



**ASEAN HUMANITARIANISM TO HUMAN RIGHTS – CHILD
RIGHTS INCORPORATED IN HUMANITARIAN RELIEF
IN A NATURAL DISASTER: CASE STUDY OF
TYPHOON HAIYAN**

BY

MISS WEI WU

**A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS (ASEAN STUDIES)
PRIDI BANOMYONG INTERNATIONAL COLLEGE
THAMMASAT UNIVERSITY
ACADEMIC YEAR 2015
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was approved as partial fulfillment of the requirement for
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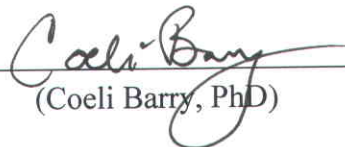
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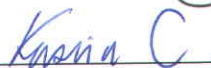
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ABSTRACT

Incorporating human rights approach to humanitarianism raises a “new humanitarianism” concept; however, the challenges include political conflict on the ground or the lack of a robust rights-based approach in humanitarian relief. In addition, the ASEAN as an intergovernmental organization shows a more active motivation in human rights development, also the concern on child rights in disasters in the past decades.

A frequency series of natural disasters attack this region, especially tsunamis, earthquakes, floods, haze, typhoons etc. Children are a special group in disaster situation; they face a higher risk of violence, exploitation, and trafficking and their voices also need to be heard. Thus, their vulnerability narrative and their participation is the main concern in humanitarian relief. The ASEAN, has established the AICHR and the AHA Centre, along with other agreements or sectors related to child rights in disasters or humanitarian relief. This thesis argues that there is a role

for the ASEAN in child rights achievement in humanitarian relief, both in humanitarian relief itself and cooperating with the governments and civil society as an intergovernmental organization.

This study using the concept of the relationship between humanitarianism and human rights, explores a rights- based approach in humanitarian relief, using the UNCRC (United Nations Convention on the Rights of the Child)'s definition of child rights as an example, to examine the child rights based approach in humanitarian relief, particularly the case of the Typhoon Haiyan. The objectives were to investigate the achieved and unachieved child rights in this case study, to research the role of the ASEAN in child rights implementation in humanitarian relief.

Keywords: ASEAN, Child rights, Humanitarian relief, Natural disaster, Human rights, Humanitarianism, Haiyan (Yolanda)

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LIST OF ABBREVIATIONS

Abbreviations	Terms	Types
ASEAN	Association of Southeast Asian Nations	Organization
AICHR	ASEAN Intergovernmental Commission on Human Rights	Regional department
AMSs	ASEAN Member States	
AHA Centre	The ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management	Organization
AADMER	ASEAN Agreement on Disaster Management and Emergency Response	Agreement
APG	AADMER Partnership Group	Work group
ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children	Regional department
AEGDM	ASEAN Expert Group on Disaster Management	Work group
AMMDC	ASEAN Ministerial Meeting on Disaster Management	Meeting
ACDM	ASEAN Committee on Disaster Management	Regional department
ARPDM	ASEAN Regional Program on Disaster Management	Program
ASSI	ASEAN Safe School Initiative	Program
ARYA	Assistance for the Recovery of Yolanda-Affected Areas	
BHSs	Barangay health stations	
BCPC	Barangay Council for the Protecting of Children	
CICL	Children in conflict with the law	
DRR	Disaster Risk Reduction	

DHCA	Humanitarian and Civic Assistance Operations	
ECHO	European Community Humanitarian Office	Organization
ERAT	Emergency Rapid Assessment Team	Work group
GOODS	The Great Observatories Origins Deep Survey	
GDP	Gross Domestic Product	
GBV	Gender-based violence	
HFA	Hyogo Framework of Action	
HAP	Humanitarian Accountability Partnership	
INGO	International Non-governmental Organization	
IGO	Intergovernmental Organization	
ICCPR	International Covenant on Civil and Political Rights	
LGUs	Local government units	
NGO	Non-governmental Organization	
NDRRMC	National Disaster Risk Reduction Management Center	Government office
OPARR	Office of President Assistant for Rehabilitation and Recovery	Government office
PLAN	Plan International	Organization
PSA	Philippine Statistics Authority	
SRH	Sexual reproductive health	
SAVE	Save the Children	Organization
UDHR	Universal Declaration of Human rights	
UNCRC	United Nations Convention on the Rights of the Child	
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs	Organization
WASH	Water, sanitation and hygiene	
WV	World Vision	Organization

CHAPTER 1

INTRODUCTION

Humanitarianism and human rights are often understood as being synonymous; however, humanitarianism focuses on life saving while human rights focus on the long-term goal of eliminating the causes of suffering (Barnett, 2011, p 16). In the history of humanitarianism, three distinct ages of humanitarianism have been occurred: imperial humanitarianism; neo-humanitarianism and liberal humanitarianism. The ages and their elements are summarized in the following table (Barnett, 2011).

Table 1.1

The Ages of Humanitarianism

	1800-1945	1945-1989	1989-present
Forces	Imperial Humanitarianism	Neo- Humanitarianism	Liberal Humanitarianism
Destruction (violence)	Great Power war and colonialism	Cold War and decolonization	Liberal peace
Production (economy)	Commerce	Development	Globalization
Compassion (protection)	Civilization	Sovereignty	Human Rights

Note. From “Empire of Humanity - A History of Humanitarianism” by Barnett, M. 2010, Cornell University Press, p. 30.

We are now in the Liberal Humanitarianism Age; globalization has brought connections, facilitated by technological revolutions in transportation and communication, and a heightened a sense of community. This is evident not only in the steady stream of global campaigns to ban landmines, provide debt relief; and make medicines accessible to the poor, but also in changes in the meaning of state

sovereignty and, most prominently and profoundly, the ascendant discourse of human rights. Humanitarianism and human rights have distinct meanings. Human rights relies on a discourse on rights, focusing on legal discourse and frameworks, while humanitarianism involves on a discourse on needs and shifts attention to moral codes and sentiments (Barnett, 2011). However, they also have similarity; they share a common view of the essential characteristics of human welfare and human dignity. When individuals experience the same abject conditions, they suffer in more or less the same way, regardless of their gender, cultural or religious identity, or political persuasion. As a rule, humanitarians, like human rights advocates, reject the relativist view that suffering is acceptable when it is part of an established way of life (Wilson & Brown, 2011, p 5).

The difference and similarity make aid workers and human rights activists continue to explore the relationship between them over the decades. Along with the development of humanitarianism, the concept of human rights gains greater awareness; many humanitarian organizations apply the human rights approach in their activities, considering it a new integration. Scholars are bringing ‘new humanitarianism’ concepts to ensure that humanitarian relief is one method to develop human rights¹. However, other voices, like that of Hugo Slim, have raised the problem that: although human rights standards have always been integral to the principles of humanitarian actions, ‘NGOs in particular seem to have convinced themselves that a humanitarian position and a human rights position are somehow at odds with each other’(Slim, 1997, p. 345). In addition, the mismatch also insists between rights-based approach to post-disaster humanitarian work and legal framework of human rights. The arguments have continued until today. The relationship between humanitarianism and human rights is the major concept of this thesis research, and more discussion will be presented in the following chapters.

After World War II, humanitarianism became globalized. After the Cold War, new humanitarian emergencies appeared, that Barnett labeled the, “new war”

¹ “ New humanitarianism rejects the political naivety of the past, assesses the long-term political impact of relief and is prepared to see humanitarian aid used as a tool to achieve human rights and political goals” (Fox, 2001, p 275).

such as economic crises, terrorism and different natural disasters². Another product after the Cold War in Southeast Asian region, is the Association of Southeast Asian Nations (ASEAN), a regional intergovernmental organization (IGO), established in 1967. ASEAN's human rights development is in making very slow progress due to the ASEAN's human rights policy and the reasons advanced for the lack of ASEAN's human rights mechanisms. Until the 1990s the progress on human rights had been made this in context. In 1993, the ASEAN's foreign ministers agreed that ASEAN should establish a regional human rights mechanism. The ASEAN Charter's provision for the establishment of an ASEAN human rights body in Article 14 was a welcome surprise. These gave the necessary boost to human rights, making it a legitimate issue for discussion at the official regional level, and set in motion often conflicted process of establishing the first human rights mechanism in Asia (Li, 2011, p xii). In 2009, the ASEAN Intergovernmental Commission on Human Rights (AICHR) was established, with the function of promoting human rights in the region. In the meantime, ASEAN also developed some human rights relative instruments to feed into the work of AICHR, like the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and its supplementary Commission on Migrant Workers in 2007 and the ASEAN Commission for the Protection of Women and Children's Rights in 2011.

Human rights issues are considered by many states as internal affairs; many states believe individual rights must give way to the demands of national security and economic growth, or that human rights can be realized only after a certain level of economic advancement has been achieved. Any human rights mechanisms cannot possibly encompass the entire range of diversity among states within the region in terms of historical background, culture and tradition, religion, and levels of economic and political development (Medina, 1999, p i). In this diverse region, human rights issues are not only facing Southeast Asian's political sensitivity, but also the "new war", namely, humanitarian emergencies.

Regarding child rights among the ASEAN Member States (AMSs), all ten countries have ratified the United Nations Convention on the Rights of the Child

² Such as the Asian financial crisis in 1997; 911 and the 2004 tsunami in Asia.

(UNCRC)³ and all the governments as well as ASEAN are expected to produce agreements or programs in terms of child rights protection. The UNCRC is the main organ for child rights protection for the signed countries, especially in the human rights undeveloped states. However, not only for Member States, UNCRC also calls for cooperation from the outside, from civil society, the community and even from individuals. Children, as humans, have rights and their interests are the basis for having rules requiring others to behave in certain ways with respect to these rules. Thus, this research will use UNCRC as an example, by adopting its definition on child rights, to examine a child rights based approach to post-disaster humanitarian work.

Regarding the on the ground humanitarian work during natural disasters, internationally, child-focused international nongovernmental organizations (INGOs), such as Plan International (PLAN) and World Vision(WV)⁴, have adopted the Child-Centered Hyogo Framework of Action (HFA) that could be considered a model framework for child rights protection in the disaster management. With a view to ensuring that children have a voice as key local stakeholders in the views from the Frontline Report and in the Global DRR (Disaster Risk Reduction) governance arena, PLAN, supported by WV International, UNICEF and Save the Children (SAVE)⁵ designed a complementary survey modeled on the Great Observatories Origins Deep Survey (GOODS)⁶, but with a focus on children's role and views on HFA progress

³ After World War I, the rights of the child were recognized along with the adoption of the Declaration of Geneva in 1924, and in 1959, the UN adopted the Geneva Declarations of Children's Rights. The recognition of the interests and rights of the child became realized with the 1989 Convention on the Rights of the Child.

⁴ In the following section short as PLAN (PLAN International), and WV (World Vision). They are the selected INGOs, presented as examples of humanitarian agencies investigated in this study.

⁵ In the following section short as SAVE (Save the Children), another humanitarian agency, is examined in this study.

⁶ GOODS is an astronomical survey combining deep observations from three of NASA's Great Observatories: the Hubble Space Telescope, the Spitzer Space Telescope and the Chandra X-ray Observatory along with data from other space-

(PLAN, WV). The child-focused INGOs, PLAN and WV applied a child-centered DRR approach to the HFA in 2009.⁷

The ASEAN differs from INGOs, whose members are individuals or associations with set guidelines and standards determined by its founders, governors, stakeholders etc. However, ASEAN is an IGO, a structure based on organization with formal instruments of agreement among AMSs. In terms of child-focused humanitarian relief organizations of ASEAN, however, one and only one exists, is the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre), was being mentioned in AADMER (ASEAN Agreement on Disaster Management and Emergency Response) and established in 2011, aiming to facilitate cooperation and coordination among AMSs and with the United Nations and international organizations for disaster management and emergency response in Southeast Asian Region. The AHA Centre serves as a monitoring and response focus point. As an IGO, AHA Centre is functioning more than promoting and calling corporations. In addition, APG (The AADMER Partnership Group), a consortium of seven civil society organizations, was formed to help implement AADMER. It links civil society to AADMER, and provides rich experience in disaster management and emergency response. Its members comprise the ChildFund, HelpAge International,

based telescopes, such as XMM Newton, and some of the world's most powerful ground-based telescopes (WIKIPEDIA).

⁷ This approach was signed by 168 States at the World Disaster Reduction Conference, held in Kobe, Hyogo, Japan in January 2005. It underscored the need for, and identified ways of building the resilience of nations and communities to respond effectively to disasters. This framework established five priorities for action: 1. Governance - Ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation. 2. Risk Assessment, Monitoring and Warning - Identify, assess and monitor disaster risks and enhance early warning. 3. Knowledge and Education - Use knowledge, innovation and education to build a culture of safety and resilience at all levels. 4. Underlying risk factors- Reduce the underlying risk factors. 5. Preparedness and Response - Strengthen disaster preparedness for an effective response at all levels.

Mercy Malaysia, PLAN, SAVE and WV, of which ChildFund, PLAN, SAVE and WV are child-focused INGOs.

Thus, this study aimed to examine the child rights based approach to humanitarian relief on child-focus INGO and the ASEAN. On the one hand, we could find discover the uncovered parts of child rights regarding disaster humanitarian relief; on the other hand, based on those uncovered parts, to explore the clearer role of ASEAN in terms of child rights achievement during disaster humanitarian aid work as an IGO.

