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Durable Solutions for the Internally Displaced Persons in Haiti Following the 2010 Earthquake:

Out of sight, out of mind. Where are the internally
displaced five years after?

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ABSTRACT

The 2010 earthquake that hit Haiti provoked a humanitarian emergency of a magnitude that the international community had rarely faced in the past. Due to the sheer number of deaths, injured and displaced, it has been – and continues in many aspects to be – a tragedy of unprecedented magnitude for the Haitian people. Five years later, with the end of the emergency and the shift to the development phase, the needs of the displaced have not disappeared and their situation enters a different momentum with the search for durable solutions. This paper endeavours to examine to what extent durable solutions have been achieved for the displaced persons of Haiti, specifically in the metropolitan area of Port-au-Prince. The paper first focuses on clarifying the conceptual framework and analyses how this framework has been understood in the Haitian context. The paper further examines key interventions undertaken to achieve durable solutions for the displaced population and the obstacles faced in this context. The paper concludes that the situation in Haiti qualifies as a protracted displacement crisis as the analysis shows that the process for finding durable solutions for the persons displaced by the earthquake is stalled. A number of recommendations are therefore made to try to bend the curve and promote the adoption of specific measures to support the realization of durable solutions for the displaced persons in Haiti. While these recommendations are specific to the Haitian context, they could inform the response to other displacement crises as well.

Key Words: internal displacement, durable solutions, natural disaster

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INTRODUCTION

Le 12 janvier 2010, à 16 h 53, "dans un crépuscule qui cherchait ses couleurs de fin et de commencement, Port-au-Prince a été chevauchée moins de quarante secondes (...) avant de s'écrouler. Livrée, déshabillée, nue, Port-au-Prince n'était pourtant point obscène. Ce qui le fut, c'est sa mise à nu forcée. Ce qui fut obscène et le demeure, c'est le scandale de sa pauvreté".

Failles, Yanick Lahens¹

The 2010 earthquake of magnitude 7.0 that struck Haiti provoked a humanitarian emergency of a magnitude that its people was not ready to bear and that the international humanitarian community had rarely faced in the past. Due to the sheer number of deaths, injured and displaced, it has been – and continues in many aspects to be – a tragedy of unprecedented magnitude for the Haitian people. According to generally accepted estimates, about 200,000 were killed, hundreds of thousands injured and about 1.5 million people had been displaced immediately after the disaster. Beyond these unfathomable numbers, entire families have been wiped out from the face of Earth, uncountable numbers of lives have been devastated and many mothers after five years are still hoping for the return of a loved child. Since the disaster, Haitians themselves – but also with a lot of support from all around the globe – have not spared efforts to save what could be saved and to rebuild lives. While much more still needs to be done, the images of devastation and chaos that immediately followed the disaster are no longer. With regards to displaced persons, with the assistance of the humanitarian community a number of initiatives have been put in place to provide them with life-saving support, in particular those living in camps in the capital Port-au-Prince.

Five years after the earthquake, the Haitian government and the international community report that the number of displaced persons has dramatically dropped. In the present study, after the necessary clarification about the concepts utilised, I will try to analyse to what extent internally displaced persons enjoy specific assistance and attention to protection needs linked to their displacement. I will, in particular, explore whether they can be considered as enjoying the right to a durable solution. In doing so, I will also focus on the challenges linked to the transition from a humanitarian response to a more development-focused approach.

This study focuses on the displacement of population following the 2010 earthquake in the metropolitan area of Port-au-Prince and is based on interviews and research that I carried

¹ Y. Lahens, *Failles*, Paris, Sabine Wespieser Editeur, 2010, 16.

out during my visit to Haiti between August and December 2014. During my stay, I visited a number of displacement sites including the Camp Radio Commerce, Camp Maurice Bonnefil and Croix-des-Bouquets and had the opportunity to meet with a number of government representatives as well as representatives from international organizations and non-governmental organisations – both national and international. I also met with displaced persons themselves. Additionally, I had the privilege to accompany the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, Dr. Chaloka Beyani, during his country visit to Haiti from 29 June to 5 July 2014 during which he met with the key actors working on displacement related issues in the country.

1. THE CONCEPTUAL FRAMEWORK: NO STRATEGY WITHOUT UNDERSTANDING THE CONCEPTS

1.1. What is an internally displaced person?

“Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or 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”.

This definition of an internally displaced person is contained in the “Guiding Principles on Internal Displacement”.² This set of 30 principles developed under the leadership and guidance of the former Representative of the United Nations Secretary General on the Human Rights of Internally Displaced Persons, Mr. Francis Deng, endeavours to address the specific needs of this group of population as well as identifying the rights and guarantees relevant to the protection of persons from forced displacement, to their protection and assistance during displacement as well as in the post-displacement phase. These principles have gained the gradual recognition and support of the international community, which culminated with a formal recognition by heads of State and Governments, assembled for the United Nations World Summit in 2005, as “an important international framework for the protection of internally displaced persons”.³ At the summit, governments “resolved to take effective measures to increase the protection of internally displaced persons”.⁴

² United Nations Commission on Human Rights, *Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39 Addendum Guiding Principles on Internal Displacement*, UN Doc. E/CN.4/1998/53/Add2(1998).

³ United Nations General Assembly, *2005 World Summit Outcome*, UN Doc. A/RES/60/1, 24 Oct. 2005, para 132.

⁴ Ibid.

Internal displacement is a factual condition and the fact that displaced persons are registered or not does not affect this status. Unlike in international refugee law, being a displaced person does not imply a legal status or recognition.

Displacement is a life-changing event that affects entire societies and not only those who have been subjected to direct displacement. Are considered displacement-affected communities those “that bear the negative consequences of displacement, either because they have to flee or leave their homes and places of habitual residence themselves, or because they have had to host internally displaced persons, or because they have to receive and integrate formerly displaced persons who return to their homes and places of habitual residence or settle permanently elsewhere in the country”.⁵

The term “host communities” depict a variety of situations. It can refer to communities in which relatives or friends take in a family member victim of forced displacement. It can also allude to communities which displaced persons have fled to and in which they remain during the period of displacement. As highlighted by the Special Rapporteur on the rights of internally displaced persons, host communities are often the “first responders” to a crisis as they welcome, support and assist displaced persons upon their arrival. These host communities and host families, however, may have also been impacted by the crisis and may lack in particular adequate housing and access to basic services.⁶

1.2. What are the durable solutions for displaced persons?

The question of the definition of the durable solutions is intimately linked to the issue of the termination of the displacement. It is now commonly agreed that, in most cases, displacement does not end immediately once the cause for fleeing ceases to exist. The end of the displacement is rather a gradual process, which can sometimes be quite long, and the situation of displacement will be considered as having ended only when a durable solution is achieved and when the internally displaced persons no longer have any specific assistance and protection needs linked to their displacement.

