

## Submission on violence against women and girls in the context of the climate crisis

### Submitting Organizations

*Solidarite Fanm Ayisyèn* (Haitian Women’s Solidarity – SOFA) is a Haitian feminist organization of approximately 10,000 members nationwide, 80% of whom are peasant women.<sup>1</sup> For thirty-six years SOFA has addressed gender-based violence, women’s participation in decision making bodies, women’s health and autonomy, and environmental questions from the perspective of equality and the protection and respect of women’s rights.

The Global Justice Clinic (GJC) at New York University School of Law works with social movements and community partners to prevent, challenge, and redress human rights violations stemming from contemporary structures of global injustice. GJC has worked on human rights issues in Haiti since its founding.<sup>2</sup>

The Institute for Justice & Democracy in Haiti is a U.S.-based solidarity organization partnered with Haiti-based *Bureau des Avocats Internationaux*, working to bring Haitians’ struggles for human rights to the international stage.

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<sup>1</sup> Structure, Solidarité des Femmes Haïtiennes (SOFA), <https://sofahaiti.org/site/administration-et-structure/> (last visited Mar. 27, 2022). The women self-identify as “peasant women” (femmes paysannes) who work in agriculture, and as a way to symbolize their struggle against oppression.

<sup>2</sup> Statements of the Global Justice Clinic do not purport to represent the views of NYU, if any.

## Introduction

This submission outlines how land grabbing is a source of violence against women and other human rights violations. It presents an emblematic land grab in Savane Diane, Haiti. The land grab, which occurred in 2020, was characterized by the violent taking of SOFA's land, which was used to train women in agro-ecology and to encourage their economic autonomy. It has further impoverished women in the area, exposed them to multiple forms of violence, and aggravated climate vulnerability.

Land grabs,<sup>3</sup> the climate crisis, and violence against women in Haiti are connected phenomena. The climate crisis and accompanying resource scarcity will likely fuel increases in land grabbing. Land grabs may also worsen climate impacts, partially because land grabs are often instituted to replace environmentally sustainable local farming practices with agro-industrial monocultures that degrade the environment.<sup>4</sup> Women are more vulnerable to<sup>5</sup> and disproportionately impacted by land grabs.<sup>6</sup>

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<sup>3</sup> Giulia Parola, *The Dangerous Rise of Land Grabbing Through Climate Change Mitigation Policies: the Examples of Biofuel and REDD+*, 12 REVISTA DE ESTUDOS CONSTITUCIONAIS, HERMENÊUTICA E TEORIA DO DIREITO 568, 568 (2021), <https://www.scilit.net/article/088f5ad9fd0dbb7f2696f254955dddbeb>; KATE DOOLEY ET AL., MISSING PATHWAYS TO 1.5°C: THE ROLE OF THE LAND SECTOR IN AMBITIOUS CLIMATE ACTION 1–2 (Climate Land Ambition And Rights Alliance (CLARA) 2018), [https://static1.squarespace.com/static/610ffde0dd5c39015edc6873/t/6149416b255ef35c1a852f04/1632190830409/MissingPathwaysCLARAreport\\_2018r2.pdf](https://static1.squarespace.com/static/610ffde0dd5c39015edc6873/t/6149416b255ef35c1a852f04/1632190830409/MissingPathwaysCLARAreport_2018r2.pdf);

Fredrick Mugira & Annika McGinnis, *Land Grabbing Worsens Climate Change*, PULITZER CTR. (Jan. 10, 2019), <https://pulitzercenter.org/stories/land-grabbing-worsens-climate-change>.

<sup>4</sup> For example, greater consciousness of climate change and the importance of mitigation techniques such as the use of green energies has led to increases in international investment in land in the Global South. Biofuel production requires a significant amount of water and is a main impetus for land deals in certain countries in Africa. Kihwan Seo & Natalia Rodriguez, *Land Grab, Food Security and Climate Change: A Vicious Circle in the Global South*, in HUMAN AND SOCIAL DIMENSIONS OF CLIMATE 165, 170–71 (Netra Chhetri ed., 2012). See also Maria Cristina Rulli, Antonio Saviore, & Paolo D'Odorico, *Global land and Water Grabbing*, 110 PNAS 892, 892 (2013), <https://www.pnas.org/doi/10.1073/pnas.1213163110>.

<sup>5</sup> MICHAEL LEVIEN, GENDER AND LAND DISPOSSESSION: A COMPARATIVE ANALYSIS 3 (UN Women 2017), <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2017/Gender-and-land-dispossession-a-comparative-analysis-en.pdf>. See also Steve Lundeberg, *Touted as 'Development,' Land Grabs Hurt Local Communities, and Women Most of All*, OREGON STATE UNIV. (June 10, 2019), <https://today.oregonstate.edu/news/touted-%E2%80%98development%E2%80%99-land-grabs-hurt-local-communities-and-women-most-all>; Beverly Bell, *Women Farmers and Land Grabs in Haiti: An Interview With Iderle Brénus*, TRUTHOUT (Feb. 17, 2016), <https://truthout.org/articles/women-farmers-and-land-grabs-in-haiti-an-interview-with-iderle-brenus/>.

