

## **7. Module 4: Livelihood Development**

**Session 10 & 11 not included in this version**

**Session 12 : Rights Based Community Led DRM – the status quo**



**Session 12 : Rights Based Community Led DRM – the status quo**



# Goal

To instill an understanding of the governance mechanism in Sri Lanka and how it influences disaster management.

## Learning objectives

After completing this session, the participant will be able to

- Critique the Rights Based Community led Approach to disaster management

## Learning outcomes

Participant will learn to

- Distinguish between civil, political and economic, social and cultural rights
- Explain the Human Rights Based Approach to development
- Describe current status of people inclusiveness in development planning and risk reduction
- Discuss issues related to community led disaster management
- List advantages of DRR

The rights-based approach has been gaining ground, not only as an ethical foundation but also as a normative framework for social development. The Universal Declaration of Human Rights adopted by the United Nations in 1948 establishes three types of rights, which are parts of an indivisible whole. Development Planning in Sri Lanka today are influenced by the government structure and the attempt to devolve power from national to the provincial level. It is necessary therefore to understand the government structure in order to search for possible entry points to mainstream disaster risk reduction into development planning.

**Civil rights**, refer to individual liberties and freedom from State coercion, and include: the right to freedom of opinion and expression; the right to freedom of peaceful assembly and association; the right to freedom of thought, conscience and religion; the right to own property; and the right to justice.

**Political rights** include the right to take part in the government of one's country, directly or through freely chosen representatives, and the right to equal access to public service.

**Economic, social and cultural rights (ESCR)**, includes the right to work, to free choice of employment, to social security, to just and favourable remuneration, to rest and leisure, the right to a standard of living adequate for health and well-being, to shelter and to participate in the cultural life of their community.

Risk reduction has to be treated within the third category. Social rights are increasingly invoked as a guiding principle for social policy, both among political actors and within international agencies in the provision of social assistance and welfare services. Unlike civil and political rights, the exercise of economic, social and cultural rights demands for social covenants, social progress and equality.

Development activities and human impact on the environment has emerged as a major cause for escalating global trends in disaster impact. Human rights-based approach to development (HRBAD) has therefore gained attention recently. Rights based disaster management becomes a flip side of this coin.

A human rights based approach to development is seen as both a means and an end. The rights-based definition of development in article 1 of the Declaration on the Right to Development sees it as a comprehensive economic, social, cultural and political process. Its objective is the constant improvement of the well-being of the entire population and of all men and women, based on their active, free and meaningful participation in development and in the fair distribution of the resulting benefits.

Human rights advocates have so far focused their attention on getting central governments to accept the basic HR principles. As they begin to focus on the growing political phenomenon of decentralized decision-making power to lower levels of government, they are increasingly recognizing that such a process creates new opportunities to promote HR as well as threats to protection. Indeed, issues of justice, accountability, poverty reduction, employment/livelihood, environment, gender, sustainable development and disaster risk reduction are fundamental concerns of local development.

The need is to ensure sustainable development and consequently localities safer from disaster impact that will not erode away gains of development.

A current concern from human impact is Global warming and Extreme Climatic Events. Sri Lanka has recently been experiencing abnormal weather patterns of intense rain fall within short periods of time. The floods and landslides of May 2003 and December 2006 and January 2007 are very recent memories that remind us of this bitter truth.

A human rights-based approach to development is above all a responsibility-based approach. It asks, **“who is, and who should be, responsible for what with respect to whom?”** One of the most useful results of a responsibilities analysis of the role of individual duty bearers is the recognition of the interdependence of various rights together with the identification of actors whose behavior could contribute to changes that enhance the realization of those rights.

Many of these gaps relate to issues of people inclusiveness in decision-making, justice, accountability, poverty reduction, employment/livelihood, environment, gender, Security for Women and Children, sustainable development and disaster risk reduction and post disaster rehabilitation and reconstruction.

All of these are fundamental concerns of decentralization of disaster risk reduction, local development planning and local governance. These issues are also part and parcel of Millennium Development Goals (MDGs) and SAARC Development Goals (SDGs).

## Poverty Alleviation

The Government of Sri Lanka is very much concerned with alleviating poverty and helping the vulnerable groups of the population. Poverty is the major problem in the community development process in the country. The major causes of poverty in the country are discrepancies in income flow, low rate of economic growth, rapid population growth, and high cost of living. Some specific poverty alleviation programs initiated by the government are food stamp scheme, Janasaviya program (JSP), Samurdhi program, and various other welfare programs for the vulnerable groups.

### The Food Stamp Scheme

The food stamp scheme was introduced in 1979 and has since covered more than 7.5 million beneficiaries or the equivalent of 1.8 million households representing 50% of the total population at that time. In terms of cost of the scheme, the total in 1989 was Rs.3.6 billion or 1.5 % of the country's GDP.

