Death, Human Rights, and Disaster Relief: How Humanitarian Actors in Yogyakarta, Indonesia View Dealing with the Deceased

Nazanin Bagherzadeh
PhD Candidate
Department of Asian and International Studies
City University of Hong Kong

While the aim of humanitarian action is to save lives and reduce suffering, the reality is that people in humanitarian emergencies often die. This study examines theories of human rights and how they may apply to the dead, and then compares this analysis to the experiences of humanitarian workers in Yogyakarta, Indonesia. Data was gathered over a three-month period by conducting semi-structured interviews with local staff with experience working in disaster relief. The analysis of the human rights literature hypothesises that human rights of the dead are not a strong enough idea to influence humanitarian actors, while responsibilities towards the dead are more likely to hold clout. However, some interview subjects did demonstrate an acceptance of human rights of the dead. Responsibilities towards the living emerged as the most significant motivation for humanitarian workers when dealing with the dead. This study argues in support of a greater understanding of the relationship between humanitarian emergencies, priorities, and the dead. In an era of increasing inclusion of human rights issues into humanitarianism, there must be room also for responsibilities to hold value. Regional, cultural, and religious values must be given adequate space and recognition in human rights/humanitarian discourse and practice.

Tags: Human rights, humanitarian aid, Indonesia

Introduction

“Newly dead bodies cannot be made live again, nor can they be made to vanish forever in a puff of smoke.” – Joel Feinberg (1982, 38)

In November 2013, Typhoon Haiyan devastated parts of the Philippines. Media outlets reported rising death tolls, but also took notice of what was happening to the dead. The BBC followed Red Cross teams recovering bodies and reported the construction of new cemeteries. American news outlet NBC News described simple burials at a church in Palo, with graves for the identified marked by cardboard
headstones and common graves for the unidentified. CNN reported that residents of Tacloban were exposed to the stench of the bodies lining the streets. This coverage is notable for its attention to an often quantified - typically by a numerical death toll - but little explored dimension of disaster relief: dead body management.

Humanitarian action aims to alleviate human suffering caused by natural or human events. It aims to be impartial and assist those in need without discrimination. Macrae explained, “The concept of humanitarianism suggests that human life and dignity are essentially valuable and should be protected irrespective of gender, race, creed, or political affiliation” (1998, 22). This value for all human life has translated into humanitarian actors working to deliver basic needs and services to survivors of crises, such as armed conflicts and natural disasters. Such work can save lives, improve the health of individuals and communities, and provide support for affected populations to regain the strength and capacity to resume their pre-crisis ways of life.

However, the reality of humanitarian crises is that not everyone survives. People die - from violence stemming from armed conflict, from blunt trauma sustained during an earthquake, and from infectious diseases spread from living in a crowded camp setting. In these unfortunate but not unusual situations, families lose a loved one, communities lose a member - and a body is left behind.

Humanitarian actors working in the immediate aftermath of crisis situations may be confronted with dead bodies, both directly and indirectly through the effects death has on survivors. This study examines the role of human rights and responsibilities in the management of dead bodies after disasters, both in academic literature and in practice in Yogyakarta, Indonesia. The guiding research question is: to what extent do ideas of rights and responsibilities influence the actions and attitudes of disaster relief workers in relation to dead bodies?

While dead body management may be a consideration for humanitarian actors working in conflict zones, this study focuses on disaster situations. Torry defined disasters as “events that cause physical damage to a community, or communities, so severe that most or all major public and private facilities no longer provide essential social and economic services without extensive replacement or repair” (1978, 302).

The fieldwork for this study took place over a three-month period in the
summer of 2013 in Yogyakarta, Indonesia. Indonesia is a country that is familiar with humanitarian crises, many in the form of natural disasters. A notable example is the 2004 Indian Ocean earthquake and tsunami, which affected the province of Aceh in northern Sumatra. In 2005, BBC News reported an estimated 166,000 people in Indonesia alone had died as a result of the disaster.

