as a mentally disturbed patient. Rosemary, a widow, who lost her two sons, faces abuses from the society because she was not able to save her children.

Loss of livelihood

Lakshmi of Kottaimedu, Nagai district, staying at the Thandavakulam relief camps, said: "Our livelihood has been washed away by the sea. How long can we live like this in the camp? When are we going to get back to normal life? How and where to begin again?"

Most women staying at relief camps are going through the same trauma. They have lost their huts with all their belongings, their jobs such as selling fish, selling snacks, marketing fish besides the middle men with whom they had struggled while auctioning. They lost their boats, catamarans, goats and cows. No utensils, no clothes to change. Everything has been taken away from them and they are left without anything waiting for the next relief material to come. Women are the ones standing for hours in long queues to get either the cards or relief packages delivered to the camps. At the various camps women are asking for petticoats, blouses and underwear.

Drinking water in tsunami affected areas is salinated adding to the burden of women who have to look out for drinking water for the whole family.

In Kolathur village, Kancheepuram district, women earned living by river fishing. As a result of the tsunami the river is sand clogged, and the river water is salinated. Fish has gone living Kolathur women with no means for living. The coconut trees, another source of income, are damaged. Women used to weave and thatch the leaves.

On February 14, in Chennai, women from various settlements sat in a daylong hunger strike to protest against the state for evicting them to alternate sites.

At a meeting with 300 women in Kolathur village, Kancheepuram district, we find starvation is a real threat. They have no milk for their children, no kerosene to cook. They demand employment opportunities. They are willing to work hard to earn for their families. "We are getting old rice, smelly with worms, old clothes. We want work. Only the sea can provide our needs," say the fisher women but they are still scared to go near the sea.

Relief camps

The relief camps are overcrowded, not safe and very insecure. Some women have been sleeping under trees with their children.

Only one well is available so there is a shortage of drinking water, and people are suffering from skin diseases.

There are not enough toilets. Women are forced to use open toilets, they have to walk one km away from the camp, and they go only at night. Men sit and play cards close to the toilets so women are not able to use them. At the temporary relief shelters set up for survivors from villages of Karaikkal, T.R.Pattinam and Vadakattalai, there are no facilities for women to bathe. They bathe only at night.

In another relief camp, Kema is sat in a queue waiting for biscuit packets being distributed. Her seven-year-old son was found dead, caught in a tree when the first wave came in. Kema is happy enough that she has her two other boys with her. She used to sell fish but is willing to change her job. What does she expect now? "I expect food, housing, and utensils," she says.

Sexual abuse/Violence against Women

In Chennai, Pattinapakkam Srinivasapuram, 15 year old girl was raped and murdered, while she was asleep on the platform along with all the other tsunami affected fisher folks.

Sri Lanka

Sexual abuse

Some of the worst violations of women's rights, involving sexual abuse, seem to have taken place in Sri Lanka. There have been reports of incidents of rape, gang rape, molestation and physical abuse of women and girls in the course of unsupervised rescue operations and while resident in temporary shelters. Dead bodies were sexually abused; women were dragged out of the rushing water and raped; a woman was dragged out to safety, her gold necklace stolen by her saviours who then pushed her back into the waves. However, most incidences of sexual abuse have gone under-reported. Victims are normally afraid of reprisals and being ostracised.

Despite the enormous evidence of women's vulnerability during disasters, relief efforts have been slow in responding to such needs undermining women's safety or suggesting that incidents of violence against women have been exaggerated or may not have occurred. The Coalition for Assisting Tsunami Affected Women (CATAW) sent a fact finding team to tsunami affected areas to find out what protective mechanisms for women are in place. The areas visited were Galle, Tangalle, Hambantota, Matara, Kalmunai, Akkaraipattu, Batticaloa and Jaffna.

Women at IDP camps were concerned about safety of their own and their children. Even if no actual incidents occurred, there was a sense of insecurity and fear that prevailed in most camps. A girl on her way to the makeshift toilet had been dragged by two men but she managed to escape. There had been attempts at molestation by men in charge of camps. Husbands were abusive since alcohol was smuggled into the camps. There were police and security personnel in the camps but they were primarily present to maintain discipline. They had not received clear instructions regarding possible interventions and responses to complaints of gender based violence. In some camps where women police officers had been detailed, their presence gave the women and girl children a sense of security.

Special needs of women ignored

Most camps are managed by men and even where Camp Committees have been set up they are still male dominated. As a result, women's special needs, like health and reproductive care and privacy needs have been ignored. Women are too shy to request sanitary towels and contraceptives from male leaders of the camp.

Pregnant women face greater hardships than others. They were given greater care in most of the camps.

In the eastern sector with predominantly Muslim population, most displaced persons have taken refuge in relative's homes. So they did not have access to food and other aid distributed at camps.

Thailand

The tsunami affected six provinces in the Southern Thailand located along the costlines of the Andaman Sea : Phuket, Krabi, Sathun, Ranong, Trang, and the hardest hit province of Phang Nga. Three groups have been identified among the people affected by the tsunami in Thailand : 1) residents of the six affected provinces: fisher folks, mainly Muslim; sea-gypsy communities; employees and owners of tourist businesses and hotels; small scale business groups and hawkers on the beaches and agriculturists. 2) non-residents of the affected provinces: tourists, both Thai and foreign, migrant workers from various parts of Thailand and from the neighbouring countries, mainly Burmese migrant workers. 3) workers in the service sector now unemployed due to suspended businesses. These groups include marginalised women such as heads of

household, women hawkers, small traders, sea-gypsy women, labourers, migrant workers, sex workers and workers in the entertainment industry. They lack access to the relief assistance and cannot voice their concerns.