### The Janasaviya Program (JSP)

In 1989, the JSP was launched by the government to promote self-employment in the rural areas and, in the process, alleviate poverty through the use of the people's own strength. The JSP provided a grant of Rs.2,500 per family per month. The program was designed to cover all divisional secretariats. The priority in selecting family recipients was based on needs. As the grant was given on a flat rate basis, a certain weakness became apparent regarding inequality – at the expense of large families with very low family income.

### The Samurdhi Scheme

In 1995, the launching of the Samurdhi scheme based on participatory approach and a threefold scheme, namely; supplement, social and economic and credit and savings replaced the JSP. In 1999, 1.7 million families were serviced with varying amounts of grants, i.e., Rs.1, 000 per month, Rs.500 a month and between Rs.100 and Rs.200 a month, depending on the size of families. The total cost of the program amounted to Rs.32 billion representing about 18 % of the total welfare expenditures.

In an effort of the government to generate savings on the part of the grant recipients, each family was required to save part of their income supplement – also, in varying amounts.

By 1998, this requirement had saved a total of Rs.3, 722 million in 352 bank societies in the country.

### Special Program for Vulnerable Groups

This programme, labeled as an assistance scheme, cater to the needs of the disadvantaged groups in the society, namely the sick and the aged who have no sources of income. By 2002, nearly 200,000 beneficiaries received a total of Rs.600 million a year or an average of Rs.3, 600 per person. The vulnerable groups also include victims of vagaries of nature such as floods, droughts, and landslides. Assistance was made in the form of meals, financial support or material for rehabilitation of damaged houses.

The DMC is currently in the process of entering into a MoU with the Samurdhi Programme for collaborative work. Samurdhi has a vast network of officers working at community level. Most of them are currently collaborating informally with village disaster management committees. However, this needs to be formally endorsed to mainstream with disaster risk reduction.

## Children, Women and Gender Issues

Article 12(2) of the 1978 constitution of Sri Lanka provides that *“no citizen shall be discriminated against on the grounds of sex.”* Article 12(4) states that *“nothing in this Article shall prevent special provision being made by law, subordinate legislation or executive action for the advancement of women, children or disabled persons”*

The National Child Protection Authority Act No. 50 of 1998 established the National Child Protection Authority (NCPA) to protect and promote children’s rights. The National Child Protection Authority is the Central Agency for coordinating and monitoring action on the protection of children. On September 8, 2000 Sri Lanka signed and ratified the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on May 8, 2002 the government of Sri Lanka signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

Act No. 30 of 2005 Convention on Preventing and Combating Trafficking in Women and Children for Prostitution provides protection against their trade for prostitution.

Since 1948, Sri Lanka has acceded to (and ratified in some instances) a number of international standards relating to the realization of human rights for women. These include:

- ILO Convention No 100 of 1951 (Equal Remuneration)
- ILO Convention No 103 of 1952 on Maternity Benefits and the revisions made in 19803 (Government Publications Bureau, 1980)
- UN Conventions on Trafficking in Women
- UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1981
- UN Convention on Migrant Workers in 1990
- UN Declaration on Violence Against Women in 1993.

Sri Lanka’s Women’s Charter based on CEDAW was established in 1993. The Charter of 1993 reflects the state policy on women and addresses women’s concerns. Both the state and NGOs were involved in its formulation. Areas of concern include:

- Civil and political rights
- Rights within family
- Rights to education and training
- Right to economic activity and benefits
- Right to health care and nutrition

- Right to protection from social discrimination
- Right to protection from gender-based violence.

The Women's Charter is not a legal enactment and is therefore not legally binding. Under the Charter, the National Committee on Women (NCW) established in 1993 has been designated with the task of monitoring to ensure implementation of the Charter.

The Ministry of Women's Affairs established in 1997 is ultimately responsible for formulating state policy on women's issues while the Women's Bureau (WB) first established in 1978 and NCW are the state structures responsible for the implementation of policy. The NCW has also established a Gender Complaints Center in May 1999. Since the adoption of the Charter there have been numerous efforts on the part of the national machinery and women's groups to raise public consciousness about the Charter through various media.

In 1996, as a mechanism for implementing the Beijing Platform of Action, the government of Sri Lanka has formulated a National Plan of Action (NPA), in consultation with local NGOs. This plan has been updated in 2001. Action has been taken to implement the plan through mainstreaming gender.

The Citizen's Reports raise the issue that benefits of these legal enactments have not been extended to cover disaster situations and emergencies.

