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BROOKINGS



REGIONAL WORKSHOP ON PROTECTION AND RESPONSE IN SITUATIONS OF NATURAL DISASTER

**GUATEMALA CITY, GUATEMALA
28-29 MAY 2009**

SUMMARY REPORT

**CONVENED BY:
NATIONAL COORDINATING AGENCY FOR THE REDUCTION OF
DISASTERS (CONRED-GUATEMALA)**

**COORDINATION CENTER FOR THE PREVENTION OF NATURAL
DISASTERS IN CENTRAL AMERICA (CEPREDENAC)**

SWISS FEDERAL DEPARTMENT OF FOREIGN AFFAIRS

**THE BROOKINGS INSTITUTION – UNIVERSITY OF BERN
PROJECT ON INTERNAL DISPLACEMENT**

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AND RESPONSE IN SITUATIONS OF
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List of Acronyms

CEPREDENAC	Coordination Center for the Prevention of Natural Disasters in Central America (Centro de Coordinación para la Prevención de los Desastres Naturales in América Central)
CCAHI	Center for the Coordination of International Humanitarian Assistance (Centro para la Coordinación de Ayuda Humanitaria Internacional)
CODEFEM	Collective for the Defense of the Rights of Women (Colectiva para la Defensa de los Derechos de las Mujeres)
COE	Operations Centers for Emergencies (Centros de Operaciones de Emergencia)
CONRED	National Coordinating Agency for the Reduction of Disasters (Coordinadora Nacional para la Reducción de Desastres)
COPECO	Permanent Commission for Contingencies (Comisión Permanente de Contingencias)
IASC	Inter-Agency Standing Committee
IDP	Internally displaced person
NGOs	Non-governmental organizations
NHRI	National Human Rights Institution
OHR	Ombudsman for Human Rights
RSG	Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons
SICA	System of Central American Integration (Sistema de Integración Centroamericano)
SINAGER	National System for the Management of Risks (Sistema Nacional de Gestión de Riesgos)

Introduction¹

On May 28-29, 2009, CONRED, CEPREDENAC, and the Brookings-Bern Project on Internal Displacement, with the support of the Embassy of Switzerland, convened a workshop on response and protection in situations of natural disaster in El Salvador, Honduras, and Guatemala.

The objectives of the workshop were:

- to raise awareness and build support for a human-rights based approach to disaster response at both the regional and national levels;
- to facilitate the integration of human rights in disaster management (risk reduction, preparedness, response, and early recovery), with special attention given to the situation of the internally displaced;
- to provide a general overview of the Inter-Agency Standing Committee's (IASC) Operational Guidelines on Human Rights and Natural Disaster; and
- to identify next steps for each country.

The workshop brought together 35 participants from El Salvador, Honduras, and Guatemala representing national authorities, the United Nations, Central American regional organizations, National Societies of the Red Cross, non-governmental organizations (NGOs), and representatives from the human rights sector.

The participants identified concrete steps to integrate a human-rights-based focus at the regional level in the strategic framework of CEPREDENAC for 2009-2011 as well as specific activities to be adopted at a national level in order to incorporate human rights and protection in all of the phases of disaster response. The agenda, the working group reports, and the list of participants are included in the annexes to this report.

¹ Copies of the presentations given at the workshop may be made available by contacting the Brookings-Bern Project at: brookings-bern@brookings.edu

Workshop Sessions

Opening Remarks

Fernando Muñoz, Director of Coordination, National Coordinating Agency for the Reduction of Disasters
Walter Wintzer, Regional Coordinator for Preparedness and Response, Coordination Center for the Prevention of Natural Disasters in Central America, CEPREDENAC
Jean-Pierre Villard, Ambassador of Switzerland in Guatemala
Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons

Fernando Muñoz, Director of Coordination from the National Coordinating Agency for the Reduction of Disasters (CONRED) in Guatemala; Walter Wintzer, Regional Coordinator for Preparedness and Response to Disasters at CEPREDENAC; Jean-Pierre Villard, Ambassador of Switzerland in Guatemala; and Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons (RSG) gave opening remarks to the participants.

All four speakers highlighted the importance of the workshop's theme for the region, noting that Central America is frequently affected by natural disasters. They all underlined the necessity for humanitarian and human rights actors to strengthen their cooperation in this field, remarking that disaster response is much more than a technical issue. All four of the opening speakers encouraged the participants to move beyond general discussions to develop concrete steps to improve both disaster response and the protection of the rights of persons affected by natural disasters.

General Protection Framework for Natural Disasters

Moderator

Patrick Egloff, Advisor to the Representative of the Secretary General on the Human Rights of Internally Displaced Persons

Presenters

Walter Kälin, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons

Elizabeth Ferris, Co-director, Brookings-Bern Project on Internal Displacement

Walter Wintzer, Regional Coordinator for Preparedness and Response, CEPREDENAC

1. Protection Needs and the Legal Framework, Protection Activities

Walter Kälin provided an overview of protection needs resulting from natural disasters and the legal framework for protection. International humanitarian law is not applicable in situations of natural disaster (as it applies only to situations of war); however,

international human rights law provides the necessary legal framework for responding in situations of natural disaster. It is important to underscore that those displaced by disaster are not simply objects of charity. They remain citizens of their country and thus do not have lesser rights than those who were not affected by the disaster. Thus, international human rights law provides a sound legal basis for protecting persons affected by disasters. As regards those who have to flee their homes because of the disaster or are evacuated, the Guiding Principles on Internal Displacement, which recognize natural disasters as a cause of internal displacement spell out these rights in greater detail.²

In situations of disaster, the rights and freedoms enjoyed by individuals and groups under international human rights law are relevant in all phases of the emergency, including the displacement phase (where relevant) and the early recovery and reconstruction phase. The Inter-Agency Standing Committee (IASC) has defined protection as all of the activities geared toward the complete respect of all of the human rights of a person in accordance with the terms and spirit of the applicable legal instruments.³ This definition of protection applies to natural disasters, too. In order to incorporate the protection of human rights in disaster response, authorities should analyze the needs of the persons affected (i) with respect to their vulnerability, (ii) in a specific and systematic manner, and (iii) in accordance with human rights standards.

