



Reducing the Risk of Natural Disasters:

Is there a Role for Human Rights to play?

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Disaster Risk Reduction



- **Hyogo Framework of Action of 2005** includes priority actions and strategic activities for states to reduce disaster risks mainly through “policy, legislative and institutional frameworks for disaster risk reduction”
- According to UN/ISDR, **Disaster Risk Reduction**
“the concept and practice of reducing disaster risks through systematic efforts to analyze and manage the causal factors of disasters (...)”

Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters (Extract from the Final Report of the World Conference on Disaster Reduction)', World Conference on Disaster Reduction. 18-22 January 2005, Kobe, Hyogo, Japan (Kobe, Hyogo, Japan: International Strategy for Disaster Reduction, United Nations, 2005).

UN/ISDR (2009) “Terminology on Disaster Risk Reduction.” Geneva: United Nations International Strategy for Disaster Reduction



Human Rights-based Approach



- «(...) a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. »

United Nations Office of the High Commissioner
for Human Rights (OHCHR, 2006, 15)

Human rights-based approach to DRR not only links development goals to human rights standards, but more importantly it calls for focusing on marginalized groups, empowerment and participation, and ensuring accountability of duty-bearers



Human Rights-based Approach



The key elements of a HRBA in the context of DRR include:

Accountability

Non-discrimination

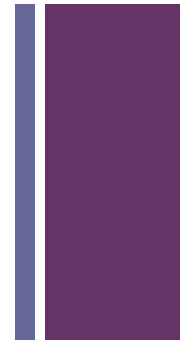
Information

Participation

e.g. FISHER (2010), IZUMI and SHAW (2012), KAFLE AND MURSHED (2006), HEIJMANS (2009)

<p>1. No specific law on natural disasters:</p> <p>There may be policies or strategies on disasters, or general emergency laws that are not tailored to natural hazards.</p>	<p>Angola Ethiopia ←</p>
<p>2. Response focus:</p> <p>Response-based legislation on natural disasters, usually limited to rapid-onset or specific types of natural hazard, although there may be policies or strategies on broader disaster management and/or DRR.</p>	<p>Albania Italy Kazakhstan Nepal Ukraine ←</p>
<p>3. Disaster management (DM) focus:</p> <p>DM legislation, including some aspects of prevention, early warning, mitigation, response and/or recovery.</p>	<p>Austria (federal, Burgenland, Salzburg, Tirol, and Vienna) Brazil ← China – PRC (although Hong Kong has no DM law) Guatemala India (federal, Odisha, Punjab) Madagascar Nicaragua Nigeria USA (federal, Louisiana, Illinois) Vanuatu Vietnam</p>
<p>4. Disaster Risk Management focus:</p> <p>Disaster risk management legislation that includes multi-hazards, or a special DRR law, so that risk reduction is an integral part of the disaster management legal framework from national to local level.</p>	<p>Algeria Australia (federal, Victoria, Queensland) Colombia Dominican Republic ← Ecuador Indonesia Namibia New Zealand Peru Philippines St Lucia Uruguay</p>

Learning from the Case Studies



International Federation of Red Cross and Red Crescent Societies. 2013. Better laws, safer communities? Emerging themes on how legislation can support disaster risk reduction.



Natural Disasters in Brazil, Ethiopia, Dominican Republic, and Nepal 1990-2013

Disaster Type	No Disasters	Killed	Injured	Affected	Homeless	Total Affected	Total Damage
Brazil							
Drought	9	0	0	12062000	0	12062000	3232000
Earthquake	1	1	6	280	0	286	0
Extreme temperature	4	39	0	0	0	0	475000
Flood	68	2698	1845	6081506	441945	6525296	4237670
Mass Movement Wet	13	540	174	12170	147100	159444	86000
Storm	8	29	204	152450	7790	160444	441000
Wildfire	3	1	0	12000	0	12000	36000
Ethiopia							
Drought	10	0	0	45991879	0	45991879	15600
Flood	42	1905	167	2042479	155610	2198256	18300
Mass movement dry	1	13	0	0	0	0	0
Mass movement wet	2	26	10	0	184	194	0
Wildfire	1	0	5	0	0	5	0
Volcano	2	5	0	11000	0	11000	0
Dominican Republic							
Earthquake	1	3	15	2000	0	2015	0
Flood	18	777	3	180435	14592	195030	97623
Storm	19	600	636	1121483	122500	1244619	2471210
Nepal							
Drought	2	0	0	503000	0	503000	0
Earthquake	2	7	144	168090	0	168234	0
Extreme temperature	6	217	200	25000	0	25200	123
Flood	26	4046	1050	2875753	82225	2959028	299929
Mass Movement Wet	12	1054	124	287294	80200	367618	0
Storm	2	26	19	165	0	184	0
Wildfire	2	88	0	0	54000	54000	6200

