

## **Republic of Haiti**

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## **Environmental Justice**

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## I. SUMMARY

1. The statements and recommendations of this document build upon the following assertions:
  - 1) Crisis response does not require a prolonged disregard for natural resource protection, economic independence, health and safety concerns, or other discrete interests of rural or poor populations.
  - 2) In part because they lack adequate environmental assessment and planning in current and future redevelopment efforts, many relief activities threaten the long-term interests of Haitians, and particularly the country's most vulnerable populations.
  - 3) Economic growth is interdependent with environmental stewardship and sustainable use of natural resources.
  - 4) Unless specific measures are included in the structure and execution of relief and rebuilding efforts to enable broader participation in economic growth and encourage greater self-determinacy in environmental stewardship and natural resource management, these goals will not be realized.
  
2. Human rights concerns in Haiti are closely tied to chronic and severe problems in water quality and sanitation, health and safety of workers, environmental protection, agriculture, and land use. The major areas of concern include:
  - **2010 Earthquake Aftermath and Waste Disposal:** health and human rights crises are greatly exacerbated by the after-effects of the earthquake, particularly the physical obstacles presented by the remaining debris and rubble, of which less than 20% has been removed in Port-au-Prince.<sup>1</sup>
  - **Water and Sanitation:** inadequate clean water and lack of sanitation facilities resulting in an inadequate standard of living for most of Haiti's population, and contributing to the ongoing cholera outbreak.
  - **Agriculture and Food Security:** several factors in Haiti threaten the basic human right of food security, including the unrestricted importation of seeds without regard to phytosanitary requirements, as well as largely unregulated importation and use of dangerous and often unlabeled pesticides.
  - **Deforestation:** deforestation of 92% of the land in Haiti is more than a prima facie case that land use planning has failed in the country – and places more and more vulnerable people onto vulnerable places.
  - **Land Use:** the present and planned movement of hundreds of thousands of Haitians from Port-au-Prince to the countryside leads to a variety of land tenure and use controversies hinging upon legal questions of accessibility and ownership.
  
3. In summary, these impacts threaten many international human rights, including the rights to: life and security of person; health; freedom from hunger; access to water; a healthy environment; an adequate standard of living; a means of subsistence; property; adequate

housing; freedom of movement and residence; and culture and traditional knowledge; safe work place as well as the rights of indigenous peoples, including the right to self-determination.

4. Policies of the GOH should ensure that all substantive decisions are made by, or in meaningful consultation with, Haitian stakeholders of all socioeconomic levels.
5. Restoration of ecosystems and implementation of disaster risk reduction measures must be at the core of the reconstruction. UN agencies can achieve this only by recognizing the need for bidirectional flows of information using established, legitimate, and transparent Haitian institutions.<sup>2</sup>

## II. Environmental and Human Rights Concerns in Haiti - Overview

6. *The United Nations Universal Declaration of Human Rights (UDHR) of 1948* recognizes that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family.”<sup>3</sup>
7. *Article 5 of the American Convention on Human Rights* (Pact of San José), which came into force in 1978, states that “Every person has the right to have his physical, mental, and moral integrity respected.”<sup>4</sup> As of last year, 24 (of 35) OAS member states had ratified the Convention, including Haiti, which ratified it in 1977.<sup>5</sup>
8. The present-day Constitution of Haiti (*Constitution d’Haïti*) was ratified in March 1987, suspended from June 1988 to March 1989, and fully reinstated in 1994. *Article 253 of the Haitian Constitution* states that “Since the environment is the natural framework of the life of the people, any practices that might disturb the ecological balance are strictly forbidden.”<sup>6</sup>
9. *Management of the Environment, Decret du 26 janvier 2006.*<sup>7</sup> In 2006, the Haitian government produced a revised decree defining national policy on environmental management and sustainable development. The Decree recognizes, *inter alia*, that the quality of the environment directly affects the well-being of each individual and his fundamental right to quality of life.<sup>8</sup> Further, the Decree recognizes that the degradation of the Haitian environment has reached alarming proportions, compromising the country’s sustainable development, and that it is imperative that the State take appropriate measures to safeguard and protect the environment.<sup>9</sup>

