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A Recipe for Disaster: Neoliberalism, Natural Disasters, and Human Rights

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Abstract

It is increasingly claimed that there is no such thing as a natural disaster. Socio-political, economic and cultural processes that predispose an area to certain types of calamity or disaster also contribute significantly to the outcome of such catastrophes. Not only do natural disasters disproportionately affect low-income and minority communities, but disaster relief is allocated through economic and political agendas. Such phenomena are explained through frameworks pertaining that neoliberal and biopolitical regimes advocate a culture of economic efficiency and ethical disengagement, where those who cannot contribute to this neoliberal ideology are considered as redundant and disposable within society. Subsequently, it is believed that natural disasters assist an economic Darwinism, where deviating groups such as the poor, racial minorities, the criminalised, and the marginalised, are cleansed from the social and economic landscape through lethargic and discriminatory disaster mitigation policies and biopolitical abuses.

This dissertation aims to explore such claims from a human rights perspective, using case studies from New Orleans in the United States and the Bay of Bengal in Bangladesh, to explore how the effects of socio-natural disasters and mitigation policies may lead to violations of international human rights doctrines. I conclude that such phenomena do point to numerous human rights violations, which stem from socio-political ostracism and discriminatory policies which exclude marginal groups from the protection of their civic rights.

Keywords:

Author

Evelyn Smail graduated from the School of Sociology and Social Policy in 2011 with a degree in BA (Hons) Sociology. Evelyn won the best dissertation prize in the graduating class of 2011 for achieving the highest mark for a dissertation across all programmes. Evelyn achieved a mark of 86%.

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Introduction

“In many cases, nature’s contribution to ‘natural’ disasters is simply to expose the effects of deeper, structural causes – from global warming and unplanned urbanization to trade liberalization and political marginalization. The effects of man’s action are often evident – many natural catastrophes are un/natural in their origins”
(IFRC, in Jackson, 2006)

Natural disasters are a major issue facing humankind. In the last two decades alone, two million people were killed and five billion people cumulatively affected by around 7,000 natural disasters (Stromberg, 2007). This dissertation approaches the issues of natural disasters from a sociological perspective, advocating that the devastation caused by such events are never purely ‘natural’, but strongly embedded within socio-political and economic frameworks (Roelofs et al., 1974; Bolin et al., 1998; Cole and Foster, 2001; Jackson, 2006; Benton, 2006; Neumayer and Plumper, 2007). I advocate that rather than a discontinuity of ‘the normal’, disasters magnify previously entrenched social problems identified through an analysis of victim profiling and mitigation policy locales. Sociological inquiries of natural disasters are therefore essential, as they divert the fixation on the ‘abnormal’ aspects of disaster that mistakenly estrange them from everyday socio-political life (Stallings, 2002:284). Therefore, unless citing previous literature, I will adopt McKendry’s (2007:2) suggestion and hereafter refer to such events as ‘socio-natural’ disasters to accentuate the multi-dimensional processes involved.

This dissertation investigates potential human rights violations transpiring from the alleged negligent and discriminatory behaviour from governments and other organisations before, during, and after a socio-natural disaster. Ferris (2010:1) advocates that this

incorporation of a human rights perspective on natural disasters is imperative to affirm 'the rights and dignity of vulnerable people'. However, there is a palpable absence of sociological literature that dissects and explores human rights laws and state responsibility to the extent that is advocated by academics such as Lewis (2006) and Ferris (2010). Therefore, by utilising international human rights documentation concerning civil, political, economic, social, and cultural rights, I will closely analyse the relationship between existing socio-economic milieu and governmental behaviour and policies using two recent cases of socio-natural disasters – Hurricane Katrina in New Orleans (see Appendix A) and Cyclone Sidr in the Bay of Bengal (see Appendix B), through a human rights framework. As Lewis (2006:13-14) asserts, although governments do not directly cause natural disasters, 'they do bear legally, politically, or morally binding responsibilities with regard to the human rights impact of those disasters', and can often, intentionally or otherwise, contribute to and exacerbate the humanitarian crisis that ultimately follows.

Questions of justice, social inequalities, discrimination, and political and economic exclusion are central to this argument, as 'affluent nations or regions of a nation manage to transfer the environmental burden of their affluence to poorer localities' (Bullard and Shiva, in Low 1999:309). Low-income or marginalised groups are often forced to settle in areas at high risk from socio-natural disasters due to economic and socio-geographical exclusion. Already deficient of economic resources and now exposed to environmental risk, their vulnerability to socio-natural disasters is intensified (Bullard, 1993). Furthermore, when disaster strikes, such communities are often neglected by their governments: 'recovery efforts too easily can fall prey to apathy, "disaster fatigue," political manipulations, or even outright discrimination or economic expediency' (Lewis, 2006: 12). I

subsequently propose that such behaviour violates numerous universal human rights, such as the right to non-discrimination, the right to life and dignity, and the right of protection and equality before the law.

My results are located within conceptual frameworks such as critiques of neoliberal ideologies, biopower, and the politics of disposability. Certain discourses assert that modern neoliberal regimes, characterised by economic efficiency and moral vacancy, have led to an increase in economic and cultural inequalities (Brysk, 2002; Harvey, 2005). I argue that neoliberalist ideals devalue the lives of poor and other marginal groups who cannot conform to global capitalist supremacy and are thus socially downgraded and politically ostracised, and concur with Benton (2006), who asserts that the basic human well-being and rights of an individual are largely of secondary importance to the neoliberal ideology of recent decades. Bauman's theory of 'wasted lives', where to be poor is to be redundant or disposable within contemporary capitalist society, is paramount to this analysis, as the subordinate individual represents an 'unwarranted burden to neoliberal society' and are 'left unprotected' (Giroux, 2006a:27). Foucault's (1990:138) explanation of biopolitical modernity, which suggests demographical manipulations through 'the power to *foster* life or *disallow* it to the point of death', can also go far in explaining discriminatory disaster mitigation policies which appear to abandon certain social groups in times of catastrophe. Such discourse provides greater understanding of the social realities of environmental discriminatory policies and injustices, and provide the theoretical foundation for my following investigation concerning socio-natural disasters and human rights.

Conceptual Frameworks

Environmental racism

"Environmental racism... is a new manifestation of historic racial oppression. It is merely "old wine in a new bottle""

(Robinson, 2007:1)

Environmental racism, rather than simply concerning issues of racial discrimination, refers to all communities of poor or other disenfranchised minorities who are disproportionately affected by environmental issues due to hierarchical social categories (Benton, 2006; Schlosberg, 2009). Socio-economic systems which 'allocate societies' resources to the detriment of some groups and the benefit of others' have become increasingly relevant in the study of environmental racism (Blaikie et al., 1994:124). Distributional inequalities concerning environmental justice and protection are located within structures of global hierarchies, devaluing the lives of low-income and ethnic minority groups, and disproportionately exposing them to environmental risks such as chemical wastes and natural hazards whilst dominant groups remain protected (Schlosberg, 2009). As Bullard (1993:17) asserts, these institutionalised discriminations are central to environmental policy-making: 'environmental racism is reinforced by government, legal, economic, political and military institutions'. Such practices are widespread in capitalist modernity and outcomes are systematically and institutionally 'unjust' and 'racist' and pose a severe threat to the rights of marginal groups (Cole and Foster, 2001:66).

Social and geographical vulnerability

“The impact of a natural event on any given community, for example, is not random, but determined by everyday patterns of social interaction and organisation, particularly the resulting stratification paradigms which determine access to resources”

(Morrow, 1999:1)

Vulnerability to socio-natural disasters is associated with ‘poverty, powerlessness, weakness, limited capacity and lack of resources’ (Willison and Willison, in Bankoff et al., 2004:145). Resulting from a complex interplay of political, economic, social, and ideological practises at a given locale, it is thus socially constructed; it arises out of the social and economic circumstances of everyday living (Enarso and Morrow, 1997). This has lead Neumayer and Plumper (2007) to maintain that inequalities in both exposure to risk and in access to resources, capabilities and opportunities exist to systematically disadvantage certain groups and render them more vulnerable than others.

Stemming from environmental racism, social vulnerability is the conceptual nexus that links people with the environment. Vulnerability arises from discrimination against politically marginalised or disenfranchised groups who exist as an inferior social category (Morrow, 1999). Poverty is the most definitive marginality, but this is compounded by membership to a minority or other disenfranchised group (ibid.). Such inequalities may also reflect a socio-political system that is ill-equipped or unwilling to limit the consequences of a natural hazard in certain areas (Cutter, 1996; Stromberg, 2007). Indeed, according to Boyce (2000:257), measures to reduce disaster vulnerability are ‘impure public

goods'; they are not equally provided to all and certain members of society are excluded from the benefits of these investments by virtue of their inadequate socio-economic status.

Vulnerability to socio-natural disasters also includes geographical vulnerability: 'in linking spatial patterns of disaster risk to human-generated vulnerability, geography is uniquely positioned to study the impact of natural disasters on socio-economic systems and groups of people', write Neumayer and Plumper (2007:555). Regions repeatedly exposed to environmental hazards become discredited; they suffer from a 'territorial stigmatization' - a distinctive feature of advanced social marginality reinforced by a 'state policy of welfare withdrawal' and 'abandonment' (Wacquant, 2008:114). This stigmatization of certain districts, 'where only the detritus of society would tolerate living', becomes superimposed onto the stigma of those residing there (ibid.:116). Existing both geographically and socio-politically excluded from mainstream society, these groups are highly vulnerable to socio-natural disasters, lacking resources from both civil and political societal levels.