Source: EM-DAT: The OFDA/CRED International Disaster Database, www.emdat.be



Learning from the Case Studies



- IFRC reports* highlight the fact that the differences between successful implementation of the laws stem from the fact that in some countries communities were found not to be well enough informed, engaged and resourced to take an active part in reducing risks → therefore the inclusion of HRBA to DRR is essential

*International Federation of Red Cross and Red Crescent (IFRC). Case study reports: Dominican Republic (2011), Nepal (2011), Brazil (2011), Ethiopia (2013)

- Finally we find that differences in countries' legal framework concerning DRR have their roots in a different situation of human rights in these countries...



Human Rights Indicators

	Brazil	Dominican Republic	Ethiopia	Nepal
Freedom House¹				
Political rights	2	2	6	4
Civil liberties	2	2	6	4
Status	Free	Free	Not Free	Partially Free
(CIRI) Human Rights Dataset²				
Disappearance	1	2	1	2
Political Imprisonment	1	2	0	1
Torture	0	0	0	0
Freedom of Assembly and Association	2	0	0	0
Freedom of Foreign Movement and Travel	2	1	1	2
Freedom of Domestic Movement	2	1	2	2
Freedom of Speech and Press	1	1	0	1
Freedom of Religion	2	2	0	1
Electoral Self-Determination	2	2	0	1
Worker Rights	1	0	0	1

Source: Freedom House; The Cingranelli-Richards (CIRI) Human Rights Dataset (Humanrightsdata.org)

If human rights have a role to play in disaster risk reduction, what are the options for individuals to claim their rights?

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National level?

Case studies



National protection: case studies



- YES: constitutional provisions
- NO: accountability mechanisms

- YES: Reference to human rights BUT in **policy** document on DRM only
- NO: accountability mechanisms

Ethiopia

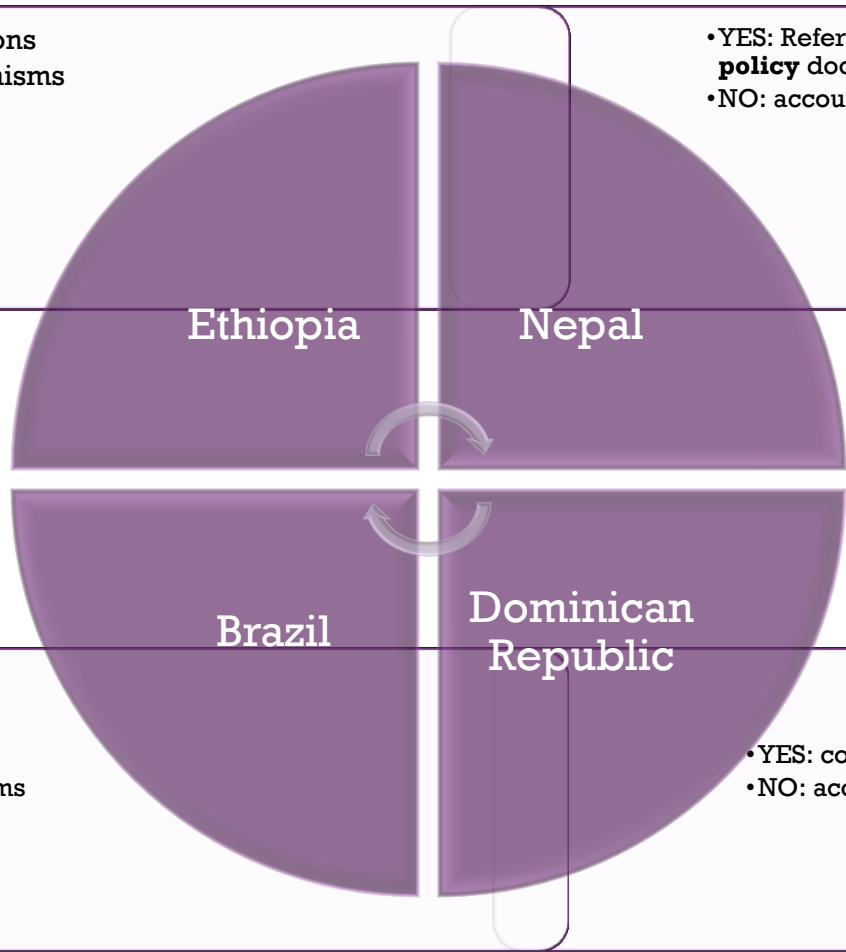
Nepal

Brazil

Dominican Republic

- YES: constitutional provisions
- NO: accountability mechanisms

- YES: constitutional provisions
- NO: accountability mechanisms





International level?