<sup>6</sup> See Kaori Izumi, *Gender-based Violence and Property Grabbing in Africa: A Denial of Women's Liberty and Security*, 15 GENDER & DEV. 11, 11–12 (2007), [https://www.tandfonline.com/doi/pdf/10.1080/13552070601178823?casa\\_token=JJuwamVxO-wAAAAA:-vqYi4UHZ91NfAE7oGDq2qcrT\\_MaTf5\\_a\\_5F-9JKP1r98ALeSHao7TrXBsnrvjSrCG1I889QuCOVmq](https://www.tandfonline.com/doi/pdf/10.1080/13552070601178823?casa_token=JJuwamVxO-wAAAAA:-vqYi4UHZ91NfAE7oGDq2qcrT_MaTf5_a_5F-9JKP1r98ALeSHao7TrXBsnrvjSrCG1I889QuCOVmq); TAYLOR LIGHTMAN, DISPOSSESSED: EXPLORING THE FACTORS THAT ENABLE POST-DISASTER LAND GRABS 38 (Lund University 2020), <https://lup.lub.lu.se/luur/download?func=downloadFile&recordId=9020098&fileId=9020811> (“[D]ata suggests that in ... Haiti, women faced a disproportionate burden of the land grab. The quantitative data suggests that countries that experienced post-disaster land grabbing, on average, had greater levels of gender

Land grabs against women are often accompanied by violence and should themselves be considered gendered violence.<sup>7</sup>

## Haitian Women's Rights in the Context of the Climate Crisis

### Climate Disorder in Haiti<sup>8</sup>

Haiti is one of the world's most climate vulnerable countries.<sup>9</sup> The climate crisis is already intensifying hurricanes and other extreme weather events,<sup>10</sup> devastating lives and livelihoods. Droughts are longer and more severe, and rains are shorter and heavier, leading to landslides, torrential debris flows, and soil liquefaction.<sup>11</sup>

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inequality.”); see also Abby Waldorf, *When Land gets Grabbed, do Women get Sidelined?*, THRIVE (2013), <https://wle.cgiar.org/thrive/2013/06/03/when-land-gets-grabbed-do-women-get-sidelined>.

<sup>7</sup> See CEDAW, *General Comment No. 34: Sec. IV(G)*, 4 Mar. 2016, C/GC/34, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_7933\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf) at 16–20.

<sup>8</sup> SOFA and several other Haitian organizations often use the term “climate disorder” rather than “climate change” to capture the profoundly negative and destabilizing impacts of the climate crisis.

<sup>9</sup> *Global Climate Risk Index*, GERMAN WATCH, <https://www.germanwatch.org/sites/germanwatch.org/files/2021-01/cris-2021-table-10-countries-most-affected-from-2000-to-2019.jpg> (last visited Mar. 7, 2022). See also *Rapidly Assessing the Impact of Hurricane Matthew in Haiti*, THE WORLD BANK (Oct. 20, 2017), <https://www.worldbank.org/en/results/2017/10/20/rapidly-assessing-the-impact-of-hurricane-matthew-in-haiti>.

<sup>10</sup> Christina M. Patricola & Michael F. Wehner, *Anthropogenic Influences on Major Tropical Cyclone Events*, 563 NATURE 339–345 (2018); BHAWAN SINGH & MARC COHEN, OXFAM, CLIMATE CHANGE RESILIENCE: THE CASE OF HAITI, OXFAM RESEARCH REPORT 10 (Oxfam Mar. 2014), <http://www.oxfam.org/sites/www.oxfam.org/files/rr-climate-change-resilience-haiti-260314-en.pdf>; UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP), BUREAU FOR CRISIS PREVENTION AND RECOVERY (BCPR), CLIMATE RISK MANAGEMENT FOR WATER AND AGRICULTURE IN THE DOMINICAN REPUBLIC: FOCUS ON THE YAQUE DEL SUR BASIN 8 (2014), [https://www.iisd.org/system/files/publications/crm\\_dom\\_republic.pdf](https://www.iisd.org/system/files/publications/crm_dom_republic.pdf).

<sup>11</sup> ABEL CENTELLA ARTOLA ET AL., LA SEQUÍA METEOROLÓGICA Y AGRÍCOLA EN LA REPÚBLICA DE CUBA Y LA REPÚBLICA DOMINICANA 13–17 (UNDP 2007), [http://www.cu.undp.org/content/dam/cuba/docs/libro\\_sequia.pdf](http://www.cu.undp.org/content/dam/cuba/docs/libro_sequia.pdf); Maurizio Tiepolo & Maurizio Bacci, *Tracking climate change vulnerability at municipal level in rural Haiti using open data*, RENEWING LOCAL PLANNING TO FACE CLIMATE CHANGE IN THE TROPICS 103–131, 6.3 (Maurizio Tiepolo, Alessandro Pezzoli, & Vieri Tarchiani eds., 2017); MICHAEL A. TAYLOR ET AL., HAITI: HISTORICAL AND FUTURE CLIMATIC CHANGES 54 (Inter-American Development Bank 2015), <https://publications.iadb.org/publications/english/document/Haiti-Historical-and-Future-Climate-Changes.pdf>.

Climate disorder in Haiti<sup>12</sup> disproportionately impacts marginalized rural farming communities. Farmers can no longer predict when it will rain or when to plant.<sup>13</sup> Crops are failing, fueling impoverishment and displacement, and undermining food sovereignty. Farmers are forced to abandon the land, moving to urban centers or abroad.<sup>14</sup> Climate disorder is causing particular harms to Haitian women, including making them more vulnerable to gender-based violence.

