

Haiti Land and Housing Rights

The January 12, 2010 earthquake displaced more than 1.5 million Haitians. Hundreds of thousands of people became “internally displaced persons” (IDP) left homeless in their own land. Today over half a million Haitian IDPs continue to live in camps in Port-au-Prince and its environs. Twenty percent of the camp residents face extra-judicial, and often violent, evictions which threaten the lives and dignity of some of the most marginalized people in the hemisphere.

These evictions and camp conditions in camps often violate international human rights standards, with many residents lacking safe and suitable shelter, appropriate sanitation facilities, proper lighting and security measures. Yet, they also stem from a deeper failure to uphold land and housing rights throughout the country. The Haitian peasant majority—earning less than \$3 per day as farmers in rural regions with limited infrastructure—also struggle to secure access to land and housing in order to sustain themselves. In both cases, poor Haitians have been denied their right to safe, affordable land and housing by their government, as guaranteed in the Haitian constitution.

Forced Evictions

Within weeks of the earthquake, purported landowners began evicting families residing in camps. At the marker of the two-year commemoration of the earthquake, unlawful evictions are of increasing concern. The International Organization of Migration (IOM) reports that between July 2010 and September 2011, 58,000 residents were forcibly evicted. Currently, 100,000 IDPs—nearly 20% of the total IDP population living in 371 sites—face the threat of eviction.ⁱ This represents a three-fold increase from the number of people threatened with eviction last year at this time.

Private landowners and their allies often use violence to carry out forced evictions, grossly violating rights provided under Haitian and international law. To legally evict under Haitian law, a landowner must show proof of legal title in court and serve a summons on each individual who occupies the disputed land. In addition, the Haitian Constitution limits the right to private property if it is “contrary to the general public interest.” The vast majority of Haitian IDP camp evictions bypass the legal system, relying on methods of force or coercion. In the absence of a comprehensive housing plan and without job opportunities, those who remain in camps two years after the earthquake have no housing alternatives and no financial means for self-help.

In early April 2010, the UN and Haitian Government agreed to a temporary three-week moratorium on evictions. In November 2010, five IDP camps successfully requested the Inter-American Commission for Human Rights (IACHR) to protect Haiti’s IDPs and call for a temporary moratorium on evictions.ⁱⁱ After a string of violent evictions by a local mayor, members of the Congressional Black Caucus also called upon President Michel Martelly’s Administration to put a stop to all evictions until safe and affordable alternatives were available to IDPs. The Martelly government ignored these requests and has declined to implement a temporary moratorium on forced evictions or adopt alternative measures to protect the legal and human rights of displaced people.

Haiti's National Housing Strategy

When he took office, President Martelly pledged to close all of Haiti's displacement camps within six months, starting with six camps in his first 100 days. The President's housing plan was proposed as a model to address immediate housing needs, close IDP camps and commence reconstruction. The Interim Haiti Reconstruction Fund approved the plan with funding from the Haiti Reconstruction Fund and the IOM and cooperating NGOs are implementing it. The plan proposed relocating families from six camps to 16 neighborhoods in and around Port-au-Prince. To date, three of the six camps—Place St. Pierre, Place Boyer, and Mais Gate—have been closed for the most part. Residents of one of the six camps, located at Stade Silvio Cator, were forcibly evicted.

The 6/16 plan, though it lays ground work for closing certain camps, does not constitute a complete strategy. First, the plan aims to relocate only 5% of the current IDP population and does not lay out a solid action plan for relocating the entire displaced population. Second, the plan has not yet given specific directives on how it will ensure that basic human rights, such as access to water and sanitation services and participatory relocation processes, are to be upheld. Third, the plan offers families a rental stipend for just one year, which does not constitute a sustainable solution. Fourth, a survey of the six camps in the 6/16 plan conducted last summer suggests that residents of the six camps in Martelly's plan lacked information about the plan and how it would affect them.ⁱⁱⁱ In truth, housing or relocation development plans can only succeed if they are done in direct collaboration with beneficiaries and ensure the proper dissemination of information.

The IHRC had offered an initial Housing Strategy Blueprint in 2011 that has not yet come to full fruition or been adapted into a complete action plan. President Martelly's 6/16 plan, with strong support from the U.S. government, offers a partial model for addressing the needs of IDP camp members, yet it reflects only one step in the process. A comprehensive national housing plan must still be adopted and implemented, with full collaboration of Haitian grassroots and civil society networks, local municipal governments, and the private sector. This plan should also incorporate the needs of poor renters, who constitute the majority of the Haitian population. And finally, it should include required land reform measures, in order to address the current obstacles to housing development throughout the country.