The Thai Government has been providing relief support to the affected people, including loans for big businesses, temporary housing, monetary compensations for the destroyed boats and assistance to the orphaned children. Nine sub-committees have been appointed to monitor the rehabilitation projects. However, in many cases the tsunami survivors have problems accessing relief assistance due to several factors.

1. Lack of access to information and discriminatory and inflexible procedures

Many women in fisheries and their families, sea gypsy communities, sex workers, entertainment workers, migrant workers and small traders cannot access various types of government assistance which require documents such as identification cards, social security cards, boat registration documents. They either lost or did not have the documents. They also lack access to information about the assistance, the procedures and documents required. Hence, they do not receive relief food and assistance or compensation from the government. The sea gypsy villagers in some islands still need food support, especially rice. Women and their families staying with their relatives, not in the IDP camps, are also denied the assistance. The less affected areas seem to have been left out of the relief assistance, especially food. The affected internal migrant workers who went back to their home town in other regions of Thailand have not received any compensation or assistance.

2. Assistance not based on the real damage

Women in fisheries complain that the flat assistance rate of 20,000 Bht (USD500) is not sufficient to repair the damaged boats and fishing or nurturing equipment. In some islands, e.g. Koh Lanta, villagers received only partial boat assistance to pay for the repair of engines, as government officials explained. Most fisherfolks cannot access even this partial assistance as they do not have boat registration documents. They also have high debts from pre-tsunami period, therefore, not eligible to borrow more loans. So they struggle to make ends meet.

3. The right to land and housing

Many women and their families, especially sea gypsy groups, fisher folk and others who lived on the seashore are deprived of their rights to the land they used to live for decades. It is reported that as many as 32 villages in the affected areas may be wiped out from the map of Thailand because private corporations have claimed ownership to the land in many villages right after the tsunami. A woman who had lived in her house for 30 years in Nam Khem Village, Takua Pa district, Phang Nga said her house and land was fenced off so she could not even get into the premises to search for her daughter who has been missing after the tsunami. She also received life threatening phone calls. Several other families in her neighbourhood are in the same predicament. Their houses happen to be

located on the land leased by the government to the mining companies. The question is how these private corporations claiming the land have obtained land titles?

Sea gypsy communities living near the beaches face the same predicament and have been fighting for the land they have been residing on for a hundred years. In Ranong province, villagers' land is claimed by the national park.

These communities face housing and livelihood problems with the loss of land. They are forced to relocate to places far from the sea from which they make a living. If they refuse to move they will get only partial compensation for their houses which is already meagre.

4. Lack of participation and special attention to the needs of women and children

The affected communities, including women, are not consulted by the agencies providing relief assistance. Some women expressed the need for educational support for their children (at least, 500 baht (10 USD) per month) and some educational activities for children for the coming summer holidays.

5. Safety and gender based violence at IDP camps

It has been reported a teenage girl was harassed by a man in a women's toilet at an IDP camp in Takua Pa district, Phang Nga province. This raised a question of safety and the trend of gender based violence at IDP camps.

6. Violation of labour rights and assistance to labourers

There are reports of widespread violation of labour rights of the tsunami survivors. Female workers in the service sector such as entertainment workers, workers at resorts, hotels or massage parlours, in addition to not being able to access the government assistance for lack of required documents from the employers, do not receive redundancy compensation when their employer's business closes down. Loopholes in the labour law (Section 75 of the Labour Protection Law) and the employers' evasive tactics contribute to the lack of access to the social security fund.

7. Environmental concerns

Affected communities, especially the fisher folks, face environmental problems which they cannot solve without assistance of the local and the central government. e.g. A river mouth must be cleaned of sand caused by the tsunami to let fishing boats in.

Recommendations

1. Short-term recommendations

1. Right to information and non-discrimination

- The Thai government must disseminate information about assistance through different channels to ensure that the affected communities, especially the marginalised groups including women, have access to the assistance.

- The assistance must be based on the survey of real damages so that the survivors receive adequate assistance to facilitate their self-sufficiency.
2. *Economic and social rights*
 - Land right: Land titles of business companies claiming land of affected people must be examined so that the survivors' right to land is respected.
 - Housing right: Affected communities must be consulted about their housing needs. The ongoing construction of houses which do not suit their need must be stopped.
 - Labour rights: The government and the private employers must provide adequate compensation and assistance to affected workers and migrant workers, both internal and foreign, according to the law.
 3. *Right to safety*
Safety must be guaranteed to women and girls in IDP camps. Adequate measures must be taken to prevent violence against women and children.
 4. *Special attention to the needs of women and children*
 - Trauma counselling must be provided for women and children – survivors of the tsunami.
 - Revolving funds for women must be established to facilitate income generation. Vocational training for women should be provided.
 - Special support for women, especially heads of the household, must be provided e.g. education support for their children.

2. Long-term recommendations

- The affected communities, including women, must be able to participate in the rehabilitation management, including environmental and coastal resources management.
- The government must facilitate social and economic reconstruction of the affected communities by providing access to fair and adequate funding to enable employment generation and restoration of livelihoods. Government development plans must not hinder employment generation opportunities as there are concerns about the government plan to issue a Bill on special economic zones in the tsunami affected areas.

The Plight of Burmese Migrants in Thailand

Over 120,000 Burmese migrants and their dependents registered with the Thai authorities in the four provinces in the south of Thailand and were issued temporary ID cards, according to the July 2004 statistics. Most of them lost their cards during the Tsunami. Of them, about 7,000 were employed in the sectors most affected by the tsunami: fisheries, construction and tourism. There are also many unregistered migrants working illegally in Thailand who have lost family members, their homes and their jobs. Most of unregistered migrants are women.