## **Inclusiveness of People**

Coherence and ownership in any initiative comes through inclusiveness and participation of people. A recent research study<sup>1</sup> provides the status quo on people participation in need analysis and decision-making in local infrastructure projects. The following observations are extracted for insight.

“Ideally, decentralization and devolution should create more opportunities for the people to influence the decision making, planning and implementation of their own development processes, but this research has shown that the local people are excluded from the decision making process and largely alienated from planning and implementation processes... Consequently, many infrastructure projects have little impact in terms of addressing local needs or improving rural livelihoods. The author observed that the people have realized that they have been excluded from the provincial development process, but the vast majority of rural people continue a ‘Culture of Silence’, with no voice, no access and no involvement”...“particularly women have been excluded or alienated from the planning and implementation processes of provincial infrastructure sector projects.”

People inclusiveness would undoubtedly bring transparency into the process of local decision-making, whether it is development, poverty alleviation or risk reduction. The DMC through the institution of village committees had aspired to bring people inclusiveness into disaster risk reduction. However for its sustainability, it must be mandated through provincial enactments that could then be translated to by-laws at local government level to ensure accountability for people inclusiveness.

1 Ramasinghe Chandini, (2008) The Missing Half & Elite Capture: A Critical Assessment of Effectiveness on Infrastructure Sector Projects in Addressing Local Needs .A Case of Uva Province, Unpublished, Personal communication.

This leads to the much talked about participatory community approaches. This raises the challenge of how communities can be organized into entities with capacity to tackle the complex issues of risk reduction or to facilitate community led- risk reduction. There is considerable traditional know-how about coping with disasters. The challenge is to cope up with disaster impacts due to extreme climatic events, which is a new phenomenon. It needs new strategies for adapting to these unusual events. Before community led risk reduction is possible, there is a need for development of social capital that can cope with the new challenge. This calls for

- Technical assistance so that professional help can be bought in to help communities to “package” responses
- Mechanisms for financing risk reduction interventions – to kick start community-led initiatives
- Partnership building with relevant governmental and non-governmental stakeholders to facilitate community initiatives.

People have grown so used to believing that outsiders know what is needed for any given situation and many intervention are taken to communities with this conviction. A change in this paradigm must be brought about to establish that communities are given the opportunity to decide for themselves. This calls for Decentralized Disaster Risk Reduction (DDRR).

From lessons learnt from South Asia from a wide range of members of Duryog Nivaran the following ‘Performance Indicators’ have been identified to denote successful application of DDRR approach:

- Public action towards risk management/reduction by at-risk communities and community representatives
- Enhanced responsiveness of local government organizations
- Participation of vulnerable communities in decision making
- High level of coordination between local government institutions and communities
- Accountability and performance-auditing of institutions and individuals dealing with disaster management
- Transparency in resource allocation, planning and implementation of counter-disaster endeavours undertaken by state and non-state actors
- Equity in provision and delivery of goods and services in terms of gender, cast, creed, etc.

People inclusiveness must become a culture and move from rhetoric to practical implementation.

It is therefore vital for civil society to agree on ways to combine rights-based development with the institutions and policies that will produce and allocate the resources needed to make those rights a reality. To accomplish this, social covenants will have to be forged between the various agents of the State and civil society. It is necessary to combine the ethical aspect of social rights with viable ways of strengthening citizens’ entitlement to such rights in relatively poor communities. It includes an exhaustive analysis of various aspects of social protection systems (health care, social security, poverty reduction and risk reduction).

Although the body of international standards and agreements on human rights has been the starting point for entitlement to such rights, the latter has also been shaped by the way in which those standards have been transposed into constitutions and laws, which have in turn been translated into policies and practices that govern the democratic relationship between the State and civil society. The final step in this process comes when the entitlement to such rights eventually passes over from de jure to de facto status.

Four elements must be considered in constructing modalities to achieve this transformation.

- The first is whether or not the rights in question are subject to constitutional control.
- The second is whether or not the standards refer to objective duties (the general obligation of the State to provide suitable programmes) or subjective rights (an individual's right to demand access to a programme or benefit).
- The third is whether or not the rights are formulated as absolute rules (enabling each individual to demand that the State apply that standard or rule to him/her) or simply as principles (to be applied only where legally and factually possible).
- The fourth is whether the notion of social rights refers to a maximum or minimum level of well-being.

These modalities can be combined to produce different forms of legal protection. At one extreme, the maximum level of protection for social rights would be attained when such rights are constitutionally protected, subjective, complete and are backed up by a set of explicit rules.

At the other extreme, social rights having a minimum would be those that are not protected by the constitution, that are not subjective rights but instead give expression to objective duties of the State. A relevant example would be the SPHERE Standards to be ensured in IDP camps.