

Challenges and Potential for a Human Rights Response to Hurricane Katrina

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The Universal Declaration of Human Rights (UDHR), unanimously adopted by the United Nations on December 10, 1948, is generally considered to be the founding document of the international human rights system. It details a comprehensive range of government obligations, and places an intrinsic value on humanity and dignity. The aftermath of hurricanes Katrina and Rita have forced the U.S. social justice community to consider strategies for using human rights to hold the government accountable and inspire community empowerment. However, building national respect for this approach is a long-term struggle. Today, we are faced with the question of how to effectively apply human rights to the immediate consequences of disaster. Looking for examples from the international arena may provide a clue.

Like many people, for a good while I shared the common understanding of human rights in this country, which assumes that they primarily address civil and political problems abroad. For example, limits on free speech, corrupt elections, torture, state-sponsored murder and unjust imprisonment. Over the years, I came to understand that human rights violations of this variety are also fairly easy to find here at home. But it wasn't until I examined a calendar printed with each article of the Universal Declaration that I critically considered the overall definition of human rights and what these standards imply for the United States.

In addition to the human rights that I was familiar with, the UDHR includes economic and social rights and principles that demonstrate respect for human worth and dignity. Human rights standards call for access to basic resources needed for survival, such as food, water, housing, education, and health services. The government has a responsibility to fulfill these rights according to their relative wealth.

For the first time, I considered how deeply this country's government has rejected human rights, even in regards to its own population, and how shifting the public understanding of these rights could have a significant impact on social justice organizing and advocacy. The fact that Martin Luther King Jr. and Malcolm X had already come to this conclusion a generation ago was, embarrassingly, news to me as well.

Poverty and Neglect as Human Rights Violations

Normally in the U.S., rather than being seen as people with rights, the poor are vilified for their poverty, as though it was some sort of morbid lifestyle choice. When the wealthy government ignores their needs, it is just acting in the interest of practicality. In the wake of hurricanes Katrina and Rita, it is more evident than ever that to define poverty and social inequity as human rights issues helps explain why it is so inherently reprehensible that poor and primarily Black survivors were treated as if their economic vulnerability made them disposable.

Human rights provide an analytical and legal framework for condemning local, state and federal agencies for coating layers and layers of policy and procedural disasters on top of the hurricanes. There should have been adequate flood protection, a functional evacuation plan that factored in poverty, humane treatment of survivors and enough supportive services to help people resettle or return and get their lives back together.

There are even human rights standards that are specific to situations of disaster and displacement. The United Nations Guiding Principles on the Rights of Internally Displaced Persons are widely regarded as the framework for protecting people who have been uprooted from their homes under circumstances such as the hurricanes. The Guiding Principles have even been promoted as the recommended protocol for other countries by the U.S. Department of State and Agency for International Development. Yet, the U.S. government has never once referenced using these standards here at home.

Internalizing Human Rights in the U.S.

In the current context, it would be considered a phenomenal victory if the U.S. would only accept the validity of human rights, including economic and social rights, as a relevant and legitimate basis for developing public policy. Conventional wisdom says that we have a long way to get to this goal. With basic civil and political rights increasingly under attack, economic and social rights seem to be the impossible dream.

Recognizing that it is unrealistic to expect any substantial human rights leadership on the federal level in the foreseeable future, there is still promise for internalizing this framework on the individual and community level. The power and attractiveness of human rights comes from their universality and comprehensiveness. They show the link between different social justice issues such as racism, lack of affordable housing, over-incarceration, immigration, and workers rights. Without them, we are limited to addressing symptoms of injustice without presenting a broad platform for systemic social change. However, making them real for people in the U.S. is a significant challenge.

The abandonment of hurricane survivors is an outrage. Every stage of the disaster exposed the human rights crisis brought by economic disparity and racism in the U.S. As pundits and officials struggled over calling the displaced “refugees” or “evacuees,” virtually all neglected to recognize the humanitarian framework accepted throughout the world. In almost any other country, there would have been an immediate acknowledgement that the hurricane survivors are Internally Displaced Persons protected by the UN Guiding Principles.

Human rights law was created to help avoid an accountability vacuum when government policy wantonly violates basic humanitarian and democratic ethics. Now seems a particularly appropriate moment to reference these laws in the United States. Human rights standards were developed, in particular, for times when government is inclined to behave lawlessly.