In the tsunami aftermath the Thai government started arbitrary arrests and forced deportation of Burmese migrant workers. Due to the pressure from both inside and outside of the country arrests and deportation were stopped. However, two months after the tsunami Burmese migrant workers are still hiding in the hilltops, among plantations of coconut, rubber and banana. Some

migrants have also gone to neighbouring provinces in search of work and staying with friends and relatives. Many intend to return to the tsunami affected areas soon and seek work with their employer, hoping that by that time the employer would also have recovered and would be ready to employ them again. Some of them are back from Burma and neighbouring provinces because they heard that there have not been any arrests recently and that NGOs are providing assistance to re-issue work permits and emergency relief supplies.

Burmese migrant workers who survived the tsunami need the state authorities to reissue their temporary ID cards as quickly as possible. Without the cards they have no right to stay in Thailand, they have no access to health services and cannot apply for a work permit. They are forced to live in a climate of fear, desperation and humiliation.

Migrants with children, who lost a spouse, are worse off but do not dare to go back to Burma as they have heard reports that migrants returning from the tsunami affected areas have been arrested, fined, imprisoned or forced into digging graves. Currently, the Thai authorities are not arresting or deporting migrants back to Burma.

Due to the humanitarian crisis in the area, most migrants are not engaged in paid employment. Employed migrants are not receiving regular pay since their employers also suffered huge losses during the tsunami. Relief is provided as an intermediary form of survival for migrants waiting for paid work to become available.

Many employers have lost family members and their livelihood, and have become stressed and financially insecure. As a result, some employers are unable, sometimes unwilling to pay migrants. Coercion has been reported where employers have not allowed migrants to leave the work site at fishing areas.

Migrants who lost their cards during the tsunami, or whose employers who were holding their cards, died during the tsunami receive assistance from the TAG team (migrant's rights NGO) at Takuapa District office. They assist to search for the details of their registration for a temporary ID card (Tor Ror 38/1), and the district office re-issues the cards. To date, 93 migrants have had their cards re-issued.

About 7,000 migrants registered in Takuapa district for the temporary ID card, of them 5,139 registered for a work permit. The total number of migrants who registered for the Tor Ror 38/1 temporary card in all the districts of Phang-nga was 30,572 (20,391 men and 10,181 women). The process of re-issuing cards is slow due to many factors. Migrants are spread out throughout the country, and they are getting information mainly by word of mouth. Also, they are still intimidated to meet Thai authorities. There are technical problems: lack of staff and office space, an old computer search mechanism, need for Burmese speaking volunteers. Solving these problems would speed up the process of re-issuing cards to, at least, 130 ID cards a day. Currently, it is limited to 10 cards a day.

Thai government must ensure protection of aid workers who are facilitating the return or re-registration of migrants. Burmese migrants who have organised themselves into outreach teams are facing harassment and arrest, and yet they are the only people who speak the same language and who other migrants will trust, the only people who could find the migrants in their hiding places to ensure they had food and shelter. Three Burmese World Vision aid workers, one of them a woman, were locked up in a cage in Baan Tab Lamu fishing village in Phang Nga province because the employer was angry with them for facilitating Burmese migrant workers to go back home after Tsunami.

Migrant Women's Concerns

- With most of migrants hiding in the jungles, it is obvious they do not have access to basic medical assistance and have problems accessing food.
- Most migrant women do not have access to reproductive health services.
 - Many expecting mothers do not have access to prenatal care and safe delivery.
 - Mothers with young children need better nutrition; mothers with low breast milk production need regular milk supplies for their children.
- Tsunami survivors do need psychological counseling or mental health care which is not available to them.
- There are a lot of male migrants who lost their wives and are taking care of their children. They need special assistance. On the island of Koh Khao , a man was taking care of three children (3 and 7 year old and an eight month baby), and the children were sick.

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Flower Aceh and Solidaritas Perempuan

Main source of information: Titi Soentoro (Solidaritas Perempuan)

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Migrant Action Program's report

Solidarity with Tsunami affected fishing communities

Fisherwomen in support of Fisherwomen

Immediately after the Tsunami hit the coast of several regions in Asia, the women of *VinVis*, the Women in Fisheries network of the Netherlands, contacted one another to discuss what action to take. The traditional fishing communities were obviously affected most by the Tsunami and being fisherwomen themselves, the *VinVis*-women felt deep sympathy with the victims. On the 31st of December they registered a new organisation called *Fisherwomen for Fisherwomen in Asia* and all began to raise funds in their local communities. They distributed self made posters and information flyers through the local shops, schools, fish market and auction. They approached the schools to mobilize the children in support of their campaign. They sent press releases to the local, regional press and even national media. Funds raised by *VinVis* are meant for reconstruction' activities in fisheries, in particular activities that benefit fisherwomen and their families.

Fundraising actions in support of the Tsunami victims have been massive in the Netherlands and also in Europe. There is a severe competition between various private initiatives, all wanting to help from their own perspective. Particularly the affected tourist belts in Sri Lanka and Thailand are very popular targets for fundraising and many villages and fishing families in these areas are "adopted" by various private initiatives started by people who had visited as tourists. But also from the fisheries sector there are many private initiatives that raise funds to help affected fishing communities with new boats and gears. Many of these initiatives, although well-intentioned, also carry the risk of causing all kind of new disruptions.

To help the Tsunami affected fishing communities in Asia in an appropriate way is a complex matter and therefore *VinVis* is very glad to have contacts with fisher(wo)men's organisations that represent the interest of the affected fishing communities in Asia. Through these contacts *VinVis* has immediate and genuine information channels to learn about the real problems and needs. *VinVis* wants to be assured that the rehabilitation projects they support are planned in consultation with the affected fisherwomen and are of real benefit to them.

