

A New Dynamic for Peace?

Post-Tsunami Reconstruction and its Impact on Conflict Resolution

Case studies from
India, Indonesia, Sri Lanka and Thailand



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Editors:

Marei John
Judith Illerhues

Coordination:

Dr. Beate Bartoldus

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Foreword: A New Dynamic for Peace?

By Marei John

On December 25, 2004, a tsunami devastated huge areas of the coastal regions in Asia. In October 2005, Pakistan was afflicted with one of the worst earthquakes in the history of the country. Both natural catastrophes claimed a dramatic number of victims and caused considerable social and economic losses.

These catastrophes struck regions and countries previously characterized by internal and external conflicts. Disaster management and reconstruction efforts inevitably affect the existing conflict situations. What are the political and economic risks for sustainable reconstruction in the tsunami-affected areas? What are the 'politics of aid'? How did peace processes develop after the catastrophe?

A regional conference, "Political and economic risks for sustainable reconstruction in the tsunami-affected areas" took place in Chennai/India from October 19-20, 2005, organized by the Friedrich-Ebert-Stiftung and involving partner organizations in Thailand, India, Indonesia and Sri Lanka. The articles in this publication focus on the lessons learnt after reconstruction efforts in these four countries: the approaches to aid distribution, the involvement of civil society, and the achievement of transparency. What are the preconditions for sustainable reconstruction in a conflict context?

The Friedrich-Ebert-Stiftung

The Friedrich-Ebert-Stiftung (FES) is a political foundation dedicated to the principles of social democracy. It is a private and non-profit organization with a network of offices in more than 100 countries worldwide. Activities aim at promoting peace, supporting democratization, strengthening civil society and international dialogue. For the FES, conflict sensitivity is a cross-cutting theme. The FES approach towards Peace and Conflict Impact Assessment (PCIA) supports the implementation of conflict-sensitive activities and enables the monitoring of their impact. For further details, please consult:

www.fes.de/asien



Political and Economic Risks for Sustainable Reconstruction in the Tsunami Affected Areas

by Erwin Schweisshelm

The terrible disaster on December 25, 2004 and the subsequent post-tsunami reconstruction efforts in Thailand, Indonesia, Sri Lanka and India have brought certain conflicts to the attention of the international community. These long-running conflicts have claimed large numbers of victims in these four countries. These conflicts will have an influence on the rehabilitation processes. Their solution is probably a precondition for sustainable reconstruction.

In South India, feudal and communal conflicts have led to constant political and economic marginalization of parts of the population. It has been shown through different experiences that Dalits and women are always the end of the chain of help. Those assisting the victims of the tsunami had to deal with existing conflicts between owners of fishing boats and labourers, between fishermen and other groups or between central government and local leaders. Furthermore, aid itself can create new tensions: Was aid given based on funding requirements or real needs? Was a clear distinction made between relief and rehabilitation? Was the focus laid on individual or collective assistance? Was it using “modern” instruments or making use of the traditional patterns of the affected communities? Experiences in Tamil Nadu and elsewhere have shown that equitable distribution of aid, community-based and co-operative approaches as well as the use of existing traditional systems (for instance in rebuilding houses) are a precondition for sustainable reconstruction.

In Sri Lanka, the most affected areas on the Eastern coast had already been suffering from the civil war before the catastrophe occurred. Wide areas in the North and East of the island are partly controlled by the Liberation Tigers of Tamil Eelam (LTTE). Unclear

administrative responsibilities and political interests of both the Sri Lankan central government and the Tamil Tigers challenge the reconstruction process in these regions. Most of the international aid is going to the affected areas in the South, which are more easily accessible. On the eve of the tsunami, the peace process between the government and the LTTE was practically suspended; the return of war was very likely. But after of the tsunami there was a lot of hope that the natural disaster would revive the peace process. Direct negotiations between the two parties started and a “joint mechanism” on post-tsunami reconstruction was established, but put on hold by nationalist Sinhalese groups. Ten months after the catastrophe, tensions between the conflict parties have increased again and are on the verge of war. In addition, the tsunami reconstruction program has aggravated the existing land conflicts as well as the tensions between Muslim, Tamil and Buddhist communities in Sri Lanka.

In Southern Thailand, the tsunami affected six provinces which were dominated by the tourism and fishing industry. The most marginalized victims, besides the illegal Burmese workers in the hotel industry, were poor Muslim fishing communities. Already in the past they had been victimized by the rapid and partly illegal expansion of the tourism industry which drove them away from their land and property. The reconstruction program, clearly focused on tourism, is aggravating local conflicts over land ownership. Literally speaking, the tsunami has done the dirty work for the businessmen and politicians of wiping the local beaches clear of the traditional fishing communities in order to build hotels and resorts. This can easily become part of the ongoing, bloody conflict in Southern Thailand. However, the tsunami did bring public attention to this

conflict. Consequently, a special committee has been set up and has helped to solve problems in some communities.

Finally, the Indonesian province of Aceh has seen more than 30 years of civil war, costing tens of thousands of civilian lives. Also, here the conflict is not religious but economic in nature. People in Aceh have been economically exploited by the central government since its independence, and they are asking for their share of their own resources for their own development. A Memorandum of Understanding (MoU) was signed by the two parties in mid August. Negotiations secretly started already before the tsunami occurred. But the international attention certainly created pressure for a solution of the conflict. However, there is still a long way to go before a stable peace and reconciliation is achieved. It could be beneficial that the MoU contains provisions to include the former GAM (Gerakan Aceh Merdeka/Free Aceh Movement) movement into the reconstruction authority. However, it may also happen that victims of the tsunami as well as people living outside of the tsunami-affected areas feel disadvantaged because of the preferential treatment given to former GAM fighters.

In order to understand the relationship between existing political conflicts and sustainable reconstruction in the tsunami-affected areas in Thailand, India, Indonesia and Sri Lanka, an analysis of conflict lines can be helpful. The main conflict lines in the post-tsunami context which have an impact on the peace process are the following:

- State versus non-state actors
- International aid versus local capacity
- Potential role of religion as a “divider” in conflict-ridden societies
- Civil society versus state actors
- Humanitarian versus rights-based approach
- Civilian versus military approaches towards relief and rehabilitation
- Centralised versus local governance
- Non-affected versus affected communities
- Victims of tsunami versus people internally displaced by war

The solution of these horizontal and vertical conflicts can be seen as one precondition for a sustainable re-

construction process in the tsunami-affected areas. Not paying attention to the solution of these conflicts will increase the long-term economic and political costs of the reconstruction process. The impact of international assistance also plays a major role in this process. External aid can support either peace or war. In some cases, the huge aid response turned out to have an immediate and problematic impact on the power balance between the conflicting parties and their legitimacy. On the other hand, in Aceh for instance, the international attention has contributed to a faster and result-oriented negotiation process between the two conflicting parties.

Comparisons can also be made to the situation in Pakistan after the earthquake in October 2005. The conflict around Kashmir has a deep impact on the scope and volume of emergency aid to be delivered to the most affected regions. But the disaster, as in the case of Aceh, might also act as a catalyst and help to overcome differences.

In examining the conflict lines, some recommendations can be made:

Conflict line: Civil society versus state authorities

- There is a need to establish a focal organization within the government structure
- Preparatory disaster management plans (“preparedness plans”) need to be developed in the four countries, including budgetary provisions for calamity relief
- Communication between civil society groups and the government needs to be improved
- Guidelines for “needs-based” distribution have to be developed jointly, and information on this has to be provided to the public
- The local people, including the victims, should be empowered and involved in this process

Conflict line: State versus non-state actors

- The multi-faceted conflicts have to be mapped and analyzed
- A continuous monitoring of the conflict and the impact of interventions has to be secured
- Independent and responsible media can play an important role in securing transparency and accountability
- Peace brokers have to be impartial and independent

Conflict line:**Specialized NGOs versus community organizations**

- NGOs need a clear plan of local empowerment and for reducing dependency
- NGOs should avoid “project” and “top down” approaches
- NGOs should not become owners of the problems
- NGOs should advocate community interests
- The demand for transparency also refers to NGO work

In many cases, one of the main issues is confidence-building. The lack of confidence is due to the lack of transparency and coordination among the stakeholders. Generally speaking, joint committees of government representatives and NGOs at the local level should include representatives of the victims, so the needs and rights of the communities affected can be expressed. If forums aiming at the dissemination of information, consultation and facilitation take place, the conflict dimension should be integrated into the moni-

toring and evaluation. Local and international media should be involved in this process and made aware of the conflict dimensions. The involvement of organizations such as Transparency International can help to guarantee that transparency and accountability are taken into account in the recovery process. At present, many national and international organizations are working on their reports of post-tsunami activities. It would be helpful to analyse these reports to identify possible gaps in the ongoing process and formulate recommendations towards sustainable planning and implementation.

Generally, a debate should be initiated about how the tsunami recovery process affected the conflict situation and peace process and how, vice versa, the conflict resolution process affected the tsunami recovery process. Through this means the question can finally be answered: Have we really managed to upgrade the lives of the affected people?

The FES and conflict resolution

The issues of crisis prevention and conflict management are gaining greater importance in the political cooperation activities of the FES. In many countries internationally, where the (post-) conflict situation is still fragile, project activities have been specifically designed to be conflict-sensitive. Project planning begins with a conflict analysis: the different conflict lines, the national and local players as well as possible scenarios for the future are examined. This provides the basis for the socio-political work of the FES in the respective country. Possible positive and negative as well as intended and unintended impacts of the activities are taken into consideration – a process which needs to be communicated to the project partners as well. In a second step, this opens up possibilities for monitoring and evaluation systems, where the dynamics of a conflict are studied and conclusions drawn for project development. Thus, the tool is used to assess the actual impact of external interventions in a conflict context. At the FES-regional center for conflict management in Islamabad, experience relating to the method of ‘Peace and Conflict Impact Assessment (PCIA)’ is processed and made available to interested parties in both the national and the international arena. For further details, please consult

<http://www.fes.de/conflictprevention>

Disaster Management in Conflict Situations – International Experience before and after the Asian Tsunami

by Stephanie Schell-Faucon¹

I. Introduction

Tsunami – potential for peace or exacerbation of conflict?

Within a few hours the tsunami claimed more than 280,000 lives and more than one million people are still displaced across the 12 affected countries. Due to the sheer scale of destruction, the extensive ‘mediatisation’, the reputed tourist locations and the novelty of the phenomenon for the larger public the disaster received huge public attention. It sparked prompt international response and led to an unprecedented worldwide mobilization of resources for humanitarian relief and recovery. Almost 5 Billion US Dollars had been pledged after three weeks. Furthermore, large amounts of funds were raised by private citizens and corporations.² Economic, political and social dynamics thus rapidly influenced the human catastrophe and amply demonstrated the complex nexus between aid, politics and conflict.

This became particularly obvious in the cases of Sri Lanka and Aceh/Indonesia. Both had been affected by more than 20 years of internal violent conflict and received most of the aid. Initially many hoped that the disaster – albeit its tragic devastations – could be seen as a ‘blessing in disguise’ for these countries, providing new windows of opportunity for peace and reconciliation. Political analysts felt that the tsunami not only prevented the main conflict parties from returning to civil war, but also might allow them to resume peace talks on a new basis without losing face for compromising earlier held positions that had contributed to

a deadlock. These positive assessments and aspirations were additionally nurtured by thousands of spontaneous examples of solidarity within the conflict countries, where people of different ethnic and religious background assisted each other immediately regardless their positions held in the conflict (cf. Uyangoda 2005a, CPA 2005).

However, while the tragic event itself indeed triggered startling solidarity across the existing divides, the aid response was apparently not always able to build on these positive effects. At the moment it looks as if post-Tsunami politics and aid provided ground for a peace process in Aceh, whereas they furthered conflict dynamics in Sri Lanka. In Sri Lanka, only one month after the tsunami, experts as well as the general public *already* polemically started to refer to the massive aid influx as the ‘second wave’ or ‘the tsunami after the tsunami’ (Korf 2005) and a big ‘humanitarian circus’ (Rieff 2005). Increasingly assessment reports and evaluations provide in-depth analysis of the politics of the Tsunami response and various shortcomings of the aid delivery in almost all the affected countries. This critique focuses especially on general fault lines in the work of aid agencies as well as the respective governments, i.e. lack of information and consultation of population, unethical competition, and lack of pro-poor resettlement strategies (cf. FM Review 2005, ILO 2005, Walker et al. 2005, OXFAM 2005).