1.1 Context

Southeast Asia is an area with frequent natural disasters. Millions of people including children die and are made homeless or displaced due to a lack of knowledge on disasters, emergency preparedness, and risk reduction. The 2004 Asian tsunami caused a loss of nearly 230,000 lives (Sisira & McCawley, 2010, p 1). The 2008 cyclone Nargis ranked among the deadliest cyclones of all time, causing an estimated 138,000 deaths in Myanmar (The International Bank for Reconstruction and Development/The World Bank, 2012). Two earthquakes struck Sumatra in 2009, where 1,117 people were reported dead; 2.5 million people were affected with 250,000 families left homeless. Typhoon Ketsana hit Vietnam on 28 September 2009, followed by Typhoon Mirinae five weeks later. Over 3 million people were affected and at least 150,000 people were forced to leave their homes. Typhoon Ketsana and Parma struck the Philippines in October 2009 causing heavy rain and landslides, affecting 8.7 million people; 902 people died and more than 1.9 million were forced to leave their homes (Wannachan, 2010, pp 8-9). Flooding plagued much of Southeast Asia in the 2011 monsoon season. Thailand, Cambodia, Myanmar, Vietnam, Lao PDR, and the Philippines—which experienced heavy rainfall from intense tropical storms, suffered a collective death toll of more than 1,000, with more than 400 people drowned in Thailand, and 250 dead in Cambodia (Hunt, 2011).

These series of disasters made millions of people lose their families and children comprised the weakest part. Thus, protecting the rights of children in disaster situations is one of the most important works concerning child rights protection.

Issues exceeded basic living support, other issues during disaster also got attentions. For example, the problem of child trafficking, references were made to the Asian tsunami, where “Child traffickers were widely suspected of targeting survivors of the Asian tsunami in 2005” (Chamberlain, 2008) and reports of trafficking there were used as proof that trafficking was a major issue in the wake of disasters (Montgomery, 2011, p 401). Montgomery argued that this issue was magnified by the media including untrue reports, making it possible to see how Western fears of child abduction and sexual exploration were globalized and exported. This problem needed combating with great energy and vigilance (Montgomery, 2011), where in the media bungled this problem of natural disasters management, creating greater concerns. This problem exists and forces children to face higher risk in disaster situations; however, children have a right to be heard⁸.

During disasters, we need to see children both as beneficiaries, their basic rights to survival, development, and protection must be fulfilled, and as actors, providing useful knowledge of their communities, neighborhoods, and family assets and actively contributing to disaster relief and recovery efforts (Penrose & Takaki, 2006, p669). Children are affected by disasters, their rights to survival, to be protected; to access clean food and water, attend schools, ensure health etc. are all cause for concern, in addition, their participation. Disasters only worsen these conditions and increase risks (The International Bank for Reconstruction and Development/The World Bank, 2012, p6).

In general, disasters can be classified in four major groups: natural disasters⁹, technological disasters¹⁰, economic crises¹¹ and violence¹² (Sawada, 2007).

⁸ “Discussing trafficking appeals to the fantasies of Westerners, not children at risk, panders to adults’ fears and priorities not children’s. Children, it is increasingly acknowledged, have a right to be heard” (Montgomery, 2011).

⁹ Consisting of hydrological disasters (floods), meteorological disasters (storms or typhoons), climatological disasters (droughts), geophysical disasters (earthquakes, tsunamis and volcanic eruptions) and biological disasters (epidemics and insect infestations).

The case study involving this thesis research is based on Typhoon Haiyan, which hit the Philippines November 2013. This super typhoon was one of the most powerful and destructive typhoons ever recorded. The Philippines is used to typhoons with an average of 20 typhoons making landfall every year, but Haiyan, known locally as Yolanda, was different. Despite storm warnings and preparedness, more than 6,000 people were killed and houses, schools and health centers were flattened. Some 14.1 million people were affected. Over 4.1 million were displaced, including 1.7 million children (UNICEF, 2014). “Natural disasters like Typhoon Haiyan will affect children for their lifetime,” said Katherine Manik, country director for ChildFund Philippines. “Children are particularly vulnerable in disaster situations. Many children are unaccompanied or neglected while parents look for food and water.”

Children have no choice but to live with more frequent and intense disasters. Children in cooperation with communities need to be equipped with life-saving tools to reduce their risk and the risk of others from disasters and develop resilience (Wannachan, 2010). During humanitarian relief, most children are provided only material relief and education, considered a fuller rights achievement, and both regional and national levels of long term recovery are needed. In this sense, incorporating child rights with the humanitarian relief approach is an important strategy during natural disasters; however, it also faces problems of internal regulations or laws. For example, child labor or trafficking issues may arise after children are separated from their families, so not only humanitarian relief workers need to be concerned with these issues, but also local government or even international support turn to human rights issues, which may create sensitive political problems at the local level. This is one of the challenges that both INGOs and the ASEAN, as a regional community and IGO need to face. Regional human rights requires protection and more specific child rights require a deeper understanding and

¹⁰ Such as industrial accidents (chemical spills, collapses of industrial infrastructures) and transport accidents (by air, rail, road or water means of transport).

¹¹ hyperinflation, banking crisis and currency crisis

¹² terrorism, civil strife, riots and war

more sensitive treatment of child rights issues among governments and people in the region (Medina, 1999).

Typhoon Haiyan is a suitable case to examine humanitarian relief work using the child rights approach integrated in the ASEAN. Firstly, in terms of humanitarian relief, it constituted the largest natural disaster after the establishment of the AHA Centre (2011) and APG (2009); it presented an opportunity to examine AHA Centre itself and the cooperation with civil society during Typhoon Haiyan. Secondly, in terms of child rights, the AICHR established in 2009, and later in its work plan 2011-2015 indicates a study on 'women and children in conflict and disaster', showing that the ASEAN human rights development did consider the issue of child rights in disasters, and all AMSs have ratified the UNCRC, which provides an example to examine the child rights based approach to humanitarian relief work in this thesis research. Thirdly, Typhoon Haiyan is the second greatest natural disaster where the ASEAN did initiate humanitarian relief, after Cyclone Nargis in Myanmar 2008. The ASEAN's engagement was critical in building a bridge between the government of Myanmar and the international community to facilitate humanitarian assistance' (Fan & Krebs, 2014). Because the ASEAN played a historic role in facilitating and coordinating the response during Cyclone Nargis, after that, the ASEAN established the AICHR, AHA Centre and APG. These are all signs to see the ASEAN's motivation on humanitarian work and human rights development, and furthermore, integrating them. Thus, Typhoon Haiyan offers a clear lens to see through.

In addition to the ASEAN, this thesis research will also focus on three INGOs: PLAN, SAVE and WV. They are child-focused INGOs with rich experience in international humanitarian relief. They all acknowledge UNCRC as a guideline to achieve child rights implementation, and are partners in the APG. They all contribute to early humanitarian relief and are still conducting post-disaster work in Tacloban City. Even though INGO and ASEAN have different natures and roles, it doesn't lead them to an opposite relation. They can cooperate to reach as many children as they can, to achieve their rights during Typhoon Haiyan.

Regarding the vulnerability of children in disasters, the higher risk they are facing, also their voices need to be heard. The focus of this research is to discuss

child rights achievement involving humanitarian relief in Typhoon Haiyan, and to find out the uncover part(s) that the child focus INGOs haven't cover, based on the uncover parts, to explore the possibilities of integrating child rights and humanitarian relief following ASEAN's humanitarian relief and coordination. In addition, the challenges that the ASEAN is facing and the roles that the ASEAN is playing will be discussed, in terms of a child rights based approach incorporated in humanitarian relief in natural disasters.

1.2 Objectives

- To examine the child rights based approach to humanitarian relief using the case study of Typhoon Haiyan
- To research the achieved and unachieved rights of the child regarding humanitarian relief in the case study of Typhoon Haiyan
- To explore the possible causes of unachieved rights of the child by humanitarian relief in the case study of Typhoon Haiyan
- To investigate ways for the ASEAN to implement child rights using humanitarianism
- To clarify the roles of the ASEAN in terms of integrating child rights and humanitarian relief and the challenges the ASEAN faces

1.3 Research Questions

- In the case of Typhon Haiyan, did the child-focused INGOs humanitarian relief works achieve the child rights based approach on the ground?
- In the case of Typhoon Haiyan, did the ASEAN itself and its coordination in humanitarian relief achieve the child rights based approach on the ground?
- What is the role of ASEAN in this integration between child rights and humanitarian relief and what are the challenges?

1.4 Methodology

This thesis employed a qualitative approach. An adjusted conceptual framework on child rights in disaster situations will be adopted, as a child rights based approach example, to examine child-focused INGOs and the ASEAN's humanitarian relief work's achievement on child rights in the case of Typhoon Haiyan. The literature review comprised academic resources; the information and analyses were based on secondary sources collected from academic journals, authoritative news websites, the ASEAN and INGO official websites. The field research was conducted in Tacloban City, the Philippines. The interviews were conducted among officers in charge of the ASEAN issues regarding child rights or child protection and also involving social workers or program staff from child-focused INGOs, both in Thailand and in Tacloban. The period for collecting data was from 18 November 2013 to November 2015, two years after Typhoon Haiyan i.e., the response and long term recovery period.

1.4.1 Documentary research

Firstly, the literature review helped to understand the existing knowledge and arguments of the relationship between human rights and humanitarianism and provided the bedding concept of this research. Moreover child rights in general and child rights during disasters were reviewed. Upon completion, the literature was summarized and a conceptual framework was developed that helped to systematically analyze the data concerning Typhoon Haiyan.

For the analysis part, data were collected from field research in Tacloban City along with secondary data from authoritative news websites, the ASEAN, international organizations' official websites, update reports and academic journals.

1.4.2 Interviews

Interviews were conducted among staff working on child protection rights development in disaster situations. Additionally, staff or representatives working on child protection and Typhoon Haiyan issues were

included. Furthermore, three indepth interviews of INGOs¹³ were conducted in Bangkok and using Skype.

The questions mainly focused on the work experience regarding child rights issues during disasters, their response concerning Haiyan issue and their expectations or suggestions for the ASEAN in terms of child rights protection during disasters.

1.4.3 Field research

The field research was conducted in the Philippines, where the city received the biggest damage, i.e., Tacloban. The on the ground interviews and recovery observations were taken during the field research in Tacloban City and documentary research at Ateneo de Manila University. This field research accessed three international organizations still working on the ground for recovery work¹⁴. The interview questions focused on the child rights based conceptual framework's achievement according to their humanitarian relief works on the ground.

1.5 Thesis Structure

This thesis was constructed in five chapters. The first chapter introduces the grounding concept on the relationship between humanitarianism and human rights, bringing out the arguments in this concept. Further, the ASEAN human and child rights development progress, including disaster situations in AMSs, especially Typhoon Haiyan was studied. This led to developing the research problem, determining the significances of this thesis, creating the research questions and objectives and the method and structure of this research. This introductory chapter gives the general content for guiding the whole thesis.

Chapter Two comprises the literature review focusing on three parts. Firstly the arguments on incorporating humanitarianism and human rights are presented. Secondly, reviews focusing on child rights in humanitarian relief during

¹³Including Oxfam, SAVE and WV.

¹⁴ Three child-focused INGOs: PLAN, SAVE, WV. And the field research was taken from 12th July 2015 to 17th July 2015.

disaster, linking individual rights with humanitarian relief during disasters, using UNCRC as an example, identifying child rights based on human rights framework, aiming to create the conceptual framework of this thesis research. In the last part, the literature review concerning implementing child rights in association with humanitarian relief and are connected to the ASEAN's role on implementing child rights or human rights mechanisms, which are still limited in this area.

Chapter Three is an analysis focusing on the researched child-focused INGOs, in the case of typhoon Haiyan, and how much of their humanitarian relief actions could achieve child rights on the ground by adopting a child rights based approach in humanitarian relief in this case study.

Chapter Four is an analysis focusing on the ASEAN, regarding how much of their humanitarian relief and coordination actions could achieve child rights on the ground by adopting a child rights based approach in humanitarian relief in this case study. At the same time, the possible ways for the ASEAN to implement child rights through humanitarianism were explored including the challenges.

Based on the introduction and the analyses, the last chapter forms the conclusion of the researched INGOs' and the ASEAN's humanitarian aid action on achieving child rights in the case of Typhoon Haiyan. Furthermore, suggestions for the ASEAN's implementation on child rights during disasters are presented.

CHAPTER 2

LITERATURE REVIEW

This chapter will firstly discuss the relationship between humanitarianism and human rights in the existing literature and arguments concerning incorporating human rights in humanitarianism and the mismatch between the rights-based approach in a humanitarian relief and human rights framework. This constitutes the bedding for this research, to see the possibility of child rights achievement in the context of humanitarian relief work. The second part will discuss the relevant literature review of child rights in humanitarian relief; to review the discussion on the vulnerability of children and children's participation in disasters. It discusses the relationship between humanitarian relief during disasters and each individual right of the child, use UNCRC as an example, defining those child rights based on human rights framework, to create the conceptual framework for this thesis research. Lastly, the literature review presents seeing child rights as one, and in disaster situations, a blank area to integrate child rights in humanitarian relief, leading to the significance of this thesis research. The aim is not only to close the gap, but also connect with the ASEAN, to investigate its role in implementing child rights and even human rights development in the region.

