Avoiding reality
Land, institutions and humanitarian action in post-earthquake Haiti

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Executive summary

The earthquake that hit Haiti on 12 January 2010 created a disaster on an extreme scale and led to a similarly extreme relief effort. Over 200,000 people were killed, over 300,000 were injured and nearly 300,000 houses were damaged or destroyed. A million and half people ended up living in tented camps.

The relief effort confronted major challenges beyond the immediate humanitarian crisis caused by the earthquake. Much of the capacity necessary for the response, in the civil service and in international agencies, was affected by the earthquake, including by the death of personnel and their families. The humanitarian crisis took place in a context of deep and chronic needs, including a lack of adequate shelter and basic services and high levels of poverty. Haiti was also characterised by decades of poor governance and political instability, near-political paralysis at the time of the earthquake and by a political and state system dominated by the interests of a tiny elite. The international aid effort was also made more difficult by insecurity, a flood of aid from the nearby US through private channels and non-traditional aid organisations and by the fact that much of the destruction was concentrated in an urban setting, a relatively unfamiliar context for most aid agencies. To make matters worse, the country was struck by a cholera epidemic in October 2010, a disease previously unknown in Haiti, and which continues two years later.

Given the enormity of these challenges, it is hardly surprising that the relief effort encountered difficulties. The aid effort has been evaluated many times, and this report does not try to repeat work already done by looking at the successes and failures of the assistance effort. This paper is instead based on two premises: that Haiti posed many challenges, but these were far from unique: humanitarian action often takes place in contexts showing many of the same problems; and because the same 'lessons' are so often repeated in reviews of different emergency relief operations, there must be underlying reasons which have made it difficult for international aid actors to apply those lessons. This study seeks to understand those underlying reasons by looking at how international aid actors coped with the challenges they faced, specifically relating to the institutional issues around land.

Land rights were seen as a major obstacle to relief, particular in the shelter sector, preventing the timely delivery of relief and reconstruction and trapping aid workers in what one called a 'time-consuming void of complexity'. Land law and land administration are indeed both complex and confused in Haiti and it almost impossible to know definitively who owns what. The formal institutions of administration and justice do not function well, and formal mechanisms such as the land tax system are often used in non-legal or even illegal ways. Formal institutions

have much less traction than the powerful individuals to whose interests they can be subverted. As a result, a series of informal systems for reaching agreements has grown up, based on flexible and unwritten 'rules'. One of the most common types of arrangement is *affermage*, by which someone leases land on which they build a house that they own.

Following the earthquake, local people built, rebuilt, repaired and relocated in just the same ways that they had previously done. The constraints they faced were almost entirely limited to lacking the necessary funds. The international aid response was not able to direct its efforts to supporting people in their own endeavours, relying instead on providing its own solutions – but inevitably these were not on the scale needed. The reluctance of aid agencies to engage and compromise with the messy and complicated local context was striking in many areas.

Camps and evictions

Many of the owners of the land where the camps were situated tried to evict camp dwellers, whom they felt were squatting on their land. Humanitarian agencies used a mixture of various codes, including the Guiding Principles on Internal Displacement and the Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for IDPs, to treat attempts by landowners to reclaim their land as 'forced evictions', unless alternatives of an impossibly high standard were available. There was no coordinated or proactive engagement with landlords, but rather an ill-fated (and ill-advised) effort to persuade the government to put a moratorium on all evictions.

Return to *quartiers* and durable solutions

Return was tied by many agencies to the possibility of a 'durable solution'. This concept refers to the absence of special difficulties for people because of their displacement. However, given the unacceptable conditions in which so many people had lived before the earthquake, humanitarian assistance became bogged down in dealing with chronic problems, with no clear exit strategy. As a result, supporting return was not prioritised, and some people probably could have been assisted out of the camps earlier had there been an approach that was able to accept and support people's own highly imperfect arrangements.

Assistance in repairing houses

The cost of repairing damaged houses was a fraction of the cost of providing people with a pre-fabricated temporary ('transitional') structure, and yet almost no assistance was

given for well over a year. Agencies were worried about building standards and their reputational, legal and moral responsibilities in case repairs proved fatally inadequate in a subsequent earthquake. Repair is also by nature custom-designed, which makes it very difficult for agencies to budget for, monitor and control. As a result, return was delayed, fewer people were assisted, costs were many times higher – and people were not supported in the solution which they themselves preferred.

Provision of interim shelter support

The lack of available land on which to erect the pre-fab 'transitional' shelters was perceived to be a major obstacle to their distribution – though in fact the difficulties agencies faced in importing them probably constituted a greater, if under-acknowledged, bottleneck. Agencies were concerned to establish proof of land ownership before erecting a structure, and demanded far higher standards than Haitians did when they reached agreements with each other. In their concern to ensure that the 'vulnerable' (i.e. tenants) were not excluded from aid, most agencies tried to micro-manage the exact terms of rental agreements between landlords and those who had been their tenants before the earthquake. These agreements were frequently ignored as they failed to correspond to the actual interests of the parties concerned: landowners, frequently fairly poor even before the earthquake destroyed their assets, often needed rental income to survive. Agencies' inability to 'let go' left them unable to tackle the most significant problem of those who had been tenants: finding enough money up front to put down a 12-month deposit for rent on a new property.

Agencies struggled with a wide variety of difficulties, but much of this can be traced to the same few underlying traits in the aid system. Emergency responses are not capable of developing a central strategic leadership because response is built up from discrete projects which are answerable only to their specific donors. Sectors do not have enough senior human resources outside of these projects capable of setting a direction which others should follow. Even though the real problems facing both affected people and aid agencies are very much socio-political, expertise is still seen technically, and political analysis and local understanding are undervalued, as is social and political analysis of how aid interventions will play out in specific contexts. Aid organisations are highly risk averse, and therefore implement interventions which are predetermined and which they try hard to control. The humanitarian aid system has a bureaucracy and a culture that thinks in terms of predictable consequences of aid delivery. This inevitably leads to thinking about people affected by crises – including their governments – as recipients rather than active strategists who find their own imperfect and 'chaotic' ways of dealing with problems, and who use aid in their own unpredictable ways. (Both risk aversion and chaos aversion contribute to a focus on outputs, rather than on outcomes which are always beyond anyone's control.) This creates a tendency to try to micro-

manage affected people's own lives and to deal with local politics in the same way. These tendencies combine to create an aid system that defines itself by technical solutions, for which problems are identified, rather than by the way people affected by crises live or their governments function.

The result, seen clearly in Haiti as in other crises, is that assistance is far more expensive than necessary, far fewer people are helped than should be the case and people do not receive critical help in overcoming the constraints that they face in finding their own solutions. In Haiti, this meant that many people stayed in camps for longer than should have been the case, and agencies created for themselves a world where they struggled constantly to impose order, which consumed time, effort and resources that could have been invested in understanding the local context and thinking more strategically.

Significant progress has been made in humanitarian response in recent years in many sectors in improving the range and quality of technical response options. Land rights have only been recognised as a humanitarian concern for less than ten years, yet in Haiti lessons had been learned from previous crises (notably the Indian Ocean tsunami) in recognising how easily non-landowners could be marginalised from assistance, and in taking precautions against emergency aid contributing to land rights losses. Agencies began to equip themselves with land rights expertise. At a global level, UN-Habitat has taken the lead in producing guidelines for dealing with land rights in natural disasters, which were produced in 2010 after the earthquake. The guidelines provide good technical advice but, as this paper illustrates, Haiti revealed how aid agencies' struggle is mainly with dealing with social and political realities that are beyond their control, rather than with technical difficulties in project implementation. The guidelines, though welcome, would not have prevented any of the problems raised in this study.

Further progress needs to be made by tackling institutional aspects of the emergency aid system.

- Current incentives make agencies highly risk averse, but, since it is widely recognised that affected people themselves are the main drivers of relief and reconstruction, the implication should be acknowledged that aid can be most effective in supporting these efforts if we accept affected people's own risk tolerance and work with them. This also entails appreciating how people manage their overall risk horizons, rather than concentrating on minimising risk to one single high-profile hazard.
- To achieve this, different sectors need to work together much more closely, moving beyond 'coordination' to sharing analysis and strategy. This was particularly evident, for example, in the need to see shelter as a livelihood problem, as well as a shelter problem.
- However aid coordination is organised or the cluster system reformed, it is essential to invest much more heavily in

strategic leadership, i.e. ensuring that a sufficient critical mass of experienced and specialist staff are available to each sector, capable of setting policy and strategic direction. This applies in particular to land rights and to working in urban contexts. Much greater investment in political analysis skills is needed for all sectors.

- Agencies need to work in a way that permits policy and strategic direction to be formulated and followed through, so that individual projects are grounded in a coordinated strategic analysis. Obviously, this analysis and direction should be led by host governments, but where this does not happen international aid actors must work proactively with host governments and among themselves to develop this and ensure that it can be followed.

- Contingency planning in areas known to be at risk of a major crisis offers a valuable entry-point for introducing such shared analysis and planning.

- Since chronic problems and vulnerabilities cannot be separated from acute problems, humanitarian and reconstruction strategies should also not be separated. A reconstruction strategy cannot wait for months after a major crisis, because the humanitarian strategy should be developed as part of reconstruction, from where the exit strategy is derived.

- Aid discourse needs to abandon its language of 'solutions' in favour of a language that speaks of 'supporting efforts and initiatives'. Solutions are almost always impossible to achieve for deep problems and vulnerabilities, and the focus on self-contained solutions puts attention on the need for technical analysis of the solution, rather than social and political analysis of the problem. In planning and implementation the discourse of 'solutions' tends to isolate aid from the imperfect and chaotic reality with which they must come to terms.

HPG WORKING PAPER

Avoiding reality

Chapter 1
Introduction

The earthquake that hit Haiti on 12 January 2010 posed unique challenges for humanitarian response in both its scale and its context. The death toll and destruction were comparable to the Indian Ocean tsunami in 2004, but concentrated largely in just one city. More than 200,000 people died and two million fled the capital Port au Prince, where most of the damage occurred. Others remained, creating over 1,000 settlements in and around the city. Ten months later, in October 2010, aid agencies and the government faced a second emergency when a cholera outbreak killed several thousand people. Haiti – and Port au Prince in particular – was perceived as highly insecure and politically unstable, with decades of dictatorship, coups against elected governments and, since the early 1990s, the deployment of a UN military mission.[1] Problems of government capacity were complicated by the degree of economic power in the hands of very few families, leading to a legal and administrative system that did not always function transparently or efficiently.[2]

The earthquake triggered a massive humanitarian effort, with a huge influx of personnel and resources ranging from much-needed technical specialists and aid professionals to individuals with no experience of humanitarian response and unaccustomed to working, either with the systems of foreign governments or within the international coordination structures of humanitarian action. In 2010 alone, humanitarian funding totalled $3.5 billion, making the Haiti response the largest international humanitarian effort since the Indian Ocean tsunami in 2004. The challenges the response faced were stark, particularly in supporting shelter and lodging beyond basic emergency tents. Two and a half years after the earthquake, almost 400,000 people remained in camps and settlements.[3] Efforts to find solutions for them have faltered, as have attempts to 'build back better' and use the disaster as an opportunity to inject urban planning into Port au Prince, a large, uncontrolled metropolis of some 2.7 million inhabitants (Forsman, 2009).[4]

According to many involved in the response, one of the main obstacles to helping people leave the camps, and providing them with new housing or at least adequate shelter for the medium term, were the difficulties posed by Haiti's complex land administration and land law. According to one group of aid agencies: 'The number of people still living … in the camps is unacceptable … However, until the land issue is addressed

they are at risk of having to remain living in those undignified conditions for an indefinite period of time' (CAFOD et al., 2011). One senior aid worker put it more bluntly: 'Land issues were a time-consuming void of complexity'.[5]

Land rights and land ownership are extremely sensitive in many countries. Humanitarian disasters often occur where these sensitivities are most acute, because land is concentrated in the hands of a few; land is claimed under multiple types of ownership arrangements (formal and informal); and construction and planning have not been coordinated. Disasters may change the market conditions for land and housing so that former occupants may be excluded – through market forces, or because of changed incentives that give rise to new claims over land. Humanitarian responses in turn can have an impact on housing, land and property rights in the longer term by encouraging certain settlement patterns, supporting (or not supporting) resettlement, encouraging certain claims to land, giving de facto legitimacy to land claims and supporting, bypassing or undermining the institutions involved in land tenure. Understanding the relationship between humanitarian response and these rights is therefore crucial (Levine and Adoko, 2004; Egeland, 2006; Pantuliano, 2009).

Humanitarian agencies have made progress in recognising and understanding land rights in humanitarian crises, and improving their capacity to deal with the ways in which land issues arise in, exacerbate and interact with humanitarian emergencies.[6] This includes establishing an international Housing, Land and Property working group as part of the protection cluster, coordinated by UN-HABITAT, establishing guidelines and operating principles, increased research and analysis around land issues and, in Haiti, a recognition by at least some agencies that land expertise was required. The recruitment of even a small number of individuals with specific land expertise to work on humanitarian programmes and to advise the clusters is an important development, and should be recognised as such. At the same time, however, the Haiti response showed that the capacity available was nowhere near enough.

This HPG Working Paper explores land issues in the context of the humanitarian response to the Haiti earthquake, with a particular focus on the interface between the institutions of

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1 The peacekeeping presence, which began in 1993, became the UN Stabilisation Mission in Haiti (MINUSTAH) in June 2004.
2 In the words of one analyst (Muggah, 2010), 'even before the earthquake … Haiti was alternately categorised as fragile, failing and failed in international humanitarian and development circles'.
3 Source: IOM Displacement Tracking matrix (http://iomhaitidataportal.info/dtm/).
4 Figures are approximate in the absence of an up-to-date register.

5 Personal communication.
6 Both Pantuliano (2009) and UN-HABITAT (2010a) credit the Humanitarian Response Review of 2005 (commissioned by OCHA) for identifying land and property as a gap in humanitarian response, though neither the words 'land' nor 'property' appear once in the review (though 2005 was the year of the 'UN Principles on Housing and Property Restitution for Refugees and Displaced Persons').

the international aid community and the complex institutions governing land ownership and land tenure in Haiti. Many of the specific problems discussed are well-recognised already, and there is a willingness to learn the lessons for next time.[7] It is striking, though, how often similar issues arise in different humanitarian responses. The fact that many 'lessons' are having to be learnt more than once suggests that solving problems depends upon identifying their deeper roots. Haiti certainly presented extreme difficulties for emergency response: chronic poverty, a difficult security situation, weak governance, poorly functioning institutions of justice, high levels of corruption, an under-resourced civil service, a high degree of influence on policy by vested international interests and uncoordinated aid delivered by people with insufficient grasp of the social and political complexities of the situation. However, all of these difficulties are common to some degree in most humanitarian crises. This study thus approaches Haiti, and Port au Prince in particular, as a 'typical' humanitarian disaster writ large, a case study that could reveal many of the underlying difficulties of emergency response, that in other crises might not be so visible. These range from how agencies are organised, problems inherent in any separate conceptualisation of a humanitarian agenda and working practices derived from the institutional and cultural norms of international agencies themselves. These issues are not about Haiti *per se*: it is the task of humanitarian action to cope as best it can with the difficulties inherent in any humanitarian context.

1.1 About the study

This study does not attempt to describe the humanitarian response in Haiti, but to shed light on the ways in which humanitarian response interacted with local institutions.

It is a cooperative effort between the Humanitarian Policy Group (HPG) at the Overseas Development Institution (ODI) and Groupe URD. It is based on a field visit by two HPG researchers, one researcher from Groupe URD and a local consultant attached to Groupe URD in February and March 2011, together with several previous visits to Haiti by the Groupe URD researcher. The field visits involved interviews with staff from local and central government, the civil service, UN organisations, the UN country team and the Commission Intérimaire pour la Reconstruction d'Haïti (CIRH), as well as people in camps, people who had returned from camps, people who had never been displaced, lawyers and other key informants, in Haiti and beyond. The team attended neighbourhood and thematic coordination meetings called by the civil service, a national workshop on urban planning,[8] cluster meetings, technical working group (TWIG) and strategic advisory group (SAG) meetings, studied the minutes of meetings before and after the field visit and collected and studied relevant articles, papers and reports.

The report begins with an explanation of land ownership systems in Haiti and how they have shaped the urbanisation of Port au Prince. Chapter 3 then provides a brief overview of the humanitarian response and identifies the key challenges that aid agencies faced, with particular reference to issues around land and settlement. Chapters 4–6 analyse each of these problems in turn, using an institutional lens to determine the underlying norms and rules that characterised these problems and the ways that aid agencies responded, as well as the consequences. Finally, Chapter 7 examines some of the common underlying factors that gave rise to the difficulties in dealing with land, and offers conclusions and recommendations for moving forward.

