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# **Humanitarian assistance as containment:** New codes for a new order

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# Glossary

CCCM	Camp Coordination/Camp Management Cluster
CERF	Central Emergency Response Fund
CPA	Comprehensive Plan of Action
DAC	Development Assistance Committee
DARA	Development Assistance Research Associates
DHS	United States Department of Homeland Security
ECHO	European Union Humanitarian Aid and Civil Protection
GHD	Good Humanitarian Donorship
GNP	Gross National Product
HAP	Humanitarian Accountability Partnership
HDI	Human Development Index
HRR	Humanitarian Response Review
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Persons
INS	Immigration and Naturalization Service
IOM	International Organisation for Migration
IFRC	International Federation of the Red Cross
HRC	United Nations Human Rights Council
JRC	Joint Research Center
JTF-H	Joint Task Force-Haiti
MINUSTAH	United Nations Stabilisation Mission in Haiti
MSF	Médecins Sans Frontières
NGO	Nongovernmental Organization
OAS	Organisation for American States
OCHA	Office for the Coordination of Humanitarian Affairs
ODA	Official Development Assistance
OECD	Organisation for Economic Co-Operation and Development
OFDA	Office of Foreign Disaster Assistance
PAR	Pressure and Release Model of Natural Vulnerability
PLWHA	People Living with HIV/AIDS
PMCC	Program Management Coordination Cell
SCHR	Steering Committee for Humanitarian Response
TPS	Temporary Protected Status
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNMIH	United Nations Integrated Mission in Haiti
UNOPS	United Nations Office for Project Services
USAID	United States Agency for International Development
WFP	World Food Programme

# An introduction to the new regime<sup>1</sup>

*“At this moment of tragedy in Haiti it is tempting for people suffering in the aftermath of the earthquake to seek refuge elsewhere. But attempting to leave Haiti now will only bring more hardship to the Haitian people and nation. The international community has rallied to deliver relief to Haiti. Much has already arrived and much more is on its way...”*

*It is important to note that TPS [Temporary Protected Status] will apply only to those individuals who were in the United States as of January 12, 2010. Those who attempt to travel to the United States after January 12, 2010 will not be eligible for TPS and will be repatriated” (United States Department of Homeland Security Secretary Janet Napolitano, 15 January 2010)*

This study sets out to understand the geopolitical evolution of humanitarianism and the codification of accountability in complex humanitarian crises as well as natural disasters. Using the recent earthquake in Haiti as a case study, here I describe how new international normative mechanisms emerged in the post-Cold War period to facilitate states’ control over actors delivering humanitarian assistance. Generated through an intermixing of donor (state) and nongovernmental organization (NGO) priorities and mechanisms, these norms have subsumed humanitarian actors into a vertical structure of power and have made them complicit in enacting the foreign policy objectives of states under the guise of humanitarianism.

The 2010 Haiti earthquake, one of the most destructive natural disasters of this decade,<sup>2</sup> was met not only with an unprecedented amount of donor spending<sup>3</sup> on humanitarian assistance but also a securitization of the borders of the United States. In her announcement of 15 January, Department of Homeland Security Secretary Janet Napolitano linked United States’ provision of humanitarian assistance with the repatriation of potential Haitian migrants. The US response to the Haitian earthquake illustrates a global trend in humanitarian reform in the post-Cold War era towards providing humanitarian assistance to contain refugee efflux. While humanitarianism as a concept is evocative of moral, altruistic, and humanistic values, “political considerations play a role in the way assistance is given and to whom” (United States Congressional Research Service 2007:17). Here I examine the political and discursive parallax that exists in the humanitarian response by applying the tools of geography, international relations, and critical theory.

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<sup>1</sup> The author would like to acknowledge the supervision of Drs. Roger Zetter and Dawn Chatty of the Refugee Studies Centre, University of Oxford. It is with no little regret that I acknowledge this work could only have been done in the wake of the suffering of countless populations of forced migrants, particularly the people of Haiti.

<sup>2</sup> The Haiti earthquake affected 3,000,000 people and killed 217,300 (OCHA 2010) compared to 2,321,700 people affected in the Indian Ocean Tsunami (2004), which killed 226,096 (CRED) and the 2005 South Asia earthquake, which killed 73,338 (Global Humanitarian Assistance 2010). Prior to 2004, the largest natural disaster in the 1995-2004 period was the famine in The People’s Democratic Republic of Korea, from 1995-2002 with an estimated mortality of 220,000-2,500,000 (Spiegel PB, Le P, Ververs M-T, and Salama P 2007).

<sup>3</sup> \$1.4 billion was requested in the February 2010 revised flash appeal (OCHA 2010). The largest flash appeal for a natural disaster prior to the Haiti earthquake was for the Indian Ocean Tsunami (\$978 million) (UN OCHA FTC, as illustrated in Global Humanitarian Assistance 2010).

This study will examine the role of humanitarian *assistance* rather than *intervention*.<sup>4</sup> Humanitarian intervention is a concept well-entrenched in international humanitarian law (IHL) and is understood as:

*referring only to coercive action taken by states, at their initiative, and involving the use of armed force, for the purpose of preventing or putting a halt to serious and wide-scale violations of fundamental human rights, in particular the right to life, inside the territory of another state* (Verwey 1998:180)

As such, humanitarian intervention is inherently “coercive and implies the use of force, while assistance is associated with the provision of relief” (Pieterse 1998:4) and is generally legitimized through Chapter VII of the UN Charter as authorized by the UN Security Council. Humanitarian assistance, typically in the form of cross-border relief and applied to both conflict and natural disasters, does not operate under an international legal regime. While humanitarian intervention has been thoroughly scrutinized in the scholarly literature, considerably less attention has been paid towards the intentions of Northern states in funding humanitarian assistance.

To this effect, the first section provides an overview of the changing motives of Northern states in providing humanitarian assistance. In the period following the Cold War, there was little ideological value in accepting refugees. As the geopolitical interests of western states shifted from defeating communism to national security, particularly after the events of September 11, 2001, vast amounts of money shifted from refugee protection and asylum to refugee containment. At the same time, a framework for the protection of internally displaced persons (IDPs) emerged, which legitimized the compromise of state sovereignty caused by a humanitarian regime predominantly interested in IDPs and ‘in country’ assistance. Such norms developed in a manner such that responses to both conflicts and natural disasters were mechanistically identical: as responses to internally displaced persons.

Developing in tandem with a regime increasingly dedicated to refugee containment were momentous changes in the relationships humanitarian actors, including both multilateral organizations such as UN agencies and NGOs, had with donors from Northern states. After a widely criticized humanitarian assistance response to the genocide in Rwanda, the ‘accountability revolution’ was borne, which distracted from the political failures responsible for the magnitude of tragedy. Section 2 will apply a critical theory lens to explore how the norms and codes that developed to increase accountability of humanitarian actors to beneficiaries actually increased accountability of humanitarian actors to donor states, thereby creating a strict vertical power structure under which NGOs and UN agencies’ activities continue to be aligned with donor interests. Employing Gramscian and Foucauldian approaches to power, section 2 will explore the ‘how of power’, whereas section 1 will explore the ‘why of power’.

The theoretical frameworks elaborated in the first two sections will then be applied to the case of Haiti in section 3. The study will closely examine how US assistance and immigration policies towards Haiti have been interlinked over the past fifty years, with a focus on keeping refugees out of the United States, at the expense of human rights. Building on this historical perspective, I will demonstrate how the epistemic and discursive generations that took place

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<sup>4</sup> A concise review of changes in humanitarian intervention over the same time period (particularly in the context of human security) may be found in Macrae 2002.

during the ‘accountability revolution’ were enacted as mechanisms of power during the 2010 earthquake response. The case of a peri-urban relocation of IDPs in Port-au-Prince will illustrate the extent to which these codes have pervaded humanitarian action, and linked the immigration concerns of states with not only the type of assistance that is provided, but also to whom it is provided.

This study will illustrate how a global trend towards humanitarian ‘assistance as containment’ was buttressed by the creation of new norms that effectively manufactured the consent of humanitarian actors. Taken together, the theoretical framework and case study reveal the mechanisms by which states’ pressure has transformed humanitarianism into a new regime: one that is more technical, highly accountable to states rather than beneficiaries, and was reformed to usurp the regime of asylum.

## 1 International relations, the IDP regime, and humanitarian assistance as containment

*We are clearly witnessing what is probably an irresistible shift in public attitudes towards the belief that the defence of the oppressed in the name of morality should prevail over frontiers and legal documents* (Javier Perez de Cuellar, Former UN Secretary-General, 1991)

Since the end of the Cold War and the fall of communism, the ideological value of accepting refugees diminished while the cost of hosting refugees increased. As such, not only did Western states enact increasingly restrictionist asylum policies, but they also shifted their attention to the internally displaced. This section maps how the reshaping of the East-West geopolitical axis to a North-South one came in tandem with new normative frameworks, funding patterns, and institutional pressure designed to manipulate humanitarian responses to containing refugees. While the emphasis on the internally displaced seems to challenge the notion of state sovereignty, at the end of this section, I describe how the new focus on ‘in country’ assistance to curb refugee efflux strengthened the sovereignty of powerful states.

### Establishing a baseline: humanitarianism and the refugee regime in the 1980s

The primary operational UN agencies involved in the global humanitarian response are the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) (Natsios 1997:83; Macrae 2002:11). The UNHCR served an important role in protection after its inception in 1950 and with the establishment of the organization to serve a supervisory role for the *1951 Convention Relating to the Status of Refugees*.<sup>5</sup> During the Cold War period and following the atrocities of the Second World War and the Holocaust the UNHCR served an important political function and “proved valuable to the West as an agency able to handle flows out of Eastern Europe for resettlement in the ‘Free World’, particularly after the 1956 Hungarian Uprising” (Loescher 2001:7). The

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<sup>5</sup> *Statute of the Office of the United Nations High Commissioner for Refugees*, General Assembly Resolution 428 (V) of 14 December 1950 and *Convention Relating to the Status of Refugees*, Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, 189 UNTS 150: “noting that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees”.

humanitarian imperative of the organization was defined by the East-West organising principle, as refugees from Eastern bloc states sought refuge in the West. In addition to the ideological value of the protection of refugees in Communist countries and the provision of asylum in the West, humanitarian assistance to refugees was also politically useful to western states to fuel proxy wars during this time,<sup>6</sup> with the arming of refugee camps in Thailand, Pakistan and Honduras as well as the aiding of insurgencies in Nicaragua, Ethiopia, Iran, Afghanistan, and Angola (Loescher 1993:28). During the Cold War period, the primary focus of humanitarian actors was on refugees and inter-state conflict, during which time “the UN became involved in situations involving massive human rights violations or in internal conflicts only when invited to do so by the government of the state concerned...the impediments were both political and legal” (Loescher 1993:182).

Two substantial changes occurred in the mid- to late-1980s which led to permanent changes in asylum policies: the end of the Cold War and the “jet age refugee” (Gibney 2004). The lack of an ideological organising principle for the reception of refugees as well as the unprecedented numbers of non-European refugees<sup>7</sup> emerging from the global South, particularly from Sri Lanka and Africa, led to a closing down of state borders and the beginning of the restrictionist era and the increasing perception of refugees as a burden (Ellis and Barakat 1996: 119). Such changes in the asylum regime occurred in tandem with changes in the targeting of humanitarian assistance. Whereas during the Cold War period the politicization of humanitarian assistance was used to serve the interests of the West, it would later be employed in interests of securitization of Northern states to contain refugee movements in the global South, as will be described in the following sections (Hathaway 1995).

### **The Post-Cold War era and internally displaced persons**

*For all its risks and uncertainties, the Cold War was characterised by a remarkable stable and predictable set of relations among the great powers...There is the prospect before us that the East bloc countries will at last join the family of democratic nations, and that the developing countries will enjoy the fruits of progress by embracing market-oriented reforms. But there is also the danger that change in the East will prove too destabilising to be sustained, and that the nations of the Third World will be crushed by the weight of debt and decay, leading to instability on a broad scale* (Lawrence Eagleburger, United States Deputy Secretary of State, 1989, as cited in Natsios 1997:19)

As foreshadowed by Eagleburger’s controversial speech to the students of Georgetown University in 1989, the end of the Cold War did not bring to fruition Wilsonian democratic idealism. While there has been a decrease in the overall number of conflicts, the proportion of intrastate conflicts have grown relative to interstate ones.<sup>8</sup> As a result, and in combination with an increase in the frequency of natural disasters (Rodriquez et al. 2009), in the early 1990s the number of refugees decreased over this period and the number of IDPs ballooned (Figure 1).

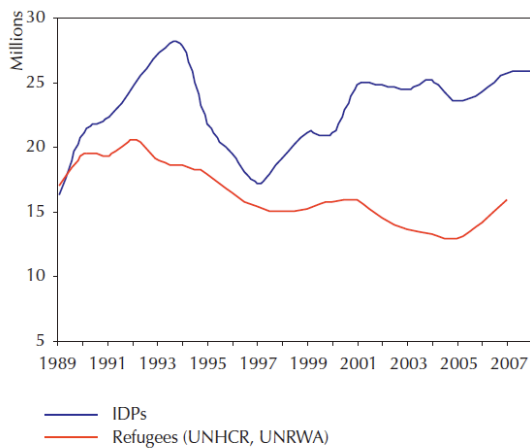
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<sup>6</sup> For an in-depth account, please refer to *The Moral Nation: Humanitarianism and US Foreign Policy Today*, Loescher and Nichols (eds.) 1989.

<sup>7</sup> With the ratification of the *1967 Protocol Relating to the Status of Refugees*, extending the temporal and geographic limitations on protection provisions in the 1951 Convention.

<sup>8</sup> 55 conflicts in 1992 versus 35 conflicts in 2008. See the Uppsala Conflict Database (2010) for detailed trends on worldwide inter- and intra-state conflicts: [http://www.pcr.uu.se/research/UCDP/graphs/charts\\_and\\_graphs.htm](http://www.pcr.uu.se/research/UCDP/graphs/charts_and_graphs.htm) (accessed 20 May 2010).





