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## Accountability Note



# After the Agreement: Implementing Remedy for Displacement in Northern Haiti

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*Cover photo:* Marie Marthe Rocksaint, a smallholder farmer, was forced to leave her land when construction of the Caracol Industrial Park started. Hers was one of 422 families that lost their land when the park was given the go-ahead.

*Credit:* Marilia Leti/ActionAid

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Any errors or shortcomings in this publication are the sole responsibility of the authors.

# Summary

In January 2011, more than 400 families in northeast Haiti were evicted from their agricultural land to make way for the Caracol Industrial Park (CIP), a large industrial textile facility principally financed by the Inter-American Development Bank (IDB) and the US government.

This Accountability Note chronicles the Haitian families' remarkable path to pursuing remedy for their displacement. Against all odds, they organized, sought international support for their case, and, using the independent accountability mechanism (IAM) of the IDB, ultimately negotiated an agreement with the IDB and the Haitian government to restore their livelihoods. But their struggle did not end there.

Much of the fight for remedy occurred after signing the agreement—a reality often under-acknowledged by accountability advocates. Support from local and international advocates has been critical to getting even partial implementation of the agreement. From the outset, the Haitian families' chances of success were slim: few IAMs have the capacity or mandate to facilitate any remedy. Moreover, the Caracol case represents an extremely rare instance where a displaced community has successfully used an IAM to negotiate for replacement land. Still, for many families, delays in receiving remedy lasted for years, increasing suffering and exacerbating the economic and social losses that come with losing land. Monitoring and advocacy have been necessary for the six years following the signing of the agreement. Because of that, many of the families eventually received some compensation—including (for some) land.

Although reaching an agreement to address harm is often the goal of an accountability mechanism process, this Note highlights the struggle that unfolds after the agreement is signed. Ensuring that remedy is actually delivered requires continual vigilance and advocacy. The Note provides key lessons for communities and advocates hoping to secure remedy through dispute resolution at IAMs:

**Lesson 1:** A signed agreement for remedy is not the end of the process, but the beginning of another struggle.

**Lesson 2:** Monitoring and continued advocacy are critical to getting remedy agreements implemented.

**Lesson 3:** Remedy agreements must account for the possibility of challenges to implementation.

Even though Haiti presents a challenging political and economic environment in which to implement a remedy agreement, the lessons of this case are not unique to Haiti. As development banks increasingly operate in contexts of fragility and crisis, similar hurdles to remediation are likely to occur elsewhere.

# Introduction: “The Dream of a Crazy Person”

*Once we lost our land, it was like they cut off our hands. It was a kind of death. We couldn't work. 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 Peyizan Viktim Tè Chabè  
(Collective of the Peasant Victims of the Land at Chabert)*

In January 2011, more than 400 families in northeast Haiti were evicted from their agricultural land to make way for the Caracol Industrial Park (CIP), a large industrial textile facility principally financed by the Inter-American Development Bank (IDB) and the US government through the United States Agency for International Development (USAID). The abrupt loss of their farming land—and their livelihoods with it—left the families unable to meet their basic needs. In response, they organized themselves into the *Kolektif Peyizan Viktim Tè Chabè (Kolektif)* and in December 2018, after years of relentless effort, meetings, and negotiating, they signed a historic agreement with the IDB and the Haitian government to restore their livelihoods.<sup>1</sup>



An aerial view of the Caracol Industrial Park, surrounded by farmland.

*Credit: Google Earth, Maxar Technologies*

The dispute resolution process that led to the agreement began in January 2017, when the *Kolektif* filed a complaint with the IDB's Independent Consultation and Investigation Mechanism (MICI), an independent office within the IDB established to receive complaints from communities about the environmental and social risks and impacts of IDB-financed projects.<sup>2</sup> MICI and similar non-judicial grievance mechanisms have been created throughout the development finance world and, increasingly, beyond it (Acumen Capital Partners 2024; ANZ Banking Group Limited 2024; WWF 2024). These mechanisms have been established as a response to the accountability gaps created by the myriad of barriers, including legal immunities for international organizations, which prevent communities from effectively seeking judicial remedy for harm caused by internationally financed projects (Bradlow 2005; Suzuki and Nanwani 2005). As important as these offices are for communities that have few other options, they also present significant challenges. Few IAMs have the capacity or mandate to facilitate any remedy, and reaching settlement through an IAM is incredibly rare (Park 2022). The complaint process is difficult to navigate without the assistance of external advocates, and even if an agreement is reached, its implementation and enforcement requires continuous advocacy (Genovese et al. 2016).

The 2018 agreement was the result of an accountability strategy that one community member called “the dream of a crazy person.” In this instance, and against all odds, the complaint led to MICI facilitating a dialogue process between representatives of the *Kolektif*, the IDB, and the Haitian government. After 18 months of dialogue, a final agreement was signed by all three parties, intended to support the restoration of the farmers' livelihoods as well as improve management of environmental and social risks at the CIP (Accountability Counsel 2018; MICI 2019).

But reaching an agreement proved to be just one step in providing a remedy to the people who had been displaced by the CIP. Implementation of the agreement has not been straightforward and has been marked by significant delays. Bureaucratic barriers such as the complex process of facilitating land transfers have slowed implementation substantially, causing additional hardship to already displaced families. Beginning in 2020, two years after the agreement was signed, the Covid-19 pandemic further delayed implementation. Countrywide lockdowns in response to government corruption made the movement of goods and services even more challenging, as did the increasing power of gangs, rising inflation, and the cost of fuel. These delays in implementation have caused real suffering among many community members.

Despite all these obstacles, the *Kolektif* continues to push for the full implementation of the agreement. In the face of extreme adversity, their struggle has resulted in many community members receiving the benefits they were promised. Their case sheds light on the challenges of pursuing remedy for human rights and environmental violations generally, and more specifically, on accountability mechanisms at international financial institutions (IFIs) (see Johnston 2000).

This Accountability Note lays out the importance of continued monitoring, advocacy, public reporting, and pressure following remedy agreements reached through dispute resolution at IFIs. Without post-agreement attention, remedy has little chance of coming to fruition. Organizations and advocacy groups must therefore budget and plan to engage in long-term enforcement advocacy when supporting communities to seek remedy through an IFI's dispute resolution process.