Yogyakarta, located on the island of Java, was not affected by the 2004 earthquake and tsunami but has experienced its own disasters. Mount Merapi, an active volcano to the north of the city of Yogyakarta, erupted on a large scale in 2010. Over 300 people died, including the spiritual “keeper” of the volcano. In 2006, an earthquake southwest of the city measuring 6.3 on the Richter scale resulted in over 5,500 deaths.

Yogyakarta has a strong presence of civil society groups (Kilby and Williamson 2011, 339), including religious groups, international non-governmental organisations (NGOs), and grassroots local groups. Different kinds of civil society groups, as well as government actors, are involved in disaster management in Yogyakarta. Many of these groups also contributed to the relief efforts in Aceh following the 2004 tsunami.

This study references the Universal Declaration of Human Rights (UDHR) to give further information and context about various human rights. The UDHR is a declaration consisting of thirty articles, each outlining a universal human right. It was adopted by the United Nations (UN) General Assembly in 1948. While not legally binding, the UDHR has been influential in shaping national and international treaties, constitutions and policies, and is considered by some academics to be part of customary international law (Humphrey 1979). It is used here because of its worldwide reach, accessibility, and concise referencing of rights.

Methodology

This fieldwork for this study took place over a three-month period in the summer of 2013 in Yogyakarta, Indonesia. Participants were individuals that were currently working or had previously worked in positions involving humanitarian response in the immediate aftermath of disasters, with at least some of their experience coming from working with an organisation based in the Special Region of Yogyakarta. Semi-
structured interviews provided opportunities to explore the perceptions and experiences of each participant while also granting a degree of focus and consistency.

The six interview participants came from six different organisations – four who had dealt directly with cadavers in their disaster relief work and two who had not. The latter were included within the scope of the study as a point of comparison for those with dead body management experience, as well as to gain insight into perceived indirect effects of death in disaster. Two participants worked for government agencies, two for religious NGOs, one for an international organisation (IO), and one for an academic volunteer response unit. A larger number of participants would have strengthened the study, however the completed interviews provided valuable, thought-provoking data worthy of exploration.

Literature Review

This section briefly probes into the role of human rights in humanitarian action and disaster response. The following section, the conceptual framework, focuses on specific topics in human rights and how they relate to the dead.

Macrae (2002) found that humanitarian action is shifting towards an approach rooted in human rights. Slim (2001) argued this shift could result in a more empowering, egalitarian humanitarianism. ActionAid, an international NGO that has worked in Indonesia, advocates the idea of humanitarianism seen through “rights-based glasses.” This notion acknowledges and incorporates the rise of human rights in humanitarian action, while not forcing humanitarianism to become solely driven and maneuvered by rights.

ActionAid (2006) demonstrated their commitment to this idea by releasing a report evaluating the human rights of the 2004 Indian Ocean tsunami response. The report found that despite all the affected countries having ratified international human rights instruments, violations of human rights were still found in the disaster response. While there was no specific mention of human rights and corpses, the report did link some rights violations to the loss of a family member. For example, one widow reported being unable to claim compensation after her husband’s death because his body was never found, while orphaned girls and widowed women experienced further marginalisation (2006, 43).
Conceptual Framework

This framework presents theories and ideas that shaped the design and content of this study, and provides a backdrop for the analysis of the interviews. Three core ideas are explored. First, the notion that the dead themselves are holders of human rights is examined. Next, the idea of responsibilities toward the dead is analysed. Finally, the conceptual framework considers the human rights of the surviving family.

Human Rights of the Dead

The idea that the deceased hold human rights has the potential to shape dead body management by restructuring how humanitarians think of those affected by their actions. If it can be established that humanitarian actors can and should think of the dead as rights-holders, then mass graves, improper burials, and unidentified corpses take on a new significance and meaning. But does humanitarianism’s shift into donning “rights-based glasses” have such a reach?

Rosenblatt (2010) stated that he found no evidence of organizations involved in humanitarian action discussing the human rights of the dead as a factor in their work. He also explained that human rights of the dead is not an idea that is new or singular to any one culture - references to rights of the dead are present in Egyptian and Greek history. Despite this historical legacy, the theory of human rights of the dead continues to be contested.