In my work, I apply these standards to support advocacy and community organizing in a range of issues. I adopted the strategy of popularizing human rights, in particular economic and social rights, and working to integrate them into the U.S. social justice movement through the creation of a new organization called the National Economic and Social Rights Initiative (NESRI). While many people, especially those who experience poverty, may be interested in demanding food, housing, education, water and health care as human rights, there is still doubt about whether or not this approach is practical. Even if more of the U.S. public comes to accept human rights, can we really rely on our government to guarantee them? If I give thousands of fliers to hurricane survivors telling them that they have a right to stable housing and a supportive infrastructure to rebuild their communities, what difference will it make? How are they supposed to exercise these rights?

When I went down to the Gulf Coast in the months following the hurricanes to document the experiences of survivors and assess human rights violations, some people pointed out that while reports and papers are all well and good, people still didn’t have electricity, functional health facilities, schools, public transportation, trauma therapy, or even someone to help take away the garbage from gutted homes. Nearly a year later, a shocking number of these factors have not changed. Human rights sound good but as the song says, “Ain’t nothing going on but the rent,” which has skyrocketed in many hurricane-affected areas, shutting many survivors out of the housing market.

International Exchange

Human rights are important to reference as the fundamental guidelines for how we expect our government to treat its people. Accounting for violations helps to make the plight of those facing injustice more visible. But we also need to find something that could be more immediately useful in helping survivors. One of the groups that we work with in New Orleans, the National Policy and Advocacy Council on Homelessness (NPACH), initiated a dialogue with a group of tsunami survivor activists in Southern Asia whose work was rooted in human rights principles. The group from Asia has actively organized survivors into a massive network spanning three different countries that has been aggressively rebuilding villages without the governments’ support or permission.

The Asian Coalition for Housing Rights, one of the member groups of the Tsunami Survivors Network, like many people around the world, is in solidarity with Katrina and Rita survivors. Moreover, they developed a compelling example for incorporating human rights principles, not only into a vision for what should be but also into a practical roadmap for building the power and autonomy of some of the region’s poorest communities. Guided by human rights principles like the right to housing, the right to grassroots participation in decision-making, and the right to return, their network galvanized a critical mass of survivors into an independent catalyst for economic justice.

From a human rights perspective, there was great potential for exchange between the U.S. hurricane survivors and tsunami activists. For one thing, it has the potential to illustrate how human rights are not only a tool for making demands of the state, they provide a visionary framework for taking proactive action when the state is either indifferent or overtly hostile to community needs. Furthermore, the exchange illustrates the potential for using the human rights framework as a basis for international solidarity.

After months of failed scheduling attempts (some due to the fact that the Asians were juggling travel with plans to build thousands of homes) and many frustrations with obtaining visas, two members of the Asian Coalition for Housing Rights were able to visit New Orleans in June of 2006. They visited with community groups and toured some of the most devastated neighborhoods. They were shocked that so little had been done to restore access to housing and rebuild the city's infrastructure.

Many of the tsunami-affected areas were completely wiped out by the massive tidal wave. The closest parallel for the gulf region would probably be some parts of Mississippi's coast that were hit with the surge of the storm. In these areas, it is not uncommon to see homes and businesses that were completely leveled. New Orleans, however, was as much, if not more, a victim of the manmade disaster -- the failure of the levee system that was supposed to protect the city -- as the storm itself. Much of the basic structure of buildings remains intact. While flood damage has done a great deal of harm, many of the homes could have been quickly restored with gutting and repairs. This greatly shocked the Asian visitors.

We met with activist tenants from the city's public housing complexes who were fighting impending demolition, as announced by Secretary Jackson from Housing and Urban Development (HUD). Some of these units, like St. Bernard's, the one we visited, were two and three stories high. While the ground floor had suffered serious damage, there was no reason to think that the flood damage could not be repaired and the upper levels renovated relatively easily.

The Asian visitors asked why viable housing could be left to rot when there were so many people who wanted to return home and the city was suffering from a housing shortage. They also wondered why more communities were not back in their neighborhoods putting up a fight and rebuilding according to their needs whether the government and commercial speculators liked it or not.

Better to Ask Forgiveness than Permission

As in the Gulf Coast, many of the poorest villagers from coastal communities who survived the tsunami were discouraged from returning. The government, tourist industry and other private interests had their eyes on the real estate potential. Many were forbidden from returning. With few resources and no titles to the land, they were probably not expected to put up much of a fight. However, in the days immediately following the disaster, survivors were organizing. Very efficiently they managed to form an intricate network and secure foreign aid to plan the reconstruction of their villages on their own terms.