The lessons of this case are not unique to Haiti. As development banks increasingly operate in contexts of fragility and crisis (IDB 2023; World Bank Group 2024), similar hurdles to remediation are likely to occur elsewhere. Haiti's political and economic context is unique but the conditions of rising inflation, public health crises, government instability, and widespread violence exist in many other states in which multilateral development banks invest. The lessons of the *Kolektif's* case are therefore applicable well beyond the Haitian countryside.

# Background: Displacement and Harm

The CIP is a 250-hectare export-oriented industrial park that primarily supports garment manufacturing. It is made up of a series of industrial and administrative buildings, solid and liquid waste storage and treatment facilities, a ten megawatt (MW) power plant, and associated infrastructure. It is located in the North-East department of Haiti, and is approximately 2.5 miles inland from Caracol Bay—a sensitive coastal mangrove, sea grass, bay, and coral reef ecosystem that extends from Cap Haïtien into the Dominican Republic.<sup>3</sup> Starting in 2011, the CIP was constructed and initially managed by the Technical Execution Unit (UTE) of the Haitian Ministry of Economy and Finance. In May 2014, responsibility for its management was transferred to SONAPI (National Company of Industrial Parks) but returned again to UTE in 2019 due to poor performance by SONAPI (see Alphonse 2019; IDB, n.d.,a).

**Figure 1. Caracol Industrial Park in Haiti and surrounding region**



Source: Google Earth



Promising as many as 60,000 jobs,<sup>4</sup> the construction of the CIP was fast-tracked after the devastating January 2010 earthquake in Haiti. As the earthquake response largely bypassed the government and went to international actors, the CIP and its proposed job creation quickly became the flagship project of earthquake recovery (Johnston 2024). Far from the earthquake's epicenter in Port-au-Prince, the CIP was part of a broader plan to turn northern Haiti into a hub for commerce.

The CIP was a project that tied together the interests of multiple international parties; it had substantial financial and political support from the US State Department, Bill and Hillary Clinton (then Secretary of State), USAID, and approval from the Interim Haiti Recovery Commission (Johnston 2024; USAID n.d.; Müller-Poitevien 2012). Cheryl Mills (then Chief of Staff for Secretary Clinton) helped facilitate the partnership with the Korean manufacturing company Sae-A, which received millions of dollars of incentives in order to open the factory in Haiti (Johnston 2024). Political connections from the project bore fruit for the actors even after construction: following her departure from the State Department, Mills opened an infrastructure company called Blacklvy and received financial backing from the head of Sae-A, Woong-ki Kim (McIntire 2016). Amid this tangle of political interests, the IDB financed the CIP from its earliest stages, and continues to fund it through grants totaling approximately US\$264.5 million, and through multiple awards of technical cooperation (IDB n.d.,b).

Despite the high financial and political profile of the project, the due diligence conducted by the IDB in the early stages was paltry. José Agustín Aguerre, IDB's Haiti Country Department Manager at the time, stated that the "urgency of the project" required some shortcuts. "If one ha[d] to do this in the normal process of planning and then funding and then decision-making, and only then start looking for clients and only then start construction, we would have gone 10 years without having an industrial park" (see Sontag 2012).

The CIP site was chosen in late 2010 based on a pre-feasibility assessment of 18 potential sites funded by the IDB (IDB n.d.,c). This assessment, conducted by a firm that had never set foot in the area, was critically flawed. It did not include full environmental and social analysis, and wrongly described the CIP site as "devoid of habitation and intensive cultivation" (Koios Associates 2010, 55–57).

In fact, the CIP site was on excellent agricultural land that was being cultivated in plots by approximately 422 families. This represented almost 4,000 people dependent on the farmland for their livelihoods.<sup>5</sup> A belated Environmental and Social Impact Assessment (ESIA), hastily produced in mid-2011 after the families had already been evicted, revealed that

*... the ground of the chosen site is the most fertile in the whole area, even in dry periods. It is also the source of income for many occupants who have no other activity than cultivating this land. Entire families depend on these plots to feed their children and pay school fees, health care costs and reimburse debts... Culturally, some families have occupied this land for several generations. These occupants have developed natural ties with the land, some nutrition habits. Almost every day and all year long, they draw leaves or vegetables that contribute to their diet.*

*Koios Associates 2011*<sup>6</sup>



Caracol farmer Etienne Robert stands in front of the boundary wall of the CIP, which divided his land in half.

*Credit: Marilia Leti, ActionAid*

The project displaced families from their farmland with no more than a few days' notice (Chérestal 2015; Gender Action 2013).<sup>7</sup> The Haitian state removed families to make way for the CIP without first developing a Resettlement Action Plan, and failed to take all other due diligence and consultation steps required by the IDB's Operational Policy on Involuntary Resettlement.

Subsequently, IDB consultants, together with the UTE, scrambled to develop a belated Resettlement Action Plan and compensation package. However, this process was marred by significant problems (Kolektif 2017). First, consultation with the affected community was limited to an association of so-called "natural leaders" selected by IDB consultants, who were not representative of the displaced farmers. In addition, information about the project and the Resettlement Action Plan was never shared with the farmers in an appropriate format (considering farmers' low literacy rates) or language (information was written in French rather than in Haitian Creole). IDB and UTE failed to properly identify and mitigate the significant risk of impoverishment arising from the farmers' individual circumstances in combination with general characteristics of displacement and the precarious conditions of life for many people in the Haitian countryside. The two organizations also failed to properly investigate and mitigate the different and disproportionate impacts of displacement on women.

Perhaps most critically, IDB and UTE failed to accurately identify the number of displaced persons, failed to accurately quantify their losses, and failed to properly determine the availability of alternative land.

Ultimately, the IDB and UTE abandoned the Resettlement Action Plan when it proved too difficult to identify alternative land for the families. Instead, they offered an inferior package of cash compensation and left the families with the burden of identifying suitable replacement land themselves. Although this initial compensation package was inadequate in many ways, the farmers generally felt that they had no choice in the matter: if they did not accept it, they would receive nothing.