Several authors explored the relationship between the dead, their interests, and human rights. Wilkinson (2002) stated that the dead can have interests. Interests of the dead relate to their potential human rights. Smolensky (2004) argued that the dead can be rights-holders by employing Interest Theory, which claims that just because a person is unable to make choices or express their interests does not mean they do not or cannot have any interests (764). Smolensky distinguished only interests that are known after death can survive (771-772). Feinberg agreed, “We can think of certain of the deceased’s interests, however, (including especially those enshrined in wills and protected by contracts and promises) as surviving their owner’s death, and constituting claims against us that persist beyond the life of the claimant” (1974, 52). According to this logic, a person that declared their desire for a certain type of burial, for example in writing or by prescribing to a set of religious beliefs, has the right to
that burial because those interests survive their death.

These authors agreed that just as the living possess interests, so can the dead. According to Smolensky, the dead possess interests and thus human rights. So, the ability to hold interests is the qualifier for possessing human rights. This logic could be expanded to say that those who die as the result of a natural disaster can be presumed to have had an interest in being buried or otherwise laid to rest, properly and with respect. Therefore actions like mass graves cannot only be deemed morally wrong and culturally disrespectful, but actually in violation of the rights of the buried.

This is a powerful idea, but there are several holes in this logic. First, claiming interests as validation enough for being a rights holder is convincingly contested. Partridge (1981) concurred that interests are needed to hold rights, but predicated that the dead are not eligible to be seen as interest HOLDERS because they cannot detect when their interests have been ignored or wronged. This is at odds with Feinberg’s assertion that interests can survive and make claims beyond the lifetime of a person. Feinberg defined rights-holding as “to have a claim to something and against someone the recognition of which is called for by legal (or other institutional) rules, or in the case of moral rights, by the principles of an enlightened conscience” (1974, 43). The rights-holder must therefore be able to bring their claim of abuse before either the law or common human decency. The dead are incapable of making such pleas. Their relatives may allege a violation, but the deceased themselves have no way of bringing a human rights offense to light and then fighting for its justice. De Baets stated the dead cannot claim rights because “they are incapable of having needs, interests, or duties, or of making choices or claims, either now or in the future” (2004, 135). Interests are joined with other factors: the ability to make choices and act in the present or future. Those that argued that the dead hold human rights because they possess interests do not address these other capabilities that the dead are lacking.

A counter to Interest Theory is Will Theory, which interprets rights as making their holders “small scale sovereign[s]” (Hart 1982, 183). Graham explained, “Will theory states that having a right involves being in the position to control the performance of a duty” (1996, 260). Will Theory therefore would interpret the dead as not holding rights, since they are not able to exercise power over the fulfillment of their rights. Even if the deceased leaves a will, it is up to survivors to see to its
execution. When one dies, their “sovereignty” as rights holders can be seen as dying with them. Critics of Will Theory may point out that such an interpretation of rights denies groups such as children or the mentally ill the ability to be rights holders. While this is a worthwhile criticism, this study focuses on the rights of the dead. Unlike the aforementioned groups, there is no doubt that the dead will ever gain capacity to control their rights or that violations of their rights will affect their quality of life.

In its preamble, the UDHR refers to the “human family,” but does not give much clarity as to what this term means and if the dead are included. Callahan suggested “that the reasons that all arguments for harm and wrong to the dead must fail is that there simply is no subject to suffer the harm or the wrong” (1987, 347). De Baets (2004) rejected the ideas that the dead should be viewed as physical bodies, persons, or human beings. Instead, he claimed that they are “former humans” and while former humans possess their own kind of dignity, they cannot be the subject of human rights. De Baets’s view is useful in the context of humanitarianism and human rights, because it is a reminder that the deceased once held rights and that those rights may have been violated in the past.