### The Gendered Impacts of Climate Disorder

Haitian women and girls face unequal burdens from climate disorder.<sup>15</sup> As the CEDAW Committee has underscored, the climate crisis exacerbates existing gender inequalities.<sup>16</sup> Gendered economic

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<sup>12</sup> Haiti's climate vulnerability today has been shaped by historical and contemporary systems of injustice: colonialism, racism, extractivism and state failure. Deforestation, for instance, has significantly reduced climate resilience in Haiti, as trees are important for mitigating damage from flooding, landslides, and mudslides. Widespread deforestation began under French colonization, to create the plantations that made Haiti France's most profitable colony. After enslaved people led a successful revolution to claim Haiti's independence in 1804, France refused to recognize Haitian sovereignty unless the government of Haiti agreed to pay a debt for "material losses," including the loss of enslaved people. To pay the debt, equivalent to \$20 billion in today's dollars, Haiti felled and exported some of its most valuable trees. Deforestation persisted under the U.S. occupation of Haiti in 1915-1934. It persists today as many rural Haitians, effectively abandoned by the state, clear land for agriculture in order to meet their basic needs. See Inger Andersen, *From Heatwaves to Rising Seas: How Trees Defend Us*, U.N. ENVTL. PROGRAMME (Sept. 11, 2019), <https://www.unep.org/news-and-stories/opinion/heatwaves-rising-seas-how-trees-defend-us>; GLOBAL JUSTICE CLINIC & HAITI JUSTICE INITIATIVE, BYEN KONTE, MAL KALKILE? HUMAN RIGHTS AND ENVIRONMENTAL RISKS OF GOLD MINING IN HAITI 24, 33, [https://chrgj.org/wp-content/uploads/2016/09/byen\\_konte\\_mal\\_kalkile\\_human\\_rights\\_and\\_environmental\\_risks\\_of\\_gold\\_mining\\_in\\_haiti.pdf](https://chrgj.org/wp-content/uploads/2016/09/byen_konte_mal_kalkile_human_rights_and_environmental_risks_of_gold_mining_in_haiti.pdf); UNEP, THE HAITI SUSTAINABLE ENERGY PROGRAMME: INCREASING ENERGY ACCESS IN HAITI AND SUPPORTING NEW SOLUTIONS TO ENERGY POVERTY 5 (2015), <https://wedocs.unep.org/handle/20.500.11822/17742>; John Dale Zach Lea, *Charcoal Is Not the Cause of Haiti's Deforestation*, HAITI LIBERTÉ (Jan. 25, 2017), <https://haitiliberte.com/charcoal-is-not-the-cause-of-haitis-deforestation/#:~:text=Charcoal%20supplies%2075%25%20of%20energy,mountain%20insides%20inappropriate%20for%20such%20crops.>

<sup>13</sup> SINGH & COHEN, *supra* note 10, at 10; CLIMATE RISK MANAGEMENT FOR WATER AND AGRICULTURE IN THE DOMINICAN REPUBLIC, *supra* note 10, at 8.

<sup>14</sup> Discussions with SOFA, PAPDA (Plateforme Haïtienne de Plaidoyer pour un Développement Alternatif), and MPP (Mouvman Peyizan Papay).

<sup>15</sup> See CEDAW, *General Comment No. 37*, 7 Feb. 2018, C/GC/37, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_37\\_8642\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf) at 3; *Statement of the CEDAW Committee on Gender and Climate Change*, CEDAW (2009), <https://www.wedo.org/wp-content/uploads/statementofthecedawcommitteeongenderandclimatechange.pdf>; Balgis Osman-Elasha, *Women...In The Shadow of Climate Change*, UN CHRONICLE, <https://www.un.org/en/chronicle/article/womenin-shadow-climate-change> (last visited on Mar. 27, 2022).

<sup>16</sup> CEDAW, *General Comment No. 37*, 7 Feb. 2018, C/GC/37, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_37\\_8642\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf) at 3; *Statement of the CEDAW Committee on Gender and Climate Change*, CEDAW (2009), <https://www.wedo.org/wp-content/uploads/statementofthecedawcommitteeongenderandclimatechange.pdf>. See generally OXFAM INTERNATIONAL, POSITION PAPER ON GENDER JUSTICE AND THE EXTRACTIVE INDUSTRIES (Oxfam Mar. 2017), [https://s3.amazonaws.com/oxfam-us/www/static/media/files/EI\\_and\\_GJ\\_position\\_paper\\_v.15\\_FINAL\\_03202017\\_green\\_Kenny.pdf](https://s3.amazonaws.com/oxfam-us/www/static/media/files/EI_and_GJ_position_paper_v.15_FINAL_03202017_green_Kenny.pdf); Osman-Elasha, *supra* note 16; Joe McCarthy, *Understanding Why Climate Change Impacts Women More than Men*, GLOBAL CITIZEN (Mar. 5, 2020), <https://www.globalcitizen.org/en/content/how-climate-change-affects-women/>; see also U.N. High Commissioner for Human Rights, *Summary of the Panel Discussion on Women's Rights and Climate Change: Climate Action, Good Practices and Lessons Learned*, ¶1–10, U.N. Doc. A/HRC/42/26 (July 24, 2019), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/225/17/PDF/G1922517.pdf?OpenElement>.

inequalities result in women facing higher levels of poverty, land insecurity, vulnerability to the environmental effects of a changing climate, and gender-based violence.<sup>17</sup>

Gender inequality in Haiti makes women more vulnerable to violations of their economic and social rights and more burdened by environmental rights violations. They are less likely to have access to formal work opportunities and education.<sup>18</sup> They face barriers to equal participation in political and social decision-making processes. Rural women face financial insecurity, with rural female-headed households substantially poorer than male-headed households.<sup>19</sup> Women are primarily responsible for gendered activities such as water-bearing and feeding the family.<sup>20</sup> They are thus particularly vulnerable to the impacts of extreme weather events, and less able to adapt to and withstand economic shocks caused by climate disorder.<sup>21</sup> Women are also particularly vulnerable in situations of climate-induced displacement.<sup>22</sup>