**Figure 1:**

Since the end of the Cold War, there has been a decrease in the number of refugees (UNHCR and UNRWA beneficiaries) and an increase in the number of internally displaced persons (IDPs), which has increased the total population of concern for UNHCR. These figures do not reflect IDPs generated by natural disaster. Figure from the Internal Displacement Monitoring Center (IDMC 2009).

With the growing concern over internally displaced persons (IDPs) in the early 1990s, a number of mechanisms were put into place in order to ensure the protection of an estimated twenty million newly identified vulnerable persons (Cohen and Deng 1998). One such mechanism, the *Guiding Principles on Internal Displacement* was born in 1998 and sought to “present a document which clearly outlined [IDP] guarantees” (Kälin 1998:557). The *Guiding Principles* clarify and apply international human rights and humanitarian laws to IDPs and were quickly applied as a novel normative mechanism for IDP protection.<sup>9</sup>

When the *Guiding Principles* were introduced in 1998, there was already a movement forming to generate a global IDP regime. Scholars have identified different aetiologies of the growing concern of the IDP problem that were marked by the appointment of Francis Deng to the newly created position of Representative of the UN Secretary-General on Internally Displaced Persons by then-UN Secretary-General Boutros Boutros-Ghali in 1992. While Roberta Cohen (2007) attributes this concern to the recognition of the increasing numbers of postcolonial conflicts in the post-Cold War period, other scholars identify the ‘non-entrée regime’ as the motivation for the international community to look towards the issue of IDPs to limit their responsibility to accept the asylum claims of refugees who were of little political benefit in the post-Cold War era (Goodwin-Gill 1999; Chimni 1998). Indeed, the UNHCR points to two key phenomena responsible for the growing number of internally displaced persons under its mandate (28.3% of the total population of concern): the growing international recognition of IDPs as a group, and that “many potential asylum states have been restricting entry across

<sup>9</sup> The impressive adoption of a legally non-binding instrument such as the *Guiding Principles* by agencies and states is demonstrative of the necessity of the Principles to influence and guide law and policy, particularly for states. Despite an unimpressive ‘noting’ on presentation to the General Assembly in 1999, the *Guiding Principles* have since gained momentum within the international, regional, and national spheres. By 2003, the Commission on Human rights expressed an ‘appreciation’ of the *Guiding Principles*, calling them a ‘standard’, and at the World Summit in New York in 2005, the heads of state unanimously “recognise[d] the *Guiding Principles on Internal Displacement* as an important international framework for the protection of internally displaced persons” (2005 World Summit Outcome, UN Doc A/60/L. 1, para, 132). The *Guiding Principles* have also been ‘implemented’ at the regional level. For instance, as of 22 October 2009, the African Union adopted the Guidelines as part of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. The Inter-American Commission on Human Rights of the Organization of American States began to use the Principles as a benchmark, but they have limited legal precedent there. The *Guiding Principles* have also been recognised by individual states: Colombia, Peru, Angola, Sudan, and Afghanistan are notable examples (reviewed in Cohen 2004).

their borders” (UNHCR 2006: 18).

While the clarification of norms made available to internally displaced populations were necessarily expanded by the *Guiding Principles*, the content and form of the Principles also served the needs of non-UN agencies such as the International Committee of the Red Cross (ICRC), and notably, states. There existed at the time no normative definition of an IDP. In their landmark volume, Cohen and Deng provided a working definition of an IDP that is largely recapitulated in the *Guiding Principles*.<sup>10</sup> While Kälin made clear in the introduction to the *Guiding Principles* that they provided merely a ‘description’ rather than a definition of IDPs (1998), since that time numerous authors have used the language of the Guiding Principles as a definition, including Fisher (2005). Such a change has in some ways codified the IDP regime as a distinct albeit broad one,<sup>11</sup> and one “almost twice as [large] as [that of] refugees” (Cohen 2004).

In 2002, Francis Deng observed that, “while the Guiding Principles have been well received at the rhetorical level, their implementation remains problematic, and often rudimentary” (cited in Cohen 2004:470). The ‘rhetorical’ function of the IDP Guiding Principles, however weak, did serve an important discursive and normative instrument to validate a shift in humanitarian responses from refugee protection to IDP assistance. The expansion of the definition of the IDP was complicit and necessary to create a regime of an overwhelming magnitude, reflected in the dramatic rise in IDPs documented by Deng and Cohen in 1998, and requiring immediate international attention and the formalization for such a role for the UNHCR in 2006 (Betts 2009).

### **Institutional change: the UNHCR and assistance as protection**

Concomitant with the changes in the legal normative framework for internally displaced persons in the post-Cold War era were significant institutional changes within the UNHCR<sup>12</sup> reflecting the new priorities of Northern states. The UNHCR, under the leadership of Sagato Ogata, called the period from 1990-2000 “the decade of repatriation” (Loescher, Betts and Milner 2008:48) and responded to the changing humanitarian landscape through several different mechanisms. In addition to an increasing focus on IDPs as ‘persons to concern’ to the UNHCR, there was also a shift towards an operational role in countries of origin “to reduce the likelihood of massive refugee flows across borders” (ibid:54). Hyndman similarly attributes the shift in responsibility from states to multilateral agencies, particularly the UNHCR, as demonstrative of “a change in the state-centric mapping of the international refugee regime...[states] have proven less inclined to harbour refugees and more inclined to intervene in conflict areas so that the need to provide asylum is prevented if possible” (2000:xxv).

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<sup>10</sup> Para (2): “For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border” (OCHA 2001).

<sup>11</sup> Some scholars argue that the very broadness of the IDP definition has little theoretical continuity or merit, and rather conflates distinct groups (Black 2001; Turton 2003).

<sup>12</sup> Although the UNHCR was involved in IDP assistance as early as the 1970s as part of its ‘good offices’ function in Bangladesh and Southern Sudan its first official policy guidelines on IDPs were introduced in 1993 (Newland et al. 2003).

During the early 1990s, the UNHCR began increasingly to engage in protection activities for IDPs in conflicts in Iraq, Bosnia, and Somalia largely in an effort to contain refugee movements (Chimni 1998; Dubernet 2001). With a decline in the numbers of refugees, the organization confronted the need to make itself more relevant to donors by closely aligning its activities with the security interests of Northern states (Loescher, Betts and Milner 2008). For instance, the concept of ‘preventive protection’ – “the establishment or undertaking of specific activities inside the country of origin so that people no longer feel compelled to cross borders in search of protection” – was born to validate the creation of safe havens within countries, and to re-shift the focus of UNHCR activities from refugee protection to internally displaced persons (UNHCR 1992:573). In Iraq, the UNHCR was active in “Operation Provide Comfort,” with the provision of a ‘safe haven’ and ‘effective protection’ to prevent Iraqi Kurds in northern Iraq from gaining access to Turkey. In an attempt to provide in-country assistance, however, there was both inadequate humanitarian provision (shelter, water, and food aid) and protection, as the safe haven became a target for incursion by Turks, Iranians, and the Iraqi government (Zard 2006). Similarly, the UNHCR’s assistance in the Federal Republic of Yugoslavia was founded on the concept of preventive protection and the “right to remain...comprising activities both to attenuate the causes of departure and to reduce or contain cross border movements” (Zard 2006:29). The increased operational and technical demand for humanitarian activities in countries of origin led the UNHCR to expand from “a refugee organization into a more broadly-based operational agency driven by emergencies” (Loescher 2001:15).

In 2001, Ruud Lubbers replaced Ogata as high commissioner and several significant reforms took place: the Global Consultations process began to forge a coherent identity for the UNHCR based on its mandated functions, and the terrorist attacks on the United States on 11 September 2001 (9/11) further focused Northern states’ attention to national security. The restrictionist asylum policies adopted by states in the post-Cold War period further advanced, as “politicians and the media began to portray all border-crossers, whether migrants or refugees, as potential terrorists and security threats” (Loescher, Betts and Milner 2008:60). In addition to asylum-curbing strategies such as Australia’s “Pacific Solution” to prevent refugees arriving by boat from the Middle East and Southeast Asia also came UNHCR humanitarian activities to attempt to manage protracted refugee situations with Comprehensive Plans of Action (CPA). While never implemented, the UNHCR worked on developing a CPA for Somalia because

*the project’s key donors – the European Commission, Denmark, the Netherlands, and the UK – were particularly concerned about the large number of asylum seekers and refugees moving onward to Europe...[however the Somali CPA] remained divorced from the political efforts to re-establish a central government in Mogadishu (Loescher, Betts and Milner 2008: 64).*

As such, UNHCR assistance during this period was largely subsumed to serving the containment interests of states rather than addressing the political causes of refugee-producing crises.

The 2005 Humanitarian Response Review (HRR) described in section II further cemented a role for UNHCR in humanitarian assistance of IDPs. With a new High Commissioner, António Guterres, as well as increasing numbers of natural disasters, came a discursive shift in UNHCR. What was once a refugee organization changed to one focused on ‘persons of concern’ in the 1990s to include IDPs and asylum seekers, and then under Guterres became

an assistance and protection agency for ‘people on the move’ (Crisp 2010). Crisp attributed these changes not only to new patterns of movement and conflict, but also to the post-Cold War forced migration order, describing the changing nature of humanitarianism as evolving “from the refugee regime to the humanitarian marketplace” (2010). The changes in the UNHCR’s interpretation of its mandate in 2005 also coincided with the birth of the “responsibility to protect” movement within the greater UN system, an international security and human rights development giving normative status to incursions on state sovereignty.<sup>13</sup>

The changes in the UNHCR, which is highly dependent on donor contributions to fuel its mandate, are illustrative of how donor states’ priorities have been strategically manifested through humanitarian assistance, in what Duffield calls “a northern hegemonic strategy”. States have increasingly subcontracted their political responsibilities to humanitarian assistance programs, both within the UN system and through nongovernmental organizations, as will be described mechanistically in section 2. Such a strategy, under the guise of ‘humanitarianism’, may potentially exacerbate rather than alleviate conflict, and distracts from meaningful responses (Egeland 2009; Betts 2009). Considering the influential role of donor expenditure in agenda-setting for multilateral agencies such as the UNHCR, the following section will examine shifts in humanitarian spending in the post-Cold War period.

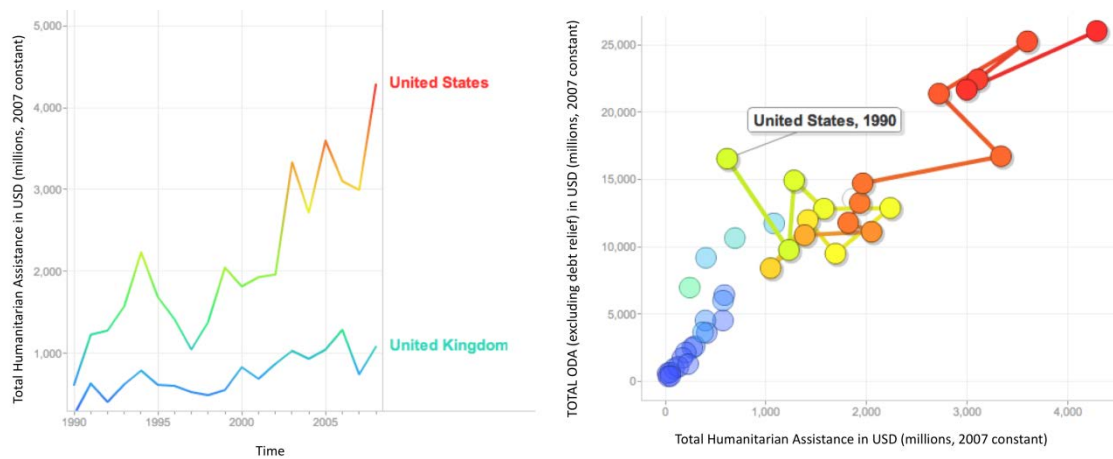
### **Humanitarian spending changes in the post-Cold War era**

Temporal changes in the financing of humanitarian assistance are illustrative of the trend towards donor support for internally displaced persons. The post-Cold War era has seen a decline in international development spending while spending on humanitarian assistance (as well as the role of the military in conjunction with relief) has increased (Pieterse 1998:7). The United States, the focus of the later case study and by far the largest donor for humanitarian assistance (Randel and German, 2002)<sup>14</sup> saw a dramatic rise in humanitarian expenditure from 1990 to 2008 (Figure 2).

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<sup>13</sup> 2005 *World Summit Outcome*, General Assembly Resolution A/60/1, October 2, 2005, paras. 138-39.

<sup>14</sup> Calculated as total bilateral official development assistance (ODA) for emergency and distress relief plus total multilateral contributions to UNHCR and the UN Relief and Works Agency (UNRWA) plus multilateral contributions to WFP in proportion to the share of WFP’s operational expenditure allocated to relief in each year (Methodology from Development Initiatives 2000). In 2008 the United States continues to be the largest donor for humanitarian aid, accounting for 38% (US\$4.3 billion) of the US\$11.2 billion; the next largest donors are the European Commission (US\$1.9 billion) and the United Kingdom (US\$1.1 billion) (Global Humanitarian Assistance 2009).



**Figure 2:** Changes in United States spending on humanitarian assistance: (a) since 1990, there has been a dramatic rise in United States total humanitarian expenditure, (b) the ratio of spending by the United States on development assistance (ODA) to humanitarian assistance has decreased with the rise in humanitarian spending. Data points from the United States are in green (1990), orange, and red (2008). Blue dots represent humanitarian and ODA expenditure by 22 remaining DAC donors in 2008. Google motion charts generated from the Global Humanitarian Assistance programme of Development Initiatives: [www.globalhumanitarianassistance.org](http://www.globalhumanitarianassistance.org); accessed May 5 2010.

