

# **Protecting people in cities: the disturbing case of Haiti**

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March 2012

Editor's Note: Edited version of this article to be published by *Disasters* (Overseas Development Institute and Blackwell Publishing).

## **Introduction**

Disaster struck Haiti on 12 January 2010 in the form of a 7.0 earthquake which left some 223,000 people dead, 300,000 injured, and 2 million homeless. This 60-second earthquake, occurring in Léogâne, near the capital city, Port-au-Prince, had a particularly devastating impact on the Haitian government, with nearly 30 percent of its civil servants killed, all but one government ministry building destroyed, and basic infrastructure wiped out.<sup>1</sup> The United Nations (UN) experienced its greatest loss of life on a single day ever, when 102 staff members died (Active Learning Network for Accountability and Performance (ALNAP) 2011). By any standards, it was a mega-disaster.

The international community mobilized rapidly and massively to assist Haiti. UN and other international agencies deployed staff quickly, thousands of NGOs rushed to the scene, donor governments and military forces sent personnel and some \$3 billion was pledged in relief and recovery efforts. Indeed almost two-thirds of all international funds mobilized for natural disaster response in 2010 went to Haiti (Ferris & Petz 2011). Clusters, the international mechanism for coordinating humanitarian response, were set up, international staff arrived by the hundreds in Port-au-Prince, programs were established and aid poured in.

It was a monumental effort and there have been many efforts to evaluate the international humanitarian response to the Haitian earthquake. Indeed, as of February 2011 ALNAP counted 45 evaluations of response to the earthquake (ALNAP 2011). In summarizing the results of these evaluations, ALNAP identified several commonly-identified shortcomings:

- a ceaseless flow of often-inexperienced small NGOs and in-kind donations;
- a limited understanding of the context, particularly the urban setting;
- by-passing of local authorities and civil society groups;
- insufficient communication with affected populations;
- lack of attention to how assistance could better support coping strategies; and
- weak humanitarian leadership structures, including a weak relationship with military.

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<sup>1</sup> Even one year after the earthquake, estimates of the death toll for civil servants vary by source, ranging from 'over 20 percent' as reported by Oxfam (2011), to 'nearly one in five' as reported by The Economist (2011), 'nearly 25 percent' as reported by Perito and Copeland (2011), to 'forty percent' as reported by the New York Times (Gronewald 2011). Figure herein taken from the January 2011 report issued by the UN Humanitarian Coordinator for Haiti Nigel Fisher. See work by Special Representative of the Secretary-General in Haiti, Edward Mulet (in United Nations 2011).

While the evaluations will undoubtedly continue and lessons will hopefully be learned to guide future humanitarian response, this study looks at one particular issue—protection—with a specific focus on the impact of Haiti’s unprecedented urban emergency on existing tools and definitions of protection. This study is based on field research carried out in Haiti, particularly the involvement of one of the authors as staff of the International Organization for Migration with particular responsibility for Camp Management and Coordination.

It is important to underline that the failure of protection in Haiti was largely due to the inability of the Haitian government to redress a chaotic and difficult reality. It is unlikely that international actors, even if the system had worked perfectly, would have been able to fully protect Haitians in this environment. The international actors managed to provide basic services and relief items and were at least moderately successful in staving off the worst effects of a cholera epidemic and hurricanes, but they were unable to provide physical safety to Haitians—arguably the most basic of human rights.

This paper argues that there were two principal reasons for this failure:

- The definition of protection as used in Haiti was simply too broad. International actors spent far too much time trying to define what protection was and the definition that emerged—full respect for all human rights—was not helpful in setting priorities in an urban setting characterized by immense need. Consequently, the clusters working on protection issues defined their tasks and priorities differently and ultimately were not effective in protecting the majority of Haitians.
- The standard international protection tools which have developed over the past five to ten years simply did not work in Haiti.

While there were many Haitians in need of protection following the earthquake, this study only examines protection in camps and settlements. Protection of other groups, such as orphans and detainees, was reportedly carried out more successfully than for those living in settlements and camps, but that issue lies beyond the scope of this study.

## **Defining Protection**

Protection has been central in humanitarian work for the past 60 years. Refugee protection was the cornerstone of the Office of the UN High Commissioner for Refugees, the concept of protection of civilians was incorporated into international humanitarian law in 1949, and international human rights law has emphasized the protection of an expanding array of basic human rights. Over the past decade, this concern with protection has intensified. In spite of the finding in the 1996 Rwanda evaluation that humanitarian actors have only a limited role in protection, they have increasingly incorporated protection into all aspects of their work (Borton 1996). At the same time, protection of civilians has become central to UN Security Council debates and peacekeeping operations, and the UN General Assembly has endorsed the principle that the international community has the "responsibility to protect" people when their governments cannot or will not do so (United Nations General Assembly 2005a, 2005b). Protection has taken center stage in the international humanitarian community’s response to communities affected by conflict, and increasingly by natural disasters (Ferris 2011).

However, it has only been in the last seven years or so—since the 2004 Indian Ocean tsunami, in fact—that there has been awareness that people affected by natural disasters as well as those affected by conflicts also face protection issues. Guidelines and tools have been developed, (Brookings-Bern Project on Internal Displacement 2011) awareness has been raised, training courses have been organized (Brookings–Bern Project on Internal Displacement 2010a, 2010b). But there is still a tendency to see natural disasters and conflicts as two different challenges when in fact they are closely related—particularly in urban settings. The cluster system, for example, is based on different cluster leads for protection; camp management and coordination; and shelter for natural disasters and conflict.