### Gender and Land Grabbing

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<sup>17</sup> See CEDAW, *General Comment No. 37*, 7 Feb. 2018, C/GC/37, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_37\\_8642\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf) at 3-4; Anik Gevers, Tina Musuya & Paul Bukuluki, *Why Climate Change Fuels Violence Against Women*, UNDP (Jan. 28, 2020), <https://www.undp.org/blog/why-climate-change-fuels-violence-against-women>; VALUE FOR WOMEN, STUDY OF THE IMPACTS OF CLIMATE CHANGE ON THE WOMEN AND MEN OF THE CARIBBEAN. PILOT PROGRAMME FOR CLIMATE RESILIENCE COUNTRIES 10, 35 (Inter-American Development Bank Dec. 2020), [https://www.climateinvestmentfunds.org/sites/cif\\_enc/files/knowledge-documents/study-of-the-impacts-of-climate-change-on-the-women-and-men-in-the-caribbean-pilot-programme-for-climate-resilience-countries.pdf](https://www.climateinvestmentfunds.org/sites/cif_enc/files/knowledge-documents/study-of-the-impacts-of-climate-change-on-the-women-and-men-in-the-caribbean-pilot-programme-for-climate-resilience-countries.pdf); UN WOMENWATCH, FACT SHEET: WOMEN, GENDER EQUALITY AND CLIMATE CHANGE 1–2 (2009), [https://www.un.org/womenwatch/feature/climate\\_change/downloads/Women\\_and\\_Climate\\_Change\\_Factsheet.pdf](https://www.un.org/womenwatch/feature/climate_change/downloads/Women_and_Climate_Change_Factsheet.pdf).

<sup>18</sup> ACCOUNTABILITY COUNSEL, WOMEN & GIRLS IGNORED CARACOL INDUSTRIAL PARK 3, [https://www.accountabilitycounsel.org/wp-content/uploads/2017/10/Haiti\\_Brochure\\_Gender.pdf](https://www.accountabilitycounsel.org/wp-content/uploads/2017/10/Haiti_Brochure_Gender.pdf) (last visited on Mar. 27, 2022).

<sup>20</sup> See ANNE-CHRISTINE D’ADESKY ET AL. THE HAITI GENDER SHADOW REPORT: ENSURING HAITIAN WOMEN’S PARTICIPATION AND LEADERSHIP AT ALL STAGES OF NATIONAL RELIEF AND RECONSTRUCTION 35 (Elise Young et al. eds., Haiti Equality Collective 2010), <https://www.genderaction.org/publications/2010/gsr.pdf>. See also PEDRO BRAUM, FLAVIA DALMASO AND FEDERICO NEIBURG, RELATIONS BETWEEN MEN AND WOMEN IN LOW-INCOME DISTRICTS OF PORT-AU-PRINCE 8-9 (Viva Rio June 30, 2014), <https://reliefweb.int/sites/reliefweb.int/files/resources/Gender%20Rapport%20OK.pdf>.

<sup>21</sup> See *Climate Adaptation and Saltwater Intrusion*, U.S. EPA, <https://www.epa.gov/arc-x/climate-adaptation-and-saltwater-intrusion> (last updated on May 26, 2021); see also Curtis Petzoldt, et. al, *Climate Change Effects on Insects and Pathogens* 10, NY STATE IPM PROGRAM, <https://www.panna.org/sites/default/files/CC%20insects&pests.pdf> (last visited Mar. 7, 2022) (stating that “[i]ncreased temperature could increase pest insect populations”); Lennart Olsson, et. al, *Land Degradation, in CLIMATE CHANGE AND LAND: AN IPCC SPECIAL REPORT ON CLIMATE CHANGE, DESERTIFICATION, LAND DEGRADATION, SUSTAINABLE LAND MANAGEMENT, FOOD SECURITY, AND GREENHOUSE GAS FLUXES IN TERRESTRIAL ECOSYSTEMS* 347–48 (2019), [https://www.ipcc.ch/site/assets/uploads/sites/4/2019/11/07\\_Chapter-4.pdf](https://www.ipcc.ch/site/assets/uploads/sites/4/2019/11/07_Chapter-4.pdf).

<sup>22</sup> *Crises in Haiti Leave Women and Girls ever More Vulnerable*, UNITED NATIONS POPULATION FUND (July 29, 2021), <https://www.unfpa.org/news/crises-haiti-leave-women-and-girls-ever-more-vulnerable> (stating that “[m]ore than 4 million Haitians – 60 per cent of them women and girls – will need emergency assistance this year. Last year, gender-based violence cases spiked 377 per cent with 6,500 exposed to sexual violence in the coming months. Nearly 5,000 internally displaced persons are at risk of sexually-transmitted infections (STIs) including HIV/AIDS. In the next three months, 15 per cent of the anticipated 1,000 deliveries are likely to have complications, increasing the risk of maternal death.”).