## III. Environmental Conditions in Haiti

### A. Earthquake Aftermath

10. As of this writing, less than 20% of the rubble from the earthquake has been removed. This creates physical barriers to rebuilding and resettlement of Port-au-Prince, and detrimental psychological effects for the citizens on the city. The rubble also includes toxic substances and carcinogens that leach into ground and surface water. In addition to local water pollution, these leachates create downstream problems in coastal fisheries, which poison food and water supplies as well as threatening livelihoods.<sup>10</sup>
11. Rubble removal has consistently been undertaken without adequate safety equipment. The consequences of this include serious life-threatening respiratory disorders similar to those suffered by thousands of members of cleanup crews and first-responders in the aftermath of the 9/11 attacks in New York City. Substances that threaten cleanup workers are likely to include silica dust, asbestos, VOCs, and a host of other toxins.<sup>11 12</sup> For

example, respiratory masks are the easiest and cheapest method of preventing respiratory illness for cleanup crews, costing only US\$1.60 per mask. However, these are not currently required and are very rarely used.

12. What rubble has been removed has frequently been placed in ecologically sensitive areas, or areas where it remains a risk to local water and soil quality.
13. While rapid response is important in a crisis situation, prolonged lack of stakeholder engagement and planning exacerbates poor environmental, health, and safety conditions while perpetuating the Haitian people's condition of powerlessness.

#### **Recommendations:**

14. Public agencies and NGOs must increase the number of employees and volunteers removing the rubble and debris, and provide adequate safety equipment and training to both formal and informal cleaning crews, i.e. through contracts with cleanup and construction companies.
15. Ensure that training, cautionary and technical materials are translated into Kreyol or into pictographs to ensure accessibility to all citizens.
16. Ensure that rubble can be disposed of or reused without endangering human or ecological health and safety. This can be achieved through improved environmental management systems, including infrastructure for citizen reporting of environmental problems as well as adequately paid and trained enforcement staff.

#### **B. Water, Sanitation, and the Cholera Outbreak**

17. According to the *United Nations Universal Declaration of Human Rights (UDHR) of 1948, sufficient clean water is a basic human right.*<sup>13</sup> Of all the human needs for an adequate standard of living, sufficient water that is free from pathogens and other harmful agents is one of the most important. In Haiti, this lack is acute; 5-16% of deaths in young children are due to diarrhea resulting from unclean drinking water.<sup>14 15</sup>
18. If people cannot access clean water, Haiti will continue to see widespread increase in deaths from water-borne diseases, exemplified the ongoing cholera epidemic. Fecal contamination of water is a primary means by which pathogenic bacteria, viruses, nematodes and protozoa are spread. Outbreaks of cholera indicate significant breaches in the water, sanitation, and hygiene infrastructure which permit large-scale exposure to food or water contaminated with *Vibrio cholera* organisms.<sup>16</sup>
19. Even prior to the 2010 earthquake, the sanitation and hygiene infrastructure had long been non-functional throughout much of Haiti, especially in rural areas. Since the earthquake, many rural towns have become *de facto* urban areas, due to influx of refugees from Port-au-Prince. Sanitation facilities in Haiti consist primarily pit toilets, and have been implemented without adequate consideration of waste treatment. A lot of the camps barely have any sanitation facilities or the facilities are portable toilets that are so dirty and infrequently cleaned, no one wants to use them – people are forced to go in plastic bags, etc.<sup>17</sup> As a result, human waste frequently washes into local water supplies.

#### **Recommendations:**

20. Standards for adequate sanitation, water, and medical care for prevention or mitigation of epidemic cholera must be clearly established and documented in the medical and public health literature. This information must also be translated into Kreyol and disseminated to

medical and sanitation personnel and the public.

21. Effective implementation of well-defined sanitary practices by governmental authorities is a necessary step for controlling the cholera epidemic and saving the lives of Haitians. This must include education of and collaboration with private citizens and community groups.
22. Large-scale investment to develop effective sanitation and water purification infrastructure by both public agencies and NGOs throughout Haiti is essential. The goal of this effort must be provision of adequate quality and quantity of water to all citizens, regardless of ability to pay.
23. Sanitation project planning should be coordinated with energy production efforts to increase use of organic waste for small scale energy production, i.e. biogas from human and animal waste.