Further, there are difficulties with humanitarian approaches to protection. First, the definition of protection used by humanitarian actors is broad: “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. international human rights law, international humanitarian law)” (International Committee of the Red Cross (ICRC) 2001). This definition, although intended as a general framework to be adapted by individual organizations to their operational needs, has become the dominant definition of protection used by international actors. The breadth of this definition means that activities such as distribution of seeds, education, provision of water and sanitation and many others are considered protection activities as they all are intended to realize full respect for individual human rights. This broad definition of protection by humanitarians is in contrast to a more specific focus of protection as physical safety or security—which is, in most societies, the responsibility of police and security forces. In the case of Haiti, this meant that international actors saw protection activities as encompassing a range of activities which – although all having a connection with physical security—could not in the end keep people safe.

### **The challenges of an urban environment**

While there have always been refugees living in urban settings and, indeed, many organizations have experience working in cities, the international humanitarian system has been characterized by a ‘rural’ or ‘camp’ bias. Humanitarian actors, such as the Office of the United Nations High Commissioner for Refugees (UNHCR), typically would work out an arrangement with the host government whereby they would manage the camps and contract out service provisions to experienced NGOs. As largely self-contained entities, the camps were set apart from the rest of the population, they could be protected and programs could be tailored to meet their specific needs. For example, this is largely the model being used for most of those displaced in Darfur and for refugee camps around the world. It is important to underline that this model has never worked perfectly. People moved in and out of camps, violence within the camps was not uncommon, and often services were provided to host communities as well as to refugees and IDPs living in the camps.

Nonetheless, working in an urban environment means responding to very different contextual factors and engaging with a different set of actors. It is more difficult to distinguish between the urban poor and the displaced and between those affected by crime and those affected by urban conflict. There are a multiplicity of actors in urban areas—for example, governmental offices on different levels, civil society organizations, labor unions, business interests, and armed criminal

elements. Providing assistance or protection to affected communities requires skillful negotiations with many players. And urban residents tend to demand more from their governments and to be more politically active than rural inhabitants. The mobility of urban populations is also a factor affecting humanitarian response. People move from place to place, making it difficult to identify and track down people of concern. According to the most recent figures available, half of the world's 10.5 million refugees registered with UNHCR live in towns and cities, as do a significant proportion of the world's internally displaced population (United Nations Human Settlements Programme UN-HABITAT 2010).

Cities are also places of violence. The probability of being a victim of violent crime is substantially higher in urban than in rural areas. "As a world average—two out of three inhabitants of cities are victimized by crime at least once over a five-year period." (United Nations Human Settlements Programme 2004, p. 134) Most crimes are committed by male adolescents, who also are the primary victims of such crimes. "Risk factors that influence youth becoming involved in [criminal activities] include family problems such as violence and poor parenting; poverty; inadequate housing and health conditions; poor schooling or lack of education; peer pressures; discrimination and lack of training and work opportunities" (United Nations Human Settlements Programme 2004, p. 135; Integrated Regional Information Network 2007). The demographic "youth bulge" means that there are more young people in developing countries and economic opportunities have, thus far at least, not been able to keep up with the growing demand for jobs. The resulting pressure is manifest in increasing crime and violence. Crime tends to occur in poor neighborhoods, and when crime increases, those with resources—middle-class and wealthier individuals—move further away, further polarizing cities. The rise of urban youth gangs, the growth of organized crime, and the ubiquity of drugs and small arms have created areas within cities where police, government, and humanitarian agencies dare not enter (International Federation of Red Cross and Red Crescent Societies 2010, chapter 4.)

Urban areas also are especially susceptible to the effects of natural disasters. With growing rural-urban migration, poor urban neighborhoods spread into ever-more marginal land, which means that when a mudslide, earthquake or hurricane occurs, poor neighborhoods are disproportionately affected. And of course, the potential for epidemics is much higher in urban areas because of the concentration of population.

There is a connection between violence or conflict and natural disasters. Nel and Righarts (2008) analyzed data for 187 countries and other political entities for the period 1950 to 2000 and found that rapid-onset natural disasters significantly increased the risk of violent civil conflict both in the short- and the medium-term, specifically in low- and middle-income countries that have high inequality, mixed political regimes (neither fully autocratic nor democratic), and sluggish economic growth.

The Haitian context pre-earthquake subscribes to these challenges outlined above. The World Bank's Country Social Analysis (CSA) for Haiti in 2004 provides a bleak overview of the country's fragile situation. Nationally, half of all Haitians lived in extreme poverty, 40 percent of the population is illiterate, and 80 percent lack access to clean water. Very rapid urbanization has occurred, especially in the metropolitan area of Port-au-Prince, with some 40 percent of Haitians living in urban areas in 2003, compared with 25 percent in 1982. Although the

unemployment rate in the metropolitan area is 49 percent, 100,000 new job-seekers enter the urban labor market every year, far more than can be absorbed. The youth unemployment rate, at 47 percent, was the highest in Latin America. Crime and violence have increased in the past decade, partly in response to Haiti's turbulent political history where leaders and opponents have mobilized armed gangs and militias to support their political ambitions.

