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# SUCCESSSES AND CHALLENGES OF THE HAITI EARTHQUAKE RESPONSE: THE EXPERIENCE OF USAID

*Paul E. Weisenfeld\**

## INTRODUCTION

Immediately after a magnitude 7.0 earthquake struck Haiti on January 12, 2010, the international community commenced an unprecedented relief effort for what was the worst recorded natural disaster in the Western Hemisphere.<sup>1</sup> The U.S. Agency for International Development (“USAID”) led the American response to the emergency, coordinating the efforts of multiple U.S. Government (“USG”) agencies and laying the groundwork for reconstruction and long-term development. The USG was part of a larger international response, which saw as many as 129 countries send personnel and supplies<sup>2</sup> and the United Nations (“UN”) provide robust leadership. As was immediately apparent to those engaged in the response, post-earthquake Haiti was a complicated working environment, requiring innovative approaches in both coordination and response mechanisms.

Haiti’s pre-earthquake conditions—principally, high levels of extreme poverty and weak institutions of governance—were contributing factors to the massive loss of life and wide-scale destruction of infrastructure.<sup>3</sup> The

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<sup>1</sup> Ryan M. Walk et al., *Three Phases of Disaster Relief in Haiti—Pediatric Surgical Care on Board the United States Naval Ship Comfort*, 46 J. PEDIATRIC SURGERY 1978, 1978 (2011).

<sup>2</sup> See FIN. TRACKING SERV., UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, HAITI: EARTHQUAKES: JANUARY 2010 (2011), available at [http://fts.unocha.org/reports/daily/ocha\\_R10\\_E15797\\_asof-1103301306.pdf](http://fts.unocha.org/reports/daily/ocha_R10_E15797_asof-1103301306.pdf).

<sup>3</sup> See *Engineer: Tough Japanese Building Codes Worked*, CBS NEWS (Mar. 12, 2011, 11:42 AM), <http://www.cbsnews.com/stories/2011/03/12/earlyshow/saturday/main20042459.shtml>; Melissa Lafsky, *The Power of Building Codes: Chile Death Toll Less than 1% That of Haiti*, INFRASTRUCTURIST (Mar. 1, 2010), <http://www.infrastructurist.com/2010/03/01/the-power-of-building-codes-chile-death-toll-less-than-1-that-of-haiti>. Historical precedent has shown—most recently in Chile and Japan—that in nations where citizens can

earthquake's impact compounded Haiti's preexisting conditions, making it nearly impossible in many cases to disaggregate the causes of immediate human suffering in and around the capital, Port-au-Prince. These conditions will continue to be major factors impeding recovery and long-term reconstruction efforts for many years to come.

The unparalleled surge of civilian and military personnel from many nations saved an indeterminable number of lives and stabilized the situation in terms of health, security, and immediate protection of the displaced from the elements. This Article focuses on the U.S.-led response, which demonstrated how present laws and practices are effective in responding to highly complex and large-scale natural disasters and highlighted potential areas for improvement.

This Article discusses areas where greater efficiencies can be achieved. There is a need for systems and procedures to clarify roles and responsibilities among the different agencies when a major disaster requires a significant surge of personnel in a whole-of-government approach. There is also a need to move toward standardization of data collection and analysis across the various humanitarian actors to facilitate rapid identification of gaps. This Article also discusses some of the critical challenges moving forward, as the USG works alongside the Government of Haiti ("GOH") and the international community to help Haiti advance beyond its pre-earthquake development level. These include understanding the complexities of Haiti's land tenure system, so that rubble can be removed and new construction can begin; addressing the urgent needs of vulnerable populations, particularly internally displaced persons ("IDPs"); understanding and programming resources to address gender-based violence ("GBV"); and working with the international community to ensure a smooth transition from relief to reconstruction.

The Haiti relief and reconstruction effort continues to be complex, presenting the difficult task of allocating limited human and financial resources between immediate humanitarian needs and long-term sustainable development solutions, which are intended to address Haiti's underlying problems. The ultimate measure of success for the relief and reconstruction effort will be the strength of Haitian institutions that the USG and international community leave behind.

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afford higher-quality housing and government can enforce stronger building codes, major disasters result in significantly less loss of life. *See Engineer: Tough Japanese Building Codes Worked, supra*; Lafsky, *supra*.

## I. THE EARTHQUAKE: COMPOUNDING EXISTING DEVELOPMENT CHALLENGES

Understanding Haiti's pre-earthquake environment is critical to a full appreciation of the current reconstruction challenges. Haiti faced deep development challenges that were compounded when the country was hit by the second-most deadly earthquake on record.<sup>4</sup> On the morning of January 12, 2010, Haiti already was statistically the poorest in the Western Hemisphere, ranking 149 out of the 177 countries on the UN Human Development Index.<sup>5</sup> This was well behind the Dominican Republic, which shares the island of Hispaniola with Haiti but ranked 90 on the Human Development Index.<sup>6</sup> The Haitian people endured poverty, malnourishment, and widespread unemployment: seventy-eight percent lived on less than \$2 a day;<sup>7</sup> more than one in five children were chronically undernourished;<sup>8</sup> and up to eighty percent of the population was unemployed or working in the informal sector, which is not taxed or monitored by the government.<sup>9</sup> In addition, fifty-two percent of the approximately 10 million Haitians lived in urban areas, which were overcrowded and lacked opportunity.<sup>10</sup>

The earthquake was the strongest to hit the island in 200 years,<sup>11</sup> causing a humanitarian crisis on a scale that had never been seen before in the Western Hemisphere: killing approximately 316,000 people,<sup>12</sup> leaving more than 1.5

<sup>4</sup> *Earthquakes with 50,000 or More Deaths*, U.S. GEOLOGICAL SURV., [http://earthquake.usgs.gov/earthquakes/world/most\\_destructive.php](http://earthquake.usgs.gov/earthquakes/world/most_destructive.php) (last updated Apr. 14, 2011, 4:24 PM) (listing earthquakes by number of deaths).

<sup>5</sup> UNITED NATIONS DEV. PROGRAMME, HUMAN DEVELOPMENT REPORT 2009: OVERCOMING BARRIERS: HUMAN MOBILITY AND DEVELOPMENT 145 (2009), available at [http://hdr.undp.org/en/media/HDR\\_2009\\_EN\\_Complete.pdf](http://hdr.undp.org/en/media/HDR_2009_EN_Complete.pdf) (ranking countries by overall human development at the end of 2009).

<sup>6</sup> *Id.* at 144.

<sup>7</sup> DEV. DATA GRP., WORLD BANK, HAITI AT A GLANCE 1 (2006), available at <http://siteresources.worldbank.org/INTHAITI/Resources/Haiti.AAG.pdf> (estimates for the period 2000–2005).

<sup>8</sup> 4 MICHEL CAYMITTES ET AL., MINISTÈRE DE LA SANTÉ PUBLIQUE ET DE LA POPULATION, INSTITUT HAÏTIEN DE L'ENFANCE & MACRO INT'L INC., ENQUÊTE MORTALITÉ, MORBIDITÉ ET UTILISATION DES SERVICES [SURVEY OF MORTALITY, MORBIDITY, AND UTILIZATION OF SERVICES] 264 (2007), available at <http://www.measuredhs.com/pubs/pdf/FR192/FR192.pdf> (data for the period 2005–2006).

<sup>9</sup> U.S. AGENCY FOR INT'L DEV., HAITI COUNTRY PROFILE 1 (2009), available at [http://pdf.usaid.gov/pdf\\_docs/PDACN932.pdf](http://pdf.usaid.gov/pdf_docs/PDACN932.pdf).

<sup>10</sup> See *The World Factbook: Haiti*, CIA, <https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html> (last updated Nov. 10, 2011) (data for 2010).

<sup>11</sup> Ker Than, *Haiti Earthquake "Strange," Strongest in 200 Years*, NAT'L GEOGRAPHIC (Jan. 13, 2010), <http://news.nationalgeographic.com/news/2010/01/100113-haiti-earthquake-red-cross>.

