



The University of Michigan Roosevelt Institution Presents:

# Roosevelt Relief:



# Hurricane Katrina

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A Policy Publication of the University of Michigan Roosevelt Institution

Dear Reader,

In Ann Arbor, amidst the historic tradition of activism and student involvement, we, the University of Michigan Chapter of The Roosevelt Institution undertook a project that would allow us to create change and raise awareness through the formation of effective policy focused on a community in need. We entitled the project Roosevelt Relief. The subsequent choice of a community which could most benefit from our aid and innovative policy solutions was not a difficult one. A year and a half after Hurricane Katrina struck the Gulf Coast, causing over \$81.2 billion dollars in damage and displacing thousands of American citizens from their homes, it was apparent that new legislation was vital in order to attack the unanswered problems in the region. In response to local, state, and national cries for such solutions, and the growing action of the activist community toward the insufficient response to the communities in need, we, the members of the University of Michigan Roosevelt Institution, through their smart and fresh approach at policy, hoped that we could truly effect change and write policy that would not only aid the area in need, but also prevent similar atrocities from occurring in the future. Therefore, Roosevelt Relief placed its focus on the areas effected by Hurricane Katrina and proceeded produce civil liberties, economic, healthcare, environmental, education, and international policy that would address, and perhaps even provide solutions to, the issues faced by post-Katrina communities. Additionally, throughout the semester Roosevelt Relief engaged the University of Michigan's campus with its efforts, spread awareness, and contacted numerous charities, advocacy groups, and politicians who worked in the hurricane effected area in order to better understand the problem, provide needed and desirable assistance, and campaign for their support. The culmination of the Roosevelt Relief: Hurricane Katrina semester, however, is the following publication of student written policy. With it, our hope is that interested persons might find these inventive solutions desirable for implementation in relevant communities and by relevant political bodies, or, that at the very least, the policies over which University of Michigan Roosevelt Institution members have toiled during the course of this semester might inspire hope in those who read them through the realization that there are minds still dedicated to alleviating the existing situation, devising new solutions, and dreaming of a vision for the future—we have not given up.

Sincerely,

Hilary Doe and Stephanie Somerman

Co-Presidents  
University of Michigan Roosevelt Institution

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# Civil Liberties Policy Center

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Roosevelt Relief: Hurricane Katrina

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## A Policy to Ensure the Civil Rights of Natural Disaster Victims

By Shweta Jayaprakash, Brandon Hemmings, Katlyn Leight, Brent Pencak, John Geise, Juliann Schwartz, Halley Kim, Avishek Bandopadhyay

The initial government response to the Hurricane Katrina disaster has revealed the urgency of the situation and need for an immediate solution. The Federal Emergency Management Agency (FEMA) was created through an executive Presidential order in 1979.<sup>1</sup> This executive order was precipitated by the disorganized and haphazard nature of federal emergency response—the federal government sought a plan to centralize the coordination of federal emergency activities<sup>1</sup>. Subsequently, FEMA's responsibility focuses on four major branches (1) flood plain management; (2) dam safety; (3) earthquake preparedness and (4) crisis relocation planning—of these responsibilities, three applied to Hurricane Katrina.

After Hurricane Katrina initially struck, it was roughly 72 hours before FEMA began to provide aid to the Gulf Coast disaster areas. Though the normal window for disaster response as stipulated by FEMA is 72 hours, this amount of time was unacceptable and problematic considering the intensity and breadth of the particular natural disaster<sup>2</sup>. The agency, however, was unable to detect the urgency of the situation due to poor communication between FEMA and local/state officials, the inadequate training in natural disaster preparedness (since terrorist attack preparedness was stressed more heavily) and because of the bureaucratic red tape.<sup>2</sup> Aside from these however, the larger problem with FEMA aid is the way in which it is allocated for evacuees, displaced persons and survivors. The availability of aid and assistance, as well as housing remains an issue, despite the programs FEMA provides for rent assistance and housing.<sup>3</sup> Still, about 150,000 families remain displaced a year and a half after the hurricane initially struck. These provision failures are compounded by the fact that many of these families are low-income, and 70% of the estimated 300,000 homes that were destroyed fell under the category of low-income housing.<sup>4</sup> Applicants who would like to apply for FEMA housing assistance may apply via phone or internet, but many applicants, namely those who are impoverished, are also suffering from unemployment and may not have access to these conveniences.

Currently, FEMA has not met the 18-month deadline it set to move New Orleans residents out of trailers and into homes. As of September 2006, flood survivors occupied 60,000 trailers, while several thousand more continued to wait for an available unit. According to The Brookings Institution, FEMA spent approximately \$7.5 billion on trailers and manufactured homes since Hurricanes Katrina and Rita. Of those trailers, approximately 115,000 are occupied on the Gulf Coast. Rental assistance cost \$4.1 billion in total and the service has been provided to 680,000 people<sup>5</sup>. Figures released from FEMA suggest that only 4,700 families are reaching the 18-month cut-off—a striking statistic when one considers the number of families who have applied<sup>6</sup>. Additionally, people who need these services often do not have the documentation

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<sup>1</sup> May, Peter J. "FEMA's Role in Emergency Management: Examining Recent Experience". *Public Administration Review*. Special Issue: Emergency Management: A Challenge for Public Administration. Vol. 45, pp. 40-48.

<sup>2</sup> Shoup, Anna. "FEMA Faces Intense Scrutiny". PBS.Org. 9 September 2005. 1 April 2007. <<http://www.pbs.org>>.

<sup>3</sup> FEMA. "Apply for Assistance". FEMA.Gov. 1 April 2007. <<http://fema.gov>>

<sup>4</sup> National Low Income Housing Coalition. "Appeals Court Grants FEMA's Request to Hold Off on Reinstating Housing Benefits for Katrina Evacuees; FEMA May End Rental Aid to All Evacuees". *Memo to Members*, Vol. 12 No. 1. National Low Income Housing Coalition. 5 January 2007. 1 April 2007. <<http://nlihc.org>>.

<sup>5</sup> Brookings Institution, "Katrina Indexes" <[http://www.brookings.edu/metro/pubs/200607\\_KatrinaIndexes.pdf](http://www.brookings.edu/metro/pubs/200607_KatrinaIndexes.pdf)>

<sup>6</sup> Hsu, Spencer S. "Order Shows FEMA Aid Shortcomings". WashingtonPost.Com. 3 December 2006. 1 April 2007. <<http://washingtonpost.com>>.

necessary for applying, e.g. social security cards, insurance information, bank-account numbers, telephone numbers, pre-disaster address and *current* address etc.<sup>2</sup> Hence, there is a clear need to provide easily accessible services and education at the local and state level for displaced persons.

Every person displaced by a natural or human made disaster, remaining within the borders of the United States has the right to those civil liberties guaranteed to them by law—they should be upheld to the fullest, regardless of their displaced status. Using the Guiding Principles on Internal Displacement as outlined by the United Nations, our team has developed a new set of guidelines, shifted from the UN human rights framework into a US framework of civil liberties, with each article upheld by an existing constitutional right, law, regulation, or statute. To oversee that those who are displaced enjoy their given civil liberties, our policy center has proposed to create an Advisory Board, known as the Human Emergency Liberties Protection Program (HELPP).

The Advisory Board will be present at the local, state, and federal levels. At the local level, the Board will consist of an appropriate number of members, proportional to the community population. At the state level, there will be a number of individuals who serve as an umbrella board. The local board will report and send inquiries to the state members,, however, the local board will remain the primary contact point for community members. There will also be a branch within the federal government to facilitate state board interaction, as well as to ensure uniformity throughout the system. Consistency of documentation and distribution of information, as well as the collection and storage of that data within a secure system will be essential. Disasters often displace citizens of many states, and these individuals find themselves in different locations throughout the time of displacement. Thus, a uniform, user-friendly system will allow these citizens to conduct business with ease and confidence in each location, and transfer information from one place to another.

The local board will have an established location within the community, but if a disaster should incapacitate their office, the board shall be established within a secure temporary location. A displaced member of the community may then register and open a file with the board, wherein their information and documentation may be securely kept. In addition, this person will receive an account in a web-server, which will securely and digitally store their information and allow access from multiple locations. After this person no longer requires the services provided by this board and have resettled in the place of their choosing, they may close their file.

As Hurricane Katrina taught us, the effects of a disaster are far reaching and could potentially reduce the effectiveness of the board. For example, reliance on an extensive computer network, staffed by trained workers, would limit the range of services provided. Without reliable power and communications in many areas following a disaster, it will be difficult to establish secure bases, requiring power and network connections to the main database.

The initial costs of the project will be expensive. Locating funding for the creation of a new database, and trained workers who will form a cadre to operate the board will be the largest obstacles to overcome. If made part of existing city and state governmental units, their respective budgets must be enlarged to accommodate new equipment, workers, and training costs. Obviously the costs are dependent upon the size of the area. Will smaller communities be able to afford the additional costs in addition to other emergency preparedness provisions? The federal government will have to give grants to the local levels to help cover the costs of the board.

Immediately following a disaster and formation of bases, volunteers will be able to lessen the financial costs. Displaced professionals, such as accountants and attorneys, should be encouraged to volunteer. This will be especially important following the disaster. The price of operation will increase as the level of demand increases coupled with natural costs of displacement from regular governmental offices.

Though the board will serve multiple functions, the primary goal of the advisory board will be immediate healthcare access to the refugees. The advisory board is envisioned as an umbrella organization that will coordinate the healthcare endeavors of other organizations. These organizations include the US government, the Red Cross, or any other entities dedicated to the healthcare of displaced persons. Consequently, healthcare organizations will be relocated to the areas where they are most needed.

The secondary functions of the board include documentation replacement, temporary work licensing and help with the location of temporary housing. The necessity of all of these services stems from missing documentation replacement. By quickly helping displaced persons obtain drivers' licenses and Social Security cards, the advisory board will make it much easier for them to find jobs and housing.

The advisory board will also provide displaced persons with attorney consultations. This will help with property replacement and insurance claims, as well as addressing civil rights violations. By giving displaced persons prompt access to attorneys, it will be much easier to deal with the unavoidable complications in lives in the wake of a disaster.

The final function of the advisory board will be to help displaced persons contact their relatives. This will be accomplished through an online database where displaced persons can search for their relatives and post their contact information. For this database to be effective, the advisory board will have to set up computing sites at all the temporary housing locations for displaced persons.

Hurricane Katrina devastated the Gulf Region and left many people, without homes, without jobs, and without hope. The United States Government did little to ameliorate the situation, as FEMA failed to respond quickly and has not yet fixed many of the problems in the region (i.e. homes, jobs, health care, etc of displaced persons). By supporting the UN Guiding Principles on Internal Displacement with existing US rights, we hope to provide the displaced persons with legal support of their rights. In addition, our advisory board will be able to do what FEMA couldn't; aid displaced persons in the activities that have become near impossible since Katrina: obtaining legal documentation, receiving health care, obtaining housing, and most importantly, connecting with family and friends that have also become displaced. Our policy provides the victims of Katrina with legal rights and a system through which they can finally rebuild their lives. It also allows for better treatment and care of future victims of natural disasters.

## **Resources**

Brookings Institution, "Katrina Indexes" <[http://www.brookings.edu/metro/pubs/200607\\_KatrinaIndexes.pdf](http://www.brookings.edu/metro/pubs/200607_KatrinaIndexes.pdf)>

FEMA. "Apply for Assistance". [FEMA.Gov](http://fema.gov). 1 April 2007. <<http://fema.gov>>

Hsu, Spencer S. "Order Shows FEMA Aid Shortcomings". [WashingtonPost.Com](http://washingtonpost.com). 3 December 2006. 1 April 2007. <<http://washingtonpost.com>>.

May, Peter J. "FEMA's Role in Emergency Management: Examining Recent Experience". *Public Administration Review*. Special Issue: Emergency Management: A Challenge for Public Administration. Vol. 45, pp. 40-48.

National Low Income Housing Coalition. "Appeals Court Grants FEMA's Request to Hold Off on Reinstating Housing Benefits for Katrina Evacuees; FEMA May End Rental Aid to All Evacuees". *Memo to Members*, Vol. 12 No. 1. National Low Income Housing Coalition 5 January 2007. 1 April 2007. <<http://nlihc.org>>.

Shoup, Anna. "FEMA Faces Intense Scrutiny". PBS.Org. 9 September 2005. 1 April 2007. <<http://www.pbs.org>>.

## **Appendix I : Policy Proposal to Ensure Rights of Natural Disaster Victims**

*Shweta Jayaprakash, Brandon Hemmings, Katlyn Leight, Brent Pencak, John Geise, Juliann Schwartz, Halley Kim, Avishek Bandopadhyay, Jordan Pennington*

### **Introduction:**

This policy proposal is based on the UN Guiding Principles on Internal Displacement<sup>1</sup>. It uses the UN Guiding Principles as a framework to shift the policy from a human rights policy to one based upon a civil liberties. It addresses the rights and civil liberties guaranteed to Americans that should be ensured during a natural disaster, and which are already ensured, as they have been, in the articles below, defended using the rights guaranteed by our civil liberties, and therefore demand proper protection.

### Equality, Protection and Safety of Natural Disaster Victims

#### **Equality**

Victims of a natural disaster have the same rights and freedoms as do other persons in their country as guaranteed by the 14<sup>th</sup> Amendment. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

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

These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.