As emphasized by the Guiding Principles on Internal Displacement (Principle 28), internally displaced persons have a right to a durable solution while they may also need support and assistance in achieving it.

Durable solutions can be achieved through three main modalities:

- Sustainable return to the place of origin;

⁵ United Nations Human Rights Council, *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin - Addendum Operational Guidelines on the Protection of Persons in Situation of Natural Disasters*, UN Doc. A/HRC/16/43/Add.5, 31 Jan. 2011, 43.

⁶ United Nations Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons, Chaloka Beyani*, 26 December 2011, A/HRC/19/54, 13.

- Sustainable local integration in the area where the internally displaced persons have taken refuge;
- Sustainable integration in another part of the country.⁷

Whatever solution chosen, the issue of sustainability should be at the core of the process. Indeed, if the solution chosen or proposed cannot last in time, and if the displaced person has found only a temporary response to his/her situation, it cannot be considered as being a durable one.

The Guiding Principles set out the rights and responsibilities that must be fulfilled in the search for durable solutions. These include in particular:

- The national authorities have the primary responsibility to provide durable solutions to internally displaced persons;
- The rights, needs and legitimate interests of internally displaced persons should be the primary considerations guiding all policies and decisions relating to internal displacement;
- All relevant actors need to respect internally displaced persons' rights to make an informed and voluntary decision on what durable solution to pursue;
- Populations and communities that (re-integrate) internally displaced persons, and whose needs may be comparable, should not be neglected.⁸

2. HAITI: A NARROWER UNDERSTANDING OF WHO IS AN INTERNALLY DISPLACED PERSONS

During the different meetings I held with a wide spectrum of interlocutors, including government and international organizations representatives, it appeared that the understanding of who is an internally displaced person had gradually shifted from a definition focusing on persons who “were forced to abandon their homes” to a narrower one circumscribed to those who fled and found refuge in displacement camps. This shift can also be noticed by reading different reports on the situation of internally displaced persons in Haiti published during the past five years.

The initial estimates of persons affected by displacement following the earthquake refer to figures around 1.3 million. The post-disaster needs assessment conducted in Haiti from 18 February to 24 March 2010, at the request and under the direction of the Government

⁷ United Nations Commission on Human Rights, *Guiding Principles on Internal Displacement*, (n 2), section V, principles 28 to 30.

⁸ The Inter-Agency Standing Committee (IASC) framework on durable solutions for internally displaced persons provides guidance on the process and conditions necessary for achieving durable solutions and details in particular the list of principles which should guide the search for durable solutions. See IASC, *Framework on Durable Solutions for Internally Displaced Persons*, UN Doc. A/HRC/13/21/Add.4, 29 December 2009.

with the technical support of the United Nations and other intergovernmental organizations indicates that “according to statistics issued by the Haitian government, almost 1,292,707 people are now homeless. Most of these people lost their homes and have sought temporary shelter in roughly 900 camps, or have had to move in with friends or relatives”.⁹ In its first submission to the Human Rights Council Universal Periodic Review, the Government also referred to “the effect of the earthquake on the population [that] was catastrophic. Hundreds of thousands of people lost their lives and some 300,000 were injured. A further 1.3 million were forced to abandon their homes, which were either ruined or severely damaged, in order to seek refuge in temporary shelters located in public areas or on private property”.¹⁰ In the same vein, the first report of the United Nations Secretary General following the earthquake indicated that, according to Government figures, 1.5 million people were left homeless. This report further stated that on 16 March 2010, a displacement tracking matrix was completed identifying a total population of 1.17 million internally displaced persons in the Port-au-Prince area alone. Hundreds of thousands more were reported to have fled the capital for the rural areas and provincial capitals, placing great stress on local host families and communities.¹¹ In September 2010, a report of the Secretary General of the United Nations was also referring to displaced persons in camps along an unspecified number of them who were living with host families outside of the capital.¹² The Internal Displacement Monitoring Center (IDMC), a leading organization working in the field, had estimated on the other hand that about 2.3 million persons had been displaced by the earthquake among which an undetermined number would have found refuge with host families.¹³

In August 2012, however, the general discourse changed and there was no longer a reference to displaced persons living outside camps in the report of the Secretary General. In the Humanitarian and Recovery update section of the mentioned report, the Secretary General stated that “in June 2012, more than 390,000 internally displaced persons were living at 575 sites. This figure represent[ed] a reduction of 73 per cent compared to the data for July

⁹ Government of Haiti, *Haiti Earthquake PDNA: Assessment of damage, losses, general and sectoral needs*, March 2010, 74, available at http://reliefweb.int/sites/reliefweb.int/files/resources/C8D475D8DBEDA49257705000819F9-Full_Report.pdf, (last visited 26 June 2015).

¹⁰ United Nations Human Rights Council, Working Group on the Universal Periodic Review, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1*Haiti*, A/HRC/WG.6/12/HTI/1, 19 July 2011, 14.

¹¹ United Nations Secretary General, *Report of the Secretary-General on the United Nations Stabilization Mission in Haiti*, S/2010/200, 22 February 2010, 1.

¹² United Nations Secretary General, *Report of the Secretary-General on the United Nations Stabilization Mission in Haiti*, S/2010/446, 1 September 2010, 3.

¹³ Internal Displacement Monitoring Center, *Haiti: Earthquake IDP movements out of the metropolitan area of Port-au-Prince in January 2010*, 12 December 2012, available at <http://www.internal-displacement.org/americas/haiti/2012/earthquake-idp-movements-out-of-the-metropolitan-area-of-port-de-prince-in-january-2010>, (last visited 26 June 2015).

2010, when 1,555 camps were home to 1.5 million displaced persons”.¹⁴ The same figure that was presented as the overall figure for the displaced population two years earlier. In his last report published at the time of writing this study, the Secretary General refers to a remaining figure of 79 397 people still living in displacement which accounted for a 94% reduction compared to the initial number of 1.5 million displaced persons.¹⁵

In all human endeavours, mistakes happen and often can be corrected. In this case, however, beyond disputing the numbers, which are not easy to ascertain in emergency situations, what could be seen as a mistake or a conceptual failure or even the result of lack of interest has enormous consequences with possibly thousands of displaced persons unaccounted for, with no information on their particular situation and needs, and no strategy to address these. Those people who have not found refuge in a camp or a site have disappeared from the radar of the humanitarian actors. In particular, and from a human rights stand point these people are possibly the most vulnerable and deprived, having had their rights to a durable solution violated as they simply do not exist on the map. They are *de facto* victims of discrimination as they are not able to enjoy the right to receive protection and humanitarian assistance from national authorities; a right that is the corollary of the authorities’ duty to protect and assist internally displaced persons. In addition, the communities and families that may be hosting and helping them are not being supported in this endeavour, being left alone to bear the brunt of additional mouths to feed, additional children to send to school and more people to share their housing with.

