Approaches to Equity in Post-Tsunami Assistance

Sri Lanka: A Case Study

DFID Department for International Development

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Executive Summary

On December 26, 2004, the world's largest natural disaster in recent times impacted 12 countries. Sri Lanka, already reeling from two decades of civil conflict, provided a highly sensitive political and humanitarian context within which the tsunami unfolded. As a result of both disasters, Sri Lanka's policy-makers and development partners were challenged to implement effective recovery efforts for tsunami affected communities, while ensuring these efforts did not inadvertently exacerbate the social vulnerabilities of the post-conflict environment.

> Most conflict IDPs have received quantitatively and qualitatively less support and more slowly than the support received by tsunami IDPs.

This paper, commissioned by the Office of the UN Special Envoy for Tsunami Recovery, is one of a range of studies designed to contribute to lesson learning within the humanitarian reform agenda. It is a review of how equity has been handled in the post-tsunami context, using the Sri Lankan experience as a case study. Through qualitative and quantitative evidence, it identifies:

- Patterns of inequity by comparing the assistance provided to tsunami and conflict affected communities;
- Disparities in the assistance provided within the tsunami Internally Displaced Person (IDP) group itself.

The findings indicate that despite the stated intentions of the Government of Sri Lanka, development partners and the LTTE to support the needs of both IDP groups and promote an equitable post-tsunami response, significant disparities have prevailed. Most conflict IDPs have received quantitatively and qualitatively less support and more slowly than the support received by tsunami IDPs. While important practical and conflict related constraints have played a role in limiting the outcomes for conflict IDPs, these constraints have not been impenetrable.

A critical obstacle to equity has been the direction of policy priorities. Support for conflict IDPs has focused mostly on helping them cope with constraints rather than on re-establishing the potential for independent and assertive living. Tsunami recovery has been shaped by a commitment to restore full independence as quickly as possible to survivors, as well as building back better prospects and opportunities where possible. The reasons this policy imperative has been so much stronger in the post-tsunami rather than post-conflict context are at least partially related to the unfinished, man-made nature of the conflict as opposed to the exogenous origins, immediacy and breadth of impact of the tsunami. These differences have impacted on political and bureaucratic incentives to deliver. The media coverage and the vast funds available with fewer conventional policy conditions have additionally strengthened both the political impetus and feasibility of enhanced delivery in the post-tsunami context.

Within the tsunami IDP group, affected communities in the east and, particularly, the north have experienced a slower pace of progress than those in the south and west of the country. This pattern is, again, partially related to practical constraints, many arising from the more difficult conflict context constraining delivery in the north and east, while stronger infrastructure and private sector support has favoured faster delivery in the south. However while the contextual and practical constraints have promoted a context for inequity, they did not predetermine that it would prevail.

What have been more dynamic in driving the disparities are institutional constraints such as the role of politics and the lack of subsidiarity in the national context, and incentives and pressures that have adversely affected the quality of NGO engagement. These factors undermined broader aspects of best practice such as effective coordination and consultation with beneficiaries, and in so doing undermined the prospects for equity. They also contributed to intra-district disparities identified particularly in the south, west and east of the country, by undermining systems to deliver assistance more equitably. Additional pressures wrought by

the media, massive funding flows, and a profusion of actors with overly narrow beneficiary targets exacerbated these weaknesses. This resulted in problematic national coordination systems, allowing competition for beneficiaries among implementing agencies. This in turn reduced the consistency and depth of the positive efforts by government and implementing agencies to drive better practice and promote equity.

The institutional constraints elaborated in the study are far from unique to Sri Lanka or the tsunami context. Most government systems will struggle with undue political influences and imperfect disaster response frameworks; most recovery efforts have experienced implementing agencies compartmentalising responsibility for delivery in a way that undermines wider best practice; and most development partners could be much more flexible in financing disaster response efforts. Acknowledging the most sensitive and often least transparent factors constraining better practice and finding practical ways to challenge their influence is imperative in mitigating the risks to equity. From this study, two key priorities stand out:

- *Increasing and enhancing collaborative approaches to recovery:* with host governments, development partners and implementing agencies accepting mutual accountability for the entire recovery effort, notwithstanding how individual responsibilities may be apportioned between actors.
- *Improving transparency to enhance accountability systems:* through increased availability of information about the contribution of individual actors within the overall collaborative framework at all stages of recovery.

The intention is to reduce the space for poor practice to go unchecked by increasing the right kind of pressure and support for all actors to work together for joint delivery.

Key recommendations include:[1]
- The wider use of standing *disaster response compacts* setting out the roles, responsibilities and working standards between different levels of government and specific humanitarian actors in the event of a disaster;
- Transparent, depoliticised and more selective recruitment of national disaster response personnel, combined with enhanced training to ensure implementing agency staff have strategic capability as well as operational skills;
- Steps to ensure that implementing agencies will be more accountable for engagement in the development of multi-agency coordination mechanisms, and in meeting common standards to drive best practice;

- Steps to promote stronger accountability for national authorities through limiting the opportunities for politics to unduly influence recovery processes;
- Requiring development partners to make funding policy support to governments as high a priority as funding for operational delivery;
- Encouraging the UN Inter Agency Standing committee (IASC) to explore options for promoting joint accountability with a broader range of humanitarian actors under its current reform agenda;
- Encouraging the IASC to include the consideration of equity issues within the development of evolving cluster guidance;
- Encouraging the use of spot-checks to ensure that coordination systems are robust, and support subsidiarity and equitable delivery;
- Encouraging UNDP and OCHA to work with development partners and media institutions to enhance the capacity of the media to report constructively;
- Encouraging NGOs to explore legal avenues to develop funding campaigns that legally and transparently provide for maximum flexibility in the use of funds, to enable more effective use of resources in a rapidly changing environment.

Overall, the paper recommends that the IASC and the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP) develop stronger web resources to enable governments and development partners to learn about progress and obtain advice and information on all of these critical issues.

The recommendations reflect and build on existing themes in the humanitarian reform agenda, but in their specificity are designed to strengthen implementation efforts. The pressure is on: future survivors and an ever growing global support base are waiting to see how well we will meet our commitments in the future.

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[1] These recommendations are applicable to disaster response efforts generally and beyond the Sri Lanka context. A separate set of recommendations, applicable specifically to Sri Lanka, appear in Section 4.

Contents

Introduction

The tsunami triggered by the Indian Ocean earthquake on December 26, 2004 produced a breadth of disaster rarely experienced in recent times. Twelve countries reported over 200,000 people dead or missing, along with almost two million people displaced. This, in turn, precipitated an unprecedented global response with both private citizens and governments clamouring to provide support to survivors. The challenge since then has been to ensure that national and international efforts and resources are channelled through a robust set of systems to support coordinated, effective relief and recovery in the affected countries.

Equity at its simplest is defined as the quality of being fair and impartial.

As with any humanitarian emergency, the experience has provided new opportunities to both test and build national and international capacity to reduce disaster risk, and improve management of disaster response. Previous experience has already led to the development of core principles and best practices in many areas. However, despite the increased awareness of and commitments to best practice, many in the humanitarian community acknowledge that we are collectively falling considerably short in applying these lessons effectively. Achieving our full potential requires acknowledging both good and problematic practice, analysing the reasons behind the difficulties, and taking concerted remedial action.

This study seeks to contribute to this process by focusing on equity, a pivotal principle in underpinning how disaster response and recovery efforts should be shaped. While there are varying interpretations of equity, at its simplest, it is defined as the quality of being fair and impartial. Its relevance from a human rights and development perspective is its relationship with the principle of non-discrimination, one of the cornerstones of international human rights law, and central to the Universal Declaration of Human Rights. For operational purposes, its centrality is reflected in the inclusion of non-discrimination in key documents such as the Red Cross and NGO Code of Conduct,[2] the Guiding Principles on Internal Displacement,[3] and the Good Humanitarian Donorship Agenda,[4] the latter of which refers to the importance of impartiality, *"meaning the implementation of actions solely on the basis of need, without discrimination between or within affected populations."*

Underpinning the principle of equity in relief and recovery efforts is the belief that, in the face of disaster, affected populations maintain the same rights as non-affected populations. The concept is central to designing strategies that limit the risk of further damage to an already vulnerable group and the risk of resentment and tensions developing among what would otherwise be competing groups. Finally, as promoting equity relies in part on other aspects of good practice such as transparent management of the recovery process and participation of affected communities in recovery, an equitable approach should enhance the overall quality of relief and recovery responses.

The Office of the Special Envoy for Tsunami Recovery commissioned this review on equity issues arising from post-tsunami response, using Sri Lanka as a case study. The study seeks to document the extent to which patterns of inequity have developed in the recovery effort in Sri Lanka and to understand the factors behind this. Its starting point was the widely recognised concern that the recovery effort could lead to disparate treatment between existing conflict affected communities and new tsunami affected groups. However the research and consultation process led to an exploration of other equity issues in the recovery process, which must also be understood and addressed. The report focuses on an analysis of:

- Disparities observed through a comparison of the assistance provided to tsunami affected communities and the assistance provided to communities affected by Sri Lanka's long running civil conflict; and
- Regional disparities arising from how assistance has been provided solely within the tsunami affected group.

[2] The Code of Conduct: Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes (1995).

[3] UN document reference: E/CN.4/1998/53/Add.2, 1998.

[4] A set of principles, agreed to by a number of donors in June 2003, which reaffirm the distinctive purpose of official humanitarian aid and outline best practice in its financing, management and evaluation.

In both cases, the study: 1) reports the stated intentions of key policy-makers and influencers; 2) compares the provision of selected areas of assistance; and 3) explores a range of key factors that have shaped how assistance has been provided to the various groups.

The policy-makers and influencers discussed include the Government of Sri Lanka, development partners and the Liberation Tigers of Tamil Eelam (LTTE). The study has made reference to development partners because they have considerable scope to impact recovery processes through the provision of funds and technical expertise. The study refers to practices, achievements and challenges linked to the LTTE's engagement in disaster response and recovery as it has retained significant influence on recovery processes in LTTE controlled areas that were affected by the tsunami, although the extension of government services in these areas is also acknowledged.[5]

Methodology: The report first reflects the stated intentions of key stakeholders by describing the commitments and agreements that are on record. The outcomes for beneficiary groups are illustrated by comparing selected assistance schemes, quantitative records on their implementation and qualitative accounts from interviews. The analysis of factors is based mainly on issues and views observed and reported in a wide range of policy and operational meetings held between December 2004 and April 2006 and targeted interviews carried out between January and April 2006.[6] The interviews were based on a semi-structured format, enabling participants to contribute to or challenge premises suggested, and to independently raise key points.

The study draws liberally from existing papers that have reviewed and evaluated performance and challenges to post-tsunami relief and recovery efforts and selected papers on post-conflict programmes. The study has also benefited from access to quantitative information provided by the Government of Sri Lanka, development partners, civil society groups and the LTTE's Planning and Development Secretariat (PDS).

The study highlights key premises, trends and findings using illustrative examples from selected sectors. It also relates views and opinions reported in both meetings and interviews and other studies, on how equity has been managed. While these views and opinions may or may not be based on evidence, perceptions about fairness and discrimination are critical to assessing whether the goal of managing and communicating a fair process and reducing the risk of resentment and tensions is being met. Finally, as introduced in Box 1.3, the study makes reference to information gaps and

Box 1.1.

Background: The Sri Lankan Context

Sri Lanka was one of the countries hardest hit by the tsunami. In minutes, the disaster claimed over 30,000 lives, injuring a further 20,000 people and displacing thousands of families. Over 150,000 livelihoods were lost with fishing communities bearing the brunt of the economic impact although the tourist and agricultural sectors were also significantly affected. The disaster affected all of Sri Lanka's major ethnic groups as it impacted the Tamil and Muslim populated northern and eastern districts in addition to the predominantly Sinhalese populated southern and western districts of the country.

The tsunami brought a second round of suffering to a country already reeling from 20 years of civil conflict. The failure of a generation of political efforts to resolve the grievances of Tamil groups, linked with communal tensions, exploded into violence by the early 1980s. Over two decades later, the conflict has been marked by alternating periods of intense military engagement, smaller scale incursions, ceasefires and peace talks. As a result of the conflict, approximately 60,000 people have been killed, and almost one million civilians have been displaced, with almost half remaining displaced today. The conflict has impacted Sri Lanka's social fabric and significantly undermined its economic potential. This is especially the case in the north and eastern districts, the areas most directly affected by the conflict. Humanitarian assistance providers have been operational in most conflict affected areas, and development efforts have been made during periods of relative calm. This was most recently evident following the 2002 Ceasefire Agreement, which held despite an effectively stalled peace process and a marked escalation in violence from early 2004, but which was unravelling as of mid 2006.

For these reasons, on the morning of December 26, 2004, Sri Lanka's biggest natural disaster in living memory unfolded in a highly sensitive political and humanitarian context.[7] Sri Lanka's policy-makers and influencers were faced with a host of complex policy and operational challenges. Aside from the overwhelming imperative to meet the needs of survivors, concerns were immediately raised regarding the need to ensure that where possible, response efforts did not inadvertently exacerbate the existing social vulnerabilities of the post-conflict environment and in fact, should build on Sri Lanka's experience in post-conflict reconstruction. By February 2006, a set of Guiding Principles[8] were established to help promote a high quality recovery effort. The first principle affirmed the importance of equity by setting out the requirement for allocating resources on the basis of need only and without discrimination.

[5] The study does not aim to endorse or comment on the right of the LTTE to influence development processes in areas under its control. However it has sought to report on the circumstances affecting communities in LTTE-controlled areas and references are therefore made to reports on and findings from research on the management of equity in these areas.

[6] Over 100 government, multilateral, bilateral, NGO and LTTE representatives were consulted in meetings in Colombo and a range of districts. (For more details, see Annex 3.) Beneficiary views were mainly drawn from studies and consultation exercises referenced in Annex 4.

[7] The scope of this paper does not allow for a discussion of the political and security developments in the post-tsunami period but an analysis of these dynamics can be found in Jonathan Goodhand and Bart Klem's 2005 assessment, *Aid, Conflict and Peacebuilding in Sri Lanka 2000–2005*, and related sub-studies.

[8] See Annex 1 for the full set of Guiding Principles.

Box 1.2.

Box 1.3.

Information Challenges

Examples of information challenges that have made it difficult to monitor equity issues include:

- Limitations in the UN-coordinated district emergency needs assessments carried out in the first week following the tsunami, which unfortunately varied too significantly in quality to provide an accurate, composite national picture of emergency requirements.

- Communication problems, a lack of subsidiarity and problematic coordination, which led to discrepancies when monitoring progress between different government levels. For example, in February 2005, Hambantota District reported handing over 4,724 houses to beneficiaries through the donor built housing scheme. A month later, Central Government authorities reported Hambantota handing over only 1,704 through the same scheme.

- Anomalies in the reporting of needs such as the report of Hambantota District's donor built housing needs increasing from 2,343, reported 12 months after the disaster, to 3,107 three months later.

- A paucity of data about the challenges and progress in LTTE-controlled areas.

- Significant gaps and anomalies in the reports accessible through the government's Development Assistance Database (DAD). Despite strong government efforts to encourage development partners to report expenditures, as at March 2006, many interviewees believed the DAD had not captured between $0.5 to $1 billion (including funds already disbursed). For the information that had been recorded, many development partners had not been sufficiently specific about the regions to which commitments had been allocated. (For more on the DAD, see Section 3.)

- Sub-optimal information flows between humanitarian partners in the districts and in Colombo.[9]

- Throughout 2005, the prevalence of a conventional focus on monitoring the more limited outputs of individual agency initiatives (e.g. number of fishing boats provided) at the expense of more collaborative government and development partner assessments of holistic, district or regional outcomes (e.g. relative income security of former fishing communities).

inconsistencies that challenge the ability to understand and address equity issues.

The paper aims to use the examples arising from the Sri Lankan experience to illustrate the patterns that can develop when factors undermining equity are not addressed sufficiently. While the paper only examines Sri Lanka, the factors challenging equity are relevant to so many other recovery contexts that the paper concludes with recommendations that have wider applicability to other disaster recovery contexts. These reinforce existing lessons from this field, but it is hoped the specificity and method-

ological focus of the recommendations will further spur efforts to improve performance. A further set of recommendations for the Sri Lankan context are also set out.

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[9] For example, interviews revealed that the quality of information on operational and cross-cutting issues provided by OCHA field staff was high but often failed to be effectively communicated to development partners in Colombo responsible for influencing significant funding decisions and response strategies.

Equity Issues Between Post-Tsunami and Post-Conflict Assistance

Sri Lanka has two groups of internally displaced persons (IDPs). A tsunami IDP group that formed as a result of that rapid onset disaster and a conflict IDP group that developed incrementally as a result of a slow onset disaster — two decades of conflict. It is important to note that, despite the ability to provide a straightforward definition of equity, the validity of comparing tsunami and conflict IDPs may be questioned, as their circumstances resulted from different tragedies and they confront very different obstacles to social progress. Nonetheless, the rationale for doing so is robust: the principle of equity requires the prioritization of need, notwithstanding the reasons why the need developed. Different underlying factors may affect how that need is met, and indeed an equitable response may involve providing different levels of assistance to different groups to ensure they reach a common minimum standard. However, the central focus of governments and development partners should be to exploit all available options for promoting equity, rather than assume that groups should automatically accept disparities in the fulfilment of their rights. In the conflict affected context, the issue of equity becomes particularly important as societal cleavages provide a stronger framework for communities to perceive differences in treatment, and the perception of inequity can become a problem as damaging and time consuming as dealing with the reality.

