



When **HOPE** is **POWER**

Haitian Farmers
Defend Land
Rights in Historic
Dialogue Process



Manioc (cassava), one of the crops grown on the land that was taken. Credit: Marilia Leti / ActionAid

Livelihoods lost

In December 2018, the Kolektif Peyizan Viktim Tè Chabè – a collective of Haitian farmers and their families representing nearly 4,000 people – signed a historic agreement with the Inter-American Development Bank (IDB) and the Haitian government to restore their livelihoods. These families had been forced from their farmland in 2011 to make way for the Caracol Industrial Park (CIP), a large industrial facility financed by the IDB, the U.S. Government and others.

The CIP was constructed on 250 hectares of the most fertile agricultural land in the area. The produce previously cultivated on that land provided the primary source of food and income to the displaced families, some of whom had farmed the land for generations. They waited almost three years for promised replacement land, only to be told that most families would instead receive an inferior cash compensation package. That compensation proved

inadequate to establish new livelihoods, leaving the families struggling to meet their basic needs.

The December 2018 agreement was the result of a complaint filed by the Kolektif to the Independent Consultation and Investigation Mechanism (MICI) of the IDB to demand accountability and remedy for the harm caused by the displacement. The complaint triggered a dialogue process between representatives of the Kolektif, the IDB, and the Haitian government, facilitated by MICI. The agreement provides support for livelihoods through a combination of land, employment opportunities, agricultural equipment and training, and support for micro-enterprise.

This dialogue process can serve as a model for communities around the world who are working to address harm from international investment.

January 2010

Haiti suffered a devastating earthquake. As part of efforts to rebuild the country's economy, a proposal to construct a large industrial park in Northern Haiti was fast-tracked

July 2011

The IDB Board approved an initial grant of US\$55 million for the construction of the CIP. The IDB continued to invest in the project through five grants totaling approximately US\$242 million and many technical support packages

April 2014

The farmers organized themselves as the Kolektif Peyizan Viktim Tè Chabè and began documenting the severe harm experienced by their families

January-February 2017

The Kolektif filed a detailed complaint to MICI, proposing dialogue as a way of resolving their concerns. IDB Management submitted a formal response

October 2017-December 2018

Six dialogue meetings (each lasting two days) were held in Haiti with representatives of the IDB, the Haitian government, the Kolektif and their advisors. Between meetings, the parties made progress on agreed actions

February 2019

Implementation began. The Kolektif, IDB, and Haitian government meet regularly to monitor implementation. These meetings continue to be facilitated by MICI

January 2011

Farmers were displaced from their land with no more than a few days' notice, losing their primary source of income and food security

2013-2014

After three years of waiting for promised replacement land, most families received an inferior cash compensation package, which failed to restore their livelihoods

April-July 2016

The Kolektif wrote to the Haitian government and the IDB seeking remedy, but neither took any corrective action

March-June 2017

After visiting Caracol, and gathering information through meetings with the Kolektif, the IDB, and the Haitian government, MICI found that the complaint was eligible and that facilitated dialogue was viable and should begin

December 2018

The parties reached a final agreement. It is intended to support the farmers and their families to establish new sustainable livelihoods. The agreement also includes commitments to improve the management of the CIP's broader environmental and social impacts, including stronger project-level grievance mechanisms

Some farmers continue to cultivate the fertile land immediately next to the walls of the CIP



“
Once we lost our land, it was like they cut off our hands. It was a kind of death. We were desperate. We couldn't feed our children. We couldn't pay for our children to go to school. We didn't have other sources of income.
”

- Eva Jean Baptiste, one of the leaders of the Kolektif

MICI: An accountability mechanism

MICI is an independent office within the IDB that receives complaints from communities harmed by IDB projects. It reports to the Board of Directors of the IDB and is independent from bank management. MICI can help communities to resolve their concerns in two ways:

Dispute resolution: Communities can ask MICI to facilitate discussions between themselves, the IDB, and/or the company or government agency responsible for the project to try to find a solution to the harm described in the complaint. This process is voluntary and flexible. MICI calls this form of dispute resolution “Consultation”.