### C. Agricultural and Food Security

24. The *United Nations Universal Declaration of Human Rights (UDHR) of 1948* recognizes that all individuals have the right to a standard of living adequate for the health and well-being of themselves and their families.<sup>18</sup> Availability of sufficient and healthful food, and an agricultural system that is capable of providing those, i.e. food security, are fundamental components of an adequate standard of living.
25. The *Haiti Constitution of 1987* recognizes that agriculture is the principle source of national wealth, well-being, and socioeconomic progress in Haiti.<sup>19</sup> (see “The Wealth of the Poor,” UNDP 2005 at [http://pdf.wri.org/wri2005\\_guide.pdf](http://pdf.wri.org/wri2005_guide.pdf))
26. The *Loi du 27 Novembre 1986, Article 1*, which promulgates the regulatory basis for entry of animals and plants into Haiti, specifically states that it is forbidden to import into Haiti any animals, plants, or seeds, of any sort, without first obtaining written authorization from the National Quarantine Service of the Minister of Agriculture, Natural Resources, and Natural Development.<sup>20</sup> Yet, at present, the Haitian government only sporadically enforces this law at best, so that seeds and other material flow freely into the country.
27. The *International Plant Protection Convention (IPPC)*, a multilateral treaty for international cooperation in plant protection of which Haiti is a party,<sup>21</sup> makes provision for the application of measures by governments to protect their plant resources from harmful pests (phytosanitary measures), which may be introduced through international trade.
28. *The Cartagena Protocol on Biosafety to the Convention on Biological Diversity* . aims to ensure the safe handling, transport and use of living modified organisms (LMOs) resulting from modern biotechnology that may have adverse effects on biological diversity, taking also into account risks to human health.<sup>22</sup>
29. The *Constitution of Haiti, Article 258*, states: “No one may introduce into the country wastes or residues of any kind from foreign sources.”<sup>23</sup>
30. The World Trade Organization's *Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)* identifies the IPPC as the reference organization developing international standards for plant health (phytosanitary) measures. However, several factors in Haiti threaten the basic human right of food security, including the unrestricted importation of seeds without regard to phytosanitary requirements, as well as largely unregulated importation and use of dangerous and often

unlabeled pesticides.

31. The *Loi du 27 novembre 1986, Article 1*, which promulgates the regulatory basis for entry of animals and plants into Haiti, specifically states that it is forbidden to import into Haiti any animals, plants, or seeds, of any sort, without first obtaining written authorization from the National Quarantine Service of the Minister of Agriculture, Natural Resources, and Natural Development.<sup>24</sup> Yet, at present, this law is only sporadically enforced at best by the Haitian government the Haitian government only sporadically enforces this law at best, so that seeds and other material flow freely into the country.
32. When seeds appropriate to a country's agricultural system are unavailable, or when introduced pathogens result in plant disease epidemics, or if particular introduced crops present health or environmental concerns, then a nation's food security is threatened. In Haiti, the unrestricted flow of seeds from outside the country presents a high risk that plant-pathogenic organisms or their vectors will be introduced. A number of NGOs as well as foreign companies have imported large numbers of seeds to Haiti without inspection or certification. Unregulated importation of plants, plant parts, or microorganisms directly contravenes Haitian law.
33. In Haiti, the unrestricted flow of seeds from outside the country presents a high risk that plant-pathogenic organisms or their vectors will be introduced. A number of NGOs as well as Monsanto and other foreign companies have “donated” large amounts of seeds to Haiti without inspection or certification, directly contravening Haitian law. Introduced exotic plant pathogens could be devastating to Haitian food crops, as has apparently already occurred with late blight disease of tomato. If diseases such as African cassava mosaic (caused by a plant pathogenic virus) or Fusarium wilt of banana (caused by a fungus) were to arrive in Haiti, they would seriously threaten two of the most important food crops and could result in widespread crop failure, hunger, and even starvation. When seeds or rootstocks that have not been certified as pathogen-free are allowed to enter the country, this risk cannot be controlled. Existing regulatory frameworks, such as phytosanitary requirements, are in place in most of the world to prevent this occurrence, but are either poorly implemented or ignored by the Haitian government.
34. Often, seeds which are brought to Haiti are unsuitable for the soil and climatic conditions of the country. In some cases, seeds from open-pollinated crops are planted and the resulting plants may hybridize with indigenous varieties, diluting the gene pool of crop varieties that are suitably adapted to local conditions.
35. Foreign corporations, particularly Monsanto, have introduced, without adequate environmental assessment, large quantities of commercial hybrid seeds. The plants which result from commercial hybrids are generally unsuitable for saving seed for subsequent crops, which is a critical aspect of food security and sustainability for peasant communities. This necessitates purchase of new seeds the following year, depleting already scant wealth.
36. Hybrid and GMO crop seeds often require large inputs of water, chemical fertilizers and pesticides, leaving peasant growers highly dependent on foreign suppliers.
37. There is also concern that extra-national corporations will introduce genetically engineered ‘living modified organisms’ (LMOs) into Haiti, whether for agricultural or other purposes, without appropriate oversight, presenting potential risks to human health, agriculture, and biodiversity. This has already occurred regionally, for example in the