The concept of human rights of the dead is certainly interesting and thought-provoking. However, it appears to be too contested and abstract to hold any strong weight. The dead have no way to claim their rights, and have no way of independently turning any posthumous interests into action. Therefore, this study hypothesises that the human rights of the dead do not hold much importance in the management of dead bodies after disasters. This is not to say that it is permissible to disrespect the dead, or that there are no human rights involved in the death of an individual. The next section addresses responsibilities the living have towards the dead.

Responsibilities Toward the Dead

The dead are not definitive holders of human rights, but the living still do not have free reign to do whatever they want with a body. The notion of responsibility towards the dead acknowledges that there are some guidelines and considerations for the living in regards to how they treat the deceased, but is not as strict and limiting as an application of human rights. There are two main reasons the living have responsibility
toward the dead: the dead possess dignity and the dead deserve respect.

Dignity is a concept often found in humanitarian studies and human rights literature that is notoriously difficult to define. Rosenblatt interpreted dignity as “a ‘supreme value’ that people have as moral subjects” (2010, 939-940), while de Baets characterised human dignity as “an appeal to respect the actual humanity of the living” (2004, 136). In these two complementary ideas, dignity is recognition of the value of life, and the value that people have by virtue of being human. De Baets included a second definition of dignity as it applies to the dead: “posthumous dignity is an appeal to respect the past humanity of the dead” (2004, 136).

The division of living and posthumous dignity is useful in humanitarian action because it asks survivors to bestow dignity onto a dead body without discrimination. If dignity is a product of the value of all human life, posthumous dignity is the value of all human life that once was. Framing dignity in these terms remembers the humanity of those who have died, which may be difficult in disaster circumstances where large numbers of bodies are damaged, disfigured, or even missing, while still recognising that the dead are different from the living.

De Baets argued that the dead possess posthumous dignity, which makes them also deserving of respect (2004). He cited the often costly and resource-heavy efforts poured into finding the remains of soldiers killed in battle or disaster victims as evidence of dignity and respect (2007, 82). Respect of the dead is also not bound to any one religion or culture, and allows for different interpretations of what is the best treatment of a body while still adhering the global human notion of respect.

Establishing that the dead possess their own kind of dignity and are worthy of commanding respect justifies having responsibilities towards the dead. The living have certain responsibilities to the dead because the living need a way to honour this dignity and respect. De Baets outlined ten responsibilities the living have towards the dead, labelling them as a “Declaration of the Responsibilities of Present Generations toward Past Generations.” These responsibilities are related to body, funeral, burial, will, identity, image, speech, heritage, memory, and history. Articles 1-3 and 5 are particularly relevant to this study:

Art. 1 (Body): ‘The responsibility to preserve their physical integrity.’
Art. 2 (Funeral): ‘The responsibility to honour them with last rites.’

Art. 3 (Burial): ‘The responsibility to bury or cremate them decently and not to disturb their rest.’

Art. 5 (Identity): ‘The responsibility to identify their body; record their death; and preserve their name, dates of birth and death, and nationality’ (2004, 143).

By rooting the treatment of the dead in responsibility rather than rights, de Baets did not require the dead to be able to claim abuses against them. Instead, the action is on the side of the living. Rather than requiring the dead to act as rights-claimers, an impossible situation, de Baets asked the living to act as responsibility-bearers, something they are indeed capable of. The term “responsibility” is also not as rigid as “right” - a right implies a need for justice in case of violation. Here, if a responsibility is not followed through, the result is a lack of respect towards the dead and towards their dignity. While some may say this is not a strong enough reason for the living to uphold these responsibilities, it is worth remembering that there are indeed laws that protect the dead from extreme behaviour such as necrophilia or mutilation. The living can also be motivated to uphold these responsibilities for selfish reasons. Proper treatment of the dead can benefit the living by allowing the process of grieving to continue and present the living with an opportunity to reassign important roles once held by the deceased (Dundes Renteln 2001, 1015 and Sumathipala et al. 2006, 250).