Within Sri Lanka, despite a Ceasefire Agreement (CFA) in place since February 2002, the absence of a final peace agreement and other conditions promoting a return to normalcy meant that almost one in every 55 Sri Lankans was already a conflict IDP when the tsunami struck. The package of assistance for tsunami IDPs could, therefore, be compared or contrasted with the schemes already in place for conflict IDPs.

While the conflict and tsunami unfolded in very different ways, Table 1 illustrates the common types of losses and needs they both generated.

Table 1. Summary of Disaster Impacts

Indicator	Conflict [10]	Tsunami [11]
Reported deaths	Approximately 60,000 over the course of the conflict (approximately 2 decades)	35,322, including over 4,000 missing, all on 26 December
Reported missing	Over 21,000 over the course of the conflict	See above
Reported injured	Approximately 50,000 over the course of the conflict	21,441, all on 26 December
Reported internally displaced	Approximately 800,000 [12] at peak; total figure over the course of the conflict varies	516,150, all on 26 December
Persons requiring resettlement [13]	342,717 people in total: 68,605 in welfare centres 274,112 with host families, as at July 2005	457,576 people in total: 64,467 in camps, and 393,109 with host families, as at February 2005
Homes damaged or destroyed	Over 326,000 [14]	98,000 [15]
Livelihoods affected	200,000 [16]	150,000 (however internal reports used by the government in 2006 refer to 180,000)
Reconstruction needs assessment	$3 billion [17] as assessed in May 2003	Approximately $2.2 billion as reported in December 2005

[10] Figures on fatalities, missing, injured and IDPs figures are from the Government of Sri Lanka's Ministry of Nation Building and Peace Secretariat.

[11] Except for data on people requiring resettlement, all tsunami figures are from the Government of Sri Lanka and Development Partners, *Post Tsunami Recovery and Reconstruction* (hereafter referred to as *Joint One-Year Report*) (December 2005); for sources of resettlement figures, see footnote 12.

[12] Some conflict IDPs went on to relocate within Sri Lanka, emigrate, became refugees or returned to damaged homes leaving a smaller (though still substantial) group of current conflict IDPs.

[13] Figures are from UNHCR. The numbers for the conflict group were taken in July 2005, and the numbers for the tsunami group were taken in February 2005. Many tsunami IDPs living with families and in temporary camps in this February snapshot moved to transitional shelters throughout 2005 while awaiting permanent resettlement. Figures for both groups from the Ministry of Nation Building differ by approximately 5–10 percent from the UNHCR totals.

[14] World Bank, Asian Development Bank, and UN, Assessment of Needs in the North and East (May 2003). A smaller number of conflict IDPs has emerged in comparison with the number of homes damaged as approximately 700,000 people became refugees and others continue to live in damaged homes.

[15] Following changes in housing entitlement criteria in 2006, housing needs were expected to increase to approximately 105,000; Government of Sri Lanka, Reconstruction and Development Authority (RADA), March 2006.

[16] Figures from the Ministry of Nation Building, March 2006.

[17] This figure is derived from the Multilateral Group Needs Assessment, carried out in May 2003 and has been rounded up from a base case funding requirement scenario of $2.958 billion. An augmented case scenario stood at $3.086 billion.

A key difference between the two groups relates to diversity and geographical breadth. The vast majority of conflict IDPs are from mainly Tamil and Muslim communities residing in the northern and eastern districts of the country (hereafter referred to as the north and east). The tsunami affected the majority of these same districts[18] as well as predominantly Sinhalese communities in the south and west.

Policy

The statements and policy measures of the Government of Sri Lanka, the international community and the LTTE indicate an acknowledgement of the needs of both conflict and tsunami IDPs.

> In the conflict affected context, equity is particularly important as societal cleavages provide a stronger framework for communities to perceive difference in treatment.

Post-Conflict Policy

Government measures: The government established a specific authority, the Commissioner General of Essential Services, to address the needs of conflict IDPs as early as July 1983, and successive administrations have maintained some form of functioning authority to address the needs of conflict IDPs. In 1992, the Representative of the UN Secretary-General on the Human Rights of IDPs commented:

> *The government has assumed full responsibility for its displaced and returnee population and works closely with international agencies and organizations. Sri Lanka presents the unusual situation of a central government providing relief aid to people under the control of the main opposition groups.*[19]

International measures: While a number of international and national development partners have a long record of humanitarian assistance in the north and east, international donors demonstrated their increased support by pledging $4.5 billion of assistance at the 2003 Donors Conference in Tokyo. Although this was pledged to Sri Lanka as a whole, the conference took place in the context of a series of peace talks, and the majority of commitments were intended to focus on reconstructing the conflict affected north and east.

LTTE measures: The LTTE has frequently articulated the importance of meeting the development needs of the north and east and, in 2004, developed a Planning and Development Secretariat (PDS) to institutionalize and professionalize its own development capacity. The PDS has since engaged with local and provincial authorities and development partners on relief and development issues across the north and east.

Post–tsunami commitments: In the aftermath of the tsunami, both the government and LTTE expressed a commitment to support tsunami affected communities, through their joint willingness to negotiate innovative arrangements to administer post-tsunami support in the north and east (see Box 3.1); their extended cooperation at the local level; and the flexibility with which both sides (in different ways) allowed development partners to provide support in areas under their respective control. International support was underpinned by: $2.1 billion in post-tsunami relief and recovery commitments recorded by the government by March 2006; a further *estimated* $0.5–$1 billion in commitments by NGOs and private sector organizations that, as at March 2006, had not been officially recorded (see Section 3); and the debt and trade related assistance pledged by multilateral and bilateral partners, valued at $1 billion.

Practice

Table 2 sets out national and international efforts to address the needs of both sets of IDPs by summarizing the main forms of assistance provided to survivors of both disasters.

As the table illustrates, both government and development partners have supported specific assistance programmes to target similar areas of need for both groups. However there are significant differences in the value of support provided to each group, the extent to which the target groups have been covered, and the pace at which assistance has been provided.

Value of support: Food, transitional shelter and permanent shelter best exemplify the differences in the value of support provided. The government ration scheme for conflict IDPs has not been linked to inflation, remaining set at the unit cost agreed to when the scheme was established in the early 1990s. As a result, the calorific value of each ration is estimated to be significantly lower than that provided by the WFP-funded tsunami food relief scheme. The latter also includes non-basic food items such as sugar and corn soya to enhance nutritional adequacy and palatability.

Conflict IDPs have been transitionally housed for one to two decades in government Welfare Centres, established in the early 1990s. Only 60 percent of the centres, which were not built explicitly for this purpose, have benefited from a basic upgrading programme since then. Compared with tsunami IDPs, residents in these Welfare Centres are reported to live in smaller structures, which are made of less resilient materials, and to have less

[18] This created a significant group of people displaced by both disasters and has facilitated an in-depth comparison of the assistance provided to tsunami and conflict IDP groups.

[19] Report of the Representative of the Secretary General, Francis Deng, submitted pursuant to Commission on Human Rights Resolution 1993–1995, addendum profiles in displacement, Sri Lanka, quoted in T. Lankaneson, *Internally Displaced Persons Report*.

Table 2. Summary of Assistance for Post-Conflict and Post-Tsunami IDPs as at April 2006[20]

Assistance	Conflict affected	Tsunami affected
Compensation	Deaths: $250–$1,000[21] Injuries: $250–$500 Funeral expenses: $100	Deaths: n/a Injuries: n/a Funeral expenses: $150
Food	Dry ration package valued at between 9 and 12 cents per person, per day. WFP estimate of nutritional worth: 1,000 Kcals per person, per day. Additional WFP vulnerable feeding programme.	Cash grant package valued at approximately 50 cents per person, per day. WFP estimate of nutritional worth: 1,881 Kcals per person, per day.
Non-Food Related Items (NFRIs)	Development partner provision of items to selected groups through development programmes, but no comprehensive records available.	Estimated that every individual in welfare and other temporary shelter sites have received NFRIs, from soap and clothing to bicycles, from a proliferation of sources.[22]
Transitional Shelter	17,852[23] families remained in Welfare Centres after two decades. No comprehensive records available on upgrading/ additional support. Estimated value: $50–$200 per shelter (for the 60% of shelters benefiting from upgrading).	Approximately 60,000 families housed in purpose built transitional shelter units within 13 months of the disaster. Upgrading underway from 2005. Estimated value: $300–$600 per shelter (for all).
Permanent Housing	Government pledge in 2003 to support 105,000 qualifying families (approximately one third of the total need) with a Unified Assistance Scheme (UAS) Housing Grant (see Box 2.1). Resources committed to support approximately 47,000 householders. Estimated cost: $2,500 per house (in 2005) for UAS funded homes. (A further 2,000 [approximately] donor built houses provided to families by early 2006.)	Government pledge in 2005 to support 98,000 (or 100% of) householders (increased to approximately 105,000 to cover all affected families in 2006). Resources available for all householders, renters, and squatters. Estimated cost: $3,000– $11,000 per house (covers grant funded and donor built homes).
Livelihoods	Livelihoods programmes supported by a range of multilateral and NGO inputs. No comprehensive records of total numbers covered. North East Coastal Development Programme (NECDEP) Microfinance Scheme begins in April 2006.	200,000 people have benefited from livelihood restoration programmes (by December 2005). Over 25,000 loans provided through Susahana Microfinance Scheme for tsunami affected regions (excluding LTTE-controlled areas) by April 2006.
Cash grants/allowances	Since 2003, 105,000 qualifying families (approximately one third of IDP families) have received a $250 UAS resettlement grant (see Box 2.1).	In 2005, approximately 250,000 families (more than 100% of the target group) received two $50 cash grant instalments, and approximately 155,000 families (approximately 100% of the target group) received four $50 cash grant instalments. $25 per family for cooking utensils. $50 emergency resettlement allowance for all families.

[20] All costs are listed in US dollars and are calculated at an exchange rate of 100 Sri Lankan rupees per dollar.

[21] Rates from the 2001 Government Enhanced Compensation Scheme for dependants of persons killed due to terrorist activities. The extent to which conflict IDP families have benefited from this scheme, as opposed to families in other parts of Sri Lanka, is unclear although anecdotal evidence suggests that conflict IDP families have found it difficult to participate in the scheme. Similarly, very few — if any — conflict IDP families are believed to have benefited from the funeral expenses scheme.

[22] 2005 tsunami response/UN stock taking exercise for Sri Lanka.

[23] Figures from UNHCR, 2005.

[24] This involved guidance on the size and structure of the shelter. The expected value was initially set at $300 per shelter, before being increased to $500 within the space of months.

access to toilets, water, sanitation facilities, and power. By contrast, the government set a minimum standard for tsunami transitional shelters in early 2005,[24] and NGOs that initially built shelters for tsunami survivors according to the standards of those provided to conflict IDPs were obliged to upgrade the structures from an early date. Annex 2 provides three comparative summary cases of communities living in

post-conflict and post-tsunami transitional shelter.

In 2003, the government and development partners agreed to use the already established Unified Assistance Scheme (UAS) to resettle selected conflict IDPs in permanent housing. The scheme is based on an 'owner driven' concept, providing grants to families to build their own homes. Between 2003 and 2004, the grant rose from $750 to $1,500. In 2005, a similar programme was established for the majority of tsunami IDPs with a housing grant value of $1000 to repair, and $2,500 to rebuild damaged homes. This existed alongside a 'donor driven' scheme where implementing agencies would build homes for tsunami IDP families.

To promote equity and allow for increasing construction and labour costs, the UAS housing grant was also raised to $2,500 in 2005. However, disparities in assistance have remained as most tsunami IDP families receiving grants have also been benefiting from supplementary NGO assistance. In all, tsunami IDPs benefiting from either of the two owner or donor built tsunami housing schemes have been estimated to have secured assistance valued at anywhere between $3,000 and $11,000, while conflict IDPs with housing grants have been largely unable to access additional support. Of further concern is the fact that 55 percent of conflict IDPs who qualified for housing assistance were still awaiting their grants in mid-2006, as the scheme had yet to be fully funded. As a result, a proportion of conflict IDPs who also became tsunami IDPs were reported to have opted for support through the tsunami recovery programmes to gain access to more and faster assistance.

Coverage: The housing examples also exemplify the differences between the coverage extended to the two IDP groups. For conflict IDPs, only families with access to land and family incomes of less than $250 per month are eligible for the UAS allowances. In practice, this has meant that only just over one-third of conflict IDP families[26] are eligible for the scheme, and as noted above, over half of this qualifying group is still awaiting housing grants.

By contrast, from the beginning, all former householders in the tsunami IDP group were eligible for housing assistance and by early 2006 the entire group had secured commitments to ensure that their homes were partially or fully rebuilt according to agreed minimum government standards. In addition, by early 2006 new government schemes were being rolled out to ensure that all tsunami IDPs who were previously landless would be given support to buy land and access housing assistance. Moreover, as noted later in Section 3, the cash allowance, food ration and non-food relief item distribution schemes are estimated to have been provided to tsunami-affected target groups that are significantly larger than originally envisaged.

The examples indicate that while practical challenges and funding constraints combined to narrow the assistance provided to conflict IDPs and the impact of this assistance, ample funds and, importantly, policy flexibility have secured generous programmes of assistance to a sometimes even wider than originally envisaged tsunami target group.

Pace of assistance: Both the temporary and permanent shelter examples illustrate the considerable difference in the pace of support provided to the two groups. Within 12 months of the tsunami, almost all tsunami IDPs requiring transitional shelter were housed in structures with significantly higher minimum standards than those provided to conflict IDPs over the past two decades. For permanent housing, both conflict and tsunami IDPs who are eligible for housing could potentially benefit from either a donor built house or a housing grant under an owner driven scheme. Within 15 months of the tsunami, over two-thirds[27] of the originally identified-as-eligible 98,000 tsunami IDP householders either had a completed donor built house or had been granted at least the first instalment to repair or rebuild their homes through the owner driven scheme. On the other hand, only 14 percent of the 105,000 eligible conflict IDP families had received some form of assistance to repair or rebuild their homes between 2003 and 2006.[28]

In 2005, in response to complaints about the slow progress of the post-tsunami donor built hous-

[25] For background on the UAS, see *Livelihood Assistance Assessed From a Villagers' Perspective, A Netherlands–World Bank Supported Evaluation of Three Years of Livelihood Assistance Under the Unified Assistance Scheme. A Support Package for IDPs in North East Sri Lanka* (April 2006).

[26] Many conflict IDP families have land in government controlled High Security Zones where civilian access is not permitted and for which alternative lands have not been provided.

[27] Arising from 35,000 families receiving the first of two instalments to repair homes, 27,000 families receiving the first of four instalments to rebuild homes and approximately 4,000 families with completed donor built houses.

[28] Of the 105,000 eligible families, the estimate of 14 percent is comprised of almost 5,500 completed UAS-sponsored houses completed since 2003, half of the 14,000 planned for 2006, and not more than 2,000 homes completed through other development partner funded housing schemes.

Box 2.1.

The Unified Assistance Scheme

By 1988, the government had initiated an assistance package to support the resettlement of conflict IDPs. Throughout the 1990s, the package evolved to both improve flexibility and respond to inflation, but, critically, was also used to respond to other regional disasters such as the Ratnapura floods in 2003. By 2003, rejuvenated with external funding from a number of development partners, the scheme centred on providing eligible conflict IDPs with a resettlement grant of $250 and a housing grant of $750 (increased to $2,500 in 2005) to cover the basic costs of rebuilding permanent homes.

Hallmarks of the scheme include strict eligibility criteria, robust implementation procedures, management at local and provincial levels, and significant community involvement through Village Rehabilitation Committees. A recent evaluation reported: "The…brochure on UAS makes it very explicit that in the distribution of funds no discrimination on basis of ethnicity, location, religious or political persuasion or gender is allowed.[25]

ing scheme, the government revised its policy, allowing all tsunami IDPs to access home building grants under the owner built housing program, *in addition* to support they may have received from NGOs. In early 2006, the government set a target for 98,000 houses to be completed by the end of the year. Faster progress is, therefore, a result of both policy and available resources.

On both coverage and pace, the North East Coastal Community Development Project (NECDEP) scheme, supporting post-conflict microfinance opportunities in the north and east, was established by the National Development Trust Fund (NDTF) and the Asian Development Bank in October 2004. However, implementation did not begin until April 2006. Over a slightly shorter period, a similar scheme for tsunami survivors was created and had disbursed over 25,000 loans. The post-tsunami scheme, in line with the traditional risk management policy of the NDTF's Managing Board, did not cover loans in LTTE-controlled areas despite the prevalence of tsunami IDPs residing in these areas. As

agreed before the tsunami, the NDTF NECDEP scheme is covering residents in both LTTE- and government-controlled areas in the north and east. In this particular example, therefore, the NECDEP scheme has been able to challenge conventional inequitable practice by providing equitable access to support for both tsunami and conflict IDPs resident in both government and LTTE-controlled areas.

