

Compounding Disaster

*Conformability of Post-Natural Disaster Relief and
Rehabilitation process with Human Rights Standards*

Dedicated to

All those victims of Natural Disasters

People's Watch

in collaboration with

ActionAid India, Chennai

Compounding Disaster: Conformability of Post-Natural Disaster Relief and Rehabilitation process with Human Rights Standards

A Study carried out by People's Watch in commemoration of the 3rd anniversary of the South Asian Tsunami

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Contents

Introduction	
Disasters of Magnitude	1
Right to Adequate Housing in the Post-disaster Situation	4
Livelihood Rights in the Context of Natural Disasters	22
Rights to Water and Food in Post-disaster Situations	35
Miseries of Women and Natural Disasters	43
Child Rights of in the Context of Natural Disasters	53
Minorities and other Vulnerable Groups in Post-Disaster Situations	68
Conclusions and Recommendations	81



Executive Summary

Disasters have frequented India from time immemorial. In the recent past, few of the most devastating disasters have struck various parts of the country leaving a trail of unimaginable death, destructions and sufferings. The State as well as the civil society has taken numerous initiatives towards relief and rehabilitation (R & R) to address such situations. Unfortunately, it has been the experience from the previous disasters that most of those initiatives turn out to be charity-based and compensatory in nature. Less attention has been devoted to human rights protection which also needs to be seriously taken into consideration in this particular context. In spite of the fact that there exists a whole gamut of human rights standards comprising of treaties, principles and guidelines embodied in various international documents, the State has simply ignored them in formulating policies and programmes for the R & R process. This report tries to analyze the human rights violation experienced by the survivors in the aftermath of three major disasters, namely, the Orissa Super Cyclone (1999), the Gujarat Earthquake (2001) and the Tsunami (2004), in India. The purpose of the report is to highlight such violation under six different themes comprising of – housing, livelihood, water and food, women, children, and the minorities and other vulnerable groups. An effort has been made to assess the situation from a human rights perspective with reference to the existing important human rights standards. However, the objective of the study is not just to limit itself in critiquing the efforts of the State and scrutinizing their conformity with the existing standards but also to identify the violations and develop a document that will be referred to by the State and other agencies in formulating rights-based natural disaster management policies for the future.

Some of the key findings of the study include:

- Policies are short-term relief oriented, rather than focusing on disaster preparedness and risk-reduction.
- Even the basic right of having access to adequate food and safe drinking water was not ensured which in turn gave rise to other serious consequences.

- Lack of an 'inclusive policy' in almost all sectors. Disasters made the vulnerable sections more vulnerable.
- There were no efforts to prevent internal displacement of the disaster-affected people by providing alternative livelihood options.
- The lessons learnt from previous disasters were never put into practice due to which similar forms of human rights violations kept repeating.

On the basis of those findings, the report has come up with sector-specific recommendations in the relevant chapters. Apart from those, it has also highlighted some of the crucial recommendations in the concluding chapter. Finally, violation of human rights is one of the major issues that need serious attention in the post-disaster scenario. In spite of the fact we have national laws protecting the rights of the people as well as having ratified international human rights instruments; the State is failing to meet these standards in post tsunami relief and rehabilitation work. It is absolutely imperative that existing human rights violations are recognized, acknowledged and urgently rectified. It is, therefore, a huge responsibility on all of us to recognize relief and rehabilitation as a matter of right, not a mere charity.



Introduction

Disasters in India:

The Indian Subcontinent is among the world's most disaster prone areas. Among the 35 States/ Union Territories, 25 are disaster prone. While average loss of human life is 3600, 1.42 million hectare crop area is affected and 2.36 million houses are damaged annually.¹ Though in many cases, the loss goes unnoticed from the general public, but the figures are quite concerning. In the recent past one after another disaster have shattered this sub-continent with irreparable loss of life and property e.g. Tsunami of 2004 in the coastal areas of Tamil Nadu, Pondicherry, Kerala, Andhra Pradesh and Andaman and Nicobar Islands, earthquake in parts of Gujarat in 2001, Super-cyclone in Orissa in 1999 are to name few of them.

Apart from these natural disasters, the country has also faced innumerable man-made disasters over the years. Without downplaying the importance and enormous impact which those disasters pose, the study, however, limits itself to the cases of natural disasters alone.

