

# The rights-based approach to emergencies

## A Beginners' Guide

### Emergencies: a question of poverty

Disasters can hit at any time and in any place, affecting people from all walks of life. But they tend to hit poor people hardest.

Forced to the margins of productive lands, poor people frequently live in areas prone to drought and flooding. Those who are killed, injured or left homeless by earthquakes, fires, floods, mudslides, or hurricanes are often those living in poor housing or in areas of high risk where few would choose to settle. Poverty, then, is a key factor behind emergencies. This is true of natural disasters but also of emergencies resulting from conflict. A scarcity of resources – of land, water, or livestock, for example – is often the initial trigger for violent fighting. And once the fighting has started, poor people are left more vulnerable to the effects of war. In sum, emergencies exacerbate poverty that already existed and cause further poverty.

### Emergencies and the denial of human rights

Disasters can expose layer upon layer of injustice and human rights violations:

- The fact that poor people are more vulnerable to disasters is an injustice in itself.
- On top of this, people's rights are routinely denied in emergency situations, especially in conflicts. Amongst these are the right to life, food, shelter, the right to leave your country and return to it, the right to legal redress, the right to work, the right to freedom from torture or cruel, inhuman or degrading treatment.
- Within communities, some people's rights are violated more than others – those of women and children, for example. The deliberate use of rape as a weapon of combat and humiliation is common to many of today's conflicts. Testimonies from women in Bosnia, Rwanda, and Sierra Leone bear witness to this practice. Equally, the frequent practice of recruiting child soldiers is an abuse of children's rights.

- Even humanitarian assistance can sometimes be discriminatory. Following the earthquake in Gujarat, for example, some of the aid distributed through community leaders did not reach the most vulnerable members of those communities. This was because some community leaders ignored the emergency needs of dalits ('untouchables') who, according to the traditional caste system, were not thought to be worthy of aid.

### The emergency response: Whose responsibility?

Often, those who are vulnerable to disasters are used to confronting adverse conditions with little resources. Frequently they will survive and overcome the situation with little or no outside assistance. It is when people no longer have the capacity to cope that an emergency occurs.

**“The Char inhabitants have a life of struggle with disaster. Here, the people and disasters are twisted in the same rope.”**

Mohammed Joynal Sardar,  
Char Kukri Mukri, Bangladesh

People at all levels have a responsibility to respond to disasters – families, communities, local and national governments, and the international community. As each successive level is unable to cope, people at a higher level must take responsibility to help.

### ActionAid's emergencies strategy

ActionAid supports the so-called 'humanitarian imperative', whereby those affected by disasters have a right to assistance, based on their needs. How, then, should ActionAid respond to this 'humanitarian imperative'?

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Two main principles guide ActionAid's intervention in emergency situations:

- Providing relief in an emergency is not an end in itself. Any emergency work should protect and promote the human rights of those affected.
- Emergency interventions should always be based on recognised legal and moral principles. Otherwise the intervention is in danger of doing more harm than good.

ActionAid will react to emergencies only where we have an existing presence or local interest. At all times we will seek to meet internationally recognised standards of best practice, especially with respect to gender and women's rights.

As well as reacting to emergencies, ActionAid is committed to disaster prevention. Staff work at every level – from communities and local and national partner organisations to local and national governments and international institutions – to prevent the risk and likely impact of conflicts and natural, political or economic disasters, and to reduce people's vulnerability to disasters.

A key element of ActionAid's strategy is to increase the capacity of those with responsibility for emergencies so that communities are less dependent on assistance from outside.

ActionAid is particularly committed to finding long-term solutions to poverty. In emergency situations, this means that ActionAid will invest in long-term recovery strategies, including those that will help people rebuild their livelihoods, whether in agriculture, trade, or other sectors.

