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# Participation and representation of disadvantaged groups in parliamentary processes in the Philippines

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# PHILIPPINES



## ACRONYMS

EDSA	The Philippine Revolution of 1986
ILO	International Labour Organization
NACFAR	National Coalition of Fisherfolks for Aquatic Reform
NGO	Non-governmental organization
SRA	Social Reform Agenda
UN	United Nations
UNDP	United Nations Development Programme

## 1. OVERVIEW

The Constitution of 1987 encourages all organizations “to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.” This study presents how different disadvantaged groups managed to get policy issues considered in the Philippine Congress. A lot of information came from the disadvantaged groups themselves, and from five case studies written by the groups, which we supplemented with interviews and a focus group discussion of heads of Congress technical secretariats. We also combed through original documents emanating from the groups and Congress. The number of discussions and interviews with participants was reduced as the country was under a state of national emergency at the time of the study.

The cases studied are the passage of the Comprehensive Agrarian Reform Law, the Urban Development and Housing Act, the Fisheries Code, the Indigenous Peoples Rights Act, the Anti-Child Labour Law, the Anti-Rape Law of 1997, the Social Reform and Poverty Alleviation Act, and the defeat of anti-terrorism bills. The first seven affected

landless tenants, the urban poor, fisherfolks, indigenous communities, children, women, and all disadvantaged groups, respectively. These bills, all of which became law, were originated and pursued by the most affected sectors themselves. The anti-terrorism bills were initiated by the government but opposed by human rights, labour, church, corporate, professional and people’s organizations.

The cases represent most of the significant policy proposals affecting disadvantaged groups from 1987 to 2003. Two peaks in the number of social legislation may be noted: the Eighth Congress (1987-1992), the period following the People Power Revolution which opened up democratic space after the ouster of the Marcos dictatorship, and the Tenth Congress (1995-1998), which coincided with the Social Reform Agenda (SRA), a package of interventions to attack poverty and attain social justice, equity and peace. The study extracts lessons from these cases to help other disadvantaged groups, NGOs, legislators, UNDP and other development partners to improve human rights programming by legislative means.

## 2. KEY FINDINGS

The disadvantaged groups used various avenues of access and strategies for reaching parliamentarians. These are analyzed below.

### Avenues of access

The People Power Revolution made the legislature more permeable to people outside the political forces, including disadvantaged groups. The electoral process and civil society's ability to put new issues into the public agenda complement access to the legislative mill itself.

#### Entry through the electoral process

District representation of Congress, disadvantaged and marginalized groups can use the party list system, a constitutional innovation designed precisely for them. Representatives of labour, women, veterans, the disabled and mass organizations have been elected through the party list system. However, church-related, business and other groups that are not as disadvantaged have also been accredited and have won under that system.

Some of the benefits of the party list system include the ability to place issues of relevance to the disadvantaged on the public agenda, as well as the recruitment of non-traditional legislators and voting that puts a premium on causes rather than personalities and wealth. Women's elected party list representatives and their counterparts from other sectors, who were appointed rather than elected during the transition period, also helped disadvantaged groups to introduce and enact their bills.

However, the definition of "marginalized" is still unclear. That has put sectors that are not clearly

marginalized in the party list and non-poor persons as their representatives. The acceptance of broad categories, such as 'organizations' and 'political parties', without reference to disadvantaged sectors, opens the system to everyone. The general lack of information and knowledge of the populace about the party list system suggests that the causes they represent are also not known or appreciated by the voters.

Disadvantaged groups have also been able to get the support of regular legislators for their bills, especially if the latter joined the disadvantaged in their protests against the dictatorship.

Unfortunately, leaders of the disadvantaged rarely get elected through the regular system. Their lack of funding made them unable to muster the finances required by the very expensive electoral process. Thus, many of them joined any party that would accommodate them, and this affected their credibility in the eyes of their natural constituencies.

#### Entry through setting the public agenda

This refers to the idea of disadvantaged groups getting considered in legislation through their ability to incorporate themselves into the public agenda, even before the bills were themselves filed. Their respective agenda were usually forged in consultations, many involving not only a large number of people, but also a wide spectrum of groups. Their views then became the point of departure in the deliberations. The indigenous communities put ancestral domain and indigenous peoples' rights into public consciousness. The way agrarian reform child labour, and rape were discussed in Congress, was based on how the disadvantaged groups wanted

to define them. The point of departure for the discussions on fisheries development and urban housing was what the government had on its agenda. Disadvantaged groups, joined by middle-class allies, even forced the State to withdraw their draconian views on how to deal with terrorism.

**Access to the legislative mill**

Table 1 presents the possible access routes and intervention activities of groups at each step of the legislative process. In capital letters in

the first column are the formal parts of the legislative process. The second column lists the formally accepted ways outsiders may intervene in that process. The third column shows how the groups have been allowed to intervene in the cases we have discussed, suggesting many more acceptable means of access. Please note that the activities listed here are only those in the legislative track. Mass actions are not shown and may take place simultaneously with any step in the process.

**Table 1: Formal and informal access routes and activities of disadvantaged groups to Congress**

<b>Legislative process</b>	<b>Formal access routes and activities</b>	<b>Informal access routes and activities</b>
Putting issue into public agenda		Undertake consultations with constituencies; convince legislators of the need for bill
Drafting of bill	Write position papers; present ideas for bill	Draft bill; choose sponsor; prepare sponsorship speech
First reading	Attend in gallery	Prepare strategy with sponsor; get the President to certify bill
Assignment to and study by Committee in charge	Discuss bill with the Chair, members and sponsors	Suggest issues to be tackled, people to be invited to hearing, calendar convenient for constituency; learn committee priorities; befriend committee secretariat and technical people in respective House; get the Chair to invite group's representatives into technical working group
Committee on rules for calendaring		Suggest a convenient calendar for constituency
Second reading	Attend in gallery	Lobby for non-negotiables with sponsor or committee in charge; in floor deliberations, slip questions to interpellations to legislator, as needed
New Committee draft with amendments as proposed in plenary or by committee		Suggest wording of amendments and form of revised bill

**Table 1: Formal and informal access routes and activities of disadvantaged groups to Congress (continued)**

Legislative process	Formal access routes and activities	Informal access routes and activities
Third reading	Attend in gallery	If vote is to be explained, prepare legislator's statement
Legislative process in the second house		Same close-guarding as in first house
Deliberations of Conference Committee on reconciled version of Senate/House bills	May be permitted as part of technical working group or as observer, depending on bicameral agreements	If not allowed in, may prompt a person or technical working group to work out provisions to get committee out of impasse (during breaks or between committee meetings)
Approval of reconciled version	Attend in gallery	Help committee draft final version; make sure sponsors and allies are present to vote
Approval by the President		Lobby the President to sign bill

In addition to being aware of possible acceptable activities, we have learned from the cases the need to emphasize the following:

- The importance of strategic thinking and action;
- Confrontation with negotiation and compromise;
- Parallel informal interventions;
- The importance of access to the second house;
- The importance of access to the conference committee;
- Recognition of the role of the executive in the legislative process.