Those natural disaster victims considered illegal aliens are also supported under the 14<sup>th</sup> amendment as stated by the court case of "Plyler v. Doe"

#### **Protection**

Every person has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement. In no case shall internally displaced persons be taken hostage. Under the rights of the fifth amendment of the constitution of the United States of America, no internally displaced person shall be interned or confined to a camp. IDPs may remain in a camp under voluntary circumstances.

Under the fifth amendment, no person may be deprived of "life, liberty, or property without due process of law," making forced confinement or internment of IDPs to a camp a violation of their civil rights. After the confinement of Japanese Americans during World War II, under President Reagan, congress passed the Civil Liberties Act of 1988, apologizing for the actions of internment, stating they "were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership." The congress also refers to the internment "fundamental violations of the basic civil liberties and constitutional rights." Therefore, with this Act as precedent, IDPs shall not be interned or confined to a camp.

Every person has the right to dignity and physical, mental and moral integrity. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against: Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault; Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labor of children; and counts of violence intended to spread terror among internally displaced persons.

During displacement, Natural Disaster Victims have the right to seek safety in another part of the country; the right to leave their country; the right to seek asylum in another country; and the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk. This is enumerated under Article Four of the Constitution. Article four provides for the free movement of citizens amongst the states, and

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<sup>1</sup> UN Guiding Principles on Internal Displacement; UN Doc. E/CN.4/1998/53/Add.2 of 17 April 1998. The UN Human Rights Commission has taken note of these Guiding Principles. See its Resolution 1998/50 of 17 April 1998.

allows that people in each state must have the same rights, so states cannot discriminate against citizens of other states. This was upheld by the Supreme Court in *Corfield v. Coryell* (1823). Thus, people cannot be made to forcibly return or resettle from another state because it would be discriminating against them due to their state of residence. The 14<sup>th</sup> amendment's guarantee that people will not be deprived of "liberty" also allows this, because the liberty of US citizens to leave the country is one that, while not specified in the Constitution, is an implied and accepted one (which, due to the 9<sup>th</sup> amendment, makes it enforceable).

All internally displaced persons have the right to an adequate standard of living. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: Essential food and potable water; Basic shelter and housing; Appropriate clothing; and Essential medical services and sanitation.

3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies. The right to an adequate standard of living is also supported by Amendment V in that no person should be deprived of life, liberty and property, without due process of law. The 3<sup>rd</sup> section is supported by the Civil Rights Act of 1964, which prohibits discriminatory practices in employment. Women should not be restrained from planning and distributing supplies.

### **Security**

Internally displaced persons shall be protected, as all American citizens have the right to be, against acts of violence intended to spread terror among internally displaced persons, including the protection against being taken hostage. Acts of violence, or the threat of violence shall not be used to coerce internally displaced persons to comply with actions violating their civil rights under the Constitution of the United States.

'Terrorist activity' as defined under the statute U.S.C. 1189 (2000) is defined as activity which is;

Unlawful where it is committed and which involves any of the following:

- I. The hijacking or sabotage of any conveyance.. .
- II. The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained.
- III. A violent attack upon an internationally protected person. . . or upon the liberty of such a person
- IV. An assassination
- V. The use of any
  - a. Biological agent, chemical agent, or nuclear weapon or device, or
  - b. Explosive or firearm (other than for mere monetary gain), with an intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property.
  - c. A threat, attempt, or conspiracy to do any of the foregoing.

### *Medical Care*

All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counseling for victims of sexual and other abuses. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons. "This can be supported by the Emergency Medical Treatment & Labor Act, passed by Congress in 1986. It ensures public access to emergency services regardless of ability to pay. Section 1867 of the Social Security Act imposes specific obligations on Medicare-participating hospitals that offer emergency services to provide a medical screening examination when a request is made for examination or treatment for an emergency medical condition, regardless of an individual's ability to pay. Hospitals are then required to provide stabilizing treatment for patients with emergency medical conditions. If a hospital is unable to stabilize a patient within its capability, or if the patient requests, an appropriate transfer should be implemented"<sup>2</sup>

### **Education**

Every human being has the right to education. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.

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<sup>2</sup> Centers for Medicare and Medicaid Services, "Overview of Emergency Medical Treatment and Labor Act" <<http://www.cms.hhs.gov/EMTALA/>>

Education can be considered part of life and liberty, as well as equal protection of law which is why the 1<sup>st</sup> and 14<sup>th</sup> amendments would help support Natural Disaster Victims' rights to education. The 1<sup>st</sup> Amendment stipulates, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." This relates to the separation of church and state, which would need to apply to guaranteed education. In addition, the U.S. was a main champion and author of the Universal Declaration of Human Rights, which stipulates the same Right to Education in Article 26. While the UDHR is not a legally binding document, it was still the inspiration/template for many other human rights charters, including the ECHR.

## **Displacement Issues**

### *Housing*

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected. Displacement will be carried out with respect to the rights guaranteed under the Constitution, especially with regards to the 5<sup>th</sup> and 14<sup>th</sup> amendments.

These Principles shall be applied without discrimination of any kind, such as race, color, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria. These principles should be guaranteed by the 1<sup>st</sup> and 14<sup>th</sup> Amendments, as well as the Fair Housing Act of 1968 which "prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents of legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability)." Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.

### *Family*

Every human being has the right to respect of his or her family life. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements. The fourteenth amendment of the United States Constitution gives all internally displaced persons the right to choose their place of residence and live wherever they choose because they may not "be deprived of life, liberty, or property". If they so choose, and accommodations are made, they may live in a camp, but they must have free access to leave the camp whenever they choose. The fourteenth amendment's "equal protection" clause also gives this right, as people in places where natural disasters occur must have equal rights and protections to people of other places.

Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs. According to the US Rehabilitation Act of 1973, all organizations are required to receive government funding to provide accessible programs and services to people with disabilities. Section 504 states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.

To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so. Family members have the right to remain together and should be reunited as quickly as possible if they are separated. In Spike Lee's documentary, *When the Levees Broke: A Requiem in Four Acts*, many citizens of New Orleans complained about long separations from family members. Some also testified that they were ignored when requesting the whereabouts of their family members.

The right to remain together with family members is important because of the psychological impact it has on disaster survivors, particularly in children. Many child survivors expressed great anxiety about not knowing the whereabouts of their family members. Without them, many children lost their sense of safety and security, which can cause major psychological problems in the future, particularly with depression, anxiety and post-traumatic stress disorder.<sup>3)</sup>

All internally displaced persons have the right to know the fate and whereabouts of missing relatives. This will especially be emphasized through the Advisory Board. The authorities concerned shall endeavor to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international

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<sup>3</sup> Official Journal of the American Academy of Pediatrics, "Challenges in Meeting Immediate Emotional Needs: Short-term Impact of a Major Disaster on Children's Mental Health: Building Resiliency in the Aftermath of Hurricane Katrina" <<http://pediatrics.aappublications.org/cgi/content/full/117/5/S2/S448>>

organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.

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

Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives. This principle, vaguely, falls under the ninth and eighth amendments. The eighth amendment does not allow for "cruel and unusual punishment", which not being informed of a relative's whereabouts could be construed as being. The ninth amendment says that the listing of rights in the Constitution is not comprehensive. This means that the people could retain the right to be informed of their relatives whereabouts and fate because this is a commonly accepted right.

Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.

### *Arbitrary Displacement*

Every person shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence. The prohibition of arbitrary displacement includes displacement in case of disasters as protected by the 4<sup>th</sup> amendment which prevents unnecessary search and seizure and the 5<sup>th</sup> amendment which states that people should "not be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services. Under the Fifth Amendment of the Constitution of the United States no "private property be taken for public use, without just compensation." This is protection of eminent domain, and the property of an IDP, even if that IDP is not present in the area, either away temporarily or re-settled permanently in a different location, shall not be sold or seized without their knowledge and just compensation. The local advisory board shall have the duty and responsibility to provide IDPs with the full knowledge of their property rights and assist them directly in decision making, or recommend to them a lawyer locally accessible which can assist them in the decision making regarding their property.

### **State and Nation Responsibility for Disaster**

Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects. According to the Residential Anti-displacement and Relocation Assistance Act of 1970, HUD has developed a plan to reduce displacement and the negative outcomes it creates.

The authorities undertaking such displacement shall ensure, to the greatest practicable extent that proper accommodation is provided to the displaced persons that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated. According to the Fair Housing Act of 1968<sup>4</sup>, "Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children fewer than 18 live with: A parent, a person who has legal custody of the child or children or the designee of the parent or legal custodian, with the parent or custodian's written permission. Familial status protection also applies to pregnant women and anyone securing legal custody of a child under 18."

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<sup>4</sup> Fair housing act of 1968 [http://www.usdoj.gov/crt/housing/housing\\_coverage.htm](http://www.usdoj.gov/crt/housing/housing_coverage.htm)

According to the same Act, Principle 7, section 2, states that displaced persons have the right to “decent, safe, and sanitary housing, which means that it: meets applicable housing and occupancy requirements, is structurally sound, weather-tight, and in good repair, contains a safe, adequate electrical wiring system, has adequate living space for the occupants, has a kitchen with a sink, hot and cold running water, and connections for a stove and refrigerator (if you were displaced from a housekeeping unit), has a separate, complete bathroom with hot and cold running water, has heating as required by climatic conditions, has an unobstructed exit to safe, open space at ground level, meets standards protecting occupants from lead-based paint hazards.”

State authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction which will give direct access to victims.

Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

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

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

#### *Humanitarian Assistance*

All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination. This can be supported by the 14<sup>th</sup> Amendment, which stipulates equal protection of the laws to any person within its (the State government's) jurisdiction. This is key, I think, because if the IDP policy were to be adopted by a local government, then there needs to be articles like this to ensure that there is no discrimination regarding distribution of aid.

Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons. This can be supported by the 9<sup>th</sup> Amendment, which declares, “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage other retained by the people” Language like this may can thwart any attempt to manipulate aid, or make it strategic or make is inaccessible.

The primary duty and responsibility for providing humanitarian assistance to internally displaced persons should lie with local state authorities. The main amendment to support these articles is the 10<sup>th</sup>, which states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to States, are reserved to the States respectively, or to the people”. This may support the notion that sources of aid to internally displaced persons should be held by the State

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

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

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

# Education Policy Center

University of Michigan Roosevelt Institution  
Roosevelt Relief: Hurricane Katrina

Director: Alena Levine

## **Public Education in New Orleans: Bring in the Teachers**

By Alena Levine, Emily Foley, Katherine Oshman, and Lesley Plimpton

When schools have been physically destroyed, supplies have been lost, students have been relocated, teachers have fled, and money is being floundered, what is the first step in establishing a public education system in New Orleans? We find ourselves stuck in an enormous cyclical problem: if we build schools, but have no students or teachers to fill them, we are nowhere; if we attract students, but cannot provide them with a safe environment, nor with qualified teachers, then they are not receiving an education; if we attract teachers, but give them no students and no facility in which they can teach, they cannot be effective. Which of these options causes the least amount of harm to all parties involved? The answer is to bring in the teachers. Once the teachers come, the students will return. With regard to schools, any building will do, given that it is safe and can accommodate all the students who have to attend. The academic community can thrive in any physical location.

Now, what kind of teachers must we recruit? How can we get them to relocate? How can we persuade them to come to an underdeveloped region that can make no guarantees for success? How much can we pay them? Where will they live? Where will they teach? The first major concept that we must all agree on is that rebuilding the New Orleans education system is a great opportunity to provide these disadvantaged students with the education they have formerly been denied. The system before Katrina was not sufficient. Following Hurricane Katrina in November 2005, 102 of the district's 128 schools were considered "failing" according to the standards set up by President Bush's No Child Left Behind and were subsequently transferred to the Recovery School District, which is run by the state department of education. Clearly, the district needs help. Now, we have the opportunity to create a system from scratch. In addition, idealistic initiatives are achievable, given the amount of money allocated to disaster relief; we should utilize that flexibility. The first step is to attract great teachers, which can be accomplished by:

1. Accepting only teachers with three or more years of teaching experience.
2. Requiring a score of at least the 80<sup>th</sup> percentile on a standardized test (to be determined), at least two peer recommendations, three student recommendations, a principal recommendation, and classroom observation.
3. Offering one uniform salary that is comparable with the best paid public school teachers anywhere in the country, and then promise yearly increase.
4. Providing health insurance.
5. Paying for moving expenses.
6. Setting aside a neighborhood, or a few, that will be developed specifically for these recruited teachers so that they may have a community.
7. Forming an agreement with their previous school that their position will be held for them upon their return or offer some sort of sabbatical program.
8. Requiring a 2-5 year contract. (This ensures some level of stability in the New Orleans schools.)
9. Instituting a few rounds of applications that can be further determined as time goes on and the situation stabilizes: one for the upcoming year (which will be the smallest one given the small number of students), and one for each year following for the next 2-3 years.
10. Creating a teaching environment that will be attractive (see below for details).

11. Requiring all teachers to go through an extensive psychological program to ensure their ability to interact appropriately and helpfully with students who endured the traumas of the hurricanes.

