

Human Rights Based Approach to Disaster Response

The human rights-based approach is recognition of human rights principles as a framework for humanitarian Response. It requires a participatory approach with involvement of all stakeholders and a change in paradigm when it comes to concrete intervention, in particular the disaster situations in a conflict environment either ongoing conflict, or post conflict context.

Such situations are getting to be prevalent in our days and has become a subject of major concern. { Mali and the neighboring countries, violence in Nigeria, RD Congo, post independent south Sudan , Syria, Iraq, Afghanistan, Pakistan, Sri Lanka, etc.} In these entire conflict situations, the major challenge for humanitarian response is their complex compound nature: IDP, health, loss of assets, no means to livelihood, violence, etc. Which brings about hardships to the victims, who are the most vulnerable. At the same time they represent a major challenge for a relevant and appropriate humanitarian response.

The RBA has been since long introduced into the development arena. It has been tried during some of the major humanitarian crisis, for example, the tsunami crisis in Sri Lanka and India. This paper proposes to lead a discussion on the opportunity of integrating the Human Rights Based Approach (HRBA) to disaster response, in particular in the conflict sensitive context, and making it more systematic. After a conceptual overview, the discussion will take through a definition of HRBA-Disaster response and identify some key areas for action to reduce the vulnerability and hardship of the people. This will be illustrated by an example from the HRBA disaster response in Sri Lanka during the tsunami interventions in the north and east.

This document does not have the ambition of giving any model or theory, but it will certainly contribute, based on significant experiences, to reinforce the reflection on a new way of responding to disaster in conflict situation, based on the Human Rights principle which will be more people centered and empowerment oriented rather than project and result oriented.

The “Rights” concept

When we refer to the HRBA, it is necessary to clarify first how we understand the use of the concept of basic rights in the humanitarian context and how we can make it applicable. This must be integrated into the response strategy and shared by all the stakeholders who are involved in the disaster response.

When we talk of rights for the most vulnerable, especially at crisis moment either natural or conflict situation, it is necessary to differentiate them into levels of rights in order to make them accessible to the people in a systematic way through the process of disaster response.



One way to deal with this is to transform the needs of the people into rights and see how they can be catered to. This will automatically lead to strategizing the disaster response. In order to achieve this we can look at it as a pyramid (adapted from Maslow's pyramid of needs) of rights with different levels. The pyramid has four levels of Right, which start from very basic ones to the highest level of individual and collective participation in the society. These four levels of rights are also entitlement of the vulnerable people, which are not fulfilled. These levels of rights become the reference points for the architecture of the disaster response and must be integrated into the program with clear allocation of means.

When we talk of right to life, in conflict environment, we are referring to the freedom of movement in the camps, access to physical and mental health and these will certainly lead to the integration of the psychosocial accompaniment in order to give the psychological help and the basic health component for the physical health. In case where it is not possible to initiate them due to political problems or military presence, then the need for lobby and advocacy in order to fulfill these activities to the people as rights will become necessary.