Case studies and beyond



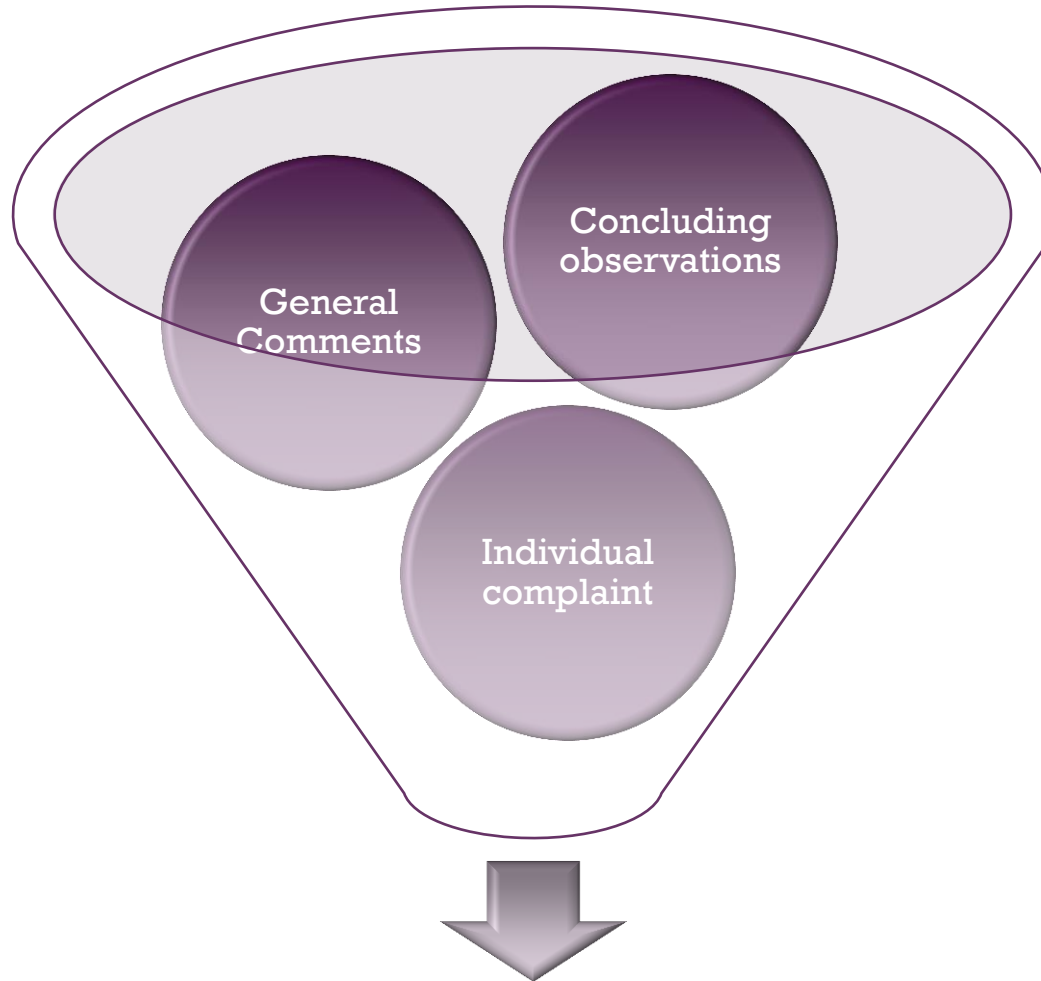
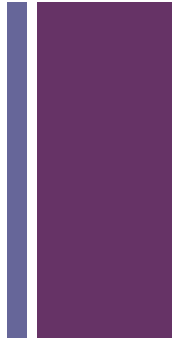
Case studies: human rights treaties