During this time, however, there has been a shift in the allocation of such expenditures. Changes in funding patterns that have occurred during this time have come in tandem with the changing geopolitical interests of states, as Kofi Annan, former UN Secretary-General, pointed out in 2000:

*Too often, when donor governments decide which of your activities to fund, there is a flagrant political arrière-pensée. Your humanitarian work is used, or rather abused, as a substitute for political action to address the root causes of mass displacement. You have become part of a ‘containment strategy,’ by which this world’s more fortunate and powerful countries seek to keep the problems of the poorer at arm’s length (Annan, 2000)*

Contributions to the UNHCR peaked in 1992 and have since trended downwards, while during the same period, contributions to WFP have increased and surpassed the funding of the refugee organization. The post-Cold War era also marked a change in the prioritization of types of aid; multilateral funding to UN agencies declined from 31% in 1989-1993 to 25% in the 1994-1998 period, while earmarked funds for UNHCR have far surpassed un-earmarked ones and have continued to trend upwards (Randel and German 2002:20-25). In 2007, 50% of UNHCR funds were tightly earmarked and 29% were lightly earmarked and during this time, 100% of funds from the United States were earmarked (UNHCR 2008). Earmarked funds pose a number of constraints on the action and autonomy of international organizations, including the equitable distribution of resources, flexibility of spending, and in particular, increased bilateral control over humanitarian assistance “reflecting donor domestic and historical priorities” (Randel and German 2002:22). While in the 1990-2000 period, the United States spent more money on refugee assistance and protection than on general humanitarian assistance, which one author believed was related to the “geopolitical rather than humanitarian foundations of the US foreign policy” (Vayrynen 2001:155), there has since been a dramatic increase in humanitarian assistance since that time (see Figure 2a) which is not necessarily reflective of a humanistic shift in foreign policy. Humanitarian and

foreign assistance spending more generally by the United States has increased particularly in the post-9/11 era as the interests of Washington turned towards security and counterterrorism, as demonstrated by the Millennium Challenge Account, a foreign assistance strategy emphasising the linkage between poverty and security threat in the global South.<sup>15</sup> This period saw a shift in a view towards “counterterrorism and humanitarianism as crime-fighting partners” (Wess and Barnett 2008: 25). As former US Secretary of State Colin Powell infamously described: “just as surely as our diplomats and military, American NGOs are out there [in Afghanistan] serving and sacrificing on the frontlines of freedom. NGOs are such a multiplier for us, such an important part of our combat team” (Colin Powell, Remarks to the National Foreign Policy Conference for Leaders of Non-Governmental Organizations, October 26 2001). As with the case of UNHCR, funding trends in humanitarian assistance have been purposive and have directed the activities of humanitarian actors. Based on his experiences in Iraq and Afghanistan, former UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Jan Egeland remarked: “we walked, we talked, and we moved like we were American” (2009).

### **Organized hypocrisy: state sovereignty and the new humanitarian regime**

The analysis of the evolution of the role of the UNHCR and of humanitarian funding thus far has used neorealist (Waltz 1979) perspectives on state self-interest and preoccupation with security, while international cooperation for the creation of such regimes is consistent with liberal institutionalism (Betts 2009).<sup>16</sup> The creation of the refugee regime served the ideological interest of Western hegemons. When Cold War interests no longer prevailed, the principles of asylum and protection were replaced by an IDP regime utilising humanitarian assistance as a containment mechanism by the same hegemons, this time along a North-South geopolitical axis. During the 1990s, the regime intended to preserve absolute gains through institutional cooperation (and coercion through donor funding). Cooperation was fortified in the post-9/11 period over the shared concern with migration and terrorism. A problematic of these analyses, however, is their implicit assumptions of state sovereignty which, at first glance, are directly challenged by the IDP regime and the notion of humanitarian intervention.

With the proliferation of international norms in the post-War period, and more recently the phenomenon of globalization and migration (Castles and Miller 2009), there have been threats to Westphalian sovereignty at a number of levels. Stephen Krasner, in *Organised Hypocrisy*, describes how powerful states selectively violate norms, including those of Westphalian sovereignty<sup>17</sup> when it is in their interest to do so, because the “logics of expected consequences” (state preference) trump the “logics of appropriateness” (norms) (March and Olsen 1998) when there is no adjudicating structure. This is because “domestic rather than

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<sup>15</sup> See Owusu (2007):3-26.

<sup>16</sup> While institutional autonomy, notably of the UNHCR (Loescher 2006), has allowed international organizations to act in ways unintended by their creators, in this context I argue that the evolution and expansion of mandates of organizations have been fundamentally and irreversibly coerced by the creation of new international norms and donor preferences. For an alternative constructivist reading, please refer to Barnett, M and Finnemore, M (1999):699-732.

<sup>17</sup> Krasner disaggregates ‘sovereignty’ into four primary types: domestic sovereignty (organization and effective control by public authority); interdependence sovereignty (control over transborder movements); international legal sovereignty (external recognition of states); and Westphalian sovereignty (“exclusion of external actors from domestic authority configurations”) (1999:9).



international logics of appropriateness are most likely to dominate the self-conceptualization of any political leader” (Krasner 1999:6). For Krasner, power imbalances and the absence of authoritative institutions have allowed these incursions into the Westphalian sovereignty of states to continue. Departing from the English School perspective, Krasner believes that rules and norms are important, but will continue to be undermined by power and interest as stronger states choose from among those rules which best suit their objectives.

While Krasner focuses primarily on violations of Westphalian and international legal sovereignty in his study, Betts (2009) applies organized hypocrisy to understand how states have used the IDP regime in order to strengthen their interdependence sovereignty by refugee containment measures at the expense of weak states’ Westphalian sovereignty. The IDP regime is but an evolution of the tension that human rights have placed on autonomy of states, codifying responsibilities of states and guidelines for humanitarian actors in assistance. Similarly, responsibility to protect and its interventionist imperative is further demonstrative of challenges to the Westphalian (and in some cases, international legal) sovereignty of weak states by powerful ones, and could be described as a norm rationalising those activities that powerful states have undertaken in Chapter VII incursions more than a decade before the principle was codified.

### **A regime of containment**

In this section, I have mapped the geopolitical terrain of the global asylum regime and have overlaid corresponding institutional and normative changes in humanitarianism that reflect a buttressing of restrictionist interests in the global North by practices of containment through assistance to the global South. These strategies have been reinforced through the reinterpretation of existing legal norms, the creation of the IDP regime, and through increased control over and quantity of funding through Northern donor states. The continued growth of US spending on humanitarian assistance over the past decade does not correlate with either the number of intrastate conflicts, which appear to be decreasing, or with the absolute numbers of internally displaced persons, which currently remain at 1993 levels (see *Figure 1*). Rather, it is illustrative of the changing application of humanitarian assistance as a hegemonic tool, selectively violating sovereign norms under a humanitarian guise and thereby increasing the sovereignty of powerful states.

If the new humanitarian assistance regime has indeed been utilized as a tool of power, the question remains as to how this power is exercised, particularly given the agency of the presumably beneficent actors who deliver it. Similarly, Foucault asks: “[i]f power were never anything but repressive, if it never did anything but to say no, do you really think one would be brought to obey it?” (1980:119). The following section describes the convergent objectives of states and humanitarian agencies in generating norms and asserts that power could only be mechanized through this collaborative process.

## 2 The emergence of humanitarian codification: power, accountability and shifting responsibility from states to humanitarian actors

*How is it that at certain moments and in certain orders of knowledge, there are these sudden take-offs, these hastenings of evolution, these transformations which fail to correspond to the calm, continuist image that is normally accredited?* (Foucault (1980))

The previous section described the transformation of the objectives of states over the past two decades and how such objectives have been manifest in a shift from the refugee regime to the IDP regime through policies of “assistance as containment”. This section is primarily concerned with the mezzo-level processes by which the hegemonic strategies of the Global North have been buttressed by humanitarian reform during two ‘take-off’ periods: one shortly after the end of the Cold War and catalysed by the Rwandan tragedy, and the other shortly after 9/11 and the recognition of humanitarian failures in Darfur. Such an analysis – one that investigates the modes that states employ to exert influence – is essentially one of power. Conventional discussions of power, those by Galbraith, Mann, and Boulding, share in common the disaggregation of power into political, economic, and ideological types when applied to international relations theory (reviewed in Pieterse 2005). While these distinctions are concerned with the application of power, this study is concerned with the mechanisms that underlie it. If the first section examined the ‘why of power’, this section is concerned with the ‘how of power’ (Selby 2007:337).

While Krasner posits that the empirical evidence for his study on organized hypocrisy may be equally supported by constructivism, he distinguishes the two approaches by the modes of characterising challenges to sovereignty; constructivism places “more weight on discourse and the impact of ideas, and less on power and material interests” (Krasner 1999:45). I rather argue that the generation of ideas and the discursive formulations of states are inseparable from their power interests,<sup>18</sup> and it is only by an examination of these processes that we may understand how the manufacture of consent within the humanitarian community occurred such that NGOs became increasingly bound to states. This section advances the pragmatic and historically-oriented accounts of the development of humanitarian accountability in the post-Cold War era by examining the process mechanisms of the codification of humanitarian accountability and the modes by which they were successfully exercised and implemented to serve the interests of states as described in section 1.

For the purposes of this argument, ‘codification’ is understood as “the process of conversion of [tacit] knowledge into messages which can be then processed as information” (as applied in Cowan and Foray 1997:596). The application of codification to the humanitarian assistance regime will thus focus not only on the process of the articulation of principles of accountability, but also their successful diffusion. ‘Accountability’ will be understood as it was presented in the original *Joint Evaluation of Emergency Assistance to Rwanda* which asks agencies to “hold ourselves responsible to both those we seek to assist and those from whom we accept resources” (IFRC 1996), but emphasized particularly the need for NGO

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<sup>18</sup> For an in-depth examination of institutions, regimes and power- and interest-based versus knowledge-based theories, please refer to Hasenclever A., Mayer P. and Rittberger V. (1997).



mechanisms for consultation of beneficiaries (ODI 1996). The section that follows will analyse how the discourse of ‘accountability’ was employed to increase states’ power.

### **The ‘how of power’**

In order to understand how states’ interests were implemented as described in section 1, this section explores how power relations may be employed to understand such revolutions as the humanitarian reform processes in the post-Cold War period. In his earliest work, *Madness and Civilization*, Michel Foucault explored the growth of psychiatry and the creation of the asylum. Foucault traced the institutional creation of confinement and the perception of madness to the societal necessity to utilize the mad:

*madness was perceived on the social horizon of poverty, of incapacity for work, of inability to integrate with the group...the new meanings assigned to poverty, the importance given to the obligation to work, and all the ethical values that are linked to labour, ultimately determined the experience of madness and inflected its course (1989:59).*

While Foucault’s analysis concerned primarily the specific position of Western Europe in the seventeenth century, the motivation for confinement of the mad may also apply to containment policies by states for refugees from the Global South. In the Cold War period, a sudden ‘take off’ of knowledge took place, a regime of accountability and technical standards was introduced that facilitated the barricade for undesirables to enter the territory of the State. Foucault’s examination of the birth of containment for the purposes of societal infrastructure preceded and informed his approach to ‘power/knowledge’ – power generated through an epistemic discourse and a regime of truth.

Rather than attempt to “develop novel accounts of the contemporary global order” (Selby 2007:324), which was the undertaking of section 1, here I apply Foucault to understand the discursive and epistemological generations in the humanitarian machinery, and to “escape from the limited field of juridical sovereignty and State institution, and instead base [the] analysis of power on the study of the techniques and tactics of domination” (1980:30).<sup>19</sup> Embedded in the understanding of “circulating” power, as articulated in *Power/Knowledge* (1980), Foucault removes the conception of a ‘sovereign’ power and recognizes that the *structure* is an inherent part of the power network. This analysis concerns the generation of knowledge and normative practices by states in order to create a structured humanitarian regime. Power may circulate, but the influence of states, particularly through donor practices, constrains humanitarian actors and beneficiaries of aid in their exertion of power.

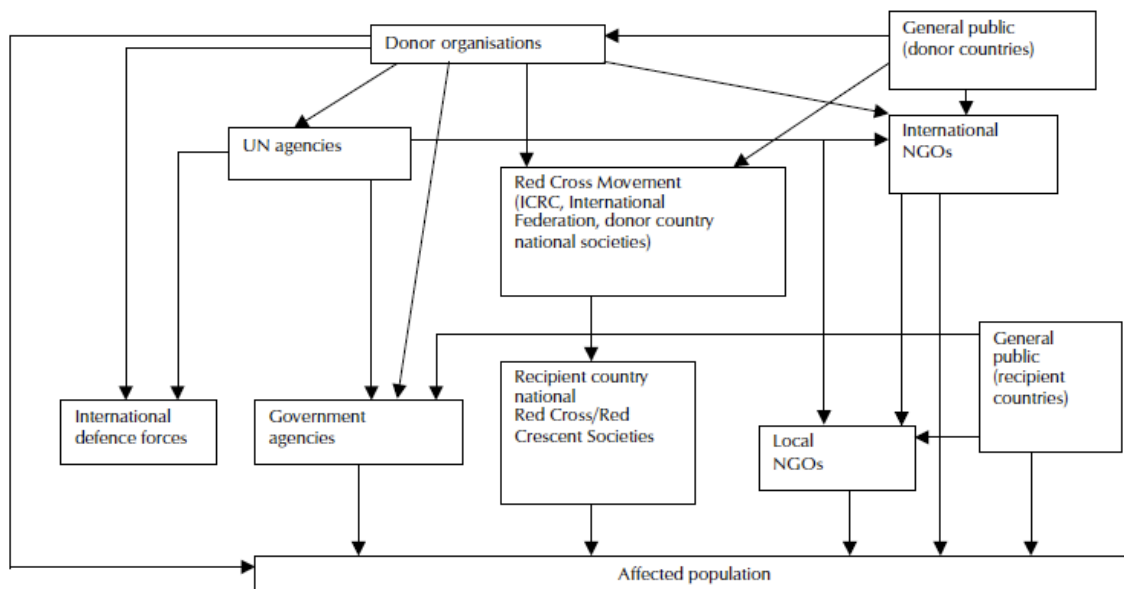
Gramscian ‘cultural hegemony’, the uptake of norms within societies as a hegemonic mechanism to influence and reinforce state behaviour, will be informative to understand the *uptake* of ‘power/knowledge’ into the humanitarian system (1971; Cox 1983). Employing

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<sup>19</sup> Constructivist international relations scholars have regularly cited Foucault (in forced migration, see Betts 2009), but such formulations of power must be employed cautiously. Foucault constructed theory based on empirical, and importantly, domestic case studies. There is, however, an ontological specificity to the international, and Foucault himself questioned the relevance of examining state structures in purely Hobbseian terms. Selby finds that Foucault is likely inappropriately employed in much of international relations, but may be appropriate to bring “to the fore, the diverse liberal discourses, practices, and techniques of international politics” (2007:324).

both Foucauldian and Gramscian conceptions of power, Pieterse argues that states' power has been exerted increasingly through cooperation rather than coercion. Specifically, he proposes that "over time the exercise of power is increasingly normatively regulated" (Pieterse 2005: 15), and that "since the early twentieth century, there has been growing interest in forms of persuasion by the state...[in] a Gramscian turn in that, apparently, consent is increasingly more important than coercion...by the same token it follows that control becomes more knowledge-intensive" (16). This second proposition falls closely to the manufacture of consent, and thereby the manufacture of technologies of consent, as argued by Chomsky (1989; 2001). While Chomsky was preoccupied primarily by the manufacture of consent within the *demos* of democratic societies (particularly the United States), he finds the real locus of application in 'opinion leaders' and 'intellectuals'. The intellectual elites are those that will ultimately "transcend ideology and will solve the remaining social problems by rational application of scientific principles" (1989:46). For the purposes of this argument, we may understand the NGO community (or de Waal's 'Humanitarian International', 1997) participating in the accountability movement as representing the elite class as a proxy for the actual beneficiaries of the receipt of aid. As an official of the Truman administration once remarked, "it doesn't make much difference to the general public what the details of a program are. What counts is how the plan is viewed by the leaders of the community...[he] who mobilizes the elite, mobilizes the public" (as cited in Chomsky 1989: 47). Through engineering new norms in humanitarianism, found within the *Guiding Principles*, the *Sphere Project*, and the Humanitarian Response Review, states utilized the elites in order to adopt what appear to be 'socially constructive' (ibid. 16) policies through an illusion of consent, rather than coercion.