Investigation: If parties do not want dialogue or if it is not successful, MICI can investigate the concerns raised in

the complaint and prepare a report with findings and recommendations about steps the IDB should take to comply with its environmental and social safeguards. The IDB's Board of Directors makes the final decision about what steps the IDB will take. MICI calls this investigation “Compliance Review”.

MICI is not unique. Many national and international development finance institutions have similar “accountability mechanisms”. Accountability mechanisms like MICI can be important tools for communities that may have limited or no other options to seek remedy and accountability for harm caused by international investments.

Dialogue with powerful actors

The Caracol case shows that communities can negotiate meaningful agreements with powerful actors, including development banks and their own government. While the Kolektif undoubtedly faced an imbalance of power, they were able to use the MICI process to establish conditions in which they could negotiate on a stronger footing. In particular, the MICI process offered:

- Highly-skilled, independent facilitators who helped the parties to establish rules for good faith dialogue, bridge trust gaps, and find common ground
- Regular, in-person, facilitated meetings, which enabled incremental progress on complex issues
- Access to project-related documents, translated into the local language (Creole), improving transparency, and
- An ongoing monitoring process to ensure that the commitments made in the agreement become a reality.

Leaders of the Kolektif and their local advisor Milostène Castin (AREDE) strategize during the dialogue process



The strength of an organized community

Community organizing was a critical reason for the Kolektif's success. When the Kolektif approached MICI, the IDB, and the Haitian government, they had a clear and comprehensive narrative and a concrete set of demands. They supported their narrative with data and could articulate clearly the justification for their demands. They took steps to maximize community support for their strategy and to minimize social

conflict. This gave the Kolektif authority and credibility when speaking on behalf of the farmers and their families.

These community organizing efforts were deep, broad, and incredibly sophisticated in a context where telecommunications are limited. While it is impossible to tell the complete story here, we highlight certain aspects on the next pages.



The Komite met regularly in between dialogue meetings, to discuss and develop their negotiation strategy

Strong, diverse representation

From April 2014, with support from local civil society organization Action pour la Reforestation et la Défense de l'Environnement (AREDE), the farmers began to gather in large group meetings to share their experiences, to collectively identify flaws in the displacement process, and to plan their strategy to demand remedy. In the course of those meetings, the farmers jointly agreed to form a collective, the Kolektif Peyizan Viktim Tè Chabè. They elected a 10-person leadership committee from their members, known as the Komite.

The Kolektif deliberately selected leaders who resided in all of the key zones affected

by the CIP, so that each leader could mobilize the members closest to him or her using the methods appropriate to that zone (telephone, door-to-door, Church announcements, etc). The elected leaders also vary in age, education level, gender, and background to ensure that they represent the diverse needs and interests of the Kolektif.

The Komite meets approximately every two weeks to develop and implement strategy, with support from advisors. The Komite hosts meetings of the broader Kolektif every one to two months to obtain feedback on that strategy and to provide updates on its progress.

“
When we saw that, how life had changed for us, we had a meeting in 2014. We as farmers. We looked at how our children are living now, we said this industrial park should help us, but our living conditions are worse ... So we decided to create the **Kolektif Peyizan Viktim Tè Chabè**, we gathered, we voted for change, we said we can't stand like that, we need to speak out to claim our rights and our duties.
”

- Jocelyn Prévil, one of the leaders of the Komite



The Komite was supported during each dialogue meeting by advisors

Mitigating the imbalance of power – a “coalition strategy”

When making the decision to seek remedy, the Kolektif remained skeptical about their chances of success. They knew they faced an immense power imbalance, challenging actions of the IDB and their own government. One of their members described the strategy as “the dream of a crazy person.”