7 For instance by the former Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, John Holmes (Holmes, 2010).

8 l'Atelier sur la planification de villes secondaires et de leur région en Haïti, le Ministère de la Planification et de la Coopération Externe, held on 23–26 February 2011.

Chapter 2
Land ownership and urbanisation in Haiti

Issues of land ownership in Haiti are directly linked to the country's history and identity. When Haiti gained independence from France in 1804 following an armed revolt by the colony's slaves, the French (the former big landowners and slave owners) were expelled, and land was reallocated to the leaders of the new regime. Ex-slaves were forced either to defend the country as soldiers or to work the plantations to raise money for the state. Their forced labour was felt as a new form of enslavement. Meanwhile the better educated – predominantly lighter-skinned people of mixed race, with some education – were appointed managers, and over time came to form a new ruling class. Despite several attempts at reform, land ownership became the object of collusion between those in power and the large landowners. The result, still palpable in Haiti today, is that land is disproportionately owned by a few large families. They defend their rights vigorously, using the full range of weapons at their disposal: the Constitution, state laws, economic pressure and more 'informal' manifestations of power.*9*

The legal framework of the Haitian land ownership system has its origins in French law and land administration, and has since been developed by practice taken from the agricultural economy. A capital city has therefore to develop in the twenty-first century using land law and administrative structures that either evolved long ago in Europe or developed to suit rural peasant life. This antiquated legal and administrative system coexists with the practice of occupying land with little consideration for formal legal constraints. Although a new Constitution was ratified in 1987, many of its provisions have not been implemented, creating yet more legal contradictions. As a result ownership status varies: some people have genuine title deeds while others have none; title deeds can be false, false but certified as genuine, usurped or lost. Ownership is sometimes unknown, but even where it is known it can always be challenged. There are also various forms of land tenure, including illegal occupation, *affermage* (a French-Haitian form of tenant farming agreement), tenancy, unpaid tenancy and squatting. These complexities are captured well by a landowner in Port au Prince:

> *Where there is a tree, it belongs to the person who planted it, but the fruit can belong to tenants, while the land can belong to another person who has the title deed or his descendants, even if they are unknown, even if they are dead and even if they have no longer been around for generations.*10

It is important to distinguish between a problem of land law (the rules for deciding who has a legitimate claim) and a problem of land administration (in simple terms, the records of who has which rights to which pieces of land). In Haiti, both are beset by confusion.

The land ownership system, based on private property, broadly functioned on the basis of *affermage*, whereby rural landowners tolerated the building of houses by tenant farmers (such houses often began life as tool sheds). In rural areas, the situation became sufficiently complex that several reforms were envisaged (the last one in 1987), but the absence of reference data made the mapping of properties difficult. This rural land tenure system has spread to urban areas, and arrangements are common between landlords and tenants whereby the tenant builds a house which they own, but on rented land.

In addition to administrative confusion (i.e. uncertainty in being able to prove ownership), there are also several sources of legal uncertainty around land ownership itself. Inheritance law grants rights to all children and their descendants, even those born outside marriage. It is always possible for people to appear, claiming to be descendants of a long-deceased landowner, demanding that more than one generation of inheritance be unravelled in order to recognise their rights. There is legal uncertainty over any period of limitation. Over many years, grants of large areas of state land have been made by presidential decree, particularly during the Duvalier era. This creates legal confusion, since rights to state land can legally only be given away by a specific Act of Parliament. Furthermore, state land is divided into what is called 'land in the private domain' and 'land in the public domain'. Only land in the private domain (i.e. land which the state happens to own in the same way as a private landowner) can be granted in this way. Land in the public domain (hillsides, coastal areas, etc.) could not legally be given away at all, creating still more uncertainty in the status of such land given away in presidential decrees. Land on the hillsides is now regularly claimed and traded, even though formally it is not subject to private ownership, though as the example of Morne L'Hôpital shows (see Box 2), formal legality often plays little role in determining land ownership. There is more confusion over the state's right to acquire land by compulsory purchase (or 'expropriation'), because a 1979 law provides for expropriation only by the head of state, whilst a 2006 Municipal Decree gives local authorities this power. (The legality of the decree is contested in the face of the 1979 law.)

As regards land administration, numerous regulations and institutions have been established over many years to regulate

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9 According to Article 6 of the Constitution of 20 May 1805: 'Property is sacred, its violation will be severely prosecuted'.
10 Interview, 26 February 2006.

Box 1: 'You just have to come to an agreement'

Affermage presents an institutional nightmare for a Western organisation, and yet it offers a window onto Haitian institutional culture. A landlord unable to develop his or her land, and perhaps fearful that empty land will be occupied and eventually lost, may choose to accept a tenant who pays rent on the land and builds their own house. In some cases, the ground rent is considered as payment towards eventual purchase ('*affermage sur prix d'achat*'). The rent can still go up, though, and since the purchase price may be based on the number of years' payments that have been made, the tenant is essentially buying without knowing a purchase price. Moreover, even if the *affermage* is not linked to purchase, the tenant is locked into an agreement that is not fixed. The researchers asked what happened if a landlord wanted to increase the rent or the parties could not agree on a purchase price. These questions, asked many times, always received the same response – a slight impatience at a question that did not make much sense, a shrug and the response that 'they just have to reach an agreement'. Port au Prince was built by people who 'just have to come to an agreement' with each other. The primary rule for social behaviour and economic dealings is the same – in a context where state law and institutions are relatively weak and distant influences on behaviour, people must make agreements themselves. This does not mean that all agreements are fair, or respected. The mutual difficulty that researchers and informants had in understanding each other on this issue suggests a twin lesson: first, that local people know how to come to an understanding in their own society; and second, in the context of a humanitarian response agencies have little chance of understanding how they do it.

property, but they are not coordinated or transparent.[11] Institutions involved in running this legal system include registered surveyors, public notaries, the Tax Directorate (Direction Générale d'Impôts (DGI)), the State Property Directorate, the Land Registry, the Conservation Directorate, the Escrow Department and the National Land Registry Office, an autonomous body under the Ministry of Public Works, Transport and Communications (MTPTC). Meanwhile, the National Institute for Agrarian Reform (INARA), under the supervision of the Ministry of Agriculture, Natural Resources and Rural Development, has been implementing reforms since its creation in 1987. Although Haitian legal experts have expressed the view that the 'overlaps, duplications and inconsistencies' between these different bodies have contributed to insecurity of tenure (FAO/INARA, 1997), these structures and professional bodies remain the official means of managing land administration in Haiti.

The land-tenure system is not based on a central land registry but on individually archived deeds, which constitute proof of

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11 It is beyond the scope of this paper to give a detailed explanation of the labyrinth of Haitian land law. The best guide is the draft report, Mueller, 2011. This, together with most Haitian land laws and decrees, can be found at https://communities.centraldesktop.com/haitianlaws.

land ownership. Deeds are registered at the DGI, but are kept by individual public notaries. Each deed is based on a formal survey of the plot, but gives reference only to the neighbouring plots, and not to an overall 'map' or cadastre. As the process of obtaining a deed starts with a survey, the surveying profession is highly regulated. In practice, however, surveyors are often left to their own devices, their level of technical competence varies and their legal competence is weak. Whilst a survey does not replace a genuine deed, many people have surveys which were never processed further at the notary's office, though these are often considered to be ownership deeds. By tradition (inherited from France) the public notary (an office foreign to the Anglo-Saxon world) tends to be a family office, but the more recent practice of nominating notaries from outside the traditional families means that many have not had access to the same records, and in any case not all land transactions pass through the hands of public notaries. The Land Conservation Directorate of the Tax Directorate, created in 1806, was established to ensure that property transactions are recorded properly, but this system too has failed. Many transactions are not recorded or are recorded wrongly, and many 'non-transactions' have been recorded. People may register at the DGI to pay tax on land without having acquired it legally in the mistaken assumption that this will be taken as evidence of legal ownership, or as a way of semi-formalising a land occupation. Land ownership can thus be established incrementally, both in the administrative-legal domain and through physical construction to reinforce occupation.

There have been discussions about creating a central land registry since Haiti's independence, but this only took concrete form when the Office National du Cadastre (ONACA) was created in 1984. ONACA was established as a project of foreign aid in a legal context where ownership remains rooted in notarised deeds, not in a land registry, adding another level of confusion. It was only ever trialled in Artibonite province and parts of Port au Prince and lacks the financial and technical resources to maintain even the small area already established. The Organisation of American States (OAS) was interested in creating a comprehensive national land registry (OAS, 2010), which it believed would establish certainty in the legal status of land and hence greater security of tenure, but this will be difficult given that such a registry would undermine the vested interests of many groups, including notaries. In any case, no administrative system can remove the current uncertainty around land rights merely by its creation, since the difficulties involved in identifying property rights must first be overcome in order for such a system to be established. The risk is that the registry will set in stone a particular set of claims to land rights. Since changing a system of ownership will always change the rights that people have, and this will always create the potential for conflict, the process of creating it may well be a source of land rights violations. Rather than needing titling to bring certainty and reduce conflict, it is necessary to establish certainty and just conflict resolution in order to proceed with titling if the aim is to have a process that respects rights and

does not further marginalise those with the most limited ability to effectively claim their rights.

The ambiguities around land ownership are such that the state itself does not know exactly what it owns. (There are stories that the state has used its power of compulsory acquisition to acquire pieces of land which it already, unknowingly, owned.) This uncertainty gives rise to numerous conflicts. Very few Haitians really trust the justice system, except perhaps those who can produce notarised title deeds, i.e. usually the large landowners. This mistrust shows up in popular culture. One professor of literature has remarked[12] on a recurring motif in Haitian literature of the triangle of the rich businessman, the surveyor and the notary, working together to grab land from poor and honest farmers. Indeed, the very institutions of land administration, which outsiders may see as providing Haitians with security over their property, are actually hated as the embodiment of the powerlessness of the poor. This may go some way to explaining the reluctance of many to bring their land transactions into the formal – legal – domain.

2.1 The chaotic growth of Port au Prince

Port au Prince is the economic lifeblood of Haiti. Ninety per cent of the country's investments pump through it; one-third of its population resides in it. Established in 1749, it is an old city whose urban centre initially had a clear orthogonal layout situated along the coast. Since then, urban pressure has built up as waves of people have flocked from the countryside in search of a better life. During the Duvalier regime in the 1970s and 1980s, migration and the right of settlement in Port au Prince was controlled and used for political purposes, and grants of large areas of state land were made by presidential decree despite the fact that rights to state land could only be ceded by a specific Act of Parliament, if at all.[13] With the collapse of the Duvalier dictatorship in the mid-1980s, the decline of the rural economy and the continued practice of encouraging certain groups into the capital to reinforce political power, population growth accelerated, reaching an estimated 2.7 million (Forsman, 2009).

Despite the physical expansion of Port au Prince, the continued influx of people into the city resulted in a severe shortfall in places to live. Although no accurate figures are available, knowledgeable informants in this study, who work for various departments of the civil service, estimated the deficit before the earthquake at between 100,000 and 300,000 housing units. The World Bank gives a figure for the national housing deficit of one million units – surprising for a country with a total population of only ten million (World Bank, 2011). Even before the earthquake, the city's worst areas – violent, overcrowded and unsanitary – resembled a chronic humanitarian crisis, with sanitation and shelter well below the minimum Sphere humanitarian standards

to which Western aid agencies subscribe. UN-HABITAT (2009) refers to a 1988 study that demonstrated that the average living area for slum dwellers was $1.98m^2$ per person, well below the Sphere standard of $3.5m^2$. Extreme vulnerability, poverty and a severe housing shortage were thus the reality of life in Port au Prince even before the earthquake.

Although numerous urban plans have been elaborated (see Table 1), there has been no effective urban planning and no government strategy to regulate expansion and address housing shortages. In part, this is due to the institutional architecture. UN-HABITAT (2009) quotes the Ministry of Planning as saying that 'there are more than 50 institutions that share the responsibility of managing metropolitan Port-au-Prince'. As a result, people have illegally occupied land that had initially separated Port-au-Prince from surrounding towns,[14] replacing trees and agriculture with houses and shacks. Many of these settlements have become *bidonvilles* -– 'shanty towns' with no sanitation, often in precarious locations like hillsides and dumps. The *bidonvilles* are such a strong feature of the Port au Prince landscape that the term '*bidonvillisation*' is used to describe the informal and illegal expansion of impoverished areas in the city. Successive governments have been unwilling to address the *bidonvillisation* of Port au Prince, and before the earthquake struck uncontrolled expansion was the norm, with no rational planning that respected the environment or kept at-risk areas construction-free.

Box 2: Morne l'Hôpital

Shanty towns and houses cover Morne l'Hôpital, a steep hill that defines the limits of Port au Prince from the north-west to the south-west. Officially they do not exist. Morne l'Hôpital was declared a protected zone in 1963 to preserve the city's natural areas and water sources. In 1978 the state created an organisation, l'Organisme de Surveillance et d'Aménagement du Morne l'Hôpital (OSAMH), to ensure that no clearing and building took place. OSAMH has never been able to enforce respect for legislation or regulations; apart from the lack of resources that affects most state institutions, OSAMH's employees have been caught up in conflicts, deals, threats and intimidation over this land. The hillsides of Morne l'Hôpital are covered, not only by slum housing but, at their top, by the enormous mansions of the rich and powerful.

The occupancy status of Port au Prince's inhabitants varies according to how they acquire land, ranging from property owners with title deeds to owners without title deeds and cases where the owner did not know what they owned (including the government of Haiti itself). There are also tenants with or without a negotiated temporary agreement, tenants with leases from the state or from private landholders and tenants with leases from official or self-proclaimed guardians of land

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12 Professor A. Leak, personal communication.
13 Decree of 16 January 1963, Moniteur No. 5, 16 January 1963, art. 1 (Aliénation des biens immeubles du domaine privé de l'état [Disposition of real property in the private domain of the state]).

14 Pétion Ville, Delmas (which includes Cité Soleil, one of the biggest slums in the capital), Fontamara, Martissant and Carrefour. The city is now expanding towards the rural town of Croix des Bouquet in the north-east and towards Gressier in the south-east.

Table 1: Previous attempts at urban planning in Port au Prince

Year	Name of plan	Developer
1974–76	Plan de développement de Port-au-Prince et de sa region métropolitaine	UNDP and PACO (private company) for the predecessor to MPCE
1988	Plan directeur d'urbanisme de Port au Prince	UN-HABITAT and Lavalin (private company) for MTPTC
1996	Plan National de logement et de l'habitat	UN-HABITAT
1996	Projet d'appui aux municipalités et projet d'appui en aménagement du territoire	UN-HABITAT
1997	Plan directeur de circulation pour l'aire métropolitain de PAP	MTPTC, Pluram international and Lavalin (private companies)
1998	Actualisation de schema directeur d'eau potable pour l'horizon 2015	CAMEP and Tractabel développement (private company)
1998	Schéma directeur d'assainissement pour la region métropolitaine de PAP	MTPTC and Groupement SCP-GERSAR-Lavalin (private companies)
1998	Plan de drainage pour la region métropolitaine de PAP	MTPTC and Lavalin (private company)
1999	Schéma directeur du front de mer de la ville de PAP	MPCE and Commission pour la Commémoration des 250 ans de la Fondation de la Ville de Port-au-Prince
2000	Concept general pour le développement de Port-au-Prince	Commission pour la Commémoration des 250 ans de la Fondation de la Ville de Port-au-Prince, Université polytechnique de la Catalogne
2000	Plan d'aménagement de la region nord de Port-au-Prince	Commission pour la Commémoration des 250 ans de la Fondation de la Ville de Port-au-Prince, Jimenez-Pons and Urbanex (private companies)
2003	Plan-programme de développement de la zone métropolitaine de Por-au-Prince	MPCE, Experco International and Daniel Arbour et associés (private companies), funded by the Inter-American Development Bank

Source: UN-HABITAT, 2009.

belonging to people who had fled unfavourable political events. This is the case in Bobin, a 'new neighbourhood' on the outskirts of Port au Prince in the commune of Pétionville. In many ways the evolution of Bobin is a microcosm of the way much of Port au Prince has developed. In February 2011, a year on from the earthquake, a few dozen people were busy constructing new homes, or upgrading previous temporary ones. It is hard to know who 'really' owns the land in Bobin; some land reportedly belonged to the family of a *macoute* who fled to the United States following the fall of the Duvalier regime.[15] The land was left with a caretaker who, over time, allowed more and more people to settle on the land. (The practice of absentee landlords hiring a *jéran* (caretaker) to manage their land has a long history, originally as a variant of sharecropping.)

