CRITIQUE

PRIVATE AUTHORITY AND DISASTER RELIEF

The Cases of Post-Tsunami Aceh and Nias

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ABSTRACT: This article explores the rise of private authority in globalized disaster relief scenarios by looking at the case of nongovernmental organizations (NGOs) operating in Aceh and its neighboring region, Nias, after the December 2004 Indian Ocean tsunami. The author places the growing strength and presence of NGOs within the larger context of weak, cash-strapped local governments under decentralization schemes promoted by neoliberal economic policies and argues that under such conditions, private actors such as NGOs are gaining a legitimacy of authority once reserved exclusively for the state. In Aceh after the tsunami, five hundred NGOs began operating relief and recovery efforts on the island with little consultation with local Acehnese government agencies and community organizations. The article concludes by arguing that the example of Aceh, in which public and private parallel systems of relief and recovery have been operating raises long-term issues of accountability for all parties involved.

Of all the areas ravaged by the tsunami and earthquake that struck the Indian Ocean region on 26 December 2004, the Indonesian special territory of Aceh, on the northern tip of Sumatra Island, suffered the greatest devastation. The tsunami killed 164,000 people in Aceh, the territory closest to the earthquake's epicenter, while another 400,000 were made homeless. When the waves stopped crashing down upon the land, the region was left with US\$4.5 to \$5 billion in damages — an amount roughly equal to Aceh's gross domestic product.

The tsunami crossed national boundaries, affecting communities in eleven countries and with global repercussions. It was a global disaster.

The unprecedented devastation wrought upon Aceh and the other affected regions prompted a widespread response from the international community. Aid, in the form of money and deliverable goods, began flowing into the affected areas from all over the world, with Aceh being one of the largest aid recipients. In the weeks after the tsunami hit, through the United Nations Flash Appeal process, \$1.1 billion had been raised for all affected areas and five hundred nongovernmental organizations (NGOs) began aid efforts in Aceh, alone.³ Thus, the globalization of disaster in the wake of the tsunami was met with the globalization of disaster relief. Assessments of post-disaster relief in certain affected areas, however, show that NGOs operating throughout the affected regions failed to work closely with community groups and local government officials in coordinating relief efforts.⁴ While reasons for this vary, in the case of Aceh, the net effect has been the development of a parallel system of aid delivery that is ultimately unaccountable to tsunami-affected people.

In its assessment of disaster relief in the first month after the tsunami hit Aceh, the Red Cross, which had a presence in Aceh before the tsunami, found that "Although international agencies were right in guessing that water, food and shelter would be survivors' initial needs, they were wrong to assume these needs would not be covered, at least partially, by Indonesians themselves. Agencies did little to suppress the myth of disaster victims dependent on external aid to survive."

The case of NGOs operating in Aceh after the tsunami exemplifies an emerging issue in the context of globalized disaster relief efforts: the rise of private authority. Private authority is defined here as the legitimacy accorded to non-state actors to carry out particular functions of the state. In contrast, public authority is that set of responsibilities and decision-making abilities granted to a legitimate state that is accountable to its people. Neither legitimacy nor accountability are absolutes, but the relationship between state and citizen, regardless of regime type, is necessarily one of accountability. When a state isn't accountable to its people and engages in oppression of its people, resistance and rebellion are legitimate courses of action — as in the case of Aceh. With private authority, NGOs being a prevalent example, questions of accountability arise because these organizations can operate transnationally and are often funded by people and organizations outside of their areas of operation. Unlike public authority, where territories and taxes define some of the parameters of the relationship

International Federation of Red Cross and Red Crescent Societies 2005, Chap.

^{2.} Asian Development Bank 2005.

^{3.} Oxfam International 2005.

International Federation of Red Cross and Red Crescent Societies 2005, Introduction. See also Clinton 2005.

International Federation of Red Cross and Red Crescent Societies 2005, Chap.
 4.

between state and citizen, the borders between private authority and a population are malleable. Moreover, accountability for NGOs rests with the donors who sustain them and not necessarily with serviced populations.

Two basic questions arise as a result of the growing eminence of transnational private authority in the arena of disaster relief. First, what exactly is this authority? Second, how has it been accorded to non-state actors? This essay seeks to answer these questions in the cases of post-tsunami Aceh and Nias, the neighboring region that suffered from the aftershocks of the December earthquake in March 2005. It is important to note early on that because of the resistance movement in Aceh, applications of the term "state" must be accorded to the local Acehnese government as well as to the Indonesian government, since the resistance movement is in large part responsible for the day-to-day welfare of the Acehnese people, while the Indonesian government effectively controls money and large aid flows into the territory.