Social and political misrecognition

Embedded discriminatory practices which render certain communities vulnerable to socio-natural disasters are said to originate from the social and political misrecognition of marginalised groups. Fraser (2000:114) advocates that this misrecognition arises when relationships between social groups 'constitute some actors as inferior, excluded, wholly other, or simply invisible—in other words, as less than full partners in social interaction'. Socio-political misrecognition is therefore a problem of cultural depreciation and institutionalised subordination, or, as Samson and Short (2006:182)

elucidate, where a 'way of life or ethnic group is neglected, disparaged, discriminated against by wider society'. The refutation of civic rights and social ostracism which routinely operates within this concept of a cultural downgrading and 'social death' is reproduced and reinforced through subsequent underinvestment in such communities, which further 'others' them from dominant capitalist ideals (Honneth, 1995:132). Since it is marginal communities most at risk from environmental disasters, misrecognising their problems can distance them further from dominant social and political life through the cultural devaluation of their identity juxtaposed with the hegemonic norm (Fraser, 2000). These societal hierarchies cause implications for human rights if the needs of certain groups during a disaster are made invisible to the political and economic agenda (Rawls, 1971; Samson and Short, 2006).

Despite such claims, however, socio-political misrecognition is itself misrecognised as a legitimate social issue: 'the roots of injustice are located in demeaning representations, but these are not seen as socially grounded. For this current, the nub of the problem is free-floating discourses, not *institutionalized* significations and norms' (Fraser, 2000:110). Such practices go far in explaining as to why certain groups experience perpetual environmental racism or socio-geographical exclusion; as their issues are made invisible and misrecognised by dominant societal discourses then their plight is not seen as problematic and in need of reparation.

Neoliberalism and the politics of disposability

“The measurement of the costs of the health-impairing pollution depends on the foregone earnings from increased morbidity and mortality... the economic logic behind dumping a load of toxic waste in the lowest-wage country is impeccable and we should face up to that’

(Lawrence Summer, in Westra and Wenz, 1995:xvii)

The 1991 Summers memo advocated the economic benefits of dumping toxic waste in Third-World countries. Although not referring to socio-natural disasters directly, a similar logic is clear as there are evident economic benefits of allocating the poor, the weak, and the marginalised in high risk disaster areas. Such ideologies are based upon neoliberal efficiencies, where citizens are obligated to act accordingly with the market principles of individualism, efficiency and competitiveness; thus overriding any democratic concern for equality, ethical values and social interests (Peters, 2006; Ong, in Karim, 2008:),). Neoliberalism is a politics where the unproductive are considered useless and thus expendable; where whole populations are considered disposable and unnecessary burdens on the state. Giroux (2006a) names this the *politics of disposability*.

As such, it is argued that neoliberalist values represent the antithesis to the human rights ideology (Brysk, 2002; Harvey, 2005). As Karl Marx theorised, ‘between two rights, force decides’ (in Harvey, 2005:80). The winning force, it appears, is neoliberalism: ‘regrettably the doctrinal human rights community has largely closed its eyes and ears to the many ways in which its discourse has been politically and economically sullied’ (Rose,

2008:306). Whilst Clay and Marshall (2009) find tensions between neoliberal globalisation and internationally-recognised human rights doctrines impede the respect for such rights, Mahmud (2009:1) argues that neoliberal policies have themselves created 'marginalization, deprivation, economic injustice, insecurity and poverty at large'. Paradoxically, it is also argued that those who once fought successfully for less state intervention are today ardently demanding 'more state' to hide the detrimental social consequences of the 'deterioration of social protection for the inferior regions of social space' (Waquant, in Bauman, 2004:84). Regarding socio-natural disasters, conditions of environmental vulnerability that arise from poor governance, unchecked neoliberal development policies and marginalisation of the poor are the necessary sacrifices for the neoliberal agenda to survive (Schipper and Pelling, 2006:25).

Bauman: wasted lives

'To be 'redundant' means to be supernumerary, unneeded, of no use... The others do not need you; they can do as well, and better, without you. There is no self-evident reason for your being around and no obvious justification for your claim to the right to stay around"

(Bauman, 2004:12)

Linked to neoliberalism and the politics of disposability, Bauman's theory of 'wasted lives' asserts that those who cannot contribute to the capitalist ideology are considered redundant within mainstream political society. As Bauman (2004:14) neatly conceptualises, 'the society of consumers has no place for flawed, incomplete, unfulfilled consumers'. This human 'redundancy' occupies the same semantic space with 'rejects' and 'waste', leading to a social homelessness

with the attendant loss of self-esteem and life-purpose (ibid.:12). They are 'leftovers in the most radical and effective way: we make them invisible by not looking and unthinkable by not thinking' (Bauman, in Giroux, 2006a).

Giroux identifies whole populations 'who have been rendered redundant and disposable in the age of neoliberal global capitalism' (Giroux, 2006a:29). Their 'weakness is now a sin, punishable by social exclusion' (ibid.:28). Modern organised society treats these 'superfluous' people as intruders and criminals, charged with 'feeding parasitically on the social body' (Czarnowski, in Bauman, 2004:41). Under neoliberalist and militarist logics, these citizens are considered dependent, an unwarranted burden to society, and are left unprotected. Neither producers nor consumers, writes Giroux (2006a), they are dismissed as valuable products and subsequently disposed of.

This 'waste machine of modernity', Bauman writes, 'must be challenged within a new understanding of environmental justice, human rights, and democratic politics' (in Giroux, 2006a:68). The removal of certain groups from the discourse and values of a substantive democracy mean that not only do civil liberties begin to disappear, but so do human beings (ibid.) They are the products of 'economic Darwinism that now operates abashedly in public view, producing entire populations that pass quickly into human waste machines so as to be neither a drain on the privileged classes nor a burden on public consciousness' (ibid.:63). Regions repeatedly affected by socio-natural disasters contain such disposable citizens, resultant of political commitments that have given up on the sanctity of human life for the populations rendered obsolete for global neoliberal economies (ibid.).

Foucault: biopower and biopolitics

“For millennia, man [sic] remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his as a living being in question”

(Foucault, 1990:143)

Foucault defined modernity as an epoch where new forms of governance practised an institutionalised authority over human lives (Venn, 2009). He saw this new political economy as exercising a ‘biopower’; the sovereign power of the ‘right to *take* life or *let* live ... to *foster* life or *disallow* it to the point of death’ (Foucault, 1990:136-38). For Foucault, this biopolitical modernity occupies dissymmetries and barriers between racial, cultural, or other deviant or anomalous sub groups, created by hierarchies of privileges, wealth and power (ibid.). Or as Venn (2009:206) explains, modernity sponsors a ‘dispossession and pauperization, often allied to the hierarchization of difference’. If a state wishes to employ mechanisms of ‘normalisation (neoliberal/ capitalist/ dominant)’, then this is a condition for exercising the ‘right to kill’ (Foucault, 2004:156). This ‘killing’, Foucault asserts, includes all forms of direct or indirect murder: ‘the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on’ (ibid.). This process transpires during socio-natural disasters when we see the poor, the marginalized or the dissident populations subject to the ‘politics of disposability’ through their disproportionate exposure to environmental risk combined with inadequate or non-existent mitigation policies (Giroux, 2006a). Thus, the biopolitics of socio-natural disasters produce a ‘cleansed visual and social landscape in which the poor, the elderly, the infirm, and criminalized populations

share a common fate of disappearing from public view' (ibid.:23). This 'biopolitical mentality', which allows inferior beings to perish in order for the 'strong' to thrive, bypasses lawful conduct altogether, yet remains the foundation for the political economy in the modern world (Foucault, 2004:255).

Human Rights

"The word "rights" carries great weight and raises expectations. Rights are entitlements, rights are freedoms, and ultimately, in all cases, rights are power"

(Inniss, 2007:35)

Human rights laws represent quantified social norms and values in a social locale. Behaviour is governed by binding 'consensual norms', defined by reciprocal expectations and obligations, and subject to sanctions (Habermas, 1968). When one group breaks these obligations through 'incompetent' or 'deviant' behaviour, these sanctions should be provoked. However, as power and other political or economic resources are unevenly distributed, dominant groups can often escape their obligations regarding human right laws (ibid.).

Lewis (2006:12) asks 'why should we focus on human rights in the aftermath of a natural disaster?' The answer, evidently, is clear and extensive:

'Unequal access to assistance, discrimination in aid provision, enforced relocation, sexual and gender-based violence, loss of documentation, recruitment of children into fighting forces, unsafe or involuntary return or resettlement, and issues of property restitution are just some of the problems that are

often encountered by those affected by the consequences of natural disasters'

(Brookings-Bern Project on Internal Displacement, 2008:1)

Governments and the international community are obligated 'legally, politically, and morally' to 'undertake recovery efforts in ways that are consistent with the human rights of those most affected by disaster' (Lewis, 2006: 12). However, all too often the human rights of disaster victims are not taken into account. 'Human beings are no longer protected by domestic and international law, and state violence has become the defining feature of the imperial rogue state' (Giroux, 2006a:81). Furthermore, what Beck calls 'organised non-liability', which refers to systems of structured irresponsibility and negligence being concealed during disaster management, allows these laws to be repeatedly violated (in Benton, 2006:29). As 'corporate concerns displace democratic values,' writes Giroux (2006a:29) 'official "power is measured by the speed with which responsibilities can be escaped"'. As such, a human rights culture must be established before, during, and after such catastrophic events in order to protect the rights and lives of vulnerable people (Lewis, 2006; Ferris, 2010; United Nations, 2010).