<sup>12</sup> *Haiti Quake Death Toll Rises to 230,000*, BBC, <http://news.bbc.co.uk/2/hi/8507531.stm> (last updated Feb. 11, 2010, 2:25 PM). Death estimates vary. See, e.g., *Earthquakes with 50,000 or More Deaths*, *supra* note 4 (claiming 316,000 deaths).

million Haitians to live in spontaneous settlements;<sup>13</sup> destroying infrastructure; and generating about 10 million cubic meters of rubble.<sup>14</sup> The scale of the devastation, which was in large part due to Haiti's preexisting poverty, significantly exacerbated Haiti's problems. In a real sense, the 2010 Haiti earthquake is an enormous tragedy layered upon an already existing tragedy, in many cases making it nearly impossible to disaggregate whether current suffering (e.g., morbidity, homelessness, unemployment) is due to the earthquake or pre-earthquake factors.

## II. USG RESPONSE: ASSESSING THE WHOLE-OF-GOVERNMENT EFFORT

Recognizing the enormity of the earthquake's impact, President Barack Obama ordered a "swift, coordinated, and aggressive" USG response, led by USAID.<sup>15</sup> This response would align with the GOH's plan for recovery and reconstruction and work alongside the international community to achieve lasting development gains. Now that more than a year has passed, observers have been engaged in a major analytical effort to take stock of the international response. The debate among many seems to focus on whether the glass is half full or half empty.<sup>16</sup> Without question, an enormous effort lays ahead. It should not be a surprise, therefore, that in the poorest country in the hemisphere, hit by the most devastating disaster in the hemisphere's history, it is easy enough to find numerous areas for improvement that would justify a glass-half-empty perspective. For those working in development, however, it is equally critical to identify successes that can serve to motivate efforts and that we can build upon. This Part sums up some of those USG successes.

The USG's whole-of-government response saved lives and provided critical help for millions of affected Haitians, beginning immediately after the quake. Within twenty-four hours, a USAID Disaster Assistance Response Team was on the ground providing logistical and material support, and the

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<sup>13</sup> U.S. AGENCY FOR INT'L DEV., HAITI—EARTHQUAKE: FACT SHEET #61, at 1 (2010), [http://www.usaid.gov/our\\_work/humanitarian\\_assistance/disaster\\_assistance/countries/haiti/template/fs\\_sr/fy2010/haiti\\_eq\\_fs61\\_07-02-2010.pdf](http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/haiti/template/fs_sr/fy2010/haiti_eq_fs61_07-02-2010.pdf).

<sup>14</sup> COMMISSION INTÉRIMAIRE POUR LA RECONSTRUCTION D'HAÏTI, SITUATION ANALYSIS, CALL FOR PROPOSALS, AND REQUEST FOR FUNDING 1 (2011), available at [http://en.cirh.ht/files/pdf/call\\_for\\_proposals/cirh\\_rfp2011\\_debrisremoval\\_08-10\\_en.pdf](http://en.cirh.ht/files/pdf/call_for_proposals/cirh_rfp2011_debrisremoval_08-10_en.pdf).

<sup>15</sup> President Barack Obama, Remarks by the President on Rescue Efforts in Haiti (Jan 13, 2010), <http://www.whitehouse.gov/the-press-office/remarks-president-rescue-efforts-haiti>.

<sup>16</sup> See Tim Padgett, *Haiti's Quake, One Year Later: It's the Rubble, Stupid!*, TIME (Jan. 12, 2011), <http://www.time.com/time/world/article/0,8599,2041877,00.html>.

American commitment did not stop there.<sup>17</sup> USAID participated in the largest emergency urban food distribution ever, which fed more than 4 million people.<sup>18</sup> USAID also supported the delivery of emergency shelter to victims at an unprecedented rate, providing 1.5 million people with basic shelter materials before the rainy season.<sup>19</sup> Medical teams from the Department of Health and Human Services treated more than 30,000 patients and performed hundreds of surgeries.<sup>20</sup> Urban search-and-rescue teams from USAID and the Federal Emergency Management Agency took part in history's most successful international rescue effort, which saved more than 130 people.<sup>21</sup>

The USG also helped find solutions where infrastructure was destroyed by the earthquake. Through the U.S. Southern Command, the U.S. Navy deployed ships and helicopters to Haitian waters to allow relief workers access to people who could not be reached because of roads blocked with debris.<sup>22</sup> The U.S. Coast Guard worked with the GOH to restore operations to the port and coordinate harbor traffic for the international relief effort;<sup>23</sup> the USG also restored the airport to operations, despite damage that made the control tower and terminal useless.<sup>24</sup>

The USG and international efforts extended beyond immediate relief and recovery. Over the past year, the USG made progress in laying the groundwork for significant development gains. For example, the USG, with funding from the World Bank, has implemented an advanced imaging system with the help of Rochester Institute of Technology scientists to survey the damage in Haiti and provide images and data to those working on the ground.<sup>25</sup> To date, teams of engineers have assessed more than 400,000 buildings, and more than fifty percent of these have been classified as "green," or safe for occupancy,

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<sup>17</sup> Angela Rucker, *Faced with Destruction, Earthquake Responders Address Immediate Suffering*, USAID (Feb./Mar. 2011), [http://www.usaid.gov/press/frontlines/fl\\_feb11/FL\\_feb11\\_HTresp.html](http://www.usaid.gov/press/frontlines/fl_feb11/FL_feb11_HTresp.html).

<sup>18</sup> See Office of the Haiti Special Coordinator, U.S. Dep't of State, *Haiti: One Year Later*, U.S. DEP'T OF STATE (Jan. 10, 2011), <http://www.state.gov/s/hsc/rls/154255.htm> [hereinafter *Haiti: One Year Later*].

<sup>19</sup> See *id.*

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

<sup>21</sup> *Id.*

<sup>22</sup> Mike Mount & Larry Shaughnessy, *First U.S. Military Aid Reaches Quake-Stricken Haiti*, CNN (Jan. 13, 2010), <http://articles.cnn.com/2010-01-13/us/haiti.us.coast.guard>.

<sup>23</sup> Press Release, U.S. Coast Guard, Coast Guard Continues Support in Wake of Haiti Earthquake (Jan. 13, 2010), <https://www.piersystem.com/go/doc/786/452059>.

<sup>24</sup> See Nathan D. Broshear, *Haiti Airport Transitions, Commercial Flights Begin*, U.S. AIR FORCE (Feb. 25, 2010), <http://www.af.mil/news/story.asp?id=123191523>.

<sup>25</sup> *Lidar Images Haiti Disaster*, PHOTONICS.COM (Jan. 26, 2010), <http://www.photonics.com/Article.aspx?AID=40852>.

allowing IDPs to return to their homes with confidence that they will be safe.<sup>26</sup> Those classified as “yellow” can be made safe with relatively minor repairs, which are currently underway.<sup>27</sup> USAID is also working to build transitional shelters (“t-shelters”), small structures that can last up to three years and will provide safer shelter until long-term solutions can be developed.<sup>28</sup> To date, USAID has provided more than 25,600 t-shelters, sufficient to house more than 128,000 people and about thirty-five percent of the international total of more than 73,700 t-shelters.<sup>29</sup> USAID assessment and construction programs incorporate a training element that provides Haitians with critical engineering and construction skills.<sup>30</sup> These skills allow Haitian engineers and construction workers to participate in their country’s development.<sup>31</sup>

In addition to rebuilding what was destroyed by the earthquake, the USG is working with the people and government of Haiti to prevent or mitigate future disasters. To help guard against the very real threat of disease outbreak, particularly in spontaneous settlements for displaced Haitians, USAID worked with the GOH and international community to immunize more than a million Haitians against contagious diseases ranging from polio to diphtheria.<sup>32</sup> Because hurricanes frequently wreak havoc on Haiti, the USG undertook measures such as slope stabilization and canal clearance to mitigate the damage and loss of life that flooding can cause; as a result of these efforts, November 2010’s Hurricane Tomas caused significantly less damage and loss of life (twenty-one dead) than have other hurricanes (more than 1,000 people killed in Haiti from tropical storms in 2008).<sup>33</sup> To help Haiti grow its capacity to feed itself, the USG moved aggressively to support planting, while scaling down general food distribution. A collaborative campaign between USAID and the GOH Ministry of Agriculture “helped more than 10,000 farmers double the

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<sup>26</sup> Office of the Haiti Special Coordinator, U.S. Dep’t of State, *Shelter Solutions: Fast Facts on the U.S. Government’s Work in Haiti*, U.S. DEP’T OF STATE (July 15, 2011), <http://www.state.gov/s/hsc/rls/168715.htm>.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *See id.*

<sup>31</sup> Jessica Desvarieux, *Task of Rebuilding Haiti Expected To Be Ambitious, Arduous*, CNN (Jan. 30, 2010), [http://articles.cnn.com/2010-01-30/world/haiti.construction\\_1\\_haiti-international-aid-usaid](http://articles.cnn.com/2010-01-30/world/haiti.construction_1_haiti-international-aid-usaid).