Factors Affecting the Gap Between Policy and Practice

Despite being targeted to benefit from similar types of support, the evidence indicates that a larger proportion of tsunami IDPs have received a higher quality of support and more quickly than conflict IDPs. A number of partially inter-related factors determine why these patterns have emerged.

Contextual Factors

Type of disaster: The nature of each disaster has influenced the characteristics and expectations regarding

Box 2.2.

Good Practices Promoting Equity Between Conflict and Tsunami IDPs

While this section identifies some of the gaps evident and challenges involved in promoting equity between conflict and tsunami IDP groups, it is important to recognise the many efforts that have been made to promote equity.

Providing Leadership: Since mid-2005, a number of District Secretaries were reported as being particularly helpful in stressing the importance of a holistic response for conflict and tsunami affected districts. In 2006, President Rajapakse highlighted the importance of addressing the longer standing needs of conflict IDPs, and a number of NGOs are considering future commitments to this group.

A number of long standing NGOs and INGOs in Sri Lanka made consistent efforts to stress the importance of conflict sensitive programming following the tsunami. Examples include ZOA, a Dutch NGO, which appealed to both development partners and the media to mitigate the risk of conflict IDP communities being overlooked and further disadvantaged during the tsunami response period.

Flexibility: Soon after the tsunami, a number of development partners determined that narrow targeting of beneficiary groups could undermine the quality of assistance and, as a result, took steps to increase flexibility. Examples include the UK Disaster Emergencies Committee, which expanded its implementation time frame from one to three years and its beneficiary focus from tsunami affected people to

tsunami affected districts. This allowed conflict IDPs and other affected groups who may have been more indirectly affected by the tsunami to access support.

The European Commission's Humanitarian Office (ECHO) similarly amended its beneficiary target group to mitigate the risk of discriminating against conflict affected IDPs. In 2005, the Global Consortium on Tsunami Recovery endorsed and encouraged further efforts in this direction.

Practical Mechanisms: The UAS scheme (see Box 2.1) represents a strong example of a flexible response mechanism that has been used to support IDPs from a variety of disasters. The consistency in its use has enabled it to be refined and improved and it now has a record of strong management, reflecting best practice approaches such as subsidiarity, community involvement in decision making and problem solving and beneficiary ownership of the recovery process. It has also promoted aid effectiveness by acting as a facility through which a number of development partners can contribute funds rather than set up their own parallel programmes.

The ADB-sponsored National Development Trust Fund North East Coastal Community Development Project (NECDEP) Scheme (see Section 2) has filled the gaps of existing programmes by ensuring that beyond the tsunami affected communities in non-LTTE controlled areas, all communities in the north and east can access microfinance support.

each response. As a slow onset and man-made disaster, the conflict context has provided a set of complications not evident in the tsunami disaster. For example, for practical reasons, very little heavy reconstruction (such as major road construction) was able to happen before the 2002 Ceasefire Agreement was in place. At the policy level, the extent to which policy-makers have promoted the needs of conflict IDPs has inevitably been influenced by wider political questions and conditions related to the conflict. By comparison, the exogenous origins, indiscriminate impact, immediacy, breadth and severity of the challenge wrought by the tsunami meant that concerns for tsunami IDPs were largely (though not completely) unaffected by national security considerations, and addressing their needs has not been seen as dependent on resolving larger political questions. Instead, the factors surrounding the tsunami provided stronger incentives for the government, LTTE and other stakeholders to risk improved collaboration in implementing a humanitarian response.

> The factors surrounding the tsunami provided stronger incentives for the government, LTTE and others to risk improved collaboration in implementing a humanitarian response.

Post-Conflict Context

Practical constraints: Even with political will to promote recovery, the conflict's unfinished nature has put practical limitations on the scope and pace of support for conflict IDPs. For example, the maintenance of high security zones and mined areas, and the resurgence of violence and tensions in parts of the north and east, have prevented significant numbers of conflict IDPs from returning to the region. For those able and willing to return, implementation of assistance programmes is constrained by a number of factors explained further in Section 3, including interruptions caused by security incidents and hartals,[29] time consuming checkpoint procedures, material and labour shortages due to restricted zones, and the decline of local business capacity in the region.

Institutional constraints: The north and east have long suffered considerable public service shortages. Fewer staff to teach, provide health care, plan and inspect public works and run public administration has inevitably undermined the coverage of public services across the region, fundamentally constraining recovery processes that could benefit conflict IDPs.

Political constraints: Regional political representatives may have been able to lobby for further public

services and support for conflict IDPs. However, while Sri Lanka has officially had a measure of devolution since 1988, no elected North East Provincial Council (NEPC) representatives have been in place since March 1990. The NEPC Secretariat has been operational, playing a critical and constructive role, working with development partners, local authorities and non-government stakeholders to implement reconstruction programmes and deliver public services. However, interviewees reflect that, in practice, there have been few challenges to strong centralization of decision-making, and provincial and municipal authorities lack a tradition of assertively protecting their mandates.

Post-Tsunami Context

In contrast, one-third of the tsunami affected coastline in the south and west of the country does not exhibit similar constraints. These districts have managed to retain healthy numbers of public service cadres with effectively one language of business. As at April 2006, there were no comparable high security zones affecting residential areas, no check points requiring negotiations to gain access to civilian communities and no lands under LTTE control. Material and labour shortages have been consequently far less of an issue. All constitutionally approved political structures were also in place. While the region has not been without obstacles to progress, on balance, it has experienced fewer constraints than the conflict afflicted north and east.[30]

Funding

Post–conflict funding: Despite international commitments to support post-conflict reconstruction, the flow of finance has been far more constrained than that for post-tsunami recovery. Aside from some of the contextual and practical reasons that have influenced the extent to which reconstruction has even been planned, disbursing existing commitments has often been a slow and inefficient process. According to interviews, this has partly resulted from weak government capacity to absorb funds due to cumbersome administrative processes and a lack of dynamism in some departments. The extent to which commitments have been made has also been constrained due to concerns about the policy environment. For example, pending further discussions with the government, a range of economic concerns led to the cessation of the IMF programme and World Bank financed budget support in Sri Lanka at the end of 2003. This situation and related concerns about the lack of a concrete and measurable plan for implementing a pro-poor,

[29] Hartals are a cross between a strike and a curfew and are imposed by the LTTE or the community.

[30] By contrast, assistance to tsunami victims in the north and east has been affected by regional constraints. These are described in greater detail in Section 3, below.

pro-growth strategy following the arrival of a new government in April 2004 have encouraged a wide range of multilateral and bilateral development partners to implement more cautious support programmes than might otherwise have been the case.

At the same time, as many development partners have made funding commitments to support reconstruction in the absence of a final peace agreement,[31] they have sought a framework to measure progress on peace. At the 2003 Tokyo Conference, funding pledges were underpinned by a set of peace related benchmarks expected to be reached following the initial progress made in 2002 by the government and LTTE.[32] The obstacles to progress encountered since 2003, and the failure to implement specific initiatives designed to improve confidence building in the region and facilitate funding flows, such as the North East Reconstruction Fund (NERF),[33] have not prevented funding for reconstruction programmes in the region. However, they have inevitably limited the pace and scope of disbursement.

The underlying governance constraints that have contributed to the flow of disbursements are essentially the same as those that have affected the broader flow of assistance to the country at large. However, as a result of the particularly weak infrastructure in the north and east and its comparatively stronger development needs, the region has suffered disproportionately compared to the rest of the country. The practical constraints related to the conflict and the preclusion of initiatives as a result of the lack of progress on peace have further undermined the prospects for development funding in the region, just as they have worked to stem private investment in the north and east.

Finally, a number of bilateral partners have reported additional constraints affecting their support for development in the north and east. With the LTTE widely considered to be (if not universally listed as) a terrorist organization, a number of governments have legislation in place and/or less formal arrangements that effectively limit the extent and nature of support for development work in LTTE-controlled areas. While most governments reported still being able to support initiatives in these areas, in practice, concerns about the risk of benefiting a terrorist organization (for example, by contributing unwittingly to LTTE tax collection systems)[34] have reduced the scope of initiatives governments and some NGOs can commit to in the region.

Post-tsunami funding: In contrast, the tsunami provided a context where most of these financing constraints were irrelevant, at least regarding assistance in the south and west. Within months of the disaster, as a result of massive media coverage and

Box 2.2.

Peace Conditionalities

Over the last few years, some have suggested that a strict conditionality has been in place, with funds effectively being held hostage to the peace process. Donors have even been accused of trying to *"buy peace."*

In practice, there is little evidence to support this interpretation. Development partners such as the World Bank have transparently included progress on peace as a factor in helping to make assessments about the context for providing future support. However, the emphasis appears to have been on assessing the existence of good governance practices that in this scenario should promote the most positive framework for progress on peace and pro-poor development, notwithstanding the inevitable obstacles.

Similarly, the terms of reference of a Donor Peace Support Group (which was functional as at April 2006) indicate a willingness to track and assess factors affecting the prospects for peace with a view to better identifying individual and collective strategies to support progress in this direction. One example of such an initiative includes the North East Reconstruction Fund (NERF) proposal of 2003, a multi-donor trust fund designed to fund community development programmes in the north and east based on a coordinated decision making structure between the government and the LTTE.

On this basis, the so-called peace conditionalities appear to reflect a more careful assessment of conventional considerations undertaken before committing large-scale development funding — but looked at through a peace-building lens.

international sympathy, almost 100 percent of the commitments required to fund assessed needs had been met.[35] As they had largely been made in a humanitarian context, these commitments were subject to fewer conditions than conventional development commitments. Other conventional practices, such as requiring government counterpart funding and not providing debt relief without an IMF programme in place, were often suspended. At the same time, the government also acted with significant flexibility, allowing a wide variety of development partners to implement programmes directly and minimizing government guidelines. While the exceptional funding flows have raised equity issues of their own (see Section 3), they have enabled a bigger proportion of tsunami IDPs to benefit from more support than the conflict IDP group.

[31] This is contrary to many conflict contexts where reconstruction commitments have followed peace agreements.

[32] The Government of Sri Lanka and development partners attended the conference although it was boycotted by the LTTE.

[33] In 2003, development partners proposed a joint funding mechanism for supporting north and east development programmes that would be approved jointly by the government and the LTTE. The initiative stalled after a number of delays on both sides and, ultimately, the LTTE's decision to halt further discussion unless progress was made on its Interim Self Governing Authority Proposal.

[34] Following the 2002 Ceasefire Agreement and the growth of development programming in the north and east, a number of governments highlighted significant difficulties in clarifying the potential and limitations for development interventions in LTTE-controlled areas due to complicated legislation affecting development programming.

[35] Although the *Joint One-Year Report* has noted that some sectors still face shortfalls (see page 3 of the report).

15

Perceptions of Political Will

Post-conflict context: Interviewees reported two perceptions they felt helped to explain why the humanitarian imperative to address the needs of conflict IDPs appeared less strong than that for the tsunami IDP group. To begin with, a wide range of interviewees expressed the view that the needs of citizens living outside the north and east have long been a greater political priority than the needs of residents in the north and east. Secondly, a number of interviewees also suggested that the LTTE's stated support for sustainable development of the north and east is significantly tempered by concerns that greater economic prosperity in the region will reduce communities' incentives to accept, if not actively support, the need for an autonomous Tamil state through continued political and armed struggle. Examples cited for both perceptions include recurrent government failures to proactively address the public service shortages in the north and east, and the LTTE's decision to sacrifice the NERF (see Box 2.3) to prioritise its political agenda.[36]

Post-tsunami context: Building on the perceptions regarding constraints to the support for conflict IDPs, many interviewees, particularly in the north and east, expressed a belief that tsunami recovery had progressed faster due to stronger national political commitment to supporting recovery in the south and west. The role of politics in driving inequitable outcomes is discussed further in Section 3. What appears evident is that the psychological impact of seeing the tsunami unfold through the media, and the subsequent level of national and international sympathy raised, meant that both the government and development partners were motivated to prioritize tsunami recovery throughout 2005.

Conclusion

The analysis indicates that each disaster and its particular political, funding, and institutional context helped shape different approaches to supporting the two IDP groups. These differences in approach have contributed to a disparity in outcomes. Support for conflict IDPs has been focused mostly on helping IDPs cope with constraints rather than on re-establishing the potential for independent and assertive living. Tsunami recovery has been shaped by a commitment to restore full independence as quickly as possible to survivors as well as building back better[37] prospects and opportunities where possible.

It is easy, but erroneous, to assume that the critical difference in the circumstances of the two groups is due to disparities in funding flows. In fact,

huge sums were committed to address the needs of communities affected by both disasters, but a range of bureaucratic and political challenges, coupled with effective policy conditionality,[38] impacted the realisation of commitments to conflict IDPs. In the post-tsunami context, the humanitarian imperative undermined any focus on broader conditionality and bore through bureaucratic constraints with the help of active political support.

While practical constraints have played a role in limiting the benefits for conflict IDPs, they have not been impenetrable. Conflict IDPs who became tsunami IDPs have been able to benefit from larger food rations, better quality transitional shelter and faster access to permanent housing, all in the north and east. In this sense, it is clear that the policy imperative to address tsunami IDP needs was able to overcome *some* of the practical constraints and deliver to tsunami IDPs in the north and east. By comparison, the efforts made to assist solely conflict affected IDPs both before and after the tsunami, though helpful, have not been driven by this policy imperative and have not been designed to optimize realization of their rights to the extent that practicalities allow. As noted above, the stronger response to tsunami IDP needs has been at least partially related to the type of disaster and the impact this has had on political and bureaucratic incentives to deliver, both among donors and national actors.

But the post-tsunami effort may still play a helpful role for conflict IDPs. On the one hand, it has already provided a proportion of conflict IDPs—those also impacted by the tsunami—with a stronger package of assistance. In addition, the disparities in assistance between the two groups, and the realization of what the government and development partners can actually provide, may help stimulate new dialogue on enhancing support for conflict IDPs.

However, even with the stronger package of assistance provided to tsunami survivors, a number of constraints have permeated aspects of post tsunami recovery in the north and east, which have contributed to disparities in regional outcomes that are explored more fully in Section 3.

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[36] By mid-2004, plans for a NERF were suspended after months of preparatory dialogue as the prospects for further peace talks diminished and security deteriorated.

[37] The phrase "build back better" was widely in use by mid-2005 to reflect the aim to use the recovery effort to enhance the pre-tsunami living standards of affected coastal communities.

[38] This report does not seek to criticise policy conditionality — that is, the more careful consideration of the policy and institutional context which development partners have pursued before agreeing to non-tsunami programmes of assistance in Sri Lanka. In fact, as will be described in the next section, while the relative absence of this allowed funds to flow more freely for post-tsunami response, it has also resulted in the failure to prevent the development of significant problems in implementation, undermining both best practice and the prospects for sustainability of some aspects of the recovery effort. Therefore, setting this factor aside, it is the differences in political will and the impact of this on bureaucratic incentives and capacity to deliver that appear the critical factors in determining the relative effectiveness of both responses.

Equity Issues Within Tsunami Affected Districts

This section focuses on the support provided to tsunami IDPs. It reports how, despite early concerns and efforts to promote an equitable response between the diverse groups of tsunami IDPs, a range of disparities have arisen between regions and within districts themselves.

Policy

Post-tsunami intentions of the government, the LTTE and development partners regarding equity among different groups within the tsunami affected population can be gleaned by looking at policy, the use of needs assessments and funding commitments.

Guiding principles: During high-level and technical meetings immediately following the tsunami, development partners and government representatives discussed the importance of an equitable response. By February 2005, the government, LTTE, development partners and civil society representatives had agreed on a set of Guiding Principles to shape the recovery effort. The first principle underscored the importance of equity through its focus on non-discrimination.

> *The allocation of resources both domestic and international should be strictly guided by the identified needs and local priorities, without discrimination on the basis of political, religious, ethnic, or gender considerations.*[39]

The exercise underpinned the importance of best practice, and later consultation exercises with tsunami affected communities endorsed the need for an approach guided by equity and the other principles such as community participation in recovery planning.

P-TOMS: Box 3.1 explains efforts to negotiate the Post-Tsunami Operational Management Structure for the North and East (P-TOMS). The analysis suggests that if implemented effectively, it could have promoted equity in at least three ways, by:
1. Providing a stronger context for government-LTTE collaboration, which could have reduced perceptions of discrimination between different ethnic groups;
2. Providing the Muslim community, largely resident in the east, a measure of parity through the

initiative's trilateral committee structure; and
3. Providing a tri-level institutional structure (with national, regional and district levels), thereby promoting the prospects for subsidiarity and more immediate accountability to affected communities.

The failure to implement P-TOMS did not preclude the possibility of an equitable approach through other means, but can arguably be considered to be a lost opportunity.[40] Furthermore, its withdrawal raised concerns, particularly among groups in the north and east, that the ensuing recovery effort would be far from equitable. However, while the process and the agreement itself may have been imperfect,[41] the fact that the government and LTTE Peace Secretariats made significant efforts to elaborate this mechanism deserves recognition.

Reconstruction assessments: The tsunami affected 13 districts across three-quarters of the Sri Lankan coastal belt.[42] The total cost of relief, rehabilitation and reconstruction has been estimated at $2.2 billion.[43] The government's reconstruction and recovery strategy set out an allocation for each region based on assessed needs (Table 3).