VinVis therefore feels it is not only her responsibility to raise funds to help the victims, but also to raise awareness and to warn against all forms of help that could create ill effects for local circumstances and environment and cause social disparity and conflict among the fishing community. That is why *VinVis* campaigns against the transfer of fishing boats and gears from Europe, but also warns against the indiscriminate distribution of locally made boats and gears. She also advocates not only to focus aid on the rehabilitation of fish capture activities, but also pay attention to the post-harvest activities which provide an important source of livelihood for women of fishing communities and to a community based management of the resources.

VinVis tries hard to encourage coordination and co-operation where it concerns aid from private initiatives in the Netherlands to the affected fishing communities in Asia. *VinVis* also strongly promotes the foremost necessity of consulting fisher (wo)men's organisations from the affected areas. *VinVis* realizes that reconstruction is a long term process and therefore needs solidarity, partnership and commitment.

Do you feel the same? Please contact us at vinvis@hetnet.nl or cornelie.quist@wolmail.nl

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Fundraising actions in support of the tsunami victims have been massive in the Netherlands and also in Europe. There is a severe competition between various private initiatives all wanting to help from their own perspective. Particularly the affected tourist ports in Sri Lanka and Thailand are very popular targets for fundraising and many villages and fishing families in these areas are "adopted" by various private initiatives started by people who had visited as tourists. But also from the fisheries sector there are many private initiatives that raise funds to help affected fishing communities with new boats and gear. Many of these initiatives, although well-intentioned, also carry the risk of causing all kind of new disruptions.

To help the tsunami affected fishing communities in Asia in an appropriate way is a complex matter and therefore VinViz is very glad to have contacts with fishermen's organizations that represent the interest of the affected fishing communities in Asia. Through these contacts VinViz has immediate and genuine information channels to learn about the real problems and needs. VinViz wants to be assured that the reconstruction projects they support are planned in consultation with the affected fishermen and are of real benefit to them.

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Do you feel the same? Please contact us at vinviz@planet.nl or corneille.grootenboer@planet.nl

Legal and Institutional Arrangements for Disaster Management in Asia: Trends and Issues

Presentation by AJ Rego, Director, PDIR, Asian Disaster Preparedness Center to the GOI-CII-UNDP Disaster Preparedness and Mitigation Summit
New Delhi, November 2002

1. Introduction and background:

Like in other parts of the world, Asia has a long and compelling history of disasters in Asia and resulting reactions and reforms, including policy initiatives, legislative actions, and the creation of new institutions and programs. When things go wrong, public confidence in disaster management systems is shattered and reforms are demanded. Therefore, it is useful to take stock of the status of disaster management policies and systems in Asia, evaluate lessons learned, and identify and promote good practices throughout the region.

In working closely with national and local partners in various Asian countries, the Asian Disaster Preparedness Center (ADPC) has often been able to identify good practices and facilitate the sharing of information about those practices with partner institutions in other countries. ADPC's two regional programs, the USAID/OFDA-funded Asian Urban Disaster Mitigation Program (AUDMP) and the DIPECHO-funded Partnerships for Disaster Reduction – South East Asia (PDR-SEA), both contain specific components for the promotion of information sharing.

The 1990-1994 UN Inter-Agency Disaster Management Training Program (DMTP) implemented in 56 countries around the world had 14 workshops in Asia; 7 of which ADPC had been involved in. Several of the 14 workshops had given rise to UNDP funded national DM capacity building projects (using SPR funds) in Bangladesh, Cambodia, China, India, Indonesia, Iran, Nepal, Philippines, Sri Lanka, Vietnam and studies in Thailand and Myanmar. Several of these projects had components covering institutional design of the national DM office; preparation of a national DM plan; and creation / strengthening of a national DM information system. Clearly there was a lot of diverse experience in each country, there was very little sharing across countries.

Various ADPC activities and partners have identified the importance of sound policies and legal and institutional arrangements for disaster management throughout Asia. In 1999, the AUDMP Regional Sharing Workshop identified this topic as one warranting further attention, and at its meetings in 2000 and 2001, the Regional Consultative Committee (RCC) expressed the need for organizing a workshop on the topic. Studies of policies, legal and institutional arrangements, and planning processes have been conducted in some countries, and in April 2002, an Asian Regional Workshop was held in Bangkok to share the information already gathered and enhance understanding of good practices and successful strategies.

The current paper presents the role of effective legal and institutional arrangements in disaster management and highlights key conclusions from the recent work of ADPC.

1. Role of Government:

As Neil Britton has so eloquently written, the most important function of any Government is to ensure the well being of the sovereign society. For this purpose it takes certain steps, such as setting up offices staffed with functionaries who have authority to make decisions on behalf of their respective communities, or to establish frameworks within which decisions can be made and implemented. In general, responsibilities for tasks are divided between national, provincial, district and local governments. The main responsibilities of the national government is to maintain systems of laws, justice and social organization, to maintain individual rights, to provide national security, stability, prosperity and to provide a direction for the nation. While the district and local level government's task is to provide services, amenities and controls for the health and well being of the community being served, as well as mechanisms for the enhancement of the quality of life of citizens such as leadership, advocacy and representation. Thus within this framework, governments have to play an important role in risk and disaster management.

Eight major reasons have been identified which endorse that disaster management should be core to government business.