Against this background many questions arise: What did we know of disaster management in conflict situations before the tsunami? In how far has this knowledge been helpful and could it be applied? What were

1 GTZ, Senior Adviser for Conflict Transformation in Sri Lanka.

2 Private and public donations from Germany alone amount to a total of more than one billion EURO.



the main lines of tension and where do the shortcomings in the aid response lie? What can we learn, and what can we recommend for disaster management in violent conflicts?

The following contribution will respond to these questions by specifically focusing on the Sri Lankan case. Having received high international attention and support for peace building and recovery before as well as after the tsunami but showing yet little progress in the peace process, it is argued that the experience in Sri Lanka generates particular insights and lessons on the limitations of the current concepts of disaster management in conflict situations.³

II. Disaster management in conflict situations

What did we know before the tsunami?

Aid – be it humanitarian emergency aid or long-term development assistance – is a vehicle for providing people with tangible as well as intangible resources. These resource transfers represent wealth and power and can therefore easily lead to tensions and conflicts in a society. To some extent, conflicts over access to decision-making power and redistribution of resources are an inevitable and indeed necessary corollary of any social change and work towards sustainable development. As such it is important to keep in mind that conflicts per se are not a problem. What matters is the

³ This contribution is partly based on a concept note the author has written together with Uwe Kievelitz on behalf of GTZ for the German Ministry of Economic Cooperation and Development (GTZ 2005).

way in which conflicts are addressed, managed and hopefully resolved. Care must be taken that they do not lead to destructive crises and escalations of violence affecting whole societies.

Do No Harm Approach

Particularly challenging and difficult is the situation in which international assistance is provided in countries already affected by civil war or other forms of violent conflicts. The ambivalent role of humanitarian aid in conflict situations was highlighted especially by Mary Anderson in her groundbreaking book “Do no Harm. How Aid can Support Peace – or War”:

When international assistance is given in the context of a violent conflict, it becomes part of that context and thus also of the conflict. Although aid agencies often seek to be neutral or nonpartisan toward the winners and losers of a war, the impact of the aid is not neutral regarding whether the conflict worsens or abates (Anderson 1999, 1).

After years of field research all over the world, Mary Anderson and the *Local Capacities for Peace Project* came to the conclusion that international aid had inadvertently contributed to the prolonging and exacerbation of some conflicts by feeding existing tensions and weakening interdependency between the conflicting groups. They listed numerous examples of possible negative impacts of aid on violent conflicts (refer to Box 1).⁴

On the basis of lessons learnt from negative examples as well as positive experiences, where aid delivery had been able to strengthen peaceful intergroup relationships, an analytical framework, the “Do No Harm Approach”, was developed. Its main objective is to support aid agencies to

- at least **do no harm**, i.e. to continuously monitor intended and unintended impacts and avoid contributing to instability and violence,
- at best **do some good**, i.e. identify dividers and connectors in society in order to consciously strengthen the connectors and support local capacities for peace effectively.

Box 1: Based on Anderson 1999 & 2000

Impacts of aid and resource transfer in conflicts

Misuse and substitution effects

(e.g. aid is stolen or frees available resources of conflicting parties for pursuit of warfare)

Distribution effects

(e.g. aid distribution matches/ overlaps not with all groups in conflict)

Market effects

(e.g. aid influx distorts the market by increasing wages, prices and profits not all people will gain from it)

Legitimization effects

(e.g. with whom aid is provided legitimizes and de-legitimizes stakeholders in the conflict)

Implicit ethical messages

(e.g. agencies that do not cooperate convey the “war- message”: you do not work with whom you disagree)

4 Since the mid 1990’s many experts highlighted the difficulties of working in conflict situations (eg. Bradbury 1995, Klingebiel 1996, 1999; Kumar 1997, Uvin 1999). The particular asset of Anderson’s work was to have provided a framework for projects on how to analyse and monitor their impacts.

Box 2: Based on Anderson 1999 & 2000

Connectors Capacities for Peace	Systems & Institutions	Dividers Capacities for War
market places, infrastructure, communication system etc.		armed groups, distribution of weapons, war propaganda etc.
resistance, support by individuals and civil groups/ movements etc.	Attitudes & Actions	torture, lawlessness, displacement etc.
shared religious values, love for children, right to education etc.	Values & Interests	different religious values, struggle for land, resources etc.
shared events and suffering: loss of children, natural disaster etc.	Experiences	traumatic events experienced by one group: exodus, program etc.
common cultural traditions and festivals etc.	Symbols and Occasions	flags, heroes' days, war songs by one group etc.

The identification of connectors and dividers is the crucial first step for any program designing as well as project management decisions. Anderson has identified five categories of potential peace and war capacities. Examples for each category are provided in Box 2. The decisions determining why a project does what, where, when, with whom and how will be taken on the basis of this analysis (see Box 3). The *Local Ca-*

pacities for Peace Project provides extensive guidelines and advice for each of these decisions and its particular *relevance* in conflict situations (cf. especially Anderson 2000). Altogether, the framework is to be understood as a dynamic learning cycle that requires continuous reappraisal and adjustment of the programme as the changing political and social environment may turn initial connectors into dividers.

Box 3: Adapted from Anderson 1999, 74

Do No Harm Framework		
Context of conflict		
Dividers	Aid Intervention	Connectors
Institutions	Why?	Institutions
Attitudes	Where?	Attitudes
Actors	What?	Actors
Values	When?	Values
Interests	With whom?	Interests
Symbols	By whom?	Symbols
Occasions	How?	Occasions
	Programming Decisions	

Application of Do No Harm and conflict sensitivity before the tsunami

The critical review of humanitarian aid since the mid 1990s had a significant impact on many leading aid agencies. It also influenced the theoretical and programmatic discourse of the international development work. Under the keyword “conflict sensitivity” an *increasing* number of donors and implementing organizations started to reflect on their policies and approaches in complex emergencies and conflict situations.⁵ Consequently, they enhanced the development and implementation of

- Codes of conduct
- Checklists and principles for design and monitoring of conflict sensitive interventions
- Guidelines for conflict sensitive needs assessments and evaluations
- Methods and tools for Peace and Conflict Impact Assessments (PCIA) before, during and after an intervention
- Workshops and trainings for staff, especially in Do No Harm and PCIA
- Strategies to mainstream conflict sensitivity as a cross cutting issue in country portfolios.

Hence, it can be summarized that the basic ideas of “do no harm” and “conflict sensitivity” have been successfully integrated on the national and international policy level as well as on the programmatic level of many implementing organizations. However, it also has to be emphasized that the continuous application of these policies and concepts in daily work and on the project level is still in its infancy. While the theoretical discussion on conflict impact assessments is for example growing tremendously, most organizations still *struggle* with an effective application of time consuming and complex methods and tools into their daily practice. The number of professional evaluations still remains limited (cf. Ropers 2002).

With regard to Sri Lanka it is noteworthy that many bilateral donor agencies and some of the larger international implementing organizations were already

present in the country before the tsunami. Contrary to Aceh/Indonesia where only very few organizations had access to the conflict zone, in Sri Lanka some aid *agencies* had substantial experience of working in the war affected areas of the North and East. Since the Cease Fire Agreement in February 2002, many organizations had made it their explicit mandate to contribute towards peace building and a conflict sensitive reconstruction. They knew the political context and climate generally well. Coordination mechanisms on the donor and on the operational level were in place.

Peace-building potentials and good practices of conflict sensitivity after the tsunami?

For more than three years Sri Lanka has been in a “no war – no peace” situation. The Cease Fire Agreement has created opportunities for transforming the military conflict between the Government of Sri Lanka and the Liberation Tigers of Tamil Elam (LTTE) into a political negotiation process for just peace among all three – Tamil, Sinhala and Muslim – communities. Since May 2003 the negotiations process is however in a deadlock and the Cease Fire Agreement has been increasingly undermined by political killings, violent incidents and a highly uneven peace dividend. Against this background, many peace-building experts as well as the donor community hoped that the tsunami aid would provide an opportunity for the stakeholders to enter in a new era of communication. The basis was supposed to be an agreement on a joint tsunami relief and rehabilitation mechanism between the Government and the LTTE. After it was finally signed in June 2005, a major *breakthrough* seemed to have been achieved. However, rejected by Sinhalese Buddhist nationalists as well as Muslim constituencies and not fully endorsed by the Constitutional Court, it has not yet been implemented. Many Tamils – including those who are highly critical of LTTE – perceive this as a proof that the Sinhalese majority will never accept any form of power sharing.

Looking at the role of the international aid it is important to highlight that the development of this agreement has been encouraged (if not pushed) by large parts of

⁵ Mehler/Ribeaux (GTZ 2000) provide a good overview of the respective international policy debate and the material as well as training already available by the end of the 1990s.

the bilateral and multilateral donor community. If and in how far the donor community played a positive, neutral or problematic role in this process is difficult to assess as of yet and needs further analysis.

With regard to conflict sensitivity it can be stressed that many stakeholders in Sri Lanka have insisted on conflict sensitivity from the first day after the tsunami. This in itself has definitely been an achievement in comparison to earlier crises in other countries. Some of the leading local NGOs as well as many bilateral donors and their implementing agencies engaged immediately in efforts to adopt conflict sensitive approaches and avoid past errors.

On the strategic level, bilateral donors developed for example guiding principles for conflict sensitive needs assessments to be jointly carried out by the government and multilateral agencies with consultation of the LTTE, who is in control of large parts of the North and East.

On the operational level, local civil society organizations published an annotation of the international code of conduct by the Red Cross and disseminated information about the conflict context. Local and international agencies conducted several Do No Harm Workshops in Colombo and in other affected regions especially addressing newly arrived International Non-Governmental Organizations (INGOs) and local NGOs (e.g. GTZ-PIP 2005). The great response to all these different initiatives has proved that most actors are generally of good intention and showed interest in applying a conflict sensitive approach. At times the international staff admitted very frankly their rather naïve arrival in Sri Lanka.

Looking at this rather positive summary of the engagement by the donor community and local as well as international agencies for peace and conflict sensitivity, one has of course difficulties to understand why and when things went wrong and who is to blame for it. Before coming to any conclusions, it seems therefore important to investigate the potential lines of tension and conflict with a view to “do no harm”.

III. Conflict lines impacting peace

A preliminary analysis of the tsunami aid in Sri Lanka

While it seems that the tsunami and the aid response with its complex web of actors provided space for conflict resolution, it obviously also contributed to more tension and conflict in the already highly fractured social fabric. Some of the old divides and tensions were exacerbated, new factions and cleavages evolved and opened up new risks, not only in the event of uneven distribution of aid. The following lines of tension and controversy had a special impact on peace in Sri Lanka, but many of them are also applicable in Thailand, India and Aceh/Indonesia.

‘Paternistic humanitarian impulse’ vs. rights based approach

Unfortunately, in most of the affected countries the ‘humanitarian impulse’ or ‘paternistic’ approach that already has been so heavily criticized in other crises areas (cf. Fischer 2004) prevailed,⁶ while key social issues such as the right to secure tenure, the right to property, non-discrimination etc. were violated (cf. Leckie 2005). At the same time, those dedicated to following a rights-based approach learned that it is extremely challenging to apply in a conflict context. In the East of Sri Lanka where re-settlements of the population due to war and power politics have been frequent and thousands of land disputes between different ethnic communities are still unresolved, it is problematic to properly adhere to rights of property for example. Any violation of a given or only perceived right to property is bound to exacerbate existing conflicts. This context was further aggravated by the fact that aside from state authorities, donor organizations and the LTTE, a large number of other, often new institutional actors got involved (local and international NGOs, as well as private persons, business corporations, and religious organizations). Hence, it was very difficult to set up and realize coherent policies and standards – a precondition for following a rights based approach.

⁶ Conference participants of India, Aceh and Thailand confirmed the lack of a rights based approach.

Civilian vs. military approaches to humanitarian crises

The role of the military in the context of post-tsunami reconstruction has two dimensions. The first concerns direct military operations. It seems that the casualties in the respective fighting forces of both antagonists have had an influence on the potential for escalation. As analysts suggested, “the military balance may have shifted in a manner that would have rendered an outbreak of war problematic.” (CPA 2005). The second dimension concerns the role of the military as an agent of humanitarian aid delivery. In the post-tsunami recovery, national and international military forces were involved in support of the victims and in physical rehabilitation efforts. This has obviously had repercussions with regard to a number of issues: while the immediate support by the army (as well as by the LTTE by the way) was often highly appreciated, it also led to problems with regard to exact responsibilities, perceptions of power, protection and human rights issues (cf. Hedman 2005). In the East of Sri Lanka, parts of the population felt insecure and accused the government of misusing the situation to increase their *military* presence in the region. It is against this background that the recently debated issue of cooperation between civilians and military in humanitarian and post-conflict development assistance has to be discussed (cf. Klingebiel/Roeder 2004).