<sup>32</sup> Office of the Haiti Special Coordinator, U.S. Dep’t of State, *Fast Fact on U.S. Government’s Work in Haiti*, U.S. DEP’T OF STATE (Jan. 8, 2011), <http://www.state.gov/p/wha/rls/fs/2011/154144.htm>.

<sup>33</sup> Paul Weisenfeld, Senior Deputy Assistant Adm’r, Latin American & Caribbean Bureau, U.S. Agency for Int’l Dev., *Using Lessons from Earthquakes in Haiti and Chile to Reduce Global Risk*, Speech Given at the National Academics Disasters Roundtable Workshop (Mar. 1, 2011), [http://www.usaid.gov/locations/latin\\_america\\_caribbean/modules/whatsnew/national\\_acadamies\\_speech.html](http://www.usaid.gov/locations/latin_america_caribbean/modules/whatsnew/national_acadamies_speech.html).

yields of staples like corn, beans, and sorghum in 2010.”<sup>34</sup> These and similar programs were made possible by USAID’s legal mandate as the principal development agency of the USG: promoting economic and social development abroad.

### III. USAID’S MANDATE: PROMOTING ECONOMIC AND SOCIAL DEVELOPMENT ABROAD

USAID’s mandate originates from the Foreign Assistance Act of 1961, enacted by Congress in recognition that prosperity and stability abroad can serve the American security and economic interests at home. In critical part, that legislation provides:

The Congress declares that the individual liberties, economic prosperity, and security of the people of the United States are best sustained and enhanced in a community of nations which respect individual civil and economic rights and freedoms and which work together to use wisely the world’s limited resources in an open and equitable international economic system. Furthermore, the Congress reaffirms the traditional humanitarian ideals of the American people and renews its commitment to assist people in developing countries to eliminate hunger, poverty, illness, and ignorance.

Therefore, the Congress declares that a principal objective of the foreign policy of the United States is the encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives.<sup>35</sup>

Under the authority of the Foreign Assistance Act, President Bill Clinton designated the USAID Administrator as the Special Coordinator for International Disaster Assistance.<sup>36</sup> This gives USAID—particularly the Office of U.S. Foreign Disaster Assistance (“OFDA”)—the mandate to save lives, alleviate suffering, and reduce the economic impact of disasters.

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<sup>34</sup> *Haiti: A Shared Commitment One Year Later*, IMPACT (Jan. 13, 2011), <http://www.usaid.gov/newsletter/2011/impact0113.html>.

<sup>35</sup> Foreign Assistance Act of 1961 § 101(a), 22 U.S.C. § 2151(a) (2006).

<sup>36</sup> U.S. AGENCY FOR INT’L DEV., AUTOMATED DIRECTIVES SYSTEM ch. 251, § 251.1(3) (2011), *available at* <http://www.usaid.gov/policy/ads/200/251.pdf>.

This mandate, as codified in Title 22, Section 2292 of the U.S. Code, gives the President and, through his delegation of authority, USAID very broad legal authority for disaster response:

Subject to limitations in section 2292a of this title, and notwithstanding any other provision of this chapter or any other Act, the President is authorized to furnish assistance to any foreign country, international organization, or private voluntary organization, on such terms and conditions as he may determine, for international disaster relief and rehabilitation, including assistance relating to disaster preparedness, and to the prediction of, and contingency planning for, natural disasters abroad.<sup>37</sup>

Through this extensive authority granted by Congress, USAID is able to determine the best way to conduct relief and development assistance, and the terms and conditions of such assistance, notwithstanding any other provision of law. The legal authority accorded by this congressional authority is flexible and, therefore, extremely useful, as it allows USAID to meet disaster relief needs identified by USAID teams in the field, partners, and others with first-hand knowledge of the situation on the ground. USAID uses this authority to provide assistance through grants and cooperative agreements to NGOs and public international organizations, some contractors, and interagency agreements with other USG agencies; most of these awards are monetary, although some awards by USAID's Office of Food for Peace and the Office of Foreign Disaster Assistance are in-kind.<sup>38</sup>

Through this authority, USAID has been able to leverage the considerable resources of the USG in the Haitian earthquake response. Due to the magnitude of the disaster, particularly in the early response, USAID needed to draw on the capacities of other USG departments and agencies to a greater extent than has historically been the case with international disaster relief. For example, through an interagency agreement with the U.S. Department of Health and Human Services, USAID sent medical teams to provide immediate assistance for the first months following the disaster.<sup>39</sup> Generally, this assistance would have been provided through USAID's NGO partners and the public

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<sup>37</sup> Foreign Assistance Act of 1961 § 491(b), 22 U.S.C. § 2292(b) (2006).

<sup>38</sup> See U.S. AGENCY FOR INT'L DEV., AUTOMATED DIRECTIVES SYSTEM ch. 303, § 303.3.3 (2011), available at <http://www.usaid.gov/policy/ads/300/303.pdf>; *What Is Food for Peace?*, U.S. AGENCY FOR INT'L DEV., [http://www.usaid.gov/our\\_work/humanitarian\\_assistance/ffp](http://www.usaid.gov/our_work/humanitarian_assistance/ffp) (last visited Sept. 29, 2011).

<sup>39</sup> See Ben Barber, *Frontline: Aid Experts End Haiti Quake Chaos*, U.S. AGENCY FOR INT'L DEV. (Mar. 2010), [http://www.usaid.gov/press/frontlines/fl\\_mar10/p01\\_haiti100301.html](http://www.usaid.gov/press/frontlines/fl_mar10/p01_haiti100301.html).

international organizations with which USAID works.<sup>40</sup> USAID entered into multiple interagency agreements with a variety of other agencies, including the Federal Emergency Management Agency, the Centers for Disease Control, the Peace Corps, and the Department of Defense (“DOD”), to ensure a robust humanitarian response.<sup>41</sup>

#### IV. PRELIMINARY LESSONS FROM THE HAITI EXPERIENCE

Under the authority of the Foreign Assistance Act, USAID has been working around the world for the past fifty years, responding to disasters and developing solutions to long-standing economic and social challenges. The agency is applying lessons from earlier global experiences to the situation in Haiti and learning from the relief effort in Haiti, so that the next response can be more streamlined, better coordinated, and even more effective.

A principal lesson from the Haiti earthquake response is that, because the international community does not maintain the capacity to respond to a disaster on the order of magnitude of the Haiti earthquake, systems to surge resources must be institutionalized. While the USG’s whole-of-government effort saw significant success, the systems and procedures for coordination were devised while actors managed the on-the-ground response,<sup>42</sup> requiring the attention of both senior officials and staff in the field. These improvisations included developing protocols for the exchange of staff between agencies, managing the transfer of budgetary authorities, and setting up systems for communication and sharing of information among agencies. Thus, developing coordination systems and procedures that codify relative roles and responsibilities of various agencies in the event a major surge is needed will facilitate a smoother response and enable staff to focus their energies on responding to the most important and urgent needs in the field. This is not an issue of the authority to act, but rather, a question of what structures are needed to promote effective coordination.

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<sup>40</sup> See *Health: Partnerships*, U.S. AGENCY FOR INT’L DEV., [http://www.usaid.gov/our\\_work/global\\_health/home/Partnerships/index.html](http://www.usaid.gov/our_work/global_health/home/Partnerships/index.html) (last visited Sept. 29, 2011).

<sup>41</sup> See, e.g., *USAID—DoD Personnel Exchange*, U.S. AGENCY FOR INT’L DEV., [http://www.usaid.gov/our\\_work/global\\_partnerships/ma/sdos.html](http://www.usaid.gov/our_work/global_partnerships/ma/sdos.html) (last visited Oct. 28, 2011).

