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Accountability and Non-discrimination in Flood Risk Management Investigating the potential of a rights-based approach

Honduras case study

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* Disclaimer: The views presented in this paper are those of the authors and do not necessarily represent the views of Christian Aid

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“Floods are the natural disasters which have the greatest impact in Honduras. It is estimated that floods cost some 165 million US Dollars per year, 2.3% of GDP – without taking account of major events like Hurricane Mitch”.

Marco Burgos, National Commissioner, leader of COPECO, the ‘Permanent Commission on Contingencies’.

“Yes, people make claims [for better protection from flood], but they do so in a way which is unsystematic without a clear strategy for influencing policy and without exerting sufficient pressure on the authorities.”

Roque Rivera, Executive Director of Popol Nah Tun

“There are organisations representing social groups which are very aware and correct in their demands for flood defence infrastructure which actively participate in ensuring quality, and are prompt to report problems via appropriate channels. Other groups devote all their energies to complaining”

Sula Valley Commission- Comisión Ejecutiva del Valle de Sula

“The subject of climate change is rather technical: they give us talks about it here and there, but they still leave us in the dark. People don’t really understand it – to communities, it remains a vague notion, something about the end of the world.”

Deputy Doris Gutiérrez, Coordinator of the Commission on Natural Disasters of the National Congress

Acknowledgements

This is a report on the application of ‘accountability’ and ‘non-discrimination’ as principles to guide flood risk management. Floods are common in Honduras – the most damaging type of natural disaster facing the country. Flood risk management is a key element in disaster risk reduction (DRR) – and development.

This project considers the potential of a rights-based approach to flood management. Accountability and non-discrimination (including affirmative action) are principles which are key to human rights. Here ‘rights’ are interpreted broadly, as justifiable claims which have a legal, political, social or other basis, i.e. including human rights, but also going beyond them.

This report describes how the flood management/DRR ‘sector’ in Honduras has been ‘scoped’ using tools of analysis to investigate how well (or inadequately) poor populations at risk are being served by current laws, policies and institutions – viewed through the two ‘lenses’ of accountability and non-discrimination. The report argues the case for the deeper and wider analysis of accountability, and understanding of equity in relation to flood management, as part of building capacity for influencing of reform of DRR governance and promotion of social mobilisation.

Christian Aid is leading, in collaboration with its partners, a multi-country programme on DRR entitled ‘*Building Disaster Resilient Communities* (BDRC), funded by the Department for International Development (DFID). BDRC has, since 2006, been working in three countries, including Honduras, with activities beginning in three others.

The author of this report is **Peter Newborne**, Research Associate to the Water Policy Programme of the Overseas Development Institute (ODI), researching legal, institutional and political aspects of water and environment. This report summarises the findings of the research in-country carried out by the following Honduran researchers: **Carlos Talavera-Williams** of *Contécnica, S.A. de C.V.*: B.Sc., M.Sc. in Chemical Engineering & Environmental Biotechnology and M. Phil. in Development Studies (contecnica@cablecolor.hn), assisted by: **Sandra Canales-Aguilar**: B.Sc. Forestry and M.Sc. en Evaluation of Risks and Disaster Reduction. This report in English is based on the report in Spanish written by Carlos Talavera-Williams.

The findings of this study were presented to the Forum of stakeholders involved in flood management and DRR in Honduras, convened by Christian Aid and held in *San Pedro Sula* on September 30th, 2008. Section 4 of this report sets out recommendations for follow-up, based on positive feedback to the presentation.

Many thanks to **Bina Desai**, **Victoria Jones** and **José Luis Peña** of Christian Aid in the UK for their guidance and support during this study, including comments on the findings as reported in Spanish and English. Thanks also for the inputs of **Claudia Herrera**, Christian Aid Country Director and **Claudina Reyes**, Coordinator for Christian Aid of the BDRC project in Honduras. Key to success of this study has been the dedication of Carlos Talavera-Williams and Sandra Canales Aguilar, including their hard work in gathering the information and data in the selected geographical areas.

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Responsibility for the opinions presented in this report rests exclusively with the author p.newborne@odi.org.uk or p.newbornera@odi.org.uk and should not be attributed to Christian Aid in the UK or Honduras, or any of the other persons consulted.

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List of Acronyms

ASONOG	Network of NGOs (Asociación de Organizaciones No Gubernamentales)
BDRC	‘Building Disaster Resilient Communities’: Christian Aid programme
CASM	Mennonite Commission for Social Action (Comisión de Acción Social Menonita)
CC	Climate change
CDN-CN	Commission on Natural Disasters of the National Congress
CEVS	Sula Valley Commission (Comisión Ejecutiva del Valle de Sula)
CODEL	Community (Local) Emergency Committee
CODEM	Municipal Emergency Committee
COPECO	Permanent Commission on Contingencies (Comisión Permanente de Contingencias)
DFID	Department for International Development
DRR	Disaster risk reduction
EU	European Union
FHIS	Honduran Fund for Social Investment (Fondo Hondureño de Inversión Social)
FORCUENCAS	Fortalecimiento de la Gestion Local de los Recursos Naturales en las Cuencas de los Ros Patuca, Choluteca y Negro, a watershed management project funded by the EU
GDP	Gross domestic product
IADB	Inter-American Development Bank
IISI	Institute for Applied Social Research (Instituto de Investigación Social para la Incidencia)
LCN	Law relating to National Contingencies, or ‘National Contingencies Law’
LM	Law relating to municipalities, or ‘Municipalities Law’
MARENA	Natural Resources Management Project of the Inter-American Development Bank
MIRA	USAID Project on Integrated Management of Natural Resources (Manejo Integrado de Recursos Ambientales)
NGO	Non-governmental organisation
PBPR	Proyecto Bosques y Productividades Rural, project funded by IADB
PMDN	World Bank-funded Project on Disaster Mitigation (Proyecto de Mitigación de Desastres Naturales)
RLCN	Regulation relating to the Law on National Contingencies
RRLCN	Reforms to the regulation relating to the Law on National Contingences
SAT	Early warning system (Sistema de Alerta Temprana)

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SERNA	Ministry of Natural Resources & Environment (Secretaría de Recursos Naturales y Ambiente)
SINAGER(H)	(proposed) National System for Disaster Risk Management in Honduras: in the latest October 2008 version of the draft law, the acronym is 'SINAGER' (without an 'H')
SINIT	National Territorial Information System
SMN	National Meteorological System
TSC	Court of Auditors (Tribunal Superior de Cuentas)
UNAH	The National Autonomous University of Honduras (Universidad Nacional Autónoma de Honduras)
USAID	United States Agency for Aid for International Development

Executive summary

October 2008 is the tenth anniversary of *Hurricane Mitch*, a hurricane of the highest intensity which affected c.90% of the national territory of Honduras, unleashing in 4-5 days 600 millimetres of rain on average – causing widespread and devastating floods. Since that time, Honduran communities have been experiencing lesser cases of intense rainfall at hitherto unseasonal times and are attempting to respond.

Based on trends of ocean temperature rise, forecasts of climate change suggest increasing intensity (though not necessarily greater frequency) of tropical cyclones in the North Atlantic, i.e. further severe events, potentially reoccurring over Central America. And, while modelling of spatial distribution of rainfall at country/basin level is complex and uncertain, the most recent science¹ suggests a trend towards extremes of flood and drought in the region. Floods are already common in Honduras, the most damaging type of natural disaster, which means that flood risk management is key to disaster risk reduction (DRR) – and development.

An essential feature of combating floods is cooperation between State authorities and citizens due to the scale of the threat and levels of investment required for flood defence. The nature of the duties assumed by public agencies, at municipal, regional and national levels, and the manner in which they discharge those duties for public benefit, will play a major part in determining communities' and households' protection from, or exposure to, flood. Self-reliance can play its part, but is not sufficient without external support.

This study has reviewed flood risk management laws, policies and institutions in Honduras, to provide an up-to-date 'status check' of ongoing evolution of the approach to, and development of means for, prevention and adaptation to flood.

The study has 'scoped' practice in: the *Sula* Valley including the *Ulúa* and *Chamelecon* rivers in the north west and the lower basin of the *Aguán* river in the north east, both draining into the Atlantic; the upper basin of the *Choluteca* river, towards the Pacific, in which the capital, Tegucigalpa, is situated. Also, interviews were carried out in the *Cuero* basin (north-west) to take account of innovative practice there.

At the World Conference on Disaster Reduction in 2005, principal areas for action were agreed by governments, enshrined in the Hyogo Framework for Action 2005-2015. Ten years after Hurricane *Mitch*, progress in Honduras against the five Hyogo priorities has to-date been slow. Flood risk management, as a key element of DRR, is not yet a national priority. The legal framework in Honduras is still weak and incomplete, a coherent and agreed framework of public policy on DRR does not exist and a strong institutional basis for its implementation is lacking.

The system of commissions/committees at different levels, led by the 'Permanent Commission on Contingencies', COPECO, is poorly funded and only partially in operation. Little institutional collaboration occurs currently, between for example COPECO and the Sula Valley Commission-CEVS, a mixed public and private sector body which promotes economic development in the region, in/around *San Pedro Sula*, which is, in effect, the economic capital of Honduras.

At local level, communities and civil society organisations in support have made flood risk a priority in some locations, but, judging from the preliminary assessment in the selected areas, these are quite isolated cases which have depended largely on the individual initiatives of those communities or the supporting NGOs. Similarly, towards Hyogo priorities 2 and 3 – risk assessment and awareness-building – few steps are being made nationally and patchy steps locally. As regards priority 4 – risk

¹ Technical Paper on Climate Change and Water, Chapter 5, page 96ff, as a contribution to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change-IPCC.

reduction – settlement in high-risk areas seems to be continuing, e.g. in the flood plain of the Sula Valley. Finally, in relation to disaster preparedness, risk reduction/prevention has received relatively little attention from COPECO. Current practice tends to follow the thrust of ad hoc policy, focusing on preparation for and response to emergencies, rather than prevention.

Despite the gaps, overall, in institutional capacity and action, there are some examples of innovation and good practice – as described in the Honduran researchers' report².

As regards climate change, the response of persons interviewed points to a lack of clear and full vision of its implications. Beyond a limited number of technical experts, e.g. at international agencies, climate change is a concept little understood in Honduras, because of insufficient attention to it (and, in some respects, its complexity). More debate is needed to establish a national policy, including on management of flood risk/DRR, as well as adaptation to climatic changes on agricultural production, livelihoods and health. Meanwhile, communities are responding as best they can to variations in weather, including extremes.

Given that there is a need to strengthen the roles of the actors involved in flood risk management/DRR in Honduras, the question arises: on what principles should such DRR governance be based? This study has assessed the potential of two principles as guides. A key finding is that the principles of accountability and 'non-discrimination'³ (including 'affirmative action') are useful entry points for strengthening governance of flood management/DRR, including building capacity for improved practice. This was confirmed by the feedback to this study from stakeholders involved in flood management and DRR in Honduras – as represented at the broad-based 'Forum' which was convened by Christian Aid and held in *San Pedro Sula* on September 30th, 2008.

Currently, there is a weak culture of accountability, within national, regional and local government. Accountability is predominantly limited to technical reporting and financial accounting to institutional superiors – to 'bosses', not to peers and the public. The present lack of transparency and exchange of information between actors – 'horizontal' accountability – is a barrier to institutional lesson-learning.

Accountability can, however, offer a path to more open and transparent institutions and more responsive government, with greater coordination and cooperation between public, private and civil society. Key to strengthening institutions will be to construct a dialogue which clearly defines the responsibilities of public agencies and the ability of communities/citizens to claim greater accountability from them – so as to move down that path.

Persons interviewed cited examples of claims made by or on behalf of communities for enhanced protection against flood, and commented that claims-making⁴ has to-date been unsystematic and unplanned. Claiming greater accountability and affirmative action requires a constructive approach to advocacy through proposing solutions and negotiating – protest is not enough.

Given that the current status of government institutions responsible for flood management/DRR is weak, success of claims will also require greater capacity on the part of government to respond to civil society requests and demands: increased civil society capacity to *make* claims needs to be matched by increased capacity of key state institutions to *deliver* better flood protection – based on strengthened governance of DRR.

² Talavera-Williams, C.G. and Aguilar, S.C. (2008), 'La Gestión de Riesgos contra Inundaciones y el Cambio Climático: investigando el potencial de un abordaje, apreciación y promoción de la protección y adaptación con fundamento en derechos, informe del estudio para Christian Aid, Junio de 2008.

³ The term 'social exclusion' was found to have resonance in Honduras and the report in Spanish (Talavera-Williams and Aguilar, 2008) adopts the term 'social inclusion/exclusion' when reporting on the findings from application of the test for 'positive' or 'negative DRR-discrimination', as described in section 1.5.

⁴ As described in this report, 'rights' are here interpreted broadly, as justifiable claims – legal, administrative, economic, political, social or other, i.e. including but going *beyond* human rights. 'Justifiable' implies some form of recognition by State authorities and assumption of responsibility in practice. Claims may be presented in different forms: requests, petitions, appeals, suits, demands etc.

A first proposal for a ‘right to protection’ (*derecho a la protección*) for ‘every person’ against physical threats such as floods/disasters has been made in a draft law, as part of a new ‘National System for DRR in Honduras’ – *Sistema Nacional de Gestión de Riesgos (de Honduras)* or ‘SINAGER(H)’ – bringing together prevention (including mitigation and adaptation) and emergency, with a focus on spatial planning (*ordenamiento territorial*). As part of SINAGER(H), the leading DRR institutions will need to be made more accountable to communities/citizens and be more responsive and collaborative with each other.

As to non-discrimination, while many public bodies say they act impartially, many of the actors consulted were critical of cases where the approaches of their colleagues did not take account of a need for affirmative action. No institution is currently credited by another with good practice, except for some NGOs who are praised by civil society colleagues. The study has found that the danger exists of defending some from flood, while systematically abandoning others.

