

Using standards to shape response and recovery in Haiti

Maurice Herson

Decisions being made right from the start through to the post-disaster reconstruction and rehabilitation effort need to conform to international standards and principles.

As this issue of FMR goes to press, the humanitarian response to the effects of the earthquake in Haiti on 12 January 2010 is still gearing up. Even at this early stage talk is quite rightly turning to what happens next, emphasising longer-term recovery as much as relief. In contrast to how it might perhaps have been ten or fifteen years ago, we seem to have learned that each stage or phase of

response is not separate, that they overlap and affect each other.

Nowadays there is also wider knowledge and acceptance of the standards, norms, principles and guidelines that have been painstakingly and assiduously developed, negotiated and agreed upon in order to improve quality and accountability. There will be those

who fail – whether in ignorance or willfully – to behave in accordance with these standards and it is up to those responsible for coordinating and shaping the overall effort to ensure that these standards are adhered to and used to guide the work of response and recovery.

Displaced in Haiti

Displacement is one of the major issues in the aftermath of the earthquake. Estimates of numbers displaced range from the government's 467,000 people to OCHA's 1.2 million. Maps of spontaneous settlements in and around Port-au-Prince alone show hundreds of locations where people are staying.

Haiti is quite heavily urbanised, the pressures on its agrarian economy having forced tens of thousands of small-scale farmers into overcrowded urban slums. Although there are no reliable statistics, hundreds of thousands of Port-au-Prince residents have been living in desperately sub-standard informal housing, often perched precariously on the side of deforested ravines. Not only have they become the victims of this 'natural' disaster but they also had few rights and little infrastructure to start with on which to build a response.

There are recognised principles that apply specifically to situations of displacement and these should be followed. There are also many other standards which can also be applied to the protection and assistance needs of displaced people. For example, the Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster¹ are relevant, but are not limited to, displaced persons. Unlike obviously relevant but more technical standards, these Guidelines underscore that it is not just a question of applying standards in areas such as water and sanitation, health and shelter but of integrating a protection lens into disaster



People take a truck out of Port-au-Prince, Haiti, some of tens of thousands of city residents who have fled the city since the 12 January 2010 earthquake.

response. This was a major lesson from the Indian Ocean tsunami and a commitment that international agencies and NGOs have since made. They must follow through in Haiti.

It is important to realise that those who have lost their homes are not necessarily displaced and may not wish to move elsewhere, despite pressures for them to do so. No doubt the people whose homes have been destroyed or badly damaged by the earthquake will be pulled and pushed by different motives and desires in deciding whether to stay near or on the site of their previous home and in their community or whether to move away and into camps where temporary shelter and other forms of assistance are available. That they should have the choice is a principle of international law that must be upheld and that should trump any concerns about convenience on the part of the humanitarian agencies. The humanitarian system has always struggled to provide assistance when its beneficiaries are dispersed – one of the reasons why refugee and IDP camps have often been the preferred option for agencies.²

With 300-400,000 people having left the city on government-provided transport and an unknown number through their own means, most of them to stay with family or friends elsewhere, it is clear that host families will need support in providing a roof and sustenance for the displaced. Then the challenge is to ensure that there is a way for people to be able to rebuild their lives in displacement.

Others are being moved into so-called 'organised settlements', designed, it seems, along the lines of the traditional refugee camp, where assistance can be more easily coordinated and delivered. This may not be the best rationale for how to respond at this moment if recovery and reconstruction are to happen with the participation and according to the wishes of the affected population – but if there are to be camps, they should not be allowed to become permanent. In Pakistan, after the October 2005 earthquake, giving cash grants to families for reconstruction resulted in quicker rebuilding. The lesson seems to be that the best results

are achieved when ownership is invested at the most appropriate level; when families rather than agencies have ownership of house construction, it happens far more quickly.

The state, however, may have justification for attempting to enforce moves to encampments; for example, it might be considered wrong for the state to leave its citizens in a ruined city when it is unable to provide any services or governance when it might have that capacity if the residents were elsewhere. People have already been encouraged to move to rural areas by the government's offer of free transport.

The extent and style of rebuilding should be given very serious consideration. Port-au-Prince did not have the infrastructure to support its pre-earthquake population adequately, so starting off with a decentralisation of the country could be a positive thing – and indeed this has already been proposed by the government.

The priority will be to manage both rebuilding and decentralisation – if it occurs – in a way that ensures that rights are respected. In this context, land rights are among the most relevant as well as among the most vulnerable.

State responsibility

Common among most of the standards and principles is the idea of local ownership of and participation in emergency response, recovery and reconstruction. It is not always clear whether this implies ownership by affected people or their representatives, or state authorities, but it is generally taken to entail both. In the Guiding Principles on Internal Displacement, as in human rights and international humanitarian law more generally, the most fundamental underlying principle is that responsibility lies with the state whose people are (internally) displaced.³ Thus it would be wrong for governments



A camp for homeless families set up on a golf course in Port-au-Prince, Haiti.

and agencies not to work in ways that allow the government of Haiti to take that responsibility.