The remainder of this section will explore the epistemological and discursive mechanisms employed to 'manufacture consent' during the humanitarian accountability movement in 1994-1998 and the 'three pillar' humanitarian reform process beginning in 2005. As illustrated in Figure 3, the structure of the humanitarian system is rigidly hierarchical. Rather than circulations of power, the system is a vertical one. How are these relationships reinforced? While Harrell-Bond and Voutira argue that refugees are "subsumed under elaborate bureaucratic structures that 'control' them" (2007:283), there are complex mechanisms that take place between the state and beneficiary that make humanitarian actors both subsumed in the regime and complicit in acting as vehicles of power.



**Figure 3:** Diagram of the structure of the humanitarian assistance regime (Macrae 2002).

### The codification of humanitarian accountability – post-Rwanda

*Whenever a [humanitarian] body is called upon to act or make a decision, it must first of all ask itself what the interests of the victims are, and if the action will serve those interests. This ‘golden rule’ will always enable the [agency] to solve most of the problems it encounters, with no danger of doing wrong (Pictet, “The Fundamental Principles of the Red Cross – Commentary”, 1979)*

In spite of the benevolent motivations of actors delivering humanitarian assistance, Pictet’s “golden rule” has become increasingly tarnished for two reasons: the first is the process of codification that was ultimately intended concretize it, and the second is the increasingly political and violent nature of post-Cold War conflicts, particularly during the Kurdish crisis in 1991 and the Rwanda crisis in 1994 (Buchanan-Smith 2003). The response of the international community to the humanitarian crisis and refugee efflux following the 1994 Rwandan genocide was a turning point in the creation of a humanitarian accountability regime. Prior to this period, while there existed numerous technical handbooks and guides for fieldwork published by the UNHCR, Oxfam, and MSF (Médecins Sans Frontières), there existed no normative framework for the standards to be achieved by humanitarian relief organizations, nor any code of accountability to either beneficiaries or donors.

The Rwanda crisis was the largest ever humanitarian operation involving at least 250 NGOs at a cost of an estimated US \$1.5 billion (Borton, Brusset and Hallam 1996). But despite a huge investment in NGOs and resources, there were still an estimated 80,000 “preventable” deaths from cholera and dysentery as well as continued violence within refugee camps, particularly in Goma (Eriksson 1996). In 1996, the head of Danida’s Evaluation Secretariat proposed to the Development Assistance Committee (DAC) a multi-donor evaluation of response to the Rwandan crisis. Importantly, the steering committee for the study was comprised primarily of OECD donors, in addition to UN agencies, the IFRC, ICRC and five international NGOs. Although the evaluators stressed that the critical failings “lay within the political, diplomatic and military domains” (Eriksson 1996:23) rather than the humanitarian one, the largest component of the study and indeed its legacy (Study 3) was an evaluation of the provision of

humanitarian assistance to refugees and IDPs after the genocide. The report found that “current mechanisms ensuring that NGOs adhere to certain professional standards are inadequate” (Eriksson 1996:29) and put forth two discrete recommendations for NGO performance. The first was a need for standards, either through international accreditation of NGOs or self-managed regulation; the second was an improvement in accountability by “strengthening the effectiveness of official agency coordination and standards of NGO conduct...and consultation with people affected by humanitarian emergencies” (Borton et al. 1996). The donor and NGO responses that followed as a result of these recommendations, however, exhibited a confusion of standards and accountability that has continued to this day. Technical standards were created using the discourse of ‘accountability’, but the effect of their codification – their uptake from tacit to codified knowledge – was largely devoid of any accountability to beneficiaries, and rather increased accountability and dependency of the NGO elites to donor states.

Although the *Joint Evaluation* was released in 1996, the two key actors in the creation of the Sphere Project, Nick Stockton from Oxfam and Peter Walker from IFRC, also sat on the Steering Committee for the *Joint Evaluation* and were acutely aware of the criticism that the NGO community were to be subject to after its publication and “used the threat of heavy-handed donor action to generate support” (Buchanan-Smith 2003:15). At the beginning of this period, prior to the inception of Sphere, Stockton and Walker developed the 1994 *Code of Conduct for the International Red Cross and Red Crescent Movement for NGOs in Disaster Relief*, although “there was no means of verifying whether agencies were adhering to it” (Buchanan-Smith 2003:7). It was in this context – five years after the end of the Cold War, successive failures of the international community to respond appropriately to the Kurdish crisis in Iraq, the creation of ‘safe zones’ in Srebrenica, state collapse in Somalia, and political inaction during the Rwandan genocide -- that donors and importantly, the NGO community itself created the new humanitarian accountability regime under heavy media scrutiny – one in which “a system of regulation be established to ensure minimum professional and technical standards in the conduct of relief operations are met, and consisted of criteria used for reporting and accounting to donors” (Mackintosh 1996:338).

During this critical period, there were several initiatives to develop norms for the accountability of humanitarian agencies, notably by InterAction and People in Aid. The most prominent of these tools however, was the Sphere Project.<sup>20</sup> The process of the development of Sphere by Stockton and Walker of the Steering Committee for Humanitarian Response (SCHR) is documented elsewhere<sup>21</sup>, but such analyses have focused primarily on the pragmatic utility of the development of such a tool at the time. While they have examined some of the criticism of the Sphere Project, they have not situated Sphere within the realm of international relations or power analysis. What follows is an abbreviated history of the creation of Sphere, and an evaluation of how a process inspired by accountability to beneficiaries has ‘subsumed’ providers of humanitarian assistance into a vertical network of power and increased accountability of these actors to donor governments (Northern states).

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<sup>20</sup> See Bugnion (2002), which compares the uptake of Sphere Standards, ALNAP materials, HAP, and People in Aid. The Logical Framework, used for project development and monitoring and evaluation, had the highest uptake by ECHO partners, but is not a tool for accountability or standard setting.

<sup>21</sup> See Walker and Purdin (2004); Buchanan-Smith (2003); and, Van Dyke and Waldman (2004).

The Sphere Project is “three things: a handbook, a broad process of collaboration and an expression of commitment to *quality* and *accountability*” (emphasis added by author, Sphere 2004:5). From its inception, Sphere translated existing international humanitarian law, human rights law, and international refugee law which “taken together...contribute to an operational framework for accountability in humanitarian assistance efforts” (2004:16). The “cornerstone of the handbook is the Humanitarian Charter,”<sup>22</sup> which reasserts the fundamental importance of the *Code of Conduct* and the accountability of humanitarian organizations. In addition to the Humanitarian Charter, Sphere provides rights-based standards (general qualitative statements) and indicators (qualitative or quantitative benchmarks) that “function as tools to measure the impact of processes used and programmes implemented” (2004:8). Despite the rhetorical primacy of the Humanitarian Charter, its discursive role from its embryonic beginnings at the time of the *Joint Evaluation* has been subsumed by the role of the technical standards.

Médecins Sans Frontières (MSF), which cooperated with technical input during Phase I of the Sphere Project but subsequently disengaged, expressed concerns that “in attempting to achieve minimum standards for humanitarian action, there is a risk that humanitarian action may simply become a technical and purely professional pursuit” (Orbinski 1998:2). The problematic in a technical approach was twofold: “MSF did not believe that the solution to the fundamental issue of humanitarian efficacy and accountability was through a technical approach; [but] by lack of political will” and “by insisting on adherence to the technical standards as a prerequisite for funding, it would provide a mechanism through which donors could exert control over aid agencies” (Tong 2004:183). Since its uptake as a normative tool in the field, there has yet to be a respected primacy of the Charter and the utility of the Sphere has been a technical one. James Darcy noted that the Charter, when compared to the minimum standards has been “comparatively neglected” (2004:113), and found during field research that the rights rationale was not invoked by any of those interviewed (Darcy and Hofmann 2003). The *Sphere Project Evaluation* similarly found that the rights-based approach “is not as well-understood as the more technical aspects” (Van Dyke and Waldman 2004:5) and despite a greater than 91% implementation rate<sup>23</sup> of Sphere, found that only 14% of study participants identified the Humanitarian Charter with the Sphere Project. One study participant from Madagascar said of Sphere, “[it] is a technical practical handbook we have to refer to” (ibid. 32). The findings of these studies add strength to the concerns of the French NGOs expressed early on in the Sphere Project, particularly that accountability has, in practice, been reduced to standards and indicators that can be monitored by donors, rather than the expression of rights of the recipients.

Have the Sphere Standards reinforced vertical control in the humanitarian regime (as illustrated in Figure 3)? Darcy points to the “conditional nature of the undertaking that

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<sup>22</sup> The Sphere Humanitarian Charter and the Minimum Standards are currently under a phase of public revision for the creation of the 2010 Sphere Handbook. The Common Principles under the 2010 (Draft 10 January 2010) Humanitarian Charter affirm the primacy of the right to life with dignity, the right to protection and security, and the right to receive humanitarian assistance. Important additions to the 2010 Sphere Project include expanded coverage on protection (which was absent on the first two iterations of Sphere in 2000 and 2004), and vulnerable populations.

<sup>23</sup> This figure is similar to the 92.1% implementation rate found in the Humanitarian Response Review (United Nations 2005).

agencies make when they espouse Sphere,” in that their ability to function depends on both the political will of the “controlling authorities on whom they depend (*inter alia*) for secure access; and the will of government donors to provide the necessary funding” (2004:16). Sphere, funded primarily by USAID and ECHO, was very quickly appropriated by donor agencies (Walker and Purdin 2004:107). When the United States Office of Foreign Disaster Assistance (OFDA) released its “Guidelines for New Grant Proposals and Grant Revisions” in 1998, Sphere appeared six times, whereas by 2006, Sphere appeared thirty times. In the 2006 document, needs assessment summaries required comparison of data with Sphere minimum standards. Perhaps more troubling was the method in which USAID/OFDA requested Sphere to be used. The agency applied *indicators* to sectors (supplementary feeding, camp design and management, emergency shelter, transitional shelter and settlements) with no mention of *standards*. While the creators of Sphere espoused the importance of the use of standards rather than indicators in order to develop programs, USAID/OFDA was only concerned with holding agencies accountable to indicators.

Terry (2002) expressed concerns that donors might use Sphere as a mechanism to constrain the activities of humanitarian actors by means of direct accountability to standards and indicators, thus compromising the independence of humanitarian assistance and potentially serving political aims. If the Sphere Project effectively viewed “accountability not only as a relationship between NGOs and their donor, but perhaps more importantly, as a relationship between the NGOs and the populations they seek to assist” (Van Dyke and Waldman 2004:22), the greatest implementation of Sphere would be expected to be seen at the field level, to recipients of aid. The data generated from the Sphere *Evaluation*, however, further lends itself to an interpretation of a ‘top-down’ structure of Sphere. Donors were quite familiar with Sphere whereas, “employees of international NGOs are better informed than those of local NGOs, international personnel of INGOs are better informed than local staff, and those working at headquarters or at other more central locations are more aware of Sphere than those working at project sites” (Van Dyke and Waldman:6). The process of the codification of humanitarian principles for the intention of increasing accountability of humanitarians to beneficiaries (as recommended in the *Joint Evaluation*) appears then to have increased a rigid hierarchical structure of humanitarian assistance, wherein donors prevail through tight control of funding by holding agencies accountable to the newly developed indicators, while this form of knowledge exists minimally at the field level.

The efficacy of the Sphere Project is largely due to its origins within the NGO sector, and the timing of the project following so closely after much criticism from both the media and the *Joint Evaluation*. Buchanan-Smith (2003) attributes the effective translation of the *Joint Evaluation* to policy through Sphere to their shared policy networks, as the evaluators were “really part of the same policy network as the policy-makers” (23). The ‘shared network’ is a helpful understanding of how policy emerged from the Rwanda report, but its success in implementation – both for NGOs and for donor governments – is a product of the modes of power exercised in the creation of Sphere, its own discursive and epistemic value to NGOs and donors, and the shared necessity for accountability.

