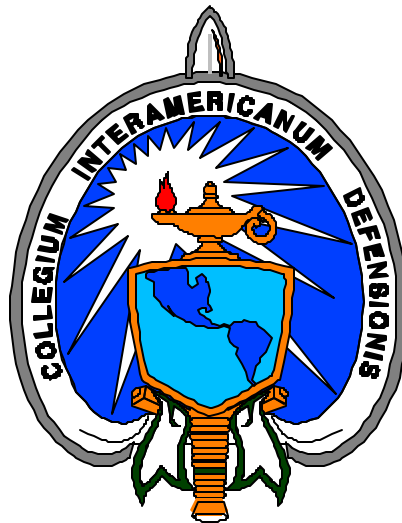


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MONOGRAPH

The OAS and the 2004 Haiti Crisis



BY:

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Canadian Forces

FORT LESLEY J. McNAIR
WASHINGTON, D.C.
MAY 2005

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MONOGRAPH PRESENTED TO THE INTER-
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SUMMARY

The aim of this monograph is to examine the events surrounding the ouster of Haitian President Jean-Bertrand Aristide in February 2004. In particular, the focus will be to highlight the role of the Organization of American States in both the lead-up to, and the aftermath of, the removal from office of the legal head-of-state of Haiti. The downfall of President Aristide can be traced directly back to the country's flawed legislative and municipal elections during the year 2000, and to the reportedly rigged Presidential elections held late in the same year. The OAS played a lead role between 2000 and 2004 in attempting to mediate a peaceful, negotiated, resolution to the increasingly strident international and domestic factional protests that ensued from these dual electoral fiascos. The body of knowledge embracing Inter-American relations and the Inter-American System would almost certainly benefit from an objective overview of the OAS's involvement in these events. Further, a discussion of lessons-learned and possible recommendations for resolving future such crises in Haiti should also prove useful.

CHAPTER 1 INTRODUCTION

Since the fall of the Duvalier dictatorship in 1986, Haiti's progress towards democratic stability has been halting and beset by social turmoil. The election of "The Reverend" President Jean-Bertrand Aristide for the first time by a popular landslide in February 1991 seemed to signal great promise for the country's political future. His reinstatement by multinational forces in October 1994, after his ouster in a bloody coup and a well-publicized period of exile, heralded stability in leadership and assured that the international community maintained an interest in Haiti's affairs. Unfortunately, events since the year 2000 will guarantee that Aristide's place in Haiti's political history will not be recalled in a benevolent light. His role as President-elect, as President-in-exile or as behind-the-scenes power-player will be recorded as a descent into the same authoritarianism and factional infighting that has framed the rule of every Haitian leader since independence.

By mid-June 2004, Aristide's fall from grace was complete. Discredited, exiled and ignored by all but his own self-interested criminal factions in Haiti, Aristide could do nothing more than complain stridently of his allegedly illegal removal from power and assert his continued right to return as the "democratically" elected President of Haiti. Aristide's legacy will therefore be "the story of the gradual demise of a moment of utopia that had seemingly liberated a people from decades of oppression, squalor and poverty and given them the conviction that everything was possible".¹

Since 1986, Haiti has become an intermittent ward of the international community – a veritable basket case that has defied the good offices of several G-7 nations, the major Latin American powers and the main multinational institutions alike. Understandably, given Haiti's place as the Western Hemisphere's most severe problem child, the Organization of American States (OAS) has been one of the primary multilateral institutions to step forward to assist Haiti in its political gyrations. The OAS's activities in this regard, however, appear to have been overshadowed by the much better advertised United Nations involvement – at least in the minds of the international media and public. Despite this, the OAS's longstanding part in the Haitian theatre should not be discounted.

¹ *Haiti's Predatory Republic – the Unending Transition to Democracy*, Fatton, Robert Jr, Lynne Rienner Publishers, Boulder and London, 2002, p. ix

Its role in the events of 2000-2004 bear analysis from a variety of standpoints, particularly those of marketing, contributing to the historical record, and as lessons-learned for future reference.

CHAPTER 2

BACKGROUND TO HAITI'S 2004 POLITICAL CRISIS

2.1 Haiti – Social and Economic Situation

Haiti, despite decades of international involvement and assistance, remains one of the world's poorest nations. The country ranked 153rd of 177 nations assessed in the 2004 United Nations Human Development Report.² Haiti also ranked 141st of 146 countries monitored in the 2005 World Economic Forum Environmental Sustainability Index.³ Haiti has been plagued by political violence throughout most of its history.⁴ It is the poorest nation in the Western Hemisphere and is virtually a failed state – unique in the Americas.

Haiti, which occupies the western third of the island of Hispaniola in the Caribbean Sea, has the Dominican Republic as its neighbour to the east. The island lies in the middle of the hurricane belt and is subject to severe storms from June to October, as well as from occasional flooding and earthquakes and periodic drought. Haiti is extensively deforested and as a result there is severe soil erosion and a shortage of potable water throughout the country.⁵ Such weather and environmental factors are of critical importance to the social stability of the country. Indeed, natural calamities came into play to directly affect the course of domestic events during the aftermath of the February 2004 ouster of President Aristide.

Haiti's population of just under eight million suffers from the effects of excess mortality due to AIDS; the estimated adult prevalence rate for the disease in 2003 was an astounding 5.6%. The total infant mortality rate stands at 74.38 deaths per 1,000 live births, and life expectancy at birth for the total population is only 51.78 years. Roughly 80% of the population is of the Roman Catholic faith, but fully half the population – no matter what their religious denomination – practices voodoo.⁶ This latter factor is an important cultural thread that must be considered whenever Haitian popular opinion is being assessed in relation to domestic political developments and public mood.

² *Human Development Report 2004*, United Nations Development Program, <http://hdr.undp.org>

³ *Environmental Sustainability Index 2005*, World Economic Forum, http://www.yale.edu/esi/main_report

⁴ *The World Factbook*, 10 February 2005, Central Intelligence Agency, (Haiti), <http://www.cia.gov/cia/publications/factbook/print/ha.html>

⁵ *ibid*

⁶ *ibid*

Most of the country's population - fully 95% - is black, with the remainder classified as white. 80% of the population lives in abject poverty. Two thirds of the people depend upon the agricultural sector, which consists mainly of small-scale subsistence farming. The economy shrank an estimated 1.2% in 2001 and another estimated 0.9% in 2002, as a result of adverse international reactions to the flawed 2000 elections. Haiti suffers from rampant inflation, a lack of investment and a severe trade deficit. Regular internal upheavals and civil strife routinely serve to further restrict economic possibilities. The 2003 growth rate of Haiti's GDP was 0%. There is a shortage of skilled labour; unskilled labour is abundant. More than two thirds of the labour force does not have jobs. The inflation rate in 2003 was estimated at 37.8%.⁷

Both French and Creole are the official national languages. The literacy rate in Haiti is 52.9%. Suffrage is 18 years of age and is universal. The country's democratic constitution, which was originally approved in March 1987, was suspended in June 1988 for a time as a result of internal political turmoil. The Government claimed to be again observing the constitution by October 1991, and Haiti was fully returned to democratic constitutional rule three years later. Haiti is governed by an Executive Branch headed by a President and a Legislative Branch composed of a bicameral *National Assembly*. This latter comprises a 27-seat *Senate* whose members are popularly elected to six-year terms, and an 83-seat *Chamber of Deputies* whose incumbents are popularly elected for four years. The President normally serves a five-year term. The Head of Government is the Prime Minister, who is chosen by the President from the Party with a Parliamentary majority. The Prime Minister selects his Cabinet in consultation with the President.⁸

2.2 Haiti and the International Community

Following widespread reports of flawed elections in 2004, international donors began to suspend almost all aid to Haiti. The resumption of aid flows from the international community post-Aristide will eventually alleviate, but not end, the country's dire economic predicament.⁹ Of note, following the installation of an interim government after Aristide's departure in early 2004, the international community pledged over one billion USD in aid to Haiti. However, as of one year later,

⁷ ibid

⁸ ibid

⁹ ibid

most of these funds had not yet been received by the nation.¹⁰ This figure becomes more relevant when compared with the government's budget revenues for 2003: 231.6 million USD (versus expenditures of \$366.7 million USD).¹¹

Haiti's main export partner is the United States, with about four fifths of the nation's exports flowing there. The Dominican Republic and Canada are distant 2nd and 3rd export partners respectively. Haiti's external debt in Fiscal Year 2002 was \$1.2 billion USD. Haiti is assessed to be a major international transshipment point for cocaine. There is also reportedly substantial money laundering activity through the country. Haiti in recent years has been a major source of illegal migration to the USA as individuals attempt to flee civil unrest and economic privation.¹²

Haiti is a member of numerous international organizations and agreements, including most notably the Inter-American Development Bank, the World Trade Organization, the World Health Organization, the International Monetary Fund, Interpol, the Organization of American States, the United Nations, and CARICOM – the *Caribbean Community and Common Market*.¹³ Haiti only became a full member of CARICOM on 3 July 2002, after being a provisional member for the preceding four years. It was the first French-speaking Caribbean state to become a full member of that organization, and the 15th member state overall. The CARICOM Secretariat established an office in Haiti's capital of Port-au-Prince in 2001, to provide technical assistance to Haiti's Government.¹⁴ Haiti's membership in CARICOM became an important factor in the negotiations following the flawed 2000 elections and during the events surrounding Aristide's departure in February 2004.