If teachers are enticed to come with both financial and idealistic incentives, then perhaps it will not be a struggle to get the numbers needed. Once we have the teachers, we can feel confident in attracting students and their families back to New Orleans. Once we have the teachers and the students, the schools will:

1. Be located in multi-purpose facilities. We will not engage in school construction until the demographics stabilize to avoid needless spending.
2. Have teachers, a few secretarial positions, and the teachers will all serve on the board of the school. They will collectively act as the principal, vice principal, guidance counselors, and any other administrative role necessary. (This has been determined under the presumption that good principals are hard to recruit given the scarcity.)
3. Have pre-determined and standardized curricula throughout the region for the first few years to ensure stability and success.
4. Maintain small class size if possible, but no guarantees—we do not want to hire under-qualified teachers just to reduce class size. We'd prefer great teachers and big classes to hiring mediocre teachers.
5. Make substantial attempts to keep siblings in the same school to increase stability and decrease transportation costs.

In general, the money should be going to teacher salaries and benefits, school supplies, and transportation to students, given how spread-out the student population is. We realize that this leaves one big gaping hole: schools. Perhaps the nearby colleges can lend out rooms. Perhaps community buildings and churches can do the same. Perhaps the city can invest in building multi-use facilities so that even if the schools must relocate, the buildings will not go to waste.

According to the Louisiana State Department of Education, the maximum salary for a teacher with a PhD and 25 years of experiences is still only \$48,000.<sup>1</sup> The starting salary is about \$25,000. That is simply not enough to encourage a new wave of teachers to this city, especially when other cities are offering three times as much. Governor Kathleen Blanco proposed on March 15, 2007 to increase the public school budget by \$600 million.

“My executive budget is an education budget,’ said Blanco, touting what she said would be the largest single education financing increase in Louisiana history. ‘We're going to invest in education at all levels. It's the best investment we can make.’”<sup>2</sup>

Given Blanco's dedication to increase funding for education, her proposed funding increase, and the amount of money that is still left from disaster relief, it is completely realistic that the element of this proposal can come to fruition, starting now.

Due to the poor state of public schools prior to Katrina, the influx of a new population of migrant workers, and a state of confusion in general, a standardized curriculum is probably best for three main reasons. First, the teachers coming into the affected area may be unaccustomed

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<sup>1</sup> "Division of Education Finance: Teacher Salary Schedule." Louisiana Department of Education. 4 Mar. 2007 <<http://www.doe.state.la.us/lde/finance/1447.asp>>.

<sup>2</sup> Barrow, Bill. "Education." Nola.Com. 15 Mar. 2007. Capital Bureau. 26 Mar. 2007 <<http://www.nola.com/education/weblog/>>.

to dealing with troubled youth or students who have lived through such traumatic events. This way, by relieving the stress of having to provide an original lesson plan to accommodate students from various different backgrounds, the teachers can start out teaching in a more comfortable classroom environment. Second, the students are not only coming from an inadequate public school system, but they were also displaced for months or more. If all classes are on par with one another so that students are up to pace with each other, then they can get over the hump of inequality within their own peer group. Third, it is hard to know whether there will be a high turnover of teachers once they do come. Hopefully, there will be a low turnover from year to year, but if not, at least the curriculum provides stability.

Another way to ensure that teachers will stay is to provide them with enticing living quarters. We propose to create a teacher family enclave in or near the city of New Orleans so that these newly moved families can have a close-knit community. This can be provided in one of two ways: a new housing development, or an existing neighborhood that has a lot of room for occupancy.

Once the neighborhoods for teachers are constructed, and the school systems are back at work, there is hope that the population can come back, tax revenue can increase, and these projects will pay for themselves. People want to be in New Orleans; we need to provide them with an environment that is reminiscent of true spirit of New Orleans, not a devastated version of what it used to be.

We feel that the first step to creating a successful education system is the teachers. That must be the focus right now, or else we cannot promise anything to the students. If we successfully accomplish this goal, the new system can be a prototype for other distressed cities to emulate. Once the country sees how well this plan is executed and how well it works, other cities will undoubtedly follow in New Orleans's path. This is a rare opportunity to reconstruct public education from the ground up. We have the money, we have the publicity, and we know we can find the dedicated teachers needed to make it happen. All we have to do is believe.

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# Economics Policy Center

University of Michigan Roosevelt Institution  
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## **The Path to Prosperity for New Orleans**

By Andrew Ratanatharatorn, Katen Kapadia, Jessica Teng, Jonathan Hill, and Chris Woodrich

Since Hurricane Katrina devastated New Orleans, tragedy has given way to concern about what to do now, next, and down the road so that New Orleans can bring itself to social, cultural and economic health. Before undertaking political or economic reforms, the New Orleans government must deal with environmental degradation and sustainability. Creating an environmentally sustainable situation would give businesses seeking to make long-term plans in New Orleans more confidence. Environmental sustainability can be accomplished through levee reconstruction and improvement, and wetland renovation. While strengthening flood barriers, New Orleans also has to deal with restoring land significantly contaminated by the environment. This can be done through designating significantly contaminated land as brownfields, which “are property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant”.<sup>1</sup> Due to the destruction of Hurricane Katrina and poor rebuilding efforts, few businesses will want to return to the area highly susceptible to destruction, unless the aforementioned changes are made.

After flood protection plans are sufficiently completed, the first sector of New Orleans in need of revitalization are the ports. Port activity has already rebounded to Pre-Katrina levels, but essential upgrades need to be undertaken in order to bring additional revenue to the city. These upgrades need to be made by the Army Corps. The unwillingness of business to invest in contaminated areas alone underscores the necessity for government to play a role in brownfield cleanup, and to extend current legislation that provides tax incentives for those who invest in brownfields. While both private and public forces work to clean brownfields, two more interesting methods that can be utilized to “bring New Orleans back” are Tax Incremental Financing (TIF) and Catastrophe Bonds (Cat Bonds).

### **The Environment**

Environmental repair is vital if New Orleans is to regain economic prosperity. Repairs are needed in flood barrier protection, specifically through work on the levees and wetland repair. A pre-Katrina United States Geological Survey (USGS) concluded that, “With the projected rate of subsidence (the natural sinking of land), wetland loss, and sea level rise...New Orleans will likely be on the verge of extinction by this time next century”.<sup>2</sup> To ensure the impossibility of this disaster, the federal government must protect these wetlands and build sufficiently strong levees to keep the water level down.

These endangered areas were once protected by federal mandate. However, in 2004 the Bush administration repealed those policies and ordered federal agencies to stop protecting as many as 20 million acres of wetlands.<sup>3</sup> Last year, to promote the reversal of the President’s misguided policy, four environmental groups cooperated on a joint report demonstrating how the Bush

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<sup>1</sup> “Brownfields Cleanup and Redevelopment.” U.S. Environmental Protection Agency. 15 Feb. 2007. 8 Apr. 2007 <<http://www.epa.gov/swerosps/bf/>>.

<sup>2</sup> “New Orleans ... the New Atlantis?” Science Daily. 21 Jan. 2000. 15 Feb. 2007 <<http://www.sciencedaily.com/releases/2000/01/000121071306.htm>>.

<sup>3</sup> “The Greenwashing of the Bush Anti-Environmental Record.” U.S. Senator Patrick Leahy. 26 Apr. 2004. Statement Of Senator Patrick Leahy. 15 Feb. 2007 <<http://leahy.senate.gov/press/200404/042604a.html>>.

administration's policies had allowed developers to drain thousands of acres of wetlands.<sup>4</sup> Our policy would attempt to re-authorize the threatened wetlands for federal protection, and to rebuild the stronger, larger and more effective levees. Economic reform and growth cannot happen until these crucial changes are made, thus the first step in recovery is environmental policy.

### **Cleaning up Brownfields**

After Hurricane Katrina, the U.S. Environmental Protection Agency (EPA) sampled sediment in areas throughout New Orleans for contamination. These samples revealed widespread contamination. The outdoor spore counts in many of the flooded neighborhoods tested, including New Orleans East, the Lower 9<sup>th</sup> Ward, Chalmette, Uptown, Mid-City and the Garden District, exceeded the extremely high threshold of 50,000 spores per a cubic meter. One outdoor site in Uptown had a measurement of 81,000 spores per cubic meter while indoor levels of mold spores were far worse. An indoor site in Uptown measured a spore count of 645,000 spores per cubic meter.<sup>5</sup> This is just one example of contamination in New Orleans, before businesses can be set up problems such as this have to be dealt with. However, the costs of environmental cleanup in these types of areas are a disincentive for private businesses, thus if anyone is to rebuild it has to be in conjunction with the government. Contaminated areas that require governmental participation in redevelopment are designated as brownfields.

Government has an obligation to clean up environmentally contaminated areas as there are few incentives for the private sector to do so. The cost of environmental cleanup can make Brownfield sites economically uncompetitive. Additionally, the legal and procedural steps necessary to test, clean, acquire and reuse contaminated sites can be expensive and time consuming, which can lead to a lack of willing private investors. The Brownfields Revitalization Act of 2002 exempted owners who did not contribute to the contamination from liability.<sup>6</sup> While this provides a good foundation, more reforms are needed to encourage investment.

The government ought to offer public funding for voluntary cleanup programs to encourage more private investment. The government should give site assessment grants, typically up to \$200,000 per site but in some circumstances the EPA could give as much as \$350,000. These grants should be made available to eligible entities, including non-profit organizations. The government could also capitalize cleanup by guaranteeing loans up to \$1 million per applicant.<sup>7</sup>

The valuation determination of brownfields is established through three steps:

1. Before revitalization, the current market value of similarly situated real estate is determined.
2. After revitalization, the projected market value of similarly situated real estate and the target site is established.
3. Finally, the projected cash flow of the target site is taken into account, during environmental remediation and redevelopment, and after redevelopment is complete.<sup>8</sup>

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<sup>4</sup> Ivins, Molly. "Why New Orleans is in Deep Water." Chicago Tribune 1 Sept. 2005. 1 Sept. 2005 <<http://www.commondreams.org/views05/0901-26.htm>>.

<sup>5</sup> Thomas, Jeffrey. Environmental Health Issues & Suggested Policies in Developing the New Orleans Master City Plan. Sustainability Subcommittee, BNOB City Planning Committee. 2006.

<sup>6</sup> "Small Business Liability Relief and Brownfields." U.S. Environmental Protection Agency. 30 June 2006. 8 Apr. 2007 <<http://www.epa.gov/brownfields/sblbra.htm>>.

<sup>7</sup> Bartsch, Charles. "The right mix of incentives can return contaminated sites to productivity." Living Cities, The National Community Development Initiative. 2006

<sup>8</sup> Margolis, Kevin D., and Todd S. Davis. Doing the Brownfields Deal. American Bar Association, 2002. 58-61.

However, one important downside to brownfields is the stigma that attaches itself to previously contaminated areas. This stigma results in further economic loss and the effects of the stigma on marketability, rent-ability and the value of the property. As defined by the EPA, a stigma is “the loss in property value resulting from a property’s bad reputation”.<sup>9</sup> “Because of stigma, property values may become or remain discounted, even after the real risks are removed.”<sup>10</sup>

### **Tax Increment Financing**

Tax Increment Financing (TIF) is a valuable tool for redevelopment. When implemented properly, infrastructure can be improved, property values rise, and the municipality can count on an increased future stream of tax revenues. When cities use TIF they borrow money and invest it in the community to boost property values. Increased property values lead to increased property tax revenue. In essence, cities utilizing TIF to borrow against future tax revenues to finance projects today.

Property values in New Orleans have declined precipitously since Hurricane Katrina in part, because of large pieces of land that were converted into brownfields. As mentioned above, the stigma attached to brownfields reduces their property values. If TIF was undertaken in conjunction with the use of brownfields, property values in New Orleans would increase in certain areas.

TIF has been used extensively in Chicago, where almost one third of property tax revenue is tied to repaying bonds, which are used to finance road, sidewalk, sewer and park repairs and maintenance. The only downside to TIF is the risk involved; if big projects are undertaken, and nearby property values do not increase, the city will have no way to meet its debt obligations. Because essentially a government is taking out a loan based upon future property tax revenues.

Economic growth resulting from TIF development projects have positive ripple effects in districts outside of the TIF district. This is especially true when the TIF project is aimed at industrial or commercial development, and at this time New Orleans needs industrial and commercial development more than anything else. This type of development and growth can be catalyzed through the use of policies such as TIF.

### **Municipal Purchasing of Catastrophe Bonds**

Municipal purchasing of catastrophe bonds (CAT bonds) is an innovative solution that leads to performance-based payoffs. Traditionally, catastrophe bonds have been used as high-yield debt instruments wherein an issuer (usually an insurance company) can raise funds in case of a catastrophe, like Hurricane Katrina. Essentially, CAT bonds spread risk across investors, making it easier to manage.

Usually, an insurance company will sell a CAT bond to investors (including but not limited to hedge funds, pensions, and other insurance companies) and pay a coupon of LIBOR<sup>11</sup> in addition to 3% to 20% more. In the event of pre-defined catastrophe, the issuer is absolved or

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<sup>9</sup> "Removing the Stigma of Contamination and Repairing Blighted Areas." U.S. Environmental Protection Agency. May 2003. 15 Feb. 2007 <<http://www.epa.gov/swerosps/bf/success/nocleanup.pdf>>.

<sup>10</sup> Caroll, Deborah A. Eger III, Robert J. "Brownfields, Crime and Tax Increment Financing." The American Review of Public Administration, 36.4 (2006).

