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What role can the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forests and Fisheries play in Securing Land Tenure for Poor and Disenfranchised Communities in Haiti

INTRODUCTION

In Haiti, land tenure insecurity remains one of the biggest obstacles to reconstruction and development. Land in Haiti is widely held under customary norms. But even with legal title, a corrupt, inefficient, and expensive land governance system has proven incapable of protecting the land rights of Haitian communities, particularly the majority, that is poor and vulnerable. In the aftermath of the earthquake, the most visible symbol of the chaotic land governance system was the countdown to the elimination of tent cities throughout Port-au-Prince where 1.3 million people had taken refuge. Four years later, however, while most have been relocated, few have actually found permanent housing solutions. In rural areas, the situation is as serious: more than 90% of the people are deemed to hold their land through customary norms. Yet, 60% of Haitian communities depend on the

land for food security and livelihoods, and 75% of activities in rural areas stem from agriculture. In part due to pervasive land tenure insecurity, Haiti continues to have one of the highest hunger rates in the world (2013 Global Hunger Index). In this context, post-earthquake policies and programs should prioritize the protection of the land tenure rights of the majority of Haitians, who are poor and vulnerable. As such, the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Forests and Fisheries in the context of National Food Security, endorsed in May 2012 by 96 governments, including the United States and Haiti, can play a pivotal role in ensuring land tenure security for poor and vulnerable communities. The empowerment of these communities, including through the recognition of their legitimate tenure rights, must be at the center of any strategy for sustainable development in Haiti.

MATERIALS AND METHODS

Field visits, focus group interviews, semi-structured discussions with 300+ women and men from communities directly impacted by the creation of the Caracol Industrial Park, mining, tourism and large scale agricultural projects.

The visits and interviews were conducted in the following departments in Haiti: North, Northwest, West, and South in 2012, 2013, and more recently from March 9-14, 2014. Interview subjects in Haiti and in the US included leadership of the Haitian grassroots platform Je Nan Je, leaders of other Haitian civil society organizations, female and male Haitian smallholder farmers, representatives of aid agencies, US government officials, representatives of NGOs, and Diaspora leaders.

The analysis is based on the interviews and focus group discussions, as well as review of US and Haiti generated reports and publications, press reports, donor agency publications, and academic literature.



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RESULTS

- Post-earthquake policies and programs have reflected the belief that Haiti's development should be anchored in low wage labor for manufacturing, tourism, mining, and large scale agricultural investments, and have consequently exacerbated land tenure insecurity for a population that relies heavily on land for agriculture, and thus for food security and livelihoods.

These policies and programs have also failed to provide permanent housing solutions for the urban and landless poor impacted by the earthquake

- The promises of jobs and economic opportunities have failed to materialize, with for example, less than 3000 jobs created by the Caracol Industrial Park (CIP), while 366 families, 700 day laborers, and thousands of resellers, have lost their livelihoods when the land was taken out of food production. CIP workers are generally paid 200 gourdes (less than US \$5) a day, an amount wholly insufficient to feed one person three meals a day, let alone a family in Haiti;

- Land grabs throughout the north of Haiti have deepened food insecurity, and are jeopardizing the communities' livelihoods, their homes and cultural identity, as well as the future of coming generations whose parents can no longer afford education and basic health services;

- Going forward, the legitimate tenure rights of communities must be respected, and the government of Haiti (GOH), donors, and investors must secure the 'free, prior and informed consent' of communities before implementing projects impacting their land tenure security;

- Haiti should initiate a land and agrarian reform process, designed in an open and inclusive manner, with priority given to the voices of women, particularly those from poor and vulnerable communities;

- The GOH and donors must ensure that tenure systems and investments support the identified needs and priorities of impacted communities.

- The GOH must also adopt a new land governance framework that is flexible enough to accommodate the needs and priorities of diverse communities.

CONCLUSION

For the majority of Haitians, land is often the best and only resource available to lift themselves out of poverty. For Haiti to recover and develop in the wake of the 2010 earthquake, the GOH and donors must commit resources for:

1) **Community led implementation of the Voluntary Guidelines**, and implementation of other international and national instruments to prevent land grabs;

2) Comprehensive and independent research on the **impact of land grabs on communities**;

3) **Fair and impartial consultations with the communities** based on the principle of free, prior and informed consent, as well as the recognition of the rights of the communities to reject policies and investments that work against them and;

4) **Adequate compensation**, which should include the return of the land to the communities, as well as appropriate financial compensation for loss that should be negotiated fairly among the parties involved

LITERATURE CITED

ActionAid: Lay of the Land: Improving Land Governance to Stop Land Grabs (2012)

2013 Global Hunger Index; USAID: Land Tenure and Property Rights in Haiti (2010)



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