Decentralization and Rural Land and Housing Reform:

Sustainable housing solutions in Haiti must recognize the position of farmers and the Haitian peasantry, who make up over 70% of the country's population, and who has suffered along with their urban counterparts in the aftermath of the earthquake. This fact holds especially true for women, who comprise the majority of smallholder farmers, but rarely have ownership of the land on which they work, or houses in which they live. Not only have rural areas absorbed and housed earthquake survivors, and shared limited resources, but also scarce agrarian land has been parceled off for new economic development and housing zones. IDP camps extend into these rural areas throughout the country and reflect a need for integrated land reform and housing policies that meet the needs of both rural and urban populations.

Both national and international stakeholders in Haiti's reconstruction recognize the urgent need for land tenure reform in order to meet the needs of both displaced Haitians and poor rural communities. The complicated system of land tenure laws and policies in Haiti is often skewed to benefit the elite, making it difficult for poor Haitians to access land or gain land titles. These policies prevent decentralized housing initiatives from advancing, as land tenure is often hotly debated, and/or without proper records and verification. The Haitian government must therefore integrate clear, equitable land reform policies into all housing and overall development plans, in a way that incorporates sustainable environmental protections and prioritizes the needs of the most vulnerable.

Conclusion:

Upholding land and housing rights present one of the most crucial challenges to address in Haiti's overall reconstruction process. The U.S. government, which has been a strong presence and donor within this process, has made land and housing a clear priority within its Haiti redevelopment strategy. As a result, the U.S. has pledged to build over 30,000 shelters, repair over 14,000 damaged houses and work with the Haitian government to build houses and/or support house financing for 15,000 families in both Port-au-Prince and the area around the Northern Industrial Park. In addition, the U.S. government has shown strong support for the Martelly 16/6 relocation plan. In order to help uphold the land and housing rights of all Haitians, however, both the U.S. government and the Haitian government must reprioritize the needs of the country's most vulnerable populations. This includes those still living in the IDP camps of Port-au-Prince, the unknown number who have relocated to precarious housing situations around the country and the rural Haitian peasantry that continues to fight for access to land and housing. It also means supporting the creation and implementation of a comprehensive national housing plan that will address the needs for housing repair, housing construction, land reform, renter support, environmental protections, modernized building standards and policy integration within one solid blueprint and action plan. In the absence of a comprehensive housing plan, the forced eviction of camp residents and the exploitation of peasant communities will continue to increase.

The January 2010 earthquake is not the sole cause of the land and housing crisis in Haiti. Disaster-response efforts will no longer address the root causes of homelessness within the country, such as entrenched poverty, inequality, lack of clear land tenure laws and unemployment rates that reach 80%. The U.S. government and NGO's must reprioritize their commitment to Haiti and the land and housing challenges. This means supporting the Haitian government's efforts in land reform and judiciary reform in ways that prioritizes the needs and voices of vulnerable populations—including a clear position against forced evictions. It consists of urgently advancing US housing commitments, such as repairing all 14,000 damaged homes as promised and partnering with the Haitian Government to advance housing development and financing plans for an additional 15,000 families. Both must be done in ways that respect the rights of vulnerable populations—including those still living in IDP camps and rural populations—and utilizing environmentally sustainable land and materials. And it means supporting the integration of a comprehensive housing plan through direct consultation with camp leaders and grassroots networks, in order to uphold the human rights principles of the Haitian constitution.

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ⁱ http://www.ccmhaiti.info/pdf/ShelterCCCM_Cluster_Minutes_281010_English.pdf.

ⁱⁱ "IACHR EXPRESSES CONCERN OVER SITUATION IN CAMPS FOR DISPLACED PERSONS IN HAITI", <http://www.cidh.org/Comunicados/English/2010/115-10eng.htm>.

ⁱⁱⁱ *HAITI'S HOUSING CRISIS: Results of a Household Survey on the Progress of President Michel Martelly's 100-Day Plan to Close Six IDP Camps*, the University of San Francisco School of Law, the Institute for Justice & Democracy in Haiti, and the *Bureau des Avocats Internationaux* (Oct 3, 2011), available at <http://ijdh.org/archives/22383>.