*They decided to have a meeting with us, and they said, "We're giving you money." I didn't want to sign. I said, "That's not the money you said you would give us so we could buy land, with which we can work, so we can help our kids."*

***Remy Augustin, one of the leaders of the Kolektif***

The farmers had reason to doubt the process. Despite the economic prominence of agriculture in Haiti, smallholder farmers are historically marginalized, receive little in terms of social welfare programming, are among the poorest in their communities, and are historically subject to state-sanctioned displacement (Shamsie 2012; Trouillot 1990).<sup>8</sup> The farmers displaced by the CIP were acutely conscious of a pattern of unjust land confiscation at the CIP site itself as well as in nearby communes and departments. Historically, their land, *Tè Chabè*, had been seized for sugar and sisal plantations, and had been taken during the American occupation of Haiti that began in 1915. In short, the land was part of a long history of displacement and reclamation (Joos 2023). In this context, the farmers started to organize.

*When we saw that—how life had changed for us—we had a meeting in 2014... This park, instead of helping us move forward, had made our life 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 Prével, one of the leaders of the Kolektif*

## The Accountability Strategy

From April 2014, with support from local civil society organization (CSO) *Action pour la Reforestation et la Défense de l'Environnement* (AREDE), the farmers began meeting in large groups 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 agreed to form a collective, the *Kolektif Peyizan Viktim Tè Chabè*. They elected a ten-person leadership committee from their members, known as the *Komite*.

The *Kolektif* 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). This group of elected leaders also varied in age, education level, gender, and background to ensure that they represented the diverse needs and interests of the *Kolektif*.

The *Komite* and *Kolektif* were aware 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 that risk of conflict, they took three steps: they created committees to anticipate or respond to potential disputes and work to maximize fairness; the *Komite* and AREDE held an awareness campaign with broad swaths of civil society; and they maintained a principle of open and transparent meetings.

The *Kolektif* defined their core demands through a lengthy consultation process. First, the ten-person *Komite* developed a list of proposed demands based on a series of large group meetings with the *Kolektif*, as well as individual interviews with 58 heads of household, 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 a 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.<sup>9</sup>

To counter the power imbalance between the farmers and large IFIs, the *Kolektif* made a conscious decision to build a coalition of local, national, and international advisors. Those advisors added specific expertise: in community organizing (the Haitian organization AREDE); factual research and advocacy campaigns (ActionAid Haiti); and dispute resolution and complaint processes at financial institutions (Accountability Counsel). The *Kolektif* investigated legal strategies but ultimately abandoned them for a number of reasons, including lack of confidence in the local judicial system, lack of resources on the part of the *Kolektif* and its partners, and the legal immunities shielding IFIs from litigation. Fortunately, ActionAid was aware of non-judicial grievance mechanisms. In mid-2016, it approached Accountability Counsel for advice on the possibilities of using such a strategy in this case.



Community representatives and Lani Inverarity of Accountability Counsel prepare their case for remedy.

*Credit: Accountability Counsel*

The *Kolektif* members were clear from the outset that they wished to pursue dialogue as a means to resolve their concerns. They wanted a chance to speak their experience directly to the CIP's investors and their own government. And most importantly, they wanted a seat at the table when any solutions were designed and discussed. A facilitated dialogue process through IDB's accountability mechanism offered both opportunities, with a measure of formality that the *Kolektif* hoped would protect the farmers from the most negative impacts of power imbalance and create conditions for a more successful negotiation. Although USAID was also a major funder of the CIP, it did not have an accountability mechanism through which complaints of environmental and social harm could be addressed.<sup>10</sup> Therefore, the *Kolektif* elected to pursue dispute resolution only through IDB.

On January 12, 2017, the *Kolektif*, supported by AREDE, ActionAid, and Accountability Counsel, filed a detailed complaint to the Independent Consultation and Investigation Mechanism (MICI) of the IDB to demand accountability and remedy for the harm caused by their displacement (*Kolektif* 2017). The complaint also detailed concerns about the environmental and social impacts of the CIP's operations, including pollution of vital water sources and the strain on local resources brought on by an influx of workers to the area. Between March and June 2017, MICI visited Haiti (Port-au-Prince and Caracol) and met with the *Kolektif*, the IDB, and the Haitian government multiple times to assess the eligibility of the complaint and viability of a dialogue process. In June 2017, after the IDB expressed a willingness to participate in dialogue with the *Kolektif* (the Haitian government was initially more hesitant), MICI determined that the process should begin (MICI n.d.). In October 2017, the first of six dialogue meetings (each lasting two days) was held in Haiti with representatives of the IDB, the Haitian government, the *Kolektif*, and their advisors. Progress on 19 interim agreed actions was made in between formal meetings (MICI 2019). This dialogue process ultimately culminated in the December 2018 agreement.



The *Kolektif* meets to hear updates and provide feedback during the negotiation process.

Credit: Accountability Counsel

The partnership between the *Kolektif*, AREDE, and international CSOs was critical to the success of the dispute resolution process. Reaching an agreement was no small feat, and the process of getting there was far from straightforward. Evidence shows that assistance from local and international organizations with drafting complaints and navigating the accountability mechanism process tends to greatly increase the likelihood that a community's complaint will reach an outcome (see Jaramillo 2023). Still, even with the support of local and international CSOs, the process of bringing a complaint to an independent accountability mechanism is draining. In some cases, accessing and navigating the process was so difficult that overburdened CSOs lost hope in the process (Accountability Counsel and Arab Watch Coalition 2022).

# A Groundbreaking Agreement?

The December 2018 agreement represents the first formal complaint against an international development bank to result in the promise of remedy for Haitian communities.<sup>11</sup> The case is unique in that few IAMs are structured in a way that they can facilitate remedy, or are even obligated to do so. In this case, the IAM, the bank, and Haiti as the borrowing country continued to be involved in the process throughout implementation. Worldwide, it is one of the few examples where displaced communities have been able to use an IFI's accountability mechanism to negotiate for replacement land. As of 2024, of the 208 complaints to an accountability mechanism that have ever resulted in some type of remedy commitment, only four offered new land for communities, and only one of those commitments is confirmed to have been fulfilled (Accountability Console n.d.). Whereas all 422 families in the *Kolektif* ideally wanted to receive land to replace what they lost, the negotiated agreement only promised plots of land for 100 families. Getting land as a remedy option, even for some, was a hard-fought compromise. The *Kolektif* was tasked with prioritizing the 100 neediest families among them to receive land. In all, the agreement allowed each affected household to choose one of four remedy options:

- Land
- Agricultural equipment (including motorized water pumps and irrigation)
- Small business funding and training
- Vocational scholarships