What they have accomplished is nothing short of remarkable. The basis for their strategy was simple: survivors all had a fundamental human right to return and to live in adequate housing and they were going to claim this right at all odds. Their mantra might have been "better to ask forgiveness than permission" because they came back into their communities with full strength, and equipped with determination and the technical assistance of architects, planners and builders to reconstruct their homes. They figured that they would be in a stronger negotiating position with the government and the speculators if they were already back and living in their newly rebuilt houses. More than a dozen of these villages have now gained official recognition and acquired land rights.

The Asian Coalition strongly believed in a human right to housing but they couldn't afford to wait for formal recognition of these rights to start acting on these basic principles instead. They effectively operationalized human rights in the context of disaster and made them into a platform for action.

On the New Orleans visit, one of the Asian visitors, Somsook Boonyabancha, a veteran housing rights and land-sharing activist, repeatedly wondered where there was a counterpart to their efforts, with a tightly woven and well organized group of Katrina and Rita survivors collectively leading the rebuilding of their communities, with or without the consent and support of those in power. Some of the groups we met, like the Common Ground Collective, were doing tremendous work. However, their core seemed primarily composed of visitors, including a remarkable group of college student volunteers. While volunteers from outside the region are critically important and valued, the Asians recognized that leadership of the community

that had traditionally lived in the area and planned to remain was vital to inclusiveness and sustainability.

The first glimpse they got of anything familiar to their model was during our visit to the Vietnamese community of New Orleans East. This community was incredibly close knit well before the hurricanes, having survived as a unit through multiple displacements within Vietnam and after they came to this country as refugees. They are only a few thousand people but they are intensely organized. After the disaster, the head priest of the community's church could account for all but one of his members. They quickly regrouped with a commitment to building their community to be even stronger than it was before. In fact, they collectively bargained as one unit with FEMA and other federal agencies, guaranteeing much more fair and consistent treatment than other survivors appealing to agencies individually for assistance.

Many stores in the community are up and running. They pulled together collectively to rebuild them, along with each private residence one home at a time. They pooled their resources to orchestrate new plans for their community, including new cultural centers, affordable housing and landmarks. They did their construction autonomously and explained that their experience post-hurricane was distinguished from others because they were a "community" not a "neighborhood" for many generations. Therefore, it was less of an obstacle for them to regroup and work together as a unit. It was also emphasized that they had a "self-help," as opposed to "welfare," mentality.

As the only Black person participating in this part of the visit, and someone who also has Asian ancestry, this left me feeling very conflicted. It lead me to ponder yet another challenge for human rights in this country. The "neighborhoods" that were being referred to were mostly Black, and their reasons for not being able to work together are the culmination of factors far too complicated for me to do them any justice. They include a destructive merging of the experience of slavery, disintegrated family units and heavy indoctrination with Western ideals of individualism. These factors create an enduring cultural concoction that is decidedly unfriendly to meaningful progressive social change. Human rights address discrimination and social inequity. They do provide a framework for cross-issue cooperation but can they be effectively employed to combat our deepest ingrained limitations to unity?

As for the "self-help" question, human rights are not at all at odds with community self-determination and autonomy. In fact, the Asian Coalition example shows one of my greatest hopes for how human rights can become the foundation for action, rebuilding, providing services, building businesses, creating organizational governance and procedures, and someday perhaps even political platforms. Ultimately, as human rights activists, we do have a responsibility to "be the change" we want to see in the world, as Gandhi said. However, our self-motivation does not abdicate the State of its human rights responsibility, nor does it diminish the importance of monitoring, documenting and shaming those who commit violations.

Multiple strategies, including seeking accountability and supporting community asset-building, should operate in harmony to produce the greatest potential for impact. The aftermath of last year's hurricanes revealed a real life urgency and potential for finding effective ways to apply this approach. The next step in the exchange with the tsunami survivors is to bring Gulf Coast activists to visit community-led rebuilding projects in Thailand and Indonesia. Perhaps as we internationalize our methods, strategies and vision, we can help reverse the tendency of the U.S. to position itself as an unchallenged exception to human rights norms.

The New Orleans East Vietnamese community is not parallel to most other communities in that region. It was shaped by the circumstances of generations of displacement and exile, which created uniquely strong social cohesion. Their experience should not be compared to others but it does offer lessons for post-disaster reconstruction led by survivors.

Meanwhile, there are important and more replicable examples offered by the Tsunami Survivors Network. They managed to build cooperation and solidarity across countries, languages and religion. We should explore how to apply their model to strategize and work together across hurricane-affected states. There are still many questions to answer through this exchange about parallels and differences. What role can a human rights approach play in bridging these relationships and building partnerships across different communities? Human rights are not the only piece of this puzzle but it could help reinforce the glue that binds our efforts together.