State actors vs. political and militant non-state actors

The massive post-tsunami aid interventions seem to have a definite influence on the balance of power between major conflict actors. In Sri Lanka the government was at the edge of bankruptcy in December 2004. The tsunami aid pledges resulted in a significant rise of the Sri Lankan Rupee. High taxation of imported relief items and newly registered INGOs provide an important and welcomed income source for the Sri Lankan state. This as well as the sending of foreign military contingents by several countries for questionable aid operations⁷ seemed to strengthen the position of the Sri Lankan government financially and symbolically. Public disputes among the different Sri

Lankan stakeholders about travel destinations of high-ranking politicians from all over the world (such as Kofi Annan, George Bush and Bill Clinton) highlighted and reinforced such grievances because they were considered one-sided. Mutual accusations of uneven aid distribution serving only ones’ own constituencies and of misusing aid for military purposes became frequent (cf. Uyangoda 2005a, Frerks/Klem 2005).

Centralized vs. local governance

Many experts are of the opinion that the tsunami called for a decentralized coordination and implementation. What’s more, some experts suggested making use of the humanitarian emergency in testing decentralized or “federalist modes of government” for delivery of services (Faiia 2005), thus making use of decentralization as a conflict transformation tool (cf. Kievelitz/Schrottshammer 2005). But in Sri Lanka, both the government and the LTTE rather used the opportunity up to now to strengthen their centralized decision-making structures. With their tendency toward a ‘humanitarian intervention from above’ stance, they view the affected people as passive recipients of humanitarian assistance. This became obvious when the government as well as the LTTE decided, without consulting the affected communities, to ban rebuilding houses within a coastal buffer zone (Uyangoda 2005b, 2). Aware of centralizing tendencies and isolated from other tsunami-affected regions and their similar struggle with the centralized structures, local officials are reluctant to make decisions or take initiative on their own (cf. Shanmugaratnam 2005, Uyangoda 2005b). All this leaves the impression that the tsunami aid response has made the vision of regional development through devolved power and the necessary shift in the people’s mindset even harder to realize.

Civil society vs. state actors

In Sri Lanka, the above-mentioned conflict lines have also contributed to a further deepening of the cleavages between civil society organizations and state actors. This divide also has to be understood against the

7 When the foreign naval troupes arrived in Sri Lanka, rescue teams were not necessary anymore, dead bodies had been recovered (by the Sri Lankan Army, the LTTE, local NGOs and engaged citizens). The tasks assumed by foreign soldiers probably could have been tackled by Sri Lankan actors.

backdrop of individual politicians wanting to strengthen their power base in communities and a limited/pre-modern understanding of the role of civil society. In recent months the national extremist parties JVP and JHU launched a broad media campaign with hate speeches against civil society organizations promoting peace. Turning these organizations into scapegoats allows the extremist parties to contest the resumption of negotiations and to divert public attention from state failures to address the immediate needs of the tsunami-affected population (Uyangoda 2005b/c). In the longer term it remains to be seen whether the post-tsunami aid has helped or rather hindered the crucial development of a strong civil society in a conflict-ridden country.

International vs. local capacity

After the tsunami disaster local NGOs along with ordinary civilians were often the first ones to respond to the immediate needs of the affected communities. In the following weeks thousands of international experts undertook missions to the affected countries. Few were familiar with the local living conditions, the political and conflict context or national languages. An estimated 300 new INGOs established their presence in Sri Lanka during the first month. While they might all be of good intention, a number of them do not have long-standing prior experience in relief, rehabilitation and/or development work, let alone knowledge of 'do-no-harm-principles'. Altogether, the massive international influx caused not only a severe escalation of real estate prices and salaries, it also contributed to a highly problematic brain drain from local to international organizations, mushrooming of local organizations, unhealthy competition between all relief actors and other kinds of distortions on the local market. It is not surprising that this influx has been heavily criticized by many local experts and NGOs as detrimental to local ownership and the sustainability of relief and peace building efforts. How far the work of these actors unconsciously deepened existing cleavages or if at times they were or will be able to bridge existing gaps still remains to be assessed. The latter seems unlikely if severe competition and ignorance of international codes of conduct prevail. It rather seems to underscore the well-known implicit ethical message prevailing in any war that one does not have to respect or cooperate

with whom one disagrees (cf. Harris 2005a; Uyangoda 2005a/b; Rieff 2005).

Non-affected vs. affected communities

Defining whether or not an individual has been affected is always problematic. In a way all Sri Lankans are affected by the increasing cost of living, labor and other distortions of the market. While some individuals might be 'winners' (finding new jobs, increasing real estate prices etc.), the larger and poorer part of the community tends to be the 'loser' (cf. OXFAM 2005). Many might not have lost property, but relied on the work of those affected by the tsunami. In this context, the overlap of affected or non-affected communities within one ethnic group is particularly problematic. First research indicates that the delivery of boats and new infrastructure in the East did not address the interdependency of affected and non-affected communities and hence was perceived by some communities as a threat to their ethnic group and livelihood (cf. Harris 2005a). This deepens and reinforces various perceptions of discrimination and seems to 'justify' factional associations and aid delivery. Some donor agencies were to a certain extent able to have positive impact on this conflict line when commissioning their implementing agencies for long-term support in the whole district.

Refugees of natural disaster vs. refugees of war

According to UNHCR more than 480,000 persons are currently displaced by the tsunami in Sri Lanka and more than 345,000 persons are still displaced by conflict, some of them having been displaced several times and living for more than a decade in refugee camps. Initially Internally Displaced Persons (IDPs) of the tsunami have been accorded much higher financial support and food ratios than civil war IDPs have received so far. This is a great source of grievance bearing potential for violent conflicts. In the East of Sri Lanka, the comparison is particularly flagrant because these IDPs live close by and some have been affected by both tsunami and conflict. While the Sri Lankan government is generally aware that this unequal treatment of IDPs is unacceptable, it is especially the donor community which has addressed this line of potential conflict constructively by providing the same aid for all.

Faith/ethnic based vs. secular approaches of aid agencies

The potential role of religion as a “divider” in conflict-ridden societies might become more accentuated in the post-tsunami context. In Sri Lanka, there has been increasing animosity and even violent conflict between religious groups during the past two years, especially between Buddhist and Christian constituencies, the latter being accused of unethical conversions. ‘Forced conversions’ have been an issue used in particular by extremist parties in the parliament and government coalition to mobilize their electorate for their nationalist Buddhist agendas. This question is now being raised anew because of the relief aid offered by high numbers of international organizations affiliated to churches and Islamic as well as sectarian movements.

IV. First lessons learnt and recommendations

So far little systematic effort has been made to examine the broader relevance and impact of the aid response on the conflict dynamics in Sri Lanka. While the above is a first attempt to get a better overview, it is still too early to come to final conclusions and lessons learnt. It can also be assumed that an in-depth study on the different impacts on peace and conflict in Sri Lanka and Indonesia will provide further learning material. Nevertheless, the above analysis already indicated some obvious shortcomings and lessons for the further improvement of conflict sensitive disaster management in conflict situations.

1. Up-to date baseline information on the conflict situation

Country specific baseline information on conflict dynamics and peace potentials are a crucial prerequisite for humanitarian and development organizations in order to be conflict sensitive and able to contribute to peace building. There is an imminent need to come to more rapid, high quality, regular and coherent information and making it available to international organizations.

2. Mechanisms to enforce minimum standards of conflict sensitivity

The post-tsunami context has made it very obvious: codes of conduct and principles of peace and conflict sensitivity are nice to have but oppose other

interests of aid agencies. They may contravene the political agenda of a donor country, but also thwart the competitive struggle of implementing organizations for their financial survival and organizational sustainability. Hence the application of codes of conduct proves to be poor if not impossible. In Sri Lanka, the means used to achieve ones’ own goals were not always according to the guidelines; at times even immoral and illegal (cf. Harris 2005a). The implicit ethical messages of this behavior are highly problematic and seriously harm the credibility of the international humanitarian aid community. Frank exchange about these issues seems to be avoided. The question arises: which officially acknowledged and internationally adopted methods and mechanisms of enforcing minimum standards can be found (such as “blaming and shaming”)?

3. Donor harmonization in the context of weak and/or biased state regulation

Donor coordination for rapid emergency situations in conflict-ridden countries is a particularly urgent concern especially on a political and strategic level. The Sri Lankan experience has shown that a lack of regulation by the state – be it intended or *because* of insufficient capacity – hampers the process and may lead to additional lines of tension and friction. Documents on donor harmonization such as the Declaration of Paris (May 2005) do not seem to adequately address this issue or the difficulty of strengthening partner countries and their ownership in a conflict context where the state partner is one important stakeholder. An issue to be addressed is how humanitarian and development assistance can be harmonized worldwide in such complex emergencies, where the state is a biased actor and donors (or their respective governments) cannot and do not want to engage all in the same way with the conflicting parties. How can international agencies be more supportive on a political and policy level with regards to conflict transformation and peace building?

4. Private donations and the usefulness of donor instruments

The ‘world of donors’ is changing and faces new challenges. Private money results in large contributions by INGOs. This has had an impact on the

leverage of donor instruments such as benchmarking and conditionality and their usefulness will have to be reassessed. At the same time the donor community needs to address INGOs in a systematic manner. It might be important to intensify regular dialogue with and among INGOs (including those affiliated to religious movements) in the countries of origin as well as in the hosting countries. This could help to

- develop standards to be adhered to before INGOs collect funds and come into a country (e.g. resource persons who know the conflict context and have appropriate language skills)
- develop coherent and complementary approaches in conflict countries. For example continuous reassessment of the definition of affected persons is necessary. Narrow earmarking of funds has to be avoided in conflict contexts. Flexibility of funds to redress evolving imbalances among the stakeholders is crucial. Here donors appear to be more flexible than INGOs.

5. Limitations of Do No Harm and conflict sensitive approaches on the micro level

Implementing agencies that had a conflict transformation mandate before the disaster were to a certain extent able to address an uneven allocation of aid between War and Tsunami IDPs. They could also extend their aid to the larger community and whole districts. However, looking at the above-mentioned conflict lines, one can see that even an organization that applies the Do No Harm approach perfectly will have almost no possibilities with its work on the micro level to positively impact many of the conflict lines mentioned above. The approach addresses only to a limited extent the decision-making processes on the meso and not at all on the macro level. Peace and conflict sensitive approaches for these levels need to be developed and applied. The approaches should provide mechanisms to respond to the following questions:

- Distortions of the market are not only caused by competing INGOs paying inadequately high salaries etc. They are created by the total sum of uncoordinated actors. As the Sri Lankan case highlights very well the effects of international humanitarian assistance are contingent upon the attitudes and actions of others such as the recipient state which decides

who and how many INGOs can be registered etc. Who assesses the situation and can advise at an early stage for counter action if too many actors come in etc?

- Who assesses the macro effect of the aid response (e.g. what the conflicting partners are earning as tax income through the aid flux and if this money is used for military expenses?)
- Is there any way to better coordinate the pledging? What are possibilities for donors to withdraw from earlier pledges in a coordinated manner and without losing face?

6. Public education

The expectations of the large public who have donated private and public money for a fast and smooth recovery of the tragic event are *understandably* high. At the same time the public knowledge about adequate relief and reconstruction processes and the political environment is rather limited. If the process appears to be slow and progress hardly visible, the frustration might be great, impacting future preparedness to provide donations. Hence, the pressure on all organizations to present visible results was and still is tremendous. With many actors in the field all organizations – including those committed to conflict sensitivity – quickly got caught in a vicious cycle of competition for high profile or prestigious projects. To a certain extent this could be avoided if donor countries engage on a broad base in public education in their own countries in order to

- Inform the public about the conflict context and the political environment in which (humanitarian) aid will be provided
- Provide criteria for the public to choose suitable implementing agencies (e.g. with country and disaster management experience)
- Sensitize the public to ground principles of professional development cooperation (e.g. participatory approach). The understanding of development work as a charity approach that can be handled by anybody tends to ‘victimize’ the affected community. This is particularly important when local communities and entities engage in North-South partnership initiatives.
- Accept that money donated could be extended to other crisis situations if it is not needed. Here of course transparency for the public is necessary.