Cayman Islands where LMO mosquitoes were released in possible violation of the Cartagena Biosafety Protocol.<sup>25</sup> Unfortunately, although Haiti has ratified the Convention on Biological Diversity, it has not yet ratified the Cartagena Biosafety Protocol, leaving the country more vulnerable to this possibility.

38. Haphazard spraying with unlicensed and often unlabeled chemicals, some of which are banned elsewhere in the world, presents risks for contamination of Haiti's scarce water and food supplies, as well as for direct effects on individuals.<sup>26</sup> This presents severe health risks to farm workers and consumers, including direct toxic effects as well as long-term effects from carcinogens, as well as degradation of soil quality, build-up of resistance in plant pathogen and insect pest populations.
39. Because of severe food shortages, imported seeds are often eaten directly, and in some cases these seeds have been treated with toxic pesticides and thus have dangerous chemical residues on them, resulting in poisoning of individuals who eat the seeds.<sup>27</sup> The Constitution of Haiti, Article 258, states: "No one may introduce into the country wastes or residues of any kind from foreign sources."<sup>28</sup> However, the current regulatory framework and implementation of laws are inadequate to prevent this from occurring.

#### **Recommendations:**

40. The Haitian government, international organizations, and other NGOs must significantly and rapidly strengthen phytosanitary capabilities, with particular emphasis on pest exclusion, and ensure that the country's legal framework is consistent with international agreements to which it is a party, including the IPPC and the SPS Agreement.<sup>29</sup>
41. Reconstruction efforts should support local cooperatives that are working to establish seed banks and silos to store non-hybrid, non-GMO seeds.
42. NGOs and Haitian government agencies should promote the use of Integrated Vector Pest Control efforts, which do not rely on chemical pesticides for effectiveness in lieu of chemical intensive strategies (see "Short-term Mosquito Vector Action Plan for Haiti and Long-term Sustainable Mosquito Vector Management Plan for Haiti." EPA, 2010 at [www.ejih.org/](http://www.ejih.org/)).
43. The Haitian government should ratify the Cartagena Protocol to the Convention on Biological Diversity, as a first step towards appropriate safeguards for potential introduction of genetically modified organisms.
44. The Haitian government must rapidly enact, strengthen, and enforce laws to protect agricultural workers as well as consumers from the adverse effects of pesticides and other chemicals. Appropriate pesticide labeling schemes must be developed and enforced, including full disclosure to the public of active and inert ingredients in pesticides.

#### **D. Deforestation**

45. Although the Haitian government authorized a **15-year Environment Action Plan** in 1999, which had the goal of stopping deforestation through the development of alternative fuel sources, little progress has been made. Political instability and a lack of governmental funding commitment have limited the impact of this reform.
46. Deforestation leads to soil erosion, resulting in decreased agricultural yields and deadly landslides. Haiti faces a severe deforestation problem which puts the country on the verge of a serious ecological disaster. As much as 95% of Haiti's forests have been lost. Today, forests cover less than 2% of the country, and many mountain hillsides have been

denuded and reduced to bedrock, making Haiti one of the most deforested countries in the world.<sup>30</sup>

47. Most Haitians still depend on wood and charcoal as their primary fuel source, and many Haitian farmers have had to turn to tree cutting as an alternative source of income. According to the U.S. Agency for International Development, as much as 75% of the fuel consumed in Haiti was wood or charcoal in 2000<sup>31</sup>. In a country of just over 9 million people, Haitians burn as much as 31 million trees worth of charcoal annually.<sup>32</sup>
48. Alternative energy sources are needed to facilitate preservation and regrowth of forests. Development of these projects would bring much-needed economic development to the region, and could potentially make it a hub of research and development in the area of solar and appropriate bioenergy.
49. Deforestation has detrimental effects on water quality, including sedimentation of surface water and loss of filtration properties of soil, which exacerbates poor sanitation.
50. Reforestation should not be confused with neo-colonialist efforts by some extranational corporations to establish large biofuel plantations in Haiti, since these raise serious concerns about environmental sustainability, loss of biodiversity, appropriation of agricultural lands, and social justice.<sup>33</sup>