2.1 Humanitarianism and Human Rights

2.1.1 Incorporating human rights in humanitarian relief work

For most people, humanitarianism and human rights convey the same meaning; in other words they're synonymous. However, Barnett provided a clearer definition, i.e., human rights is concerned with rights, while humanitarianism is concerned about needs. Human rights typically focuses on the long-term goals of eliminating the causes of suffering, while humanitarianism concerns the urgent goal of keeping people alive (Barnett, 2011). They have different focuses, but share the same headstream; the metaphor of Barnett is that, "they have flowed into each other over the decades". Darcy contributed a similar argument: humanitarianism and human

rights offer ‘a shared concern with many of the same contexts, the same people, and the same threats to their wellbeing’, and is the significant overlap of the two agendas (Darcy 2004, p 6). In recent years, other concepts of humanitarianism have been put forward, in which commonalities with the human rights agenda are present and the concept of human rights is increasingly invoked (Darcy, 2004, pp4–5).

In real practice, the two main arguments on humanitarianism and human rights are whether to incorporate or not. Gosden argued that “humanitarianism has the potential to act not only in its own right, but as an opening point for human rights awareness” (Gosden, 2007), and her research of Australian advocacy for asylum seekers/refugees supports this cooperation. She believed that, ‘the realization of that potential depends on the making of connections-between the perception of another’s suffering and effective tools not only for immediate and temporary alleviation of that suffering, but also for more long-term protection and defense against the imposition of that suffering’ (Gosden, 2007). In this sense, humanitarian intervention/relief involves not just saving lives or providing basic survival aid work, but also opening the door to the achievement of human rights, to maintain long-term rights protection and create greater awareness. This could be a leading aspect to this research about child rights during disaster situations.

In addition, Gosden reported, ‘situate local struggles within an international context and contextualize international struggles for human rights and humanitarian assistance’ (Gosden, 2007, p 166). Thus, the case of child rights protection during disasters not only involves a local struggle, it needs to be linked with international interventions (for the ASEAN it entails regional interventions), to link with human rights and humanitarian crises.

As an open advocate of the new humanitarianism¹⁵, Barfod¹⁶ is more positive about the new model.

¹⁵ Fox brings this up in her article, ‘New Humanitarianism: Does It Provide a Moral Banner for the 21st Century’? The ‘new humanitarianism’ is defined as ‘principled’, ‘human rights based’ and politically sensitive and geared to strengthening those forces that bring peace and stability to the developing world.

Here you would actually say, there is no way we can handle a situation without linking up with human rights issues, without linking up with development, to understand the real impact. We have to be part of the political process leading to peace; that is what we are really there for (IDC, 1999a).

Fox proposes adopting the rights-based approach, by humanitarian agencies and donor governments. She suggested that, ‘many agencies have discovered, it is not an easy fit’, and the new humanitarianism ‘demands that all aid be judged on how it contributes to promoting human rights’ (Fox, 2001, p 278). She also reviewed a discussion paper of ECHO¹⁷, which presents a strong case for mainstreaming human rights in ECHO’s humanitarian activities (Fox, 2001).

2.1.2 The challenges in real practices

Western governments are happy to seize on these developments to co-opt agencies on to their own political agenda (Fox, 2001); this might not be the same in Southeast Asia, where the same political culture is not shared.

An article about the interface between humanitarian relief and human rights could bring us closer to this thesis research topic. Zeccola researched this relationship in the context of the conflict in Aceh, Indonesia,¹⁸ in the post tsunami period.¹⁹ In the disaster situation, providing food, medicine, and shelter to

¹⁶ Mikael Barfod, a senior official at the European Community Humanitarian Office (ECHO).

¹⁷ From a rights perspective, access to victims of humanitarian aid is not an end in itself and will not, therefore, be pursued at any cost. ... Access will be sought if it is the most effective way to contribute to the human rights situation (ECHO, 1999).

¹⁸ Aceh Conflict: this conflict was fought by the Free Aceh Movement (GAM) between 1976 and 2005, with the goal of making the province of Aceh independent from Indonesia. The Indonesian state had designated it as the "Aceh Disturbance". Effects of strong military offensive in 2003 and the 2004 Indian Ocean earthquake brought a peace deal and an end to the insurgency. (Wikipedia)

¹⁹ Paul Zeccola’s research mentioned that ‘the tsunami did not lead directly to peace, as there were a number of other factors at play: political will on the part of both sides being the most important’. His research ‘concentrates on how international NGOs

internally displaced persons, while ignoring violent abuse, led to the tragic description of the victims as the “well-fed dead” (Cohen, 2006, p101). Those people were more in need of protection from attack, abuse or even trafficking, especially children and not simply of the support of food, to sustain their lives.

However, some claim that this politicized form of humanitarian action may have ill-effects for both the victims and the aid agency. Incorporating human rights issues into humanitarian assistance may attract unwanted political attention from state and non-state actors (Zeccola, 2010, p311). States or conflict groups, will easily see those humanitarian aid works as the ‘announcement’ of taking sides. In one case, Zeccola’s research pointed out that ‘the Indonesian military did not want foreigners to meddle in the conflict. It was clear that foreign assistance was welcome in response to the tsunami, but it was most unwelcome in response to the conflict’ (Zeccola, 2010) and his interview with a TNI²⁰ official reported that, ‘internationals were only permitted to work on tsunami-related activities and could not get involved in the conflict’ (Zeccola, 2010). This raises the issue that when incorporating human rights in humanitarian actions, what the aid agencies could do mostly regards supporting basic needs; other human rights relative actions would be considered an ‘ internal political intervention’. NGOs face the problem of maintaining neutrality and also ensuring the safety of their staff on the ground. ‘The integration of human rights in humanitarianism as the politicization of humanitarian aid could lead to the targeting of aid workers and to NGOs being forced to withdraw their programmes’ (Zeccola, 2010).

The worst situation is that the NGOs were forced to withdraw, so their core work to support people’s survival needs could no longer be achieved. Critics added that human rights or other political issues should be the responsibility of states (Zeccola, 2010).

Another challenge, found in the reference shows that a mismatch exists between the rights-based approach to humanitarian work and the framework of

dealt with the dual disasters of conflict and tsunami within a rapidly changing political dynamic in Aceh between 2005 and 2007’. (Zeccola, 2010, p308)

²⁰ TNI: Tentara Nasional Indonesia is the Indonesian National Armed Forces.

human rights in real practice. Klasing, Moses and Satterthwaite used the key principles of human rights, participation and accountability as examples, comparing their legal content to corresponding concepts in the humanitarian aid system. In addition, their survey of humanitarian workers and volunteers after the 2010 Haiti earthquake also supported this mismatch argument²¹.

In terms of participation and the legal framework of human rights, authors briefly looked at the UDHR (Universal Declaration of Human rights) and ICCPR (International Covenant on Civil and Political Rights), compared with the Sphere Project²².

‘Humanitarian agencies tended to frame participation for beneficiaries within the confines of specific programs - not in relation to the exercise of participation in public life more broadly²³’ (Klasing, Moses & Satterthwaite, 2011). Except the participation for beneficiaries, human rights also require the assignment of obligations to duty-bearers, and humanitarian organizations do not ascribe ‘a clear relationship between the organization, the state, and the disaster-affected and wider

²¹ The context is that ‘the humanitarian aid system regularly employs benchmarks and indicators to monitor its work and is experienced at applying these metrics in post-natural disaster interventions. By contrast, the human rights advocacy community has less experience both in using benchmarks and indicators and in monitoring rights in post-natural disaster situations. Recognizing that humanitarian actors often are the primary actors working with rights-holders after a natural disaster’ (Klasing, Moses & Satterthwaite, 2011).

²² In 1996, humanitarian organizations set up the Active Learning Network for Accountability and Performance (ALNAP) and the “Standards Project,” which later became the Sphere Project, aimed at formulating standards for humanitarian assistance.

²³For example: The right to participation as adopted by the UDHR, has a political, public, cultural and arguably, an economic aspect; Sphere’s “Common Standard 1: Participation” requires that “the disaster-affected population actively participates in the assessment, design, implementation, monitoring and evaluation of the assistance program”

local population’ (Klasing, Moses & Satterthwaite, 2011). Thus, they argued that ‘a more robust rights-based approach to participation in humanitarian interventions would ensure that participation in humanitarian programs would not replace the broader right to participation, but would create the environment which would enable the realization of that right’ (Klasing, Moses & Satterthwaite, 2011).

In terms of accountability, authors compared the concept of accountability in human rights law and in the HAP (Humanitarian Accountability Partnership) Standard; the same mismatch was uncovered, ‘While human rights law requires that individuals have access to accountability mechanisms and means of redress through state institutions, the HAP Standard is concerned with beneficiaries’ ability to access these things vis-à-vis humanitarian agencies directly (Klasing, Moses & Satterthwaite, 2011).

Thus, the humanitarian relief that adopted human rights in its post-disaster work is facing different challenges. On the one hand, a fuller rights-based approach for humanitarian relief is needed, to ensure that the humanitarian intervention enhances the capacity of the disaster affected place and to fulfill its human rights obligations. On the other hand, this rights-based approach also faces serious political conflict on the disaster affected states, which have the influence in implementing a rights-based humanitarian relief action.

2.2 Child Rights in Humanitarian Relief during Disaster

2.2.1 The vulnerability of children

Children are normally considered ‘as victims of natural events requiring protection by adults’ (Tanner, 2010, p 339) in emergency situations. The adults including parents could also be defined as those making the decisions in humanitarian relief. In some terms, we adults belittle the power of children themselves, as they are ‘not the property or an appendix of adults and would not depend solely on their benevolence’ (UNCRC).

Certainly, in disaster situations, children require special protection; they face difficulties after the disaster. In addition, they confront a great chance to

become orphaned or be separated from their families. Thus, without guardians they are in a situation with higher risk of abuse, violence, neglect and exploitation.

Erica Harper highlights that ‘without parental protection, they are more vulnerable to illegal adoption, child marriage and trafficking. Even where children are not separated from their families, insecure housing, displacement, loss of employment, destruction of livelihoods and the death of a primary breadwinner, increases their vulnerability in households (Harper , 2009 p137). Harper makes a clear standpoint that the rights of the child in a disaster situation needs attention and protection²⁴. Children have the right to choose to stay with their parents and even when they become orphans, they still have the right to choose their guardians. The same happens in fostering and adoption issues.

Johnson and Gaskins conducted an integrative review of the literature of Clinical Skill and Knowledge Requirements of Health Care Providers Caring for Children in Disaster, Humanitarian and Civic Assistance Operations (DHCA). Their research reported that military health care providers have an integral role during disaster, humanitarian, and civic assistance missions. Because 50% of patients seen in these settings are children (Johnson & Gaskins, 2013, p 61), even this article’s focus was on military health care²⁵. However, it brings the idea of DHCA, which could be considered an example of child rights integrated in humanitarianism and also at the same time, explores the form of humanitarian relief in disaster, except humanitarian INGOs, including states.

²⁴ She introduces children’s rights problems in five points in disaster: Birth Registration; Guardianship, Fostering and Adoption; Child Labor; Child Sexual Exploitation and Child Trafficking. Birth registration is a crucial measure to prevent child labor, underage marriage, trafficking, premature enlistment into armed forces, and for protecting children in conflict with the law. In disaster situations, it could be classified as a prevention section.

²⁵ The purpose of this systematic, integrative review of literature was to describe the knowledge and clinical skills that military health care providers need to provide care for pediatric outpatients during DHCA operations (Johnson & Gaskins, 2013).

Moreover, Peek and Stough also think children have social vulnerability in the context of disaster, especially children with disabilities. Scholarship on social vulnerability and disaster often lists both children and individuals with disabilities as populations at particular risk when disaster strikes. Consequently, two parallel tracks of research - one on children, the other on people with disabilities - have emerged within the disaster literature (Peek & Stough, 2010).

In this sense, the vulnerability of children in disaster determines that their rights need to be protected during humanitarian relief; however, it does not mean that the vulnerability narrative limiting the protection form needs to be one sided: adults decide for children. As we have defined, the rights of children do not only mean protection rights.

2.2.2 Children's participation

In addition, beyond seeing children's vulnerability, another view of rights achievement in disasters is children's participation.

For example, Inter-American Children's Institute has the concern that has become increasingly important in recent years, of protecting and guaranteeing the rights of children exposed to disasters and emergencies, owing to the consequences and impact events have had on this part of the population (Inter-American Children's Institute, 2011). They point out that children's rights need to be concerned during long-term humanitarian relief, except for basic survival support, children's participation could help reduce their vulnerability and minimize potential damage.

Similar to the argument of Johnson and Gaskins, Inter-American Children's Institute also agreed that, 'there is therefore a need for the immediate deployment - as soon as the disaster has taken place - of care and response mechanisms for their protection. The most successful experiences tend to be those where coordination exists between States, cooperation agencies and civil society' (Inter-American Children's Institute, 2011)²⁶.

²⁶ For example, Inter-American Children's Institute mentions in their framework of action that their work also follows the principles of UCHA (United Nations Office for

Frequently, opinions or recommendations children make are disregarded in decision-making or program design. In the context of risk and disasters - often under the pressure of urgency - decisions and analyses made by adults are intensified, and the fact is disregarded that children are a part of society and have an enormous potential to contribute in emergencies, such as the role adolescents can play in these circumstances (Inter-American Children's Institute, 2011). To see and to implement children's participation rights integrated in humanitarian aid work is important.