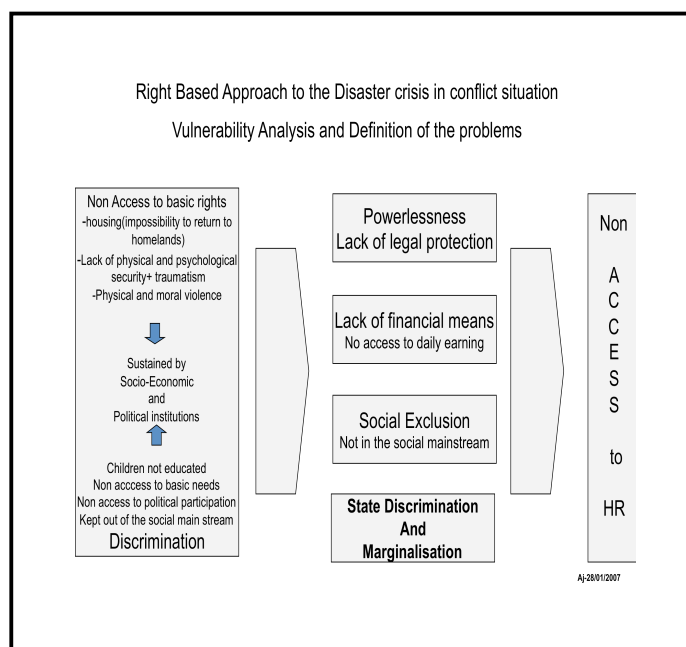
Poverty vulnerability Analysis

It is important to make a poverty vulnerability analysis from the HR perspective before elaborating any disaster response. This means a thorough understanding of the conflict, the different stakeholder, and also the people's vulnerability. There are many tools available to carry this out.

People in situation of conflict are subject to different kinds of violence, which makes them fragile, highly vulnerable, and makes them "non-subject" of basic human rights:

- Structural violence
- Cultural violence
- Inadequate law and constitutional rights
- Political violence
- Physical and moral violence
- Legal authorities discard the existence of the opposite belligerent communities.
- Undetermined length of displacement.

In conflict situations, the affected people are already victims of injustice and live in dire conditions. They are subject to dual negative treatments: non access to basic rights and discrimination, and they are kept away from the mainstream of the society, sometimes even by their own state (ex. Sri Lanka, minorities in Myanmar, Syria, etc.) or by another state oppressing them (Palestine, Sudan on south Sudan before the independence).

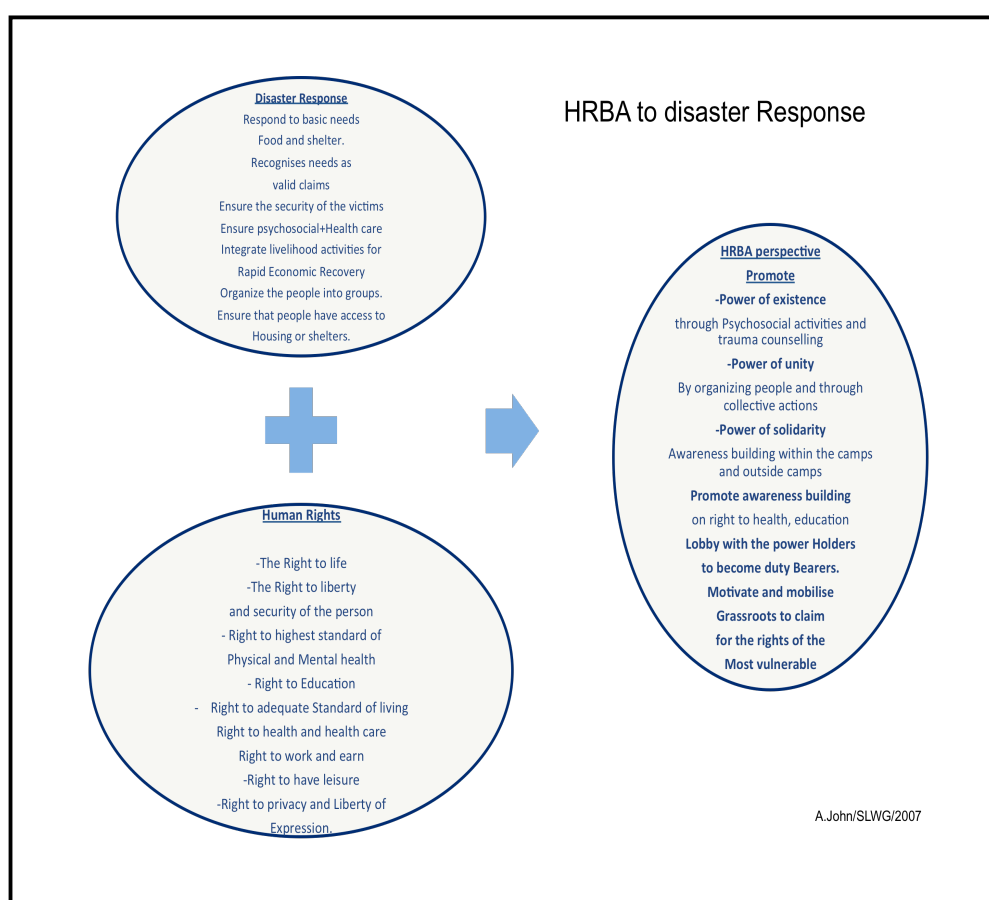


When disaster happens, there is aggravation of the situation leading to powerlessness, lack of financial means; the victims are outside the mainstream of the society and subject to state discrimination and marginalization with no legal protection. In such situation, the humanitarian agencies are before situations of compound vulnerabilities, which needs to be taken into consideration to bring an appropriate response with the HRB perspective.

