

INTEGRATING HUMAN RIGHTS IN NATURAL DISASTER MANAGEMENT IN THE PACIFIC

WORKSHOP REPORT



EMERGENCY



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Office of the UN High
Commissioner for Human Rights
OHCHR
Regional Office for the Pacific



Pacific Centre

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Integrating Human Rights in Natural Disaster
Management in the Pacific
Suva, Fiji Islands
9-11 May 2007



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Introduction

Recent humanitarian crises provoked by natural disasters have raised new challenges for all those involved in prevention of natural disasters, its management and recovery. It has recently become increasingly evident that humanitarian interventions must integrate human rights dimensions in order to ensure the most appropriate response to victims, before, during and after natural disasters. However, despite this emerging realization, the awareness of human rights and implementation of rights-based approaches in disaster management are still insufficient.

The Pacific region is highly vulnerable to natural disasters (earthquakes, volcanic eruptions, cyclones, floods, landslides, droughts, tsunamis, etc.) and the United Nations, along with national and regional counterparts, is heavily involved in developing disaster management strategies. The Pacific faces many unique challenges in disaster management, including the geography of the region. In addition, specific traditional practices and land ownership issues must also be considered in any humanitarian intervention.

Critical issues that have been emerging in recent humanitarian crises include the following: non-discrimination; equality; legal protection such as right to identity, security, etc.; access to health services, shelter and housing, clean water and education; compensation and restitution; rights of internally displaced persons (IDPs); land and property issues. Groups and individuals that may be in need of special consideration to ensure their rights are protected may include: women, children, disabled, elderly, people living with HIV (PLHIV) or affected by HIV, etc.

Objectives of the Workshop

The overall objective of this workshop was to increase the awareness and skills of UN staff and national and regional counterparts, especially those involved in disaster relief and recovery operations and programming, about the relevance of human rights issues in disaster management. It is foreseen that an increased awareness will ultimately reduce the vulnerability of affected populations, vulnerable groups and individuals, enable transition to normalcy and contribute to increased risk reduction, all within a human rights-based framework.

The objectives of the workshop organized by OHCHR and UNDP Pacific Centre were twofold:

- 1) Train UN Disaster Management Team and Pacific UNDAC Team members in basic human rights and;
- 2) Develop human rights check-lists, specific to the Pacific region, to be used by concerned actors in situations of natural disaster response and preparation. These check-lists would be a dynamic tool that would be revised and expanded as necessary.

The results of this workshop are presented in; this report: the booklet “Checklists for Integrating Human Rights in Natural Disaster Management in the Pacific”; and the accompanying CD-ROM, which contains all workshop materials, presentations, case studies, background and reference materials, and digital copies of the Checklists. UNDAC team members are also provided with the Emergency Checklist that can be inserted in the UNDAC Handbook.

Workshop Overview

The workshop took place at the Tanoa Plaza Hotel from 9-11 May 2007, hosted by UNDP Pacific Centre and OHCHR with the support of OCHA. There were 26 participants at the workshop, representing 12 UN agencies, National Disaster Management Offices (NDMO's) from two Pacific countries, members of the Red Cross Movement (International Federation and National Societies), national UNDAC members, as well as representatives of regional training fora (TAF/OFDA). The file on the CD-ROM contains a detailed participant list. Each participant brought with them an invaluable wealth of experience and knowledge of the Pacific region. Many had in-depth expertise in disaster management, with a number having just returned from the Solomon Islands tsunami response.

The workshop methodology combined a number of presentations followed by extensive group work which included case studies, role plays and interactive discussion sessions. By providing a firm grounding in such topics as Natural Disaster Management in the Pacific, Introduction to Human Rights, Gender Considerations in Natural Disasters, as well as sessions introducing a human rights-based approach to natural disaster management during the first day of the workshop, the participants were then well placed to apply the draft checklists against Pacific case studies during the final sessions. These discussions, which drew extensively on participant expertise were used to revise the draft checklists and provide guidance regarding the next steps for integrating human rights considerations into natural disaster responses in the Pacific region.