<sup>42</sup> See Chris Dolmetsch, *UN Urges Haiti Coordination as Supplies Flood Airport (Update 1)*, BLOOMBERG (Jan. 22, 2010, 5:53 PM), <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=a66Yi1lfcL.Y>.

A particularly important partner for USAID in major relief operations is the DOD. In a disaster such as the Haiti earthquake, where critical infrastructure (air and sea ports, and roads) was damaged, normal commercial avenues for moving large amounts of humanitarian commodities could not be relied upon.<sup>43</sup> In such situations, the unmatched logistical capacities of the U.S. military are vital to saving lives. DOD's capability to deploy air and sea lift assets rapidly, including to remote areas with minimally functioning infrastructure, were crucial in post-earthquake Haiti to accessing vulnerable populations. DOD policy specifically recognizes the importance of its role in complex emergencies, noting that "[t]he Department of Defense shall be prepared to . . . [s]upport stability operations activities led by other U.S. Government departments or agencies[,] . . . foreign governments and security forces, international governmental organizations, or when otherwise directed."<sup>44</sup> The nature of the U.S. military as an important asset in disaster relief and humanitarian assistance requires ongoing civilian–military cooperation. DOD policy also emphasizes the need for "[i]ntegrated civilian and military efforts."<sup>45</sup> For the past several years, USAID and DOD have engaged in staff exchanges that resulted in preexisting, well-established relationships that facilitated cooperation.<sup>46</sup> Key issues related to the involvement of DOD, such as defining the scope of the military's role and specifying the conditions for drawdown and eventual withdrawal of military assets, can be more easily agreed upon when there is an ongoing relationship.

An important aspect of interagency coordination is determining whether other USG agencies have the adequate legal authority to act and expend resources internationally. While an agency, such as the U.S. Department of Health and Human Services, has the capacity and resources to act quickly and provide funds for domestic emergencies, it has limited authority to respond to international crises.<sup>47</sup> In such cases, USAID can use its broad legal authority to

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<sup>43</sup> See U.S. AGENCY FOR INT'L DEV., HAITI—EARTHQUAKE: FACT SHEET #9, at 2 (2010), [http://www.usaid.gov/our\\_work/humanitarian\\_assistance/disaster\\_assistance/countries/haiti/template/fs\\_sr/fy2011/haiti\\_eq\\_fs09\\_01-06-2011.pdf](http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/haiti/template/fs_sr/fy2011/haiti_eq_fs09_01-06-2011.pdf); Tom Leonard, *Haiti Earthquake: Damaged Port Reopens To Aid Ships*, TELEGRAPH (Jan. 20, 2010, 7:00 AM), <http://www.telegraph.co.uk/news/worldnews/centralamericaandthecaribbean/haiti/7032385/Haiti-earthquake-damaged-port-reopens-to-aid-ships.html>.

<sup>44</sup> DEP'T OF DEF., INSTRUCTION NUMBER 3000.05: STABILITY OPERATIONS 2 (2009), available at <http://www.dtic.mil/whs/directives/corres/pdf/300005p.pdf>.

<sup>45</sup> *Id.* at 2–3.

<sup>46</sup> See USAID—DoD Personnel Exchange, *supra* note 41.

<sup>47</sup> See Maria E. Bovill, Redefining HHS International Response: Challenges and Recommendations for Interagency Partnerships 1–3 (2009), available at <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA510888>.

provide an umbrella for other agencies through the use of interagency agreements, essentially permitting them to act in an international environment using the budget and legal authorities of USAID.

Another key lesson from Haiti revolves around the gathering and use of data. Some groups monitor the quality of aid and its impact, so that adjustments can be made as necessary.<sup>48</sup> Perhaps even more important in the immediate aftermath of a disaster is the need to collect data on conditions on the ground so that aid can be targeted where it is most needed. For example, is potable water more available in one neighborhood versus others, leading to differences in health outcomes? During the immediate Haiti response, international donors and numerous NGOs expended an enormous amount of time amassing data on humanitarian conditions (e.g., food security, health, availability of shelter) with the primary purposes of identifying critical gaps and monitoring progress.<sup>49</sup> Many of these humanitarian actors, however, developed their own methodologies and reporting tools, making it difficult to aggregate data and see a comprehensive picture of the needs.<sup>50</sup> The UN, which manages the international donor–NGO coordination system in post-disaster situations, known as the “Cluster System,”<sup>51</sup> worked hard to gather data from organizations operating in Haiti to put together the full pictures of activities and needs, but they were hampered by inconsistencies in methodologies and tools.<sup>52</sup> An additional challenge was that a number of small NGOs operating in remote areas failed to coordinate with other NGOs, resulting in incomplete information.<sup>53</sup> At the end of the day, many groups were expending significant energy collecting and reporting large amounts of data—often duplicative—without being able to develop a useful tool to monitor progress and track assistance. In essence, there was both too much and too little data.

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<sup>48</sup> See Georgianne Nienaber, *Haiti Still Buried Under the Rubble of Dueling NGOs: OXFAM Report*, HUFFINGTON POST (Jan. 14, 2011, 12:06 PM), [http://www.huffingtonpost.com/georgianne-nienaber/haiti-still-buried-under\\_b\\_805839.html](http://www.huffingtonpost.com/georgianne-nienaber/haiti-still-buried-under_b_805839.html).

<sup>49</sup> See KERREN HEDLUND, INT’L COUNCIL OF VOLUNTARY AGENCIES, STRENGTH IN NUMBERS: A REVIEW OF NGO COORDINATION IN THE FIELD 3–9 (2010), available at <http://www.icva.ch/doc00004599.pdf>.

<sup>50</sup> See William Booth, *International Charities Fall Short in Haiti: Aid Groups’ Effectiveness Questioned amid Complaints About Poor Coordination, High Turnover, Lack of Transparency*, WASH. POST, Feb. 2, 2011, at A6.

<sup>51</sup> Maura R. O’Connor, *Does International Aid Keep Haiti Poor?*, SLATE (Jan. 7, 2011, 7:11 AM), <http://www.slate.com/id/2279858/entry/2279857>.

<sup>52</sup> See Colum Lynch, *U.N. Aid Coordinator ‘Disappointed’ with Haiti Relief Efforts*, WASH. POST, Feb. 18, 2010, at A8.

<sup>53</sup> See Matthew Bolton, *Human Security After State Collapse: Global Governance in Post-earthquake Haiti* 18 (London Sch. of Econ., Research Paper RP 01/2011, 2011), available at <http://eprints.lse.ac.uk/32167/1/After%20State%20Collapse%20Haiti%20Glob%20Gov%20Paper%20Revised.xdf>.

Given the explosion of international actors, achieving standardization on reporting will be a challenge, and even more so in large, complex emergencies. In future disasters, it will be important to dedicate and deploy staff charged exclusively with the collection, standardization, and compilation of data. It would be useful for the United States to work with other major donors and NGOs to develop standard methodologies and reporting tools, encourage all humanitarian actors to comply, and use the information generated to satisfy both the operational needs of the on-ground response, as well as the strategic information needs of Washington and the media. Agreed-upon tools could include standardized questionnaires, indicators, and reporting templates. Although obtaining a uniform commitment from the wide variety of donors will be difficult, the upsides are enormous in terms of more effective management of humanitarian crises.

## V. CHALLENGES: OVERCOMING ROADBLOCKS TO LONG-TERM DEVELOPMENT

In addition to response coordination challenges, the international community faces a number of difficult on-the-ground challenges to reconstruction in Haiti. The USG is working with the people and government of Haiti to develop infrastructure, promote economic growth, improve the health system, and strengthen democracy and governance.<sup>54</sup> The USG must address issues of land tenure, the needs and rights of IDPs, the continuing problem of GBV, and the need to manage a smooth transition from relief to reconstruction. Addressing each of these will help ensure that USG development interventions have a long-term, positive impact on Haiti. Strengthening Haitian institutions and ensuring Haitian ownership as we jointly address these challenges will be fundamental to achieving sustainable outcomes.

