

Hurricane Survivors and the Human Right to Return

“After the emergency stage of the disaster is over, displaced persons will usually require assistance to rebuild their lives. National authorities have the primary duty and responsibility to facilitate this by establishing the conditions, as well as providing the means, for IDPs [survivors] to return voluntarily, in safety and dignity, to their places of origin or to resettle in another part of the country and to facilitate their reintegration.”

—Walter Kalin, Representative of the UN Secretary-General on the Human Rights of IDPs

People or groups who have been forced to leave their homes as a result of natural or man-made disasters but still remain within their own countries, are known as “internally displaced persons” or IDP’s by governments around the world, including the U.S. It is universally recognized that governments should provide human rights protections for IDPs through all phases of displacement. The greatest long term human rights need of most internally displaced people is to have governments enable them to return home or voluntarily resettle elsewhere.

This is what the U.S. Agency for International Development has to say about U.S. policy abroad:

Governing authorities in affected countries hold primary responsibility for IDPs: their wellbeing, security, safe return home, and resettlement.

IDPs who have returned home or resettled permanently into new communities need assistance to construct or repair water systems, health systems, schools, and transportation routes. Resettled IDPs also need access to vocational training and business or agricultural loans and inputs. Inclusion of IDPs in broader USAID development strategies reflects a growing understanding that population displacement can negatively affect stability and the longer-term development prospects of a nation.

USAID, in its policy handbook, also states that it “supports the goals” of the UN Guiding Principles on Internal Displacement. These principles clearly recognize the human rights of internally displaced persons to return to their communities whenever possible.

What Does the Right to Return Mean?

The right to return is, in reality, a combination of several fundamental human rights including: housing, health, education, decent work, social security, physical security, and non-discrimination.

- Right to Housing: ensuring access to a safe, secure, habitable, and affordable home
- Right to Education: ensuring that education is available to all
- Right to Health: ensuring the right to the highest attainable standard of health which includes access to medical services, nutrition, sanitation, and clean water and air
- Right to Food: guaranteeing freedom from hunger and access to safe and nutritious food
- Right to Work: guaranteeing the right to have fulfilling and dignified work under safe and healthy conditions and with fair wages
- Right to Social Security: guaranteeing that everyone has the means necessary to acquire basic needs and services
- Right to Physical Security: guaranteeing that everyone is free from physical and other forms of violence and intimidation

Additional Key Components of the Right to Return

Informed choice regarding return or resettlement

- The government must provide survivors with the choice to return to their former homes or to resettle in a new location.
- In order to make appropriate decisions, survivors must be informed of the conditions of and future plans for their neighborhoods and communities (regarding shelter and housing, schools, medical facilities, and essential services such as electricity, water, and sanitation).
- Survivors must be provided with information about resettlement options including shelter and housing, schools, medical facilities, and essential services such as electricity, water, and sanitation in their potential new communities.

Government aid in the reintegration process

- If survivors choose to return, the government must provide assistance to enable the displaced to re-establish previous livelihoods and communities.
- If it is not possible to re-establish previous livelihoods then the government must provide the displaced with training for developing new sources of income.

Participation in the return or resettlement process

- Internally displaced persons should be allowed to play a part in the planning and management of their return and reintegration.
- Survivors must have the choice to play a role in decisions concerning the rebuilding of their communities. They must be allowed to influence the future of shelters, housing, public buildings, public facilities, and infrastructure (roads, public transportation, sanitation, water, and electric systems).

Recovery of or compensation for property/possessions left behind

- Survivors must receive assistance in the recovery of property or possessions which they left behind or lost in the process of leaving for both those that return and those that resettle.
- If recovery of property and possessions is not possible, survivors must be provided assistance in receiving appropriate compensation or another form of payment.

Compensation when the government creates “exclusion zones”

- Where the government determines that reconstruction must be prohibited, the decision must be made in close consultation with the displaced persons who should receive compensation for property and land lost, as well as assistance in relocating and reestablishing their livelihoods and residence elsewhere.
- The government can only create exclusion zones through rational analysis of data and must ensure that the zones are not established only to later be sold for profit.