But how could such a mistake have happened? There is certainly more than one cause to this serious overlook by various key actors. One of them relates to my view in the assumption that displaced persons living outside of camps are less in need of protection and assistance because they are benefiting from the support of family or friends, or because they have found some sort of solution on their own. One of the government interlocutors that I interviewed referred to the case of his own mother (from a reasonably wealthy family) who had lost her home and had to move with her sons for several months before being able to rebuild her destroyed house. For him, she could not be considered as an internally displaced person in the same way than those who had to find refuge in a displacement site or a camp. The fact that this person was able to find a transitory solution by her own means, however, does not disqualify her as an internally displaced person as she may have residual needs linked to her displacement beyond the issue of housing. These needs can be linked to employment or health for example. Moreover, many displaced persons living outside camps may not be able to relate to such a story. In many instances, when displaced persons could

¹⁴ United Nations Secretary General, *Report of the Secretary-General on the United Nations Stabilization Mission in Haiti*, S/2012/678, 31 August 2012 , 4.

¹⁵ United Nations Secretary General, *Report of the Secretary-General on the United Nations Stabilization Mission in Haiti*, S/2015/157, 4 March 2015, 3.

benefit from the support of host families, the situation of the latter tended to degrade over time, which may lead to a point where the displaced person would have to find alternative arrangements so creating secondary movements and increasing vulnerabilities. Even those displaced persons who can dispose of sufficient resources to cope during the initial months after the crisis often find that their resources may drastically diminish with the high cost of housing frequently linked with the scarcity of the offer, the loss of means of income and of most of their material possession, as well as in some cases with the loss of family members who could have been able to provide support. Finally, some displaced persons may be living outside camps because they could not access these. This can be the situation of isolated elders or persons with disability.

Another explanation for this fail could be found in the over-reliance on an important but not comprehensive tool at the disposal of the humanitarian actors.

The Displacement Tracking Matrix (DTM) is a monitoring tool developed already in March 2010 in collaboration with the Camp Coordination and Camp Management Cluster. It is designed to provide timely information on Internally Displaced Persons living in sites, whether formal camps or more informal settlements. As such it does not cover displaced populations not living in camps. It provides regular updates on the number of displaced persons still living in camps; the number of sites still open; the number of sites that has closed during a given period. In Haiti, the DTM is in practice managed by the International Organization for Migration. In March 2015, the DTM issued its 22nd report.¹⁶ In the absence of a more comprehensive initiative to track displaced persons whether they leave in camps or not, the DTM gradually became the sole reference tool to provide figures on the number of displaced persons. In addition, in a country that already before the earthquake was known to have a very weak institutional capacity, no governmental body was in a position to carry out such assessments on its own.

Another element which could explain the possible lack of interest in carrying a proper evaluation of the displaced population is linked to the political gains that could derive from the perceived drastic diminution of the numbers of displaced persons in Haiti. According to the figures extracted from the latest report of the DTM, 64,680 displaced individuals were still living in displacement at the end of March 2015 in 66 displacement sites.¹⁷ According to several interlocutors, during the campaign that led to the election of the current administration, solving the displacement crisis was one of the leading candidate's main electoral engagements. Closing camps to quickly show decreasing numbers of internally displaced persons, was perceived to be an easy way to achieve political gains and public opinion's

¹⁶ International Organization for Migrations, *Displacement tracking matrix (DTM) Haiti Round 22 report as of 31 March 2015*, available at <http://iomhaitidatportal.info/dtm/index2.aspx> (last visited 26 June 2015)

¹⁷ Ibid.

positive rating for the administration. If this may prove to be true for national authorities, it may also prove true for international actors who could showcase the results of their efforts to their constituencies, notably the donor community. While anecdotal information seems to corroborate the above analysis, it goes without saying that no hard evidence could be found while researching for the present study.

Finally, it can also be remarked that scientific and comprehensive assessments, which would allow to develop a better defined picture of the displacement situation and bring to light the fate of all the forgotten displaced persons of Haiti, are very expensive initiatives that can be difficult to sale to donors as they are not seen as direct assistance. As experience has shown, notably in the case of Haiti, donors are often looking for tangible interventions in order to feed their own public opinion. And counting displaced persons, assessing their specific situations and needs can be seen as less marketable than the building of temporary shelters in front of which photographs can be taken.

Relevant normative frameworks, however, emphasize the primary responsibility of national authorities for providing protection and assistance to all displaced persons, and without discrimination. The Brookings-Bern project on internal displacement has developed an authoritative framework for national responsibility, which is intended to help governments address the problem of internal displacement and provide tools to evaluate the extent to which national responsibility is being effectively exercised. The framework identifies the collection of data on the number and conditions of displaced persons as one of the key steps for governments to conduct in responding to internal displacement.¹⁸

At the end of his June 2014 visit in Haiti, the United Nations Special Rapporteur on the human rights of internally displaced persons advocated for the conduct of a country-wide assessment to identify the internally displaced persons and assess their needs. This exercise should, in my view, comprise both a profiling and a needs assessment component. The profiling component of the exercise should gather data on the number of displaced persons in Haiti disaggregated at minimum by age, sex and location(s). The needs assessment exercise will complement the profiling by collecting information in order to gain a comprehensive overview of the needs and protection concerns of this population.

¹⁸ The Brookings Institution-University of Bern Project on Internal Displacement, *Addressing Internal Displacement: A Framework for National Responsibility*, April 2005, 14. available at http://www.brookings.edu/fp/projects/idp/20050401_nrframework.pdf, (last visited 26 June 2015). See also Global Protection Cluster Working Group (GPC), *Handbook for the Protection of Internally Displaced Persons*, March 2010, 345.

3. ACHIEVING DURABLE SOLUTIONS IN THE HAITIAN CONTEXT

3.1. The IASC Framework on durable solutions for internally displaced persons

Building on the Guiding Principles on Internal Displacement, which emphasize the right of internally displaced persons to a durable solution, the IASC¹⁹ developed a framework to provide guidance for achieving durable solutions following internal displacement in different contexts, including in case of a natural disaster. The framework constitutes a tool for national authorities, international and non-governmental actors to assist them in determining whether a durable solution has been found in the specific situation where they are operating.