**1. The importance of strategic thinking and action**

Other things being equal, the groups that thought out their moves ahead of time, especially those that integrated them into the overall strategy, would come out ahead of the

game. For example, indigenous peoples and fisherfolks failed to get their proposals enacted in the Eighth Congress, but both were successful in the Tenth. It was easier for indigenous peoples to work in the later period because they would by then have a coalition and leadership to guide the impressive two-stage (regional and national) consultations and adoption into the Social Reform Agenda. The National Coalition of Fisherfolks for Aquatic Reform (NACFAR) was more mature and had more resources the second time around. In addition, its strategy included choosing the main sponsors and triangulating Congress with two "Unity" bills, as well as getting into SRA and orchestrating media coverage and mass action at strategic time periods. The government-NGO strategy, coupled with perceptible pressure from ILO and UN, was the secret behind the Anti-Child Labour Law's smooth sailing through the legislative process.

## **2. The role of negotiation and compromise**

In facing off with strong opponents, the groups armed themselves with negotiation skills, and, in turn, their list of priorities had greater chances of winning a bill they could live with. A no-compromise stand only solidifies the opposition, especially from congresspersons known to be representatives of the advantaged.

## **3. The parallel informal interventions**

Informal interventions can follow one of two tracks: legislative and mass action. In the legislative track, informal interventions can take place at all stages of the legislative process. From our cases, we saw that these could include: inclusion of representatives of disadvantaged groups in the work of the technical committees, meetings with individual legislators, and intervention by prominent civil society leaders.

The mass action track includes marches and demonstrations, which are the staple modes of civil society activities. These actions keep the issues in the streets and on the media agenda while congressional deliberations are going on, and add to their salience and urgency. The groups have also added the use of tent cities, complete with exhibits and workshops to attract the attention of legislators and their staffs who became “educated” on the demands of the groups on the spot. Another innovation is the “express” rallies, with demonstrators starting from different points in the countryside and converging in the House or the Senate. Meanwhile, to fight the anti-terrorism bills, the groups packaged terrorism with other issues which are easier for the masses to grasp and showed power through paralysing transport strikes and large demonstrations.

## **4. Access to the Second House**

The Philippine Congress is a bicameral one. Although some groups strategically choose which house to penetrate, they learn in due time that they need to show their interest in both houses and, if time and resources permit, lobby in both simultaneously. A method that has worked well is maintaining friendly relations with committee secretariats, since they could alert the lobby groups about breaking developments.

## **5. The Role of the Bicameral Conference Committee**

The conference committee (usually known as the ‘bicam’) is supposed to reconcile the bills that passed in the two Houses. Where the bills have markedly different provisions, however, the committee members, as agents of their respective chambers, hammer out compromise provisions thought to be acceptable to their principals. In several cases, this process spelled the victory or doom of a measure.

This study found that the bicam, formally regarded as a closed-door session, can be penetrated by non-legislators. Involvement in the bicameral committee shows the close-guarding that disadvantaged groups have to maintain to get their bills approved.

## **6. The role of the Executive in the legislative process**

Under the Philippine Constitution, the Executive has formal roles in the legislative process: to certify certain bills as urgent and to approve or veto a bill approved by both Houses, in whole or in part. The Executive may also draft “administration bills,” that is a bill emanating from a government agency (not just the Office of the President) and sponsored by a friendly

legislator. These bills, like the certified ones, have the force of the presidency behind them. In addition, executive agencies may participate in public hearings, respond to the question hour and be called upon to testify in investigations undertaken by Congress in aid of legislation.

Designating a bill as urgent will guarantee that it will be considered as a priority. It also implies that the President is likely to approve it, making its journey through the legislative mill rougher or smoother depending on whether or not it is an opposition congress. Presidential approval is an important step in the process, since other forces can intervene after Congress has spoken.

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## **QUALITIES FOR SUCCESSFUL POLICY ADVOCACY**

Success in legislative intervention consists of the qualities the active forces bring to the endeavour. These include, from the disadvantaged groups as well as their protagonists, their internal capacity and external linkages.

### **Internal capacity**

The first quality of disadvantaged groups is commitment to their cause. These are evident in their level of knowledge of the issue, in their pre-legislation experience and history, and in their willingness to devote time and resources to unpaid work, even staying in the heat of streets to proclaim their allegiances. Part of the passion comes from the fact that the groups were immersed in the social realities of the constituencies they were representing, or were in fact members of those constituencies. Most have experience of community movements and have also been veterans of mass actions that helped them both internalize the issues and bond them to the larger affected community. That bonding was also shown by the beneficiaries who showed up in the consultative meetings, mass actions and formal public hearings.

But passion has to be channelled, and the groups did this through strategic visioning and planning (already discussed above), organization and institutionalization, capacity-building and other management processes. All the groups involved in our cases worked in coalitions or were part of a team. Most had secretariats for the time of the campaign, including some borrowed from the parent organizations. Some had funds from an external organization, usually international.

However, some organizations faced the common problems of coalitions, such as twin loyalties to the coalition and to their parent-organizations, giving rise to suspicion and breaks of unity. Not being a separate organization, it becomes a disbanded project after passage of the law. On the other hand, separate organizations do continue to represent the sector for its other concerns.

The roles of each of the organizations put together for lobbying purposes must be delineated for smoother relations and flow of work.

## **External linkages**

Four potential partners regularly made their appearance in our cases: the Church, international organizations, the government and citizens at large. These add to the strength of a disadvantaged group but may also be the cause of other problems.

The prominence of the Roman Catholic Church in these bills underscored its pronouncement of a preferential option for the poor and was welcomed by the disadvantaged groups. However, it has not lent its voice to progressive views on women's issues.

Also, an international push is not an unmixed blessing. It may facilitate the passage of a bill, but it might also cause resentment when some legislators see their presence as the country's 'blind obedience' to international standards instead of answering our own peculiar needs.

Another role played by international organizations is the resources they give for nation-wide consultations, advocacy and training in lobbying and other capacities. This involvement by 'outsiders' needs to be better understood and investigated.

Collaboration with the government would normally strengthen a measure, since the Executive is an active constituency in legislation. Ramos' Social Reform Agenda (SRA) made the failed bills of the Eighth Congress come alive in the Tenth. Even here, however, there were problems in the details, since so many claimed the SRA banner but were conflicting in their provisions.

Last but not least is the linkage of the groups to the people at large. This may be carried out through mass action and the media. There is a perceptible decrease of reliance on the mass action track after the Eighth Congress. Perhaps this is due to the growth of knowledge about how the legislative process works and the organizations' subsequent attempts to professionalize their approach. However, as the mobilization against the anti-terrorism bills showed, it can still be impressive and effective when used.