With regards to the improvement of coordination mechanisms among the increasing number of actors in disaster management and the further development of the Do No Harm approach on the meso and macro level, there seems no doubt that the existing coordination bodies of the international donor community have a great responsibility and an important role to play. Some of the other recommendations should how-

ever also be taken up by other actors. The first and the last recommendations require a profound understanding of the political context in the respective conflict countries. Political foundations such as the Friedrich-Ebert-Stiftung might be well positioned to support this task. A close cooperation with the respective Embassies and selected development organizations could be envisaged as well.

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The Politics of Aid – Post Tsunami Reconstruction and Conflicts in India

By Anshu Sharma

Tsunami impact and response in India

India was one of the countries severely affected by the earthquake and the tsunami, with maximum impact on the southern coasts and the islands in the Indian Ocean. The official estimate of casualties in India is about 11,000 killed and about 6,000 missing. Unofficial estimates are much higher. Tens of thousands were rendered homeless. The maximum damage was in the sectors of fisheries, housing and infrastructure. The physical damages were most evident; however, loss of work opportunities and livelihoods affected the poor and marginalized groups, who did not have asset reserves to fall back on for coping with the disaster. Such impacts were most visible in the vulnerable coastal sections.

Coastal fisheries and agriculture are the worst affected economic activities. The damage to the agricultural sector, though not significant in overall terms, has had a great impact on the livelihoods of small and margin-

al agricultural landholders, especially poor women. Damage is mainly confined to the destruction of standing crops like paddy, groundnut, coconut, cashew, mango, banana, ragi (millet) and vegetables. The worst hit are agriculturists whose fertile land has been salinated, or worse, permanently lost to the sea. Many such fertile tracts in the Andaman islands have been permanently claimed by the sea and have no hope of being desalinated in the future. The families which were dependent on these lands are now left with no option but to migrate to other occupations for which they have no experience, skills or implements.

The Ministry of Environment and Forests *commissioned* a rapid assessment of the environmental damage caused by the tsunami by engaging nine specialized agencies in the country. Their report indicates that there has been damage to coral reefs, mangroves, coastal forests, beaches and sand dunes. Studies also indicate salt-water infiltration in the drinking water wells in the coastal areas.

Rescue and relief teams and materials started coming in from every corner of the world immediately after the tsunami hit. At the national level the Ministry of Home Affairs was designated as the nodal agency for co-coordinating relief in the affected areas and it activated a control room in Delhi. The National Crisis Management Committee, under the chairmanship of the Cabinet Secretary, oversaw the relief operations.

In Tamil Nadu, Kerala, Andhra Pradesh and Pondicherry, the local government and NGOs immediately set up relief camps. However, the relief process in the Andaman and Nicobar Islands was very sluggish. This was due to the fact that the islands are remote and difficult to access. These difficulties were compounded manifold by the government stand of keeping the islands out of bounds for international as well as national NGOs for many weeks after the tsunami. This was done due to reasons of protecting the tribal and bio-diversity areas from foreign interventions. The unstated reasons include security concerns in this strategic territory.

Conflicts in tsunami-affected areas

In the regional context, the worst conflict-affected area to be hit by the tsunami is Sri Lanka. The Indian territory affected by the tsunami did not have conflicts of this nature. Andhra Pradesh does have an ongoing conflict, but the tsunami-affected areas, mostly fishing villages dotting the coastline, were not much involved or affected in this conflict. Besides, the impact in Andhra Pradesh was slighter. The worst affected areas of Tamil Nadu and the Andaman and Nicobar Islands did not have the nature of a conflict. However, there are different kinds of conflicts that affect these areas which also need attention.

There are three major types of conflicts: active conflicts, passive conflicts and conflicts of aid. The tsunami-affected areas of India were more affected by passive conflicts and conflicts of aid than by active conflicts. These causes created rifts between sections of communities as described below.

Passive conflicts

1. Tribals vs. non-tribals

There is a distinct difference between the level of development, economic profiles, access to resources and level of assets between the tribal and settler communities in the Andaman and Nicobar islands. The tribal populations have been kept isolated from the mainstream, partly because the tribal leaders express this wish, and partly because the government thinks it in the best interest of these communities to be left alone. Nobody can even visit these areas without a special permit from the government. The settlers, on the other hand, have their roots in the mainland states, and lead a much more modern life with amenities and linkages. This division was very evident in the aftermath of the tsunami when relief teams were not allowed to assist tribal communities and tribal communities were reluctant to move to relief camps in Port Blair. Separate camps eventually had to be established for them. There was no physical or armed conflict, but the passive conflict of interests hampered relief work.

2. Owner vs. laborer

Another form of passive conflict visible in all the tsunami-affected communities in the islands and on the mainland is the difference between owners and laborers. In the fisheries sector, this is in the form of boat owners and their laborers. In the agriculture sector, it is in the form of landowners and landless laborers. The initial losses in the form of boats and nets, and agricultural land as a means of livelihood had a visible impact on the owner community as they lost their assets. However, the shock was greater for the poorer labor community as they lost their means of livelihood and had no capacity to absorb the shock. Due to the adequacy of immediate relief aid in terms of food and essential commodities, there were no incidences of violence, but under the surface there has been a palpable sense of insecurity and differences between the groups that were affected less and those that were affected more.

3. Fishermen vs. others

The fact that the tsunami waves had affected the thin settlement belts along the coast, which comprised primarily fishing villages, spurred aid agencies to pour

in support for fishermen in the form of boats and nets. However, those in the agricultural sector who were rendered jobless due to permanent loss of fertile land to the sea were left with no fallback option, nor did they receive any alternate land or optional livelihood support in compensation. Similarly those in the secondary sector received far less attention than fishermen.

The politics of aid – Creating new conflicts

1. Us and them

In some senses the initial shock of the disaster brings out the human spirit and draws all the survivors close to each other. The spirit seen in relief camps in the immediate aftermath of the tsunami was one of a community facing a common threat. However, in many places this soon gave way to a competitive sense of survival of the fittest in the fear of scarce resources. Though there was a constant supply of relief in the initial phase, there was a local fear that this outpouring would soon stop, and the affected communities would be left to fend for themselves for a long time until their houses and lives were rebuilt. With this fear, people tried to grab as much relief material as they could and store it for the future. This competition to corner relief material created tensions within community factions as well as between families. The central figures in this entire process are the local leaders. They are usually *approached* first by any relief team that reaches the site, and they guide these teams. Depending on the faction they represent, there is a section of the community that is disadvantaged in the relief process. Differences become sharper: those who are the worst off often get the least. The disorganized relief distribution mechanisms also add to this rift since the able-bodied are able to go to the distribution points and push their way forward to grab the relief, while the weak, primarily women, children, the elderly and disabled get left behind.

2. Funding vs. needs

Aid agencies had raised so much in funds that they were hard pressed to spend the funds due to back donor pressures. They tended to spend this money in any way they could within the communities. In this process, assets were created which were expensive,

unsustainable and lacking in support services. One example is that of numerous computer centers that cropped up in remote villages. Set up as information resource centers of training centers, many of these have dozens of computers that now sit idle, or at best entertain a handful of children who play video games on them. Such spending widened the gap between developmental needs and flashing of relief funds

3. Relief vs. rehabilitation

It is a well-known fact in the humanitarian circles that ‘relief is the enemy of rehabilitation’. Yet aid agencies stayed in the relief distribution mode for months after the disaster since they had access to resources, and it was easier to distribute relief than to get the people to rebuild their settlements and lives. This made people overdependent on external aid, reduced their coping capacity and made them more vulnerable. Sections of communities that got extended relief seemed better off initially, but were actually more crippled by this than those sections that started working to get back on their feet.

4. Individual vs. collective

Collective recovery efforts are always preferable due to the fact that they encourage a community spirit, reduce risks, and build social capital. However, they are more difficult to implement since they involve time- and effort-consuming processes of social mobilization. Most communities witnessed individual based relief and recovery aid, which has resulted in the loss of an opportunity for getting more mileage for the recovery funds spent, and for bringing the community together.

5. Traditional vs. modern

Traditional and time-tested systems are often discarded in post-disaster recovery processes in favor of modern systems. Shelter reconstruction programs are an example of this. Reconstruction projects ignore the pre-disaster traditional housing, and impose an alien system of cement concrete housing in an urban layout. This is environmentally uncomfortable, socio-culturally inappropriate, and rips the society apart since the house allocation is done in a lottery process, with total disregard to family clusters that have evolved over

generations. There are frequent conflicts between the newfound neighbors who are from incompatible sections and are striving to survive in constrained spaces devoid of privacy due to the modern house layouts used.

Windows of opportunity

Though the post-disaster recovery process is riddled with problems as described above, it also makes available windows of opportunity. Disasters are times when spontaneous feelings of community cohesion are very strong as there is a common grief and a common set of stakes. Usually these opportunities are not taken advantage of, and in the process great chances of resolving conflicts and avoiding new ones are lost.

The biggest opportunity is for the government. If it responds efficiently and reaches out to the needy, it can bridge divides and prove a welfare stand. There is an opportunity for local leadership and political interests to similarly prove their goodwill by assisting the needy without considerations of affiliation. Finally, there is an opportunity for the community to recover in a collective mode, also resolving deeper concerns alongside.

The opportunities were largely lost in the post-tsunami recovery process. The government response was too slow and too restrictive, particularly in the Andaman and Nicobar Islands. That set into place an unhealthy environment of distrust and insecurity. These are perfect ingredients for conflict.

It is still not too late to set things right. Community-based approaches in the recovery actions which could be taken in the coming months can heal wounds.

They can create a healthy environment conducive to cooperation and forward-looking development planning. It is of critical importance for us to look back, reflect and learn the lessons.

The key aspects for avoiding and resolving conflicts are participation, equitable distribution and adherence to traditional systems.

Will the lessons be used in Kashmir?

The recent earthquake that devastated Kashmir on October 8, 2005 is yet another disaster of mammoth proportions that has hit a conflict-ridden society. This time the conflict is much deeper and more violent. Kashmir has for years been the scene of a bloody separatist movement which has killed tens of thousands. It is not just a conflict within a community or between a community and a government, but it involves different factions of the community and two national governments.

If we are sensible and if we have learnt our lessons from the past, the relief efforts in Kashmir should be taken up in earnest by all parties without consideration of the affiliations of the suffering people. It is a time for the government to show the people that they mean welfare. It is a time for cross-border governments to show to each other and to their people that the human imperative is above all. It is time for the armed separatist movement leaders to show the world that they are part of a community that they care for.

Disasters and conflicts both are harmful for a society. Yet, disasters are times when conflicts can, and should, be set aside as everyone gets to work for helping the needy.

Post-Tsunami Reconstruction and Peace Building in Aceh: Political Impacts and Potential Risks

by Christine Susanna Tjhin

ABSTRACT

This article illustrates the political development and the potential impacts and risks in the post-tsunami reconstruction process in Aceh, particularly after the signing of the peace agreement in Helsinki in August 2005. The signing of this Memorandum of Understanding (MoU) is indeed a decisive momentum. It marked the transformation of the political landscape in the reconstruction process of a region torn by conflicts and the tsunami. The signing of the MoU is, nevertheless, the ‘easiest’ part of the peace building efforts. Challenges and complications are manifold. This paper will briefly brush on three decades of conflict in Aceh and identify aspects of the conflict in post-MoU Aceh. Afterwards, the paper will highlight the effects the tsunami had on government policies and point out how the policy has shifted and how the political constellation develops. It will also depict the government’s efforts to “win the hearts and minds of the Acehnese” and the role of civil society. In the last part of the paper, a critical future outlook will conclude this depiction.

The history of the Aceh conflict

The first hallmark of the “Aceh Problem” was the Darul Islam (DI) uprising in 1953, which demanded the establishment of an Islamic state of Indonesia. The DI rebellion ended in 1961 with Jakarta’s promise of a special autonomy status for Aceh. When the promise was neglected, another rebellion broke out in 1976, in the form of a secessionist movement led by the Free Aceh Movement (GAM) that directly challenged the

‘territorial integrity of the republic’. Despite the success of the Indonesian security operations in defeating GAM in 1977, GAM rebelled again in 1989 and was swiftly diffused by another military crackdown.