These processes can be understood as exercising Foucauldian and Gramscian hegemonic forms of power. The epistemic formulation that emerged from the need to understand and account for the largely political failures in Rwanda that led to the death of 500,000-800,000 Tutsis and moderate Hutus resulted in the report that was employed by governments and the



media to generate a discourse of a failure of humanitarian accountability and standards. The need for an accountability framework was already in the minds of Walker and Stockton when they created the *Code of Conduct*. Yet a mechanism of enforcement – a vertical structure wherein donors exercise power through agencies adhering to quantifiable processes – only emerged after the report was released. Importantly, the power apparatus of Sphere – the indicators – was driven by the discourse of accountability, but their uncoupling from the Humanitarian Charter represents an operational apathy to beneficiary consultation. Such a proposition follows closely with the expected departure from ideologies through the applications of “scientific principles and tried practices to the task of getting people to support ideas and programs” specified by the state through the engineering of consent (Bernays 1947:114)

The uptake and implementation of Sphere may also be understood by ‘cultural hegemony’. Gramsci differentiates the supremacy of social classes or class domination between ‘domination’ (*domino*), or coercion, and ‘intellectual and moral leadership’ (*direzione intellettuale e morale*) (Femia 1981: 24), the latter of which (the hegemonic) operates as “the ‘spontaneous’ consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group” (Gramsci 1971: 12). The influence of Sphere did not emerge through a dominating or coercive mechanism (although it has been strategically employed by donors). Rather, it emerged because the accountability revolution embodied the shared principles of states actors and the subaltern classes, represented by NGOs (or Chomsky’s elites). By employing the formulations of power by both Foucault and Gramsci, we may begin to understand that the ‘how to’ of power in Sphere was through an epistemic ‘take-off’, producing a critical discourse and discursive response (codification of accountability) constructed on existing normative structures, which gained influence through their consensual nature as a hegemonic apparatus.

While Sphere is the most widely employed and best understood accountability mechanism, there exists another – the Humanitarian Accountability Partnership (HAP) – that emerged from the humanitarian ombudsman project in the wake of the *Joint Evaluation* to address the concern over accountability and inclusiveness to beneficiaries, with a focus on the recipient of aid as the primary beneficiary. HAP defines accountability as “the responsible use of power” recognising the “the humanitarian giver-receiver relationship is often conducted in a state of virtual judicial impunity” (HAP 2008:4). Thus the HAP accountability framework, a “set of definitions, procedures, and standards that specify how and agency will ensure accountability to its stakeholders” (HAP 2008:19) encourages accountability “not for the sake of the donor, but rather desire from within [the organization]” (Munn, pers. com. 18 March 2010). While like Sphere, HAP includes both principles and a standard to operationalize these principles, these standards are measured by benchmarks and ‘means of verification’ that inform the *process* of humanitarian assistance, rather than *outcomes*. This point is critical: while HAP directly addresses the criticisms of accountability deficits noted in the *Joint Evaluation*, it has been implemented by only a small number of NGOs.<sup>24</sup> While HAP provides a solid accountability framework, its low uptake when compared to Sphere is suggestive that the humanitarian accountability revolution was always more concerned with technical

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<sup>24</sup> HAP currently has 55 members, but only 7 full members are HAP certified.  
<http://www.hapinternational.org/members.aspx> (last accessed 19 May 2010).

specifications (for NGOs) and monitoring indicators (for donors) than accountability to beneficiaries.<sup>25</sup>

### **Operationalising power – the humanitarian reform process**

The 2003-2006 period saw vast reforms in both humanitarian financing and coordination that were couched in the language of accountability. Recognising that, “driven by political interests rather than according to need, funding allocations were often inequitable, unpredictable and untimely in responding to crises” (Harmer et al. 2004:1), sixteen OECD-DAC donor governments<sup>26</sup> met in Stockholm to establish the *Principles and Good Practice of Humanitarian Donorship*. These affirmed that “humanitarian action should be guided by the humanitarian principles of *humanity...impartiality...neutrality...and independence*, meaning the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented” (*Principles* 2003). The *Principles* emphasize practices for accountability by “support[ing] learning and accountability initiatives for the effective and efficient implementation of humanitarian action” (ibid). The creation of the Good Humanitarian Donorship Initiative (GHDI) was an attempt to regulate OECD donors through voluntary cooperation and peer pressure: the first attempt to regulate the ‘top level’ of the humanitarian system.

To what extent has GHDI been an influential practice in mitigating the politicization of aid expenditure, or in having donors play a “pivotal role within the humanitarian system as a driving force for positive change” (Annan 2008:vii)? The answer exposes a vast difference in donor interests. In 2009, Norway, Sweden, Ireland, and Denmark were the top donors as measured by the benchmarking system implemented by DARA (Development Assistance Research Associates) in the *Humanitarian Response Index*. In contrast to the Nordic countries, the United States, the largest donor country by far and the focus of this case study, has consistently fallen in the bottom half of twenty-three DAC donors. DARA summarizes the performance of the United States as “uneven, with a strong showing in pillar 5 encompassing learning and accountability, balanced against the worst performance of any country in pillar 4 on implementing international guiding principles” (2008:27). During this same time period, the US scored twenty-second (of twenty-three) in un-earmarked funds and was the top country in the category of distribution of funding relative to historical ties and geographic proximity, despite Principle 2 of the GHD *Principles*: “calling for the implementation of humanitarian action that is humane, impartial, ‘solely on the basis of need’ and independent from economic, military or other objectives” (2003). The most recent *Index*

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<sup>25</sup> There are, of course, other interpretations for the low uptake of HAP. HAP is a newer product – the original Principles were published in 2003. HAP certification involves an internal and external audit of accountability (beneficiary and financial) practices of an organization and also requires nominal membership fees, which may limit the number of cooperating partners. However, there is a paucity of data about HAP implementation in the field; the author’s field research conducted during a humanitarian disaster (Haiti, March-April 2010) did not find that HAP occupied the parlance of humanitarian practitioners, whereas Sphere was referred to commonly during cluster coordination meetings.

<sup>26</sup> These nations were Germany, Australia, Belgium, Canada, the European Commission, Denmark, the United States, Finland, France, Ireland, Japan, Luxembourg, Norway, the Netherlands, the United Kingdom, Sweden, and Switzerland.



indicated little change in the performance of the United States.<sup>27</sup> This dichotomous performance of the United States is consistent with the interpretation that the United States has continued to employ humanitarian assistance (or “action”, as in the *Principles*) for political objectives,<sup>28</sup> while supporting accountability practices that keep humanitarian actors close at hand.

During this period the widespread failures in Darfur led to the publication of the Humanitarian Response Review (HRR) by the UN (2005). The HRR found that despite the development of strategic planning initiatives by NGOs and the UN system, implementation and accountability were still lacking. This led to a substantial reform process that “falls into three main areas: first, achieving more flexible and timely humanitarian financing; second, strengthening the ‘Humanitarian Coordinator’ system; and third, ensuring more systematic and predictable attention to all the main sectors of response, in what has come to be known as the ‘Cluster Approach’” (Holmes 2007:4). The Cluster Approach, both at the country and global levels, aimed to “strengthen system-wide preparedness and technical capacity to respond to humanitarian emergencies by ensuring that there is predictable leadership and accountability in all the main sectors or areas of the humanitarian response” (IASC 2006: 2). The Cluster system assigns a lead agency to each sector of the humanitarian response to “strengthen overall levels of accountability for humanitarian response” by having each cluster lead accountable to either the Emergency Relief Coordinator at the global level or the Humanitarian Coordinator at the country level (IASC 2006:10).

Although the Cluster Approach has been adopted widely in humanitarian assistance operations since its initial rollout in Chad, the Democratic Republic of Congo, Somalia, and Uganda, it operationalizes a form of accountability not to beneficiaries, but rather upward to cluster leads, Humanitarian Coordinators, and to the Emergency Relief Coordinator, who is held accountable to states. An IASC-commissioned evaluation found that while the Cluster Approach improved sectoral programming, stronger leadership, and surge capacity, “there has been no observable increase in ultimate accountability” (Stoddard et al. 2007:1). A UNHCR report early in the roll-out phase described similar findings:

*the litmus test, of course, is whether this solid progress in the reorganization of humanitarian action translates into immediate positive and lasting improvements in the lives of IDPs and other war-affected communities. On this, the findings were considerably less encouraging* (Crisp, Kiragu and Tennant 2007:12)

The UNHCR report found that although NGOs were initially reticent to participate, they were incentivized by funding from the Central Emergency Response Fund (CERF) made available through the cluster system. The observations by Crisp *et al.* elucidate how the Cluster Approach, like Sphere, has subordinated humanitarian actors through donor mechanisms,

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<sup>27</sup> The US ranked nineteenth for neutrality and impartiality, twentieth for non-discrimination, twenty-second for independence from non-humanitarian objectives, nineteenth for conditionality that does not compromise humanitarian action, and twenty-third for un-earmarked funding. The US had the lowest ranking in un-earmarked funding, and despite a second-place ranking in promotion of good practice and quality standards [for NGOs] as well as monitoring adherence to quality standards, only ranked fourteenth for accountability towards affected populations (DARA 2010).

<sup>28</sup> As a mechanistic example, in the 2002-2005 period, USAID’s share of US overseas development assistance (ODA) decreased from 50% to 39%, whereas the Department of Defence’s share increased from 6% to 22% (Walker and Pepper 2007).

which is particularly concerning given the emphasis of the reform process on UN Integrated Missions, which are often political or military processes (see HRR 2005:11). In sum, the reforms introduced to increase accountability in the 2003-2006 period, “are not ensuring a more effective needs-based response to assist IDPs but rather promoting the alignment of aid with UN and donor political objectives” (Stobbaerts, Martin and Derderian 2007:20).

### **Codification, responsibility, and political objectives**

This section set out to understand the ‘how of power’: that is, how Northern states’ interest in containing refugees through humanitarian assistance as described in section 1 was mechanized at the level of humanitarian actors. The new norms and organising mechanisms described here all shared in their generation the discourse of a failure of ‘accountability’. Although Sphere, the Cluster Approach, and CERF shared a rhetorical desire to improve accountability and ultimately be of benefit to IDPs, their codification enabled a paradoxical estrangement from Pictet’s ‘golden rule’, as manifested by the marginalization of HAP and the reinforcement of ‘top-down’ accountability through the cluster system.

Foucault is useful in understanding how these mechanisms of codifying tacit knowledge mobilized power. The discursive elements from the outset of the *Joint Evaluation* led to a confusion of ‘accountability’ with ‘standards’. The marriage of these two concepts led to the birth of Sphere, which was successful because it was a pragmatic codification of pre-existing norms, namely the *Code of Conduct* and international law. Similarly, once Sphere standards were disaggregated into technical subfields to which agencies would be held accountable, the compartmentalized Cluster Approach was simply a formalized iteration of existing practice. The very form of this iteration, however, was successful because of the convergence of interests of donors and humanitarian agencies. Power was not exercised by explicit coercion, but by the manufacture of consent utilising the discourse of accountability that resonated with NGOs and the UN system (or Gramsci’s civil society). The end result was an ‘accountability revolution’ that clarified objectives and methods for humanitarian actors while cementing a vertical distribution of power to serve donor interests – that as demonstrated in the case of US spending on humanitarian assistance – is far from impartial. Not only did the process of cultural hegemony increase state control, but it also shifted the burden of largely political failures in the cases of Rwanda and Darfur to the humanitarian actors who would assist in them.

## **3 Immigration and changing interests: US assistance to Haiti in crisis**

*Nobody really cares about Haiti except as it impacts on southern Florida* (Senior Haitian government official, as quoted in Maguire et al. 1996:91)

*We are aware that another gigantic wall is being constructed in the Third World, to hide the reality of the poor majorities. A wall between the rich and the poor is being built, so that poverty does not annoy the powerful and the poor are obliged to die in the silence of history...A wall of discrimination...is being built to casually pervert the reality of the Third World* (Pablo Richard after the fall of the Berlin Wall, in Farmer 2006:48)

Haiti, just six hundred miles from the coast of Southern Florida, has historically been of high concern to the foreign and domestic policies of the United States. The evolution of US assistance and intervention toward this fragile state, which has had only eight presidents serve full terms since its independence from France in 1804, has very much been devoid of altruism (Buss and Gardner 2008). Despite Haiti's history of dictatorships, gross human rights violations, persecution of political opponents, and the lowest human development index (HDI) in the Western hemisphere, the United States has supported oppressive regimes when it has been in its interest and at other times, has violated norms of Haitian sovereignty when advantageous – often in an effort to curb Haitian migration. The relationship between Haiti and the United States is a long and complicated one, and others (notably Chomsky and Farmer 2006) have documented the exploitation of Haiti's poor for the interests of the United States. This analysis will instead apply a migration lens to the foreign policy relations between these two countries.

This section will examine how the United States has historically employed both foreign assistance and humanitarian intervention in Haiti in an effort to contain potential refugees. First, I will examine the disparate immigration policies for Haitians and Cubans during the Cold War period, which demonstrate the strategic rather than the humanistic grounds on which the United States has based its refugee policies. Second, I will demonstrate that the United States has used foreign assistance to Haiti and supported undemocratic regimes for the purposes of the containment of migrants. The assistance that the United States and the international community provided has failed to make meaningful changes to the Haitian economy because of its security focus, leading to an increased population vulnerability to natural disaster. The containment interest of the United States will then be explored in a case study of the recent response to the January 2010 Haitian earthquake, wherein 'humanitarian assistance' was again used as a strategic tool to contain an outflow of migrants to the US. Using the humanitarian response to the earthquake, I will then examine how the humanitarian accountability movement and reform processes described in section 2 were manifested in Haiti. The case study of a relocation movement to Corail Cesselesse will demonstrate how actors in humanitarian assistance became subsumed unwittingly by states' interests in an effort to meet technical indicators while under media and donor scrutiny, resulting in a departure from accountability to, and ultimately protection for, victims of the disaster.

### **Haiti in crisis: US foreign policy and Haitian migration**

Haitian refugees began arriving in the United States as early as the late 18<sup>th</sup> century during the French and Haitian revolutions. In response, the United States has consistently enacted policies to keep Haitians out, dating back as early as the fugitive slave legislation (Lennox 1993). This section will examine the various mechanisms that the United States has used to contain Haitians during and after the Cold War, including immigration legislation, support of undemocratic regimes, foreign assistance and 'humanitarian' intervention. While during the Cold War, the United States' repeated failure to recognize Haitian refugees was a product of its support for the anti-communist Duvalier regime, the post-Cold War era saw a dramatic shift in policy discourse wherein humanitarian interventions were employed to rhetorically promote democracy under Aristide, but in actuality were intended to prevent an influx of Haitian refugees.

