

THE BROOKINGS INSTITUTION

FIRES, FLOODS, EARTHQUAKES AND TSUNAMIS:
A HUMAN RIGHTS PERSPECTIVE FOR MAJOR NATURAL
DISASTERS

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P R O C E E D I N G S

MS. FERRIS: Good morning, everyone.

My name is Beth Ferris. I'm a Senior Fellow at the Brookings Institution and Co-Director of the Brookings-Bern Project on Internal Displacement. I'd like to welcome you all this morning to this session on Fires, Floods, Earthquakes and Tsunamis: A Human Rights Perspective for Major Natural Disasters.

According to the United Nations, every year for the past two decades, 200 million have been affected by natural disasters, 200 million people. When you consider the number of refugees or even internally displaced persons in the world, that's a tremendous number of people whose lives have been shattered, disrupted, turned upside-down by these natural disasters. Given, perhaps, the reality of climate change, it seems likely that both the incidents and the severity of natural disasters will increase in the future. So we're very pleased to be able to talk today about some of the human rights implications of those who are affected by natural disasters.

Now, we know that some people, and we don't know how many, are displaced because of natural disasters. There are no global figures, but the estimates are that the numbers are significant. These people, internally displaced persons, for the most part, have certain rights that

have promulgated through the Guiding Principles on Internal Displacement. In the aftermath of natural disasters, violations of these rights can happen quite unintentionally whether the result of inadequate planning or just not thinking through some of the patterns by which assistance is given and so on.

So, today, to begin the discussion, we have a distinguished panel of people here. We'll begin Walter Kalin. Walter is the Representative of the U.N. Secretary-General on the Human Rights of Internally Displaced Persons. He travels extensively, looking and investigating the situation in different parts of the world for IDPs. He's a renowned international lawyer and was actually chair of the working group that came up with the Guiding Principles on Internal Displacement more than a decade ago and currently serves on the U.N. Human Rights Council. Recently, he had the challenge of chairing a special working group or rapportering the special working group on Darfur. So he brings a lot of experience.

We'll then turn to Chris Kromm. Chris is the Executive Director of the Institute for Southern Studies based in Durham, North Carolina, and he's the co-author of a new study, which you probably picked up on your way in, that applies the Guiding Principles on Internal Displacement to those who were displaced by the Katrina Hurricane. He'll provide you with some highlights of that study.

Then we'll go to New Orleans, well, figuratively at least, and hear from Monique Harden who is Co-Director of Advocates for Environmental Human Rights and is very much involved with grassroots human rights organizing in New Orleans in the aftermath of the disaster and is up to date on the latest findings there.

We'll then turn to Linda Poteat, and Linda works with InterAction where she's Director of Disaster Response, and she's going to look particularly at ways in which the risks of disasters can be reduced. She's been following this on the international level with some of the U.N. documents and planning but will try to comment as well in terms of what this means for the United States to reduce the impact of disasters.

Finally, we'll hear from Ajamu Baraka who is the Executive Director of the U.S. Human Rights Network based in Atlanta. This is a network of some 250 human rights and social justice organizations that have also been following developments around displacement resulting from Katrina and other human rights issues.

So we look forward to hearing from all of you and then to opening it up for what will hopefully be a lively discussion.

So, Walter, we'll begin with you.

MR. KALIN: Thanks, Beth, for the kind introduction and good morning, everyone.

Internal displacement, meaning coerced or otherwise involuntary movement of persons away from their homes to other locations inside their own country, internal displacement is among probably the world's biggest but least known contemporary problems. Around 25 million persons worldwide are estimated to be displaced by conflict, and this is 2 and a half times the number of refugees, meaning people who have fled to other countries, who have fled abroad.

The number of those, as Beth just mentioned, who have to flee natural disasters is unknown. It's volatile, changing almost every day, but again we estimate that at time it reaches or even surpasses the 25 million mark. For instance, as we meet here today in this room, hundreds of thousands of persons are being or are threatened to be displaced by the current floods in the southern part of Africa. Last week, five days of very heavy rains in two districts of Sri Lanka, which I visited just four weeks ago, these rains there had led to over 28,000 people fleeing their homes.

But, as is evidenced by, for instance, Hurricane Katrina, by the California wildfires or the floods in the United Kingdom's midlands of last summer, not only do poor countries of the south but also Europe and North America have their share of persons displaced by natural disasters.

My mandate as a representative of the U.N. Secretary-General on the Human Rights of Internally Displaced Persons covers all types of

internal displacement including those displaced by natural or human-made disasters. But some might ask: What have such disasters to do with human rights? Why a human rights perspective on natural disasters?

It is correct that those displaced by floods, by earthquakes, tsunamis and the like are primarily in need of humanitarian assistance, especially during the first phase of the disaster, but experience from natural disasters all over the world teaches us that there is a serious risk of human rights violations when the displaced cannot return to their homes or find new ones after some weeks or months. In the context of natural disasters, discrimination and violations of economic, social and cultural rights can become more entrenched the longer displacement lasts.

These violations are, in most cases, not consciously planned and instigated, but they result from a lack of inappropriate policies to deal with natural disasters. They could, therefore, be easily avoided if the relevant human rights guarantees were taken into account from the beginning, on.

Take Hurricane Katrina, to the U.N. Human Rights Committee, a body of independent experts entrusted with the task of monitoring the implementation of the International Covenant on Civil and Political Rights, the Human Rights Committee that had been examining the reports submitted by the United States expressed its concern about the information that the poor and, in particular, African-Americans were

disadvantaged by the rescue and evacuation plans implemented when Hurricane Katrina hit the United States and continued to be at a disadvantage under the reconstruction plans.

That's what the Committee said, and it recommended to the U.S. and I quote again: "To review its practices and policies to ensure the full implementation of its obligation to protect life and the prohibition of discrimination, whether direct or indirect, as well as of the United Nations Guiding Principles on Internal Displacement in matters related to disaster prevention and preparedness, emergency assistance and relief measures." We'll, during the course of this panel, hear much more about this specific situation.

My visit here today and during this week is not an official mission focusing on fact-finding. Rather, I have come here on the invitation of the Brookings-Bern Project on Internal Displacement and advocates for environmental rights from New Orleans to learn from those directly affected, to learn from the authorities at the different levels, to learn from the communities concerned, to learn about the challenges in the aftermath of a disaster as unprecedented as that caused by Hurricane Katrina. I will participate in workshops with officials and affected communities in New Orleans on how to find durable solutions for victims of displacement caused by this and other natural disasters.

This is the first of a series of working visits planned for this year which will take me also to Central America, to the southern part of Africa and, hopefully, Southeast Asia. All these visits are aimed at better understanding on how a human rights framework would help to better deal with the particular challenges caused by natural disasters and how human rights standards can provide principled guidance to finding solutions for those in displacement.

In doing this, I'm not coming with empty hands. The Guiding Principles on Internal Displacement that go back to 1998 and that have been unanimously recognized by the 2005 World Summit as, and I quote again, "an important international framework for the protection of internally displaced persons." These Guiding Principles reflect and are based upon binding international human rights guarantees, and they spell out the guarantees protecting displaced persons during all phases of displacement: pre-displacement, during displacement and at the time when solutions become possible. Here, of course, you are talking about return or if people wish integration in another part of the country.

I have with me, and you'll find them outside on the table, the Operational Guidelines on Human Rights in Situations of Natural Disasters, guidelines I developed with the support of the Brookings-Bern Project, guidelines that have been adopted by humanitarian agencies of

the United Nations as a tool for ensuring that disaster relief and reconstruction efforts are conducted within a framework that protects and furthers human rights. Brookings will publish, in a few weeks time, a field manual facilitating the use of these operational guidelines. They are right now in print.