The World Bank reported in 2004 that as many as 58 percent of residents in the metropolitan area feel unsafe "often or most of the time" in their own home, compared to 15 percent in rural areas. 35 percent of women over the age of 15 have been victims of physical violence. Child trafficking was widespread. Governance, rule of law and state institutions are all terribly weak. In 2004, there were more private security contractors than police in Haiti and the country was recognized as having one of the world's weakest police forces. There were only 63 police officers per 100,000 people, less than a quarter of the regional average of 283 per 100,000 and only a third of the average for sub-Saharan African countries. Moreover, a significant number of members of the Haitian National Police (HNP) are alleged to be involved in criminal and violent activities themselves. The CSA concludes that "very poor urban neighborhoods are explosive points of conflict in the country's development crisis, combining demographic, socioeconomic, institutional, and political risk factors. Violence and insecurity in the Port-au-Prince slums in particular have undermined the political process, fuelled conflict, and negatively affected development and reconstruction efforts" (World Bank 2006).

In sum, before the earthquake, Haiti was an urban disaster. Even organizations experienced in working in urban environments such as Grozny and Sarajevo found themselves hard-pressed to respond to conditions in Port-au-Prince.

### **The limits of protection tools: understanding the scale of displacement and IDP mobility**

It was in this dismal context that the earthquake occurred and that the international system mobilized to protect Haitians. The relief effort was massive, complex, and characterized by the presence of a multitude of actors, many of whom had little experience in responding to a disaster of this scale—or to any large disaster.

At the onset of any complex emergency, humanitarian actors involved in protection are expected to implement activities through a set of tools and principles: regular community consultation, creation of women's groups in camps; community security mechanisms; regular and participatory protection monitoring; capacity-building; development of livelihoods activities; and Sphere-respecting site planning standards, to name a few. Regardless of the thematic area being addressed—be it sexual and gender-based violence (SGBV), child protection, or land and property—these tools have become standard operating procedures, dutifully included in every manual, handbook, guideline and training module developed to guide protection work in humanitarian practice.<sup>2</sup> Nevertheless, these tools assume certain characteristics of the physical space, the identity of IDPs, and the limited nature of the scale of displacement which were and are simply not the case in Haiti. Furthermore, in assessing needs and vulnerabilities,

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<sup>2</sup> See the OCHA OneResponse Web site

<<http://onerresponse.info/GlobalClusters/Protection/Pages/Protection%20Library.aspx>> for a substantive selection of the more relevant tools available for protection practitioners.

humanitarian actors traditionally focus on several target categories of affected individuals, most notably those who are displaced from their communities. Experience has shown over the years that the displaced have particular needs stemming from their displacement, such as the lack of housing, documentation necessary to access public services and the breakdown of supportive social networks.

But the complex patterns of displacement in Haiti and their uncertain scale has impacted on the ability of humanitarian actors to agree on a standard model for protecting the displaced. Much of the discourse has centered on whether protection activities should be based in camps or communities, obscuring the more pertinent question of what exactly those activities are meant to be, what they should achieve and whether humanitarian agencies can actually deliver this protection.

To fully grasp the impact of these challenges to the standard method through which humanitarians are used to delivering protection, it is necessary to understand what this scale and complexity entailed. Immediately after the earthquake, hundreds of thousands of affected Haitians converged spontaneously on hundreds of available spaces within the city, settling into the public areas and private land in search of refuge from their destroyed homes and communities and, at least initially, some protection from further aftershocks. The humanitarian assistance that soon ensued, targeted to those spontaneous sites, created an incentive for thousands more to move to the camps. At the peak of the post-earthquake displacement, in July 2010, some 1.5 million individuals were living in 1,555 IDP sites throughout the country (Haiti-Camp Coordination and Camp Management Cluster and International Organization for Migration 2011b). Of these sites, 1,200 were situated within the Port-au-Prince metropolitan area; this meant that some 1.2 million residents were displaced in a city of just over 3 million—a city which already lacked sufficient land for its residents (Haiti-Camp Coordination and Camp Management Cluster and International Organization for Migration 2010b).

The displacement, contrary to long-term trends in Haiti of rural-urban migration, was intra-urban in nature. While the range of settlement types and sizes was enormous, they shared several characteristics: the people living in the sites were highly mobile, they were integrated with the surrounding community, and most IDPs were not displaced far from their original homes (Haiti Camp Coordination and Camp Management Cluster and IOM 2010a, p. 21) The average size of a household in Haiti, for the purposes of determining camp population sizes, was defined as 4.2. The camps or settlements themselves were categorized into five groups: those as hosting between 1 to 19 households, 20 to 99 households, 100 to 499 households, 500 to 999 households and over 1000 households on site. Of the more than 800 sites in Port-au-Prince in early 2011, 25 fall into the largest category, with over 1000 households each. Yet 150 different sites within the city host fewer than 19 households. The sheer number of settlements and the diversity in their size was unprecedented.