These allocations reflected the tsunami's impact across the coastline and the quality of infrastructure in the affected areas. The south and west, though relatively less affected, required rehabilitation of more costly infrastructure. The north and east had less and poorer quality infrastructure to rebuild, but more of it was damaged. In the spring of 2005, to avoid maintaining some of the disparities between the two regions, the government and development partners agreed that infrastructure would be rehabilitated to at least a common minimum standard.

Funding commitments: Table 3 shows the regional allocations proposed through the needs assessment and the commitments made by development partners to programmes in each region.

The commitments allocated were calculated from information entered by development partners in the government's Development Assistance Database (DAD) as at March 2006.[44]

As the Table illustrates, of the $2.1 billion committed, specific programme commitments were made

[39] The full set of principles is listed in Annex 1.

[40] P-TOMS followed two aborted attempts to promote collaborative working through similar, pooled funding mechanisms. In 2002, the Government of Sri Lanka and the LTTE concluded an agreement to establish the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs in the North and East (SIHRN). The SIHRN failed to be operationalised after the attorney general voiced concerns that it could be subject to legal challenge. By mid-2004, plans for a similar initiative, the NERF, were also suspended.

[41] Muslim representatives were aggrieved at not being included in the negotiating process.

[42] Some reports have not included Puttalam, referring to 12 affected districts.

[43] *Joint One Year Report*

[44] The DAD can be accessed at dad.tafren.gov.lk. While it is a powerful tool for monitoring progress in recovery projects and promoting transparency in general, it is inherently constrained by the consistency and quality of information entered.

Box 3.1.

P-TOMS: The Agreement That Never Was [45]

By December 2004, there was little dialogue between the Government of Sri Lanka and the LTTE, and political killings were increasing. The tsunami triggered an unprecedented response as communities of all ethnicities and faiths were reported to be helping each other, and many hoped that this spirit of cooperation could help to restart the peace process. In the early stages of the relief and recovery effort, this belief was reinforced as the government and the LTTE worked together to address immediate needs. In January, negotiations began between the government and the LTTE Peace Secretariats to create a joint mechanism to oversee recovery and reconstruction.

With the majority of negotiations completed by the end of March 2005, representatives of the Ministry for Relief, Reconstruction and Reconciliation and the LTTE's Planning and Development Secretariat signed an agreement establishing the Post-Tsunami Operational Management Structure (P-TOMS) in May.

P-TOMS provided a structure of three committees at the national, regional and district levels to oversee the distribution of assistance; it also created a Regional Fund to finance recovery and reconstruction. Committees would include representatives of the government, the LTTE and the Muslim community. P-TOMS would have been the first joint working system between the parties to the conflict since the collapse of the Sub-Committee for Immediate Humanitarian and Rehabilitation Needs in the North and East (SIHRN) in 2003. While it was clearly stated that the committees' responsibilities were limited to the tsunami affected coastal belt, many thought that the mechanism could help build confidence between the parties, promoting a favourable context to restart peace talks. The prospect of an efficient funding facility to support post-tsunami reconstruction, which might also provide an opportunity to improve cooperation between the parties to the conflict, particularly encouraged development partners to support the initiative.

P-TOMS was immediately challenged in the Supreme Court by the Janatha Vimukthi Peramuna (JVP) party, which had left the coalition government over the issue. While it was deemed to be constitutional, certain elements were stayed by the Supreme Court pending further clarification, including the establishment and operation of the regional fund, location of the regional committee in Kilinochchi, and the right of P-TOMS to exercise certain functions. A full hearing of the case never took place as the new leadership effectively withdrew the initiative in December 2005 in anticipation of a new Jaya Lanka programme, which as at April 2006 had yet to be fully elaborated.

[45] Adapted from the *Joint One-Year Report*, page 5.

[46] Percentages calculated from figures taken from Districts by Partner Type Analytical Report, DAD, March 2006.

[47] Either listed as "all districts," "district not yet identified," and/or "unallocated" to a district yet.

[48] By March 2006, DAD staff had begun a concerted campaign to encourage development partners to provide information about commitments and disbursements. Therefore, while the figures provided in this paper reflected those available as of March 2006, they would almost certainly change over the course of the year. The hundreds of millions of dollars of NGO commitments believed not to have been recorded derives from a rough calculation of the private sums raised in a dozen or more countries across Europe, North America and Australia, divided by the main countries affected by the tsunami. For example, the UK Disaster Emergency Committee (DEC) group of NGOs budgeted to spend $74 million (£40million) in Sri Lanka in the first year following the tsunami (Valid International). Replicating this over another 10 major (private) national donor groups (allowing for the varying sizes of these groups) over a two to three year response period, allowing for reduced support after the first year would suggest sums reaching close to $1 billion. With further sums raised and quickly disbursed by the private sector, the total contribution from this collective group is estimated to have completely outstripped the (approximately) $0.5 billion they were recorded as having committed as of March 2006.

Table 3. Summary of Assessed Reconstruction Needs and Funding Commitments [46]

Regions	Proposed Share of $2.2 billion total funding required	Share of $2.1 billion commitments allocated as at March 2006
North	19 percent	7 percent
East	45 percent	30 percent
South	26 percent	15 percent
West	10 percent	6 percent
Commitments that are non-region specific [47]	N/A	41 percent

in all regions. The east, south and west appear to have made good progress in securing allocations in line with their assessed needs. The north does not appear to have secured commitments at the same rate as the other regions. However, the fact that nearly half of the commitments made are non-region specific makes it difficult to give an accurate assessment.

In addition, the DAD relies on self-reporting by development partners. As a result, by March 2006, a significant proportion of commitments were not registered on the database, and fast disbursing private sector commitments may never be fully recorded. It was expected to be months before an improved set of information from INGOs and national NGOs might develop, and a further $0.5 to $1 billion of either committed or committed and disbursed funding from these sources had still to be recorded. [48] Interviews in both Colombo and the districts suggest that the majority of private sector assistance was focused on the south and west, with Tamil Diaspora support reaching the north and east. The breakdown of regional figures suggests allocation shortfalls to the north. An equal distribution of the non regional specific commitments (10 percent for each region) would indicate the south and west collectively receiving approximately 20 percent more than required commitments compared with a similar *shortfall* of commitments for the north and east. However, for a

less speculative and more tangible picture of results, it is helpful to look at some sector examples.

Practice

Food relief: The majority of food relief was distributed through a joint government-WFP partnership. Within hours of the disaster, WFP diverted existing food stocks (from its conflict programme) to areas hit by the tsunami. Within two weeks, this programme became the main provider of food rations across the affected areas. While emergency assessments carried out in January and May recommended supporting a more moderate target group, over 900,000 beneficiaries were covered under the general food distribution scheme for most of 2005 before being replaced by a more targeted vulnerable group feeding programme at the end of that year. Generous government targeting criteria combined with WFP's experience of working in the north and east translated into a comparative overprovision of assistance in all tsunami affected districts with no evidence of regional disparities.

Non-food relief items: The overprovision of food did not appear to cause any significant equity issues, partly because of wide targeting across all districts and the use of a consistent beneficiary list and procedures. On the distribution of non-food relief items, findings from a six district survey indicate that distribution practices did not "*point to any significant differences with regard to the actual support, mainly in the form of relief and transitional support, received by the different ethnic groups.*"[49] While this is a positive finding, the study did find disparities in the provision of non-food items within ethnic groups — both across communities and between households. For example, the study found that communities received a wide range of assistance, from between 15 to 40 relief interventions. While Hambantota District received 40 relief actors (either professional NGOs or improvised charities providing relief assistance), the remaining five districts each received a similar number of fewer actors. Aside from this anomaly, household interviews within the surveyed districts suggested:

> …*that there are substantial variations in what households have received. Some had received up to ten types of support while others had received very little beyond the support provided by the government…This pattern suggests that many of the interventions have been narrow in their scope and coverage, resulting in inequitable distribution of goods.*[50]

Importantly, the study does not look at the LTTE-controlled districts of Kilinochchi and Mullaitivu, where interviewees for this paper have reported that stronger coordination systems were in place and appear to have promoted a more equitable distribution of relief items. While the LTTE did not take over distribution processes, within days of the tsunami, it established coordination offices, staffed by the local NGO consortium, to keep records of incoming provisions and their distribution and to direct humanitarian actors with supplies to affected communities.

Housing: Approximately 100,000 homes across Sri Lanka required repair or rebuilding as a result of tsunami damage and the enforcement of a revised

Box 3.2.

The Buffer Zone: A Tale of Many Changes

The Coastal Conservation Act of 1981 (through the National Coastal Zone Management Plan of 1990) provided for construction along the coastline to be subject to case by case approval by the Coastal Conservation Department making decisions based on vulnerability and other criteria. In practice, the law was rarely enforced, and, as a result, many communities settled near the coastline without the formal approval from the authorities. In March 2005, following the tsunami, the government enforced a buffer zone, ranging from 100 meters in the south and west to 200 meters in the north and east. This had massive policy and operational implications, requiring the relocation of many tens of thousands of families.

The government emphasized that the policy was designed to reduce vulnerability to future disasters, but many development partners and beneficiaries were sceptical about the merits of the approach.[51] Strict application of the policy risked contradicting lessons from former post-disaster experiences, which advocate allowing survivors to return to former places of residence if possible. The policy also caused massive delays in the donor built housing programmes, which were dependent on the sourcing and preparation of alternative lands where beneficiaries could relocate. By November 2005, a policy review resulted in the effective abolition of the buffer zone and its replacement with a much smaller "no build category one zone," based on existing hazards, such as proximity to existing irrigation and rail structures. In practice, the new zone prohibits construction in an average area of 35 meters from the coastline.

Over the course of 2005, parts of Jaffna and Ampara (in the north and east respectively) and Colombo (west) were most affected by the buffer zone policy due to the relative scarcity of alternative land. Interviewees have suggested that the LTTE decision to enforce a 300 meter buffer zone in parts of Mullaitivu has unfairly affected communities that need to remain in those areas, by giving them smaller land allocations compared with other communities.

[49] Dr. Maurit Haug and Chamindra Weerackody, *The Tsunami Aid Delivery System: A View from Six Districts in Sri Lanka* (draft), Working Paper No. 1, Norwegian Institute for Urban and Regional Research, January 2006.

[50] Ibid.

[51] The blanket restrictions were not believed to be underpinned by sufficiently robust topographical or other assessments that might explain why certain localities were deemed more vulnerable than others.

buffer zone that precluded housing construction within a coastal zone, ranging from 100 meters in the south to 200 meters in the east (see Box 3.2). In certain LTTE-controlled areas, a 300 meter zone was established by the LTTE. In November 2005, the government revised the buffer zone downwards in a number of areas, but the total number of houses required remained the same.[52] Box 3.2 describes the buffer zone policy, which has had a significant impact on housing reconstruction.

The government provided two assistance schemes for former householders. In the owner driven scheme, householders who owned property outside of the buffer zone were entitled to a $1,000 grant to repair or a $2,500 grant to rebuild their homes. Those individuals who needed to be relocated from within the buffer zone to an approved house-building area outside this zone were supported through a donor driven scheme, where a new house would be built by a development partner in accordance with government standards on new land allocated by the government. The latter group would, however, retain title to their land inside the buffer zone, where housing reconstruction was prohibited.[53]

Owner driven progress: By March 2006, the owner driven scheme had made the swiftest progress over the recovery period; families with partially and fully damaged houses have all received at least the first instalment of grants provided to begin repairs or rebuilding. A measure of equity is therefore evident. Indeed, no inequities are immediately apparent in the group that were entitled to two $500 instalments to repair their homes. However, a very mixed picture of distribution rates emerges for the householders requiring four instalments to fully rebuild destroyed homes. Charts 1 and 2 illustrate the regional breakdown of housing needs under this programme and the national disbursement rate for the scheme.[54]

The decreasing rate of progress in Chart 2 may be explained by the fact that once a family receives an instalment, it needs to demonstrate that the funds received have been spent on actual rebuilding, and government building inspectors must assess that each stage of progress meets minimum national building standards.[55] Table 4 shows regional rates of progress in the disbursement of instalments.

All participants in all regions had received the first instalment by March 2006, meaning that no

[52] This was the case until January 2006 when the "house for a house policy" was replaced with a new policy that allowed an increase (of approximately 10–15 percent) in home-building to cover residents that had previously been squatting or renting property that was damaged in the tsunami. The tables in the housing section reflect information available in March 2006 and hence do not fully incorporate the new housing needs that were still being assessed at that time.

[53] In practice, many southern-based residents outside the buffer zone have chosen — and been permitted to access — donor built housing rather than going through the owner driven program.

[54] Many interviewees expressed doubts about housing figures, including scepticism about the extent of needs assessed in some western districts and housing figures and assessed needs in other districts. A number of anomalies and inconsistencies were found during the research for this study, including those indicated in Box 1.3. Although some of the original figures may be disputed, for consistency, the data reflected in Charts 1–5 and Table 4 were drawn from RADA between March and April 2006.

[55] An alternative possibility is that beneficiaries may not have used one of their instalments for the purpose provided, thus forfeiting approval to receive the next instalment until they could demonstrate that the required reconstruction progress had been made. While there is evidence that this has happened, it is not believed to have been a frequent or common occurrence.

[56] Data from RADA as at March 15, 2006.

Chart 1.

Owner Driven Programme: Fully Damaged Housing Requirements by Region
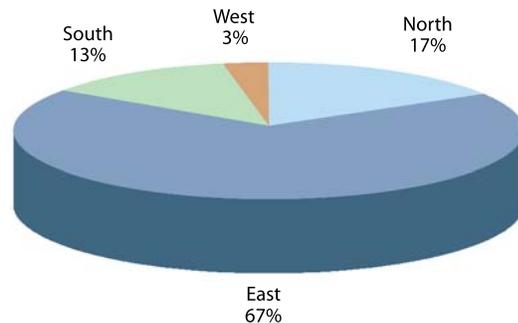
Chart 2.

Owner Driven Programme: National Rate of Disbursement for Fully Damaged Houses (as at March 2006)
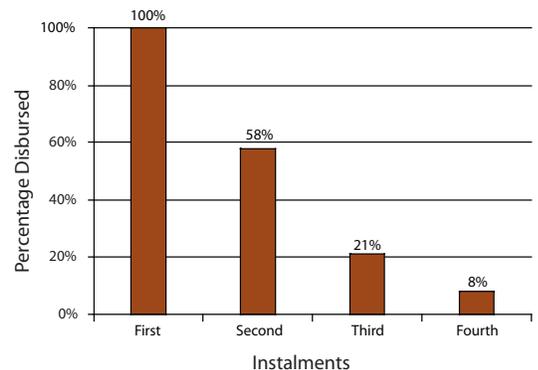
Table 4. Percentage of Instalments Received by Households Benefiting from the Four Instalment Grant to Rebuild, as at March 2006[56]

Instalments received as a proportion of the needs required by region (with percentages in brackets)	1st Instalment	2nd Instalment	3rd Instalment	4th Instalment
North	4722 (100%)	1046 (22%)	291 (6%)	33 (1%)
East	18,415 (100%)	11,425 (62 %)	3190 (17%)	1153(6%)
South	3447 (100%)	2868 (83 %)	1815 (53%)	879 (26%)
West	754 (100%)	617 (82%)	501 (66%)	177 (23%)

equity issues were apparent initially. However, as the scheme progresses through the next three cycles, the slower rate of disbursement disaggregated regionally, as illustrated in Table 4, reveals that the north and, to a lesser extent, the east, experienced a much slower rate of progress than the south and west. With 85 percent of owner driven housing needs located in the north and east, a means of promoting more equitable progress would have involved earlier identification of factors for delay (such as government inspection capacity and availability of contractors, which are discussed later in this section), and proactive planning to address these constraints.

Donor driven progress: NGOs and a range of other actors building homes have encountered a variety of challenges that undermined the pace of progress in 2005. These have mostly involved the sourcing and preparation of alternative land for rebuilding. Other bureaucratic procedures, material and labour constraints as well as the learning curve for many agencies new to this work have also impacted time scales. The progress that had been made as at April 2006 is summarized in Charts 3 - 5.

Chart 5 shows all regions trailing in the wake of the south's much faster progress toward completion and handover of houses to families under the donor driven programme. What is particularly striking is the overprovision of house reconstruction in the south, which clearly indicates an inequitable allocation of resources from a national perspective. The factors that have facilitated this outcome are set out later in this section.

Finally, the government's policy, adopted in 2005, to allow families with housing grants to additionally access supplemental NGO support for house construction appears to have benefited southerners disproportionately. Research undertaken for the World Bank reported that over 76 percent of houses surveyed in the south and west had been co-financed, compared with only 30 percent in the north and east.[57] Having increased access to financial resources, supplies and technical advice from NGOs may have supported faster house construction in the south compared with other areas.

Intra-district disparities: Inequities have also arisen within particular tsunami affected districts. The government's enforcement of minimum standards only has meant the costs of donor-built houses have varied from $3,000 to $11,000. While the differences are partly explained by inflationary labour and material costs, interviewees also reported differences in the quality of support provided. Some families received fully furnished houses, while others received only a basic housing structure. Similarly, interviewees report that some communities are living in new settlements with no

Chart 3.

