

Politics of Disaster Risk Management

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Politics of Disaster Risk Management

$$\text{RISK} = \frac{\text{THREAT} \times \text{VULNERABILITY}}{\text{CAPACITY}}$$

Reduce threats ↓

Reduce vulnerabilities ↓

Increase Capacities ↑

The politics of DRM

- The better the preparation and prevention, the easier it is to rebuild.
- Disaster risk reduction measures reduce vulnerabilities and/or increase capacities/resilience of the communities to respond to the threats.

The politics of DRM

- A disaster is also an opportunity to “build back better”.
- After a disaster, moment of flux – things can be changed for the better, not only infrastructure
- Especially true for legal reform and re-configuration of society

Politics of DRM

- For community driven development, there is an inherent challenge: how to build back with the communities, when most have left?
- Those who fled cannot be considered as economic migrants; are termed “internally displaced persons”

Politics of DRM

- “... internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border” (*Guiding Principles on Internal Displacement*)

Politics of DRM

IDPs have special needs....which are problems those who remain in their homes usually do not face:

- Lack of shelter and problems related to living in camps
- Loss of property and access to livelihoods
- Discrimination because of being displaced
- Lack of identity cards
- Lack of access to services
- Lack of political rights
- Restitution of/compensation for lost property
- Problems of return and integration ...

Politics of DRM

IDPs run a higher risk than those remaining at home:

- to have their children forcibly recruited
- to become victims of gender-based violence
- to become separated from family members
- to be excluded from education
- to be without a job

Politics of DRM

- The Guiding Principles on Internal Displacement tell governments and humanitarian actors what to do to prevent displacement, how to help people during their displacement and what to put in place so that people can either return, integrate where they have fled to or settle elsewhere in the country.
- Although not a treaty, universally recognised as an “...important international framework for the protection of internally displaced persons...”
(World Summit Outcome Document, § 132)

Politics of DRM

- Relevance for CDD and other development actors – involvement mainly in two stages:
 - Prevention of displacement: need to put measures into place that will avoid people having to leave in the first place or be evacuated with the assistance of the government and humanitarian actors.
 - After displacement: durable solutions
 - During displacement: *with cooperation in early recovery (documentation, land titles, infrastructure, rebuilding of schools, etc.)*

Politics of DRM

- Disaster risk reduction is not just good practice, it is also a State responsibility, under the State's obligation to respect, protect and fulfil the right to life.
- Human rights as law apply to all, including persons affected by natural disasters. In some cases, people may not be empowered to access their rights, but they still exist

Politics of DRM

- Why human rights?
 - States are measured in the quality of their respect and care for their citizens through human rights and their implementation in national legislation
 - Expression of recognition of dignity of the beneficiary as an active participant in the response and not just an object of charity
 - Humanitarian action and development does not happen in a (legal) void.

Politics of DRM

- States have an obligation
 - not only to refrain from human rights violations (duty to respect) by preventing and mitigating the negative effects of natural disasters, but
 - also to ensure that the human rights of people are protected in disasters (duty to protect), and
 - that they can enjoy their rights, by reconstructing in a manner that avoids future damage (duty to fulfil).

Politics of DRM - DRR

- For rights-holders: Human rights entitle victims to have risks and vulnerabilities reduced
- For the duty bearers: Human rights
 - assign duties and responsibilities; and
 - provide them with benchmarks to *systematically* assess relevance of risks and vulnerabilities; and
 - give guidance to choose actions and set priorities

Politics of DRM - DRR

- Examples of relevant questions:
 - Which current inequalities in society could be exacerbated by the disaster?
 - What measures are in place to prevent abuse or exploitation by responders, service providers, associated staff?
 - How have land records and deeds been secured? Do property dispute mechanism exists and function? How equitable is the access to these?
 - Have affected persons lost their documents, and if yes: What systems are in place to restore them?
 - How are family tracing systems incorporated in the response?