<sup>11</sup> LIBOR is a daily reference rate based on the interest rates at which banks offer to lend unsecured funds to other banks in the London wholesale money market (or interbank market) and is the world's most heavily traded short term interest rate futures contracts and extend up to 10 years.

can defer any obligation to pay interest or repay the principal.<sup>12</sup> However, investors rarely report losses. According to Eqecat, a firm that measures losses for the insurance industry, and Standard & Poors, CAT bonds are structured in such a manner that makes hitting the triggers for a loss all but impossible to reach. In fact, since 1997, none of the 59 Atlantic CAT bonds issued have hit its trigger, including those that covered a Florida hurricane.<sup>13</sup>

Municipal purchasing of CAT bonds could have special benefits for New Orleans. Under this plan, the price and return of the bonds are not based upon the economic condition of the city, but rather on the strength of the new levees and flood barriers. When a municipality invests in these CAT bonds, it takes on part of the risk and has a greater incentive to ensure that New Orleans infrastructure does not fail again.

While the situation facing New Orleans after Hurricane Katrina is in dire need of strong, policy, there are numerous ways to rebuild economically. First, focusing on restoring the environmental conditions through wetland restoration, levee improvements, and brownfields can lure investment to rebuild and reinvest in the city. These initiatives can be made financially practical by using TIF and CAT bonds, along with federal assistance. Second, by fixing the basic ground level infrastructure and land, New Orleans can begin the more daunting task of bringing home the musicians, artists, and culture characterize the city as one of the cultural capitals of the United States.

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<sup>12</sup> See <http://www.investopedia.com/terms/c/catastrophebond.asp>

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## Reviving New Orleans Through Tourism

By Jason Gould and Chris Woodrich

With all that is being done to improve the economy in New Orleans, one of the simplest and most inexpensive ways to go about this would be through improving tourism. The major source of income for New Orleans before Hurricane Katrina was tourism, which has declined greatly over the past year and a half. It is important that this vital New Orleans industry is restored before the city is able to operate on a healthy basis. A significant reason for the decrease in tourism is the negative media coverage which has been showing New Orleans as a city completely devastated by Hurricane Katrina. It is important that New Orleans begin an advertising campaign to show potential visitors that not only is New Orleans back on its feet, but that the city still has as much to offer tourists as it ever did.

Tourism is the largest industry in the New Orleans metropolitan area, serving as the backbone for its economy. Pre-Katrina, this lucrative industry accounted for 40% of New Orleans's annual tax revenue, producing over 85,000 jobs and generating enough revenue to save every family in Louisiana \$3000 yearly.<sup>1</sup> Since Hurricane Katrina, however, tourism has decreased notably costing the city nearly \$5 billion per year in the buying cycle, which means that the market has seen five billion less dollars spent in New Orleans than it usually would pre-Katrina. Consequently, this decrease in tourism has contributed greatly to the increasing unemployment rate which has hit 12% in the city, a number well above the national average.<sup>2</sup> At the same time, most of the popular tourist destinations managed to escape Hurricane Katrina relatively unscathed, including the French Quarter and Bourbon Street, St. Charles Avenue, the Garden District, and Faubourg Marigny.<sup>3</sup> More importantly, the unique Cajun culture and history of Louisiana are as strong as ever. Almost 400 of the 565 New Orleans restaurants on the *Zagat Survey* have reopened including Mother's, Commander's Palace, and New Orleans Grill.<sup>4</sup> In addition, many of the historic mansions that line the Garden District remain intact and festivals such as Mardi Gras, Jazz Fest, and Voodoo Fest have all taken place post-Katrina with improving attendance rates.<sup>5</sup>

Historically, New Orleans remains one of the most unique cities in the United States. It has a rich history, as at is one of the oldest established cities in America, founded in 1718 by the French Mississippi company. Further, New Orleans has had a host of cultural influences, switching to Spanish control in 1763, and returning to French power in 1801 only to be sold to the United States two years later. This eclectic group of inhabitants is why New Orleans has developed such an interesting culture. Picturesque mansions line St. Charles Avenue and the Garden District, dating back to the early 19<sup>th</sup> century. A strong Cajun presence is detected in the local New Orleans Creole cuisine, including such famous dishes as Shrimp and Chicken Creole, Crawfish Etouffee, Gumbo, and Jambalaya. As the birthplace of jazz, along with legendary jazz greats Louis Armstrong, Antoine "Fats" Domino, and Jelly Roll Morton, the musical styling of New Orleans is an experience all in its own. Even voodoo, a local religion in New Orleans, has had a profound effect on mainstream cinema over the past half-century. The lively festivals that

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<sup>1</sup> "New Orleans' Recovery as of January 2007," New Orleans Tourism and Marketing Company, [http://www.neworleansonline.com/pr/releases/citywide/pr\\_Jan2007RecoveryUpdate.pdf](http://www.neworleansonline.com/pr/releases/citywide/pr_Jan2007RecoveryUpdate.pdf)

<sup>2</sup> Ibid

<sup>3</sup> Hurricane Katrina Imagery, "Damage Assessment," Google Earth, <http://earth.google.com/katrina.html>

<sup>4</sup> Zagat, Tim, In terview. "Zagat Reviews Post-Katrina New Orleans," National Public Radio, February 21, 2007, <http://www.npr.org/templates/story/story.php?storyId=7523296>

<sup>5</sup> Plaisance, Stacey, "City, Tourism Officials Tout Mardi Gras Successes," NOLA.com, <http://mardigras.blogs.nola.com/default.asp?item=508169>

really exhibit these virtues include Jazz Fest, Voodoo Fest, and of course, Mardi Gras, among others, best showcasing the vibrant culture and history of the city. Most of the areas where these historical and cultural parts of New Orleans are found, saw only minor flood damage from Katrina and are currently fully functional and operating.

With much of the area's rich historical sites intact and its thriving cultural scene, it is strange that tourism has not yet returned to pre-Katrina levels. One likely cause of the decrease in tourism is due to the negative effect that media coverage has had on the nation. Much of the nation is convinced that New Orleans was entirely ravaged by the hurricanes, leaving most areas in rubble. In fact, according to a survey by the New Orleans Tourism Marketing Company, 50% of participants believe that "there are many places that have been destroyed and Louisiana isn't a good place to visit now."<sup>6</sup> The effect of this skewed media coverage has devastated tourism in Louisiana, driving nearly \$1.25 billion out of the buying cycle every 3 months and preventing 71% of cultural institutions in New Orleans from reopening due to lack of tourism since Katrina.<sup>7</sup> Even Mardi Gras in 2007 only saw approximately 80% of its pre-Katrina attendance levels.<sup>8</sup> Word of New Orleans recovery needs to be shown in a more positive light in the media and displayed appropriately through increased spending on tourism by the city. After all, every dollar spent on marketing returns \$13.90 in state tax revenues each year, according to past research.<sup>9</sup> It is clear that word must be spread to tourists that New Orleans is a safe and attractive destination that still offers all that it did before Hurricane Katrina.

As an example of what the tourism economy of New Orleans could look like, Las Vegas shows the potential of strong advertising and marketing. Las Vegas drew nearly 39 million visitors last year, generating gaming revenues for Clark County, Nevada of over \$10 billion.<sup>10</sup> There are now in excess of 130,000 hotel rooms, and the Las Vegas Convention and Visitors Authority (LVCVA) levies a 9% room tax on all visitors.<sup>11</sup> In 2006, the room tax generated 200 million, allowing the city to execute an ambitious nationwide advertising. New Orleans has an entity similar to the LVCVA, the New Orleans Tourism Marketing Corporation (NOTMC). The NOTMC is financed by a similar hotel room tax, but is currently facing a much tighter budget than the LVCVA. In order to build up the resources necessary for a robust, national ad campaign, it should consider raising its hotel room tax from 13% to 20%.<sup>12</sup> Assuming the demand between individual hotels is very elastic while the overall demand for hotels is relatively inelastic, a tax increase would cause few distortions. With the extra revenue, the NOTMC could advertise on national television targeting persons between ages 25-54 (the main tourist demographic of New Orleans) focusing on the fully restored popular tourist destinations, with the festivals, history, and cuisine as rich as ever.

In conclusion, tourism was the main industry of New Orleans pre-Katrina and is still prosperous for the city today. Tourism is a great place to start generating revenue for New Orleans to rebuild. Its culture and history provide an excellent basis for tourism, however, the NOTMC needs to get word out to potential visitors that the major tourist destinations are still in good shape. By following a model like that of Las Vegas, the city of New Orleans could generate a vast

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<sup>6</sup> "Marketing Plan," Louisiana Department of Culture, Recreation & Tourism, [http://www.crt.state.la.us/downloads/Appendix\\_E.pdf](http://www.crt.state.la.us/downloads/Appendix_E.pdf)

<sup>7</sup> IBID

<sup>8</sup> Stacey Plaisance

<sup>9</sup> Louisiana Department of Culture, Recreation & Tourism, "Marketing Plan"

<sup>10</sup> "Press Kit," Las Vegas Convention & Visitors Authority, <http://www.lvcva.com/press/press-kit.jsp?pressId=166>

<sup>11</sup> "Fast Facts," Frommer's, <http://www.frommers.com/destinations/lasvegas/0013020016.html>

<sup>12</sup> "Economic Impact of Tourism," New Orleans Convention and Visitors Bureau, <http://www.neworleanscvb.com/static/index.cfm/contentID/164/sectionID/1/subsectionID/0>

amount of additional revenue from advertising that is much needed by the city. Therefore, it is vital that New Orleans increase tourism through the use of media outlets and successful advertising, in order to once again stimulate its largest industry.

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# Environment Policy Center

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## Alleviating the Lead Contamination of New Orleans

By Kenneth Chen

Lead is a toxic, naturally occurring element in the earth's crust. Due to anthropogenic activity such as mining or smelting and its use as an additive in consumer products, lead can be deposited and concentrated in urban soils. The negative effect of lead upon the development and health of children has been well-documented, yet lead poisoning exposure to children remains a significant problem. In New Orleans, hazardous levels of lead in the soil of numerous areas of have been documented. Accordingly, an unsettlingly high percentage of New Orleans children have elevated levels of lead in their blood. A number of steps are needed combat this problem:

- 1) Remediation of soils via in-place inactivation and clean-soil capping.
- 2) Stricter controls on the processing of lead-based paints.
- 3) Widespread public education campaign.

Extensive research has demonstrated the adverse cognitive and behavioral effects of lead exposure in children. At higher exposures, effects widen to include damage to nervous, hematopoietic, endocrine and renal systems. The Center for Disease Control has set the guideline for an "elevated" blood lead level (BLL) or "intervention level" in children at ten micrograms of lead per deciliter of blood. <sup>1</sup> The CDC has stressed that this is not a definition of a safety threshold, but it has often been viewed as such, and there have been calls to reconsider or lower the accepted number.<sup>2</sup> Indeed, one study indicated a 7.4 point drop in IQ related to an increase in BLL from one to ten  $\mu\text{g}/\text{dL}$ .<sup>3</sup> This argument, however, is beyond the scope of this paper and will only be addressed in passing.

In the past, major sources of lead have included the leaded gasoline, lead-based paints, and the byproducts of industrial processes such as smelting. Both leaded gasoline and lead-based paints have been phased out of general use, but their effect remains in the form of lead contaminated soils and associated dust. Due to children's playing habits commonly involving hand-to-mouth actions, ingestion of contaminated soil and dust present an easy route of lead exposure. Contaminated soils are strongly tied to higher BLL in children. This is true especially at lower levels (<100 mg lead per kg soil) where the curve of BLL vs. soil lead has a comparatively higher slope.<sup>4,5</sup> In one controlled study, the cleanup of lead-contaminated soil in communities in Minneapolis and St. Paul, MN, resulted in a significant drop in children's BLL as compared to a control group.<sup>6</sup>

In the United States, the Environmental Protection Agency (EPA) sets hazard guidelines for bare residential soil at 400 milligrams lead per kilogram soil (ppm) in play areas and 1200 ppm in

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<sup>1</sup> Bernard, Susan M. 2003. Should the Centers for Disease Control and Prevention's Childhood Lead Poisoning Intervention Level be Lowered? *American Journal of Public Health* 93: 1253.

<sup>2</sup> Landrigan, P.J. 2000. Pediatric Lead Poisoning: is there a threshold? *Public Health Rep.* 115: 530.

<sup>3</sup> Canfield, R.L., Henderson, C.R. Jr., Cory-Slechta D.A., Cox C., Jusko T.A., Lanphear B.P. 2003. Intellectual Impairment in Children with Blood Lead Concentrations below 10 microg per deciliter. *New England Journal of Medicine* 348(16):1517.

<sup>4</sup> Johnson, D. S.; Bretsch, J. K. 2002. Soil lead and children's blood lead levels in Syracuse, NY. *Environ. Geochem. Health* 24 (4): 373.

<sup>5</sup> Mielke, H. W.; Gonzales, C. R.; Smith, C. R.; Mielke, P. W. 1999. The urban environment and children's health: soils as an integrator of lead, zinc, and cadmium in New Orleans, Louisiana, U.S.A. *Environmental Research* 81:117.