Children have the right to be heard, Heather Montgomery argued this point in her research about child trafficking after natural disasters. In the post Asia tsunami of 2004,

Stories began to circulate of child abductions, children for sale and shadowy rings of trafficker preying on vulnerable children (for a detailed timeline of the spread of these stories see Richardson, 2005, pp.11-16), and trafficking in children has been reported in four major disasters: Asian tsunami 2004, the Pakistan earthquake of 2005, the Myanmar cyclone of 2008 and the Haiti earthquake of 2010 (Montgomery, 2011, p.396).

And at the end of Montgomery's research, most of the reports found no evidence and untrue stories were told by media. The use of this issue resonates with Western fears of child abduction and child sexual abuse, which in turn speak directly to Western anxieties about childhood (Montgomery, 2011).

Those reports and stories of trafficking were used as proof that trafficking was a major issue in the wake of disasters²⁷; however, this issue was noted

the Coordination of Humanitarian Affairs) to mobilize and coordinate effective and principled humanitarian aid, through partnerships with local and international actors

²⁷ Montgomery used Myanmar as an example, said that 'The issue of trafficking in Myanmar is extremely complex and politically sensitive. Certainly many women and girls do leave the country to work in Thailand's brothels, especially along the border areas, where there is evidence of police collusion and brutality (Bureau of Democracy,

even before those disasters, and in some cases for an outsider, it was hard to define whether those “victims” were trafficked or had volunteered, Montgomery argued that in Southeast Asia this issue also affected by poverty, social inequality and sexual violence against children²⁸. Further, this issue may become worse after natural disasters when families are facing poverty, because the effect by the disasters, however, it couldn’t be considered as a major issue, survival support and livelihood building are always more emergent right after a natural disaster.

Children were more vulnerable regarding the rumours of child trafficking after natural disasters, but most important of all, focusing on trafficking detracts attention from children’s lives. They had the right to speak about their own preoccupations and needs in the face of natural disasters (Montgomery, 2011).

Once a disaster has occurred, children left alone are exposed to abuse, violations, trafficking, migration or enforced recruitment, among other risks. The best resolution is to combine two arguments together. On the one hand, to see child rights requires special protection during disasters because they are vulnerable narrative. On the other hand, their rights to participate in the decision making process of humanitarian relief in disaster situation needed to be protected.

2.2.3 Defining the child rights in natural disaster humanitarian relief

This section will review LeBlanc’s definition of child rights of UNCRC. He analyzed the content of UNCRC²⁹, based on a human rights theoretical framework devised by Donnelly and Howard, distinguishing it among survival, membership, protection, and empowerment rights³⁰. However, this is a general

Human Rights, & Labor, 2008). This remains a serious and ongoing problem, but it was not one caused, or necessarily exacerbated, by the cyclone’ (Montgomery, 2011).

²⁸ “the sexual abuse of children is a myth and I, among others, have carried out extensive work among child prostitutes with Western clients in Southeast Asia and have seen first hand the impacts of poverty, social inequality and sexual violence on children” (Montgomery, 2011).

²⁹ A summarized table of LeBlanc’s analyzed categories shown in APPENDIX A.

³⁰ Our "short list" of ten rights can be grouped into four categories: 1. "Survival" rights, which guarantee an individual’s existence: rights to life, food and health care.

framework and some rights might not match a natural disaster humanitarian relief situation. This review aimed to adjust the conceptual framework for this thesis research in terms of the child rights based approach in humanitarian relief. However, framework was based on the theoretical framework of human rights.

Firstly, regarding survival rights, the drafters of the UNCRC clearly shared the same definition of “survival”. Article 6: 1. states parties recognize that every child has the inherent right to life. and 2. states parties shall ensure to the maximum extent possible the survival and development of the child. LeBlanc discusses problems about the abortion, the rights of unborn children and the death penalty, which are beyond the humanitarian relief framework. Those rights that sustain life are more important such as the rights to an adequate standard of living³¹, to social security³² and to health care³³. In addition, these rights’ are also among the achieved goals of humanitarian organizations.

Secondly, membership rights, include nondiscrimination³⁴ and family rights³⁵. Except for the general definition on nondiscrimination, a special group of children are mentioned: children with disabilities³⁶, which was also reviewed previously about children with disabilities in disasters. Family rights include parental

2. "Membership" rights, assure one an equal place in society: family rights and the prohibition of discrimination. 3. "Protection" rights, which guard the individual against abuses of power by the state: rights to habeas corpus and an independent judiciary. 4. "Empowerment" rights, provide the individual with control over the course of his or her life, and in particular, control over (not merely protection against) the state: rights to education, a free press, and freedom of association (Donnelly & Howard, 1988, pp 214-248).

³¹ UNCRC Article 27

³² UNCRC Article 26

³³ UNCRC Article 24,25

³⁴ UNCRC Article 2

³⁵ UNCRC Article 5

³⁶ UNCRC Article 23

rights and duties regarding the child³⁷, and alternative means of child care³⁸. These are also important in disaster situations because children may be separated from their family environment either temporarily or permanently after natural disasters. Even when they stayed with their parents, the disaster may also have damaged their family livelihood, and thus, family rights become a concern. Moreover, LeBlanc expanded one more category in as the right to a name and nationality³⁹, which is important in disaster situations because without such documents and data children, may not be able to access health care, education or other social services⁴⁰.

Thirdly, concerning protection rights, LeBlanc discussed three parts: exploitation and abuse, abduction of and trafficking in children and participation in armed conflict. Armed conflict involves a different situation from natural disasters, so this part won't be covered in this research. Regarding the issues of exploitation and abuse⁴¹ and abduction of and trafficking in children⁴², they connect to natural disaster situations during the previous review about the vulnerability of children that could prove that children are facing a higher risk of exploitation and abuse during disasters. For example, Montgomery believes that in the case of the tsunami and other natural disasters, child trafficking was rather lazily added to the list of disaster tropes in a way that positioned children and their families as pitiful victims (Montgomery, 2011).

Lastly, regarding empowerment rights, this category includes freedom of expression and information; freedom of thought, conscience, and religion; freedom of association and assembly and freedom of education. Related to humanitarian relief in natural disasters, freedom of thought, conscience, and religion is beyond this research's concepts and the freedom of expression and information⁴³

³⁷ UNCRC Article 9,18

³⁸ UNCRC Article 20,21

³⁹ UNCRC Article 7

⁴⁰ See Harper, 2009, p 139

⁴¹ UNCRC Article 32, 34

⁴² UNCRC Article 35

⁴³ UNCRC Article 12,13,17

and freedom of association and assembly⁴⁴ could be seen as children participation rights, those concern being heard on matters that affect children themselves, which were also reviewed previously regarding the importance of children's participation during natural disaster's humanitarian relief. Education⁴⁵, of course, is one of the major concerns for humanitarian INGOs, stakeholders and states in post-disasters.

Overall, most of the child rights could relate to humanitarian relief in natural disasters. Thus, based on the theoretical framework of human rights, using the UNCRC as a examining body to obtain a child rights based conceptual framework for this thesis research in terms of humanitarian relief in a natural disaster, is shown below:



⁴⁴ UNCRC Article 15

⁴⁵ UNCRC Article 28

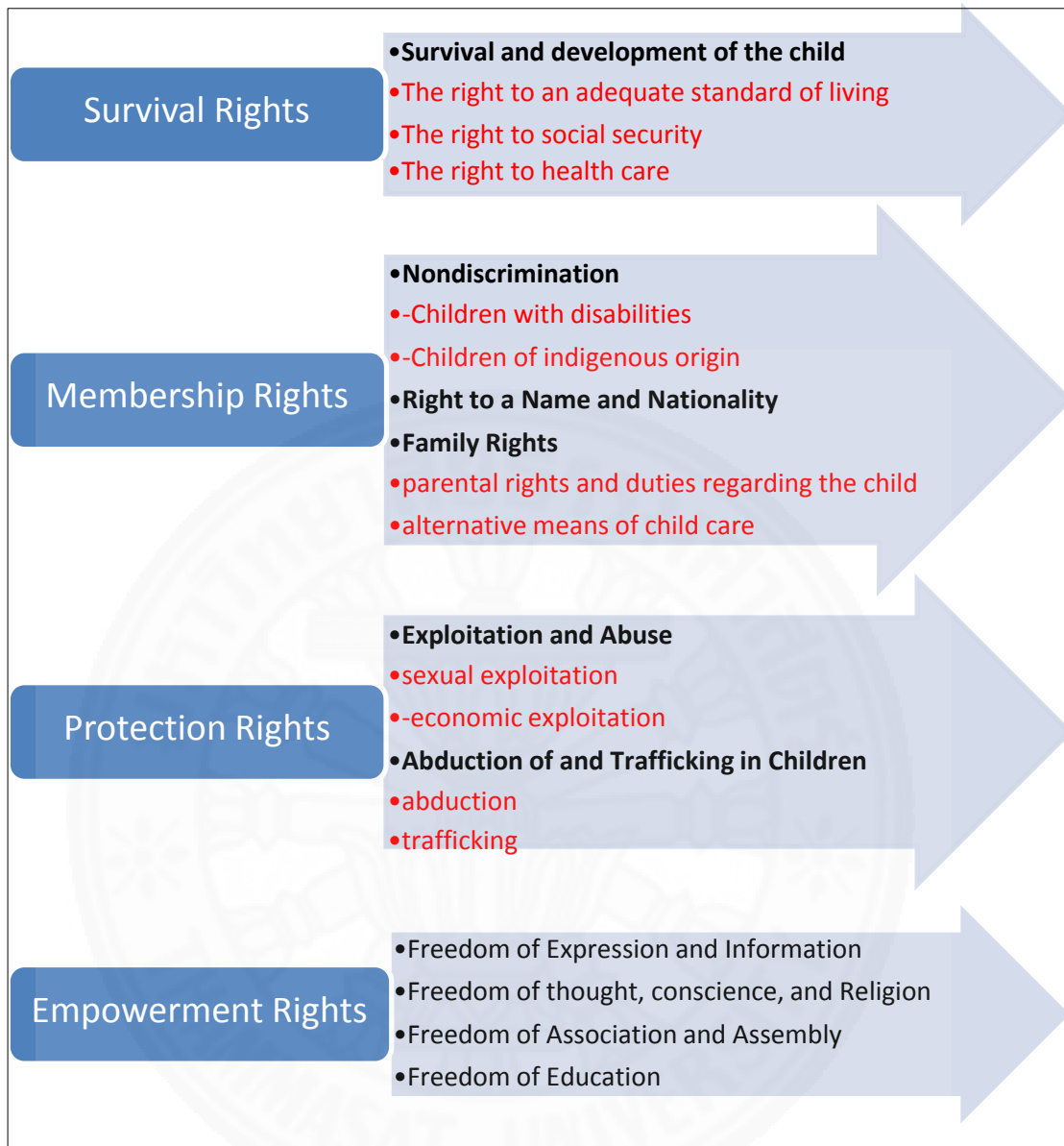


Figure 2.1. Child Rights Based Conceptual Framework created by the author, based on the definition of child rights by LeBlanc, L.J.

2.3 Conclusion

The first part of the literature review advocated incorporating human rights in humanitarianism, given the importance of the ‘new humanitarianism’ in this liberal humanitarianism age. Researchers have discussed that today’s humanitarian relief not only involves saving lives, but goes further, to include human rights and finally justice. In Gosden’s words, “ ‘Connecting the dots’ between the need for

immediate humanitarian relief and sustainable legislative reform and human rights protection, and between local experience and international factors brings us to a fuller awareness of the ‘wholeness’ of this endeavor; the intertwining of humanitarian needs with those for human rights and justice and the opportunities for effective and linked interventions of these foci at local, national and international points of entry” (Gosden, 2007). Those analyses provided the grounding concept of this thesis research, between child rights and disaster humanitarian relief.

On the other hand, the arguments raised in Aceh, an Indonesian case, uncovers the problems and challenges of this integration, which happened in Southeast Asia. Moreover, it has a similar political culture and similar social environment as in the Philippines, i.e., the post disaster period as well. The involved international humanitarian relief working groups need to face this problem. They are struggling to implement the ‘new humanitarianism’ in a politically-sensitive context and many are hamstrung by their donors and lack the willingness to work with the conflict (Fox, 2010). Moreover, the mismatch between the rights-based approach to post-disaster humanitarian work and the legal framework of human rights raises the problem of the lack of a more robust and fuller right-based approach in humanitarian intervention.

In an emergency situation, child rights need more attention than in a normal situation. The second part of the literature review discussed different viewpoints to understand child rights in aid work in the terms of disaster humanitarian relief and scholarship on social responsibility. Civil society is discussing this issue in two main concepts of children’s rights: their vulnerability narrative and their participation in humanitarian relief.

By reviewing the relevant literature, the rights of children have been clearly paid attention to in disaster situations in some specific sections. By reviewing an analysis on the definition of UNCRC, based on the human rights framework, linking those child rights with natural disaster’s humanitarian relief will obtain an adjusted child right based conceptual framework in natural disaster situation, to examine child rights achievement in the case of Typhoon Haiyan.

In this thesis, the research has focused on all the cases of child rights implementation by humanitarian relief, discussing the child rights based approach

integrated in humanitarian aid work. The case study of Typhoon Haiyan in 2013 aimed to close the gap of incorporating child rights in humanitarian relief and to examine the successes and problems in this incorporation. Additionally, connected to the ASEAN's role, the study aimed to discover other directions that the ASEAN could implement its child rights or human rights mechanisms.