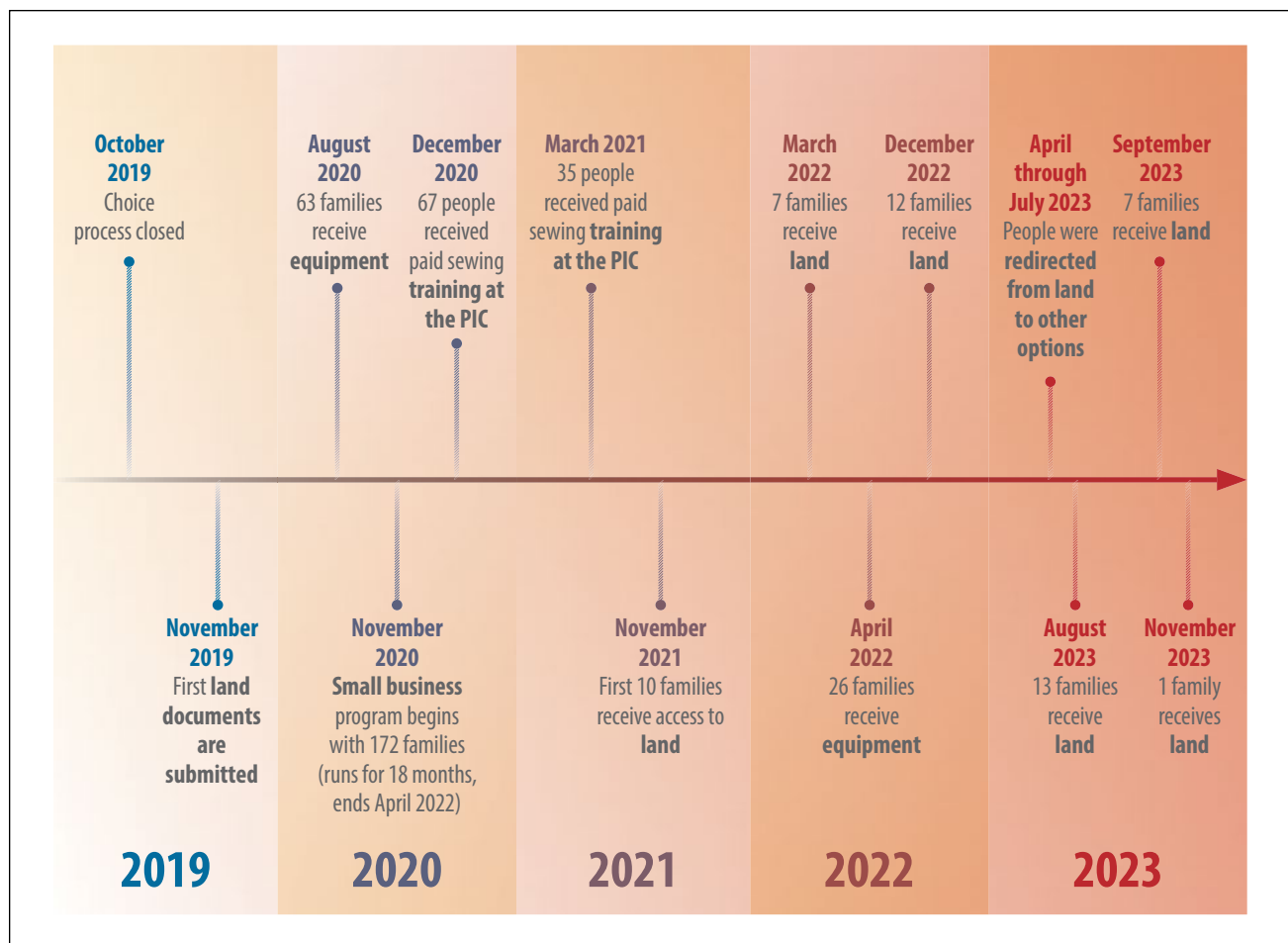
The agreement promised additional benefits. Each family within the *Kolektif* was given the opportunity to nominate one member to be considered for employment at the CIP. Each family also received backpacks and school kits, though 90 percent of the backpacks had to be replaced by the bank because they were of such poor quality that they ripped within a couple of days' use. Additionally, the IDB committed to improve the management of broader social and environmental impacts of the CIP, including wastewater treatment, solid waste disposal, and improved community engagement.

That an agreement was signed and that it included the provision of land was a huge achievement for displaced Haitian farmers. Still, the agreement represents a compromise by the parties, and accordingly did not satisfy all of the *Kolektif's* demands or grant them all the rights they were due under the IDB's policies.<sup>12</sup> And as time wore on, it became clear that signing the agreement was only the beginning of the fight for remedy.

# The Struggle for Implementation

The parties began working to implement the agreement in February 2019. By October of 2019, the *Kolektif* had decided who would receive which remedy option, and many beneficiaries started receiving their chosen options by late 2020—one and a half years after the agreement was signed. In August of that year, 63 families received the agricultural equipment they had requested. Three months later, a first wave of the small business program began with 172 families. And by the end of 2020, 67 beneficiaries had received training in cutting and sewing to support their potential employment at the CIP.

**Figure 2. After the agreement: A timeline of remedy for the displaced Caracol families**



However, significant challenges undermined implementation of other aspects of the agreement. Administrative obstacles in implementing the land option led to major delays that prolonged suffering among many of the most vulnerable in the *Kolektif*. These administrative delays were later compounded by the growing social, economic, and political crises in Haiti. In addition, despite continuous monitoring and advocacy by the *Kolektif* and their advocates, little progress has been made on addressing the negative environmental and social impacts of the CIP's operations.

## Delays in administering the land option

Until November 2021—nearly three years after the agreement was signed—none of the 100 designated land recipients had received land. A significant factor delaying the land option was the burdensome administrative process required to receive a check from the Haitian government to purchase replacement land. First, families had to find either public or private land that was available. The chosen parcel of land then had to go through an onerous bureaucratic audit involving different parts of the Haitian government. Next, the checks for purchasing the land, which had to be officially signed by the UTE Director, had to be delivered by hand and notarized in person. As a result, land beneficiaries often found themselves waiting for months to receive a check after notifying UTE that they had found a suitable parcel.