What role does morality play in framing these responsibilities to the dead? Partridge wrote, “I have concluded that, even though a person’s interests do not survive his death, we may nonetheless affirm that, in a community of moral personalities and just institutions, we are not only permitted to give the dead their due, we are morally required to do so” (1981, section VI). While using morality as a guide as to how to treat the dead may not be inherently harmful, it is not as useful as the ideas of dignity and respect. Morality is too ambiguous and relative in the context of the dead. For example, one culture may believe it is morally wrong to cremate bodies, while another believes it is morally right. Still, both cultures are respecting the dead in the way they deem fit.

De Baets contended that the dead possess posthumous dignity and therefore must be respected. These two factors result in a set of responsibilities the living have
towards the dead. De Baets’s ideas are particularly valuable and applicable to disaster relief because they allow for a variety of customs and beliefs to fit within them, and also place the action on the side of the living. It is more plausible that humanitarian actors search for victims after disasters not to uphold the deceased’s human rights, but out of a sense of responsibility to those who have died. Human rights may still play a role through the rights of surviving family members. These rights and their implications for humanitarian action are explored in the next subsection.

Rights of the Living

Articles 9 (Memory) and 10 (History) of de Baets’s “Declaration of the Responsibilities of Present Generations toward Past Generations” are, respectively, “The right to mourn, to hold funerals, to bury and cremate, and to commemorate” and “The right to know the truth about past human rights abuses” (2004, 143). The previous section established that viewing the living as having responsibilities to the dead is more useful than saying the dead have human rights. Yet here, de Baets is inserting rights into his Declaration. The key difference is that the holders of the rights laid out in Articles 9 and 10 are not the deceased, but the living. It is the survivors that hold the right to honour the dead and the right to know the truth about previous violations of human rights. The survivors are capable of claiming these rights in a way the deceased are not.

De Ville de Goyet wrote, “The survivors of disasters have the right to proper identification and burial of their relatives and to sustained support for a prompt return to ‘normality’” (2000, 762). Framing identification and burial as a right of the relatives, and not merely a kind gesture, makes them stronger and claimable. Bestowing human rights on the living rather than on the dead is a more productive way to channel rights because the subjects of the rights are present and tangible. Callahan said ideas of harming or wronging the dead really “involve other values like the rights and interests of persons and other sentient beings” (1987, 351). In the aftermath of a disaster, this is particularly important because of limited resources and competing urgencies.

Conceptual Framework Conclusion

The human rights of the dead are an interesting concept that involves examining the
capacity of the dead to be harmed and/or hold interests. However, there is no way for the dead to claim a violation of their rights. Human rights of the dead are too abstract and disputed to hold strong value in dead body management.

More appropriate are the human rights of the living in relation to the dead. By regarding certain aspects of death management, such as proper burial and memorial services, as claimable rights, humanitarians have a direct subject to work with. The living can assert the upholding of their rights. The relationship of the duties that the living have towards the dead are better described as responsibilities rather than rights. De Baets summed these ideas up into a “Declaration of the Responsibilities of Present Generations toward Past Generations.” The idea of responsibilities recognises the posthumous dignity of the deceased, while distinguishing that they are not claimable subjects of rights.

**Viewpoints of Disaster Relief Workers**

The main question of this study is: to what extent do ideas of rights and responsibilities influence the actions and attitudes of disaster relief workers in relation to dead bodies? This section explores the three theoretical areas of human rights of the dead, human rights of the living, and responsibilities of the living to the dead. Data gathered from the six interviews that constituted this study is examined under each theory, against the responses of other participants, and against the applicable literature. Thus the hypothesis is tested and the data analysed for further findings.

**Human Rights**

During their interviews, participants were asked about their familiarity with human rights to gauge explicit knowledge. One participant described themselves as familiar with human rights and had previous experience working in a human rights capacity. This participant mentioned rights before the researcher did, and went on to explicitly reference rights numerous times. Another participant stated that they did “not yet” have a strong familiarity with human rights, but went on to later explicitly frame some ideas about the treatment of the dead as “rights”. Explicit references to rights, where participants defined something they spoke of as a “human right” or a “right” was limited to these two participants. A third participant was straightforward in saying that they had not come across any ideas of human rights in their work, and rights did not
come up again, implicitly or explicitly, in their interview. Most other participants did not self-identify as knowledgeable or familiar with human rights, but went on to reference rights implicitly in their interviews.