Donor Driven Housing: Housing Needs Identified by Region

West 27%
North 12%
East 40%
South 21%
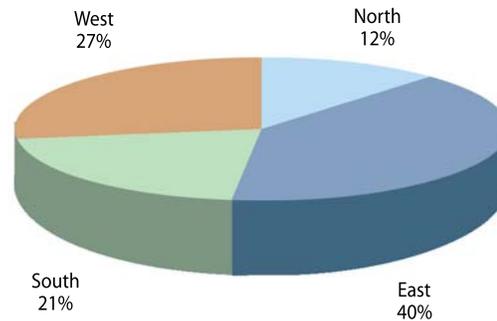
Chart 4.

Donor Driven Housing: National Picture of Progress as at April 2006

Under Construction 32%
Completed and/or Handed Over 33%
Construction Not Started 35%
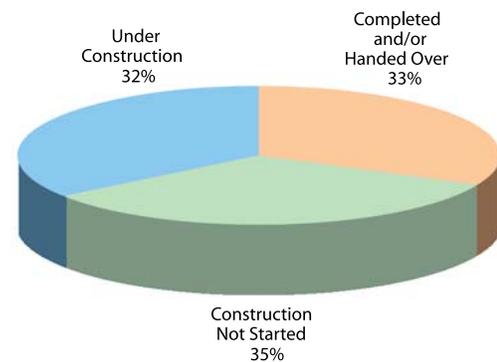
Chart 5.

Regional Breakdown of Progress in Housing Construction Made Through the Donor Driven Scheme as at April 2006 (Percentage of needs being met or in the process of being met)

North: 6%, 22%
East: 5%, 22%
South: 45%, 69%
West: 4%, 21%

Handed over to Beneficiary   Under Construction
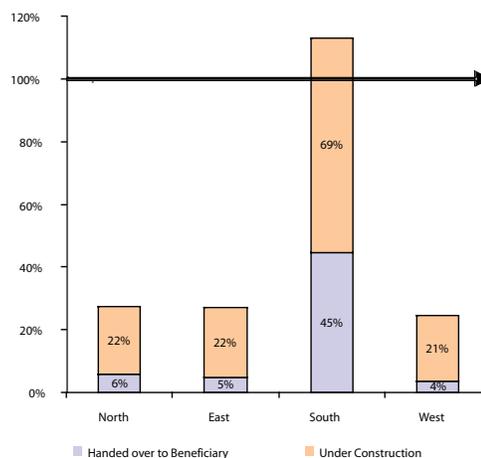
[57] The survey covered the 24 divisions where the World Bank was funding the owner driven program. The significant difference in co-financing may be partly explained by a policy revision in January 2006, according to which householders with donor built houses were also allowed to access grant support. As at April 2006, anecdotal reports suggested this policy had been more vigorously implemented by local authorities in the south and west of the country compared with the north and east.

access to power and water while others have access to both.

The potential for future disparities is also apparent. Despite the effective abolition of the buffer zone, families, particularly in the south and west, with lands outside the new, smaller no-build zone have still been given the option to either move back to their original land *or* relocate to new land and a house away from the coastline. Should they choose the latter option, they retain title to their pre-tsunami land on which there is no longer any basis to restrict building. In this sense, the position of tsunami IDPs will vary from those with a new house on their pre-tsunami land; those in a new house on new land but also retaining title to land in the new no build zone; and those with both a new house away from the coastline and title for their old lands that are no longer part of a restricted zone and therefore unconstrained by any building restrictions.[58]

Cash allowances: Remedial measures may be available to correct inequities that may have arisen. For example, within three months of the disaster, the government launched an allowance scheme designed to help vulnerable families boost their assets before substantive livelihoods programmes began. Financed by the World Bank, the scheme provided four cash instalments to be paid to families that had either lost their homes entirely and/or had lost their major income earner. The scheme was rolled out in all affected districts, targeting approximately 160,000 families.

A mid-programme assessment indicated that, while the scheme was reaching over 95 percent of the target group, it was also providing funds to a significant number of families that did not meet eligibility requirements. In total, the scheme was benefiting 250,000 families, resulting from a general overprovision but particularly so in some districts in the south and west of the country.

Following the assessment, the government revised the beneficiary lists, bringing the total down to the amount originally envisaged. Colombo, Chilaw, Gampaha and Hambantota in the south and west of the country were particularly affected by the downward revisions. The final two instalments were issued to this revised target beneficiary group with government funding. The case not only demonstrates equity-related risks attendant to programmes supporting the direct needs of beneficiary groups, but also the value of effective monitoring in mitigating these risks.

> Challenges in implementing subsidiarity have undermined the focus on locally driven solutions.

Factors Affecting the Gap Between Policy and Practice

The cash allowance and housing construction sectors, described earlier, illustrate a pattern of faster implementation progress, mainly in the south, compared with slower and less comprehensive progress in the north and east. This pattern echoes information gleaned from interviews and reports from other sectors not within the scope of this paper.[59] As will be described below, a set of complex and inter-relating factors have contributed to these outcomes. Political and Governance factors involve powerful institutional constraints within the Sri Lankan governance framework that have affected the extent to which disparities have arisen. Policy and Technical Constraints impact the development of disparities on a daily basis. Pressure for Results refers to institutional constraints within government and non-government implementing agencies that have reduced the space to focus on better practice. Finally, the section ends with a description of the impact of Conflict[60] and other Contextual Factors, which either improved or limited the various districts' recovery processes. Although important, these final factors could have been overcome more effectively had the more dynamic factors — relating to institutional, policy and technical constraints, and pressure for results — not undermined incentives to promote equitable outcomes.

The Political and Governance Framework

The role of politics: Research conducted by Maurit Haug and Chamindra Weerackody has revealed patterns of political patronage in recovery as politicians were found to have increasingly competed to take control of state-managed resources for distribution among their constituents. The authors state: "*Politicians themselves admit that politicization of aid is one of the main reasons for inequity in aid distribution, yet they blame the voters for applying pressure on them for special favours.*" [61]

Support for recovery from elected political leadership can indeed be critical, and the involvement of politicians in the recovery efforts of their constituents can help to overcome bureaucratic obstacles and accelerate reconstruction. At the same time, measures to secure the appropriate degree of insulation from the political process are also crucial, to ensure that efforts respond to community needs, are transparent and accountable, and adhere to best practices, including the promotion of equity.

The cash allowance scheme resulted in the targeting of ineligible people in traditional centres of political influence. There has also been consistent reporting that politics has at times influenced the

58 While local authorities may object to families developing this land in the future, there appears to be a potential legal loophole that will allow them to do so, potentially increasing their assets by a significant amount.

59 For example, the Income Recovery Plan Report, conducted by government and development partners (World Bank, ADB, UNDP and ILO) in March 2006, noted the slower rate of progress the north and east has made on recovering incomes compared with the rest of the country. This may partially be linked to the region's slower progress on permanent housing as the report also found that citizens remaining in transitional shelter were twice as likely to be living in poverty than those in permanent homes.

60 LTTE imposition of taxes is included as a conflict factor, below, though it could also be characterized as an institutional constraint.

61 Haug and Weerackody, *The Tsunami Aid Delivery System.*

Box 3.3.

Good Practices Promoting Equity within the Tsunami IDP Group

As in the previous section, this box acknowledges important examples of efforts made to promote equity of response for tsunami affected groups:

Principled Planning: The Road Sector Group[62] met during the first half of 2005 to systematically examine how it could incorporate the Guiding Principles — the set of common principles adopted by stakeholders to guide recovery (see Annex 1) — in its implementation plans. For equity, the group focused on trying to ensure that road building in one region was not carried out at the expense of any other region and that the rehabilitation of road standards in the north and east would be based on a projection of road use envisaging regional growth. The rehabilitation schedules, projected costs, and supporting partners were published, promoting transparency and close coordination in setting standards and unit costs.

Equitable Policy: By early 2006, the government had extended its permanent housing programme to cover tsunami IDPs who had not owned property prior to the tsunami but had been made homeless when homes in which they had been squatting or which they were renting were damaged or destroyed. These IDP families are eligible for a grant enabling them to purchase land to build on and will then be allowed to join the home owner driven housing scheme. This represents an important step in promoting equity within the tsunami IDP group, but it remains to be seen whether a similar scheme will or can be arranged for conflict IDPs.

Promoting Inclusivity: A number of actors have made specific efforts to ensure that all members of diverse communities can access important information and services. Within weeks of the disaster, the District Authorities in Batticaloa issued a bilingual pamphlet setting out entitlements for tsunami IDPs. The expansion of Save the Children's office in Ampara allowed it to develop a mixed gender and ethnicity team, increasing its outreach potential in the diverse district. The Sri Lankan Human Rights Commission has dealt with over one thousand cases related to concerns over access to recovery assistance from all affected areas, and has been involved in raising awareness of equity and other best practices among beneficiaries and implementing agencies.

Community Participation: For operational purposes, nation-wide Rural Development Societies and Village Development Forums (in LTTE-controlled areas) are examples of local community groups which, when used effectively, have given affected local communities a valuable opportunity to influence recovery processes. Other mechanisms, such as working through fishing cooperatives in Jaffna, have demonstrably enhanced the efficiency and fairness of the distribution of assistance.

Consultation: The government and development partners have carried out a range of exercises aimed at improving consultation with beneficiary groups, district authorities, and non-government actors. Examples include the April 2005 government–development partner district implementation joint planning exercises; the *People's Consultation Report on Post-Tsunami Recovery*, which included consultations with 1,000 villages; and consultation during preparation of the *Post Tsunami Reconstruction and Recovery Report* (a joint report by the government and development partners issued in December 2005, which assessed progress at the one-year mark). These exercises have involved dialogue between local officials, development partners, and significant numbers of beneficiaries to strengthen understanding about how implementation is being managed on the ground and how efforts should be prioritised. To be sure, these exercises are not the same as systematically incorporating local participation in recovery planning and implementation. But in a context where a range of pressures seriously compromised a bottom up approach, the exercises have continually flagged over-arching messages from local communities and highlighted the importance of improving consultation.

Coordination: Jaffna's decades long experience in dealing with conflict IDPs enabled it to develop robust coordination mechanisms very early in the tsunami response period. Throughout the country, all affected districts have developed coordination structures, which have strengthened with time. Ampara has experimented with cross sectoral divisional meetings, in addition to sector meetings, to better identify cross cutting issues affecting communities.

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composition of beneficiary lists for housing construction. In most areas visited, interviewees reported that beneficiary lists were often unavailable, not published, or subject to many changes. One NGO representative reported a beneficiary list for a housing project changing as many as 20 times. Local government staff have reported that these changes often resulted from pressures from politicians seek-

ing to provide benefits to their supporters. An interviewee from the central government noted that government officials often addressed problems relating to patronage reported at local levels through 'politics' — the intervention of more senior political figures or offices from the centre. Although it may be encouraging that inequities arising through the use of patronage were sometimes chal-

[62] In mid-2005, the government and development partners organised a set of sector based groups to enable policy makers and development partners to work together to identify key issues that needed to be addressed in the recovery policies and programme implementation.

lenged, this solution seems too ad hoc, and relies on communities being assertive enough to report problems to other parts of the system with leverage to address their concerns.

The interviews for this paper revealed no comparative reports of patronage in northern LTTE areas with consistent reports from development partners indicating the helpfulness of stronger risk mitigation systems in place, such as consistent beneficiary lists provided at the right stages and more active community consultation mechanisms which also matched some reports from communities themselves. However, other findings have reported community views that preferential access to relief and rehabilitation assistance has been provided to communities and families that have demonstrated particular loyalty or have been of strategic importance to the LTTE.[63]

While it is apparent that political influences have favoured particular families or groups within affected districts across the country, from a national perspective, the stronger political influence of the south and west was routinely cited by interviewees as a key reason why those regions have exhibited a faster rate of progress than the north and east, which make up two-thirds of tsunami affected areas. The following examples illustrate how this influence has manifested in practice.

Challenges to subsidiarity: While a unitary state, Sri Lanka has both elected provincial authorities and a decentralized district government structure.[64] Despite this, interviewees have echoed commentators in noting that, given the abundance of decisions referred to the centre, the country retains a very centralized bureaucracy. In the post-tsunami period, despite an increased recognition of the value of subsidiarity, challenges in consistently implementing this in practice have often undermined the focus on locally driven solutions, which are believed to strengthen the prospects for equity — as local officials are often more accessible to affected communities and best placed to recognize gaps in performance and to respond effectively.

For example, from an operational perspective, most agreements between the government and implementing agencies for home building (MOUs) have been negotiated in Colombo.[65] For districts such as Ampara in the east, which has struggled to coordinate as many as 40 house building partners, interviewees suggested that devolving this responsibility would have better enabled local authorities to respond to gaps in commitment and delays in implementation.

A case demonstrating particular empowerment at the local level is in the district of Hambantota, a traditional centre of political influence[66] that has made more and swifter progress on permanent

housing than many districts put together. A special Helping Hambantota unit was established outside the existing government framework and was negotiating housing MOUs with implementing agencies before most national recovery systems were in place. The district was also able to attract targeted private financial donations that were recorded early on in the national media. Although a model of devolution in one sense, the unique policy response in this district raised concerns about equity. In particular, the advantages of the political profile of the district and the flexibility accorded to local officials were perceived as enabling Hambantota to benefit disproportionately, compared to equally deserving districts where less flexibility was permitted.

The best contrasting example of how a lack of subsidiarity has affected district capacity comes from Trincomalee district in the northeast of the island. Within several days of the tsunami, Trincomalee's District Secretary echoed the practice of his counterparts in other tsunami affected districts by engaging with a range of local stakeholders to form a coordination task force. By February 2005, presidential instructions arrived, requiring the District Secretary to seek ministerial approval for each task force meeting, effectively replacing this body with a special Council for the Reconstruction of Trincomalee, which involved approximately 70 members and was headed by ministers based in Colombo. The Council's creation compromised district coordination efforts while providing no effective alternative, with the new Council meeting fewer than three times over 2005.

The case exemplifies the arbitrary constraints that have affected the capacity of some districts. The example of the District Secretary, who was undermined in developing a standard coordination process that other districts were able to implement, contrasts sharply with Hambantota's housing experience, where conventional bureaucratic norms and systems of accountability were set aside, allowing the district to respond comparatively faster in planning reconstruction. It is possible to appreciate the efforts made within Hambantota to ensure that the needs of its residents were met as quickly as possible while deploring the failure to prevent the yawning disparities that consequently emerged with other affected districts. The problem in part arose when the centre began grappling with challenges that might have been better managed at local levels and, partly as a consequence, failed to exercise its own authority properly by exerting sufficient oversight and control to ensure that districts were more equally able to drive recovery effectively.

The centre also assumed a greater role in areas traditionally managed by provincial administrations, such as health and education. Interviewees have suggested

[63] Professor Muttukrishna Sarvananthan, *Post-Tsunami Sri Lanka: Swindlers Hold Sway*. May 2005, available at *www.pointpedro.org/wp-content/uploads/2006/04/PPID%20Working%20Paper%204.pdf*

[64] This is the case, except as previously mentioned, in the north and east where there are no elected provincial representatives.

[65] RADA information indicates that only Hambantota, Jaffna and Killinochchi districts had systems for agreeing to MOUs at the district level.

[66] It is, for example, the constituency of the former prime minister and current president.

Box 3.4.

Institutional Changes: Out with the Old, In With the New

On the day the tsunami struck, a National Disaster Management Centre (NDMC) was operational but had weak institutional capacity. Earlier in 2004, the Sri Lankan Parliament had failed to approve a Disaster Management Act, which would have put in place an institutionalised system for disaster management and enhanced such capacities. In the absence of the act, the NDMC's main role was limited to providing official figures of damaged housing, injured people, and fatalities.

By early January, President Kumaratunga established a Centre for National Operations (CNO) and three senior level task forces — the Task Force for Rescue and Relief (TAFRER), the Task Force to Rebuild the Nation (TAFREN), and the Task Force for Logistics, Law and Order (TAFLOL). Before the CNO could build on its early experience, it was replaced by TAFLOL and TAFRER, which merged to form the Task Force for Relief (TAFOR) in February.

As an agency not rooted in the existing state institutional framework, TAFREN experienced a sharp learning curve before instituting significant institutional reforms in the second half of 2005. Before these could be fully embedded, in January 2006, TAFREN was replaced with a new institution, the Reconstruction and Development Agency (RADA), incorporating a wider mandate (oversight and support for both post-tsunami and post-conflict reconstruction) with a new institutional home in the President's Office. By mid-2006, RADA was under new leadership, had still not been authorised by legislation and, despite some positive steps in the early months, was perceived as not having built on the lessons learned by TAFREN during 2005 and not fully utilising its potential to drive coordination between implementing ministries and agencies.

In February 2005, a multi-party Parliamentary Select Committee was created to investigate the lack of preparedness to meet future humanitarian emergencies and to recommend steps to mitigate future risks. In June, the committee recommended the formation of a new Disaster Management Centre (DMC) with a stronger mandate, allowing the DMC to work with multiple stakeholders at various levels of the administration, and also to actively engage in risk reduction. By November 2005, the DMC was moved from the President's Office into a newly created Ministry of Disaster Management, under the Prime Minister's Office. In early 2006, it was relocated again to form part of a new Ministry of Disaster Management and Human Rights.