Politics of DRM - DRR

- Cases before courts - States must:
 - “make it compulsory for all those concerned to take practical measures to ensure the effective protection of citizens whose lives might be endangered by the inherent risks”;
 - “provide for appropriate procedures [...] for identifying shortcomings in the processes concerned and any errors committed by those responsible at different levels” ;
 - “adequately inform the public about any life-threatening emergency”
 - and “ensure that any occasion of the deaths caused thereby would be followed by a judicial enquiry”
(Budayeva § 131- 132)

Politics of DRM - DRR

- Neglecting these obligations amounts to human rights violations.
- Example (European Court on Human Rights, Budayeva v. Russia, 2008):
 - Mudslides in North Caucasus kill people
 - Warnings to repair mud-retention system and/or set up observations points were not follow-up by local authorities for lack of funds
 - Persons evacuated after a first smaller mudslide were not prevented from returning to their houses
 - > Russia violated right to life and had to pay compensation to families

Politics of DRM – After the disaster

Issues post disaster:

- Criminal investigation in cases of death relating to the due diligence standard
- For the people affected: reconstruction, land and property, access to livelihoods
- Particular needs of traditionally marginalized groups
- Necessary measures (administrative, coordination, budgetary) have to be foreseen ahead of time in order to be able to respond

(European Court, Budayeva case March 2008)

Politics of DRM – After the disaster

Issues post disaster:

- Conditions for durable solutions
- Question of feasibility of return
 - Landmarks have disappeared
 - Land has disappeared
 - Land is no longer hospitable or useable for agrarian purposes

Politics of DRM – After: challenges

- Tension between the logic of humanitarian action / of development:
 - Short term v. long-term
 - Individual approach v. sustainability and systemic approach;
 - Communities as recipients v. communities as actors
 - Neglect for livelihood issues by humanitarians
- Lack of flexible funding when opportunities open up but situation remains volatile
- Difficult transition from one phase to another

Politics of DRM – After the disaster

- Durable solutions for internally displaced persons
- No cut-off date like for refugees
- As citizens of their own country, are free to move and live where they like.
- Must have a free and informed choice as to whether they want to return, stay where they have fled to or install themselves elsewhere.

Politics of DRM – After the disaster

- Normative framework on internal displacement:

Guiding Principles on Internal Displacement

- Defines what an internally displaced person is
 - Says what needs to be done to
 - Prevent displacement
 - Assist during displacement
 - Assist on return, integration or settlement elsewhere in the country
- Question remains: when are IDPs no longer considered as such?

Politics of DRM – After the disaster

- Three ways of looking at question:
 - Caused-based criteria (reasons for displacement no longer exist)
 - Solutions-based criteria (IDPs are no longer displaced)
 - Needs-based criteria (IDPs no longer have displacement specific needs)

Politics of DRM – After the disaster

- Framework for Durable Solutions – a mix
- Combination of
 - Process to enable voluntary decision of IDPs
 - Conditions for durable solutions (safety, non discrimination, reintegration support)
 - Flowing scale or framework within which solutions gradually become durable
- Bridges humanitarian intervention to development by using tools from both fields

Politics of DRM – After the disaster

- Process criteria: Government must put in place a process to enable the internally displaced to make free and informed choices to integrate locally, return or settle elsewhere in the country:
 - Information and consultation
 - Participation (special efforts towards groups that are traditionally marginalised)
 - Risk reduction and safety measures
 - Access to monitoring and humanitarian assistance

Politics of DRM – After the disaster

- Conditions for durable solutions:
 - Physical safety and security (also protection against re-occurrence of risk)
 - Access to national protection through judiciary and law enforcement
 - Basic public services
 - Documentation
 - Livelihoods, means of survival, income generation

Politics of DRM – After the disaster

- Conditions for durable solutions (cont.):
 - Measures for adequate standard of living
 - Property restitution
 - Redress for abuses
 - Family reunification
 - Political rights