Emphasizing the primary responsibility of national authorities in providing durable solutions for internally displaced persons, the Framework clarifies the key principles that should guide the search for durable solutions. In particular, it stresses that the rights, needs and legitimate interests of the displaced persons should be the primary considerations guiding all policies and decisions relating to durable solutions; the rights of displaced persons to make an informed and voluntary decision on what durable solution to pursue; and the importance of ensuring that the needs of populations and communities that integrate or re-integrate displaced persons be taken into account. The framework also stresses that all actors working in assisting displaced persons should adopt a human rights-based approach to supporting durable solutions for internally displaced persons who should be at the centre of the process. It dedicates an entire section to describe how humanitarian and development actors can ensure that such an approach is being followed.²⁰

The framework also spells out the eight criteria that should determine to what extent durable solutions have been achieved. Given the difficulties to achieve these in many displacement situations in the short or medium term, the criteria identified must be seen as benchmarks aimed at measuring progress towards the realization of durable solutions. These criteria are: safety and security; adequate standard of living; access to livelihoods; restoration of housing, land and property; access to documentation; family reunification; participation in public affairs; and access to effective remedies and justice.

3.2. Obstacles to achieving durable solutions in Port-au-Prince

The search for durable solutions for displaced persons in Port-au-Prince faces a number of challenges. Some of these challenges are linked to the magnitude of the earthquake which largely destroyed the response capacity of the national authorities. The international

¹⁹ The Inter-Agency Standing Committee (IASC) is the primary mechanism for inter-agency coordination of humanitarian assistance involving the key UN and non-UN humanitarian partners. The IASC was established in June 1992 in response to United Nations General Assembly Resolution 46/182 on the strengthening of humanitarian assistance. For further details see <http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=about-default>.

²⁰ See above n 8.

organizations present in the country, including the peace mission, were also severely affected preventing them to provide the necessary support required. Other challenges are intimately linked to the context of extreme poverty of the country and the fact that most of the destruction took place in the capital city, an area characterized by unmanaged urbanization.

3.2.1. Durable solutions in the context of extreme poverty

“Haiti remains the poorest country in the Americas and one of the poorest in the world (with a GDP per capita of US\$ 846 in 2014) with significant needs in basic services. [...] more than 6 million out of 10.4 million (59%) Haitians live under the national poverty line of \$ 2.44 per day and over 2.5 million (24%) live under the national extreme poverty line of 1.24 dollar per day. Haiti is also one of the most unequal countries, with a Gini coefficient of 0.61 as of 2012.”²¹ These troublesome indicators are symptomatic of the widespread structural impoverishment, extreme environmental degradation, rapid and unmanaged urbanization coupled with weak governmental capacity that characterize Haiti today as they did prior to the earthquake. While donor countries have cancelled Haiti’s outstanding foreign debt following the earthquake, this has risen since to the record amount of 1,270,501,000 US dollars in 2013.²² More than ever, the country remains highly dependent on international assistance as well as on the remittances by a large Haitian diaspora. According to a recent report drafted under the auspices of the Inter-American Development Bank, Haiti received 1,923 billion US dollars of remittances in 2014.²³

It is against this background that the national authorities – who have the primary responsibility in this regard – have to support internally displaced persons reaching the stage where they no longer have specific and assistance needs related to their displacement. This is even more challenging as, in addition to the specific economic situation of the country, this process suffers from the historical disconnect that continue to mark the relation between humanitarian and development actors in managing displacement crisis.

Already in the 1960s, the importance of bridging the gap between relief and development assistance to displaced populations was being debated.²⁴ Over the time, and particularly in the past five years, there has been an increased awareness of the need to recognize that displacement is more than a humanitarian issue but also a development one, and a number of initiatives have been taken to better identify the gaps between the

²¹ World Bank, *Haiti overview*, available at <http://www.worldbank.org/en/country/haiti/overview> (last visited 26 April 2015).

²² World Bank, *External debt stocks*, available at <http://data.worldbank.org/indicator/DT.DOD.DECT.CD>, (last visited 29 May 2015).

²³ R. Maldonado, M. Hayem, *Remittances to Latin America and the Caribbean Set a New Record High in 2014*, Washington, D.C., Multilateral Investment Fund, Inter-American Development Bank, 2015.

²⁴ For more details on the history of the evolution of this debate, see United Nations General Assembly, *Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani*, 31 July 2013, A/68/225, 10-12.

emergency and developmental phases. In 2011, for example, the United Nations Secretary General endorsed the preliminary framework on ending displacement in the aftermath of conflict, which identifies gaps in supporting durable solutions for internally displaced persons and refugees returning to their country of origin as well as establishing priorities and responsibilities to support the delivery of assistance.²⁵ Although the framework focuses on conflict induced displacement and particularly on the first two years following the end of a conflict, it can contribute to deepen the analysis of the disconnect between the humanitarian and the development phases which affect all types of displacement situations including those due to natural causes. Indeed, while the cause of displacement may differ, the challenges are similar. The systematic gap analysis presented in the preliminary framework identifies among others the following elements: (1) the ineffective coordination between development, human rights, humanitarian and peace-building actors in providing comprehensive responses; (2) the fact that UN recovery and development strategies have, in some cases, failed to incorporate the needs of displaced persons thereby undermining achievements made in the humanitarian phase; and (3) the limited access to funding for reconstruction and development in transitions has also restricted delivery of targeted services for the reintegration of displaced persons in the preliminary stages of their search for durable solutions. These gaps also exist in non-conflict settings.

The “Transitional Solution Initiative” also constitutes another effort to put into practice this paradigm shift. This joint initiative of the World Bank, the United Nations Development Programme (UNDP) and the United Nations High Commissioner for Refugees (UNHCR) endeavours to end the dependency of displaced persons on humanitarian assistance by providing sustainable livelihood options for the displaced and better supporting host communities.