At the district level, the UN provided early skeletal support to District Secretaries through its UN Volunteer Programme. In the second half of 2005, the government rolled out additional technical staff to push for progress in sectors such as transitional shelter. In early 2006, a combined government and UNDP programme, with support from ILO and UN-Habitat, provided approximately 10 staff in each affected district to support District Secretaries in key areas such as livelihoods and monitoring.

A disaggregated assessment of staffing needs across the different districts and a more targeted programme of support earlier in 2005 might well have yielded faster progress in general and a more equitable pace of progress across districts. Stronger monitoring capacity in 2006 should prove helpful in assisting districts and the centre in identifying and responding to local and regional patterns of inequity.

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that this disproportionately affected the north and east as it prevented the capacity and experience of the North East Provincial Council (NEPC) Secretariat from being fully utilized. This was increasingly recognized, and the Secretariat was asked to support aspects of the north and east housing programme in the second half of 2005.[67] Box 3.4 summarizes the institutional changes at central and district levels that evolved throughout 2005 and contributed to the centre being unable to sufficiently focus on supporting the districts to deliver more effectively — and equitably.

Policy and Technical Constraints

Policy formulation: If a lack of subsidiarity challenged the prospects for equity from an operational perspective, it also undermined the quality of policy-making. Interviewees reported that the institu-

tional changes highlighted in Box 3.4 reflect the state's traditional centralized nature. The new institutions, partly staffed by representatives with little or no experience in the public sector or disaster management, were reportedly not sufficiently focused on drawing information and views from local and provincial authorities to inform policy-making. As a result, some policies became unviable and others were incrementally adjusted, both of which created a context that allowed groups to be treated differently from one another.

The most powerful examples involve the buffer zone[68] and housing entitlement policies, described in Box 3.2 and earlier in this section, respectively. Stronger inputs by districts would arguably have led to more realistic, nuanced and viable policies that took into account differing regional contexts. When central representatives began to visit and

[67] By using tried and tested programme approaches combining the efforts of the NEPC, local authorities and development partners, almost 5,000 conflict affected homes were built in the north and east in 2005 compared with less than 500 under the new tsunami housing schemes over the same period.

[68] According to reports, the buffer zone resulted not from a decision by personnel in new recovery institutions, but rather from senior political circles. As also seen in the 'Challenges to Subsidiarity' section, centralized decision-making is as much a result of active political direction from the centre as of entrenched bureaucratic norms and differences in the relative capacities of district and central authorities.

consult with local and provincial authorities in the second half of 2005, significant benefits resulted, such as reform of the buffer zone policy and improved management of the owner driven housing programme in the north and east. However, interviewees have reported a relative failure by the centre to respond to other weaknesses revealed by monitoring, such as the overprovision of housing. More outcome-oriented and transparent monitoring and evaluation of implementation with strengthened response mechanisms will be required to galvanise action in the future.

In turn, many agencies, particularly NGOs, struggled to grasp the potential to use their new, virtual donor status[69] to work more effectively at the policy level. As a recent evaluation noted:

> *There has been a tendency for agencies to pursue their own successes rather than focus on the system as a whole and the general needs.…International NGOs…had the opportunity to play a major role during the transition from relief to recovery. A more collective and strategic approach during that period could have added further value.…*[70]

For example, utilizing even a small proportion of funding to recruit staff with expertise in addressing policy constraints with the government and working more strategically to raise policy issues could have yielded faster progress on a range of underlying constraints to both equity and broader implementation challenges.[71] Where policy expertise was provided to the government, such as support for the development and roll out of a transitional shelter policy, the benefits had a multiplier impact, which greatly outweighed the costs of the support provided.

Policy communication: Interviewees consistently reported concerns that local authorities had difficulty in interpreting policy implementation guidelines. Interviews in Ampara, Hambantota and Matara reported that, at least initially, central instructions to divisional secretaries were not sufficiently focused on ensuring accuracy in determining eligibility of beneficiaries, and thus contributed to ineligible people receiving benefits. As well as contributing to a lack of consistency in applying recovery policies across regions, poor policy communication also directly affected potential beneficiaries, by reducing their awareness of information about entitlements and limiting their ability to hold policy-makers accountable. These concerns appeared especially relevant with respect to some of the more isolated communities in LTTE-controlled areas in the east and generally less literate and/or less assertive women in all areas.

Policy implementation: Interviewees reported a somewhat laissez-faire approach by officials in

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[69] A significant number of NGOs were able to independently raise large sums, which should have resulted in increased bargaining power to negotiate the scope and content of their own efforts, along with the increased ability to influence the policy environment for recovery by providing funding for policy advice and coordination efforts.

[70] Valid International, *Independent Evaluation of the Disaster Emergencies Committee (DEC) Tsunami Crisis Response*, Report to the DEC Board, December 2005.

[71] For example, agencies could have used funds to commission a social and economic assessment of the buffer zone and propose changes in a given district to help inform government policy with precise facts and figures.

Box 3.5.

Equity: More Than Material Benefits!

Access to information for beneficiaries, effective consultation and participation of beneficiaries in the recovery process all enhance the prospects for equity because they better enable communities to access benefits and to hold policy-makers accountable. While the scope of this study has not allowed a rigorous review of the relationship between communication and engagement with local communities and equity, a number of observations can be made.

- The Government of Sri Lanka has consistently recognised the importance of an effective communication strategy to publicise and clarify relief and recovery policies. However, implementing such a strategy has proved challenging.

- The need to ensure that the diverse and multilingual communities in the east have equal access to information on benefits is of particular importance.

- Many implementing agencies reported that they had not worked with district authorities on strategically communicating messages with beneficiaries about the relief and recovery effort because they believed this was the government's responsibility.

- According to the Tsunami Evaluation Coalition, implementing agencies have often failed to consult with and fully utilise local capacity in designing and implementing recovery programmes. While a number of agencies have followed better practice in this regard, others have indicated that pressure caused by tight deadlines has led to a more directive approach to programming.

- Some agencies also cited relative difficulties in motivating tsunami IDPs to drive their own recovery process, which contrasts sharply with reports about the more proactive conflict IDP group.

- The UAS scheme, which is operational for conflict IDPs in the north and east, has a much stronger reputation for community involvement than tsunami programmes, although some aspects of the scheme could be more carefully communicated.

- RADA identified community mobilisation as a priority objective for 2006.

- Despite its record of authoritarian control and resistance to democratic norms, the LTTE began efforts to institutionalise greater community involvement on post-tsunami and broader development issues from the autumn of 2005 with the establishment of Village Development Forums. This built on the involvement of communities in addressing post-tsunami issues during earlier months.

enforcing implementation of agreed policies, as well as the ability of powerful NGOs to persuade local authorities to bend procedures. The government's limited capacity or sense of responsibility to enforce policy implementation contributed to intra-district and regional inequities — such as varying housing standards — and regional inequities in the allocation of housing programmes between districts.

There are some exceptions to this pattern such as in government-controlled Jaffna district where the District Secretary was seen as contributing to a clear policy context and was able to work effectively with NGOs in enforcing clear standards and targets. Implementing agencies in LTTE-controlled Kilinochchi and Mullaitivu districts also reported an active dialogue with the LTTE's Planning and Development Secretariat (PDS) on standards. For example, in transitional shelter, the PDS set a maximum standard for shelter, and beneficiary lists were allocated in advance to NGOs, which enabled a smooth and more equitable implementation process. Additionally, the PDS encouraged NGOs to peer review shelter standards, and significant deviations from the norm were highlighted and addressed. The focus on common standards was then applied to permanent housing efforts. The ability of the LTTE to enforce better practice has inevitably been influenced by the tight political control it traditionally exerts and the fewer numbers of NGOs operational in areas under its control. Further comments on this context are set out in the concluding section.

Staffing issues: The disaster's extent and nature would have taxed the strongest administration, and the Government of Sri Lanka has noted that the response severely stretched its public service capacities. District interviewees reported staffing gaps, stretched resources, and frequent staff turnover in both the government and implementing agencies, which undermined coordination and a focus on best practice.

North and east shortages: The public service shortages in the north and east, highlighted earlier, have significantly delayed the pace of recovery compared with other regions. Examples include the lack of any marine or Education Department engineers resident in Mullaitivu and Kilinochchi. Dependence on visits by officials from other districts has delayed the process of registering new boats and rebuilding schools. Similarly, technical staff required to inspect land and resettlement plans have faced additional challenges in LTTE-controlled areas because they have been unfamiliar with the locations visited.

Pressure for Results

In a politicised context with existing policy and capacity constraints, pressure fuelled by a range of factors acted to distort some of the incentives for implementing agencies to implement a best practice approach and directly led to a context that enabled inequities to occur.

The role of the media: As in many disasters, the media played an invaluable role in raising awareness of both the disaster and the response. The coverage contributed to the record tally of official donor assistance and international private donations, equipping many existing and new NGOs with huge sums for recovery and reconstruction programmes.

Media reporting was also subject to criticism. Implementing agencies referred to the media's apparent preference to report bleak, simplistic pictures of performance rather than elaborate on the complexities of the challenges involved in promoting equitable and sustainable recovery. Agencies also reported that the media was slower to begin coverage of the east, noting that this would have been particularly helpful in countering the comparatively weaker flows of private assistance to this region.

This approach served to put both the government and many agencies on the defensive, and anxious to justify the funds donated by encouraging hasty delivery of assistance that responded, at least superficially, to media pressure.[72] Unfortunately, as a recent evaluation notes, this undermined the incentives and tools for focusing on the quality of implementation processes, including promoting an equitable response:

> *High media profile tends to encourage competition, an opportunistic approach among the agencies and poor coordination. Agencies distance themselves from intractable issues . . . and compete for what can be done rather than what should be done."*[73]

Time frames, targeting and funding: Media reporting served to amplify existing pressures that development partners might otherwise have managed differently. Ironically, one of the biggest dynamics affecting best practice involved the high levels (and diverse sources) of funds raised, and the constraints imposed upon the funding. The Tsunami Evaluation Coalition[74] has noted:

> *It was television coverage of the disaster that provided the basis on which funding decisions were based rather than any more formal assessment of needs. The result of such appeals is that funds are earmarked for a particular crisis, and cannot be reallocated to areas of greater need.*[75]

Almost all agencies interviewed referred to being overly constrained by targets set by funding agencies or during funding appeals. The most common constraints involved too short deadlines within which

[72] NGOs in particular have been the target of considerable criticism from a range of media and political actors in Sri Lanka throughout the recovery period, adding to the pressure already felt by many humanitarian actors.

[73] Valid International, *Independent Evaluation of the DEC Tsunami Crisis Response*, page 7.

[74] The TEC, which was initiated in February 2005, involves over 50 agencies working to develop a coordinated sector based evaluation of post-tsunami response. For more information, see www.alnap.org/tec.

[75] Tsunami Evaluation Coalition, *Initial Findings*, December 2005, page 11.

to spend funds and too narrow a target group. Agency staff reported meeting stiff resistance to their requests to broaden the target group to enable less directly affected communities to access support, due to legal or procedural restrictions enforced by their respective headquarters.

Agencies did report that some constraints loosened over time; for example the UN Flash Appeal implementation period was lengthened from 6 to 18 months. Others referred to more enlightened practice by some funding agencies, which allowed more flexible responses to evolving needs, for example, by allowing the targeting of entire districts, instead of only the divisions that had been directly impacted. Flexibility on timing enabled more sustainable interventions, while targeting flexibility enabled better outreach to less directly affected communities and other disadvantaged groups such as conflict IDPs. However, most immediately, flexibility reduced the intense pressure on agencies and local officials, creating space for applying best practices. Unfortunately, many agencies did not have sufficient flexibility in their programmes, and challenges inevitably arose.

> *An equitable response relies on the commitment and proactive engagement of all actors to work in an integrated way at policy and operational levels.*

On balance, the high levels of funding and narrow targeting employed by most agencies contributed to an unusual competition for beneficiaries. While this did not raise equity issues in all sectors, the pressure did result in a focus on visible delivery at the expense of spending time on more difficult but less recognized activities, such as advising the government's policy processes and driving effective coordination, which would have promoted local and regional equity.

As a result, agencies contributed to the over-aiding of affected communities in some sectors, such as non-food relief items, which resulted in stark disparities between tsunami IDPs and other disadvantaged groups. An extreme consequence has involved credible reports of agencies that have opted to utilise spare funds by bulldozing and rebuilding *habitable* transitional shelters (to admittedly higher standards) rather than addressing pressing needs in more challenging environments for implementation. From a national perspective, spending pressures are reported to have disproportionately attracted certain agencies (particularly less experienced groups and private sector initiatives) to the south, because it has provided a better context for swifter implementation.

Coordination challenges: Delivering an equitable response relies on the commitment and proactive engagement of all actors to work in an integrated way at both policy and operational levels. The sheer numbers of implementing agencies involved in the relief and recovery effort was a major constraint in this respect.[76] The breadth of actors involved and the limited official capacity (and in some cases commitment) to enforce aspects of coordination critically undermined the prospects of agencies working to the same standards both within districts and across regions. As noted above, the pressure to implement undermined the incentive of many agencies to contribute actively to coordination when it risked delaying delivery schedules. As a result, although the majority of professional agencies made sincere efforts, particularly on operational coordination, these efforts ultimately fell short, and allowed a range of inequities to develop.[77]

Both the government and development partners were able to drive better and more equitable delivery when they strengthened policy and implementation networks — both horizontally and vertically. This was largely achieved in transitional shelter where the national leads (TAFOR for the government and UNHCR for development partners) quickly developed linkages to districts, appointing lead agencies to support a closely monitored set of district targets. Despite problems, the programme largely achieved its objectives. By contrast, the failure to address certain equity issues associated with permanent housing under the donor driven scheme was partially linked to the fact that the respective government and development partner leads on permanent housing did not have sufficient presence within or linkages to districts for most of 2005.[78]

By the second half of 2005, interviewees report that coordination and policy dialogue had improved, but, by then, policies and existing implementation had already begun contributing to inequities — including, among others, on distribution of relief items, rebuilding standards and the pace of permanent housing progress. However, most interviewees also expressed a belief that there was sufficient scope for improving coordination and policy dialogue to address some of the evolving inequities and that efforts to this end would markedly improve the recovery effort and broader national development.

Conflict Impacts on the North and East

Security concerns: The parties to Sri Lanka's conflict have ultimately been unable to utilize the tsunami as a turning point for peace, and, in fact, security further deteriorated throughout late 2005 and 2006, significantly impacting the context for recovery in the north and east. Increased violence

[76] According to the UN, over 300 NGOs are estimated to have been providing tsunami relief during the first half of 2005.

[77] Private sector initiatives were largely reported as being outside the loop of most coordination mechanisms even when they were well resourced by major national companies.

[78] In this case, the problem was also linked to the fact that the development partner lead agency for permanent housing had no operational responsibility for the donor driven scheme. Rather, it was primarily engaged in the owner driven program, and was thus less able and less inclined to drive progress on the donor driven dimension of permanent housing.

and killings, including the murder of two divisional secretaries in the east, along with hartals, interrupted implementation of recovery programmes. Increasingly onerous checkpoint procedures have also delayed progress. One NGO reported that it took 12 weeks to transport building materials into LTTE-controlled areas; others reported that imports such as VHF radios and fibre glass boats also took a long time to import and in some cases were not released by state authorities, even though such items are not officially restricted. According to agencies, some contractors had reported being unwilling to work in the east as a result of these problems. In the meantime, local authorities were also dealing with the temporary IDP groups fleeing to escape the recent increases in violence.[79]

LTTE-imposed taxes: Within LTTE-controlled areas, interviewees reported their struggle to avoid paying LTTE-imposed taxes. While negotiations had resulted in the LTTE waiving certain taxes for

individual or larger groups of NGOs, other taxes had remained, or were only temporarily reduced. This has affected recovery by: 1) deterring certain agencies from working in LTTE-controlled areas; 2) raising the cost of reconstruction materials procured in LTTE-controlled areas; and 3) adding to the workload and frustration of agency staff who must divert time to address these issues.[81] Similarly, interviewees reported that a local LTTE monopoly on the use of heavy equipment in Mullaitivu and Kilinochchi was increasing reconstruction costs although some agencies were negotiating alternatives. Separately, Amnesty International has reported that local NGOs felt unduly pressured by the LTTE to restrict their activities and work only through the Tamil Rehabilitation Organisation (TRO) on tsunami reconstruction activities, reducing the space for independent civil society.[82]

Absence of P-TOMS implementation: The absence of P-TOMS implementation affected the context for recovery, especially in the north. Development partners withheld resources and activities in anticipation of the agreement, and some eventually withdrew some recovery commitments that hinged on P-TOMS.[83] In addition, LTTE representatives reported diverting time and focus from other reconstruction issues to negotiate the ultimately moribund initiative. By comparison, in the south, there were no reasons to delay commitments and no interruptions for staff supporting development.

Contextual Challenges

Location and profile of affected areas: Most tsunami affected areas in the south and west are closer to Colombo where the majority of journalists, external relief workers and supplies arrived. These areas are also more easily accessed by roads and the rail network, the latter of which is nonexistent in the north and east.[84] The south has higher profile tourist areas, and the south and west have stronger connections to national industry and the private sector. Interviewees reported that these factors contributed to the stronger exposure the south is perceived to have received after the disaster and, in particular, support from private sector organizations that had a major — although largely undocumented — role supporting recovery work, such as permanent housing reconstruction.

