

**CLAIMING
THE HUMAN
RIGHT TO
PROTECTION
FROM
DISASTERS**

THE CASE FOR HUMAN RIGHTS-BASED DISASTER RISK REDUCTION

AN ESSAY

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“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,...

... Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction...

... (Article 3) Everyone has the right to life, liberty and security of person...

... (Article 17) Everyone has the right to own property alone as well as in association with others.

... (Article 21.2) Everyone has the right of equal access to public service in his country

... (Article 22) Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality

... (Article 25.1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event “of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”

(Excerpts from the Universal Declaration of Human Rights)

It’s saddening, and statistics have painted it - a grim picture of a globe overwhelmed by constant losses.

Globally, losses due to disasters (numbers of people affected and losses of economic, social and environmental assets) are on the increase. According to UNISDR, in the last 12 years (2000 – 2011), **1.1 Million** people have been killed from natural disasters, **2.7 Billion** affected, and **1.3 Trillion USD** worth of economic damage reported globally. 2011 was recorded as the costliest year, with estimated

disaster losses of **380 Billion USD** (Munich Re, 2012).

Based on the African profile for natural disasters from 1980-2008, on average, **24, 438 people** are killed by disasters each year in Africa, while the economy is damaged by over **832 Million USD** annually (EM-DAT). In Kenya, **79** natural disasters have been reported in the last 3 decades (1980 – 2010). On average, **196 people** are killed and **1,548,530 people** affected annually, with annual economic damages of over **3.6 Million USD**. Yet these statistics are based only on 'reported' disasters. Further, they are records

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of only 'natural', and not 'human-induced' disasters. The grim reality is that on a daily basis, far much more lives are lost globally than are recorded - the exact figures of unreported disaster losses are way beyond our imagination, nothing close to what we can bear!

People die daily from floods, drought, bomb explosions, road carnage and violent conflicts, among many more hazards. Livelihoods are destroyed and many more people permanently affected by disaster. The sad picture painted by past statistics and daily media reports of disaster losses begs answers to a few critical questions: **if people lose their lives and livelihoods on a daily basis, how far does one's right to life, liberty and security of person go? Is it the case that no one is responsible when occurrences beyond human control deny one the right to life, liberty and security of person? Who has the responsibility to respect, protect, facilitate, and fulfill one's rights, including the right to protection from disaster losses? If life, liberty and security of person are human rights, what can be done to ensure they are respected, protected, facilitated, and fulfilled? And who must do it?**

Critical to ask also, as one seeks to answer these questions is: **are disasters really random acts of nature, beyond anybody's control, or are they the result of a combination of pressures on vulnerable populations – pressures within human control that, if released, would avert the possibilities of disaster occurrences?**

George Kent, in a paper titled *“The Human Right to Disaster Mitigation and Relief”*, begins his discourse by making important statements:

“International human rights law does not explicitly address the right to protection and relief from disasters, but this objective is clearly implied... Disasters are conditions under which an individual may face “circumstances beyond his control”. The right to an adequate standard of living is not suspended in disasters... It is fully understood that national governments may have limited capacity in relation to such rights. Nevertheless, no matter how meager their resources may be, all governments have an obligation to take positive action to protect lives, and to assure an adequate standard of living, not only in normal times but also in conditions of acute crisis. There are many things that can be done at low cost.”

It is needful, first, to understand how protection from disaster losses is a fundamental human right.

The **Universal Declaration of Human Rights** is an international agreement that is the backbone of international human rights law. It was adopted and proclaimed on 10th December, 1948 by the United Nations General Assembly, achieving a great milestone in the eternal struggle to assert the importance of respecting, protecting and fulfilling human rights and freedoms – a struggle that stretches

back over 2,500 years. The period before this agreement was characterized by downright disregard of 'the so-called' human rights – people were killed indiscriminately, slavery and torture was rampant, racism and other forms of discrimination were everywhere and some people were seen as lesser humans than others. This agreement brought all Member States of the UN together, to pledge and commit to work together to end an age of atrocities and global chaos, and to promote human rights.

Human rights are the rights you have simply because you are human. A human is any member of the homo sapiens species; a man, woman or child; a person. Rights are things to which you are entitled or allowed; freedoms that are guaranteed.

After adopting the Universal Declaration of Human Rights over 60 years ago and committing to promote its provisions, a significant decline in human rights violations should be observed in all UN Members States. What we see, however, is a total opposite!