Throughout military operations, particularly during the Military Operations Zone (DOM) period from 1990 until 1998, sympathy towards GAM grew as unbridled violations of human rights by the military continued and the government of Indonesia’s (GoI) inability to address the root problems persisted. Rizal Sukma depicted that “[at] the risk of oversimplifying, the sources of the problem can be grouped into four basic aspects: economic exploitation; centralism and uniformity; military repression; and the politics of impunity.”¹ Though GAM’s military strength had been severely undermined by 1992, military operations continued until 1998. Several conflicts had served only to justify the redeployment of military forces into Aceh. Instead of a commitment to toppling counterinsurgencies, the military ran amok with abuses.

The fall of the Soeharto regime was utilized by GAM to strike again in November 1998. Inevitably, GAM gained a stronger public support – in particular in rural areas – despite the GoI’s denial over GAM’s political agenda and the continued process of criminalization². In spite of the ‘reform euphoria’ on the national level after 1998, distrust of the GoI continued to increase along with reform failures in Aceh. The mishmash of past dreadful legacies, continued government incompetence and human rights abuses further complicated the conflict situation.

1 Sukma, Rizal. 2004. Security Operations in Aceh: Goals, Consequences, and Lessons. Washington: Policy Studies – East West Centre.

2 The process of criminalization constitutes the discounting of existing political agendas (e.g. separatism and/or anti-government actions) as mere criminal acts.

Although President Wahid (elected in 1999) passed the special autonomy law (which formally stipulates concessions in politics and economy) and opened a space for political dialogue in 2000 that led to an agreement to have the Humanitarian Pause, military operations and arms clashes continued to claim lives throughout 1999 until 2001. The escalation of the conflict began in 1999 and peaked in 2001 at the expense of the Humanitarian Pause.

After Wahid was impeached, his successor, Megawati, continued with the non-military approach. Peace talks began in February 2002 and resulted in a Cessation of Hostility Agreement (COHA) in December 2002. The COHA process was marred with sporadic clashes. It officially collapsed when the Joint Security Committee office was attacked in early 2003. Under great pressure from the military, state institutions and from the general public, the Megawati administration declared martial law in Aceh on May 19, 2003 (Presidential Decree No. 28/2003). Violations of human rights continued and socio-economic improvement was almost impossible with the perpetuation of conflict and rampant corruption.³

In early 2004, secretive efforts towards peace were made by Jusuf Kalla prior to his appointment as vice president and led to the Helsinki talks. When it leaked, elites in both GAM and the armed forces (TNI) who were not involved were upset and questioned the process. By November 2004, however, the GoI was ready to pursue the “9 Points of Agreement between Negotiators of the GoI and GAM”. The process was interrupted on December 26, 2004, when the tsunami caused a different momentum for peace. After five rounds of meetings⁴, a Memorandum of Understanding (MoU) was signed on August 15, 2005.⁵ By early Octo-

ber 2005, the process of Disarmament, Demobilization and Reintegration (DDR) has progressed quite smoothly with no major clashes. It was monitored by the Aceh Monitoring Mission (AMM) with some 220 peace monitors from the EU and ASEAN.⁶

Aspects of conflict in Post-Tsunami Aceh

Potential conflicts, particularly after the Helsinki peace agreement, have several aspects worth pointing out. It is important to note that each aspect is dependent on another and that the dynamics of one aspect may affect others. Thus a comprehensive outlook in depicting potential conflicts in Post-Tsunami Aceh is imperative. The order of exigency may shift depending on the period and areas involved.

The first aspect is the return of ex-GAM members from prisons outside Aceh, from GAM uphill stations, and from abroad. The presence of the latter will bring new political dynamics as the local political party discourse, already in controversy to the current national political and legal structure, unfolds. Many have hoped that the inception of local parties would channel ex-GAM's political aspirations from weapons to party programs. However, the parliament's (DPR-RI) resistance on the national level to the concept may hamper the peace process. Another option for political participation is the recently established Rehabilitation and Reconstruction Agency (*Badan Rehabilitasi dan Rekonstruksi* or BRR). The MoU stipulates that ex-GAM members are allowed to participate fully in the BRR.

A particularly alarming situation is caused by the return of those ex-GAM members who are coming from GAM uphill stations and constitute unskilled, unemployed and relatively hostile youth, dubbed as the “invisible youth”⁷.

3 In his paper Sukma (2004) mentioned the World Bank's 2002 report that enlists Aceh as the second poorest province in Indonesia and in the Central Bank's 2001 report as the most corrupt.

4 The meetings dated 27-29 January, 21-23 February, 12-16 April, 26-31 May, and 12-17 July 2005. The MoU comprises provisions on governance, political participation, economy, rule of law, human rights, amnesty and reintegration, security arrangements, monitoring, and dispute resolution.

5 ICG Asia Briefing No. 40. 2005. Aceh: A New Chance for Peace. Jakarta/Brussels – International Crisis Group.

6 By the end of October, an estimation of 12,000 TNI troops and over 1,000 police officers will be pulled out of Aceh, while GAM surrenders over half of its weapons. A total of 20,000 soldiers are expected to be pulled out from Aceh by December 2005 as targeted under the peace accord. In mid September, after the transition, ex GAM Commanders from different areas gathered and decided upon a new name 'Aceh Transition Committee (*Komite Peralihan Aceh* or KPA). The media, however, is still using the term 'GAM'. This paper will use 'ex-GAM' to refer to the group until a clearer structural illustration of the KPA appears, is formalized by the government and acknowledged by public.

7 Syamsu Rizal Panggabean, quoted from a discussion forum in the workshop “Nine Months after the Earthquake and Tsunami in Aceh: Policy Assessment” hosted by CSIS and the Aceh Recovery Forum, Medan, 6-9 October 2005.



These groups are feared to instigate brawls and extortions, particularly if the distribution of livelihood funds (*jatah hidup or jadup*) and economic activities that could generate employment fail to materialize.

The second aspect is the commitment to the process of disarmament, demobilization and reintegration (DDR). Though the TNI and ex-GAM commanders have been exchanging compliments in the media, ‘spoilers of peace’⁸ (militias) remain a concern. There is no telling whether they come from TNI or ex-GAM’s part or both. The Aceh Working Group (AWG) has identified around 14 anti-GAM militias with thousands of members (e.g. Red and White Youth Movement or *Gerakan Pemuda Merah Putih* with 25,000 members, Anti-GAM

Separatist Front or *Front Perlawanan Separatis* GAM with 62,000, etc).⁹ There are also concerns that the ‘invisible youth’ may join these gangs and instigate extortions, arms clashes, and intimidations to the public. Nevertheless, so far, the Aceh Monitoring Mission has brought a positive atmosphere for both conflicting parties and public confidence is rising.¹⁰

The third aspect refers to the horizontal dynamics between diverse community groups in Aceh, which consist of various religious (Moslem is a majority), ethnic, clan and other groups – particularly in relation to the Internally Displaced Persons (IDPs). Reports of “Christianization” under the guise of humanitarian works, though heavily screened by national media, could be

8 Sukma, Rizal. 2005. ‘The Long Road of Aceh Peace Process [Jalan Panjang Proses Perdamaian Aceh] in the Jakarta Post’. 18 July 2005. See: http://www.csis.or.id/scholars_opinion_view.asp?op_id=364&id=46&tab=0.

9 Otto Syamsuddin Ishak from AWG as quoted in ‘Presence of Militia will Disturb MoU in NAD [Keberadaan Milisi Dikhawatirkan Ganggu MoU di NAD]’ in *Suara Pembaruan*. 14 September 2005.

10 Conflict and Community Development Report. September 2005. Aceh Conflict Monitoring Update. Banda Aceh/Jakarta – World Bank. Available at www.conflictanddevelopment.org.

found in the local media. Accusations against certain humanitarian agencies of proselytizing Moslems to Christians have led to heated demonstrations and numerous sweepings by students or religious youth groups in various regions. The miserable situations of over 150,000 IDPs, who dwell in deteriorating barracks, lacking adequate sanitation, resources and basic needs, unemployed, alienated and frustrated can be found in various parts of Aceh and may be sensitive to social tensions. Ethnic and/or clan sentiments may manifest themselves in local parties that could sharpen social tensions.

The fourth aspect refers to the political elites' dynamics, especially in the face of the upcoming local direct elections (PILKADA) scheduled for April 2006 and the recent demand from 11 district authorities for the partition of the single NAD province into three provinces.¹¹ The first referred to the existing habit of Indonesian political parties to rouse primordial sentiments – in the case of Aceh, more alarms over ethnic, clan, and territorial sentiments – in mobilizing mass support during campaigning, which may have a post-election spill-over effect, especially by the unsatisfied losers. The demand for territorial partition embodies the frictions between district and provincial authority. The district demanded that unless the provincial authority accommodates these demands, they will submit the case to the central authority for settlement. The given deadline is 4 December. Despite the resistance of the provincial authority (governor office and regional parliament), the central authorities (particularly Ministry of Home Affairs, the military, and several major parties in the Parliament) regard this proposal positively. There is no explicit regulation on territorial partition in the MoU, but article 1.1.4 stipulates that “The borders of Aceh correspond to the borders as of 1 July 1956”. This implies that no changes on territorial matters are advised. This aspect is related to the horizontal conflict mentioned above because the territorial partition is closely connected with ethnic constellations. Beside Acehnese, there are also Gayo, Alas, Batak, Mandailing, Pakpak and Java. Even before the tsunami, the inland groups felt mar-

ginalized by the coastal groups and the reconstruction agenda has been regarded as benefiting only the coastal groups.

The fifth aspect is the interaction between government institutions that determine the reconstruction and the peace building process. The holder of the reconstruction mandate is the BRR. For the reconstruction process itself (prior to the Helsinki MoU), there have been reports on competition between government agencies and structural confusion between existing authorities. On the other side, though not directly involved in the DDR process, BRR's role in managing the reconstruction process is a crucial pillar for a holistic peace building process. Criticism is rising against BRR for being slow and ineffective in coordinating existing works of government agencies, international and local agencies. Regional governments, governor's offices and line ministries are not exactly the most effective and cooperative agencies either.

The sixth aspect is the interaction between international actors and local players, particularly in dealing with housing and shelters, and other welfare-related development. “Positive, but not decisive”¹² is the general description of the extent to which international agencies and donors have contributed to the dynamics of conflict. Though the presence of international agencies has somewhat eased up the atmosphere, there have also been social ramifications due to the lack of general knowledge of Acehnese cultural and social values and the high turnover in the international staffs. Some of the proselytizing allegations were directed at international NGOs. The huge gap in livelihood and salary between foreign and local staff has also been criticized. This gap has even increased due to the inflation effect that was caused by the presence of international agencies and NGOs. Another international element recently established is the AMM, who bears a critical mandate of deciding upon disputed aspects of the MoU, once the GoI and ex-GAM are unable to reach a consensus. Impartiality and diplomacy of the AMM are therefore indispensable for the peace process.

11 The demands for 2 new provinces – Aceh Leuser Antara & Aceh Barat Selatan have been proposed even prior to the tsunami. Recently, such demands came again on 12 October 2005.

12 Burke, Adam. 2005. Aceh: Reconstruction in a Conflict Environment – Views from Civil Society, Donors and NGOs. Jakarta: DFID Working Paper. For draft paper, contact: adamitobur@yahoo.com.

Effects of the tsunami on government policies

“Divine intervention” is what some people would call the tsunami. However painful the losses might have been, perhaps there are some blessings coming in for the conflict-torn area. The tsunami crippled some local government capacities which had already grown inefficient, corrupt, and highly elitist due to jagged central-local relations after three decades of conflict. This explained their poor performance in handling the immediate aftermath of the tsunami. The military was pretty damaged and shifted the priority to humanitarian emergency relief.

The tragedy shifted most of the attention from conflict to survival. The atmosphere of conflict that taunted most Acehnese and the “threat of separatism” of general Indonesians were no longer that pervasive. With the spate of global media coverage, it suddenly became “politically incorrect” when politicians did not support efforts to improve the situation in Aceh. This itself is an important impetus to finding solutions to the RI-GAM conflict problems considering the ultra-nationalist tendency of some national politicians and/or political parties.

The tsunami also broke down the gate that closed Aceh from the outside world, allowing the influx of civil society involvement and international players with multifarious possibilities. Global aid constellations have shown that global civil society and the business sector have outweighed governments in gathering humanitarian funds. The government did then not oppose the involvement of civil society, something that was impossible to imagine before.