Private Authority Versus Governmental Authority

To understand private authority we must explore the womb from which is has emerged: neoliberal globalization.

The rise of private authority can be traced back to 1980, when Ronald Reagan and Margaret Thatcher promoted economic policies of privatization, decentralization, and free trade as a path toward global economic development. The emergence of neoliberalism as the preferred economic project of the last twenty years of the twentieth century has facilitated the current era of globalization.

In contrast to the common characterization of globalization as a process marked by porous borders, the Internet, and international migration — a definition that de-legitimizes the role of the state in world affairs⁷ — globalization is defined as an explicitly state-led project that has strengthened the welfare-provision abilities of some states while weakening those of others. It is a project that originated in the North Atlantic states and that is carried out through non-state entities such as international financial institutions and transnational corporations, which have their bases in the North.8 According to Wade, this form of globalization, which he characterizes as American-led, has encouraged dependency on the U.S. economy and discouraged "endogenous growth." For poor nations, this creates a dependency trap that is hard to escape. "The system puts poor countries in your power," Wade argues.9 Under such conditions, poor states have found it difficult to meet the needs of development and service provision, opening up the stage for non-state actors, such as NGOs. 10 The void left by states that can or do not provide services for their citizens weakens traditional notions of public authority and legitimacy, allowing for a shared role between the public and private in welfare provision.

^{6.} Waltz 2000.

^{7.} Haas 2005.

^{8.} Sassen 2002, in Hall and Biersteker 2002.

^{9.} Wade 2003.

^{10.} Meyer 1999, 15. See also Nijenhuis 2002.

The idea of public authority rests on the Weberian definition of the state and it is from this that the concepts of legitimacy and private authority are derived. ¹¹ This idea of the state as the sole entity able to exercise the legitimate use of force on a population within territorial boundaries, is at the heart of its accordance of legitimacy. ¹² That is, states that do not abuse this legitimate monopoly on the use of force on its citizens are given an implicit title over the exercise of authority. Theoretically, this relationship between state and citizen affords a "habitual obedience" on the part of the citizen as a result of a legal system in which the threat of force is institutionalized and implicit. ¹³ In exchange for this legitimate authority given to the state and to the state's various bureaucratic functions, the people are justified in demanding accountability.

Increasingly, in the case of cash-strapped or weak states, the relationship between state and citizen has lost some of its strength as a result of the presence of powerful private authorities that are carrying out some of the functions of the state. In such cases, and particularly in post-disaster relief scenarios where coordination between the public and private spheres is logistically and temporally strained, states are not the sole proprietors of authority over their citizens. Under post-disaster conditions, these private actors are afforded responsibilities over populations in instances where the state has traditionally held ultimate authority. Much like the case of globalization as discussed above, states tacitly afforded some of this authority to private actors by way of consent of entry and operation. Fogel and Lipschutz note, "We see the transfer of functional responsibility and authority downward to the regional and local levels as well as upward to the global level. All of this is taking place, moreover, with the full connivance of national governments, aided and abetted by a wide variety of other institutions and actors." For this authority to be accepted by the public it is exercised upon is another issue, one that raises questions of accountability. As Hall and Biersteker write,

there is an implicit social relationship between those who claim or exercise authority and those who are subject to, or recognize, authority. The relationship is a public one, to the extent that claims and recognition or claims of authority involve an open, visible process among different agents. Being public does not, however, imply that a state or public institution must be involved, or be wielding authority, even though they might participate in recognizing it in certain situations.¹⁵

In the absence of a state providing for its citizens, the public relationship between those who exercise authority and those who are subject to it, isn't the open, visible process described above. Rather, it is a process of necessity that may leave local populations with little recourse to hold private authority accountable.

^{11.} Hall and Biersteker 2002, 5.

^{12.} Weber, in Roth and Wittich 1978, 215.

^{13.} Hall and Biersteker 2002, 8.

^{14.} Lipschutz and Fogel 2002, in ibid.

^{15.} Hall and Biersteker 2002, 5.