The paucity of national resources currently assigned to flood management poses practical limits on action, but does not justify targeting of public investment in a manner which is *blind* to affirmative action – especially since the opportunity cost of current failure to address flood risks and avoid their negative impacts, estimated at over 2% of GDP, argues for greater investment in DRR.

It is recommended⁵ that the next phase of this project consider what tangible form the ‘right to protection’ could take in terms of claims for improved protection. The draft law refers to strengthened responsibilities of government, but it does not say *how* to arrive at more responsible and responsive institutions. Subsequent collaborative research and policy analysis can usefully consider how the proposed right may be formulated and promoted by advocacy – and validated in practice, through successful claims for accountable government. As one commentator has noted: “*Accountability is not generally an end in itself, but a means to achieve broader change ... including greater justice and equity...*”⁶.

And, since no community can ever be completely safe from natural and man-made hazards, it is important to reflect on what, in practice, equity in flood risk management/DRR means – within the limits of human resources and capacity to resist major flood events.

⁵ In this summary report in English of the research carried out in-country, in Section 4 of this report.

⁶ Newell & Wheeler (2006), page13.

1. Context

1.1 Issues for study

Are *accountability* and *non-discrimination* appropriate principles to guide policy and practice on flood risk management?

Is it, further, useful to think of flood defence in terms of *rights*, broadly defined? How may rights-based *claims* for improved flood protection be formulated and presented – so as to be successful?

Beginning with an initial ‘scoping’ study in Honduras, this project aims to answer these questions.

This study has been carried out in the year of the tenth anniversary of *Hurricane Mitch*, in October 2008. *Mitch* was a hurricane of the highest intensity which battered c.90% of the territory of Honduras for 4-5 days unleashing 600 millimetres of rain (on average over the national territory) in that short period⁷ (Fúnez and Lara, 2006). Some commentators have assessed the damage of *Mitch* as putting back the country’s development by 20 years. Over 10,000 lives were lost, 12,000 persons injured and 1.4 million people made homeless (ibid⁸).

Forecasts of climate change suggest that tropical cyclones in the North Atlantic will be *more intense*, i.e. potentially more hurricanes of the same category to *Mitch* (or close to it), potentially reoccurring over Central America. Based on the available scientific information⁹, the predictions do not, however, necessarily point to greater *frequency* of cyclones. As to annual rainfall in the region, the most recent science indicates a mixed picture of extremes of flood and drought in the region.

This study has ‘scoped’ principles to guide flood risk management as part of disaster risk reduction – to test their usefulness in Honduras as a pilot to their potential for application to other countries. The purpose of the scoping study, as defined in its terms of reference, is as set out in Box 1. The geographical areas of focus of this scoping study, at sub-national level, are described in Box 2.

‘Scoping’ study refers to research employing relatively rapid research methods, namely: desk study, preliminary telephone interviews, semi-structured interviews face-to-face with representatives of key public bodies and other actors as well as other experts/specialists, together with observations ‘in the field’.

The contribution of Christian Aid to international policy and practice on DRR is outlined in Annex 1. In Annex 1, the work of ODI on policy, water and rights is also briefly summarised.

⁷ The magnitude of 600mm of precipitation within a few days is brought home by the figures on *average* levels of rainfall in the regions of Honduras selected for this study, ranging between 1,477 and 1,648 mm in a *year*. As an international comparison, the severe flooding in England in Summer 2007 was caused by total cumulative rainfall in May, June and July 2007 of 395.1mm on average across England & Wales in three months (Pitt Review (2008), ‘Learning Lessons from the 2007 Floods’).

⁸ Source: Fúnez and Lara – an environmental scientist and social development consultant, who carried out, in 2006, a preliminary survey of the nature of disaster risk in Honduras including flood (and drought), commissioned by Christian Aid.

⁹ Technical Paper on Climate Change and Water, Chapter 5, page 96ff, as a contribution to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change-IPCC.

Box 1.1: Purpose of scoping study (as per ToRs)

This study will ‘scope’:-

- (i) **flood risk management laws, policies and institutions** to provide an up-to-date status check of ongoing evolution of the approach to, and development of a system(s) for, prevention and adaptation to flood in Honduras; and
- (ii) **flood risk adaptation practice:** who is innovating, which initiatives are leading evolution of practice? whether initiatives financed out of public funds, funded by international donors, led by civil society, or promoted by municipalities (or departments).

The study will also scope in what form *accountability* (political, social, economic etc.) is accepted by government agencies and other actors for populations vulnerable to risk of flood, particularly those populations which are relatively poor and marginalised.

The study will additionally investigate the extent to which policies and initiatives for flood management at national and sub-national level are sensitive, or blind, to the principle of *non-discrimination*.

This study will, further, scope – preliminarily – what ‘claims’ (requests, appeals, petitions, demands etc.) are being made for enhanced protection from flood risk on the part of populations in high-risk areas: how, currently, communities, municipalities and civil society groups are articulating and justifying such claims to government and other ‘responsible’ authorities (if at all)?

‘Justifying’ implies some form of recognition by State authorities, with an assumption of responsibility in practice, i.e. for accountability.

As well as providing important information on the status of flood management policy and practice, it is expected that the study will provide pointers in terms of:-

- (i) **Climate change:** the extent to which flood risk management is conceived and implemented in Honduras in recognition of threats posed by climate change: how far adaption to ‘CC’-induced flood risk is a reality;
- (ii) **Influencing future policy:** possible openings for guiding and directing evolution of flood management policy in line with the principles of accountability and non-discrimination;
- (iii) **Capacity:** initiatives which are strengthening capacities of communities/municipalities and civil society in relation to flood risk in the geographical study areas, including in relation to ‘claims-making’.

Box 1.2: Selected geographical areas of study within Honduras
(shown on the Maps in Annex 3.)

- (a) the *Sula* Valley including the **Ulúa** and **Chamelecon** rivers in the north west, draining into Atlantic, where one of Christian Aid’s current partners called ‘CASM’ is working;
- (b) the lower basin of the **Aguán** river in the north east, also draining into the Atlantic;
- (c) the upper basin of the **Choluteca** river, towards the Pacific, in which the capital *Tegucigalpa* is situated.

Additionally a few interviews were carried out in the *Cuero* basin (in the north west) to take account of innovative practice, in *La Ceiba* and *La Masica* (community-managed Early Warning System).

<p>Ulúa river and river basin</p> <p>358 kms long; 2.28 million hectares; c. 3 million inhabitants; 121 inhabitants per sq. km on average (based on the 2001 population census)..</p> <p>Average annual precipitation: 1,477 millimetres.</p> <p>Flooding is common in the lower basin. The existing flood defence infrastructure is thought to provide protection against 1 in 25 year, but not bigger, events.</p>	<p>Chamelecon river and river basin</p> <p>256 kms long; 442,700 hectares; c. 1.25 million inhabitants at 225 inhabitants per sq. km.</p> <p>Average annual precipitation: 1,327 mm.</p> <p>Cities: San Pedro Sula, c. 480,000 population; and Choloma, c.130,000 population; its population, according to Fúnez & Lara, 2006, increased 10 times in the 13 years 1988-2001.</p> <p>Flooding occurs yearly; Atlantic hurricane season: May-Nov.</p>
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<p>Aguán river and river basin 275 kms long; 1.03 million hectares; 277,000 inhabitants at 27 inhabitants per sq. km. Average annual precipitation: 1,648 mm. Flooding is common in the lower basin, with the river often spreading beyond its banks, c.2.5 kms both sides.</p>	<p>Choluteca river and river basin 349 kms long; 758,000 hectares; c. 1.18 million inhabitants at 78.4 inhabitants per sq km. Average annual precipitation: 1,327 mm. Cities: Tegucigalpa and the city of Choluteca. Areas in both cities are vulnerable to flood, with whole pueblos (settlements) destroyed by Mitch.</p>
<p>Sula Valley and San Pedro Sula The regional city of San Pedro Sula has a large and dynamic port which makes it one of the most important economic centres in Honduras, the biggest agro-industrial and industrial city of the country, producing for export. In the Sula Valley, failure to maintain old irrigation infrastructure, originally constructed for banana plantations, is causing flooding of lands adjacent to the rivers, acquired by local communities from the previous owners (a private company). Silting of the rivers and irrigation channels means flooding rapidly occurs during storms/cyclones, causing further damage. Since the decline of the banana plantations, the communities have farmed the land in subsistence agriculture. Investment is now returning to the valley in the form of cultivation of oil palm, as part of international trade in bio-fuels. The question arises as to whether and how local communities may benefit from this new context. The challenge for local communities is to find ways to defend their homes and promote their livelihoods. The project will look to answer inter alia the following questions: Will government, at regional/local levels, be a viable guarantor of claims or 'rights' to flood protection? What claims may be targeted at the Sula Valley Commission (Comisión Ejecutiva del Valle de Sula -CEVS)? (see further on CEVS in Section 2.1).</p>	

1.2 Flood risk management and disaster risk reduction-DRR

Threat of flood is as old as human settlement near river and coast, but water managers are just beginning to absorb the significance of flood risk in the face of adverse meteorological phenomena of increasing intensity.

In Honduras, floods are the most common and damaging type of natural disaster, which means that flood risk management is a key element in disaster risk reduction. In Honduras, flooding is caused by cyclones/hurricanes (such as *Mitch*), including flash floods, as well as by gradual accumulations of flood waters (*crecidas lentas*) causing rivers to overflow¹⁰.

Disaster risk reduction (DRR) is a relatively new concept, generally understood to mean:-

“the development and application of policies, strategies and practices to minimise vulnerabilities to disaster risks throughout society” (Twigg 2007, page 6).

No community, notes Twigg (ibid), can ever be completely safe from natural and man-made hazards. DRR aims to apply:-

“a systematic approach to identifying, assessing and reducing the risks of disaster” in order to achieve a ‘disaster resilient’ community” – or to move towards that ideal.

According to the Guidance Note on ‘Characteristics of a Disaster-resilient Community’ (Twigg, 2007), the first characteristic of a disaster-resilient community is ‘**Governance**’ made up of legal/regulatory, policy and institutional components (Twigg 2007, page 12). The seven components listed include “political consensus¹¹ on the importance of DRR which makes it a policy priority, then translated into a

¹⁰ Including, increasingly, cases where precipitation which is *not* extreme nevertheless causes flooding, because of either watershed degradation in rural areas, or the construction in urban zones of impermeable surfaces which prevent infiltration.

¹¹ Or, at least, approval of a sufficient majority of politicians and policy-makers, with acquiescence (lack of opposition) from the rest.

clear strategy and implementation plans at national and sub-national government levels with “local-level official understanding of and support for a community vision”.

The question arises: on what principles should governance for DRR be based?

This study considers the principles of *accountability* and *non-discrimination* (including affirmative action) and their potential to guide steps towards – and help build capacity for – stronger governance of flood risk management and DRR.

An enabling environment for good governance on DRR, as per Twigg 2007, should include (page 19): “Institutional mandates and responsibilities for DRR clearly defined” and “Inter-institutional or coordinating mechanisms” with “clearly designated responsibilities” (page 19).

This study has reviewed the institutions responsible for flood management in Honduras – see section 1.7 – and noted the current extent, and limits, of their institutional mandates and inter-institutional coordination – see further in section 3.1 below.

1.3 ‘Rights’ and flood protection

Is there a ‘right’ to protection from flood?

In defining the right to water supply, UN General Comment no 15. refers to “equality of opportunity for people to enjoy the right to water” (paragraph 10) with “water [supply] and water facilities and services “accessible to all, including the most vulnerable or marginal sections of the population, in law and in fact, without discrimination” (paragraph 12. c iii).

What about facilities/services for flood defence? Could there be a ‘right *against* water’?

The right *to* water as expressed in UN General Comment 15. is derived from Articles 11 and 12 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), and specifically the rights, to, respectively, an adequate standard of living¹² and to enjoyment of the highest attainable standard of physical and mental health (ICESCR, 1966). Twigg (2003) proposes a ‘right to safety’ in terms of the “highest attainable standard of protection against natural and man-made hazards” derived from the ICESCR Article 12. Twigg argues for this on the basis that hazards are a major cause of death and ill-health and governments should take steps to improve health: “From there, it is only a short step to requiring measures to deal with hazards” and the “underlying determinants” of health¹³ referred to in General Comment no 14 on the right to health (paragraphs 11 & 15) are “clearly applicable to the right to safety (ibid, page 5). Twigg notes, however, that, outside academic circles, the concept of a right to safety “has not made much headway” (page 2)¹⁴. That comment was made some 5 years ago, and other commentators have expressed more confidence, stating that literature on DRR has shown how a right to safety is adequately established by international human rights frameworks (Polack, 2008). The focus thereby moves to the challenge of ‘realising these rights’ (ibid) in practice, including the extent of protection required to safeguard health.

Such a right needs to apply in development contexts, not just situations of emergency. As noted in a recent study¹⁵: “International human rights treaties and most national constitutions typically allow for the *suspension* (“derogation”) of many human rights in times of emergency. Emergency regimes are habitually critical or dismissive of human rights constraints, tending instead to adopt an ends-oriented and charity-centred language of humanitarian relief” (page 5, emphasis added).

¹² Including “adequate food, clothing and housing, and to the continuous improvement of living conditions”.

¹³ Such as “access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information”.

¹⁴ Current work is considering the potential of a ‘right to adaptation’ – to be discussed in a forthcoming IDS publication.

¹⁵ International Council on Human Rights Policy (2008), ‘Climate Change and Human Rights: A Rough Guide’.

In this project ‘rights’ are interpreted broadly, as *justifiable claims* which have a legal, political, social or other basis¹⁶, i.e. including human rights, but also going beyond them.

Plan International (cited in Twigg 2007 on page 12), refers to “access of community members to legal *and other* avenues to enforce rights/provide redress” (emphasis added). The reference to ‘other stakeholders’ is noted: claims for protection from flood may potentially be targeted at *private* actors as well as public bodies (see in section 4, in relation to ‘CEVS’).