It is necessary to act on three levels to reduce the impact of a disaster for affected persons: take actions to reduce the risk of disasters, reduce the vulnerability of persons, and strengthen the response capacity of relevant actors. The box below illustrates the relationship between these variables.

<p>Box 1</p> $\text{Disaster Impact} = \frac{\text{Threats} + \text{Vulnerability}}{\text{Capacity}}$
--

The identification of vulnerable groups is thus an important component of both planning for and responding to natural disasters. Vulnerable groups can include elderly persons, indigenous groups and ethnic minorities, women, children and adolescents, the disabled, and other traditionally marginalized groups. In planning a response, it is important to ensure that the response be consistent with international human rights standards. For example, assistance should not discriminate against groups although it should be adapted to the particular needs of the persons or communities. Assistance provided to persons affected by a disaster should be adequate, meaning that the assistance should be (i) available, (ii) accessible, (iii) acceptable, and (iv) adaptable. For example, adequate food for an adult is not adequate for an infant or young child. Authorities and others who respond to disasters should take such things into account to ensure that the response is adequate for all of the persons affected. For example, sometimes authorities set up central

² The Guiding Principles on Internal Displacement. E/CN.4/1998/53/Add.2

³ IASC Policy on Internal Displacement, 2004.

kitchens in camps for those affected by natural disasters. There may be sound practical and financial reasons for doing so, but sometimes older people or people with disabilities may not be able to make it to the kitchens before all the food is distributed to others. Being aware of vulnerabilities in the community can help prevent this kind of discrimination.

There are measures which can be taken to reduce the risks and protect people from the effects of natural disasters. The governments of Mozambique and Bangladesh were able to reduce deaths resulting from disasters by strengthening their early warning systems.

The state has various obligations to protect its citizens and their rights. According to accepted human rights standards, the state must respect, protect, and guarantee the human rights of the people within its jurisdiction without discrimination. Some of these rights—such as the freedom of movement—are not absolute. Kälin explained that even though freedom of movement and the right to choose one's residence are recognized in many human rights treaties, they may be limited for purposes of evacuations or relocations of people away from danger zones. Authorities can order and enforce such measures if (i) a law authorizes them to do so; (ii) the evacuation or relocation is justified with legitimate objectives, and (iii) constitutes the least intrusive method. In addition, the authorities must communicate the restriction to those affected in a language that these persons understand.

In this discussion, participants expressed appreciation for the focus on human rights, noting that it provides useful tools to use in working with the government. Another participant gave the example of discrimination against people living with HIV/AIDS who may be kicked out of camps and shelters. Several participants reported the real-life problem of the diversion of aid intended for people affected by natural disasters and suggested that civil society can play an important role in monitoring delivery of assistance. Often the violation of human rights is due to the lack of knowledge by government officials about human rights standards and by the lack of participation by those affected. Kälin added that a significant problem after every emergency situation is the fact that sometimes it takes years for people to find solutions, particularly when people are marginalized and do not have a voice in the decisions and when civil society is weak.

2. IASC Operational Guidelines on the Protection of Human Rights in Situations of Natural Disaster

Elizabeth Ferris then presented the IASC's Operational Guidelines on Human Rights and Natural Disasters.⁴ These Guidelines are based on relevant international human rights law and provide an orientation for protecting the human rights of persons affected by natural disasters. An accompanying Pilot Manual has been developed to serve as a useful tool for both national authorities and humanitarian actors.

⁴ *Protecting Persons Affected by Natural Disasters: IASC Operational Guidelines on Human Rights and Natural Disasters*, Published by the Brookings-Bern Project on Internal Displacement, 2006. Available at: http://www.brookings.edu/projects/idp/2006_naturaldisasters.aspx.

The Operational Guidelines are organized in four groups of human rights which roughly correspond to phases of an emergency:

1. Protection of Life, Security of the Person, Physical Integrity and Dignity
2. Protection of Rights Related to Basic Necessities of Life
3. Protection of Other Economic, Social and Cultural rights
4. Protection of Other Civil and Political Rights

Ferris noted that when natural disasters occur, human rights violations that take place are not normally the result of intentional decisions, but rather often result from negligence or the failure to act. For example, during the 2005 Hurricane Katrina in the United States, the evacuation plan for New Orleans relied on personal transportation. As those who did not have access to a personal vehicle tended to be poor or minorities, this plan was inherently discriminatory. In preparing for disasters, it is important to consider plans in terms of their effect on the most vulnerable sectors of society.

Ferris then explained the four groups of human rights as set forth in the Operational Guidelines and gave examples of protection activities that fall under each group. In the immediate period following a disaster, the protection of life and the rights related to basic necessities of life are the primary concern. In the weeks and months that follow, other rights—including economic, social and cultural as well as civil and political rights—should be addressed.