### **Ethical dilemmas facing AA staff in emergency situations**

Having an organisation-wide emergencies' strategy is important, but applying that strategy is another matter. Emergency situations can present ActionAid staff with seemingly impossible decisions and few easy answers, as some of the following dilemmas illustrate:

- Will the provision of free handouts in an emergency situation undermine long-term strategies to promote communities' self-reliance?
- Where there is a finite amount of emergency assistance, difficult dilemmas will arise over who needs this assistance the most.

- The need to deliver aid versus the need to protect the lives and safety of staff. Should AA risk theft and staff security by travelling through conflict zones to deliver humanitarian aid?
- The need to remain neutral and detached in a conflict situation versus the obligation to take a stand and speak out against human rights abuses committed by one or both sides.
- Dealing with demands for aid by fighters as payment for allowing much needed food through to civilians.
- Is aid being delivered or withheld on the basis of need? Or on the basis of how it will affect the course of the conflict?

### **Laws and standards in emergency situations**

In order to deal with some of the dilemmas mentioned above, it is essential that ActionAid staff have a thorough understanding of humanitarian principles and the rights of people in emergencies. These are enshrined in an elaborate body of international and national human rights, laws and standards. These include human rights law, international humanitarian law, and the laws governing rights in conflict situations such as the Geneva Convention. There is also a whole set of laws governing refugee rights. All these laws and standards can help provide the legal and moral foundation we need for our actions, decisions and dilemmas in emergency situations.

But these complex laws and standards may prove difficult to understand at the best of times, let alone in an extreme disaster situation. So how can they be translated into effective tools for responding to an emergency on the ground?

### **The rights-based approach in practice**

There are now a wide range of tools and methods agencies can adopt in order to put the rights-based approach to emergencies into practice. Amongst these are the following:

#### **Code of Conduct**

In recent years, 140 agencies involved in international emergencies, including ActionAid, have signed up to a '*Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response*'. This has helped NGOs put humanitarian principles into action and resolve some of the dilemmas mentioned previously.

## Sphere Project

In addition to the Code of Conduct, the so-called Sphere Project has developed two main tools for NGOs' emergency interventions:

- 1 The Humanitarian Charter
- 2 Minimum Standards

The Sphere Project's Humanitarian Charter sets out the following guiding principles:

- The right to life with dignity. This covers laws on the right to life and freedom from cruel, inhuman or degrading treatment.
- A distinction between combatants and non-combatants. Non-combatants are protected under humanitarian law.
- Non-refoulement. Under refugee law, no refugee should be sent back to a country where his or her life or freedom may be threatened due to race, religion, or nationality etc.

The Sphere Project's Minimum Standards provide an operational framework for ensuring that people affected by disasters have access to the minimum requirements in the following five core areas: food aid, nutrition, shelter and site planning, water supply and sanitation, health services.

### Sphere's Project's recommended minimum standards for recipients of Food Aid.

*(based on World Health Organisation estimates):*

- 2,100 calories per person per day
- 10-12% of total energy provided by protein
- 17% of total energy provided by fat
- adequate micronutrient intake through fresh or fortified foods

## Local values and institutions

As well as the rights contained in international and national law, ActionAid's experience in Burundi, Somaliland and elsewhere has taught us the importance of understanding local laws, customs, and institutions. Ignoring local cultural norms can seriously undermine humanitarian efforts and alienate the victims of emergencies (as witnessed in Gujarat where an understanding of the local caste system proved essential). On a more positive note, traditional laws

and customs can be a vital resource for promoting people's rights in emergencies.

In Burundi, ActionAid became actively involved in providing emergency assistance to communities affected by the conflict between Hutus and Tutsis. Through this work, it became clear that the traditional institution of Bashingatahe, in which elders resolve community conflict, was playing a major role in peace and reconciliation processes amongst Burundian communities. ActionAid is now actively supporting this traditional institution as a key tool for restoring peace in Burundi.

## Advocacy and emergencies

Advocacy is another 'tool' for putting the rights-based approach to emergencies into practice and a key component of ActionAid's emergencies strategy. This involves:

- raising awareness amongst poor people of their rights in emergency situations, and their responsibilities and obligations for emergency preparedness and response.
- raising awareness internationally of people's rights in emergencies.
- speaking out against abuses of human rights we may witness.
- trying to influence the policies of national governments, international donors, and private companies to ensure that people's rights are secured and protected in emergency situations.

