



Short communication

The human right to disaster mitigation and relief

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International human rights law does not explicitly address the right to protection and relief from disasters, but this objective is clearly implied. The *Universal Declaration of Human Rights* puts it this way in article 3, “Everyone has the right to life, liberty, and security of person.” Article 25 covers much the same ground in a different manner: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, or old age or other lack of livelihood in circumstances beyond his control.”

Disasters are conditions under which an individual may face “circumstances beyond his control”. The right to an adequate standard of living is not suspended in disasters. These rights are further elaborated in subsequent human rights agreements, particularly the *International Covenant on Economic, Social and Cultural Rights*. It is fully understood that national governments may have limited capacity in relation to such rights. Nevertheless, no matter how meager their resources may be, all governments have an obligation to take positive action to protect lives, and to assure an adequate standard of living, not only in normal times but also in conditions of acute crisis. There are many things that can be done at low cost. Poverty can never be accepted as an excuse for total inaction.

Earthquakes and other sorts of disasters are often treated as if the current example was the first one. Governments have a positive obligation to prepare for such circumstances. Natural events such as earthquakes or volcano eruptions may not be preventable, but their impacts on human well-being certainly can be mitigated. Mitigation means not only that buildings should be strengthened or kept out of danger zones altogether. It also means that governments must have plans in place for dealing with catastrophes. There must be organization and training of personnel, evacuation plans,

emergency medical facilities, arrangements for providing food and water, etc.

The Sphere Project (www.sphereproject.org) has made a major contribution to the process of establishing rights to protection against disaster by setting out standards for humanitarian assistance, as summarized in its *Humanitarian Charter and Minimum Standards in Disaster Response*. Other specialists now need to develop comparable standards for disaster mitigation, both within countries and internationally. This work would draw on valuable information that has been assembled during the United Nations International Decade for Disaster Reduction. The international community should articulate basic minimum standards, but countries would be free to develop higher standards for internal use, according to their capacities.

Standards alone are not enough. Disaster protection is not only about science; it is also about the development of appropriate institutional arrangements so that the best possible use is made of scientific information. There need to be appropriate disaster mitigation and relief agencies in place, and solid motivation as well.

As a matter of principle, a starting point should be that all people have a human right to protection from disasters, and consequently governments have an obligation to provide that protection. This means that in addition to establishing standards based on these rights, well-designed institutions of accountability need to be created. Basic disaster relief is not about charity. The human right to disaster protection means there are some services to which people are entitled. There should be domestic and international agencies that are capable of calling national governments to account if their preparations are not adequate.

The task now is to articulate these entitlements and to design the institutional arrangements that would assure their realization. The long-term objective would be to establish an international agreement that would articulate the standards and establish the arrangements to which national governments are willing to commit themselves. Like other human rights, the right to disaster protection should be based on agreement, and not be imposed from above.

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Civil society organizations (non-governmental organizations) could launch the effort by proposing a draft international agreement with regard to disaster relief. Technical experts could study the issues and, on the basis of their consensus, propose a draft *International Treaty on Disaster Mitigation and Relief*. They could bring this draft to national governments through the United Nations system. The intergovernmental negotiations process could then be launched. It might take a decade or more before such a treaty would be ready for adoption by the United Nations General Assembly and then for signature and ratification by individual states.

In the interim, it might be appropriate for concerned civil society organizations to propose an *International Code of Standards on Disaster Mitigation and Relief*, together with appropriate institutional means for helping governments meet those standards. This code would spell out the obligations of governments to prepare for and respond to disasters, and it would also address the

conditions under which international assistance should be provided. The code could be made available for endorsement by relevant civil society organizations, government agencies, and international organizations. These groups could create their own inspectorate, to function on an advisory basis, until more formal international arrangements could be put in place. They could operate on the basis of "constructive dialogue" with the governments of the world, in a manner comparable to the procedures used by the United Nations treaty bodies that are responsible for monitoring the major international human rights agreements. This would be a feasible approach toward assuring that the human right to disaster mitigation and relief is realized everywhere.

As in all human rights work, the core issue is whether governments are willing to make commitments based on recognition that protection is one of the fundamental tasks of governance. The governments will not take the initiative on this; they must be pushed.