1. Protection of Life, Security of the Persons, Physical Integrity and Dignity. In this group, protection activities include evacuation and relocation in order to save lives, protection against the adverse effects of natural risks, protection against violence (including gender-based violence), particularly in camps and shelters, and the removal of anti-personnel mines in areas where they were relocated by the disaster.

2. Protection of Rights Related to Basic Necessities of Life. Activities that correspond to this group of rights in the Operational Guidelines include ensuring that all persons have access to basic goods and services as part of humanitarian assistance. This means, for example, an adequate supply of food, water and sanitary services, shelter, clothing, and basic health services. It is also necessary to ensure that this assistance is available, accessible for all, acceptable by beneficiaries in terms of special needs or cultural values, and adaptable to changing circumstances.

3. Protection of other Economic, Social and Cultural Rights. This group of rights includes access to education, property reclamation mechanisms, and restoration of livelihoods and jobs. Sometimes these rights are limited by the emergency response for example, when the prolonged use of schools as shelters limits students' ability to access education.

4. Protection of other Civil and Political Rights. This group of rights includes replacement of documentation for affected people, electoral rights and upholding basic rights to family unity, and the freedoms of movement, expression, assembly, association,

and religion. As people often lose all of their documentation during a natural disaster, the state should have a mechanism to assist them in replacing their documents.

In the discussion that followed, the theme of consultation with disaster-affected persons arose. While affected communities have a right to be consulted, the actual process is often difficult. In the immediate aftermath of a disaster, communities are often traumatized and just want the relief assistance delivered as soon as possible. However, in the days and weeks following a disaster, community involvement should increase. For governments and other humanitarian actors, it is sometimes difficult to set up consultative mechanisms that allow for full participation of affected persons or to identify appropriate representative leaders. It may also be difficult with communities are unaware of their rights; for example, they may not know that they have a right to ask for clean water. The process of consultations can therefore be a way to empower the community.

In the discussion, several participants noted the lack of a culture of prevention in the Central American region. This means that authorities are reacting, rather than anticipating and planning for likely disasters in the future.

“We always wait for a disaster and when it strikes, we react. There is not an effort to put ourselves ahead of the disaster.”

3. Situation of the Topic of Human Rights in the Programmatic Area of Preparation and Response

In this presentation, Walter Wintzer gave an introduction to the Coordination Center for the Prevention of National Disasters in Central America (CEPREDENAC) and the types of coordination and the priority topics of the region. CEPREDENAC does not have an overt human rights focus and Wintzer explained that he is looking for support in this meeting for ways of including a rights dimension in ongoing work.

CEPREDENAC is a secretariat specialized in the Reduction of Risks from Disasters within SICA. The objective of CEPREDENAC is to contribute “to the reduction of vulnerability and the impact of disasters as an integral part of the process of transformation and sustainable development of the region, in the SICA framework, through the promotion, support, and development of policies and methods of prevention, mitigation, preparation, and management of emergencies.” CEPREDENAC members are drawn from national emergency response agencies such as CONRED (Guatemala), COPECO (Honduras), and *Protección Civil* (El Salvador.)

Wintzer also explained three different types of coordination: executive coordination, operational coordination, and the coordination of humanitarian assistance, which are needed both in preparing for and in responding to disasters. In order to have an adequate response system, many factors need to be considered, including planning for early response systems, information and communications systems, and the organization of coordinators and local committees.

CEPREDENAC works on strengthening these three coordination areas at both the national and regional levels. CEPREDENAC focuses on ten work areas and the following four strategic objectives:

1. Promote the strengthening of the Regional Response Mechanisms;
2. Support the national processes of preparation related to the management of emergencies and disasters;
3. Consult the Directorate of International Cooperation and Projects in cooperative initiatives in the theme of preparation; and
4. Carry out follow-up and support activities in evaluating the response to disasters in the region.

Furthermore, CEPREDENAC hosts regional workshops and simulations and publishes regional guides and documents in order to improve the response to disasters.

During the discussion, the participants highlighted the lack of governmental leadership throughout the region in determining and assuming responsibilities in disaster management. Without this definition of roles, it is difficult to plan an adequate response. In addition to highlighting inadequate leadership, the participants suggested that human rights organizations and institutions as well as the affected communities need to promote greater respect for human rights. Participants also expressed their hope that CEPREDENAC could become much more active in linking human rights to disaster response, by disseminating more information throughout the region, by monitoring the way in which rights are respected in planning for disasters and helping with international cooperation. In this regard, CEPREDENAC should form alliances with human rights groups.

“We have to decide who will be the leader. When the moment arrives, everyone passes the baton.”

throughout the region in determining and assuming responsibilities in disaster management. Without this definition of roles, it is difficult to plan an adequate response. In addition to highlighting inadequate leadership,

Local and National Structures for the Response to Disasters in Each Country and the Challenges of Protection

Moderator:

Patrick Egloff, Advisor to the Representative of the UN Secretary General on the Human Rights of Internally Displaced Persons

Presenters:

Osiel García, *Protección Civil* of El Salvador

Sergio Cerdón, Leader, Department of Plans and Protocol, CONRED, Guatemala

Yenny Romero, COPECO, Honduras

1. El Salvador: *Protección Civil* and Natural Disasters

In El Salvador, a network of organizations is involved in disaster response, including government agencies (including firefighters, police and other so-called first responders), civil society organizations, technical agencies, and humanitarian agencies (such as the Red Cross and the Green Cross). Each organization or agency has a specific role to play

in disaster response. According to Salvadoran law, the institutions of the National System of Civil Protection, Prevention and Mitigation of Disasters are responsible for planning, coordinating, and executing permanent activities to manage adverse events that take place throughout the country.