Such delays were not anticipated at the time the agreement was signed. Private land sales in Haiti often undergo a less formal and more timely process with minimal state involvement, but the process under the agreement subjected the individuals to more onerous review than is required under local law.<sup>13</sup>

The delay in check disbursement meant that individuals especially struggled to purchase private land. As was explained by one beneficiary, no one sells land in Haiti unless they are in a dire economic position; selling land is a last resort used only when immediate cash is needed for an emergency. So for many land beneficiaries who had identified private land to buy, the UTE's slow process resulted in the land being sold to another buyer who had cash ready. For some individuals, this frustrating cycle was repeated multiple times.<sup>14</sup> One individual expressed his dismay at the delays in receiving land: *"When they promised to give land, I was 50, but now I am 55 and I am unable to do the same activities I was able to do before."* The five-year delay meant that he was less physically able to farm the land, and would not be able to effectively use the land as a source of income.

Inconsistent record keeping at the UTE presented another administrative barrier to land beneficiaries. Despite the *Kolektif* choosing 100 people to receive land, they realized in 2022 that only 97 had been recorded by the Haitian government. By this time, the significant delays in administering the land option had caused many people to give up and select an alternative remedy option.

But for at least one of the excluded families, the promise of land had given false hope and inspired life decisions based on a reality that would never come. The family had planned out how the compensation would help them: Mondesir<sup>15</sup> chose the water pump, and his wife chose the land option. That way, they would have both land and irrigation—a great improvement since most land in Haiti is watered by rainfall. But Mondesir's wife unexpectedly died after many costly years battling diabetes. The land option should have passed to his wife's children, but when their daughter attempted to claim the land option she found that her mother's name had been left off the government's list of eligible land beneficiaries. As of 2022, Mondesir was renting land in order to use the pump that he had received. But because of the ongoing fuel crisis, fuel was expensive and difficult to come by. Ultimately, Mondesir was left trying to run a pump with fuel he did not have, on land he did not own.

Delayed remediation poses a number of major challenges for displaced people. First, it extends their condition of landlessness. Land is often the sole source of capital for Haitian farmers; without it, they have few ways to create income. A delay in providing land—or another source of capital—plunges families further into dire economic conditions. Second, the delay in the provision of land prevents families from growing their own food. Their increased reliance on purchasing food commodities makes them especially vulnerable to economic shocks like the ones Haiti experienced during the period of the agreement's implementation. Finally, delays tend to hurt the most vulnerable people the most. In the Caracol case, the Komite had decided that the 100 neediest families would receive land through the process. The delays in securing this land meant, perversely, that inequalities within the *Kolektif* were ultimately exacerbated rather than diminished.



While implementation of land sales stalled in 2019 and 2020, the political and economic conditions in the country continued to deteriorate considerably, further reducing the pace of implementation. Although gang violence was often far from the countryside in northern Haiti, the larger effects of a country with declining safety and economic paralysis affected both daily life and the effectiveness of the remedy agreement. In particular, the scarcity and climbing price of gas increased the price of food commodities. With protests against the administration of Jovenel Moïse came the *peyi lok* (country lockdown) strategy, which halted transport, causing prices of all goods to skyrocket. In 2022, armed gangs seized the main fuel terminal in the country after a steep hike in gas prices was announced. As a result, gas was not only expensive, it was also unavailable. The rampant inflation and fuel shortages, in turn, affected the efficacy of some of the remedy options. For example, beneficiaries of the small business option could no longer afford to buy products to sell. Furthermore, those who received water pumps in the agreement could no longer power the pumps to irrigate their land, as fuel was not accessible.

## Challenges of implementing environmental and social commitments

To this day, the IDB's commitments to improve the environmental and social impact of the CIP's operations have remained largely unimplemented. The *Kolektif* continues to express concern that the industrial park's inadequate wastewater treatment practices are contributing to pollution of vital water resources, including the Trou-du-Nord River. They also fear that the piles of trash and solid waste generated and frequently burned by the CIP will continue to pose environmental, health, and fire hazards to the surrounding community. A range of social impacts have been pressing concerns for years, from the working conditions at the CIP to infrastructure that has suffered as the local population has grown, in large part because of the draw of potential employment at the CIP. Despite their proximity to these impacts, the *Kolektif* has had too few opportunities to voice their grievances, and has received very little information about current efforts or future plans to monitor or mitigate those impacts.

## The importance of monitoring implementation

Continual monitoring of the agreement's implementation has enabled the parties to recognize and respond to the delays encountered. Monitoring has occurred on several levels since 2019: by the accountability mechanism (MICI), the international advocates, and the community representatives themselves.

MICI has a mandate to monitor implementation of agreements reached through its dispute resolution process for up to five years (MICI 2014). However, in this case, five years was not sufficient time to ensure full implementation, and so MICI granted a formal request to extend monitoring until the end of 2024. MICI's monitoring role enables it to conduct project site visits, interview the parties to the agreement, and gather information from other stakeholders. It prepares monitoring reports at least once a year for the IDB's Board of Directors that are subsequently published on MICI's website. The publication of these written reports has offered the *Kolektif* critical leverage to motivate the Haitian government to make progress on the agreement: after MICI conducted several monitoring visits to Caracol, it published a series of reports showing that nearly three years after the agreement was signed, none of the families who had been promised land had received it. Using these reports, the *Kolektif* and their advocates successfully pressured the IDB to condition a subsequent round of financing for the CIP on the Haitian government enabling land sales for at least ten families (IDB 2021).

International advocates played an essential role in monitoring the agreement's impact on farmers' livelihoods. This ongoing study is being conducted by Accountability Counsel and supplemented by Scott Freeman. After the 422 displaced families chose between the four remedy options in 2019, the advocates interviewed a sample of 28 individuals to establish a baseline of their economic and social conditions. Follow-up interviews in 2021 and 2022 evaluated delivery of the agreement's benefits and any changes to the individuals' livelihoods. Whereas the early

conversations were in person, the follow-ups were carried out via phone/Skype calls due to the pandemic and security crisis in Haiti.