<sup>6</sup> von Lindern, I.; Spalinger, S.; Petroysan, V.; von Braun, M. 2003. Assessing remedial effectiveness through the blood lead: soil/dust lead relationship at the Bunker Hill Superfund Site in the Silver Valley of Idaho. *Sci. Total Environ.* 303(1-2): 139.

other areas of the yard. In New Orleans, an estimated 40% of residential properties have soils contaminated to levels greater than 400 ppm. Sadly, this has contributed to significant numbers of children with elevated BLL. Prior to hurricane Katrina, 20-30 percent of inner city children and 14% of all children had elevated BLL's. Total costs of lead poisoning in New Orleans including the treatment of these children have been estimated to be \$76 million annually.<sup>7</sup>

### **Critique of Current Policy and Policy Recommendations**

Currently, the Environmental Protection Agency does not have widespread soil testing and clean up procedures to deal with the extensive contamination in New Orleans. Additionally, this accepted contamination threshold (400 ppm) is higher than that of other developed nations: Canada (200 ppm), Norway (100 ppm), Sweden (80 ppm), Denmark (40 ppm).<sup>8,9</sup> Judging by the widespread soil contamination and alarmingly high percentage of children with elevated BLLs in New Orleans, significant action must be taken ensure the health and well-being of New Orleans children.

The first of these steps is widespread remediation of contaminated New Orleans soil. Currently, there are three main methods of soil remediation: "capping", in-place inactivation, and removal of contaminated soil. Of these, in-place inactivation is the cheapest, at six dollars (1996 U.S.D.) per square meter of soil. In-place inactivation involves the addition of specific soil amendments and plants to reduce the fraction of lead that can be absorbed when soil is ingested. One study indicated a 72% decrease in bioavailability from a specific treatment.<sup>10</sup> While this treatment can be quite effective, higher levels of contamination may require other methods of remediation.

One study regarding the feasibility of emplacing soil from the Bonnet Carré Spillway on contaminated soil as a cap was completed by researchers at Xavier University. After capping with clean soil cap, properties with a median level of lead contamination at 1051 ppm dropped to levels of 6.3 ppm. Correspondingly, properties that received the treatment experienced a significant (median 23%) drop in lead-contaminated indoor dust. Additionally, three children living in properties that were treated happened to also be in a blood-lead testing program. Their blood lead levels fell from 15-20 µg/dL to 8 µg/dL, during the dry season. This development shows the exceptional efficacy of the capping procedure because the BLL data were collected during the dry season when children's blood lead levels are expected to rise due to increased dust levels. Researchers estimate a total cost of \$225.5 to \$290.4 million to \$225.5 million to \$290.4 for the capping of appropriate soils in New Orleans with clean Mississippi River Alluvium.<sup>8</sup>

A combination of these two strategies would provide the most effective cleanup strategy. First, a widespread, systematic sampling of New Orleans' soil must be done to determine areas of lead contamination. With this data in hand, properties can be divided into three groups, those with little to no contamination, moderate contamination, and high contamination. Areas with moderate contamination can be treated with in-place activation processes, while areas with high contamination would require clean-soil caps. This will lower the total cost of the cleanup from the \$225.5 to \$290.4 million estimate cited earlier for a widespread capping program (bearing in mind the annual cost of \$76 million to New Orleans alone from lead poisoning).

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<sup>7</sup> Mielke, H.W., Powell, E.T., Gonzales, C.R., Mielke, P.W., Ottesen, R.T., and Langedal, M. 2006. New Orleans Soil Lead (Pb) Cleanup Using Mississippi River Alluvium: Need, Feasibility, and Cost. *Environmental Science and Technology*. 40(8): 2684.

<sup>8</sup> Mielke, "Lead in the Inner Cities" 1999, 61

<sup>9</sup> City of Toronto. Lead-Toronto Public Health. [http://www.toronto.ca/health/hphe/lead\\_exposure.htm](http://www.toronto.ca/health/hphe/lead_exposure.htm)

<sup>10</sup> Berti, William R., Cunningham, Scott D. 1997. In-Place Inactivation of Pb in Pb-Contaminated soils. *Environmental Science and Technology*. 31(5): 1359.

Treatment needs to occur not just in isolated residential properties because the level of contamination has reach a point where re-suspension of surrounding soils as dust will continue to expose children to significant amounts of lead.<sup>11</sup> Due to the devastation of Hurricane Katrina and the subsequent slow rebuilding process, New Orleans is in a unique position to welcome future and returning residents to an uncontaminated urban environment. The current under-populated situation would allow a wide-scale cleanup project as described, with minimal logistical disturbance.

However, even a vast clean-up project would not suffice as a long-term solution. Much of the lead contamination in soils was caused by the stripping of exterior paint on buildings. Currently, the EPA allows power sanding of paint containing up to one milligram lead per square centimeter of paint. This process releases lead dust directly into the surrounding environment, 7.4 kg of lead from one house in one case study. In contrast, the total tolerable daily allowance of lead for a child under six years old is only six micrograms—less than one billionth of this figure.<sup>12</sup> The standard for paint that can be power sanded must be tightened to lower allowed levels of lead, or, as has already been done in the French Quarter, power sanding and techniques without adequate containment of resulting particles must be banned as paint removal technique.

Finally, because any cleanup effort will not be completely effective, a concerted public education campaign on the dangers of lead and the methods to prevent exposure to children is necessary. In Minneapolis and St. Paul, in a pilot project to reduce children's lead exposure, adults in a community were taught how to reduce children's contact with bare soil and the associated lead. The study was completed during the dry season, when children's BBL are expected to rise. However, when compared to a control group, only 4% of children experienced a "modest rises," while 53% of the control group experienced increases in blood lead levels.<sup>13</sup> This public education campaign must be proactive, extending beyond the EPA's website, which features suggestions for parents. Possible strategies include the distribution of pamphlets by hospitals to all expectant mothers, incorporation of information on lead at all public school functions, and mailings to all registered public school students.

Lead contamination of New Orleans soil is a significant problem, resulting in the slow poisoning of up to thirty percent of inner city children. From a purely mercenary viewpoint, this situation is highly uneconomical, contributing to the \$76 million annual cost of lead poisoning in New Orleans. And, from a moral perspective, this is absolutely indefensible. The past and future children of New Orleans deserve better, and immediate steps for a long-term solution to minimize lead poisoning in children must be taken. A clean-up effort is essential but not sufficient. A three-pronged plan must be adopted, including extensive de-contamination of leaded soils, strict policies to prevent future release of lead from paint, and a widespread proactive public education campaign to educate parents. Only with this kind of intensive, comprehensive action will the long-standing environmental injustice of New Orleans be reversed and the health of her precious children secured.

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<sup>11</sup> Mielke, "New Orleans Soil Lead (Pb) Cleanup Using Mississippi River Alluvium: Need, Feasibility, and Cost", 2006, 2684

<sup>12</sup> Berti 1997, 1359

<sup>13</sup> Mielke, Howard W., Powell, Eric T., Shah, A., Gonzales C.R., Mielke, P. W. 2001 Multiple Metal Contamination from house paints: consequence of power sanding and scraping in New Orleans. *Environmental Health Perspectives*. 109 (9): 973.

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## Urban Planning in the Wake of Hurricane Katrina

By Nora Feldhusen, Lesley Plimpton, and Dara Yaskil

Hurricane Katrina devastated the Gulf Coast area, including the city of New Orleans. The hurricane caused 1,570 deaths and \$40 to \$50 billion in economic losses.<sup>1</sup> Enrollment in each of New Orleans' seven parishes has dropped, and more and more property is going on the market, rather than being rebuilt.<sup>2</sup> Some experts expect that the rebuilding of the area and infrastructure will take 8 to 11 years. Considering the little that has been done in the past 18 months, it might take even longer.

However, with the wreckage caused by Hurricane Katrina, New Orleans and its surrounding area are in a unique position. Many of the nation's best economists, environmentalists, urban planners, lawyers and activists have their eyes focused on the Gulf Coast. We propose that this attention, and money which is slowly trickling in, be aimed towards a sustainable future.

Government officials looking to revitalize New Orleans should integrate some of the basic ideas of well-planned cities like Curitiba, Brazil, Portland, Oregon, and Amsterdam. We propose a reconstruction of New Orleans that will promote a healthier and more sustainable urban environment by involving the New Orleans community in the implementation of innovative zoning and public housing policies.

According to former Vice-President Al Gore's film "An Inconvenient Truth," hurricanes will indisputably become more extreme in their flooding, winds, and destruction due to the effects of global warming.<sup>3</sup> Such catastrophic natural disasters are due to hit the Gulf Coast area at the rate of about 1 every 11 years.<sup>4</sup> Knowing that New Orleans can expect another storm like Katrina within the next 8 or 9 years, there can be no doubt of the urgency with which the city must be rebuilt.

### Policy Recommendations

#### *Community Organizing*

Community organizing is a means of creating a stronger and better New Orleans. It is inequitable to have only planners and investors work on revitalization plans for the city—rather they must come from within. The involvement of community members who are currently residing in New Orleans are involved in the planning process, it will ensure that the city is rebuilt in an appealing way, and will deeply connect citizens to the city. A community organizer, as opposed to a developer who works without consideration for the local interests and realities, helps to "build strong communities through which people can gain new understanding of their interests as well as power to act on them – communities which are bounded yet inclusive, communal yet diverse, solidaristic yet tolerant."<sup>5</sup>

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<sup>1</sup> Colten, C.E., R.W. Kates, S. Laska, and S.P. Leatherman. "Reconstruction of New Orleans After Hurricane Katrina: A Research Perspective." *Proceedings of the National Academy of Science of the United States of America* 103, no. 40 (October 3, 2006), <http://www.pnas.org/cgi/reprint/103/40/14653>.

<sup>2</sup> Greater New Orleans Community Data Center. "Public School Enrollment 2000-2006." [http://gnocdc.org/school\\_enrollment.html](http://gnocdc.org/school_enrollment.html).

<sup>3</sup> Carter, Tom. "Gore's 'Truth' Splits Hurricane Scientists." *Washington Times*, May 29, 2006, World Section, [<http://www.washtimes.com/world/20060529-124851-7254r.htm>].

<sup>4</sup> Colten, Kates, Laska, and Leatherman

<sup>5</sup> Ganz, Marshall. 2002. "What is organizing." *Social Policy*, 33 (1), 16.

The inclusion of community members is crucial considering "the deep divisions and mistrust so evident in the aftermath of the storm."<sup>6</sup> There is a need for community members to return to revitalize the economy and culture of New Orleans, and community organizing is a simple and important way to do just that. The community also needs to be able to trust in organizations and the local and federal governments. Decisions must be made based on "clear and honest facts" given by the mayor and local government. Additionally, there should be involvement of economists and urban planners, so that the projected numbers for population and economic growth will match the plans for the city.<sup>7</sup>

### *Mixed Communities*

Even before taking into account the input of New Orleans residents, some valuable recommendations can be made for the planning of the city. The Rand Corporation estimates that there are currently about 155,000 residents in New Orleans, compared to pre-Katrina population of 485,000. <sup>8</sup> The sooner the infrastructure and housing is rebuilt, the sooner residents can return to the city to bring back the lively culture and a prosperous economy. According to the report done by RAND, many local businesses have a shortage of laborers because there is not enough housing in the city. Many workers living outside the city are unable to seek employment in New Orleans due to the lack of public transportation. Part of our recommendation is to create a city where housing is interspersed with business so that workers can avoid the difficulty of commuting. The problem of transportation is difficult to tackle, but if improved housing were built alongside businesses, there would be a decreased need for motorized transportation—public and private (cars), and pedestrian traffic would increase. This change in zoning and infrastructure would decrease pollution and energy expenditure, as well as increase health benefits.

These mixed communities should not only include a variety of commercial and residential buildings, but also green space. Green space should be integrated into the urban fabric where people work, play and live in order to improve the environmental quality of the city. It can be implemented in a variety of ways and differ in magnitude. Green space can be executed in the form of parks, greenways, trees along sidewalks, low-lying planters, and flowerbeds. However, the most important aspect of designing green space is its connection to a range of landscape functions—festival, performing arts venues, economic enterprises, town squares, and downtown shopping centers.