In Honduras, a first proposal for a ‘right to protection’ (*derecho a la protección*) against physical threats such as floods/disasters has been made in a draft law on DRR – see further in section 4.4.

1.4 The principle of accountability

Why adopt accountability as a ‘lens’ through which to view flood management/DRR?

An essential feature of flood management is cooperation between State authorities and citizens. The scale of the threat of floods and the levels of investment required for flood defence is such that responses by individual communities and households will generally be ineffective unless they form part of actions at other levels, municipal, regional and national. The nature of the duties assumed by public agencies at each such level and the manner in which they discharge those duties for public benefit will play a major part in determining the degree of communities’ and households’ protection from, or exposure to, flood and disaster risk. Consequently, self-reliance can play its part also, but it will not be sufficient without external support. As Twigg (2007) notes, at local level, disaster resilience is constituted by a:-

“community aware of its rights and the ... obligations of government and other stakeholders to provide protection.”

In this context, accountability is a key mechanism for arriving at delivery by public institutions and other actors of their functions, for example how:-

- efforts by government agencies are directed and coordinated towards flood protection/DRR;
- funds (e.g. from public sources) are spent;
- information gathered by officials is made more widely available;
- assets accruing to those institutions and other actors remain under appropriate control; and
- service to the community is demonstrated.

Accountability, potentially, offers a path to more open and transparent institutions and more responsive government, with coordination and cooperation between public, private and civil society ‘sectors’. “Accountability is not only an outcome, but also a process”¹⁷.

As discussed in section 4.1, improving accountability of public institutions is part of strengthening their capacity.

“Accountability is not generally an end in itself, but a means to achieve broader change ... including greater justice and equity...” Newell & Wheeler, 2006, p.13.

¹⁶ ‘To Claim our Rights: livelihood security, human rights, sustainable development’, Caroline Moser & Andy Norton, ODI 2001.

¹⁷ Newell & Wheeler 2006, page 13.

1.5 The principle of non-discrimination, including affirmative action

The principle of ‘non-discrimination’ is central to human rights.

A definition of this principle is shown in Box 1.3.

Box 1.3: ‘Non-discrimination’

“All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights *without discrimination* of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.”

Source: UNDP Governance documents, Human Rights Guides, Attachment 1 (emphasis added).

Guidance on non-discrimination was provided in UN General Comment no.18 – see Annex 2. This study has adopted the notion of ‘affirmative action’ as proposed by the UN Committee:-

“The Committee also wishes to point out that the principle of equality sometimes requires States parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant. For example, in a State where the general conditions of a certain part of the population prevent or impair their enjoyment of human rights, the State should take specific action to correct those conditions. Such action may involve granting for a time to the part of the population concerned certain preferential treatment in specific matters as compared with the rest of the population. However, as long as such action is needed to correct discrimination in fact, it is a case of legitimate differentiation under the Covenant” (emphasis added).

The ‘World Disasters Report’ of 2007 focused on ‘discrimination’, principally from the perspective of (international) relief agencies, and the challenges for them of *impartially* distributing relief in *emergency situations* (when a disaster has occurred). The chapters of the World Disasters Report consider ‘discrimination’ by type of victim: children, the old, women, disabled persons and those forming part of minorities. That report notes that there is no one definition of ‘non-discrimination’ in international law.

As alluded above, the UN ‘General Comment’ no.18, however, has given guidance on this subject.

The focus of this study is on the extent to which affirmative action (‘positive DRR-discrimination’) has (or has not) been exercised in favour of populations which are particularly vulnerable to flood, people located in high-risk zones who are poor. The term ‘social exclusion’ was found to have resonance in Honduras and the report in Spanish (Talavera-Williams and Aguilar, 2008) adopts the term ‘social inclusion/exclusion’ when reporting on the findings from application of the test for ‘positive’ or ‘negative DRR-discrimination’ described below, in section 2.3. As Hickey and Du Toit (2007) point out, it is possible to be ‘excluded’ from society without being poor, although many poor people are excluded. That article, written for the *Chronic Poverty Research Centre*, provides a useful, in-depth analysis of the meaning of ‘social exclusion’, as well as an alternative term ‘adverse incorporation’. As noted in Annex 2, ‘non-discrimination’ refers to equal protection of the law without discrimination. On how non-discrimination is interpreted in this study, see further Sections 2.3 and 3.6.

1.6 Gap in policy debate

On floods, and particularly *rights* in relation to flood, there is a gap in policy debate.

Debates on water policy tend to focus on scenarios of water scarcity and water ‘stress’, and less on threat of flood. This imbalance was reflected in the Human Development Report 2006 (UNDP, 2006) whose subject was ‘water insecurity’. The report discussed, at length, insecurity of access to water supplies, for household and other uses, with climate change referred to as a significant threat to

supply. Meanwhile, the threat of flood, including flood risk exacerbated by climate change, was referred to only briefly in this long report. The authors noted that “too much or too little of a good thing like water can be a force for destruction” (page 179), but then returned to their chosen theme of water supply. Readers of HDR 2006 were left wondering what can be said of policies designed to respond to floods.

The HDR 2006 nevertheless served to raise an important issue, whether policy on flood management is shaping up, like water management, to be a (worse) crisis because of divisive policies/institutions – ineffective or unjust water governance – which further disadvantages poor populations in areas at risk. If climate change starts as a collective threat, when national policies and programmes are examined, the question arises: are governments mobilising action for common protection against flood, or dividing people into different protection levels – defending some, abandoning others?

The project, of which this scoping study forms part, considers how a rights-based approach to flood management, based on principles of accountability and non-discrimination, could advance thinking on this increasingly important aspect of water policy and water governance.

Amongst the characteristics of an ‘enabling environment’ of DRR Governance, the following is listed by Twigg, 2007 (emphasis added): “Legal and regulatory system underpinned by guarantees of relevant rights: to safety, to *equitable* assistance, to be *listened to and consulted*” (page 18). Being listened to and consulted is part of the practice of accountability (see in section 2.2. below, in Figure 2. under ‘Responsiveness’). The project will provide insights into whether a similar phenomenon exists of “political processes and institutions that disadvantage the poor” (HDR 2006, p.19). If so, this would amount to another way in which, as per the HDR, global water ‘crisis’ may “derail progress towards the Millennium Development Goals”.

At the World Conference on Disaster Reduction in 2005, principal priority areas for action were agreed by governments, enshrined in the Hyogo Framework for Action 2005-2015 – see the Hyogo headings in Box 1.4.

Box 1.4: Priorities for Action – Hyogo Framework: building the resilience of nations and communities to disasters

1. **Make disaster risk reduction a priority:** ensure that DRR is a national and local priority with a strong institutional basis for implementation.
2. **Know the risks and take action:** identify, assess and monitor disaster risks – and enhance early warning.
3. **Build understanding and awareness:** use knowledge, innovation and education to build a culture of safety and resilience at all levels.
4. **Reduce risks:** reduce the underlying risk factors.
5. **Be prepared and ready to act:** strengthen disaster preparedness for effective response at all levels.

A ‘status-check’ of evolution of flood management/DRR in Honduras against the above five Hyogo priorities of action is given in section 3.1.

1.7 Current legal framework on DRR in Honduras

Current laws and regulations relating to DRR in Honduras are listed in Box 1.5.

Box 1.5: List of Relevant laws and regulations

- 1991 Law of National Contingencies which created COPECO (*‘Ley de Contingencias Nacionales’* – LCN – Decreto 9-90E del 12 de diciembre de 1990);

- Regulation setting out the detailed rules under the Law of National Contingencies which set out more fully the functions and structure of COPECO (*'Reglamento de la Ley de Contingencias Nacionales – RLCN – Acuerdo 600-91 del 16 de julio de 1991'*);
- Reforms to the RLCN which were made in 1999 in the wake of Mitch which moved the focus on to emergency response, less on risk prevention and which created some confusion, e.g. CODELes were excluded from the official hierarchy of DRR, but nevertheless they still exist and other provisions of the law itself retained an element of CODELes in the hierarchy. (*'RRLCN'*, *Acuerdo 121-99 del 18 de mayo de 1999*);
- 1990 Law relating to Municipalities and the regulation under that law which give wide powers, including on spatial planning, to municipal authorities (*'Ley de Municipalidades y su Reglamento' – LM – Decreto 134-90 del 29 de octubre de 1990*);
- The other relevant law is the 2003 Law on Territorial Planning and the 2004 regulation under that law (*'Ley de Ordenamiento Territorial' (Decreto 180-2003 del 30 de diciembre de 2003) y su Reglamento (Acuerdo 25-2004 del 18 de septiembre del 2004)*).

Note: the current laws do not refer to 'mitigation' nor 'adaptation' to climate change.

The principal institution for DRR is COPECO – the 'Permanent Commission on Contingencies'. COPECO is a public body with wide duties set out in law, relating to both emergency response and prevention, although the emphasis has, since 1999 reforms, been on the former. COPECO has jurisdiction over the national territory and is required, on paper, to maintain a presence at all levels: national, regional, departmental, municipal, community. In practice, the detailed hierarchy of commissions at each level has not functioned; the departmental commissions, particularly, have not operated.

The national council of COPECO is chaired by the President. Seven ministries are represented (though not the Ministry of Natural Resources and the Environment-SERNA), as well as other public bodies and some civil society organisations (e.g. the Red Cross).

The regional commissions of COPECO are chaired by representatives of the military in the region and by each of the Governors of the departments in that region. At departmental level, a similar combination is prescribed (on paper) of army, police and firemen, and municipal mayors, plus non-governmental organisations (Red Cross, scouts).

The commissions at the next levels, municipal and community, are the Municipal Emergency Committees – 'CODEMs', and the Local Emergency Committees – 'CODELes'.

The law (RLCN) requires COPECO to take measures for coordination of the actors involved in DRR (see in Section 3.1 the finding of this study as to the current reality of institutional coordination).

As regards accountability, COPECO is legally required to give financial reports to the Court of Auditors (*Tribunal Superior de Cuentas*). The Director of COPECO, the *Comisionado*, is also required by law to present yearly reports of his and COPECO's actions to the President of the Republic.

COPECO's annual budget is small, at 21.4 million MLps in 2008, equivalent to 1.13 million US Dollars¹⁸.

1.8 Structure of this report

The following sections of this report are organised in the following way:-

Section 2. describes the tools for analysis of accountability and non-discrimination (affirmative action) which have been tested in this Honduran scoping study.

¹⁸ Funds under the World Bank-funded Project on Disaster Mitigation, *Proyecto de Mitigación de Desastres Naturales*, are to be transferred to COPECO, adding some 5 million US Dollars up to 2010 for mitigation infrastructure and works. Further funds are proposed from IADB for support of SINAGER(H) (if/when approved).

Section 3. presents the findings from the scoping study and shows how, seen through the ‘lenses’ of accountability and non-discrimination, the manner of functioning of the flood risk management/DRR ‘sector’ in Honduras is opened up for critical reflection and debate.

Section 4. presents ideas and recommendations for follow up in Honduras to this pilot study – and potentially in other countries in Central America.

2. Tools for analysis – tested in the scoping study in Honduras

2.1 Survey of DRR institutions and actors

Alongside the review of laws and regulations (in section 1.7), the researchers surveyed the institutions and other actors involved in flood management and DRR in Honduras.

The range of DRR-related institutions/actors is shown in Figure 1. The institutions/actors interviewed during this study are highlighted in coloured font in Figure 1; it is their views which have been recorded by the researchers¹⁹.

The following are insights provided by the research on three key institutions (in addition to COPECO already discussed in section 1.7):

The Sula Valley Commission (*Comisión Ejecutiva del Valle de Sula*)

The CEVS is an interesting entity, a mixed public and private sector body. Whilst its mandate clearly includes a public sector mission, with responsibilities for example to municipalities and communities in the Sula Valley, its constitution means it also owes loyalties to private interests, including large commercial companies. The context in which this mixed sector status is played out is the situation in the valley, the basin of the *Chamelecón* and *Ulúa* rivers: the pattern of industrial development and residential settlement is complex²⁰, and this combines with increasing flooding problems, e.g. due to degradation of areas in the upper basins (Fúnez and Lara (2006), page 7). Migration continues into the valley as a key centre of economic activity in Honduras. There is a need for public authorities (e.g. the municipality of San Pedro Sula), supported by CEVS, to take responsibility for *spatial planning* which takes proper account of flood risks associated with existing and future development.

CODEMs and CODELes

The Municipal Emergency Committees, CODEMs and the Community (Local) Emergency Committees, CODELes, also have a key role to play in flood management/DRR. The regulation under the National Contingencies Law (the RLCN) states, on paper, how the governing councils of the CODEMs and the CODELes are to be composed by a range of representatives. This scoping study has, however, revealed practice which has, subsequent to the (unhelpful) RRLCN, been different e.g. domination in the CODEMs of persons employed by the mayor's office, whose concerns are not focused on DRR (Talavera-Williams and Aguilar, 2008, page 14).