Osiel García identified the following seven challenges for the Salvadoran national authorities in disaster response:

1. The establishment of a National School for Civil Protection, Prevention and Mitigation of Disasters, which will offer training on civil protection and assist in building institutional knowledge;
2. The creation of and/or the strengthening of the municipal Operations Centers for Emergencies (COEs);
3. The development of the prevention and mitigation components of the *Programa Nacional de Posgrados de Calidad* (PNPC).
4. The strengthening of the development of disaster management as a topic in basic and higher education;
5. Support for the creation of a *Protección Civil* secretariat;
6. Constructing an appropriate mission for the General Directorate of *Protección Civil*
7. The creation of a corps of volunteers for disaster response

2. Guatemala: The Structure for Disaster and Emergency Response

Sergio Cerdón explained that in Guatemala, there are six levels in the disaster and emergency response system, ranging from the national level to the local level. National Coordinating Agency for the Reduction of Disasters (CONRED) was created after a series of earthquakes to work at the national level to coordinate the government's response. Each level—national, regional, departmental, municipal, etc—has a specific structure that determines who takes which decisions.

Since the 1990s, Guatemala has pursued a more proactive disaster response strategy and for the past decade, there has been a greater emphasis on development and disaster risk reduction. Guatemala also has a public policy for disaster risk reduction, one that includes all of the laws and regulations; a responsible agency, CONRED; and national disaster plans (prevention, reduction, response and recovery). Also included are the members of the National Board for Dialogue in Management for Disaster Risk Reduction, the National Program of Prevention and Mitigation of Disasters, both the central and municipal governments, and civil society organizations. By including all of these actors and by developing the relevant normative framework and plans, CONRED is becoming more proactive in responding to disasters.

When a disaster occurs that requires additional resources, CCAHI works closely with the Foreign Ministry to make specific requests for assistance.

3. Honduras: The Permanent Commission for Contingencies (COPECO)

In Honduras, COPECO is the state entity charged with preparing for and responding to disasters. Yenny Romero explained that one of its responsibilities is the preparation and coordination of the National System for the Management of Risks (SINAGER), which is intended to develop an appropriate response when a disaster or emergency occurs and to support recovery activities.

Some disaster preparation activities include organizational strengthening and a contingency plan. Organizational strengthening involves building capacity at a community level and includes the National Center for Training and Investigation. The contingency plan covers the prepositioning of goods, mock drills and simulations, the development of the National Plan of Logistical Growth, the strengthening of the members of the national response system, and the strengthening of the Communications Network. COPECO's disaster response activities include monitoring the situation, sending out alerts, and activating the levels of the COEs, and other response actions.

Honduras also has a new mechanism called the Center for the Coordination of International Humanitarian Assistance (CCAHI). The CCAHI is a specialized mechanism of the COE that is activated when the national capacity to respond to a natural or man-made disaster has been exceeded. CCAHI's mission is to coordinate offers and to manage the information about international humanitarian assistance that arrives in the country as a result of a request from the Honduran government.

Romero explained that there is sometimes tension between assisting victims and strengthening governmental institutions. Another problem is the high turnover of senior staff following an election. In reality, local staff are needed who understand the particular context in which they are working.

For Honduras, and COPECO, the main challenges of disaster response are: to save lives, to create and to consolidate a culture of prevention, and to build the capacity of SINAGER to manage emergencies and to offer humanitarian assistance in an adequate and timely manner.

Case Studies: Recent Experiences in Disaster Response Management

Moderator:

Elizabeth Ferris, Co-director, Brookings-Bern Project on Internal Displacement

Expert:

Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons

Presenters:

Luis Quezada, Red Cross of El Salvador

Alberto Herrera, CONRED

Anabela Noriega, Office of the Defender of Human Rights of Guatemala

Lourdes Ardón, Red Cross of Honduras

1. The Red Cross of El Salvador

Luis Quezada began by noting that El Salvador had experienced many natural disasters, both historically and in recent years. The earthquake of 1986 particularly affected people and communities that had been displaced by the armed conflicts of the 1980s. Hurricane Mitch in 1998 led to another type of displacement. While most of this displacement was temporary, some small towns actually disappeared which meant that displacement was long-term. Many displaced by natural disasters were formerly displaced by the armed conflict, which meant a repetition of this traumatic experience.

In January and February 2001, earthquakes occurred in two different parts of the country, both causing large-scale displacement. Shelters posed a particularly difficult problem for the protection of affected persons. While there are legal standards for shelters—and people have a basic right to housing—these rights are difficult to implement on the ground in the aftermath of a disaster. After the earthquakes, the government established a shelter in the stadium *El Cafetalón*. However, this shelter had many problems, one of which was security, especially as regards gender-based violence. The authorities tried to address these issues, but in doing so, different human rights violations resulted. In order to avoid the problems of violence, authorities introduced various living arrangements, including providing separate living spaces for men and women to limit gender-based and domestic violence. But, in doing so, the principle of respecting family unity was violated.

During the discussion, participants examined how to improve the use of shelters and the provision of humanitarian assistance within them. They noted that it is very important to make advance plans so that the shelters would be better provided with adequate supplies, even while taking into account the fact that some times shelters must be created at the last minute out of necessity. It is also important to be clear about the planned duration of temporary shelters. Quezada suggested that the Salvadorian model—where temporary shelters were expected to close within 30 days—was a good one. Another human rights issue is the impunity of perpetrators of human rights violations. Despite the fact that some of the perpetrators are known, they have never prosecuted for these violations. Finally, the issue of funding is important. It is generally easier to obtain international

assistance following a large-scale disaster than it is to raise funds for a number of smaller disasters as they usually occur in El Salvador.