The settlements vary not only by size, but also by the uneven physical boundaries of camp and settlement spaces. A ‘small’ site can be comprised of a handful of families occupying a few meters of cul de sac between their former homes and the one existing water tank in the community, but can just as often be found in a clearly delineated space where a small NGO has provided IDP households with shelter and a health clinic. Additionally, ‘large’ sites can be

designed and planned according to international standards and occupied solely by families evacuated from more hazardous sites. Or large sites can be located in the more spacious neighborhoods within the city where IDPs have converged to share a piece of ground and humanitarian assistance with hundreds of families whose homes may or may not have been completely destroyed.<sup>3</sup>

The whole situation of camps and settlements is further complicated by Haiti's convoluted (and rarely documented) land tenure system. Some 74 percent of the camps and settlements are located on private land; landowners are anxious to reclaim that land and the number of sites reported as threatened or implemented with eviction increased from 5 to 348 in the period between February 2010 and July 2011<sup>4</sup> with cases reported in all 12 affected communes,<sup>5</sup> both inside and outside the capital. While the vast majority of eviction cases take place on private land, some have been recorded as taking place on public land—implemented by members of local government. Not all reports of evictions are classified as violent, but many are.

The development of transitional shelter (T-shelter) throughout the city has added a further layer of complexity to the urban landscape. T-shelter projects for the displaced vary from large, neighborhood-level developments engaged with communities at various social and legal levels<sup>6</sup> to individual shelters for extremely vulnerable individuals (EVIs) on small plots of land surrounded by disputed property and/or IDP camps. Although no longer living in emergency shelter, the lack of durable solutions for IDPs has meant that those living in t-shelter housing and in t-shelter sites are still part of the IDP fabric; lacking in livelihood opportunities and access to

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<sup>3</sup> There are hundreds of examples in each category of site. To illustrate: The site at Trou Vital (111\_01.416) hosts 190 families living between communities in a dirt road site with no manager, services, or light, and often interrupted water supply; the camp at Parc Kolofe (112-01-126) was until recently managed by AMI, a medical NGO, and boasted family size tents, regular water supplies and distribution of non-food items, and a health clinic staffed with nurses, doctors, and psychosocial counselors – and it too hosts some 200 families; the camp at Corail Cesselesse (121-02-424) was designed on land made available by the government specifically to relocate IDPs at risk of landslide, 1300 families have since been moved there where they live isolated from their communities and where there is little infrastructure around them; the settlement at Vallée Bourdon is situated in a valley down from the centre of the city and similarly hosts 1500 families. Some live in tents at the bottom of the valley closer to the water source: their homes remain undamaged above them. Others have moved into the valley from a nearby country club where they had initially settled after their homes were destroyed, 6 months after settling, the club owner evicted them from the property. The majority of the families in the area live in emergency shelter a few meters away from their destroyed homes.

<sup>4</sup> The International Organization for Migration (IOM) received its first eviction report on February 18th 2010, some five weeks after the earthquake. By mid-April IOM had recorded 5 cases; In mid June the number had increased to 35. At the end of September, after an extensive data gathering exercise that included verification and recording of cases reported by other agencies to IOM directly, 95 evictions were recorded as being implemented or threatened. The latest IOM eviction report, published in July 2011, indicates that the current aggregate number of cases of eviction stands at 348. IDPs living in 99 of these 348 sites have already been evicted by landowners, while 175 sites are currently under threat of eviction. Cases are reported in all 12 affected communes, both inside and outside the capital. While the vast majority of cases take place on private land, 4 cases have been recorded as taking place on public land (Haiti-Camp Coordination and Camp Management Cluster and International Organization for Migration 2011c)

<sup>5</sup> Carrefour, Port-au-Prince, Pétion-Ville, Croix des Bouquets, Delmas, Cité Soleil, Tabarre, Ganthier, Jacmel, Léogâne, Gressier and Petit-Goâve.

<sup>6</sup> The transitional shelters being built in Mangeoire, in the affluent neighborhood of Pacot, are a good example of this (International Organization for Migration 2010)

basic services in their community, the lines of distinction between the displaced and the urban poor are further blurred.

From the beginning of the earthquake response, there have been serious questions about the number of Haitians registered as IDPs—questions which have less to do with the numbers of camp residents than with the issue of whether everyone living in an IDP site is in fact an IDP. Although early numbers are consistent with estimates on the number of buildings completely destroyed by the earthquake,<sup>7</sup> operational evidence suggests a more complicated reality. For example, camp managers have been able to partially or fully close down camps by encouraging IDPs to return to undamaged homes through incentives in their communities, such as water and sanitation or livelihoods projects. Further, the vast majority (85 percent) of the IDP population is displaced within the same commune of origin, with 73 percent displaced from within the same section in the commune. (Haiti-Camp Coordination and Camp Management Cluster and International Organization for Migration 2010a. 21) This proximity to their residence, coupled with an average of 13 percent of tents in IDP sites registered as empty during the last Camp Coordination and Camp Management (CCCM) cluster assessment (Haiti-Camp Coordination and Camp Management Cluster and International Organization for Migration 2011b), indicates the widespread existence of an IDP commuter phenomenon in Port-au-Prince in which impoverished urban dwellers occasionally occupy spaces within IDP sites in order to have access to assistance and protection.<sup>8</sup>