SINAGER(H)

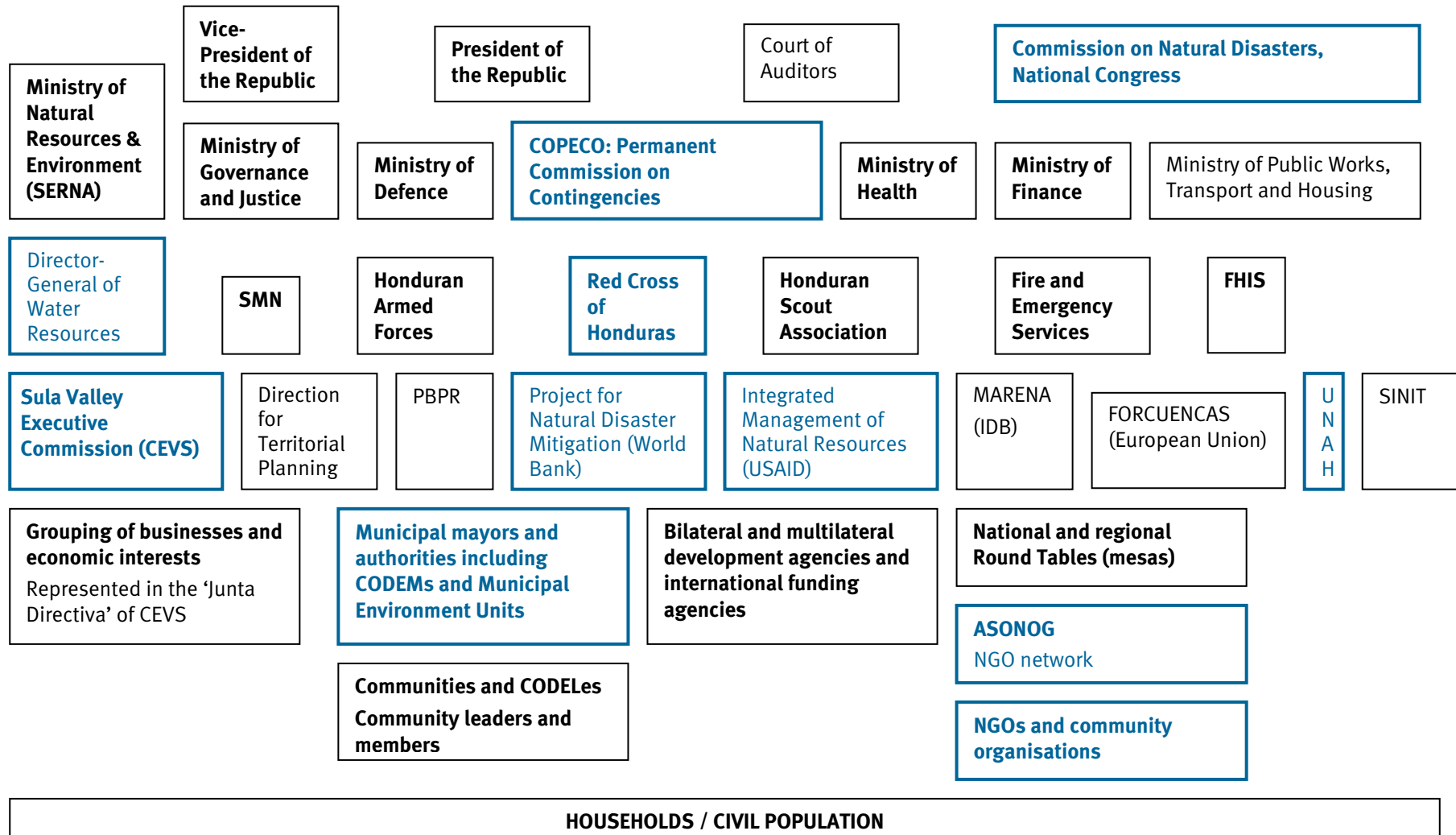
In this context of a regulatory framework which is not functioning, the proposed National System for DRR in Honduras' – *Sistema Nacional de Gestión de Riesgos (de Honduras)*'- SINAGER(H) is designed to create a comprehensive and participatory structure for DRR. "The functions of prevention, adaptation and mitigation of disasters and climate change will be organically integrated and led, on the part of the public sector, by government ministries according to a spatial planning perspective (*ordenamiento territorial*)" (Talavera-Williams and Aguilar, 2008, page 16).

The aim is to hold a process of consultation on the terms of the proposal for SINAGER(H) and passage through the national legislature.

¹⁹ In the time available for this scoping study, not all the actors in Figure 1. could be interviewed.

²⁰ The mission of the CEVS, from its origins, is described in the report of Talavera-Williams, Section 4.3.

Figure 2.1: Survey of institutions and other actors involved in Disaster Risk Reduction in Honduras



NB: Organisations interviewed during this scoping study (in coloured font)

2.2 Tool for analysing accountability

For the purposes of the study, ‘Accountability’ has been interpreted²¹ as shown according to the analytical tool in Figure 2. (the tool is here adapted, deliberately, so as to be simple).

As shown in Figure 2.1, there are three aspects to accountability:-

- Compliance: *accepting* the need to account;
- Transparency: *giving* an account; and
- Responsiveness: actually *taking* account.

It is the three *in combination* that will constitute full accountability, with the first being the starting-point in the sequence: acceptance of a responsibility to account to other – specified-institutions/actors.

The responsibility to account can be directed in three directions:-

1. vertically *upwards* – to institutions, actors, persons in *higher* positions;
2. vertically *downwards* – to actors *lower* in the institutional hierarchy; and/or
3. *horizontally* – horizontal accountability relates to the sharing of information, decisions, resources, and power between actors who are collaborators without formal powers over each other, but have nevertheless established accountabilities between themselves.

The tendency is for vertical accountabilities to be ‘*upward*’ only, whereas ‘*downwards*’ accountability of public/private bodies is required – to households/communities and other beneficiaries of DRR support/services.

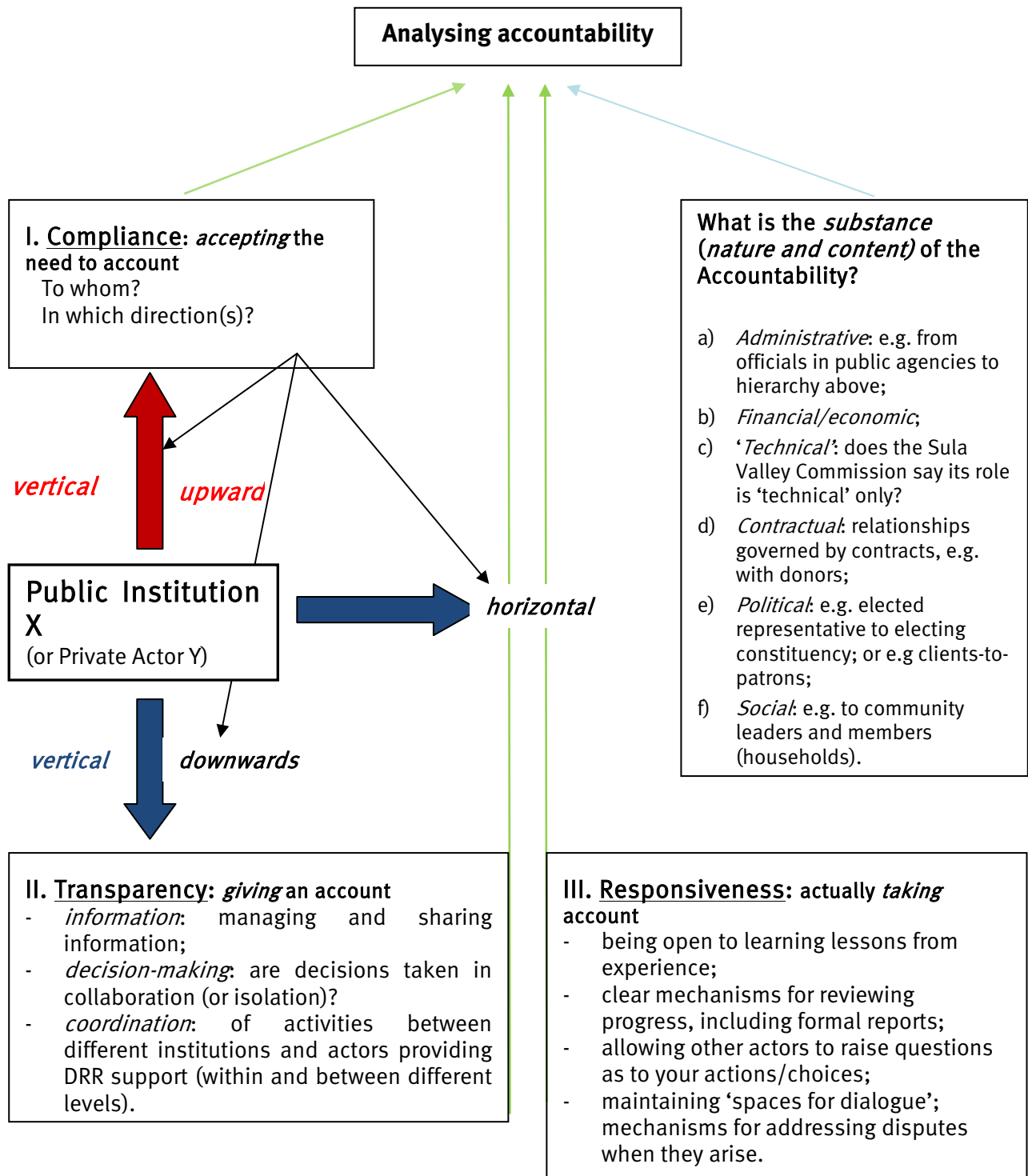
Horizontal accountability is generally more challenging than vertical accountability, but is important for coordination. As noted in Section 1.4, such coordination between actors, including *cooperation* between State authorities and citizens, is essential in flood management/DRR.

Responsiveness between *horizontal* partners does not necessarily mean always doing *all* of what your collaborators want you to do, but that you can demonstrate publicly that you have taken others’ considerations into account in decision-making and you have presented coherent and rational *responses* as to why your organisation took the decisions it did.

Newell & Wheeler (2006) emphasise the political dimension of accountability, contrasting technocratic views of governance with an understanding of accountability in which *power* assumes a central place. Accountability, they say, is not the same as accountancy. A narrow focus on, for example: “questions of financial reporting and accountancy fails to *address political processes* by which the powerful insulate themselves from accountability to the poor” (page 2, emphasis added). “Communities need to devise ‘accountability strategies’ to challenge public bodies and other actors (including civil society organisation “claiming to act on their behalf” (ibid). At the heart of political accountability lies the challenging of *power* inequities. Political accountability relationships may be less visible.

²¹ Based upon Caplan, K. (2005), ‘Partnership Accountability, Unpacking the Concept’, Building Partnerships for Development, Practitioner Note Series.

Figure 2.2: Analysing accountability



2.3 Tool for assessing non-discrimination, including affirmative action

Similarly, a simple first tool has been devised for assessing **non-discrimination** – according to five types of positioning, on a scale, as shown in **Box 2.1**.

Box 2.1: Positioning of ‘Flood management/DRR institutions’ in relation to discrimination or non-discrimination

- **Discrimination which is ‘DRR-Negative’:** deliberate targeting of resources and actions to support populations who are *already* relatively *well* protected against flood risks, including cases where those actions have negative knock-on effects on other people;
- **Unconsciousness:** lack of awareness to different levels of vulnerability to flood, and/or lack of concern to help populations who are more/most vulnerable (where, however, resources and actions have not actually been invested/implemented);
- **Impartial Treatment:** no-one is (actively) preferred;
- **Consciousness:** awareness as to different levels of vulnerability to flood; and concern (at least in principle) to help populations who are more/most vulnerable;
- **DRR-Positive Discrimination:** *affirmative action* targeting resources and actions to support populations relatively *poorly* protected against flood risks.

As commented in section 1.5, affirmative action – positive discrimination to address inequalities – is specifically recognised in human rights. In the field of flood management, ‘preferential treatment’ such as UN General Comment no.18 recommends will be, for example, targeting of funds and other investments to populations who combine residence in zones of high-risk to flood with poverty.

The positioning of different institutions/actors in Honduras on the above scale was noted, according to:-

- (i) **‘auto-perceptions’:** how the representative(s) of the institution/actor which was interviewed perceived the position of her/his *own* institution/organisation in relation to positive or negative discrimination;
- (ii) **‘peer-group perceptions’:** how the position adopted in relation to positive/ negative discrimination by individual institution/actors was perceived by *others*.

The findings of the assessment of positive/ negative discrimination, according to these different perspectives, are set out in section 3.4 below. The purpose here was to ‘scope’ the extent of affirmative action in relation to flood protection. Polack (2008) points out that terms such as ‘the more/most vulnerable’ label people in groups without differentiation in terms of their ‘specific basket’ of vulnerabilities (e.g. according to gender and/or age), and as such is potentially disempowering. The responses to the issue of positive/negative discrimination given by stakeholders are included in Appendix 3 (pages 110-143) of the report in Spanish. As well as providing a status check of current practice of affirmative action (see section 3.5 below), they provide some insights into the bases on which *differentiations* between potential target populations are being made (the spatial factor comes clearly to the fore, but other considerations also emerge, e.g. for NGOs and community-based organisations, targeting communities according to poverty or indigenous ethnic identity is a specific objective). These issues may be further addressed in the proposed Phase 2 – see Section 4.

3. Findings from the scoping study in Honduras

The key questions posed in this scoping study in Honduras, and a summary of the findings of this study, are set out in this section.

3.1 Current legal, policy and institutional framework

Key Questions	Key Findings
<p>- What is the current status of national laws and institutions relating to flood management?</p> <p>- How have policies relating to flood management and DRR evolved in recent years (since Hurricane <i>Mitch</i> in 1998)?</p>	<p>Ten years after Hurricane <i>Mitch</i>, the legal framework is still weak and incomplete. Several persons interviewed expressed the view that the existing law is <i>obsolete</i>: the focus on humanitarian response to emergencies is too narrow, insufficiently addressing prevention, with little education on DRR and little support to social organisations in the face of flood and other risks. The roles and responsibilities of public agencies and other actors involved in DRR need to be clarified, in new legislation or policy documentation.</p> <p>“A coherent and agreed framework of public policy on DRR does not exist” (Talavera-Williams and Canales-Aguilar, 2008, page 17). The system of commissions and committees on DRR at different levels, led by COPECO, is poorly funded and only partially in operation.</p> <p>Coordination between public institutions is currently weak, e.g. between COPECO and CEVS.</p> <p>Such policy change as has occurred since <i>Mitch</i> was the reform in 1999 of the 1990 law which created COPECO. As discussed in section 1.6, the 1999 reform further narrowed the focus on emergency response and caused some confusion in relation to the functioning of the commissions/committees at different levels.</p> <p>As to the five Hyogo priorities, outlined in international policy on DRR, such (little) progress as has been achieved against those Hyogo priorities is noted in Box 7.</p> <p>Proposals for a new national DRR system (SINERGH) have not yet to be approved.</p>

A consequence of the current weak institutional capacity²² for leading flood management/DRR, from the perspective of claims-making, is discussed in Section 3.6.