Following the earthquakes in El Salvador in 2001, housing became the priority issue for all those involved in the relief effort. One response from a group of international NGOs was to send a joint statement to the European Commission which analysed the severe housing needs in the country and emphasised the importance of respecting established housing standards in emergency situations (in line with the Sphere Project). The declaration included practical recommendations for the construction of emergency shelter (so that such shelter reduced rather than increased people's vulnerability to future natural disasters).

It also called on the European Union to execute projects in close collaboration with those actually affected by the earthquakes, to engage the Salvadorean State in the reconstruction process, and to implement projects on rural development, employment rights, and access to health and education in order to strengthen the reconstruction process in the long-term.

## Empowering communities

Empowering communities to secure their rights themselves is another key aspect of the rights-based approach to emergencies. ActionAid seeks to actively involve local people and rely on local resources as far as possible in its emergency interventions. This approach makes our interventions more sustainable and increases ActionAid's transparency and accountability. In order to promote community participation in emergencies, ActionAid has developed a number of innovative, participatory tools, as illustrated in the box below.

Following the floods in Orissa, India in 1999, ActionAid has initiated a 'social audit' strategy, whereby communities themselves manage, monitor and evaluate the reconstruction process, including the scrutiny of ActionAid's accounts and operations.

The small farmers of the Bolangir district of Western Orissa in India are frequently hit by drought, forcing them to mortgage or even sell their land and abandon their homes in search of wage-paid labour elsewhere and a life of even worse poverty. In response, ActionAid has introduced 'micro-level planning' whereby the villagers themselves analyse, design and implement their own plans for addressing poverty and vulnerability through securing their rights. In one village where 70% of inhabitants used to migrate, the micro-level planning process enabled all inhabitants to avoid forced migration.

## Emergencies: an opportunity to promote people's rights

The upheaval during emergencies offers great opportunities for addressing the inequalities in a society and the power relations that may have denied people rights in the past. This underlines the importance of ensuring that ActionAid's emergencies strategy goes hand in hand with long-term strategies for eradicating poverty.

When Hurricane Georges hit the Dominican Republic in 1998, the Dominican Government by-passed the emergency needs of those of Haitian descent, even though Dominico-Haitians were amongst the worst hit by the Hurricane. In the face of this discrimination, Dominico-Haitians set up their own emergency network in order to gain access to international aid directly. This network not only successfully secured international assistance but also greatly improved coordination and communication amongst the Dominico-Haitian community. Long after the immediate emergency effort, the network continued to promote the rights of Dominico-Haitians in general, including their right to Dominican citizenship.

Whenever an emergency arises, AA staff will need to examine:

- what rights do people have?
- what rights are people are being denied?
- what opportunities exist to change people's access to their rights?
- how does the above impact on gender relations, and on long-term strategies for fighting poverty?

For more information on ActionAid's rights-based approach to emergencies, visit,

[www.actionaid.org/resources/emergencies/emergencies.shtml](http://www.actionaid.org/resources/emergencies/emergencies.shtml)

ActionAid is a unique partnership of people who are fighting for a better world - a world without poverty.

**ActionAid**  
Hamlyn House  
Macdonald Road  
London N19 5PG  
United Kingdom

**Telephone**  
++44 (0)20 7561 7561

**Facsimile**  
++44 (0)20 7272 0899

**E-Mail**  
mail@actionaid.org.uk

**Website**  
www.actionaid.org

**International Head Office**  
London

**Asia Region Office**  
Bangkok

**Africa Region Office**  
Harare

**Latin America  
Regional Office**  
Guatemala

**Founder**  
Cecil Jackson Cole

**Chairman**  
Ken Burnett

**Chief Executive**  
Salli Shetty

**Patron**  
HRH The Prince of Wales

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