Regarding people living in shelters, Kälin added that it is important to discuss future options with them in order to prepare and realize durable solutions for affected communities. Information and consultation with affected populations is important in order to determine whether they prefer to return to their home as they are, or, if they prefer to wait in order to return to an improved home or to a community where the risk of future disasters has been lowered. Methods for reducing risks have a cost, but in the long-run the costs are lower than the costs of not making changes.

In the discussion, a participant noted the particular difficulties when ethnic minorities are asked to abandon their land by authorities who may not be trusted. Evacuations should therefore be carried out by people from the communities. Another problem with evacuations is the lack of confidence people living in areas of risk have in the warnings. The idea is still widespread that natural disasters are acts of God. Kälin responded that a declaration of risk by a high-level scientific institution that is known for its objectivity may help in such cases, especially when the President or Congress can declare a state of emergency that permits forced evacuations.

2. Guatemala: CONRED and the Ombudsman for Human Rights

Alberto Herrera noted that there is a tendency in Guatemala to see disaster response in terms of infrastructure and number of deaths. For example, how many bridges and homes have been destroyed? There seems to be an assumption that these are logistical and technical issues. Both the framework for disaster response and the response to disasters have been rather ad hoc and humanitarian assistance has focused on shelters and the distribution of goods. In an effort to adopt a more holistic approach, the government has made a number of changes including working with women to raise awareness about their rights through the Collective for the Defense of the Rights of Women (CODEFEM,) inserting the topic of human rights in disasters into curricula and the programs of NGOs, publishing an Organization Manual of the Schools Committee in which school children are part of decision-making commissions. By working with the Ministry of Health, psycho-social programs have been developed.

In recent years, Guatemala has taken steps that have resulted in concrete achievements, including the publication of a Guide to Human Rights in Emergency and Disaster Situations from the Ombudsman's office and a Law on Comprehensive Protection for Separated, Unaccompanied, or Orphaned Children and Adolescents in Disasters. These steps were aimed at reducing the risk of disasters through both a more proactive stance and the development of a comprehensive response before a disaster occurs in order to guarantee a human-rights based approach before, during, and after a disaster.

After the presentation of CONRED, Anabela Noriega spoke of the work of the Ombudsman for Human Rights (OHR). She began by saying that nothing happens by "magic." Everything has to be based in the communities and that involvement of the

communities is essential. In fact, everything that is accomplished happens because of the communities. However, there are many challenges to involving the community in a meaningful way. There is turnover in government offices, a lack of civil society involvement, and lots of misinformation. She then described a specific project of the OHR on mental health and human rights. As part of the project, the OHR performed a diagnostic assessment, created indicators, and developed a consultative process with communities. This study examined how poverty affected certain communities. They found that disasters cause irreversible changes; for these communities, their *casita* (small house) is their world. The psycho-social consequences of losing that small house are significant and too many times communities feel “re-victimized” by the government’s actions after the disaster. After the study, there was an evaluation of how to reduce the risk of these communities from natural disasters through community development activities, such as improving infrastructure, health, and education services, and raising awareness in the community about how to reduce risks. The OHR has visited mayors, approached the Development Councils, identified educational problems, and monitored health centers. The OHR has also completed activities for both the entire family—children, youth, and parents—and for the entire community.

The impact of poverty in these communities was very clear. Because of their poverty, communities had ongoing problems with education, domestic violence, and health in addition to their high risk from disasters. In an effort to reduce these risks, the OHR worked with the communities to identify and prepare shelters so that the people would have a safe place to go in the event of a disaster.

3. The Red Cross of Honduras

In the presentation from Honduras, Lourdes Ardón spoke about the floods caused by Tropical Depression 16 (October 2008) and the subsequent humanitarian assistance projects. In their response, the humanitarian actors followed the National Response Plan, and involved the community in the response. Responders also carried out follow-up and evaluation activities. It was the response to Hurricane Mitch in 1998 that led to a change in the humanitarian response from one based almost exclusively on reaction to one that emphasized prevention. The need to involve the community and to base organizational work on respect for those affected by the hurricane were major lessons learned from this disaster.

Tropical Depression 16 affected 12 of the 18 departments in Honduras. By including the communities, taking vulnerable groups into account, recognizing the local capacities, and respecting local customs, the Red Cross was able to respond effectively to communities affected by the tropical depression. Some of the lessons learned included the importance of: using the national laws to promote the human rights of affected persons, involving the politicians, and coordinating efforts with COPECO.

The Red Cross adheres to Sphere standards and emphasizes the importance of ensuring that minimum standards are upheld for all of those affected by disasters, even if these standards are not met for these communities. For example, if persons normally do not

have access to clean water, it does not mean that if they are living in a shelter following a disaster that they will not receive clean water. By ensuring the provision of goods at the level of international standards, it is less likely that there will be human rights violations.

An important lesson learned in planning for response is to begin with the assumption that resources will be insufficient. In this context it is important to remember that affected people have capacities, which can and should be used in response to disasters.

Framework for Durable Solutions to Internal Displacement⁵

Moderator:

Elizabeth Ferris, Co-director, Brookings-Bern Project on Internal Displacement

Presenter:

Patrick Egloff, Advisor to the Representative of the UN Secretary General on the Human Rights of Internally Displaced Persons

In his presentation, Patrick Egloff explained the importance of focusing on finding durable solutions to displacement. Displacement does not end when people survive a disaster or even when they return to their communities. Rather displacement ends when a person no longer has specific needs or vulnerabilities stemming from their displacement.