1. **Best use of scarce response resources:** To the extent that revenues used for response and recovery come largely from public treasuries, government has the responsibility to ensure that this resource is used appropriately. This requires communities to adopt and implement risk reduction, hazard mitigation and awareness measures.
2. **Disaster Resilience:** Effective disaster management reduces the likelihood of and impact from, disasters. It also reduces the probability that members of the community who are not directly affected by the physical impact will be indirectly affected by the interruption of normal flows of goods and services. Hence, it is in government's interest to minimize community disruption, maintain essential goods and services, and ensure continuity of community.
3. **Sustainability of publicly funded assets and infrastructure:** Different levels of government are potential disaster victims because of their resource investments in vulnerable infrastructures located in hazard-prone areas. As a consequence, it is important that governments adopt hazard adjustments to protect their own human, material and financial investments. These particular measures should be commensurate to those required by the wider community.
4. **Risk Management co-coordinator:** Effective risk and disaster management is dependent upon strong co-ordination among and within levels of government, the

volunteer and the private sector. The most likely sector to achieve this is government because of its mandate to legislate requirements and promote community values within a public good context.

5. **National-level planning and execution:** Disasters are low probability-high consequence events with the potential to affect individuals and their material possessions, as well as adversely influence environmental components of land, water and air. Disasters have the potential to cause significant economic loss, social and psychological dislocation and widespread physical injury and death. It is therefore not a specific sectoral issue, but a problem for entire communities and nations. Its co-ordination requires national-level planning and execution.
6. **Regulatory requirements and enforcement:** Government has three distinct sets of offices that distinguish it from other sectors. The role of legislature is to make the law; the executive is responsible in formulating proposals for new laws and for implementing the laws, and the judiciary is responsible for interpreting the law and its application in individual cases. These functions provide the machinery through which government maintains community values. The level of importance the nation places on disaster management is reflected in wider community values; and changes in those values are legitimated through governmental processes that enact, implement and review regulatory functions.
7. **Economic benefits of mitigation:** Disasters destroy decades of human effort and investments, and threaten sustainable economic development by placing new demands on society for reconstruction and rehabilitation. They are costly in both immediate losses and in long-term consequences. Disasters halt, and in some cases, reverse economic progress. It is wasteful not to develop sustainable hazard management programs: risk reduction and disaster prevention is far cheaper than disaster recovery. Sustainable hazard management actions not only minimizes damage, but also promotes a stable environment, provides incentives for investment and enterprise, and a sense that people can control their own economic destiny. As the nation's economic manager, it is prudent for government to minimize circumstances that may disrupt markets.
8. **Developing national strategies:** Vulnerabilities change and it is essential to understand and address them as best we can. Every nation is likely to face more and worse disaster in the future. Developing appropriate counter-measures requires a systematic and co-coordinated approach. Government, working with other groups, is the only sector that has the authority to develop national strategies with the power to bind, and the power to commit public resources and influence private resources.

2. The Need for Legislation

The above points have made it clear that disaster management is the mandate of the government. In this context a need for legislation and formal frameworks defining actions

during emergencies and integrating risk assessment and reduction in development. In the absence of proper legislation and legal frameworks the results may be catastrophic. To cite a few examples disasters cause:

- Severe human trauma, hardship and suffering
- National loss and damage on a crippling scale
- Delays in national development
- Divert resources from planned international assistance programs
- Widespread destruction of, and damage to the environment
- Potentially destabilize the government

3. Values of Legislation

1. Legislation provides a formal basis for counter-disaster action generally. It formally supports plans, organizational arrangements, preparedness measures, response action and so on.
2. Legislation allocates major responsibilities in legal form; this helps to ensure that such responsibilities will be properly implemented.
3. Legislation can be made to have a uniform national effect, thus ensuring that all levels of the national counter-disaster structure receive the full benefit of its support.
4. Disaster Legislation does not need to be complicated in order to be effective. It provides commonsense backing for commonsense requirements.
5. Legislation provides a wide measure of protection for governments which are usually charged with the responsibility for safeguarding the nation and its citizens, as far as possible, from the effects of disaster and to organizations and individuals who may be affected in various way by disaster
6. Disaster legislation does not have to conflict with the other legislation such as emergency powers.
7. While disaster legislation as a standalone document is important, there are many other acts and regulations that prescribe requirements and provide for public safety. Strict enforcement of these provisions contribute to enhanced disaster resilience.

4. National Disaster Management Policy

A clear definition of national disaster management policy is essential to any nation to establish means and methods to mitigate and deal with disaster threats. This applies across all levels of the national structure and organization i.e. from national government level through to local government or community level.

Advantages of Clear Policy

- ✓ Demonstrated commitment and lead by the Government
- ✓ Foundation for legislation regulations and plans
- ✓ Basis for sound organization and allocation of responsibilities
- ✓ Optimum utilization of resources
- ✓ Demonstrated competence

It is not only a special legislation that is needed to give legal backing and basis to disaster management activities, many regular legislation in effect promote hazard prevention and mitigation, as well as disaster preparedness.

Wider policies and laws contributing to disaster management

Policies are defined as public policies that relate directly or indirectly to hazards and their impacts on humans, their activities, and the natural and built environment. These may be

- /// "Action forcing" policies, where a high-level jurisdiction forces action at a lower level of administration.
- /// "Attention-focusing" policies intended to promote action to mitigate risk
- /// "Recovery" policies supporting the disaster recovery process
- /// "Technology Development" and "Technology Transfer" policies in the field of hazards and risk
- /// "Regulatory" policies which establish mandatory requirements
- /// "Financial Planning" policies which support risk management processes
- /// "System management and Optimization" policies which affix responsibilities and monitor effectiveness, and/or
- /// "Direct action" policies which authorize direct action by the administration

5. The Role and Functions of a National Disaster Management Organization

The main scope of a disaster management law; or a National Disaster Counter Measure Act is to establish a national agency/ organisation for coordination of disaster management.