These advantages, combined with the relative lack of obstacles faced by the south, enabled southern districts to start reconstruction activities earlier than districts in other regions. The south was able to maintain a faster rate of progress in subsequent months as in some cases, other regions had to wait for

[79] The increase in violence and concerns about a full breakdown of the ceasefire agreement caused the flight of over 6,000 families from Jaffna to Kilinochchi and Mullaitivu in early 2006.

[80] In the spring of 2004, the erstwhile commander of LTTE forces in the east, Colonel Karuna, led a breakaway faction of eastern cadres and has since been orchestrating a guerrilla campaign against the northern-led LTTE forces and their supporters in the east.

[81] Government tax policies and complicated bureaucracy are also reported to have negatively affected aid imports from private funders and professional NGOs.

[82] The TRO is an NGO, registered in Sri Lanka and a number of other donor countries. It works mostly in the north and east of Sri Lanka on both humanitarian response and reconstruction activities and is widely considered to be affiliated with the LTTE.

[83] Some were able to re-channel funds to the same target group via other initiatives.

[84] For example, it takes approximately three hours to drive from Colombo to the southern district of Galle compared with eight hours to drive from Colombo to Ampara District in the east.

limited technical staff involved in the reconstruction process (e.g. national housing inspectors) to complete work in the south before addressing the needs of other regions. A more equitable focus on addressing regional capacity needs would have promoted a more equitable pace of delivery across regions.

Community divisions: The existence of more diverse communities in Batticaloa and Ampara in the east has provided a context for division and mutual suspicion. Language differences have also affected the pace and quality of recovery efforts in these areas. For example, the Sinhala and English-speaking District Secretary in Ampara had to implement an emergency programme with mostly Tamil-speaking divisional staff. The neighbouring District Secretary of Batticaloa had to overcome a lack of English to work with many international implementing agencies. These types of divisions are less of an issue in the south and west.

Access to materials and areas: The transaction costs of working in parts of the north and east are much higher than in the south and west. This is mainly due to the limited access to sand banks, rubble and other reconstruction materials; high security zones; the relative paucity of skilled labour; and the limited access to reconstruction sites. In particular, certain LTTE-controlled areas have almost no tarmac roads and there are painstaking checkpoint procedures required for travel between the government and LTTE-controlled areas. These constraints may have caused the north, in particular, to attract fewer implementation partners and for implementers operational in the north and east to make slower and more limited progress.

Conclusion

Equitable outcomes are fundamentally dependent on a broad range of best practices in disaster response and recovery. Even with the best intentions, equity will be undermined when processes, such as communication with and participation of beneficiaries and effective coordination, are not effectively developed or implemented.

On patterns of inequity, the analysis indicates that a combination of practical and institutional constraints has contributed to less and/or slower post-tsunami progress in the north and east and faster progress elsewhere, particularly in the south. The practical constraints range from those arising from the conflict, such as accessibility of materials, to geographic disadvantages such as distance from the capital. These practical conditions have been relatively transparent and straightforward in providing standing advantages or disadvantages for carrying out recovery work in given areas.

Institutional constraints such as the excessive influence of politics, the lack of subsidiarity, organizational pressures affecting the quality of NGO engagement and specific policies such as LTTE taxation, have been less transparent in their impact but have been more dynamic in limiting the prospects of some districts and promoting the prospects of others. These factors also contributed most to intra-district disparities by undermining systems to deliver assistance more equitably. The pressures wrought by the media, targets and funding flows have exacerbated the institutional constraints, reducing the opportunities for positive efforts to be broadened and consolidated. While this paper has also provided examples of the positive efforts made to drive better practice and thus promote equity, the constraints and challenges assessed indicate why such progress has only been partially achieved, and what would need to change to yield more equitable practice and outcomes.

Final Conclusions

The government, development partners and the LTTE all recognized and articulated the importance of meeting the needs of all IDPs and of an equitable post-tsunami response. However, despite some efforts in this direction, significant inequities have prevailed, with most conflict IDPs receiving quantitatively and qualitatively less support than tsunami IDPs. In addition, on balance, tsunami IDPs in the east and, particularly, the north, have experienced a slower pace of progress than those in the south. Research for this paper suggests that most districts, particularly in the south, west and east of the country have also exhibited internal inequities.

The differing nature of the disasters has influenced the context for providing assistance. In the conflict context, the ongoing lack of peace continues to have an effect, having severely undermined state capacity in the north and east, prevented a stronger context for economic recovery, undermined the writ of elected institutions, and created a mindset in which addressing the requirements of conflict IDPs is too often considered subject to a final peace settlement. As a result, most support to conflict IDPs is of a localized and interim nature.

The more diverse post-tsunami IDP group has benefited from assistance focused not only on rehabilitating, but also on building back better the lives of affected communities. However, even within this group, myriad, interrelated factors have allowed some districts to move ahead more quickly and effectively than others. Practical constraints, often conflict related, have reduced and slowed both post-conflict and post-tsunami reconstruction in the north and east while southern and western regions have, by comparison, been able to move forward with post-tsunami efforts in a relatively unconstrained manner. Institutional constraints affecting the government, development partners and the LTTE have influenced the structures and processes by which recovery has been planned and implemented, contributing to both intra-district disparities and exacerbating the regional disparities mentioned above.

The critical underlying dynamic undermining more equitable outcomes has been that of political will, both on the part of development partners and the government. Most of the contextual and practical constraints increased the prospects for inequity but did not predetermine that it would prevail, and there were factors already in place in Sri Lanka that could have supported a more equitable response. These included an understanding of and experience with conflict sensitive development; a constitutional commitment to non-discrimination; participatory development structures;[85] recurrent national experience of managing IDPs; and, critically, the established UAS for addressing IDP needs as part of post-disaster response. But divergent political incentives affecting both the government and development partners have undermined the extent to which these opportunities have thus far been seized.

An extraordinary disaster can justify extraordinary responses to manage recovery, including the establishment of new mechanisms to fill gaps. At the same time, a number of important policy and implementation decisions that resulted in the bypassing of established institutions and procedures have undermined equitable outcomes, while raising concerns about the role of politics in the recovery process. The rapid creation of bodies such as TAFREN, without planned and disciplined processes to link them effectively to existing governmental structures, undermined the potential for more experienced, key institutions to play an effective role.

The new centralised bodies provided a degree of national control, but the relative inexperience of their staff and failure to operate through the principle of subsidiarity meant that they took too much responsibility from the districts, such as managing house-building MOUs with development partners. They were also unable to execute fully central responsibilities, such as ensuring consistent coverage of housing across districts and developing and enforcing maximum housing standards. Both of these problems directly affected equity. The central government's pre-emptive action in Trincomalee's

[85] For example, this is the case with the traditional Rural Development Societies and Village Rehabilitation Committees operating in districts.

coordination efforts, and its acceptance of extraordinary housing coordination arrangements for some communities but not others, are other examples of political decisions that bypassed normal procedures and impacted equity concerns. The problems that arose do not lie in the shortcomings of any one agency or decision, but in a range of political decisions that prevented some of the factors required for equity and linked best practices, such as consultation and subsidiarity, from being prioritised.

To promote equity, key activities could have been prioritized, such as the early relocation of staff such as building inspectors to compensate for the institutional weaknesses in the north and east; use of the existing UAS scheme to support tsunami IDPs and stronger coordination of NGOs at the district level. The challenges to moving in this direction were certainly not trivial. For instance, the government's adoption of a laissez faire approach toward enforcement of coordination and best practice was influenced by an understandable concern that funding opportunities might otherwise be lost. However, allowing political influences to undermine a stricter focus on best practices created space for inequities to develop. Interviewees reported that bureaucratic incentives for reform may, in some cases, have remained dormant because certain inequities mirrored traditional disparities within districts and across regions, disparities which were easier to tolerate than challenge.

> **Many development partners tried to support and implement best practices that would have strengthened the prospects for equity, but these efforts were far from optimal.**

The efforts of development partners to support equity were also undermined by incentives that discouraged best practice, and in some cases by a lack of strategic vision. In response to public sympathy and media exposure, governments and NGOs raised billions in aid but often within such narrow constraints that competition for beneficiaries quickly took root. The overarching objective to spend quickly reduced the normal focus on consultation and more effective partnerships with local authorities, which would have strengthened mechanisms to promote equity. Signals from the international community, such as the G-8's very early request for an overall figure for reconstruction costs, exemplifies the quantitative focus at the expense of concentrating on qualitative processes that would have promoted a best practice and equitable approach.[86]

Many development partners tried to support and implement best practices that would have strengthened the prospects for equity but these efforts were

far from optimal. One key gap was the lack of sufficient engagement by the UN to help government develop and enforce best practice in governance at the policy (rather than programme) level.[87] In addition, NGOs did not sufficiently engage the government on policy concerns (such as equitable access to housing), or on ensuring operational coordination at district and central levels. That these opportunities were not fully grasped is partly due to a lack of experience, but largely due to a competing incentive — to programme funds even if that meant working within a more problematic and inequitable context for recovery.

Collectively, the influence of politics and the inability of many development partners to overcome their own organisational concerns to drive change successfully meant that common awareness of policy problems did not necessarily lead to early solutions. The Guiding Principles (see Annex 1), established so early in the recovery effort, consequently became an expression of what *could* be done, rather a consistent, common drive for what *should* be done.

There is some evidence to suggest that in northern LTTE-controlled areas, increased efforts on community consultation, the provision of early and consistent beneficiary lists, stronger NGO coordination and the setting of maximum standards for housing yielded some positive results on equity for the post-tsunami IDP group. However other reports have suggested that preferential access to relief and rehabilitation assistance has been provided to families and groups within tsunami IDP communities that have demonstrated loyalty toward or been of strategic importance to the LTTE. At a broader level, the evidence clearly demonstrates disparities between the differences in assistance provided to conflict IDPs and tsunami IDPs in both government- and LTTE-controlled areas. Tsunami IDPs in LTTE-controlled areas in the east are also reported to be among the most vulnerable and disempowered of all tsunami IDPs.

In northern LTTE-controlled areas where efforts to promote equity have clearly yielded some results, a number of underlying factors are relevant, including smaller numbers of more experienced NGOs combined with a directive LTTE approach to coordination and standard setting. The context for stronger coordination in these areas — unchallenged political control by the LTTE and the absence of democracy — is of deep concern. It may be appropriate for an authority to be more directive to ensure quality delivery during a crisis period, but if intimidation narrows the space for development partners and communities to engage in recovery work, the quality and sustainability of that recovery and related development are put seriously at risk.

[86] The G-8, which includes Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States, requested a figure reflecting how much reconstruction would cost to be produced by early February when many actors within Sri Lanka were trying to steer a stronger focus on how the effort should be managed to drive early best practice.

[87] UNDP in particular was perceived as having missed critical opportunities to encourage early progress on implementing the Guiding Principles, which should have strengthened the overall quality of the recovery effort.

This paper has sought to reflect both positive and worrying trends. Future studies should seek to further investigate the LTTE's engagement in recovery and development issues, not least to promote stronger accountability.

Overarching Lessons and Future Challenges

The practical constraints affecting future recovery processes will inevitably vary with the complexities of each type of crisis and context. However, the institutional constraints identified in this paper exist to different degrees in all other potential disaster contexts. Few governmental systems are robust enough to prevent at least occasional undue political influences, and most governments could further strengthen risk mitigation and response structures. For their part, implementing agencies often default to compartmentalising responsibility for recovery in a way which, as in Sri Lanka, can mean prioritising delivery for their own beneficiary target groups, *at the expense* of enforcing wider best practice. Development partners, influenced by domestic political pressures and domestic financial regulations, will always find it difficult to develop the flexibility that needs-driven responses require.

The pressure to overcome these constraints, to deliver better practice, and more equitable outcomes, will only grow, now that humanitarian response has developed into a truly global endeavour, with international private donations increasingly able to meet and exceed the level of official development assistance. Acknowledging the most sensitive factors creating constraints to better delivery, and finding practical ways to challenge the influence of these factors is imperative in mitigating the risks to best practice. Two key steps appear to provide the strongest opportunity for addressing the institutional constraints investigated in this paper.

The first is *increasing and enhancing collaborative approaches to recovery*. This means host governments, development partners and implementing agencies must find ways to develop a stronger level of mutual accountability for the entire recovery effort, notwithstanding how individual responsibilities may be apportioned between actors.

The second is *ensuring optimal transparency to enhance accountability* systems. This means making information available about the contribution of individual actors within the overall collaborative framework at all stages of recovery.

Progress in both areas should reduce the possibilities for poor practice to go unchecked by increasing the right kind of pressure on all actors to work together for joint delivery. The dynamic will expose weaknesses in the delivery framework and/or within certain actors, and will also promote much stronger joint efforts to drive solutions.

Efforts in this direction are not new. The humanitarian reform agenda *is* picking up speed and there are groups and processes that are facilitating progress to these ends, and which are referred to in the recommendations section. Examples of positive practice have also been referred to in earlier sections. However, the rights of future survivors along with the increasing expectations of a global support base demand a more comprehensive drive for progress in these two areas.

In practice, this will require considerable efforts, with implementing agencies surrendering some of their autonomy, host governments investing in significant disaster risk reduction and response planning and both actors addressing the most pervasive and sensitive political disincentives to reform. The path to progress is by no means easy or straightforward, as it challenges some of the most deeply entrenched and institutional barriers to change. The recommendations in the next section acknowledge these difficulties within the recovery working context, but seek to propose ways to challenge and manage their risks to equity.

Recommendations: General

The following recommendations involve forward actions for governments, development partners and implementing agencies. They also propose actions and roles for specific organisations based on the author's initial assessment of where there is existing capacity and responsibility in the humanitarian community to take the proposals forward. In each case, it is hoped that the proposed organisations will either be able to respond directly to the challenge or engage other partners in taking on or sharing the responsibility for action.

Technical and Policy Capacity

Improving the technical and policy capabilities within governments and development partners will help ensure that appropriate capacities are in place before disaster strikes in order to improve disaster risk reduction, response and recovery efforts. It will also help to ensure the proper balance between politics and technical and policy expertise in the recovery process.

- *Governments should reduce the need to create new structures in the aftermath of a disaster by investing in and maintaining standing national disaster response capacity at central and local levels. This should include capacity for implementation of recovery activities. Wherever possible, governments should formally incorporate international humanitarian actors within these disaster response plans, by, for example, developing provisional disaster response compacts — standing agreements setting out roles, responsibilities, and working standards — for both national authorities and humanitarian actors in the event of a disaster.*
- *While a range of humanitarian actors can facilitate government efforts to develop and agree on a disaster response plan, OCHA and UNDP should consider providing an oversight and coordination role, working with the UN's Inter-Agency Standing Committee [88] and ALNAP [89] to develop (or adapt) a user friendly web portal. The portal would serve as a repository of advice, models and lesson learning on disaster response compacts, and would be accessible by governments and humanitarian agencies. (See final recommendation.)*

- *Governments should enhance recruitment, training and retention of staff qualified in disaster risk reduction and disaster response, including recovery. The criteria for recruitment within these institutions should be based on expertise and experience in the issues concerned. Transparent criteria for senior posts and independent evaluations of performance can help institutionalise national capacity. Responsible outsourcing of tasks to competent private sector and civil society organisations should be considered in certain areas (such as beneficiary consultation exercises), while governments maintain close oversight and coordination.*
- *Development partners should also enhance recruitment and training to ensure sufficient staff with the right skills mix to perform in a humanitarian context. Central to this are staff with strategic vision, management and interpersonal skills, able to identify and address policy and institutional constraints as well as operational challenges; recognise when organisational priorities need to change; integrate organisational efforts within a larger multi-actor framework; manage change effectively in a fast moving environment; delegate effectively and work with a wide range of actors of differing capacities and backgrounds.*
- *Implementing agencies should be held accountable for spending time developing and publicly reporting on divisions of labour in complex operating environments. Early acknowledgement and communication of capacity constraints to both agency headquarters and host governments should help manage expectations.*
- *Most NGOs are not technical housing experts and the owner-built model provides stronger opportunities to align with international best practice. Where possible, as with some NGOs in Sri Lanka, agencies should consider focusing on supporting owner-built schemes, adding value in areas such as facilitating community planning and decision making and providing guidance on cross cutting (e.g. environmental) issues.*

The Role of Politics

- *Governments should support functional decentraliased structures, and ensure that development partners are fully aware of the role of provincial and local authori-*

88 Established in 1992, the IASC is the primary mechanism for inter-agency coordination of humanitarian assistance involving the key UN and non-UN humanitarian partners.

89 Established in 1997, ALNAP is a collective response by the humanitarian sector, dedicated to improving humanitarian performance through increased learning and accountability.

ties in disaster risk reduction and disaster response.