As of May 2011, the number of people living in IDP camps has decreased by half (Haiti-Camp Coordination and Camp Management Cluster and International Organization for Migration 2011b). Informal surveys conducted in sites suggest that many of those who initially moved from the rural areas to the city have since moved back to rural areas as cessation of food distribution and a general decline in humanitarian assistance revoked initial incentives to move.<sup>9</sup> The IDP Return Survey referenced above reported that the main reasons for people leaving sites were because of eviction from private land (34 percent), rain/hurricanes (16 percent) poor conditions in sites (13.9 percent) and crime and insecurity (13.6 percent). The majority of those that left indicated that they continued to live in precarious, unsustainable situations: 29 percent reported living in a house in need in repairs, while a further 25 percent reported that they are currently living in emergency shelters in plots outside formal IDP camps (Haiti-Camp Coordination and Camp Management Cluster and International Organization for Migration 2011a). In spite of the decreasing number, the scale of formal displacement in Haiti in mid-2011 remains staggering: the latest IDP assessment indicates that currently just over 630,000 individuals are living in 1,000 sites (Haiti-Camp Coordination and Camp Management Cluster and International

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<sup>7</sup> According to the Government of Haiti, 105,000 homes were destroyed, and over 208,000 were partially damaged (Government of the Republic of Haiti 2010). With an average occupancy of three families (circa 15 individuals) per building, the number of IDPs caused by the earthquake could be:  $105,000 \times 15 = 1,575,000$  persons – 230,000 deaths.

<sup>8</sup> Households who truly leave sites do not leave emergency shelter materials behind, taking them instead to their plots, damaged houses, or simply for their market value.

<sup>9</sup> In August 2010 the UN Office for the Coordination of Humanitarian Affairs (OCHA) discussed with the Ministry of Interior the possibility of assisting with return those that had come to the capital from the rural areas after the earthquake. A survey was developed and IOM was asked to identify a site where there would be a significant amount of IDPs from outside the capital. Camp managers found that most of those who had once come to the capital had since returned home.



Organization for Migration 2011). With a large number of the initial rural displaced having returned, this figure represents 20 percent of the Haiti's urban population who are now displaced within their own city, often only a few feet away from their original homes.

The impact of this displacement on an already volatile protection environment cannot be underestimated. IDPs can be victims of threats, physical violence and on occasion, sexual abuse. Cases have been reported of sites visited at night by armed gangs threatening IDPs and their families. Landlords are accused of hiring 'thugs' to intimidate IDPs, and in some instances, tents are torn down and burnt. Although the majority of cases are not this violent, they can be just as coercive. Landowners may report "incidents" to police, such as a robbery, and police subsequently becomes involved in forcible removal; they cut access to humanitarian assistance for IDPs—by not allowing water and sanitation facilities to be serviced or distributions to take place; and families are sometimes paid by landowners and the government to leave sites despite having no safe alternative shelter solutions. Often this results in IDPs decamping to areas that are even more insecure than the sites which they left: both in terms of their safety from crime and the physical safety of the structures into which they move.<sup>10</sup>

### **Clusters and Protection: inadequate tools, inadequate definitions.**

While it is universally recognized that states are responsible for protecting those living within their territories, when states lack that capacity, humanitarian actors are often expected to do so. But what kind of protection can be delivered in a complex urban environment where physical boundaries and boundaries of identity are in question? Moreover, given the scale of displacement in Haiti, the limited involvement of the state in matters of protection, and the sheer magnitude of protection challenges facing Haitians before the earthquake, the international humanitarian community faced daunting challenges in its efforts to protect Haitians affected by the January 2010 earthquake.

Since 2005, international humanitarian response has been organized through the cluster system in which international actors, local NGOs, and government agencies meet regularly to share information, develop strategies, and coordinate their response. Each cluster has a lead agency charged with coordinating the work of cluster members and serving as a 'provider of last resort' and each cluster has both a global cluster working at the international level and country clusters which are operational when activated in emergency situations (OneResponse 2010). The system was intended to increase responsibility and predictability of response, but as two evaluations have shown, the results have been uneven (Stoddard et al. 2007; Steets et al. 2010). In most of the 38 country situations where the cluster approach has been used, local NGO and host government involvement have been lacking. The clusters which seem to have been most successful are those in which host government agencies have taken the lead (such as in the Philippines and Ethiopia); the least successful are those with a multitude of international participants, weak cluster leadership and confusion about roles. The evaluations found that the protection and early recovery clusters have been the weakest overall, in part because of

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<sup>10</sup> An IDP Return Survey conducted by the CCCM Cluster and published in March 2011 reported that only 42 percent of those that have left IDP sites are living in houses with no damages: the majority have settled into damaged homes or tents on plots of land. (Haiti-Camp Coordination and Camp Management Cluster and International Organization for Migration 2011a)

uncertainty about their mandates. It is also important to note that not all humanitarian actors define their priorities and protection actions through the cluster system.

The process of setting up the clusters has been complicated, particularly when it came to natural disasters. Different lead agencies were named as cluster leads for shelter and camp management in natural disasters and conflicts. While UNHCR was named as cluster lead for protection in conflict situations, the question of who would be responsible for protection in natural disasters was left hanging in the air for six years. Initially a decision on protection cluster leadership was to be negotiated on a case-by-case basis between the three international agencies with protection mandates: UNHCR, the UN Children's Fund (UNICEF) and Office of the High Commissioner for Human Rights (OHCHR) (Cohen and Bradley 2010). This system did not work effectively and following a round of negotiations (particularly with UNICEF), in early 2011 the Emergency Relief Coordinator asked UNHCR to assume this role at the global level for a one-year trial period—a development that met with some resistance from UNHCR's governing body.