Demand for green space has exceeded supply as many cities and suburbs reduce the amount of green space available in favor of development. However, what is usually not realized is that green space offers more than environmental and social benefits; creating green space provides many economic benefits as well. It has been shown to increase property values in surrounding areas. This has been the case with Central Park in New York City— "property values in Manhattan doubled during the 15 years after park development began" and "three wards surrounding Central Park, two-and-a-half miles north of most of the city's real estate activity, values increased nine times."<sup>9</sup> Moreover, green spaces can be public spaces that are used "simultaneously for automobiles and people" by turning profits from parking garages to finance parks. This is a unique way to mitigate costs of "acquiring, developing, and maintaining" green space. A successful example of this is Pittsburgh's Mellon Square where a "six-level 896-car

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<sup>6</sup> Urban Institute. <http://www.urban.org/publications/900886.html>

<sup>7</sup> Brookings Institute. [http://www.brookings.edu/metro/pubs/20060822\\_KatrinaES.pdf](http://www.brookings.edu/metro/pubs/20060822_KatrinaES.pdf)

<sup>8</sup> RAND. <http://www.rand.org/news/press.06/03.15.html>

<sup>9</sup> Garvin, Alexander and Gayle Berens. *Urban Parks and Open Spaces*. Washington D.C.: Urban Land Institute and Trust for Public Land, 1997. 273.

garage” sits underneath a park. This innovative design supports retail stores at the base of Mellon Square that attract people to the area, stimulating economic activity in downtown Pittsburgh.<sup>10</sup>

### *Mixed-Income Communities*

The damage caused by Hurricane Katrina offers New Orleans the opportunity to rebuild in a manner that will promote social equity as well as environmental sustainability. Prior to Hurricane Katrina, most of the low-income and assisted housing in New Orleans was concentrated in a few isolated communities.<sup>11</sup> Many of these communities were located in the low-lying areas of the city that were completely destroyed by flooding during the hurricane. As a result, the poorest neighborhoods in New Orleans, whose predominantly uninsured residents lacked the resources with which to recover from the hurricane, were the ones who bore the brunt of the storm damage.<sup>12</sup>

The spatial isolation of poverty in New Orleans was inherently problematic even before Katrina. Studies in other American cities such as Chicago have shown that the concentration of urban poverty in high-density public housing leads to high crime rates, and other social problems.<sup>13</sup> A wider distribution of low-income and assisted housing throughout New Orleans would allow for the development of safer and healthier communities. The results of the Moving to Opportunity Social Experiment, which took place in Baltimore, Boston, Chicago, New York and Los Angeles, further indicates that policies supporting a wider distribution of poverty would have a positive impact on New Orleans. Families from high-poverty communities who were given housing vouchers usable only in low-poverty census tracts experienced dramatic improvements in the conditions of their neighborhoods, as well as improvements in both mental and physical health.<sup>14</sup>

In the context of these benefits, we propose that the New Orleans Housing Authority and the federal government take action to ensure that the rebuilding process in New Orleans supports the development of mixed-income communities. One crucial step is to impose inclusive zoning regulations, which would require new market-rate housing developments to set aside a set proportion of affordable housing units.<sup>15</sup> This will directly ensure that low-income housing is dispersed throughout higher-income communities. Existing federal programs such as HOME and Low Income Housing Tax Credit (LIHTC) could provide a basis of support for inclusive development initiatives.<sup>16</sup> At the same time, the federal government should provide housing vouchers so that low-income families returning to New Orleans can take advantage of the new housing on the private market.<sup>17</sup> This would further promote the development of mixed-income communities by ensuring that low-income families are not restricted to public housing.

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<sup>10</sup> Garvin and Berens, 285.

<sup>11</sup> Popkin, Susan J., Margery Austin Turner, and Martha Burt. “Rebuilding Affordable Housing in New Orleans.” In *After Katrina: Rebuilding Opportunity and Equity in New Orleans* edited by Margery Austin Turner and Sheila R. Zedlewski, 17-25. Urban Institute [http://www.urban.org/url.cfm?ID=311406]. 17.

<sup>12</sup> Popkin, Turner and Burt, 17.

<sup>13</sup> McNulty, Thomas L and Steven R. Holloway. “Race, Crime, and Public Housing in Atlanta: Testing a Conditional Effect Hypothesis.” 2000 Social Forces, University of North Carolina Press; published by University of North Carolina Press, 710.

<sup>14</sup> Turner, Margery Austin and Lynette A. Rawlings. “Overcoming Concentrated Poverty and Isolation.” *Urban Institute* (July 2005). http://www.urban.org/url.cfm?ID=311204

<sup>15</sup> Popkin, Turner, and Burt, 23.

<sup>16</sup> Ibid

<sup>17</sup> Ibid

The devastation caused by Hurricane Katrina puts New Orleans in the difficult position of having to rebuild a significant portion of the city's infrastructure. While this is undoubtedly a tragic and undesirable situation, it offers New Orleans the unique opportunity to address some of the urban planning problems that faced the city before the hurricane. It is imperative that New Orleans encourage the development of neighborhoods that offer a mixture of businesses, green spaces, and residential properties for citizens of diverse income levels. These measures will benefit business and access to employment, reduce the city's dependence on transportation, and offer the city's low-income residents a better quality of life. In addition, it is essential that the city incorporate community organization as part of its redevelopment process. This will help build solidarity and a sense of participation among a population that has experienced displacement and disappointment in its government. With such measures in place, New Orleans may ultimately serve as a model for improving sustainability and social equity in American cities.

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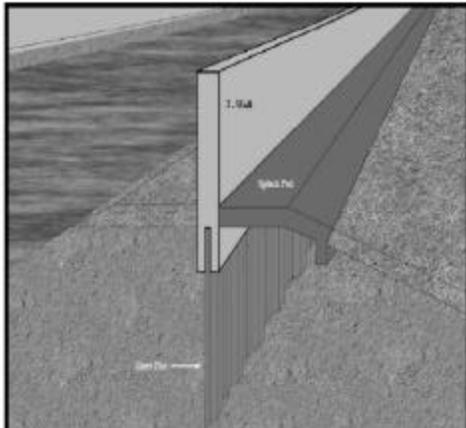
# A Chance to Re-New Orleans: Building a City for Long-term Sustainability

By Chase Estrin and Jamie O'Malley

“The National Weather Service has issued a hurricane warning. A category 3 hurricane is headed for the New Orleans coast line.” The people of Gulf Coast cities have heard the message countless moments in their lifetimes, without experiencing the maximum level of predicted destruction. On August 29<sup>th</sup>, 2005, however, the nation watched apprehensively as Hurricane Katrina razed one of the nation’s richest cultural centers and ports: New Orleans. A year and a half later, the city, as well as the nation, is still attempting to recover from the most costly and deadliest storm in United States history, and memories of the tragic storm still remain in the spray-painted “HELP” signs that portray the peoples’ desperation to passer-bys. The citizens of New Orleans need help to rebuild their homes as well as their lives.

However, now that the recovery process has begun, the former urban-development problems and their consequences are more clearly understood. It is apparent that in order to prevent the amount of despair caused by Katrina, the city must take a new approach to rebuilding for a better, more sustainable future. Nevertheless, the current plans to rebuild the levees call for an outdated design, reminiscent of decades old levees, with minimal changes. This strategy is not sufficient and would be a poor natural hazard protection plan. Other problems which need to be addressed include (1) the unsafe settlements on the lowest land and (2) the urban development on the wetlands. Instead of piecing the city back to together the way it was, we should re-imagine the city and improve its resistance to the water damages. This can be achieved by moving communities away from the coast, and taking more flood precautions in the low-lying regions of the city. To reduce future trauma, we must implement a wetlands restoration project and utilize more effective water barriers.

## Problems Facing New Orleans



**Figure 1: I-wall structural support cross-section penetrating at relatively shallow depths. (U.S. Army Corps. of Engineers)**

The major problems that have plagued New Orleans are the flood control system, the global climate change, and the geological processes. The levee system was built in the 1980’s to handle up to category 3 storms. A key flaw with the levees is that I-walls, as seen in Figure 1, which are meant to be used as levee structure support, did not penetrate past the peat soil. I-walls are steel bars which go into the ground and puncture clay in order to hold the wall in place. The main problem with Hurricane Katrina was not the water overtopping the levees, but the liquefaction of the soil beneath them. The soil that the levees were built on shifted after becoming saturated with water, thus causing the cement walls to have very

little structural support. As the I-walls continued to rotate out of position due to the low permeability of the organic soils, the combination of large amounts of water and water-resistant clays prevented an easy flow of water

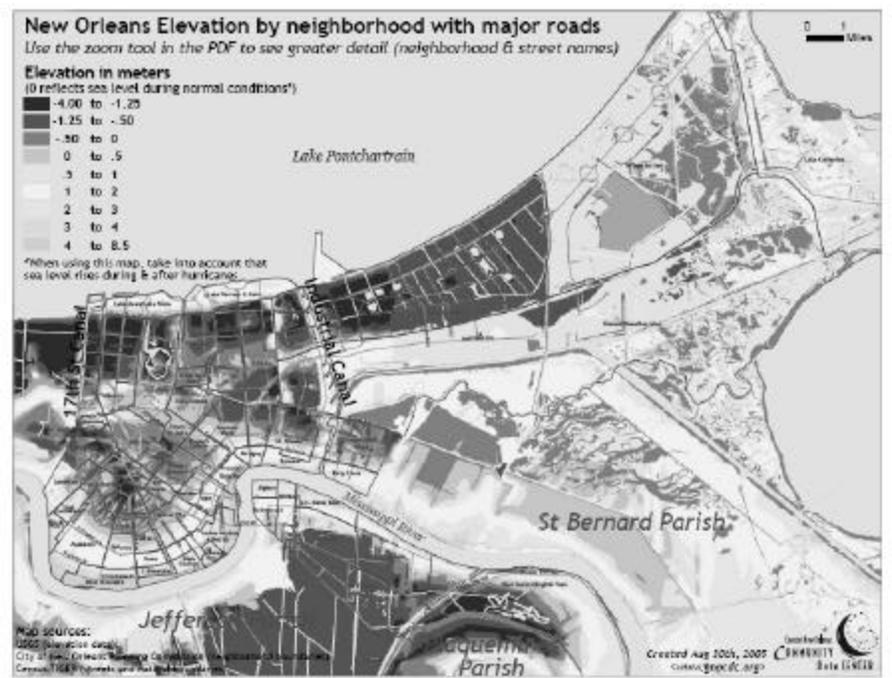
through the soil, therefore destabilizing the levees. Thus, more structural support is needed to prevent this perpendicular force in the future.

In the next three years, the Army Corps of Engineers plan on bringing the city up to a “100-year” storm level, a storm that has a 1% chance of happening during one given year.

“Having already spent more than \$1 billion in barely more than a year and now well into its second \$1 billion, the corps undoubtedly will run into problems with contractors and specifications. Some work, decided on too quickly, will have to be redone. And no doubt some work already completed will turn out to have been misguided to begin with”<sup>1</sup>

What if Katrina was not a “100-year” storm, however, and an even stronger storm strikes before 2010? In what position would the policies intended to fix New Orleans leave the city in then? These questions should be asked when rebuilding the city.

Aside from just fixing the levees, there are long-term sustainability problems due to New Orleans’ elevation, as seen below in Figure 2. Since New Orleans was built on a floodplain, the area presents many potential complications to policy makers attempting to prevent future devastation. Most of the city is below sea-level and is highly vulnerable to flooding—which can result from tropical storms or even precipitation. Additionally, global warming exacerbates the situation, as the Intergovernmental Panel on Climate Change (IPCC) has confirmed that sea levels are rising, and has predicted that in 2100, the sea level will be 0.25 to 0.5 meters higher depending on which of the six



**Figure 2 An elevation map of New Orleans. Most of the city is below sea-level and the lowest areas are shown in red. (Greater New Orleans Community Data Center)**

suggested scenarios are realized.<sup>2</sup> In addition to this, more extreme weather events are predicted to occur, which will obviously lead to elevated risk in coastal areas. As the IPCC 2007 report notes, the “frequency of heavy precipitation events has increased over most land areas, as is consistent with warming and observed increases in atmospheric water vapor.”<sup>5</sup> Also the continued urbanization of New Orleans, including the building of roads and other buildings, has decreased the soil’s capacity to naturally absorb the precipitation, which makes a more developed city at greater risk for flooding. Therefore, flooding will occur sooner after heavy precipitation, and will have more severe implications, including infrastructural damages even at the lowest part of water catchments. Downtown New Orleans lies at the lower elevated basin and will be at high risk. Given that there is sometimes heavy precipitation, a larger scale of flooding may occur more frequently.

<sup>1</sup> Sweet, William, “Protecting the Big Easy From the Next Big One,” IEEE Spectrum Online. <http://spectrum.ieee.org/print/4944>

<sup>2</sup> B.W Pipkin, D.D Trent, R.W. Hazlett, *Geology and the Environment*. (New York: Thomson Brooks/Cole, 2005).

In addition to higher water risks due to climate change, the city is sinking 12 centimeters per century.<sup>4</sup> The city is nestled within the delta of the Mississippi River and natural geological subsidence is occurring due to the great volume and sheer weight of the sediments laid down by the river over many centuries. When the Mississippi River comes in contact with a standing body of water, specifically the Gulf of Mexico, sediments are deposited and form the river's delta.

Human-induced subsidence is also contributed to through the processes of urban development and water or oil withdrawals. This subsidence not only causes high risk of flooding, but also ruins the foundations of people's homes, which were most often problematic in former marshlands. The peat soil in these marshlands "shrinks when it is dewatered, and [the] oxidation of organic matter and compaction contribute to subsidence."<sup>4</sup> Much of the overall wetland loss is due to extraction of water and oil resources that cause the land to sink and disappear into the Gulf of Mexico. The U.S. Army Corps of Engineers estimate that 342,000 acres around New Orleans will be lost between now and the year 2050 if depletion continued at the rate determined in 2004; after Hurricane Katrina, however, 100% of this estimate is gone.<sup>3</sup>

### **Critique of Current Solutions**

The flood system in the region is currently being restored and will then be improved. As of right now, the levees will be restored to pre-Katrina conditions by September 2007.<sup>4</sup> By this time, hurricane season, which goes from June 1<sup>st</sup> to November 30<sup>th</sup>, will be two-thirds of the way through. "In 2004, when the U.S. Army Corps of Engineers asked for \$22.5 million to make emergency repairs to the storm protection system in New Orleans, the White House cut that figure to \$3.9 million."<sup>5</sup> With the continuous lack of funding, it seems irrational to expect that the levee repairs would be completed before the beginning of the next hurricane season.