Human rights violation and the obligation of the State and other agencies:

Disasters not only bring death and destruction but also cases of human rights violations. Normally, situations affecting the human rights of persons affected by natural disasters are not consciously planned and implemented, but result from inappropriate policies or simple neglect. Once the people have been affected by a disaster, they often encounter further challenges to the full realization of their rights. These challenges could be avoided if the relevant human rights guarantees were taken into account, at the very outset, by national as well as international actors. For better protection of human rights, the State along with the national and international aid agencies working in the affected areas are under the obligation not to promote, actively participate in, or in any other manner contribute to, or endorse policies or activities, which do or can lead to human rights violations.

¹ Power Point Presentation on “Organization of Disaster Response in India at Central and State Government levels” by Mr. S.K. Swami, Director (NDM) at the Annual Conference of the Relief Commissioners, 2001, <http://www.ndmindia.nic.in/documents/DisasterResponse.ppt>

Context of the study:

The most viable solution for a rights-based post-disaster relief and rehabilitation process is to work towards the elimination of all forms of injustice. These include poverty, hunger, discrimination, unemployment, human trafficking, violence against women, lack of health care, inadequate housing, lack of personal security and most importantly the denial of the right to life with dignity and the respect for the sanctity of life. The post-disaster situation has to be examined and understood from a human rights perspective which can engender hopes of a better life for all.

Need of such a study:

The Tsunami of December 2004 and the post-tsunami scenario have necessitated revisiting the history of disasters in India, especially the post-disaster relief and rehabilitation phase, in the light of the various international human rights standards. In spite of the seriousness of the issue, the relief and rehabilitation measures adopted following the previous disasters have not benefited the affected communities to the fullest. Though there might have been an adequate solution on paper, in practice, either too many questions were left unanswered or they were never transformed into reality. Thus an effort is made through this report to retrospect the situation.

Objective of the report:

This study makes an effort to analyze the post-disaster relief and rehabilitation process with reference to the existing human rights standards and guidelines, which are recalled throughout the report, relating to the six thematic areas. The overall objective is to see to what extent the post-disaster relief and rehabilitation process is in conformity with these standards and what could be done to bridge the gap between standards and practice to pave the way for a comprehensive document for future interventions.

Methodology of the study:

This report will examine whether basic human rights, articulated by a variety of international standards, were safeguarded in post-disaster situations in India. Such standards include including the Universal Declaration of Human Rights, 1948; the International Covenant on Civil and Political Rights, 1966, the International Covenant on Economic, Social and Cultural Rights, 1966, the Convention on the Elimination of All Forms of Racial Discrimination, 1969 the Convention on the Elimination of All Forms of Discrimination Against Women, 1981, the Convention on the Rights of the Child, 1990, the SPHERE Standards, the UN Guiding Principles on Internal Displacement, IASC Operational Guidelines on Human Rights & Natural Disasters. In order to do this, the report is divided into the following major areas: Housing, Livelihood, Food and Water, Women, Children and Education and Minorities

The research is qualitative in nature. It adopts a combination of analytical and descriptive method. The standards are highlighted in all relevant places to keep the comparative aspect of the report alive.

The method of data collection would be through review of literature, both primary and secondary. Emphasis is placed on various primary sources – statutes, plans, policies and similar documents as well as various books, articles, newspapers and other reports are supposed to prove invaluable secondary sources of information. A great deal of reliance is put on the Internet materials in acquiring information. At the same time, several case studies have been incorporated to substantiate arguments. These cases studies are the outcome of several consultative meetings with different actors, including survivors, NGOs, government officials; in all Tsunami affected areas (except the Andaman and Nicobar Islands). Certain observations have been made from our own experience of dealing with post-disaster situations, especially in the aftermath of the tsunami.



Disasters of Maganitude

Orissa Super Cyclone, 1999

On October 18 and 19, 1999, Orissa, located on the eastern coast along the Bay of Bengal, was hit by a severe cyclonic storm. Wind speeds reached 180-200 kms per hour, accompanied by torrential rain measuring 400 mm. An estimated 205 people died, while more than 400 were injured. Standing crops on 3.32 lakh hectares of land were destroyed while 10,516 animal lives were lost. Extensive damage was caused to public infrastructure and buildings and private properties; 78,213 houses were fully destroyed and 2,55,661 houses partly damaged. A population of 1.26 crore in 14,000 villages and 28 urban areas across 12 districts were severely affected. Human casualties were estimated at 9,885, of which 8,119 lives were lost in Jagatsingpur district alone. The loss of animal lives was also very high with 6.32 lakh animals and 18.83 lakh poultry perishing. A total of 17.33 lakh hectares of agricultural land were affected. The two cyclones have had a devastating effect on the economy and lives of the people in the affected districts. A very large population in these districts has lost its source of livelihood. Millions of people were left homeless. The affected villages consisted mostly of simple huts, which were severely damaged or totally destroyed. Usually people keep at home stocks of food and seeds. These were destroyed along with people's essential household items. Water, power supply and telecommunications were completely disrupted in all affected areas. 90-100 % loss of crop was reported in the affected districts. Due to large-scale inundation, there was a widespread contamination of drinking water sources. Due to saline inundation many people were washed away. All traditional coping mechanism failed to address the situation. Sanitation conditions were seriously inadequate particularly in the urban slum areas but also in the rural areas. Public infrastructure suffered extensive damage. The economy of the state suffered a serious setback. This has had an adverse impact on the development of the state.