Politics of DRM – After the disaster

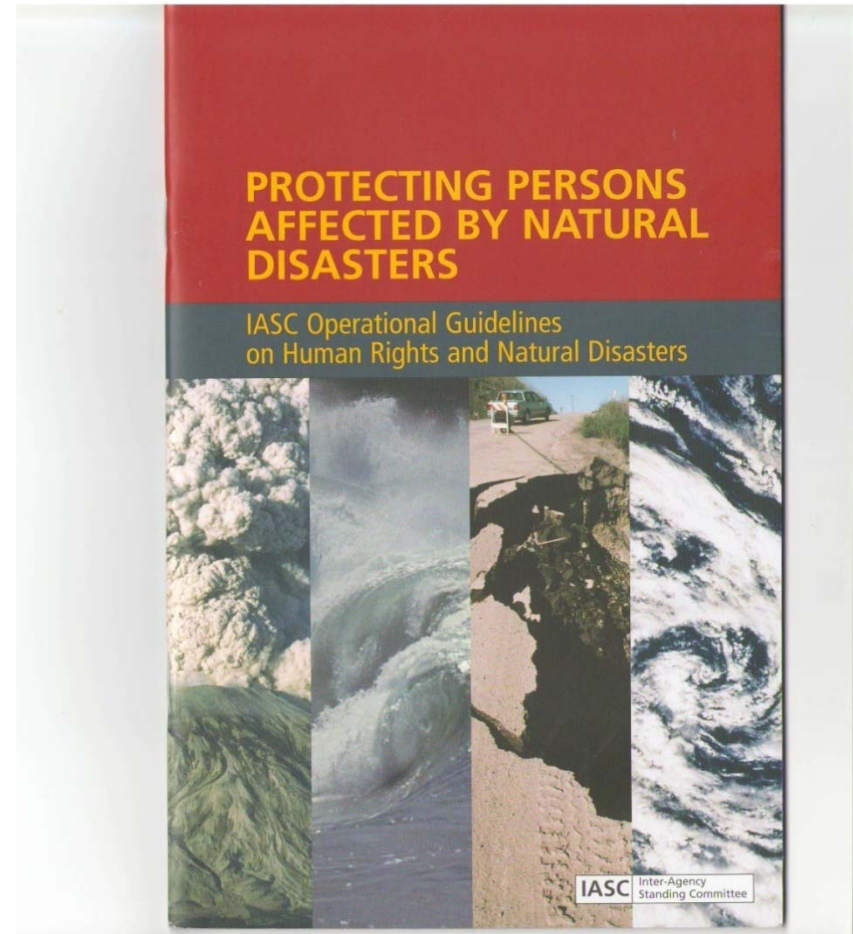
- Durable solution = no more displacement-specific needs and vulnerabilities (assistance and protection)
- BUT: States may still have other continuing human rights, humanitarian and development responsibilities

Politics of DRM – During the disaster

- Usually development actors stand back and wait....
- Early recovery activities
- Awareness raising on the human rights during disaster response:
 - Non-discrimination
 - Access
 - Documentation

Politics of DRM – During the disaster

- Operational Guidelines on Human Rights and Natural Disasters and Pilot Manual
- Give operational guidance on what should be looked out for during an emergency (at the latest 72 hours after)
- A, B, C, D structure
- User-friendly



Politics of DRM – During the disaster

- Rights are grouped into 4, of which the first two usually correspond to the immediate emergency phase and guidance is given for:
 - A. Protection of life, dignity and physical safety
 - B. Protection of basic needs
 - C. Protection of other economic, social and cultural rights
 - D. Protection of other civil and political rights

Politics of DRM – During the disaster

- Example:

“A.4.2 The location and lay-out of camps and settlements for persons displaced by the disaster should be situated in areas with a low natural hazard risk. They should be designed so as to maximize the security and protection of displaced persons, including women and others whose physical security is most at risk (...).”

Politics of DRM – Why politics?

- What does this have to do with “politics”?
 - International aspect: the politics of creating international law
 - Inherent tension between individual needs and collective and global priorities
 - Politics start with consultation and involvement of the communities in the disaster risk management and response.....

Politics of DRM – Why politics?

- Participation and consultations can be cumbersome and difficult to organise
- The opinions can be unhelpful and not expedient to implement
- The issue of who is representing whom
- The challenge of reaching out to groups that are traditionally marginalised...

Politics of DRM – Why politics?

- Some of the solutions will have political implications..
 - Land and property issues
 - New legislation to meet State obligations and to facilitate community input
 - Etc.