Mass action is usually thought of as a way to unite a group's constituency and show Congress the strength of its forces. It can also be used to connect with the people at large and to convince them that their agenda is the public's interest and not only their own. As in the EDSA revolutions<sup>1</sup>, their mass actions would have remained simple demonstrations if the people outside their membership did not join in. This is also why having favourable media coverages and understanding by the people at large have strengthened the forces of the disadvantaged.

## **The opposing forces**

While the passion of the opposing forces for their cause cannot be gainsaid, they in fact used few public venues. They did not have to do much more. More than the disadvantaged groups, the opposing forces had natural allies, if not actual members, in both Houses. They could be counted on to vote against a bill or to water down a proposal considerably.

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<sup>1</sup> EDSA is also referred to as the People Power Revolution and the Philippine Revolution of 1986.

## CONCLUSIONS: DISADVANTAGED GROUPS AND THE STATE

Dominance of the elite in Congress is still marked, not only in their numbers, but also in their positions. The compromises the disadvantaged made ate into their non-negotiables. They had to accept backing so far down to grasp at that first start at reform.

Was social legislation, then, simply a show-window exercise? We cannot assume insincerity among the officials of the State, just because they did not accept the poor's demands. However, there were instances when even those who seemed to have lined up with the disadvantaged virtually abandoned them in the difficult stages. To support a disadvantaged group's demands plays well in the media and the masses; that could translate to votes. But in the less public arena of the legislative process, the poorer groups, not having legislators who are one of them, can still be left in the lurch.

So, how were these bills passed at all? Aside from the determination of disadvantaged groups, credit must go to the political environment and officials of the State who risked political capital to support their demands. The Eighth Congress began with the glow of the EDSA Revolution, when the Philippines basked in the international limelight as the leader in concretizing the power of the people. The poor had clearly voted on the side of parliamentary processes, rather than armed struggle, and had acted on their belief that a democratic space had been opened. The commission that drafted the Constitution of 1987 also acted on that premise and put provisions supporting the disadvantaged groups and civil society into it. The expectations translated into a political opportunity that could be harnessed and matched by efforts of those seeking new benefits. Many congressional leaders regarded as

'progressives' kept their alliance with the people who suffered during the dictatorship.

However, disappointments came early. President Aquino did not dissociate herself from her class and hardly lifted a finger to bolster the agrarian reform that the Coalition for a People's Agrarian Reform wanted. Later, her recognition of the staunch support of civil society in the face of coups against her brought her back to their side with an urban housing act that, however, was watered down from a proposal for urban land reform. The government bureaucracy did not help much either. Instead of giving support, the bureaucracy tended to insist on provisions that strengthened the hand of the richer constituents *vis-à-vis* the disadvantaged.

With the Ninth Congress, it seemed the euphoria of EDSA would completely dissipate. However, President Ramos had campaigned on a platform of 'people empowerment' and inaugurated the Social Reform Agenda (SRA) in the second half of his term. A strategy to fight poverty put new impetus to the struggle of difficult bills of the disadvantaged groups. Certification by the President put urgency on them and got even the congressional leadership to support them. However, no group got their demands approved outright as some details remained unresolved, including the benefits that would be dispensed. Who was going to be affected? Who was going to participate? Also, the SRA was a policy forged in the context of the embrace of globalization and economic liberalization. So, instead of leading the charge in transforming the nation, the bills of the disadvantaged became the equivalent of safety nets, given because the other policies were surely going to hurt them. With rising criminal activities

and a resurgence of communist violence, the enactment of these bills could come close to placating the poor. Not quite, because there were genuine advances won by fishers, indigenous peoples and suffering women. Besides, the government did back down from its anti-terrorism bills. But questions can also be raised as to why commercial fishers got what they wanted from the bicameral, or why mining advocates won their bids immediately after the passage of the Indigenous People's Rights Act, which had stringent requirements.

Still, a lesson to be learned from the cases is that the State is not a monolith that is programmed only for certain kinds of decisions. If nothing else, the cases show that the State is now an active

participant in the struggle and that there are officials with similar vision and values as the disadvantaged. Perhaps more than that, there are leaders who listen to technical arguments and are willing to act on new ideas.

It is incontrovertible that laws favoured by disadvantaged groups have been enacted. While these may leave much to be desired, their passage alone shows that the opposing forces are not omnipotent and can be challenged. The disadvantaged have numbers and passion on their side, enhanced by capacity, strategic thinking and alliances. Also, glimpses of problems in implementation suggest the necessity for keeping one's constant and untiring interest on the measure.

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## **RECOMMENDATIONS**

In light of the foregoing, several recommendations for action and research may be advanced.

### **Disadvantaged groups**

1. Prepare your policy agenda to promote the causes you stand for and your rights. Continuously study how your causes have been or can be translated into policy. In this and most of the measures enumerated below, undertake deliberative consultations with as many of your members as possible. The democracy you practice in your organization strengthens your advocacies;
2. Arm yourselves with the knowledge of legislative processes and the points of access

and activities other disadvantaged groups have already used. This can be provided by the more experienced among your group, by support groups and by research institutions. We hope this work can provide assistance to organizations starting out on their own advocacy paths;

3. Prepare a strategy for legislative engagement, taking into account your goals for the sector, your non-negotiables, your capacities and the opponents you will face;
4. Couple your passion and commitment to a cause with deeper knowledge about its ramifications. This can help you to understand opposition to your stance, with the possibility of

- winning over some antagonists by identifying how their problems can be met by your proposal;
5. Take advantage of your nature as an organization in civil society by using a complementary set of legislative and mass actions in advocacy campaigns;
  6. Learn the art of compromise, as well as its moral hazards. Treat your antagonists with respect and assume they have the same commitment to the public interest as you. When in negotiations, recognize that you are fighting for your welfare and that of your constituents, as their opponents are fighting for theirs. Therefore, conduct negotiations with due respect for the humanity of the other. This should hold true whether the negotiations are with other civil society groups, with opposing forces or with the State;
  7. Improve your internal capacity for advocacy through:
    - Enhanced management of coalitions;
    - Focused professional staff. They may be volunteers who are willing to be identified only with the coalition or organization pushing for a bill for the duration of that struggle. This would minimize questions of loyalty and conflict of interest in the period of the campaign;
    - Specialization and division of labour, whenever appropriate. This will minimize duplications and inefficiencies, and increase the overall effectiveness of the team;
- Conduct of research on the issue itself, your group's possible allies and adherents, and ways to convince or neutralize known opponents;
  - Development of a stronger resource base, including funding. Diversified sources of funding would be preferred, since reliance on only one may lead to the possibility of being driven by the fund and the agenda of the donor, rather than by the agenda of your own disadvantaged sector;
8. In dealing with Congress, recognize the value not only of the elected officials, but also of technical secretariats that can assist you through the legislative maze;
  9. Strengthen the links with external forces, such as the Church, international organizations and the people, but be aware of the dangers of exclusive reliance on one external partner. Learn from your external allies, develop your own platform and eschew 'blind obedience' to any one particular force;
  10. Find out how the State can be an ally or partner. Many parts of the government apparatus have policies and personnel sympathetic to causes of the disadvantaged. They should be befriended, rather than alienated, and shown insights into the groups' experiences rather than ignored and left to the ministrations of opposing forces;
  11. Broaden the base of your organization by recruiting more sector members and allying with like-minded NGOs, both local and international. Never neglect the support of the people and the media in undertaking your activities.