Despite these encouraging developments, barriers continue to limit the smooth transition between the emergency and developmental phases. In particular, development actors are usually not part of the response from the outset but only join at a later stage, after the peak of the crisis, when durable solutions start to be envisaged. This has also been the case in Haiti where an Early Recovery cluster was not even set up. As indicated by UNDP, the United Nations lead agency on early recovery, “the purpose of the early recovery approach is to reduce the need for future humanitarian interventions – or in the first instance, reduce the scale – and ensure that by having a development voice in the humanitarian arena, the

²⁵ United Nations Secretary General, *Decision no. 2011/20, Durable solutions: Follow up to the Secretary-General's 2009 report on peacebuilding*, 4 October 2011, available at <http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1265299949041/6766328-1265299960363/SG-Decision-Memo-Durable-Solutions.pdf>.

essential work of humanitarians will also help to attain development goals”.²⁶ The Early Recovery cluster seems therefore to be the natural forum for developmental actors such as the World Bank, the Inter-American Development Bank or others to contribute in integrating a development perspective in the response to the crisis. According to UNDP, “ideally, this work commences as early as possible in the humanitarian response”.²⁷ According to experts, displaced persons are often in a more precarious situation years after the emergency phase because of the inadequate early recovery and development response following the humanitarian phase. The absence of a comprehensive tracking mechanism on the situation of internally displaced persons in Haiti does not allow concerned actors to ascertain this fact.

Another important limitation is linked to the resource gap created by the shift between the usually fast dwindling of humanitarian funding and the much slower kick in of development funding. In the case of Haiti, humanitarian funds have already considerably decreased causing diminishing support to the displaced populations and hindering the prospect for rebuilding lives and achieving durable solutions. According to the Governor of the National Bank of Haiti, in 2010, the country was receiving 1,8 billion dollars in external donations while in 2015 this amount has dropped to only 563 million dollars.²⁸ Furthermore, large international donors such as the European Union and others have different funding streams to finance emergency and development projects, and there seems to be little coordination among them. It should be mentioned, however that, with the launch of the recent Transitional Appeal 2015/2016 (TAP), the humanitarian community attempts to somewhat address the issue. The TAP, which stretches over a two-year period is presented as aiming “to mobilize resources to smooth the transition process and ensure continuity of assistance for the most vulnerable individuals and communities”.²⁹

The knowledge gap constitutes an additional barrier as evidenced by some remarks made in Haiti by several interlocutors, locals or from the international community. Indeed, many actors felt that there is no real difference between the situation of the displaced persons in Haiti – particularly those in the camps – and the one of the urban poor living in the slums of Port-au-Prince. On the basis of this assumption, they advocate for an approach based on vulnerability without differentiating among the groups of populations. While displaced persons and urban poor may have many needs in common, by the very fact of being displaced the former face particular obstacles or are disproportionately affected by problems faced by both

²⁶ Extract from UNDP website, available at http://www.undp.org/content/undp/en/home/ourwork/crisispreventionandrecovery/focus_areas/early-recovery.htm (last visited 26 April 2015).

²⁷ Ibid.

²⁸ A. Roberson, “Charles Castel: pour la grande politique”, *Le Nouvelliste*, no. 39556, 25-26 avril 2015, 12.

²⁹ United Nations, *Haiti Transitional Appeal 2015 – 2016*, available at <http://www.humanitarianresponse.info/en/operations/haiti/document/haiti-transitional-appeal-2015-2016> (last visited 27 June 2015).

groups. For example, displacement increases the poverty level of displaced families who could have lost their means of livelihoods and support networks. The absence of reliable data both on the situation of the urban poor prior to the earthquake as well as regarding the overall number of displaced persons and their specific situation, makes it difficult to judge how similar the situation of the two groups is in reality.

The Special Rapporteur on the human rights of internally displaced persons, in his 2013 report to the General Assembly, has identified a number of additional barriers that can hinder a coherent transition from emergency to development, making it more difficult, therefore, to achieve durable solutions for displaced populations. These barriers include different planning cycles used by different actors, time frames, mandates, operational systems, and approaches to working with governments; lack of common benchmarks or indicators to measure progress towards durable solutions; lack of systematic, comprehensive and collaborative data collection and analysis; failure to maximize the relative strengths of actors; lack of national and international ownership of and lack of focused or coordinated leadership in support of solutions; lack of technical capacity; insufficient consideration of durable solutions issues in transition and Missions' drawdown plans; failure to engage the private sector in developing innovative solutions; and insufficient awareness and inadequate integration of displacement considerations into development and human rights capacity-building efforts.³⁰

3.2.2. Durable solutions in an unmanaged urban setting

The 2010 earthquake's epicentre was close to the town of Léogâne, approximately 17 km south-west of Port-au-Prince, the capital. The Port-au-Prince metropolitan area suffered enormous damage.

Port-au-Prince metropolitan area is home to about 2.3 million inhabitants, which represents 22 per cent of the total population of the country. Twelve per cent of the population is between 20 and 24 years of age. While 58.7 per cent of the population of the metropolitan area – aged 10 years and plus – participate in the economic activity, 45.5 per cent of the same group is jobless.³¹ Beyond the figures, Port-au-Prince shows many visible signs of poverty with large numbers of beggars – including children –, huge slums that dress up most of the hills surrounding it. Access to services, such as water and sanitation, are scarce for the great majority of the population of the metropolitan area and almost non-existent for the poorest segments. Despite the poor quality of schools, education is available in the capital

³⁰ See above n 24 at 15.

³¹ These figures are extracted from survey done by the Institut haitien de statistique et d'informatique, and particularly the "Enquête sur les conditions de vie des ménages après le séisme (Ecvmas)", available at http://www.ihsi.ht/produit_enq_nat_ecvh.html (last visited 27 June 2015).

representing a pull factor for internal migration and probably also for the displaced, including those who initially sought refuge in rural areas of the country.

Despite the fact that other cities were also affected by the destruction, Port-au-Prince being the largest city of the country with the highest concentration of population explains why the largest number of persons displaced by the earthquake were those living in the metropolitan area. Furthermore, anecdotal information gathered indicate that some displaced persons who left the capital to seek refuge in the provinces mostly in the Artibonite department – to the north of the capital –, came back after a few weeks as they were not able to find there an adequate response to their needs.

Once in urban environments, displaced persons tend to live outside camps, mixed up with the rest of the population and, for the most vulnerable, growing the number of people living in slums and precarious neighbourhoods. This makes them more difficult to identify and, consequently, may conduct to neglecting their needs.