CHAPTER 3

INGOS' HUMANITARIAN RELIEF FOR CHILDREN IN TYPHOON HAIYAN

This chapter focuses on the INGOs humanitarian relief works after Typhoon Haiyan (Yolanda), based on a field research conducted in Tacloban City, Leyte, the Philippines⁴⁶. The analysis was based on the in-depth interviews from three child-focused INGOs⁴⁷, and the secondary data. The conceptual framework was employed to investigate what rights of children have been achieved in their humanitarian relief actions, to answer the research questions regarding the integration between child rights and humanitarian relief during natural disaster situations. In addition, lead to the further discussion on ASEAN in the next chapter.

3.1 Context

The Republic of the Philippines is struggling with poor economic conditions and reoccurring political unrest; the country has been actively engaged in law and policy making to protect children's rights (Boele, 2005). However, most of these protections are focused on child trafficking, sexual exploitation of children issues and children in armed conflict, which are serious problems concerning children's rights in the Philippines.

Poverty is always a big issue in the Philippines, poverty incidence rose to 26.9% for families in 2006 compared with 24.4%t in 2003. Of the 2006 population, about 36 million were estimated to be children under 18 years old. This accounted for 41.73% of the total population at the time (around 86.264 million) who needed support or were dependent on an adult. Children were found to be among those

⁴⁶ The field research took place from 12 July 2015 to 17 July 2015; one and one half years after Typhoon Haiyan hit the city.

⁴⁷ PLAN, SAVE and WV, the selected INGOs, are the example humanitarian organizations.

considered the poorest among the basic sectors. This poverty situation was difficult to reconcile with the Arroyo Government's pronouncements of economic growth from 2003 to 2006. Growth in Gross Domestic Product (GDP) does not always translate to poverty reduction. Data also showed that this growth was not enough to liberate 26.9 percent of Filipino families from poverty because commodities increased faster than their income, which remained below the poverty line (Yacat, 2011, p 7-8).

Poverty is the root to cause of problems related to child rights issues, for example, regarding education, the country faces a the lack of qualified teachers, and a large number of educators have migrated to other countries, such as the US, Europe and other Southeast Asian countries. The high cost of education forces children to leave school leading to child labor problems (Yacat, 2011). The humanitarian relief work is related to the state's political, social and economic problems as well, because when humanitarian relief workers finish their responsibilities on one particular disaster issue and move to the next, the responsibility is placed upon the state.

In addition, poverty causes the number of hospitals to close down or scale down operations, which has increased over the last few years. The lack of government support has pushed some public hospitals to demand payments from patients (Yacat, 2011). This also creates humanitarian relief difficulties in terms of health care Issues.

Regarding the child rights in the Philippines, the UNCRC has noted the fairly advanced general legal framework for child protection in the Philippines, besides, the conceptual framework for the analysis in Typhoon Haiyan case is also based on the UNCRC's definition.

The selected examine INGOs are, WV, Save and PLAN, which are child focus INGOs and response to Typhoon Haiyan before it occurred until this study's data collection ends, two years after the Typhoon Haiyan. And their natures are similar. WV is an evangelical Christian humanitarian aid, development, and advocacy organization; SAVE is an international non-governmental organization that promotes children's rights, provides relief and helps support children in developing countries; PLAN is s an international organization, focus on children development which works in 51 countries across Africa, the Americas, and Asia to promote the safeguarding of children. This part of analysis will focus on their humanitarian relief during these two years.

3.2 Case Study: Typhoon Haiyan

On 8 November 2013, one of the most powerful storms ever recorded made landfall in Guiuan, Eastern Samar Province, and the Philippines. Typhoon Haiyan brought sustained wind speeds of up to 235 km/hour and a storm surge as high as 5 meters in some of the coastal areas. It quickly tore through the Visayas region, leaving a trail of devastation in its wake across nine provinces on the islands of Leyte, Samar, Eastern Samar, the northern tip of Cebu and Panay (Finnegan , 2013).

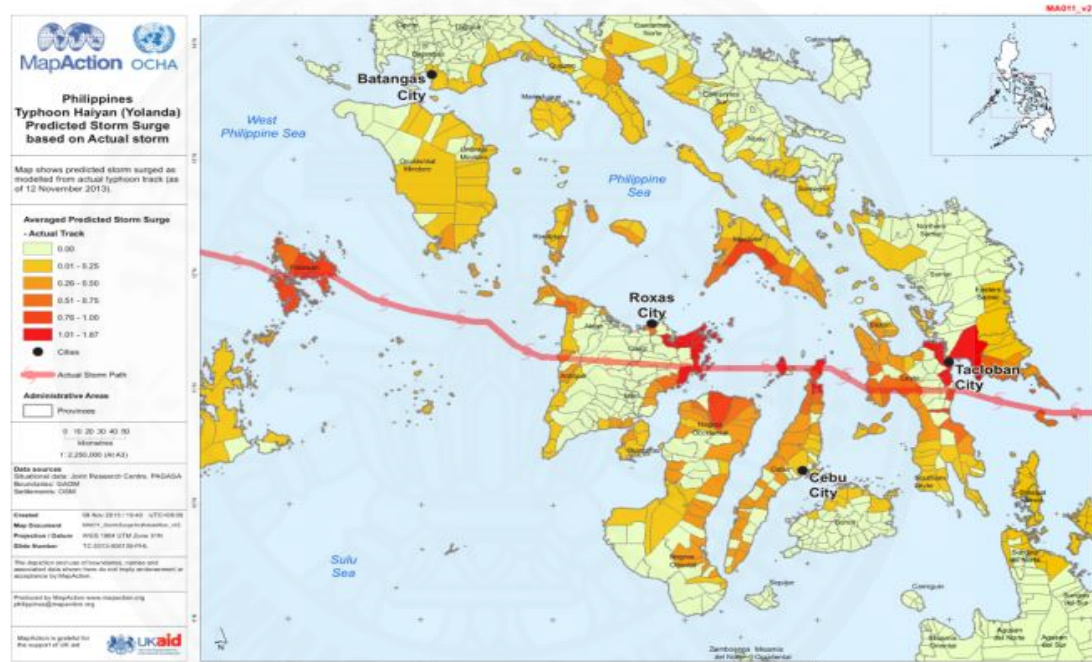


Figure 3.1. The path of Typhoon Yolanda/Haiyan. Adopted from Reliefweb, “Philippines:Typhoon Haiyan (Yolanda) Storm Surge (based on actual typhoon track)(As of 12 Nov 2013)”, by UN Office for the Coordination of Humanitarian Affairs, MapAction, 2013, retrieved from <http://reliefweb.int/map/philippines/philippines-typhoon-haiyan-yolanda-storm-surge-based-actual-typhoon-track-12-nov>

Tacloban, the provincial capital of Leyte, was one of the worst hit areas. A densely populated coastal city, Tacloban was hit by a massive storm surge, which reached 7 meters in height and went up to 1km inland in places, causing massive destruction, similar to that caused by a tsunami. Tacloban City served as a response

center in Leyte Province, and much response and recovery work were conducted with some humanitarian working groups still operating here. This study's conceptual framework; was applied to exam and evaluate how much work was achieved regarding child rights in this area.

We did think Yolanda is so strong, we are facing a lot of typhoons every year; we are preparing as usual, but we did not know that this time is so different...it destroyed everything, bodies are by the street; we have never see like that (Barangay/ community staff interview, 15th July, 2015).

The Philippines is one of the most high-risk counties for experiencing natural disasters in the world. People never thought this time the typhoon was so strong enough to destroy their entire house and took levies from their families.

In the terms of humanitarian relief as soon as the typhoon occurred, most agencies used a system called Cluster Coordination⁴⁸, the basis of the current international humanitarian coordination system was set by General Assembly Resolution 46/182 in December 1991. The Humanitarian Reform of 2005 introduced new elements to improve capacity, predictability, accountability, leadership and partnership (UNOCHA).⁴⁹The clusters comprise groups or actors of humanitarian organizations, both UN and Non-UN. However, the cluster mechanism was only applied in the response and early recovery period, in terms of basic survival support and reconstruction, such as provide WASH, shelters, temporary health center, later on working on rebuilding schools and hospitals, etc. In the long term, the mechanism will transition to a national level approach.

In the case of Typhoon Haiyan, after the early response, the humanitarian relief mechanism transitioned to the OPPARR (Office of President Assistant for Rehabilitation and Recovery), the government agency that coordinates with clusters, and established for Typhoon Haiyan only.

⁴⁸ Appendix B, an example figure of cluster approach in humanitarian relief.

⁴⁹ UNOCHA (United Nations Office for the Coordination of Humanitarian Affairs).

More information about cluster coordination can be found at

<http://www.unocha.org/what-we-do/coordination-tools/cluster-coordination>

3.2.1 Survival rights

3.2.1.1 Standard of living

During the post-typhoon period, including PLAN, SAVE and WV, and other international humanitarian relief teams, supported WASH (water, sanitation and hygiene) as the first step. By cooperating with the government and local NGOs, WASH reached as many people and children as they could.

In the early recovery period, we applied the process of identification of areas to approach. To make sure that our relief work will not overlap, everyone sits together to discuss our own responsibilities in different areas (WV interview, 14th, July, 2015).

WV's WASH facilities in 8 schools and 5 health facilities were rehabilitated. When completed, this activity reached 44,645 people, at the same time, to address this need, WV is undertook the rehabilitation of Level 1, Level 2 and Level 3 water supply systems, to improve community access to safe and sustainable water sources (WV Typhoon Haiyan Response 6-Month Report). For longer term, 18 months and even two years on, WV is still working on WASH activities, to benefit more children and their families.

PLAN and SAVE also contributed to shelter building and WASH providing actions. To date, 131 transitional shelter beneficiaries are renting their land; 216 household latrines were completed and 240 septic tanks were rehabilitated to partially and severely damaged shelter structures until May 2015 (PLAN's Disaster Response Internal Situation Report).

SAVE also constructed household water connections and four communal tap stands in Tacloban, Leyte. They were able to build more than 6,500 latrines, 165 communal latrines, and provided over 300 latrine subsidy vouchers and hand washing facilities in schools and community health stations that reached an estimated 50,000 individuals (SAVE-Typhoon Haiyan Response Two Years on).

“We also provided training to family members, parents especially mothers, and we train them with new technical skills, to help them with their family incomes” (SAVE interview, 16th July, 2015).”

For instance, WV's 'Cash for Work' Program provided communities with an immediate cash injection, supporting households with the cash

they needed to meet their immediate basic needs. This activity lasted during the post-typhoon for two years, providing speedy livelihood support for parents and their children.⁵⁰

For these three INGOs, consensus on survival rights involved livelihood building in the community⁵¹, including providing WASH, shelter kits, shelters, the ‘Build Back Better’ Program and ‘Cash For Work’ Program etc. aimed to improve people’s livelihood. However, even 2 years after the super typhoon, more works needed to continue. Numbers of parents left their home for work, and children still faced livelihood problems and unprotected environments, due to problems with income generations within the families linked to other issues regarding child rights.

3.2.1.2 Social security

In the early relief period, child friendly spaces were built, to help children and mothers, except for health care and psychological assistance.

We took care of community halls or established community centers, so the services for children continued at the community level, called community child friendly space facilities... We trained the people in the community, staff and parents how to deal with children, how to provide them technical assistance, and how to deal with children that had experience some psycho-social distress, because of the attack of Yolanda (SAVE interview, 16th July, 2015).

In the long term follow-up to one year, the child friendly space facilities expanded, according to SAVE, also providing needed functions such as youth and mother training.

Moreover, PLAN worked on gender protection, established women friendly spaces, provided secure protection for women and girls to have guided discussion and access to information concerning rights, sexual reproductive health-(SRH) and protection from GBV (gender-based violence).

⁵⁰ WV Typhoon Haiyan Response 6-Month ,18-Month and 24-Month Reports

⁵¹ The humanitarian relief on the ground was involved in mapping from province to municipality, to barangay, and finally to the beneficiary selected. In their words, one barangay constituted one community.

In 2015, WV initiated the ‘Hope for Tacloban’s Children Project’. It aimed to assist some of the worst-hit communities of Tacloban by creating safe environments for children to live, play and learn through rehabilitation of child-focused community assets, disaster preparedness at the community level and providing support for income-generating initiatives that would help families provide for children. To date, 14,544 beneficiaries have already been reached by the project and it also crosscut to child rights regarding education and participation (WV Typhoon Haiyan Response 24-Month Report).

3.2.1.3 Health care

By increasing the number of health or day care centers among the temporary shelters, many children were able to access clean water, medical care, vaccinations and foodstuff to prevent malnutrition. A total of 43 health centers provided micro-nutrients and de-wormers for children and 965 people attended psychological first aid sessions across 33 trainings during the emergency phase, under the response of WV for 2 years (WV Typhoon Haiyan Response 24-Month Report).

For example, according to PLAN’s data, the barangay health stations’ (BHSs) physical accomplishment totaled 72.03% in San Joaquin, Palo and Leyte (Plan’s Disaster Response Internal Situation Report).

3.2.2 Membership rights

3.2.2.1 Nondiscrimination

Nondiscrimination involves children with disabilities and indigenous origin. For all these three INGOs do not have a specific project or concern for these groups of children; however, they mentioned that all children have the equal opportunity to be helped, and some people do have priority.

