

Protection in natural disasters

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Preparing for, responding to and recovering from natural disasters is as much about human rights as about delivery of relief items and logistics.

Guidelines and principles are important for policymakers but they are also important to the first responders. In May 2010, a workshop in El Salvador was organised for fire-fighters, specialised military units, government agents, and the Red Cross who are the first outsiders on the scene when disaster occurs.¹ As one military commander asked: "When it's 3.00 am and the electricity has gone and the waters are rising and people don't want to leave their homes, what is the right thing to do? Do we force them to leave against their will? Is it a violation of their human rights to force them to leave?"

In recognition of the human rights dimension of disaster preparedness and response, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons developed the *Operational Guidelines and Field Manual on Human Rights in Situations of Natural Disasters*², which outline a human rights-based approach to disaster preparedness, response and recovery. In particular, the Guidelines emphasise the fact that people do not lose their basic human rights as a result of a natural disaster or their displacement. Even in the worst disaster situation people are entitled to the basic rights guaranteed to all residents and citizens, though they may in addition have particular needs related to the disaster. The primary duty to protect and assist those affected by natural disasters lies with the national authorities of the affected countries.

The Guidelines stress that human rights encompass not only civil and political rights but also economic, social and cultural rights. However, in the midst of a disaster, it is often difficult to simultaneously promote all rights for all of those affected. Thus for practical reasons, the Guidelines divide human rights into four groups:

- rights related to physical security and integrity (e.g. protection of the right to be free of assault and rape)
- rights related to basic necessities of life (e.g. the rights to food and water)
- rights related to other economic, social and cultural protection needs (e.g. the rights to education and compensation for lost property)
- rights related to other civil and political protection needs (e.g. the rights to personal documentation and political participation)

The first two groups of rights are usually the most relevant during the emergency phase. Thus, in the initial disaster response, it is usually more important to ensure adequate access to water than to provide replacement identity cards to those displaced. However, the Guidelines insist that only the full respect of all four groups of rights can ensure adequate protection of those affected by natural disasters, including those who are displaced. Unfortunately, discrimination in provision of assistance and lack of consultation with affected communities are particularly commonplace.

Over the past two years, the Brookings-Bern Project on Internal Displacement has organised a series of workshops on protection and natural disasters in different regions, drawing together representatives from governmental disaster response agencies, international organisations, human rights groups, and national NGOs and Red Cross/Crescent societies. These workshops – in Guatemala, India, Thailand, Madagascar, South Africa, El Salvador and Indonesia – have all been different, reflecting different regional and national experiences with natural disasters. In some countries, there are long traditions of human rights and strong human rights institutions, while in others

the idea of a rights-based approach to natural disasters is completely new.

In most countries there are few opportunities for human rights institutions to meet regularly with government policymakers to talk about the human rights of communities affected by disasters. In countries where discussion of international human rights standards was difficult, there was at least an acceptance of the need for disaster



preparedness plans which protect the most vulnerable and ensure that plans are not discriminatory. A common theme running through all of the workshops was the difficulty in finding solutions for those displaced by disasters, particularly when the displaced are unable to return to their communities. In this regard, the recently-revised *Framework on Durable Solutions*³ was found to be a useful tool.

At whatever phase of engagement with natural disaster, there is still much to be done to work out how to translate general principles into practice to protect people when disasters strike.

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Floods in
Kampung
Malaya,
Jakarta,
Indonesia,
2007.

1. Organised with the Center for Coordination of Disaster Risk Reduction in Central America (CEPREDENAC) and Protección Civil-El Salvador.

2. <http://tinyurl.com/OpGuidelines>

3. <http://tinyurl.com/IDPs-durable-solutions>