Finally, we have developed in cooperation with Georgetown University a framework for durable solutions, also available outside on the table, which sets out the tschotchkian process as well as the material conditions necessary to end displacement.

Let me conclude. In the context of finding durable solutions for persons displaced by natural disasters, there are some key principles. I think the following key principles are of particular importance and no doubt we will discuss about them in the course of this panel:

First, the right of the displaced to freely choose whether they want to return, to integrate at the location they were displaced to or start a new life in another part of the country. Of course, a real free choice, a real choice is only possible if and when return becomes possible.

Second, what is important is the right of the displaced to be informed and to be consulted about their future, about the options available when we are talking about finding durable solutions for them.

And, third, what is important is the fact that the primary

responsibility lies with authorities to create conditions that allow for returning dignity, that create conditions allowing the returnees to have access to have adequate housing, to have access to services such as health and education, and to have access to gainful employment or other means of livelihoods.

I'm looking forward to discuss the applicability and the pertinence and relevance of these key principles to our context.

It is my hope that these standards and tools that have been and are being used in other parts of the world today, that these standards and tools will help to protect the victims of natural disasters and their human rights all over the world but also in this country.

Thank you very much. I'm looking forward to your questions and comments.

MS. FERRIS: Thank you.

(Applause)

MS. FERRIS: Thank you very much, Walter.

We'll now turn to Chris Kromm to highlight the study that you've recently carried out in collaboration with Sue Sturgis. Please, Chris.

MR. KROMM: Good morning.

As Elizabeth said, I'm Chris Kromm. I'm Executive Director of the Institute for Southern Studies which is a nonpartisan research and

education center based on North Carolina.

I thank the Brookings Institution for hosting this event, a very important and relevant issue especially to those of us living in the southern United States and especially since 2005 when Hurricane Katrina came crashing into the Gulf Coast.

Elizabeth said this week the Institute is releasing what I believe is the most in-depth report to date on Hurricane Katrina and how it relates to international principles for protecting the rights of those displaced by natural disasters, specifically the U.N. Guiding Principles on Internal Displacement. If you haven't picked up a copy, I think there's a bunch on the table in the back.

For the Institute, this report comes after two years of closely monitoring the recovery and the aftermath of Katrina. Since Katrina struck, we've led 12 fact-finding missions to the Gulf Coast. We've interviewed hundreds of Gulf Coast leaders and residents, analyzed reams of data. We've released four major reports already on the status of the recovery.

Without a doubt, the most important finding of this report that we're releasing this week is this: That even though it's been over two years now since Hurricane Katrina struck, the critical issue about what questions and lessons that Katrina raises about U.S. policy in international human rights

is far from an academic exercise. It's an urgent issue and one that, if taken seriously and truly translated into policy, could literally change the lives of hundreds of thousands of people, especially in the affected area in the Gulf Coast.

Why is this true? Well, it's true for two reasons. A first is the fact because in many ways, for many people, the Katrina tragedy never ended. Clearly, Katrina doesn't make the headlines like it used to, but that doesn't mean that all is well in the Gulf Coast.

This week, Mr. Kalin and others will be going to New Orleans and Houston and Mississippi to talk to people firsthand about what's affecting people today. What we already do know, though, is that tens of thousands of people remain displaced from Hurricane Katrina, either scattered across the country or even living close by in the Gulf Coast, in the temporary FEMA trailers or living with family or, increasingly, on the streets. The homelessness has doubled in New Orleans since Katrina struck. So, clearly, displacement is still an alive and burning issue for people in the Gulf Coast.

But, second, and one of the most important but least discussed issues of why the Guiding Principles are so relevant today, is that a good chunk of the Guiding Principles actually relate to how we can prevent displacement from happening. So, the lessons of Katrina and the lessons

of the Guiding Principles relate to how we can prevent another disaster turning into another tragedy, and that's what we look at when we get into the recommendations of the report.

Like a lot of people, my first window to the Katrina tragedy was watching Anderson Cooper on CNN when he came into his own. You'll remember one of the first major issues that came up on CNN and for other media was what to call the people who had been uprooted by the storms, right? It wasn't really surprising that the media was ill-equipped to find the right language. Among the many firsts of Katrina was the fact that it precipitated one of the largest displacements in U.S. history ever, an estimated about 1.3 million people in the immediate aftermath of the storms.

So, the media was clearly struggling for vocabulary to describe this, and one of the most common words you first heard, right, was refugees, that the people displaced were refugees. The Associated Press was like many media outlets when they said that Katrina led to an unprecedented refugee crisis, and you heard it again and again in the media.

But, as civil rights leaders and others quickly pointed out, refugee is a word to use for people who cross international borders, right, and to use that word was almost to suggest that these are people outside of the United States who did not enjoy United States' rights, our country's rights.

Another term that was widely used was evacuee, but that also had a couple problems, most notably the fact that many Katrina victims weren't evacuated. You'd have to be an evacuee to have that term apply as evidenced by the people and families stranded on rooftops and people in the New Orleans convention center, but it's also a term that's not recognized for any policy way in the national or international law. So it really didn't help guide how we responded to that disaster.

What was the most appropriate word to use? To do that would be to turn to these Guiding Principles and realize these were internally displaced persons. In the course of working on this report, another key finding, which we don't mention in the recommendations, is just how little is known about these Guiding Principles and how few people actually turned to these and looked to them as a way of analyzing, as a framework for understanding Katrina even though, in many ways, they provide the most comprehensive framework for understanding something like Katrina that we have available.

In a sense, this lack of public debate and public understanding about the Guiding Principles is a bit surprising given the fact that our government has embraced these Guiding Principles. As recently as 2004, the current administration specifically called for "wider international recognition of the U.N. Guiding Principles on Internal Displacement as

useful framework for dealing with internal displacement.”

What our study finds is perhaps what is really needed is wider domestic recognition in the United States about the Guiding Principles and how useful they can become in crafting new policy that can prevent the next kind of Katrina.

So, again, how are the U.N. Guiding Principles relevant? I brought up our images that we saw when we first saw Katrina because I think to many people, the 30 U.N. Guiding Principles, what we first think of is the middle portion of the Guiding Principles which is how people are treated during displacement, and so the shocking images that we saw about people who were stranded and displaced and left behind clearly get to having an adequate disaster preparedness response which is a clear need for policy to address.

But just as I quickly highlight a couple other findings of this report, what I want to focus on first of all and the ones that I don't think have been looked at widely enough, especially in the U.S. policy debate, are, first, how we can prevent future displacement from natural disasters and also how we can provide for those who are still displaced.

Protection from displacement: The Guiding Principles clearly state that federal government, officials at the highest level of government are responsible for preventing and avoiding conditions that might lead to

displacement of persons and for taking all measures possible to minimize displacement and its adverse effects.

There are some very clear ways that this relates to Hurricane Katrina. As we document in the report and show elsewhere, there are ways all down the line at every level of government that there were not adequate ways to prevent that massive displacement that happened, but the clearest example is the storm defense system that was created that was supposed to protect the people of new Orleans.

Most of the damage, as we know, came from the flooding, that 80 percent of the city was underwater from an inadequate federally-run, federally-operated storm defense system of levees by the Army Corps of Engineers. The fact that because of budget cuts, at least seven construction projects of those levees were delayed and the fact that from 2001 to 2005 the Army Corps cut those New Orleans projects by 44 percent, those all directly speak to if our U.S. policy more closely adhered to the Guiding Principles, we could have avoided much of the devastation that came from Hurricane Katrina.