“-How about the Muslim group? Does the relief work consider this? -We provide meals ready to eat, and basically all are chicken” (PLAN interview, 15th July, 2015).

The interviewers mentioned that normally children with disabilities are supported by other NGOs, such as Handicap International.⁵² However, it's not specific for children during the disasters.

3.2.2.2 Family rights

Membership rights also deal with family rights, in the post disaster period. In the child friendly spaces facilities and day care centers, mothers were trained, including pregnant mothers, about child rights and child protection. In the long term, other family members were also included in the trainings.

We will supervise the local government, to train those parents or elderly kids in the family some technical or life skills, for the purpose that they could have more advantage in looking for a job, to increase the family income (WV interview, 14th July, 2015).

WV facilitated the provision of basic skill-based training in viable alternative livelihood activities for those families wishing to establish a new livelihood source, either through employment or self-employment (WV Typhoon Haiyan Response 6-Month Report). These interventions improved incomes to enable families to access the resources needed to meet their food, education and health expenses, e.g., related activities etc. (WV Typhoon Haiyan Response 24-Month Report). Increasing income in the family is important for children to access other sectors of rights, like education and health etc. SAVE and PLAN also held the similar trainings for families, to increase their incomes. Decreasing poverty is one solution for children separated from their parents.

3.2.2.3 Right to a name and nationality

Registering names after the typhoon was important, including new-born and other community members. Registering names protects their rights and also makes sure they could receive help and cross cutting to protect child rights. The method helps prevent trafficking in children and for other protection rights, registered name is needed. In this regard, PLAN had a 'birth-registration project' to fulfill the tripartite Memorandum of Agreement between PLAN, LGUs (local government units)

⁵² After Typhoon Haiyan hit the Philippines, Handicap International set up mobile clinics where the injured and people with disabilities could receive basic health care.

and the Philippine Statistics Authority (PSA) already signed, that started the reconstruction of destroyed birth certificates (Plan's Disaster Response Internal Situation Report).

Important problems about child adoption didn't seem to be mentioned, for those children who lost their parents in a disaster situation.

3.2.3 Protection rights

The sexual exploitation and abuse in children, child trafficking and abduction will be discussed in this part. Firstly, WV and SAVE mentioned that, these sectors were also cross cutting to other programs even before Typhoon Haiyan hit; these constitute international child rights concerns already. Mostly, they are mainly the responsibility of the national government, underlining international laws and cooperation. At the same time, both WV, SAVE and PALN mentioned their response and helped to mobilize the Barangay Council for the Protecting of Children (BCPC) in the field.

However, PLAN had an 'anti-trafficking person project' in the Haiyan response team, which cooperated with the Philippine Police.

3.2.4 Empowerment rights

These rights concern the freedom of expression and information; freedom of thought, conscience and religion; association and assembly; and the freedom of education for children. In other words, the empowerment rights of children ensure is child participation and in obtaining rights of education.

3.2.4.1 Child participation

Child participation is receiving more attention in every child rights protection issue. In the long term, children's voices are becoming a necessary method for child rights protection. PLAN created the Youth Reporter Project, by teaching children how to use media to express their feelings and share their stories after Typhoon Haiyan. PLAN and WV also instituted a project entitled, 'children monitoring'. Children would have the opportunity to teach their community members technical skills concerning DRR, which they learned from schools or trainers. Being young and fast learners, their views could better present what they truly want.

"They teach our children about disaster prevention; they know how to protect themselves and their families when the typhoon comes, now the

children become our teachers” (Barangay/ community staff interview, 15th July, 2015).

Children’s participation- Children want to be systematically included, as participants, in disaster risk reduction programs, and wish for their views to be systematically collected in future rapid needs assessments, and evaluations. To meet the needs of girls hygiene kits include sanitary materials. Girls, in particular, are very concerned about whether they will have access to further education (Maloney, 2014, p5).

3.2.4.2 Education

During the early response and recovery, WV, PLAN and SAVE established temporary schools for children with the aim to put children back in school as soon as possible.

We cooperated with UNICEF to provide study materials such as school bags, pencils, books, and so on...and we also provided a more structured social and learning environment for children in the community... those are for when the schools were not yet regularly open, and then.. By reaching the teachers (SAVE interview, 16th July, 2015).

WV was the main actor responding to reconstruction and repair. “They undertook the repair and reconstruction of classrooms and other school facilities in 22 schools across the three response zones... this activity benefitted an estimated 4,699 students and teachers in 22 schools”. Additionally, learner’s kits and teacher’s kits were distributed (WV Typhoon Haiyan Response 6-Month Report). Two years after Typhoon, WV had repaired 18 schools (of 22 planned schools) and reached 6,059 children; 6,546 learners kits were distributed to children, and 353 teachers received much needed kits with goods that empowered them to continue teaching (WV Typhoon Haiyan Response 24-Month Report).

For PLAN, in the first three months, 6,109 schoolchildren were enabled to continue their learning with ‘back to school’ kits; 7,579 children older than six months received food supplements to prevent malnutrition and 10,443 children were supported to play, learn and receive emotional support (PLAN International – Fact sheet Typhoon Haiyan after three months).

The rebuilding is still ongoing today, creating more schools and classrooms. Further, DRR increased the number of subject taught in the schools by training teachers in DRR courses. Simultaneously, the training for out of school youth crosscut cutting education and membership rights. Those trainings could provide a better opportunity when applying for a job.

One interesting project of SAVE, involved cooperating with local universities to offer major courses concerning DRR, and provide professional teachers in DRR course. It promises to be a great project for a long term recovery, and transition to the disaster preparedness and prevention, especially for young children.

3.3 Conclusion

SAVE, WV and PLAN are international organizations focusing on child issues, with their own humanitarian aid teams, fully experienced in disaster relief operations for children. In the case of Haiyan, by adopting the conceptual framework, they achieved most of the child rights during their humanitarian relief work, since typhoon happened until the field research interviews, regarding to their action plans; the response will continue until 2017 or 2018⁵³.

In disaster humanitarian relief operations, the primary concern for children is their survival rights; as soon as a disaster occurs, their livelihoods are threatened. Therefore, WASH and the shelter building, were the actions to secure an adequate standard of living for children, which these three INGOs had achieved this Child rights to social security were ensured by building child friendly spaces facilities, child friendly spaces respond to children's rights to protection, psychosocial well-being, and non-formal education. However, there was a large amount of children could not access, furthermore, child friendly space facilities could not ensure fully social security protection, thus, the cooperation with local and national government and police was needed, which they did touch this point and crosscutting the children's protection rights such as child trafficking issue. And for a longer term, the responsibility will transit to the local and national government. Securing child rights

⁵³ To be clearer, a INGOs achievement analysis summary sees Appendix C.

to health care, was effectively working at this point. In this case, incorporating survival rights to humanitarian relief could be seen as a successful practice at INGOs' level.

Regarding child membership rights, the relief work did well in concerning family rights, which they considered long term development for the family, such as training for family members, to increase family income, to rebuild their livelihood better.

The participation of children during post-typhoon was also viewed as an achieved integration between child rights and humanitarian aid work, including child education rights.

The unachieved child rights mainly related to protection rights, such as child exploitation and abuse issues, or children abduction. In addition, children with disabilities still need a specific attention for appropriate responses; child rights to a name and nationality and child trafficking also need more concerns. These issues constitute hotspot in human rights. As we discuss about the vulnerability of children, these risks are magnified in a disaster situation.

However, the nature of INGOs limited the fully achievement of child rights in the case of the typhoon Haiyan, in the reason that their work also related to their organization founders, stakeholders, donors, and others. For example, in terms of child of indigenous origin, WV is a Christian focus organization, it doesn't mean WV won't work on un-Christian, however, its nature limit WV is just one tributary of this right achievement actors. Moreover, to avoid the overlaps on humanitarian relief, the INGOs are separated to respond in different affected areas, due to the limited number of child-focused NGOs/INGOs, not all the response areas received humanitarian relief by integrating the child rights approach. There is not possibly for all un child-focused INGOs to apply this specific approach for children because their natures, Thus, the child rights couldn't get fulfill by only one or two NGO/INGOs, and even not only NGO/INGOs, but also need the incorporation form national and regional lever, in terms of general monitoring and coordinating, the state's humanitarian relief remains a possible actor here, as well as ASEAN.

CHAPTER 4

ASEAN'S HUMANITARIAN RELIEF FOR CHILDREN IN TYPHOON HAIYAN

In this chapter, we will move our line of sight to the ASEAN, to investigate how much rights of children could be achieved by the ASEAN's humanitarian actions in the case of Typhon Haiyan, by examining its humanitarian relief assistant organization, AHA Centre.

For the analysis of the role of ASEAN in integrating child rights to humanitarian relief, the main focus will be on the ASEAN Committee on Disaster Management (ACDM), which is the main platform for ASEAN'S policy-making on humanitarian issue (Fan & Krebs, 2014), aims to test the ASEAN's ability to effectively plan on disaster management and emergency response; and the ACWC (ASEAN Commission on the Promotion and Protection of the Rights of Women and Children) aims to discover how the ASEAN focuses on children in disasters; moreover, the APG, to observe the cooperation between the ASEAN and child focused INGOs in this partnership group.

At the end, based on the findings of child rights achievement from last chapter, and the different nature between INGO and intergovernmental organization like ASEAN, discuss the role of the ASEAN and possible means for the ASEAN to incorporate child's rights to humanitarian relief in natural disasters, as well as the challenges.

4.1 Context

Asia is the most prone area to disasters in the world, according to Table 4.1. And Table 4.2 Sawada used the dataset covering the period 1980 to 2007, including twelve countries were used for natural disaster, which seven of them are AMSs (Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Thailand and Viet Nam). It's clear to verify that ASEAN region faced frequent natural disaster.

Table 4.1

Number of Natural Disaster per Year (Average from 2001 until 2010)

	Africa	Americas	Asia	Europe	Oceania	Global
Climatological	9	12	11	17	1	50
Geophysical	3	7	21	2	2	35
Hydrological	44	39	82	24	6	195
Meteorological	9	34	40	14	7	104
Total	65	92	153	58	16	384

Data: Annual Disaster Statistical Review 2011, CRED, IRSS & UCL, 2012.

Note. From “Disaster Management in ASEAN” by Sawada, Y. & Zen, F. 2014, ERIA Discussion Paper, p. 2.

Table 4.2

Incidence of Disaster in East and Southeast Asia

	Currency	Inflation	banking	Geophysical	Meteorological	hydrological	climatological	biological
# of countries	8	8	8	12	12	12	12	12
Year								
1980	1	1	1	7	0	0	6	4
1981	0	1	2	6	8	7	4	3
1982	0	0	2	8	9	9	6	5
1983	2	0	4	8	9	0	6	5
1984	3	1	3	6	6	9	3	3
1985	0	1	4	8	0	9	5	5
1986	1	0	4	5	8	9	5	3
1987	0	0	4	4	7	6	7	3
1988	0	0	2	8	6	8	5	4
1989	1	0	0	7	0	7	3	3
1990	1	0	0	6	1	9	6	6
1991	0	0	0	4	9	8	5	3
1992	0	0	3	6	0	8	5	5
1993	0	0	2	6	9	9	4	1
1994	1	1	3	4	7	8	3	1
1995	0	0	3	6	6	7	3	2
1996	0	0	3	6	7	0	2	5
1997	5	0	8	5	7	6	5	5
1998	2	1	7	3	6	6	4	7
1999	0	1	7	5	6	0	6	5

2000	3	0	6	5	9	0	2	6
2001	0	0	6	4	8	1	0	2
2002	0	0	2	6	9	8	4	9
2003	0	0	0	6	0	0	3	1
2004	0	0	0	8	1	1	5	8
2005	0	0	0	5	9	2	7	8
2006	0	0	0	6	7	2	4	6
2007	0	0	0	8	7	0	5	6

Note. From “Disaster Management in ASEAN” by Sawada, Y. & Zen, F. 2014, ERIA Discussion Paper, p. 13.

Natural disasters are beyond human control; however, limiting the damage caused by those natural disasters is possible. The ASEAN, as a regional inter-governmental organization, creates working plans or groups for disaster management that will make a key difference in the region. On the other hand, human rights issues in Southeast Asia are always a sensitive discussion topic, even though the ASEAN has the regional mechanisms like AICHR. In terms of child rights, AICHR’s work plan 2011-2015 indicates a study on ‘women and children in conflict and disaster’, showed that ASEAN human rights development did consider the issue of child rights in disasters, and later the ACWC to promote and protect the human rights and fundamental freedoms of women and children in the region.

4.1.1 Natural disasters and disaster management in ASEAN

In 1976, the ASEAN adopted disaster management as one of its eight principles and objectives. According to the declaration, “Natural disasters and other major calamities can retard the pace of development of Member States; therefore, they shall extend, within their capabilities, assistance for relief of Member States in disasters.”