Assessing evolution of flood management/DRR in Honduras against the five priorities of action set out in the Hyogo Framework, it is seen that little progress has been made to-date as noted in Box 3.1:-

As an example of practical steps which have actively been taken at local level, the World Bank project, PMDN, has given support for the installation of 54 telemetric stations for measurement of river flows (levels, currently). Initiation of hydrometric measurements dates back to November 2007 within this context. Some threshold levels for early warning have been defined. The system still needs refinement (at least, as at the date of this study): level measurements need to be converted to flows, data bases need to be compiled and flow modelling software which has been installed in SERNA by this project requires the hiring of a hydrologist to use and make sense of it. Nevertheless, this is an example of tangible measures for risk assessment and monitoring

²² Echoed by the UNDAC mission in July-August 2008 which has commented (UNDAC, 2008, page 6) that the legal framework for DRR in Honduras is advancing, but is currently at an initial basic stage of development: “*En Honduras se observa un creciente proceso de madurez del marco legal de gestión para la reducción de riesgo ... todavía ese proceso está en una base muy inicial de desarrollo*”.

Box 3.1: Progress in Honduras towards the five priorities for action in the Hyogo Framework

<ol style="list-style-type: none"> 1. Make disaster risk reduction a priority: ensure that DRR is a national and local priority with a strong institutional basis for implementation 2. Know the risks and take action: identify, assess and monitor disaster risks – and enhance early warning 3. Build understanding and awareness: use knowledge, innovation and education to build a culture of safety and resilience at all levels 4. Reduce risks: reduce the underlying risk factors 5. Be prepared and ready to act: strengthen disaster preparedness for effective response at all levels. 	<p>1. Flood risk management (as a key element of DRR) is not yet a national priority with a strong institutional basis for its implementation.</p> <p>At a local level, in some locations, communities and civil society organisations in support have made flood risk a priority, but, judging from the preliminary assessment made by this study in the selected areas, these are quite isolated cases which have depended largely on the individual initiatives of those communities or the supporting NGOs.</p> <p>Similarly, towards priorities 2 and 3, few steps are being made nationally and patchy steps locally.</p> <p>As regards priority 4, settlement in high-risk areas seems to be continuing, e.g. in the flood plain of the Sula Valley.</p> <p>5. The focus of COPECO, with its modest resources, has been on preparedness, rather than prevention.</p>
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“The single most important element determining the quality of recovery initiatives has been the quality of the pre-disaster development process...”.
 World Bank (2004), ‘Learning Lessons from Disaster Recovery: The Case of Honduras’, page vii.

3.2 Current practice of flood management/DRR

Key Questions (continued)	Key Findings (continued)
<ul style="list-style-type: none"> - To what extent are flood policies/strategies (on paper) being implemented in practice? - What examples of good practice are present in the areas selected for study? 	<p>Practice tends to follow the thrust of <i>ad hoc</i> policy, focusing on preparation and response to emergencies, rather than prevention.</p> <p><i>Examples of innovative practice in the selected study areas are as follows:-</i></p> <p>CEVS has recently created a river basin department and has begun to apply a more holistic approach to flood management in the Valley of Sula;</p> <p>The CODEM of AMDC has started an education project called ‘Protected School’ to teach children about flood prevention;</p> <p>The CODEL of <i>Kelekele</i> has carried out community mapping of flood risk for a community prevention plan and training in policy influencing which has helped to achieve more successful negotiation with the mayor’s office;</p> <p>The CASM in <i>Choloma</i> is collaborating in pilot projects with a CODEL in <i>Lempira</i> in the Valley of Sula;</p> <p>The CODEM of <i>La Masica</i> has established a community managed Early Warning System operated by community members in the upper basin which benefits communities in the lower basin;</p> <p>Christian Aid has worked with municipalities to expand their emergency plans to cover prevention and, through the BDRC project is helping communities to adapt their livelihoods (alternative crops, adapted harvest times, nurseries and buildings constructed on raised platforms above flood water levels);</p> <p>Pöpol Nah Tun is working for the adoption of agroecological productive practices, seeking to diminish soil and watershed erosion – and thereby strengthen local livelihoods.</p>

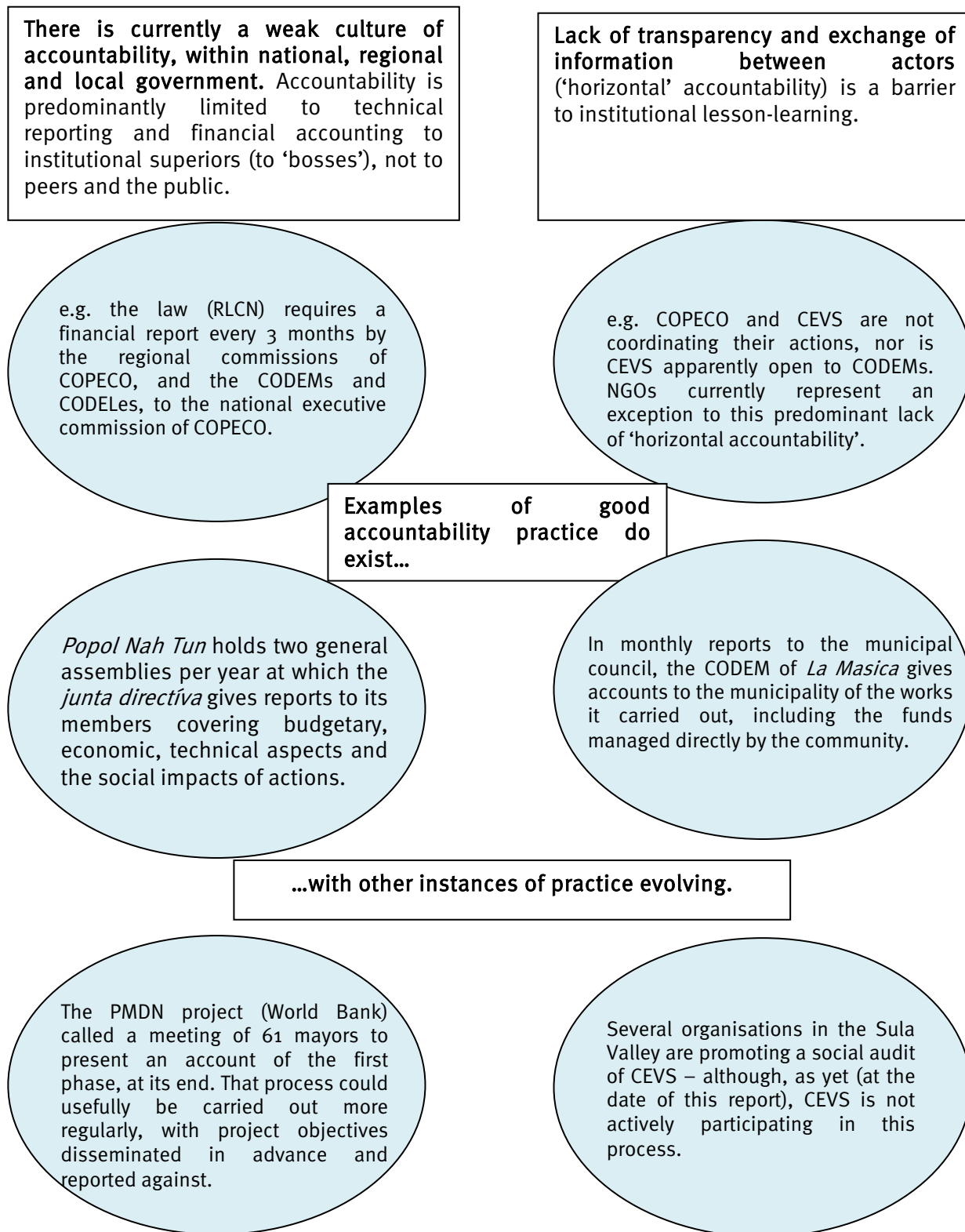
3.3 Climate change

Key Questions (continued)	Key Findings (continued)
<p>- How are flood polices and institutions in Honduras taking into account climate change, and adaptation to CC?</p>	<p>Adaptation to climate change is not an issue taken into consideration by other actors in the sector, the majority, and is only a weak reality in practice – see the perceptions relating to climate change of the actors involved in DRR set out in Annex 4.</p> <p>As recorded in that Annex, beyond a limited number of technical experts working principally for international agencies, climate change (CC) is a concept little understood in Honduras, because of insufficient attention to it (and, in some respects, its complexity). There is a lack of clear and full vision of the implications of CC, its likely effects.</p> <p>More debate is needed in order to establish national policy on climate change, including policy on management of flood risk/DRR, as well as adaptation to effects of CC on agricultural production, other aspects of livelihoods, and health.</p> <p>In the absence of understanding, communities respond as best they can to variations in weather, including extremes. Practical steps are being taken to adopt alternative crops/cropping, adjusting the harvest to avoid high-risk times. These are examples of <i>ad hoc</i> adaptation to variability in weather already being experienced, rather than adaptation to forecasts of future CC scenarios.</p> <p>Awareness-raising and education on climate change for communities is being carried out, principally by civil society organisations, but these are selective and coverage is incomplete. CC is, say the CODEMs, not an easy subject to take to communities. While CC forecasts are a serious issue, they are not (currently at least) part of daily life. The potential worsening effects of climate change are not understood – other priorities exist.</p> <p>Meanwhile, SERNA has promoted some mitigation measures, e.g. stoves which emit less greenhouse gases; bio-fuels).</p> <p>CEVS believes that climate change is causing more intense precipitation in the Sula Valley which, it says, means that investment in infrastructure is required to increase.</p>

3.4 Current practice of accountability

Key Question: To what extent/in what respects are flood policies/institutions, and flood management practice, in line with the principle of *accountability*, for the benefit of poor populations at risk?

Key Findings



As regards the system of reporting by the Director of COPECO, the *Comisionado*, to the ultimate ‘boss’, the President of the Republic – as referred to in section 1.7 – this does not operate in practice. The President is apparently too busy to want to see the reports and does not, in general ask to see them. Nor does the Vice-President (in normal circumstances the person to whom the President delegates such responsibilities) demand to see COPECO’s reports. COPECO forms part of the Council of Ministers

(*Consejo de Ministros*), but the Director of COPECO has in practice difficulties obtaining space in the Council to report. Thus, such reports as the *Comisionado* gives are not in writing and struggle to gain the ear of the members of the Council – a sign, it seems, of current lack of interest in DRR in the higher echelons of political power and government.

3.5 Current practice of affirmative action

Key Questions (continued)	Key Findings (continued)
- To what extent/in what respects are they in line with the principle of <i>non-discrimination</i> , for the benefit of poor populations at risk?	<p>There is a striking difference between, on the one hand, auto-perceptions of the level of awareness and action to help populations who are relatively poorly protected against flood, see Table 1., and peer-group perceptions of consciousness and action on the other – see Table 2.</p> <p>While many public bodies at different levels say they act impartially, many of the representatives of actors interviewed were critical of lack of affirmative action in the approaches of their colleagues in the sector (as Table 2 reveals). No institution or actor is currently credited by another with practising positive discrimination except for some NGOs who are praised by civil society colleagues.</p> <p>The CODELs interviewed are critical of the CODEMs, e.g. <i>Panamá</i> and <i>Kelekele</i> say that the CODEMs of <i>Trujillo</i> and <i>Puerto Cortés</i> have abandoned them.</p> <p>The ‘<i>Group of Sustainable Families of Nola</i>’ is grateful to CEVS for recent defence works, but reproaches other government institutions for lack of help in adapting livelihoods in the face of growing vulnerability.</p> <p>CEVS is meanwhile criticised by NGOs for allegedly discriminating against communities and in favour of private interests; this is in part due to CEVS’ institutional mandate whereby it owes duties to the latter.</p> <p>The paucity of national resources currently assigned to flood management poses practical limits on action, but does not justify targeting of public investment in a manner which is <i>blind</i> to non-discrimination as highlighted by the lack to-date of affirmative action on the part of many actors.</p>

Table 3.1: *Auto-perceptions* relating to Discrimination/Non-discrimination

Institution	Discrimination which is DRR-negative	Unconsciousness	Impartial Treatment	Consciousness	DRR-positive Discrimination
COPECO		✓	✓		
PMDN		✓		✓	
UNAH					
CEVS				✓	
USAID-MIRA					
Cruz Roja Hondureña			✓		
Group A	0	2	2	2	0
CODEM La Masica			✓		
CODEM Choloma				✓	
CODEM AMDC			✓		
Group B	0		2	1	0
CODEL Panamá				✓	
CODEL Kelekele		✓			
GFS Nola					
Group C	0	1	0	1	0
Christian Aid					✓
IISI					

CASM Tocoa			✓	✓	✓
Popol Nah Tun					✓
CASM Choloma					✓
Group D	0	0	1	1	4
TOTALS	0	3	5	5	4

NB: the above grouping of institutions/actors is as per pages 5 and 6 of the report in Spanish

Table 3.2: Perceptions on the Discrimination/Non-discrimination practised by *others*

Institution	Discrimination which is DRR-negative	Unconsciousness	Impartial Treatment	Consciousness	DRR-positive Discrimination
COPECO					
PMDN					
UNAH			National DRR institutions in general	Institutions and NGOs	
CEVS					
USAID-MIRA		CODEMs in general; 'some people'			
Cruz Roja Hondureña					
Group A	0	1	1	1	0
CODEM La Masica					
CODEM Choloma		CEVS			
CODEM AMDC					
Group B	0	1	0	0	0
CODEL Panamá	COPECO; CODEM de Trujillo				
CODEL Kelekele	CODEM Puerto Cortés				
GFS Nola	Institutions and the State in general				
Group C	3	0	0	0	0
Christian Aid	CEVS	A few communities			
IISI	CEVS; CODEMs y corrupt mayoral offices				
CASM Tocoa					
Popol Nah Tun	Discrimination in spatial planning; lack of pro-poor policies				

Institution	Discrimination which is DRR-negative	Unconsciousness	Impartial Treatment	Consciousness	DRR-positive Discrimination
CASM Choloma	The public authorities in general				
Group D	4	1	0	0	0
TOTALS	7	3	1	1	0

NB: The left-hand column indicates the institution/actor making the commentary and the other columns refers to the institution/actor commented upon.