The Establishment of NGOs as Private Authorities

Under such processes, some have warned of the encroachment on state sovereignty in the current era of globalization.¹⁶ In many cases, this encroachment has been, normatively and empirically, beneficial to the world community. NGOs operating in the issue areas of human rights and the environment have been crucial in establishing international norms of behavior and promoting accountability on the part of governments. As Hall and Biersteker note, "Non-governmental organizations are private actors that can serve important epistemic and legitimation functions in formulating transnational policy decisions, regime rules, principles, and decision-making procedures."¹⁷

The moral authority of nongovernmental organizations is key to understanding how they operate in the global South. According to Hall and Biersteker, there are three ways in which NGOs exercise "moral authority." First, NGOs have become agenda setters, for a variety of reasons. The lobby power of larger, prominent NGOs that receive funding from state governments and philanthropic organizations allows these organizations to have access to government decision-makers. The very nature of funding through bilateral aid agencies places a degree of quasi-private authority on them that impacts their ability to shape policy. On a smaller scale, NGOs operating nationally and transnationally have been able to mobilize average citizens at the grassroots level to effect policy change. In addition to agenda setting, NGOs also offer an expertise in various fields, from human rights to environmental degradation, that affects the policy-making process. This expertise allows NGOs to act as agenda-setters and has resulted in giving them an informal and sometimes formal consultative status on policy decisions. The cases of large NGOs such as Human Rights Watch, with its annual reports, and Transparency International, with its Corruption Indices, are examples of this process at work. But it is perhaps the ability of NGOs to be seen as above the fray of state politics that affords them the greatest ability to exercise legitimate authority. Their "ostensible objectivity or neutrality as non-state actors" has allowed them to set norms and standards by which the international community operates. With this, however, comes the danger of politicization given the nature of their funding, as well as a lack of accountability because of their classification as "above politics."

Researchers have found that the vast majority of NGOs in the developing world are funded by donors from the global North. Given this dynamic, and the fact that most funding is bilateral, the degree to which NGOs can be seen as above politics is limited by their funding.²⁰ In more explicit cases, various national governments have used their donations to NGOs operating in the global South to promote their agendas.²¹ This can put a strain on NGOs operating

^{16.} Haas 2005.

^{17.} Hall and Biersteker 2002, 8.

^{18.} Ibid., 14.

^{19.} Ibid.

transnationally to remain accountable to aid recipients, particularly in post-disaster relief.

In pressing governments to be accountable to their people, in shining a light on human rights abuses and calling for equity, NGOs have become homes for individuals wanting to work toward progressive agendas. In many cases, particularly in the face of repressive regimes — whether in North or South America, Asia or Africa — NGOs have been shelters for persecuted academics looking for the freedom to speak our against disorder in their societies. Through such processes, NGOs as a bloc within global civil society, have gained respectability, influence, and moral authority.

While NGOs, by way of this moral authority, have effectively been watchdogs of unaccountable states when citizens were unable to speak, who will be a watchdog of NGOs, to ensure they are accountable to the people they serve and uphold the promises they make? Year-end reports by NGOs assessing the situation of the tsunami-affected region have effectively pinpointed violations of victims' fundamental human rights by states and state ineffectiveness at managing rebuilding and rehabilitating, particularly in Aceh.²² Overwhelmingly, policy recommendations concluded that ultimate authority and responsibility to protect the people was in the government. However, the vital role transnational NGOs play, particularly in the context of globalized disaster relief, has given these private actors an authority and legitimacy similar to the state. Therefore, demands for accountability should follow, as in the case of democracatic and undemocratic regimes.

NGOs and Accountability — The Cases of Aceh and Nias

The political situation in Aceh prior to the 2004 tsunami provides important contextualization for the parallel systems of post-tsunami relief that are being conducted by international NGOs and the local government and community organizations. By extension, the issue of authority — who has it and in what capacities — is very much tied to the political situation prior to December 2004.

The history of Aceh is marked by resistance to authority, colonial or Indonesian. The sultanate of Aceh, on Sumatra Island, was a key trading port for the colonial powers, namely, the Dutch and British in the sixteenth and seventeenth centuries. Amid territorial wars between the colonial powers in and around Sumatra, Aceh was able to retain special status because of the wealth and power the sultanate possessed over the island. The Dutch and British each had an occupying hand in Sumatra and notably exchanged power over the island — rich in spices and natural resources — with the signing of the Anglo-Dutch Treaty in 1824. In this treaty, the British, who had had special trading privileges with the sultanate, surrendered control of Sumatra to the Dutch, with both colonial powers agreeing to allow the sultanate of Aceh its independence. By 1873, the

^{20.} Meyer 1999.