## **Turning a blind eye to human rights: US support of the Duvalier regime during the Cold War**

During the Cold War, and particularly after Castro's communist forces gained control of Cuba, Haiti was a strategic ally to the United States, particularly because the US was concerned with the Cuban spread of revolution throughout the region, including through a group of Haitian exiles in Cuba (US Department of State 1960:340-1). Haiti's president, the dictator Francois "Papa Doc" Duvalier, was firmly anticommunist and offered a key vote on the Organisation for American States (OAS) resolution to embargo Cuba in 1962. In return, the United States constructed an international airport in Port-au-Prince and provided military assistance to Haiti. During this time, the Haitian government received \$40.4 million from Washington, in line with US policy objectives. Farmer summed up these objectives, as seen in declassified US documents written in the early 1960s, as follows: (1) "[t]he overriding objective is to deny Haiti to the communists;" (2) "[i]n short-term political terms, the US desires to assure Haiti's support of the US on matters of importance in the OAS, UN and other international organizations;" and (3) "[t]he US has the continuing objective of protecting private American citizens and property interests in Haiti" (2006: 93).

Because of the ideological and political importance of Haiti, the Eisenhower administration supported the dictatorship of Francois Duvalier reluctantly while overlooking the massive human rights violations and the progressive decline of the country's economy. Shortly after he acceded to power in 1957, Duvalier created a paramilitary force, the *tonton macoutes*, that systematically repressed political opposition through the use of torture, imprisonment, murder, and disappearances. The political persecution taking place under Duvalier caused a wave of exiles, primarily officials, politicians, and businessmen, to flee Haiti, who at this time were largely tolerated by the United States because they were well-educated and "well-to-do" (Loescher and Scanlan 1984:319). These exiles, however, were not considered refugees in the United States because the Immigration Act of 1965 "entrenched the priority...to those fleeing communist regimes" (Gibney 2004:151). Cuban migrants, however, were welcome to the United States as they were fleeing a communist regime, as members of southern Florida's "political elite...believed that boat people were a disruptive force, destroying the community and draining public resources" (Stepick 1984:178-9).

When Duvalier died in 1971, his son, Jean-Claude, succeeded him. Under "Baby Doc" Duvalier, the conditions in Haiti continued to deteriorate. The President continued imposing draconian measures of political repression to consolidate power and wealth, in what has been described by many authors as a kleptocracy. During this time, one percent of Haiti's population, the ruling elites, controlled fifty-five percent of the GNP. Maguire et al. described the role of the state as "a phantom where government services were concerned and elsewhere a predator" (1996:8). Despite the evidence of political persecution and the complicity of the state in committing it, Haitians continued to be denied refugee status.

In 1980, under the Carter administration, a new Refugee Act was introduced, which would honour the definition of refugee under the *1951 Convention on the Status of Refugees*, as the United States was a signatory to its *1967 Protocol*. Castro used this opportunity to test the generosity of the United States' asylum policy and announced that all Cubans wishing to leave Cuba could do so, departing from the Port of Mariel. During what was called the "Mariel Boatlift", an estimated 94,000 Cubans came by boat to the southern coast of Florida causing an immigration crisis in the United States (Gibney 2004). Additionally, in response to the

deteriorating security and economic environment of Haiti, some 13,500 Haitian migrants joined the Cuban *Marielitos* during the boatlift in 1980 (Maguire et al. 1996). Faced with a continued influx of Haitian migrants, President Reagan announced Proclamation 4865, which suspended the entry of undocumented migrants from the sea and established a program of interdiction of all Haitian vessels at sea by the United States Coast Guard. The agreement was made with Jean-Claude Duvalier, which authorized the Coast Guard to board and inspect all vessels suspected of carrying undocumented migrants. From 1980-1992, 22,940 Haitians were indicted under the agreement, but the INS only “considered 11 Haitians qualified to apply for asylum” (Wasem 2005:11). In return for signing the interdiction agreement, Reagan increased US aid to Haiti by an estimated \$11.5 million (Lennox 1993).

Immigration policy during the Cold War was also closely tied to economic assistance. In order to curtail possible in-migration the United States encouraged an increase in aid to the Duvalier regime in an effort to make Haiti “the Taiwan of the Caribbean”, wherein job creation for Haitians to produce cheap materials for the US market would help stem out migration (Maguire et al. 1996:10). During this period, USAID and American taxpayers funded efforts to establish assembly plants for US manufacturers, who benefit from “enormous unemployment, no unions, ample terror, [and] workers at wages of 14 cents an hour,” during which time wages declined by 56% and “Haiti remained Haiti, not Taiwan” (Chomsky 2006:21). The preferential treatment to Cuban migrants and the continued support of the Duvalier regime by the United States government in the face of widespread human rights violations and political persecution during the Cold war period demonstrate the close linkage between the geopolitical concerns of the country and migration. These immigration policies developed in tandem with economic assistance to Haiti, initially as a show of support to the oppressive but anticommunist dictatorship, but then turned towards maximizing production and employment (albeit ineffectively), in order to reduce the stream of unskilled migrants departing for the United States. Humanitarian intervention throughout Central America during this time also served these two aims, in order to prevent the rise of left wing governments, but also to prevent a “tidal wave of refugees swarming into our country” (US President Ronald Reagan, in Ferris 1987:129). Humanitarian intervention and assistance would later be applied in Haiti in the post-Cold War period, but in the vacuum of ideological imperatives, would largely serve the purpose of stabilization of the country of origin and refugee containment within it.

### **Democracy and refugees: shared interests in the post-Cold War period**

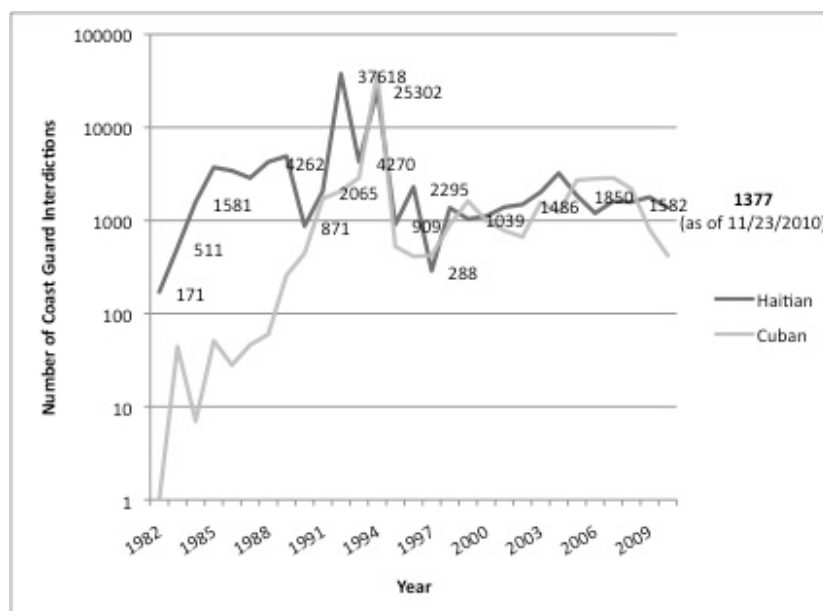
“Baby Doc” Duvalier was overthrown by a popular uprising in 1986 and was succeeded in 1990 by Jean Bertrand Aristide in Haiti’s first democratic election. Although democracy in Haiti should have been heralded, the US had an ambivalent relationship with Aristide, who might “risk upsetting the traditional structures of power” (Carothers as cited in Chomsky 2006:29). Rather, USAID denounced the labour reforms proposed by Aristide, including his attempt to raise the minimum wage to 37 cents an hour. During this time, “US elites suddenly began to show such sensitive concern for human rights and democracy just as human rights violations precipitously decline[d]... Washington suddenly became concerned with ‘human rights and the rule of law in Haiti’” (Chomsky 2006:31). Democracy in Haiti would not last long. Just seven months after his inauguration, pro-Duvalierists led a military coup against Aristide and sent him to exile in the United States (Soderland et al. 2008). From 1991 to 1993, an estimated 3,000 political killings had taken place in Haiti under General Cedras and the United Nations HRC estimated that more than 20,000 refugees had fled violence and torture



(Helis 2001; Weiss and Collins 1996). The political turmoil that ensued in Haiti as a result of the collapse of democracy and the huge numbers of Haitian migrants leaving by sea challenged the prevailing notion that all Haitian boat people were economic migrants (Wasem 2005). As a result, Coast Guard interdictions soared dramatically in 1991 (Figure 4) and President Bush closed the asylum processing centre for Haitian asylum seekers in Guantanamo Bay and issued Executive Order 12807 requesting that the Coast Guard return migrants to their country of origin without interviews for refugee status determination (United States Coast Guard 2009).

**Figure 4:** Number of United States Coast Guard interdictions at sea of Cuban and Haitian migrants, 1982-2010. As of 23 November 2010, there were 555 Haitian migrants interdicted on the high seas from the post-earthquake period.

Figure generated from the United States Coast Guard (2010b)



Despite a campaign promise to provide temporary asylum to Haitians until a democratically elected government was restored, Clinton maintained Bush’s policy of forced repatriation. The Clinton transition team, however, acknowledged that “the cause of the refugee crisis...was the Cedras *coup d’etat* of September 1991” (Farmer 2006:173). By the summer of 1994, it became increasingly clear that the only way to control the junta controlling Haiti would be through military force. Although “restor[ing] the democratically elected government of Haiti” (UN Security Council 940, as cited in Hellis 2001:130) was the rationale given for the Chapter VII incursion on Haiti, the Clinton administration justified its \$2.3 billion price tag to the public “by drawing attention to drug trafficking, urban violence, and the refugee problem” (Buss and Gardner 2008:33). Whereas before the military incursion into Haiti, the UN system providing humanitarian assistance struggled to engage in coordinated activities as various agency leads quarrelled over the extent to which they would cooperate with the de facto junta, the new UN integrated mission (UNMIH) had a clearer mandate, and established a new coordination mechanism. Following the military intervention in Haiti, 19 multinational institutions and 14 governments pledged \$1.2 billion in assistance, and migration from Haiti to the United States came to a trickle (see Figure 4). Despite the success in reinstalling Aristide and the reduction in out-migration, many government officials and humanitarian agency employees expressed concern that the UN was “used as a ‘blue fig leaf’ to advance US foreign policy interests to the clear detriment of multilateral values and processes” (Maguire et al. 1996:92).

The decade following the Cold war saw significant changes in the motivations behind the United States’ domestic and foreign policies regarding Haiti as well as a significant change in

the position of the United States on the sovereignty of the ruling junta. While during the Cold war, the US was reluctant to accept refugees that were not fleeing communist Cuba and supported the Duvalier dictatorship, the period immediately after the war saw the employ of humanitarian intervention and restrictionist asylum policies as a means of containing persecuted persons and an increase in interdictions at sea. As one lawyer acknowledged: “by treating Haitians differently than any other refugee group, the US government has created a two-track asylum process – one for Haitians and one for everyone else” (as cited in Farmer 2006:239).

In 1996, the United States introduced the Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA), which meant that aliens living in the United States “without proper immigration documents are placed immediately in expedited removal...as a result, those Haitians who do make it to US shores and do express a fear of repatriation are placed in detention (Wasem 2005:4). By 1998, a more liberal approach was taken to the small number of Haitian asylum seekers under the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998, wherein Haitians (like the Cubans who preceded them in 1980) who filed asylum claims could adjust to legal permanent residence. The events of 11 September 2001, however, under the nascent George W. Bush administration would once again change the approach to Haitian assistance and reinforce the maintenance of a restrictionist asylum policy.

### **9/11 and beyond: restrictionism and linkages with humanitarian assistance and intervention**

In 2002, the Immigration and Naturalization Service (INS), which was previously under the Department of Justice, was dissolved and its functions were transferred to the Department of Homeland Security (DHS). As immigration became a national security concern, the Coast Guard (interdiction), Customs and Border Protection (apprehensions and inspections), Immigrations and Customs Enforcement (detention), Citizenship and Immigration Services (credible fear determination) all fell under the newly created DHS. The Department of Justice was only responsible for asylum and removal hearings through the Executive Office for Immigration Review (Wasem 2005). During this time, there were increasing numbers of problems with the Aristide administration in Haiti. Although he was returned to Haiti to reinstate democracy, during his second term from 2000-2004, there were increasing concerns of human rights violations and his intent to extend his presidency indefinitely, as did his undemocratic predecessors. He further consolidated power around the ‘Family Lavalas’ and the Bush administration was frustrated by his apathy towards US efforts surrounding drug interdiction. The goals of the United States at this time, reflected in State Department spending on Haiti, were not focused on the “decentralization, privatization, prisons, and anticorruption. A major focus was security – especially the Haitian Coast Guard – and police reform” (Buss and Gardner 2008:80). With minimal migration concerns and a relatively stable regional situation, the United States was much more preoccupied with humanitarian crises in Iraq and Afghanistan. There were few policy changes in the post-9/11 period with regard to Haitian migrants as indefinite detention, repatriation, and interdiction had been well established in the early- to mid-1990s.

Although with the exception of drug trafficking and the risk of spread of HIV/AIDS continued to attract government and donor attention to Haiti, the regional security situation remained relatively stable during this time while turmoil within Haiti escalated. The ‘apartheid of class’, a legacy not just of the Duvalier regime but also from the period of US

occupation of Haiti in the early twentieth century, meant that conflict and corruption between government officials, the military, and private armed groups continued well into Aristide's second term. Faubert (2006), in UNDP evaluation of Haiti, remarked "the crisis is as much the result of a prevailing culture of violence, widespread corruption and the criminalization of armed groups as it is of neglect by the international community" (69). This violence and corruption came to a head in 2004, when armed groups seized the town of Gonaïves, and Aristide, under significant pressure from the United States who were frustrated with his noncooperation with the Bush administration, was flown to exile in the Central African Republic (Buss and Gardner 2008).