At the same time, the urban environment is often perceived by displaced persons as a place of opportunity where they can rebuild their lives, have access to some form of employment and to resources as well as benefit from better access to social services. It is certainly this perception that led many displaced persons, who first left for the provinces, to come back to Port-au-Prince, which was seen as the only place where they had a chance to find solutions to their situation. While the city can indeed offer opportunities that they may not have elsewhere, displaced persons – especially the most vulnerable and those living outside camps – are exposed to a number of challenges. For example, poor displaced persons often have to resort to live in slums where they have less access to services, no security of tenure, are more prone to natural and climate hazards, such as droughts, and are more exposed to urban violence. They are also more exposed to forced evictions, which can lead to secondary displacements. There is no comprehensive data on the number of displaced persons who were subjected to forced evictions. The Displacement Tracking Matrix provides some elements of information and in its last report of March 2015 it states that since July 2010, 60,570 persons have been forcibly evicted. This figure, however, does not provide the full picture. The DTM only focuses on camps closed as a result of forced evictions. If only part of the displaced population of a specific camp was evicted, this category will not be accounted for in the DTM. In addition, while the DTM tracks spontaneous returns, there is no information about the reasons that triggered these returns, which may well be linked to external undue pressure and therefore amount to forced eviction.³²

³² A forced eviction is “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”, United Nations Committee on Economic, Social and Cultural Rights, General Comment No.7, *The right to adequate housing: forced evictions*, E/1998/22 para 3.

3.3. Key interventions towards durable solutions in Port-au-Prince

In order to determine to what extent a durable solution has been achieved, the IASC Framework identifies eight criteria: (1) safety and security; (2) adequate standard of living; (3) access to livelihoods; (4) restoration of housing, land and property; (5) access to documentation; (6) family reunification; (7) participation in public affairs; and (8) access to effective remedies and justice.³³ These criteria are interlinked and often overlap in their application at field level.

Following the earthquake, and as the emergency response was evolving, a number of initiatives was put in place in order to go beyond immediate “life-saving assistance”. These interventions by a wide range of actors were not structured along a comprehensive, mutually agreed durable solution strategy as this was never developed. These interventions, however, were somewhat complementing the displaced persons own efforts to find durable solutions.

In the context of the Haiti’s displacement crisis, and given the limitations of this study, I chose to provide some more insight below on four of these criteria: Long-term security and safety; the adequate standard of living and more specifically the issue of housing; the access to livelihoods; and access to personal and other documentation in connection with the participation in the public life. The choice was determined by the challenges linked to address displacement in the context of extreme poverty, the information I was able to access and the specific historical moment the country is facing as elections are planned to take place during the year.

3.3.1. Long-term security and safety

Access to police services, courts and other protection mechanisms is problematic in Haiti including in the metropolitan area. Data provided by a well-documented study by the Brookings Institute and the International Organization for Migration reveals that 19.8 per cent of displaced households did not feel safe in their new place of residence, compared to 11.5 per cent of respondents from non-displaced households.³⁴ One particular threat to the security of displaced person is linked to forced evictions. While no definitive figure exist, Amnesty International has documented at least four cases of forced evictions from displacement camps between April 2013 and January 2015. In several instances, the security

³³ IASC, *Framework for durable solutions* (n 8), 27.

³⁴ A. Sherwood, M. Bradley, L. Rossi, R. Gitau & B. Mellicker, *Supporting Durable Solutions to Urban, Post-Disaster Displacement : Challenges and Opportunities in Haiti*, Washington D.C., Brookings Institution, 2014, 26, available at <http://www.brookings.edu/~media/Research/Files/Reports/2014/02/07-haiti-displacement/Supporting-Durable-Solutions-to-DisplacementHaiti-March-4-2014.pdf?la=en> (last visited 26 June 2015).

forces have not been sensitive and responsive to communities at risk of displacement and have, sometimes, even participated in these evictions.³⁵

Enjoying long-term safety and security includes, according to the framework, “protection from those threats which caused the initial displacement or may cause renewed displacement”.³⁶ Immediately after the earthquake, an assessment of the surviving constructions was carried out throughout the capital. Buildings were labelled in red, yellow or green depending on the structural damage suffered and the level of danger they represented. Since then, important efforts have been made towards disaster risk resilience with, according to the recent TAP, improved coordination, information management, evacuation management and inclusion of internal displacement and protection issues in preparedness planning. A national contingency plan has even been developed for the hurricane seasons with mirror departmental plans, a most welcome initiative in a country where heavy rains in late 2014 have affected more than 22,735 families in the North alone. The recently adopted housing policy also refers to the importance of managing risks associated with natural hazards.

3.3.2. Adequate standard of living

The issue of enjoying an adequate standard of living is particularly acute in a context of extreme poverty as it exists in the metropolitan area of Port-au-Prince. For the IASC Framework, an adequate standard of living requires at a minimum that displaced persons have access, on a sustainable basis, to: essential food and potable water; basic shelter and housing; essential medical services; sanitation; and primary school education. In this context, progress towards the enjoyment of an adequate standard of living for displaced populations could be assessed by the comparison of access to these services by non-displaced households. The Brookings-IOM study mentioned above highlights differences between the two groups both in terms of perception of access to basic services as well as objective discrepancies. On housing, education, sanitation, water and livelihoods – for example – displaced households reported a more marked decrease in their access to basic services following the earthquake compared to non-displaced households. In addition, the Brookings study showed concrete differences between the two groups. For instance, 34.6 per cent of displaced households had a member with a paid job in comparison to 41.4 per cent for non-displaced households.³⁷

³⁵ Amnesty International, “15 Minutes to Leave” - Denial of the Right to Adequate Housing in Post-Quake Haiti, 7 January 2015, 22, available at <http://www.amnestyusa.org/research/reports/15-minutes-to-leave-denial-of-the-right-to-adequate-housing-in-post-quake-haiti> (last visited 26 June 2015).

³⁶ IASC, *Framework for durable solutions* (n 8), 29.

³⁷ Sherwood, Bradley, Rossi, Gitau & Mellicker, *Supporting Durable Solutions to Urban, Post-Disaster Displacement* (n 34), 30.

Among the different elements required for the enjoyment of an adequate standard of living, the issue of housing was the one witnessing the greatest number of interventions towards durable solutions. These interventions included the rapid assessment of damaged buildings, assistance to house repairs, the provision of shelters, the provision of one-year rental subsidies and increasingly the effort to create permanent housing in the context of rehabilitating affected neighbourhoods. These interventions have had positive effects on the closing of a large number of camps and displacement sites. According to the latest DTM, the number of displaced households living in camps has decreased by 96 per cent since July 2010. Between January and March 2015, 33 camps were closed in Port-au-Prince alone.