Although previous sociological and official documents refer to the possible *existence* of human rights violations caused by socio-natural disasters, it appears there is a weakness in existing literature which explores the exact *nature* and *explanations* behind these phenomena within wider discourses of social, political, economic and cultural locales (Stones, 2006). The following analysis, therefore, draws upon the sociological paradigms regarding environmental racism, socio-political vulnerability and misrecognition, the politics of disposability, biopower, and 'wasted

lives', in order to elucidate understanding of the socio-political and economic milieu that caused various human rights violations that I propose transpired in the events surrounding Hurricane Katrina and Cyclone Sidr.

Methodology

This study applies secondary data regarding socio-natural disasters to international human rights documentation in order to expose and analyse possible human rights infringements relating to the case studies. It has been recognised that the separation of social theory, political philosophy and human rights is a 'significant weakness' that runs through much of the literature concerning social justice (Stones, 2006:133). Therefore, an applied analysis of the political society and economy surrounding socio-natural disasters through a human rights framework is essential to affirm the rights and dignity of vulnerable people, to expose social inequalities and injustices, and to make transparent discriminatory and inadequate disaster policies which may lead to greater environmental justice and less human rights violations in the future.

The use of case studies is appropriate for this investigation as it enables the application of existing literature to complex real-life activities. As Richie and Lewis (2009:76) affirm, case studies are holistic and contextualised, and are rooted in certain events 'which is seen as critical to understanding the researched phenomena'. Furthermore, as applied research involves a careful selection process to observe a phenomena with certain temporal and/or spatial limitations (Gerring, 2007; Noor, 2008), issues of selection bias are irrelevant as 'attention to purposive modes of sampling is needed' (Seawright and Gerring, 2008:295). Therefore, I have purposefully selected Hurricane Katrina in New Orleans (see Appendix A) and Cyclone Sidr in Bangladesh (see Appendix B) for this study. An important rationale is that both cases are taken from countries which follow a neoliberalist political system and both have existing socio-economic and cultural inequalities; thus both are

relevant to apply to the paradigms put forward from Bauman (2000;2004) and Foucault (1990;2004). Both events also occurred relatively temporally close to each other; the significance being that human rights discourses are strongly embedded within humanitarian philosophies of the 'moment' (Stones, 2006:136). Most importantly, however, both cases occurred in regions annually affected by socio-natural disasters and thus there exist grounded expectations for adequate and embedded disaster protection and mitigation policies to subsist in such areas (McMillan, 1998). This is significant as only behaviour which takes place outside the de facto 'popular conception of rights', which severs events from the legitimate expectations of a governmental behaviour, will indicate a possible human rights violation (Stones, 2006:134). As such, the following results will incorporate only behaviour that deviates from the expectations and obligations of the normative political obligations in each case; in other words, preventable violations which occurred due to governmental action or negligence.

This application of a human rights analysis to socio-natural disasters has employed a framework put forward by Stones (2006:134), which advocates the necessity for an 'internal critique'. This embraces a human rights analysis relevant to the political philosophy and social structures for each case at hand, for example 'justice, discrimination, autonomy etc' (ibid). Consideration of the phenomenological relevance of the social relations is important in order for a judgement to be made as to whether a particular rights violation is a legitimate claim, since 'rights are always embedded and always relational' (ibid.). This requires that relevant normative political expectations are confronted with the 'social theoretical delineation and analysis of the de facto level of beliefs, practices and institutions' (ibid.:135).

In order to maximise the validity of the results, this study follows the discipline of triangulation in order to cross-validate the information and capitalises upon the sociological endeavour for accuracy and clarification in qualitative research (Stake, 1995). The analysis originates from collecting and combining secondary data from sources such as official documents, academic scholars, oral histories, documentary evidence and media reports in order to overcome various weaknesses in the validity of each data category (Blight, in Hartman and Squires, 2006). For example, whilst documents from organisations such as the United Nations can be regarded as largely legitimate in their content, there may be issues of validity regarding other paradigms of discussion may be charged with personal, political or humanitarian ideologies. The employment of triangulation in this essay, however, means that such issues pose limited threat to the validity of the results.

The human rights documents and specific laws were selected based upon their relevance to each case as well as being advocated by Lewis (2006) in her previous human rights analysis of the events surrounding the Indian Ocean Tsunami. These documents are: *International Covenant of Civil and Political Rights* (see Appendix C), *International Covenant on Economic, Social and Cultural Rights* (see Appendix D), and *The 1998 Guiding Principles on Internal Displacement* (see Appendix E). This will allow an in-depth and relevant analysis and discussion to ensue concerning human rights and Hurricane Katrina and Cyclone Sidr.

Human Rights Analysis: Hurricane Katrina

Introducing a humanitarian crisis

Contemporary American society is characterised by poverty, inequality, social isolation, and racial segregation (Giroux, 2006a; Durant and Sultan, 2008). Neoliberalist ideologies advocating an ethos of individualism and self-determination has excluded and discriminated against marginal and vulnerable citizens who then 'lack basic security and the capability to lead a life of value' (United Nations, 2006:5). Far from its façade of the land of opportunity, but rather defined by 'lack of opportunities and limited ability to access the existing opportunities', the United States is a place where 'the poor are insecure and vulnerable' and are unable 'to participate in economic and social activities in a meaningful way' (ibid.:16). No-where is this more evident than in the city of New Orleans in the state of Louisiana, a city defined by high poverty rates, racial segregation, and socio-political exclusion (United Nations, 2006; Graham, 2008). Data indicates that before Katrina, the city of New Orleans had a 67% black population, and about a third of these people lived below the poverty line (U.S. Census Bureau, 2007). Indeed, as Sanyika asserts, New Orleans 'may be regarded as the capital of socioeconomic marginality' (in Bullard and Wright, 2009:105).

This extreme social and economic vulnerability within New Orleans was graphically exposed by Hurricane Katrina, which opened a window to the dark side of America (Pastor et al. 2006). Stranded and abandoned in one of the poorest neighbourhoods in the United States, the hurricane showed the world that disasters and rescues are not equal opportunity affairs (ibid.). As Kelman (2008:45) writes, this was not a "natural disaster" because natural disasters

do not exist... The fundamental myth of Katrina is that the disaster could not have been averted’.

It’s believed that a ‘complex web of social, cultural, historical, and economic factors sustained by the intractable consequences of a system of segregation, discrimination, and racism is the backdrop for Katrina’ (Bullard and Wright, 2009:xx). Prior to the storm, the higher and safer ground had historically been occupied by the richer, whiter folk (Dyson, 2006; Jackson, 2006). That ‘poor black people’ have been exiled to vulnerable and dangerous territory ‘suggests the racial politics of both demographic and geographical shifts and trends’ (Dyson, 2006:79). This increased vulnerability is typical of the South, where the history of slavery and white resistance has affected both race relations and the areas ecology; as Pastor et al. (2006) write, the plantation system exploited not only humans but also the land, thus exacerbating the areas risk from environmental hazards. Prior to the disaster, low-income individuals and minorities in New Orleans were more underprepared and underinsured, and living in more unsafe, substandard housing than richer households, whilst afterwards they suffered a slower recovery due to less insurance, less information, fewer loans, less government relief, and endured discrimination and rejection in their search for housing (Bullard and Wright, 2009:xx). This can be seen as a *second disaster* (Pastor et al., 2006).

For those from a human rights perspective, Katrina represented a ‘massive international humanitarian disaster and a human rights crisis’ (Lewis, 2009:235). The storm revealed how both government inaction and *abusive* actions before, during, and after the storm hit ‘was a wholesale and multidimensional failure to respect, protect, and fulfil any number of internationally recognised human rights and protections for internationally displaced persons (IDPs)’

(ibid.:240). By combining information from academic sources, media reports, and official documents with the oral histories of New Orleans' citizens, the following analysis will explicate the devastation caused by both the hurricane and socio-political structures which ultimately lead to such violations.

Human rights application: race, poverty, and marginality

The Right to Non-Discrimination

(See Appendix C, article: 2 (1); 4; 26; 27)

(See Appendix D, article: 2 (2))

(See Appendix E, article: 4 (1); 11(3); 17(1); 17(2); 24(1))

"I understand, in a way, why they would abandon us: no political power, very little money, black city – we can't influence much"

(Resident of New Orleans, in *When the Levees Broke*, 2006:act4)

"I ain't saying he's a gold digger

But he ain't messing with no broke niggas [Repeat twice]

George Bush don't like black people [Repeat four times]"

(Legendary K.O., in Inniss, 2007:49)

One of the most evident human rights violations found in the data was that which violated the right to non-discriminatory treatment based upon sex, disability, age, other social origin or status, and, most markedly in this instance, race. As Morris (2009:345) asserts, the 'human rights violations that environmental racism inevitably cause are "inseparable" from the discriminatory concentration of environmental burdens'. Whilst Bush insisted that "the storm didn't discriminate, and neither will the recovery effort", all indications

point to discriminatory practices in disaster preparedness, emergency response, and reconstruction (in Jackson, 2006:1). Those caught up in the tragedy were regarded as both socially and racially of no importance (*When The Levees Broke (WTLB)*, 2006:act2), causing a cavalier and inept response that created a social disaster that 'overshadowed the deadly storm itself' (Bullard and Wright, 2009:3). As a news report at the time acknowledged: 'most of them are black and poor; America's underclass. The real victims of what has become a human storm' (in *WTLB*, 2006:act2).