To counter that power imbalance, the Kolektif made a conscious decision to build a coalition of local, national, and international advisors. Those advisors added specific expertise: in community organizing (AREDE), factual research and

advocacy campaigns (ActionAid Haiti), and dispute resolution and complaint processes (Accountability Counsel). Those advisors were also able to review and analyze project documents, and to raise the Kolektif’s concerns with decision-makers that were not accessible to the Kolektif because of language or other barriers.

While advisors played a critical support role, the Komite remained the primary advocates for the Kolektif. During the dialogue, the Komite almost exclusively spoke on behalf of the Kolektif.

Efforts to minimize social conflict

The Komite and the Kolektif were conscious that, when seeking remedy on behalf of the farmers, there was a risk of social conflict at two levels: within the Kolektif, as members have different needs and interests; and within the broader community, as other groups are affected by the CIP operations but were outside of the scope of the Kolektif’s strategy.

In order to minimize the risk of conflict, they took the following actions:

- Within the Kolektif, they created committees that either anticipated or responded to actual or potential disputes among members. These committees would discuss the issues and make

recommendations to maximize fairness across the Kolektif.

- Within the broader community, the Komite and AREDE conducted a campaign of socialization and sensitization prior to filing the complaint. They met with community organizations, local political leaders, religious leaders, Voodoo priests, and others to explain the reasons for the Kolektif’s strategy and to cultivate a broad understanding of the harm experienced by the farmers. The Kolektif also maintained a principle of open, transparent meetings that any member of the community could attend, except when prevented by confidentiality requirements on specific topics.

The Komite’s broad consultation effort ensured strong community support for their strategy



Developing demands

Early in the development of the complaint strategy, the Kolektif and their local partners invested heavily in a process to define their demands. This is not a necessary first step for communities who wish to file a complaint: these demands can be defined later. However, by proposing a series of corrective actions that were clear, reasonable, and achievable, the Kolektif made a compelling case for dialogue. It also served their goal of being critical actors in the design of the solutions.

The Kolektif defined their core demands through a lengthy consultation process. First, the Komite developed a list of

proposed demands based on a series of meetings with the Kolektif, individual interviews, and consultation with local community-based organizations. They then finalized the demands in a meeting with 210 members of the Kolektif, through open debate followed by an Iowa-caucus-style vote where participants were asked to indicate their preference for certain solutions by grouping together in different corners of the room. Solutions with very little support were excluded from the final list of demands.

Once the dialogue began, the Komite vetted proposed solutions with the broader Kolektif through individual household surveys and large group meetings.

Members of the Kolektif gather to hear updates about the process. Credit: Marilia Leti / ActionAid



Members of the Komite meet to analyze the environmental impacts of the CIP

The importance of data

Before and during the complaint process, the Kolektif gathered data through re-research, community surveys, and interviews. This data helped them to demonstrate the impact of the CIP and to identify the specific needs of members the Kolektif.

Surveys were a particularly powerful tool. The Komite would invite all other members of the Kolektif to participate at set locations and times, specifically asking those who needed help understanding the survey to bring a literate friend or family member with them, so that the Komite could avoid directly participating in the survey and thereby inadvertently biasing

any answers. The Komite found that the surveys reinforced connections among the wider Kolektif, who felt invested in – and heard by – the complaint process.

The Kolektif was not the only party gathering data. The Haitian government, with support from the IDB, hired an independent consultant to evaluate the outcomes of the resettlement process. The Komite used the dialogue process to seek more transparency around, and input into, that evaluation – making it more powerful in the process.

The Komite and their advisors are continuing to gather data to monitor the impact of the agreement.

Impact

The December 2018 agreement represents a compromise reached by the parties. It does not satisfy all of the Kolektif's demands, yet it is truly historic. It is the first formal complaint against an international development bank to result in remedy for Haitian communities. It is one of the few examples, worldwide, where displaced communities have been able to use one of these accountability mechanisms to negotiate for replacement land. It sets a powerful precedent for communities everywhere.