- *Levels of responsibility should be published before a disaster, preferably as part of a disaster response compact agreed with humanitarian partners. Following a disaster, regular assessments of policy and operational coordination structures and networks should identify whether different levels of government are dealing with the right level of detail, working in the most efficient way and have the capacity to manage their respective responsibilities.*
- *Implementing agencies should ensure they are aware of the responsibilities of national, provincial, district and local authorities in disaster response and recovery, and agencies should be able to systematically report on how they are engaging with these authorities for delivery.*

Support for recovery from elected political leadership can be critical, and the involvement of politicians in the recovery efforts of their constituents can help to overcome bureaucratic obstacles and accelerate reconstruction. At the same time, measures that allow the reconstruction process an appropriate degree of insulation from political influence are also critical, to ensure that efforts respond to community needs are transparent and accountable, and adhere to best practices, including the promotion of equity.

- *UNDP should consider working with humanitarian partners such as the Humanitarian Accountability Partnership – International [90] and ALNAP to develop a set of best practice guidelines to help governments manage the role of politics in recovery processes. Development partners should consider providing funding to ensure that disaster response efforts can be assessed according to these guidelines, possibly by a coalition of civil society representatives.*
- *Host governments should provide open access to information for monitoring purposes, and provide guidance to all levels of government, members of parliaments and other elected bodies on acceptable forms of political engagement in disaster response.*
- *Host governments should use consistent and transparent beneficiary lists, and civil society and beneficiary groups should conduct regular, independent monitoring of their validity and application.*

Policy Development

- *Governments should aim to consult widely, access technical expertise available and establish transparent communication strategies to set out the rationale for major decisions affecting recovery efforts.*
- *Development partners, both funders and implementers, should treat policy development and coordination as a high priority, akin to program implementation. Development partners should be willing and able to*

provide untied [91] support for policy expertise as part of a response effort. Implementing agencies should report how they are working with governments and one another to address policy constraints to facilitate the implementation of recovery programmes.

- *Donor governments should fulfill commitments to provide support to the Central Emergency Response Fund [92] (CERF), which will better enable rapid humanitarian response to sudden disasters, time-critical responses in slow onset disasters, and essential life-saving actions in under-funded crises, promoting global equity of humanitarian response.*
- *The IASC should consider extending its work in reforming the Humanitarian Coordinator system by fully exploring options for promoting joint accountability with a broader range of humanitarian actors. Enhanced engagement with key non-UN actors, including interventions piloting stronger coordination and innovative division of labour arrangements should be carried out, evaluated and reported as part of a focused action plan to build experience and confidence between humanitarian actors to encourage more meaningful joint efforts.*
- *Development partners should seek to ensure the IASC's existing cluster development work [93] reaffirms the importance of accountability mechanisms and consideration of equity issues within the development of evolving cluster guidance.*

Coordination

The Sri Lankan context highlights the importance of effective operational coordination, in order to avoid duplication and gaps in response, both of which can contribute directly to undermining equity.

- *Governments must take overall responsibility for ensuring effective coordination, including by rigorous enforcement of agreed standards for coordination among implementing agencies, even where this means limiting the number of agencies in a given area and restricting the engagement of agencies unable to respond to agreed coordination standards and practice. Development partners and Flash Appeal decision-makers should require implementing agencies to comply with coordination agreements and demonstrate compliance with other best practices as a condition of funding*
- *The IASC should commission early and independent monitoring of the role and performance of key staff (e.g. Humanitarian Coordinators) and specialist agencies (e.g. OCHA) brought in specifically to support coordination or facilitate disaster response, along with timely follow up action. Key messages and agreed follow up action should be publicly reported.*
- *Governments and development partners should carry out and respond to regular spot-checks on policy and operational coordination structures and networks*

with a view to determining any policy gaps and operational capacity constraints emerging across affected regions. This should include monitoring of the performance of joint coordination structures (e.g. government-development partner steering committees) commissioned by host governments and the main humanitarian partners.

- *Implementing partners should be prepared, as necessary, to partner with government counterparts as joint lead coordinating agencies in particular sectors and resource this role accordingly.*

Pressure for Results

The media, donors, NGOs and the public can put both appropriate and inappropriate pressure on governments and implementing agencies in disaster response situations. An improved understanding of policy and operational challenges faced by governments and implementing agencies should help counteract inappropriate forms of pressure that can lead to programming that ignores or undermines best practices, including the promotion of equity.

- *UNDP should consider working with development partners and media institutions to develop targeted and easily accessible training to enhance international correspondents' awareness of critical issues, to better enable constructive reporting of disaster response and recovery efforts.*
- *During disaster response periods, governments and development partners should develop more assertive communication strategies to better manage expectations among beneficiaries and private donors and raise awareness about equity issues.*
- *Donor governments should engage their Finance Ministries, as well as Development and/or Foreign Ministries, to develop more constructive funding arrangements, such as those that would allow for more flexible timetables for funding and program implementation, to improve the effectiveness of bilateral responses to disasters.*
- *NGOs should accelerate joint efforts at educating the public on the most effective use of resources to achieve holistic and equitable outcomes in response to individual disasters. The aim should be to encourage private donors to support appeals that will help agencies to focus on best practices, rather than on rigid targeting and unrealistic expenditure schedules.*
- *NGOs should share information about managing funding challenges, and further explore legal avenues to develop funding campaigns that transparently provide for maximum flexibility and enable better use of resources in a rapidly changing environment.*

Monitoring and Evaluation

Monitoring and evaluation efforts will best ensure transparency and accountability when they are focused on outcomes as well as outputs, and are systemic and holistic.

- *Implementing partners should commit to monitoring and evaluation that looks beyond the immediate outputs of their individual interventions, including monitoring and evaluation of coordination mechanisms, beneficiary participatory mechanisms, and socioeconomic and environmental issues.*
- *Governments and development partners should collectively set out goals and action plans for achieving progress on cross cutting, best practice issues, such as equity in assistance, which can then be jointly monitored. Where development partners have the opportunity to support government or international efforts in joint monitoring and evaluation, they should share information and expertise, and provide funding where appropriate.*
- *A broader set of implementing partners should explore the use of independent evaluations of collaborative efforts, building on those, for example, commissioned by the UK Disaster Emergencies Committee.*
- *Implementing partners should explore and pilot peer review processes to promote lessons learned and raise collective standards, reporting positive case studies to the IASC.*

Overall

The recommendations above involve encouraging governments, development partners and implementing agencies to work more collaboratively to prepare for and respond to disasters in a way in which the focus remains on building effective response systems for delivery. Building awareness, transferring knowledge and being able to refer to an evidence base are critical in helping governments and humanitarian agencies promote internal and systemic changes. The final recommendation in this section, below, focuses on a vehicle for recording and monitoring progress on these critical issues.

- *The UN's IASC, in conjunction with ALNAP, should consider developing or adapting a web based resource to record progress in the establishment of provisional disaster response compacts; examples of innovation in promoting mutual accountability, policy and operational coordination; and case studies exemplifying the individual skills required to drive progress. The resource would also include media training materials; advice and information on conducting funding campaigns that maximise flexibility; best practice guidance for mitigating the risks of political interference in recovery efforts; and information, advice and case studies on peer reviews and other examples of constructive and/or holistic monitoring and evaluation.*

Recommendations: Sri Lanka

A number of the recommendations below would require the Government of Sri Lanka and the LTTE to work cooperatively. As the security situation and confidence in the peace process has steadily deteriorated in recent months, this possibility appears ever more remote. At the same time, the need for collaborative efforts (even when they are externally facilitated) appears even more pertinent in a heightened conflict context, to ensure that the needs of conflict affected IDPs are not marginalised. For this reason, the recommendations for joint efforts remain relevant.

While arising from a review of tsunami efforts, the following recommendations apply to all actors involved in broader development programming in Sri Lanka, including post-conflict assistance. This will especially be the case as tsunami recovery becomes more integrated with broader development planning.

Centralization of Authority:
The Role of Politics

The post-tsunami period in Sri Lanka brought more sharply into focus the serious shortcomings of over-centralized policy development and implementation, although this has long been informally recognized as undermining the prospects for development in Sri Lanka. Policy-makers should benefit from an assessment that demonstrates the practical, daily impact of over centralisation and provides recommendations (including those that can be implemented within the framework of the constitution) to effectively promote subsidiarity.

- *The Government of Sri Lanka should consider supporting the establishment of a Presidential Commission to perform a pilot audit of subsidiarity, to allow experienced but objective professionals to set out the constitutional responsibilities of local, municipal and provincial authorities; the current status of implementation of these powers in given areas; and the resulting development gains and losses. Due to the sensitive nature of the issues surrounding the exercise, the make up of the audit team should be carefully considered and reflect broad consensus.*

National Government Capacity

By March 2006, interviewees reported that RADA had the potential to play a positive role in supporting progress across all sectors of the reconstruction effort by driving coordination between existing government implementation structures. These structures include the central line ministries, provincial administrations and local authorities, in addition to development and humanitarian partners. But there were major concerns about RADA's commitment and capacity to fully implement some of the lessons learned during the TAFREN experience, and to play its limited but critical role effectively. These were particularly heightened given the expectation that RADA would undergo further management changes in mid-2006.[94] Increasing concerns in this area are likely to impact significantly on broader donor confidence in Sri Lanka.

- *RADA's role will continue to be undermined until it becomes an authority (even of limited duration) with the power to enforce coordination where necessary. However, legislation alone will not ensure that RADA is an effective force. The functioning and impact of RADA should be carefully and objectively evaluated and problems speedily addressed given its central role in coordination.*

- *Similarly, care should be taken to ensure that any further changes envisaged to the departments responsible for disaster risk-reduction, disaster response, post-conflict or post-crisis rehabilitation and reconstruction should be carefully evaluated from a technical rather than political perspective. Adjustments should aim to consolidate and further strengthen existing national capacity in these areas. As in the case of disaster response compacts, it would be logical to consult national and international humanitarian and development partners when considering adjustments to these frameworks, particularly where such partners are expected to play a role in disaster risk reduction, response and rehabilitation activities.*

[94] In fact, Shanti Fernando was named Chief Operating Officer of RADA in mid-2006, replacing Saliya Wickramasooriya.

Coordination

Despite some consistent and productive coordination structures operating at the central and district levels, the research conducted for this study indicates that as at March 2006 they were not effective enough. Particular concerns identified include the non-functioning leadership groups[95] (which were due to be hosted by RADA), meeting fatigue in the districts, and the need for stronger information flows between UN district offices and bilateral partners to optimise the constructive use of information.

- *The government and development partners should commit to a review (which could be externally facilitated) and necessary adjustments to existing coordination structures and processes, the goal of which would be to promote improved information sharing and lesson learning.*

Monitoring and Evaluation

A stronger national focus on monitoring the outcomes of tsunami response is required. Conditions permitting, this should include reporting on LTTE-controlled areas, about which there is a relative paucity of information. The progress and challenges to recovery in areas outside of government control should be more effectively recorded and considered as part of policy development.

- *As of mid-2006, the deterioration in security conditions and confidence between the government and LTTE did not permit collaborative monitoring efforts. But if future conditions do so permit, the Government of Sri Lanka, and the LTTE and Muslim representatives, along with development partners, should explore the possibility of organising collaborative monitoring arrangements to ensure a consistent and up-to-date picture of information for planning, implementation and evaluation purposes. The information should be transparent, enabling development partners to better understand and contribute to regional development. The recently established Tsunami Recovery Impact Assessment and Monitoring System (TRIAMS) process, a UN-supported social impact assessment project in which the Government of Sri Lanka is participating, should be studied to see how it can most effectively contribute to this objective.*

Particular Implementation Challenges

Progress in most of the areas below would require a degree of practical cooperation between the government and the LTTE, which was limited as at April 2006 and deteriorated considerably in the months that followed. Nonetheless, the recommendations should be considered if and when the political and security situation changes over time.

95 Several groups were established in late 2005 around key outcomes (such as 'Getting People into Homes'). They were intended to bring together both government and development partner representatives covering a number of sectors relevant to each outcome, with a view toward their working in a more efficient and holistic manner.

Restricted Land for Conflict IDPs

Many conflict IDPs have land in high security zones from which citizens are effectively barred, with the result that resettlement planning is dependent on higher level political agreements. The provision of alternative lands might be resisted by some who believe it would reduce the humanitarian imperative — and thereby reduce pressure on the parties — for a comprehensive political settlement. At the same time, a permanent settlement in Sri Lanka may be some years away, and allowing communities to live in substandard conditions for decades should not be tolerated as a mere cost of a broader political objective.

- *As security conditions permit, the government and the LTTE should factor in a more people-centred approach that allows a healthier balance between the pursuit of a final peace agreement and the rights of the people most affected by conflict. A review (perhaps by the Human Rights Commission) should be undertaken to assess the updated preferences of conflict IDPs, which may have shifted after seeing tsunami affected neighbours resettle in higher quality housing. The parties should clarify the parameters within which even temporary but improved solutions may be identified, possibly through the establishment of a working group composed of the respective peace secretariats, the Ministry of Nation-Building and the LTTE Planning and Development Secretariat.*

Enhancing Equity in Provision of Housing between Tsunami and Conflict IDPs

By April 2006, to promote faster implementation of post-tsunami housing, the government had allowed and encouraged tsunami IDP families initially promised houses under the post-tsunami donor built program to also access the owner built, grant scheme. While this may hasten progress in housing construction and help protect against inflationary building costs, it has the potential to increase inequities between tsunami and conflict IDPs, as over half of the latter continue to await support from the UAS and/or any donor-built schemes.

- *Government, development partners and the LTTE should jointly commit to putting their rhetorical support for conflict IDPs into practice by identifying whether they can encourage more equitable support from new or existing (and flexible) funding commitments. They should also seek to address administrative constraints, to ensure that progress on conflict IDP housing is not left behind in the effort to achieve government targets on tsunami IDP housing.*

Future Donor Support to Conflict IDPs

A number of development partners are already providing support to conflict IDPs, and others have

indicated a preference to explore work in this area. While this should be actively encouraged, stronger policy dialogue and collaborative planning is required to ensure that lessons learned from the post-tsunami experience are taken into account in any new phase of support to conflict IDPs.

- *Key stakeholders, such as RADA, the Ministry of Nation-Building, the North East Provincial Council Secretariat, the LTTE's Planning and Development Secretariat, and development partners, should agree on a framework for ensuring that future support to conflict IDPs is carried out in much stronger alignment with the Guiding Principles and according to standards that will promote equity. This will enable key policy-makers and implementers to ensure that existing mechanisms are being effectively used and adapted, that the roles, responsibilities and standards to be achieved are understood and that common obstacles to delivery are highlighted and addressed. It should also ensure that the mechanisms for community consultation and involvement are properly utilised. Facilitated workshops for technical experts following preparatory work would be essential in allowing policy-makers and implementers to discuss, agree and adapt the framework as required.*

Guiding Principles

These were agreed between government, development partner, civil society, and LTTE stakeholders in February 2005 as a framework of principles to guide the relief and recovery effort.

1. The allocation of resources both domestic and international should be strictly guided by the identified needs and local priorities, without discrimination on the basis of political, religious, ethnic or gender considerations.

2. Reconstruction activities should be carried out by the appropriate level of government, with an emphasis on decentralization where feasible.

3. Communities should be empowered to make their own decisions during recovery.

4. Communication and transparency to be present in decision-making and implementation.

5. Reconstruction should avoid rebuilding existing vulnerability to natural hazards.

6. A coordinated approach should be used to prevent duplication in activities.

Mini Case Examples of Transitional Shelter Provision

The following presents some case examples of transitional shelter provided to conflict and tsunami affected communities.[96]

Type of Settlement	Shelter Standard	Sanitation	Water	Electricity
Tsunami IDPs; Children's Park; 78 persons; Tangalle	1 shelter per family; material: concrete, wood, tin sheets, glass; size: 36 m²	3 families per toilet; separate bath house for females	Adequate; pipe borne water to shelters; 2 x 200 litre storage tanks	All have electricity
Conflict IDPs; Puttalam Saltern I; 389 persons	90 huts for 110 families; material: mostly concrete foundation, cajan walls, and roof; size: 35 m²	11 families per toilet	Inadequate; available from tank 6:30-8:30am; waiting time measured in minutes	20 percent have electricity
Tsunami IDP camp in conflict affected Jaffna; Manalkadu Camp; 1,800 persons	1 shelter per family; material: concrete floor, plastic sheeting, tin sheets; size: 50 m²	5 families per toilet; separate bathing facilities	Adequate; drinking water: 1 well/60 people; no waiting time	One generator provided by an NGO

Type of Settlement	Access to Health	Access to Education	Durable Solutions	Remarks
Tsunami IDPs; Tangalle	25 meters to hospital	Yes	Land allocated, and reconstruction on permanent houses has started; timeframe: 6 months; compensation awarded to 3 families	Only those who owned houses are provided with new land and homes; families living on rent have no solutions beyond the temporary shelter
Conflict IDPs; Puttalam	5 kilometers to hospital		No secure tenure; no land allocated; no timeframe; no compensation	Displacement has lasted over 15 years
Tsunami and conflict IDPs; Jaffna	15 kilometers to hospital; NGO mobilehealth visits twice a week	Yes	Allowed to stay on land for 1 year; No land allocated; no time frame; compensation promised but not awarded	Most families displaced several times

[96] The information was drawn from *The Internally Displaced In Sri Lanka, Discussion Paper on Equity*, December 2005; Participating agencies: Care International, Christian Aid, Jaffna Social Action Centre, Oxfam, Norwegian Refugee Council, Zoa Refugee Care, UNDP, OCHA and UNHCR.

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