The role of such a National Disaster Organization is to:

- /// Provide a coherent approach to disaster management across all phases from preparedness and mitigation to response and recovery
- /// Provide a common framework
- /// Allocate responsibilities clearly
- /// Provide a framework for coordinated response

The National Disaster Management Organization (NDMO) is not intended to:

- /// Duplicate normal government
- /// Act independently of government
- /// Seek to control other agencies
- /// Act outside its legal authority

The Primary Role of National Disaster Management Organization is:

- /// To coordinate the resources necessary to ensure that all steps are taken to plan for and counter the effects of disasters.
- /// To advise the government on all matters relating to disaster management

The functions of an NDMO cover all phases of disaster management activities:

Pre-Disaster

- ✍ Draft national policy statement for disaster management, for issue by government
- ✍ Supervise national state of preparedness for disasters
- ✍ Maintain national disaster plan
- ✍ Lay down guidelines for subordinate plans (provincial, district, and sectoral)
- ✍ Assign disaster related responsibilities
- ✍ Supervise establishment of stockpiles
- ✍ Establish and maintain national disaster management information systems
- ✍ Foster public awareness
- ✍ Foster appropriate research
- ✍ Coordinate disaster management training
- ✍ Promote prevention and mitigation
- ✍ Ensure effective interfaces between all agencies

Post-Disaster

- ✍ Conduct national assessments
- ✍ Collate and disseminate national disaster reports
- ✍ Coordinate operations
- ✍ Advise Govt. whether to declare state of emergency
- ✍ Advise govt. whether to appeal for international assistance
- ✍ Coordinate international relief
- ✍ Coordinate plans for rehabilitation/reconstruction

There is no readymade formula for an NDMO.

Various factors that affect its nature are

- ✍ Attitudes
- ✍ Types of economy
- ✍ Types of Hazard
- ✍ State of economic development
- ✍ Existing system and levels of government
- ✍ Resources available especially emergency services

6. Consideration for Institutional Design

There are 3 important considerations in the design of institutions and institutional arrangements for disaster mitigation:

1. Disaster occurrence is a dynamic and uncertain process.

The governmental framework for disaster management should exhibit potential for change and growth. As knowledge of disaster management grows, competence improves, and provincial and local communities develop self-reliance.

2. Almost everyone, every agency, every voluntary group, industry, or government department has some measure which it can contribute to risk reduction. Through institutional arrangements the essential task of government is to recognize the above potential, respond to initiatives, allocate responsibilities and co-ordinate effort where necessary. It is also important for governments to provide a lead by setting an example of disaster mitigation practice in all that they do.
3. Mitigation of disaster is wide ranging in scope and complex in its relationship with government ministries and agencies.

For effective disaster preparedness planning and risk reduction, a clear **allocation of roles and responsibilities is essential**. Such a **definition of tasks** is needed between central, provincial and local government, and between sector agencies, to facilitate the necessary co-operation, co-ordination and efficient use of scarce resources.

7. Overview of Policy, Legal and Institutional Arrangements in Asia

The laws, institutions, and systems for managing disaster risk in Asia follow certain patterns but no universal model. The traditional approach has been to wait until a disaster occurs, then work night and day to deal with the aftermath. Some societal and religious beliefs foster a fatalistic attitude toward disasters as expressions of "the will of God." But current trends throughout Asia and the world include: focusing more emphasis on pre-disaster mitigation, linking mitigation with ongoing development activities, and forming partnerships between national and local governments and non-governmental organizations to promote risk reduction and disaster preparedness.

In countries with a historical tradition of highly centralized government, the disaster management institutions and systems that have evolved typically are also highly centralized and dependent upon national government institutions and capabilities. In countries where there is a stronger tradition of local power, authority, and autonomy, disaster management systems tend to be more locally driven, relying on support from higher levels of government.

Typically "disaster laws" in Asia pertain primarily if not exclusively to the management of emergencies and emergency relief. Comprehensive, holistic laws for disaster mitigation are relatively rare not only in Asia but around the world. Some countries, such as the People's Republic of China, do have holistic, comprehensive disaster management laws that can serve as reference points or models. The legal framework for disaster management in Japan is a useful model, because Japanese law has responded well to scientific advances, to the lessons and experiences of the Great Hanshin-Awaji Earthquake of 1995, and to the special mitigation and planning needs of specific key regions. Throughout Asia, disaster laws often establish a central disaster council or

committee to coordinate overall disaster response, as well as committees at the district and city or village level (Mattingly, 2002a).

Existing Policy and Legal and Institutional Arrangements: Southeast Asia

Current status and initiatives in the realm of policies and legal and institutional arrangements can be summarized as follows for Southeast Asia and South Asia and at the sub-national level (Mattingly, 2002b).

In **Indonesia**, in 2001 the national disaster law was extended to cover social unrest, and internal displaced persons will now be covered by the national coordinating body, Bakornas, which has primary responsibility for the functions of coordination, consultation and information. In addition, Bakornas is no longer ad hoc; rather, it is more structured with responsibilities placed with individuals and with more job security and authority. Also, disaster management is one of the major issues discussed regularly at the national level at the Monthly Limited Cabinet Meetings on People's Welfare, chaired by the President. Positive changes are occurring in Indonesia, although Presidential decrees are not enough and an act is needed.

In **Lao PDR**, the National Disaster Management Committee was established by Prime Minister's decree in 1999. Roles and responsibilities are assigned to the director general level rather than ministers to make it easier to implement. Current focus is on development of links and a coordination mechanism within and between disaster management organizations at all levels and the development of awareness and plans. As disasters are rare and not so severe in the country, it can be difficult to get the government's attention.