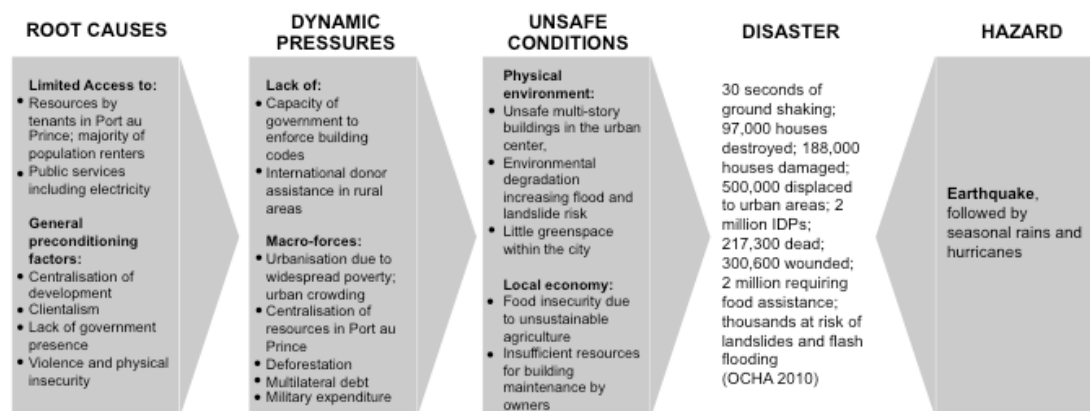
The ouster of Aristide led the Security Council to unanimously authorize a short-term multinational force that was then replaced by the UN Stabilisation Mission in Haiti (MINUSTAH) again operating under Chapter VII of the UN Charter. MINUSTAH was composed primarily of police and military personnel, and had a mandate consisting of three components: to restore a "stable and secure environment", to "promote the political process" and to "promote and protect human rights" (Security Council Resolution 1542 2004). MINUSTAH served as an integrated UN mission, but its primary responsibility – and the operational capacity given its personnel – was largely focused on security and not on human rights (Howland 2006). By 2009, the budget of MINUSTAH reached \$5 billion – larger than the annual budget of the government of Haiti. Collier, in his report to the UN Secretary-General warned that, "if Haiti reverts to a condition of socio-economic fragility this money will have been analogous to humanitarian assistance rather than to development... For the maintenance of social order, military security must rapidly be superseded by economic security" (2009:2).

Foreign expenditure to Haiti increased in the 2005-2006 period by \$1.3 billion, although until now there has been little tangible progress. Almost 20% of the population was food-insecure prior to the 2010 earthquake, and the UNDP Human Development Index (0.532) remained the lowest in the Western hemisphere (OCHA 2010). Despite the large amount of funding that Haiti has received, scholars point to several key factors that have contributed to repeated (failed) attempts at development: foreign assistance and humanitarian assistance spending from the United States has included the cost of interdictions of refugees and drug trafficking enforcement; the Haitian government has consistently been corrupt; donors have collectively failed to deal effectively with poor governance and instability; and top-level, donor-funded projects have been used as band-aids for greater problems (Buss and Gardner 2008; Collier 2009). In addition, development plans for the country have been repeatedly set back by the large number of natural disasters in the country, which have created a situation of perpetual humanitarian assistance and recovery rather than long term infrastructure development.

Relative to the study of humanitarian interventions in Haiti, the political dimensions of humanitarian assistance have been comparatively neglected. There exist close linkages between vulnerability to natural disaster in Haiti and its history of political instability, poverty, and short-sighted assistance from the international community. The lack of state-provided basic public services like electricity has led to a dependence on firewood and charcoal production for much of the population. Coupled with unsustainable agriculture practices and substantial deforestation (3% tree-covered, compared to 47% in the neighbouring Dominican Republic), this has made Haiti at high risk to natural disaster, particularly to landslides and floods (Collier 2009; World Bank 2007). Similarly, urban



poverty and inadequate government infrastructure and oversight for construction make Port-au-Prince at particularly high risk for mortality from earthquakes. Unsafe structures, which may result (as in the Haitian case) from cost-saving ratios of concrete mixing as well as lack of government regulation, cause 95% of deaths in earthquakes (Alexander 1985). The ‘pressure and release’ (PAR) model of natural vulnerability may be helpful in interpreting earthquake risk in Port-au-Prince, Haiti (Wisner et al. 2008). The basis for the PAR model is the idea that “a disaster is the intersection of two opposing forces: those processes generating vulnerability on one side, and the natural hazard event...on the other” (Wisner *et al.* 2008:50).<sup>29</sup> I have illustrated the effects of assistance with a disproportionate emphasis towards security by the international community on earthquake risk in Port-au-Prince in Figure 5.



**Figure 5:** ‘Pressures’ that result in natural disasters: Port au Prince Earthquake, 12 January 2010

Natural disaster in Haiti has been of concern to the United States since the migration crisis of the mid-1990s. In September 2004 Tropical Storm Jeanne ravaged the city of Gonaïves and left an estimated 3,000 dead and 300,000 homeless (NASA 2007; USAID 2005). The death toll in Haiti was disproportionate to the severity of the storm, which killed only one individual in nearby Puerto Rico and three in the United States. The high death toll in Haiti was attributed primarily to mudslides and flash flooding (Lawrence and Cobb 2005). The storm led to a call for Temporary Protected Status (TPS) to be issued to prevent the deportation of Haitian migrants to the United States but also raised concerns at the level of Congress, particularly that “any policy shift would prompt a mass exodus of Haitians, which in turn would divert and strain homeland security resources” (Wasem 2005:6). Similarly, in 2008, four hurricanes hit Haiti killing nearly 800 people (DARA 2010). Despite appeals from members of Congress, and particularly the Black Caucus, the Bush administration did not grant TPS in either case, fearing a migration influx.

The following section, a case study of how power is exercised in humanitarian assistance missions, will illustrate how linkages between natural disaster and the historical concerns by the United States of situations of mass migration shaped the scope of actions undertaken by humanitarian actors, as described in section 2.

<sup>29</sup> Wisner et al. rely on Alexander’s definitions of risk and vulnerability: “vulnerability refers to the potential for casualty, destruction, damage, disruption or other form of loss in a particular element: risk combines this with the probably level of loss to be expected from a predictable magnitude of hazard (which can be considered as the manifestation of the agent that produces the loss)” (2000:13).

## **The 2010 earthquake in Haiti: a humanitarian and migration mission**

The devastation of the earthquake in Haiti, which killed 2% of the population and displaced up to 30%, led to the largest ever United Nations flash appeal following a natural disaster (OCHA, 2010a). This was also the largest humanitarian assistance effort by the United States, with USAID spending of \$574,567,235, as well as Department of Defence spending of \$457,000,000 (USAID 2010a). USAID rationalized heavy spending as follows:

*Haiti's recovery is a strategic, economic and development imperative for the United States...Just 600 miles off US shores, an unstable Haiti challenges US national security and that of its regional neighbours, with the potential for unregulated migration from Haiti; illicit trafficking of drugs, weapons and people; and increasing humanitarian assistance requirements (USAID 2010b:6)*

As such, \$96.5 million for peacekeeping activities, an increase in \$143.5 million for international narcotics and law enforcement, and \$49 million to DHS were included in the 'humanitarian assistance' expenditures budgeted by USAID (USAID 2010b). Furthermore, the Department of State announced in April an additional \$10.5 million to address "migration-related challenges", of which \$4 million were designated to the IOM in the Dominican Republic to manage repatriation and border management capacity-building activities (Department of State 2010).

The strategic mobilization of humanitarian assistance funding paralleled congressional concerns over a situation of mass influx and also the activities of the Department of Homeland Security (Wasem 2010a). In addition to the announcement by DHS Secretary Janet Napolitano of TPS for Haitians who arrived in the United States before the earthquake, there was also a warning that any Haitians attempting to migrate to the United States would be repatriated and that "four Coast Guard cutters have arrived in Haiti, in addition to a variety of Coast Guard assets" (Department of Homeland Security 2010a:2). Indeed, the Coast Guard has actively continued its activities of interdiction at sea. On 21 April, the Coast Guard announced that it "rescued" and "repatriated" 90 Haitian migrants, in addition to 113 migrants interdicted by the Royal Bahamian Defence Force, 31 Haitians apprehended on the Jamaican coast, and three Haitians apprehended on 12 April in Florida (Coast Guard 2010a). As of 23 November 2010, the Coast Guard interdicted 1377 Haitians in the fiscal year 2010 (Figure 4). While the paradox of a policy that acknowledged the hazard of return for Haitians living in the United States and yet threatened Haitians wishing to leave Haiti with repatriation raises moral concerns, the next section will rather illustrate how the accountability movement in the post-Rwanda period has subsumed humanitarian actors into containment activities on behalf of states.

### **The "how" of power: The case of the relocation to Corail Cesselesse<sup>30</sup>**

The effects of the earthquake led to widespread population displacement, particularly in Haiti's capital Port-au-Prince, wherein there were an estimated 875 spontaneous settlement sites (CCCM DTM 2010). Of these sites, only a select few were designated as 'priority sites' by the Camp Management/Camp Coordination (CCCM) cluster. This section will explore why

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<sup>30</sup> Research for this section was conducted by the author from 22 March to 25 April 2010. With the exception of personal communications, as cited with the interviewee's consent, all information contained within this section is publicly available through the Haiti One Response website, among others. The opinions expressed in this section reflect those of neither the International Organisation for Migration nor the United Nations.

one site, the Delmas 48 “Pétionville Terrain de Golf”, was prioritized by humanitarian actors on account of its significant rationale for the containment objectives of states, and how the normative forces of the accountability movement ‘manufactured consent’ within the humanitarian community, ultimately leading to the neglect of principles of accountability and protection of the vulnerable.

On 17 March, a list of nineteen “priority sites for decongestion” was released; these sites were selected because they either had populations of greater than 5,000 inhabitants or were at risk of landslides or floods due to their geologic features. Of these sites, seven were designated as ‘red sites’ for 100% decongestion, including the Delmas 48 site. This site was under heavy scrutiny by the media because of the particular nature of its camp manager, Hollywood celebrity Sean Penn and his humanitarian organization J/P HRO, which advocated strongly for relocation activities to decongest the site. There were overarching concerns that facilities in the camp (as in many others) did not meet Sphere standards, and that decongesting the camp would enable the humanitarian organizations working there a better chance of achieving them. The urgency to decongest the site was further fuelled by concerns that residents may be at risk of landslides and flooding with the approach of the rainy season in early May. The real risk that these residents faced, however, is unclear. A February assessment of the geologic hazard of 326 sites by the European Commission found that after calculating flooding basins and land slopes, there was no significant risk associated with the Delmas 48 site (Figure 6), whereas 157 others had some degree of risk (ECHO/JRC 2010). A second assessment conducted by the Program Management Coordination Cell (PMCC) consisting of UNOPS, MINUSTAH, and the Joint Task Force-Haiti, and heavily influenced by the US military, conducted *after* Delmas 48 was prioritized for decongestion found that 4,350 people in low areas were subject to flash flooding and 3,150 people were vulnerable to landslides (PMCC 2010a:2).



**Figure 6:** Comparison of the Delmas 48 (Pétionville “Terrain de Golf”) spontaneous settlement, managed by J/P HRO on 26 August 2009 (left) and 25 May 2010 (right). Tents began to appear on the golf course beginning on January 15 2010, two days after the earthquake. Maps generated by Google Earth. Geologic risk assessment by the JRC overlaid demonstrating possible flooding basins (light blue) and combined/landslide risk (green circle), indicating that as of 19 February 2010, there was minimal risk associated with the Delmas 48 site. GPS coordinates obtained from CCCM Haiti, and overlaid with CCCM IDP site kmz file.

Because of the dubious concern for environmental hazard at Delmas 48, residents were presented with various options for relocation: return to their homes (if designated safe by the government and UN engineers), moving to proximity sites, moving to host families, or relocation to a new settlement (IOM 2010a). Although the last option was seen by humanitarian agencies as the least favoured of the options, it became the primary concern of the CCCM cluster, and USAID staff noted that residents were given “limited information regarding other relocation options” (2010b). Although the last option was seen as a last resort, to “buy time for durable solutions” (Personal communication, IOM Site Planner, 24 April 2010), relocation became the primary concern of the CCCM cluster. By 26 March, 10,189 structures had been evaluated, and although 55% were “green”, meaning structurally suitable for inhabitation, few people took this option because they were either renters or were afraid to return to a building that they perceived may collapse in another earthquake (PMCC 2010b). The host family option was never aggressively pursued by the CCCM cluster, although a host family working group intended on creating an incentive package for host families to receive IDPs, there was little consensus on what was suitable. On 19 March, Haitian President René Préval employed ‘eminent domain’ for the first time to acquire a 7,500-hectare plot of land twenty kilometres north of Port-au-Prince at Corail Cesselesse for the relocation of IDPs from Delmas 48. The new relocation site at Corail became the focus of attention – and perhaps the largest coordination effort – of UN and NGO partners in the humanitarian response.