Land grabbing has long undermined the rights of rural Haitian communities. Since Haiti's independence, powerful families have expropriated land<sup>23</sup> and no system to reliably record land ownership has been established.<sup>24</sup> Less than 5% of Haiti's territory is covered in the national property register, and up to two thirds of rural land has no formal property title.<sup>25</sup> This increases the vulnerability of citizens to land appropriation by the government or powerful private actors. In recent years land grabbing has increased in rural Haitian communities. An uptick was noted after the devastating 2010 earthquake and during the administration of President Jovenel Moïse.<sup>26</sup> Rural communities and their allies note that corrupt politicians often facilitate land grabs and that land is frequently granted to the benefit of foreign companies.<sup>27</sup> Globally, women farmers are disproportionately affected by land grabs because of unequal access to and control of land.<sup>28</sup> In Haiti, rural women are likewise less likely to hold formal title to land than men.<sup>29</sup>

### **Savane Diane: Violent Land Grab Against Rural Women<sup>30</sup>**

#### Building Climate Resilience in Savane Diane

Savane Diane is an important fertile agricultural and biodiversity zone that spans three of Haiti's ten geographic departments.<sup>31</sup> In 2018, the Ministry of Agriculture declared the region a priority area to

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<sup>23</sup> JEAN CASIMIR, *THE HAITIANS: A DECOLONIAL HISTORY* 46-47 (Laurent Dubois trans., 2020).

<sup>24</sup> PETER GIAMPAOLI & MARK FREUDENBERGER, USAID ISSUE BRIEF: LAND TENURE AND PROPERTY RIGHTS IN HAITI (USAID Jan. 2010), <https://www.land-links.org/wp-content/uploads/2016/09/Land-Tenure-and-Property-Rights-in-Haiti-1.pdf>.

<sup>25</sup> IADB, *IDB Grants \$27 Million for Haiti Rural Land Tenure Program* (Apr. 25, 2012), <https://www.iadb.org/en/news/news-releases/2012-04-25/support-for-land-tenure-regularization-in-haiti%2C9960.html>.

<sup>26</sup> See Widlore Mérancourt, *Vaste Opération de Vol de Terrain dans le Nord-Est*, AYIBOPOST (Dec. 25, 2021), <https://ayibopost.com/vaste-operation-de-vol-de-terrain-dans-le-nord-est/>; GIAMPAOLI & FREUDENBERGER, *supra* note 25. . [www.land-links.org/wp-content/uploads/2016/09/Land-Tenure-and-Property-Rights-in-Haiti-1.pdf](http://www.land-links.org/wp-content/uploads/2016/09/Land-Tenure-and-Property-Rights-in-Haiti-1.pdf).

<sup>27</sup> Mérancourt, *supra* note 27.

<sup>28</sup> Office of the High Commissioner for Human Rights & UN Women, *Realizing Women's Rights to Land and Other Productive Resources 13* (OHCHR & UN Women 2020), <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Realizing-womens-rights-to-land-and-other-productive-resources-2nd-edition-en.pdf>.

<sup>29</sup> See *supra* note 20, at 361-62.

<sup>30</sup> Existing available information about what occurred in Savane Diane does not provide a full picture. However, this case study attempts to be faithful to the events that transpired as experienced by SOFA members.

<sup>31</sup> See Capire, *Les Femmes Résistent à l'Accaparement des Terres et à la Zone Franche dans la Région d'Haiti* (Andréia Manfrin Alves, trans.), CAPIRE (Mar. 26, 2021), <https://capiremov.org/fr/experiences/les-femmes-resistent-a-laccaparement-des-terres-et-a-la-zone-franche-dans-la-region-dhaiti/>; Sabine Lamour, *SOFA Protest Note Against the Free Trade Zone Project in Savane Diane*, HAITI WATCH (Feb. 22, 2021), <https://www.haitiwatch.org/home/sofasavannediane-en> (noting that diverse crops are cultivated there like “congo peas, okra, rice, peanuts, sugar cane, millet, moringa, several varieties of fruits, in addition to medicinal plants like moringa, artemisia, among others”); ECOLE MOYENNE DE DEVELOPPEMENT DE HINCHE (EDMH), *INVENTAIRE ET DESCRIPTION DES ZONES AGRO-ÉCOLOGIQUES DE SAVANE DIANE* (EDMH June 2003), [https://agriculture.gouv.ht/view/01/IMG/pdf/inventaire\\_et\\_description\\_des\\_zones\\_agroecologiques\\_de\\_savane\\_diane.pdf](https://agriculture.gouv.ht/view/01/IMG/pdf/inventaire_et_description_des_zones_agroecologiques_de_savane_diane.pdf) (noting the biodiversity of the area).

promote food self-sufficiency.<sup>32</sup> The land in the area was considered State-owned, and many rural families operated small farms there.

In 2016, SOFA opened the feminist organic farm-school, “Délícia Jean,” in Thoman, near Savane Diane, to train women in sustainable farming and support their economic independence.<sup>33</sup> In September 2017, after two years of advocacy, the Ministry of Agriculture granted SOFA, in writing, a total use of 13.75 hectares of land in Savane Diane<sup>34</sup> to support the school’s activities.<sup>35</sup> The Haitian land agency INARA<sup>36</sup> confirmed SOFA’s rights to the land.<sup>37</sup> SOFA transformed the land, experimenting with the space to plant crops<sup>38</sup> and train 300 farmers, the majority of whom were women. Women also learned about land rights, food sovereignty, and new agricultural practices for climate resilience.<sup>39</sup> SOFA donated crops and distributed seeds to its members and nearby organizations to multiply community gardens.

### Violent Land Grab

In 2020, SOFA and its members were forcibly displaced from their land in Savane Diane. In May 2020, a former Minister of Agriculture and a local official visited the land and told SOFA that rights to use the property had been transferred and no longer belonged to them. In June 2020, the same local official and a group of approximately 20 men, many armed, destroyed the land’s fencing and beat SOFA members, forcing them to abandon the area.<sup>40</sup> At least one person went to hospital for leg injuries. SOFA filed a criminal complaint in Saint-Michel and in the civil court of Gonaïves, but to the organization’s knowledge, the judiciary has not acted on it.<sup>41</sup>

*“They mistreated us, they beat us. Some of us were seriously injured and had to go to hospital.”<sup>42</sup>*

SOFA learned that an agribusiness company was asserting title to the land: Stevia Agro Industries S.A., (“Stevia Industries”), which produces the sweetener, stevia, for export to companies such as

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<sup>32</sup> Capire, *supra* note 32.