#### **Recommendations:**

51. Reconstruction and environmental protection efforts must promote community woodlands that are operated and/or owned co-operatively. This will provide protection from “poaching” through use of community patrols, and ensure that food security goals are met in conjunction with reforestation activities.
52. NGO and governmental forest protection and reforestation efforts must include training and education of citizens to ensure democratic access to these resources and minimize illegal logging.
53. Promotion of sustainably operated tree farms using local genotypes is essential to ecological and economic stability. Forestry of tree species that provide food, such as mangoes, should be encouraged, but with the primary purpose of providing food security for local populations.

#### **E. Land Use and Planning**

54. The International Haitian Reconstruction Commission has released its “*Neighborhood and Housing Reconstruction Framework*”<sup>34</sup> which is intended to improve zoning and safety of residential communities in Port-au-Prince. However, this plan only applies to building owners, and omits any consideration for the city’s 200,000 renters, some the country’s most vulnerable citizens.<sup>35</sup>
55. *Organization of American States (OAS)’s cadastre modernization plan*, as outlined in its March 2010 proposal, consists of 28 main activities to be carried out during a seven-year implementation period.<sup>36</sup> Some of the statements in OAS’ current proposal are problematic; in particular, it indicates an overemphasis on establishing a land rights infrastructure that will attract foreign investment in Haiti would come at the cost of the land use and property rights of its most disadvantaged citizens, many of whom inhabit rural communities where such rights derive from customary law. Without participatory enumeration and other procedures that provide fair opportunities for the assertion of land rights, expedience in establishing a land registry system may sacrifice the economic and

housing rights of Haiti's most vulnerable populations in an effort to attract foreign investment.<sup>37</sup>

56. The dramatically unequal apportioning of real property has played a powerful role in the perpetuation of both poverty and ecological degradation in Haiti. Farmers who do not own their land and are in constant fear of displacement have a weak incentive to manage it sustainably, and smallholders are unable to grow sufficient crops to accumulate wealth.<sup>38</sup> Currently, only a few families control the majority of the land, and subsequently monopolize the political discourse concerning land use and property rights.
57. The OAS's cadastre's objective related to formalizing land titling may be difficult to reach without undermining its other objectives related to equity and stakeholder engagement. A recent UN- HABITAT publication indicates that titles have benefited many informal property owners and deserve a place in any tenure policy, but titling has not necessarily improved access to credit nor prevented the growth of new informal settlements.
58. Many low-income households prefer the social cohesion which customary tenure arrangements can provide, or the mobility offered by renting, as long as they enjoy adequate security and legal protection. Ensuring this protection is easier where land markets and planning encourage a variety of tenure options beyond titling.

#### **Recommendations:**

59. Reconstruction efforts must facilitate citizens' access to legal practitioners, including lawyers, paralegals, and notaries, in order to ensure that they are informed of the rights and interests they can protect, and legal practitioners can communicate how their expertise can serve individuals seeking to protect their rights and interests.
60. The Haitian government must implement land titling procedures that provide a variety of options based on the needs and customs of the local populations. UN-HABITAT has provided alternative tenure options that capitalize on "the value of an incremental approach and the importance of building on existing tenure arrangements with which people are familiar."<sup>39</sup> These alternative, "intermediate," and incremental tenure approaches include: low-cost registration and formalization of customary rights; temporary occupation licenses that allocate idle public land for a productive use, thus legitimizing semi-permanent commercial and residential structures, while retaining long-term control over land use; securing long-term tenure for communities where effective local land management practices are already in place through Community Land Trusts, community-based titles, or co-operatives; establishing decentralized customary agencies to handle dispute resolution and/or serve as intermediaries between communities with customary land rights and central regulatory authorities.<sup>40</sup>
61. Legal empowerment in Haiti will require working with communities through processes such as participatory remuneration to develop a better picture of land tenure both before and after the earthquake. It is impossible to determine what kinds of legal reforms and regulatory approaches would be most consistent with strengthening the rights and interests of Haiti's disadvantaged unless such individuals are able to communicate what their rights and interests are to legal practitioners in Haiti and internationally.
62. The institutionalization of an American-type land tenure system must be approached with extreme caution, given the dramatic failure of that system during the Foreclosure Crisis of 2008-2009.