Rights of the Living

De Baets listed “The right to mourn, to hold funerals, to bury and cremate, and to commemorate” as a right derived in part from Article 19 of the UDHR (2004, 143). Article 19 reads, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” Several participants considered the importance of burials to a disaster-affected community. One explained that Muslim communities typically have mechanisms set in place to handle dead bodies and prepare them for burial. These teams are not specific to times of crisis or disaster. Several other participants discussed how the community is hands-on in gathering and preparing bodies after disasters. One was deliberate in mentioning that not all of Indonesia has the same burial customs as Yogyakarta, explaining that bodies in Bali that come from Hindu families are sometimes cremated.

Five participants spoke about the importance involving the deceased’s family, and most brought this up multiple times. One discussed the necessity of gaining the family’s permission before burying a body, while another expressed a preference for returning bodies to families. The third participant emphasised the need to contact the family no matter which organisation finds a body, and also mentioned the feeling of peace that can come to family members after their deceased loved one is given befitting funerary rites. A fourth participant stated that sometimes families would come to their office to thank them for returning the body of a loved one. The fifth participant brought up autopsies. They explained that for many people, autopsies were strange for deaths of known or natural causes, even if a person died in a disaster. The participant elucidated that it is best for the family to decide on their own if they would like to pursue an autopsy rather than have a government agency or NGO automatically perform one. This is a particularly relevant point in a majority Muslim society such as Yogyakarta. While some Muslims allow autopsies, others are against them because they delay burial and because “Islamic belief holds that it may be possible for the deceased to perceive pain” (Sheikh 1998, 139).
Another participant focused on the aftermath of the Mount Merapi eruption. They explained that communities living on the slopes of the volcano felt a strong connection to the land, and had a strong desire to be buried in their villages. One village on the slopes of Merapi faced with the challenge of having only a small area of acceptable land for burial opted to bury their dead, a group of about fifteen to twenty bodies, in a mass grave. The participant expounded that the bodies were all identified, individually washed and wrapped, and placed in the common grave with the consent of their families. The potential dangers of mass graves are well-documented, with both scholars and international humanitarian standards agreeing that they are rarely warranted and should be avoided (Rosenblatt 2010, Morgan 2004, de Baets 2004; Asian Disaster Preparedness Center 2007, Sphere Project 2011, Pan American Health Organization/World Health Organisation 2004). The Pan American Health Organization/World Health Organisation handbook emphasises the importance of individual graves, even framing them as a right of the family: “As a last resort, unidentified bodies should be placed in individual niches or trenches, which is a basic human right of the surviving family members” (2004, xii). The case of the mass grave on Mount Merapi showed not a defiance of standards, but a community exercising their right to bury their dead in the manner they deemed appropriate.

Rights of the Dead

Two participants explicitly framed rights as belonging to the dead. The first participant aligned human rights with the dead and their religion. Their example of human rights was that when a body is found, it should be brought to the hospital and treated in accordance with its religion. The participant did not expound on how the religion of the body should be determined, but it can be inferred that such a step would require identification. Other participants discussed how religion could affect dead body management, but this was the only participant to explicitly define religion as a human right held by the dead.

Another participant came close to this idea, explaining without an interpreter, “Because we are Muslim, we have the taking care, or treat the dead body appropriately. Meaning that we cannot, like we uplift the humanity. Because they are human. So we have to treat them well. Even if they are dead.” The participant connected religious thinking with proper treatment of bodies, and highlighted the
humanity of the deceased. This idea is divergent with de Baets’s assertion that the
dead are former human beings, and with the type of humanity possessed by the dead.
De Baets claims posthumous dignity is derived from a respect of “the past humanity
of the dead” (2004, 136). The participant spoke of the dead as being holders of
humanity and thus deserving of proper treatment.