State party to which treaty?	Dominican Republic	Nepal	Brazil	Ethiopia
<i>ICCPR</i>	Yes, since 1978	Yes, since 1991	Yes, since 1992	Yes, since 1993
<i>ICCPR-OP1</i>	Yes, since 1978	Yes, since 1991	Yes, since 2009	No
<i>ICESCR</i>	Yes, since 1978	Yes, since 1991	Yes, since 1992	Yes, since 1993
<i>ICESCR-OP</i>	No	No	No	No



UN HR mechanisms and ND (1)



Treaty bodies

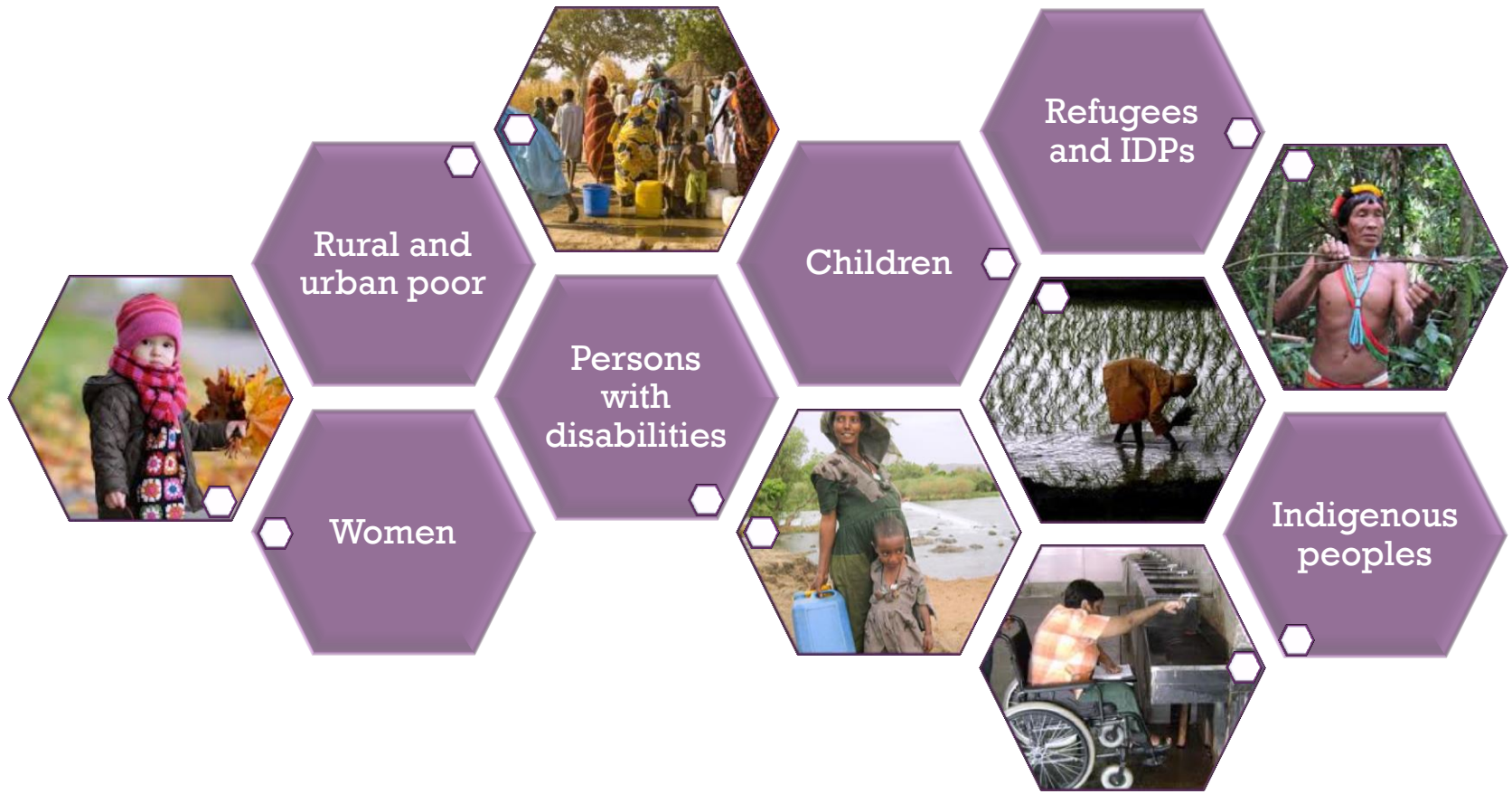
Example: Human Rights Committee

+ UN HR mechanisms and ND (2)



+ Human rights and DRR

- Role to play? Yes
- Discussion: early steps – HRBA



+ Almost forgot to ...

■ Thank you!





References

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