At first, occupants came as tenants, paying ground rent to the *jéran*, but as time passed they built stronger structures and their numbers grew, they incrementally acquired de facto

'ownership' and a market in land developed. The situation is a fascinating legal challenge. Under Haitian law, land ownership can be lost through 'adverse possession': if over 20 years a landowner makes no attempt to challenge an occupant on the land who lives openly 'as an owner' (i.e. not as a rent-paying tenant) on land, then the landowner loses the right to do so. Since new occupants came incrementally to live 'as owners', it is impossible to know how a court would decide when this period of 20 years began, and if the current occupants were the legal owners. The de facto situation is clearer: new occupants are claiming, selling and buying land, and a new neighbourhood is springing up.

Interviewees for the study in Bobin were all migrants to Port au Prince from different parts of the country. Most had been in the city just a few years. Typically, an individual, couple or small family come to the capital and stay initially with friends or relatives. Over time, they will try to save a little money and build up connections in order to find an available plot of land. Many moved into Bobin as tenants after a year or two in the capital, perhaps renting a small single room. Their ambition was the same: to acquire a plot for themselves. This might be through purchase or by renting the land (*affermage*), paying around US$100–200 as ground rent every five years. (In some cases, the

15 The *Tonton Macoute* (literally 'Uncle Gunnybag', the name of a mythical bogeyman in creole culture) were members of the paramilitary force established under Duvalier in 1959, officially called the Milice de Volontaires de la Sécurité Nationale. Their legacy lived on in the 1990s in the shape of the paramilitary death squads of the Front pour l'Avancement et le Progrès Haitien (FRAPH), led by the feared former police chief Joseph Michel ('Sweet Mickey') Francois.

ground rent payments were deemed to be instalments towards eventual purchase.) A plot could be around 10m² or less, on steeply sloping land, accessed with some difficulty down difficult footpaths snaking their way around the seeming chaos of fenced plots and buildings. Once they had saved enough money, they would construct for themselves a very rudimentary shelter. The investment cost of such a shelter would be in the order of US$200–300. Such homes are not intended to be permanent, but how long people live in them depends on their economic fortunes. Once they have saved enough money for cement and other building materials (sometimes this takes only a few years), they begin to construct something more permanent, as dozens were doing during the study visit to Bobin. These permanent homes are organic, beginning with a house built of breeze-blocks costing around US$1,000–1,500, which will be progressively upgraded over many years.

Chapter 3
The humanitarian response

In the aftermath of the earthquake, people who remained in Port au Prince sought safety in open spaces – in parks, school grounds, privately owned plots and public squares.[16] These tented 'camps' rapidly became the main focus of aid delivery; very few agencies turned their attention to the ruined neighbourhoods where many people continued to live among the rubble, and little support was offered outside of Port au Prince. Although the international community established clusters to coordinate the work of the multiplicity of actors involved in the response, many operated independently of any coordination mechanisms, and the Haitian government played only a limited role.

3.1 Coordination and the cluster system

One-third of the US$3.5bn in humanitarian aid in 2010 was from private sources. This is significant. Less than 4% of all other international humanitarian funding in 2010 was private,[17] and the large amount of private funding contributed to the large number and diversity of organisations that descended on Port au Prince to try to 'help Haiti'. The international community quickly established 'clusters' – humanitarian coordination mechanisms – in an effort to ensure some measure of organisation. However, the plethora of agencies present in Haiti, with very different backgrounds, philosophies, motivations and experience, made imposing any kind of coordination and coherence in the response almost impossible.

Thirteen clusters were established in Port au Prince,[18] as well as multiple working groups. The clusters proved a heavy coordination system, with lengthy and numerous meetings. Initially cluster meetings were concentrated at the UN logistics base near the airport, and were mainly conducted in English. This was symptomatic of the exclusion of Haitian organisations and contributed to the perception that UN aid agencies (and, to a lesser extent, international NGOs) were sidelining the government and local civil society (see for example Moberg, 2010. Binder and Grünewald, 2010, evaluating the cluster system in 2009 – before the earthquake – found many of the same problems already inherent in the international aid system). In time meeting locations were diversified to municipal hubs by agencies hoping to coordinate with the municipal authorities, and French became the lingua franca. However, the UN base remained the hub of the international aid community and some meetings continued to be conducted in English in 2011, if even one foreigner attending did not feel confident enough in French.[19]

Land and land tenure do not have a single 'home' within the clusters and are strongly relevant to several of them: early recovery (rubble removal, cash for work, repair of houses), shelter (emergency and transitional shelters), camp coordination and camp management (establishment and provision of assistance to camps and settlements), protection (forcible eviction from settlements) and WASH (provision of sanitation facilities). An informal working group was quickly established in order to promote exchange on land tenure and humanitarian programming, before the more formal global cluster architecture was followed (i.e. a Housing, Land and Property (HLP) working group within the protection cluster). This group produced an unpublished short paper (in English and French) explaining the different kinds of occupancy (owning, renting, *affermage*, etc.) and how agencies could engage with each situation (anon, 2010). This leaflet was highly useful – but few people interviewed during the field research were aware of it.

The cluster architecture allowed for little strategic cohesion on land issues. For affected people, the search for shelter was both a temporary and a longer-term struggle (and was not separate from the struggle to find a livelihood). The cluster system fragmented this, so that people's needs in camps fell under one cluster (camp coordination and management (CCCM)), the provision of temporary shelter (particularly T-shelters) to help them leave camps came under another (shelter), the development of shelter generally in neighbourhoods came under a third (the *logement quartier* working group under the early recovery cluster) and policy and strategy discussions around land came under a fourth (the housing, land and property (HLP) working group).[20] Even if the members of the clusters and their coordinating agencies often overlapped, this system was clearly not conducive to a coordinated response. Reflecting the solution-focused priorities of the international system as a whole, the clusters were organised around specific *solutions* (camps, shelter provision), not around problems or sectors. Strategic approaches to the response, such as neighbourhood return, were relegated to the status of working groups under the clusters.

Leadership and direction-setting in the clusters and working groups was partly technical and strategic, and partly a reflection of the interests of the various organisations whose influence and

16 The humanitarian response to the Haiti earthquake has been evaluated many times. The ALNAP website alone has 81 evaluations on its Haiti earthquake 2010 portal (see http://www.alnap.org/current/haitiportalresources.aspx). As such, the partial sketch of the response given here is solely for the purposes of putting the land difficulties in context.
17 OCHA Financial Tracking Service, information as of March 2011.
18 Agriculture; Camp Coordination and Camp Management (CCCM); Early Recovery; Shelter and NFI; Emergency Telecommunications; Food; Health; Information Management; Logistics; Protection; Nutrition; Water Sanitation and Hygiene (WASH).
19 The researchers attended several cluster or working group meetings held in English in February 2011.
20 Initially, the Housing, Land and Property group was established by CARE as an informal working group, not specifically tied to any particular cluster. It enjoyed technical legal support from UN-HABITAT.

resources would be affected by the choice of solution. Similarly, coordination between the humanitarian and reconstruction sectors was largely absent. From November 2010, the shelter cluster was led by UN-HABITAT, a non-emergency agency with 'development' links with the government. This did little to break through the divide between emergency and reconstruction, as each had already developed their own activities and strategies without any overall framework to guide them. The fact that many of the other cluster members were emergency implementing agencies made it harder for UN-HABITAT to provide a lead, or to persuade emergency partners to take a less 'emergency' perspective. Indeed, other agencies were critical of the idea that a cluster lead should provide strategic leadership, and insisted that they maintain a distinction between their own programming philosophy and their coordination role as head of the cluster.

Tensions and institutional rivalries were made more serious by the Haitian government's failure to give an institutional lead on emergency relief or reconstruction or on issues related to land. This was partly because of historically weak government capacity, weakened further by the earthquake; in all, the government lost one-third of its people in the disaster, decimating a cadre already undermined by years of emigration of civil servants to the United States. Government and political institutions were also in a state of flux. In May 2010 the mandates of one-third of senators and all of Haiti's 99 parliamentary deputies expired. This left rule only by presidential decree, but the president's final term was also coming to an end, creating a vacuum in governance and policy-making. New elections were delayed until November 2010, but no new president was sworn in until May 2011, after a second round of voting.

Agency staff reported difficulties in understanding the mandates and authorities of the president, government ministers and the standing commissions and ad hoc commissions created by the president. Issues such as neighbourhood return cut across several government ministries, and inter-ministerial collaboration ('joined-up government') is never easy, even in the best of circumstances. An Inter-Ministerial Housing Commission was established at the end of 2010, comprising five ministries: the Ministry of Social Affairs and Labour, the Ministry of Interior and Local Government, the MTPTC, the Ministry of Planning and External Cooperation (MPEC) and the Ministry of Economy and Finance. Another Inter-Ministerial Commission, the Commission Inter-Ministériel pour l'Aménagement du Territoire (CIAT) under the prime minister, had responsibility for land use planning. Each commission brought its own identity and perspectives, creating a need for yet more coordination, both between the two commissions and between them and the component ministries. Many international organisations did not understand this institutional architecture (just as the government and state institutions did not understand the architecture of the international system) and little guidance was available on the roles and responsibilities of the various levels of government and the different ministries involved,

let alone any analysis of their agendas, power bases and interests. Meanwhile, delays in setting up the Interim Haiti Recovery Commission (CIRH/IHRC) meant that international support for reconstruction was slow to get going. By the time the CIRH was operational and fully functioning, humanitarian agencies had already filled much of the vacuum related to reconstruction, and it was much harder to establish coherence at that point.

Aside from a rapid assessment of damaged houses as to their suitability for continued use,[21] the most visible 'humanitarian' response by the government was the compulsory acquisition of 18,000 acres of land north of Port au Prince at Corail-Cesselesse. Contrary to common belief, this compulsory acquisition was not primarily for resettling the homeless, but rather took advantage of the situation to acquire land for town planning and development.[22] A small part of the land has been used to create a settlement for 2,000 IDP families, established in April 2010 by the US military with UN support. The result has been deeply problematic. Corail is essentially a *bidonville*, built without basic services, community infrastructure or immediate economic opportunities in mind. The camp subsequently attracted more than 60,000 people, who spread

Box 3: Camp Corail

The Corail-Cesselesse land does not legally pass into state ownership until compensation is paid, which has not yet happened. There is thus an ownership void, which the squatters have exploited. If the squatters are able to stay on the land, the government could simply decline to proceed with compensation and hand the land back to its original owners. Part of the land at least is owned by Nabatec, an investment company owned by the richest and most powerful Haitians, coincidentally including the head of the ad hoc Presidential Task Force charged with finding land for resettlement, which, reportedly, proposed that the land be paid for by international donors. A recent study (IFC, 2011) identified Corail-Cesselesse as being the most suitable site for the creation of an 'Integrated Economic Zone' (IEZ), earmarked for the establishment of Korean-owned textile assembly factories. (This is supported by the United States, as providing 'good jobs',[23] despite the fact that the wages paid in garment assembly plants are substantially below the minimum wage of US$5 a day.) The IFC study argues that the project may 'include a public–private partnership between NABATEC and government, which can leverage donor financing' to develop infrastructure. The IEZ would only occupy 1,000 hectares, a small part of the land expropriated.

21 The assessment, conducted by the MTPTC, designated damaged houses as 'red' (condemned), 'yellow' (repairable) or 'green' (safe for habitation).
22 See Arrêté déclarant d'Utilité Publique 22 March 2010 (appearing in Journal Officiel de la République de Haïti, 15 April 2010: 'The land acquired under this Declaration of Public Interest will be used for revising the urban planning of the metropolitan region of Port au Prince and, *in part*, for resettling victims of the earthquake) (authors' translation).
23 Quoted in US Department of State, 2011.

onto surrounding land. They have given names to these new settlements, such as 'Canaan' and 'Jerusalem', suggesting that they see these neighbourhoods as permanent fixtures. Many squatters claim that the government gave them the land, and self-appointed 'committees' are reportedly dividing up the land and selling plots to incoming squatters for hundreds of dollars each. Although few of these squatters are believed to be genuinely homeless from the earthquake, some NGOs have treated these people as 'IDPs' and have given them semi-permanent shelters and other assistance. Most humanitarian and development agencies, however, regard the whole Corail-Cesselesse operation as the creation of an unviable slum, and maintain the maximum distance possible.

The earthquake generated ten million cubic meters of rubble. Moving it has been a slow process; only two million cubic tons had been cleared one year on from the earthquake. Aid agencies had initially turned to cash for work as a primary means to deal with rubble removal – a supposed 'win/win' situation, whereby Haitians earned money and rubble got cleared. However, there were many difficulties in working out the best way to transport so much material, and deciding where rubble could be put (or whether it should remain *in situ* to be transformed into building materials for reconstruction). The oft-repeated criticism of the 'slow' pace of rubble removal in Haiti needs putting in context. Although it took several months to make real progress in the actual removal of rubble, Haiti is on track to clear most of it in about three years. By comparison, the earthquake and tsunami in Japan in 2011 produced around 20m^3 of rubble, which will take around 18 months to clear – somewhat faster, but in a country where the government was able to make available for rubble clearance in the first financial year alone a supplementary budget of US$5bn, about twice the total aid received in Haiti through the 12 humanitarian clusters in the two years since the earthquake (source: FTS, UNOCHA). Cash for work projects were administratively burdensome and it is hard to discern any livelihood support strategy behind programming. The money people earned was insignificant compared to their needs, and much less than was needed to help people find accommodation outside camps. Projects typically paid the minimum wage in Haiti (US$5/day) and provided a maximum of 25 days of employment for any one person.

Box 4: Committees

Committees are everywhere in Port au Prince. Camps had committees, and though humanitarian agencies initiated more formal processes of 'election' for these committees, this did not always mean that people got the leadership they wanted or trusted. In some camps the researchers visited, a committee had set itself up within the very first days of the earthquake, and its status was perhaps 'legitimised' by a process of confirmation (voting).

The fact that committees were self-selecting, composed largely of what might be called local 'small-time elites' with little formal accountability, may seem problematic, but this would be to misunderstand the local context. The institution of 'the local committee' is very strong in Port au Prince, and very locally rooted. All neighbourhoods have 'a committee', set up by people who take a specific initiative for their quartier. A group meets to discuss their idea (e.g. to construct some steps on a footpath down a steep slope, to build a small footbridge over a gully and even to establish a piped water scheme into the neighbourhood from local springs) and to make a plan. When their plan looks realistic, they go round collecting support and contributions as necessary. Typically, contributions would be a few US dollars, but committees have no power to force anyone to contribute, and since most plans are for public goods they have no way to prevent free-riders – except for the respect that they and their plan can command. Committees can thus only comprise people of a certain standing in the community. Committees can be one-off, single-issue institutions, but if successful people use them to advance other plans. As one man said, 'if someone else has another good idea, they can go to the committee, share the idea and get them to discuss it'.

The status, function and functioning of an indigenous 'committee' is different from a 'camp committee' as perceived by most agencies. Agencies gave 'their' committees powers of controlling resources, determining the public interest and acting as gatekeepers to 'beneficiaries'. In return for these new and foreign powers, committees had to undergo a foreign practice, submitting themselves to legitimacy through election. Local committees were not entirely male-dominated. All the informants from different neighbourhoods assured us that 'there are always one or two women on the committee. To cook the food when people are working'.

Chapter 4
Camps, evictions and return to the *quartiers*

The camps that sprang up in Port au Prince in the aftermath of the earthquake were a creation of both acute and chronic need. In addition to people whose homes had been damaged or destroyed, camps attracted people whose living conditions had been scarcely better before the earthquake; even if grossly inadequate, camps offered the prospect of rent-free accommodation and the possibility of assistance. Many observers believed that the occupants hoped that the camps would become permanent, and that they would acquire de facto ownership of a small plot. This possibility has not been lost on landowners (or at least those claiming to be landowners), and some moved to prevent this by dismantling camps and evicting their residents.

4.1 Evictions

Initially, around half the camp population was on state land, and half on private land (though almost three-quarters of camps remaining in July 2011 were on state land).[24] There have been efforts to reclaim land by evicting camp occupants, both by the state authorities (including local councils, the *Mairies*) and private landowners. International agencies have expressed fears that private evictions may be attempts to take over land by people without proper legal ownership, though this study found no one who knew of a specific case of deliberate land-grabbing by eviction (most 'legitimate' landowners in Haiti do not have full legal proof of ownership: see Chapter 2). In the first six months after the earthquake, 87 out of over 1,500 camps were threatened with eviction.[25] By July 2011, over 67,000 people had been affected by eviction, with 348 camps under threat of eviction (UN-OCHA, 2011). Evictions took place in different ways, including negotiation, quasi-legal processes and intimidation.