Promoting Human Rights perspective to the disaster Response in conflict situations

Disaster situation in conflict area raises a certain number of challenges in terms of implementation of the disaster response integrating the rights based component. In order to implement them effectively and efficiently there is a need to train the staff on the HRBA to disaster response.

Integrating the HRBA perspective consist of carrying out the disaster response not as end itself but as a means to promote the right of the people and make them aware that they are right holder and they have the right to be helped. This leads to implementing the activities in view of making the beneficiaries become actor of their right and not just be passive recipients of humanitarian aid. It is also a question of undertaking poverty vulnerability analysis to understand the specific conditions of the victims. This will help propose appropriate specific actions accordingly.



First of all, the main concern must be making the victims aware that they have the power to exist or the right to exist as human beings. Often people in conflict situation tend to lose their humanity and dignity, they live in fear and insecurity. The power to exist is inculcated by keeping regular contact with them and proposing different kinds of activities, which will go in the way of giving them self-confidence.

In the camps, the natural tendency of the inmates is to isolate themselves fearing others and this mutual fear does not contribute to social interaction or building social capital. The power

of unity is a means to inculcate the sense of belongings, being in solidarity with each other and also with the outside world. This implies taking into consideration the security issues.

When responding to disasters in conflict situations, awareness building of the victims as well as the larger community, on the living conditions of the victims, is indispensable. Because in case of difficulties, lobby activities need to be carried out and this must be done by the humanitarian agencies along with the people at the grass root, because they are also duty bearer and their role is important in structuring the basic rights of those affected.

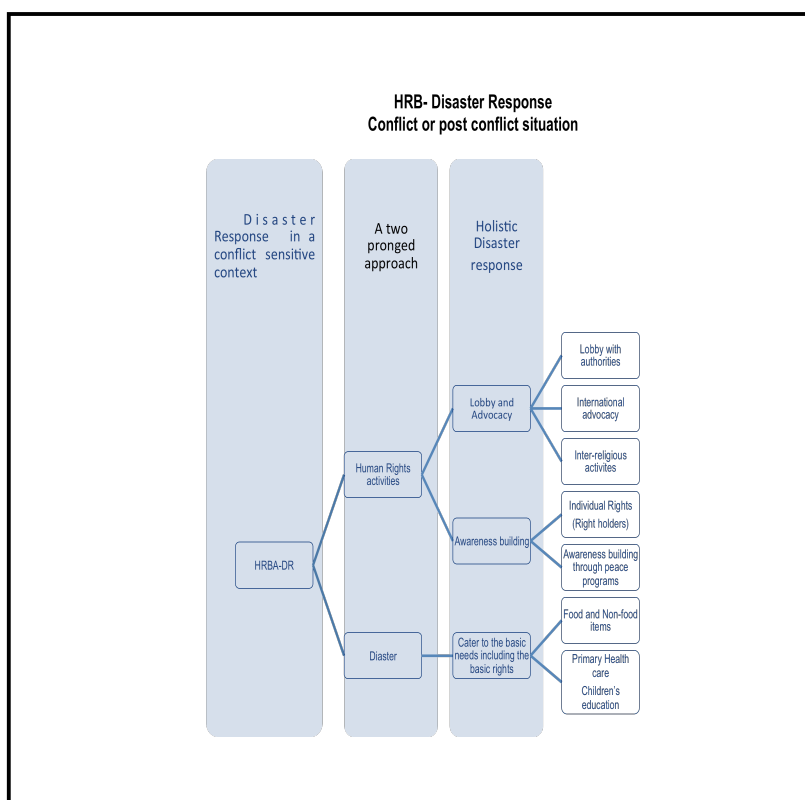
Human Rights Base Disaster Response (HRB-DR)

Disaster Response in a conflict situation is complex and highly sensitive. It must be carried out with much precaution. Possibility for free access and introduction of programs must be undertaken with prudence and tact.