These interviews by Accountability Counsel and Scott Freeman revealed the extent and impacts of implementation delays, and formed the basis for increased pressure on IDB and the Haitian government to move implementation forward. The round of monitoring interviews conducted at the height of the fuel crisis in late 2021 and early 2022 indicated that implementation had all but stopped, and that recipients' quality of life had declined across a variety of indicators. The following domains were particular areas of concern for interviewees:

**Food:** Whereas most respondents reported eating two meals a day before they were displaced, this had dropped precipitously by late 2021 and early 2022. Individuals reported consuming a little over one meal a day on average: *"When it's possible, I eat some food once per day. Not twice."* Without land to produce food, they had to rely on purchasing food commodities. Across the interviews, the diversity of foods consumed decreased as people turned to staples like corn and US-imported rice, which has come to dominate food consumption in Haiti (Cohen 2013). As inflation and the price of fuel skyrocketed, imported food commodities were rendered far more expensive. Often, the families that struggled to put food on the table made sure food went to the children first, meaning adult members of the family were going hungry.

**Income:** Income was a continual struggle for many beneficiaries, particularly those who received grants to start a small business. One interviewee simply said that any capital from the investment quickly evaporated: *"I received money and started a little business selling small candies, soap, bread. But all of the benefits from the business I had to use [for consumption]. There's nothing left."* Another recipient of a small business grant intended to use the grant to purchase and sell beauty supplies. But instead of using the money for a small business, she explained in July of 2022 that the dire economic context demanded that she use the funds for basic household expenses like food and sending children to school. She and others were forced to turn to charcoal production. This is an income strategy for only the most economically needy, and provides only a small monetary benefit to charcoal makers (Tarter et al. 2018). Without land on which to grow crops, business capital is used for basic needs, and finding small jobs to make ends meet became a necessity.

**Employment:** The opportunity for employment at the CIP was included as a part of the remedy package for families, yet employment did not provide notable benefits for many. First, individuals had a very hard time actually getting a job at the industrial park, as they still had to be selected for work by park management. The situation improved when the *Kolektif* successfully advocated for the IDB and UTE to provide access to a job training program at the CIP, which boosted employment rates and provided participants with job-related skills. Even so, the rate of employment of beneficiaries at the CIP has been extremely low; as of early 2024, only 70 people had actually been hired. However, the *Kolektif* pressed for another round of training on cutting and sewing, and in a major concession, the IDB agreed to organize one more round for 2024.

Second, those who *did* get work did not find that their compensation provided an economic boost. One individual interviewed had a brother employed, but said that the money did not go far after paying for lunch at the park, much less provide benefits across a large family. Furthermore, those who were employed found the work extremely difficult, citing poor working conditions, sexual harassment, and very low wages (Zabludovsky 2022). One interviewee commented how both the top-level expatriate supervisors and Haitian supervisors treated employees poorly, going so far to say that they were treated like *"slaves"* and that without an effective union, they had no way to voice their concerns.



An employee leaving Caracol Industrial Park.

*Credit: Accountability Counsel*

## Operating in a context of crisis

The context of the economic and political crisis in Haiti has played an outsized role in affecting implementation of the agreement. And yet, the rise of authoritarianism and economic and political crisis is not unique to Haiti. In many ways, Haiti is similar to other contexts in which IFIs fund megaprojects that rearrange land, ownership, and social relations. Withering state institutions that are not responsive to citizen needs or rights is a political reality that is common to many of the countries where IFIs operate. Ultimately, IFI accountability processes need to consider these contexts, and how delays in providing remedy create further impacts to the people whose lives and livelihoods are affected by their projects.

# Lessons for Accountability

After 2022, implementation of the agreement regained some momentum. There has been progress, but for some families remedy has remained elusive. Of the 100 families who chose land, only 97 were considered eligible by the Haitian government to receive it. Of those, only 55 have actually received land. Many of these recipients were also given seeds and tools in time for the 2023 planting season, which they reported was a substantial benefit to them. Eleven other families had been on track to securing land up until mid 2024, but the resignation of Prime Minister Ariel Henry and continued gang violence caused severe delays. The remaining 31 families who were entitled to land have given up on this option because of the delays, and have elected to receive either the equipment or small business option. In the meantime, 26 more families have received farming equipment, and a final wave of the small business program is planned for 2024, though it is unclear when, or whether, this program will go forward given the current crisis. The deteriorating political situation has continued to affect the countryside, with the price of gas and food continuing to rise due to the stranglehold of gangs.

The *Kolektif's* continuing struggle to secure accountability and remedy for the harm they experienced holds key lessons for communities and advocates considering IFI-facilitated dispute resolution, and we explore these lessons below.

## Lesson 1: A signed agreement is not the end of the process, but the beginning of another struggle.

Within the relatively new realm of non-judicial accountability mechanisms at financial institutions, reaching an agreement is often presented as the end goal of dispute resolution, and may even be characterized as a successful resolution by the accountability mechanism (see, for example, World Bank Accountability Mechanism 2023). But in reality, it is more accurate to think of an agreement as the framework that defines an ongoing process of securing remedy.

Complainants and their international advocates do not end their work with the signing of the agreement, they must shift to the hard work of ensuring that the agreement is actually implemented in full. Advocates need to plan accordingly for the long work of ensuring that remedy reaches those who need it.

It is understandably tempting to think of an agreement as an end point because it takes such hard work to reach one. This is particularly true for project-affected communities, who continue to bear the negative impacts of the project even as they participate in the accountability process.<sup>16</sup> Although getting to an agreement is a milestone that is worth celebrating, the true timeline of a dispute resolution process extends far beyond the negotiation and agreement stages. Typically, the negotiation stage of dispute resolution is time-bound. Under the MICI rules that applied in the Caracol case, negotiations were required to conclude within 12 months (although this was extended to 18 months without objection). In contrast, the timeline for implementation of agreements is determined on a case-by-case basis by the IDB Board of Directors.

However, experience has demonstrated that the implementing party often deviates from stipulated timelines. In the absence of legal enforcement, actors with leverage over the client must create alternative consequences for implementation failures. These actors may include the IFI, which can exert pressure from the “top,” and the complainants and their advocates, who exert pressure from the “bottom” (Fox 2015).

Financial institutions can impose powerful “top-down” consequences on recalcitrant clients, including suspension of funding for the project at issue, sanctions and/or “blacklisting” from the possibility of future lending, and other contractual remedies.<sup>17</sup> For communities and advocates, leverage often comes from public media campaigns that threaten the client’s reputation. However, the community’s power to “name and shame” can be limited by a number of factors, including confidentiality agreements associated with dispute resolution processes, retaliation risks, and lack of government responsiveness to community concerns. In the Caracol case, all of these limiting factors were present.

