

Expert Meeting on Corruption Prevention in Tsunami Relief
7-8 April 2005
Jakarta, Indonesia

Securing Transparency and Rights in Disaster Response
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Background paper

Securing Transparency and Rights in Disaster Response¹

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Introduction

In a natural disaster, in the space of a few merciless hours, sometimes even barely minutes, tens of thousands of people are periodically rendered utterly defenceless by the fearsome rage of nature. Natural disasters recur with the stirrings of every season in India. A few disasters are so malevolent as to grip national attention, even in a country inured to the daily excess of human suffering and loss. What has challenged our collective humanity and capacity for governance, is that three such monumental disasters have followed each other in exceptionally quick succession in India, during the space of a few years. In 1999, cyclonic winds brutally swept away lives and livelihoods of impoverished people along the coastlines of Orissa. In 2001, the earth stirred thousands of kilometres westwards in Gujarat, tearing down homes and pitilessly crushing lives within and around them. Now, at the end of 2004, it was the sudden angry rising of the ocean in the wake of a massive earthquake that led to the destruction of coastlines and islands not just in India, but from Indonesia to Somalia.

Headlines reported the mounting toll of the tsunami and images of incomprehensible loss and suffering crowded television screens in living rooms around the world. As a shoeshine street boy near Bhuj in Gujarat contributed two rupees to the tsunami relief fund, he symbolized the resolve that has touched most people, to do all one can to mitigate the intense torment of the tsunami victims.

In the initial days and weeks after any major disaster, the empathy and engagement of citizens, as well as officials and aid agencies, is most intense. Many reach not just into their pockets, but actually converge on disaster sites, clogging and even choking the collapsed infrastructure. After the TV cameras shift and images of the disaster fade from newspapers, survivors are still in need of sustained support and solidarity as they attempt to gather the shattered fragments of their lives.

Right to Participation

Too often do governments and even well-meaning non-governmental aid agencies treat women and men, boys and girls who survive natural disasters, as mere passive recipients of their relief and rehabilitation services. The unstated assumption is that they lack the capacity and the potential to contribute to the daunting challenges of rebuilding their lives.

The actual experience everywhere in the world and throughout human history is at complete variance with this assumption. The greatest contribution to the restoration to normalcy after any disaster is usually made by the survivors themselves. The aftermath of every disaster, natural or human-made, is crowded with innumerable and mostly untold stories of the resilience and compassion of survivors. It is this innate strength and humanity that is the greatest resource in any post-disaster response. Government and non-government relief and aid agencies no doubt have the duty and capacity to contribute a great deal to disaster response in terms of resources and technical expertise. However, their efforts are likely to best succeed only if they build these efforts on the foundations of a genuine partnership with survivor communities.

Officials and relief agencies who are charged with rebuilding lives can do no better than building partnerships based on respect, equality and solidarity with the survivors. They

need to identify, reach out to and support potential people's leaders and workers, especially youth and women, within whom lies extraordinary resilience, compassion, and the capacity to rebuild what is hardest of all after a tragedy of such stunning and overwhelming brutality and magnitude: that is hope.

It is therefore appropriate that the Humanitarian Charter and Minimum Standards in Disaster Response, 2004 lists 'participation' as the first common standard, stipulating that aid agencies must ensure that 'the disaster-affected population actively participates in the assessment, design, implementation, monitoring and evaluation of the assistance programme.'²

The Charter notes that 'participation in the programme should reinforce people's sense of dignity and hope in times of crisis, and people should be encouraged to participate in programmes in different ways. Programmes should be designed to build upon local capacity and to avoid undermining people's own coping strategies.'³

Transparency and People's Monitoring

Linked to the right of participation of survivors, is the imperative for transparency and people's monitoring systems. There should be a consensus to enforce transparency regarding all resources and supplies received and expenditure incurred, whether by governments or NGOs.

The Humanitarian Charter 2004 recognizes the importance of sharing information:

Women and men of all ages from the disaster-affected and wider local populations, including vulnerable groups, receive information about the assistance programme, and are given the opportunity to comment to the assistance agency during all stages of the project cycle,⁴

It goes on to state that 'mechanism should be established to allow people to comment on the programme e.g. by means of public meetings or via community-based organization. For individuals who are homebound or disabled, specific outreach programmes may be required'.

People need to be empowered to exercise their right to information and conduct regular people's audits, to prevent the corruption and waste that unfortunately characterizes many large relief and reconstruction efforts.

Right to Information:

At every stage of the post-disaster response, efforts must be made to actively share all relevant information with survivors. The following is an illustrative list of information relevant to the well being and resurgence of survivors:

- a. The causes and impact of the disaster;
- b. Chances of recurrence;

² Humanitarian Charter and Minimum Standards Response, Pg. 28
<http://www.sphereproject.org/handbook/index.htm>

³ Humanitarian Charter and Minimum Standards Response, Pg. 29

⁴ Humanitarian Charter and Minimum Standards Response, Pg. 28

- c. Steps undertaken by state officials for rescue, relief, reconstruction and disaster response;
- d. Officials at each level, and details of the nature of their responsibilities;
- e. Official grievance redressal mechanism;
- f. Legal entitlements of each category of survivors, and full details of government schemes, including how these can be accessed;
- g. Disaggregated budget allocations and expenditures;
- h. Details of non-governmental agencies engaged in disaster response, including the past experience areas of expertise, of these agencies, and their commitments regarding time period and geographical and functional areas of engagement;
- i. Funds received by non-government agencies - sources and magnitude, and disaggregated details of expenditure;
- j. Need assessment and project reports of various aid agencies, as well as monitoring and evaluation reports.