While the rapid closure of camps is a positive development, it is in itself insufficient to achieve durable solutions. In his end of mission statement in July 2014, Dr. Chaloka Beyani, the Special Rapporteur on the human rights of internally displaced persons, highlighted that “the closure of IDP camps by itself does not mean that durable solutions have been found for them”.³⁸ For example, the rental subsidy model which was extensively used in the Haitian context was insufficient in securing durable housing solutions to many of its beneficiaries. While in some instances rental subsidy programmes included livelihoods components or were combined with rehabilitation of neighbourhoods as in the Government led 16/6 project,³⁹ several evaluations have shown mixed assessments of these programmes. A survey carried out by the Wolf Group Performance Consultants in 2013, while considering that the Rental Support Cash Grant Approach/Return and Relocation Programs (RSCGA or RS) represented a tremendous achievement, highlighted that “after having received a year’s rental support, 60% of grantees will not generate enough funds to maintain the same quality of accommodation for the next year”.⁴⁰ Another survey by the Bureau des Avocats Internationaux in 2013 found that in the short term, the cash rental assistance program developed under the Haitian government’s 16/6 resettlement plan succeeded in moving families out of displacement camps where they were living in unsafe and desperate conditions. The survey also revealed that only 51 per cent of those surveyed had continued to live in the same home at the end of the programme and 61 per cent of them had not been able to continue paying their rent.

³⁸ C. Beyani, Special Rapporteur on the Human Rights of Internally Displaced Persons, “Haiti: Time to Push for Development to Achieve Durable Solutions for the Internally Displaced and the Vulnerable”, 4 July 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14827&LangID=E> (last visited 26 June 2015).

³⁹ The 16/6 – 16 neighbourhoods/6 camps – project was established by the Government with the support of four United Nations agencies (UNDP, International Organization for Migration (IOM), United Nations Office for Project Services (UNOPS), International Labour Organization (ILO)). In addition to facilitating the finding of housing solution for the displaced population of the six camps concerned, the project focuses on the rehabilitation of identified neighbourhoods. To learn more about the project, see <http://www.projet16-6.org/>.

⁴⁰ The Wolf Group Performance Consultants, *External evaluation of the Rental Support Cash Grant Approach Applied to Return and Relocation Programs in Haiti, September 2012 – January 2013*, 4, <http://www.ijdh.org/wp-content/uploads/2013/06/Haiti-Rental-Grant-Evaluation-the-WolfGroup.pdf> (last visited 1 May 2015).

Fifty-six per cent reported that their most pressing need was housing, up from just 9% in 2012.⁴¹ These findings resonate with the accounts heard from several victims of the earthquake I have personally met.

3.3.3. Access to livelihoods and employment

According to the IASC Framework, displaced persons who found durable solutions also have access to employment and livelihoods in a way that allows them to fulfil at least their core socio-economic needs, in particular where these are not guaranteed by public welfare programs.

As it is often the case, the search for durable solutions in Port-au-Prince is taking place in an environment marked by high unemployment rates for the entire population. As mentioned earlier, 45.5 per cent of the active population of the metropolitan area is jobless. The displaced population, however, suffers higher rates of unemployment than other segments of the population. The Brookings-IOM study showed in this regard that 67 per cent of the displaced persons surveyed stated that they lacked the means to provide for their basic needs compared to 43 per cent of the non-displaced.⁴²

A number of initiatives have been taken to address livelihoods related issues in relation to the displaced population, often in connection with other support programmes such as the 16/6 programme that included livelihood training and financial and management support to community businesses. These initiatives were considered by many as insufficient and too short-termed to be able to make a difference. In addition, other initiatives that try to address the unemployment crisis in the country failed to specifically take into account the needs of displaced persons, missing an opportunity to contribute to finding durable solutions. This is the case for important infrastructure works being carried out by the national authorities in Port-au-Prince or the development of the Caracol Industrial Park in the North of the country.

3.3.4. Access to personal and other documentation, and participation in public affairs

The IASC Framework states that displaced persons, who have achieved a durable solution, have access to the personal and other documentation necessary to claim public services, reclaim property and possessions, vote or pursue other purposes linked to durable solutions. It further stresses that national authorities need to facilitate the issuance of new documents or the replacement of documents lost in the course of displacement.

⁴¹ Bureau des Avocats Internationaux and Institute for Justice and Democracy in Haiti, *Surveys Indicates Earthquake Victims Who Received Housing Subsidies under Haitian Government's Housing Program Are Still in Crisis One Year Later*, 7 January 2014, <http://www.ijdh.org/wp-content/uploads/2013/05/Haitis-Housing-Crisis-Jan-2014-Press-Release.pdf> (last visited 1 May 2015).

⁴² Sherwood, Bradley, Rossi, Gitau & Mellicker, *Supporting Durable Solutions to Urban, Post-Disaster Displacement* (n 34), 35.

According to data available, 21.1 per cent of displaced households reported loss of documents as a result of the earthquake as compared to 7.7 per cent of non-displaced households. It appears furthermore that few families have received support from the Government to recover lost documents despite its ambitious programme, supported by the Organization of American States (OAS) to modernize the national civil registration system. UNHCR, however, funded a programme in 2011 to support the replacement of lost documentation. And about 10,000 displaced persons are reported to have benefit from this program.

The loss of personal documentation had a direct impact on the ability of internally displaced persons to access some of the relief programmes designed to help them. For example, it was reported that during the implementation of the rental subsidy program, families who lost their documentation could not receive the cash grants from participating banks. In other instances, displaced persons having lost their document had difficulties in accessing formal credit or micro-credit mechanisms.

Another important problem linked to the loss of documentation is the incapacity of displaced citizens to fully enjoy their civil and political rights, in particular the right to vote. While the Brookings-IOM study did not reveal any significant differences between displaced and non-displaced households with regards to their ability to vote during the last elections in 2010-2011, these results should be seen, however, in light of a very low overall turnout estimated at about 22 per cent. As general elections are planned for this coming autumn, it is worrying in particular that the issue of supporting the delivery of identification cards to displaced households is not broadly debated as confirmed by a member of the Government during a conversation.

CONCLUSIONS AND RECOMMENDATIONS

While I am finalizing this study, the people of Nepal are counting the victims of the devastating earthquake that stroke their country on 25 April 2015. I have never visited Nepal, this land-lock country situated on the other side of the world from my country, Haiti. However, from the reading I have made, it seems that they share some similarities. Aside from the natural disaster that both suffered, the two countries are characterized by poverty as evidenced by a low Human Development Index. In both cases, despite the difference in magnitude, both earthquakes stroke the capital cities, the largest agglomeration in the respective countries. The recent tragedy of Nepal sheds therefore a different light on my experience researching on durable solutions for the internally displaced of Haiti. I hope that some of the lessons learned from Haiti will inform the management of the response in Nepal.

