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UNIVERSITÄT
BERN

**“HUMAN RIGHTS AT HOME”
STATEMENT BY ROBERTA COHEN,
BROOKINGS-BERN PROJECT ON INTERNAL DISPLACEMENT**

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When Hurricane Katrina overwhelmed the Gulf Coast of the United States, leaving half a million people uprooted and homeless, most Americans and their government didn’t know what to call the survivors, much less know what standards to apply to them. Initially government officials and the news media called them refugees -- a term that the survivors rightfully rejected. After all, they were not foreigners fleeing to this country from persecution abroad. They were citizens of the United States fleeing to other parts of their own country.

The term that describes people who are forcibly uprooted *within* their own countries by conflict and natural disaster is internally displaced persons (IDPs). It is the term the United Nations uses, and it is the term the United States government uses at the United Nations. Indeed, unbeknownst to most Americans, the United States government regularly uses the term IDP internationally. Since the 1990s, the US has voted at the United Nations for resolutions on internally displaced persons. When I was a member of US delegations to the UN Commission on Human Rights and other international fora, I spoke out on behalf of our government in support of better treatment for IDPs worldwide. The US Agency for International Development (USAID) in 2004 issued a policy on internally displaced persons to guide its aid programs.¹ In 2005, at the very time the people of Louisiana were being battered and uprooted by Katrina, the US government was voting for the World Summit Document at the United Nations, which explicitly committed member states, including the United States, to promote protection for internally displaced persons.²

¹ US Agency for International Development, *USAID Assistance to Internally Displaced Persons Policy*, PD-ACA-558, Washington DC, August 2004.

² United Nations, World Summit Outcome Document, 2005, para. 132.

Why then did our government choose not to call Americans by the internationally recognized term? There were two factors at play. One appeared to be a desire to avoid admitting that, like more than 40 other countries around the world, America also could house internally displaced persons. Avoiding the term enabled the US to pretend that the scenes of devastation and civil unrest taking place in Louisiana were different from those taking place in Third World countries. Indeed, a recent study “Role Reversal: Offers of Help from Other Countries in Response to Hurricane Katrina” emphasizes how much the US “prides itself on being the lone superpower, the wealthiest and most technologically advanced country in the world,” and among the first to respond when other countries are beset by IDPs.³ Being on the receiving end of international aid for victims made our government uneasy.

The second reason the US avoided the term IDP was to avoid having to apply international standards -- the Guiding Principles on Internal Displacement⁴-- to the men, women and children uprooted by Hurricane Katrina. Introduced into the United Nations in 1998, the Principles set forth the rights of internally displaced persons and the obligations of governments toward these populations. They cover material assistance, physical safety, and the fundamental civil, political, economic and social rights of the affected population. They apply to situations of conflict as well as disaster.

Although not a binding document like a treaty, the Principles are based on international human rights and humanitarian law. UN resolutions, voted for by the United States, regularly acknowledge the Principles as an important tool and standard for dealing with IDP situations. UN Secretary-General Kofi Annan has called upon governments to apply them in situations of mass displacement in their countries. The World Summit Outcome Document, adopted by 192 heads of state and government recognize the Guiding Principles as “an important international framework for the protection of internally displaced persons.”⁵

The Guiding Principles are relevant to the Katrina disaster. They begin with prevention, making clear that governments have a responsibility to prevent or mitigate the conditions that lead to internal displacement. In the case of natural disaster, this means developing early warning systems and heeding them, developing effective disaster preparedness plans and evacuating people who cannot leave on their own and are in harm’s way. Such steps should be seen as the fundamental rights of populations living in high-risk areas and arguably such populations should be able to claim compensation when public officials fail to take reasonable measures to protect them.

Non-discrimination is a basic tenet of the Guiding Principles. When distributing aid and helping people, discrimination is prohibited on the basis of race, color, national, ethnic or

³ Anne C. Richard, “Role Reversal: Offers of Help from Other Countries in Response to Hurricane Katrina,” Center for Transatlantic Relations, Washington DC, 2006, p.42.

⁴ United Nations, Commission on Human Rights, The Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2, 1998.

⁵ United Nations, World Summit Outcome Document, para. 132.

social origin, social status, disability or similar criteria. This means that the poor, who in the Gulf Coast are mainly African Americans, should also have received help in rescue and evacuation plans.

Special attention must also go to the most vulnerable groups -- sick and elderly people, orphans and separated children, expectant mothers, and disabled people – so that they are attended to with the least possible delay. This means special transportation and other services so that sick and infirm people don't turn out to be the largest share of the deaths.

Once displaced, people have the right, according to the Guiding Principles, to receive humanitarian aid in the form of essential food, potable water, clothing, medical services, sanitation and basic shelter as well as assistance later in rebuilding their lives. They are also to be protected from acts of violence, rape, and lawlessness. This means pre-positioned supplies, humanitarian coordination, and sufficient National Guard protection.

Consultation with the displaced is of cardinal importance, especially in the recovery and reconstruction phases. It is then that people begin to decide whether to return to ravaged areas or resettle, and when homes, businesses and local economies begin to be rebuilt. Consultative mechanisms are essential to effective recovery.

The protection of property rights is another important part of addressing disasters. Governments must help the displaced to recover, where possible, their property and possessions or provide or assist the persons in obtaining compensation or some form of just reparation. Governments must also facilitate the return of IDPs to their home areas or their resettlement in another part of the country. This means close scrutiny of whether our government is providing sufficient assistance to help poor people return to New Orleans, whether there are too many rejections of home loan applications, and how property and compensation issues are being dealt with. The UN Human Rights Committee, which monitors government compliance with the International Covenant on Civil and Political Rights, a treaty the US has ratified, has called upon the United States to ensure that the rights of poor people and African-Americans are fully taken into account in reconstruction plans.

Although timelines are not provided for in the Guiding Principles, it is understood that recovery and reconstruction in response to a disaster must be as speedy as possible. Reports of people still living in temporary housing one year after a disaster raise many questions about the disbursement of funds, coordination between central and local government, and government responsibility.

In conclusion, Americans must prevail upon their government to acknowledge the existence of internally displaced people in this country and to honor international standards in dealing with them. Given environmental warnings, our country is going to face many more natural disasters in future. The Guiding Principles on Internal Displacement are a valuable tool for government officials and a good yardstick for NGOs for measuring government behavior. The United Nations also has come out with Operational Guidelines for Human Rights and Natural Disasters, which the

Representative of the UN Secretary General on the Human Rights of IDPs, Walter Kalin, together with the Brookings-Bern Project, has recently developed.⁶ US government agencies should rely on these guidelines as well to ensure that human rights and protection concerns are addressed in disasters. We cannot ask other countries to apply human rights standards in emergencies while ignoring them when it comes to our own citizens.

⁶ UN Inter-Agency Standing Committee Operational Guidelines on Human Rights and Natural Disasters, Brookings-Bern Project on Internal Displacement, June 2006.