3.6 Current claims-making

Key Questions (continued)	Key Findings (continued)
<p>- What evidence is there of communities, or municipalities, or civil society groups in the study areas making claims in relation to protection against flood risks?</p> <p>- To the extent there is, currently, little evidence of claims-making, why is this?</p>	<p>Persons interviewed referred to the great numbers of claims made by and on behalf of communities, but commented that to-date claims-making has generally been unsystematic and unplanned, and has not included efforts to pressure for reform of national laws and policy.</p> <p>Claims-making has often been unconstructive. Claims which include proposals of solutions, rather than just complaining about problems, are likely to have more success in persuading authorities (see further in section 4.4). A finding from this study is that making claims for greater accountability and affirmative action requires a constructive approach to advocacy through negotiation and proposing solutions – <i>protest is not enough</i>.</p> <div style="border: 1px solid black; padding: 5px;"> <p><i>“On the part of government there is no readiness to respond to those claims, because those in authority have already decided what they are going to do. To-date, a dialogue has <u>not</u> been created between populations concerned with flood risk and the different levels of government”</i> (emphasis added).</p> <p>Roque Rivera, Executive Director of Popol Nah Tun</p> </div> <p>A finding of this study is that rights to protection to flood which are operating in Honduras have not been ‘gifted’ by the authorities, but as a result of a ‘social dynamic’ (Talavera-Williams and Canales-Aguilar, 2008, page 86) which requires a <i>process</i> of claiming and petitioning to the authorities. A condition of presenting such claims is understanding how to go about influencing decision-makers, and this requires building advocacy capacity.</p> <p>Alongside improved capacity of civil society to ‘claim’ constructively, there will need to be a strengthened capacity of government to respond. Since a key finding of this study (Section 3.1) is that the current status of government institutions responsible for flood management (COPECO and others) is weak, building civil society capacity to make claims needs to be accompanied by strengthening of the capacity of state institutions, e.g. increases in budget and resources assigned to them in future, as a contribution to improvement of institutional performance.</p>

4. Recommendations for follow-up: Research and policy analysis in Honduras

The findings of the scoping study have confirmed the need for strengthening of the roles of institutions and actors involved in flood risk management/DRR in Honduras.

Based on the successful pilot in ‘Phase 1’, the two principal themes to be further investigated, developed and promoted in Phase 2, to contribute to improved practice, are:-

- Claiming accountability: how may claims for *improved flood protection* be formulated, presented and negotiated – successfully?
- Understanding equity: what in practice does equity (fairness) mean in flood risk management, especially where government and civil society are facing *major* flood events in a context of significant (current) *constraints* on financial resources and human capacity?

4.1 Issues for further research and policy analysis

4.1.1 Issue 1: Governance reform

The first area for follow-up to the scoping study relates to reform of governance of flood management/DRR, beginning at *national* level.

The proposal of the draft law on *Gestión de Riesgos* and ‘SINAGER(H)’ presents an opportunity. As noted in section 1.3, a proposal for a ‘right to protection’ (*derecho a la protección*) has been made in 2006 as part of the draft law. The latest (October 2008) version of the proposed law, as per Article 3 on ‘Guiding Principles of the SINAGER’ and particularly Article 3.1²³ states:

“Security and Responsibility: every person, national or foreign, with natural or legal personality, has the right to protection in his/her physical and mental security, productive unit/system, goods and environmental setting in face of the construction of risk scenarios, seeking to ensure his/her survival in conditions compatible with human rights principles” (emphasis added).

That is a first step – on paper. The formulation of the right in the draft law is evolving, but Article 3.1 needs to be further worked up and developed so as to be implementable in practice.

As part of SINAGER, the leading institutions responsible for DRR will need to be made more accountable to communities/citizens and be more responsive/collaborative with each other.

The results of this study indicate that DRR institutions would need to be more responsive also to climate change, as forecast by the latest scientific studies in the region.

It is recommended that further work in Phase 2 could include the following activities:-

SINAGER

- conduct a sample survey of perceptions as to what the content of the ‘right to protection’ should be, and ways to achieve it; based on the survey, record and elaborate on the range of possibilities and mechanisms for making the ‘right’ work;

²³ The October text of the draft law referring now to ‘SINAGER – Sistema Nacional de Gestión de Riesgos’ (without an ‘H’) includes modifications to the formulation of the proposed right: the words highlighted in italics above are new: cf. the previous version: “Right to protection: every person located within the national territory should be protected in his/her physical security, productive unit/system, goods and environment in face of the physical threats which can affect him/her”.

- clarify the different possibilities and mechanisms to be built into the regulation under the Law for the proposed *National System for Disaster Risk Reduction* (to be approved); influence the terms of the regulation including the right to protection, and build in mechanisms for accountability and equity.

Investment tracking relating to flood protection works

- study of budget/finance allocation, selection criteria, decision-making process and spend (who/where are the beneficiaries?) and also (selective) assessment of quality and impact;
- collecting (further) information on the gaps/challenges of current practice, and then designing and testing mechanisms for improving targeting of flood investments, better information sharing, reporting and transparency (based on principles of accountability and equity) .

Flood Management/DRR and Aid Effectiveness

- since Honduras as a low-income country cannot tackle the threat of major floods alone without the assistance of international development cooperation, it will be useful to examine how the flood/DRR ‘sector’ is currently placed in relation to the principles of aid effectiveness in the 2005 Paris Declaration, to which Honduras has signed up, particularly the Paris principles on government commitment to accountability for *results*, in return for donors channelling funds *through* government – and donors supporting government in a meaningful manner (ODI, 2008) – including with coordination and ‘harmonisation’ between donors investing in the sector;
- such as study would contribute to focus on the commitment by the government (and donors) to the Paris agenda and to influencing its implementation.

Key questions are as follows:-

- how may the role of public institutions responsible for DRR in Honduras (e.g. COPECO) be strengthened?
- what strategies can civil society (community and citizens’ organisations, NGOs and, research/policy institutes) construct and pursue for reform of national laws, policies and institutions which will open up more channels for claims for improved protection from flood risks, as part of DRR?
 - i) what *institutional* oversight bodies are needed, as a second recourse?
 - ii) what forms and processes of *political* representation are available to populations in high-risk zones (e.g. in urban slums)?
 - iii) what viable opportunities of *legal* recourse, if any, are accessible by populations which are not currently benefitting from flood protection measures?
- how should SINAGER, the proposed new system of DRR improve ‘horizontal’ accountability relationships, for coordination between flood/DRR actors at regional/local levels.

4.1.2 Issue 2: Social mobilisation

The second recommended area for follow-up to the scoping study is called ‘social mobilisation’: namely investigating flood protection/DRR at *regional* and *local* level, including the following possible activities:-

Human settlements and flood risk planning

- study of urban planning in/around San Pedro Sula as it affects flood management/DRR, including study of decision-making by the municipality of San Pedro and by CEVS on flood-related issues as part of the municipality’s responsibility for spatial planning and CEVS’ development model;
- such a study would contribute insights to the process of social audit (*‘auditoria social’*), referred to in section 3.4 which has already started: a draft of the plan for the process of the social audit has been prepared and member organisations are looking at it to comment and approve; the next step will be to establish objectives and set indicators of success.

Lesson Learning (*sistematización*) on Claims-making

- case study of Popal Nah Tun's experience in devising innovative means of negotiation with municipal authorities;
- collecting/summarising other good practice on claims-making, to support civil society in negotiation with municipal authorities on decisions affecting flood risk, particularly affecting marginalised populations in high risk zones; providing tools and innovative methods as part of capacity-building of local civil society groups.

Collaborators in future action research could be CODEMs /CODELes in the selected areas. They have a key role to play in flood management/DRR.

Key questions are:-

- how can communities and municipalities in high risk areas in the Valley of Sula negotiate with CEVS, for CEVS to assume greater 'downwards' accountability? What incentives/sanctions exist for CEVS to cooperate with the social audit?
- how are claims of civil society on behalf of communities currently structured in terms of *content*?
- how can the *language* of claims evolve to achieve more success in negotiation (move forward from a language of protest only)?
- how can communities/households and municipalities in high-risk areas successfully construct and pursue claims (institutional, political, legal) for improved protection from flood as part of DRR.

In terms of *content*, the potential full range of claims is:-

Possible content of claims

1. Information/assistance

- information on flood risks;
- technical help in combating those risks, including adequate land use planning and sustainable land based productive practices (eg. agriculture, cattle rearing, forestry).

2. Infrastructure

- early warning systems;
- structures (permanent/temporary) to hold back/divert flood waters;
- emergency refuges to protect from storm/flood;
- dwellings/buildings which are resilient to incoming flood waters.

3. Financial

- financial payments to compensate for damage to dwellings/buildings;
- financial payments to compensate for lost livelihoods.

Transparency in cost formation in big protection infrastructure (are protected communities getting value for money in the protection infrastructure they receive? Could more communities be protected with the same amount of money currently spent? What percentage of overall costs is contractors' profit?)

4. Social/economic

- health care, for injuries (physical/mental);
- relocation of residence/livelihood;
- costs of relocation and establishing new livelihood.
- e.g. social assistance schemes (CPRC, 2008, Chapter 3).

5. Political

- positions/roles which bestow decision-making power in relation to the facilities/services described in to 4. above:
- accountability of bodies making those decisions on citizens' behalf, so as to provide a check on:
- delivery of 1. to 4. facilities/services in a manner which is non-discriminatory.

4.2 Formulating a rights-based approach to flood management/DRR

As described in section 1.3, the right *to* water – on which are based Citizens' Action claims for better water facilities – has been set out in UN General Comment no.15.

The grounding in 'rights' on which claims for improved flood defence, protection '*against water*', may be based still has to be established.

As noted in this report, in Honduras a proposal for a 'right to protection' (*derecho a la protección*) has been made in the draft national law on DRR.

The right to protection as so expressed does not refer explicitly to an 'adequate standard of living' which would echo Article 11 of the ICESCR or 'health' echoing Article 12 of the ICESCR, as does the UN General Comment no. 15 (discussed in Section 1.3), but instead employs the terms 'physical and mental security' (*integridad física y psíquica*) and 'productive unit/system' and 'goods' (*estructura productiva y bienes*), both of which are broad, so that human rights lawyers many consider that the proposed right could be derived from either of both of those Articles of the ICESCR, if that is thought to be appropriate.

The draft law refers to 'transparency and access to public information' in Article 32 (of the October 2008 text) and to 'citizen participation' in Article 35 (October 2008 version), including a duty (*debe*) of all citizens to 'denounce' non-compliance with the terms of the law and the possibility to claim to the authorities (*pudiendo acudir a las autoridades*), as well as an obligation in Article 22 on all authorities responsible for coordination (public and private) to participate in the SINAGER. This raises the issue of how such *procedural* rights under human rights principles, to *information* and to *participate*, may be realised in practice (e.g. in relation to an obligation on responsible institutions/agencies to collect, collate and share information on climate change).

As noted in Section 4.1, the second phase of this project can usefully consider what exactly the above statement of rights means in terms of claims for improved protection and how the proposed right on paper could be converted into a reality in practice – for 'every person' – with the support of the principle of accountability, so as to contribute to higher standards of equity.

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Annex 1: Christian Aid’s contribution to policy and practice on DRR

The Building Disaster Resilient Communities (BRDC) – led by Christian Aid and funded by the Department for International Development (DFID) – has been working in Bangladesh, Malawi and Honduras, with activities beginning also in El Salvador, the Philippines and planned in Burkina Faso.

As Christian Aid’s DRR policy (June 2007) states, CA’s approach “seeks to challenge the main causes of vulnerability to crisis and disaster, which are: (i) individuals inability to self-protect from crisis due to weak livelihood strategies and an absence of adequate safety nets and poor knowledge on risk; (ii) inadequate social protection from crisis due to weak governance and weak participation from micro to macro levels and inequitable distribution of resources (this second head is related to CA’s strategic focus area 2, economic justice and strategic focus area 3, accountable governance) (emphasis added).

CA’s DRR policy refers (in section 4.2) to ‘Governance’: “The type of social protection available depends on the level of *responsibility* governments take towards protecting their citizens from disaster, the resources made available and how this is organised at local level ... we can say that the level of social protection is closely related to governance (including the way civil society operates) at both macro and micro levels and the inter-linkages in-between” (emphasis added).

Section 4.2 continues: “CA can work with civil society (partners and communities) to improve *accountable* governance towards better disaster risk reduction through activities such as the following: – increasing partner and community knowledge of national legislation, plans and procedures and international frameworks regarding disaster risk-reduction; – increasing effectiveness of partner and community led *advocacy* initiatives aimed at *influencing* governance structures’ decision-making around disaster management and the allocation of resources” (emphasis added).

CA’s DRR policy is aimed at ‘reducing risk to future crisis’ through a holistic ‘sustainable livelihoods and accountable governance approach’ mainstreamed into CA’s development work.

The focus of this research and policy project is on channels for claims by communities, as compared with self-protection by communities (although claims-making can be considered as a form of self-protection in that it seeks to gather the help of outside agencies).

ODI’s work on water policy and rights

The ODI Water Policy Programme was established in 2001. Its mission is to contribute to poverty reduction and social development through better policies and programmes in the water and related sectors. Its research and advisory work encompasses a range of issues surrounding water governance, [pro-poor service delivery](#) and [environmental management](#), including adaptation to climate change – both water stress and **flood**.