As an additional complication, powerful financial institutions may have little incentive to put pressure on their client governments to implement remedy agreements, unless the ongoing harm presents a reputational risk to the financial institution as well. For this reason, communities and their advocates must typically employ a multi-pronged advocacy approach that includes: demanding that clients fulfill remedy commitments; urging the financial institution to use its own leverage and to offer technical or financial support for remediation; and applying public pressure.

## **Lesson 2: Monitoring and continued advocacy are critical to getting remedy agreements implemented.**

Successful implementation of remedy depends on sustained monitoring and support both from advocates and from the accountability mechanism that facilitated the agreement.



The Komite was supported during each dialogue meeting by local and international advisors.

*Credit: Accountability Counsel*

Accountability mechanisms can play an important role in ensuring that the financial institution gets independent information about how implementation is going, rather than relying solely on its clients' self-reports. In the Caracol case, MICI's authority to independently monitor implementation was vital for getting any progress from the Haitian government, especially on land. And by convening regular monitoring meetings among the UTE, IDB, and the *Komite*, MICI was able to facilitate the communication and problem-solving necessary for implementing a complicated agreement over several years. MICI's independent status, and the presence of a neutral mediator, enabled the *Komite* to participate in monitoring meetings with a greater trust in the process, and allowed for substantive progress to be made.

Although independent accountability mechanisms like MICI provide the necessary structure and forum for monitoring, their actions alone will not result in remedy implementation. Advocates and those harmed by development finance need to be prepared to conduct their own monitoring, and to publish their findings, including through media campaigns, in order to put pressure both on the accountability mechanism and also directly on the IFIs. Additionally, the studies conducted by the *Kolektif* and international advocates were essential to understanding the impacts of delays and publicizing the difficulties experienced by the displaced. For example, understanding the negative impact on food security of not receiving land on time was a critical finding. Independent publishing of such findings through external media campaigns over the past five years has helped to put pressure on both MICI and the IDB's board to move implementation forward (Bojarski 2022; Welsh 2022; Zabludovsky 2022).

### Lesson 3: Remedy agreements must account for the possibility of challenges to implementation.

A major challenge to the effectiveness of the Caracol agreement was that the forms of compensation offered were forms that ultimately depended on the broader stability of the national economy. Small grants for business require a business climate of stability in order to project income versus investment in product. Irrigation pumps require fuel in order to operate. In both of these cases, the economic downturn made each of these options less valuable for recipients. Without other safety nets, business grants were used to cover basic expenses, and rising fuel prices and fuel blockades made fuel for irrigation untenable.

For this reason, compensation in the context of Haiti should have aimed to replace the capital lost in a way that did not assume a climate of stability but rather could return the resources that allowed families to sustain themselves. Moving towards land-based compensation is a necessary but not sufficient step in this direction. Timeliness is ultimately a key aspect: as political and economic conditions worsened, individuals who lost their capital had nothing to rely on to weather continued shocks.

Many of the delays encountered were also bureaucratic in nature. The extent of the bureaucratic barriers to securing replacement land was not clear to the *Kolektif*, their advocates, or the IDB at the time the agreement was signed. Many of the early delays in implementation could have been avoided if the parties had been able to agree not just the form of remedy, but also the process that individuals would have to navigate. Given that complex bureaucratic processes are a foreseeable part of working with governments, accountability mechanisms and financial institutions should expect to encounter them—and have the requisite flexibility to help surmount them—as a component of facilitating remediation.

Haiti's past decade has been wrought with natural disaster and political disintegration, and yet the conditions that made many of the remedy options less useful were conditions that can be found in many economies that accept loans from IFIs. As development banks seek to increase their operations in fragile and conflict-affected areas, it is critical that they consider the added complexity of remediating project-related harm in those contexts.<sup>18</sup> Remedy agreements should move towards compensation that takes into account the possibility of economic and political instability. In recognizing these possibilities, building in additional compensation for delays could help to incentivize more timely (and full) implementation.

## Conclusion

The December 2018 agreement was intended to restore the *Kolektif's* livelihoods and to redress the inadequate compensation they originally received when they were displaced. But in many ways, the remedy did not go fast enough or far enough. When the families lost their land, they lost their capital and the ability to produce both food and income from a resource that they had owned. Being separated from land has profound social effects: separation from social and family networks upon which one can rely, and the connections to land that come from having lived on that land for generations. Wage labor, small business loans, and agricultural equipment did not ultimately restore what the farmers lost when they were displaced by the Caracol Industrial Park. And even those families that did receive replacement land found themselves in a position of extreme need during the years between their displacement and land acquisition.

The reality of these challenges does not overshadow this fact: for 422 farming families in rural Haiti to organize, connect to international partners, and to reach a remedy agreement is an unlikely and profound achievement.



The *Kolektif* and their advisors celebrate after endorsing the agreement.