This same participant made two explicit references to human rights being held
by the dead. The first comment reiterated the idea in the previous paragraph: “I think
it’s part of the basic right for the dead as well to be treated. Because they are human
... They have souls.” The participant again referenced the humanity of the dead as an
ongoing phenomenon. They also approached human rights and burial from the side of
the deceased, not their family as de Baets did. The participant said, “If you have the
right to live you have the right to be treated well when you die. At least you have a
choice to be buried or to be burned or to be sent to the ocean, or to - but I think that’s
also the basic, the basic right.” Here, the vague “right to be treated well” was refined
to include the right to be laid to rest. This also linked back to religion by bestowing
the dead the right to choose exactly how they are buried, a practice often connected to
religious beliefs.

Responsibilities to the Dead

Only one participant described feeling a kind of responsibility towards the dead. The
participant explained the different types of responsibilities that are important in Islam:
personal responsibility and community responsibility. These types of responsibility
were further situated into the context of dead bodies. “Because we [Muslims] perceive
that ... the responsibility for the live people is first to the dead body. First is washing.
If you cannot wash, you need to pray. And then if you cannot pray then you need to
attend the funeral.” These are concrete responsibilities that the living have towards the
dead, with several levels of involvement. The participant clarified how these
responsibilities are in place during normal life, but come into play stronger after a
disaster: “So that’s for not even the disaster. So especially for the disaster when
people in need, so they are still in traumatic situation so the live, the one who are
survivor or not become victim have to help them.” Interestingly, even though the
above responsibilities were named as responsibilities to the dead, here the participant
acknowledged that following through on these responsibilities has an effect on the
living.

**Responsibilities to the Living**

Human rights of the dead, human rights of the living, and responsibilities to the dead appeared in the literature search and were incorporated into the conceptual framework of this study. However, two participants brought up a fourth area of consideration that did not feature in the preliminary research: responsibilities to the surviving family members following a death. Both participants discussed identification of a body as within the realm of responsibilities to the living.

De Baets listed identification as a responsibility to the dead, not a right of nor a responsibility toward the living. Article 5 of his “Declaration of the Responsibilities of Present Generations toward Past Generations” is titled “Identity”: “The responsibility to identify their body; record their death; and preserve their name, dates of birth and death, and nationality” (2004, 143). The Indonesian Ministry of Health’s “Technical Guidelines for Health Crisis Responses on Disaster” also holds identification to be extremely important (2007, 5).

De Baets put identification into the context of the deceased. He only indirectly associated identification with the living, by stating that the living have a right to mourn and to perform funeral rites. Typically, these activities require a body and therefore identification can be interpreted in de Baets’s “Declaration” as an indirect responsibility to or right of the living.

One participant explained through an interpreter that identification is important “for morality reasons. Because no matter how bad, how badly damaged the body is, the family deserves to know whether or not their loved ones are still alive or not.” The participant did not place value on identification for the sake of the deceased but for the sake of their family. They also were deliberate in pointing out that even in cases of extreme difficulty when a body is in bad shape, efforts should be made to identify the deceased. The second participant said that even though their organisation was not involved in identification, they still felt it was important because they felt a “moral responsibility for the family.” Both participants incorporated morality into their views on identification, and focused on the family of the deceased.
Discussion

This study explored human rights of the dead, human rights of the living, and responsibilities towards the dead as they arose in academic literature and interviews with disaster relief workers. A fourth category that did not appear in the literature review, responsibilities towards the living, came up in several interviews. The original hypothesis stated the human rights of the living and responsibilities toward the dead hold the most weight for disaster response workers when dealing with dead bodies, and human rights of the dead were too contested and insecure of an idea to make an impact.

While only one participant explicitly stated that they were familiar with human rights, most participants referenced rights. Some of these remarks were explicit, but many were implicit. The right to mourn came up as the central right of the living related to the dead. Participants seemed to agree that the family should have the ultimate say in what happens to a body. Two participants explicitly referred to the rights of the dead. Both made references to religion, with one explaining Islam’s significance of the importance of proper treatment of the dead in all situations. One participant touched on the right of the dead to maintain their religion in the context of disasters.