Another example, which came up in the report from talking to a lot of local leaders in the Gulf Coast, was also the issue of coastal protection. Coastal wetlands have been disappearing at the alarming rate of 25 to 35 square miles a year along the Louisiana coast, and that's one of the best

buffers against future storms. There is hard science about how that's one of the best buffers that people on the coast have against a storm turning into a tragedy like Katrina.

Again, that was another case where the funding was \$50 million a year for protection and remediation of those coastal lands, when most experts predicted a conservative estimate would be about \$14 billion is what's needed to really make that a storm defense. So, again, if there had been policy in place that more closely adhered to what is needed to protect from displacement, that gives us guidance as we move towards the future.

The second piece is clearly what we're living with now with the people who are still displaced by Hurricane Katrina. Again, one of the most interesting things from our report was how it's so difficult to find good numbers, to find an exact figure about how many people are displaced and where exactly are they living, how many people exactly are in the temporary FEMA trailers, how many people are still living with their families off the Mississippi coast.

There isn't an adequate tracking mechanism, and I think that's one of the first things that needs to happen if we're going to have a good net response policy in protecting the rights of internally displaced persons is actually have the information available. The discrepancy, for example,

between Louisiana and Mississippi alone in terms of how they're tracking that is so striking. If you don't have the tools and you don't have the information, there's really no way you can adequately provide for those who are internally displaced, and that really does get to national disaster law and having that in place that we will track the information, we will know where these people are to make sure that they are protected.

But, clearly, the other issue is we know that the Guiding Principles clearly set forth that people will have that right of return or to reintegration to their habitual residence as quickly as possible and most striking, as Walter said, that also people will have a say. As much as possible, people will have participation in the decisions affecting how they get back to the place of their habitual residence. Clearly, this has been one of the most striking as we look at the current situation and why this is such an important issue right now, not just looking back two and half years.

When you do look back two and a half years, you have the issues of people not being notified when their homes were being demolished or kind of an uncoordinated, disjointed planning and rebuilding process that nobody quite knew what was happening. There wasn't a lot of public information about it, the fact that there weren't efforts to provide for displaced voters in the wake of the storms to have a participation in the decisions and mayoral elections that were happening in New Orleans, the

documented failures of the Road Home Program or the lack of assistance to renters to get back.

Then, clearly, these issues, these crises are constantly bubbling under the surface. This one erupted in December: the demolition of public housing, almost 5,000 units, when there is still clearly a homelessness problem and people wanting to get back to the city, with no provisions for affordable housing so that people can get back.

So, clearly, there was a series of ways in which not only did there seem to be a failure to adhere to the Guiding Principles about that right of return but also to involve the people and to make an effort to outreach to people to involve them in that process.

Also, just one overriding concern is that the Guiding Principles spell out that it's especially about vulnerable populations and they, time and time again, talk about women and children and families, the elderly, indigenous people, indigenous leaders. We talked of homogenization, talking about land loss being a human rights issue on the Louisiana Gulf Coast. That, particularly, is another area which I think the Guiding Principles provide a very good framework as we move forward.

So I think the key finding of the report is that this isn't looking back necessarily, although it is important that we remember what happened and how human rights weren't adhered to, protecting human rights, when

the storm hit, but really the live issues today about preventing displacement and providing for those who are still displaced and the fact that the Guiding Principles are one of the best frameworks. It's very important that we bring this to greater attention in the United States, to policymakers, in the media, that it's something that can guide our country to ensure that the next storm or calamity or disaster doesn't become another Katrina tragedy.

(Applause)

MS. FERRIS: Thank you very much, Chris.

We'll now turn to Monique from New Orleans, Co-Director of Advocates for Environmental Human Rights.

MS. HARDEN: Thanks, Beth.

As Co-Director of Advocates for Environmental Human Rights, I'm also a Co-Founder with Natalie Walker, and we founded this public interest law firm to protect and defend the human right to a healthy environment, recognizing the fact that in Louisiana and around the United States, there's an issue of displacement occurring in African American communities and other communities of color because of the way in which our government poorly protects their environment and the safety of their communities.

Since Hurricane Katrina, we've expanded our human rights focus to

the right to return and the U.N. Guiding Principles on Internal Displacement being implemented as a solution for the recovery that we and so many of our friends, neighbors and millions of residents have been demanding since the hurricane and since the displacement.

What is being called recovery in the media is actually a federal governmental action that create extreme racial inequalities in the Gulf Region, and I want to lay out some particular examples in the City of New Orleans where I've been living for 30 years, where I grew up, and it's my home. It's a city that I love.

As Chris was laying out, there's an issue and there's a real problem with flood protection and getting it adequately funded. But to the extent that the Army Corps of Engineers has been funded to carry out repairs and upgrades to breached levees and flood walls after Hurricane Katrina, they've only been able to perform it in predominantly white neighborhoods in the Greater New Orleans area since the hurricane.

In particular, the neighborhoods of Lakeview and Old Metairie now have, because of the Corps' upgrades and repairs after the storm, five and a half feet of reduced floodwaters should another Katrina or a storm surge similar to that event occur in the future. The African American neighborhood of Gentilly now has six inches of flood reduction. My area has a foot and a half. The Lower 9th Ward, which has been present in the

media quite a bit, has about a foot and a half to two feet. So we have this major racial inequality that starts with flood protection, and it goes into housing, healthcare and education.

Particularly, as it relates to housing, 60 percent of the population of New Orleans pre-storm were renters and predominantly African American. Since the storm, rental rates have skyrocketed without any governmental intervention for rent stabilization in order to allow people to come back to their communities and without any efforts or incentives to create affordable housing. So we have 12,000 people who are now homeless, and that's not counting people who are living two families to a home in order to try to find a way to come back to their cities.

If you go to New Orleans at night, you can go to the bridges and you will see massive amounts of people who are sleeping in the streets. We never had that before the storm. We have it now. We had a recent freeze where two people died because of exposure to the cold. So this is just a tremendous situation that's happening, but the media and for people outside, you all think that recovery is happening. Instead of recovery, we actually have a crisis.

Notwithstanding that crisis, we have really great examples or, I should say, exceptions where people have been able to stand in the gap that our government has created by not taking the adequate and

responsible action to prevent the effects of the hurricane from the breached levees, the really inhumane way in which they evacuated people from the city and surrounding areas, and the way in which they're now pushing forward a recovery agenda that's really a privatization scheme, and that has been well documented weeks after the storm, that this is how the Bush Administration is going to conduct recovery for the Gulf Region.

What that means for people in New Orleans and the Gulf Region is that our claim to come back is being denied. Our right to come back is being denied.

I think, as a lawyer, one of the things that was important for us to understand is what are the rules in place for this tremendous tragedy that we're trying to struggle to overcome. The rule is the Stafford Act. It's the federal law on disasters and emergency response. So, once you have a declared national disaster, this law applies not for just Louisiana or Mississippi or Alabama but for the entire United States.

This law is only as good as your President is because it places all actions, all federal response at the discretion of the President. This law has been in force since 1974. We've never had complaints about the Stafford Act until now. We've really never had complaints about FEMA until now. That's because of the discretion and the wide latitude that this law affords the Bush Administration in how it's conducting this privatization

of our communities in the Gulf Region.