There was, and remains, difficulty in reconciling the different standards and principles by which eviction is judged to be legitimate, and it was hard for the international community to decide on their own stance regarding the rights of landowners over their land against the rights of camp occupants not to be evicted.[26] Four different sets of institutions were used to judge rights, one by landowners and three by the international humanitarian community.

Landowners would use national land law, which in principle is supported by international law and conventions on the right

to property. The law stipulates the conditions and processes for legal eviction, but in practice these were not clear, either to the landowners or to the international actors defending people against evictions, especially where legal landowners did not have full proof of ownership. The difficulties involved in proving legal ownership were a problem both for the landowner and for the occupants (or, more realistically, the agencies working to prevent their eviction), who did not know how to be sure if they were dealing with the real owner. Landowners were also faced with the weakness of the institutional framework protecting property rights (i.e. the justice system). In the absence of effective legal institutions, the only meaningful institutional avenue for defending land rights was a display of some other form of power, including force. Landowners at times exploited the lack of clarity around land ownership by using the forms of judicial process to confuse and intimidate camp occupants and international actors, for instance using the police or magistrates acting as individuals, outside of the correct legal procedures. Ambiguities could also be exploited by agencies defending people against eviction, who knew that even legitimate landowners could not successfully uphold their rights through the full legal process.

Camp occupants were almost always considered as IDPs by the international humanitarian community, which saw their rights by reference to two different codes (though often without distinguishing between them): human rights law (e.g. OHCHR, 1997, emanating from the International Covenant on Economic, Social and Cultural Rights (ICESCR) (UN, 1966)) and international principles on internal displacement (e.g. IASC, 2010a). (A third code, the Sphere standards, complicated the picture still further.)

Human rights law focuses on the *process* of an eviction, and looks to the state's responsibility to provide adequate housing for its citizens:

> The term 'forced evictions' is used throughout this general comment is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights* (OHCHR, 1997).

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24 IOM Displacement Tracking matrix, July 2011. IOM presents the data as 'public' vs. 'private' land. 'Public' land probably includes state private land.
25 UN Press Release, 5 September 2011.
26 Although the legal system and not the international community should adjudicate between these two sets of rights, agencies had to base their response and any strategy on their own judgement.

The General Comment is designed to set in place a code for the eviction of people from their own property, not from their temporary occupancy of other people's property. It was not intended to lay down guidelines specifically for displaced people or for humanitarian crises. Given the added difficulties of establishing the legality of evictions in Haiti, the concept of 'forced evictions' was not an easy analytical tool for determining how to proceed in the case of landowners wishing to reclaim their land from camp occupants. Its practical usefulness in legal processes is also limited by the fact that Haiti is not a signatory to the ICESCR. (Its usefulness as an advocacy tool for the international community would in any case have been reduced because the most powerful international actor in Haiti, the United States, has not ratified the ICESCR.)

Most agencies dealt with camp occupants by reference to the UN Guiding Principles on Internal Displacement (UN-OCHA, 1998) and the IASC framework on Durable Solutions for IDPs (IASC, 2010a).[27] The Guiding Principles define IDPs as:

> persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

According to the Guiding Principles, camp occupants, as IDPs, have the same legal rights as any other Haitian, but there is little else that is clear on their rights to protection from eviction from camps. The language of the IASC framework was frequently used in humanitarian discourse on evictions, which were deemed to be unacceptable if they took place 'in the absence of a durable solution', which is defined as being achieved 'when internally displaced persons no longer have any *specific* assistance and protection needs that are *linked to their displacement*' (IASC, 2010a: A1, emphasis added). 'IDPs who have achieved a durable solution will enjoy *without discrimination*:

- Long-term safety, security and freedom of movement;
- An adequate standard of living, including at a minimum access to adequate food, water, housing, health care and basic education' (*ibid.*: 4, emphasis added).

The concept of 'an adequate standard of living' was often tied to the Sphere Minimum Standards, which have themselves attained institutional status in humanitarian circles. Using Sphere as the third code of reference for evictions and durable solutions was inherently problematic because much

27 UTPMP (2010) is alone among documents found during the study in using the 'Pinheiro Principles' (UN, 2005) as a frame of reference. These principles were elaborated to deal with forced displacement (people 'who were arbitrarily or unlawfully deprived of their former homes, lands, properties or places of habitual residence').
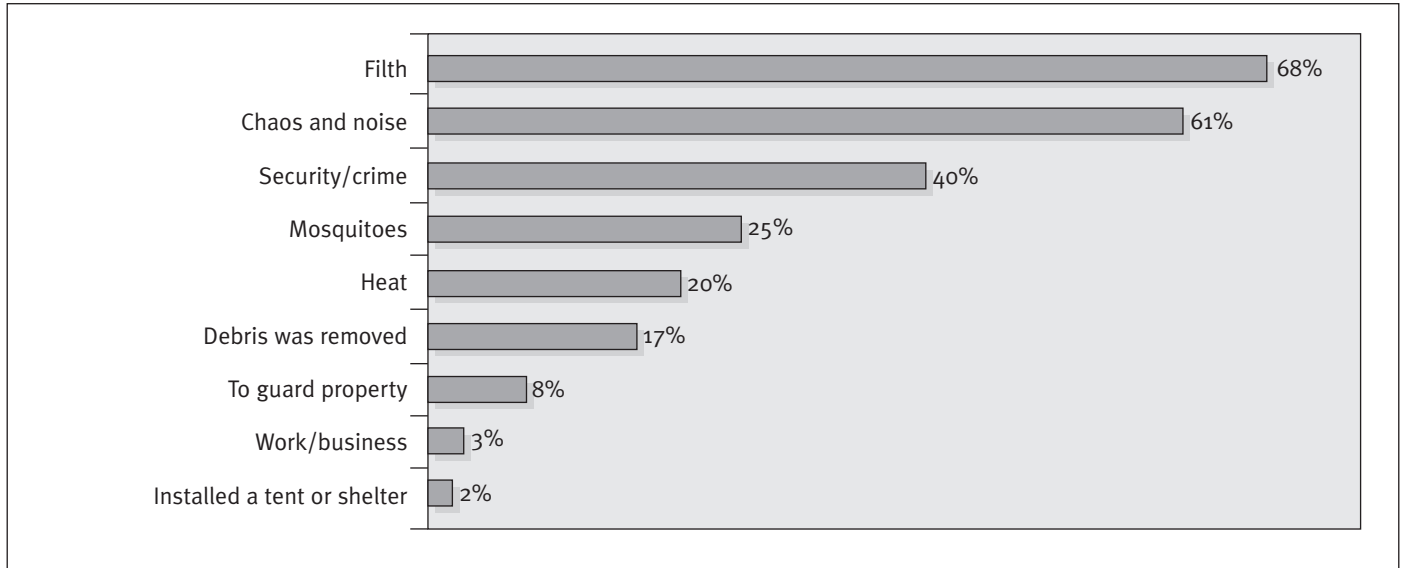
of the population of Port au Prince had lived for years in conditions that would be unacceptable by Sphere standards. Indeed, as we have seen it was widely accepted that many of the inhabitants of the camps fled there precisely to escape impossibly poor living conditions in their 'normal' everyday lives. The definition of 'durable solution' quoted above refers both to an absolute standard (an 'adequate standard of living'), and a relative one (needs compared to the non-displaced), but the lack of explicit recognition of the two different approaches to setting standards means there is no guidance on applying it in a situation such as Port au Prince, where the non-displaced do not enjoy an 'adequate standard of living'. The conflation of principles relating to people's 'humanitarian condition' with legal or rights-based approaches meant that it was taken for granted that all the principles applied to all camp occupants, even though agencies recognised that many were not there for reasons associated with the earthquake (and hence were not 'IDPs' as defined by the Guiding Principles). For the purposes of humanitarian action it was neither possible nor useful to try to establish on a case by case basis why people had come to the camps, though legal and rights-based principles are based on an assessment of just such individual circumstances.

The Humanitarian Country Team return strategy (HCT, 2011) used another principle to determine a 'durable solution', namely the *status quo ante*. This interpretation was used to make any attempt to move people out of camps, or even to encourage ('entice') them out, before reconstruction was completed a violation of the principle of 'no return without a durable solution'. The implication of this would be to accept that humanitarian assistance (whether by humanitarian agencies or the government of Haiti) would have to continue for many years.

Taken together, the various institutions involved in this area – human rights law, the Guiding Principles, minimum standards – did not always provide a strategic direction for humanitarian agencies that was clear, coherent and practical. Many agencies implicitly accepted that camp occupants had no alternative but the camps, and so any evictions would constitute an unacceptable violation of their right to protection. In the absence of any effective legal duty on the part of the state towards the homeless in Haiti, this implicitly made the landowner of their current occupancy the ultimate guarantor of those rights. Haitians, and in particular landowners, did not necessarily view camp occupants as 'IDPs', but rather as people in need of decent housing (for whatever reason), who had moved to the camps, either to meet a short-term need or in search of a longer-term solution.
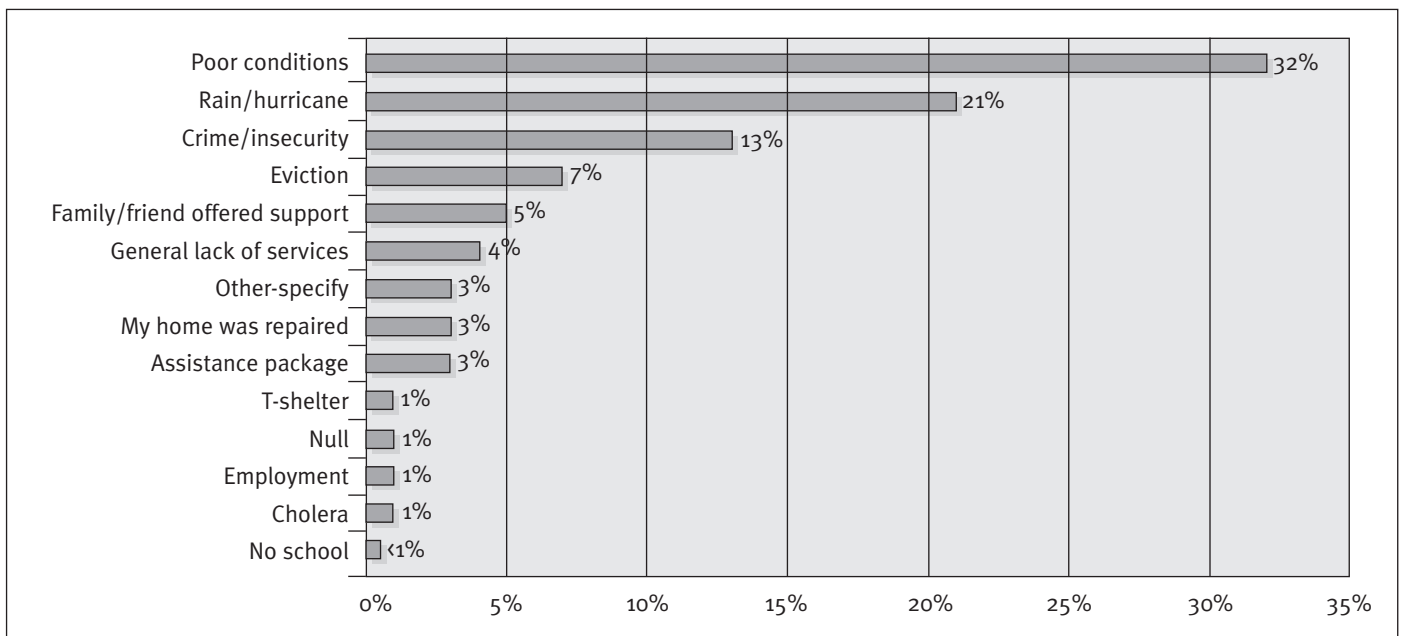
The common assumption that people in camps had no alternatives needs to be questioned. Only 2% of those who had left camps by January 2011 did so because they had received aid (other than debris removal): see Figure 1.

Figure 1: Reasons for people leaving camps

Filth	68%
Chaos and noise	61%
Security/crime	40%
Mosquitoes	25%
Heat	20%
Debris was removed	17%
To guard property	8%
Work/business	3%
Installed a tent or shelter	2%

Source: Schwartz, 2011.

Figure 2: Reasons for leaving IDP sites (percentage)

Poor conditions	32%
Rain/hurricane	21%
Crime/insecurity	13%
Eviction	7%
Family/friend offered support	5%
General lack of services	4%
Other-specify	3%
My home was repaired	3%
Assistance package	3%
T-shelter	1%
Null	1%
Employment	1%
Cholera	1%
No school	<1%

Source: Phelps, 2011, using IOM DTM data

Monitoring in July 2011 showed that this figure had risen (see Figure 2), but remained below 5%.[28] The rest left because they found alternatives through their own efforts. Whatever the standard of these alternatives, these figures suggest that the problems of most camp occupants should be phrased in terms of the quality of the alternatives which they can find for themselves and not whether or not they had any. This makes it more difficult to make judgements on when there were 'durable solutions', or when encouragement to leave a camp could constitute a 'forced eviction'.

An overall institutional framework was lacking that could bring together the rights to protection of camp occupants, the rights

and obligations of landlords and the obligations of the state, both to landowners and to provide housing to vulnerable citizens. Such an institutional framework would have to build a bridge between national law, local practice on land use and administration and international principles of protection and government policy, as well as people's own perspectives.

The tendency of humanitarian agencies to regard IDP rights as based on international principles made them see their responsibility to protect camp occupants as in some ways 'above' state law, superseding local legal claims – and even national land law. Dialogue with the landowners of camps – or those claiming to be landowners – was ad hoc for the first year after the earthquake; many agencies did not engage at all, others did so in an uncoordinated way and without reference to a guiding

28 According to IOM data. Three per cent had received an assistance package, 1% had received a T-shelter. Very few of the 7% whose homes were repaired will have received assistance before July 2011.

strategy. Engagement was more often reactive, and landowners' claims to ownership were often regarded with suspicion. The CCCM cluster as a whole did not establish guidelines on how to verify claims to the land, e.g. the informal techniques used to map land rights in neighbourhoods or some other systematic approach for checking a claimant's credentials, and then proceeding to a dialogue based on acceptance of their land rights. Although the HLP working group (HLP-WG) understood the competing rights of the two sides, it had limited success even in getting the rights of landowners taken seriously in the humanitarian world. The working group was badly overstretched and had too few people at its disposal who combined technical expertise on the issues with experience of humanitarian response and a capacity for institutional and political analysis. International actors did not feel it their responsibility to pay rent to landowners, whereas they did accept that the provision of shelter and basic services was at least partly their responsibility. UN agencies in particular tended to look to the state and the government as their interlocutors, and to give them the responsibility to resolve issues such as landowners' rights. (Many NGOs felt in the dark about negotiations between the UN and the government.) Some individual agencies came to agreements with landlords that essentially involved some form of payment, but this was deliberately not framed in the language of rents or 'compensation'.

In April 2010 the Humanitarian Coordinator, on behalf of and on the advice of the humanitarian community as a whole, asked the government to impose a moratorium on evictions. This was the main focus of advocacy for several months, but was rejected by the government, which argued that the request placed it in an impossible position. In any case, even if the moratorium had been instituted it would have been unenforceable. For several months afterwards, the main policy focus of the few experts on land rights in the humanitarian community in Haiti turned to developing a common approach to evictions. In general, humanitarian agencies tended to oppose all evictions. The basic principle was to fight them, for instance by challenging proof of ownership; if necessary, to delay them as much as possible; and as a last resort ensuring that evictions were 'humane': that people were given enough notice, there was no force or intimidation involved, and evictions did not take place at night.[29] The HLP-WG agreed procedural safeguards that humanitarian agencies should try to ensure were followed in the event of an eviction: affected people should be consulted; reasonable notice should be given; detailed information on the eviction process should be provided within a reasonable time; a government official or their representatives should be present during the eviction; the individuals carrying out the eviction should be identified; no evictions should take place

at night or during bad weather; legal remedies should be provided; and where possible people should be given legal aid to seek redress from the courts.