The early cooperation in disaster management is the 11th ASEAN Expert Group on Disaster Management (AEGDM) Meeting in Chiang Rai in 2000, considered the elevation of the AEGDM to an ASEAN Committee or a Senior Officials Meeting on Disaster Management that could report to the ASEAN Ministerial Meeting on Disaster Management (AMMDC). In 2003, ACDM was established, its mission is to enhance cooperation in all aspects of disaster

management, including prevention, mitigation, preparedness, response, and recovery through mutual collaborative activities (ASEAN DRR Portal, 2013). Then in 2004, the AMMDC was set aimed at reviewing and enhancing regional cooperation on disaster management. Accounting to ACDM, the coordinating unit responsible for the tasks is AADMER established in 2005 and placed in effect since 2009 (Sawada & Zen, 2014). This agreement works within a regional framework targeting all aspects of DRR and disaster risk management (DRM), including risk identification, monitoring and assessment, prevention and mitigation, disaster preparedness, emergency response, control of assistance, rehabilitation, technical cooperation, scientific research and institutional arrangements such as simplified customs and immigration procedures (HFP, 2014). The ACDM is the key driving force in the implementation of the AADMER.

4.1.2 Humanitarian relief in ASEAN

Along with concern on disaster management, ASEAN moves forward to humanitarian relief. The ACDM is responsible for the overall coordination and implementation of regional activities on disaster management, and acts as the primary forum for exchanges on humanitarian issues with external actors, including outside governments (Labbé, Fan & Kemp, 2013).

First of all, the AHA Centre, establish in 2011, as the operational coordination body and engine of AADMER's implementation, and with the ACDM as its governing board. The AHA Centre is responsible for monitoring and early warning systems working on disaster preparedness, and is aimed at facilitating cooperation and coordination among different actors. As soon as a disaster occurs, AHA Centre prepares the early response and disaster relief. However, being a new born humanitarian organization, the AHA Centre is working on the basic relief actions, and has yet to expand to longer term humanitarian works, and obviously, has yet to become involved other child right focuses except survival relief.

ASEAN does support humanitarian relief; however, it is not considered as a donor institution as other humanitarian aid organizations, because it does not provide humanitarian assistance outside the region. In addition, within the region, ASEAN focuses on technical assistance, diplomatic engagement, volunteer programs and other 'soft' and non-money forms of engagement (Fan & Krebs, 2014).

Except the limitation of financial support, humanitarian relief in ASEAN is also facing another challenge.

In 2008, Cyclone Nargis struck Myanmar, ASEAN succeeded in breaking the deadlock between the government of Myanmar and the international community, successfully brokered humanitarian access to affected areas and oversaw the recovery effort for a period of two years, however, similar issue like 2004 tsunami and the conflict in Aceh, Indonesia. Myanmar began its historic reform in 2011, and there was conflict in its Rakhine State. Different from the humanitarian relief for Cyclone Nargis, ASEAN choose do not play a significance role in this violence-included humanitarian crisis (Fan & Krebs, 2014).

4.2 Children in the ASEAN's Humanitarian Response

4.2.1 ASEAN Committee on Disaster Management (ACDM)

From the report of the AADMER Work Program-Phase 1⁵⁴, only one program connecting disaster relief with child rights was the ASEAN Safe School Initiative (ASSI). In the strategy and priorities for the AADMER Work Program Phase 2, all projects mentioned in Phase 1, would be implemented for three years, from 2013 to 2016, and the ASSI program planed with the support of APG, because the APG has child-focused INGOs; thus the ASSI could be considered an achievement of child education rights and social security rights.

4.2.2 ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)

The ACWC is an intergovernmental body and an integral part of the ASEAN organizational structure. It is a consultative body. It seeks to promote and protect the human rights and fundamental freedoms of women and children in Southeast Asia, taking into consideration the different historical, political, socio-cultural, religious and economic context in the region and the balances between rights and responsibilities. (ACWC Work Plan 2012-2016).

⁵⁴ Appendix D

As the ASEAN's regional human rights institution which focuses on child rights, like other ASEAN working bodies, the ACWC also has numerous projects regarding the rights of children and women. Its Work Plan 2012-2016 raised the issues about elimination of violence against children, the right of participation, children trafficking issues, children with disabilities and its Child Protection System: Comprehensive/Integrative Approach for Children in Need for Special Protection, education, social impact of climate change, adolescent physical and mental health etc.

Among these projects, one that connects with relief work during disasters is the Child Protection System: Comprehensive/Integrative Approach for Children in Need for Special Protection. It states that the special protection include victims of abuse and neglect, trafficking, child labor, children affected by statelessness, undocumented migrant children, HIV/AIDS, natural disaster, conflicts, and children in juvenile justice system/children in conflict with the law (CICL) (ACWC Work Plan 2012-2016).

4.2.3 AADMER Partnership Group (APG)

APG's partners include the AADMER, the ASEAN Secretariat and the donors. It works at both the ASEAN and national levels, and its members include ChildFund, HelpAge International, Mercy Malaysia, PLAN, SAVE and WV. The APG constitutes a consortium of seven civil society organizations formed to assist in the implementation of AADMER. APG is in partnership with the ASEAN towards a "people-centered implementation of the AADMER" focusing on promoting visibility and participation of vulnerable groups.

The APG's programs started in 2009 with the drafting of the AADMER Work Program, the implementation strategy for the AADMER. Since then, the APG has been collaborating with the ACDM and its working groups, the ASEAN Secretariat and the AHA Centre as well as AMSs in the popularization and implementation of AADMER.

Within the seven partners are four child-focused international organizations, i.e., ChildFund International, PLAN, SAVE, and WV International. Regarding disaster humanitarian relief, these INGOs could provide rich experience to the ASEAN's humanitarian relief in terms of child rights integration on the ground.

As an intergovernmental organization, the nature is different from INGOs, ASEAN's role is mainly on coordination or promoting, and however, in the issue of child rights incorporated to humanitarian relief in natural disaster, the coordination and promotion also need a clearer framework to work with.

4.3 Case Study: Typhoon Haiyan

4.3.1 Survival rights

The ASEAN did respond very fast after Typhoon Haiyan hit, according to Channel News Asia;

The AHA Centre came up with the ERAT (Emergency Rapid Assessment Team), said Edgardo Ollet, director of the operations center at the National Disaster Risk Reduction Management Center (NDRRMC). "They were there already on the ground before the landfall and before the typhoon. For typhoon Haiyan they were here during the pre-disaster risk assessment and they knew already where to go in Tacloban.

At the first minute, the AHA Centre Deployed two staff in Manila to coordinate and assist emergency telecommunication access in Tacloban and deployed and standby two ERAT (Emergency Rapid Assessment Team) members from Brunei Darussalam to assist damage assessment and emergency response(ASEAN, Situation Update No. 01 Typhoon/Philippines, Friday, 8 November 2013, 15:00). Simultaneously, the AHA Centre also provided urgent relief on the ground, providing food and water, family kit and shelters.

As the ASEAN doesn't have a specific term working for children only, the research considers the relief includes children as well. For early response the ASEAN contributed basic standard of living and health care.

However, the information of the ASEAN'S follow-up recovery work on Typhoon Haiyan is hard to trace. On 14th August 2014, the ASEAN and the government of the Republic of the Philippines co-convened the ASEAN High- Level Conference on Assistance for the Recovery of Yolanda-Affected Areas (ARYA). The conference was organized to gather new support that would assist the government of the Philippines in implementing its national and local recovery and rehabilitation

plans nine months after the typhoon occurred. However, the conference promoted idea sharing and the real action plans were brewing.

4.3.2 Membership rights, protection rights, empowerment rights

For the reason that the ASEAN itself does not have any systemic plan in long term humanitarian relief, the understanding of the AHA Centre on humanitarian relief seems to imply a fast response to disaster; they do not have follow-up action after the monitoring and early response. This means limited dates and references to analyze membership, protection and empowerment rights concerning children, in terms of humanitarian relief.

In the long term, the ASSI may be able to serve as a helpful program to implement disaster prevention and mitigation for children in school.

4.3.3 The cooperation in Typhoon Haiyan

Firstly, is AHA Centre, except the individual response, it also contributed in monitoring and deploying logistics and communications personnel to Manila and Tacloban, besides the humanitarian relief, also worked close with the NDRRMC in the Philippines.

Secondly, APG as a partnership group, in the case of Typhoon Haiyan, each stakeholder had its role in response to the disaster. Right after the typhoon, the APG published a report about the concerns of children after the typhoon.

The APG's child focus organizations, i.e., SAVE, PLAN, and WV, and UNICEF, identified a gap in the needs-assessment phase, namely, inadequate consultation with children. Children's insights, voices and experiences were not yet systematically reflected in needs assessments. While 41% of the affected population comprised children, assessments so far focused almost exclusively on needs and priorities expressed by adults (Finnegan, 2013, p 8).

This cooperation report focused on the recommendations from children, except regular disaster humanitarian relief, children's survival problems, their livelihood, education and health care. Children's own suggestions are important; they are the people who receive all of this help and are the ones who have the right to give feedback the most, we could also see examples from the last chapter's analysis from those three child-focused INGOs' practices in the case of Typhoon Haiyan, however, there is still lack of evidence that APG's cooperation achieve the rights of

children in the Typhoon Haiyan case, in the reason that during the field research in Tacloban City, all the interviewers didn't clear about the humanitarian relief corporation with any groups from ASEAN, as the interviewers are on the ground coordinators and officers and have been in Tacloban City as soon as the Typhoon Haiyan occurred. To maintain this partnership group is a good assumption, the child-focused INGOs in the APG could give the ASEAN the experience to development its own child focus framework in natural disasters, however, yet in the case of Typhoon Haiyan.

Furthermore, for ACDM and ACWC, there is no data to research their plans or programs related to children in the case of Typhoon Haiyan, even it is included in their working plans about children in disasters.

The ASEAN is an intergovernmental organization, and has its specific position and power in the region. Even though its policies and actions and information updating is designed for more development, it could play its own role to serve as the catheter between civil society and the local government on the ground during a disaster situation, like how it worked during the humanitarian relief in Cyclone Nargis 2008, be the bridge between the government and the international sectors to facilitate humanitarian relief. In addition, after 2008 ASEAN established AHA Centre, APG, there is more expectation to see ASEAN's development in humanitarian relief, however, yet, in terms of incorporating child rights and humanitarian relief, it is even further way to go.

4.4 Conclusion

4.4.1 Child rights incorporated to ASEAN humanitarian relief

The ASEAN did respond immediately right after Typhoon Haiyan, and ASEAN's humanitarian organization AHA Centre updated the typhoon Haiyan situation at an early period, nothing the urgently needed items in the impacted area. They deployed staff in Manila to Tacloban and deployed ERAT members from Brunei Darussalam to assist damage assessment and emergency response. However, this was just the general relief response and lacked a comprehensive summary or

response report. Moreover, it did not specifically focus on the rights of children, according to the Diplomat;

Yet the Association of Southeast Asian Nations has been conspicuously absent. Despite the immense destruction inflicted upon one of its one own, the ASEAN has not stepped up and led. Instead, that mantle has been seized by the United States and the U.N. Office for the Coordination of Humanitarian Affairs. Worse, beyond providing reporting and shuffling staffers through the ASEAN Coordinating Centre for Humanitarian Assistance (AHA), ASEAN has done comparatively little in any capacity.

The AHA Centre is even in the process of constructing a permanent office in Tacloban, working closely with the NDRRMC in the Philippines, and both share a constant stream of information especially weather forecasts and multi-hazard mapping (The Diplomat). However, apart from the AHA Centre's contribution in monitoring the storm and deploying logistics and communications personnel to Manila and Tacloban (Fan & Krebs, 2014), which the permanent office for, ASEAN has not played a notable part in humanitarian relief in the aftermath of Typhoon Haiyan. The response still lacks attention on children.

In summary, by adopting the conceptual framework, the ASEAN's fast response led by the AHA Centre could achieve the survival rights of children, e.g., the standard of living and health care. However, social security needs were limited. Furthermore, children's membership rights, protection rights and empowerment rights were not covered by AHA Centre's humanitarian relief, and APG corporation in the case of Typhoon Haiyan.

4.4.2 The role of ASEAN in child rights incorporated to humanitarian relief

The uncompleted achievement on child rights of AHA Centre and APG doesn't mean a fail for ASEAN in child rights incorporated to humanitarian relief, there is still rooms for ASEAN to fill in, as AHA Centre is a new born humanitarian relief organization, and due to its limitation on financial support to ASEAN, by the end of January 2014, international donors had channeled a total of \$663m to relief efforts (Congressional Research Service Report, ii), which came from Development Bank, the UE, the UN and the World Bank. Against this, \$500.000

pledged by ASEAN seems paltry (Fan & Krebs, 2014). Which it's one of the mainly influence factors to ASEAN's humanitarian relief.

Based on the discussion of last chapter, in terms of child rights, for INGOs there are limitations on working on child rights to social security; children with disabilities; children of indigenous origin, rights to a name and nationality; exploitation and abuse, abduction and trafficking. Thus, ASEAN could put more focus on those rights implementation in the case of Typhoon Haiyan, in cooperating with the local government and other international communities, to cover more unachieved rights of children, and this corporation could also happen to other natural disasters. However, the lack of a child rights based legal framework limits the fully implementation.

Furthermore, as a regional intergovernmental organization, ASEAN could play the role on dealing with the mismatch between rights-based approach to humanitarian relief and the human rights framework. The problem was presented in chapter two, which humanitarian relief organizations concerned with rights-holders' access, instead of a border concern on the assignment of obligations to duty-bearers, the duty-bearers traditionally is the state actors. Thus, ASEAN is the one who may deal with this mismatch, with a more robust rights-based approach in humanitarian relief.