The agreement is primarily intended to support the farmers and their families to establish sustainable livelihoods. It provides each affected household with the option of: land (limited to the 100 families most in need); modern agricultural equipment and training; support for micro-enterprise focused on women and the most vulnerable members of the community; or vocational training scholarships. It also provides each household with the opportunity to be employed at the CIP.

The IDB also committed to continue working to improve the management of broader social and environmental impacts of the CIP, including solid waste, wastewater treatment, and improved community engagement.

Implementation of this agreement began in February 2019. While some minor benefits under the agreement have been delivered (as of October 2019), in general implementation has progressed more slowly than expected. In particular, the rate of employment of beneficiaries at the CIP has been extremely low, with many families choosing to disengage from this aspect of the agreement due to a lack of confidence in it. The delivery of more meaningful benefits (land, equipment, enterprise development and scholarships) has also been delayed, due to capacity and logistical challenges among the parties and due to a deterioration in the broader political situation in Haiti which has made travel and other activities impossible for periods of time. Despite those challenges, all of the parties appear to be committed to full implementation and are continuing to make progress, with support from MICI.

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If we get what we are promised, life will be better. If we have land, we can work it, and we can have the same livelihood as before.

They said a lot of beautiful things which are still not happening.

- Hopes and concerns expressed by members of the Kolektif

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The daughter of one of the displaced farmers



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This agreement brings more hope for the future. This doesn't mean we got everything that we expected, but the main components of the agreement provide a way to be more confident, to have more hope for the future. One of the most important things now is the landing (implementation) of the agreement. The negotiation of the agreement was just the first phase, but what's more important is the implementation of the agreement and the ways that it will bring positivity to our lives. We have something really strong if all the parties properly put the agreement into practice – if they land it – then the situation will be better for the people

- Eva Jean Baptiste, one of the leaders of the Kolektif

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Jean Lucien, one of the leaders of the Kolektif



Dialogue meetings and preparation took a heavy toll on the Komite

Challenges

Although this dialogue strategy was successful in many ways, it was also incredibly difficult at times. The Komite identified the following challenges as being particularly significant:

1. Initially, the negotiation process was intimidating, especially given the imbalance of power between the parties. Members of the Komite were nervous about how they would be treated by the Bank and Government representatives. This challenge was
2. Not only did the Komite have the challenge of negotiating the best outcome they could, but that outcome also had to meet the expectations of the Kolektif. This was difficult to achieve. For this reason, the Komite held a 'validation' meeting, at the conclusion of

mitigated by the presence of advisors and the capacity-building work they did together before the dialogue began. The Komite also developed more confidence in their own power over time.

the negotiations, to make sure that they had the Kolektif's support before signing the agreement.

3. For the Komite and the Kolektif, the success of the agreement depends on the *sustainability* of its outcomes. While the Komite and their advisors consulted experts where possible, questions still remain about whether the agreement will achieve the sustainable restoration of livelihoods. Robust monitoring of its outcomes is critical.

4. The dialogue process and all of the preparation and consultation carried out by the Komite takes significant time. Members of the Komite were themselves in difficult economic situations: they also lost land. It was challenging at times to balance the needs of the dialogue process with the economic and other needs of their own families.

Despite those challenges, the Komite believed in this process and its power to provide a solution to the harm experienced by their community. And with their hope, they gained power.

A member of the Kolektif who will receive land under the December 2018 agreement



About us

Accountability Counsel: a global, non-profit organization that supports communities to use accountability offices to defend their rights and remedy harm caused by internationally financed projects

www.accountabilitycounsel.org

ActionAid Haiti: the local affiliate of ActionAid, a global movement of people working together to further human rights and defeat poverty

<https://haiti.actionaid.org/>

Kolektif Peyizan Viktim Tè Chabè: a collective of victim families who were displaced from their agricultural land in Chabert to make way for the Caracol Industrial Park

Action pour la Reforestation et la Défense de l'Environnement (AREDE): a civil society organization in Northeast Haiti working to protect the environment, and fighting social exclusion, poverty, and land grabs



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