The positive effects of the tsunami, however, will not guarantee ensuing peace. Though the present development is generally quite encouraging, there are some indicators of concern that must be kept in mind. The devastations of the tsunami have caused loss of lives, properties, legal documents, livelihood, and have severed access to basic needs and sustainable employment. Hungry and depressed people may channel their frustration through violent means if economic and

social concessions are not adequately delivered. Property disputes are likely, as the legal documentation of properties is very tardy and housing development has not been as speedy as the barrack’s deterioration.

Policy shift and political development

The transition of the Aceh conflict should be regarded as a shift from a military approach to a political/diplomatic approach, rather than to the internationalization of a conflict. The contribution of international aid and humanitarian agencies are crucial and have brought a positive atmosphere. Indonesia highly regards this movement of global solidarity. It is in this sense that Aceh is ‘internationalized’. But it is important to see that the ‘internationalization of solidarity’ occurred, not the ‘internationalization of the conflict’. Ultra-nationalist elites in Indonesia tried to create the idea of an “internationalized conflict”. But the public did not respond to this. What is important to the public is that international agencies and donors are more likely to bring better chances for the tsunami victims. Nevertheless, the decisive variable for the transformation is local and national political development.

The current political approach, in which the military lacks expertise and justification/support, will depend largely on how decentralization is applied in Aceh. The performance of the BRR and the implementation of local direct elections and the MoU’s mandate are indicative of government policy directions where civilian authority could play a stronger role and conflict is to be avoided. Allowing greater public participation is another aspect that seems quite possible, though transparency may not be as convincing. Nevertheless, this could still be considered as good indications.

The fragile spot amongst the points in the Helsinki MoU is the adoption of the Bill on the Governing of Aceh. The legalization of this law is one of the essential prerequisites for peace building and will be the basis of political transformation in Aceh. This law will regulate most points of the MoU. This is where the political battle starts. Currently several versions of draft bills have been circulated¹³ and consultation processes have also begun.

13 The two existing government versions came from the Ministry of Home Affairs and the Aceh Provincial authority. The civil society versions came from University of Syiah Kuala, Institution of National Islamic Religion Ar-Raniry, and University of Malikussaleh.

As soon as the consultation process began, there was already friction. It started when a 'secret' draft Bill from the Ministry of Home Affairs circulated in late September 2005. Several key points outraged the ex-GAM representatives, amongst others: (1) Article 39 of the draft stipulates that the 'head of government must never be a foreign citizen', which automatically discards the ex-GAM leaders who have become citizens of either Sweden or other countries; (2) The Nanggroe Guardian or *Wali Nanggroe's* role as political or cultural leader.

Two more points are the provision for local political parties and independent candidates for the local direct elections (PILKADA). The current structures of national politics do not support these two points. The MoU stipulates that within less than one year the GoI must create a feasible environment for "Aceh-based political parties that meet national criteria" (article 1.2.1). This point is feared and hampered by the central government because it may bring similar demands from other regions. To them, one possible entry point for Aceh's case is the revision special autonomy Law No. 18/2001. Thus, the government is attempting to cater for these negotiated points through a new bill. The suggested prerequisite for independent candidates is to be voted by 5% of the population (not 5% of the eligible voters). If not fulfilled, the candidate must go through a political party. The legislation of the Bill will determine whether or not PILKADA will be implemented on time. At this point, ex-GAM leaders have two options, either rushing to prepare for April 2005 PILKADA or to support one of the three known candidates. So far, there has been no formal decision made.

The least mentioned aspect of the MoU is the human rights aspect. This aspect is perhaps the most neglected one. Even though the MoU accommodates the establishment of human rights courts and the urgency of reconciliation (through the inception of the Provincial Truth and Reconciliation Commission or KKR), the institutionalization of these points has mostly been overlooked. Law No. 26/2000 on human rights courts and

Law No. 27/2004 on a truth and reconciliation commission guarantee principles of retroactivity. According to several politicians, these laws will only benefit the ex-GAM members who have amnesty – and can thus avoid charges in the human rights court. This is not the case for GoI security personnel.¹⁴

'Winning the hearts and minds'

There are several key decisions made by the government that lead to public confidence-building: (1) The establishment of the BRR; (2) The signing of the Helsinki MoU; (3) Sustaining civilian supremacy as the political authority over the military; (4) Not restricting public and civil society participation (local, national and international), with the exception of several minor cases of restriction.

These decisions however vary in their progress. The establishment of the BRR (Presidential Decree No. 2/2005), as a government agency with the highest mandate for Aceh reconstruction, was initially highly regarded. Those selected for upper-level management positions are reputable persons and the selection process was monitored by the media. However, the tardiness of the BRR and non-transparent selection processes of BRR lower-level staff have raised criticism. The tardiness has been in stark contrast to the high salary. Since its inception in April 2005, the BRR has yet to accomplish something significant, as one respondent commented after the national coordination meeting. There it was mentioned that only 10% of the needed shelters have been built (according to the BRR report; my respondent argued that on the field barely 4% of the houses have been fully built). Unless the BRR moves faster and becomes more open, it will not succeed in sustaining efforts to win the Acehnese's heart.

The BRR has adopted "conflict sensitive development principles"¹⁵ in its policies. In the consultation meetings during which the blueprint (led by National Development Agency or Bappenas) and the master plan (led

14 Danusubroto, Sidarto. 2005. 'Human Rights Court after RI-GAM MoU [Pengadilan HAM paska Mou RI-GAM]' in Koran Tempo, 29 September 2005. Berlaku asas retroakti – merugikan TNI dan personil TNI karena harus menjalani pengadilan tersebut, sementara ex GAM mendapatkan amnesty and abolisi.

15 For a more elaborate description of BRR structure and programs, an official version report can be found in BRR and World Bank report. October 2005. Building a Better Aceh and Nias: Stocktaking of the Reconstruction Effort. Banda Aceh/Jakarta – World Bank. The report is available at www.conflictanddevelopment.org.

supposedly by the BRR) were drafted, it was often emphasized to 'build Aceh to a better stage than pre-tsunami'. Though policy directions seem favorable, implementation may not be as smooth. This is mainly due to poor interdepartmental coordination. The consequences are poor provision of shelters, basic needs, water and sanitation facilities.

The signing of the MoU has generated a new confidence amongst the Acehnese and national community and amongst international audiences towards President Yudhoyono's administration. Somehow, in the eyes of the Acehnese, the political will to push for peace is more evident than ever. Control of the civilian authority, minimum exposure of military leaders over the DDR process and the presence of AMM have led to a relatively smooth withdrawal of the military troops from Aceh. The way the timely implementation of the MoU has been organized so far is quite positive. Public and civil society participation are not restricted and the mandate of the AMM has yet to be disputed.

The role of civil society¹⁶

Civil society has substantially contributed to the relief operations since the first day of the emergency relief. After the end of the emergency relief period had formally been declared, civil society was also critical in boosting participation through community-based development programs, dialogue forums, anti-graft advocacy, and legal/policy advocacy. The degree of each contribution, however, varies and these contributions somehow are not balanced and myopic. There have been numerous complaints about donors which did not support capacity building of NGOs that focus on democratic governance and policy/legal advocacy. The bulk of the aid was poured into the more expensive and short-term development projects, because donors were under pressure to spend immediately. Longer-term capacity building for better local governance and public participation is at stake.

Peace building efforts will not succeed without the support of civil society. During the civil society consultation process in Medan (7-9 October 2005), a local version of AMM was suggested. It aimed at including local and national civil society in order to sustain the achievement of the AMM.

The media is another aspect of civil society that *contributes* significantly to the reconstruction and peace building process. The reporting gap between local and national media has been visible. Causes may range from the technical requirements of coverage – proportional reporting (national media's tendency to balance coverage with other provinces) to political decisions to censor some of the events in Aceh. "Peace journalism" had been campaigned even prior to the tsunami; however, the implementation of this ethical approach has yet to materialize.

Future outlook

The general perception on the future in Aceh is quite positive. Many have felt optimistic about the overall development, despite the concerns mentioned above. It is important to sustain the stamina for peace building and political reform in post-tsunami and post-MoU Aceh.

Strengthening local government capacity through good governance and participatory policy-making processes, reforming state structure and optimizing inter-agency coordination must remain paramount. Capacity building of local governments must uphold the principle of subsidiarity as well as decentralization with clear authority allocation and coordination on the different levels of government. Judicial and security reforms must follow to curb and defy corruption and uphold the rule of law. In the meantime, coordination functions of the BRR must be optimized and harmonized with the AMM functions for peace building. Peace building should remain under the AMM preferably for another six months to ensure comprehensive implementation of the MoU.¹⁷

16 Civil society organizations refer mostly to local and national NGOs, either just recently established or with a long history of participation, with commitment to a long-term agenda for people's welfare and peace in Aceh, and with respect for democratic ideals and human rights. This is not to disrespect the valuable contributions of the international NGOs and donors. The purpose is to focus the explanation of the current dynamics on national/local perspectives and to emphasize that a long-term presence of civil society elements has more direct implications for the current reconstruction and peace building dynamics.

17 Sukma, Rizal. 2005. "The Existence of Post MoU GAM [Eksistensi GAM pasca-MoU] in the Jakarta Post. 9 September 2005. See: http://www.csis.or.id/scholars_opinion_view.asp?op_id=384&id=46&tab=0.

Channeling ex-GAM members social and political aspiration must also be maintained, either through political parties, government agencies (executive, legislative and BRR, for example), and other socio-cultural bodies (Wali Nanggroe).

In the meantime, the institutionalization and empowerment of civil society participation should be strengthened. Thus, civil society can be a strategic part of the reconstruction and peace building process. Civil society has contributed significantly to the emergency relief, rehabilitation and reconstruction processes. The recent civil society meeting in Syiah Kuala University on October 11, 2005, which involved over 1,500 people from various parts of Aceh and outside (including ex-GAM members), gives important legitimacy and creates a sense of belonging to the legislation process of the Bill on the Governing of Aceh. The public event also managed peaceful political dialogues amongst the community that are worth supporting. The civil society version of AMM is a suggestion worth close consideration. Media participation should promote an effective reconstruction and peace building process.

The advocacy process of the Bill on the Governing of Aceh is a delicate process that may challenge the peace process. Ex-GAM members would battle for their political aspirations through this advocacy channel and

once it is blocked, resorting to armed conflict may happen. The AMM is crucial in this case in shedding possibilities of conflict and maintaining impartiality and proactive diplomacy between the GoI and ex GAM leaders.

Most importantly, political negotiations between the government and ex GAM members in implementing the MoU must not overshadow the plights of the general Acehnese, who have long felt victims, particularly those who have suffered great loss from the tsunami (the IDPs). So far, the media (particularly the national media) have somehow missed the gloomy conditions of the IDPs in their coverage. If “building a better Aceh as prior to tsunami” is to remain as a mission, balancing the concessions between ex-GAM members, IDPs and conflict victims must be given the most serious attention. Immediate provisions of shelters, basic needs, adequate water and sanitation, and economic provisions must be catered to speedily.

At the end of the day, reconstruction and peace building in Aceh should be a manifestation of how Indonesia will redefine its sense of nationhood through democratic means and greater public participation. No longer should military measures be used in governing the most western part of Indonesia. Reconciliation for Aceh is reconciliation for Indonesia.

Post-Tsunami Reconstruction and the Peace Process in Sri Lanka

by Mirak Raheem

While more than two-thirds of Sri Lanka's coastal belt suffered from the tsunami of December 26, 2004, it was the Northeast that faced the brunt of the disaster, both in terms of human cost and in material damages. That the Northeast was also site of a 22-year old civil war, which has cost more than 60,000 lives, has complicated the tsunami recovery process. This paper seeks to examine the relationship between the impact of the tsunami and the tsunami recovery process and the conflict resolution and conflict transformation process in Sri Lanka.

Many analysts noted that the tsunami created opportunities for peace building at multiple levels. While efforts were made in utilizing the recovery process to move the peace process forward and to foster reconciliation, these initiatives had to confront the ground realities and the dynamics of the conflict and peace process. Reflecting on the tsunami recovery process eight months on, it seems that key efforts to seize post-tsunami opportunities were not fully realized and that the window of opportunity created by the tsunami may have been lost. Lessons are to be learnt and applied in order to ensure

that the recovery process can be improved and that the peace process can be strengthened.