## Recommendations for NGOs and other support groups of the disadvantaged

1. Assist in building capacity of the disadvantaged groups for advocacy, research, negotiations, strategic planning and coalition management;
2. Provide links to national and international organizations that can provide disadvantaged groups with resources for capacity-building, strategic planning and management development;
3. Help to strengthen the party list system. Disseminate information about how it works and how disadvantaged groups may participate in them. However, do not dilute its purpose by becoming a party list organization yourself, since participation of intermediary organizations of the middle class or elite would take away votes for genuine and direct representatives of the marginalized;
4. Support politicians who stand by the causes of disadvantaged groups. Engage in voter education so that more citizens will learn to connect their votes with the accountability of the elected officials to them.

## Recommendations for the State

1. Recognize that social legislation is vital to the economy and the nation, and is not charity to the poor;
2. Strengthen the party list system by reinforcing its original concept as an avenue for disadvantaged groups and ensuring that it is not a backdoor for elite interests. Study how it

can continue to function within the proposal of a constitutional change towards a parliamentary system;

3. Make the legislative process more accessible and transparent to all groups, not only to the elite, or those who are experienced in advocacy campaigns.

## Recommendations for UNDP and other development partners

1. Disseminate findings of this and similar studies to disadvantaged groups who need to advocate for legislation to protect their rights and improve their social situation;
2. Support disadvantaged groups through the legislative mill and capacity-building in the areas discussed above;
3. Encourage parliamentary bodies to learn more about the policy advocacy of disadvantaged groups and the demands for inclusive governance. This would include, but not be limited to, sponsorship of appreciation seminars on those topics; consultative dialogues between parliamentarians and disadvantaged groups, probably by sectoral themes; capacity-building for technical secretariats on understanding and promoting the policy agenda of these groups, etc.;
4. Support research in the areas listed in the next section;
5. Continue to promote inclusive governance through the promotion of human rights-based approach to all sectors.

## Recommendations for research

1. Continue to study management-related issues of advocacy groups, including coalition-building, recruitment of leaders and members, resource generation, and capacity-building;
2. Deepen this study by investigating how pro-poor laws have been implemented and how they have improved the lot of the disadvantaged. This could be fed back into the State to reinforce the national significance of the social legislation that the disadvantaged groups had already won;
3. Study how progressive legislators have managed (not) to be eaten up by the system. This would be instructive in developing the country's next generation of political leaders.





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# Promoting inclusive governance in tsunami recovery in Sri Lanka

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# SRI LANKA



## ACRONYMS

CBO	Community-based organization
CHA	Consortium of Humanitarian Agencies
CIRC	International Committee of the Red Cross
CSO	Civil society organization
FAO	Food and Agriculture Organization
HIC	Humanitarian Information Centre
INGO	International non-governmental organization
JICA	Japan International Cooperation Agency
LTTE	Liberation Tigers of Tamil Eelam
MWRAF	Muslim Women Research and Action Foundation
NGO	Non-governmental organization
OCHA	Office for the Coordination of Humanitarian Affairs
OIM	International Organization for Migration
TRO	Tamil Relief Organization
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children Funds
USAID	United States Agency for International Development
WFP	World Food Programme
YMCA	Young Men's Christian Association

## 1. OVERVIEW

The main objective of this case study is to look at the issue of inclusive governance in the context of the recovery efforts deployed after the tsunami in Sri Lanka. It will also look at disadvantaged groups among the tsunami-affected population in two districts, in order to highlight some of the broader issues related to inclusive governance. The study identifies and analyzes the capacity of the affected communities to participate meaningfully in local governance processes related to tsunami recovery; it also examines whether these communities were consulted, informed, involved in decisions related to the flow, allocation and management of resources, and if they had adequate capacity to claim the right to information, accountability and transparency from state and non-state actors. It also seeks to establish whether they had adequate capacity to access redress in the event of exclusion, and the degree and nature of participation in decision-making processes, particularly women within the tsunami-affected areas and those who had been affected by the conflict. Finally, the case study will look at the role and capacity of duty-bearers in service-delivery, especially with regard to identifying and acknowledging the disadvantaged and vulnerable within the affected groups.

The tsunami disaster that struck the Island of Sri Lanka on 26 December 2005 took no heed of geography, ethnicity, gender, class, caste or religion and affected all alike. Although the emotional rhetoric contained in this statement is appealing, it is also erroneous and misleading. Admittedly, the tsunami disaster left no single identity group unscathed. However, its impact was disproportionately distributed among these same identity groups. Those affected populations were not homogenous groups to begin with, but rather lay claim to deep disparities along geographic,

ethno-political, socio-economic, gender and age differences. Depending on the extent and degree of these differences, as well as the intersections between them, some identity groups were more disadvantaged or more vulnerable than others even before the tsunami. In Sri Lanka, this is true of many groups, including populations affected by war in the north and the east and populations living below the poverty line in all parts of the country, including women, children and the disabled. The first task of this case study was to identify pre-existing vulnerabilities in the Sri Lankan context and to highlight how these vulnerable categories were more susceptible to the tsunami disaster and its aftermath.

The context of disaster recovery is unique for many reasons. More often than not, countries and communities that face natural disasters are caught off-guard and are ill-equipped to cope with the sheer magnitude of the recovery process. The resultant scenario is one where those concerned, be they the national government, local authorities, donor agencies, relief efforts and development work, are under stringent timelines to deliver a package of interventions across a host of competing needs and priorities. In such contexts, little thought is given to rights-based approaches, and little attention is paid to developing systems and processes to include affected populations in their own recovery, or give them opportunities to shape the decisions being made on their behalf. While this affects their rights and their needs, it is those already disadvantaged and those that have been further 'disadvantaged' by the disaster that are the most affected. As the case studies bear out, the failure to build inclusive governance into the tsunami recovery process in Sri Lanka has had very particular and serious implications on the

conflict-affected population as well as certain ethnic groups and women, etc. It has likewise contributed to skewing the delivery of recovery in favour of certain groups over others and has even contributed to deepening divides between identity groups in the country.