Much attention was also given to an overall policy of return, including defining what constituted a 'durable solution'. There was no unanimity among humanitarian actors around the question of a 'pay-off', 'compensation' or 'resettlement grant' in exchange for people leaving camps. At the time of the field work for this study (14 months after the earthquake), discussions were ongoing within the lead agency in the CCCM cluster about whether to pay camp occupants to leave certain camps. Although this could be seen as helping people to find their own solutions (and was essentially what some agencies were offering, for instance the International Federation of the Red Cross (IFRC), which helped people with their rental payments), others argued that any attempt to 'entice' people to leave the camps in the absence of a durable solution was a breach of the Guiding Principles or international law. Staff from international agencies interviewed by the study were more likely to interpret such an offer of money as an inducement to acquiesce in eviction if it was made by landowners (including the *Mairies*), compared to payments offered by other humanitarian agencies.

Some land experts involved in the response believe that many evictions could have been prevented had the international community entered into a coordinated dialogue much earlier with camp landowners, both at an individual level and through high-level advocacy to create an agreed strategy on evictions with the government. An adversarial position was established with landowners, who felt that humanitarian actors constituted a threat to their rights. Had a dialogue been established based on a recognition of the rights and (reasonable) fears of landowners, the experts believed that it could have been possible to reach agreement with many landlords around the temporary use of their land.

Relations between international agencies and the government were complicated because the government (or the state) was both a landowner of some camps, wanting to evict 'squatters', and, as the duty-bearer for the housing needs of its citizens, a potential partner in a settlement between occupants and private landowners. Relations were complicated further because the state has many institutions, which do not speak with one voice. For example, one local authority paid for people to leave land outside the municipal hall. This raised expectations among occupants of other camps, though the authority's action was not, and did not become, official policy.

The issue of evictions took up most of the attention of the few land experts available in Haiti for months. Meanwhile, insufficient attention was given to other land issues, such as support for tenants and the development of a return strategy. The issue of evictions also took up much time and energy

29 Some organisations (e.g. the Institute for Justice and Democracy in Haiti (IJDH)), gave legal representation to fight evictions, and believed that evictions from camps could not take place legally, given the legal complexity of land issues in Haiti. The most comprehensive documentation of analysis and advocacy on evictions can be found at http://ijdh.org/projects/housing.

in the CCCM cluster. The urgent need international agencies felt to get people out of camps was tempered by the high standards set for alternatives, and an acceptance that the humanitarian intervention had to deal with the effects of chronic poverty and homelessness. However, these problems and challenges for humanitarian action remain unaddressed, because their impact will never be assessed or adequately recognised, and because accountability in humanitarian response is not extended to accountability for inaction. To the extent that the pace at which people exited the camps was slowed down, many may have been exposed to cholera and other hazards for longer than was necessary. Meanwhile, it is possible that some landowners will lose their rights over land on which camps have been created. This outcome would tend to be missed by assessments of humanitarian impact, because landlords are not classed as 'vulnerable' and are not therefore the subject of humanitarian attention.

4.2 Return

Support for return presupposed being able to identify people's rights to land and property, dealing with planning and reconstruction, housing repair and defining a 'durable solution', all of which were extremely difficult. These difficulties appear to have persuaded many agencies that there was nothing obvious that they could do to support return, and may have reinforced a tendency to focus on service delivery and support for camps. President Préval was keen to see assistance given quickly to the symbolic return of camp occupants in Champs de Mars, and an overall return strategy began to be drafted in May 2010. However, agencies gave little priority to return for almost a year, and the return strategy was only agreed in January 2011, after passing through 13 drafts, and was then (quickly) approved by the government. There were no specific reasons for the delay in drafting the strategy, aside from its low priority, the need for consensus among so many diverse agencies unwilling to cede their perspective to that of others, the small number of people with the competence to lead the analysis and the lack of anyone with the authority to push through agreement. (The whole drafting process stopped for weeks because of the absence of one key individual.) A year

after starting the drafting process, there was still no unanimous commitment to prioritising neighbourhood return.

Return posed a problem for agencies with a tendency to see problems as technical, from which a need for technical solutions is derived. Shelter solutions could be designed by engineers to meet technical standards. Support for return to neighbourhoods entails working with a great many challenges, sectors (social, legal, economic, etc.) and actors. Agencies felt more comfortable establishing standards for controllable situations, rather than dealing with the realities of people's lives, which demands compromise and where solutions cannot be achieved through the application of simple quantifiable thresholds such as Sphere. Because the standards are presented as universal, independent of culture, context or politics, they gave a reassurance of certainty that is psychologically helpful when working in a world of complexity and compromise. However, they also channelled attention towards technical solutions and away from a strategy for supporting people's own diverse and imperfect attempts to deal with the difficulties that life in Haiti posed.

The institutional difficulties (internal and external) agencies faced in supporting return had the effect of reducing its priority within the aid response. (By late 2011, some agencies were also beginning to argue that a commitment to maintaining short-term solutions in the face of medium- and long-term needs actually undermined some of the urgency to finding return solutions.) Most return has been without agency help, and it would be wrong to exaggerate the role that international assistance can play, even in ideal conditions. However, return would probably have been quicker without these difficulties, and a virtuous circle seems likely, with smaller camp populations taking up less attention and giving international agencies greater capacity to support return. The focus on projects rather than the institutional challenges around return also meant that interventions, both in the camps and for return, were weakly associated with a guiding exit strategy. As a result, humanitarian agencies find themselves dealing with a protracted response long after the earthquake, using short-term tools to treat chronic problems.

Chapter 5
Tenure security, land rights and shelter support

5.1 Tenure security and land rights

It is increasingly recognised that humanitarian assistance can be a cause of land rights losses, and Haiti was no exception, particularly because establishing occupation of land has been a normal way of establishing (de facto) possession, which over time becomes accepted as ownership. Potential dangers existed if rubble was cleared from a private plot without the owner's knowledge, allowing squatters to establish occupation; support for house repair being provided to people with contested claims to a house which then reinforced their claims; or T-shelters being erected on land whose owners were unknown. Some agencies saw insecure land rights as an underlying problem of vulnerability, and tried to address this through neighbourhood projects to give residents greater security of tenure. Support for titling was not feasible on many grounds, but residents were supported with processes that were designed to give them some degree of documentation short of title, using community-based enumeration of rights. In some of these initiatives, this was linked to the provision of T-shelters (see below). Most of the discourse around 'improving security of tenure' was general, and did not identify specific causes of insecurity. It is thus not clear what threats these initiatives were intended to protect people against, or how effective they would be. For example, documentation short of title would probably not be helpful against anyone bringing action in a court of law, but may help in resolving purely local disputes between neighbours, especially where they were in good faith and where there are effective local institutions (e.g. family, neighbourhood committees) that can provide an effective deterrent against violations of rights. This study was not able to assess how common such disputes were (respondents almost always talked of being able 'to reach an agreement'), nor could we find any other study identifying actual threats to tenure security or their prevalence. Specialist guidance for agencies on how to address tenure insecurity was needed, starting with an identification and analysis of threats to tenure security.

In one innovative programme, an international NGO (Architectes d'Urgence) helped residents to obtain a physical number plate for their houses in an unofficial neighbourhood. The residents felt that a proper address would bring many advantages, particularly in their relations with local authorities, since their neighbourhood had no official existence. Projects such as this were discussed at neighbourhood coordination meetings involving all international and local actors working in the area. These meetings were small and focused enough to combine information-sharing, problem analysis and discussions on local policy and strategy. This kind of discussion was much more difficult in the larger cluster meetings.

Overall, it is hard to gauge the impact of work to improve security of tenure, particularly because so little reference was made to the actual threats faced by the people interventions were intended to help. Such interventions are likely to be hit-or-miss. Interventions on a humanitarian timescale are unlikely to achieve structural change in the area of land rights, and probably only serve to take up time and resources that might be more productively deployed elsewhere.

5.2 Resettlement

The earthquake destroyed 97,294 houses and damaged a further 188,383 in a city where hundreds of thousands of people already lacked housing. Since tent accommodation in camps was inadequate beyond the short term, an additional tens of thousands of habitable housing units were needed rapidly, whether temporary accommodation pending proper rebuilding or permanent constructions. Constructing new housing on this scale would necessitate either significantly increasing the density of housing (multi-storey buildings replacing previous family homes) or expanding into new areas. This land was not made available, making it impossible to construct either temporary settlements or permanent new suburbs.

Constitutional law in Haiti guarantees private property rights, and expropriation by the state is only legally possible under a Declaration of Public Interest[30] or 'Public Utility' ('utilité publique'). Compensation must be paid, which requires that the ownership of the land must be known, and that the state has the wherewithal to pay. Both conditions can be problematic. The state was not able to make land available, either because it does not own significant areas of land around Port au Prince or because it is not sure what it owns. As discussed above, the absence of a land registry and the ad hoc way in which the government has acquired and distributed land over the years with a deliberate disregard for orderly administration, has created great uncertainty. It is also debatable whether the construction of housing for individual households can be classified as a *public* interest. One expert studying this question in Gonaives for the government gave a clear view that it was not a legal option. Even if it were, lengthy legal processes would be involved. As for the question of compensation, the state's ability to pay was limited, and in any case the government was barely functioning at the time

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30 Either in an emergency or e.g. for building schools, urban planning or upgrading slums.

of the earthquake, parliament's term had expired and there was no housing policy to guide a strategy. Although one area of land was made available for purchase by donors by an ad hoc presidential commission (appointed without reference to constitutional, legal or procedural practice), the personal interest of one of the commission's members in the land discouraged donor support.

Even if land had been available, the conditions for rapid, large-scale construction of housing through a centralised process did not exist. The case of Corail, the compulsory acquisition discussed in Chapter 3, highlights the extent to which the acquisition of land is only part of the story. Decisions about any resettlement would include not only targeting and the location of resettlement, but also the terms – would freehold ownership be given (which would inevitably create a stampede of 'applicants') and if not, where would ownership lie? Neither the state nor the international humanitarian community knew who should or should not get housing assistance. (International agencies had only registered camp occupants, not the earthquake-affected.) How could any land planned for reconstruction be protected from a mass illegal settlement, as happened in Corail? Haiti lacked the institutional framework to manage the land it acquired: to make a plan, to acquire the land necessary for the plan, to implement the plan and to enforce the law so that the plan could not be subverted. This was not a new discovery: much of the housing in Port au Prince – including in some wealthy suburbs[31] – has been created in contradiction of state plans.

Although land and land tenure were sometimes portrayed as the main obstacle to the creation of housing schemes ('the chief obstacle preventing more homes being built is the immense difficulty in proving land ownership'[32]), land institutions were in fact only a small part of the story. Construction needs capital (banks, mortgages) and investors capable of taking on sizeable ventures. As the existing housing situation of Port au Prince proved, the mechanisms to produce new housing were lacking even before the earthquake, and nothing has been done after it to fix the problem. For their part, some humanitarian agencies did not support the creation of new settlements for fear that they would be built without regard to their residents' livelihoods, and in any case mass resettlement was not regarded as a priority emergency response.[33] There was no sustained engagement with the government on this issue, and insufficient constructive debate. The main settlement initiative, at Corail, was not driven by humanitarian actors, but by the US military and high-profile celebrities. The major impact of the institutional difficulties around resettlement

has been that major resettlement has still not taken place, nor has any been planned. In the eyes of some this is fortunate in the light of the Corail experience, which shows the dangers of settlement creation in the absence of a coherent framework for addressing issues such as rights, livelihoods and infrastructure. However, if a lack of rapid progress on large-scale resettlement is to be welcomed, resettlement should not have been rejected because it was too complex, but because it was not the appropriate solution.

5.3 Shelter support

Given that the timeframe for reconstruction was measured in years rather than weeks, and that tent accommodation was suitable only for a few months, a transitional approach to meeting shelter needs was called for. 'Transitional shelter' is meant to be as flexible as possible, using simple structures that can be moved, upgraded, reused, sold or recycled (Collins et al., 2010). It should be a flexible process, and should give flexible support. In Haiti, almost the sole application of 'transitional shelter' was the provision of a prefabricated structure known as a T-shelter. Designed to meet Sphere standards, it was intended that these structures should last for more than three years, though it was believed that, with good care, most would remain habitable for at least 5–10 years. Haiti is hurricane-affected, and although Port au Prince is rarely hit badly by hurricanes, hurricane proofing involved setting the structure in the ground in concrete, ether permanently or mounted on anchors that could be detached from the concrete base. This caused them to become more solid – and as a result much less transitional – than usual. They were also extremely expensive – typically costing US$3,000–US$5,000. By comparison, interviews with urban migrants found that they typically set up an initial temporary shelter on a new plot for around US$250, and then established a home which they regarded as adequate for a few years for under US$1,000. People who lost their homes in the earthquake and who had constructed a new shelter by 2011 spent on average just US$500 on their transitional shelter needs (Schwartz, 2010). Spending patterns thus indicate that Haitians themselves would not have prioritised such expensive shelter.

Agencies were unable to import or distribute shelters in the planned numbers to schedule. Only 19,000 T shelters were erected by November 2010, and even by the end of October 2011 fewer than 100,000 had been erected.[34] This meant that, after almost two years, the main solution for replacing tents, which were only supposed to last for a few months, had helped rehouse less than a third of the original camp population. There were no institutional arrangements for incorporating these predictable delays into strategy-making, and there was no deadline by which alternative shelter to camps would have to be in place. Assumptions about delivery

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31 The case of illegal construction on Morne l'Hôpital was described in Chapter 3. Much is made of the illegal slums on the lower slopes. Less is said of the opulent mansions built on the upper slopes, with equal illegality.

32 Press release, christianaid.org.uk, 10 January 2011.

33 A contrasting example can be seen from just ten years ago, when few agencies challenged a plan to rehouse victims of the volcanic eruption in the Congolese city of Goma in new neighbourhoods on the southern edge of the city – far from their jobs in the town centre, where they had previously lived.

34 IASC Haiti E-Shelter and CCM Cluster minutes, 28 November 2011, http://www.eshelter-cccmhaiti.info/pdf/ShelterCCCM_Cluster_Minutes_281010_english.pdf.

dates were not made explicit and then monitored, and funding proposals for T-shelters did not detail time assumptions, give donors any guarantees on delivery dates or detail what steps had been taken to ensure that projects would be completed on time. ('On time' had not, in fact, been defined.) Funding nevertheless continued to be granted.

Haiti's difficult land administration system did not pose problems in the distribution of tents because of their impermanence and transportability, and Haitians were given the responsibility of choosing where to erect them and for resolving any land-rights issues. In the case of the more solid T-shelters, however, agencies took on this responsibility, and required proof that the people receiving them had the right to build on a particular plot of land. A few agencies tackled this problem using innovative participatory techniques ('community enumeration') for community validation of land claims. The International Organisation for Migration (IOM), for instance, brought in a land expert with experience of these techniques from East Timor to head its T-shelter distribution programme. There was good coordination and lesson learning, at least among those agencies committed to these approaches, including both international agencies and the Haitian civil service. The approach worked well, but was very time-consuming: it took over a month to map the land rights on a single hill (Morne Lazar) with just 26 landowning families. Considering the intricate nature of the work involved this was a laudable achievement, but where the number of people to be housed reaches into the hundreds of thousands the time involved means that this approach cannot offer a strategic solution to the immediate problem.

Aid agencies looked to T-shelters as a way to assist the (estimated) 60% of people in camps who had rented land and/or houses prior to the earthquake, but they found that Haitians who did not own land 'had nowhere to set them up' (OCHA, 2010). Agencies gave less attention to alternative solutions, such as providing people with cash to pay rent, providing T-shelter recipients with cash to pay rent for the land (*affermage*), providing support for people who had left Port au Prince, providing support for host families or helping people repair their own homes. As a result, an apparent lack of available land on which to erect a T-shelter became a major perceived obstacle to improving shelter.

The cost and semi-permanent nature of the T-shelters also presented agencies with a targeting problem: shelters were fixed and therefore tied to the landowner, and yet it was not felt right to provide such high-value assistance only to people who owned houses and land, when tenants were believed to be more 'vulnerable'. Agencies feared that unequal power relations amongst Haitians meant that allowing the open market or individual arrangements to provide solutions would not lead to 'fair' outcomes. To protect the vulnerable, agencies created new types of rental arrangements, such as making the landowner the owner of the T-shelter, but requiring them to allow previous tenants to live in the shelter for free for up to three years. New institutional arrangements were used to give these agreements greater force, for instance making tripartite agreements between the landlord, the tenant and the local authorities. However, the local authorities had never been involved in such arrangements before, either formally or informally, and they had no legal status in this area. Many of these agreements quickly dissolved: staff of international agencies working in the sector estimated that, within a few months of T-shelters being installed, around a third were not being occupied by the people who were supposed to be housed in them. Much less hard to measure is the impact in cases where these agreements were respected. Many landowners had previously lived off rental income, which they were now required to forego. While intended to ensure security of tenure for tenants, these agreements probably had the opposite effect, as property-owners needed on-going income to live and rebuild, not just a future asset. Supporting *affermage* arrangements might have resolved this problem.