Rights in Action – ‘RiA’

The main guiding question of ‘RiA’ research is what difference rights can make in the lives of poor people. ODI and its RiA partners are committed to evidence-based and action-oriented research, aimed at improving the practice as well as the knowledge of different actors, including policy makers, researchers, practitioners and activists.

The ODI ‘Rights in Action’ Programme – see **Box** – investigates (and questions) the practical value of a rights framework for development action, poverty reduction and humanitarian protection. In particular, the relevance of rights principles and frameworks to the lives of excluded and vulnerable men and women. At the heart of RiA research is an enquiry into the nature and the status of rights as justifiable claims and the factors determining whether or not they are likely to succeed.

Annex 2: Extract from UN General Comment No. 18 on 'Non-discrimination'

Non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights. Thus, Article 2, paragraph 1, of the International Covenant on Civil and Political Rights obligates each State party to respect and ensure to all persons within its territory and subject to its jurisdiction the rights recognised in the 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 status. Article 26 not only entitles all persons to equality before the law as well as equal protection of the law, but also prohibits any discrimination under the law and guarantees 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.

The Committee notes that the Covenant neither defines the term "discrimination" nor indicates what constitutes discrimination. The Committee believes that the term "discrimination" as used in the Covenant should be understood to imply any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.

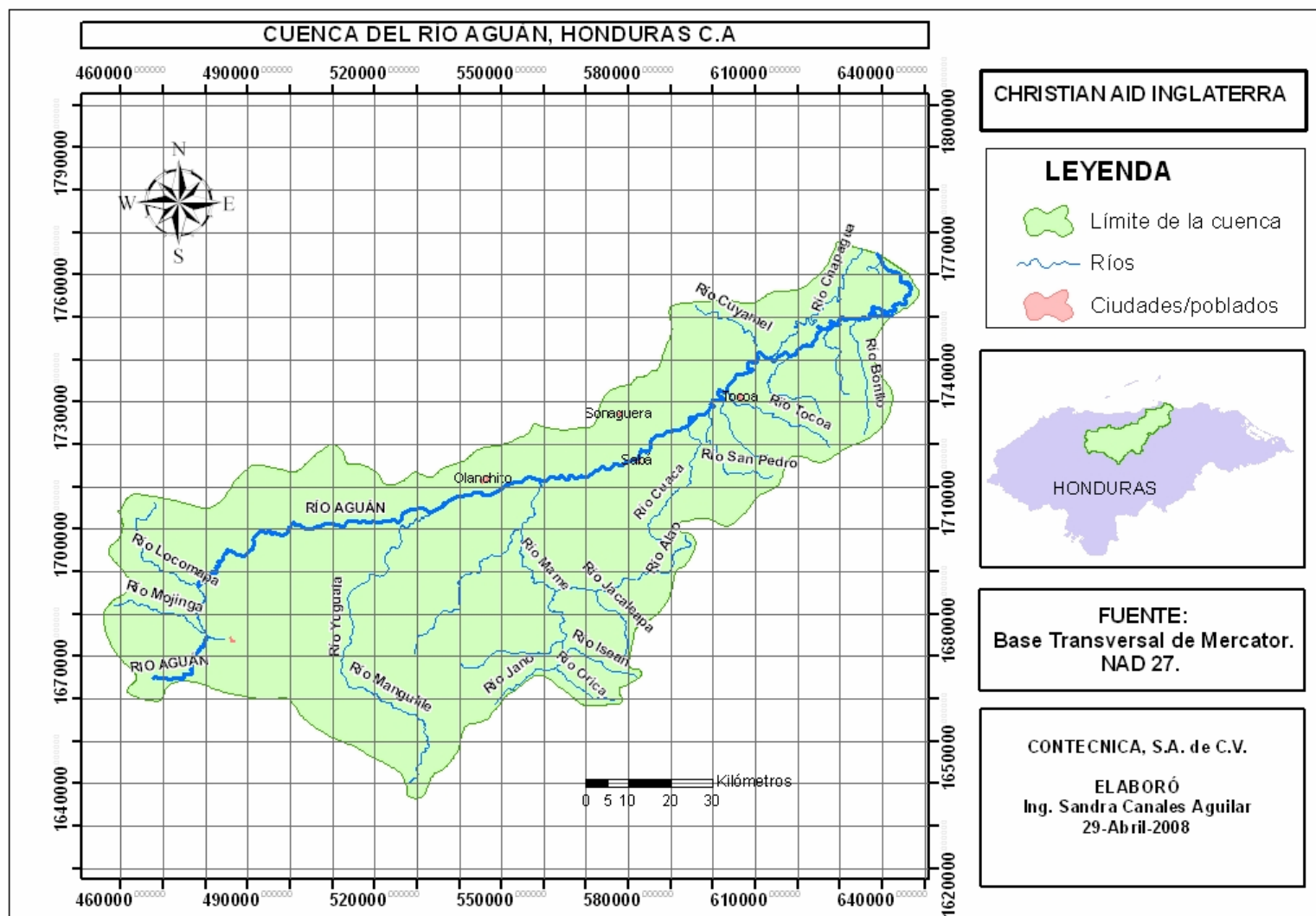
The enjoyment of rights and freedoms on an equal footing, however, does not mean identical treatment in every instance. In this connection, the provisions of the Covenant are explicit. For example, Article 6, paragraph 5, prohibits the death sentence from being imposed on persons below 18 years of age. The same paragraph prohibits that sentence from being carried out on pregnant women. Similarly, Article 10, paragraph 3, requires the segregation of juvenile offenders from adults. Furthermore, Article 25 guarantees certain political rights, differentiating on grounds of citizenship.

Reports of many States parties contain information regarding legislative as well as administrative measures and court decisions which relate to protection against discrimination in law, but they very often lack **information** which would reveal discrimination in fact. When reporting on Articles 2 (1), 3 and 26 of the Covenant, States parties usually cite provisions of their constitution or equal opportunity laws with respect to equality of persons. While such information is of course useful, the Committee wishes to know if there remain any problems of discrimination *in fact*, which may be practised either by public authorities, by the community, or by private persons or bodies. The Committee wishes to be informed about legal provisions and administrative measures directed at diminishing or eliminating such discrimination.

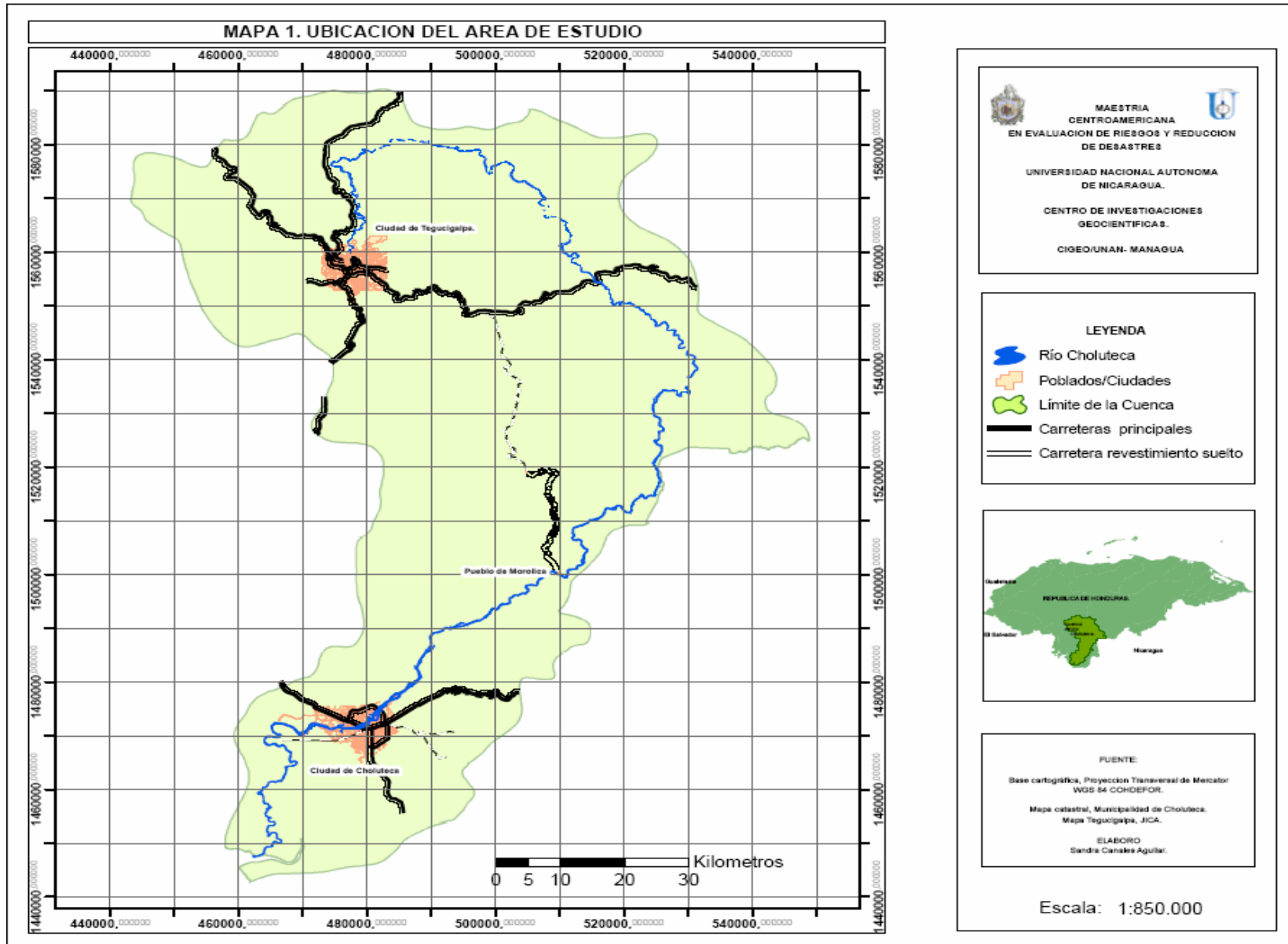
The Committee also wishes to point out that the principle of equality sometimes requires States parties to take **affirmative action** in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant. For example, in a State where the general conditions of a certain part of the population prevent or impair their enjoyment of human rights, the State should take specific action to correct those conditions. Such action may involve granting for a time to the part of the population concerned certain preferential treatment in specific matters as compared with the rest of the population. However, as long as such action is needed to correct discrimination in fact, it is a case of legitimate differentiation under the Covenant.

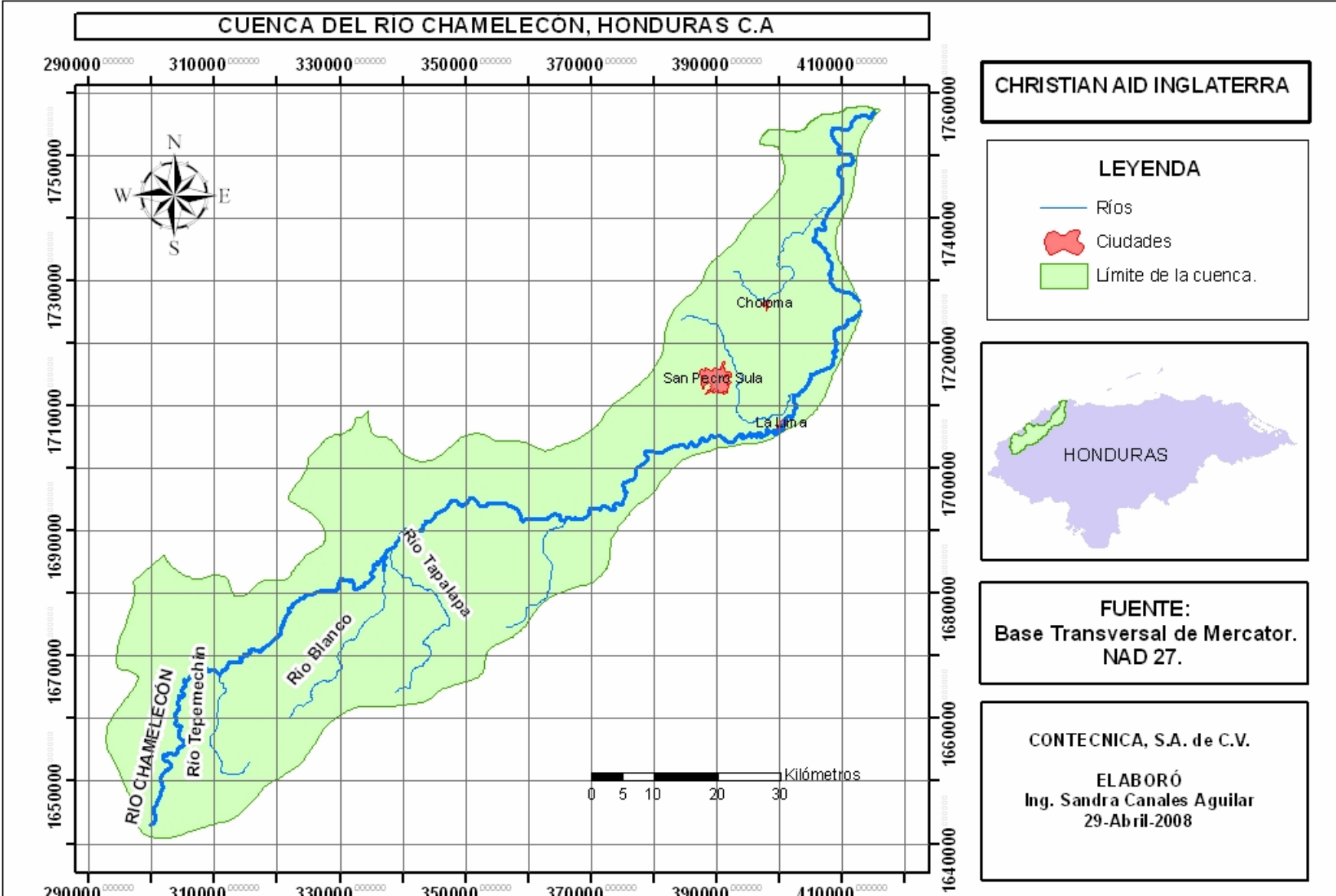
Not every differentiation of treatment will constitute discrimination, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant.