Moreover, internal displacement does not end in one given moment but rather is a gradual process that requires long-term support. It is therefore very important for authorities to realize the long-term nature of ending displacement in searching for durable solutions. The Brookings-Bern Project and the RSG have developed a framework with benchmarks for this process to assist authorities in planning for recovery, evaluating progress made, and determining when displacement has ended.

There are three durable solutions to displacement: (i) return and reintegration in the place of origin, (ii) local integration in the place of displacement, or (iii) settlement elsewhere in the country.

In order for a solution to internal displacement to be durable, certain conditions are necessary: ongoing security; restitution of/or compensation for property lost and reconstruction of damaged property; access to a sustainable livelihood and basic services; restoration of and access to means of subsistence; restitution of lost or destroyed documentation; and protection against discrimination. Authorities also have to take into account the particular needs of groups that are traditionally marginalized and must consult with the population in a way that is understood.

Finding durable solutions to displacement can be difficult, especially in countries where the affected population is poor. It is therefore important to be realistic because sometimes people are not able to return to their communities in the same conditions, as for example

⁵ *When Displacement Ends: A Framework for Durable Solutions*, Brookings-Bern Project on Internal Displacement, June 2007. Available at: <http://www.brookings.edu/reports/2007/09displacementends.aspx>

when their homes have been destroyed. But, the state has an obligation to respect the human rights of the persons affected and assist them in finding a durable solution.

In the discussion, one participant referred to the cluster on Early Recovery, expressing the hope that this cluster will focus on the importance of durable solutions for those affected by natural disasters. Another raised the problem of replacing documentation lost in the aftermath of a natural disaster. Other participants raised the question of how to respond when people choose to move to higher risk areas because housing is cheaper there.

Working Groups: Protection Challenges and the Integration of Human Rights in the Processes of Emergency/Disaster Management and a Regional Agenda

During the first day of the workshop, participants participated in working groups organized by country in order to deepen the analysis on the national level about the relationship between human rights and natural disasters and to identify the protection challenges within their own countries. During the second day of the workshop, the participants participated in mixed working groups to discuss how to include human rights in existing national and regional plans and to develop a regional, national, and local agenda for disaster response, using CEPREDENAC's logical framework. The groups then presented their conclusions to the plenary.⁶

Conclusions

The following themes emerged from the workshop's discussions:

- Central America is a region highly vulnerable to natural hazards such as floods, hurricanes, earthquakes, volcanic eruptions, and droughts that create risks for the population. A serious problem is that there are many "small emergencies," which do not generate as much international support as the larger disasters even though they have important cumulative effects. Another problem is the lack of a culture of prevention, which is partly due to the high frequency of disasters.
- Emergency response focuses on life saving measures and there is a lack of awareness about human rights and its relationship to disaster preparedness and response. But tools exist that facilitate the incorporation of human rights into existing local, national, and regional structures, such as the Sphere Standards and the IASC Operational Guidelines on Human Rights and Natural Disasters.

⁶ The working group reports are attached in Annex I.

- Political interests are often put ahead of human rights in disaster response and risk reduction. Moreover, corruption is often a factor that comes into play after a disaster and limits the effects of humanitarian assistance.
- There are not many fora in which human rights groups and governmental agencies designated to respond to disasters and manage disaster risk reduction can discuss human rights in the framework of disaster response. Human rights organizations and civil society have an important role to play in the area of disasters, especially in monitoring the implementation of policies and programs.
- The necessary funds for prevention, response and early recovery from disasters are generally not sufficient. Governments should give higher priorities to these topics in their budget allocations. The United Nations Climate Change Conference to be held in Copenhagen in December 2009 may offer possibilities for additional funds to measures to adapt to climate change.
- The active participation of the persons affected by disasters is necessary for decisions about durable solutions and the communities should be clear about the risks entailed in alternative solutions.
- Recommendations for the National Level
- Governments should incorporate human rights into national laws and policies on disaster management, in particular into their national plans and training programs for disaster response, as well as into their monitoring and evaluation processes.
- Meetings between those responsible for disaster response and human rights organizations should be organized at the national level in order to analyze how human rights can be incorporated into different phases of disaster response, including: before, during, and after a disaster occurs.
- The National Human Rights Institutions (NHRIs) and/or Ombudsman's Offices of each country should compile a list of basic rights and distribute the list to communities susceptible to natural disasters.
- The national reports on response to disasters should be analyzed and followed-up by Central American human rights institutions.
- The NHRIs and Ombudsman's Offices of each country have an important role to play in accompanying the competent authorities in disaster response. These authorities should formally invite the NHRIs to participate in the development of public policies.
- Civil society organizations should convene public forums, with the participation of people affected by disasters, to learn how to improve assistance offered after a disaster and preventive steps. These forums should provide information about

international human rights, national laws and policies, and the relevant institutions of each country.

- With respect to the means of communication, participants should take advantage of meetings with the press to discuss the importance of a rights-based perspective in reporting on disasters.
- The pilot program on early recovery in Honduras offers an opportunity to incorporate a human rights perspective into the topic of durable solutions to displacement.
- The Ombudsman's Office for Human Rights of Guatemala is available to share information about its involvement in disasters with other human rights organizations in the region.