Source:

URL: <http://www.infochangeindia.org/Disasters/lbp.jsp#04>

<http://www.foodrelief.org/news/articles/4/1/Super-Cyclone-in-Orissa-India/>

Gujarat earthquake, 2001

The 2001 Gujarat earthquake was reportedly the most devastating earthquake in India in recent history. It occurred on January 26, 2001, which coincided with the 51st celebration of Republic Day (India) at 0317 hrs GMT. The location of the epicentre was Bhuj (23.6° N 69.8° E) Gujarat, India. Measuring 7.7 on the Richter scale, the quake killed more than 12,000 people and injured another 55,000 and rendered about a million people homeless throughout Gujarat and parts of Eastern Pakistan. The social fabric of the earthquake-hit areas has been seriously affected by the large number of human deaths (officially over 20,000) and injuries (about 167,000). The earthquake spared no community—both rich and poor, upper and lower castes, land-owning and landless were severely affected. The disaster created deep insecurity among those who lost assets, including movable and immovable property, and increased vulnerability among them to poverty. The earthquake struck in the wake of a massive cyclone in 1998 and two consecutive years of drought in 1999 and 2000. Around 400,000 houses have been destroyed and another 500,000 damaged. The livelihoods of many families were disrupted, particularly among those resident in the worst affected towns and villages. The loss of lives, and loss of or damage to homes/workplaces, productive assets and/or industrial units caused more severe disruption. What made the earthquake more tragic was that many parts of the state then was reeling under a drought for the second successive year. The district was facing drinking water and fodder scarcity. Men had migrated for work leaving women and children behind. Thus it was the poorest and most vulnerable those were affected.

Source:

URL:<http://siteresources.worldbank.org/INDIAEXTN/Resources/Reports-Publications/gujarat-earthquake/Annex1a.pdf>

Tsunami 2004.

The December 2004 tsunami struck nearly 2,260 kilometers of the mainland coastline of India, as well as the Andaman and Nicobar islands. Tidal waves as high as ten meters penetrated inland up to three kilometers. At least 10,273 people were killed in India. Another 5,823 are missing, most of them from the Andaman and Nicobar islands: all were feared dead. Among the casualties in India, at least 8,010 were killed in the state of Tamil Nadu. The other deaths were reported from Andhra Pradesh (105), Andaman and Nicobar islands (1,755), Pondicherry (591) and Kerala (171). At least 647,556 persons were displaced and moved to emergency shelters. Over 2.7 million people in India were affected by the tsunami in five States and Union Territories. The total financial loss is estimated at over U.S.\$1.8 billion and will rise once a detailed damage assessment for Andaman and Nicobar is completed. According to early estimates by the Indian government, over 230,000 homes were damaged in 1,089 affected

villages, more than 35,000 livestock lost, nearly 22,000 hectares of cropped area damaged, and over 83,000 fishing boats damaged or lost. There was extensive damage to infrastructure including roads, jetties, bridges, hospital, schools, electricity and water supplies. Coastal communities of fishermen bore the brunt of the disaster, both in terms of the immediate impact of the waves, and in terms of loss of livelihood. Some 70-80 percent of the dead on the Indian mainland were from such communities. According to the government, at least 150,000 marine fishing families lost their livelihood in Tamil Nadu. Dalits were the secondary impacted communities who lost their livelihoods as they solely depended on the fishing communities for their survival. Also affected were farmers, many of them wage laborers or tenants. The standing crop was destroyed in the tsunami just before harvest, leading to loss of livelihood. Farmers said that it will take several years for the land to recover because the surging sea has turned the soil brackish. In addition to those directly harmed by the tsunami, hundreds of thousands of others—craftsmen, laborers, traders, barbers, tailors, fishnet menders, boat repairmen, fuel suppliers, and others who provide commercial services to the fishing communities—were indirectly affected because their livelihoods were somehow connected to the economic activity of the fishing industry

Source:

URL: <http://hrw.org/reports/2005/india0505/2.htm>