The first case studies the impact of the tsunami disaster on the eastern District of Ampara. It highlights the disproportionate impact of the disaster on the different ethnic groups in Ampara as well as on other disadvantaged groups, such as the economically and politically-disadvantaged segments of society and women. The study goes on to identify how the absence of inclusive governance structures in the period following the tsunami had several serious implications, including the delivery of recovery along ethnic, ethno-

political and political lines, and the resultant erosion of faith and escalation of animosities between various groups in Ampara. The second case study examines the impact of the disaster on the southern District of Hambantota. Here, the focus is on issues of exclusion based on socio-economic cleavages and the politicization of tsunami recovery, which led to certain groups gaining benefits at the expense of others. It also looks at the dimensions of poverty and gender at the household level within the context of tsunami aid delivery mechanisms. Together, the studies are a commentary on the absence of inclusive governance structures in Sri Lanka; the systemic gaps in capacity and information; the interplay between the political and social constraints, within which the disadvantaged manoeuvre, and how this implicates and complicates disaster recovery.

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## 2. KEY FINDINGS OF THE CASE STUDIES

In the two case studies of Ampara and Hambantota districts, four groups of actors interacted simultaneously in the tsunami aid delivery mechanism: the government through the District Secretariats down to the village level *Grama Niladari*; the INGOs/NGOs where local community members were involved but the main actors usually came from outside the region; the politicians and powerful members of the political patronage hierarchy, i.e. politicians who worked directly with communities or military groups forming part of a political process; and the communities themselves.

### **Trends and practices identified in the Hambantota and Ampara case studies**

#### **Exclusion agents**

The rise of 'exclusion agents' and individuals/groups with vested interests: The interaction of the four groups of actors worked well in the relief phase, especially with the aid delivery mechanism working through formal government channels, and the working relationship established between government institutions and the Liberation Tigers of Tamil Eelam (LTTE) in the north and the east, as

well as through the influx of NGOs (and large amounts of funding) into tsunami-affected districts. However, in the long-term development phase, the aid delivery system was sustained in a tense and uneasy balance between these groups of actors and new groups/individuals that emerged as 'liaison persons' within and between these groups. These 'liaison persons' were mostly members of the communities, local civic leaders both established (e.g. religious leaders/respected persons in society) and emerging (e.g. leaders within refugee camps) who presented themselves as community leaders, speaking on behalf of the people or gained power/political leverage acquired from the specific channels of access that they had with affected communities. These 'exclusion agents' became funding gatekeepers to the community and succeeded in gaining power and control over who has access to aid from the community.

These 'interlinking' personalities became part of the larger system, speaking on behalf of the people, and thus leaving room for solutions to bottleneck as well as avenues for corruption.<sup>1</sup> Because of the lack of organized civil society and strong community-based organizations (CBOs) at the grassroots level, as well as the influx of NGOs and politicians<sup>2</sup> with vested interest, these individuals/civic leaders became the natural choice for people to see in order to mobilize/reach the affected communities.

### **Politicization of tsunami aid-delivery**

The political influence of individuals to enhance their popularity, or ignore clandestine/corrupt

practices of associates in their constituencies, was identified in both studies as a serious hindrance to an effective and fair aid-distribution system. It is also identified as a reason for the diminished capacity of the administrative systems, as politicians influence decision-making processes and/or work outside established administrative structures to manipulate aid delivery. In some cases, these gave rise to the ethnicization and political isolation of disadvantaged groups who had little access to people with influence.

### **Ethnic polarization**

The influx of NGOs, and the additional administrative burden placed on government institutions in the post-tsunami recovery process, contributed to a fragmentation of civil society groups and communities. This, in turn, led to polarization along ethnic lines, especially in the context of tsunami recovery assistance related to land and livelihoods. The intervention of 'exclusion agents' introduced an element of ethnicization in the tsunami aid-delivery process which was premised, in some cases, on affirmatively addressing inequalities while exploiting already existing ethnic divisions in others. Other interventions that indirectly led to ethnic division were for practical purposes (Muslim widows/communities prefer to be separated due to religious/cultural practices) and ease of administration.

The tense post-conflict situation in the country played out differently in the east and the south, as many actors (the government, LTTE, STF, various political parties and politicians operating on the

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<sup>1</sup> The claim often made is that the leaders identified as 'exclusion agents' had the power to identify beneficiaries, negotiate with agencies and thus had immense power to exclude those who were eligible for aid from the 'lists' if their authority was challenged or if complaints were made against them.

<sup>2</sup> The influence of politicians or their actions are not being wholly criticized. In both studies, the political climate is identified as a 'heavy' environment, penetrating into the aid-delivery process beyond the parameters allowed for political personalities or parties. There are positive and negative statements made by the focus groups on the extent of political influence on the aid-delivery process.

basis of their ethnic identities) were involved in post-tsunami aid distributions. This marginalized those affected by the tsunami, fragmenting them even further along ethnic lines. In the highly politicized post-tsunami setting, the actors involved had much higher stakes, as the entire ethno-political balance of the peace process in the north, the east and the south could be altered with land allocations and intentional polarization along ethnic lines of Muslims, Tamils and Sinhalese.<sup>3</sup>

#### **Ethnic selectivity of aid delivery mechanisms**

The exploitation of the most disadvantaged groups within the ethno-political setting of each district by those with vested interests led to the intentional selection of one group over another and specific targeting. The studies illustrate incidents where targeting, to the point of diverting aid to certain groups, served as the affirmative action to compensate the disparities suffered by the most marginalized. However, the study also highlights cases where the systematic prioritization of certain groups, especially ethnic groups, were aimed at exploiting the favour (votes) or prejudices/aspirations of a particular group for political gain.

The powerlessness and marginalization of various ethnic groups meant that they were easily manipulated by 'individuals/exclusion agents' into using their ethnicity to gain advantages in the aid-delivery mechanism. However, the ensuing conflict and tension in such short-sighted actions

were not conclusive as the ploys employed by the exclusion agents were not effective and could not be seen as a sustainable solution to the problem. They were, as in this case, simply efforts by individuals to gain power, prestige and wealth through manipulation and corruption.

#### **Diminished collective bargaining**

The studies concluded that the collective bargaining power of tsunami-affected communities had been undermined by, among others, the fragmentation of civil society and ethnic polarization. The ineffectiveness of collective action against corruption is due to the general apathy of the groups concerned, that 'collective bargaining' would not result in government intervention or solutions/redress to the problems at hand.<sup>4</sup>

However, collective bargaining was encouraged and produced results when practical problems, such as the distribution of houses constructed by NGOs, were disputed and changed according to the needs of the beneficiaries, or when a community had refused to be moved from their original location.<sup>5</sup> A notable fact here is that both studies identify the effectiveness of collective bargaining when something affects the whole community at large and does not include financial gains/loans/grants that allow space for intrusion by groups/people with vested interests or corrupt practices.