A United Nations study (2006) following the disaster found numerous discriminatory treatments affecting the victims. For example, in the evacuation process, 'priority was given to predominantly white neighbourhoods' (ibid.:19). For the rest, evacuation consisted largely as a self-help operation (Huddy and Feldman, 2006). Information from government assistance programmes remained inaccessible to some, particularly those from low socio-economic backgrounds without access to the internet: 'it was the poor people - both black and white - who were hit the hardest by Katrina. Many of those left behind were poor, African American, elderly or disabled. Little or no provision was made for the many people in the area who did not own cars' (United Nation, 2006:18). The majority of victims who deceased were elderly; their initial physical vulnerability heightened by nursing homes being ignored in terms of evacuation. As Cooper and Block (2006) assert, rescuing people off rooftops took priority as they were physically more exposed to media attention. In one instance, 'thirty-four nursing home residents drowned because the owners refused to leave,' as a lack of special transport meant that evacuation would kill their residents (Kelman, 2008:4). Little or no information or specialised help was provided to vulnerable groups, such as those with disabilities, or women with children (Bullard and Wright, 2009).

Without doubt, discriminatory practises plagued the rescue operation surrounding Katrina. Unfortunately, writes Webb (2009), it seems that these are the same people who are left behind in our nation, the people who seem to pay again and again.

The effects of Hurricane Katrina forced American citizens to acknowledge that it was 'not a hurricane, but decades of flawed and discriminatory public policies that created concentrated racialised poverty and an unprecedented man-made disaster' (Khan, in Bullard and Wright 2009:205). Kennedy compares those involved to Holocaust victims: 'theirs was the misfortune of being the wrong kind of people. They were poor, and for the most part, dark skinned... when catastrophe strikes, it's not the women and children first, but the Haves – the Devil take the Have-Nots' (in Squires and Hartman, 2006:53). As Harris-Lacewell writes, not only were the victims abandoned in their drowning city, 'but black Americans were abandoned in their grief as they once again confronted the fact of their second-class citizenship' (in Marable and Clarke, 2008:167).

Notions of governmental apathy and abandonment towards the African-American population reverberate throughout much of the literature concerning the federal response to Hurricane Katrina; the abandonment of the poor, black population 'tells us that only the most despised soul could be left like that' (Troutt, 2006:4). Giroux (2006a:39) asserts that such discriminatory behaviour is located within deeper memories of 'injustice and violence', linking the apartheid past to the present disregard for disposable populations. What was revealed, 'besides large groups of people stranded on highways crying out for help, corpses propped up in wheelchairs, and bloated bodies floating in the rancid floodwaters of New Orleans for weeks on end', was a government that displayed a 'dangerous incompetence and... staggering indifference to human suffering'

(ibid.:41). Furthermore, that the treatment of black citizens was akin to slavery is not seen as simply racial rhetoric: 'the fact is that they were treating them like slaves on a ship'; families were separated, the vulnerable divided from the strong (Dyson, in *WTLB*, 2006:act2).

According to Sanyika, these catastrophic failures are resultant of environmental racism and an indifference to the lives of the disenfranchised citizens of New Orleans (in Bullard and Wright, 2009). Many adamantly believe that had the disaster struck a richer, whiter region of the States, then the majority of victims would still be alive (ibid.). The Bush administration has come under huge attack for the discriminatory handling of Hurricane Katrina, causing Kanye West's outburst on live TV: 'George Bush doesn't care about black people' (*WTLB*, 2006:act3). Considering the highly discriminatory mitigation policies surrounding Katrina, many do not disagree (ibid.).

The Right to Lawful Protection and Equality

(See Appendix C, article: 2(3.1); 16; 26)

(See Appendix E, article: 15(a); 20(1); 20(2))

"When I heard they were calling us refugees I couldn't do nothin' but drop my head, 'cause I say I am a United States citizen of America"

(Evacuee, *WTLB*, 2006:act3)

"Damn, when that storm came in that blew away our citizenship too? What, we weren't American citizens anymore, what kind of shit is that?"

(Evacuee, *WTLB*, 2006:act3)

The discriminatory practices surrounding the handling of Hurricane Katrina also worked to 'Otherise' its victims; no longer were they viewed as homeowners, taxpaying citizens of America; they were racialised, criminalised, and dehumanised. Those trying to escape over the Crescent City Bridge to seek refuge were met with federal officers with guns and told to turn back. Viewed as dangerous thugs rather than victims, this denied both their right to citizenship and the right to freedom of movement (Lewis, 2009). Furthermore, those who evacuated were viewed as 'refugees', 'a designation which suggests that an alien force lacking both citizenship and legal rights had inhabited the Gulf Coast' (Giroux, 2006a:55). Or as Bauman (2004:80) depicts, refugees represent 'the human waste of the global frontier-land; as "the outsiders incarnate"... out of place everywhere except in places that are themselves out of place'. Once again, black and poor citizens were reminded that their "American-ness" was not as solid as would be expected by the rhetoric of equality. For African-Americans, this alienation from citizenship was simply a continuation of the long history of racial discrimination, economic disparity, and socio-political misrecognition.

During their displacement, many evacuees lost vital documents such as government identifications and health insurance cards, and hence faced great difficulty and received little help in securing services elsewhere in the country (Inniss, 2007) (see Appendix E, 20(2)). Furthermore, a mayoral election held whilst many were still displaced caused the political voice of many black neighbourhoods (the worst affected areas) to be greatly diminished (Logan, 2006; Quigley, 2006). Here, we witness how geographical segregation assisted to project and ensure the socio-political marginalisation of minority groups, creating what Inniss (2007:34) names an 'identity cleavage'; a process which occurs when members of disfavoured groups are denied the legal rights of citizenship during a crisis. As

such, the IDP's of Katrina were 'identified as part of the enemy, neglected and even persecuted... because they were disconnected from the enjoyment of the rights normally associated with the dignity of being a citizen, their marginalization "becomes tantamount to statelessness"' (ibid.). Such discourse also resonates with Foucault's 'political death', as we see marginalised citizens further ostracised from political life.

This civic exclusion of Katrina victims, particularly those of colour, was coupled with contemptuous treatment by authorities. Famously, Barbara Bush described the disaster as catalysing some form of upward social mobility for IDPs: "'so many of the people here, you know, were underprivileged anyway, so this is working very well for them'" (in Giroux, 2006a:48). Such rhetoric visibly demeaned and humiliated survivors; their social development and civic needs apparently fell far behind the rest of America's citizens. Along with statements disclaiming responsibility for victims by local, state, and federal authorities, such treatment embodied a poignant reminder of how 'legal and political discourse concerning people of African ancestry involves an active and continual "othering" of blacks, which renders them outsiders' (Inniss, 2007:34-5).

Focusing on those left behind in New Orleans, the victims were subjected to "disaster pornography", where those suffering were 'dehumanised, exploited, and reduced to objects of mass media consumption by sensationalized portrayals' (Inniss, 2007:5). Media distortions of violence and theft meant that 'within a very short time, images of despair and human suffering were transformed into a monstrous spectacle that quickly passed from demonisation to criminalisation to militarization' (Giroux, 2006a:55). 'Accused in the press of shooting at their own rescuers', writes Troutt (2006:5), 'looting their own survival, defamed for rapes that never occurred,

ignored for the rapes that did, and, in a mythologizing process that is still unfolding, blamed for their own need', the victims of this disaster were evidently denied protection by the same laws of citizenship and equality that their fellow Americans enjoyed. This denial of equality and protection before the law, along with their misrecognition as legitimate, tax-paying citizens worthy of federal assistance, meant that human rights laws were violated as those suffering were dehumanised and excluded from socio-political life (Amnesty International Report, 2010).

The Right to Dignity and Life

(See Appendix C, article: 6)

(See Appendix E, article: 11(3); 16(3); 20 (1); 20(2); 24(1); 24(3); 25(1); 25(2); 25(3))

"They tried to kill us. When you keep somebody on top of the interstate for five days, with no food and water, that's killing people. And there ain't no ands, ifs or buts about it, that was NOPD killing people"

(Resident, in Stein and Preuss, 2008:226)

It was no secret that a major category 5 hurricane may one day strike the city, in fact, the breached levees in New Orleans was identified as one of the three most likely catastrophic disasters to hit America at the time (Giroux, 2006a; U.S. Congress, 2010). The government's ideological hostility towards its obligations in providing social services and crucial infrastructure was particularly devastating for the victims of Katrina. Ignoring requests for funds to reinforce the levees, funding was ultimately cut by more than half a billion dollars in 2002, 'leaving unfinished the construction for levees that eventually burst' (Giroux, 2006a:37). Katrina embodied a 'political epiphany', revealing 'the fatal consequences of stripping

government of its civic functions' (ibid.:41). As the District counsellor of New Orleans asserted: 'Katrina didn't kill anybody, the Corps of Engineers did... If they had built those levees to category three, all the residents of New Orleans would still be here' (WTLB, 2006:act 4).

Not only did the government fail to protect the lives of its citizens through the inadequate levee system, but lethal bureaucratic inertia following the storm caused further death, injury and suffering (Dysin, 2006; U.S. Congress, 2008). The massive failure of local, state, and federal governments to respond to Katrina, 'which had been predicted in theory for many years, and forecast with startling accuracy for five days', directly led to numerous preventable deaths and thousands of dangerous rescues (U.S. Congress, 2008:1-2). Despite the absence of an evacuation plan for those without vehicles, FEMA's Michael Brown 'blamed the poor for staying behind and drowning', whilst the facts imply that 'they simply couldn't muster the resources to escape destruction, and for many, death' (Dyson, 2006:6). To make matters worse, international humanitarian assistance was arbitrarily dismissed for almost a week, (See Appendix E, 25(2)), causing further unnecessary suffering and death (United Nations, 2005). As one resident declared: 'this is criminal. These people are dying for no other reason than the lack of organisation' (in Horne, 2006:222).