In Haiti, the clusters were activated shortly after the earthquake. Two clusters were of particular relevance to protection in Haiti: the Protection Cluster (PC) with OHCHR as lead agency and the Camp Coordination and Camp Management Cluster (CCCM) under the leadership of the International Organization for Migration (IOM). In order to understand the way in which protection has in fact been operationalized on the ground, an analysis of their role, their respective approaches to protection, and the challenges they face in implementing protection is necessary—in particular the manner in which the protection work of these two clusters has been impacted by the inadequacy of existing tools and a lack of a narrower definition of protection.

### **CCCM and Protection: defining the role of camp managers**

The CCCM cluster is comprised of the humanitarian agencies involved in camp management of displacement sites in emergencies. The key functions of the cluster lead agency are coordination, advocacy, reporting, policy formulation, contingency planning and training for agencies involved in camp management. From the beginning of the response in January 2010, the CCCM cluster began operations in registration, monitoring and assessment, protection, site planning and training. A further responsibility, common to all cluster lead agencies, is of 'provider of last resort' to be activated should there be major gaps in service provision. Six months after the earthquake, in July 2010, camp management agency coverage was woefully low, with less than 10 percent of camps covered by a camp manager. As such, IOM applied for and received funding for the deployment of its own camp management teams, and in August 2010 added camp management operations to its portfolio of activities. Given the scale of the displacement and the number of camps, and considering the urban nature of the sites, it was not possible to deploy fixed camp management teams to every one of the over 1300 sites that were still in existence in August. Instead, two mobile teams were deployed for each of the seven affected communes in the Port-au-Prince area, with a further four teams put in place in the four largest sites in the city. Each mobile team was in charge of overseeing anywhere from 50 to over 100 sites in their commune. Camp managers try to follow a monitoring schedule, but focal points in IDP camp committees in every site regularly contact their commune team for ad hoc assistance. This varies from assistance with threats of eviction and cases of sexual violence, to water and sanitation, shelter, and disaster relief. More recently, the teams have been very focused on cholera response.

This mobile system, although effective and easy to mobilize for immediate emergencies, is largely unable to put in the day-to-day efforts needed for each site to develop strong protection strategies.

CCCM responsibilities towards protection in camps mostly pertain to the creation of humanitarian space where humanitarian actors can carry out their work; participation and diversity mainstreaming in governance of sites to ensure the most vulnerable are represented in camp decision-making; assessments and monitoring of protection and security risks of camps; coordinating security of sites; and implementation of confidential referral systems so that victims of abuse can seek assistance in a safe and dignified manner.

In addition, the camp management cluster's responsibilities vis-à-vis protection are two-fold: those stemming from its role as cluster coordinator and those responsibilities that pertain specifically to the camp management agencies themselves. Some responsibilities are the same although exercised in different ways. For example, both CCCM cluster coordinators and camp management agencies are tasked with facilitating law enforcement patrolling of sites. For the cluster coordinator in Haiti, this means advocating with national authorities for increases in patrolling as well as provision of training for UN Police and Military patrols. For the camp managers, this means monthly monitoring of security risks in all sites and weekly meetings with law enforcement actors on the ground near their sites ([Camp Coordination and Camp Management Cluster in Haiti](#) 2011; Camp Management Agency 2009 & Norwegian Refugee Council 2008).

The CCCM cluster, more than any other cluster, is expected to mainstream protection into all its activities. Unlike other clusters, the service coordination tasks of CCCM mean that camp managers must work closely with a broad range of humanitarian services and actors. However, the Global CCCM cluster is co-led by IOM and UNHCR, and the differences between them in the institutional approaches to protection in camp management are worth noting. UNHCR defines camp management as a form of operational protection: a vehicle through which it protects the internally displaced (UNHCR 2006). This model of camp management sees all activities as intrinsically linked in the service of that goal, and UNHCR camp managers are first and foremost protection officers who coordinate services in camps.

IOM's approach to camp management differs from this operational protection approach. IOM camp managers tend to define their role more technically and as limited to the coordination of services by specialists within a single area. In this regard, IOM does not see protection any differently than it sees shelter, water and sanitation or education which are services provided by stand-alone actors, to be coordinated by the camp manager. In this formulation IOM Protection Officers develop projects in support of camp management activities, but are coordinated by the camp manager in the same way as other services. Thus while UNHCR camp managers see their protection role as paramount, for IOM camp managers protection is one of many services to be coordinated.