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<sup>3</sup> For example, there has always been a hegemonic struggle between the northern and eastern Tamil politicians in eastern Sri Lanka. This was reflected in the internal dynamics of the LTTE, when Colonel Karuna (commanding the Eastern forces) broke away from the LTTE in pursuit of a separate political identity for the East away from the traditional dominance of the North. However, in the East, especially in Ampara, the majority are Muslim. Thus, ethnic fragmentation and polarization based on unequal access to tsunami aid can be exploited easily for political gain by those with vested interests.

<sup>4</sup> The Human Rights Commission later set up help desks in the tsunami-affected districts and are systematically documenting/addressing claims of misconduct. However, the political climate of the districts allows very little actual progress on issues of corruption and aid mismanagement.

<sup>5</sup> Ampara case study – the Muslim Camp refused to relocate and stood firm in asking to be returned to their tsunami-affected plots of land close to the sea in the town of Kirinda. The bargaining continued for months but was successful in the end.

**Civil society organizations at the grassroots level are eroded**

The strength to speak/act and organize on behalf of communities most often rests with CBOs that have a working knowledge of the communities with which they have worked long-term. The primary point of entry/organization of aid, for larger organizations, should be through the grassroots CSOs that are part and parcel of the affected communities. The government mechanism can also benefit from using CBOs as partners and information sources at the grassroots level. However, the CSOs were largely by-passed and presented no resistance to external influences, while also opening up room for exclusion agents and corruption. Although there were clear examples of inter-ethnic and inter-party cooperation in the immediate aftermath of the disaster, unfortunately, there was no mechanism introduced at the grassroots to cement this participatory experience and to take it forth into medium and long-term recovery efforts; a strong CSO base at the grassroots would have added the communities to the aid-delivery process.

**The limited capacity of duty-bearers**

The lack of government awareness of HRBA practices, and when to hold people's consultations, participatory assessments and inclusive practices, has greatly hindered the process of people's involvement in the aid-delivery processes. The fact that most institutions are not able to engage in effective information-sharing with the communities they work with, and educating them on their rights and supporting grievance-redress mechanisms, stems from the fact that most government institutions are ill-prepared for disaster response of this nature and do not have a 'cross-sectional' view of the aid-delivery processes. The lack of a clear, coherent policy for coordination

of aid in the government and NGOs is also attributed to a lack of institutional experience and human resources. Both studies indicate that a more effective government administrative structure could have better coordinated aid-delivery within the districts and could have helped mitigate the adverse effects suffered by disadvantaged groups.

The lack of an assured justice-redress mechanism, which was wholly independent from the government authorities who were heavily patronized by political interests of various political parties/personalities, hindered the process of beneficiary participation in the aid-delivery process, or any recourse to justice in the failure of such a system.

Both studies indicate that the capacity of the administrative structures to ensure fairness and withstand efforts by outside groups with vested interests in preventing the misappropriation of aid was severely lacking. The protracted conflict, for example, had reduced the capacity of the government mechanisms in the north and the east at the time of the tsunami, making it vulnerable to outside influences, as well as severely lacking in basic resources to function effectively. The lack of independence between the government's administrative structures from political interference undermines the strength and will of the administrative structures to address issues of inclusive governance, even in relation to NGO coordination. The resistance within the government structures or on the part of government officials, in recognizing and encouraging the need for collective bargaining as a viable feature of the democratic process through the provision of space for civil society engagement in tsunami recovery, reflects negatively on aid delivery in both districts.

### Limitations in data collection

The scarcity of data and human resources and skills capacity for rapid assessments and data collection thwarts the effective delivery of aid.<sup>6</sup> The lack of good data and rapid assessment skills can leave space for corruption and for the possibility of 'exclusion agents' to hijack aid-delivery processes through their presumed 'proximity and commitment' to the affected communities.

### Gender dimensions

Although the studies do not venture deep into the

gender dimensions of poverty, and how this affected the tsunami aid-distribution, it does briefly explore the particularly vulnerable condition women face and how they are often additionally disadvantaged from accessing aid, especially when they are also part of an ethnic minority, are poor, or are part of a politically marginalized segment of society. The studies indicate that the feminization of poverty was very severe in the case of tsunami aid-delivery, as it did not allow the space for active and constructive engagement of women at the household and civic levels.

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## 3. KEY LESSONS LEARNED IN APPLYING HRBA

From a rights-based perspective, this research is an attempt to see how duty-bearers (both in the government and NGOs) delivering aid could be held accountable by the communities to ensure that they follow the principles of non-discrimination and promote the inclusion of vulnerable and marginalized groups.

In order to promote HRBA in the research process, it is important to first ensure that the research team itself is aware of rights-based approaches and is made up of both men and women. There should be at least one member of the team from the area where the research is being conducted and who is familiar with the communities. It is also necessary

to have at least one member of the team who speaks the language of the communities where the research is being undertaken.

For these case studies, each research team was consisted of a research coordinator and two research assistants.<sup>7</sup> The teams began with desk research, in which background information on the communities was gathered from published work, reports and secondary sources. Newspaper reports and reports from various aid agencies were of particular relevance to the gathering of information on the consequences of the tsunami and the impact on people directly or indirectly affected by it.

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<sup>6</sup> A data collection mechanism should be developed at the district level in order to track the needs of the affected individuals as well as the distribution and progress of aid. This innovation could serve to avoid duplication, corruption and delays associated with the *ad hoc* nature of aid delivery.

<sup>7</sup> The Hambantota research team was led by Lionel Siriwardena, with one female and one male researchers – Kelum Thaladhthadhige and Chandrika Kosgahadurage. The Ampara research team was led by Amarasiri de Silva and two male researchers – one who is Tamil and the other Muslim – Mr. S. Majeed and Mr. Weerasingham Sudesahan

In addition to the background research, it was important to hold community consultations in several locations to identify the research site. Interviews were held with key informants, including community leaders; NGOs working among the affected communities; other field level workers/activists of local NGOs; development officers of banks/microfinance institutions; government district officers, including *Grama Niladaries* and Divisional Secretaries; teachers; and traders to document their views and experience on the impact of aid-delivery mechanism on tsunami-affected marginalized groups and rank them based on vulnerability.

Based on the background and initial field research, a mapping and ranking of disadvantaged and marginalized groups and communities could be conducted, and sample could be selected for an in-depth study, where qualitative and quantitative methods of data collection were used to compile a thorough documentation.

**Hambantota study**

An assessment was carried out in Hambantota to identify the most marginalized areas. Based on the background research and interviews, the town of Kirinda was selected for the study partly because of its isolated location and its mixed Muslim-Sinhalese ethnic population.