Erosion played a large part in the collapse of the New Orleans levees during Katrina, thus attention must be given to the side of the levee wall facing away from the water during levee reconstruction. The Army Corps of Engineers is planning on laying down armoring (a mix of rock and concrete) that will significantly add to the stability of the levees structure. This will help prevent the erosion on the back side of the levees. Additionally, the armoring may help create a gradual slope between the elevated levees and the lower-lying flood plains. However, the Army Corps decided after Hurricane Katrina to only put the armoring on 'critical areas' of the system. "To the dismay of scientists monitoring the Army Corps of Engineers' efforts to patch together the region's flood defenses, in some places the unarmored levees already have deep cuts caused by rainfall pounding their unprotected crests."<sup>6</sup> By not putting armoring on all parts of the levee system the Engineers could be endangering the lives of as many people as would be affected if the back side of the levees had been left completely bare.

As far as the adverse effects of climate change are concerned, there is no immediate solution. Even if the Earth stopped emitting carbon dioxide into the atmosphere, for example, global

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<sup>3</sup> Bring New Orleans Back Commission (BNOB) Urban Planning Committee, "Action Plan for New Orleans: The New American City," Bring New Orleans Back Fund, 2006. <http://broadmoorimprovement.com/resources/UrbanPlanningFinalReport.pdf>

<sup>4</sup> U.S. Army Corps. Of Engineers, "Flood Walls and Levee Construction," *Questions and Answers*. [http://www.mvn.usace.army.mil/hps/pdf/floodwall\\_levee\\_constr.pdf](http://www.mvn.usace.army.mil/hps/pdf/floodwall_levee_constr.pdf)

<sup>5</sup> Flynn, Stephen, "Flynn: U.S. Not Prepared For the 'Next Big One'," *CNN*. <http://www.cnn.com/2007/US/02/20/flynn.commentary/index.html>

<sup>6</sup> Warner, Coleman, "N.O. Safe for Visitors, Residents, DEQ Says," *NOLA*. [http://nola.live.advance.net/newslogs/topnews/index.ssf?/mtlogs/nola\\_topnews/archives/2006\\_11\\_12.html](http://nola.live.advance.net/newslogs/topnews/index.ssf?/mtlogs/nola_topnews/archives/2006_11_12.html)

temperatures would continue to rise due to the carbon that has already been emitted.<sup>7</sup> Therefore, sea levels will rise in the next century, and the level of precipitation and strength of storms will continue to intensify.

With the combination of both natural and human-induced factors, New Orleans will continue to sink to even lower sea-levels. In an attempt to safe-guard citizens in the past, the New Orleans Parish passed an ordinance in 1979 requiring 10-15 meter-deep wooden-pile foundations for all houses built upon former marshlands.<sup>4</sup> However, though the wooden-pile foundations prevent houses from sinking into the rich, organic peat soils, development on this land should never have occurred, and will be more detrimental with the imminent climate changes of the future.

The Louisiana Coastal Area (LCA)\* plan, formulated in 2004, is the most recent act concerning wetlands restoration. The act emphasizes strategies that reintroduce historical water flows, bringing water, nutrients, and sediments into the former wetland areas. This helps reduce the ecosystem's degradation and promotes integration of the human society and natural environment that is mutually beneficial. However, this plan was thwarted after the extreme wetland loss after Hurricane Katrina and the reallocation of funds for more immediate means such as relocating and accommodating displaced persons. In essence, this plan, though delayed, was a step in the right direction--it is essential to *not* put off the wetlands restoration process.

### **Policy Recommendations**

The main problem that will present itself during wetlands restoration process and updated levees is a lack of funding from the government. It seems inevitable, with inadequate funding, that inappropriate construction materials will be purchased. This is unfortunate when considering the rebuilding of New Orleans because defenses built with unacceptable materials will not be able to withstand the level of storms that it may develop in the future. Eventually, the cost to provide adequate defenses will quickly outweigh the initial price of the necessary acceptable building materials.

Instead of selectively armoring specific sections of the levees, all should be armored so that no part is more susceptible than others to levee destabilization. Additionally, by armoring all of the levees one would ensure that no soil will be able to escape from other parts of the levee, and the same level of stability would be maintained around the levee's perimeter.

Furthermore, a policy similar to the LCA should be reenacted, keeping the city's elevation in mind. Careful consideration should be given to the city's various districts' elevation levels for urban planning purposes in order to avoid as potential flood damage. As a part of revitalizing the wetlands, urban development should cease and wetlands should be reinvigorated and maintained, especially in the eastern section of New Orleans. Subsidence related problems with housing would be minimized, since the New Orleans East district was formerly marshland. Also, wetlands can reduce storm surges by 3.66 meters if storms cross 80 kilometers of marshlands before reaching the city—a solution which would help protect the city against hurricanes and more frequent storms that result due to global warming.<sup>8</sup> In conclusion, the improved levees will help protect New Orleans from water damage due to flooding and rising sea levels, but

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<sup>7</sup> Intergovernmental Panel on Climate Change (IPCC). *Climate Change 2001: The Scientific Basis*. (New York: Cambridge University Press, 2001), [http://www.grida.no/climate/ipcc\\_tar/wg1/index.htm](http://www.grida.no/climate/ipcc_tar/wg1/index.htm)

<sup>8</sup> Constanza, *et al.*, "A new vision for New Orleans and the Mississippi delta: applying ecological economics and ecological engineering," *Frontiers in Ecology and the Environment*. 4 no. 9 (2006). <http://www.esajournals.org/pdfserv/i1540-9295-004-09-0465.pdf>

additional restoration of the wetlands can substantially limit damage caused by tropical storms.<sup>9</sup> It is crucial that we act now to protect the lives of current citizens as well as securing New Orleans's sustainability and resilience to natural disasters.

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\* For more information about the LCA, visit <http://www.lca.gov>.

# Health Care Policy Center

University of Michigan Roosevelt Institution  
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Director: Andrew Pritchard  
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## **Mental Health in the Aftermath of Hurricane Katrina**

By Hannah Baek, Andrew Pritchard, Chris Reade, Kaitlin Towner, Joshua Ward

*"It's not the Katrina event that is really hurting us; it's the recovery, the aftermath," Mayor Ray Nagin*

The devastation wrought by Hurricane Katrina was unprecedented in United States history. Today residents of New Orleans are living with the remnants of what was previously one of the most unstable health care systems in the country. To make matters worse, rates for conditions such as post-traumatic stress disorder (PTSD), depression, and substance abuse tend to rise in the aftermath of catastrophes.<sup>1</sup> Such mental illnesses typically require long-term treatments. Yet, despite the need for lasting mental health care, insufficient funding, facilities, and health worker shortages have left too many sufferers of mental illness without the treatments they need. With short-term funding for mental health services drying up, Louisiana urgently needs to find methods for funding the continuing needs of Katrina survivors.

### **Katrina's Impact on Mental Health in New Orleans**

Failures to address the health needs of citizens living in New Orleans prior to the hurricane have also contributed to the increased rate of mental illness. Before the storm, over one fifth of Louisiana's population was uninsured and the state ranked second, only to Mississippi, in its rate of non-elderly enrollment in Medicaid.<sup>2</sup>

Hurricane Katrina appears to have had a particularly devastating effect on mental health due to the extent of the destruction and the number of people whose lives were affected by the storm.<sup>3</sup> Analysis of epidemiological data from past disasters have shown that those who suffered a physical injury are at the greatest risk of mental illness, followed by rescue workers and the most directly impacted individuals.<sup>4</sup> In the majority of disasters, those who are directly affected comprise a relatively small portion of the population. However the extensive flooding in New Orleans caused a majority of the city's population to be directly affected. Therefore, a very large proportion of individuals in this area are now at risk for mental illness.<sup>5</sup>

Since the storm, mental health difficulties facing New Orleans residents have been compounded by a number of factors:

- 1) Prior to Katrina the uninsured were often treated for mental health conditions at Charity Hospital, which has been closed since the storm hit.<sup>6</sup>
- 2) With the closing of Charity Hospital, the city lost 96 psychiatry beds; now there are only 3 such beds within a 25 mile radius of New Orleans.<sup>7</sup>

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<sup>1</sup> Smith et al., 1990

<sup>2</sup> Kaiser Family Foundation 2005. According to the director of the New Orleans Health Department, the state of Louisiana has consistently ranked last or second-to-last in the State Health Rankings by the United Health Foundation.

<sup>3</sup> Voelker 2005

<sup>4</sup> Galea, 2007

<sup>5</sup> In one survey, 30% of New Orleans residents reported that they experienced symptoms of PTSD, compared to 13% in the rest of the Gulf Coast. Catastrophes often cause a spike in mental health conditions, followed by a steep decline in the number of cases in the following months as people begin to feel that their lives are getting back on track. However, as the reality of the situation sets in, the rates of these conditions begin to creep back up (Galea, 2007)

<sup>6</sup> Stephens testimony 2007:2 -3

- 3) The number of practicing psychiatrists in New Orleans fell from 196 before the storm, to 22 in April 2006.<sup>8</sup>
- 4) The Metropolitan Human Services District has only kept 3 of its 8 mental health clinics open.<sup>9</sup>
- 5) There are currently 500,000 residents in need of mental health assistance.<sup>10</sup>
- 6) A survey conducted by the Centers for Disease Control shortly after the storm found that, while 33% of the respondents were probably in need of mental health care--fewer than 2% were actually receiving such attention.<sup>11</sup>

Immediate relief following a disaster was provided through the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 which included funding and the deployment of government and non-government agency resources.<sup>12</sup> However, this statute lacks provisions allowing for the continued funding necessary to deal with the long-term complications associated with a disaster.<sup>13</sup>

Following hurricane Katrina, the Substance Abuse and Mental Health Services Administration (SAMHSA) covered the Katrina Assistance Project using money appropriated from a Disaster Relief Fund. SAMHSA grants are distributed on a year-to-year basis, and while SAMHSA has funded programs for Katrina relief in the past, the upcoming fiscal year grant opportunities make no reference to any specific Hurricane Katrina related allocations.<sup>14</sup> New Orleans has also been classified as "underserved," qualifying it for Federal grants to attract health workers back to the city with bonuses and other incentives.<sup>15</sup> Although the original funds were acquired through the Stafford Act, this policy mandates that funding for SAMHSA mental health treatment be limited to crisis management and not for sustained treatment.<sup>16</sup>

### **How to Fund Long-Term Mental Health Programs**

One option is to amend the Stafford Act by adding an outline which allots continued funding for mental health treatment beyond the immediate timeframe after a disaster. Currently, there is no wording in the act that allows for continuous funding. As it stands, the Stafford Act is only intended to assist in relief efforts immediately after a disaster. In order to avoid tedious legislation efforts to create sustainable funding, amending the act would be the more viable option.

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<sup>7</sup> Weisler, 2006

<sup>8</sup> Russell, 2006. This shifted the burden of mental health care to the 140 primary care physicians that had returned by that date.

<sup>9</sup> Rudowitz et al. 2006

<sup>10</sup> Weisler, 2006

<sup>11</sup> Ibid

<sup>12</sup> The legislation authorizes the President of the United States to declare a major disaster or emergency and to provide assistance to state and local governments as an immediate response.

<sup>13</sup> Weisler 2006

<sup>14</sup> "SAMHSA Grant Opportunities," 2007

<sup>15</sup> Anderson, 2006

<sup>16</sup> In the months following the hurricane, more than 1200 volunteer, licensed mental health and substance abuse professionals conducted more than 90,000 counseling sessions across Louisiana, Mississippi and Alabama. However, due to the limitations of the Stafford Act, funding for the program ended on June 30, 2006 and many of the volunteers have since left the area. In another case, the Hurricane Katrina-related Youth Suicide Prevention and Early Intervention program which was funded through SAMHSA was again ended in the fiscal year 2006 after 3 years of operation.

Another possible solution to the shortage of finances for long-term mental health treatments in New Orleans is to create new legislation to provide funding for continued treatment of mental health after a disaster. Such legislation would provide funding based on need to areas requiring additional assistance in maintaining the mental health of their citizens. Again, as previously stated this is a tedious effort and could potentially slow down relief efforts if a disaster were to occur.

States can also apply for additional Medicaid funding through a demonstration project waiver.<sup>17</sup> Louisiana received funding through such a waiver shortly after the storm, but that funding only lasted for five months and didn't specifically cover mental health care.<sup>18</sup> Louisiana's Medicaid board should apply for a demonstration project waiver under section 1915(c) of the Social Security Act, which deals with funding for long-term Home and Community Based Services (HCBS).<sup>19</sup> These services would bring treatment to the people rather than treating them in hospitals, and should encompass home visits by psychiatrists and mental health counselors and training for community-based disaster support networks.<sup>20</sup>

Ralph Ibson from the National Mental Health Association referred to the situation as a, "failure to foresee the longer mental health needs—that trauma...is by definition long term".<sup>21</sup> In this paper we've focused on the need for long-term mental health care in New Orleans, and offered some suggestions for insuring that such services are funded. Funds alone cannot solve all of difficulties facing mental health services in New Orleans. Nevertheless, securing the funds needed to provide long-term mental health needs is a necessary step toward track.

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<sup>17</sup> Miller et al, 1999

<sup>18</sup> Louisiana has since filed for additional waivers, but their approval has been delayed. ("Post Katrina Health Care," 2007)

<sup>19</sup> "Social Security Act," 2007

<sup>20</sup> Blanch et al, 2005. Because mental health care tends to be less reliant on high-tech and expensive equipment which must be kept in a hospital, HCBS could be a particularly effective means for providing mental health treatment in New Orleans. HCBS has traditionally focused on long-term care for the elderly and disabled, but in lieu of sufficient health facilities in New Orleans, HCBS should be expanded to provide long-term mental health treatment for those who don't otherwise have access to treatment. See Blanch et al, 2007 for a detailed plan for setting up community-based trauma support groups.