At the same time, what's ironic is that a year before Hurricane Katrina, the Bush Administration, through the State Department's Agency for International Development, issued a policy that mirrors the U.N. Guiding Principles on Internal Displacement, laying out that the U.S. Government's commitment is to apply these Guiding Principles in cases around the world outside of the U.S. where people are displaced, uprooted from their communities because of a natural or manmade disaster.

What we're having is something that's diametrically opposed to the Guiding Principles, and people are suffering as a result. We've had children who have been turned away from schools because of the lack of classrooms. We're having preventable deaths because of the lack of healthcare facilities and medical professionals in the city. These are extreme problems that are human rights problems.

On December 20th, when the issue of public housing was before our local city council, people were shouting housing is a human right on the other side of gates that had been locked to deny a resident, including myself, the opportunity to come and comment on whether or not public housing developments should be demolished. Five thousand families would be affected by that demolition without a place to call home.

We understand that this is a human right, to come back home. We

understand that in order to achieve this human right, we really need to work together throughout this country, understanding that the way the law works, no one is guaranteed. No one has the right to recover. No one has the right to come home. Instead, you're subjected to whatever administration that may happen to be in office, and that's not right.

We are really happy to have Walter Kalin enthusiastically agree to come to the United States and visit displaced residents from the Gulf Region who are now in Houston, to come to New Orleans and parts of coastal Mississippi to hear firsthand from residents, what their experiences have been since the hurricane as well as to provide resources and information that will allow us to have more tools and develop our capacity to demand our human rights to recover and to return home. In addition, Mr. Kalin will also be training our local officials about these durable solutions that focus on human rights, recovery after a disaster and prevention of disasters in the future.

We see this as an opportunity that can open the door to what it means to protect people who suffer from disasters, to protect people who are uprooted from their communities following a storm at the magnitude that we had with Hurricanes Katrina and Rita. Also, we're looking forward to this visit, and we're glad that you all are here to engage with us and discuss further how we can protect the human rights of people who are

displaced after disaster.

(Applause)

MS. FERRIS: Thank you very much.

We'll turn now to Linda Poteat from InterAction, Director of Disaster Response, to talk about how disaster risks can be reduced.

MS. POTEAT: Thanks very much, Beth, and I'll try to be brief because I know you all have a lot of questions for Chris on the report that's just come out.

Just a brief word on InterAction for those of you who don't know, we're an alliance of U.S.-based NGOs that are active in relief and development overseas. Most of the non-governmental organizations and the charity organizations that you see responding to refugee crises and natural disasters overseas are part of our membership, and we work hard on trying to figure out better ways to approach the programming that we do at the field level.

On of the things that we've worked on quite a lot over the last few years is utilizing a rights-based approach to the kind of programming that we do, recognizing that individuals and communities are extremely important and that their rights need to be respected as we program for them, as we assist them when they're in particularly vulnerable situations.

Part of the programming that we've been focusing on particularly of

late is disaster risk reduction, looking at mitigation and emergency preparedness. We have noticed that there's a bit of an uptick in natural disasters globally, and the prediction is that those will grow significantly over the next 10 to 20 years. So, as part of that, we're trying to make sure that our members are prepared, and our members are trying to ensure that the communities that they work with are also prepared.

We know very well which communities are at risk for a variety of natural disasters. Our experts have been tracking this for several years, and so there are very clear maps that show who's at risk for hydro-ecological risks, who's at risk for volcanic eruptions, earthquakes, landslides and hurricanes in the case of Katrina. So what we're doing is working with the communities that we would normally be programming with anyway on raising awareness of these risks -- most of them are certainly acutely aware of the risks already -- but also raising their awareness of their ability to reduce or mitigate these risks through programming that they can do at the community level.

We use the Hyogo Framework as a guide. For those of you who aren't familiar with the Hyogo Framework, it came out of the World Conference for Disaster Reduction in January, 2005, and it set out five priorities for looking at disaster risk reduction from 2005 to 2015.

So the first of those priorities is ensuring the disaster risk reduction

is a national and local priority with strong institutional basis for implementation. For most of our NGOs, we're working at the community level, so we've been working with local authorities mainly. A lot of our members are working with these local authorities, helping them to develop evacuation plans for their communities, looking at innovative ways of making sure that the communities are aware of the options that are out there for them.

The second priority is to identify, assess and monitor disaster risks and to enhance early warning. There are a group of people who are focusing on early warning and early action, again mapping out the risks and ensuring that there's attention being paid to those particular areas. We've also noticed that our traditional donors are actually starting to apportion more funding to look at disaster risk reduction. Again, there's a cost-benefit analysis to preparing for a disaster rather than responding to it afterwards.

The third priority is using knowledge, innovation and education to build a culture of safety and resilience at all levels, and this is a really important one. Our partners have been working very closely with the ministries of education at the local level to ensure that risk reduction and emergency preparedness are included in school curricula, that they do drills, that children know what they're supposed to do in case of an

emergency and in case they're separated from their family at the time of a national disaster.

There are also a lot of really innovative ideas that communities have come up with on their own to ensure that people know what they're supposed to do in a time of a disaster. In certain communities in Indonesia, they've actually printed tea towels or handkerchiefs with maps, with evacuation maps on them that everybody has, something that is a useful thing you carry with you but it also reminds you continually how it is that you need to move if you should, of course, need to move.

Another priority is reducing underlying risk factors, and this is another thing that we work quite hard. So, looking at coastal management, there are certain areas where mangrove swamps have been destroyed over time, looking at replanting those; looking at building small water breaks around coastal villages; also for communities that are at particular risk for flooding and flash flooding, to build drainage canals and reinforce them so that when the rains come, that it's channeled in a particular area and not through town.

The fifth priority is strengthening disaster preparedness for effective response at all levels, so again, making sure the community leaders have a plan and that that plan is filtering up to the regional and the national levels.

One of the things that's extremely important for the beneficiaries, the populations that we work with is information. Information is power. We all know that. We've had examples of communities who, after the tsunami, have put together evacuation plans and evacuation drills. As a result, when they had an earthquake not long afterwards, they had all already done the drill. They knew where they were supposed to go and what they were supposed to do.

Interviews with those folks later indicated that because they knew what they were supposed to do, they felt more prepared for it in the face of that disaster and then, as a result, were able to get back to normal life much more quickly as a result because they knew where they were supposed to go and they knew where all the stocks were. That psychological preparation allowed them to get back to normal a lot more quickly.

I wanted to add just a few notes on housing issues because this is certainly something that we experienced in the post-tsunami where certain countries had areas that people had been displaced from, most of them subsistence fisher folk, the governments then tried to turn into buffer zones, which actually most people assumed would then have very nice hotels built on them. So the humanitarian community as well as the local community balked at that certainly and put up quite a fuss and actually

managed to get most of that reversed. There's a real power in ensuring that people know what their rights and that there is an ability to stand up against something like that.

So, thanks very much.

(Applause)

MS. FERRIS: Well, thank you, Linda.

We'll now turn to Ajamu Baraka to tell us whatever you'd like to say from your perspective as a human rights advocate.

MR. BARAKA: Thank you. I know we want to get into the conversation pretty quickly, so I will keep my remarks fairly brief.

As was said earlier, I'm the Director of the U.S. Human Rights Network, a network of now more than 250 human rights and social change organizations committed to ending U.S. exceptionalism. That is committed to applying international human rights standards to the U.S.

So often we think about human rights and the human rights standards and human rights issues as something that is some place out there and out there in the global south or somewhere. We don't think about the situations we face here in this country as having any kind of human rights implications, but many of us who have been involved in this work for decades recognize that that's a contradiction. There has to be one standard for all nations, and the human rights framework provides the

principles and values that are applicable to the U.S.