It is the duty of official and non-official agencies not merely to make this information available on demand. It must also actively share this information with all groups of survivors, through locally appropriate methods. These may include wall-writing of major messages, pasting on the walls of panchayats and villages as well as special groups meetings. Care should be taken to ensure that separate meetings are organized for socially discriminated and vulnerable groups, such as women, persons with disabilities, dalits and minorities.

Right to be consulted and to informed choice and consent

All categories of survivors have the right to be consulted and their informed consent obtained for all decisions related to all stages and aspects of the post-disaster response. Major decisions in which the consultation and consent of survivors is imperative include those related to the location and design of shelters and public buildings, the reconstruction, upgrading or replacement of livelihoods and physical and social infrastructure. To fail to do so is not just undemocratic - it also frequently leads to unconscionable waste and possible corruption. Many settlements constructed following disasters have shelters that no survivors are willing to occupy.

Certain principles must inform all such reconstruction processes. The state and other aid agencies have the duty to share all relevant information and technical options to enable people to make genuinely informed choices. The choices of the women and men, boys and girls who constitute a community are not necessarily identical to the choices of elected or traditional leaders. In other words, consultation and consent of community leaders does not, in itself, amount to the consent of the entire community.

Consultations can be facilitated by the use of a variety of participatory tools like social mapping, focus group discussions and micro-level planning. Further, processes of consultation must be highly sensitive to the decisions and highly unequal power and voice of various segments of a community. Therefore, processes of information sharing and consultation must be undertaken separately with each identified category of vulnerable group.

State and other aid agencies must ensure that the cumulative outcomes of collective decision-making in any community must not compromise and adversely impact the

interests of less powerful and socially discriminated groups. For instance, many reconstructed village plans in post-earthquake Gujarat segregated and ghettoised dalits and minorities into locations of poor access and services.

The defence that is sometimes put forward is that disasters should not be treated as an opportunity for social engineering, and what is rebuilt can be legitimately expected to reflect the divisions that characterize society in normal times. The aspirations and interests of vulnerable social groups must, however, be actively defended in all post-disaster responses..

Right to monitor, evaluate and audit all disaster response work

In the information technology era, both official and non-official aid involves small donations from innumerable sources world-wide, including private individuals who live thousands of kilometres away from where the disaster struck. There is, therefore, a special responsibility placed upon both official and non-official aid agencies engaged in post-disaster work to periodically place detailed accounts, progress reports and independent evaluation reports on the internet, to enable individual donors to assess the manner in which their contribution have been used and to widely publicize that this information is available.

However, even more important than the accountability of official and non-official aid agencies and workers to those from whom these resources have been gathered, is their direct accountability to those women and man, boys and girls for whom these donations have been made. The first requirement for this is the pro-active and regular sharing of all relevant information with the affected populations, to which a reference has already been made.

Monitoring committees may be constituted in every affected settlement by election or consensus, taking care there is majority representation to the socially vulnerable groups, like women, dalits, adivasis, aged people and persons with disabilities. The members of these committees should be fully consulted and informed about all major decisions related to expenditures such as purchases and indents, and have access to the relevant documents, on demand. Once every month, detailed accounts should be presented to this committee, along with relevant documents including tender papers, bills and vouchers, and they should be invited also to inspect the stocks. Similarly, progress reports against agreed plans may be placed before these committees, which would be free to verify, assess and evaluate.

These monitoring committees should, for every quarter, organize a public hearing, or people's audit, in which all adult survivors are invited, once again taking care to ensure adequate presence of socially excluded and discriminated groups, such as women, dalits, adivasis, aged people and persons with disabilities. In case there are insurmountable cultural barriers to the participation of some of these groups in mixed meetings, or there are apprehensions that their assertion and voice, in joint meetings, would be constrained or muffled, then separate public hearings may be held with these groups.

In these public hearings, the monitoring committees as well as the aid officials will present their findings and reports, of accounts, expenditure, stocks and achievements and shortfalls against plans. People will be free to examine documents, ask questions and seek

clarifications. The findings of the people's audit, along with their recommendations, should be read out and approved by the gathering before the meeting is adjourned.

In the context of the government, the District Collector and for non-government organizations the senior official who is responsible overall for the disaster response work in that district or region, will receive the report of the quarterly public hearings, and initiate appropriate action which may include

- a) redressal of problems, grievances and errors identified in the public hearing;
- b) in some cases, further investigation; and
- c) in a few cases, initiating penal action.

The action-taken report should be made available during the next quarterly public hearing and discussed. The feedback and observations of the affected people should once again be recorded, and further action initiated. The reports of people's audits as well as action-taken reports should also be examined by supervisory officials, as well as form part of the documents presented to external evaluation teams. A consolidated summary of these people's audit reports and action-taken reports should also be placed on a web-site, for the information of individuals and institutional donors as well as other citizens.

The legal and regulatory framework for such transparency system and people's audits for all government expenditure is already place in India through the right to information legislation that has been passed in many states. A strong national legislation for operationlising this right is also currently under the active consideration of the national Parliament. Even in the absence of such legislation, activists campaigning for the right to information maintain that this right is already implicit in the fundamental rights to life and freedom of expression.

There is no reason why all citizens, survivors, donors and others, should not have the same rights to information from non-government funded organisations, as they can legally and morally claim from the state. However, the mandatory duty of NGOs to be transparent about their funds, expenditures and progress reports, is ironically much more contested today than the duty of states. Over time, a suitable legal regime needs to be established for this, that make NGOs genuinely accountable to people, without making them more vulnerable to partisan state pressures. Until this is done, the participation of NGOs in regimes and processes of transparency and people's accountability should be secured through dialogue, moral pressure and public action.