Given the extensive damage done to the human and physical infrastructure of Haiti's capital by the earthquake, however, this may not be entirely realistic. Before the earthquake, Haiti's government before the earthquake lacked many of the features of an accountable and capable government, being called by many Haitians not a failed state but a 'phantom state'. Therefore the challenge is multiplied – how to work with a government that does not necessarily enjoy the confidence of others and how to work with the extensively damaged infrastructure of that government. If the aim is again to 'build back better', the slogan that took hold after the Indian Ocean tsunami, this requires the involvement of the state.

A greater focus on the role of the affected state in disaster response raises complex questions of principle and practice in both the idea of the state being accountable to its citizens and of humanitarian actors being accountable to the affected state. The prospect of building effective state capacity in Haiti will be even slimmer than it might be if those responding to the earthquake sideline its potential, and principled, role.

Haitian Prime Minister Jean-Max Bellerive said in January, on his return from a donor meeting in Montreal, that not all the aid money coming into Haiti would have to go through the government but that the country's leaders should have a say over how it is used. This



ACT Alliance/Paul Jeffrey

Families constructing new temporary shelters in a camp for homeless families in the Belair section of Port-au-Prince.

Improving practice

Haiti in 2010 should be an opportunity to apply many of the lessons identified after the Indian Ocean tsunami of 2004. The incremental professionalisation of the humanitarian system over recent years appears to have included a recognition that lessons can be learned; the old complaint that not only had lessons not been learned but that there was no institutionalised culture of learning and few processes

for learning has possibly become less true. Perhaps encouragingly, the ALNAP lessons paper on responding to earthquakes was downloaded over 3,400 times in the two weeks after the earthquake struck Haiti.⁸ It should not be forgotten, however, that the pool of professional agencies who know to check lessons from previous experience are only a part of the total number of those involved in the earthquake response.

Finally, this is a chance to do some advocacy, some awareness raising about rights and about what the state should be providing and what its role should be and how it might fulfil it. Haiti's future will be best secured if authorities in Haiti and the international community – including the military – ensure that all response activities comply with the standards and aspirations of the Guiding Principles, the guidelines associated with them and the many other standards and guides.

Those involved in the rebuilding need to listen to the Haitians themselves when they define what they need⁹ and people should be given choice and the freedom to exercise it. With so little to be expected of the state, Haitians have always had to do things for themselves, and so civil society has always been strong. Civil society organisations doubtlessly also took a battering in the earthquake but they can still play a strong role

in the recovery and rebuilding and should not be sidelined.

Conclusion

It is relatively easy to talk of rights and their value and importance but even rights that have been well established for decades, such as those that exist for refugees under the 1951 Convention, can be hard to apply, even with goodwill on all sides. Haiti might be seen as a test case for the application of the Guiding Principles. Of course neither the humanitarian system nor the wider international community is, nor should it be, experimenting on the people of Haiti; yet their behaviour in applying, or failing to apply, the Guiding Principles and other standards should be scrutinised. There will be more lessons to be learned, and more material for the development of theory, of research and of policy that might benefit people affected by future natural disasters. The agreed principles and standards were designed for exactly these sorts of situations.

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The editors of FMR usually confine their views to their editorial (p2). However, we wanted to include an article on the earthquake in Haiti – which occurred as we were preparing this issue – but were aware that those best placed to write were too busy with the response. We therefore prepared this article ourselves, in consultation with colleagues.

- <http://tinyurl.com/OpGuidelines>
- Other articles in this issue of FMR explore some of the challenges in assisting and protecting displaced people in the dispersed environment of towns and cities.
- Principle 25 states that “the primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities”.
- http://www.brookings.edu/projects/idp/gp_page.aspx
- http://www.brookings.edu/fp/projects/idp/20050401_nrframework.pdf
- <http://tinyurl.com/IDP-Law-Policy>
- For more reflections on the roles of the military, government and agencies after that earthquake, see John Cosgrave and Maurice Herson, in the 7th ALNAP Review of Humanitarian Action (2008) <http://www.alnap.org/initiatives/current/rha/7.aspx>
- “Responding to earthquakes: Learning from earthquake relief and recovery operations”, Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP) <http://tinyurl.com/Earthquake-lessons>
- Guiding Principle 28 talks of “Special efforts...to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration”.

reasonable expectation should be matched with the government itself fulfilling its responsibilities towards the displaced. Guidance for such national implementation is available in the Guiding Principles on Internal Displacement themselves,⁴ and in *Addressing Internal Displacement: A Framework for National Responsibility*⁵ which provides guidance on how to operationalise sovereignty as responsibility, including steps that can be taken even amidst the chaos of the emergency and immediate recovery phase. There is in addition, possibly more realistically for the next phase, *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*.⁶

In Pakistan after the earthquake in 2005, the government took control and had at its disposal a strong military that could provide logistical and other support.⁷ In Haiti most of this support is coming from outside. In addition to the hundreds of international aid agencies, many governments have sent assistance, much of it military. The political risks that this entails aside, foreign governments and their military forces are also being tested for their humanitarian capability. Will they behave in a way consistent with civilian humanitarian practice? And how well will they operationalise their state of origin's commitments to the Guiding Principles above all but also to other internationally recognised standards?