

The place for law amidst the tarpaulins: Regulating aid to Haiti

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A little over a month after the massive earthquake that devastated Haiti on January 12th, [Haiti's government](#) has reported that more than 217,00 people have died, over 300,000 have been injured, and at least a half million have been made homeless by the disaster. The rescue and relief phases of the response operation have both been unusually long and difficult, and the massive destruction of homes and infrastructure, particularly in Port-au-Prince, Jacmel and Carrefour, seem to guarantee a long and challenging recovery operation for years to come.

The media have been full of the ongoing suffering of families affected by the disaster and the difficulties that domestic and international actors have encountered in meeting their basic needs. A great deal of government overstructure was destroyed in the earthquake, rendering it enormously difficult for domestic authorities to respond to a disaster that would challenge even the best equipped government. For both domestic and international actors, logistical dilemmas have also been paramount: how to rush food and other items to an island state with a damaged main airport, destroyed sea port, some obstructed roads and countless uncoordinated temporary settlements. Security concerns (exaggerated in many press reports but still important) have also complicated the speedy and equitable dissemination of relief items.

If past disasters are any guide, however, these kinds of problems may soon be succeeded by the dilemmas of how to facilitate and regulate international assistance. Excessive bureaucracy has often hampered the entry of international response personnel, goods, equipment and transport after a disaster. At the same time, the volume of outside help can completely overwhelm domestic capacity for oversight, rendering authorities unable to prevent an influx of unnecessary or inappropriate aid items, or to distinguish between competent and misguided response initiatives.

In the initial days after the disaster, Haiti's government has appeared to be so deeply impacted by the earthquake itself as to have little capacity to manage and control the flow of foreign helpers. That flow has been substantial. It has been estimated that 6,000+ foreigners from around the world are already operating in the country, representing over 400 organizations, donors, and military forces -- some of them with established expertise and capacities in disaster response and many without.

However, the government is now starting to assert itself back into the picture. As reported by a recent article in the [Wall Street Journal](#), Haiti Prime Minister Jean-Max Bellerive has observed that "we must act quickly to put forward our own vision for Haiti, or else foreigners will impose their own."

This will require a regulatory approach that both facilitates international assistance (with a firm commitment to respecting humanitarian principles), but also adequately oversees and coordinates international efforts. It will not be easy, as demonstrated by media reports of some problems that have already arisen. These include:

- Disputes about management decisions (by the US military) of the Port-Au-Prince airport's sole useable landing strip, including [turning away relief flights](#) from NGOs such as Médecins sans Frontières and several other governments;
- Allegations of [delays](#) in moving aid received at the airport beyond storerooms;
- Allegations about pockets of [political in-fighting](#) related to food distributions;
- Allegations of instances of [corruption](#) diverting incoming aid;
- inexperienced international "relief" personnel arriving [without their own means to feed and shelter themselves](#), creating additional pressure on the relief efforts;
- Examples of non-essential "relief" items (such as [solar-powered speaking bibles](#)) and inappropriate interventions (such as [faith healing](#)) forcing their way into the international aid pipeline;

In considering these issues, Haitian authorities may find the "[Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance](#)" (also known as the "IDRL Guidelines") to be particularly helpful. The IDRL Guidelines were developed after six years of research and consultations to help governments to resolve the most common regulatory problems in large international relief operations. While not a binding instrument, the Guidelines have been adopted by the State Parties to the Geneva Conventions at the 30th International Conference of the Red Cross and Red Crescent and welcomed by the UN General Assembly.

In the context of the Haiti earthquake, the IDRL Guidelines, along with other treaties and international instruments, may be an important resource to Haitian authorities in developing new emergency decrees, procedures and regulations concerning international disaster assistance.

For more information about the IDRL Guidelines and legal issues in international disaster operations, please see www.ifrc.org/idrl.