Many of the sites housing IDPs have been and are unsafe places. Gangs have terrorized residents and some camps are in fact under their control.<sup>11</sup> The presence of security forces has been almost non-existent. The majority of residents still live in flimsy emergency shelter that does very little to protect them and over half of protection cases reported in camps are incidents of sexual violence—to say nothing of those cases that go unreported. The CCCM cluster, as at least nominally in charge of the camps, has been heavily criticized in Haiti for what is deemed to be the poor protection situation in the camps. And yet as this paper noted earlier, the standard tools are unsuited to this new displacement environment, particularly in the case of camp management: Unlike most other internal displacement situations, few Haitian sites have a daily camp manager, making it impossible to conduct regular consultation and monitoring. Service provision in all areas is low, and has decreased since the early days of the emergency. There is no food distribution and provision of emergency shelter is limited to ad-hoc storm relief. Provision of transitional and permanent shelter remains hampered by land and property issues, and the level of services provided by water and sanitation agencies cannot be sustained unless funding increases on a significant scale. Populations in camps are dynamic, with movements in and out of the site difficult to control. Sites are mostly unplanned and exist side-by-side with poor urban neighborhoods and most importantly, basic social services are not provided by humanitarian agencies. Finally, the physical security of IDPs and of camps themselves is made increasingly difficult by then overwhelming presence of gangs, corrupt committees, and weak rule of law. As noted above, these characteristics were all present in Haiti's urban neighborhoods before the earthquake.

### **The Protection Cluster: different definitions, different priorities**

The Protection Cluster was established in February 2010 and is led by the UN Office of the High Commissioner for Human Rights (OHCHR). Additional support is provided by UNHCR. In theory, the cluster encompasses the work of its two sub-clusters on Child Protection and GBV; in practice, the clusters work independently of each other and there is little overlap. Unlike the CCCM Cluster, the Protection Cluster's internal structure is less well-defined; however, its terms of reference list its main objectives as: awareness-raising and capacity-building of communities, agencies and institutions; identification of protection gaps; coordination of prevention and response to violence, including specifically gender-based violence; and policy-setting, strategy development and implementation of standard operating procedures. Within a month of the earthquake, the Protection Cluster identified some of the main protection problems: sexual and gender-based violence, child protection, and the lack of the rule of law, but it also identified shelter and sanitation as protection issues. Cluster participants spent considerable time trying to define the concept of protection and were perhaps hampered by the standard broad definition of

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<sup>11</sup> Self-appointed camp governance structures represent a major challenge to creating protection spaces in camps. The Humanitarian Accountability Partnership (HAP) mission designed a method for assessing the structure, function and community perception of camp committees. During its 6 month mission between March and October 2010 HAP tested this tool in a series of sites and found that in none of them had the camp committee been elected by the IDP population, and most were governed by pre-existing groups from the community. Attempts by humanitarian agencies to address this were met with hostility and in many cases, threats. Agencies have been expelled from sites by the camp committee for announcing plans to distribute directly to the population, and not through the committee. (HAPI, 2010) Complaints of exchanging sexual favors for services by committees have been registered, and bribes or fees to be able to remain in sites are often reported. According to security assessments conducted by the CCCM cluster, the presence of gangs remains the greatest security threat in IDP sites.

protection adopted by the ICRC and later the Inter-Agency Standing Committee. If protection was to be full respect for all rights, then protection meant working to prevent the spread of cholera and the installation of latrines. Protection as physical security was simply one of many aspects of protection. And as physical security was the responsibility of the state and as international actors were sensitive to the need not to criticize the Haitian government too heavily for failing in its responsibility to keep its citizens safe, they embraced a range of good programs which were worthy initiatives but which did little to protect Haitians.

Perhaps reflecting OHCHR's strengths and experience, the Protection Cluster's approach to protection was primarily advocacy-based. This was specifically highlighted in its December 2010 progress report in which it emphasized that any projects it undertakes are to be considered as a protection tool complementary to this approach (OHCHR, 2010). This is very much in line with OHCHR's area of expertise, which is focused on monitoring and reporting of human rights situations, advocacy through engagement with national authorities, and capacity and institution building. As such, with the exception of the Quick Impact Projects (QUIP) implemented and discussed below, the majority of actions taken by the cluster in the period between February and December 2010 were in the form of key messages, policy proposals and code cables (Office of the High Commissioner for Human Rights 2010).

As a result of this approach, much of the criticism aimed at the leadership of the Protection Cluster in its initial year of operations was focused on OHCHR's lack of operational capacity (Refugees International 2010). However, this criticism is problematic because it assumes that an operational model would be more effective at protecting Haitians than an advocacy-based one. Given the dire pre-existing protection situation before the earthquake, and the fact that the most urgent protection needs were and are related to physical security, this assumption is questionable. The basic question was whether a fully staffed, operational team of protection officers on the ground would ever be able to provide the necessary security for the most vulnerable if police presence in sites remained negligible.

The second problem with criticism of OHCHR's lack of operational capacity is that it ignores the difficulties in operationalizing protection when there is a lack of consensus on what achieving protection entails. The critical differences in opinion on this issue are aptly illustrated by looking at the Protection Cluster's QUIP projects. The projects implemented between February and December 2010 were categorized under two headings: those funded by OHCHR in its role as Protection Cluster lead; and those projects funded and implemented by UNHCR in its role as Global Protection Cluster lead and support to OHCHR. A further category outlined the projects approved through the 2011 Consolidated Appeals Process and awaiting funding and implementation by protection cluster member UN agencies and NGOs.