Haiti is a member of the *Rio Treaty*, or the *Inter-American Treaty of Reciprocal Assistance*. This document, signed originally on 2 September 1947 by all 21 American Republics (including Haiti and the USA), declares that an armed attack against a signatory nation, whether by a member nation or by some other power, will be considered an armed attack against all. The Treaty provides that no member can use force without the unanimous consent of the other signatories, but that other measures

¹⁰ Inter-American Commission on Human Rights web site: *Annual Report 2004*, Chapter IV, Human Rights Developments in the Region, paragraph 117, <http://www.cidh.org/annualrep/2004eng/chap.4b.htm>

¹¹ The World Factbook, (Haiti)

¹² *ibid*

¹³ *ibid*

¹⁴ History of CARICOM, <http://www.caricom.org/archives/caricom-history.htm>

against aggressors may be approved by a two-thirds majority. In the preamble, signatories also “formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations...”. The *Rio Treaty* is noteworthy in that it is a regional treaty that recognizes the higher authority of the UN Security Council.¹⁵ It is also noteworthy in that it does not appear to have been a factor in the two multinational interventions led by the USA into Haiti in the post-Duvalier era.

The main external state actors in Haiti since the fall of Duvalier in 1986 have been the United States, France, Canada, Brazil and Chile. Based on their experiences in Haiti since 1986 in dealing with the international community, Haiti’s main domestic players likely do not fear the UN, the OAS or the other international participants. The same cannot be said, however, for their view of the USA. On two occasions since 1994 the USA has led multinational, non-UN, forces onto the island to resolve political upheavals. In both instances, security and relative stability were re-imposed in short order, to the extent that UN forces could be inserted to restart the process of nation-building. Implicitly, Haitians do not wish to cross a certain “line of chaos” once the USA takes unilateral action to assert its interests in the Haitian democratic process.

The re-election of US President George Bush in November 2004 will ensure a continuance of US policies towards Haiti. In addition, the interim Haitian administration has the backing of the USA, France, and Canada (Haiti’s main aid donors) as well as of the United Nations and the OAS. Meanwhile, CARICOM’s reservations over the circumstances surrounding Aristide’s departure from office will have little impact on Haiti’s future.¹⁶ CARICOM’s influence is limited to the diplomatic sphere and its worldwide public recognition factor is practically nil.

2.3 Democracy in Haiti

Haitians take great pride in the fact that their country was the first black-led Republic and the first Caribbean state to achieve independence. Unfortunately, since then Haiti’s history as a free nation has been tumultuous. The Republic throughout its history has been rife with poverty,

¹⁵ Rio Treaty, *Infoplease Encyclopedia*, <http://www.infoplease.com/ce6/history/A0841972.html>

¹⁶ *Economist Intelligence Unit, Country Report 2004 – Haiti*, London, UK, page 8

violence, class division, corruption, military rule and political authoritarianism. Most recently, the last of a line of brutal dictatorships (led by the voodoo physician Francois “Papa Doc” Duvalier and his son Jean-Claude “Baby Doc”) was finally overthrown in 1986. Although democratic constitutional rule was thereafter set in motion, Haiti’s fortunes have not been greatly enhanced since. The country’s most serious social problem, the huge wealth gap between the Creole-speaking black majority and the French-speaking elite mulattos, remains unaddressed. Only one per cent of the country’s people own nearly half of the country’s wealth. This reality is a primary source of the country’s inability to rise above the continual factionalism, electoral irregularities and brutality that mark everyday life in Haiti.¹⁷

The immediate post-Duvalier period was particularly rocky. Initially it seemed that the country was about to embark upon a new course freed from its long legacy of tyranny. However, the longstanding conflicts between opposing parties, institutions and social classes quickly re-emerged and exploded into a series of confrontations between the Army and the populace. The military resorted to repression to retain its authority; it violently suppressed the elections of 1987 and then organized illegitimate ones the next year. These abortive elections were followed by a military coup only a few months later. Intra-factional struggles within the Army led to a series of coups and counter-coups.¹⁸

Meanwhile during this period Father Jean-Bertrand Aristide, leader of the minor *Ti Légliz Party*, became increasingly vocal. He advocated the revolutionary seizure of power, rather than elections, as the only means of achieving democracy. He continually denounced the military rulers and thus became a logical target for the Army. He eventually justified his electoral candidacy as a historical necessity to stop reactionary forces and to empower the poor.¹⁹ Aristide became immensely popular with the masses.

By the end of the 1980s, massive domestic and international pressure forced the Army to relinquish power and facilitate the return of an elected civil government. Popular pressure for democracy continued to mount, and the charismatic and messianic Aristide became a lightning rod

¹⁷ BBC Country Profiles, Haiti, 29 March 2001, <http://www.hartford-hwp.com/archives/43a/250.html>

¹⁸ Fatton, page ix

¹⁹ *ibid*, page 69

for the democratic desires of Haiti's poor. Under his leadership, the huge majority of Haiti's poor became "*Lavalas*" - the "*flood*" - an unstoppable deluge. Aristide was elected for the first time by a landslide in 1990, and he assumed power in February of the next year. Only seven months later, however, he was overthrown by another military coup led by Raul Cédras. This regime remained in power for three violent and repressive years and it never attained either domestic or international favour. After a series of failed negotiations between the exiled Aristide and the Cédras regime, and the imposition of an international oil and arms embargo, 20,000 US troops landed in Haiti to restore Aristide to power in October 1994.

Aristide attempted to prolong his Presidency past its allotted constitutional timeframe, but in February 1996 he bowed to international pressure and relinquished his position to his former Prime Minister, René Préval. This was Haiti's first ever transition of power by peaceful means. The Préval Presidency was marred by internal power struggles within the *Fanmi Lavalas Party*, which culminated in a major split between Aristide and other *Party* factions.²⁰ During this same period, a first round of parliamentary and municipal elections was also held (on 25 June 1995). They occurred amidst an atmosphere of organizational chaos which cast doubt upon the results. The OAS Secretary General commented that "It is very difficult for us to say that (the election) was free and fair", but he added that the vote was "a contribution to democracy".²¹

Haiti then descended into a period of permanent crisis and political instability, marked by increasing corruption, crime and poverty. Popular apathy and cynicism set in. A series of rigged elections followed which reinforced the country's freefall into chaos. Local, municipal and legislative elections held in May and July 2000 were won overwhelmingly by Aristide and his *Lavalas* cohorts, but the opposition refused to recognize the results due to alleged vote rigging and intimidation on the part of the victors. The opposition sought to install an alternative government of national consensus but was unsuccessful due to a lack of popular support or of a unified platform.²² Presidential elections held on 26 November of the same year resulted in an overwhelming Aristide victory, further exacerbating an already tense political environment. This election was labelled a farce by numerous observers, and took place amidst the violent aftermath of a complete breakdown

²⁰ *ibid*, pages ix, x

²¹ *ibid*, page 49 (Note 52)

²² *ibid*, pages x to xiii

of negotiations over the contested ballots of earlier in the year.²³ The stage was now set for three years of political wrangling, international mediation of negotiations amongst Aristide and his opponents, and finally Aristide's ouster in February 2004.

²³ *ibid*, page 141

CHAPTER 3

THE 2004 POLITICAL CRISIS IN HAITI

3.1 Jean-Bertrand Aristide

Born into poverty in Port-Salut, Haiti, in 1953, Jean-Bertrand Aristide is a former Roman Catholic priest and an advocate of liberation theology.²⁴ He was ordained as a priest in 1983, after studying abroad in Rome and Israel. During the 1980s as the leader of the minor political party Ti Légliz, his anti-government sermons played an important role in the downfall of the Duvalier regime. He became a national figure as a defender of the poor against the oppression of the ruling elites. In the meantime, he was expelled from his Catholic Order for advocating revolution.²⁵

Aristide first became President of Haiti in 1990, having been elected with a huge popular majority. He was overthrown by a military coup just seven months later, but was reinstated after a US-led multinational military intervention in 1994, which forced the military regime to step down. Forbidden by the constitution to stand for a second term, he was replaced by his political protégé René Préval in 1995.²⁶ Aristide, however, remained the “power behind the throne”. During this period he officially left the priesthood and married a US citizen, with whom he has two daughters.

Aristide stood for President again in 2000. He was elected by another landslide, although allegations of massive irregularities prevented his administration from achieving the legitimacy necessary to govern effectively. This illegitimacy eventually led to his downfall in 2004, as increasingly violent intra-factional disputes forced Aristide once again into exile – this time as a result of international pressure on the part of the USA, France and perhaps even (through acquiescence) Canada.

Subsequent to his departure from Haiti in February 2004, Aristide eventually ended up in South Africa. He continues to claim that the USA and France kidnapped him as part of a coup d'état. A number of other high-ranking members of his *Fanmi Lavalas Party (FL)* were also exiled shortly

²⁴ BBC Country Profiles, Haiti, 29 March 2001, <http://www.hartford-hwp.com/archives/43a/250.html>

²⁵ Answers.com, Personalities, Jean-Bertrand Aristide, <http://www.answers.com/topic/jean-bertrand-aristide>

²⁶ BBC Country Profiles, Haiti, 29 March 2001, <http://www.hartford-hwp.com/archives/43a/250.html>

after his own departure.²⁷ Reconstitution of his rule from exile, without international backing, and despite his retention of a large power base within Haiti, therefore remains implausible. This reality was reinforced on 1 May 2005, when Aristide's former Prime Minister, Yvon Neptune, was effectively exiled by the Latortue administration in order to seek medical care in the Dominican Republic. Neptune was ailing from a hunger strike undertaken to protest his detention. He had been held without charge for 10 months in connection with killings that occurred during the February 2004 ouster of Aristide. Neptune had handed power over to interim President Boniface only days after Aristide's departure as rebellious former soldiers converged on Port-au-Prince. After his arrest in June 2004, he became a rallying point for militants demanding the release of hundreds of Aristide loyalists jailed without charge.²⁸