With Hurricane Katrina, which many of us see as one of the most egregious ongoing human rights crises in this country perhaps in a hundred years, we recognize we had an opportunity in this crisis, an opportunity to further expose the American people to the human rights framework. We recognized very clearly and very soon in that crisis the applicability of the U.N. Guiding Principles, and we saw the Guiding Principles as important in and of themselves in terms of exposing people to the Guiding Principles. But we saw it also as an opportunity, an entry point for engaging in a discussion around the entire human rights framework including economic, social and cultural rights, and that's exactly what we did from the very beginning.

One quick corrective, though, when we talk about Katrina, is that it's not so much a natural disaster than the consequence of a human-made disaster. When you look at the facts, when you look at this fantastic report that Chris and the Institute put in place, you see that basically much of the non-property damages of Katrina and Rita could have been prevented, that the failure to provide protection to the people of New Orleans is fairly put right at the foot of the national authorities, that the people who lost their lives as a consequence of the failure to have an adequate levee system and the inability or the failure of the local government and state

government to provide a means for people to evacuate from New Orleans. These are all governmental responsibilities that we put at the foot of the national, state and local governments.

So it means that basically much of the loss of the life and all of the suffering that took place could have been prevented if people had been guided by the kinds of values and principles that are contained within the human rights framework if it was clear what the obligations and responsibilities were for these various levels of government. Let's be clear about that. What we're talking about, basically, is a human-made disaster which makes it even more obvious the responsibility of the state, the government to engage in remedial or corrective action.

If it's clear that the response, the result of what happened with Katrina is at the foot of government, then it should be obvious that the government has an obligation to correct. You can't just take people and disperse them across the country, provide them some temporary assistance and then wipe your hands of the situation and tell people they have to fend for themselves.

So our responsibility has human rights activists is to have to be always the skunk at the party. We have to remind people constantly, even though we are already recognizing and seeing Katrina fatigue, as some people refer to it, that two years after this human-made disaster we still

have a few hundred thousand people displaced. We have thousands of people who are still living in trailers. We have thousands of people who are still suffering the traumatic results of Katrina.

Kids who have never received any kind of counseling, who are stigmatized in their schools as Katrina evacuees, if you will. Teachers who didn't understand what these young people have gone through, who have been disconnected from their social networks, disconnected from their communities, who were then acting out in class. Therefore, the teachers responded by doing what? Expelling the students. Many of these kids ended up in juvenile justice systems in Louisiana and in Texas and in Alabama. We have these ongoing issues.

As Monique talked about, just in December, they have elected to eliminate over 4,000 units of public housing, housing that in most cases is still in good enough condition to be lived in. Basically, the government has used this as an opportunity to eliminate the public housing stock in order that the people, who should have a right to return, cannot return back to New Orleans. So we have these ongoing decisions by various components of government that continue to exacerbate the human rights crisis coming out of Katrina. We have to remind people of that constantly.

What we have to do also, and we'll end here, is to put in place a process in which we won't repeat Katrina and Rita. Right now, there's no

national policies or laws that can protect people if they happen to be displaced as a consequence of a natural disaster or a human-made disaster.

There's nothing in place that will protect you that if you were displaced and you have a mortgage on your home, that there would be some mechanism by which you'd be protected, that you wouldn't end up like many homeowners who get some relief from their mortgage companies for a couple of months but then basically that was eliminated and they ended up losing their homes.

If there was some kind of mechanism to address non-property owners who are the majority of people who became displaced, then if you are displaced, there would be some mechanism in place to protect you, to allow you to come home, to allow you to recoup your property that you lost. There are no real protections for non-property owners, for renters who are displaced.

We need some type of legislation in place to protect people because it's going to happen again. So we're going to advocate and have been advocating for some kind of national resolution by the national Congress to compel FEMA to bring us policies in line with the U.N. Guiding Principles. We also are going to be advocating for the construction of some kind of national legislation that will provide the kinds

of protections that everyone needs in order to avoid this kind of crisis in the future.

We want to continue to organize and to advocate, to educate national human rights institutions, the general public on these Guiding Principles and the human rights framework in general, so that we can create the kind of human rights culture, the kind of respect and commitment to human rights principles that will make sure that we never have a repeat of this kind of situation again in this country.

Thank you.

(Applause)

MS. FERRIS: Thank you, Ajamu, and to all of our panelists for saying very many provocative things.

I'm sure that you all have questions. We have about half an hour. Right here in the back with the microphone, if you could identify yourself, please.

QUESTIONER: Yes, my name is Mary Mullen. I was wondering what happened. We read in the paper about all the money that was lost. Did they ever find out what happened to the money that had disappeared?

Also, I was wondering if Monique would elaborate on what she said was a private business scheme. Thanks.

MS. FERRIS: Do you want to talk about the money and then the

privatization?

MR. KROMM: The money, that's one thing the Institute looked at real closely in a previous report we did on the two-year anniversary of Katrina. A couple of important things to understand were, first of all, that most of that money was not for long-term recovery and only about less than a third of the money that was spent.

There was this figure that was put out. About \$117 billion is one of the biggest numbers that was used, that was spent on Katrina, and that number got repeated. But what's important to realize is the actual total number is a little less than that, and only about 30 percent of that was actually for long-term recovery needs. So, most of that money went out the door pretty quickly for the emergency response. Whether or not that actually benefited people in need, there's a lot of testimony and documentation that it didn't but especially for that remaining money.

So there's about 30 percent that's left of that total figure. You end up with about \$35 billion that was for long-term recovery. What we also found is that only about half of that had actually been spent as of the two-year mark, had actually gone out the door. Even beyond that, the money that actually had been spent, a lot of it didn't get to the people in need, obviously.

So the issue that you're raising about that we hear about this

massive commitment, and clearly we all know on September 15th, President Bush stood in Jackson Square in New Orleans and said we'll stay as long as it takes and do whatever it takes for this recovery. Really, the issue is that most of that money didn't get to the people who needed it the most.

There's a real open question about where it ended up. We know that, for example, in the immediate first few months after the storms, about 22 percent of the FEMA budget went immediately to administrative costs. There were these real egregious cases of it not getting to people in need, but there's also for a lot of the other money, it's just kind of a question mark about where it is.

Since the two-year mark, and there was a lot of publicity I think in part because of our report about that issue, there was pressure to get more of it out the door.

I think the key issue also that Monique and others have raised is whether or not the money spent only makes sense if there's good policy about where it's going to end up. The fact that, for example, the Road Home Program was privatized in a way that meant so much was skimmed off the top and the amount that actually got to homeowners was so slow and so little, created a lot of the problem. The way that the systems were designed almost ensured that even the money that did get spent, so much

of it would never get to the people who needed it the most.

I hope that answered your question. It's a question not just of the amount of spending but also just the way the policy was developed.

MS. HARDEN: It's a privatization scheme in this way. If you look at the situation in housing that we have, public housing developments in New Orleans that received little or no damage from the hurricane or flood, very little, minor damage, were contracted to private developers for demolition and redevelopment into mixed income housing which would allow only 18 percent of pre-storm public housing residents into the mixed income developments.

We know from experience, good luck in that group of 18 percent actually getting in. So, we're spending \$35 million in federal tax dollars to award these contracts to developers to tear down housing, to put up housing for people with wealthier incomes.

What does that mean in terms of protecting the human right to housing? It's being denied, so with that the Guiding Principles and what that means for people being able to come back to places that they call home.