Credit: Accountability Counsel

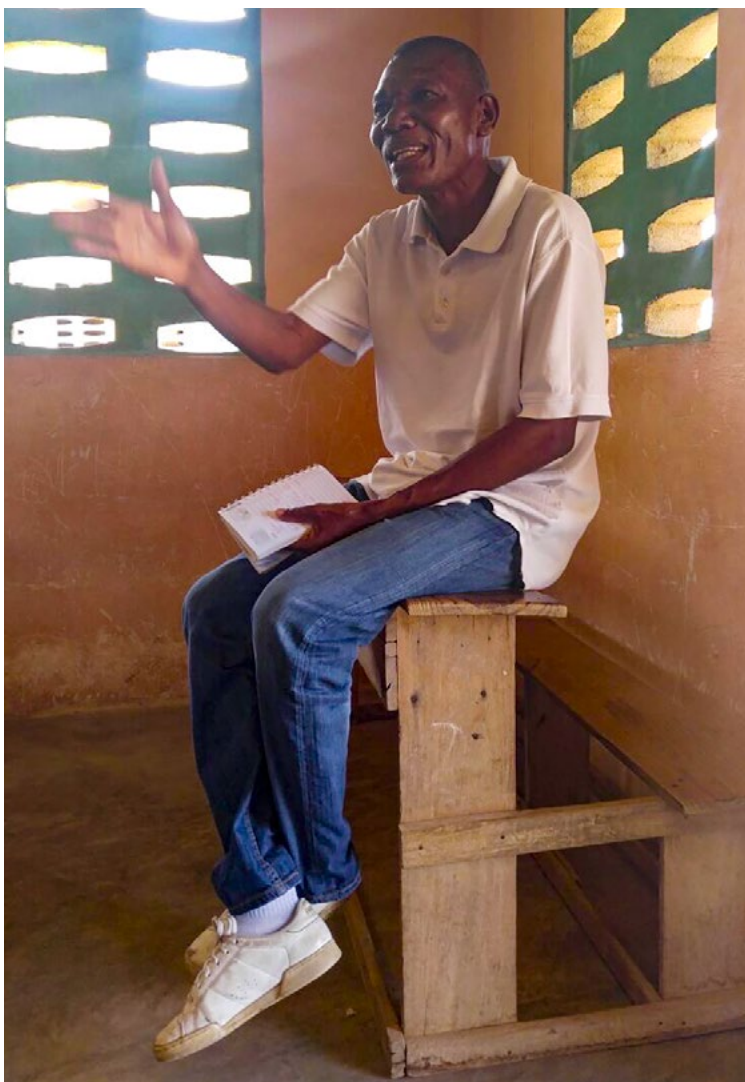
Pursuing reparation for harm done through state or international actors, including financial institutions, is always an uphill struggle. In countries where the judicial system is unreliable, the potential for pursuing remedy through an independent accountability mechanism like MICI is an important alternative to formal legal action. Also, unlike litigation, dispute resolution at an accountability mechanism allows the people affected to participate directly in negotiating a remedy for the harm they have experienced.

However, this case demonstrates that the fight for remedy does not end at the point of reaching (and signing) an agreement. Continued advocacy and monitoring is necessary to ensure that the IFI and client state actually deliver on the terms of remedy. In Haiti, without continued monitoring from the *Kolektif* and its partners, many displaced families would not have received any benefits from the agreement at all.

As of spring of 2024, the families still waiting for their benefits have not given up hope. The *Komite* continues to meet with MICI and IDB, and continues to articulate their expectations for implementation of the last remaining portions of the agreement. They have shown that achieving remedy is possible, though it is a long, hard road. And as long as the affected community wishes to continue pursuing the remedy they deserve, their advocates will—and must—remain engaged in the process alongside them.

*We do call the agreement a victory, because it was the first time something like that was accomplished. But what was on paper was the ideal, and the implementation is a different thing.*

*Milostène Castin, AREDE Coordinator*



*Credit: Accountability Counsel*



# Notes

1 For a summary of the agreement, see Accountability Counsel (2018). See also MICI (Independent Consultation and Investigation Mechanism) (2019).

2 For the full text of the complaint, see *Kolektif* (2017). For more information about the processing of the complaint by MICI, see MICI (2017).

3 Caracol Bay is part of the Three Bays National Park, a conservation effort to protect and restore marine wildlife in northern Haiti. The Government of Haiti officially announced the Park on October 9, 2013.

4 See Beaubien (2013). The IDB predicted fewer jobs: 40,000 (IDB 2012).

5 The IDB and UTE's quantification of those displaced has ranged from 366 families to 442 families, with an average of eight members per family. A verification process conducted during the dialogue identified 422 affected families, who are listed as the beneficiaries of the December 2018 agreement.

6 The ESIA independently accepted that the land is "very fertile" (Koios Associates 2011, 27), that "economic activities on and around the project site can be characterized by subsistence farming ... [with estimates that] 50% of products are commercially sold and 50% is consumed" (Koios Associates 2011, 96), and that these communities "could be very vulnerable to external social changes" (Koios Associates 2011).

7 The Resettlement Action Plan (RAP) and Baseline both acknowledge the "provisional closure" of the site (Ministry of Economy and Finance 2011). The RAP explains: "The project officially started on January 4, 2011. To date [Sept. 2011]: the installation of the temporary fence delineating the 246 hectares has been completed ..." (ibid. 14) and "[s]ince the establishment of the provisional closure and the recent arrival of security officers on site, free movement is now limited" (ibid. 24). See also the Baseline in Annex 1 of the RAP (ibid. 39), which calculated lost income from January 2011.

8 On issues of non-state actor accountability in Haiti, see Wisner and Concannon (2023).

9 During the general debate, it was agreed that new, fair compensation and a verification mechanism for people who had not received their full compensation would form part of the demands. Then, using a caucus voting system, people were asked to group according to their preferred options, among: (1) land or housing for rent; (2) local and collective development plan; (3) education for children; and (4) jobs in the industrial park. These groups were then asked to pick a second option between the three remaining options. This showed a relatively equal support to the first three options, while only five people were interested in jobs in the industrial park as a second option (and none as a preferred option). That latter demand was thus dropped from the final list of demands.

10 This accountability gap at USAID is slowly closing: in 2020, the US Congress passed legislation (see Day 2021) requiring USAID to establish an independent accountability mechanism. As of 2024, the mechanism is still in the pilot stage.

11 Furthermore, it is not common for IFIs to participate in the IAM dialogue process or to sign the final agreement.

12 For a summary of the agreement, see Accountability Counsel (2018). See also MICI (2019).

13 A rigorous approach to vetting land tenure is not entirely unjustified in Haiti, where insecure and informal land ownership is quite common. See Smucker et al. (2000).

14 Although public land was easier to identify and procure, it has other disadvantages. As mentioned above, land in northern Haiti has repeatedly been subject to government takings. In addition, recipients of public land are required to pay usage fees in perpetuity.

15 A pseudonym to protect the individual's identity.

16 Although some accountability mechanisms have authority to recommend suspension of projects that threaten to cause irreparable environmental or social harm, none are required to do so, and no financial institution is required to follow its accountability mechanism's recommendation to suspend funding.

17 A client's poor environmental and social performance, including failure to mitigate and/or remedy environmental and social harm to communities, may constitute a breach of the lending agreement with the development finance institution (DFI). DFIs have many contractual remedies they can exercise against clients, but they rarely use this powerful leverage. See EarthRights International (2023), which discusses the International Finance Corporation's (IFC) failure to use contractual provisions in the Tata Mundra case at the center of the Jam v. IFC litigation.

18 For example, the World Bank Group intends to increase funding to fragile, conflict, and violence-affected countries as part of its proposed "evolution" to meet increased global challenges. See, for example, World Bank Development Committee (2023, 18).

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