Chapter 6
Housing repair and town planning

According to the Sphere guidelines, 'Affected populations should be supported where possible to repair or adapt existing dwellings or build new structures. Assistance can include the provision of appropriate construction materials, tools and fixings, cash or vouchers, technical guidance and training or a combination of these. Support or technical assistance should be provided to affected populations who do not have the capacity or expertise to undertake construction activities' (Sphere, 2011: 246). Fifteen months after the earthquake, however, there had been almost no support from assistance agencies for house repair or reconstruction. Significant progress had been made, but this was almost entirely down to the efforts of homeowners themselves, working with whatever small savings they could scratch together. One study (Schwartz et al., 2011) found that, a year after the earthquake, 86% of 'yellow' (i.e. repairable) houses had been reoccupied (as had over 60% of 'red' (i.e. condemned) houses). Of the study sample 17% of people had already repaired their own homes, translating into over 16,000 homes repaired if the sample was representative, at an average cost of just over US$2,000. (Unsurprisingly, 86% said that the main constraint to repair and rebuilding was cash, not land rights or state regulations.) By comparison, the total number of houses repaired by international agencies was in the hundreds.

This ought to be surprising. Although the costs involved in repairing damaged houses vary, agencies supporting repair work put the average cost at around US$1,500. This compares favourably with the cost of providing T-shelters (typically over US$4,000). House repair has many other potential advantages. It does not require new sources of land; it can be undertaken quickly (at least for preliminary repairs); because it is done by local people, it constitutes an injection of funds into the local economy and job creation; and it allows people to make their own choices regarding their housing. It is also flexible, and allows people to rebuild gradually by integrating shelter strategies into wider livelihood strategies. In other words, it is a solution based on supporting local agency. Since the feasibility of repair was proved by the pace at which people were able to do it themselves, the 'technical' reasons for its low priority within humanitarian and reconstruction efforts must be examined with an institutional lens.[35]

To an engineer, 'repair' means restoring a house to its previous condition; to a homeowner, it means restoring it to its original function. This could be well short of its original condition, or it could involve trying to strengthen the home to make it more resistant to earthquakes. Ensuring that a repaired house met the correct standards for earthquake zones presented at least three sets of problems in Haiti. First, since most damaged

housing had never complied with any code, it would usually not be possible to repair them such that they became compliant. A complete retro-fit would be necessary, or the houses would remain a risk – considered a liability to the agencies involved and a lost opportunity for disaster risk reduction (DRR) and to 'build back better', using the disaster as an opportunity to ensure that such crises were not repeated.

The second problem concerned the code itself. Three different international standards were in competition: American standards, French norms and Canadian norms. The codes were based on different principles – whether to make *buildings* safe in earthquakes, or to make people safe in earthquakes, even if buildings fall down. The government had to decide on the standards for Haiti before repair could take place. (The lack of a code did not, of course, stop people repairing their own houses, just as it had never prevented the construction of Port au Prince in the first place.) These standards did not appear until November 2010, after which some limited attention began to be given to repair. Staff from various agencies told the research team that compliance with a code would relieve them of liability in the case of any future earthquake. (Agency staff expressed fear of three distinct kinds of liability: legal, moral and reputational.) The inability to ensure compliance with standards was the most commonly raised objection to using cash grants to support repair. Several interviewees described how they were repairing their houses and making them stronger than before, with more and stronger iron bars in the concrete. Professional engineers considered their efforts worthwhile, but still some way short of the required standard.

The third difficulty with standards is that they are concerned with only one risk (a future earthquake). Disaster risk cannot be reduced simply by addressing one threat in isolation, as if overall resilience were the simple sum of the degree of resilience to each possible threat. Increased investment in housing would mean less investment in the education of children or in nutritious food for infants, health care for the elderly or investment for a livelihood, each of which could have a far greater impact on the household's exposure to risk. Delaying repair and exit from camps also posed a threat to people's safety. International agencies did not have the tools to analyse this complex interaction between risks, but neither did they trust the Haitian people to analyse and minimise the overall risk set for themselves. Giving the task to the government (which also would not be able to assess complex risk sets) by asking it to set a code that everyone would follow was a simple way out of the difficulty.

By early 2011, some agencies were talking about the need to train builders in improved building techniques, yet the

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35 And possibly a psychological lens, as the previous discussion on the need for standards that provide certainty argued.

main obstacle was not a lack of skills but a lack of resources. Agencies were generally not very good at finding out what affected people were trying to do for themselves and what their own priorities were. This is admittedly a difficult task, and a higher degree of sophistication was needed than was possible. Even so, international agencies might have considered devoting resources to this kind of analysis. Greater attention to housing repair may well have had an impact on employment generation, and the increased supply of housing might have reduced rent inflation, though as far as this research is aware these questions have not been studied.[36] Although CIRH proposed a series of policy studies, including on renters and repairs, it could not secure funding. What does seem clear is that home repair would have been much cheaper in many cases than providing a temporary shelter. Given the difficulties involved in rolling out T-shelter programmes quickly, it could also have been quicker, and would not have competed for skills or import capacity. Much more shelter could have been provided within the same timeframe for the same budget, and may also have created a use for rubble, reducing the costs of rubble clearance and disposal.

6.1 Town planning

Much of the affected areas of Port au Prince had been built without any regard for town planning, including zoning of areas that were not safe for construction. There was a desire among some to avoid re-establishing unplanned slums, ensuring that repair and rebuilding took place within the framework of a town plan or at least a neighbourhood plan, for instance including spaces for access paths and communal areas. This presented institutional problems, especially where the neighbourhoods in question had originally been built illegally and were therefore not recognised by the local authorities as existing at all. One or two agencies were working directly with the local population to create plans, but the institutional context within which this was set was complicated. Local authorities had few planning powers, and there was no single planning framework at national level. Government capacity at all levels was limited, and the state had very weak capacity to take on the interests of the super-rich (as the example of Morne l'Hôpital illustrated, where only the illegal slums at the bottom of the hill were ever threatened with eviction, not the mansions at the top). Although individuals were often extremely dedicated and competent, their numbers were limited and in any case technical competence is not always linked to the power to implement policy.

Although town planning was in the hands of the state, this did not mean that it was controlled by a single unified body. In fact

town planning was highly fragmented and contested; CIAT, MPEC, MTPTC and the local government (through the *Mairies*) were all advancing their own planning agendas. Twelve master plans for the development of Port au Prince had been drawn up over the previous 30 years with no outcome at all. Some agencies tried to develop contacts with the *Mairies* (and these contacts improved after the decentralisation of some coordination meetings), especially in relation to their own projects, for instance involving the *Mairies* in agreements with T-shelter recipients. Overall, however, there was little clarity on the rules regarding planning permission for such shelters, and whether they should be regarded as so temporary that planning permission for them was not needed. For most agencies, shelter solutions were not seen as needing a town planning framework – they were emergency measures (and so too urgent for planning), and since they were temporary there was no need to refer to planning. Had the government sought to impose planning regulations, it is likely that agencies would have resisted them as far as possible and would have presented the government as an obstacle to humanitarian relief, rather than as setting policy for how relief and reconstruction were carried forward.

There was no institutional connection between town planning and humanitarian action did not link very easily to other planning and reconstruction processes. In fact there was mutual mistrust between the two, exacerbated by the fact that town planning was in the hands of the state while humanitarian action was largely controlled by international agencies. Both sides had unrealistic expectations of themselves and of each other. For example, town planners complained that T-shelters had 'made town planning impossible for the next ten years' because they had been sited without reference to any town plans. In fact this would only be true if the T-shelters actually remained as the agencies had installed them for the next ten years, and if there were any likelihood of town planning actually taking place. In practice, neither side had the ability to control outcomes to the degree they believed: agreements on T-shelters often lasted barely a matter of months, and the state authorities had been trying to implement town plans for Port au Prince for years, with little success.

Engagement on these issues was made more difficult because many of the areas receiving shelter assistance were 'informal' and had no legal recognition. (Damage to housing was concentrated in areas either where the slopes were steep or where the ground was alluvial rather than rock[37] – characteristics associated with newer slums, and likely to be 'informal'.) The state had no way of dealing with neighbourhoods that had been built without legal permission, often with neither any legal claim to the land nor in conformity with planning regulations. International

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36 During the field research for this study, the study team were told by staff involved in the emergency response that rents had tripled and even quadrupled since the earthquake. The team's own research suggested much more modest increases, depending on the relationship between the tenant and their landlord. A good tenant of long standing might not have to pay any increase at all, though if the landlord had had to repair the building, they may try and recoup some of the costs through an increase of around 20%–50%.

37 Analysis undertaken by UNDP's seismic zoning study for disaster risk reduction. See http://www.ht.undp.org/public/domainedetails.php?iddom aine=7&PHPSESSID=2a2d27002ee2eecb7b34a7485c335ad0.

agencies tended to see the residents as vulnerable and as victims, and found it difficult to accept the state's position on their illegality. They also struggled with the question of whether houses that had originally been built illegally could or should be repaired or rebuilt. Since most analysis and planning went on in projects, and since coordination mechanisms in the cluster system were already overloaded, there were no easy tools for agencies (state and international) to discuss, analyse and solve problems at this kind of level. One Ministry official summed up the lack of any connection between the humanitarian and government agendas and processes: 'the main problem is that we work on different time scales'. On the one hand he was completely right. On the other, perhaps the problem was rather that there was no open dialogue between the two about how to resolve the difficulties created by the legitimate need for two different timeframes.

Some agencies did work to fill the planning void, conducting participatory neighbourhood planning and land rights mapping, and a zoning exercise by UNDP in 2011 has sought to analyse areas most at risk from future earthquakes and other hazards, in order to guide where rebuilding should and should not take place. Although there was very good personal cooperation between the agencies piloting these methodologies, including with CIAT, these initiatives were still taking place outside of formal town planning frameworks. Although UN-HABITAT was actively engaged in urban planning before the earthquake, it too struggled to integrate this perspective into humanitarian action.

It will take several years to be able judge the impact of this lack of integration between humanitarian response and town planning. There is the potential for new slum creation, particularly in and around Corail. However, some slum (re-)creation was probably inevitable however well humanitarian agencies and planners worked together given the state's limited ability to impose effective planning. Some positive impacts may come out of informal community planning efforts and the DRR zoning exercise, but this will depend on the capacity of the state to incorporate external initiatives into its own processes and to implement plans. There is little more that humanitarian and reconstruction agencies can do in this regard.

Chapter 7
Conclusion

The emergency response in Haiti has been extensively evaluated: this study does not seek to repeat any evaluation work, but rather to find new insights on emergency response in general from the use of a specific perspective, namely the interaction of emergency response with the institutions governing land tenure. The fact that land was on the humanitarian radar is a major step forward. Problems related to land were raised and recognised early on in the response – albeit not soon enough by most, not at a sufficiently senior level and not by enough people with enough resources behind them to tackle the problems. High-level leadership of the humanitarian response as a whole was under-resourced and inadequate, and did not have the power to impose coordination on the myriad of different actors, all with different priorities and approaches. The analytical support leaders needed to address highly complex problems like land, tenure and resettlement was also inadequate.

Difficulty understanding land tenure arrangements in Haiti was blamed for a degree of paralysis in the humanitarian response. This has certainly been over-played and slightly misrepresented. There was a lack of available, free land to provide a certain kind of quick solution. However, there is little reason to believe that the provision of temporary shelter would have been significantly quicker or better harmonised with reconstruction planning had the rules and institutions been simpler and functioning better, or had agencies not so feared the apparent complexity of land issues in Haiti.

The 'land problem' reveals much about general tendencies within international emergency response. Agencies pushed for certain unworkable solutions, such as mass resettlement, rental ceilings and moratoriums on evictions, rather than accepting that such solutions were unrealistic. They initially ignored key players that they considered to be 'the enemy of the vulnerable' (landlords, markets and, at times, the government), rather than engaging with them from the very beginning. They considered their main beneficiaries (people in camps) to be the most vulnerable because of where they were, even though people outside of camps had lost assets, livelihoods and shelters. There was a reluctance to accept that people affected by the earthquake could be using camps as a strategy: programming reflected an assumption that people had little or no agency of their own. However, the fact that people in Port au Prince have needed external assistance is not incompatible with their ability to make choices, use strategies and recognise trade-offs. Indeed, it is precisely because of their 'agency', their ability to devise plans and follow them through for themselves, that so many houses have been repaired and settlements like Canaan and Jerusalem created.

It may be unsurprising that aid agencies found the Haitian context unfamiliar and struggled to adapt to it. Humanitarian agencies claim an international humanitarian mandate, and appeal to global standards that make reference to international treaties or agreements and downplay national laws and local administration. As such humanitarian agencies are often reluctant either to adapt to local practice or even to try to understand the administrative mechanisms that constrain and regulate local practice and local institutions, which they may perceive as less competent, less well-resourced, less honest and, crucially, less caring of 'the vulnerable'. It is less understandable that they did not adequately appreciate the disconnect between their humanitarian norms and the reality of the Haitian context. Aid agencies have not adjusted (read: lowered) their standards to correspond to the context. Humanitarian action maintains its absolutes, and struggles to reconcile this with the recognition that life in Haiti has always been a struggle for the poor and that there are no obvious solutions, much less solutions amenable to the humanitarian toolbox and time-frame. Emergency response faced a paradigm problem, not a land problem.

Land did, of course, pose some specific challenges. This was recognised by certain individuals, scattered amongst different agencies (including the government) and coordination bodies, but they lacked the critical mass of expertise at the most senior levels needed to take on the contradictions presented by land. The 'clusterised' humanitarian system dissected problems into pieces that appeared 'manageable', but at the cost of addressing the big picture. The desire for consensus created unnecessary delays; many agencies and individuals have entrenched opinions and assumptions, and there is no leadership structure that can impose itself on powerful and well-resourced agencies even to the extent of challenging these opinions. Agencies can insist on being part of 'coordination' processes or consensus will not be achieved. Consensus should be achieved around an agreed evidence base, but where the evidence did not demand attention or was not obvious there was little incentive to set about finding it, especially if it risked contradicting entrenched opinions. The procedures by which consensus was achieved and plans were made thus militated against the emergence of coherent, timely and evidence-based strategies.

This tangential look at the emergency response suggests that the constraints to progress in humanitarian action generally may be deeper than those identified by the repeated recommendations that the industry fails to take on board. Though not new, generic recommendations to the humanitarian community to 'understand the context better', to improve its capacity to understand institutions,

to 'engage with the government and local institutions' and to change its attitude to risk have the right message. There is, though, a quandary. Actionable recommendations are needed. Emergency response has improved in many ways over the last two decades, but it still struggles to analyse the political economy of disaster situations and to programme according to the context and not according to predetermined solutions. The kind of specific actionable recommendations that the humanitarian community knows how to follow (e.g. the introduction of standards, establishing or reorganising a cluster system, the adoption of new technical solutions) do not address these deeper weaknesses.

An example of this is provided by the IASC-commissioned Guidance for Practitioners on Land and Natural Disasters (UN-HABITAT 2010), which was published after the earthquake in Haiti but during the prolonged response. The Guidance is an important document, both for the fact that it exists at all and for the straightforward advice which it offers on what to think about, what problems to expect and what considerations to prioritise, for instance its insistence on giving the government of the affected state the lead role, on including affected people in designing solutions and for an appreciation of both formal and informal (or customary) legal systems. There are, though, two caveats about its ability to bring a step change in the way in which emergency relief agencies deal with land. First, reading a manual can never substitute for years of training and experience. The manual presupposes a community of practitioners working on land affairs in emergency response, but this community is still far from adequate in size, in the range of specialisms that it can provide and, crucially, in the authority it is given to set strategy. It is to be hoped that the Guidance reveals to non-specialists previously under-appreciated difficulties and leads them to hire specialists, rather than making them feel that, armed with the right checklists, their existing emergency staff can manage. In Haiti, most humanitarian actors in the camp management and shelter sectors would have gone about their daily work without coming into contact with land experts, or even with their ideas. More support was needed within the HC office, at project level and within donors, both to bring expertise into the activities and thinking of individual agencies and to ensure that analysis and coordination across the cluster was guided by enough people with competence on land issues.