The Royal Government of **Cambodia** (RGC) established the National Committee for Disaster Management (NCDM) in 1995 with the Prime Minister as President of the NCDM. In Cambodia, the continuing need to gain the support of various ministries has been recognized; also there is need for participation in pre-disaster mitigation, not just post-disaster response. Cambodia has developed disaster management plan elements for the preparedness phase, relief phase, and recovery and rehabilitation phase, and the NCDM provides capacity building and briefings for officials, communities, and the armed forces. The idea is to cover all phases of disaster through the participation of all agencies, dividing responsibilities (such as for damage assessment) amongst different agencies and with community participation for self-help.

In the **Philippines**, there is a long tradition of formal disaster management systems and structures. The traditional philosophical approach to disaster management was that it was considered an integral part of national defense so it was embedded there. This history is difficult to change, although there is consideration of moving the function to the Office of the President. The National Disaster Coordinating Council was established by Presidential decree in 1978 as the highest policy-making body on disaster-related matters. There are also regional and several levels of local coordinating councils. It has been noted that the existing disaster management infrastructure will be utilized for the

emerging anti-terrorism campaign, rather than defining a new structure. An important new initiative in the Philippines is an act streamlining and strengthening disaster preparedness, mitigation and prevention capability and appropriating funds. There is a move to include other agencies and authorize use of a portion of the Calamity Fund for pre-disaster mitigation, which is triggering a dialogue at the local level on how best to use the funds.

Vietnam is heavily impacted by flood, typhoon and drought. These are being addressed through the Second National Strategy for Disaster Mitigation and Management (2001-2010), which has identified mitigation measures and principles and the key tasks of the National Committee for Disaster Mitigation and Management. In Vietnam, a major issue is how to implement and carry out the law and the public education needed so the law will be followed. How can we remind people not to forget disaster effects?

In **Thailand** there is an inter-institutional committee (the National Civil Defense Committee) as well as the establishment of master plans for disaster management at each level, with support from the national level. Issues currently being overcome include the integration of activities, coordination between NGOs and governmental agencies, replacing outdated laws and improving law enforcement, and preparing the community for a culture of safety and self-help. Since October 2002, a new department of Disaster Preparedness and Mitigation has been set up in the Ministry of Interior consolidating functions previously distributed in several departments.

Existing Policy and Legal and Institutional Arrangements: South Asia

The Government of **Bangladesh** has constituted Disaster Management Committees at the national (headed by the Prime Minister) and field levels. The act for disaster management will be placed before Parliament for enactment into law. The most important recent Government policy in respect to disaster management is the launching of the Comprehensive Disaster Management Programme (CDMP). The CDMP is taking a holistic approach to move from response relief to a comprehensive risk management culture through such programs as partnership development, community empowerment, capacity building, research information management, and response management. CDMP seeks to ensure that disaster management is integrated within the core business of government, with strong links with development planning.

Sri Lanka has been working for the past ten years on developing the national disaster management law and plan and overcoming various difficulties. For instance, the National Disaster Management Centre (NDMC) has been established by the government even without passage of the Act, and numerous ministries and organizations have been involved in a collaborative effort to develop the national disaster management plan. When enacted, the law will provide also for the establishment of the National Council for Disaster Management and the appointment of a Technical Advisory Committee, in addition to the existing NDMC. Additionally, mitigation is being integrated into land use and development planning and school curricula.

Nepal's Natural Calamity (Disaster) Relief Act focuses on the post-disaster activities of response and relief to victims. It authorizes His Majesty's Government (HMG) to "give orders to anyone concerned to undertake relief work." The Act creates the Central Disaster Relief Committee (CDRC) at the central level and provides for the constitution "according to need" of Regional, District, and Local Committees. Nepal's system for disaster management faces significant challenges including the lack of clear-cut job descriptions and responsibilities for disaster management, the underlying poverty in society, and the government's focus on other problems. In this environment it is difficult for the government to concentrate on disasters that have not happened. Nevertheless, regional disaster committees are expected to be constituted in the near future, and awareness is increasing.

In India, the essential responsibility for disaster management lies with the State Government where a disaster has occurred, and the Central Government may be required to supplement the State Government's efforts. State Governments are autonomous in organizing relief operations and long-term preparedness and rehabilitation measures. At the Central Government level, a High Powered Committee (HPC) was set up at the initiative of the Prime Minister to look into the issue of disaster management planning at the national, state and district levels. The HPC is using a process-oriented and participatory approach to improve the country's disaster management system, working to develop a culture of quick response, strategic thinking, and prevention. At the present time there is no mention of disaster management in national law, but the work of the HPC is a significant attempt at holistic planning. In terms of institutional arrangements, responsibility has been shifted since May 2002 from the Ministry of Agriculture to the Ministry of Home Affairs.

Existing Institutional Arrangements at the Sub-national Level

Disaster management is a provincial/district/local responsibility as well as a national responsibility. The national framework for disaster management influences the local framework, but it need not constrain local action where there is political will. For instance, in India, the new state of Uttaranchal (created in 2002) has created the first state Ministry of Disaster Management and Health in India. It also has a newly created Disaster Management and Mitigation Center as well as other innovative institutional arrangements. In both Orissa and Gujarat following the catastrophic cyclone (1999) and earthquake (2001) new state level Disaster Management Authorities have been set up. Sri Lanka is adopting guidelines for integrated disaster mitigation at the provincial level, and an innovative process for implementing disaster mitigation in one province is being disseminated to other provinces. In Indonesia, the process of decentralization has led to some uncertainty about local autonomy regarding disaster management, but in Bandung the involvement of the Institute of Technology of Bandung (ITB) is helping to provide linkages between subnational and national levels. In Lao PDR, social organizations like the Lao Women's Union and Lao Youth Union, which exist from the national to the village level, are being mobilized to contribute to disaster management. And in the Philippines there are examples of sustainability, leadership and effective work with local officials.