For New Orleans, 'decades-long official policy of *benign* neglect had become *malign* neglect', (Giroux, 2006a:45). As the U.S. Congress (2008:259) itself admitted, 'passivity did the most damage'. However, many more reports suggest that some of the victim's right to dignity and life was violated more consciously. For example, the federal government's refusal to acknowledge the disaster for days on end meant that many who survived the floods ultimately

died from hunger or thirst, or from an absence of medical supplies, whilst left stranded after being refused refuge outside the city (Dyson, 2006). As one survivor commented: 'we were treated worse than an animal. People do leave a dog in a house, but they do leave him food and water' (in Stein and Preuss, 2008:225). The rescue operation, when it arrived, was highly militarised; survivors were penned up with barbed wire, controlled with guns, and refused requests for health care and first aid (Giroux, 2006a; Stein and Preuss, 2008). A 'zero tolerance' policy advocating the shooting of 'looters', was implemented to control those who were struggling to survive inside the city (Giroux, 2006a; Amnesty International, 2010). Michael Ratner, president of the Centre for Constitutional Rights, commented that this militarization of New Orleans was 'frightening and possibly illegal' (Giroux, 2006a:57).

Furthermore, individuals with limited mobility within prisons or hospitals were disproportionately at risk from injury or death as no special assistance was provided for such cases. Prisoners abandoned in flooding jails directly violated 'the basic rights to life and the prohibition against torture and cruel treatment' (Lewis, 2009:241). Four patients at the Memorial Medical Centre were, without consultation, administered lethal doses of morphine to end their lives. Although described by doctors as mercy killings, this was also seen as an illegitimate and unilateral power of the physician 'to arbitrarily decide who lives and who dies' (Lugosi, 2007:71-72). However, as hospital staff themselves were left stranded in 'unimaginably difficult conditions' for days, struggling to care for patients with no power, water, food, or sanitation system and in temperatures of above 100°F, they were also implicated in the milieu of violations concerning rights to dignity and life (Okie, 2008:1; also Deichmann, 2007).

These unnecessary and preventable deaths can be located within the neoliberal ideology that devalued the lives of the poor and minorities (Giroux, 2006a). For example, on the eve of the storm Mayor Nagin first warned New Orleans local business community, rather than its citizens, about the storm in order to protect the city's economic base at the cost of the lives of those without time to evacuate (*WTLB*, 2006:act2). Such principles dominate the reasoning as to why a nation so rich and powerful found it tolerable to fatally abandon some of its poorest citizens (Giroux, 2006a). It appears that the bodies of the poor and black citizens of New Orleans, seen floating in floodwaters for weeks on end, 'can simply be regulated to the status of human waste, outside the protective services of the state, outside of the moral compass of justice, reduced to rotting along with the houses destroyed by the flood' (ibid.:44). As Dyson (2006) writes, the disaster's true lesson, that to be poor, and black, in today's ownership society, is to be left behind.

The Right to Health

(See Appendix D, article: 11(1); 12(1); 12(2.c); 12(2.d))

(See Appendix E, article: 7(2); 11(1); 17(2); 18(2.d); 19(1))

'I can't sleep without a pill, every night I have to take it. Anti anxiety pills, sleeping pills...'

(Survivor, *WTLB*, 2006:act3)

The rights for citizens to enjoy the highest standards of physical and mental health, and access to medical care in the event of sickness, were also violated due to the inadequate government mitigation and protection. Chaotic and unprepared evacuations for hospitals, poor planning and ineffective distribution of medical supplies and equipment, and a lack of medical care for the special needs

population and dialysis patients lead to preventable illnesses and deaths (U.S. Congress, 2008). Patients left in hospitals increasingly declared themselves as 'no-codes' in view of the 'misery and futility' around them' (Deichmann, 2007:63). No electricity or technology in hospitals meant that sick people could be in distress and had no way of calling for help; even if help arrived, there were no resources for 'any kind of serious advanced life support without electricity, running water or basic sanitary conditions' (ibid.). In the longer term, 'access to primary health care for the uninsured, low income and communities of colour in New Orleans' was severely impacted by the decision to close hospitals within the city, whilst those displaced were unable to access the necessary healthcare as state funding dwindled (ibid:6).

Victims also suffered emotional and mental trauma as a direct consequence of the storm. 'The immediate stress and trauma experienced by many individuals are now manifesting in the form of depression and anxiety disorders' (Webb, in Bullard and Wright, 2009:149-150). A threefold increase in suicide rates in New Orleans occurred when comparing pre-Katrina statistics to numbers collected in the four months afterwards (ibid.). Those displaced were the most vulnerable to such illnesses, and within this group elderly survivors were particularly traumatized by the loss of connections with friends and family (Perry and Dulio, 2006). Amnesty International (2010) also found a severe lack of access to mental health care in the aftermath of the storm, for both those displaced and at home. Race was also a factor in determining levels of both physical and mental distress experienced after Katrina, 'owing to residence in high poverty areas, the residential segregation that existed before the storm, and the greater economic dislocation experienced after the hurricane' (Keith et al., 2007:257). Given the 'historical legacy of slavery, racial oppression, contemporary racial

dynamics, and economic and gender inequality,' the black population of New Orleans remained the most vulnerable to both physical and mental health issues caused by Katrina (ibid.:264).

The Right to Housing

(See Appendix C, article: 17(1))

(See Appendix D, article: 11(1))

(See Appendix E, article: 7; 18(1); 18(2.b))

The right to adequate shelter and housing was also implicated during Katrina; plans for emergency shelter and housing for the survivors were 'haphazard and inadequate' and months after Katrina, thousands of trailers manufactured specially for survivors stood idle and decaying whilst countless residents remained displaced (U.S. Congress, 2008:12). For those who were finally housed in trailers, dangerously high levels of toxic gas were exposed to its inhabitants which lead to many illnesses (Giroux, 2006a). Although the devastation caused by Katrina 'was heartbreaking enough for the people who lost their homes... the days and weeks and months that followed provided little relief. The government plans for their shelter were far from adequate' (U.S. Congress, 2008:315).

Furthermore, whilst the majority of damaged houses owned only hurricane, but not flood, insurance, over seventy percent of properties were not covered for damages after the storm, mostly those belonging to the poor and minority households (Brodie at al., 2006). As this flood damage was caused by the poorly constructed levees that breached, and not directly resultant of the hurricane which largely bypassed the city, this represents a great injustice to the homeowners of New Orleans (Giroux, 2006a). Moreover, many homes owned by long-term evacuees 'were marked as nuisances by

the city and slated for demolition' (Inniss, 2007:21). No notice was given to the owners who were relocated in other states, and no compensation was granted. Once again the poor, African-American homeowners whose houses were most damaged were disproportionately affected (ibid.), and this interference in the privacy and home of the survivors denies any 'socially valid legal rights' of those affected (Honneth, 1995:133) (See Appendix C, 17(1)). Yet despite such conduct, FEMA (2010) continues to view the evacuation and housing policies adopted as successes, citing achievements in protecting some of the richer properties of New Orleans and thus reducing financial losses. Such injustices concerning the discriminatory housing policies surrounding the disaster has meant that that sixty percent of New Orleans' 12,000 homeless individuals are so because of Hurricane Katrina, and eighty-one percent of homeowners are left with insufficient funds to rebuild; most of them poor, of African-American origin, and with little economic or political power (Amnesty International Report, 2010).

The Right to Return Home

(See Appendix C, article: 12(1); 27)

(See Appendix D, article: 11(1))

(See Appendix E, article: 7(2); 15(a); 17(1); 17(2); 17(3);

20(2); 24(1); 24(3); 28(1); 28(2))

"If they had wanted us in New Orleans they wouldn't have tried to drown us and kill us, so I'm not going back so they can finish us off"

(Evacuee, *WTLB*, 2006:act 3)

“Were probably gonna end up a small city, gentrified, primarily white, primarily well to do, and I think that the rest of the United States thinks that’s just fine”

(Survivor, *WTLB*, 2006:act 4)

The right for internally displaced persons to return home, and the obligations of authorities to create the necessary conditions for this to occur, were also violated following Hurricane Katrina. The failures of the federal levee system created one of the largest disaster diasporas in U.S. history’ (Bullard and Wright 2009:30). However, a quarter of those displaced have yet to return, and this is seen as no accident (Ferris, 2010:2). Following the disaster, New Orleans representatives asserted that Katrina had actually solved the problem of poverty in the area by cleaning up low-income housing and displacing the poor (Giroux, 2006a). What’s more, whilst New Orleans has lost a large majority of its black population, the white and wealthy, for whom insurance and self-protection were affordable, remain (Smith et al., 2006). The conditions of those who remain displaced are particularly tragic because individuals are exposed to ‘more possible human rights violations the longer they are away’ (Cohen and Deng, 1998:xix).

Furthermore, Burch and Wachter (2006:9) insist that when rebuilding an area after a disaster, it is necessary ‘to recognise race and class, account for the needs of the disadvantaged and the disabled, and understand and appreciate demographic diversity in reconstruction’. Nonetheless, the reality suggests that ‘New Orleans will come to model the new ethos of biopolitics and disposability’ as the black and poor population have been eliminated from the urban fabric (Giroux, 2006:58). A study by the United Nations (2006:19) found that many evacuees felt that they were excluded from plans to rebuild the city, as new housing would be too expensive for low-

income families, whilst many were denied access to their destroyed homes, leaving them to believe that their properties were 'intentionally being left to rot so that it would be easier to grab the land'. Schools and hospitals were also kept closed for unnecessarily long periods after the disaster, thus preventing the families with children and those with illnesses from returning (*WTLB*, 2006:act3). Dyson (2006:79) calls this a 'subversive migration', which disperses unwanted and disenfranchised individuals across regional boundaries from the territories that they traditionally occupied.