At the end of this research, I conclude that the situation in Haiti qualifies as a protracted displacement crisis. Protracted internal displacement is understood as “a situation

in which the process for finding durable solutions is stalled, and/or internally displaced persons are marginalised as a consequence of violations or a lack of protection of human rights, including economic, social and cultural rights".⁴³ On the basis of the research I carried out, I am of the view that the process for finding durable solutions for the persons displaced by the 2010 earthquake is indeed stalled. This fact is the result of the inability of the actors - national and international to first identify who qualifies as an internally displaced persons, the needs of the concerned group of population and, consequently, design strategic responses to address them going beyond the emergency phase. This resulted in particular, in the complete overlook of the displaced population who did not find refuge in camps. To date, there is still not a full picture of the displaced population resulting from the 2010 earthquake. While a number of isolated interventions did take place and despite the will expressed by many actors to support the displaced persons in alleviating their suffering, no comprehensive and commonly agreed strategy exists to address these needs and recent important initiatives do not take into account these needs in a holistic manner. For example, the recent Transitional Appeal adopted by the International Community only focuses on the camp residents while the important National Policy on Housing of the Government hardly refers to internally displaced persons.

The longer the displacement crisis will last, the more invisible the displaced persons will become. It is my view that a number of decisive steps should be taken now to support the realization of durable solutions for the displaced persons in Haiti. While these steps are specific to the Haitian context, I believe they can inform the response to other crisis as well.

➤ **A comprehensive assessment of the displaced population including those living outside camps**

The Guiding Principles recognize that the national authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to find durable solutions to their situation. As mentioned earlier, the collection of data on the number and conditions of displaced persons has been identified as one of the key steps for governments to conduct in responding to internal displacement. Indeed, how will they be in a position to develop sound response mechanisms if they are not fully aware of the magnitude of the problem, the specific needs of this population as well as their aspirations? In Haiti, although five years have already passed, the Government should find the necessary support to carry out a comprehensive analysis of the number, the needs

⁴³ Brookings, Internal Displacement Monitoring Center, Norwegian Refugee Council, "IDPs in Protracted Displacement: Is Local Integration a Solution? Report from the Second Expert Seminar on Protracted Internal Displacement, 19-20 January 2011, Geneva", 7 May 2011, <http://www.internal-displacement.org/assets/publications/2011/201106-IDPs-in-protracted-displacement-is-local-integration-a-solution-thematic-en.pdf> (last visited 5 May 2015).

and protection concerns of the displaced population, as well as if and how many have found durable solutions. Only by doing so, will the necessary actions be taken to adequately address the issue. Beyond Haiti, I believe that additional emphasis should be put on all actors, notably humanitarian actors and donors, on the need to carry out profiling exercises from the beginning of a crisis. The IASC, being the primary mechanism for inter-agency coordination of humanitarian assistance, could be instrumental in ensuring that such exercises do take place.

➤ **The definition of a comprehensive and commonly agreed strategy on durable solutions**

As indicated in the IASC Framework, securing a truly durable solution is often a long-term process of gradually diminishing displacement-specific needs. This process requires the coordinated and timely engagement of different actors including national and local authorities, as well as humanitarian, human rights and development actors. In post-earthquake Haiti, the absence of a comprehensive strategy on durable solutions did not allow to capitalize on the different interventions, identify the gaps and determine the responsibilities. The absence of an Early Recovery cluster also contributed to this void.

Taking into account all the work that has already been carried out, a simple but comprehensive strategy should be developed to guide future interventions in particular in the context of diminishing resources. This strategy should be grounded on the IASC Framework on durable solutions and emphasize a comprehensive definition of the internally displaced person as stated in the Guiding Principles to ensure that no displaced person is left out. Protection should be at its core and specific vulnerabilities such as gender, age, disability should be fully integrated in the document. This strategy should promote cross-sectoral support for durable solutions as well as their integration in relevant plans and policies, notably developmental policies. This strategy should also promote flexibility as differentiated approaches should be developed for specific situations. It should also, as much as possible, promote support for efforts by the internally displaced themselves to find durable solutions. While some may consider that it is now too late to talk about strategies, I believe that without this there will be no durable solutions for the internally displaced of the earthquake as interventions will continue to be scattered and gaps will remain unaddressed.

➤ **Ensuring that displaced persons are fully taken into account in developmental initiatives**

The significant number of displaced person following the earthquake contributed to undermining and increase the vulnerability of the affected areas. As stated by the United States Agency for International Development (USAID), protracted displacement “typically disrupts or reverses progress made in schooling, healthcare, food production, sanitation

systems, infrastructure improvements, local governance and other sectors fundamental to economic and social development”.⁴⁴ In addition, displacement also has specific consequences on the communities that host internally displaced persons by increasing the pressure on local services such as access to water as well as access to the job market. In an impoverished context, these negative developmental impacts carry particular significance. As the shift from the humanitarian to the development phase is taking place it is essential to ensure that concerned actors do not adopt a “business as usual” attitude. The upcoming strategic documents that will be developed in the coming months and years such as the Integrated Strategic Framework should fully take into account the issue of internal displacement.

➤ **Haiti should adopt a legal framework and adequate policies to deal with all phases of displacement**

While a disaster of the magnitude of the 2010 earthquake may seem a one-time event, experts consider that another large-scale shock should be expected in the coming future. In addition, Haiti is considered the fifth most disaster prone country in the world with more than 96 per cent of the population exposed to two or more natural disasters including hurricanes, droughts and landslides. In this context, it is essential that the country invest in disaster risk reduction but also be equipped with a legal and policy framework to address all three phases of internal displacement: before, during and after. The African Union Convention for the Protection and Assistance to Internally Displaced Persons (The Kampala Convention) may provide a good starting point to initiate discussion on the development of a specific framework in Haiti. Although, the Kampala Convention is made by and for African countries, it is today the only, continent-wide legally binding instrument on the protection of displaced persons. The Convention is largely based on the Guiding Principles and provides a comprehensive framework for the protection of displaced persons. It even goes beyond the Guiding Principles in some aspects: it also spells out obligations to be met by international actors and highlights the principle of coordination among these actors.

⁴⁴ USAID, *Assistance to Internally Displaced Persons Policy*, 3, cited in W. Kälin Walter & N. Schrepfer, *Internal Displacement and the Kampala Convention: An Opportunity for Development Actors – Analytical Paper on the Relevance of Human Rights Approaches for Development Activities Targeting Conflict- and Disaster-Induced Displacement in Africa*, IDMC, 20 November 2012, 14, available at <http://www.internal-displacement.org/publications/2012/internal-displacement-and-the-kampala-convention-an-opportunity-for-development-actors/> (last visited 20 June 2015).

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