8. Review of Common Features and Trends in Development of Disaster Management Legislation in Selected Countries in Asia:

Annexure I, II and III of this paper give a brief review on the experience of three countries (Indonesia, Malaysia and Philippines) legislative and institutional arrangements. These three countries in South East Asia have been chosen because they have long-standing DM policies and institutional arrangements.

The significant lessons derived from the above-mentioned three countries are identified as follows:

1. Laws were initially enacted in response to specific experiences of the devastating impact of disasters in each country. The specific features of these legislations and the level of detail of the responsibilities assigned have been elaborated in relation to gaps observed through that experience.

Recent major disasters in Asia have represented

?? New levels of severity

?? Wider geographical scale

?? Occurrence in areas perceived to be less hazard prone (Latur 93, Jabalpur 97, Bangladesh flood 2000)

?? Have increased impacts due to enhanced vulnerability and exposure in same geographical area

?? Have impacts for longer duration (inundation continuing for 63 days in 1998 flooding)

Each of these factors shows up weaknesses (often pre-existing) in DM institutions that have low levels of capacity and limited financial resources.

2. These disasters have shaken public confidence in existing DM institutions and arrangements. They have also raised questions about the ability of governments to regulate development, to protect environment and consequently to provide protection to their citizens. Revisions of these legislations have taken place in response to lacunae in legislation revealed through the practical experience of a specific later disaster.
3. Recognizing the roles that several ministries and departments have to play in various specific aspects of disaster management, the law defines these roles. It also establishes mechanisms (normally councils or committees) for multi departmental coordination in all phases, pre, during, and post disasters.
4. Recognizing that effective disaster management is anchored in effective working arrangements at the local level, the laws provide for disaster management committees to be established at the lowest level of administration i.e. village and district. It also establishes these committees at the provincial and national levels. This recognizes

that disaster management tasks in the response phase are to be undertaken at different administrative levels and differentiates the tasks from direct response at the lowest level, to mobilization of resources, coordination of response from other jurisdictions outside the affected area by the provincial and national government. Among pre-disaster tasks and important functions of national government are policy-making functions, provisions of budgetary resource and development of guidelines for preparedness planning and mitigation by lower levels of government t.

5. The DM committees at sub-national (provincial, regional, district) and local levels of administration comprises officials from the relevant level of administration from each ministry/ department represented in the national committee. The tasks assigned to each department reflects their functions in normal administration and cater to the law and order, medical, food, shelter, transport and communication, water and sanitation needs etc. of the population affected by a disaster.
6. Some recent proposed legislation calls on each level of disaster management committee to prepare a disaster management plan, specifying preparedness for response and recovery. These national, provincial and local level plans are composed of sectoral level plans to be prepared by different departments dealing with those aspects of response under their jurisdiction and area of competence.
7. A key issue addressed by recent legislation in Malaysia is a resolution of incident management issues in an emergency response by several agencies. It distinguishes between the district emergency operation centers headed by the civil administrator and the on-scene command post responsible for emergency response at the incident site conducted by the professional response services. Further when the police, fire services, civil defence, and ambulance services may all respond to a specific emergency, the directive specifies that the police are in command at the incident site, and that the other agencies would work under their instruction.

This discourse has established that legislation and change in institutional arrangements is here to stay. Almost all countries have agreed in principle that a proper framework and coordinated disaster preparedness and response system is a prerequisite to any disaster preparedness plan.

9. Significance for India

In India the prime responsibility for disaster management has been at the state and district level. Administrative orders in several states have required the preparation of annual flood and drought preparedness plans. At the national level, with the responsibility being assumed by the Home Ministry and the work of the HPC, significant new programs have been initiated. Recent innovations in institutional arrangements have also taken place at the state level with the establishment of the state level ministry for Disaster Management in Uttaranchal, Disaster Management Authorities in Orissa and Gujarat and he proposed enactment of state level DM legislation in several states.

India has also established an institutional structure for preparedness and response to chemical hazards. Following the Bhopal disaster in 1984, and culminating in the enactment of the Emergency planning, Preparedness and Response for Chemical Accidents Rules in 1996, a four level structure of crisis groups was set up at the central, state, district and local levels. Each of these was a multi departmental committee responsible for preparing emergency plans and rehearsing them annually. At the district level, the responsibility for chairing this group is with the District Collector/magistrate. Other members include public response agencies including the police, fire services and hospitals. Given that these structures are mandated by law and have been functioning effectively in high hazard districts, linkages for the newly constituted committees and teams dealing with natural hazards should be explored.

The above review has largely focused on law and arrangements for preparedness. Mitigation, particularly enforcing requirements for natural hazard risk assessment and appropriate siting and strengthening of structures and infrastructure involves a separate set of players and agencies. Some of these require changes in approaches to development plans and their implementation, while others require amendments to existing specialist legislation at the state and local level. This will be a continuing challenge.

We can learn from the experiences of other countries in establishing and implementing their legal frameworks and institutional arrangements both for disaster preparedness and mitigation. However the continuing challenge will be to establish appropriate mechanisms for the country and then focus on achieving their objectives, which are more effective response and hazard management.

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The above review has largely focused on law and arrangements for preparedness and response. Some of these arrangements are in place but need to be reviewed and updated. Some of these arrangements are in place but need to be reviewed and updated. Some of these arrangements are in place but need to be reviewed and updated.

We can learn from the experience of other countries in establishing and maintaining their legal frameworks and institutional arrangements for disaster preparedness and response. However, the emergency response will be to establish appropriate mechanisms for the country and then look at achieving their objectives, which are an effective response and hazard management.