This elimination of the poor, black and marginalised from New Orleans has been driven by dominant white interests who seek to remove such communities (Inniss, 2007:28-29). In one swift step the hurricane cleansed the city of its undesirable population 'while opening up exciting new investment opportunities for corporations' (Giroux, 2006a:57-58). For those wanting to return, the poor will only be able to afford property that remains at risk; whilst for the wealthy 'a house on the hill is coming to mean more than just status with a view' (McIntosh, 2008:3). Inniss (2007:27-8) terms this phenomena a 'disaster dividend', allowing economic development to benefit corporations and the rich, yet 'resulting in such wholesale elimination of communities of colour, especially black communities, that it is often cynically called "negro removal"'.

This violation to a domestic right to return, however, affects more than just the immediate victims. New Orleans is currently enmeshed in plans for a renaissance focused on cultural 'revitalization' and 'gentrification' (Inniss, 2007:48). This implicates the right to enjoy ones culture (Appendix C, 27), due the large number of displaced persons coupled with urban regeneration which poses a great threat to the vitality and unique culture of New Orleans (United Nations, 2006; McKinney, 2006; Ogletree, 2006;

Grey, 2008). As one resident notes: 'to have New Orleans without black people, is to have nothin' (*WTLB*, 2006:act3); the city without this vital group 'would result in a sterile imitation of the city that once was' (Inniss, 2007:48). Unfortunately, considering the many efforts working to prevent citizens from returning, it appears unlikely that New Orleans will be restored to the cultural heart of the deep South that it once was (Rozario, 2005).

Discussion: Katrina, Neoliberalism and Human Rights

This analysis of the phenomena surrounding Hurricane Katrina demonstrates that much of the devastation caused was the consequence of discrimination, negligent, or deliberate government actions, and thus exists not as the natural or expected consequences of a disaster, but of large scale (and preventable) violations of human rights. What appears consistent are issues of hierarchical representations of class and race which consistently disadvantaged poor and minority groups, maintained by a neoliberal and racial state which dismisses public needs in lieu of private interests where the wealthy monopolise the benefits (Giroux, 2006a; Bauman, 2006). This disaster was about more than 'government incompetence, militarization, socio-economic polarisation, rampant racism, and political scandal', argues Giroux (2006a:63), it was fuelled by the logic and biopolitics of Bauman's 'liquid modernity' and cultural homogeneity where the 'worthless' and 'marginalised' people of New Orleans were abandoned to the rhetoric of economic efficiency, ethical disengagement and self-responsibility (*ibid.*). 'Biopolitical commitments that dictate who lives and who dies in the context of a rabid neoliberalism and a morally bankrupt neo-conservatism' remain the only explanation which caused the United State to justify the expendability of the poor, the weak, and the racially marginalised to fight off the

disasters misfortunes alone (ibid.:39). 'A blood-curdling thought', writes Bauman (2006:79), 'did Katrina help, inadvertently, the ailing disposal industry of wasted humans, clearly not up to the task of coping with the social consequences of the negative globalisation of an (over)crowded... planet'.

What's more, the initial incompetence and negligence of the federal government continued, and still continues, after Katrina to disadvantage the marginal and vulnerable survivors of New Orleans. Whilst Katrina exists as the most expensive socio-natural disaster to affect the States as yet, the federal government feels justified to reclaim these costs through reconstruction projects that favour industrial and corporate regeneration that has prevented those displaced from returning home, thus systematically undermining government obligations to human rights and civic responsibilities (Giroux, 2006). As Bauman (2006:79) writes of the victims:

"long before they found themselves at the very bottom of the list of priority concerns of the authorities responsible for the security of citizens, they had been exiled to the margins of attention (and the political agenda) of the authorities who were declaring the pursuit of happiness to be a universal human right, and the survival of the fittest to be the prime means of implementing it".

Once again, neoliberal ideologies representing a pathological disdain to social responsibilities 'sends a message to those populations who are poor and black – society neither wants, cares about, nor needs you' (Giroux, 2006:29).

Cyclone Sidr: A Tragedy for the Vulnerable

Bangladesh's Poverty and Sociogeographical Vulnerability

Unlike the United States, Bangladesh is one of the poorest countries in the world (Miyan, 2005). Its poverty rate is 40%; and worse in rural and coastal areas, where eighty percent of Bangladeshis live on less than \$2 per day (World Bank, 2007; Vaughn, 2010). The country is subject to catastrophic flooding and cyclones which can lead to hundreds of thousands of deaths at a time. Resultantly, 'the geography of Bangladesh is literally the geography of life and death (Stoddart, 1987:333). Challenges facing Bangladesh include 'rampant corruption, dysfunctional parliamentary government... a poor human rights record... periodic environmental disasters and poverty' (Vaughn, 2010:3).

'The devastation caused by natural hazards in Bangladesh is more a function of the social and economic characteristics of Bangladeshi society than any of the physical repercussions of a catastrophe' (Oliver-Smith and Hoffman, 1999:195). 'Natural' and 'human' dimensions of disasters are so inextricably bound together that neither has a viable independent existence (Stoddart, 1987; Cannon, 2002). As such, I propose that vulnerability to these disasters in Bangladesh is largely socially and economically constructed through factors including 'landlessness, fragmentation of community cohesion, and lack of access to political representation' (Alam and Collins, 2010:932). This marginalised existence is maintained by neoliberal ideologies which have trivialised dedication to essential public services and alienated from the poor any means to control their own lives (Phulbari movement, in Lang, 2008).

I argue that the settlement of poor people in hazardous places, their exclusion from information, social networks, shelters to protect against sea surges, and aid or medical services, is located within frameworks of environmental racism, socio-political misrecognition and vulnerability, and the politics of disposability. These impoverished and marginalised groups 'have the least ability to resist, cope with, and recover from natural hazards', contributing to 'a culture of powerlessness and fatalism' (Hutton and Haque, 2003:408). When disaster strikes, the poor survive by selling land, livestock, and personal belongings leading to a '*deprivation trap*, a reinforcing situation of disenfranchisement, powerlessness, passivity and apathy' (ibid.:416). As Rahman argues, these deeply entrenched socioeconomic marginalities have degraded civil, political, social and economical rights, as well as constitutional guarantees of equality and non-discrimination regarding socio-natural disasters (in Akter, 2009:11). Human rights issues relevant to issues of displacement, rights to land, rights to housing, and rights to security of person are just some examples of violations that may occur (ibid.). As Leckie asserts, 'people ought to be able to live safely and securely on their land', and it is the governments responsibility to ensure the conditions to do so (ibid.).

Nonetheless, Akter (2009:11) writes that the violations of human rights during socio-natural disasters are not the sole responsibility of developing countries like Bangladesh, as rights are also 'being violated by the actions of developed countries which are primarily responsible for inflicting climate change' (Akter, 2009:11). This discourse suggests that developed countries are imposing their environmental burdens on poorer nations, witnessed by environmental hazards which are increasing in both frequency and strength, and suggests that processes of environmental racism exists concurrently within *global* as well as national scales. This,

however, should not defer attention from the fact that governments remain responsible for the protection of the rights of their citizens.

Human rights application: gender, poverty, and the invisible

The Right to Non-Discrimination

(See Appendix C, article: 2 (1); 3; 4; 26; 27)

(See Appendix D, article: 2 (2))

(See Appendix E, article: 4 (1); 11(3); 24)

“Many poor people live on the other side of the embankment, exposed to the tide, they are greatly at risk”

(Relief Officer, in Oxfam, 2007)

“Women of Hindu religion, and those who lost husbands, children and relatives, were excluded from relief. Sex workers... are also excluded. Among these groups Hindu women were trying repeatedly and desperately to obtain relief, however they failed as they have less contact with the existing UP members and Chairmen”

(CARE Bangladesh, 2007:5)

Bangladesh's pre-existing socioeconomic inequalities meant that governmental assistance following cyclone Sidr was not an equal opportunities affair. The impact was heavily concentrated by district, with areas with a high population density and high poverty rates meant that the poor suffered most. Although great improvements in the cyclone warning system is believed to have saved many lives, it exists as a complicated, almost incomprehensible system, thus excluding those with little education or people dwelling in isolated settlements (Miyan, 2005).

During the cyclone, poor farmers and fishermen were unable to leave their coastal settlements, as insufficient cyclone shelters in the most hazardous areas 'means that a decision to move to distant and hard-to-reach cyclone shelters becomes a matter of making one's livelihood vulnerable during the extended period of disruption' (Alam and Collins, 2010:943). Such conditions are exacerbated by inadequate transport infrastructure in these regions, further preventing individuals from seeking shelter, particularly the elderly and disabled (ibid.). Furthermore, whilst reports that richer or politically influential persons dominated positions in cyclone shelters meant that poorer groups, even if reaching a shelter, were turned away (Mallick and Vogt, 2009), Prosser (2008) found that after Sidr aid was being distributed unfairly to the supporters of certain political parties, indicating a highly discriminatory and unjust system of relief distribution. Those who were landless, forced to live illegally in government lands outside river embankment, lost everything these areas were often completely washed away by the tidal surges (Alam and Collins, 2010). These groups were also extremely vulnerable after the storm as most were 'unable to access institutional credit' (Government of Bangladesh (GoB), 2008:146). Furthermore, 'many lost their livestock during the cyclone, a major means of insurance for paying off expenses such as medical bills and school fees' (ibid.). Mallick and Vogt (2009) write that such conditions meant that poor groups were forced to sell their possessions in order to get by; further exposing them to more vulnerabilities come the next disaster. Moreover, those with disabilities or illnesses were not considered for specialised assistance, meaning that they were disproportionately affected by the cyclone (CARE Bangladesh, 2007) (see Appendix E article 4(2)). Discriminatory mitigation policies, which were either insufficient or nonexistent to some before, during, and after the cyclone, meant that the poor and vulnerable were further disadvantaged, thus

implicating the human right to non-discrimination. Those with greater socioeconomic resources to protect themselves, however, strategically received the most assistance after the cyclone.