^{21.} Barry 2005.

^{22.} ActionAid 2006.

Netherlands reneged on this agreement and invaded Aceh, resulting in the longest war ever fought by the Dutch. Intermittent war persisted between the Acehnese and Dutch until the Netherlands surrendered control of Indonesia to Japan in 1942. When Japan in turn surrendered to the Allied powers in 1945, Indonesia declared independence, immediately raising questions over the status of Aceh. In 1949 UN-brokered agreements transferred sovereignty from the territory of the Dutch East Indies to Indonesia, with Aceh being included as part of the new Indonesia. In the decade prior to the birth of Indonesia, Aceh's status wavered between successive regimes. In 1959, Aceh was awarded "special territory" status, giving the region a high degree of religious, educational, and cultural autonomy.²³

Acehnese reluctance to accept the authority of the Indonesian government, as was the historical case with the British and Dutch, was central to the formation of the Free Aceh Movement (GAM) in 1976. As a result of its natural resource wealth, Jakarta's determination to control Aceh and its repression of GAM has been fierce. During the thirty years since GAM's establishment, Jakarta has declared the territory of Aceh to be a Military Operation Zone, the region has been cut off from the international press, and human rights abuses have abounded. Under these constraints, the local government and GAM remained active in moving Aceh toward independence.²⁴

The world has in no small part been made aware of the violence and isolation Aceh faced in the decades leading up to the tsunami because of the work of a small number of local and international NGOs organizing around issues of human rights. It is no small irony then that the flock of NGOs that has poured into post-tsunami Aceh is contributing to the clouded information environment in the territory, even as the political situation begins to improve. The wreckage left by the tsunami has prompted Indonesia and GAM to broker a "Memorandum of Understanding" regarding a transition to peace and political stability between the two. Included in this memorandum are stipulations for a new law governing Aceh that will go into effect on 31 March 2006. 25

However, as the people of Aceh rebuild and struggle to regain authority over the territory, new contestations of authority may arise in the wake of the large international NGO presence. In particular, two issues of accountability arise from the work of NGOs in post-tsunami Aceh and Nias. One issue involves keeping track of the amount of money being spent — a problem reserved more for smaller, newer NGOs, rather than larger, more established ones. The other focuses on whether post-disaster relief is being carried out in conjunction with local authorities and organizations, a problem that spans NGOs large and small. Days after the disaster struck, the United Nations, NGOs and multilateral agencies put out a "flash appeal" to their donors, asking for \$537,179,208 in funds to

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^{23.} Jakarta Post 2006. See also Terrall 2001.

^{24.} Ibid.

^{25. &}quot;Memorandum of Understanding between the Government of the Republic of Indonesia and The Free Aceh Movement," signed 15 August 2005.

be used for up to six months. ²⁶ The nature of this appeal, used by the international donor community in times of humanitarian crises, excludes governments from asking for funds. A little over one year after these appeals were made, with 71 percent of the appeal received, \$209,871,074 has been spent. ²⁷ In the longer term, funding in the range of \$5 billion will be needed for rebuilding. Of this amount, \$4.5 billion has already been secured, with more than half the amount — \$2.5 billion — coming from NGOs. ²⁸

Despite the money pouring in, nearly 78,000 people still live in tents in Aceh and Nias. Moreover, of the 122 health centers destroyed by the tsunami, only 38 have been rebuilt. In comparison, in Sri Lanka, of the 97 health centers destroyed, 96 have been constructed.²⁹

While efforts have been made to keep track of expenditures, accessing this information remains a challenge. This is because there are currently 124 international NGOs and 430 local NGOs, along with numerous multilateral institutions, operating in Aceh and Nias (although these numbers vary according to the source.) ³⁰ Larger NGOs such as Oxfam, Doctors Without Borders, ActionAid, and Save the Children have released accountability reports detailing their budgets, but smaller NGOs have generally not followed suit. Moreover, even though the larger organizations have provided financial accountability, other problems have arisen. As a London School of Economics report based on interviews with people on the ground in Aceh notes, "Some of the larger INGOs [International NGOs] brought in 'expert' staff who treated Indonesia like just another failed state with a natural disaster rather than one which had a functioning national government in Jakarta and local government in Aceh." ³¹

This situation led the International Federation of Red Cross and Red Crescent Societies to conclude: "At the root of coordination problems was one key factor: too much money. Nearly everyone could hire a helicopter or boat, make their own needs assessments and distributions, and fly the flag. ³² As a result, there was a disincentive to coordinate with local agencies and the military working in the area. The over-saturation of the post-disaster relief scene led NGOs to "scramble for beneficiaries" in certain areas, while in others, there was no NGO presence whatsoever. ³³

An awareness of the need for participatory relief work was central to the best practices of humanitarian organizations, however, even before the tsunami hit. In particular, the "Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief" specifically calls on agencies

^{26.} UN Office of Humanitarian Affairs 2006.