The other way in which we see privatization is the way in which federal funding, again, through the same Department of Housing and Urban Development called by the Orwellian name, the Road Home

Program. The way that was set up for a maximum cap of \$150,000 to homeowners who sustained damage from the storm and then several criteria for which that \$150,000 cap could be reduced. Then there's a slow, non-transparent process in terms of how your application for this money is reviewed, evaluated and the actual amount that's offered for your grant award.

My postman who lives in New Orleans East received \$1,600, and he lost everything.

There are some people who filed applications. They were told to call back later, call back later, call back later. It's now after the deadline of submitting applications. They're told their applications were lost.

And so, creates this incentive, with very little money and this torturous process to apply to sell your property. It would be much easier to sell your property than to get \$1,600 that you can't do anything with or to try to figure out this process of trying to get this compensation or this grant that substitutes for compensation for your loss.

We also see privatization in the way in which what should be governmental management of post-Katrina affairs are now being put in the hands of consultants who have no accountability. So the Road Home is managed by the ICF Corporation which when they received this lucrative contract, they went public on the New York Stock Exchange. Then we

find out that executive bonuses and luxurious travel accommodations, all of those things are off the top. Again, the example of the postman, \$1,600, lost his home and everything is the kind of work that they've performed in the State of Louisiana.

Just recently, our city government issued what they call a fluid contract of \$6 million for a firm to oversee development by other companies which should be at the very least something that should be happening within our city offices. That's a huge problem.

Then we also see that losing your way to come back, losing that path to come back is also affecting voting rights and public participation because with regards to having private consulting firms doing governmental management, there's no accountability to voters.

In addition to that, 90,000 voters are now being purged off the registry, and these are people who are displaced, who are trying to sort things out as best they can with very little support, who now they're losing their right to vote in elections that affect what happens to their future and their communities.

MS. FERRIS: Thank you.

Other questions? Yes, please.

QUESTIONER: Victoria Salenus. I worked with the Gulf Coast Recovery Office for a long time in Louisiana, and now I'm at the State

Department doing reconstruction and recovery.

I have a question for you all about how our democracy can really live up to that principle that you mentioned of the highest authority being responsible for making sure that IDPs are taken care of after a disaster. Before you answer, I just want to illustrate, give a couple of examples of the difficulties at least I saw in actually having that happen because government is local, it's state, it's federal, and they don't always agree on everything.

So, for instance, you were saying that in New Orleans, one of the things you saw is the city is outsourcing so much management of the recovery to other people. For a while there, their planning department was the most understaffed planning department practically in any city. They had a couple staff people, and they weren't hiring more people.

So, at that local level, you saw not a lot of focus being put on that long-term recovery. I remember being at meetings where we were with non-profits that were working across Texas and Louisiana to really help people come back, but the city wouldn't have its staff show up at those meetings.

I worked on trying to get us an IDP advisor for FEMA because there was a lot you couldn't do with certain types of money to help bring people back, but the state has to say yes, we want to do this program and we're

willing to pay 25 percent of the cost. But for a really, really long time, longer than any of us in this room probably would have liked to see happen, it took forever to get the state to engage. They finally started to, but it was at that state level where finally the position that we got created and got funded never got filled because we didn't have a partner to engage with at the state level; at the federal level, the same thing.

How do we go about using that human rights framework?

If it's a top-down thing from that federal level, even if President Bush had said: We are going to do everything by the books and we're going to tell you, Louisiana and Mississippi and Alabama and Texas. We're going to tell you how to do this human rights thing, how to make sure that you're doing your recovery right. How would that have truly been taken in an area of our country that has a history of social inequality and injustice?

I mean so many times I would hear people say: We know what our problem is, that there are these social problems, but we can't call them out. We can't say that this is the problem because it's just not the correct discourse to move things forward.

So I'm just curious. With your vast experience and knowledge, since government isn't just government, how do we really honor that responsibility of up on high to bring down the protection of human rights after a disaster?

MS. FERRIS: Thank you. Anybody like to respond?

MR. BARAKA: Could I take just a piece of that because what I heard was two aspects? One was sort of the technical challenges, how to come out of Katrina in terms of staffing of various agencies and departments within the various levels of government, but the other one was a more philosophical one that I would like to maybe speak to which is the connection between democracy and human rights.

I believe, and I'm going to be idealistic for a moment, that one cannot have a fully functioning democracy without human rights. They are interconnected. If you have a fully developed democracy, the people themselves are the ones that are empowered to make those critical decisions. If there's a commitment to that, you can create the structures to ensure that there is accountability.

So, for us, the issue of democracy and human rights are joined and government, theoretically, is supposed to be an expression of the people, the organized people themselves.

There are ways in which, even in the Katrina situation, where we could have had democratic structures in place that would ensure real effective participation on the part of people who were displaced and participation in the major decisions that were affecting their lives. As it unfolded, that didn't happen. Basically, you did have various levels of

government that were making decisions with no input from the people who were being affected, and the consequence of that has been now, two years out, we still have this ongoing crisis.

It's a struggle, but I think it's a very necessary struggle to advocate on behalf of developing structures for the effective participation where there's transparency and real accountability. I think it's the task of those of us who believe in the applicability of the human rights ideal.

MS. FERRIS: Monique, any input?

MS. HARDEN: I think another piece to that is accountability. So we can add your story to countless others and see that it all falls down and it all comes to the lack of accountability. By what standard do you hold the state, the city or the federal government accountable?

We've got a law that says whatever the President wants to do is fine with us, and individuals who are harmed or affected don't have a right to demand anything. If the President doesn't want to respond, he doesn't have to. If he wants to respond, there's complete immunity in terms of exercising legal rights through courts or the judicial system.

The Stafford Act even says what they call essential assistance such emergency medical care. The tree fell on my car and I have a huge brain injury. Well, it's still discretionary. We may help you; we may not help you. You don't have any right to demand anything.

I think by talking about the implementation of these human rights standards, part of that requires accountability. If I could just give a quick example, back in 2006, FEMA began announcing that it would renege on promises made to residents who were displaced, who were receiving temporary rental assistance by pushing forward the expiration date of the assistance. There were lawsuits brought by ACORN against FEMA. The judges couldn't have been more sympathetic to the plaintiffs in those lawsuits, but they understood that their hands were tied, that FEMA could do this.

They were able to win because FEMA overstepped its bounds within the Stafford Act by violating constitutional rights to due process in how they made the decisions and how they notified people who received the assistance. It was in an arbitrary, capricious manner without real clarity about, well, is this really my notice or is it your notice and my qualifications and eligibility, how that has actually been evaluated. So on those grounds that there was a due process constitutional violation, FEMA was stopped from moving forward because of the process that they had, but the fact that they could do it was legal.

I think if we're talking about a real concerted effort to implement these human rights standards, the Guiding Principles on Internal Displacement which are all grounded in fundamental human rights, it has

to have a public accountability mechanism to it. Yes, we want to make sure that people are advised of their rights, that people are equipped and have the capacity from responsive authorities to implement as best they can, but there should be that backstop of accountability.

I think that if we had that, we wouldn't be in this situation. It's been this kind of nightmarish scenario where you see one crazy decision after another that doesn't seem to have much rhyme or reason to it, although there's always someone who's going to profit from it, right, but you can't really do much about it. That is extremely frustrating.

MS. FERRIS: Chris and then Walter.

MR. KROMM: Yes, I'll just speak briefly to this because I think this really does get at the heart of one of the issues that came up in the report, and it's really looking at the documentary record about what happened in the federal response in the aftermath of Katrina.