Furthermore, poor Bangladeshi women who were 'disproportionately and unacceptably vulnerable' suffered considerably during Sidr (Ribot, 2010:49). Responsibility's to children, loose clothing which restricted mobility in flood waters, and general malnutrition meant that women were systematically more vulnerable than men (Cannon, 2002; Sultana, 2010). Societal attitudes restricting interaction between the sexes also prevented women from seeking shelter in cyclone shelters as they feared 'sexual abuse and losing social dignity' (Sultana, 2010:19). Conservative religious beliefs prohibited some from moving to shelters for fear of losing their *purdha* (head scarf) on the journey (Alam and Collins, 2010:942), whilst some who did seek shelter were 'subject to harassment as the places are not gender friendly' (Sultana, 2010:19). Poncelet et al. (2010:219) additionally identified vulnerable groups such as sex workers, Hindu women, or street children who were also turned away from shelters, whilst after the cyclone women and their children are highly vulnerable to threats such as forced trafficking; or, through denied access to credit, may even 'resort to trafficking in order to earn a living'. Therefore, to be poor, and to be female, during cyclone Sidr posed great risks to personal safety, family life, and economic security, as disaster mitigation policies largely ignored the special physical and social vulnerability of women (Sultana, 2010).

The Right to Lawful Protection and Equality

(See Appendix C, article: 2(3.a); 16; 26)

(See Appendix E, article: 4(2); 20(1); 20(2))

“Everyone says the government will help us but they have not. We received nothing from the NGOs. We are suffering with our children. We didn’t receive anything after Sidr”

(Survivor, in Oxfam, 2008a)

‘Because of the pervasiveness of poverty in Bangladesh, the poor are often viewed as part of the physical landscape, passively accepted and condoned’ (Hutton and Haque, 2003:417). This resonates with socio-political misrecognition and Bauman’s ‘wasted lives’, where the cultural downgrading of marginal groups makes their plight invisible to the political agenda. As such, many of the socially and politically excluded were not recognised as in need of humanitarian help after Sidr, and their issues were easily ignored by authorities. Indeed, ‘local administrators often see the plight of displacees as somehow self-induced, and that less complacent, more motivated and educated persons would have somehow overcome such circumstances’ (ibid.). By blaming the victims for their own condition, they were misrecognised for requiring humanitarian help and thus denied lawful equality of governmental protection.

Furthermore, loss of land title documents exacerbated issues of lawful protection as individuals had difficulty proving their eligibility for recovery and reconstruction assistance. Where aid was available, it was restricted to those who owned land, excluding the thousands who were marginalised and forced to live on dangerous embankments (Oxfam, 2007). From a human rights perspective,

this systematic underinvestment in previously disenfranchised groups, along with the exclusion in reconstruction and recovery policies, are seen as great injustices regarding the right to civil protection and equality, as the poor and the marginal were considered invisible and ineligible for humanitarian help after Sidr. Again, we witness reverberations with theories proposed by Bauman, Foucault, and Giroux, who collectively maintain that individuals anomalous to free market ideals of modernity are excluded from normative political life and rights.

The Right to Dignity and Life

(See Appendix C, article: 6)

(See Appendix E, article: 11(3); 16(3); 20 (1); 20(2); 24(1); 25(1); 25(2); 25(3))

“Many people in the village did not survive... We did not receive any warnings about the cyclone because there were no microphone announcements in the village. If we had received any warnings about the cyclone we would have moved”

(Survivor, in GoB, 2008:151)

“So many people died – I lost my son, he was nearly four. My only brother and both of my sisters are gone. Our homes are gone too, and everything in them, even our clothes. Some of the ladies clinging to trees had their saris torn off their bodies and nothing to cover themselves for two whole days”

(Survivor, in Oxfam, 2008b:1)

Despite advancements in the cyclone warning system in Bangladesh, ‘the role of the Bangladeshi government in disaster management and early warning systems is weak.’ (Poncelet et al.,

2010:220). Neoliberal policies adopted in the 1980's have caused the government to become increasingly hostile towards providing essential public services to the deprived population. Mallick and Vogt (2009) found poor service provisions, inefficient institutional structures, improper resource management, and limited mitigation capacities to help the vulnerable, which lead to preventable deaths and defiled the dignity of citizens during cyclone Sidr. The breaching of embankments in many places meant that many of the most vulnerable of the population suffered material losses, injuries, and even death, and in some regions cyclone warnings were restricted to market areas, meaning that news did not reach many, particularly women, who were at home (Oxfam, 2008b). Even if warning was given, distances to cyclone shelters were an unacceptably long to travel, particularly for the weak and elderly or those living in scattered settlements. Poor transport networks to shelters also meant that many had no access to cyclone shelters (Alam and Collins, 2010). As one survivor noted (in Oxfam, 2008b): "There is no cyclone shelter in the village – the nearest one is far away (4 km)". This is confirmed in a study by Paul and Dutt (2010), who found that a quarter of all respondents were dissuaded from evacuating due to the inaccessibility of a shelter, whilst nearly twenty percent rushed to shelters but had to return home as they were already full. After Sidr, access to humanitarian aid was limited causing further suffering: "a large number of people are standing in the long queue at relief centres and waiting for relief from morning to evening. But many of them are returning home at the end of the day without getting any relief" (Survivor, in Prosser, 2008:459). Substandard mitigation and reconstruction policies, which excluded those in most need of help, lead to preventable deaths and injuries and further 'othered' the most marginal victims of Sidr from a legitimate socio-economic position in society. Once again, we witness the poor and marginalised population subjected to the

politics of disposability, as inadequate or inexistent policies to protect their lives during the cyclone caused avoidable destruction to the dignity and lives of Bangladesh's poor.

The Right to Health

(See Appendix D, article: 11(1); 12(1); 12(2.c); 12(2.d))

(See Appendix E, article: 4(2); 7(2); 11(1); 17(2); 18(2.d); 19(1))

One woman "tied herself to a tree trunk to survive on the cyclone night. She is pregnant and suffering from malnutrition. Now she is unable to stand for a long time due to pain in her lower abdomen. The child in her womb is not moving. She does not have any money to go to a doctor"

(CARE Bangladesh, 2007:5)

After Sidr, many of the thousands injured received little or no medical assistance, (CARE Bangladesh, 2007). Health care and services didn't reach the most remote and poorest areas, despite these being the worst affected and most needy areas, meaning that many endured great suffering from both physical and mental trauma (ibid.). Women were the most affected group in terms of health due to cyclone Sidr, as they received less access to medical facilities than men (IUCN: 2007). Those who were pregnant, elderly, or disabled who couldn't swim or climb trees represented a special physical vulnerability to the cyclone and were disproportionately affected in injuries (Akter, 2009). Despite this, female representation, in medical terms, was inadequate to address the needs of female patients in rural areas, meaning that many didn't receive the care they needed. This particularly harmed women hesitant to discuss gynaecological issues such as pregnancy related complications due to social stigmas (CARE Bangladesh,

2007; GoB, 2008). Information of medical services were scarce, meaning that even when services were available, patients missed out on critical treatment, leading to avoidable long term health problems or illnesses (CARE Bangladesh, 2007). The responsibility of the government to provide adequate healthcare to those affected was severely lacking both during and subsequent to Sidr. Those already socio-geographically and economically excluded from Bangladeshi society were further abandoned concerning standards of health and assistance, suggesting a devaluation of the lives of such individuals, and subsequently indicating violations to the international right to standards of health.

The Right to Housing

(See Appendix C, article: 17(1))

(See Appendix D, article: 11(1))

(See Appendix E, article: 7; 18(2.b))

“The government stipulated that we had to give houses to people who owned land. We disagreed on this because eighty percent of Sidr affected people live on government-owned land. You may have seen people living in embankments – we have not been able to help them”

(Housing Project Manager, in Oxfam, 2008a)

“We own land and keep asking for help but they tell us that we live on the other side of the embankment. So we can’t get homes”

(Survivor, in Oxfam, 2008a)

After cyclone Sidr hit, nine million people were initially without shelter, whilst three and a half million were without shelter over a significant period (GoB, 2008). In Bangladesh, those displaced to

the floodplains 'are compelled to live on the periphery of urban life, resettling in *bastes* or squatter settlements located along railway lines, abandoned brick yards, or flood protection embankments' (Hutton and Haque, 2003:413). Government policies which discriminated housing aid against those who didn't own land has meant that many of Bangladesh's extreme poor have been abandoned from humanitarian help for housing (Oxfam, 2008a). One survivor explained 'with our small income, do we buy land or feed our children? If someone gives us a house on government land they will evict us' (in Oxfam, 2008a). Thousands, therefore, remain living on dangerous embankments in makeshift houses, and are thus exposed to further risk from environmental hazards. One district identified their main problem as homelessness, as many had 'lost homes and forced to live under the sky' (in Saha, 2009:10). Though the international community had promised to rebuild their homes, many received no help. The destruction of crops and livestock meant that the large indigenous population had no way of gaining future assets in order to build adequate housing and rebuild their lives: 'they had no food. They were forced to live on handouts. They have to wait until next crop harvesting sessions (BBC Bengli, in Saha, 2009:10). Discriminatory housing policies which excluded the most poor and most expendable populations after Sidr, forcing them to live out a marginal existence at the mercy of further environmental hazards in makeshift housing, has meant that many still have no chance of rebuilding their homes and lives after Sidr.