^{27.} Ibid.

^{28.} UN Office of the Special Envoy for Tsunami Relief 2006.

^{29.} Ibid.

^{30.} World Bank 2005.

^{31.} Schulze 2005.

International Federation of Red Cross and Red Crescent Societies 2005, Chap.
 4.

^{33.} Ibid.

to involve local people in decision-making.³⁴ Sphere Project standards also set minimum rules for humanitarian agencies to include the local population in relief and recover.³⁵ Meanwhile, the donor community, through the UN Office for Coordination of Humanitarian Affairs, established a financial expenditures tracker. The guidelines for conduct as well as the expenditure tracker are measures to make NGOs more accountable to their funders and to the aid community at large. That aid recipients benefit must be seen as a positive externality, at best. Voluntary codes of conduct are as much a means to the end of appearing legitimate, as they are a call for the NGO community to be accountable to itself. In the case of the expenditure tracker, the emphasis of accountability of NGOs and to the aid community is to its donors. Little recourse is left to service recipients.

In April 2005, the Indonesian Rehabilitation and Reconstruction Agency for Aceh and Nias (which goes by its Indonesian initials, BRR — Badan Rehabilitasi dan Rekonstruksi) was established to oversee the complex rebuilding effort in the affected areas. As part of its plan, the BRR asked all 438 registered NGOs to submit activity reports with the agency. By mid-September 2005, a mere 128 reports had been submitted.³⁶

In terms of NGOs working alongside local authorities and organizations, Indonesian authorities have been quoted as saying that many NGOs took on what they couldn't handle.³⁷ Other reports cited Indonesian officials expressing frustration at numerous NGOs reneging on their agreements, which forced the Indonesian government to divert funds already allocated for infrastructure investment. In the case of housing in Aceh, NGOs have complained that they awaited instruction from the government to be allotted land for housing.³⁸ Such miscommunications are indicative of problems of accountability that arise when two spheres of authority — public and private — try to operate in one area.

Given the political and human rights track record of the Indonesian government in Aceh, incentives for NGOs to work more closely with the Acehnese were strong. Indeed, assessments of the progress of recovery in Aceh have overwhelmingly noted the need for transnational NGOs to work with local NGOs and the local government to meet the needs of the population.³⁹ Some assessments even went on to conclude that the need for accountability in a post-disaster relief situation characterized by too much money flowing and too little rehabilitation and participatory decision-making, is critical.

Conclusion

As Hall and Biersteker have observed, "The emergence of private authority has affected the operational meaning of state sovereignty." Private authority has been facilitated by neoliberalism and its pressure for decentralization before states are adequately prepared for the devolution of power, money, and deci-

^{34.} Ibid.

^{35.} Sphere Project 2004.

^{36.} Aceh and Nias Rehabilitation and Reconstruction Board 2005.

^{37.} Ibid., Chap. 6.

^{38.} Action Aid 2006, 12.

sion-making. In the process, private authority has become a legitimate but unaccountable player in poor countries. This situation is exacerbated in post-disaster scenarios in which immediate injections of international aid are needed to address the complex and urgent needs of affected populations. While the resultant relationship between the public and private in welfare provision is a critical component of humanitarian relief efforts, measures will need to be adopted to hold private authority accountable to the populations over which it exercises authority, similar to the screening states must go through. The cases of Aceh and Nias after the tsunami is an indicative example of this need. The region most affected by the December 2004 tsunami has been flooded by NGOs operating complex operations without adequate coordination with local authorities. In order to move forward with the rehabilitation of Aceh and Nias, the victims of the tsunami will have to be consulted and kept informed of NGO activities if this private authority is to remain legitimate.

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^{39.} See year-end reports by Oxfam International, Action Aid, and the International Committee of Red Cross and Red Crescent Societies, all cited in References.

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