### A. *Land Tenure*

Land tenure, the way land is held or owned by individuals and groups, is a complex issue in most lesser-developed countries. The challenge of establishing who owns what land is particularly difficult in post-earthquake Haiti, where informal agreements are rife, there are extremely high rates of tenancy, there are frequently multiple claims on a single parcel (from

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<sup>54</sup> U.S. AGENCY FOR INT'L DEV., OFFICE OF TRANSITION INITIATIVES: HAITI 1-2 (2011) [hereinafter OFFICE OF TRANSITION INITIATIVES: HAITI], available at [http://www.usaid.gov/our\\_work/cross-cutting\\_programs/transition\\_initiatives/country/haiti3/rpt0611.pdf](http://www.usaid.gov/our_work/cross-cutting_programs/transition_initiatives/country/haiti3/rpt0611.pdf).

purported landowners, owners of a house, and tenants), and even formal agreements are plagued by incomplete or unclear land records.<sup>55</sup> Today, the GOH and international community are faced with the challenge of resettling the 680,000 Haitians still living in spontaneous settlements.<sup>56</sup> With the benefits of secure land title widely accepted among the international donor community,<sup>57</sup> USAID and other donors are eager to facilitate resettlement of IDPs onto property with clear title.<sup>58</sup> The urgency of resettling IDPs on humanitarian grounds, however, means that international donors cannot wait to fix Haiti's complex land system and are turning to methods like community-based enumeration, a participatory "data gathering process which is to a significant extent jointly designed and conducted by the people who are being surveyed,"<sup>59</sup> and decentralization to ensure that long-term solutions are found for longstanding land tenure and overcrowding issues.<sup>60</sup>

According to the UN Human Settlements Programme ("UN-HABITAT"), "[f]ormal systems favour written evidence, but more attention can be given to oral evidence in certain circumstances, such as after a disaster or conflict, for areas dominated by customary systems, or during the process of formalizing informal settlements."<sup>61</sup> Community-based enumeration has been used around the world, including post-tsunami Aceh, which saw the need for the establishment of land records after villages were completely destroyed or washed away in the disaster.<sup>62</sup> Although the process has associated challenges, including the need to standardize methods, reconciling data derived from community-based enumeration with official data, and the need for a clear legal mandate, UN-HABITAT notes that, in Aceh, community-based enumeration "brought the community together to work on the future. This was very

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<sup>55</sup> UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME, COUNT ME IN: SURVEYING FOR TENURE SECURITY AND URBAN LAND MANAGEMENT 7 (2010), available at [www.unhabitat.org/pmss/getElectronicVersion.aspx?nr=2975&alt=1](http://www.unhabitat.org/pmss/getElectronicVersion.aspx?nr=2975&alt=1).

<sup>56</sup> See Press Release, Office of the Special Envoy for Haiti, Haiti's Camp Population Still Falling, but Great Challenges Remain (Mar. 18, 2011), <http://www.haitispecialenvoy.org/press-and-media/press-releases/camp-population-falling-challenges-remain>.

<sup>57</sup> See HERNANDO DE SOTO, THE MYSTERY OF CAPITAL: WHY CAPITALISM TRIUMPHS IN THE WEST AND FAILS EVERYWHERE ELSE 63–64 (2000) (noting that secure tenure improves access to credit and encourages greater investment in property).

<sup>58</sup> See USAID *Post-earthquake Response: Frequently Asked Questions*, U.S. AGENCY FOR INT'L DEV., <http://www.usaid.gov/ht/faq.html> (last updated Dec. 2010).

<sup>59</sup> UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME, *supra* note 55, at 7.

<sup>60</sup> See *id.* at 110.

<sup>61</sup> *Id.* at 78.

<sup>62</sup> *Id.* at 79.

important after so much was disrupted by the tsunami. The strengthened community still continues to be engaged in other activities.”<sup>63</sup>

Through community-based enumeration, USAID and its partners are working with local people to reach agreement within their communities on whom they acknowledge as having the right of occupancy for each parcel or structure, emphasizing the most vulnerable families such as the disabled and women-headed households.<sup>64</sup> At the same time, USAID and its partners are giving renters vouchers that must be used on rent and repair, rather than giving funding directly to landlords who may attempt to lease their buildings to non-IDP families at higher rates.<sup>65</sup> Thus, before USAID or its partners will fund a repair, not only must the community agree on which family should return to the property, but the landlord, if any, must also agree.<sup>66</sup> This detailed process, which is necessary to ensure that resources are focused on those most in need, can consume time and slow down recovery efforts.

### *B. Internally Displaced Persons*

The target beneficiaries of USAID’s land tenure efforts are largely Haitian IDPs. IDPs are a special classification of vulnerable people—those who do not cross an international border, but are forced from their homes.<sup>67</sup> According to the UN High Commissioner for Refugees:

Even if they have fled for similar reasons as refugees (armed conflict, generalized violence, human rights violations), IDPs legally remain under the protection of their own government—even though that government might be the cause of their flight. As citizens, they retain all of their rights and protection under both human rights and international humanitarian law.<sup>68</sup>

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<sup>63</sup> *Id.* at 82–83.

<sup>64</sup> *Id.* at 52.

<sup>65</sup> INT’L HOUSING COAL., U.S. AGENCY FOR INT’L DEV., HAITI SHELTER SECTOR ASSESSMENT: ONE YEAR AFTER THE EARTHQUAKE 63 (2011), available at [http://pdf.usaid.gov/pdf\\_docs/PNADU885.pdf](http://pdf.usaid.gov/pdf_docs/PNADU885.pdf). Rents in Haiti are considerably higher post-earthquake; this is not surprising given the dramatic reduction in supply of rental properties caused by the earthquake. *See id.* at 63.

<sup>66</sup> *Id.*; UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME, *supra* note 55, at 44–49.

<sup>67</sup> *Internally Displaced People: On the Run in Their Own Land*, UNITED NATIONS HIGH COMM’R FOR REFUGEES, <http://www.unhcr.org/pages/49c3646c146.html> (last visited Oct. 28, 2011).

<sup>68</sup> *Id.*

Amnesty International estimates that there are almost twice as many IDPs worldwide as refugees: approximately 24.5 million IDPs, compared to 14.2 million refugees.<sup>69</sup>

USAID recognizes that IDPs are among the most vulnerable people in the world. The *USAID Assistance to Internally Displaced Persons Policy*<sup>70</sup> affirms this and encourages wider international recognition of the UN's *Guiding Principles on Internal Displacement* as a useful framework.<sup>71</sup> Many of these principles relate to specific protections for those displaced by violence, politics, or conflict—such as the right to protection from combat or forced labor—and challenges can arise when applying and meeting them, particularly when a country lacks capacity or will to carry them out.<sup>72</sup> Because the earthquake in Haiti initially displaced 1.5 million people, and 680,000 remain in spontaneous settlements,<sup>73</sup> many of these principles are applicable to the Haitian situation. Some principles to highlight include: equal rights; the responsibility of the government to provide protection and assistance; the right of the displaced to request and receive assistance and protection without punishment; the right of vulnerable IDPs, including children, mothers with children, persons with disabilities, and the elderly, to receive protection, assistance, and treatment; protection against violence, including GBV, and slavery; the right to move freely about the country and choose a place of residence, particularly the right to move freely in and out of camps or other settlements; the responsibility of the government to find the missing, identify the dead, and reunite families; provision of essential services, such as food, water, shelter, clothing, and medical services; government issuance of documentation, including passports, personal identification documents, and certificates; facilitation of any documents lost in the course of displacement, which became particularly critical in Haiti's election cycle; and the right of IDPs, particularly children, to receive education that is free and compulsory at

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<sup>69</sup> *Refugees and Migrants*, AMNESTY INT'L (Oct. 3, 2007), <http://www.amnesty.org/en/node/911>.

<sup>70</sup> U.S. AGENCY FOR INT'L DEV., *USAID ASSISTANCE TO INTERNALLY DISPLACED PERSONS POLICY* (2004), available at <http://www.usaid.gov/policy/ads/200/200mbc.pdf>.