The Right to Return Home

(See Appendix C, article: 12(1); 27)

(See Appendix D, article: 11(1))

(See Appendix E, article: 7(2); 15(a); 20(2); 24(1); 24(3); 28(1); 28(2))

“They don’t want to leave the place they have lived their entire lives. All they need is a home”

(Oxfam, 2008a).

The absence of adequate housing policies allowing victims to rebuild their lives also implicated the international right to return home after displacement. As Hutton and Haque, (2003:413) assert: ‘displacement in Bangladesh means not only the loss of rural livelihood, but increasing impoverishment’. Sidr displaced over three million citizens many of which lost all sources of income and employment due to the disaster (GoB, 2008). As the brunt of the disaster was borne by the poorest individuals, with little resources to rebuild their lives and return home without external assistance, this instigated numerous human rights degradations (Atker, 2009).

As such, ‘displacees must be seen as an increasingly permanent feature of the urban landscape, with citizen rights and obligations to participate in the political, economic and social activities of society’ become priorities for the government’s agenda (Hutton and Haque, 2003:418). In the case of Sidr, however, many of the displaced or homeless remain invisible to Bangladesh’s political agenda. Lacking any political and economic power, they have been abandoned to fend for themselves as neoliberal ideologies have alienated from the common masses every means to control their own livelihood and surroundings (Phulbari movement, in Lang, 2008). Still today thousands remain displaced and lacking legal and humanitarian protection, meaning that when the next cyclone strikes, the vulnerable population of Bangladesh will be exposed to further suffering (Sultana, 2009).

Discussion: Sidr, Neoliberalism and Human Rights

This analysis of certain the events surrounding cyclone Sidr strongly indicates that numerous human rights infringements caused by discriminatory, negligent or inadequate government policies has excluded or disadvantaged many of the most deprived population of Bangladesh. Those living in poverty, women, and the elderly and disabled were most affected, and this can be seen as a continuation of existing socioeconomic and cultural hierarchies of Bangladeshi political society. International rights to non-discrimination, life and dignity, housing, and the right to return following a disaster were implicated following what Giroux (2006a) entitles the *politics of disposability*, where the relatively unproductive and weak are seen as burdens on the state and are excluded from normative humanitarian policies.

A large proportion of the social, economic and human losses were not the direct result of the cyclone, but of an inadequate embankment system which breached and subsequently caused most of the damage to property and lives, strongly suggesting that this was a largely socio-economic, rather than a natural, disaster (Shafiullah, 2009). However, huge improvements to the cyclone warning system did help to save the lives of thousands; similar strength cyclones in the past lead to 500,000 deaths in 1970 and 140,000 deaths in 1991 (GoB, 2008; Bimal-Kanti, 2008; Ribot, 2010). As Miyan (2005:4) writes, structural mitigation such as cyclone shelters and coastal embankment improvements, as well as increased public awareness and community preparedness have all initiated vast improvements to mitigate cyclone disasters in Bangladesh, particularly considering its classification as a relatively impoverished country. However, it still remains that those still being affected by cyclones are the poor, the weak, and the socioe-

conomically marginalised, whose inferior position in society meant that they possess the least resources to defend themselves from danger, and also discriminatorily receive the least help from external protection and recovery policies. It is important to note, therefore, that even when from the surface government mitigation and recovery policy's appeared adequate and successful, a deeper analysis will still uncover social injustices and rights infringements.

Conclusion

Whilst further research on this topic may be beneficial regarding the depth and breadth of discussions concerning socio-natural disasters and human rights, what this examination has made explicit is that 'a failure of governance underlies most environmental problems' (Satterthwaite, 2003:89). Although most disasters have natural triggers that cannot be avoided, their impact can be greatly reduced by understanding the complex social, political and economic structures which determine who within the population is vulnerable, and by subsequently protecting such groups. As Olshanky (2006) writes, alongside adequately protective levees and hurricane warning and evacuation planning in New Orleans, what is desperately needed above all is to create equal opportunities for all future residents of the city, whilst Morrow (1999) affirms that in Bangladesh, those geographically, physically, and economically vulnerable to cyclones can only be truly disaster resistant when they are prioritised in both top-level and grassroots mitigation planning.

This is, however, assuming that authorities deem the economic cost of such policies as worthwhile. As demonstrated, I concur with theorists who remain sceptical of the dedication of neoliberalist authorities to humanitarian agendas, particularly regarding the protection of the well-being and the rights of those who may appear anomalous to the hegemonic norm. As such, I have utilised previous paradigms to frame my results which collectively go far in explaining why such violations transpired. For example, both Honneth (1995) and Fraser (2000) identify how marginal groups can suffer from social and political misrecognition, which excludes the plights of certain groups from mainstream society. This leads to

the cultural depreciation, social ostracism and denial of civic rights of such groups, which we have witnessed in the exclusion of minority groups in the rescue and restoration efforts surrounding both disasters. However, Foucault's 'biopolitical modernity' embodies a somewhat more radical explanation behind the socio-political conditions surrounding the events. Governmental power to '*foster* life or *disallow* it to the point of death' (Foucault, 1990:138), strongly resonates within both cases, as evidence shows that literal deaths, as well as metaphorical ones (social, political, cultural) demonstrated a large-scale disempowerment that many citizens possessed to determine their own life course. Furthermore, I believe that Bauman's 'wasted lives' and Giroux' 'politics of disposability', both of which argue that redundant or superfluous individuals are downgraded to the status of 'waste' and left unprotected in neoliberalist society, has proved imperative to my analysis in order to provide understanding to the apathetic, negligent and discriminatory governmental behaviour regarding rights violations. This process appears inevitable in any society where 'corporate concerns displace democratic values' (Giroux, 2006a:29). At the extreme, Bauman and Giroux indicate that disasters may even operate an 'economic Darwinism', cleansing the social landscape from monetarily undesirable and culturally dissenting citizens, fuelled by the logic of Bauman's 'liquid modernity' and cultural homogeneity (Giroux, 2006a:63). In this neoliberalist modernity, 'worthless' and 'marginalised' citizens are abandoned to the rhetoric of economic efficiency, ethical disengagement and self-responsibility so as to be 'neither a drain on the privileged classes nor a burden on public consciousness' (ibid.).

What remains consistent in these examples, therefore, is that in times of disaster, governments are often apathetic and even negligent towards their societal commitments towards

disenfranchised groups. Disaster mitigation and relief are 'impure public goods' (Boyce, 2000:357), meaning that certain minority members of society remain excluded from such benefits whilst richer, more powerful, and more 'conventional' citizens (in reference to neoliberalist modernity) remain prioritised when it comes to governmental protection and investment. What I believe reverberates most poignantly and significantly throughout this discussion, however, is Bauman's identification of the paradoxical ideology of modernity: 'of authorities... declaring the pursuit of happiness to be a universal human right, and the survival of the fittest to be the prime means of implementing it' (Bauman, 2006:79). This hypocrisy, I believe, is the nexuses impossibility of the simultaneous existence of neoliberalist regimes and the protection of international human rights standards regarding socio-natural disasters.

APPENDIX A

HURRICANE KATRINA

Hurricane Katrina was the deadliest hurricane in the United States for seven decades and the most expensive natural disaster in American history. Wind speeds of 225 km/h (140 mp/h) combined with inadequate levee protection caused extensive flooding and lead to more than 500 000 people being evacuated. Nearly 90 000 square miles were declared a disaster area (roughly equal to the land mass of the United Kingdom (Kessler et al. 2006:930). The failure of the levee system resulted in the flooding of over 80 percent of the city, the loss of over 1,500 lives, severe damage to 183,000 housing units, the loss of 150,000 jobs, and an estimated \$200 billion in economic damage. It is the convergence of the socially disastrous conditions of black New Orleans with the failure of the levees and the breakdown of local, state and federal emergency response systems that resulted in the human suffering and loss of life and property associated with Katrina (Bullard and Wright, 2009).

APPENDIX B

CYCLONE SIDR

'Cyclone Sidr, the fourth named storm of the 2007 North Indian Ocean cyclone season, caused heavy damages (human life, social, and economic) in Bangladesh which covered 30 districts and took 3,400 lives. It formed in the central Bay of Bengal on November 9, 2007, and quickly strengthened to reach peak 1-minute sustained winds of 260 km/h (160 mp/h) on November 16. It was a Category-5 cyclone. Cyclone Sidr slammed the highly vulnerable low lying densely populated coastal areas of Bangladesh with heavy rain, winds, and a storm surge. It resulted in large scale damage in the south and south-west regions of Bangladesh' (Shafiullah, 2009).

APPENDIX C

(Relevant) INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other social origin.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the

right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

APPENDIX D

(Relevant) INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

PART I

Article 4

2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

PART III

Article 2

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will

take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

APPENDIX E

(Relevant) 1998 GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

Part I

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria

PART II

Principle 7

2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.

PART III

Principle 15

Internally displaced persons have:

- (a) The right to seek safety in another part of the country

Principle 16

3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully

Principle 17

- 1. Every human being has the right to respect of his or her family life.
- 2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.

Principle 18

- 1. All internally displaced persons have the right to an adequate standard of living.
- 2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
 - (b) Basic shelter and housing;
 - (d) Essential medical services and sanitation

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones.

Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.

2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents

Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination

3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in

the provision of such assistance rapid and unimpeded access to the internally displaced

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.

2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration

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