If people have the right to life, why do 251 people die of natural disasters daily? If people have the right to food and shelter, why are 16,000 children dying of starvation every day? Why is it that 60 years after the commitment to human rights protection, millions are killed, women raped, livestock stolen and villages ravaged in violent conflicts in many parts of Africa?

Three major articles in the Universal Declaration of Human Rights adequately imply the right to protection from disaster losses. Article 3 states that *'Everyone has the right to life, liberty and security of person'*, Article 17 states that *'Everyone has the right to own property alone as well as in association with others'*, while Part 1 of Article 25 states that *'Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control'*.

Since disasters rob human beings of their rights to life, security of person, healthy living and well-being, and the right to own property, it therefore follows that to adequately safeguard these rights, all humans must work together to prevent disasters from happening, or at least reduce the risks they pose to vulnerable human populations and their livelihoods.

Yet how does one prevent disasters from happening, or reduce the risks they pose to vulnerable human populations and their livelihoods, if disasters are all that unavoidable? A peek into disaster theory gives an interesting illustration.

According to the **Disaster Crunch Model**, one of the models commonly used in understanding disaster theory, disasters are fundamentally not random or isolated events. They are usually the result of a natural or man-made hazard impacting a vulnerable population.

A hazard is defined by UNISDR as a **dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption, or environmental damage**, while vulnerability is defined as **the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard**.

Hazards and vulnerability combine to squeeze or 'crunch' a population, causing a disaster. This model implies that the occurrence of an earthquake, for instance, need not result in disaster. An earthquake that occurs in a desert, a place with neither human population nor economic, social and environmental assets (thus, no vulnerability), will not cause a disaster.

The Disaster Crunch Model illustrates that disasters are the result of certain forces and conditions. Vulnerability often arises from various physical, social, economic, and environmental factors, and may include poor design and construction of buildings, inadequate protection of assets, lack of public information and awareness, limited official recognition of risks and preparedness measures and disregard for wise environmental management.

Further, there are various underlying and root causes of vulnerability and exposure to disasters that include degradation of natural environment, inadequate physical infrastructure and built environment, poverty, unsustainable livelihoods, limited productive assets and incomes disparity, and population density, unplanned urbanization and inadequate social conditions. These factors condition people's lives and livelihoods and subject them to increased vulnerability and hazard exposure.

To significantly prevent disasters or reduce disaster risks, these pressures and conditions need to be reversed. The **Disaster Release Model** is the reverse of the Disaster Crunch Model, and describes the release of the pressures (hazard exposure and vulnerability) that previously had the potential to cause disaster. It is defined by three major actions: hazard reduction, vulnerability reduction and building stronger capacities to absorb, cope with and recover from disaster impacts. This is the backbone of all disaster risk reduction efforts.

Disaster Risk Reduction is a relatively new concept in disaster management, and has been described by stakeholders in the humanitarian and development sectors as a cheaper and proactive approach to disaster management, and a sure way to safeguard development.

Thus, there is indeed a way to prevent disasters or reduce disaster risks. If people still lose their lives and livelihoods due to disasters, even when it is their right to live, in security and own property, then, something must be amiss. But what? And who is responsible?

Promotion of human rights is primarily the responsibility of all human beings!

The preamble of the Universal Declaration of Human Rights states partly in its conclusion, that the agreement is *a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration in mind, shall strive by teaching and education to promote respect for these rights and freedoms...* It is not entirely the responsibility of the state, but also of the public, heads of institutions and organizations, employers, parents, drivers and pilots, and civil society, among other sectors of the society, to ensure that human rights are fully promoted.

Parents have a moral obligation to ensure their children's safety while at home, while school heads have the obligation to ensure safety for students and pupils at school. Employers have an obligation to ensure workers are safe at work while drivers and pilots have an obligation to ensure that passengers are safe on their journeys. These individuals must take primary responsibility for all losses that occur under their protection.

Interestingly, the danger of not acknowledging and taking this responsibility by any sector of society is usually that, ultimately, everyone faces the risk of being exposed to human rights violation.

The role of the state here is albeit special. The state/government is the chief duty-bearer, and has both the moral and legal obligation to respect, protect, facilitate, and fulfill human rights, including the right to protection from disaster losses. By adopting international law, states accept the obligation to respect, protect and fulfill human rights (Jonsson, 2003). They accept the obligation to prevent loss of lives and livelihoods, to prevent losses in economic, social and environmental assets and to prevent other human rights violations, whether inflicted by human or natural forces.