Recommendations for the Regional Level

The workshop made a series of specific recommendations about the incorporation of human rights in the logical framework of the Executive Secretariat of CEPREDENAC regarding its work plans. Because the participants did not have the opportunity to study the general context of this framework, nor the complete document, these suggestions do not represent the support of the entire plenary. The participants recommended that the Executive Secretariat of CEPREDENAC incorporate human rights in all aspects of its future work, not only in the response phase, but also in the prevention and recovery phases of disasters. The participants also recommended that the Executive Secretariat of CEPREDENAC create a human rights team responsible for establishing links with human rights organizations for its work.

- The participants recognized the importance of continuing regional meetings between representatives of disaster response agencies and human rights organizations. They agreed to look for opportunities for follow-up through additional meetings on both the general and technical levels
- The Mitch +10 forum at the end of July 2009 is an opportune time to emphasize the inclusion of human rights in the formulation of a Central American policy for disaster risk management.

Closing Remarks

In the conclusion of the workshop, the organizers thanked the participants for their efforts during the workshop and those who had worked behind the scenes to organize this workshop. Walter Wintzer commented that now the participants not only have many things to do, but that they have the tools to do so. Both CEPREDENAC and CONRED indicated that they would be available to work on human rights in the region and that they

are going to apply what they had learned in order to comply with human rights obligations.

RSG Walter Kälin commended the participants for their engaged discussions and for achieving recommendations for action. Though his office does not have financial resources, Kälin said that he would remain available to support, however possible, requests from agencies or organizations working on disaster response.

Annex I: Agenda

Regional Workshop on Response and Protection in Situations of Natural Disasters

Guatemala, 28-29 May 2009

Thursday, 28 May 2009

Location: Clarion Suites Hotel (Jade Room)

07:00 – 08:00	Breakfast
08:00 – 08:30	Registration
08:30 - 09:00 Horas	Opening Remarks Fernando Muñoz, Director of Coordination, National Coordinating Agency for the Reduction of Disasters Walter Wintzer, Regional Coordinator for Preparation and Response, CEPREDENAC Jean-Pierre Villard, Ambassador of Switzerland in Guatemala Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons
09:00 – 09:30	Logistical details and organization of the workshop Elizabeth Ferris & Patrick Egloff
09:30 – 11:00	General Protection Framework for Natural Disasters Moderator: Patrick Egloff Presenter: Walter Kälin, Representative of the UN Secretary-General Presentation: “Protection Needs and the Legal Framework: Protection Activities” Discussion, questions, and conclusions from the participants
11:00 – 11:30	Break
11:30 – 12:30	Presenter: Elizabeth Ferris Presentation: Inter-Agency Standing Committee’s (IASC) Operational Guidelines on Human Rights and Natural Disasters (history, why we have them, examples and discussion)
12:30 – 13:00	Presenter: Walter Wintzer, CEPREDENAC Presentation: “Human Rights in the Programmatic Areas of Preparedness and Response”
13:00 – 14:15	Lunch

14:15 – 15:15	<p>Moderator: Patrick Egloff</p> <p>Presentation by Country: “Local and National Structure Regarding Response to Disasters in Your Country and the Protection Challenges”</p> <p>Presenter from El Salvador: Osiel García, <i>Protección Civil</i> of El Salvador</p> <p>Presenter from Guatemala: Sergio Cerdón, Head of the Planning and Protocol Department, CONRED</p> <p>Presenter from Honduras: Yenny Romero, COPECO</p>
15:15 – 16:45 Horas	<p>3 Working Groups</p> <p>Discussion: Challenges of protection and the integration of human rights in the emergency and disaster management processes, based on the existing structures and the most recent experiences, taking into account preparedness and recovery</p>
16:45 – 17:00	Break
17:00 – 17:45	<p>Moderator: Patrick Egloff</p> <p>Reports from the 3 working groups</p>
18:30	<p>Welcome Reception</p> <p>Offered by the Embassy of Switzerland</p> <p>Location: Ambassador’s Residence</p>

Friday, 29 May 2009

Location: Clarion Suites Hotel, (Jade Room)

08:30 – 08:45	<p>Moderator: Elizabeth Ferris</p> <p>Summary of Day 1</p>
08:45 – 10:00	<p>Case Studies—Most Recent Disaster Response Management Experiences, taking into account evacuations and displacement of those affected by disasters</p> <p>Moderator: Elizabeth Ferris</p> <p>Expert: Walter Kälin</p> <p><u>Presenters:</u></p> <p>El Salvador: Luis Quezada, Red Cross of El Salvador</p> <p>Discussion</p>
10:00 – 10:15	Break
10:15 – 12:00	<p><u>Continued:</u></p> <p>Guatemala: Alberto Herrera, Risk Management, CONRED</p> <p>Guatemala: Anabela Noriega, Office of the Ombudsman for Human Rights</p> <p>Honduras: Lourdes Ardón, Red Cross</p>

	Discussion
12:00 – 13:30	Lunch
13:30 – 14:30	Presenter: Patrick Egloff, Advisor to the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons Presentation and Discussion of the Framework for Durable Solutions to Forced Displacement
14:30 – 15:45	3 Working Groups Discussion: Regional Agenda for Follow-Up on “The inclusion of human rights in the management of disaster response and recovery”
15:45 – 16:00	Break
16:00 – 17:30	Moderator: Elizabeth Ferris Presentation of the reports from the 3 working groups Discussion: In plenary, consolidation of the 3 working groups reports and approval of a final proposal to present to the participants’ countries
17:30 – 18:00	Closing Remarks Fernando Muñoz, CONRED Walter Wintzer, CEPREDENAC Jean-Pierre Villard, Ambassador of Switzerland in Guatemala Prof. Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons

Annex II: Working Group Reports

Guatemala Group

Before the disaster:

- Perform diagnostics in order to establish existing risks, involving the inhabitants of each locality
- Define actions to prevent disasters
- Organize the inhabitants to participate in the execution of an action plan
- Each institution within CONRED, in accordance with its function and mandate to complete its responsibilities, information, formation, and capacity should sensitize and raise awareness about the necessity of prevention within the human rights framework

During the disaster:

- The office of the Ombudsman for Human Rights, in accordance with its mandate, should follow up in order to guarantee a comprehensive assistance to the injured and to guarantee that there were not human rights violations
- Temporary shelters should be built that will be adequate for the location of people who have lost their house where the needs of these persons can be met
- The survivors of a disaster should make demands of their needs to the institutions responsible in an organized fashion

After the disaster:

- Follow-up, evaluation of the results of the action plan, and guarantee the completion of the search for the injured
- Transparency should be guaranteed through public hearings with an organized public

El Salvador Group

Before the disaster:

- Define and validate a national policy of disaster and risk management with an emphasis on prevention and respect for human rights
- Focus on the disaster risk reduction as part of the development planning at a national and institutional level
- Attend to the problems of communities in vulnerable situations in planning of preventive actions with the goal of reducing their risk
- Educate people exposed to natural hazards about human rights to empower them to become actors in defense of their human rights; affected populations should be actors to promote their rights

- Revise and propose modifications to the legal framework to add an emphasis in prevention and respect for human rights

During the disaster:

- Strengthen early warning systems, incorporating the systems that already exist
- Distribute information and documentation to enable the introduction of human rights
- Verify the adequate functioning of the information systems, guaranteeing their continual functioning and support at the community level
- Allow citizenry to participate in the planning and other phases of disaster management
- Develop communities that have a high level of resilience

After the disaster:

- Reparations to the victims of disasters
- Attention to mental health, integrate comprehensive health in the post-disaster phase
- Hold seminars that increase knowledge and understanding of what needs to be improved in order to fix errors and gaps
- Increase accountability and transparency

Honduras Group

- Review existing policies in disaster protection to ensure the involvement of institutions working on human rights and protection.
- Humanitarian reform—Basic coordination and protection mechanisms: a commission from COPECO and the UN could develop this cooperation
- Combine human rights and humanitarian assistance
- Use various tools for humanitarian assistance—Honduras should use the Sphere Project for humanitarian assistance.
- Develop an awareness campaign, such as promoting human rights in schools and similar places
- Develop or solicit the necessary capacity on human rights
- As a region, use the forum of Mitch +10 to raise awareness of the human rights dimension
- Work with COPECO and at the regional level in order to promote human rights
- Involve ourselves in a direct or indirect manner in the local communities in order to distribute the assistance that the residents want
- Training schedule—change to something proactive instead of something reactive to something that happened
- Communities that have rights have to demand their rights, involving the community leaders

- Encourage philanthropic action by corporations and civil society for humanitarian assistance
-

Annex III: List of Participants

Name	Organization/Title
Lourdes Victoria Ardón	Red Cross of Honduras
Col. Alfredo Aucedo Lucero	Directorate of Civil-Military Relations EMDN
Lidia Castillo	Protection Center for Disasters (CEPRODE), El Salvador
Nelly Adela Castillo	Pan American Health Organization
Orlando Elías Castillo	Foundation of Studies for the Application of Law (FESPAD)
Wilfredo Cervantes	Caritas, Honduras
Sergio Cordón	National Coordinating Agency for the Reduction of Disasters (CONRED)
Yanira Cortez Estévez	Ombudsman's Office for Human Rights of El Salvador
Patrick Egloff	Advisor to RSG Kälin, United Nations
Oscar Enrique Fernandez	Red Cross of Honduras
Elizabeth Ferris	Brookings-Bern Project on Internal Displacement
Carlos Galich	Ombudsman's Office for Human Rights of Guatemala, Disaster Unit
Osiel García	Civil Protection, El Salvador
Alberto Herrera	CONRED, Chief of Psychosocial Support Department
Walter Kälin	Representative of the UN Secretary- General on the Human Rights of Internally Displaced Persons
Noel Landaverde Chacón	Commission of Mennonite Social Action of Honduras
José Ramiro Lara Zavala	Association of Non-Governmental Organizations (Honduras)
Pietro Lazzeri	Swiss Federal Department of Foreign Affairs
Angela Leal	CONRED
Yuri Leiva Valladares	United Nations Development Programme
José Luis Loarca	UN Office for the Coordination of Humanitarian Affairs (OCHA)
Fernando Muñoz	CONRED
Theresa Marroquín	Red Cross of Guatemala
Mirna Martínez	Ombudsman's Office for Human Rights of Guatemala
Amado Ordoñez	Humboldt Center (Nicaragua)

Xavier Michon	United Nations Development Programme
Maby Najera	Ombudsman's Office for Human Rights of Guatemala
Anabella Noriega	Ombudsman's Office for Human Rights of Guatemala, Disaster Attention Unit
Karla Elisa Paz	CONRED
Ivan Perez	CONRED
Luis Humberto Quezada	Red Cross of El Salvador
Yenny Romero	Permanent Contingency Commission (COPECO) (Honduras)
Theresa Schaub	Ombudsman's Office for Human Rights of Guatemala
Jean-Pierre Villard	Ambassador of Switzerland in Guatemala
Erin Williams	Brookings-Bern Project on Internal Displacement
Walter Wintzer	Coordination Center for the Prevention of Natural Disasters in Central America (CEPRENAC)