<sup>71</sup> *Id.*; cf. United Nations, Econ. & Soc. Council, Comm. on Human Rights, Further Promotion & Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Comm'n, Rep. of the Representative of the Sec'y-Gen., Francis M. Deng, U.N. Doc. E/CN.4/1998/53/Add.2 (1998) [hereinafter *Guiding Principles on Internal Displacement*].

<sup>72</sup> *Guiding Principles on Internal Displacement*, *supra* note 71, at 9.

<sup>73</sup> CLINTON GLOBAL INITIATIVE, CGI HAITI ACTION NETWORK WASH/SHELTER GROUP: ACTIVITY REPORT JUNE 2011, at 2 (2011), available at [http://www.haitiwater.org/sites/default/files/CGI\\_HAN\\_WASH\\_Shelter\\_June\\_2011.pdf](http://www.haitiwater.org/sites/default/files/CGI_HAN_WASH_Shelter_June_2011.pdf).

the primary level, with consideration given to cultural identity, language, and religion.<sup>74</sup>

The USG's relief and development programs have been working with the GOH and international community to address these rights. In addition to providing food, shelter, water, and health care, the USG has worked to ensure that other needs are also met.<sup>75</sup> The USG has supported and provided training to the Haitian National Police, who work with the UN Stabilization Mission in Haiti ("MINUSTAH") to provide security in the IDP settlements.<sup>76</sup> In addition, USAID has facilitated the flow of information through support to the GOH communications ministry and the broadcast of the daily "News You Can Use" radio show that relays essential information,<sup>77</sup> such as hurricane notifications and cholera-prevention messages.<sup>78</sup> During the parliamentary and presidential elections in November 2010, and the run-off elections in March 2011, the USG supported campaigns that provided election materials in IDP camps.<sup>79</sup> To ensure that children could return to school, USAID supported rubble removal and reconstruction at a number of Port-au-Prince-area schools.<sup>80</sup> Also, to ensure that IDPs have legal recourse, USAID continues to support the provision of legal services through the local bar association.<sup>81</sup>

While recognizing the humanitarian imperative to provide support to IDPs, USAID has learned that services must be made available on a broad scale to communities, including both IDPs and non-IDPs, to avoid creating an incentive for poor families to relocate to camps. The humanitarian needs of IDPs must be addressed, but the ultimate goal must be to resettle them back to normal community life. In addition, services such as provision of food, water, and health care must not negatively impact the local private sector. For this reason, USAID carefully monitors these services and reevaluates or realigns programs to ensure that they do not do more harm than good.<sup>82</sup> In Haiti, for

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<sup>74</sup> Guiding Principles on Internal Displacement, *supra* note 71, at 5–13.

<sup>75</sup> Obama, *supra* note 15.

<sup>76</sup> USAID Post-earthquake Response: Frequently Asked Questions, *supra* note 58.

<sup>77</sup> OFFICE OF TRANSITION INITIATIVES: HAITI, *supra* note 54, at 1.

<sup>78</sup> U.N. OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, HAITI: HURRICANE TOMAS: CHOLERA: SITUATION REPORT #14, at 5 (2010), <http://haiti.humanitarianresponse.info/LinkClick.aspx?fileticket=VcRxKvdrFXU%3d&tabid=91&mid=574>.

<sup>79</sup> *The UN Stabilization Mission in Haiti*, BETTER WORLD CAMPAIGN, <http://www.betterworldcampaign.org/un-peacekeeping/missions/haiti.html> (last updated Aug. 2011).

<sup>80</sup> See *Haiti: One Year Later*, *supra* note 18.

<sup>81</sup> See generally U.S. AGENCY FOR INT'L DEV., STRENGTHENING RULE OF LAW (2009), [http://www.usaid.gov/ht/docs/gjd/justice\\_fact\\_sheet\\_4\\_2009.pdf](http://www.usaid.gov/ht/docs/gjd/justice_fact_sheet_4_2009.pdf).

<sup>82</sup> USAID Post-earthquake Response: Frequently Asked Questions, *supra* note 58.

instance, when staff monitoring revealed declines in local food prices, USAID scaled general food distribution back and focused it on malnourished children and pregnant and lactating mothers.<sup>83</sup> Also, when it was clear that emergency water needs were met, the USG slowly scaled back free water distribution and supported local, private sector water suppliers to get back on their feet.<sup>84</sup>

### C. Gender-Based Violence

One of the areas on which the USG is particularly focused is the prevention of GBV. After the earthquake, reports of GBV increased, likely due in part to living conditions in IDP camps that lacked adequate security and privacy, as well as the breakdown of community norms from wide-scale displacement.<sup>85</sup> To combat GBV, USAID established procedures to help protect at-risk women and children:

As a first step, the U.S. Agency for International Development's (USAID) relief activities incorporated protection measures to minimize risks for harm, exploitation, and abuse, including GBV. For example, USAID's partners ensured women's access to food and relief commodities and sought to locate water points and latrines in safe locations. Wherever possible, USAID integrates measures in our humanitarian programs that attempt to decrease the vulnerability of women and girls to sexual and gender-based violence.<sup>86</sup>

For example, the USG, in coordination with its partners, installed solar lights in IDP camps and large communities because adequate lighting is critical to preventing GBV in neighborhoods and IDP camps.<sup>87</sup> Further, the USG provided headlamps and solar lights for Haitian National Police ("HNP") and MINUSTAH to improve night patrols and public safety.<sup>88</sup> The USG is also committed to treating victims, educating men and women about the dangers and realities of GBV, and ensuring that perpetrators are caught and prosecuted.<sup>89</sup> USAID's programming follows the *Guidelines for Gender-based*

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<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Gender-Based Violence Against Haitian Women & Girls in Internal Displacement Camps*, MADRE (Apr. 7, 2011), <http://www.madre.org/index/press-room-4/news/gender-based-violence-against-haitian-women-girls-in-internal-displacement-camps-611.html>.

<sup>86</sup> U.S. AGENCY FOR INT'L DEV., FAST FACTS ON THE U.S. GOVERNMENT'S WORK IN HAITI: GENDER BASED VIOLENCE (2011) [hereinafter GENDER BASED VIOLENCE] (on file with author).

<sup>87</sup> *USAID Post-earthquake Response: Frequently Asked Questions*, *supra* note 58.

<sup>88</sup> *Id.*

<sup>89</sup> *See id.*

*Violence Interventions in Humanitarian Settings*.<sup>90</sup> For example, USAID has instituted programs to build the capacity and responsiveness of the Haiti National Police to prevent and respond to GBV and provide support for victims.<sup>91</sup> In addition, the USG has trained 300 “brigadiers” to patrol IDP camps to reduce GBV and human rights violations.<sup>92</sup> USAID is working to strengthen women’s groups and supporting messaging campaigns, including “Stop the Rape” public service announcements aired during the World Cup.<sup>93</sup> As USAID takes preventative measures, it is working to treat victims. In 2010, USAID assisted 596 women and 513 child victims of GBV.<sup>94</sup>

Legal assistance programs for survivors of sexual violence are another key part of reducing impunity for perpetrators and assisting survivors of sexual violence in Haiti. For example, prior to the launch of a USAID legal assistance project in the Artibonite region “in June 2009, not a single rape case in the area was ever investigated and not a single aggressor was ever arrested for rape.”<sup>95</sup> Through USAID’s partner organization, however, this program has led to the issuance of 266 arrest warrants to date.<sup>96</sup> “Of these, 200 settled out of court and compensated their victims. Another 36 cases went to trial and 20 of the perpetrators were sentenced to prison terms.”<sup>97</sup>

Research suggests that in the long run, the economic and social empowerment of women may reduce the incidence of GBV.<sup>98</sup> In addition to medical, psychosocial, and legal assistance, USAID is providing livelihood opportunities to survivors of sexual violence. USAID has helped women find economic opportunities through microcredit services and microfinance

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<sup>90</sup> See INTER-AGENCY STANDING COMMITTEE TASKFORCE ON GENDER IN HUMANITARIAN ASSISTANCE, GUIDELINES FOR GENDER-BASED VIOLENCE INTERVENTIONS IN HUMANITARIAN SETTINGS: FOCUSING ON PREVENTION OF AND RESPONSE TO SEXUAL VIOLENCE IN EMERGENCIES (2005), available at <http://reliefweb.int/sites/reliefweb.int/files/resources/22843D7FE6B7842DC125709E00370AF1-iasc%20gbv.pdf>.