To implement this role, ASEAN is also facing different challenges. First of all, ASEAN is a diversity region on culture and political status, for example the case of Cyclone Nargis and Typhoon Haiyan,

The organization's role in the response in the Philippines was much less extensive than it had been following Cyclone Nargis in Myanmar. This may be inevitable given the differences in the two countries' domestic situations and international standing. Myanmar, with a history of foreign interventions and internal conflict, holds a xenophobic worldview which led it to block international aid after Cyclone Nargis (Fan & Krebs, 2014)

ASEAN played as an interlocutor between the international community and Myanmar's military junta, resulting in unprecedented and often praised humanitarian engagement. However, the Philippines, has traditionally been open to foreign aid during disaster.

Second, no matter the issue, whether disaster management, child rights protection or humanitarian relief, the ASEAN had concerns. However, the focus was shallow and actions were without further development. As ASEAN doesn't have a framework about child right based approach to humanitarian relief, and there is a need to develop. However, the key actor is hard to be decided. As ACWC works on child rights, ACDM works on disaster management, AHA Centre focus on humanitarian relief, APG is an implementation sector. ASEAN should develop a response actor, integrating the current actor such as ACWA, ACDM, AHA Centre, APG etc., could help to establish a new strategy to integrate these actors.

Last but not least, the problem of limited financial support is also affect the humanitarian effective on child rights achievement, for example, the lack of staffing limitations.

In summary, even ASEAN as individual humanitarian relief actor, could not fully achieved child rights in the case of Typhoon Haiyan, as an intergovernmental organization, more focuses can be on cooperation, monitor or promotion. By this case study, based on the discussion of the child rights achievement of INGOs, find out that there are rooms where ASEAN could fill in, however, the incorporation also facing many challenges.

CHAPTER 5

CONCLUSION AND SUGGESTIONS

5.1 Conclusion

The ASEAN human rights and the rights of children have received attention, as evidenced by the signing of agreements to join the CRC. The ASEAN has started to put child rights issues on the table. At the same time, the disasters that continue to attack the ASEAN region frequently have received much needed attention, particularly the heaviest one in recent years, namely, the super Typhoon Haiyan in the Philippines 8 November 2013. It caused huge damage to the country, where children were a vulnerable group facing higher risks than usual. In addition to INGOs humanitarian response, the ASEAN also made its fastest response to the disaster ever; the AHA Centre was on the ground within 24 hours and donations were sent to the locals quite quickly. Regarding the different natures of the ASEAN and INGOs, this study argues the ASEAN can serve many roles based on the uncovered rights from the INGOs, to fill in the gap and incorporate fuller achievement on child rights in natural disaster humanitarian relief, using the case of Typhoon Haiyan.

The literature review, covering the concept of merging humanitarianism and human rights, has narrowed the focus on child rights and humanitarian relief during disaster situations. The review shows a gap that most of the discussions on child rights in humanitarian relief focus on one or only some particular right of children during disasters. Moreover, during the real practice, a mismatch was observed between the rights-based approach to post-disaster humanitarian relief and the human rights legal framework, which showed the need for a comprehensive and stronger framework to reach border rights and to deal with the relationship between rights-holders and duty-bearers. Therefore, it raises the thesis's research questions about the child rights approach integrated in humanitarian aid work. In this term, this study used UNCRC's definition as an example to relate to humanitarian relief and to examine the child rights achievement by an adjusted conceptual framework in the third and fourth chapters. In addition, the study focused on the ASEAN's role to

incorporate another direction that the ASEAN could implement its child or human rights mechanisms.

The first analysis focused on three INGOs during Typhoon Haiyan that still continue their humanitarian relief work on the ground in Tacloban. The field research was undertaken in Tacloban City, by interviewing staff on the ground and observing the environment in Tacloban City. Applying the conceptual framework of this research, analyzing four parts of the rights of children, those three INGOs achieved a great humanitarian response and tremendous recovery relief work in terms of child rights in the case of Typhoon Haiyan.

Yet, they still had their limitations. Children with disabilities are one big concern, and other protection rights, including exploitation and abuse; abduction and trafficking still need specific concern to respond to those issues. Another problem is that not all the response areas could receive humanitarian relief by integrating the child rights approach in real practice.

For the ASEAN, it has become less active after their fast humanitarian relief response. The AHA Centre did function well in monitoring and early warning, and cooperated with other actors on the ground during the typhoon. As there was not one specific working plan or group for children, the analysis had to combine adult and children as the research focus, to ensure that the relief response also included children. As a result, only part of the survival rights have been fulfilled (standard of living and health care), as the individual humanitarian relief actor could not fully achieve child rights in the Haiyan case. As an intergovernmental organization, more focus can be made on cooperation, monitoring or promotion, that was especially well-positioned at the regional level, to promote integration and implementation of child rights in humanitarian actions. By this case study, based on the discussion of the child rights achievement of INGOs, gaps were observed which ASEAN could fill in. However, the incorporation also faces many challenges.

Thus, for the first research question, the child-focused INGOs and the ASEAN's humanitarian relief works achieved most of the child rights, which examined by the conceptual framework and could not conclude that the incorporation was unsuccessful because it had not fulfilled all the listed rights of children. After investigating and analyzing the data, the parts of child rights that were not achieved,

were realized by other responding actors. The findings support the perspective that most of the child rights of this study's conceptual framework could be incorporated in humanitarian relief in the case of Typhoon Haiyan.

Based on the findings of uncovered child rights in the case of Typhoon Haiyan, the question is raised that the ASEAN, as an intergovernmental organization, with its role at a regional level, could promote integration and implementation among the AMSs, civil society, individuals etc. The ASEAN could serve as a coordinator to implement child rights incorporating humanitarian relief.

Furthermore, integrating child rights in humanitarian relief in disaster situations could be considered as an open door access to human rights. Thus, it presents another possible way for the ASEAN to secure child rights, and further, human rights development.

5.2 Suggestions

By examining child rights achievement in the case of Typhoon Haiyan, the findings of uncovered rights of INGOs and ASEAN lead to the possibility for the ASEAN to play a significant role concerning implementation. However, the ASEAN also faces lot of challenges; the suggestions are based on these challenges.

For the ASEAN, two main points remain for child rights to be incorporated in humanitarian relief in disasters as described below.

- A child rights based framework needs to be created for to humanitarian relief, dealing with the mismatch between the child rights based approach to humanitarian relief and the child rights framework.
- A key actor to have child rights incorporated to humanitarian relief could be developed based on the child-focused principle. Integrating the current actor such as ACWA, ACDM, AHA Centre, APG etc., could help to establish a new strategy to integrate these actors.
- Developing humanitarian relief staffing facilities is necessary, to increase the ability to provide and exsure humanitarian relief.

Local government agencies need to be more active in cooperating with humanitarian response teams, supported by national regulations or laws.

For civil society, NGOs and INGOs, humanitarian action should contribute to larger rights-based structures within the relevant state, not only the rights-holders but also the duty-bearers.



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APPENDIX

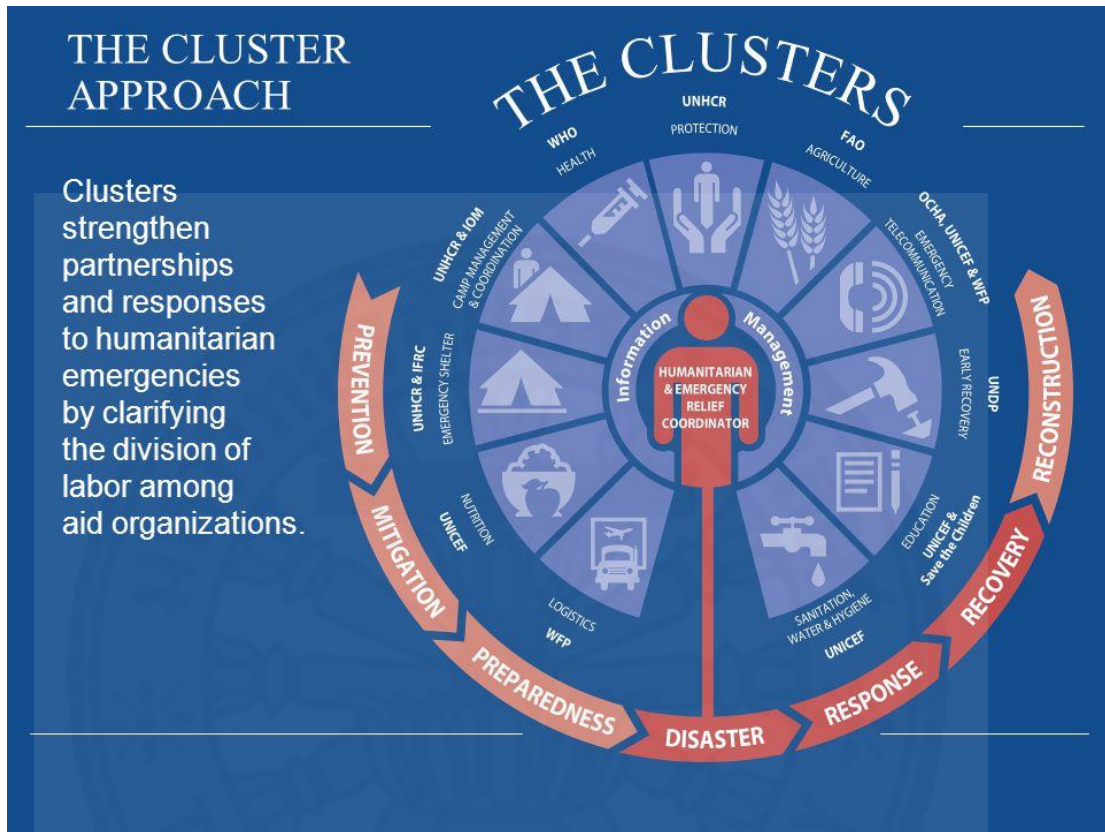
APPENDIX A

CHILD RIGHTS DEFINITION BY LAWRENCE J. LEBLANC

Survival Rights	The Right to Life	-abortion and the rights of the unborn child - The death penalty
	Survival and Development of the Child	-The right to an adequate standard of living - The right to social security - The right to health care
Membership Rights	Nondiscrimination	-children born out of wedlock -children with disabilities -children of indigenous origin
	Right to a Name and Nationality	
	Family Rights	-parental rights and duties regarding the child -alternative means of child care
Protection Rights	Exploitation and Abuse	-sexual exploitation -economic exploitation
	Abduction of and Trafficking in Children	-abduction -trafficking
	Participation in Armed Conflict	-the age limitation in armed conflicts
Empowerment Rights	Freedom of Expression and Information	-freedom of expression -freedom of information
	Freedom of thought, Conscience, and Religion	- Freedom of thought, conscience, and religion -rights of parents
	Freedom of Association and Assembly	
	-Freedom of Education	-the nature of the right to education -the goals reward of education

APPENDIX B

THE CLUSTER APPROACH IN HUMANITARIAN AID WORK



APPENDIX C

INGOS ANALYSIS SUMMARY

			INGOs	Note
Survival Rights	Survival Rights	Standard of living	√	
		Social security	√	Cross-cutting to protection rights
		Health care	√	
Membership rights	Nondiscrimination	Children with disabilities		Cross-cutting to other INGO
		Children of indigenous origin		
	Rights to a name and Nationality		√	Corporated with the national government
	Family Rights	parental rights and duties regarding the child	√	
		alternative means of child care	√	
Protection Rights	Exploitation and Abuse	sexual exploitation		Plan International has anti-trafficking project; others are cross cutting to society security rights, and corporation with local government
		economic exploitation		
	Abduction of and Trafficking in Children	abduction		
		trafficking	√	
Empowerment Rights	Freedom of Expression and Information		√	Children's participation
	Freedom of thought, conscience, and Religion		√	
	Freedom of Association and Assembly		√	
	Freedom of Education		√	

APPENDIX D

AADMER WORK PROGRAM-PHASE 1

Preparedness and Response	Phase 1
Establishment of a Disaster Emergency Response Logistic System (DELS) for the ASEAN Region	The project was launched in December 2012. Relief items from the DELS have been mobilised to respond to actual disasters in the region.
Establishment of a Fully- Functional ASEAN Emergency Rapid Assessment Team (ERAT)	64 of ASEAN-ERAT have been trained. About 1/3 of them have been deployed to exercises and actual disasters. Procedures, systems and equipment are in place with the AHA Centre to support the deployments.
Finalisation and Institutionalisation of ASEAN Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations (SASOP)	SASOP Chapters I to V are finalised, and have been tested and validated in exercises and actual disasters. Work-in-progress in promoting civil-military coordination in HADR.

Recovery	Phase 1
Production of a Disaster Recovery Toolkit	Lack of progress is recorded in this component.
Prevention and Mitigation (Long-term Recovery)	Phase 1
Building Disaster-Resilient ASEAN Cities	As part of the efforts to build disaster resilient ASEAN cities, a three-year programme on ASEAN Safe School Initiative (ASSI) is currently on-going, with the support of AADMER Partnership Group (APG).
Capacity Building for Community-Based Disaster Risk Reduction (DRR)	Training has not been conducted. However, there are partners in the region that have offered Community- Based DRR Training.
Setting-up Mechanisms for Disaster Risk Financing	ASEAN Disaster Risk Financing and Insurance (DRFI) Roadmap was adopted by three sectors in November 2011. The ASEAN Cross-Sectoral Coordination Committee on DRFI was established in April 2013 the following decision of the 17 th ASEAN Finance Ministers Meeting (AFMM).

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