Upon first being elected in 1990, Aristide was initially bent on massive change. He advocated alternative means of popular rule and preached that "all human beings are human beings". He soon discovered, however, that Haiti's dominant classes found his means of governing unacceptable. This led directly to his being overthrown and exiled in September 1991 by his own hand-picked Military Chief of Staff, Raul Cédras. During his time abroad, Aristide nevertheless maintained his popular power base in Haiti and successfully mobilized international support behind him. Ironically, his return to power was largely engineered by the USA – despite Aristide being an advocate of Haitian nationalism and anti-capitalism. By this time, he was forced to abandon his previous idealism in the face of international constraints, the demands of foreign financial institutions and the need to work with the various domestic power factions and implement policies that he found distasteful.²⁹

Eventually, like all Haitian rulers before him, Aristide succumbed to the "politique du ventre" (*politics of the belly*) whereby governance over Haiti offers the opportunity to acquire personal wealth through state office.³⁰ His ruling style towards the end was confrontational and one of disdain for the political class. He alienated supporters by failing to give them positions of power and he rejected allies. Aristide had little patience for the constitutional and parliamentary niceties that constrained his executive rule. He apparently believed that his popularity with the poor provided him

²⁷ Economist Intelligence Unit, Country Report 2004 – Haiti, London, UK; page 16

²⁸ Canadian Broadcasting Corporation News On-Line, 09:20 PM 01 May 2005, *Former Haitian Prime Minister Flying into Exile...*; from The Canadian Press and Associated Press, <http://www.cbc.ca/cp/world/050501/w050168.html>

²⁹ Fatton, page x

with the legitimacy necessary to exercise unlimited power. Aristide retained this popularity even through the rebellion that achieved his downfall in 2004 – guaranteeing continued revulsion towards him by the ruling elites of Haiti.³¹

3.2 Chain of Events in Haiti 2003-2004

In late 2003 and early 2004, persistent violent protests occurred in the streets of Port-au-Prince against the Government of President Aristide. These events were accompanied by acts of sabotage against media assets.³²

The mandate for all members of the Government's *Chamber of Deputies* and that of several Senators expired in January 2004. With no elections having occurred by then, a rump Parliament remained in place, consisting of only 13 Senators – all from Aristide's *Fanmi Lavalas Party*. This rump Parliament had no legitimacy and it did not meet.³³

On 5 February 2004, conflict broke out in Gonaïves, Haiti's fourth largest town, when armed opponents of the government attacked police stations and courthouses, forcing the police and local authorities to flee. The rebels included former members of the *Haitian National Police (HNP)* and paramilitary groups such as the *Front Révolutionnaire Armé pour le Progrès (FRAPH)*. Through February, the violence escalated and spread to other areas, with over 200 people reported killed.

On 29 February, as the insurgents threatened to advance on the capital, Aristide departed Haiti into exile under disputed circumstances. Within a few hours, Supreme Court President Boniface Alexandre was sworn in as the new Interim President. On 4 March, a *Tripartite Council* was established, comprising three members: one from Aristide's *Fanmi Lavalas Party*; one from the *Convergence Démocratique*, an opposition coalition; and one representative of the international community. The next day, the *Tripartite Council* selected seven eminent persons from key sectors of society to constitute a *Council of the Wise*. Gérard Latortue, a businessman and consultant with the

³⁰ Fatton, page xi

³¹ Fatton, pages 81-83

³² Inter-American Commission on Human Rights web site, *Annual Report 2004*, Chapter IV, Human Rights Developments in the Region, paragraph 106, <http://www.cidh.org/annualrep/2004eng/chap.4bhtm>

UN living in the USA, was appointed Interim Prime Minister by this *Council* on 9 March. A transitional government was formed one week later.³⁴ This interim government was appointed in accordance with the mechanisms within the constitution. It will rule Haiti until new elections are held under international guidance and monitoring. Its most pressing tasks have been to reinstate the rule of law, foster a climate of stability in order to reinvigorate international investment and aid, and respond to the needs of a populace buffeted by the political instability, factional violence and natural disasters.³⁵

In an effort to build a broad political consensus, a *Consensus on Political Transition Pact* was signed on 4 April by the Interim Prime Minister. The *Pact* set out measures to be undertaken concerning such issues as security, the fight against impunity and corruption, elections, judicial reform, reintegration of former armed elements, professionalization of the police, and victim support assistance. The *Pact* also called for municipal, parliamentary and presidential elections in 2005. A *Provisional Electoral Council (PEC)* was established to advance this goal, in which *Fanmi Lavalas* refused to participate. Controversies have since marked the *PEC*, including the resignation of its President in November 2004 over accusations of misconduct.

As events in Haiti escalated during the period, the international community's involvement in the country intensified. On 29 February, the date of Aristide's departure from Haiti, the UNSC adopted *Resolution 1529 (2004)* authorizing the immediate deployment of a multinational interim force (MIF) for three months. The troops began deploying the same day. This was followed by the adoption by the UNSC on 30 April of *Resolution 1542 (2004)* creating MINUSTAH, a UN stabilization force intended to consist of 6,700 military personnel, 1,622 civilian police and additional local civilian staff. The mission was initially authorized for six months beginning on 1 June; on 20 November it was extended to June 2005 with the intention to renew for further periods. MINUSTAH was mandated to ensure a secure and stable environment for the constitutional and political process in Haiti; to aid in reforming the *Haitian National Police*; and to assist with comprehensive and sustainable disarmament, demobilization and reintegration programs, among other tasks.

³³ Economist Intelligence Unit, Country Report 2004 – Haiti; London, UK, page 4

³⁴ Inter-American Commission on Human Rights web site, *Annual Report 2004*, Chapter IV, Human Rights Developments in the Region, paragraph 107-108, <http://www.cidh.org/annualrep/2004eng/chap.4b.htm>

³⁵ Economist Intelligence Unit, Country Report 2004 – Haiti; London, UK, page 4

Other intergovernmental organizations reacted to the events in Haiti. CARICOM condemned the circumstances which led to the departure of former President Aristide and subsequently decided not to allow the transitional government to participate in its Councils. At the CARICOM summit of November 2004, Haiti's bid to be readmitted to meetings was rejected on the grounds of human rights and security concerns.

Haiti was the victim of severe natural disasters in 2004. The first occurred in May when floods caused by torrential rains in the area bordering the Dominican Republic killed over 1,700 people. In September, Haiti suffered the devastating effects of *Tropical Storm Jeanne*, one of Haiti's worst natural disasters ever. The storm resulted in an estimated 1,900 dead and 900 more presumed dead. These disasters and their effects, including the lack of adequate food, shelter, hygiene and health services and the associated spread of disease, exacerbated the plethora of problems facing Haiti. They also reinforced the ongoing need for strong and decisive international assistance.³⁶

The US-led multinational interim force composed of American, Canadian, French and Chilean troops that was inserted post-Aristide remained in Haiti through mid-Summer 2004. The MIF was relieved in place by the Brazilian-led MINUSTAH.³⁷ The renewal of the UN mission's mandate has not yet been problematic, although whether MINUSTAH will stay for the long haul is still an open question.

Over a year after Aristide's departure, political tensions in Haiti remain very high. Domestic factions and international parties alike (most notably CARICOM) continue to question the political legitimacy of the interim administration. This body, headed President Boniface Alexandre and Prime Minister Gérard Latortue, has followed a technocratic approach that has provided some reassurance but has failed to engage most of the population. It is an appointed rather than an elected administration that lacks legislative representation, and it is hampered by its caretaker status and can only survive as long as elections remain a real prospect.

³⁶ Inter-American Commission on Human Rights web site, Annual Report 2004, Chapter IV, Human Rights Developments in the Region, paragraph 109-117, <http://www.cidh.org/annualrep/2004eng/chap.4b.htm>

³⁷ Economist Intelligence Unit, Country Report 2004– Haiti; London, UK, page 3

Criminal and political factions maintain control of many areas of the country, weapons are plentiful, the police force is marginalized and members of the disbanded military continue to agitate for their own interests. Some rebel factional leaders have expressed political ambitions, and ex-soldiers among the rebels continue to call for reinstatement of the Army – a force that historically constituted an unstable mechanism in Haitian politics rather than a neutral national defence tool. Meanwhile, the UN mission remains understaffed, under funded and without the mandate to undertake the long-term nation building that will be required to get Haiti back on its political feet.³⁸

Supporters of former President Aristide, most notably amongst his *Fanmi Lavalas Party* and their associated armed gangs (known as *chimères*), have faced persecution from other factions, but they continue to agitate for his return and are a powerful factor in Haiti. The Haitian interim administration has made frequent references to the mismanagement and corruption of the Aristide regime, and the continuing threat to internal stability posed by Aristide's *chimères*. These denunciations have been well received by the middle and upper classes, but have not convinced the wider public.³⁹ This does not bode well for the longer term: as long as Aristide proclaims the hope of return and he maintains a base of support in Haiti, then prospects for further unrest resulting from his ouster will remain extant.