The massive destruction caused by the tsunami had a significant impact on the 'No War No Peace' dynamic in Sri Lanka by ameliorating tensions between the parties. Although the two main conflict parties, the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE), signed a Cease-Fire Agreement (CFA) in February 2002 and were engaged in peace talks until May 2003, they were unable to progress in the peace process. The mounting CFA, human rights violations and the deterioration of the security situation coupled with the stalemate in the negotiation process put increasing strain on the 'No War No Peace' situation. In the month before the tsunami, the future of the peace process seemed under threat, especially after the Maveera or Great Heroes' Day Speech by LTTE Leader V. Pirabhakaran in November 2004. The tsunami dramatically altered the political landscape as both sides' fighting forces were affected and the scale of the humanitarian disaster coupled with the urgent requirement of resources for relief and recovery. The interna-



tional community's focus on tsunami reconstruction encouraged the two parties to concentrate their energies on the tsunami recovery. Cooperation in the first few days after the tsunami increased levels of trust. The LTTE's participation in the district committees, meant to coordinate the recovery program at the district level, strengthened this new-found cooperation between the two conflict parties on the local level. Thus, a return to war or at least the escalation of tensions was thwarted or postponed by the tsunami.

In an ideal scenario, the parties could have used the tsunami recovery process as a trust- and confidence-building exercise to revive the peace process, to demonstrate their commitment to the peace process to their negotiating partner and to the international community, and to facilitate the tsunami recovery process. The parties sought to do this by creating a joint mechanism to enable cooperation and coordination in the tsunami recovery process. The parties had strategic reasons for doing so. The Government adopted a two-pronged strategy: one a national, albeit highly centralized tsunami relief, rehabilitation and reconstruction program and the other a conflict resolution approach to ensure cooperation with the LTTE. The Government faced the challenge of ensuring effective implementation in the Northeast, and particularly in areas that are under LTTE control. Through developing an aid sharing mechanism the Government thought it could have more control and thwart increased legitimacy to the LTTE rather than allowing donors to interact directly with the LTTE. Given the LTTE's status as a terrorist group and a non-state entity, it faced constraints in gaining international aid for areas under its control. Thus, a joint mechanism was envisaged to ensure effective relief and reconstruction assistance to all areas of the Northeast and thereby meet the political, financial and humanitarian concerns of both parties.

As it was hoped that negotiations on a joint mechanism and the mechanism itself would serve as a means for reviving the peace process, both parties attempted to present the negotiations as distinct from the peace process. They presented them as an administrative rather than a political mechanism. Thus, the Government could sell the idea to a reluctant Southern public and the LTTE could maintain its stance not to talk with the Government unless the latter accepted the Interim-Self Governing Authority proposal submitted by the LTTE in late 2003.

In essence, the joint mechanism negotiations were a test for the parties. If they were unable to agree on how to deal with the tsunami, the chances and commitment of the parties to reach a negotiated settlement were in question. The parties seemingly passed this test, but a new understanding or even a post-tsunami relationship was not necessarily in the offing. That the parties began negotiations barely a few days after the tsunami demonstrated their determination to move ahead. That the talks were direct negotiations between the Government and LTTE Peace Secretariats without the involvement of the Norwegian facilitators suggested a seed change in the parties' post-tsunami *relationship*. Yet, the talks hit a series of obstacles and direct talks were suspended, forcing the Norwegians to once more take up the role of messenger/mediator that they played in the Sri Lankan Peace Process. An agreement to create a Post-Tsunami Operations Management Structure (P-TOMS) was signed some six months after the first talks began.

The P-TOMS Agreement needs to be seen as a critical milestone in the current peace process. It is only the second agreement signed by the two parties. Nevertheless, its symbolic meaning as a major breakthrough and a notable 'success' in the Sri Lankan peace process should not be underestimated. While the negotiation process may not have transformed the relationship between the negotiators and the two parties, the mechanism proves their commitment to cooperation. The P-TOMS agreement is a critical step in the peace process because the parties were forced to come to an agreement on some core issues such as sovereignty, fiscal powers etc. thus offering a precedent for the parties to reach future deals. It also needs to be noted that the P-TOMS was driven by the parties themselves rather than by international pressure, in effect proving both sides' commitment and capacity to compromise. Very few donors had either made post-tsunami aid or debt moratoriums conditional on reaching a P-TOMS Agreement or expressed interest in pledging money directly to the P-TOMS Fund, preferring instead to commit money directly to the state or to NGOs. Some donors even complained that they lost the leverage that they had been able to demonstrate at the Tokyo Donor Conference in June 2003, where aid was made conditional to progress in the peace process. The post-tsunami situation saw a change in policy with some donors pledging on humanitarian grounds, the arrival of new donors and a huge volume of non-state aid flow through NGOs.

The P-TOMS negotiations and agreement had to confront the same challenges as the peace process. Thus, in evaluating its impact on the peace process it is imperative to assess how the P-TOMS attempted to confront these challenges. As noted earlier, the P-TOMS agreement attempted to find a creative solution to the issue of sovereignty and fiscal powers through creating a regional fund. While the Government recognized that financial assistance free of traditional red tape was an important requirement for the LTTE and the development of the North-East, a lack of clarity on the regulation and accountability of the fund laid the P-TOMS open to be legally challenged by the Supreme Court, which led to its virtual suspension. Currently, only the Government has appointed its representative to the High Committee. The inability to fully implement the P-TOMS has been viewed, from a dominant Tamil nationalist perspective, as another example of the Sinhala-dominated state's intransigence in providing a power-sharing arrangement.

With regard to other issues, the P-TOMS process demonstrated the inability to overcome some of the challenges of the peace process and to facilitate a transformation of the conflict or peace process. For instance, the P-TOMS process failed to alter the framework of negotiations and to allow the Muslims to participate as they demanded to be included in the peace talks as a separate ethnic group and key stakeholder in the conflict/peace process. Although the P-TOMS Mechanism institutionalized the Muslims' position as key stakeholder and provided them with their representation as a third member of the P-TOMS High Committee (along with the GoSL and the LTTE), it neither granted signatory status to them nor ensured adequate representation.

Another issue is that human rights were sidelined in the P-TOMS Agreement; not even passing reference was made to the issue, suggesting the transformation of the current peace process framework and the LTTE in particular, which adamantly opposed the inclusion of the issue. It has been postponed to a later stage.

The P-TOMS Agreement generated a significant level of opposition particularly in the Sinhala South, with mass street protests by Sinhala nationalists groups and a key coalition partner, the Janatha Vimukthi Peramuna, walking out of the Governing United People's Freedom Alliance (UPFA) Coalition, leaving a minority government. The scale of the tsunami tragedy and the presenta-

tion of the P-TOMS as a 'merely administrative device' were expected to reduce opposition to it. Given that the P-TOMS Agreement was negotiated in the wake of a huge tragedy, it was expected to generate empathy and understanding. The public opposition seemed to suggest otherwise, and the popular Sinhala response to a future peace deal raised concern about that.

Although the protracted nature of negotiations and the suspension of the P-TOMS Agreement have played a key role in the deterioration of relations between the parties and of the peace process, the violence of the last eight months has been crucial in this. The killing of LTTE Political Leader for Ampara and Batticaloa E. Kaushalyan on February 7 set off a wave of killings over the following months culminating in the assassination of Foreign Minister Lakshman Kadirigamar on August 12. That the first post-tsunami killing was carried out by a group outside the negotiations, the breakaway LTTE faction from the East led by 'Colonel Karuna', adds a complicating factor to the peace process. This group has been waging a guerilla campaign against the main LTTE faction since April 2004 and renewed its campaign in February. Killings of army officers and informants, members of Tamil political parties and paramilitary groups that are anti-LTTE and members of the public have been taking place since 2002. Hence, the killings, attributed to the Karuna Faction of LTTE cadres and of its members and "sympathizers", add another layer to the violence. Since the killings began, relations between the two sides soured, evidenced by the facts that LTTE suspending its participation in direct negotiations and that the parties have had to focus on devising strategies to respond to the killings.

The parties' responsibility in allowing the *continuation* of killings, if not being directly responsible for carrying out the attacks, has raised fundamental *questions* on the parties' commitment to the peace process. Questions regarding the LTTE's commitment to transformation have also been raised, especially in the wake of the Kadirigamar assassination. Recruitment and re-recruitment of children by the LTTE in the immediate wake of the tsunami and over the subsequent months, despite international outcry, has been an issue of concern. Reports of remilitarization – be it new arms deals by the Government or recruitment drives by the LTTE – have only intensified insecurity. Hence, seemingly, the situation has returned to that immediately preceding the tsunami. A drastic change that impacted the peace

process has been the international community's relations with the LTTE in the wake of the Kadirigamar assassination. Symbols of this are the European Union's travel restrictions on the LTTE that has put added pressure on it to transform. The question of how all parties involved in the peace process respond to the present scenario and engage each other will be key in deciding how much progress can be achieved.

At the local and community level the tsunami has had a mixed impact. In its immediate aftermath, affected communities, the Security Forces and the LTTE came together to help each other. Convoys of relief items flooded in from other parts of the country ensuring access to basic supplies for those affected, until the Government, NGOs and international relief networks came into force. The relief and reconstruction process, while serving as a peace connector, also provided a site for provoking tension and conflict. From community to community, the story may contain evidence of both effects, but there have been numerous reports of increased tensions as a result of perceived discrimination. This refers to both the local level with the ethnic communities complaining of being ignored, like the Muslim and Tamil communities in the East, and the regional level, with the North-east receiving less assistance than the Sinhala South. The efforts of some international agencies, which flooded into the tsunami affected areas and played a central role in the reconstruction, paid little heed to the existing conflict and ignored principles of 'Do No Harm' and conflict sensitivity. Political actors also used the tsunami recovery to shore up their support base, which intensified local conflict, especially when their initiatives were ethicized. Particularly in land issues, given the history of land colonization and ethnic tensions over land, there is a potential for the recovery process to add new layers to the conflict rather than to serve as building blocks for peace. In addition, the lack of attention to ethnic, political and community sensitivities and cleavages might serve as a potential source of conflict and will continue to complicate and delay reconstruction efforts. Hence, the resulting acrimony has rapidly become politicized, thus further delaying recovery efforts and discouraging potential donors from embarking on new projects.

Thus eight months on, what has been the impact of the post-tsunami recovery period on the peace process? The virtual suspension of the P-TOMS, the state of relations between the Government and the LTTE and the

sheer volume of post-tsunami CFA and human rights violations suggests that over the last few months the 'No War No Peace' situation has progressively deteriorated and reviving the peace talks seem as likely as it did nine months ago, i.e. pre-tsunami. As one member of the donor community rhetorically asked, "How many tsunamis does it take to get the peace process going?" This characterizes the dispirited feeling that pervades those who want to see progress in the peace process. While the tsunami disaster provided an opportunity for trust and relationship building, it did not guarantee the parties' immunity from the problems the peace process faced before the tsunami, be it violence and violations of the CFA, or tackling the core issues.

Conversely, what has been the impact of the lack of movement in the post-tsunami peace process? While the tsunami was expected to provide a basis for cooperation and lead to progress in the peace process, the expected cooperation and negotiations between the parties were intended to ensure a more effective recovery. That the latter did not happen has impaired the former. Difficulties in developing a shared understanding and a mechanism for cooperation and funding have further impaired the reconstruction process. In particular, the existence of the P-TOMS was intended to ensure equitable distribution of funds and resources both at a regional level, i.e. North-East vs. South, and between ethnic communities. Thus, greater trust and cooperation was not necessarily secured. The implementation of the mechanism could have also instilled greater confidence on the part of international actors to provide financial assistance and thereby contribute to the tsunami recovery, especially in LTTE-controlled areas.

In the present predicament, it is imperative that the parties recognize the key lessons from their efforts during the post-tsunami recovery period at reviving the peace process. Principally, violence and violations 'intrude' into and undermine the negotiation process, and not dealing with the issue is no longer a viable option. Thus, a process of reviewing the CFA and dealing with human rights issues needs to be taken up and adequately addressed. Additionally, as difficult as it is to reach settlements that meet both parties' basic interests, the parties also need to adhere to basic principles of inclusiveness, accountability and transparency in order to make the agreements viable and sustainable. Whether the parties are committed to the peace process and to improving most of the affected communities is yet to be seen.