## F. Mineral Extraction

63. *Principle 10 of the Rio Declaration* of 1992 states that all citizens must have access to information regarding the environment and a participatory role in decisions affecting the environment, including access to justice to protect community interests.<sup>41</sup>
64. Many principles of corporate social responsibility have been outlined in the United Nations draft “*Protect, Respect and Remedy*” framework.<sup>42</sup> Of particular importance to foreign corporations operating in Haiti is the principle that “[b]usiness enterprises should respect human rights, which means to avoid infringing on the human rights of others and to address adverse human rights impacts they may cause or contribute to.”<sup>43</sup>
65. The Haitian extractive sector represents a relatively low portion of Haiti’s GDP; however, increased mining activities present grave implications for land use and planning objectives, including large obstacles for relocation of displaced persons.
66. Mining operations entail a number of environmental concerns, which have become more acute following the earthquake of January 2010. These concerns include: deforestation; displacement of local populations; water use and contamination; air and soil pollution; and hazardous waste disposal.
67. Without the political infrastructure and resources necessary for effective environmental regulatory enforcement, Haiti’s extractive industry operates virtually unabated by domestic environmental laws. Already plagued by potable water shortages, deforestation, and access to information issues, current extractive activities within Haiti effectively continue the cycle of foreign exploitation of Haitian natural resources.
68. The disproportionate allocation of land to the extractive industry is exemplary of foreign exploitation of Haitian mineral resources. The country of Haiti encompasses 27, 750 square kilometers.<sup>44</sup> Of this total land mass, mining corporation Eurasian Minerals, Inc. maintains exploratory land holdings of approximately 2,800 square kilometers in Northern Haiti,<sup>45</sup> roughly ten percent of the Haitian state. In February 2010, one month after Haiti’s devastating earthquake, the International Finance Corporation invested 5.3 million Canadian dollars in Eurasian Minerals to bolster the company’s gold and copper exploration, particularly those within the Haiti.<sup>46</sup>
69. Despite the promise of creating greater employment for local communities, it is unclear what percentage of the foreign extractive sector’s financial profits has reached the domestic population.
70. In Haiti’s current economic and political climate, previously-created environmental impact assessment legislation and guidelines are rarely enforced.<sup>47</sup> Without a viable environmental impact assessment procedure in place, the citizens of Haiti will not be allowed, nor able, to participate in environmental decision-making processes surrounding the extractive sector that have significant impacts upon the land and resources of local communities.

### Recommendations:

71. The Haitian government should establish a fund to pay for medical care and takings that result from mineral extraction activities. This fund should be paid for through revenues from the existing mineral extraction companies.
72. Legal agents, particularly notaries, must be educated by NGOs and about environmental rights of citizens, so that they may in turn pass that information to their communities.

73. Citizen participation in environmental decision-making through a formal assessment process will ensure that corporations may be held accountable for environmental and human rights abuses.<sup>48</sup>
74. Until an assessment and regulatory process is enacted, mineral extractions should only be permitted in cases where it can be proven to pose no threat to the public or ecological health.

## **G. Final Recommendations**

75. The analysis and recommendations of previous sections are based upon several repeating themes and concerns. The following recommendations address these generally, and present a set of principles that are both consistent with the UN's Declaration of Human Rights and with the pursuit of The wellbeing of all Haitians:

### **Recommendations:**

76. Environmental analysis must be injected into all aspects of decision-making, by the Haitian governments at all levels, foreign donors, and NGOs.
77. Stakeholder engagement must be a central activity of all such assessments, and as such the needs of the most vulnerable populations must be the overriding factor for determining political and economic actions. The principles of legal empowerment as outlined by the IDLO,<sup>49</sup> which asserts that law must be used to empower the socially and economically disadvantaged, must underlie all governance structures and political decisions.
78. Consistent with the principles of environmental democracy as stated in the 1992 Rio Convention,<sup>50</sup> the skills, traditions, and desires of the Haitian people must be reflected, highlighted, and respected throughout decision-making processes. Stated another way, environmental stewardship efforts must be undertaken in tandem with establishment of democratic governance and improvements in quality of life.
79. Management systems must be developed with the flexibility to respond to changing technologies, climate, needs, and cultures, and the open acknowledgement that no single strategy will always work over changes in time, space, and human group.
80. As a result of its extreme wealth and ownership inequality, Haiti must now go through a process of economic decolonization in order to become economically independent, self-sufficient, and sustainable. This will mean an emphasis on democratization of access to natural and manufacturing resources in conjunction with education and empowerment concerning sustainable use and practices.