On 9 April 2005, Haitian police shot and killed prominent rebel leader Remissainthe Ravix during a shootout in Port-au-Prince. Ravix had helped force Aristide from power the previous year. A UN spokesman speculated that the action could help restore stability to the country, which remained mired in violence and instability. However, his death could also stir up anger amongst the former soldiers who helped stage the revolt that toppled Aristide.⁴⁰ One week later, on 16 April, UN Security Council members ended a fact-finding mission to the country. The UNSC Mission stated that they believed that elections could still be held in November 2005 despite the ongoing violence and the slow pace of disarming the former soldiers who had helped oust Aristide. Their four-day mission coincided with the shooting death of a UN peacekeeper and a gunfight between gang members and Haitian police that killed at least five people in a Port-au-Prince slum.⁴¹ Meanwhile,

³⁸ *ibid*

³⁹ Economist Intelligence Unit, Country Report 2004 – Haiti, London, UK, page 11

⁴⁰ The Capital Newspaper, Annapolis, MD, *Haitian Rebel Leader Dies in Shootout*, 10 April 2005, page A-2

⁴¹ The Capital Newspaper, Annapolis, MD, *UN Finishes Fact-finding Trip to Haiti*, 17 April 2005, page A-2

the respected international human rights group *Human Rights Watch* reported that the failure of Haiti's Government to tackle human rights abuses has encouraged lawlessness in the country, with armed groups still roaming unchecked. *Human Rights Watch* stated after a 16-day fact-finding mission that the Government had no control over some parts of the country, and that former soldiers had taken over policing and were holding people illegally. A climate of immunity, insecurity and lawlessness was reported to prevail in Haiti, with the authorities taking no action to bring those responsible to justice. The Government, for its part, alleged that the ongoing violence was being perpetrated by Aristide's supporters. Aristide himself remained vocally in the fray, announcing on 19 April 2005 from South Africa that the violence in Haiti constituted a "black holocaust" orchestrated by France and the United States.⁴²

The endemic inability of Haitian governments to provide basic services to its people does little to assist international efforts to restart the more complex, long term, process of developing institutional capacity to improve such areas as education, health care, law enforcement and the judiciary. The wealth disparity between the rich elites and the poor majority, and an ingrained acceptance of corruption amongst public employees, will ensure that traditional suspicion of politicians and government officials will endure.⁴³

⁴² The Washington Post, Washington, DC, *Group Says Government at Root of Haiti Chaos*, 20 April 2005, from Reuters, <http://www.washingtonpost.com/wp-dyn/articles/A2941-2005Apr19.html>

⁴³ Economist Intelligence Unit, *Country Report 2004 – Haiti*, pages 7-8

CHAPTER 4

THE OAS IN HAITI – A CONTINUUM

4.1 The OAS – A Prominent Player in Haitian Political Development

Since the establishment of democracy in Haiti in the late-1980s, the most prominent international institutions to have continually played a role in attempting to stabilize the country have been the UN and the OAS. The UN has mounted fully five official assistance missions in the country. Unfortunately the first four were relatively short-lived and departed before a self-sustaining Haitian democratic apparatus and market economy could be established. The jury is still out on whether the UN will authorize its latest Haitian iteration, MINUSTAH, the mandate to venture into the long-term nation-building campaign necessary for Haiti to survive as a stable, law-abiding, democratic, and fully functional society and economy.

The OAS too has been deeply engaged in Haiti since the fall of the Duvaliers – most notably from the standpoint of human rights monitoring, preventive diplomacy, and fostering democracy. The OAS was instrumental in coordinating negotiations amongst the wide variety of domestic and international players during the post-2000 period. The primary aim of this long series of negotiations was to achieve an equitable solution to the reported electoral irregularities perpetrated by Aristide, his *FL Party*, and the criminal gangs that underpinned his administration. The OAS's consistent efforts in this almost four-year campaign are well documented⁴⁴; indeed the Acting Secretary General directed that particular care be taken to ensure that a comprehensive record be kept by OAS staff.⁴⁵

4.2 The OAS and Democracy

The OAS was formed in 1948 and comprises 35 member states from North and South America. It strives to be the Western Hemisphere's premier political forum for multilateral dialogue and action. The OAS is composed of a *General Assembly*, a *Permanent Council* based in

⁴⁴ Of particular note regarding the OAS record in Haiti since 2000, see the following INTERNET web sites: *OAS Special Mission for Strengthening Democracy in Haiti* (<http://www.oashaiti.org>) and *OAS: Situation in Haiti* (http://www.oas.org/oaspage/haiti/haiti_situation)

⁴⁵ Einaudi, Ambassador Luigi R, Acting Secretary General of the Organization of American States (& staff members), Interview at OAS Headquarters, Washington, D.C. 18 March 2005

Washington, DC, a *General Secretariat*, and the *Member States*. Prominent among its activities include elections monitoring missions, clearing anti-personnel landmines, monitoring the status of human rights in the region, the promotion of free trade areas, etc. The OAS is the world's oldest regional organization and it is one of four regional agencies of the UN.

The OAS has a formal mandate from the UN to involve itself on behalf of the global community in Western Hemispheric crisis management and peace support diplomacy. Its essential objectives are: to strengthen peace and security within the Western Hemisphere; the promotion of the effective exercise of representative democracy, with due respect for the principle of non-intervention; the prevention of possible conflicts and ensuring the peaceful settlement of disputes; providing for common action in the event of external aggression; seeking solutions to political, juridical and economic problems in the region; the promotion by cooperative action economic, social, educational, scientific and cultural development; and the limiting of conventional weapons so as to devote greater resources to development. The *OAS Charter* has been amended four times – a particularly relevant amendment for the purposes of this paper was the *Protocol of Washington* of 1992. This made the OAS the first regional organization to permit suspension of a member whose democratically constituted government is overthrown by force.⁴⁶

An important aspect of the OAS with regard to its legitimacy in Haitian internal affairs is the inclusion in its *Charter* of a mandate to foster democratic institutions. The OAS is the only international organization to have this mandate in its charter.⁴⁷ In the *Preamble*, the promotion and consolidation of representative democracy is one of the Organization's core principles. It also proclaims: "Representative democracy is an indispensable condition for the stability, peace and development of the region." This statement is reinforced in *Article 2*; and *Article 3* further states that "solidarity...and the high aims which are sought through (cooperation and peace) require" that the Member States be organized on the basis of the effective exercise of representative democracy". This commitment to democracy is also addressed in various OAS Protocols and Declarations of the 1980s and 1990s. Especially noteworthy was *Resolution 1080 on Representative Democracy* (1991). Of

⁴⁶ IADC Distance Learning Course, Overview of the Inter-American System, http://pfplms.ethz.ch/p21ms/student/view.cgi?user_index

⁴⁷ Belt, Dr. Guillermo A; Presentation to the Inter-American Defense College, Ft. McNair, Washington, DC, *OAS Decision-Making 1989-1993*, 31 March 2005, (by permission)

note is the principle of non-intervention captured in Article 19 of the *OAS Charter*, as well as in the *Santiago Commitment to Democracy and the Renewal of the Inter-American System (1991)*.⁴⁸

Another important tool of the OAS in fostering democracy and in exercising the preventive functions of the Organization is the *Inter-American Democratic Charter* signed on 11 September 2001. This *Charter* strengthens *Resolution 1080* and offers additional avenues and conditions to the OAS and its Member States on behalf of democracy in the region. A number of actions are authorized in this instrument that can be called upon by a Member State or by the OAS Permanent Council and Secretary General to deal with situations wherein the democratic institutional process or the legitimate exercise of democratic power is at risk. Practical applications of the *Inter-American Democratic Charter* could include the suspension of a Member State in any bodies of the OAS, the suspension of rights under the *OAS Charter*, the request by a Member State for assistance from the Secretary General or the Permanent Council for the preservation of its democratic system, etc.⁴⁹

The strength of the OAS as a regional organization is that it is successful when there is a clearly defined mandate backed by strong political will on the part of its members. However, the OAS suffers from a lack of resources. This severely limits its options when attempting to offer incentives or otherwise influence the course of events in regional situations. Furthermore, nations can be anxious to issue directives to the OAS with regard to required actions, but they are not always willing to back them with money. Additionally, the OAS has historically interacted with the bureaucracies of its member nations through their Foreign Ministries. This bureaucratic choke point severely limits the OAS's ability to reach member states' decision-makers and experts in a timely fashion – a critical necessity in the conduct of multinational operations, especially in times of crisis.⁵⁰ Another serious flaw continually facing OAS negotiators and decision-makers is the lack of any military enforcement mechanism available for use *in extremis*. Without such a mechanism, recalcitrant parties can always withdraw from the proceedings knowing that there is no “hammer” available to foster compliance.⁵¹

⁴⁸ IADC Distance Learning Course, Overview of the Inter-American System

⁴⁹ *ibid*

⁵⁰ Einaudi Interview, 18 March 2005

⁵¹ *ibid*

4.3 The OAS in Haiti 1987 – 2000

The OAS General Assembly adopted *Resolution 1080 on Representative Democracy* in 1991. The *Resolution* reiterates the commitment of the countries of the Americas to respond collectively to threats to the democratic order in any country in the hemisphere; vests the Secretary General with new powers, specifically the authority to convene a meeting of the Permanent Council when there is “a sudden...interruption of the democratic political institutional process...” in a Member State; and provides for a special meeting of the Ministers of Foreign Affairs of the OAS to decide on specific collective action when democracy is interrupted. *Resolution 1080* has since been invoked several times, including for Haiti in 1991 when it was quickly tested upon the overthrow of Aristide on 29 September. It took over two years for the international community to restore Aristide to power: the UN, the USA and the OAS were prominently engaged to facilitate the restoration of democracy.⁵²

Upon learning of this overthrow of Aristide by a military coup, the (then) OAS Secretary General Baena Aoaes immediately invoked *Resolution 1080* and a meeting of the OAS Permanent Council was convened. The Council condemned the *coup d'état* and called a meeting of the region's Ministers of Foreign Affairs. They in turn condemned the coup, refused to recognize the illegal government, recommended the suspension of financial, commercial and diplomatic relations with the military government, and agreed to send a Mission headed by the OAS Secretary General to express the Organization's condemnation of the overthrow of Haiti's constitutional government. For the next three years, the Ministers of Foreign Affairs met five times within the framework of the OAS to analyze the situation in Haiti and to exert pressure on the country's illegal rulers. Member States agreed to send a Mission to observe human rights issues and to facilitate the restoration of democracy, as well as imposing new sanctions and a trade embargo. In 1992, the OAS sent a contingent of 18 members to Haiti (called OAS-DEMOC) to ensure human rights protection, to help reduce the level of violence, and to verify compliance with negotiated agreements. Later, the UN sent a contingent of observers that added to the OAS Mission, with the now-combined undertaking labelled MICIVMIH (*International Civilian Mission in Haiti*). MICIVMIH was expelled from Haiti in 1993 as the human rights situation there deteriorated. Shortly thereafter, the UN Security Council, within the framework of *Chapter VII of the UN Charter*, authorized the formation of a multinational