<sup>21</sup> Daly, 2006

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# International Relations Policy Center

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## **Improving UN Disaster Response**

### *Tying UN Aid to Host Countries' Adherence to UN Disaster Relief Protocol and Inclusion of Local Experts in UNDAC Cluster Response Teams*

By Jane Coaston, Jerrit Z. Tan, Kurston Cook, Erika Gonzalez, Chris Reade, Christine Rhee,  
Jessica Tang, Dheeraj Thapliyal

Originally founded as a humanitarian organization, one of the United Nation's primary objectives is to aid countries in times of need. However, the UN's current disaster response protocol contains systematic flaws, and can lead to obstacles to providing quality relief. In a variety of instances both in the past and ongoing, these shortcomings have undermined its disaster response work. Problems of cultural ignorance and a lack of coordination have historically plagued relief efforts. If left unaddressed, we can expect that these problems will continue to hamper UN relief programs. In our policy, we will introduce a system which:

- 1) Ties UN aid to a host country's adherence to a binding relief protocol to ensure greater coordination between the UN and host governments
- 2) Provides UN relief planning teams with preemptively trained local team members to allow for planning to be tailored to local specificities

### **The Need to Tie UN Aid to Countries' Adherence to Disaster Relief Protocol**

Shortcomings in the current UN relief protocol have led to systematic failures in the distribution of aid to those in need. Countries which request aid often erect barriers, both intentionally and unintentionally, which can undermine relief efforts. An example of this can be found in the UN's efforts to aid the humanitarian crisis in Sudan. While the Sudanese president has said that "the government of Sudan welcomes all financial, material, logistic or technical assistance from the UN", the government has implemented countless legal measures in order to thwart the UN's attempts to bring in food and medical supplies to those in need. The UN's lack of control over the situation in Darfur is not a new development. Sudan's government has resisted cooperation with the UN's relief efforts since the late 1980s, and "in 1998, Sudanese officials prevented all UN relief flights to Bahr el-Ghazal Province for two months...the aid ban helped trigger a famine that killed 30,000 to 50,000 people, according to some estimates."<sup>2</sup> The Sudanese government's continued tactics of resistance to UN relief efforts expose flaws in the current UN protocol; cooperation between those coordinating relief efforts and host governments is not sufficiently addressed. Political agendas, lack of access to information, and in some cases, incapable administrations are all serious obstacles to international aid, especially in developing countries with unstable governments and shaky infrastructures. Barriers to aid are ironically, often constructed, whether intentionally or not, by the governments of countries which request it, and can prolong the suffering of those they govern.

While the UN has traditionally emphasized the sovereignty of nations in international affairs, we believe that the extraordinary conditions that exist in disaster situations require policies that can deter uncooperative governments from deliberately erecting barriers, and prevent other governments from unintentionally creating obstacles to relief efforts stemming from lack of coordination with international relief organizations like the UN. *As part of this proposal, we*

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<sup>1</sup> "Sudan accepts 'help' from UN" BBC News <http://news.bbc.co.uk/1/hi/world/africa/6158038.stm>

<sup>2</sup> "Sudan Government Again Blocks Relief Aid: A Familiar Tactic with Tragic Results" <http://www.interaction.org/newswire/detail.php?id=935>

*introduce a system of preemptive contractual agreements between the UN and willing member nations, which will dictate clear guidelines regarding disaster relief to help improve coordination.* To affirm and more importantly to validate the conditions of this new protocol, the terms and limitations that constitute the responsibilities and entitlements of both parties will be prearranged to ensure the most efficient disaster response possible. Whereas no explicitly defined conditions currently exist as a prerequisite to UN aid, our policy recommendation wishes to alter the terms of this arrangement. *UN aid will therefore be conditional upon a host country's adherence to its predetermined disaster relief agreement with the UN.* Clear guidelines will be agreed upon by both the UN and member nations preemptively. This system has been conceptualized as an overhaul to the current system in order to enhance efficiency and ensure the proper administration of aid in specific regions where it is most needed. The analysis of the current model reveals a large degree of aid is wasted, misdirected, etc. A more strict system of control and administration is required to correct these problems.

### **UNDAC “Cluster Team” Reconfiguration**

Current UN relief is coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). Within OCHA, the sub-organization most relevant to our policy analysis is the United Nations Disaster Assessment and Coordination team (UNDAC), a stand-by response team of disaster management professionals which can be deployed upon request within hours to any location in the world.<sup>3</sup> Once deployed, these cluster teams, as they are called, help state and non-state actors to provide humane, neutral, and impartial assistance to the population in need through coordination and relief planning. These "cluster teams", as they are more commonly referred to, ensure that basic services are provided; including access to clean water and food, temporary shelter for those displaced, and that the tools necessary to facilitate search and rescue efforts are available. All of these services are designed to coordinate international relief on site within 12 to 24 hours in the event of a natural disaster.<sup>4</sup> However, a fundamental flaw of UNDAC cluster teams is that they are trained exclusively in Geneva, Switzerland and the deployment of teams often do not take into account the level of knowledge of team members for local conditions. Training is not tailored to geographic regions, and those deployed often have inadequate knowledge of local environmental, religious, or cultural specificities.

Lack of cultural awareness by relief workers can be obstacles to effective disaster response. An example of this can be found in the aftermath of the Pakistani Earthquake in 2005 when the lack of female doctors and health care workers limited the availability of care to women whose religious beliefs ban physical contact with male doctors. Many female patients went without medical care or ventured on dangerous journeys to hospitals that had female staff on hand.<sup>5</sup> After the Asian Tsunami of 2004, similar problems relating to cultural ignorance continued to hamper international relief. For instance, the distribution of non-Halal food by the UN to Muslim areas made some rations inedible. Additionally, some temporary shelters were stationed inside Buddhist temples which rendered them unsuitable for displaced Muslims.<sup>6</sup> Language discrepancies proved to be problematic for UN relief workers after the Tsunami,

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<sup>3</sup> OCHA Field Coordination Support Section UNDAC Main Site: <http://ochaonline.un.org/webpage.asp?Page=552>

<sup>4</sup> UNDAC Handbook chp. B (2006): <http://ochaonline.un.org/webpage.asp?ParentID=12091&MenuID=12104&Page=565>

<sup>5</sup> Pakistan Earthquake October 2005. Health Cluster Bulletin 8.27 (2006)

<sup>6</sup> Lebel, Louis, Supaporn Khrutmuang, and Jesse Mantua. "Tales from the Margins: Small Fishers in Post-Tsunami Thailand." *Disaster Prevention and Management* 15:124-134 Unit for Social and Environmental Research

which caused significant barriers to medical care and other services.<sup>7</sup> The lack of information and adequate training for relief workers create misunderstandings and miscommunication which can undermine the quality of disaster relief work.

Historically there has existed a lack of cooperation between the UN and non-governmental organizations (NGO) in disaster relief. Beginning in the late 1990s, restrictive measures have been put in place by the General Assembly limiting the scope of NGO participation in international relief efforts. These policies withhold essential information from NGOs regarding conditions in disaster areas and increase the cost of participation by NGOs in relief response planning. For example, the UN Secretariat imposes heavy fees on NGOs for access to electronic UN documents through the Optical Disk System and is now also considering a fee for access to the Treaty Database. These fees drain valuable funds from NGOs and create barriers to information essential for relief planning.

The lack of cooperation between NGOs and the UN in disaster relief poses additional problems for countries in need of immediate aid. In 2005, after the tsunami disaster in Aceh, Indonesia, the relief efforts of various NGOs were ineffective and, at some times, harmful to the rehabilitation of the area. The lack of coordination among the "various international actors" in Aceh led to "tremendous breakdowns in cooperation" that could not be properly addressed; many NGOs "did not participate in coordination meetings organized by the UN".<sup>8</sup> Inexperienced organizations administered improper medical care and inappropriate supplies to disaster victims. These issues arose in Aceh after "an unknown NGO had vaccinated...children leaving no records and no sure way to determine who had and had not already been served."<sup>9</sup> Uncoordinated efforts also resulted in "houses [that] were poorly built... rendering some of the housing uninhabitable."<sup>10</sup> In addition, Pakistani victims of the earthquake in 2005 were the recipients of inefficient aid due to NGOs' lack of information about local conditions. In one notable instance, the needs of victims went unmet as a particular international NGO distributed "used clothing unsuited to cold conditions" to refugees in need of warm clothes.<sup>11</sup>

The above problems stem from

- 1) Lack of local expertise and cluster team familiarity with local conditions
- 2) Lack of coordination between NGOs and the UN

*As part of the binding protocol outlined above, local authorities must agree to allow cluster teams to engage in autonomous relief work in specific regions where the disaster is most deadly.* Local authorities, according to their respective preemptive agreements with the UN, will allow UN-trained cluster teams to manage all UN related relief efforts and to take a leadership role in coordination with other NGOs without interference from local governments. This does not imply that the UN will overtake the autonomous relief efforts of NGOs, nor does it imply that the UN will have any powers outside of the arena of relief operations, but rather that cluster teams will facilitate cooperation in planning through the assignment and training of team member(s) to specifically handle coordination between UN, NGOs, and local governments to allow for better communication between these actors. These cluster teams will comprise of

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<sup>7</sup> Johnson, Luke J., and Angela R. Travis. "TRIMODAL DEATH AND THE INJURIES OF SURVIVORS IN KRABI PROVINCE, THAILAND, POST-TSUNAMI," ANZ Journal of Surgery 76, 5 (2006): 288-289.

<sup>8</sup> Bannon, Victoria and David Fisher. "International Disaster Response Laws, Rules, and Principles Programme" International Federation of Red Cross and Red Crescent Societies.

<sup>9</sup> Ibid

<sup>10</sup> Ibid

<sup>11</sup> Ibid

UN trained local officials, who will engage in a UN funded training program after the signing of the contractual relief agreement, and international experts also trained by the UN. While international cluster team members are interchangeable and can be deployed to any country; each nation, with aid from the UN, will maintain their specific local team members to be activated in support of their international counterparts when called upon. The assignment of local experts will ensure a high level of cultural sensitivity with respect to the specific area in need. The jurisdiction of these cluster teams will supersede that of officials appointed in that region, but only strictly in regards to relief related decisions. This condition of the proposed protocol, possibly its most controversial prerequisite, is strictly mandatory for any nation requesting aid. To ensure that the UN does not overstep its boundaries in regards to its exercise of power, the authority of these cluster teams will be geographically limited to areas authorized by the host government and for a period of time to be determined and renewed at bi-weekly assessment meetings between local authorities and UN officials, with final decision power in regards to a continuing UN presence resting with the host country government.

The host country has complete and absolute authority to assess its capabilities after a particular disaster and may choose to decline assistance and manage the crises on its own. However, any country which signs onto the proposed protocol and requests aid in the event of disaster will be strictly held to the conditions expressed above. For the purposes of this policy recommendation, we will make the assumption that governments act in the best interest of their citizens and will choose to preemptively sign this protocol to ensure the availability of UN aid resources and will comply with its conditions to maintain access to this aid

The cluster teams will be trained preemptively by the U.N. The selection of local team members will be a joint effort between the host nation and a committee of U.N officials. This will ensure the most impartial selection of the most appropriately qualified and mutually acceptable candidates. Training will be organized and initiated on a planned schedule after the signing of the protocol. The inclusion of local cluster team members the UN to better assess and manage relief work through extensive knowledge of local, cultural and political norms. This will do much to ensure the effective expenditure of aid and limit the likelihood of detrimental decisions that would lead to inefficient relief work.

## **Transparency**

Crucial to the effectiveness of the disaster protocol is transparency within the UN in disaster relief operations. Transparency should span both financial and operational matters. Complete transparency in the relief process will encourage efficiency by limiting wasted resources, while also ensuring a balance of power between the UN and the affected host nation. Transparent finances, budgeting, and movement of money are major concerns due to the high level of corruption in financial operations. The UN currently maintains a website at [www.reliefweb.int](http://www.reliefweb.int) which is overseen by OCHA. The site lists the contributions of nations, organizations, and private donors worldwide to the UN relief fund. The website is updated daily, however at times private donations can take up to three months before they are released to the public. In order to ensure full transparency, the government of host countries in disaster relief operations must be informed immediately of all funds received by the UN specific to their disaster. Transparency of UN operations can help reassure host country of appropriate behavior of UN staff and will allow host governments to monitor UN compliance with relief agreement.

Inadequacies within current UN protocol regarding disaster relief lead to the inefficient distribution of aid and hampers international relief efforts. The UN's inability to regulate host governments that request aid undermine its response capabilities. This results in increased

barriers to relief efforts and can prolong the suffering of those in need. A new binding agreement between the UN and willing nations for disaster relief operations will set clearer guidelines to help coordinative efforts during chaotic times. In addition, the inclusion of local UN trained cluster response team members, outlined as part of the preemptive agreement, will increase knowledge of local conditions and will allow relief workers to provide more effective aid.

## **Resources**

Bannon, Victoria and David Fisher. "International Disaster Response Laws, Rules, and Principles Programme" International Federation of Red Cross and Red Crescent Societies.

Johnson, Luke J., and Angela R. Travis. "TRIMODAL DEATH AND THE INJURIES OF SURVIVORS IN KRABI PROVINCE, THAILAND, POST-TSUNAMI," ANZ Journal of Surgery 76, 5 (2006): 288-289.

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