<sup>33</sup> SOFA press note, 23 June 2020 (on file with authors).

<sup>34</sup> Both Thoman and Savane Diane are located in the municipality of Saint-Michel de l’Attalaye in Haiti.

<sup>35</sup> Lamour, *supra* note 32.

<sup>36</sup> INARA stands for *Institut National de la Réforme Agraire*.

<sup>37</sup> SOFA press note, *supra* note 34; SOFA letter to the Haitian Minister for Agriculture (on file with author).

<sup>38</sup> Including moringa, an important agro-ecological crop.

<sup>39</sup> Lamour, *supra* note 32.

<sup>40</sup> *Id.*; Capire, *supra* note 32; Yves Engler, *Racial Capitalism and the Betrayal of Haiti*, CANADIAN DIMENSION (Feb. 26, 2021), <https://canadiandimension.com/articles/view/racial-capitalism-and-the-betrayal-of-haiti>; SOFA et al., *Note de Presse: Savane Diane Appartient aux Productrices et Producteurs Paysans : Elle n’est ni à Vendre, ni à Concéder à des tiers*, HAITI WATCH (Mar. 4, 2021), <https://www.haitiwatch.org/home/jointsavanediane> [hereinafter *Savane Diane Appartient aux Productrices et Producteurs Paysans*].

<sup>41</sup> Telephone interview with Sharma Aurélien, Executive Director, SOFA (Mar. 25, 2022).

<sup>42</sup> Video testimony of Esther Jolissant, SOFA municipal secretary (on file with the Global Justice Clinic).

Coca-Cola.<sup>43</sup> André Apaid, one of Haiti's most powerful businessmen, controls Stevia Industries.<sup>44</sup> At the end of 2020, via written memorandum, the Minister of Agriculture suspended the protocol confirming SOFA's rights to the land, citing the "dispute" with Stevia Industries. He did so without any judicial decision regarding rightful ownership of the land and did not similarly require Stevia Industries to halt their activities.<sup>45</sup>

On February 8, 2021, former President Jovenel Moïse declared Savane Diane an agro-industrial free trade zone (ZFASD) to the benefit of Stevia Agro-Industries.<sup>46</sup> By presidential order, he earmarked 8,600 hectares of Savane Diane — including SOFA's land — to produce stevia and other crops.<sup>47</sup> According to local residents, the free trade zone includes three large water reservoirs identified by the national water authority, DINEPA, as drinking water for local residents during drought.<sup>48</sup>

*When it comes to climate disorder, one thing that is important to underline is that there were three water catchments in Savane Diane that DINEPA identified as reserves in the event of groundwater depletion...we've lost those water reserves because they have now become Apaid's. Meanwhile, we are in a water crisis,...they expropriated agricultural land that had the most water resources.*<sup>49</sup>

## Impacts on Women's Rights and Climate Vulnerability

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<sup>43</sup> Stevia Agro Industries S.A. has stated explicitly that it hopes to establish a contract with Coca-Cola. See *La Société Stévia Agro-Industrie mise gros sur la Zone Franche de Savane-Diane*, LE NOUVELLISTE (May 5, 2021), <https://lenouvelliste.com/article/228805/la-societe-stevia-agro-industrie-mise-gros-sur-la-zone-franche-de-savane-diane>; *Savane Diane: «La Zone Franche est Créée sur la Propriété Privée de ma Famille et non sur une Propriété Appartenant à l'État Haïtien»*, Explique Louis Déjoie III, LE NOUVELLISTE (Feb. 25, 2021), <https://lenouvelliste.com/article/226755/savane-diane-la-zone-franche-est-creee-sur-la-propriete-privée-de-ma-famille-et-non-sur-une-propriete-appartenant-a-letat-haitien-explique-louis-dejoie-iii>. Stevia Industries SA has also noted that it seeks to produce other crops, in addition to its core focus on Stevia.

<sup>44</sup> Businessman André Apaid, Jr. controls Stevia Industries, along with the Déjoie family and former Minister of Agriculture Dorcin (who first notified SOFA that they no longer had land rights). Apaid and Louis A. Déjoie III maintain that in 1946, Déjoie's grandfather, Senator Louis Déjoie, purchased the land, but it was later reappropriated by the State. *Zone Franche de Savane-Diane: «L'État n'a pas Donné de Terres ni D'Argent pour le Projet»*, Soutiennent les Responsables, LE NOUVELLISTE (May 5, 2021), <https://lenouvelliste.com/article/228806/zone-franche-de-savane-diane-letat-na-pas-donne-de-terres-ni-dargent-pour-le-projet-soutiennent-les-responsables>; LE NOUVELLISTE (Feb. 25, 2021), *supra* note 44. Stevia Industries sought to meet with SOFA, while asserting its ownership of the land – which SOFA declined, judging it unproductive.

<sup>45</sup> *Zone franche de Savane-Diane*, LE NOUVELLISTE (May 5, 2021), *supra* note 45; Memorandum from Pierre Flaurus Patrix Severe, Minister of Agriculture, Natural Resources, and Rural Development to SOFA (Aug. 6, 2020) (on file with SOFA).