⁵² IADC Distance Learning Course, Overview of the Inter-American System

force and the use of all means necessary to re-establish the legitimate government of Haiti. This UN decision culminated in a US-led diplomatic and military pressure offensive that succeeded in expelling Haiti's military government and returned Aristide to power in October 1994.⁵³

The *Unit for the Promotion of Democracy (UPD)*⁵⁴ of the OAS was established in 1991, as an institution of support for democratization efforts in the Western Hemisphere. Its mandate is to provide technical assistance and advisory services, upon the request of member states, in the area of strengthening democratic institutions and processes. A primary task of the UPD is to stimulate and support the exchange of knowledge and experiences on issues regarding democratic development among countries of the Hemisphere. A key mechanism for this exchange is the UPD's *Democratic Forum*. These venues, organized in the form of seminars, roundtables, conferences or lectures, seek to bring together experts and other interested parties from many institutions to share ideas and to debate the key issues at hand. One of the UPD's early *Democratic Forum* efforts was "*One Year after the Return to Constitutional Government: The Challenges to Democracy in Haiti*", published in October 1995. The session was opened by the (then) OAS Secretary General César Gaviria, and included several speakers, such as Haiti's Minister of Foreign Relations Claudette Werleigh.⁵⁵

In his opening remarks, the OAS Secretary General noted that on 15 October 1994, he had accompanied President Aristide on his return to Haiti from exile. For the OAS, this represented the culmination of a task that it had pursued since the 1991 coup. The Secretary General emphasized that throughout the 1991-95 period, the OAS had strengthened its ties to Haiti. The establishment of MICIVIH in 1992 demonstrated the ability of the two international organizations to work together closely in the field of human rights. The June 1994 *ad hoc* meeting of OAS Foreign Ministers was held in Haiti, as was the 1995 OAS General Assembly. In December 1994, the OAS presented Haiti with recommendations intended to consolidate democracy in the country, with the result that the OAS would provide technical cooperation and support for Haitian Government priorities and immediate needs in the areas of strengthening of the state, human rights promotion and civic education. The

⁵³ *ibid*

⁵⁴ As a result of the OAS reorganization undertaken in 2004, this entity was renamed the Office for the Promotion of Democracy (OPD), under the Department for Democratic and Political Affairs (DDPA).

⁵⁵ Democratic Forum, Unit for the Promotion of Democracy, Organization of American States; *One Year After the Return to Constitutional Government: The Challenges to Democratic Consolidation in Haiti*, October 1995, Washington, DC, page 3

OAS undertook an electoral observation mission at the request of Haiti's Government, with a final report being issued discussing the results. In the future, the OAS would follow closely the electoral process in Haiti and Aristide's handover of power to another freely-elected successor.⁵⁶

The OAS, the Secretary General further explained, was also a member of the group of multilateral institutions and governments supporting and financing development in Haiti. In closing his remarks, Ambassador Gviria reinforced the OAS's commitment to democracy in Haiti and noted that the underlying problem was in finding an institutional expression for popularly-held democratic values and translating them into the structures of the state. He added that it was worth reflecting on the role of the international community and the OAS in this work.⁵⁷

With respect to MICIVIH, by 1995 the operation had noted in a number of reports and press releases that human rights violations were by then the exception in Haiti, rather than the rule. MICIVIH was active in instructing the military and police in the correct treatment of detainees. It also played a role in assisting the Haitian Government in institution building, notably in the areas of judicial, police and prison reform – with coordination amongst them being the key to success in all three. Funding for such reforms was received from UNDP and USAID. An important building block of this reform effort was in prisoner registration. A civilian prison registration was created for the first time. A system of clandestine safe houses was also set up by MICIVIH during the years of the *coup d'état* where leaders and members of targeted organizations of civil society could escape the manhunts instigated by those in power.⁵⁸

The OAS observed elections in Haiti as follows during the decade of the 1990s: 1991 (Presidential), 1995 (Presidential, Legislative and Municipal), 1996 (Parliamentary, Municipal), 1997 (Legislative and Municipal) and 2000 (Parliamentary, Municipal and Local).⁵⁹

⁵⁶ *ibid*, page 5

⁵⁷ *ibid*, page 6

⁵⁸ *ibid*, page 21 (Ambassador Colin Granderson, Director of the OAS/UN Civilian Mission in Haiti)

⁵⁹ OAS web site, http://www.oas.org/key_issues/eng/GAelections.htm

CHAPTER 5 THE OAS IN HAITI – 2000 TO 2005

5.1 The OAS and the 2000 Elections

The OAS observed the first round of legislative, municipal and local elections in 2000, and a comprehensive report was issued.⁶⁰ The Organization refused, however, to observe the second round in July 2000, with the rationale being to not engage due to Haiti's undemocratic policies.⁶¹ Haitian opposition crystallized in the days following the legislative elections into an umbrella group encompassing 15 organizations called the CD (*Convergence Démocratique*). This opposition refused to cooperate with the Government, which it deemed to be an illegitimate regime. Faced with a complete impasse, the various political opponents agreed to engage in a dialogue sponsored by the OAS and engineered by Assistant Secretary General Einaudi. This dialogue took place in late-September and early-October 2000 and failed to generate the desired political compromise. CD demanded the creation of a "provisional government of national unity", the creation of a new electoral council, new legislative elections and the postponement of the upcoming Presidential elections. These demands were unacceptable to *Lavalas*.⁶²

Following the November 2000 Presidential ballot, and just prior to Aristide accepting power, the opposition attempted to have *Lavalas* and its leader attend a *National Conference* and to contribute to creating a government of consensus that would run Haiti provisionally after the Presidential incumbent's (Préval) departure in February 2001. Notably, the *OAS Charter* was among several documents cited in the first paragraph of their Resolution. Aristide did not accept the invitation, but the *National Conference* was held anyway on 27 January 2001. A 10-point Resolution resulted, which emphasized the illegal nature of the Aristide election victory and asserted the opposition's aim to establish a provisional government.⁶³

⁶⁰ OAS Unit for the Promotion of Democracy, *Observación Electoral en Haití: Elecciones Legislativas, Municipales y Locales, febrero a Julio 2000*, OAS, 2001

⁶¹ Einaudi Interview, 18 March 2005

⁶² Fatton, page 141

⁶³ Fatton, page 164 Note 22

The OAS General Assembly, in its 31st Regular Session (2001), at the 4th Plenary Session in San Jose, Costa Rica between 3 and 5 June 2001, adopted an important Resolution calling for a solution to the electoral crisis in Haiti. This was *AG/RES.1831(XXX-O/01) – Support for Democracy in Haiti*. This Resolution summarized developments and international and Haitian Government activities surrounding the crisis up to that date. Additionally, the Resolution stated (excerpts):

“...CONCERNED that the political crisis is still unresolved and that persistent mistrust among political actors continues to hinder the possibility of wide-ranging talks that would bring about a sustainable solution to the problems arising from the May 21, 2000, elections, based on a general agreement among the government of Haiti, political parties, and civil society and other relevant institutions of Haitian society, with a view to resolving the political crisis and strengthening democracy and respect for human rights in that country;

RECOGNIZING the need for financial and technical assistance with a view to contributing to the promotion of Haiti’s social and economic development; and...

RESOLVES:

To reiterate its deep concern at the continuing political crisis in Haiti, arising from the elections of May 21, 2000.

To take note of the initiative, consisting of five elements, contained in the letter from the President of Haiti...with regard to the process toward a definitive resolution to the current political crisis.

To acknowledge the concerns expressed in said letter regarding the urgency of normalizing relations between Haiti and the international financial institutions.

To urge the Government of Haiti to follow the resignations of seven senators with the expeditious constitution, by June 25, 2001, of a credible, independent, and neutral Provisional Electoral Council (CEP), composed of nine members nominated by the Executive, the Judiciary, political parties...and churches...This is a necessary step to create a climate of confidence conducive to a broad-based agreement among the

Government of Haiti, political parties, and civil society, and other relevant institutions of Haitian society, with a view to resolving the political crisis and strengthening democracy and respect for human rights...

To instruct the Secretary General to increase his efforts, in consultation with CARICOM and with other interested countries, to contribute further to the resolution of the existing political crisis in Haiti, to its social and economic development, to the strengthening of democracy, and to respect for human rights in that country.

To invite the Secretary General to establish a Group of Friends of Haiti from interested OAS member states and permanent observers to assist him in these efforts.

To request the Permanent Council to examine, as a matter of urgency, the mandate, modalities, budget, financing, and other arrangements concerning the establishment of a possible mission to Haiti.

To instruct the Secretary General to work jointly with member states toward normalizing relations between Haiti and the international community, including the international financial institutions, as progress is achieved in reaching a sustainable solution to the crisis arising from the May 21, 2000, elections.’⁶⁴

Especially noteworthy in this General Assembly Resolution were the references to consultations with CARICOM, the creation of a *Group of Friends*, and the establishment of a *Special Mission*. All of these recommendations were soon to come to fruition – welcome concrete steps on the part of the international community and Hemispheric nations in support of the OAS and Haiti.

In a particularly important move on 26 February 2004 – just before Aristide’s departure from Haiti, the OAS Permanent Council urged the UN Security Council to take the necessary and appropriate urgent measures to address the crisis in Haiti. This Resolution was adopted by consensus. It was an acknowledgement that the situation in Haiti had gone beyond what the OAS could achieve there through its own offices alone.