Two interesting things going on: One was that the federal government did take some very clear and decisive action on several issues. You saw that with HUD stepping in with the decision on housing; EPA kind of making a decision about what they were going to do, kind of ignoring their own evidence in a way about widespread toxic contamination in that they weren't going to respond to evidence of elevated levels of heavy metals and issues like that; decisions about the

school system and how that was going to be carried out; the decision about the Stafford Act, the matching requirement about 10 percent, how that really held up hundreds of projects because the local officials couldn't find those matching funds. So, clearly, the federal government stepped in and made some very clear decisions.

But, then on the other hand, there was kind of what some people called a trickle-down recovery where money was allocated but it was given to a lot of contractors and again this issue about where did this money go. Right now, there's at least over \$10 billion worth of contracts, from our research and from that of others, that are in question about what happened to that money. It was lack of a system where there wasn't accountability. It's like checks were written, but there wasn't an attempt to follow up. It was put in private hands, kind of an unaccountable mechanism.

So you had these dual things, fast-acting in some ways but in other ways just kind of writing the check and stepping back.

The planning process, I actually think is a great example, completely under-funded, no effort really to get more money there, and that's why the Rockefeller Foundation had to step in with \$20 million to help get that thing going. We went to several of those meetings, and it was just clear, very under-resourced, right.

But I think that's why the Guiding Principles are so important because they really say at the end of the day, this does go to the federal level, about that is the only entity that really has the resources and the coordination necessary, that a lot of the decisions and implementation clearly will happen at the state and local level, but really what it comes down to is that's where there has to be. Congress and the President, if they're going to write the check, they have to have the mechanism in place to follow the money and make sure it's getting to those in need.

So, again, that accountability has to go to the federal level, and I really feel that's one of the strongest lessons we can learn, coming out of this.

MS. FERRIS: Walter and then the gentleman in the back.

MR. KALIN: Very short, just to add a few aspects, first of all, you mentioned some of the problems, of course, have to do with the federal structure of this country, something I'm very familiar with from my own country. It's complex. But it means that because local authorities, state authorities, in the case of a large-scale disaster, it just would be too much for them. You have to be prepared for the federal level to come in a situation like that.

The second aspect, how to implement a rights-based approach: There are, of course, two ways. One is you can invoke these guarantees

in front of courts, and it's the courts implementing it. In your constitutional system, it's not really possible to invoke the international human rights standards, which is the case in many countries. So the only way to do it is really to implement these standards into national legislation, and that's what I'm advocating all over the world in terms of the Guiding Principles.

They are great, but if you're a local official what does it mean? You are bound by your own laws. If you're FEMA, then you have a law that says it's discretionary. So you even are not entitled to directly apply these standards. To work on the laws is very important.

Then the question comes, what is the best approach? Should it be discretionary, so we are flexible and we can do what is best according to the given circumstances? Or, should it really be a rights-based approach, meaning setting out very clear entitlements from the beginning on and structuring the whole legislation in a way that as an end result you would allow people to enjoy their rights? I think those are the two aspects of a rights-based approach.

My argument is a rights-based approach -- besides, of course, responding to the very idea of basic rights of all of us being human beings -- has also some very practical advantages. In a way, it's more efficient. You don't lose time negotiating who is doing what, do we need to do it or not. You might have disagreements about the interpretation of the law,

but still basically the rules are clear.

It's more predictable. The people know what they will be entitled to and what not. The same for authorities, they will know what they have to do, where they have to respond to demands and where not. If it's more predictable, then you also have more accountability.

So I think from that perspective, from a pragmatic perspective, it's a better way to handle large-scale disasters than to have a set of rules that are not clear, discretionary and then you have to in-fight between the different levels and the different agencies.

MS. FERRIS: Why don't we take several questions together then? I have the two gentlemen in the back and then Roberta and then here.

QUESTIONER: My name is Joseph Mariapola. I work for Relief International on the South Asia program. I would like to direct this question to Professor Kalin. I think he already covered a few of my questions in the last answer.

In what extent are the U.N. and yourself committed to push these principles and upholding the governments as to follow these principles?

For example, I want to point out on the issue of Sri Lanka which is facing a huge crisis on the IDPs. Of course, there are two ways of IDPs, one way of IDPs because of the civil war which is a whole different issue.

But I want to direct it regarding the tsunami which is a unique

situation than any other situation that the world has gone through, like Katrina was unique for the U.S. Whereas, it was well-responded, I think the previous Secretary-General being there, and there was a whole office for the tsunami and responding. But still, I worked in northern Sri Lanka and still am working there and the situation never changed.

As you point out, these studies and these principles were put forward for people to be advised. But if they're not acute to keep the government accountable, this is going to be another cycle of studies or the people are going to continually go through these kinds of activities without getting any benefit from this international organization. How is the international community committed to push the governments, push the authorities?

I know there are huge issues, but clearly the tsunami issue was totally different than the normal crises that the world faces. Thank you.

MS. FERRIS: Okay. Next, please.

QUESTIONER: Hi. John from the Machinists Union.

Right now, the race for the White House is extremely important, and people are watching. But one of the things that I noticed after Katrina was how important the position of cabinet is. I was wondering. Do you guys have any plans on screening potential FEMA candidates or DOL candidates?

I mean the cabinet positions are extremely important, and Katrina brought that home. I just wanted to hear your opinions on that.

MS. FERRIS: Thank you very much. Roberta?

QUESTIONER: Roberta Cohen, the Brookings Institution.

My question is a bit related to the one we just heard, but the first part is that U.S. officials are not always monolithic and I wonder if you have met anyone who is or any officials that are responsive to the Guiding Principles, interested in applying these standards at home or interested in a national policy. It's very difficult, as Walter Kalin points out, with the policies and laws that exist. Whether you see any bright spots and then whether any of the Presidential candidates have expressed any interest in the recommendations that you're making, particularly for national law and policy.

MS. FERRIS: Thank you. AI?

QUESTIONER: AI Milliken, Washington Independent Writers.

How much does Katrina fatigue have to do with racism and the legacy of slavery fatigue?

Right from the start, didn't it seem that compassionate or heroic conservatism just wasn't in play when it was so desperately needed with helping those who were more conveniently forgotten about then brought to the attention of the world.

MS. FERRIS: Thank you. Perhaps, the last question here in the back row.

QUESTIONER: Good morning. Thank you.

I would just like your thoughts. I'm Neda Asenn from Advancement Project, and I'm one of the counsel for displaced public housing residents in the lawsuit against the government for not reopening public housing. We included the Guiding Principles on Internally Displaced Persons in our lawsuit, and it was amongst the first claims to be dismissed by the judge.

Of course, we have the issue of U.S. courts not being particularly open or approachable to international law claims, but the additional barrier for these Guiding Principles is that, according to the judge and others in the legal community, the Guiding Principles are not actual international law. And so, my question is: Is there any possible chance for a resolution or some sort of promulgation of the Guiding Principles to actually be international law which would help us in terms of using it a tool in the courts?

Thanks.

MS. FERRIS: Thank you very much.

We have a number of questions. Who would like to begin?

MS. HARDEN: There are a couple that dealt with the Presidential candidates. Because of our legal research comparing the Stafford Act to

the U.N. Guiding Principles on Internal Displacement, we were able to present this research to Michelle Martin, who's with National Public Radio and was one of the people in last summer's Presidential debate that was televised on PBS to ask the question, would you support a federal law that adopted the U.N. Guiding Principles on Internal Displacement.

At that time, I think there were like 13 candidates in the race, an extreme number. I can't even remember who they all are now. The responses for every candidate showed that they had no idea what the U.N. Guiding Principles are.