Mr. Paulo David, Regional Representative OHCHR, and Mr. Garry Wiseman, Manager UNDP Pacific Centre, formally opened the workshop, highlighting the critical link between human rights and natural disasters, reminding participants of the UN commitment to mainstream human rights into their development and emergency work, and thanking them for contributing their unique experiences into this groundbreaking initiative to develop human rights checklists for disaster management.

Natural Disaster Management in the Pacific

During this session, OCHA provided a solid overview of the disaster profile of the Pacific region, highlighting the impact that both extreme events as well as small scale disasters have on the Pacific population. These disasters combined with the geographic isolation of some at-risk areas, as well as increased vulnerability (climate change, urban development, environmental degradation, loss of traditional adaptation practices) create a complex environment for disaster management.

OCHA then detailed the current regional frameworks for disaster management in the Pacific (with a focus on risk reduction as well as response and recovery). This included a discussion of response stakeholders and ended with a brief introduction to the UNDAC system for those that were not familiar with UNDAC.

Introduction to Human Rights

The UNDP Pacific Centre began this essential session by first focusing on key principles of human rights, including concepts of duty-bearers and rights-holders, and then introducing different forms of discrimination.

This was followed by a discussion of core human rights treaties, the key elements of the Universal Declaration of Human Rights, and was reinforced with an exercise that helpfully demystified the key human rights enshrined within the UDHR.

UNDP Pacific Centre then focused the participants back on the Pacific region by outlining the current ratification status of key human rights treaties within the Pacific and highlighting the human rights challenges of operating within this context.

Gender Considerations in the Pacific Region

UNIFEM hosted a very useful session on gender which began with an initial discussion on why gender is an important consideration in any response, and led to a review of why and how different roles and responsibilities are “gendered.” Following this more general discussion of key terms and concepts, UNIFEM then presented some of the key challenges in the Pacific region through two specific case studies: the Aitape and Asian tsunamis. UNIFEM then outlined some useful strategies which can be employed to prevent, protect and reduce exposure of the most vulnerable (which could, depending on the context, include women, girls, men, boys, sexual minorities, etc.).

Introduction to a Human Rights-Based Approach to Emergencies

In this session, the facilitator provided an overview of a human rights-based approach to emergencies, highlighting that humanitarianism is grounded in human rights and that much of what disaster managers already do is human rights-based. She introduced some of the core documents and tools used by the humanitarian sector including SPHERE, Code of Conduct in Disaster Relief, etc. and showed how they re-affirmed the importance of rights-based considerations within disaster management. The participants analyzed the terms “assistance” and “protection,” discussed how they are two sides of the same coin, and how a rights-based approach actually encompasses both. All humanitarian action should have the ultimate objective of helping the affected achieve their human rights (including, but not limited to, survival-related rights such as right to life, right to food, shelter, etc.). Throughout this session participants discussed how looking at situations through “rights-based glasses” and identifying potential issues of concern (“red flags”) could result in concrete improvement in disaster responses at the field level.

The group discussed issues of dignity, participation, accountability, empowerment and vulnerability, and the role of custom as core considerations within disaster management. In groups, the participants analyzed a case study and identified potentially vulnerable groups as well as the role of custom in that disaster context. They then participated in a role play involving vulnerable individuals which provided a useful opportunity to view the response through the eyes of the affected.

Some of the key issues raised in the ensuing discussion included:

- Importance of cultural considerations (including how to approach cultural practices that may not be in line with international human rights norms).
- The role of humanitarian actors in a context where the state does not fulfill its human rights obligations to its citizens.
- Challenges of information gathering on human rights issues.
- Challenges of formulating strategies to prevent, protect against and address human rights abuses.
- Challenges of prioritization during a response when agency resources are limited.

The Disaster Management Cycle and the IASC Guidelines on Human Rights in Natural Disasters

The group discussed the disaster management cycle and identified the key elements of their work within each stage. Further discussion of some of the key human rights issues that the participants face highlighted the relevance of a rights-based approach throughout all stages of the disaster management cycle (including preparedness, response and recovery).

The facilitator then introduced the IASC Guidelines on Human Rights in Natural Disasters and the group discussed the key principles as well as some of the key human rights issues highlighted in the document.