⁶⁴ OAS web site (<http://www.oas.org>) > Home Page > Governing Bodies > General Assembly > Resolutions & Declarations > 4th Plenary Session 3-5 June 2001 > AG/RES.1831(XXX-O/01)

During the period between the disputed 2000 elections and the exile of Aristide in 2004, there were a number of *OAS Permanent Council* Resolutions relevant to events in Haiti, as follows⁶⁵:

CP/RES.772 (1247/00) – Dispatch of an OAS Mission to Haiti (4 August 2000): The Permanent Council in this Resolution authorized the OAS Secretary General, at the request of the Government of Haiti, to lead a mission to Haiti to “identify, together with the Government of Haiti and other sectors of the political community and civil society, options and recommendations for resolving, as expeditiously as possible, difficulties...that have arisen from differing interpretations of the *Electoral Law*, and for further strengthening democracy in the country”.⁶⁶

CP/RES. 806 (1303/02) – The Situation in Haiti (16 January 2002): This Resolution stated its deep concern for violence that had occurred in Haiti – particularly on 28 July and 17 December 2001, as well as for the worsening political, economic and social situation in the country. The Resolution noted that representative democracy is an indispensable condition for the stability, peace and development of the region and that the promotion of such democracy is one of the essential purposes of the OAS. The *Inter-American Democratic Charter* was also highlighted with regard to the responsibilities of its signatories vis-à-vis democracy. The Resolution resolved to condemn the loss of life incurred during the violence of 17 December 2001, and urged all Haitian elements to condemn and work towards ending all forms of political violence. The Resolution confirmed the establishment of an *OAS Special Mission in Haiti*, in accordance with *OAS General Assembly Resolution 1831 (XXXI-O/01)*. The Government of Haiti was called upon to undertake a variety of measures to restore security, as well as to resume negotiations to resolve the ongoing political impasse. The OAS Secretary General was also instructed to continue his efforts to contribute to a resolution of the political crisis, in consultation with CARICOM and the *Group of Friends*. The Resolution also requested that the OAS Secretary General transmit the document to the UN Secretary General.⁶⁷

⁶⁵ Note: there were also a number of OAS General Assembly Resolutions during the period applicable to Haiti.

⁶⁶ OAS Permanent Council Resolution “CP/RES.806 (1303/02) – The Situation in Haiti” refers, OAS web site, <http://www.oas.org/consejo/resolutions/res806.asp>

⁶⁷ *ibid*

CP/RES. 822 (1331/02) – Support for Strengthening Democracy in Haiti (2 September 2002):

This Resolution laid out a clear process for the Government of Haiti, with support from the *OAS Special Mission in Haiti*, to promote a climate of security, strengthen the rule of law, and prepare for free and fair legislative and local elections in 2003.⁶⁸ The Resolution began by noting the Council's deep concern over the continuing political crisis in Haiti, as well as the fact that extensive efforts by the OAS and CARICOM to contribute to a resolution to the crisis had come to naught. After reviewing the positions of the various parties and the need for elections to be held forthwith, the Resolution called upon the Government of Haiti to undertake a number of measures to strengthen its disarmament programs and policies, to implement human rights recommendations, to restore a climate of security, to prosecute any persons found to have taken part in the violence of 17 December 2001, to complete a thorough inquiry into all politically-motivated crimes, and to carry out reparations. The Resolution also called for the formation of an autonomous, credible and neutral *Provisional Electoral Council (CEP)* within 2 months and subsequently an *Electoral Guarantees Commission*. The OAS offered Haiti its support and technical assistance for establishing the CEP and for preparing for and conducting elections. The Secretary General of the OAS was instructed to further strengthen the *OAS Special Mission in Haiti* in order to allow the latter body to support, monitor and report on implementation of the various commitments made to date by both the Haitian Government and the OAS. The OAS Secretary General was also called upon to remain engaged in efforts to resolve the political crisis in Haiti.⁶⁹

CP/RES. 861 (1400/04) – Support for the Public Order and Strengthening Democracy in Haiti (19 February 2004): This Resolution condemned the violence in Haiti, supported the CARICOM initiative aimed at promoting a peaceful resolution to the situation, and called upon all parties to ensure the full, safe and unhindered access of humanitarian personnel and assistance to all civilians who needed it. The Resolution also took note of the *OAS Special Mission in Haiti* and its work on behalf of strengthening Haiti's democratic institutions, and requested that the Mission support the CARICOM initiative.⁷⁰

⁶⁸ Address by Ambassador Roger F. Noriega on First Report of Secretary General to Permanent Council on Implementation of Resolution 822, Washington, DC, 9 December 2002, OAS web site; <http://www.oas.org/speeches/speech.asp?sCodigo=02-0486>

⁶⁹ OAS web site, <http://www.oas.org/consejo/resolutions/res822.asp>

⁷⁰ OAS web site, <http://www.oas.org/consejo/resolutions/res861.asp>

CP/RES. 862 (1401/04) – Situation in Haiti (26 February 2004): The Resolution recognized the important role of the recent initiative of CARICOM to help resolve the worsening political situation in Haiti, and also the *OAS Special Mission in Haiti*. It expressed profound regret that the opposition in Haiti had not accepted the CARICOM plan, and resolved to call upon the UN Security Council to take the necessary and appropriate urgent measures as established in the UN Charter, to address the crisis in Haiti. The Resolution reaffirmed the OAS's support for the work of the *OAS Special Mission in Haiti*, and for the CARICOM initiative. The Resolution also called on the OAS Secretary General to ensure close coordination and “complementarity in roles” with the UN Secretary General and his representatives.⁷¹

5.2 OAS Special Mission for Strengthening Democracy in Haiti

The *OAS Special Mission for Strengthening Democracy in Haiti* was established in April 2002; initially at the direction of the General Assembly and later through the reaffirmation of the OAS Permanent Council. Overall, its mandate is fivefold: democracy and electoral assistance, supporting the strengthening of human rights organizations, the vetting of Haitian National Police applicants, and a management training program designed to strengthen state institutions.⁷² As of 26 February 2004, the *OAS Special Mission* had 40 full-time staff in Haiti, about half of them devoted to matters related to the professionalization of the police force and security system.⁷³ With regard to the electoral process and the reinforcement of democracy in Haiti, the *Mission* focuses on four pillars: human rights, justice, security and governance.⁷⁴ In 2003, it was noted by the OAS Permanent Council Chairman that the OAS's ability to continue the *Special Mission's* engagement in Haiti would depend on the concrete demonstration of political will by the Government of Haiti, on the Haitian People's understanding of the role of the *Special Mission*, and on the availability of resources to continue its operations.⁷⁵ This latter factor stands out as a continual issue in the life of the *Special Mission* – virtually all OAS references to the work of the *Mission* also urged for the assignment of

⁷¹ OAS web site, <http://www.oas.org/consejo/resolutions/res862.asp>

⁷² OAS Press Release: *OAS and UN Working Together to Ensure Elections in Haiti* (11 January 2005), OAS web site; http://www.oas.org/oaspage/press_releases/press_release.asp?sCodigo=E-006/05

⁷³ OAS Press Release: *OAS Urges UN Efforts on Haiti Crisis* (26 February 2004), OAS web site; http://www.oas.org/oaspage/press_releases/press_release.asp?sCodigo=E-028/04

⁷⁴ OAS Special Mission in Haiti web site, <http://www.oashaiti.org/piliers.htm>

⁷⁵ “OAS Press Release: *Strong Support for OAS Special Mission in Haiti* (17 December 2003), OAS web site; <http://www.oas.org> > Home Page > News > Press Releases > 2003 > 17 Dec 2003

additional finances and support by donors, OAS Member States and the international community. As of May 2005, the *OAS Special Mission* continues to operate in Haiti and is particularly focused on supporting the OAS role in the upcoming planned November 2005 elections in the country.

5.3 OAS Activities Post-Aristide (2004-05)

On 1 March 2004, just after Aristide's departure from Haiti into exile, OAS Assistant Secretary General Ambassador Luigi Einaudi was interviewed on the US Public Broadcasting System's *On-Line NewsHour* in conjunction with noted Haiti expert Robert Fatton (a professor and chairman of the *Woodrow Wilson Department of Politics* at the *University of Virginia*). Of interest, in response to the query as to whether he was surprised at Aristide's departure, Ambassador Einaudi remarked that he knew that it might be possible, but that he was indeed surprised. Einaudi assessed that Aristide had "worked his life to be where he was and he did not give us the impression that he was really ready to go". In analysing Aristide's decision to leave, Ambassador Einaudi commented that Aristide was not volunteering to leave, but was facing reality and in that sense "he can even be praised as facing a serious choice and deciding not, himself, to further contribute to the violence". In forecasting a possible long term resolution to Haiti's endemic political problems, the Ambassador stated that "...the way to control the...problem is to try to do what Haiti hasn't had, and what the international community didn't bring itself to do before, which is to try to ensure a participative system in which Haitians of different political persuasions work together in a legal manner. We're talking about building up the center." The Ambassador went on to note that CARICOM's plan for getting things on track was the "only plan going", that it was "a sensible straightforward kind of plan", and that "if the international community keeps its eye on that plan, we can find out if this change is one that's going to prove beneficial and stable, or whether it is...just a nefarious coup..."⁷⁶

The *General Assembly of the OAS* during its 34th regular session (6-8 June 2004 in Quito, Ecuador) adopted *Resolution AG/RES.2058 (XXXIV)-O-04* in which it reiterated that its primary concern was the full restoration of a lasting democratic order and the economic, social and political well-being of the citizens of Haiti. The *General Assembly* instructed the OAS Secretary General to

⁷⁶ PBS Online NewsHour: Upheaval in Haiti – 1 March 2004, http://www.pbs.org/newshour/bb/latin_america/jan-june04/haiti_3-1.html

establish the necessary coordination with the UN Secretary General and to identify areas of collaboration between the *Special Mission of the OAS* and the UN, especially those related to the strengthening of democratic institutions, holding elections and the promotion of human rights. The General Assembly also urged the IACHR to monitor and report on the human rights situation in Haiti and to work with the *OAS Special Mission* in the promotion and observation of those rights.