Unlike most other technical specialisms, work on land rights is context-specific, and must be based on formal land law and country-specific institutions. The application of international guidelines can thus never be straightforward; individual aid workers and agencies are still forced to come up with responses that they have to think through for themselves from first principles. This demands a level of time, staffing and expertise beyond what the humanitarian system currently regards as necessary. Tackling land issues requires specialist land and legal skills, as well as political economy analysis,

which demands familiarity with the patterns of politics and power of the specific situation. Very different expertise is required to understand land rights 'from below', how individuals claim and negotiate their rights and how external assistance will be assimilated into these negotiations. This is different again from experience in managing interventions that deal with land rights, such as community rights enumeration. There is also a need for expertise coming from different perspectives. Land expertise from the legal rights sector does not always work to the same paradigms as the humanitarian sector, with the former focusing more on individual outcomes and taking a client-centred approach, while the latter tends to emphasise the need for speed, and takes a population-level perspective. Humanitarian workers and legal specialists need to understand each others' perspectives much more. The skills needed to analyse the implications of mass resettlement programmes and to negotiate the way to a successful outcome are a third very different set.

The second caveat about the Guidance is that, while it offers necessary practical advice and checklists on a technical level, it is unlikely to bring or catalyse change at the 'softer' level, in attitudes to context, to the technical solutions themselves, to risk and to dealing with uncertainty. Indeed, the guidance exhibits many of the characteristics of emergency response that have been criticised in this report. Despite acknowledging the responsibilities of the governments concerned, the dominant impression is still one of emergency response taking place within its own context. Thus, aid is organised under the UN (e.g. 'Rapid assessments should be undertaken under the coordination of the UN HC or RC'; land is to be put on the recovery agenda by 'establish[ing] land coordination groups under the ... clusters', but with no mention of establishing coordination with state agencies), and the international humanitarian community tells governments what their responsibilities are (including in the Guidance), rather than vice-versa. Governments are a source of information for international agencies rather than the users of information that agencies can help them collect and analyse (e.g. 'land needs assessment should also include quantitative data from government agencies and household surveys [and] qualitative data from focus groups'). The mandate of international agencies is taken to include setting policy not just on the emergency response but also on fundamental political issues that would normally be considered to be the exclusive domain of parliaments and governments (e.g. 'Land administration systems should be pro-poor').

Whether or not this is intentional, there is an impression that the Guidance comes from the same institutional culture that created the Haiti response. Assessments should include a national expert – but as advisers on local context to the international experts that are assumed to be necessary. Much is made of the need to work with government and local institutions, but little is said about the kinds of political calculations needed to do this, or how to analyse power and

political room for manoeuvre. What was seen to be missing in Haiti were the skills to know how to analyse and support a weak state and weak government: far from offering advice on how to do this, the Guidance does not make this supportive role the central mission of international emergency response. Although advocacy is discussed, there is no mention of a political analysis of advocacy, for instance of the kind needed to avoid advocating for a ban on evictions. Agency staff are encouraged to build on what communities are already doing, but there is little in the Guidance to prepare them for living with chaos, for a model where emergency aid does not engineer solutions or end-states, but rather offers another set of resources (financial, material, technical) which people will use or not, but never in the ways foreseen. There is nothing either on how to work in a weak international aid system, or how to cope with the difficulties of coordination and lack of strategy: because the aid system is assumed to be logical and technically rational, there is no room for guidance on how to address weaknesses, or how to support coherence in emergency response.

The Guidance offers sound technical advice on how emergency agencies should approach land issues, but would not have prevented most of the problems discussed in this report since these problems were not technical in nature. The tendency to see technical problems and a need for technical solutions is well known. This bias is influenced by staffing arrangements (management run by technically competent people) and by the widespread phenomenon that non-technical specialists feel unable to disagree with technical experts. The need for technical expertise is not in doubt – indeed, many would argue that, in most disciplines, the humanitarian sector needs more, not less, technical competence. However, it also needs to find a way to use this technical competence more constructively, not by creating exclusive domains for single-discipline technical competence, but to incorporate a range of competencies in everything from problem analysis to strategic prioritisation. A way has to be found to build on the clear progress being made, of which the production of the Guidance is a part. Several areas of change are candidates for attention.

7.1 Contingency planning and preparedness

It is difficult to react quickly to an emergency situation in an institutionally sensitive way, particularly around areas such as land (which is both complex and highly context-specific), if requisite preparations have not been made. Since few disasters occur in new and unexpected places, it is possible to undertake contingency planning for the most likely scenarios. This scenario planning is critical for land issues.

Contingency planning and preparedness can provide an activity around which several changes can be advanced. The content of contingency planning, which includes the content of the scenarios created, often tends to be technically focused (e.g. how many people will need shelter, what needs

pre-positioning). More focus can and should be placed on the institutional and political challenges that are likely to arise in a crisis – i.e. not just the needs created by the crisis, but also the difficulties and constraints that the response is likely to face. This will involve a detailed actor analysis of government (including individuals, departments and local and central government), and of informal authorities, going beyond the simplistic equation of local NGOs with civil society to gain an understanding of such things as how decisions are made, which codes are followed and how conflicts of interest are decided. As much understanding as possible is needed of how different people will try to cope with all the dimensions of housing, land and property in the event of a crisis. Information and understanding are as critical for prepositioning as material assistance. Not all information can be taken on board before a crisis. Emergency rosters can include not only experts who could take up positions in an emergency response, but also critical individuals to speak to about specific land issues.

Lack of sufficient expertise means that preparedness cannot entail having specialised international land experts on standby in every country where a crisis is possible. The most useful deployment of limited international expertise is to help agencies on the ground plan together with governments and other local institutions to prepare coherent strategies, with a documented analysis of the range of alternatives and why specific strategic objectives are deemed necessary. Strategic consensus may be easier to achieve among a smaller number of agencies, and without the various pressures that a full-scale crisis brings.

This process could lead to a greater role for strategy in determining projects. It has repeatedly been observed that too much humanitarian response is designed project by project, without reference to an overall strategy. The reasons for this lie both in problems with strategy development (lack of human capacity dedicated to strategy formulation rather than project implementation, weak cluster leadership – or perhaps the impossibility of leading a cluster of independent agencies, and the inability of those developing a strategy to impose it on anyone else) and with the fact that projects can be designed, financed and implemented without having to make reference to an overarching strategy.

Such a preparedness process also calls for a more sophisticated role for a global lead on land, housing and property. The global coordination of the cluster can become quite distinct from the coordination of the response itself (which should, ideally, be in state hands as much as possible) if its role is to take responsibility for ensuring the quality of contingency planning and preparedness, and for ensuring that this is in place for a prioritised list of countries. This can and should include ensuring international support for a national process, rather than prioritising the delivery of an internationally created product. (It should go without saying that any contingency

plan must include consideration of how it will be kept alive as a process, rather than as a report on a shelf: how information will be updated, scenarios adapted and new strategies considered, and the processes by which new personnel in the country will be inducted.) None of this reduces the need for global leadership to provide technical expertise and assistance to a response, training and the development of tools to assist aid workers. However, this work will achieve far greater impact if it takes place within the context of a strategic and political approach to preparing for a land-sensitive, 'land-smart' emergency response to crises.

7.2 Targeting the vulnerable

Following the response to the Indian Ocean tsunami, there was a recognition that assistance had often been inadvertently targeted towards those who owned (and who had titles for) houses before the tsunami, sometimes bypassing those who needed most help because they had rented property. The awareness is increasing that humanitarian assistance risks recreating the inequalities that existed before a particular crisis, and in Haiti there was a welcome determination to take this lesson on board. This determination sat easily with the principle that humanitarian assistance should be targeted solely on the basis of need, and was expressed as the demand to prioritise helping 'the most vulnerable'. Vulnerability, though, was usually defined as a broad category, without looking at which threats people were vulnerable to. Landlords were thus not 'vulnerable'; people who rented houses were.

Although this increasing appreciation of different kinds of landrights-holders is an important step forward, the focus on 'vulnerables' gave rise to three problems. In Port au Prince, economic vulnerability is not always easy to read from one's tenure status. The choice to rent or build is partly a choice about where to live (a semi-permanent structure can be created in an outlying neighbourhood for around the cost of a rental down-payment closer to the centre), and partly a reflection of how long someone has lived in Port au Prince. Are people who own houses but did not have the money to buy the land more or less 'vulnerable' than those who own land but did not have the money to build houses? There are also inherent limitations in the common practice of identifying problems in relation to population 'categories' (renters, widows, etc.). It reinforces a tendency to provide solutions to members of that category, rather than either supporting people's own efforts to rebuild their lives, or addressing structural causes of a problem at a wider level, for example supporting the creation of housing stock, to be 'allocated' by the market. Paradigms of vulnerability influenced attitudes to engaging early in a constructive way with the landlords of camp sites (which may have had a negative impact on eviction) and on supporting housing repair (which may have had an impact on housing availability and thus on the rental market).

7.3 Investment in strategic capacity in land and urban issues

Land issues are only one of many pressing priorities for emergency operations. However, this may be one of the most cost-effective areas for investment, since land issues rarely require highly expensive interventions, and making strategically sound decisions and tackling key blockages on land rights can in turn make other interventions more cost-effective. Human resources are the major investment needed. Donors can build on the progress they have already pushed for by insisting that the senior humanitarian leadership includes a much larger number of people with land skills, in coordination roles and at agency level.

The same recommendation applies to the strategic and technical skills to work in urban situations. Rural paradigms still dominate humanitarian action. This was expressed in Port au Prince in shelter solutions such as camps and T-shelters, which did not easily fit with the restricted space available, and the lack of appreciation of the need to impose planning which comes from the urban setting. Humanitarian agencies in general have insufficient technical expertise to deal with urban contexts, though the situation is improving. It may be argued that much of the capacity to deal with land issues should not sit within the humanitarian leadership as it does not concern life-threatening issues, and so is properly the responsibility of the reconstruction process. Hopefully this kind of argument is becoming increasingly rare. In any case, to ask the question the question 'should this be done by the humanitarian community or the development community?' is to ask the wrong question and to continue to place bureaucratic silos ahead of coherent response. The primary question is what needs to happen and how: decisions about the most appropriate budget lines for funding this are administratively necessary, but the tail cannot wag the dog.

7.4 Coordinating emergency and reconstruction strategies

While Haiti showed that there is a difference between short-term and long-term responses, and each is appropriate for different problems, the experience also highlighted how difficult it is to distinguish between needs caused by a one-off shock and needs arising out of chronic poverty. Where states are able to meet the needs of their citizens before a crisis, it is rare for international humanitarian assistance to be needed on any large scale. Humanitarian assistance is, thus, almost always most critical when chronic problems are also most prevalent.

Needs caused by an increase in the scale of suffering, such as those following an earthquake, are not necessarily more severe than the chronic needs that existed before the shock. External responses found themselves taking care of chronic needs using humanitarian paradigms and solutions because these were the only ones available – reconstruction assistance was slow to start and, as often, insufficient to the scale of need. Even though development and humanitarian agencies

are often one and the same, the more direct 'humanitarian imperative', which targets needs that are more personally identified, leads the response, even when a more dispassionate view would see that chronic problems need addressing with different tools and according to a different time frame. However, the only guide agencies have to stop offering short-term solutions ('humanitarian assistance') and to move to medium- and longer-term assistance (reconstruction, 'development') is the willingness of donors to fund activities under one rubric or another. There is no meeting point to devise a joint humanitarian–reconstruction strategy, and so humanitarian actors are faced with a potential void in assistance if they withdraw their short-term solutions, rather than being able to do so in the knowledge that a different set of support modalities will take over at the most appropriate point after a disaster. This lack of any mechanisms to ensure coherence between longer-term and short-term assistance is one of the major weaknesses in the institutional aid architecture.

No coherent emergency strategy for a disaster such as Haiti is possible unless it is framed in the context of a larger development or reconstruction strategy. This implies that a development/reconstruction strategy needs to be established at the same time as and together with an emergency response strategy, and not months later when emergency response should be scaling down. There are three ways in which this can be advanced. First, coherence between emergency strategies and reconstruction should be achieved in the contingency planning process. Second, it must be recognised that form follows function: the global architecture for supporting states affected by crises needs to ensure that short- and longer-term needs are addressed by combining different sets of competencies, tools and priorities in a coherent way. The current global architecture (an early recovery cluster inside the 'humanitarian system', with ad hoc institutional support for reconstruction) does not achieve this. Third, commitment is needed to the principle of urgency in getting reconstruction off the ground. Reconstruction actors need to be in place as soon as the crisis occurs, and should provide the framework for much of the emergency response. If reconstruction efforts were properly resourced and were on the ground in a timely way, emergency actors should look to phase out short-term tools much sooner; indeed, one of the reasons for the 'mission creep' of humanitarian response into longer-term reconstruction is precisely the weakness in the development/reconstruction response. Where international support is necessary, there must be clear obligations placed on both the humanitarian and the development/reconstruction leadership to work together to provide coherence.

7.5 Rethinking the culture and management of aid

The bureaucracy of aid demands pre-determined deliverables, and so makes it harder to support crisis-affected people with their own diverse solutions. Programming is geared to meeting objectives that 'we' have chosen for 'them', and that we believe to be the most critical, and the use of assistance to meet other needs is generally resisted. In Haiti, for example, almost all agencies regarded it as 'wrong' for shelter beneficiaries to use the shelters they had been given to generate income by renting them out. Shelters were 'supposed' – by the agencies, not the recipients – to be meeting shelter needs. This tension between the desire to support people's own ability to run their lives and the need to meet a sectoral aim and objective, technical targets is seen in all sectors. One current topic of debate in food security, for instance, is the use of cash grants to 'achieve nutritional objectives'. There is an implicit contradiction between giving people cash, which could be spent on a wide range of things, and the desire to see the cash achieve a specific outcome (Bailey and Hedlund, 2011).

There is an urgent need for dialogue at the highest level between those funding, designing and implementing interventions and those affected by emergencies on developing new contractual ways to ensure that accountability is compatible with supporting people's own agency. This involves a much larger administrative and cultural shift than has sometimes been recognised by those calling for more flexible solutions based on the priorities of crisis-affected people themselves. It is a need that is also being recognised by agencies working in slow-onset crises – including the donors so often blamed for inflexibility.

Part of this cultural shift involves rethinking agencies' attitudes to risk. Both donors and implementing agencies have a very different perception of risk than those they are trying to help, and a very different willingness to run risks. There are understandable reasons for this. Agencies' fears determine how 'failure' is defined. They fear risks to their reputation with both the wider public and donors from possible association with certain kinds of scandal, including being associated with a particularly negative outcome. It is not the actual outcome per se that brings risk: even very high levels of death or suffering caused by inaction do not carry the same reputational risks. The lack of accountability for inaction, as opposed to the accountability for the results of action, has been identified as one reason for the lack of timely responses to slow-onset crises (Chatham House, 2012).

People affected by crises do not distinguish between failures of commission and omission in this way, and so are more likely to engage in an activity which an agency would classify as 'risky' because they judge it less risky than doing nothing. These different attitudes to risk mean that agencies feel unable to support people according to their own priorities and instead have to direct them towards other solutions which, from an agency perspective, are less risky, even if they close off preferred options for the people affected by crisis. In Haiti, agencies' risk aversion was a strong factor in explaining the shelter response. It was seen in the way the shelters were designed (compared to the incremental shelters people construct for themselves) and in the process, the emphasis on a pre-determined solution with micro-management of the precise arrangements covering their use. An overall strategic analysis of shelter provision

would surely have prioritised house repair, but this would have to be customised to each specific case, whereas shelter provision can be standardised, and standardised solutions are easier to monitor and manage, both in terms of quality and accountability. This is linked to, but not identical with, agencies' difficulty in living with uncertainty; it immediately creates a barrier to supporting people's own solutions, because in Port au Prince everyone lives with uncertainty, and all arrangements are fluid. This fits uneasily into project planning with fixed outputs and outcomes – and a fixed logic. This observation is not, of course, new. Unless agencies are able to change their attitude to fluidity and uncertainty, they cannot expect the outcomes of their work to change considerably and it may not even be worth the attempt to try.

Many recognise that agencies must work with risk equations that are much closer to those of people affected by crisis than at present, but struggle to find a way to achieve this. It will involve another huge shift in operational culture, which can only happen if there is also a shift in the institutions surrounding an operational agency – in the perceptions of the media, the public and governments in their own countries. A study of land issues in Haiti is not the vehicle for generating specific proposals for achieving this, and this study can only call for greater urgency and priority to be given to tackling this. A much more explicit debate is needed about the forces that agencies feel constrain their risk appetite.