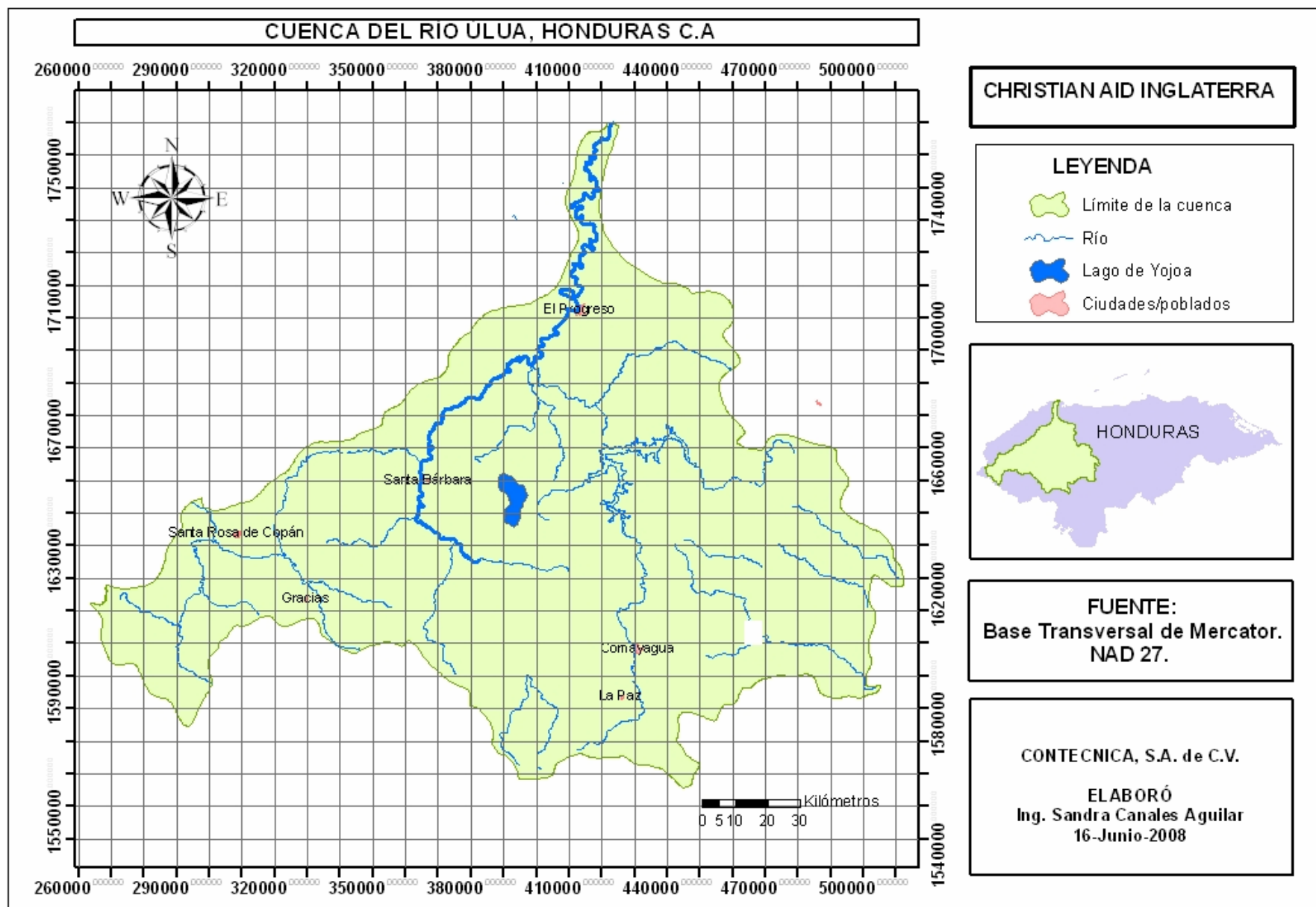
Annex 3: Maps of Selected geographical areas of study in Honduras



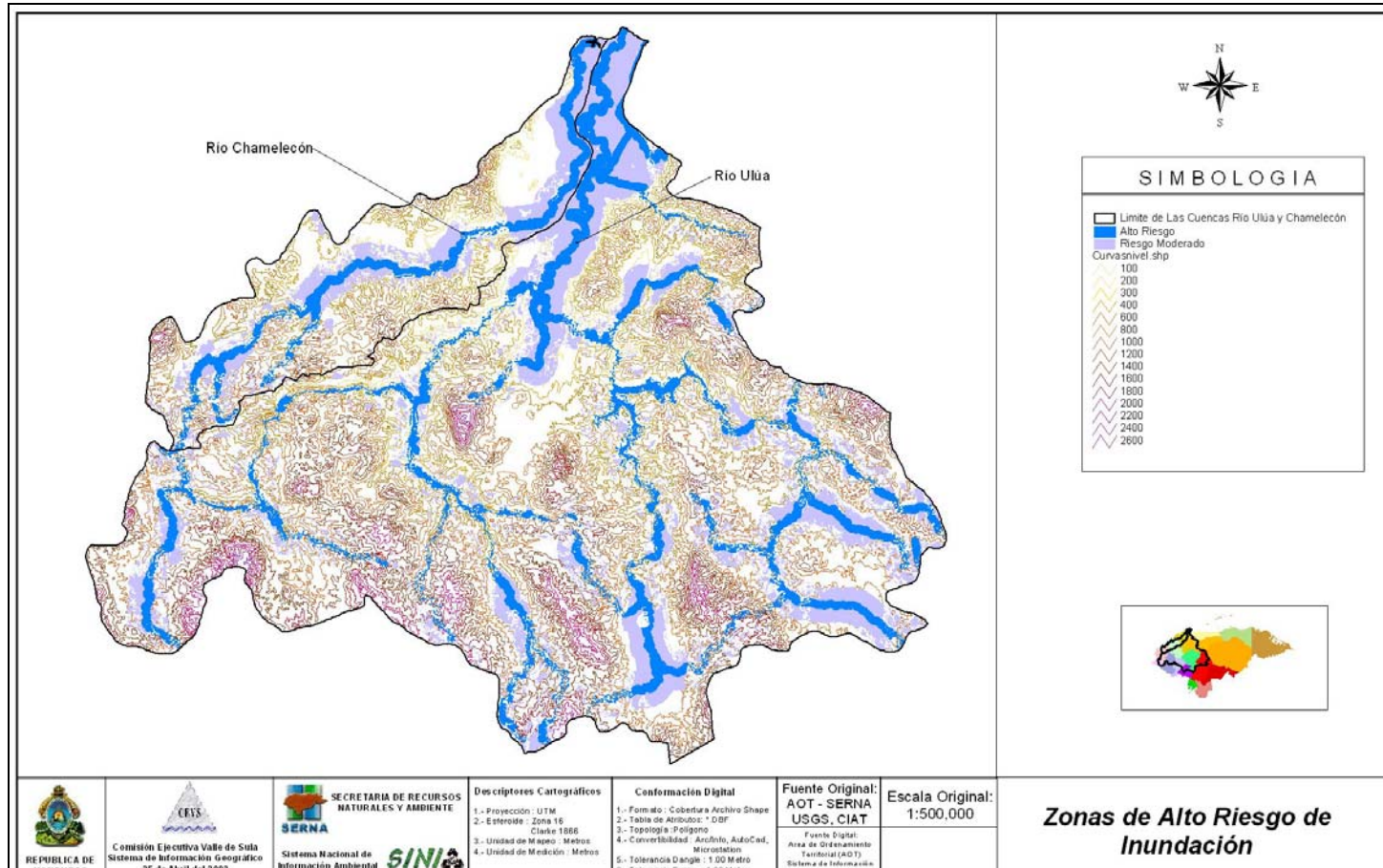
CUENCA DEL RIO CHOLUTECA







CUENCA DEL RÍO ULÚA Y CHAMELECON, INCLUYENDO EL VALLE DE SULA



 REPUBLICA DE HONDURAS	 Comisión Ejecutiva Valle de Sula Sistema de Información Geográfica 25 de Abril del 2005	 SECRETARIA DE RECURSOS NATURALES Y AMBIENTE Sistema Nacional de Información Ambiental 	Descriptores Cartográficos 1.- Proyección: UTM 2.- Estereote: Zona 16 3.- Topología: Polígono 4.- Unidad de Medida: Metros	Conformación Digital 1.- Formato: Cobertura Archivo Shape 2.- Tabla de Atributos: * D DBF 3.- Topología: Polígono 4.- Convertibilidad: ArcInfo, AutoCad, Microstation 5.- Tolerancia Dangle: 1.00 Metro	Fuente Original: AOT - SERNA USGS, CIAT Fuente Digital: Área de Ordenamiento Territorial (AOT) Sistema de Información	Escala Original: 1:500,000	<p>Zonas de Alto Riesgo de Inundación</p>
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Annex 4: Perceptions relating to Climate Change of DRR institutions/actors in Honduras

Institution	Perception
<u>Group A</u> (governmental institutions, public programmes operating at national or regional level, national NGOs providing humanitarian relief)	
COPECO	'The Honduran Government does not understand climate change; there is no national policy framework for adapting to CC'.
PMDN	Generally, climate change does not receive the attention it deserves. It is an issue which is little understood. The World Bank-funded PMDN project has pointed to the importance of river basin management in the face of CC. Some public bodies, like the Ministry of Natural Resources & Environment (SERNA) has developed initiatives for mitigation, e.g. improved stoves for reduction of carbon emissions and promotion of biodiesel.
UNAH	Public institutions are not informed of climate change. Generally speaking, concepts relating to CC are confused, for example, between what is CC and its causes and effects. The Ministry of Natural Resources & Environment (SERNA) is working on adaptation projects, but without better understanding of the problem, better adaptation will not be achieved.
CEVS	Climate change is generating a variety of meteorological effects, although principally in the Sula Valley CC is expected to result in increased rainfall events which will require greater investment in flood defence works.
USAID-MIRA	The subject of climate change is beginning to receive attention, from most Honduran institutions. All projects in this MIRA programme (USAID-funded) have to include a CC component. Much work is needed to take the issue to communities who will not be informed of CC if the programme does not do so. Communities need to be informed of what causes CC and what reduces its effects.
Cruz Roja Hondureña	There is no Honduran national policy defined in relation to climate change, so the country is in a difficult position. The International Red Cross is working on CC. Training has provided to Red Cross staff and at national level with the Ministry of Natural Resources & Environment (SERNA) as a first step in managing CC.
<u>Group B (municipal emergency committees-CODEMs)</u>	
CODEM La Masica	In reality, the subject of climate change is little known, especially amongst communities. It is perhaps a little more familiar to institutions which are carrying out some activities which will go to reducing the effect of CC, slowing down the process.
CODEM Choloma	Climate change is not sufficiently talked about nor described in clear enough terms to make everybody aware of the gravity of the threat it poses. Even when we have some information passed to us on climate change, it is difficult to take the subject to communities.
CODEM AMDC	It is a rather complex subject. It has not made here the impact which it has done in other countries. The dissemination which has occurred has not reached many people. Climate change is not something which is seen as happening here; it is not part of daily life. There are other things which are currently priorities. While we recognise that CC is giving rise to phenomena which are affecting the population, it is not what motivates the actions we are undertaking.

Institution	Perception
<u>Group C (community-level emergency committees-CODELes)</u>	
CODEL Panamá	Activities for adaptation to climate change have been carried out, for example returning plots of land to production for cultivation of alternative crops (bananas, fruit trees), and we are working with women on their household gardens.
CODEL Kelekele	We have been given talks about how to avoid pollution and understand that we should manage our solid waste, not burn nor use chemicals so as to contribute to reducing climate change. Community members are modifying their cultivation practices in order to ensure harvests in times of year which are less at risk from floods, as well as introducing varieties and more adaptable crops.
<u>Group D (NGOs operating at regional and local levels)</u>	

Accountability and Non-discrimination in Flood Risk Management

Christian Aid	The subject of climate change is new and we are taking it up in the project on Building Disaster Resilient Communities-BDRC. ASONOG has held two forums on CC. BDRC has produced a manual on adaptation to CC. In people's minds, CC is related to more water (floods), more drought and emissions of gases but they do not understand the effects of CC, both actual and potential, on people's daily life, in terms of health, production etc. The subject needs to be better understood. CC is not something with which local government is dealing, nor do communities with whom we work propose means for managing it. It is not a priority issue, including in relation to management of risks.
IISI	At community level, there is a lack of awareness of climate change and it is not a subject which is 'socialised' beyond a limited circle of institutions and experts.
CASM Tocoa	Generally, climate change is not a subject which is talked about, and even less fully understood. Yes, people observe how the rainy seasons are changing and because of that they try out changes in timing in sowing and harvesting – which amounts to ad-hoc adaptation to CC.
Popol Nah Tun	Climate change is an unknown quantity. What is happening in practice is spontaneous adaptation to CC and the natural phenomena it gives rise to, rather than actions based on a reasoned understanding of the issue. All the activities which we and the community organisations conduct has an underlying connection with climate change, but CC is not the basis on which we manage our affairs – in practice we have not explicitly linked CC with the actions we undertake. Our wish is to make that link.
CASM Choloma	Climate change is a new subject, as is adaptation, but in practice communities are responding in the way they run their lives. People know when a crop needs to be sown – perhaps what they don't know is how to organise themselves collectively. One can say that first steps are being taken to adapt to CC as seen in families which are collaborating with laboratory experiments (in small communities). Some practices relating to CC have seen adoption of new forms of cultivation. Crops which are resistant to adverse climatic conditions are being cultivated, with novel plant types, including especially fruit trees. CASM has also been promoting ideas on how to construct poultry houses and outdoor nurseries.

The researchers categorised the institutions & actors which they consulted in the above four groups, as per pages 4-5 of the report in Spanish.



Chak, or Chaak, Mayan god of rain (dios maya de la lluvia)