<sup>46</sup> Lamour, *supra* note 32. Part of what made the decree controversial is that many people contend that Moïse's five-year term should have ended on February 7, 2021, a day before the ZFASD declaration. He insisted that he had one more year to serve because he did not take office until February 7, 2017, after a year-long delay fraught with allegations of electoral fraud. Rose Delaney, *Dispute over Haiti Presidential Term Triggers Unrest*, BBC (Feb. 15, 2021), <https://www.bbc.com/news/world-latin-america-56069575>; *New Report: Troubling Weaknesses in Electoral System Overshadow Return of Constitutional Rule in Haiti*, HAITI ELECTIONS (Feb. 6, 2017), <http://haitielection2015.blogspot.com/>.

<sup>47</sup> *La Société Stévia Agro-Industrie mise gros sur la Zone Franche de Savane-Diane*, LE NOUVELLISTE (May 5, 2021), *supra* note 44.

<sup>48</sup> Interviews conducted by SOFA with affected women, March 2022.

<sup>49</sup> Video testimony of Esther Jolissant, SOFA municipal secretary (on file with the Global Justice Clinic); interviews conducted by SOFA with affected women, March 2022.

The Savane Diane land grab amounted to gender-based violence against women, in part because the taking of SOFA's land was directed at women farmers as a group. It also made SOFA members and rural women in the area vulnerable to other forms of violence, rights violations, and to climate change. Additionally, the conversion of Savane Diane into an agribusiness free trade zone undermines climate resilience and environmental sustainability.<sup>50</sup>

Women are critical agents in confronting climate disorder. The importance of women's land rights in the context of climate disorder is well recognized.<sup>51</sup> Organizations globally stress that women's land rights and access to agricultural resources are essential to climate resilience.<sup>52</sup> Numerous multilateral environmental agreements recognize the importance of women's participation in climate responses, including biodiversity-protection and sustainable land use.<sup>53</sup> The CEDAW Committee has called for prioritizing the protection of rural women's land use and ownership, rights to food, health, and work<sup>54</sup> in the context of climate disorder, environmental degradation, and loss of biodiversity. It notes that women are often the first to observe the environmental effects of climate change and to adapt through agricultural practices and land conservation techniques.<sup>55</sup>

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<sup>50</sup> See Engler, *supra* note 41; Coordination Europe-Haiti (CoEH), *CoEH Press Release on the Occasion of the International day of Peasant Struggles – Free zone Project in Savane Diane*, COEH (Apr. 17, 2021), <https://www.coeh.eu/coeh-press-release-on-the-occasion-of-the-international-day-of-peasant-struggles-free-zone-project-in-savane-diane/>.

<sup>51</sup> For example, Article 2 of the Universal Declaration of Human Rights (UDHR) describes the principle of non-discrimination in the enjoyment of the many rights enshrined therein, including the right to property. UN WOMEN, *supra* note 31, at 19; G.A. Res. 217 (III) A, Universal Declaration of Human Rights arts. 2 and 17 (Dec. 10, 1948); International Convention on Economic, Social, and Cultural Rights art. 3, Dec. 16, 1966, 993 U.N.T.S. 3. Article 2 of CEDAW calls on States parties to “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women.” Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13. Article 14.2 obligates states to end discrimination against women's involvement in land development in rural areas. *Id.* Article 15.2 requires States to provide for women's “equal rights to conclude contracts and to administer property.” *Id.* See also Office of the High Commissioner for Human Rights (OHCHR), *Understanding Human Rights and Climate Change: Submission of the Office of the High Commissioner for Human Rights to the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change*, OHCHR (2015), <https://www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf>.

<sup>52</sup> Martha Merrow, *To Solve the Climate Crisis, Women Must Own More of the World's Land*, CLIMATE X CHANGE (July 21, 2020), <https://climate-xchange.org/2020/07/21/to-solve-the-climate-crisis-women-must-own-more-of-the-worlds-land/#:~:text=The%20Committee%20on%20the%20Elimination,more%20successful%2C%20and%20responsibilities%20and> (noting that “female farmers account for greater harvests and increased food security with secure land rights” and that “when people can make a living on the land, they are not as easily displaced or impoverished when faced with climate impacts, and the land is more resilient to climate change events like droughts and floods”).

<sup>53</sup> OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR), UNITED NATIONS ENVIRONMENT PROGRAM (UNEP) & UN WOMEN, HUMAN RIGHTS, THE ENVIRONMENT AND GENDER EQUALITY: KEY MESSAGES 3 (2021), [https://www.ohchr.org/Documents/Issues/ClimateChange/materials/Final\\_HumanRightsEnvironmentGenderEqualityKM.pdf](https://www.ohchr.org/Documents/Issues/ClimateChange/materials/Final_HumanRightsEnvironmentGenderEqualityKM.pdf).

<sup>54</sup> See CEDAW, *General Comment No. 37*, 7 Feb. 2018, C/GC/37, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_37\\_8642\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf) at 12.

<sup>55</sup> *Id.* at 9. The land grab flies in the face of the Haiti's other human rights obligations, including support for the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, which charges States with the responsibility of ensuring that all non-State actors under their regulatory power respect peasants' rights and of guaranteeing peasants' equal access to land and natural resources.