Many states are limited in what they can do to prevent disaster losses, often due to their relatively low capacities and resources. However, this is not an

excuse to violate human rights by allowing disasters to consume lives and livelihoods.

Many states allow disasters by doing little to nothing proactive to reduce disaster risks.

Investing in disaster risk reduction cuts the cost of disaster response and relief. Every one dollar spent on preparedness saves 7 dollars in response. In effect, governments that do not invest in disaster risk reduction and other proactive actions to prevent or reduce disaster losses must be held accountable for these losses!

Some governments are entirely focused on disaster response and relief, and the only proactive action they take is preparedness for disaster response. Many of such governments “await adversity”, only to appeal for external assistance, which is usually inadequate for relief. This may help so much to cope with disaster, but cheaper and more proactive actions (like hazard and vulnerability reduction and capacity building) can better reduce the risk of disaster losses.

Perhaps a **paradigm shift** is needful here: the state needs to understand that it has a **legal and moral obligation**, based on the idea of social contract, and through adoption of international human rights law, to safeguard human rights. It needs to understand that protection from disaster losses is **not an issue of charity or benevolence, but an issue of rights!**

In *Human Rights Approach to Development Programming*, Urban Jonsson suggests that we must be moved by compassion, solidarity, and a desire for justice; not simply benevolence. Sadly, many states categorize issues of protection from disasters as humanitarian issues, which require action driven by charity and benevolence.

Charity dis-empowers the poor and other vulnerable people. However, creating dependence and solidarity empowers people and enhances their capacity to improve the quality of their lives (Jonsson, 2003;20). This should be the approach of the state in protecting its populace from disaster losses.

If a state is to be driven by its obligation to respect, protect, facilitate, and fulfill human rights, rather than charity and benevolence, more state interest and funding must be invested in, among other disaster risk reduction initiatives, ensuring stronger earthquake-resistant buildings, ensuring fire-safe environments, ensuring food security, increasing disaster risk awareness and building capacities to cope with disasters at the local level. A significant portion of state funding for relief must be redirected toward disaster risk reduction.

To be proactive, the concept of disaster risk reduction

must be adequately mainstreamed into development plans and strategies and state laws and policies. Further, law enforcement agencies must be more firm in their obligation to enforce laws. Many human-induced disasters today are primarily caused by slack enforcement of the law.

On the flip side, safeguarding human rights by protecting human beings from disaster losses through disaster risk reduction must not solely be the role of the state.

A top-down approach by the state of legislation and implementation mechanisms must be complemented by a bottom-up approach by non-state actors to mobilize and strengthen local capacities for individual and collective actions to reduce risk and make their governments more accountable and responsive to their needs. (Oxley, 2012; 10)

Civil society should also accept and pursue their moral obligation to pursue accountability and responsiveness of states in safeguarding human rights. The presence of NGOs does not however replace or mitigate government's role and responsibility. In principle, responsibility for disaster protection among citizens lies with the government. (Jonsson, 2003; 22).

In conclusion, and most importantly, **the right to protection from disaster losses must be claimed!**

Non-state actors, especially the civil society, must rise up to the challenge, to continue the everlasting struggle to safeguard human rights. They must stand firmly to guard against human rights violations by the state and other duty-bearers. States violate human rights by neither preventing disaster occurrence nor reducing disaster risks on behalf of their citizens, whose resources they control - and states must be stopped! Employers who flout occupational health standards and subject their workers to hazardous environments, must be stopped! Public transport operators who disregard risk reduction measures, exposing their consumers to the dangers of road, rail or plane accidents, must be stopped!

Claiming the human right to protection from disaster losses may begin by strong advocacy and people-empowerment. Jonsson, in *Human Rights Approach to Development Programming* comments that marginalized people and people who are vulnerable to disasters, cannot negotiate change if they cannot communicate effectively, first among themselves, and then with duty-bearers – those who control the resources that are available for development. It then follows, that the society must work together to gain more knowledge and information regarding their human right to disaster protection, and to claim this

right from duty-bearers (Jonsson, 2003; 18).

Claiming the right to protection from disaster losses is a collective effort of all non-state actors, and must be done now, when many vulnerable populations face the risk of disaster losses. The danger of not acknowledging and pursuing our moral obligation to claim this right, is that ultimately, each of us is at risk of disaster loss – each of us is at risk of having his/her human rights seriously violated. Sadly, in the event of disaster losses, each one of us must accept responsibility!

Human rights are empowering. When I say I need protection from disasters, I am not appealing for a humanitarian reaction; I am demanding a human right!

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