Both Muslim and Sinhalese families are equally represented in the study. Two temporary shelter camps were selected for the focus group discussions – one which was predominantly

<b>Name of camp</b>	<b>Total families</b>	<b>Muslim families</b>	<b>Sinhalese families</b>
Shramabhimanava	99	90	9
Small-scale fisheries/ CBOs	49	2	47

Muslim and the other which was predominantly Sinhalese.

In order to be transparent about the research, the team explained to the focus groups the purpose of the discussion and how it would feed into a study on the effectiveness of the recovery process. Questions were posed to the group according to their concerns and experiences of the recovery process.

The entire group was encouraged to participate, and the forum was open to anyone to speak up. After the initial group discussions, individual in-depth interviews were conducted with all the group members. The researchers then went back to the families several times and interviewed the entire household. In this way, they were able to ensure that everyone within the household participated.

During the course of the study, the researchers visited the community several times to clarify and cross-check the interviews with other community members. They also raised the issues with relevant duty-bearers in the course of several subsequent interviews.<sup>8</sup>

Duty-bearers and rights-holders were both given equal space to participate in this study. The group discussion and the in-depth individual/family

<sup>8</sup> The researchers interviewed the following officials: the Principal of the Kirinda Muslim College, the *Grama Niladari* of Kirinda (local government officer), a Samurdhi official, *Grama Niladari* of Andaragasyaya division, a government agent in Hambantota District, NGOs staff, village leaders, members of the JVP/'Rathu Tharu' organization, Divisional Secretaries, local traders and leaders of local institutions.

interviews provided the rights-holders with an opportunity to air their complaints, concerns and grievances. In some cases, allegations were made against certain officials. The research team held interviews with these officials to obtain their perspective on the situation and to address any complaints that had been made. During this phase of the study, the researchers served as an intermediary between the rights-holders and the duty-bearers, where they were able to channel the communities' concerns to the duty-bearers and encourage them to be more transparent and accountable directly to the community.

The next phase of the study saw the researchers conducting a second round of discussion with the focus groups. During the discussions, information obtained by the officials was discussed with the group, including responses to questions and concerns expressed by the group in the previous session. Additionally, some of the policies/measures and entitlements were also explained to them. It must be noted that in the event of contradiction, the researchers engaged in dialogue with several persons in order to assess the credibility of any claims.

The researchers also encouraged the community to act collectively in order to enhance their bargaining power with the authorities. For example, they tried to encourage the women to form a group that discusses problems and takes the concern of the whole group to the relevant authorities. The research coordinator also promised to link the communities to a bank and establish a self-help group.<sup>9</sup> By encouraging the community to mobilize themselves and to engage directly with the duty-bearers, the research team attempted not

only to gather information for the study, but also to constructively contribute to building the capacities of the community to claim their rights.

While the researchers were successful in serving as a means of communication between the duty-bearers and rights-holders for the duration of the study, it would have been beneficial and appropriate, from a rights-based perspective, to spend some time during the study to explain to the communities their rights and the various redress mechanisms available when their rights are violated. While this was done in a limited manner when some policies were explained, the researchers could have additionally referred the communities to the National Human Rights Commission or other bodies, from where they could have received additional information.

## Ampara study

In Ampara, data for the study were collected largely through interviews and focus group discussions with tsunami-affected people and families, beneficiaries of tsunami aid, agencies providing aid to affected people, key informants in the communities and political leaders, and members of the armed forces. Three focus group discussions were held with affected fishermen in the villages of Komari, Panama and in Marathamunai. One discussion was held on the beach where the fishermen mended their nets, while the other was held in a house in the fishing community of Komari where some women also participated. Interviewees were selected from the tsunami-affected population using a snowballing method, in which once a person was selected for an interview, the next person selected was an entirely

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<sup>9</sup> It is important that while encouraging the communities to assert their rights and encouraging them to form groups, the research team must be careful not to put the community at risk of abuse from more powerful authorities as the little protection they may have been offered will no longer exist once they leave. Additionally, the team needs to be careful not to make promises or raise expectations they cannot meet.

different one to the first person in social standing, employment, issues raised etc., so that diverse perspectives could be captured in the study.

Additionally, the research assistants maintained close links with two of the key informants – one from a Tamil background and the other from a Muslim community. The author also maintained close relationship with a member from the Muslim community with whom the findings were discussed. These frequent discussions with individuals from the community allowed the research team to verify and authenticate their findings.

The authors and research assistants also benefited from discussing their findings with two armed forces officers, who verified information from the community and provided additional information on specific incidents. In conflict situations, it is important to use as many different sources as possible to verify information being provided, as propaganda and misinformation is usually a concern.

A total of 35 interviews were conducted throughout the study. These interviews were more

exploratory and unstructured in the beginning of the study but took on more form and became focussed, semi-structured interviews towards the latter half of the study.<sup>10</sup>

Discussions were also held with aid agencies, INGOs and government departments to explore the various aid delivery programmes and mechanisms. Aid agencies were initially identified through a list produced by the Consortium of Humanitarian Agencies (CHA) Ampara<sup>11</sup> and in consultation with United Nations personnel in Ampara; a search was also made to find the exact whereabouts of the offices of the agencies and INGOs that were present in the district.<sup>12</sup>

Secondary information obtained through aid agencies, newspapers and media reports were helpful in understanding the context. Face-to-face informal discussions and direct observations with affected families were also very useful. Triangulations employed in the study helped to verify and establish the authenticity, validity and reproducibility of the data.

The most effective methods of data collection were discussions in the focus group, *ad hoc* meetings

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<sup>10</sup> The following is a list of people who participated in unstructured and semi-structured interviews: The president of the East Lanka social service centre; a resident of Islamabad running a small boutique next to a refugee camp; a teacher attached to the Sinhala Maha Vidyalaya; the president of a rehabilitation centre for tsunami-affected people who is also a member of Ampara NGO consortium; a Sinhala resident in Amman Kovil Road; the Managing Director of Village of Home Community and Samuel Boys Home; a representative from the Seventh Day Adventist Church situated close to Kalmunai; a landowner in Addaippallam village; a member of the Rosy refugee camp near Kannaki Amman Hindu Kovil in Addaippallam; an officer in the Nintavur Divisional Education Office; a Muslim villager in Malikaikkadu, Karaithivu; the president of Maruthamunai Baithul Tsunami; a member of the construction committee of Maruthamunai Shams Central College; a Tamil resident in the refugee cap near the Kovil at Periyaneelavanai; the Manager of the Samuel Boys and Girls Home situated in Neelavani; Grama Niladhari of Periyaneelavanai (a Tamil); a young woman in Arasady Thoddam Welfare Camp, Nintavur; someone from the Maruthamunai relief good collecting centre; a tsunami victim from Periyaneelavanai; affected fisherfolk living in Sainthamaruthu, Kalmunai; someone who works for the Muslim Women Research and Action Foundation (MWRAF); members of the armed forces and militant organizations; two politicians from the area (one a Muslim national level politician), both of whom prefer anonymity; the president of the Komari fisheries cooperative; a member of the Panama Fisheries Cooperative; and the president of the Digamadulla YMCA.