There is scope to link this question to debates around accountability, which have risen on the agenda of many agencies (including donors), including in response to the perceived poor response to the food security crises in the Horn of Africa in 2011. There are voices calling for accountability to include accountability for inaction, i.e. the introduction of the idea that there are sins of omission as well as commission. A debate around accountability and responsibility is much-needed, but like so many debates it contains dangers: a push for increased accountability for agencies may lead to greater fear of failure and a greater tendency to 'play safe' – where safety refers only to the agency, not the people affected by crisis. The debate must be accompanied by a much more explicit agreement on the optimal risk tolerance strategy for each response, so that responsibility for any unsuccessful outcomes is not feared by individuals or agencies favouring strategies determined by the risk horizons of those affected by the crisis.

Finally, there is a need to look again at the coordination of humanitarian assistance. Humanitarian response currently has all the weaknesses of the free market without its advantages. The senior country humanitarian team cannot do more than create an enabling environment for sharing information and developing consensus. Strong leadership and direction by a host government is rare[38] (and, when present, is often criticised by international agencies), and the current humanitarian system

has no mechanisms itself for ensuring that a coherent strategy is developed, or that, if it is, such a strategy will be followed. The cluster system was not designed to fulfil this role and it is unrealistic to bolt more and more structures onto the clusters in an attempt to impose this responsibility. It is unclear how such mechanisms could operate, but the need for a debate on what humanitarian leadership should look like is urgent. This debate needs to go beyond the confines of the humanitarian community. Humanitarian leadership should be a support for host governments and a vehicle for communication, strategy-making and coordination between host governments and the international humanitarian response. This can only function effectively if roles, responsibilities and structures are not only understood by host governments, but also actively welcomed by them. The need for 'local ownership' and 'community participation' is ubiquitous at project level – but not, it would seem, echoed at country level.

7.6 The discourse of humanitarian action

Emergency response uses the language of 'solutions' and 'meeting needs' in contexts where needs cannot be met and where there are no solutions, and certainly none that can be created with the tools and the timeframes available to emergency response. Although most humanitarian action is, almost by definition, urgent, there is an impatience that goes beyond this objective need. Humanitarian agencies' *internal* need to work on short timeframes (because of short employment contracts, for instance, or the responsibility to deliver outputs within short funding horizons) are rationalised as an expression of an external need for urgency, which justifies the inability to find ways to work with those operating under different timeframes. Impatience and speed, though, are not always the same: many emergency projects in Haiti were late.

It is a positive development that emergency actors have increasingly taken on board the need to take a longer-term perspective (covering both the DAC criterion of 'connectedness' (Beck, 2006) and recognition of the need to protect livelihoods and not just lives). However, this also leads to the use of a discourse (e.g. 'durable solutions') that sets a framework for agencies and individual workers to believe that they have not only the duty, but also the power to find solutions. A new language is needed that works with the premise that emergency action is not supposed to solve problems, but to achieve what it can in a context of intractable problems and unresolvable needs. This change in language has to be reflected from top to bottom, from global guidance to national strategies and Consolidated Appeals (CAPs), from proposals and reports to donors to the language and management of field staff, who must not feel pressured to bring in reports that problems have been 'solved'. It is earnestly to be hoped that this increased humility about the role emergency action can play may encourage greater consideration of and respect for what people affected by crises are trying to do for themselves.

38 If only because, where governments give strong leadership, international aid is either unnecessary or plays a minor role.

Bibliography

ActionAid (undated) *Building for the Future: Homes and Security in Haiti*. ActionAid.

Adinolfi, C., D. Bassiouni, H. Lauritzsen and H. Williams (2005) *Humanitarian Response Review*. New York and Geneva: United Nations.

Beck, T. (2006) *Evaluating Humanitarian Action Using the OECD-DAC Criteria*. London: ALNAP.

Bengtsson, L. et al. (2011) *Internal Population Displacement in Haiti: Preliminary Analyses of Movement Patterns of Digicel Mobile Phones: 1 December 2009 to 19 December 2010*. Stockholm: Karolinska Institutet; New York: Columbia University.

Bethell, A. (2002) *Land Tenure and Reform in Haiti*. University of Maine. http://www.spatial.maine.edu/~onsrud/Landtenure/CountryReport/Haiti.pdf.

Binder, A. and F. Grünewald (2010) *IASC Cluster Approach Evaluation, 2nd Phase Country Study. April 2010*. Berlin/Plaisians: GPPI and Groupe URD.

CAFOD (2011) *Haiti: One Year on from the Earthquake*. London: CAFOD.

CAFOD, Christian Aid, Progressio and Tearfund (2011) *Building Back Better: An Imperative for Haiti*. London: CAFOD, Christian Aid, Progressio, Tearfund.

Camp Coordination and Camp Management Cluster (CCCM) (2011) *Eviction Situation in Camps Hosting Internally Displaced Persons (IDPs)*. Port-au-Prince: CCCM Cluster.

Chatham House (2012) *Translating Early Warning into Early Action Workshop Summary*. 11–12 April 2012. London: Chatham House.

Collier, P. (2009) *Haiti: From Natural Catastrophe to Economic Security: A Report for the Secretary-General of the United Nations*. Oxford: University of Oxford.

Collins, S., T. Corsellis and A. Vitale (2010) *Transitional Shelter: Understanding Shelter from the Emergency through Reconstruction and Beyond*. Case Study No. 5, ALNAP Innovations. London: ALNAP.

Dixon, S. and J. Holt (2009) *Port-au-Prince Urban Baseline: An Assessment of Food and Livelihood Security in Port-au-Prince*. Washington DC: United States Agency for International Development (USAID).

Duvalier, J. C. (1982) *Décret transformant l'Office National du Logement en une entreprise publique specialise dénominée*. Enterprise Publique de Promotion de Logements Sociaux (EPPLS). Le Moniteur. 6 December 1982.

Egeland, J. (2006) *Statement to the UN Security Council on the Protection of Civilians in Armed Conflict*. 4 December 2006. http://ochaonline.un.org/ochalinkclick.aspx?link=ocha&docid=29235.

Fan, L. (2010) *Scoping Study on Housing, Land and Property Rights in Post-Earthquake Haiti: Securing Tenure, Preventing Evictions, Facilitating Return, and Strengthening Access to Justice for the Vulnerable*. Oxford: Oxfam GB.

Food and Agricultural Organisation (FAO)/Institut National de la Réforme Agraire (INARA) (1997) *Définir une politique agro-foncière pour Haiti: Elements d'orientation*. TCP-HAI-4553. Port-au-Prince, Mimeo.

Fenton, W and M. Foley (eds) (2011) 'The Haiti Earthquake Response', *Humanitarian Exchange*, no. 48. London: ODI.

Fitzpatrick, D. (2010) *Land and Natural Disasters: Guidance for Practitioners*. Nairobi: United Nations Human Settlements Programme (UN-HABITAT).

Forsman, Å. (2009) *Strategic Citywide Spatial Planning: A Situational Analysis of Metropolitan Port-au-Prince, Haiti*. Nairobi: UN-HABITAT.

Forsman, Å. (2010). *A Situational Analysis of Metropolitan Port-au-Prince, Haiti: Summary Report*. Nairobi: UN-HABITAT.

Giampaoli, P. and M. Freudenberger (2010) *Land Tenure and Property Rights in Haiti*. USAID Issue Brief. Washington DC: USAID.

Government of the Republic of Haiti (GoH) (2010a) *Commission Interministerielle sur le Logement: Termes de Référence*. Port-au-Prince: GoH.

Government of the Republic of Haiti (GoH) (2010b) *Haiti PDNA [Post-Disaster Needs Assessment]: Assessment of Damage, Losses, General and Sectoral Needs. Annex to the Action Plan for National Recovery and Development of Haiti*. Port-au-Prince: GoH.

Government of the Republic of Haiti (GoH) (2010c) *Action Plan for National Recovery and Development of Haiti: Immediate Key Initiatives for the Future*. Port-au-Prince: GoH.

Grünewald, F. and A. Binder (2010) *Inter-agency Real-Time Evaluation in Haiti: 3 Months after the Earthquake*. Plaisans: Groupe URD; Berlin: Global Public Policy Institute.

Haiti Protection Cluster (2011) *Field Protection Assessment Report Canan Site*. 10 February 2011. Unpublished.

Hartberg, M., A. Proust and M. Bailey (2011) *From Relief to Recovery: Supporting Good Governance in Post-earthquake Haiti*. Oxfam Briefing Paper. Oxford: Oxfam GB.

Helmer, K. (2010) *USAID Provides Shelters in Haiti*, http://blog.usaid.gov.

Hendrickson, M. (2010) *Programmatic Environmental Impact Assessment for the IOM Temporary Relocation Program in Haiti*. Quito: Sun Mountain International.

Housing, Land and Property Working Group (2010a) *Towards Tenure Security after Disaster: Principles and Their Application in Haiti*. Unpublished.

Housing, Land and Property Working Group (2010b) *Key Housing, Land and Property Rights Delaying IDP Return and Reconstruction Efforts in Post-earthquake Haiti*. Unpublished.

Housing, Land and Property Working Group (undated) *Issue of the Renters in the Post-disaster Scenario: Proposal for Redressing their Position in the Haitian Housing Assistance*. Unpublished.

Humanitarian Country Team (2011) *Stratégie De Retour Et De Relocalisation*. http://www.eshelter-cccmhaiti.info/pdf/Return_and_Relocation_Strategy_Version_Signed_off_HCT_Jan_2011.pdf.

Institut de Recherches et d'Applications des Méthodes de Développement (IRAM) (undated) *Diagnostic des problèmes fonciers et principes d'action*. Paris: IRAM.

Inter-Agency Standing Committee (IASC) (2010a) *IASC Framework on Durable Solutions for Internally Displaced persons*. Washington DC: The Brookings Institution-University of Bern.

Inter-Agency Standing Committee (IASC) (2010b) *Urban Challenges in the Humanitarian Response to 12 January 2010 Earthquake in Port-au-Prince, Haiti*. Case Study of the IASC Task Force on Meeting Humanitarian Challenges in Urban Areas. Geneva: IASC.

Inter-Agency Standing Committee (IASC) (2010c) *Response to the Humanitarian Crisis in Haiti following the 12 January 2010 Earthquake. Achievements, Challenges and Lessons to be Learned*. IASC.

Inter-Cluster Coordination (ICC) (2011) *Stratégie De Retour et de Relocalisation*. 18 January 2011. ICC.

Interim Haiti Recovery Commission (IHRC) (2010b) *Strategic Plan for the Remainder of the IHRC's Mandate*. IHRC.

Interim Haiti Recovery Commission (IHRC) (2010a) *Strategic Plan for the Remainder of the IHRC's Mandate*. Port-au-Prince: IHRC.

Interim Haiti Recovery Commission (IHRC) (undated) *Neighborhood Return and Housing Reconstruction Framework: A Recovery Plan for Haitian Families*. Port-au-Prince: IHRC.

Interim Haiti Recovery Commission (IHRC), Housing Neighbourhoods Team (undated) *Land Issues Inquiry*. Port-au-Prince: IHRC.

Jusselme, D. and D. Brennan (2011) *ACTED Assessment: IDPs and Host Families in the Bas Arbonite*. Paris: Agency for Technical Cooperation and Development (ACTED).

Levine, S. and J. Adoko (2004) *Land Matters in Displacement. The Importance of Land Rights in Acholiland and What Threatens Them*. Kampala: CSOPNU.

Levine, S., A. Crosskey and M. Abdinoor (2011) *System Failure: Revisiting the Problems of Timely Response to Crises in the Horn of Africa*. Network Paper 71. London: ODI.

Moburg, L. (2010) *Norwegian Humanitarian Response to Natural Disasters: Case of Haiti Earthquake January 2010*. Oslo: NORAD.

Mueller, L. (2011) *Haitian Law as it Applies to Housing and Neighborhoods Reconstruction: A Legal Summary (draft of June 2011)*. Haiti: IHRC.

Muggah, R. (2010) 'The Effects of Stabilisation on Humanitarian Action in Haiti'. *Disasters*, vol. 34, issue supplement s3, October.

Office for the Coordination of Humanitarian Affairs (UN-OCHA) (1998) *Guiding Principles on Internal Displacement*. UN-OCHA.

Office for the Coordination of Humanitarian Affairs (UN-OCHA) (2010) *Haiti 2011 Consolidated Appeal*. OCHA.

Office for the Coordination of Humanitarian Affairs (UN-OCHA) (2011) *La Communauté Humanitaire En Haïti Préoccupée Par La Multiplication Des Expulsions Dans Les Camps*. Press statement, attributable to the Humanitarian Coordinator, Haiti, 5 September 2011. UN-OCHA.

Office of the High Commissioner for Human Rights (OHCHR) (1997) *The Right to Adequate Housing (Art.11.1): Forced Evictions*. CESCR General Comment 7, 20 May. UN.

Organisation of American States (OAS) (2010) *Modernization of Cadastre and Land Rights Infrastructure In Haiti. A Project Proposal*. Washington DC: OAS.

Organisation of American States (OAS) (2010) *Modernization of Cadastre and Land Rights Infrastructure in Haiti: A Rapid and Inclusive Approach*. Washington DC: OAS.

Pantuliano, S (ed.) (2009) *Uncharted Territory: Land, Conflict and Humanitarian Action*. Rugby: Practical Action.

Phelps, P. (2011) *Haiti Housing and Neighbourhoods Reconstruction: Building the Bridge While We Walk On It*. Housing and Neighbourhoods Sector Summary Report. Haiti: IHRC.

Phillipps, N. (2010) Letter to Raquel Rolnik, United Nations Special Rapporteur on Adequate Housing, 25 October. Personal communication.

Regional Humanitarian Partnership Team (RHPT) and Inter-Agency Working Group (IAWG) (2012) *Drought Preparedness and Response in the Horn of Africa: An Agenda for Collective Action: Learning the Lessons and Doing Things Differently*. Outcome Document. Regional Humanitarian Partnership Team and Inter-Agency Working Group Roundtable, Nairobi, 1 March.

Rencoret, N. et al. (2010) *Haiti Earthquake Response: Context Analysis*. London: ALNAP.

Roberge, D. and M. Paradis (2010) *Reconstruction in Haiti: A Land Rights Infrastructure To Support Its Sustainable Development*. Paper, XXIV International Federation of Surveyors (FIG) International Congress, Sydney, 14 April.

Robeto Gonzalez, L. (2010) *Haiti After the Earthquake: Civil Society Perspectives on Haitian Reconstruction and Dominican-Haitian Bi-national Relations*. London: Progressio.

Schwartz, T., Y. Pierre and E. Calpas (2011) *Building Assessments and Rubble Removal in Quake-Affected Neighborhoods in Haiti*. BARR Survey- Final Report. USAID.

Solberg, S. (2010) *A Report on Site Selection, Development and Decommissioning for Temporary Relocation and Resettlement Sites: Incorporating Environmental Management Procedures and Approaches for the IOM Haiti Program: Establishment of Temporary Relocation and Resettlement Sites in the Government of Haiti Decreed Land Area*. Quito: Sun Mountain International.

Un Techno Para Mi País (UTPMP) Haiti (2010) *The Condition of the Displaced Families of Canaan*. Port-au-Prince: UTPMP.

UN-HABITAT (2009) *A Situational Analysis of Metropolitan Port-au-Prince, Haiti. Strategic Citywide Spatial Planning*. Nairobi: UN-HABITAT.

UN-HABITAT (2010a) *Land and Conflict: Guidance for Practitioners*. UN-HABITAT.

UN-HABITAT (2010b) *A Situational Analysis of Metropolitan Port-au-Prince, Haiti. Strategic Citywide Spatial Planning*. Nairobi: UN-HABITAT.

United Nations Development Programme (UNDP) (2009) *Recruitement d'un Consultant pour une Etude sur le Système Foncier en Haïti: Termes de Référence*. Port-au-Prince: Ministry of the Environment, Haiti; Fonds pour l'Environnement Mondial; UNDP.

United Nations (1966) *International Covenant on Economic, Social and Cultural Rights*. General Assembly Resolution 2200A (XXI), 16 December.

United Nations (2005) *UN Principles on Housing and Property Restitution for Refugees and Displaced Persons*.

World Bank (2011) *Emergency Project Paper on a Proposed Grant from the Haiti Reconstruction Fund in the Amount of US$ 65 Million the Republic of Haiti for a Port-au-Prince Neighborhood Housing Reconstruction Project*, 3 May. World Bank.