After the Tsunami: Rehabilitation and Conflicts in South Thailand

By Voravidh Charoenloet

The sad statistics of the Tsunami

- 5,395 people dead, of these 1,481 bodies remain unidentified
- 8,457 persons injured
- 2,845 persons missing
- 58,550 persons affected in total, thereof 12,017 families
- 3,302 homes destroyed or damaged
- 1,172 children became orphans

(source: Relief Center of Department of Disaster and Mitigation and Department of Fishery, 31.3.2005).

The tsunami that devastated South East Asia on Sunday, the 26th of December 2004, struck six provinces along Thailand's Andaman Coast.

Among the tsunami victims, the most affected – even after the reconstruction efforts – are the poor and vulnerable people and marginalized groups in the Andaman provinces. They are small-scale fishermen, foreign migrant workers, hotel employees, informal workers, sex workers, women and children. An impact the tsunami has had on some of the fisher folk is that their already fragile socio-economic situation is further deteriorating. Issues and conflicts that were so far buried in the past now have come into the open, especially issues regarding landownership. In this case, the main responsibility lies with the government and its policy and strategy of reconstruction and rehabilitation, which is conducted under a centralized bureaucratic structure and dominated by interest groups in the tourism industry.

The present government quickly responded to the human tragedy by organizing donations through various media and forums. The public support was very spontaneous and extensive. This “public spirit” has helped the government to receive huge donations in

form of money, goods and volunteer work. In giving the tsunami relief operation top priority, the Thai Rak Thai government was able to gain popularity and had a landslide victory in the elections in the following year. However, it is still under debate how effectively the relief operations were carried out, and whether they reached the people who needed them most. Some open points remain to be discussed.

The problem of identifying the victims

The identification of the victims has not had much public attention. Of the 5,395 persons who died (one third are foreigners), 1,481 bodies still remain unidentified. 2,845 persons are still missing. In practice, the investigation of deaths is under the authority of the police. Although they have experience in identifying a corpse when the deceased is still recognizable, the police neither have the experience nor the equipment to perform forensic examinations, i.e. to carry out DNA-tests in order to positively identify a body.

It soon became clear that it was not possible for any organization to handle these tasks by itself. A team of professional doctors from various universities, led by the prominent doctor Pornthip Rojanasunan, then work-

ing under the Ministry of Justice, conducted an initial attempt to engage in the identification work. Dr. Rojana-sunan was able to find many volunteers and the needed equipment. But due to arising conflicts of authority, the process of identification was transferred to the police department with the consequence that there will be no more public involvement in the identification process of the victims.

Relief operations: The government knows best

Along the coastline of the Andaman provinces, the tsunami has caused large-scale devastation and left many people in need of help. The government's attempt to use the bureaucratic structure in order to distribute assistance and donations via provincial governments and local district administrations was not effective. Help did not reach all the victims as they were wide spread. The government rather concentrated its aid programs around the tourist areas, while remote places were left out or were last on the list of priorities. Another problem, besides the unequal distribution of help and the problem of not reaching the people who urgently need it, is the lack of coordination between the different ministries organizing the relief operations. The result is duplication of efforts, waste and confusion. The confusion was also added to by the private sector which, not having much confidence in the bureaucrat's efficiency, tried to organize relief operations on its own by directly contacting the people affected.

Both public and private relief operations have their shortcomings: they target a number of people and assist them on an individual basis. The problem hereby is that the help, especially the donation of goods, does not correspond to the needs or even creates conflicts with traditional beliefs, such as with food or clothing (these provinces have a majority Muslim population). The uncoordinated attempts also lead to situations where donations were piled up in certain areas and became more of a burden than a blessing for the community, while on the other hand those donations were not available to others living in remote areas outside the tourist spots. There is also the problem of misused funds, and who is held accountable for them.

Government relief operations rely on official documentation in order to grant access to aid. For many victims

this is a problem. The six coastal areas, especially Phang Nga, are tourist areas with many migrant workers from the Northeast such as hotel employees, vendors, massage and sex workers. The area is also frequented by foreign migrant workers, both legal and *unregistered*. Many lost their documents the day the tsunami struck. However, for people without documents or boat registration it is very difficult to get access to aid, medical welfare or compensation. Workers in hotels may not be able to get their social security benefits, especially the compensation from the Workman Compensation Fund for their families in case of death. Sex and foreign workers are afraid to seek government assistance because of their fear of police harassment. In all, the problem is that the government sees the tsunami survivors as "victims", who are given assistance, but not as individuals defending their rights.

A better coordination of relief efforts was achieved thanks to the NGOs which had been previously active in the Southern provinces. One of them is "The Save Andaman Network" (SAN), which works with the *government* at the provincial and local levels. The SAN tries to raise more public awareness of the marginalized groups affected by the tsunami, and their rehabilitation. SAN works jointly with the "Community Organizations Development Institute" (CODI, an NGO set up under the Ministry of Social and Human Security). These organizations try to set up information centers, where data is collected by using various networks.

The relief camp and joint efforts

The immediate impact of the tsunami was mainly seen in the local fishing communities along the Andaman Coast, where 407 villages were badly affected. Based on the statistics of the Department of Fishing, 6,799 houses of small-scale fisher folk were destroyed as well as 7,195 fishing boats. 6,754 families lost their fishing gear and a huge number of fish cages. Some 669 fishermen or family members were killed; 1,016 are still missing.

The most important and immediate help these fishermen needed was shelter and a boat to let them return to the sea as soon as possible. Relief centers were set up by aid organizations and government departments. There are now 400 camps that give shelter to 850 families (3,500 persons). In some of these centers, such as



the Bang Muang camp, the tsunami victims took charge of their own relief operations. CODI and NGOs worked with them in order to organize the camp. Committees were set up to manage different activities such as cooking, camp hygiene, water supply, medical care, visitors, children's activities, and registration of newcomers. Camp-wide meetings were held every evening to discuss everyday issues. All decisions were made in public. Various groups were organized to repair boats, fishing gear and fish cages by setting up revolving funds. This has been a positive experience for the tsunami-affected people and especially for the minorities. They experienced for the first time problem solving as a group rather than being left alone with their difficulties. It is this collective action to survive as a community and to preserve their way of living and traditions which will lead to the empowerment of the people.

Rehabilitation and conflicts between government and community

As the relief camp is only a short-term solution, new permanent housing has to be found for the long term. Here, conflicts come out into the open. It is a fact that the small fishing communities are generally poor and driven to live at the edge of Thai society due to the development of tourism. There are marginalized groups consisting of minorities, especially Muslim communi-

ties, who together with the Mogen sea gypsies represent the majority of the population in the southern provinces.

For the fishermen, land is the security they live on and the sea provides their livelihood. The places where they fish and live are closely connected. They live in self-sufficient communities bound by close kinship and family ties. The small surplus they make is sold to earn some income. The traditional way of living is to live near their boats. This way of life has hardly changed over the past 100 years. As rehabilitation concerns both state and private landownership, it affects the communities in three ways:

Before the tsunami, some communities may have lived on public land owned by different government departments, some may have lived on this land before the government proclaimed the land as public and some may have lived on the land which was later claimed to be privately owned.

After the tsunami, housing problems were the first to emerge. The government declared it 'unsafe' for villagers to return to their homes along the coast and set up new coastal regulation zones, whereof hotels were exempt. It was the government's position to consider tsunami-affected fishermen without formal land papers

as squatters and announced a policy to provide them with free houses, but only in resettlement sites on public land. The government's response to the land conflicts was to build little box-houses using donation money. These houses, however, were five kilometers away from the sea. The villagers' way of life and their livelihood were thus severely threatened.

The political and economic interests were laid bare by the tsunami. It provided an opportunity for the Thai government to further develop the tourism industry, one of the largest foreign currency earners. With the shores now cleared, real-estate developers are claiming the coastal areas that villagers have depended on for centuries. For businessmen and politicians, the tsunami literally wiped these coastal areas clear of communities which had previously stood in the way of their plans for resorts, hotels and casinos – all of which the government sees as “development”.

On Phi Phi Island, a national park and tourist hot spot, the government, together with its tourist policy, is forcing 5.000 residents (Muslim communities) to leave their homes at the beach and move up to a mountainous area. There, plots will be allocated on which villagers can legally build their houses. The beachfront will then be fully available for tourists, with a new hotel already in the planning up in the mountains. This is seen as a joint plan by civil servants, politicians and investors. Once houses and especially the new hotel are built, it will be only a matter of time until developers start trying to convince the villagers to sell their land for new hotels or apartments.

Villagers who are forcibly relocated to the new houses in-land may lose their traditional way of living since this kind of government housing – small concrete box houses – may be suitable for individual living, but there is no community or family kinship taken into account in the concept. It is a top-down approach.

Another prevailing problem in the six affected provinces relates to landownership. Where small-scale fishermen reside on public land, they cannot obtain documents of land entitlement. Efforts by NGOs have been made to advocate the issue of communities' rights to land and access to adequate housing, whereby the individual community fully participates and determines the direction of their own rehabilitation.

The Four Slums Networks has also been active in negotiating the lease of public land for the community. But if there is a conflict between private landowners and communities, it leads to open confrontations. The six affected provinces are prime tourist areas, and so the land prices are very high. Originally, these provinces were known to be rich in minerals, and in the past mining companies leased the land from the government. After the mining was exhausted, the land leases were never returned but passed on from hand to hand. Generations grew up on these lands without any knowledge of its ownership.

After the tsunami, villagers wanted to return, but were prevented from doing so. Private land owners asserted their right of ownership and resorted to the police to prevent the people from returning to their land. Villagers were arrested and accused of land encroachment. Of 47 villages destroyed by the tsunami, at least 32 are now embroiled in serious land conflicts – about half of them in the province of Phang Nga. In the village of Ban Nam Khem alone, a recent high-end tourist area, more than 80 court cases over disputed land have been filed since the tsunami, mostly by wealthy businessmen.

The villagers responded to these land conflicts by using the strategy of reoccupying the land they were living on before and to negotiating afterwards. This tactic seems to be quite effective as it attracts a lot of attention from the public and media. In addition, the Human Rights Commission (HRC) was organizing forums on land conflicts and on issues of human rights related to the tsunami. If a conflict arose between private landowners and the community, the HRC would suggest that the matter be kept pending until the claim has been investigated and verified by the government. Land Settlement Committees, in which the communities have their representations, have been set up. There are cases where coastal fishing communities have managed to negotiate secure land tenures and rebuild their communities, either in the same place or very close to the sea.

Struck by the tsunami, the villagers and communities had to face loss of lives and destruction of properties. It is hard to imagine that this may turn into a second tsunami, taking fishermen out of the sea again and affecting millions of lives in the long-term.

Authors

Anshu Sharma is a program director of the Sustainable Environment & Ecological Development Society (SEEDS), an NGO working on relief and rehabilitation based in Delhi, India. For many years, he has been working on these issues in different organizations. His research deals with disaster management and disaster risk reduction.

Christine Susanna Tjhin is a researcher from the Department of Politics and Social Change, Centre for Strategic and International Studies (CSIS), Jakarta, Indonesia. Her recent research focuses on democratization assessment in Southeast Asia and Aceh reconstruction and peace-building policy assessment.

Erwin Schweisshelm is the coordinator of the project 'Global Trade Union Policy' of the Friedrich-Ebert-Stiftung. The project supports international trade unions in 54 countries around the world. Erwin Schweisshelm worked as an FES representative in Indonesia and the Philippines and is currently preparing to take over the FES-office in Jakarta in early 2006.

Mirak Raheem is a researcher affiliated with the Centre for Policy Alternatives (CPA) Sri Lanka. He focuses in his research on various aspects of the peace process including issues of human security, local community dispute resolution mechanisms, military issues, and Muslims and the peace process.

Dr. Stephanie Schell-Faucon is a qualified teacher with an MA and PhD in Education at the University of Cologne in Germany. Her teaching and research activities focus on intercultural education, dealing with the past, conflict transformation and peace building. Since May 2003 she has been working in Sri Lanka as Advisor for Conflict Transformation for the German Technical Cooperation (GTZ) and is responsible for the Project 'Facilitating Local Initiatives for Conflict Transformation' (FLICT) in Colombo.

Dr. Voravidh Charoenloet is an economist and works as a lecturer at the Economic Faculty, Chulalongkorn University in Bangkok, Thailand. He has been working on labor issues for many years. He conducted various research studies on labor issues such as "Health and Safety Reform in Thailand", "Workers in the Informal Sector" etc.