On 3 November 2004, the OAS *General Secretariat* and the UN signed an agreement to cooperate on organizing, monitoring and conducting the elections in Haiti scheduled for 2005. In addition, Mexico's *Federal Electoral Institute*, the UN and the OAS organized a workshop in Mexico City during the week of 22 November 2004 for the preparation of those elections.⁷⁷ Under the *Memorandum of Understanding* signed in November 2003, the central responsibility of the OAS will be voter registration, with the goal being to create a trustworthy electoral registry that would later provide the framework for a much-needed national civil registry.⁷⁸

Human Rights. The Inter-American Commission on Human Rights (IACHR) is an autonomous organization within the OAS that is responsible for the promotion and protection of human rights in the Americas. Its mandate may be found in the *OAS Charter* and in the *American Convention on Human Rights*. The IACHR represents all of the OAS Member States, and comprises seven officials who act independently and are elected by the OAS General Assembly. IACHR carries out on-site visits to observe the general human rights situation in a country and publishes *Country Reports* to disseminate the findings of these visits. It also examines complaints or petitions regarding specific cases of human rights violations. The IACHR is also charged with stimulating public consciousness regarding human rights in the Americas.⁷⁹

In the case of Haiti, the IACHR has published five *Country Reports* since the end of the Duvalier era – in 1995, 1994, 1993, 1990, and in 1988. Indeed, of the total of 56 IACHR *Country*

⁷⁷ Inter-American Commission on Human Rights web site: *Annual Report 2004*, Chapter IV, Human Rights Developments in the Region, paragraphs 114-115, <http://www.cidh.org/annualrep/2004eng/chap.4bhtm>

⁷⁸ OAS Press Release: *OAS And UN Working Together to Ensure Elections in Haiti* (11 January 2005), OAS web site, http://www.oas.org/oaspage/press_release.asp?sCodigo=E-006/05

⁷⁹ Inter-American Commission on Human Rights web site: *What is the IACHR?* <http://www.cidh.org/what.htm> (pages 1-2)

Reports listed to date, seven have featured Haiti – an indication of the continual concerns that the country has raised since the creation of the IACHR in 1959.⁸⁰

Haiti was one of only three countries in the Americas singled out for special attention on human rights by the IACHR in its *2004 Annual Report*.⁸¹ This *Report* noted with concern that “In Haiti, the breakdown of government led to the resignation of the democratically-elected president amid rising political violence, as the prevailing economic conditions continued to deteriorate.”⁸²

In singling out Haiti as a country meriting special attention with regard to its internal human rights situation, the IACHR in its *2004 Annual Report* conducted a comprehensive overview of the factors leading up to the political crisis of 2004, together with an extensive discussion of the Commission’s concerns. The Commission summarized its observations as follows: “Based upon its activities relating to Haiti this year, the Commission has continued to have grave concerns regarding numerous areas in which the basic rights of the Haitian people lack protection and guarantees. At the time of the Commission’s visit to Haiti at the beginning of September, the Commission expressed the hope that Haiti and its people could break away from the difficulties of the past and move toward a future in which the rule of law, democracy and respect for human rights are fully realized. While the Commission continues to embrace this goal, it has become increasingly alarmed over the security situation in Haiti, which has deteriorated significantly in the final months of 2004. In light of these circumstances, the Commission urges the government to take the urgent measures necessary, consistent with international human rights principles and standards, to assert control over security in Haiti and calls upon the international community to strengthen its efforts to assist the government in this endeavour. Without these measures, there will be little chance for Haiti to move forward toward a more prosperous future.”⁸³

⁸⁰ Inter-American Commission on Human Rights web site: Reports, <http://www.cidh.org/pais.eng.htm>

⁸¹ The other two countries were Colombia and Cuba. Inter-American Commission on Human Rights web site: *Annual Report 2004*, Table of Contents, page 3, <http://www.cidh.org/annualrep/2004eng/toc.htm>

⁸² Inter-American Commission on Human Rights web site: *Annual Report 2004*, Chapter I, page 2, <http://www.cidh.org/annualrep/2004eng/chap.1.htm>

⁸³ Inter-American Commission on Human Rights web site: *Annual Report 2004*, Chapter IV, Human Rights Developments in the Region, paragraph 104, <http://www.cidh.org/annualrep/2004eng/chap.4b.htm>

The IACHR held four meetings and regular periods of sessions in 2004. During the 119th *Regular Period of Sessions*, from 23 February to 12 March, "...the Commission continued to express its concern regarding the weakening of the rule of law in some... countries, which is an essential prerequisite to the protection of human rights, and... received information about the status of the rule of law in several countries of the region, including in particular Bolivia, Colombia, Cuba, Haiti and Venezuela. ...The Commission also received information concerning freedom of expression in Colombia, Cuba and Haiti." During the 121st *Regular Period of Sessions*, from 11 to 29 October (the last meeting of the year), the IACHR "...convened 44 hearings...concerning individual petitions and cases, precautionary measures, and...situations relating to human rights. The subject matter of these hearings included the situation of human rights in Cuba, Haiti and Jamaica..."⁸⁴

IACHR Visit to Haiti, 2004. During 2004, the IACHR conducted a visit to Haiti at the invitation of Haiti's government from 1 to 3 September. This visit was the Commission's first since the violence there in early 2004 which led to the departure of President Aristide and the installation of the transitional government. The Commission attempted to obtain information concerning the status of human rights protections in Haiti in the aftermath of these events. The Commission met with representatives of the Haitian transitional government (including the President and Prime Minister) and members of civil society as well as international organizations. The IACHR also met with the Head and other officials of MINUSTAH, as well as with officials of the UN High Commission for Human Rights. In addition, the Commission conducted a training seminar on the Inter-American human rights system with officials from various government entities.

According to the IACHR's findings: "The Commission was particularly concerned about the security situation..., where armed groups appeared to control security in significant areas...and where the State was not providing effective protection to the people living in those regions. The Commission also expressed its concerns respecting weaknesses in the administration of justice, including a severe shortage of resources for judges, magistrates, courts and the police, prevalent due process violations such as the prolonged detention of individuals without being brought before a judge, and...reports alleging acts of violence against individuals based upon their affiliation, or

⁸⁴ Inter-American Commission on Human Rights web site: Annual Report 2004, Chapter II, *Legal Basis and Activities of the IACHR during 2004*, <http://www.cidh.org/annualrep/2004eng/chap.II.htm#sessions>

perceived affiliation, with the former President and his political party. Further, the Commission voiced its grave concern regarding reports of human rights violations perpetrated against members of particular groups, including women, children and human rights defenders. The Commission once again took note that fundamental problems such as extreme poverty, high illiteracy and malnutrition continued to deprive Haitians of fundamental economic, social and cultural rights and at the same time exacerbate the consequences resulting from denials of basic civil and political rights. Accordingly, the Commission urged the government, in cooperation with all sectors of society and with the support of the international community, to design and implement a plan for development that would address the fundamental economic and social needs of each Haitian citizen. In addition, the Commission emphasized the importance of the elections to be held in Haiti...which ...would provide an opportunity to establish greater stability for the future of the country. Further, the Commission called upon the international community to provide Haiti with the support and assistance necessary to overcome the significant challenges that it faced in fully realizing respect for the rule of law, democracy and human rights.’⁸⁵

The Army. Many of the rebels who remain active during the post-Aristide era are former soldiers from the disbanded Army. These individuals have played on public concerns over crime, the presence of armed pro-Aristide gangs, and the inability of the UN to extend security to all areas of the country. Their goal is to call for a revival of the Army, which was demobilized in 1995 after the first US-led intervention. The response of key players abroad has been cool. Both the US and the OAS, the latter represented by Acting Secretary General Einaudi, have spoken out against the possibility. The OAS in particular argues that such a move is unnecessary and inadvisable in the current situation. In the wake of these public comments, the Latortue administration has offered that a decision be delayed so that the issue can be considered by the next elected government. ⁸⁶

5.4 CARICOM, the OAS, and the 2000-2004 Electoral Crisis

Aside from the OAS, the other major regional international organization directly concerned with events in Haiti is CARICOM – the *Caribbean Community and Common Market*. CARICOM came into effect in 1973, after a series of evolutionary agreements and developments that began in

⁸⁵ Inter-American Commission on Human Rights web site: *Annual Report 2004*, Chapter IV, Human Rights Developments in the Region, paragraph 104, <http://www.cidh.org/annualrep/2004eng/chap.4bhtm>

1958. From its inception, the Community has concentrated on the promotion of functional cooperation, especially in relation to human and social development, and in integrating the economies of the Member States. After Haiti's acceptance as a full member in July 2002, CARICOM actively began supporting Haiti in effectively participating in the regional integration movement. Also of relevance to developments in Haiti, CARICOM is maintaining a comprehensive initiative to enhance its coordination and relationship with other international bodies, including the OAS.⁸⁷

Even prior to Haiti's admittance into CARICOM, the latter was among the international organizations that observed the 21 May 2000 elections in Haiti. This, together with a concurrent electoral observer mission in Surinam, was a new dimension to CARICOM's regional activities.⁸⁸ No comment was made in CARICOM's ensuing press release as to its determination regarding the legitimacy of these elections. However, shortly thereafter on 21 June 2000, CARICOM issued a press release voicing its opposition to threats by the USA to suspend Haiti from the OAS because of controversies surrounding the 21 May election results. CARICOM stated that its *Council of Ministers* "were shocked by the news and were inclined against any action against Haiti at this time".⁸⁹ Curiously, considering the scale of international and domestic criticism surrounding the 21 May election results, on 25 July 2000 CARICOM assessed them as being "satisfactory" and further noted that the Community had also observed the second round of Haitian National elections held on 9 July.⁹⁰ In its *Statement to the Special Session of the Permanent Council of the OAS* on 4 August 2000, CARICOM "recognized that there were a number of difficulties in the administration of the elections (but) concluded that the overall conduct of the poll had been generally free and fair."⁹¹ Thus were sown the seeds of discord between CARICOM and the USA, with the OAS being caught in the middle. This discord erupted fully with the expulsion of Aristide under US escort in 2004.