<sup>11</sup> Additional information on INGOs and agencies were collected from the Contacts Directory (Version 3.3, 2005) prepared and maintained by the United Nations Humanitarian Information Centre (HIC).

<sup>12</sup> INGOs and agencies that were interviewed and spoken to in Ampara during the study are the following: UNDP, CHA, FAO, RADA, OCHA, HIC, USAID, UNICEF, WFP, JICA, ActionAid, ICRC, Mercy Corps, Solidarites, and UNHCR. The following organizations involved in tsunami related activities were also interviewed for the study: IOM, GRC, Oxfam, Cordaid, World Vision, SOND/SWOAD, ZOA, Care, EHED, East Lanka Social Service and Digamadulla YMCA. The information provided through the District Livelihood Coordination meeting was a useful source. The various fisheries cooperative societies provided valuable information.

and face-to-face interviews. People were eager to talk to the research assistants and were willing to provide detailed information under conditions of anonymity. It was important, however, to make clear that names would not be divulged and that anonymity would be maintained so that people did not feel that their security would be jeopardized by the information they provided.

Team members came from different ethnic backgrounds, but this did not affect internal team dynamics; it was rather a bonus as it was important that the research assistant conducting the interviews in a specific community was of the same ethnic background as the community in order to build trust – this was especially important as the research touched upon several sensitive issues related to ethnicity and the conflict.

The Ampara case study, while rich in detail on the Muslim perspective, is quite limited on the Tamil perspective, since the security situation made it

difficult for the research team to obtain adequate information from tsunami-affected Tamil villages. Even though one of the research assistants was Tamil and came from Ampara, the heightened security imposed by government forces while the interviews were taking place made it difficult for him to travel to tsunami-affected areas. The interview data gathered from other accessible Tamil areas (eight interviews in all), and later from the areas where the researcher could not circulate, were used in the paper. However, it was not possible to verify the validity of some of the statements with the Tamil Relief Organization (TRO) or the LTTE because access to these organizations is very limited. Along with the security situation, which limited accessibility to the areas (e.g. road blocks, acts of civil disobedience, strikes, etc.), another obstacle was that since the communities along the coast were predominantly Muslim, access to women was limited, and it was therefore impossible to gain their perspective on the issues. The fact that the research team were all male was also a significant drawback.

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## 4. LESSONS LEARNED/RECOMMENDATIONS

### **Develop post-disaster recovery interventions that are sensitive to both existing identity-based vulnerabilities and identity-based dynamics**

As the case studies bear out, recovery interventions cannot be identity-blind; in the event that they are, they bring with them the danger of accentuating existing vulnerabilities. In Sri Lanka, this carries a

further implication where identity-blind recovery interventions can lead to perceptions of discrimination along ethno-political lines and can, *inter alia*, contribute to worsening relations among the already hostile (and warring) groups. Inclusive governance in the context of disaster recovery must take into account the existing discrepancies and ensure sensitivity to these issues.

**Contextualize concepts such as ‘vulnerability’ and ‘inclusive governance’ in the light of realities on the ground**

There is often a tendency to make interventions armed with a list of assumed vulnerabilities and to cater inclusive governance processes to such a pre-ordained list. For example, it is quite common to assume that women, children and the disabled are ‘naturally’ vulnerable categories in most situations and to go about developing policies and programmes geared only to these groups. Vulnerability, however, is highly contextual, even within two neighbouring districts of the same country; it is clear how the interplay of factors could contribute to making certain groups more vulnerable than others. In Hambantota, for example, it is quite clear how issues of class, caste, political favouritism and party political affiliations rendered some groups more disadvantaged than others. On the other hand, in Ampara, the dynamics were more in relation to issues of ethnicity and majoritarianism. Undoubtedly in both districts, traditional factors, such as gender, age, disability, etc., were still exerting greater impact and need to be accounted for; yet, it is important to assess how individuals within these groups are differentially affected based on their intersections with other identities, such as class, caste and ethnicity. Inclusive governance in the context of disaster recovery must necessarily assess vulnerability on a case-by-case basis and develop processes and mechanisms based on realities on the ground.

**Strengthen capacities for decentralized and localized governance processes in post-disaster recovery**

Both case studies identify the negative implications of centrally-based disaster recovery interventions. These include the discrepancies between recovery efforts and their corresponding

needs on the ground; the underutilization and waste of resources; potential for corruption; the sense of isolation and exclusion felt by the affected communities; and the ensuing erosion of faith in the democratic process. Both case studies reveal how more decentralized and localized interventions are better placed to cater to the dynamics on the ground, particularly with respect to being sensitive to the needs of disadvantaged groups in each locality. One of the means, therefore, of strengthening capacities for inclusive governance would be to strengthen capacities for decentralized and localized governance in disaster recovery contexts.

**Develop checks and balances even within localized governance structures**

In the Sri Lankan case, it would be convenient to assume that localized delivery mechanisms would, in and of themselves, be inclusive and participatory. For example, the authority of the *Grama Niladari* as the lowest denominated representative of the village in determining community needs should, in an ideal situation, lend to disaster recovery interventions that are inclusive, participatory and sensitive to vulnerable groups. However, as the studies bear out, decentralized governance structures alone do not guarantee the rights and interests of disadvantaged groups. This is particularly the case when local government structures are not equipped with the necessary checks and balances that enable communities to hold officials accountable for their work. Inclusive governance in the context of disaster recovery must necessarily assess the viability of decentralized delivery in catering to the needs of disadvantaged groups and, where necessary, put in place checks and balances for holding the lowest levels of government accountable for their work.

**Develop capacities for sustainable processes of inclusive governance**

In post-disaster interventions, it is quite common to put in place one-off interventions for strengthening inclusive governance. For example, in Sri Lanka, UNDP supported a comprehensive programme of people's consultations which aimed at channelling the voices of the people into the official recovery process. As useful as such interventions are, it might be more advisable to use the window of opportunity provided by post-disaster situations to put in place longer-term, more sustainable mechanisms and processes for

channelling the voices of the communities into official development processes. For example, in Sri Lanka, one idea that was frequently mooted but never followed through was on the feasibility of reviving the Village Rehabilitation Committees (small representative collectives at the village level with linkages to decision makers at the provincial and district levels) as a permanent mechanism for inclusive and participatory decision-making. Wherever possible, it is important to develop sustainable inclusive governance processes that are adaptable to post-disaster situations and also outlive and outlast the crisis contexts.





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