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<sup>1</sup> Lucy Rodgers, *Haiti earthquake: One year on*, BBC NEWS, Jan. 12, 2011, at <http://www.bbc.co.uk/news/world-latin-america-12135850>.

<sup>2</sup> Remarks by Helen Clark, Chair of the United Nations Development Group, on the occasion of the International Donors' Conference Towards a New Future for Haiti.

<sup>3</sup> Universal Declaration of Human Rights, G.A Res. 217 (III) A, U.N. GAOR, 3d Sess., U.N. Doc. A/810 (Dec. 10, 1948) (hereinafter UDHR).

<sup>4</sup> American Convention on Human Rights (San Jose, Costa Rica, Nov. 22, 1969), 1144 U.N.T.S. 143.

- <sup>5</sup> American Convention on Human Rights, *Status of Ratifications* at <http://www.oas.org/juridico/english/sigs/b-32.html>.
- <sup>6</sup> 1987 CONST. OF THE REPUBLIC OF HAITI.
- <sup>7</sup> Management of the Environment, Decree, Jan. 26, 2006, *Le Moniteur, Journal Officiel de la Republique d'Haiti*.
- <sup>8</sup> *Id.*
- <sup>9</sup> *Id.*
- <sup>10</sup> UNEP: The Caribbean Environment Programme, at <http://www.cep.unep.org/publications-and-resources/marine-and-coastal-issues-links/solid-waste-and-marine-litter>.
- <sup>11</sup> *Occupational Exposures to Air Contaminants at the World Trade Center Disaster Site*, U.S. CENTERS FOR DISEASE CONTROL AND PREVENTION, Sept.-Oct. 2001, at [www.cdc.gov/mmwr/preview/mmwrhtml/mm5121a1.htm](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5121a1.htm).
- <sup>12</sup> -, M. Thummarukudy, Haiti Mission Report, UNITED NATIONS ENVIRONMENT PROGRAMME, March 2010, available at <http://onerresponse.info/Disasters/Haiti/Environment/publicdocuments/Key%20Environmental%20Issues%20-%20Full%20Text.pdf>, at 13-14, 21.
- <sup>13</sup> UDHR, *supra* note 3.
- <sup>14</sup> *Id.* at 22.
- <sup>15</sup> *Haiti: Mortality Country Fact Sheet 2006*, WORLD HEALTH ORGANIZATION (2006).
- <sup>16</sup> *2010 Haiti Cholera Outbreak*, U.S. CENTERS FOR DISEASE CONTROL AND PREVENTION, available at <http://www.cdc.gov/haiticholera/>.
- <sup>17</sup> *See One year after the earthquake– Haitians still living in crisis*, INSTITUTE FOR JUSTICE & DEMOCRACY IN HAITI, at [http://ijdh.org/wordpress/wp-content/uploads/2011/01/Camp-Conditions\\_Final.pdf](http://ijdh.org/wordpress/wp-content/uploads/2011/01/Camp-Conditions_Final.pdf), at 7.
- <sup>18</sup> UDHR, *supra* note 3.
- <sup>19</sup> 1987 CONST. OF THE REPUBLIC OF HAITI art. 247.
- <sup>20</sup> Management of the Environment, *supra* note 7.
- <sup>21</sup> International Plant Protection Convention, available at <https://www.ippc.int/>.
- <sup>22</sup> Cartagena Protocol on Biosafety to the Convention on Biological Diversity, available at <http://bch.cbd.int/protocol/> (hereinafter Cartagena Protocol).
- <sup>23</sup> 1987 CONST. OF THE REPUBLIC OF HAITI art. 258.
- <sup>24</sup> Management of the Environment, *supra* note 7.
- <sup>25</sup> Cartagena Protocol, *supra* note 22.
- <sup>26</sup> J.Thundiyil, J.Stober, *Acute pesticide poisoning: a proposed classification tool*, BULLETIN OF THE WORLD HEALTH ORGANIZATION, March 2008.
- <sup>27</sup> One substance to which individuals may be exposed by this vector is ethylene glycol (antifreeze), a severe toxin that affects kidney function if either swallowed or inhaled as dust. Another such substance is known as Maxim XL, for which there is no known antidote. *See ETI factsheet on Monsanto seeds*, available at [www.ejih.org/eti-factsheet.pdf](http://www.ejih.org/eti-factsheet.pdf).
- <sup>28</sup> 1987 CONST. OF THE REPUBLIC OF HAITI art. 258.
- <sup>29</sup> J. Vapnek and D. Manzella, *Guidelines for the Revision of National Phytosanitary Legislation*, FAO LEGAL PAPERS ONLINE #63, Jan. 2007.
- <sup>30</sup> Country Profile: Haiti, Library of Congress, Federal Research Division, May 2006, available at <http://lcweb2.loc.gov/frd/cs/profiles/Haiti.pdf>.
- <sup>31</sup> D. Ben Swartley and Joseph Ronald Toussaint, USAID, Haiti Country Analysis of Tropical Forestry and Biodiversity 23, May 2006, available at [http://www.usaid.gov/locations/latin\\_america\\_caribbean/environment/docs/Haiti\\_118-119\\_Report.pdf](http://www.usaid.gov/locations/latin_america_caribbean/environment/docs/Haiti_118-119_Report.pdf).
- <sup>32</sup> *Id.* at 22.
- <sup>33</sup> F. Danielsen et al., *Biofuel plantations on forested lands: Double jeopardy for biodiversity and climate*, CONSERVATION BIOLOGY 23:348-358 (2009).
- <sup>34</sup> *Safer Homes, Stronger Communities*, World Reconstruction Conference, at <http://www.housingreconstruction.org/housing/sites/housingreconstruction.org/files/SaferHomesStrongerCommunitites.pdf>.
- <sup>35</sup> Jane Regan, *Haiti Resettlement Plan Excludes Almost 200,000 Families*, INTERNATIONAL PRESS SERVICE, Feb. 14, 2011, available at <http://ijdh.org/archives/17422>.
- <sup>36</sup> *Modernization of Cadastre and Land Rights Infrastructure in Haiti: A Rapid and Inclusive Approach*, ORGANISATION OF AMERICAN STATES, March 2010, at 5.
- <sup>37</sup> Jane Regan, *supra* note 35.