<sup>91</sup> See USAID Post-earthquake Response: Frequently Asked Questions, *supra* note 58.

<sup>92</sup> U.S. AGENCY FOR INT’L DEV., FAST FACTS ON THE U.S. GOVERNMENT’S WORK IN HAITI: FUNDING 1 (2011), available at [http://www.usaid.gov/ht/docs/eqdocs/usg\\_factsheets/USG\\_FUNDING\\_FINAL\\_EDITED.pdf](http://www.usaid.gov/ht/docs/eqdocs/usg_factsheets/USG_FUNDING_FINAL_EDITED.pdf).

<sup>93</sup> *Three Things You Should Know About the U.S. Government’s Work in Haiti*, U.S. AGENCY FOR INT’L DEV. (June 24, 2010), [http://www.usaid.gov/helphaiti/documents/3things\\_100624.html](http://www.usaid.gov/helphaiti/documents/3things_100624.html).

<sup>94</sup> GENDER BASED VIOLENCE, *supra* note 86, at 2.

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> Sarah Bott et al., *Preventing and Responding to Gender-Based Violence in Middle and Low-Income Countries: A Global Review and Analysis* 6 (World Bank Pol’y Research, Working Paper No. 3618, June 2005), available at [http://papers.ssm.com/sol3/Delivery.cfm/SSRN\\_ID754927\\_code427206.pdf?abstractid=754927&mirid=1](http://papers.ssm.com/sol3/Delivery.cfm/SSRN_ID754927_code427206.pdf?abstractid=754927&mirid=1).

training.<sup>99</sup> While economic opportunity by itself will not eliminate the prevalence of GBV in Haiti, increased livelihood options may reduce the vulnerability to and incidence of violence, particularly in combination with behavioral change and awareness programs. Through these multifaceted approaches to GBV, the USG is working to support an environment in which Haitians, regardless of gender, have access to opportunity and equal protection.

#### *D. Relief-to-Reconstruction Continuum*

The efforts undertaken by USAID and other international donors will best serve Haitians if there is a smooth, seamless transition from relief to long-term reconstruction and development. USAID has broad legal authority for relief, allowing for great flexibility and rapid response. However, the agency's authority for long-term development programming requires detailed planning and open procurement.<sup>100</sup> These different systems for determining the allocation of resources require care and attention in managing the transition. This is particularly true in a few sectors in Haiti: the transition from temporary to permanent housing; the transition from cash-for-work (short-term, temporary) employment to permanent jobs; and the provision of food aid in a way that does not negatively affect local markets.<sup>101</sup>

The urgent need for shelter resulting from the earthquake required the rapid provision of emergency materials before the broad picture was clear. A smooth transition from emergency relief to long-term reconstruction would have been facilitated by providing temporary shelters on land or adjacent to land where permanent housing could be constructed. However, with many parts of Port-au-Prince covered with rubble and an immediate need to shelter a million and a half people from the elements, it was not possible to wait until land for permanent housing could be identified; the situation required rapid action. Additionally, donors began funding temporary housing solutions right away, before it became apparent that much of the existing housing stock could be repaired at relatively minimal cost.<sup>102</sup> As a result, USAID and other donors

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<sup>99</sup> See Jim Luce, *Fonkoze Helps Rebuild Haiti Through Microfinance Following Earthquake*, HUFFINGTON POST (Mar. 15, 2010, 5:33 PM), [http://www.huffingtonpost.com/jim-luce/fonkoze-helps-rebuild-hai\\_b\\_499901.html](http://www.huffingtonpost.com/jim-luce/fonkoze-helps-rebuild-hai_b_499901.html).

<sup>100</sup> See DEP'T OF STATE, POST-EARTHQUAKE USG STRATEGY TOWARD RENEWAL AND ECONOMIC OPPORTUNITY 79–80 (2011) [hereinafter POST-EARTHQUAKE USG STRATEGY TOWARD RENEWAL AND ECONOMIC OPPORTUNITY], available at <http://www.state.gov/documents/organization/156448.pdf>.

<sup>101</sup> *Id.* at 19, 37–39; *Haiti: One Year Later*, *supra* note 18.

<sup>102</sup> See *Haiti: One Year Later*, *supra* note 18.

shifted housing plans in light of new information as it became available.<sup>103</sup> These examples highlight that disaster response often necessitates action with only limited information, and the lack of full information may result in actions taken in the short term that later do not allow for a seamless transition from relief to reconstruction.

The transition from short-term, temporary jobs to permanent employment also presented a challenge to managing the relief-to-reconstruction continuum. Temporary employment has been tremendously beneficial in post-earthquake Haiti, as it injected much-needed cash into the local economy, and was also an easy means of involving unemployed Haitians in the rebuilding of their nation.<sup>104</sup> To date, USAID programs have employed more than 350,000 people, about half of whom are women, in short-term jobs, injecting more than \$19 million into the local economy.<sup>105</sup> The UN's job creation and food security program is funding projects to repair thirteen irrigation systems, rebuild twelve kilometers of rural roads, and assist in building 300 community and family gardens.<sup>106</sup>

Because this kind of employment is short-term, publicly funded work, however, it does not translate easily into permanent employment. For this reason, donors are working on long-term employment solutions. The USG's economic growth programs are training Haitians in the construction, agriculture, and garment industries—areas that can help Haiti strengthen its economy for the long term.<sup>107</sup> Within a year after the earthquake, two viable long-term employment solutions were founded: the Haiti Apparel Center, which will help grow the private sector workforce by training more than 2,000 professionals per year involved in the textile industry, including sewing machine operators, mechanics, and quality-control supervisors;<sup>108</sup> and the Northern Industrial Park, which will supply up to 20,000 new jobs to people

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<sup>103</sup> *Id.*

<sup>104</sup> POST-EARTHQUAKE USG STRATEGY TOWARD RENEWAL AND ECONOMIC OPPORTUNITY, *supra* note 100, at 37–39.

<sup>105</sup> *Fast Facts on U.S. Government's Work in Haiti: Funding*, U.S. AGENCY FOR INT'L DEV. (Jan. 8, 2011), <http://www.state.gov/p/wha/rls/fs/2011/154143.htm>.

<sup>106</sup> *Haiti: UN Agency Funds Job Creation and Food Production Project*, UN NEWS CENTRE (May 21, 2010), <http://www.un.org/apps/news/story.asp?NewsID=34772>.

<sup>107</sup> See Press Release, U.S. Agency for Int'l Dev., New USAID-Funded Haiti Apparel Center to Provide Training to Thousands of Haitians in the Garment Industry: Project Promotes Economic Opportunity and Benefits of U.S. Trade Legislation (Aug. 11, 2010), [http://www.usaid.gov/press/releases/2010/pr100811\\_1.html](http://www.usaid.gov/press/releases/2010/pr100811_1.html).

<sup>108</sup> *Id.*

living in the Cap Haitien area in the north of the country.<sup>109</sup> Together with the GOH, international community, and private sector, the USG is working to improve the business environment in Haiti.

Food aid is an area where the initial provision of assistance can make the critical difference in saving lives, but monitoring its impact on local markets is vital to ensure that it does not distort markets and thereby serve as a disincentive to local production. Removing incentives for local farmers to produce could increase dependence on humanitarian food commodities, which, in the long run, could increase food insecurity.<sup>110</sup> In the earthquake's immediate aftermath, USAID was the largest single donor of basic food commodities,<sup>111</sup> with USAID's Office of Food for Peace contributing approximately \$140.6 million in emergency food aid programs implemented by the United Nations World Food Program and NGOs.<sup>112</sup> From January through mid-April 2010, these partners reached nearly 4 million earthquake-affected Haitians in and outside of Port-au-Prince via general food distributions.<sup>113</sup> Through a variety of local partners and the USG's own staff, the USG monitored prices on the local market to determine when the food supply in Haiti was sufficiently robust as to cause a downward trend in retail prices for staple foods (e.g., rice, corn, oil), which would have the impact of reducing the incentive for farmers to plant. After about thirteen weeks of general food distribution, when market monitoring revealed a decrease in prices, the GOH led donors in scaling back food distribution to focus on the most vulnerable populations (e.g., under-five and malnourished children, pregnant and lactating mothers, the disabled), so as to avoid negatively impacting farming livelihoods.<sup>114</sup> This more targeted food assistance reached 1.9 million people nationwide.<sup>115</sup> At the same time, the USG scaled up assistance to farmers, providing improved seeds, fertilizer, and technical advice to facilitate increased local production and lessen the country's

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<sup>109</sup> Bureau of W. Hemisphere Affairs, U.S. Dep't of State, *North Industrial Park in Haiti: Fact Sheet*, U.S. DEP'T OF STATE (Jan. 11, 2011), <http://www.state.gov/p/wha/rls/fs/2011/154278.htm>.