Responsibilities to the dead were not a common topic. Only one participant discussed them, and they were mentioned within the context of Islam. These responsibilities - to help wash the body, to pray for the body, or to attend the funeral - are constant and not specific to times of crisis, although the participant did specify that they can be especially poignant after a disaster.

The conceptual framework did not include responsibilities to the living, but two participants introduced the concept. Both viewed identification of dead bodies as morally significant, and felt there was a responsibility to identify for the sake of the surviving family. Framing something as a “responsibility” rather than a “right” suggests there are strong reasons to do it, but with softer language than a claimable or legal “right” implies. Viewing identification as a responsibility to the family, rather than a responsibility to the dead as de Baets did, acknowledges that identification is not always possible while making the affected party more visible and able to pursue
that identification is at least attempted.

Considering what participants had to say about the various rights and responsibilities of dead bodies and disaster management, the hypothesis presented in the conceptual framework is not wholly incorrect but in need of revision. Human rights of the dead should be recognised as potentially being a part of a community’s cultural or religious beliefs, and therefore not automatically discounted. Traditions relating to death continue during a disaster, and may involve ideas about the rights of and/or responsibilities to the dead. The right of survivors to mourn, which may require identification efforts, is as important, if not more, than in non-disaster times.

Revisiting the Research Question

To what extent do ideas of rights and responsibilities influence the actions and attitudes of disaster relief workers in relation to dead bodies? The original hypothesis was that human rights of the dead do not play a large role in the perceptions and actions of humanitarian workers during the aftermath of a disaster, and that it is instead human rights of the living and responsibilities to the dead that are most influential. However, the data gathered from participants indicates that human rights of the dead are important to at least some disaster relief actors. Additionally, responsibilities towards the living appeared more in the data than responsibilities towards the dead.

The responses gathered from participants show rights - of both the living and dead - as having a stronger influence than ideas about responsibilities. This is interesting because of the nature of the two terms - rights can be claimable and carry a legal connotation, while responsibilities do not bear that same weight. When attempting to answer this question, it is also important to recognise the impact of culture and religion. Several of the rights with which participants identified are rooted in practices that are influenced by religion, such as the right to mourn and the right to be treated according to one’s religion even after death. Thus a response to the research question in the context of Yogyakarta is: rights of both the living and the dead influence the actions and attitudes of participant disaster relief workers. The right to mourn is particularly important, with involvement of the victim’s family being a paramount part of this. Identification of cadavers is a notable responsibility towards
the living. Religion and culture play a role in shaping rights and responsibilities affiliated with death, as evidenced by mentions of the humanity of souls and Muslim funeral responsibilities in the aftermath of disasters.

**Lessons and Recommendations**

Disasters can and do produce mass casualties. Humanitarians working in disaster relief encounter the effects of death, either directly or indirectly. Ignoring dead body management or regarding it only as a matter that concerns specialists overlooks its broad-reaching facets - direct activities like collection, identification, and burial also have an effect on community roles, mental health, and maintenance of religious and cultural traditions. Humanitarian actors should therefore be familiar with at least the basic key contacts of dead body management - typically the government. Foreign humanitarians should understand how local customs affect the treatment of the dead, to avoid well-intentioned mistreatment of cadavers and better understand how to assist the living in their efforts to rebuild their lives and mourn their dead.

This study evidences that dead body management after disasters does not strictly fall under one area of scholarship. Humanitarian studies (itself multi-disciplinary), public health, human rights, and disaster management are some examples of associated areas of study. However, there is a lack of interdisciplinary scholarship on the issue and a lack of specific consideration towards bodies in humanitarian disaster situations. More studies are needed to build a comprehensive view of humanitarian actors and their effects, attitudes, and relationships with cadaver management. Studies focusing on different geographical locations, disasters, and religious beliefs could complement each other to expand the field of knowledge.

The unfortunate reality of disasters is that people can and do die. By acknowledging this fact and striving to both honour them and better serve those left behind, humanitarian disaster relief can make further strides in its quest to alleviate human suffering.

**Bibliography**