Some candidates understand that, yes, I would support it. Yes, I would support people coming back home.

That was generally the case with the exception of one who said, well, our constitution ought to be enough. We don't need to go look to the United Nations for any help. That candidate is no longer in the race.

So, we know we've got a tremendous amount of work to do just on the education piece before you can even get to persuading and demanding national implementation as law.

But I think it's important to realize that I think the U.S. Government has been pretty successful in keeping this distance between the Bill of Rights, the Constitution, federal statutes and down the ladder, governmentally, from that of human rights standards because we've

always been able to show that as a practical effect, we are doing it. We're not having any major human rights violations. As a government, our government has been able to kind of excuse its failure to intentionally apply human rights standards on those grounds.

But the proof is in the pudding: Louisiana, Mississippi, Alabama. It ain't working. It's just not working. It makes it much more compelling, the need for the Guiding Principles and these human rights standards to be brought into effect in terms of our federal, state and local governance.

In response to Neda's question regarding guiding principles not being law, without going into the particulars of that case since this is being broadcast and all, I think it's important to realize that, number one, the Guiding Principles are derived from human rights laws that are the law of this land by treaty ratification. In particular, the United Nations Human Rights committee called on the U.S. Government to implement the U.N. Guiding Principles as a way of being in compliance with the International Covenant on Civil and Political Rights which was ratified here in the U.S.

It may have helped to combine the Guiding Principles with existing treaties that are part of our national legal system. I'm not saying that the result would have been any different, but it would have just given it some more support and reinforcement.

MS. FERRIS: Other reactions? Walter?

MR. KALIN: First, on the use of the Guiding Principles in the context of lawsuits, of course, I'm not kind of astonished that this was the first claim to be dismissed. Probably, I would have done the same thing because in fact the Guiding Principles as such are not a binding instrument on the states.

I think what they really are as a document, that the Guiding Principles are about highlighting very clearly what is place in binding legal standards, and that's the international human rights guarantees. So I usually tell people bringing lawsuits to courts, it's better to directly look at those standards that are behind the Guiding Principles.

The American Society of International Law has published my annotations to the Guiding Principles, a document that sets out exactly that hard law background. I'm presently in the process of preparing the second edition which will bring an update and should come out in April and I think again will be quite a useful tool.

However, in your context, of course, you have the problem that you can't invoke because, for instance, the covenant is not self-executing. It's not directly applicable. This makes it particularly difficult. In that situation, I think from the lawyer's perspective, the only thing you can do is to try to convince the government to construct the domestic law in light of these international standards. I think this would be an area where legal research

in the U.S. would be very, very useful to show how such an interpretation of relevant domestic standards in light of these international standards could be useful.

But, again, this has limitations. That's why, in general, I'm very much advocating the idea of incorporating the Guiding Principles into domestic laws not by just enacting a law, Article 1: The Guiding Principles are Applicable, but by really going through all the relevant laws and asking what do we need to change to amend so that they are in line with what the Guiding Principles provide for.

Again, we are in the process of finalizing a manual for law and policymakers that should come out in the second half of this year that will provide this kind of guidance. Even though I must say our approach was more on displacement by conflict, it's still useful especially when it comes to the economic, social, cultural rights. It's also fully applicable there to the context of natural disasters.

This leads me to your question on the role of the U.N. I think, first, we have to see there's already the notion of internally displaced persons indicates we have a real problem of sovereignty of countries in the sense of countries insisting very much that this is our internal matter because, unlike with refugees who become of international concern because they end up in another country, these people remain inside their own country.

This is a limiting factor in our work, not limiting our commitment but limiting what we can achieve.

Nevertheless, my strategy is to say we need at least three things to be in place to really improve the situation of the internally displaced persons. Sri Lanka, as I mentioned, I just visited Sri Lanka and had an opportunity to travel to many parts of country and to talk to many, many IDPs and really understand their situation.

What I say is, first, we need to work more on the good normative framework. There's no chance right now for a U.N. convention on internal displacement that would have a good standard because, again, some countries just really don't think that it's up to the international community to impose very specific rules. So my approach is to build consensus bottom-up.

If you really get states to adopt policies, laws that are in line with the Guiding Principles, where we have regional organizations, these regional organizations start to develop instruments for their own region. For instance, the Africans are doing that right now. They are drafting and negotiating an African convention, an African Union convention on internal displacement. My hope is that other regional organizations will follow. Then, at a certain time, we'll have enough of consensus worldwide that helps us to go beyond what we have.

But we already have a lot. We have all the binding human rights guarantees. As I said, the Guiding Principles are not something really new. They are just spelling out what is in place within these more general guarantees.

So the second important issue, of course, is the best normative framework is not good enough if you don't have the political will to implement it. I think that's where we have really a role to enter into a dialogue with governments, to try to push, to convince, and that's very much part of my daily life, to deal with governments, sometimes difficult governments, sometimes governments that are more open to a dialogue. But that's where civil society plays a very important role, human rights, NGOs, humanitarian organizations that, again, can help to create that political will.

I also think IDPs themselves have a voice and should have a voice. They should speak out.

Finally, what is needed is capacity, and I see very often the capacity is lacking. We have heard about some of the problems faced by New Orleans authorities, and you can't blame them because that's not their usual task. So, to do work, you were talking about preparedness. That's extremely important, to build that capacity at all the levels. So if the disaster happens and hits, whether manmade or natural, then people

know what to do.

Again, I think that's an area where the U.N. can do quite a lot. Disaster preparedness and providing this capacity has become a big issue. It's being debated. I think the Secretary-General there has sent out very clear signals in the terms of dealing with the challenges we are facing because of climate change, and that's a good basis to build on.

But, at the same time, I have also to say very clearly, we have our limitations because the primary responsibility lies with the governments and has to lie with the governments. The U.N. cannot substitute the work that has to be done by the authorities. We, rather, can complement it.

MS. FERRIS: Thank you.

I know we're running out of time but, Chris, a final comment.

MR. KROMM: Yes, just a quick thought. One quick point is there isn't Katrina fatigue. It's just been lately that people hadn't ranked Katrina as the number one domestic policy failure of our country in recent history. Only just in the last couple of months, the subprime mortgage crisis has overtaken it as the key issue, and so on people's minds this is very alive.

I think what the Guiding Principles provide us with is this bridge from talking about it as this issue that happened two and a half years ago to talking about it as an issue that is still alive for people today and the people who are still displaced but also for anyone else who could be hit by

a calamity or disaster.

The need, I think this is what gets to the issue of political will, really we have to convince people it's in their best interest to have this coordinated framework because that so much is what was the lesson that people drew from the media, that it's because everything was disorganized. Well, the Guiding Principles lay out a fairly compelling, comprehensive framework about how we could address issues like this in the future.

I think there is the political and public will, but it relies on people like us and people of good will to take the public interest that is there about the issue and their caring and concern which is clear about the issue and to translate that into real policy today.

Just one final thing too, coming from the South, the Civil Rights Movement, that really was the case where it was an appeal to international standards, an appeal to the world community that helped push that struggle forward. I think, again, when we look at something like Katrina, it's another example of that appeal can have a very compelling moral component that is kind of a wind behind the sails of a political policy issue. I think we're in a great position now with the Presidential campaign season to put this on the agenda in a very clear and solid way.

MS. FERRIS: Thank you.

I think that we'll also have to look at appointments to cabinet level positions to see how these policies will, in fact, be implemented.

Join me, please, in thanking our panelists and all of you for coming.

(Applause)

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