<sup>110</sup> DEPUTY ADM'R, U.S. AGENCY FOR INT'L DEV., FOOD AID AND FOOD SECURITY POLICY PAPER 11 (1995), available at <http://www.usaid.gov/policy/ads/200/foodsec/foodsec.pdf>.

<sup>111</sup> FINTRAC INC., USAID OFFICE OF FOOD FOR PEACE: HAITI MARKET ANALYSIS 3 (2010), available at [http://www.usaid.gov/our\\_work/humanitarian\\_assistance/ffp/haitiannex.pdf](http://www.usaid.gov/our_work/humanitarian_assistance/ffp/haitiannex.pdf)

<sup>112</sup> *Fast Fact on U.S. Government's Work in Haiti: Food Security Fact Sheet*, U.S. DEP'T OF STATE (Jan. 8, 2011), <http://www.state.gov/p/wha/rls/fs/2011/154149.htm>.

<sup>113</sup> *Haiti*, WORLD FOOD PROGRAMME, <http://www.wfp.org/countries/haiti> (last visited Sept. 28, 2011).

<sup>114</sup> *USAID Post-earthquake Response: Frequently Asked Questions*, *supra* note 58.

<sup>115</sup> FAST FACTS ON THE U.S. GOVERNMENT'S WORK IN HAITI 2 (2011), [http://www.usaid.gov/ht/docs/eqdocs/usg\\_factsheets/USG\\_relief\\_to\\_reconstruction.pdf](http://www.usaid.gov/ht/docs/eqdocs/usg_factsheets/USG_relief_to_reconstruction.pdf).

dependence on food aid.<sup>116</sup> As the situation stabilized and market availability of food produced locally increased, the USG evolved its program by supplementing in-kind food assistance with cash and food vouchers that could be used to buy food on local markets, further stimulating production by Haitians.<sup>117</sup>

#### CONCLUSION: TOWARD LONG-TERM DEVELOPMENT

There are many lessons to be learned from the relief and ongoing reconstruction effort in Haiti, which has drawn the attention and participation of many nations around the world. For the USG, the Haitian experience represents a complex emergency that can serve as a guide for future efforts worldwide. USAID has the legal mandate to lead the USG's humanitarian response. Effective leadership requires flexibility and institutionalizing the relative roles and responsibilities of different agencies that may become involved in responding to a major disaster. The more efficient targeting of humanitarian resources can be aided by greater standardization of methodologies and reporting tools for the collection and analysis of data used by different humanitarian actors.

Long-term reconstruction work in Haiti will have to grapple with a number of complex challenges for many years to come, including land tenure, the plight of IDPs, the problems of GBV, and managing the smooth transition of programs along the relief-to-reconstruction continuum.

The ultimate goals of USG assistance are to work more quickly, efficiently, and effectively; provide solutions that can benefit the host country and translate into long-term development gains; and improve the quality of life for those it serves. In Haiti, this means the USG is working collaboratively with the international community to implement a reconstruction agenda that will move the country forward. This agenda is enacted through a robust and ambitious long-term development strategy that focuses on four strategic pillars.

These four pillars are areas in which the USG can add significant value and generate results that align with the GOH plan for the reconstruction of Haiti.

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<sup>116</sup> *Id.*

<sup>117</sup> Press Release, U.S. Agency for Int'l Dev., U.S. Embassy Announces Groundbreaking Effort to Provide Emergency Food Assistance to Earthquake Victims in Haiti: Two New Grants Utilize Cash and Food Vouchers To Complement In-Kind Food Aid (Aug. 13, 2010), <http://www.usaid.gov/press/releases/2010/pr100813.html>.

Together with its partners, the USG will focus on agricultural productivity to strengthen food and economic security; improving infrastructure, including housing and electricity; healthcare and other essential services, like education; and governance, rule of law, and security.

Overcoming Haiti's deep challenges will require innovative solutions. For example, Haiti's agriculture production in rice and other crops has been decreasing since the 1950s, and the challenges have increased over time.<sup>118</sup> Although sixty percent of Haitians work in the agriculture sector, the country still struggles to feed itself;<sup>119</sup> fifty-one percent of all food is imported.<sup>120</sup> While Haiti did import less food in the past, most of the increased food imports are driven by a yearly population growth that is currently much higher than what its resource base can support.<sup>121</sup> Through innovations like vertical farming, which maximizes space, allowing farmers to plant more crops in smaller areas and dramatically increase yields, USAID is providing an opportunity for Haitians to become a more stable, prosperous society. And, because nobody knows where the next innovation will come from, the USG is establishing funds to challenge people to develop their own innovative solutions.

This monetary incentive for innovation is already working in Haiti, where the Mobile Money Initiative is introducing new uses for existing technology. USAID partnered with the Bill & Melinda Gates Foundation to develop the initiative, which awarded its first-to-market prize to cell phone carrier Digicel in January 2011.<sup>122</sup> Mobile banking will make it easier for Haitians to access savings accounts and other financial services. In a country where ninety percent of the population never had access to financial services, sending, receiving, and storing money through mobile phones can reduce the risks and costs of financial transactions; help increase savings; and generate

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<sup>118</sup> FED. RESEARCH DIV., LIBRARY OF CONG., HAITI: A COUNTRY STUDY (Helen Chapin Metz ed., 2001), <http://lcweb2.loc.gov/frd/cs/htoc.html> (follow "Agriculture" hyperlink).

<sup>119</sup> *Fast Facts on the U.S. Government's Work in Haiti: Food Security Fact Sheet*, *supra* note 112.

<sup>120</sup> Jonathan M. Katz, *With Cheap Food Imports, Haiti Can't Feed Itself*, HUFFINGTON POST (Mar. 20, 2010, 2:13 PM), [http://www.huffingtonpost.com/2010/03/20/with-cheap-food-imports-h\\_n\\_507228.html](http://www.huffingtonpost.com/2010/03/20/with-cheap-food-imports-h_n_507228.html).

<sup>121</sup> See CARIBBEAN COUNTRY MGMT. UNIT, WORLD BANK, HAITI: SOCIAL RESILIENCE AND STATE FRAGILITY IN HAITI: A COUNTRY SOCIAL ANALYSIS, at i (2006), *available at* [http://siteresources.worldbank.org/SOCIALANALYSIS/1104894-1115795935771/20938696/Haiti\\_CSA.pdf](http://siteresources.worldbank.org/SOCIALANALYSIS/1104894-1115795935771/20938696/Haiti_CSA.pdf).

<sup>122</sup> Press Release, U.S. Agency for Int'l Dev., Gates Foundation and U.S. Government Give \$2.5 Million Prize for Transforming Banking Sector in Haiti: Mobile Operator Digicel Becomes First Recipient of Mobile Money Fund in Haiti (Jan. 10, 2011), <http://www.usaid.gov/press/releases/2011/pr110110.html>.

employment.<sup>123</sup> The Mobile Money Initiative will also help Haitians manage payments to difficult-to-access vital services like banking, insurance, and utilities.

This is a pivotal moment for Haiti, which now faces a long process of recovery and rebuilding from the tragedy of the earthquake. Although it is a time of uncertainty, caused by earthquake-related challenges, significant delays in completing the elections, and the outbreak of cholera, it is also a time of great hope. As a long-term partner with broad and longstanding historical and cultural ties to Haiti, the United States is committed to helping the Haitian people build back better. As the USG works with the Haitian people and their government, the overriding factor that will determine success over the long haul is whether Haitian institutions are equipped to propel their own development.

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<sup>123</sup> *See id.*