Introduction to the Draft Checklists

The facilitator introduced the draft checklists and explained their purpose and intended usage. She noted that they are meant to provide a “memory trigger” regarding key human rights issues and can be a useful reference tool prior to assessment and/or as a reminder during the evolving response. Due to the sensitivity of many of these issues, the checklists are not meant to be used as a questionnaire or survey. It was stressed that due to the highly sensitive nature of some of the issues covered, there is real potential

that harm could be done if questions are asked by those who, while well intentioned, are not properly trained to deal with some of these issues (i.e. sexual violence etc.). Additionally, it was noted that the checklists are not an exhaustive list of all human rights issues which might emerge, nor are all issues relevant in all contexts. Therefore, the checklists should not replace individual knowledge or common sense. As they are “memory triggers,” they are meant to complement, and not replace other information-gathering and/or assessment tools.

The participants then applied the three draft checklists against a series of case studies prepared by UNDP Pacific Centre and OHCHR. They were asked to note their findings regarding usefulness of the checklists and any adjustments they would recommend.

Feedback on the Draft Checklists

Participants confirmed that a human rights checklist is a useful tool and should be developed further. They suggested that the checklists should be piloted to ensure that they are as relevant and appropriate as possible. The group then discussed how and whether these checklists might be helpful in the development or adaptation of other assessment/information-gathering tools and/or in the development of further response and recovery strategies.

Some of the key suggestions made included:

- Simplifying the wording – making it less technical. (Some terminology was later revised.)
- Inserting references for issues/terms that are not self-explanatory. (Definitions of some issues and terms are now included in the footnotes and the companion notes on vulnerability.)
- Distilling the most urgent issues/red flags rather than an exhaustive list. (The emergency checklist was redesigned.)
- Grouping issues according to sector/topic. (This was attempted but the decision was made to revert to the groupings used in the *IASC Operating Guidelines on Human Rights in Natural Disasters*.)
- Combining response and recovery into one checklist that is two-tiered (i.e. divided into 1. issues that require immediate vigilance and 2. a more detailed checklist which includes issues relevant to recovery and response). (This was done.)
- Inserting an intro note which outlines purpose, target audience and guidance on usage. (This was done.)

- Companion notes are useful but require simplification. (They were revised.)
- Where possible, these checklists should be integrated into each agency's own tools (assessment methodology, etc) so they are not stand alone tools. (UNDAC team members are provided with the Emergency Checklist that can be inserted in the UNDAC Handbook, initiatives to integrate the checklists in other agency tools are ongoing.)
- More clarity was needed regarding content and usage for the preparedness checklist. (Revisions were made.)

The group was then asked whether training should also be provided on the checklist and/or human rights issues more broadly. There was consensus that there should be some training provided. Some members suggested that a session should be included in the UNDAC training and/or some training could be provided for NDMO teams. This could include SPHERE, code of conduct, etc.

The checklists were piloted during the Red Cross' Regional Disaster Management Forum Simulation Exercise on 28 and 30 July 2007 in Suva, Fiji. Feedback was incorporated into the final version of the Checklists.

Conclusions: Suggestions for Next Steps to Integrate Human Rights in Natural Disaster Management in the Pacific

Feedback from the participants noted that raising the profile of human rights in disaster management in the Pacific was relevant and important. They stressed both verbally and in their written evaluation forms (see CD-ROM) that the checklists were relevant to their work and that the workshop has provided a new perspective on their current activities in disaster management. Many indicated that they would like to remain part of the network to develop these tools further (checklist development, pilot use, and any associated training roll-out).

There was general consensus that further work should be done to raise awareness of human rights issues in disaster management. Suggestions included:

- Lobbying UNDAC to include a session on human rights-based approaches in all future Pacific UNDAC trainings (including annual refreshers).
- Discussing with SOPAC the possibility of integrating a module on human rights-based approach into their training.
- Lobbying other UN agencies to integrate the human rights checklists into their own existing assessment/information gathering methodology.

CD Contents

- Checklists for Integrating Human Rights in Disaster Management in the Pacific
- Workshop Report
- Workshop Presentations
- Case Studies
- Reference Materials



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