It is widely recognized that relocation efforts are often detrimental to communities who have experienced natural disaster, and should only be used as a last resort (Lee et al. 2008; ALNAP 2009), but may be necessary at times:

*The reason most often cited for resettlement after disaster is continued or expanded vulnerability to natural hazard...Often, however, issues other than geologic safety enter into the decision to relocate earthquake stricken populations...Earthquakes and other disasters may also provide convenient pretexts for population concentration (and control)...[and] for national or regional development plans (Oliver-Smith 1991:14)*

Given the historical failure of relocation projects (reviewed in Oliver-Smith 1991), why was this option pursued so aggressively? The Delmas 48 site was under particular media scrutiny because of the unique nature of its camp manager and his ongoing advocacy efforts supporting relocation. Karin von Hippel (2000) argued that the “extensive media coverage [in 1994] ensured that the majority of Americans were fully cognizant of the problem in Haiti as well as the refugee crisis that was plaguing Florida” (103); similarly Sodurland et al. found that the high publicity afforded to the Haitian crisis played a significant role in the US decision for humanitarian intervention (2008:137). If lives were lost on the golf course, it would be difficult for the United States to maintain that with humanitarian assistance being provided, Haitians were safe to remain in Haiti – the rationale provided for the ongoing repatriation of Haitians after the earthquake. The relocation from Delmas 48 was also in the interest of the Haitian government. In an interview, President Préval described the relocation as “part of [the] broader reconstruction plan to free Port-au-Prince from congestion and create better-designed population centres throughout the country” (Mozingo 2010). The rationale provided at a CCCM cluster meeting discussing a second relocation from Champ de Mars (an IDP camp directly in front of the Presidential Palace) is also informative. When the cluster coordinator was asked in an 11 May meeting why this site was to be prioritized for decongestion, the answer was that it was important for the President as a national symbol, even though the PMCC assessment did not find relocation necessary for environmental



hazard there (CCCM 2010). If lives were lost on the golf course, it would be difficult for the United States to maintain that with humanitarian assistance being provided, Haitians were safe to remain in Haiti – the rationale provided in Napolitano’s January 15 announcement of TPS and ongoing repatriation. While the humanitarian actors involved – IOM, Oxfam, World Vision, IFRC, Save the Children, Plan International, and UNICEF – just to name a few, were driven by the desire to save lives and meet Sphere Standards (the new site at Corail would be the first in Port-au-Prince to meet almost all Sphere standards), the knowledge that generated the emergency and the donor structure that reinforced it largely constrained and defined the action they would take - particularly in light of the conflicting reports of hazard in Delmas 48 presented by ECHO and the JTF-H. The relocation to Corail Cesselesse, then, served the common interests many actors. For the United States, it was a mechanism not only to contain migration in Haiti but also to utilize the media attention on Delmas 48 to allay fears of continued risk; for the Haitian government, it served to decongest the only golf course in the country – a symbol of the elite class; and it served the humanitarian community, with an imperative to save lives, meet technical standards, and participate in ‘high impact’ donor-driven projects. Power was exercised here through both the technocratic approach to humanitarian delivery that emerged after the release of Sphere, and the vertical structure supported by donor states that reinforced it.

As argued in section 2, the rise in technical standards and the mechanisms of donorship that evolved with the accountability revolution paradoxically did not strengthen accountability to beneficiaries (including participation) and the Sphere standards and indicators often superseded the Humanitarian Charter. Participation of communities being resettled is not just of rhetorical importance. Lack of participation not only produces little sense of ownership and responsibility by individuals and the community, but also may prolong a period of dependency on outside organizations if the local community invests their own resources minimally (Coburn et al. 1984). In the case of the movement from Delmas 48 to Corail, although the ‘safer shelter’ strategies were promoted at the interagency coordination level, a USAID assessment team found that there was “limited community mobilization and consultation in the relocation process, resulting in inadequate communication regarding relocation options” (2010c). One resident in Delmas 48 said of the process: “I’ve lost everything. They asked me if I wanted to go. I said yes. But I have no idea about the conditions there” (BBC 2010).



**Figure 7:** Preparation of and relocation to Corail Cesselesse transitional settlement site, 20 kilometres north of Port au Prince. Photos taken by the author 14 April 2010

Inadequate community participation and accountability in the relocation process was due primarily to pragmatic concerns of the humanitarian actors involved. The government's announcement of the acquisition of the Corail site came less than three weeks before the relocation was to occur, which constrained the efforts of the agencies both preparing the site and mobilising the community. Furthermore, because of the impending threat of the approach of rainy season, the movement was perceived to have to occur without delay, with some only informed of their movement – which would last for up to three years – the night prior to the relocation. Families in Delmas 48 raised concerns about livelihood opportunities in a site twenty kilometres away from the city, as well as “concern regarding educational opportunities in Corail Cesselesse, noting that only a primary school is planned for the site and highlighting the prohibitive cost of transporting children back to schools” (USAID 2010b). These concerns could not be addressed because of the urgency of the move, although issues of livelihood and education, as well as exposure to high wind and dust, will continue to pose problems for this community for the coming years (see Figure 7). In the case of Corail, HAP Principles 3 (communication) and 4 (participation in programmes) were not implemented. Similarly, Sphere Common Standard 1 was overlooked: “the disaster-affected population actively participates in the assessment, design, implementation, monitoring and evaluation of the assistance programme” (2004:28), although the technical indicators of Sphere including plot size, number of latrines, and quantity of drinking water were all met or exceeded.

The generation of a discourse of emergency in the Delmas 48 settlement was also problematic because of the challenges it posed for a second set of vulnerable people: amputees, the disabled, the elderly and people living with HIV/AIDS (PLWHA). Early in the planning process of the Corail site, the IOM Health unit, in conjunction with Handicap International, HelpAge International, and the CCCM cluster, created a strategy to “allocate a proportion of transitional shelters built on new sites to especially vulnerable patients” including the disabled, elderly, and PLWHA (IOM 2010b:4). Vulnerable individuals who were being identified for housing were those who would otherwise be homeless in Port-au-Prince, without adequate access to health services, beds, or food. This policy was consistent with a key finding from the Multi-Cluster Rapid Initial Situation Assessment for Haiti, which advised: “humanitarian assistance must carefully address the needs of the main vulnerable populations throughout Haiti, with specific emphasis on the elderly population, but also on children, female-headed households, and the handicapped (OCHA 2010c:5).

After a second JTF-H evaluation in Delmas 48, it was deemed that only 1,000 families were in urgent need of relocation after mitigation activities had taken place. As such, there were an extra 50-100 plots remaining in the Corail site that were prioritized for the “protection area for vulnerable persons”, in close proximity to community areas and the health centre. Based on UNFPA information at the time, the average family size was close to 5 people, which meant that J/P HRO anticipated the movement of 5,000 individuals to Corail. As the relocation was coming to a close, however, the average family size moving to Corail was closer to 3.8, as many family members were not coming to relocate, but rather remaining in Port-au-Prince to work. At this point, in order to reach a relocation goal of 5,000 individuals from Delmas 48, it became clear that more plots would be required, and that there would no longer be space for the protection of the vulnerable persons. At the first intercluster coordination meeting for the activities of Corail, and under media pressure from J/P HRO, the decision was made to remove the protection area for vulnerable persons to leave enough room for the

Delmas 48 relocation. In the end, and despite heavy advocacy by IOM, OCHA, and Handicap International, 4,921 individuals (1,290 families) were relocated to Corail Cesselesse, and in a last-minute arrangement, only 15 families who were beneficiaries of Handicap International were permitted to move.

The series of events surrounding the allocation of spaces for vulnerable persons in Corail Cesselesse are demonstrative of the weakness of humanitarian accountability mechanisms to beneficiaries when compared to technical standards, as well as the influence of media and government/donor pressure in humanitarian activities. Despite the existence of Sphere Common Standard 4, “humanitarian assistance or services are provided equitably and impartially, based on the vulnerability and needs of individuals or groups affected by disaster,” (2004: 35), and noting that Sphere regards those most frequently at risk as “women, children, older people, disabled people and people living with HIV/AIDS” (27), no one agency was held accountable to a non-technical standard. Rather, individual agencies were held accountable only to the indicators applicable to their cluster found within the Sphere Standards, without linkage to the Charter or Common Standards. Although the relocation to Corail demonstrated excellent cooperation between large numbers of highly competent and beneficent UN agencies and NGOs involved, the compartmentalization of responsibilities into clusters and technical activities, which would later be measured against the Sphere indicators, meant that the ultimate protection of vulnerable groups was not addressed.

### **The new accountability and Haitian crisis**

The United States has never been generous to Haitian migrants, who began seeking refuge there over two hundred years ago. During the Cold War, several administrations not only denied access to Haitians, but also supported two dictators who were responsible for the political persecution that caused them to flee. In the period immediately following the Cold War, Haiti’s first democracy collapsed in less than a year, and the interests of refugee containment largely drove US-led humanitarian interventions in 1994 and 2004, despite outright criticism by domestic and international observers. During this time, substantial funding from international donors poured into Haiti but largely focused on security and stabilization in the interest of containment, causing Haiti to lack sufficient environmental or structural resilience to natural disaster.

The US response to natural disaster has been remarkably similar to that of political crisis. A large proportion of ‘humanitarian assistance’ funding in response to the 2010 earthquake was spent on either explicit measures to securitize US borders, or implicit ones rationalizing its repatriation activities, as demonstrated by the priority given to the high-profile IDP settlement Delmas 48. The ‘implicit’ measures could be enacted only by humanitarian agencies themselves, but how was the power necessary to do so exercised? The power structure that subsumed humanitarian actors to the interests of states (both the United States and Haiti) was established not solely on the ground, but also through the accountability revolution in the 1990s and the subsequent humanitarian reform processes of 2003-2005. These mechanisms were constructed upon a discourse of accountability and the codification and iteration of norms, but their enduring strength came from their utility also to humanitarian agencies; first, to address the concerns of the *Joint Evaluation*, and second, in the convenience of the compartmentalization of activities fostered through the vertical nature of the Cluster Approach. By generating the perception of urgency in a highly visible site that was of strategic importance both to the governments of Haiti and the United States, donors

were able to legitimize their own interests and subcontract the operational responsibilities to UN agencies and NGOs who would ultimately be held accountable for failure.

An examination of which principles and standards were regarded and which were not reveals how power is exercised by states and humanitarian agencies. Individual agencies providing a technical service under the cluster system – in this instance, Oxfam for water and sanitation – were held accountable only to the technical standard for the service they were to provide. This resulted in no agency being held accountable to the Sphere Common Standards, which are intended to represent the crosscutting nature of the accountability framework in Sphere as well as the Humanitarian Charter. This oversight is a direct result of the verticalization of power through the Cluster Approach. The accountability exercised in Haiti was not to the survivors of the earthquake, but rather to donors and their domestic constituencies, as demonstrated by both the lack of community participation and the failure of protection of vulnerable groups in the relocation to Corail. The series of events in Corail Cesselesse demonstrate the danger of ‘coordination’ and ‘accountability’ driven by technocratic versus ideological approaches, and represent a perverted departure from the objectives of the initial *Code of Conduct*, the findings of the *Joint Evaluation*, and their ultimate manifestation within the Sphere Charter.

## 4 Assistance as containment: new codes of humanitarianism and manufactured consent

*An unprecedented wave of humanitarian reform sentiment swept through the societies of Western Europe, England, and North America...the humanitarian reform not only took courage and brought commendable changes but also served the interests of the reformers and was part of that vast bourgeois project called rationalization (Thomas Haskell (1985):339-340)*

When Haskell explored the underlying basis of the abolition of slavery in the hundred years following 1750, he posed “the paramount question, which subsumes the others” as “how [has] antislavery reinforced or legitimized...hegemony?” (1985:379). Foucault similarly was interested in the *processes* that led to the creation of a regime of confinement for the insane, which while driven by the need for labour, were sustained by a “moral perception” (1989:54). This study of the accountability revolution in the 1990s and the humanitarian reform process of the 2000s explored a similar thematic. Rather than attribute these changes to a random outburst of altruism, the historical and geopolitical changes that have transpired over the past twenty years have informed and driven a parallel response in the humanitarian sector that served the interests of Northern states. By detailing the changing interests of states in containing refugee flows in the post-Cold War era in tandem with processes increasing the vertical control of states over humanitarian actors, we find the locus of states’ influence in the hegemonic employ of cooperative mechanisms rather than coercive ones, through the generation of norms. Importantly, and the crux of this study, is that the exercise of this power was only effective because it gained what appeared to be the ‘spontaneous consent’ of the humanitarian actors who would implement the reforms at the ground level, but in actuality was so influential in that NGOs were utilized as representative elites in order to serve states



interests, ultimately leading in a departure from accountability defined in terms of beneficiaries as specified in the *Joint Evaluation*.

Much of the study of international responses to refugees and humanitarian crises is situated in international relations. Section 1 examined the macro-level forces that drove institutional change after the Cold War to depart from refugee protection and focus instead on assisting the internally displaced. Krasner's 'organized hypocrisy' is useful to understand why states violate the norm of sovereignty, in the interest of the 'logics of consequences', or their domestic constituencies, but understanding *how* they do so requires an appreciation of the interrelated nature of discourse and 'material' power. As described in Section 2, the discursive element was the need for accountability of humanitarian actors generated by the findings of the *Joint Evaluation*. But to whom were humanitarian actors to be held accountable? The implementation of the Sphere technical standards rather than the Humanitarian Charter, and the subsequent paucity of community participation or protection of the vulnerable in the case of the Haiti relocation, suggests that these mechanisms only ensured that humanitarian actors were accountable to states.

The case of Haiti demonstrated a historical effort of the United States to contain refugee flows by investing heavily in security, particularly in times of disaster and crisis. Such politicized patterns of investment were complicit in the failure of the Haitian economy and infrastructure, which made the population highly vulnerable to the effects of natural disaster. As in Rwanda and Darfur, humanitarian assistance in Haiti was a poor band-aid for largely political failings. In his study on famine in Africa, de Waal noted that, "humanitarianism works to extend the institutional relief agencies, to create an attractive narrative for the media and to provide a political alibi for Western governments" (1997:217). But he did not stop there. Rather, he attributed the repeated failures in addressing famine to the actions of the 'humanitarian international', "the cosmopolitan elite of relief workers, officials of donor agencies, consultant academics and the like, and the institutions for which they work" (ibid. 3), who operate with impunity in a vacuum of accountability.

More than a decade since *Famine Crimes*, this study is able to assess whether "more rigorous regulatory authority [and] ensur[ing] minimum standards of professionalism, coordination, and assessment" (1997:216) for organizations may disentangle them from the power interests of states, as proposed by de Waal. Here I have found rather the opposite; although the discourse of accountability was used to generate new codes and norms that would later drive the humanitarian response, it increased the hegemony of Northern donor states by redistributing power vertically. While NGOs are now more accountable to their donors, the donors (states) are held accountable only to their domestic constituencies, as follows from the "logics of consequences". These changes have created a new regime that is more technical, more concerned with security and containment, and is ultimately less humane.

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