The poverty vulnerability analysis will give an orientation on the different activities that can be carried out and also the feasibility of the activities. It must also give a clear indication on the vulnerability of the population affected by the disaster or subject to hardships.

The HRB-DR(cf. schema) has to be a two-pronged approach with an immediate humanitarian response and at the same time targeting the basic rights aspects. In the past, interventions were just on the immediate needs , but in the new paradigm, this holistic approach gives the possibility to take into consideration two important aspects which are awareness building and the lobby advocacy activities, essential for a Rights based approach. Both these activities will certainly address the right to protection, Right to a decent living, Right to live in peace, Right to live in security and access to basic rights such as education and primary health care, which otherwise may not be taken into consideration.

Such an approach will lead to grassroots activities wherein those who are not affected by the crisis will become aware of their duty as duty bearers and will join up to claim for the rights of the victims. It also helps act against the indifference of the non-affected. It is here the inter-religious dimension becomes a vector in promoting the rights based approach, especially in Asia (Philippines-Mindanao, Sri Lankan ethnic crisis, communal riots in Pakistan). The HRBA must also take into consideration the duty bearers, that is, the larger community.



The disaster intervention is thus perceived not as a mere response to disaster events, but rather as a holistic approach to establish the rights of the victims.

The HRA – DR the Sri Lankan case (Caritas Sri Lankaexperience)

Sri Lanka was confronted with almost a quarter century of ethnic conflict. The economical, social and psychological loss was extremely high, causing immense suffering to the Tamils, high death toll and the north being cut from the south. In the north and east, the Tamils were already in IDP camps, because of the war. It is in this context the tsunami disaster hit the north and the east.

Caritas Sri Lanka present in the island since almost forty years, has been involved in the disaster response and was confronted, once again with a major Disaster challenge in the north and east that are highly sensitive conflict areas.

In the disaster response, Caritas Sri Lanka decided to introduce the RBA to the conflict zone and this was undertaken in the north with a close collaboration with the local authorities and also the LTTE, because some of the area was under their control. In this example, we will discuss the case of a program in Jaffna region.

The activities undertaken were as the schema depicts, multi pronged. A clear focused disaster response to alleviate the sufferings of the people by giving them food and non-food items, shelter, and other amenities. At the same time, the RBA approach was introduced by sensitizing the people on their basic rights in order to give them confidence, dialogue with the local army leaders so that they do not harass them. The disaster response integrated the peace building aspect in order to make the people in the south aware of the suffering of the Tamils and this facilitated a progressive contact between the two communities. The Tamils in the camps were organized into groups and were made aware of the need to socialize.

In the beginning, it was done through the children program, debates, drawing pictures on the war situation, etc., in order to bring to evidence how the tsunami events aggravated their situation and their hope to get back to normal life. This sensitization of the Tamils and the Singhalese contributed to exchange programs wherein the Tamil representatives from the groups came to the south and were received in the Singhalese families and in the same manner the Tamils received the Singhalese to show them their living conditions in the camps.

This created a sense of solidarity between the Tamils and the Singhalese, the latter being able to understand the sufferings of the Tamils, understand their needs and their physical and moral violence. The families, who received the Tamils, felt accountable for the living conditions meted out to them and how

Population : 20,8million (2007)
Composition ethnique :
Singhalese : 74 %
Tamil (minorities) :12,6 %
Tamil Tea plantation workers :5,5 %
Muslims (Maures) : 7,1 %
Other : 0,8 %
Religion: Buddhist 72%
Hindus : 12%
Muslims : 7%
Christians : 8%
More than 25 years of ethnic war
between the Tamil in the north and the
Government in the south

they were deprived of their basic rights. There was awareness on the inequality. In a way the awareness brought the Singhalese families to become aware of their role as duty bearer and they joined Caritas in claiming for peace in the north. They even started to contribute to the disaster response.