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<sup>38</sup> *The Wealth of the Poor*, UNDP, UNEP, World Bank, WRI, 2005.

<sup>39</sup> *Id.* at 20.

<sup>40</sup> *See id.* at 20–24.

<sup>41</sup> *Id.* at 71.

<sup>42</sup> *Guiding Principles for the Implementation of United Nations “Protect, Respect and Remedy” framework*, 2011, available at <http://www.reports-and-materials.org/Ruggie-UN-draft-Guiding-Principles-22-Nov-2010.pdf>, at 13.

<sup>43</sup> *Id.*

<sup>44</sup> CIA, *The World Factbook*, Central America and the Caribbean, Haiti, at <https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html>.

<sup>45</sup> Eurasian Minerals, Inc., *Exploration, Haiti*, at <http://www.eurasianminerals.com/s/Haiti.asp>.

<sup>46</sup> Eurasian Minerals, Inc., *News Releases*, at

<http://www.eurasianminerals.com/s/NewsandInfo.asp?ReportID=386235>.

<sup>47</sup> Annie Donnelly, et al., *A Directory of Impact Assessment Guidelines*, *International Institute for Environment and Development*, 1998, at 73.

<sup>48</sup> This concern is especially relevant in light of *Kiobel v. Royal Dutch Petroleum*, a decision by the U.S. Court of Appeals for the Second Circuit, which concluded that corporations could not be sued for human rights abuses under the Alien Tort Statute, available at [http://www.ca2.uscourts.gov/decisions/isysquery/6af680f7-684f-4470-8c6a-15870801f72f/5/doc/06-4800-cv\\_opn.pdf](http://www.ca2.uscourts.gov/decisions/isysquery/6af680f7-684f-4470-8c6a-15870801f72f/5/doc/06-4800-cv_opn.pdf).

<sup>49</sup> *See id.* at 9-14.

<sup>50</sup> *Voice and Choice*, WORLD RESOURCES INSTITUTE, 2008.