OHCHR itself was responsible for 19 projects, 14 of which were focused on training, awareness-raising, and capacity-building of national institutions responsible for human rights. The 5 remaining projects, which focused on direct assistance, were all designated as assistance to national institutions responsible for victims of SGBV. UNHCR was responsible for 53 QUIPS overall, 20 of which were classified as protection projects. (The remaining 33 were variously described as shelter, health, construction, and income generation projects, albeit all under the protection cluster umbrella). However, of the 20 classified as protection projects, 2 were for

emergency assistance to camps, 2 were education projects, and a further 3 focused on disaster risk reduction (DRR). Finally, the 29 projects submitted under the 2011 Common Humanitarian Appeals Program (CHAP) included 12 GBV/Child protection projects involving direct assistance and awareness-raising, 5 human rights projects, 1 DRR project, and 3 cholera projects.

The implications of this broad range of project types under the guise of protection is clear: if actors involved in protection cannot agree on a common standard, then the difficulties in developing a protection space and ensuring resources and efforts are focused on common protection priorities are further exacerbated.

In spite of this somewhat bleak picture, there have been positive developments. For example, the Protection cluster has recently developed a more decentralized approach to coordination that it hopes will ensure a more efficient, integrated, and timely response to protection cases at the commune level. This approach will definitely facilitate the inclusion of local government—and importantly, law enforcement—participants who are notably absent from the national cluster meetings held inside the UN Logistics Base in Port-au-Prince. It also represents an opportunity to redefine protection priorities at the field level, and focus the work of a variety of protection partners, including camp managers.

Also, in the absence of government action (or even a firm position) on evictions, the CCCM and Protection clusters have worked closely to try and find solutions to the eviction situation. While the camp managers have been active on the ground - monitoring cases and collecting data, facilitating negotiations between landlords, residents and mayors, and relocating the most vulnerable in certain cases of eviction—the Protection cluster has been active on the policy front. This has involved advocating with the Humanitarian Coordinator and the government, and chairing a Housing, Land, and Property working group tasked with developing policy options and recommendations for government, agencies and donors. More recently the CCCM and Protection clusters have jointly worked on eviction tools, trainings and standard operating procedures for partners. Despite the coordinated efforts, however, cases of eviction have recently spiked. Evictions are after all the result of larger challenges to the inability to return home for many Haitians. These challenges include the continued need for rubble removal<sup>12</sup>, adjudication of land rights to clarify tenure patterns in sites of return, and the lack of technical guidelines and financial support for housing repairs<sup>13</sup>, among others. However, these are not only protection challenges, and cannot be solved by the two clusters alone.

## **Conclusion**

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<sup>12</sup> There are still some 20 million cubic meters of rubble in Port-au-Prince.

<sup>13</sup> Houses designated by the Ministry of Public Works, Transport and Communications (MTPTC) as in need of repair (yellow) represent 27 percent of the more than 250,000 houses so far assessed by MTPTC and partners. Repair of yellow houses currently represents the fastest sustainable shelter option in Haiti after the return to safe (green) houses. Targeting immediate repair of these houses will significantly improve the national shelter response combined with the parallel delivery of transitional shelters. However, to date, very few agencies have committed to conducting housing repairs due to financial and technical constraints.

This discussion of the way protection activities have been operationalized in Haiti illustrates not only the daunting challenge of operating in an urban environment but also the conceptual difficulties of understanding what protection means for humanitarian actors in such a difficult setting. Certainly the proliferation of actors, the limited capacity of Haitian authorities, and the chaotic nature of the situation made it difficult to carry out a holistic analysis of protection needs and to survey organizational capacities to determine what could be done and by whom.

The overall aim of a focus on protection space is the physical, legal, and material security of affected populations. However, by defining protection too broadly, humanitarians have been unable to agree on the best method to achieve this aim. Importantly, this affects the viability of the tools developed in support of that aim. New tools must be developed or existing ones adapted for protection practitioners, tools which will take into the account our inability to translate successful but small-scale interventions based in rural environments to large-scale urban displacement realities. Moreover, it would be useful to consider past cases where humanitarian actors have operated more effectively in responding to urban displacement, such as the Balkans and central Europe.

It is a positive trend that humanitarian agencies increasingly recognize the importance of protection as well as assistance in carrying out their operations. But by defining protection so broadly and by including so many important programmatic activities under the rubric of protection, the essential emphasis on physical security has been weakened. In rural settings, humanitarian actors negotiate with the state to provide police or military protection to prevent attacks on camps by external actors and (to a lesser extent) to provide protection from other camp residents. To be sure, there are many examples of cases where this physical protection was breached in camp settings, but at least responsibilities were clear. In complex urban environments—particularly where the state lacks the capacity to provide adequate police protection—the role of humanitarians in protecting population of concern is much less clear.

While there have been no definitive studies, it is likely that some of the measures taken in Haiti prevented or reduced violence against displaced persons. But in order to provide physical security to Haitians affected by the earthquake, the actions of other actors are needed in areas such as security sector reform, establishment of rule of law, and effective governance. International actors working to support such measures sometimes have competing agendas and perhaps do not often think of the consequences of their activities for the humanitarian community. But until such initiatives are successfully begun, the role of humanitarian actors in protecting communities will be limited. At the end of the day, in a complex urban environment, humanitarian actors simply cannot keep people safe. Recognizing their limitations may be a crucial step in advocating with those who do have the responsibility for protecting Haitians: the Haitian government, those working on security sector reform, and UN peace operations.