## Food Insecurity

The Savane Diane land grab has had compounding consequences. Women students at SOFA's school have been deprived of income-generation and training in agro-ecological methods that support climate resilient agriculture. Numerous other farming families have had gardens destroyed—their sources of food and income. Others, who have not yet been physically displaced have abandoned the land knowing they are not secure there. Residents and Haitian civil society underscore that the Savane Diane industrial development is leading to further impoverishment and food insecurity.<sup>56</sup>

*Giving a rich man land to increase his capital doesn't benefit us. What he produces won't be for the community, they are for export...before, every person could take a little portion to plant rice, Congo peas and other produce. This situation is having severe impacts on us and our families.*<sup>57</sup>

## Violence and Sexual Exploitation

In addition to the violence and rights violations inherent in the forcible displacement,<sup>58</sup> the land grab has left women vulnerable to other forms of violence. Women who have worked for Stevia Industries report that employees sexually harass and exploit them and do not pay them transparently.<sup>59</sup> Residents who have peacefully protested the land grab have been attacked by men they believe were paid by Stevia Industries.<sup>60</sup>

*The [employees of Stevia] always give women one portion of their money, without telling them why they are withholding the rest. For women to secure work, they have to agree to sleep with two or three men. Even if they agree to do it they have no guarantee they'll secure work.*<sup>61</sup>

## Climate Vulnerability

The land grab risks degrading the environment and increasing climate vulnerability.<sup>62</sup> Opponents note that the project will damage the local environment, agriculture, biodiversity, and livestock,<sup>63</sup> and

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<sup>56</sup> *Id.*; Interview with affected women in Savane Diane, Haiti (Mar. 2022). See also Coordination Europe-Haiti, *supra* note 51; *Savane Diane Appartient aux Productrices et Producteurs Paysans*, *supra* note 41.

<sup>57</sup> Interview with affected women in Savane Diane, Haiti (Mar. 2022).

<sup>58</sup> Forcible ejection constitutes a violation of the right to security of person, as well as human rights that protect against forced displacement including the right of freedom of movement.

<sup>59</sup> Interview with affected women in Savane Diane, Haiti (Mar. 2022).

<sup>60</sup> Interview with affected women in Savane Diane, Haiti (Mar. 2022).

<sup>61</sup> Interview with affected women in Savane Diane, Haiti (Mar. 2022).

<sup>62</sup> The right to a clean, healthy, and sustainable environment is protected under human rights law and Haiti's Constitution. See G.A. Res. 48/13 (Oct. 18, 2021). See also Constitution 2012, art. 253 (Haiti).

<sup>63</sup> Lamour, *supra* note 32.

will introduce fertilizers, pesticides, and wasteful water practices into the local environment.<sup>64</sup> Residents stress the negative impact of the project on access to water. Comparative evidence suggests that monocultural agribusiness practices degrade the environment, diminish biodiversity, and are detrimental to health and economic security.<sup>65</sup> Monocultures, for example, have been shown to capture less than half the amount of carbon as multiple-species mixtures.<sup>66</sup>

## The Need for Stronger Responses

SOFA has consistently called for reparations or land restitution for the women and families displaced from Savane Diane. SOFA and Haitian social movements have also called for greater efforts to defend peasants' access to agricultural land, and land use policies that prioritize agro-ecological farming and rehabilitate the environment.<sup>67</sup>

Despite the devastation caused by land grabbing in Haiti, the phenomenon is sparsely documented and rarely garners attention outside the country.<sup>68</sup> Yet, as the Savane Diane case illustrates, land grabbing often involves violence against women, and leads to compounding rights violations that expose women to further violence. It also threatens women's climate resilience, and risks deepening environmental degradation and climate vulnerability in Haiti. As such, when directed at women farmers, land grabbing should be considered a form of violence against women in the context of the climate crisis, and must receive increased international scrutiny and condemnation.

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<sup>64</sup> This environmental degradation violates the human rights of those exposed to the environmental harms. See G.A. Res. 64/292, ¶ 1-3 (Aug. 3, 2010) (recognizing the right to water and sanitation); International Covenant on Economic, Social and Cultural Rights, art. 12, Dec. 16, 1966, 993 U.N.T.S. 3 (recognizing the right to health including in “all aspects of environmental and industrial hygiene”); Convention on the Elimination of All Forms of Discrimination against Women, arts. 11(1)(f), 12, and 14(2)(b), Dec. 18, 1979, 1249 U.N.T.S. 13.

<sup>65</sup> See *Repurposing Agricultural Support to Transform Food Systems*, FOOD AND AGRICULTURE ORGANIZATION OF THE U.N., U.N. DEVELOPMENT PROGRAMME & U.N. ENVIRONMENT PROGRAMME (2021), <https://www.fao.org/3/cb6562en/cb6562en.pdf>. See also *The State of the World's Biodiversity for Food and Agriculture*, FOOD AND AGRICULTURE ORGANIZATION OF THE U.N., 3, (2019), <https://www.fao.org/3/CA3129EN/CA3129EN.pdf>.

<sup>66</sup> *The State of the World's Biodiversity for Food and Agriculture*, supra note 66, at 19.

<sup>67</sup> Camille Chalmers, et al., *Final Declaration of the Forum on Agroecology and Food Sovereignty*, YES TO LIFE, NO TO MINING (Oct. 16, 2021), <https://yestolifenotomining.org/latest-news/final-declaration-of-the-forum-on-agro-ecology-and-food-sovereignty/>.

<sup>68</sup> See generally Comisión Interamericana de Derechos Humanos, *11 ENG/RE Impact of Extractive Industries on Human Rights and Climate Change in the Caribbean*, YOUTUBE (Oct. 27, 2021), <https://www.youtube.com/watch?v=zORVK5msIM&list=PL5QlapyOGhXs1tqDisrgxcQUtf2AaaTc&index=11> (offering more information about land grabs in Haiti).