In the same manner, the religious authorities came together to see the plight of the Tamils and joined to ask for peace as the stepping block for giving the basic rights to the people. Fasting, prayer and “Yatra” (going to the north as pilgrims) to the north were means to make known how the Tamils were deprived of their rights. This leads to advocacy at the international level, lobby at the national level, thus giving the possibility for Caritas to respond to the rights of the disaster victims.

The Rights based approach embedded in the disaster response was important for the grass roots raising their voice along with the religious leaders, an important move to take forward the disaster response in an inclusive manner which consisted of building shelters for the victims, a fish net manufacturing unit funded by the Australian government, distribution of shallow water fishing (because deep water fishing was forbidden for security reasons), training the youth in carpentry, education for the children and a mobile clinic for the follow-up of the primary health care for those who were in need.

Women were organized into groups to receive micro credit for carrying out an income generating activity so that they could cater to the needs of the family.

When houses were constructed in some areas, the families were consulted and gave their opinion on the construction. This also brings about ownership.

This experience brings to evidence that the HRB-DR leads to building the power of existence of the victims (sometimes victims of compound disasters), become aware of the power of unity (the fish net manufacturing and the IGP activities); the power of solidarity, that is the awareness that they are not alone and they can socialize with the others who will joins hands with them for claiming their right.

HRB-DR was an opportunity for the beneficiaries to become active partners for their own development and also develop the social capital, needed for their long-term economical and social recovery.

Conclusion

The HRB-DR is a major challenge and must be carried out with tact. There are certain key areas, which humanitarian actors must keep in mind. The major point is the capacity to dialogue and mobilize the decision makers to become proactive, important to concretize the project. The second aspect is mobilizing the grass root voice to play their role as duty bearers towards those who are victims. This can be done only if there is a clear awareness building strategy and a motivation of the different stakeholders to come together.

All these different steps require a thorough knowledge of the context and a relevant and systematic poverty vulnerability analysis. A conflict analysis is also important to capture the

violation of basic human rights and be able to give appropriate responses to the needs of the victims.

In some cases, the religious dimension is important because it can also deal with the basic rights from the religious social justice perspective and give a spiritual taint to the process. This was already introduced in Sri Lanka, the Philippines (Mindanao) and also in Cambodia in the 1990's and proved to be effective

The HRB-DR gives a new paradigm of disaster response and opens the space for deepening the reflection.

Apris 2013

Aloysius John

Humanitarian Expert,

Part-time Lecturer in the university of Creteil, Paris XII

The Human right Based Disaster Response Sri Lanka- Jaffna

HR principles	Content	Challenges	Action undertaken by CSL
Express linkages to rights and the Rule of law	Nobody is above the law when it comes to basic human rights. Each human person is protected by the universal law	Fragile state or situation of internal conflict. Sri Lankan ethnic conflict	Advocacy at the international level and at the regional level.
Accountability	Each individual is a right holder / claims right and the state or the community is the duty bearer. The rapport is one of entitlement and obligation	Non respect of these principles by the state. The state does not respect its role as duty bearer and on the contrary act as a oppressor and the larger community in total indifference	A three pronged approach: Awareness building of the Tamils, Awareness building and motivation of the Singhalese Lobby activities with the ruling and the opposing parties
Empowerment	The right holder's are subjects of development and not objects of aid. This opens the space for right to information, organizing one self etc.	The IDPs in the camps have no right to information, they cannot come together and are living in constant fear	People centered development activities (fishnet manufacturing unit) Womens groups Lobbying for organizing the people
Participation	People have the right to active participation in their development process	Context of conflict which does not allow the possibility to come together. Insecurity	Local development programs to bring people together such as IGP etc.
Non-discrimination and attention to vulnerable groups	Equality of treatment and no discriminative attitude.	Government itself took a rather discriminatory attitude. The role of the army.	Exchange programs to make the Tamils meet the Singhalese and vice versa; It is the people who started to motivate their local authorities.