In June and July 2001 the OAS and CARICOM combined their efforts in a *Joint OAS / CARICOM Mission*, which accepted five steps proposed by Aristide as the negotiating basis for

⁸⁶ Economist Intelligence Unit, Country Report 2004 – Haiti, page 13

⁸⁷ History of CARICOM, <http://www.caricom.org/archives/caricom-history.htm>

⁸⁸ Other international organizations and States that observed Haiti's 21 May 2000 National elections for officials for the National Assembly, Municipal and Local Authorities were the OAS, the EU, France and the USA. See CARICOM web Site; http://www.caricom.org/pressrelease/pres59_00.htm

⁸⁹ CARICOM web site, http://www.caricom.org/pressrelease/pres80_00.htm

⁹⁰ CARICOM web site, http://www.caricom.org/pressreleases/pres98_00.htm

⁹¹ CARICOM web site, http://www.caricom.org/pressreleases/pres104_00.htm

resolving the ongoing electoral impasse. These five points had been detailed in a letter from the Haitian leader the Costa Rican Minister of Foreign Affairs and Worship (Roberto Rojas) on 31 May:

- a. Resignation of the seven contested Senators;
- b. Creation of a new and independent Provisional Electoral Council;
- c. New elections for the contested Senate seats before the end of the year;
- d. Organization of early elections for all members of Parliament elected in the contested 21 May 2000 elections (in accordance with the Haitian Government's proposal to the OAS Permanent Council of 14 March 2001);
- e. Establishment of a Special OAS / CARICOM Mission to facilitate negotiations between the Haitian factions; guarantee the fairness of the electoral process; strengthen democratic institutions; and observe human rights conditions, freedom of expression and security.⁹²

With these five points in mind, *Lavalas* and the opposition resumed negotiations in July 2001. A political breakthrough was achieved after three days of discussions, and agreement was reached on progressing all five points. A climate of progress and optimism prevailed.⁹³ However, as usual in Haitian affairs, the situation quickly deteriorated again late in July 2001. Members of the disbanded military launched a series of violent attacks on several police stations, killing five officers and exacerbating an already volatile political climate. The opposition and *Lavalas* again began pointing fingers, accusing each other of trying to scuttle talks for their own ends. Even the international interlocutors were forced to acknowledge that the prevailing political climate was no longer conducive to successful negotiations.⁹⁴

After CARICOM's 23rd *Meeting of the Conference of Heads of Government*, held in Georgetown, Guyana 3 to 5 July 2002, a communiqué was issued summarizing discussions. Noteworthy in this document was a section on Governance featuring the ongoing political crisis in Haiti, which had just been formally admitted into CARICOM as a full member. The communiqué remarked as follows regarding Haiti's internal situation:

⁹² Fatton, page 183

⁹³ *ibid*, pages 183-184

⁹⁴ *ibid*, page 185

“Heads of Government received a report from the Minister of External Affairs, International Trade and Civil Aviation of Saint Lucia, joint leader of the CARICOM/OAS Mission to Haiti.

The Minister highlighted the efforts which have been made by the OAS and CARICOM aimed at facilitating an environment conducive to a return to normalcy in Haiti. He informed the Conference of the positive steps being taken by the Government of Haiti which had sought to implement the undertakings urged upon it by the international community and the opposition parties in Haiti. They urged the political parties in Haiti to complete negotiations...without further delay thus allowing the release of much needed financial and other resources from the international financial institutions and the donor community for the development of Haiti. They noted that in an effort to conclude an agreement, the *Joint OAS-CARICOM Mission* would return to Haiti shortly.

Heads of Government noted that the *Commission of Inquiry* established under the aegis of the OAS had completed its work and that its report is available...They welcomed the news that the Government of Haiti will ensure that payment is made on the reparations being sought and recommended by the *Advisory Council on Reparations* also established under the aegis of the OAS...They also noted that security and the need for disarmament remain critical issues which will require the support of the international community.

Heads of Government recognized the work to be undertaken by the *OAS Special Mission to Haiti*. The *Mission* will focus on security; justice; human rights and democratic development, governance and institution building. They noted that support for this *Mission* had been received from a large number of countries and organizations including the Caribbean Community and its member states, underlining the international response to developments in Haiti.

Heads of Government reiterated their calls on the international community for the release of much needed funds for Haiti.”⁹⁵

⁹⁵ CARICOM web site, <http://www.caricom.org/archivess/communiqués-hgc/23hgc-2002-communique.htm>

In January 2004, CARICOM announced that it was moving to help end the political unrest in Haiti. The initiative would begin with a fact-finding mission to Haiti, headed by the organization's Assistant Secretary General and charged to report back within a week.⁹⁶ A CARICOM diplomatic initiative was subsequently launched, which sought to stabilize the political situation through a power-sharing arrangement, to avoid the repetition of the traditional Haitian practice of getting rid of the President by any means in order to resolve political conflict, and to help Haitians find a pacific and political solution which would preserve the rule of law and constitutional continuity. CARICOM's endeavours proved too little, too late, however, and its involvement was ineffective in contributing to the resolution of Haiti's deteriorating situation. On 12 January 2005 at the *Open Debate at the UN Security Council on Haiti*, CARICOM expressed displeasure that its proposed "quick fix" was "thrown out". The CARICOM Heads of Government were said to be "disappointed by the reluctance of the UN Security Council to take immediate action in response to appeals for assistance by the Government of Haiti and to the request of the Caribbean Community. The President departed the country in circumstances still to be elucidated." CARICOM further chastised that "the fundamental tenets of democratic practice and behaviour had been compromised". Referring to the post-Aristide Haitian interim administration, CARICOM stated that "Continuing violations of the principles laid down in the CARICOM Charter of Civil Society have made it impossible for the Community to receive representatives of Haiti in its Councils."⁹⁷

CARICOM toned down its wounded rhetoric somewhat as 2005 progressed and repeatedly expressed its continued support for international efforts to assist Haiti. Nevertheless it is evident that the Organization remains vexed at being alienated during the events of 2004 wherein Aristide was exiled, an interim administration established, and a multinational military force dispatched by the UN Security Council at the prompting of the USA.⁹⁸

⁹⁶ CARICOM web site, http://www.caricom.org/pressreleases/pres19_05.htm

⁹⁷ CARICOM web site, http://www.caricom.org/pressreleases/pres19_05.htm

⁹⁸ Einaudi Interview, 18 March 2005

CHAPTER 6

HAITI POST – ARISTIDE: WHAT NEXT?

A major factor in Haiti's failure to become an upstanding, self-sustaining, member of the world community – rather than a failed state dependant on international life-support – will be whether or not a multinational effort can be put in place to rebuild the country over the long term. The UN has so far shown that it cannot sustain the momentum to mount a prolonged multidimensional nation-building effort in the country. Furthermore, the UN is burdened with a multitude of global demands on its resources and time. Based on the UN's track record to date in Haiti, it is evident that another solution must be found to ensure the maintenance of a concerted international nation-building campaign there over a long timeframe. Such an effort might be required for decades.

In the post-Cold War era of unconventional military operations, peace support activities, “operations-other-than-war” and the global campaign against terrorism, post-conflict civil-military “stability and reconstruction” doctrine is receiving great attention. Such “P & R” operations are assessed to normally require a graduation of effort, in order to achieve the desired end result of establishing a viable State and thus permitting the removal of most international aid and assistance:

- a. Stabilization: provide security; maintain basic needs and services; and enable local processes;
- b. Uprooting the causes of Conflict;
- c. Establish Supply-side of Governance: build new institutions and laws of a market economy; establish the underpinnings of participatory politics; foster a judicial system;
- d. Establish the Demand-side of Politics: ensure accountability; strengthen civil society; rebuild social cohesion, public confidence and an independent media.

Of particular note, Haiti is being held up as the model NOT to follow in establishing workable international P & R doctrine and procedures: “We've conducted five successful peacekeeping

operations in Haiti!” The irony, of course, is that each successive peacekeeping mission to Haiti highlights the lack of a long-term international nation-building effort there.⁹⁹

There are some observers who suggest that Haiti should become a ward of the international community – perhaps in similar fashion to the UN Trusteeships of the 20th Century. Without discussing the merits of such a proposal, it is extremely unlikely that any international organization or individual nation would be willing to take on such a responsibility. The UN has divested itself of its Trusteeships and many of its signatory States would likely see such a move as a reversion to colonialism. Meanwhile, two *de facto* trusteeships in Europe – Kosovo and Bosnia Hercegovina – remain uneasily in the hands of the EU and NATO. These Euro-centric bodies are moving their charges gradually towards achieving democracy and responsible government, and furthermore would have little interest in suddenly assuming responsibilities in the Western Hemisphere.

The lessons of the past twenty years do offer some hope for a long-term strategy in Haiti. There is some indication that Haitian society appears to collectively stabilize itself once international forces and external aid and assistance providers arrive for prolonged periods. By now, Haitian power players are well aware of how far they might successfully “mess with” the UN military missions, and also of the strengths and limitations of the OAS and other regional bodies such as CARICOM. No doubt the biggest stick that can be wielded is the threat of US military intervention in Haiti, as has been demonstrated twice in the past decade. Similarly, Haitian parties appear to respect the participation of such global and regional powers as France, Canada, Brazil and Chile. It may be that a recipe for long-term success in Haiti is already on the table, but needs to be better organized and orchestrated and more consistently applied. Collectively, the major international institutions and global powers need to fashion a long term plan for concerted action in Haiti, advertise it, stick to it and enforce it when necessary. Meanwhile, other significant powers such as Canada and Brazil need to stay engaged with all parties, offering even-handed moderation and a steadying force when emotions run high.¹⁰⁰ Perhaps with such a multilateral, united and farsighted strategy in place, Haitians could move forward knowing that assistance and guidance will always be at close hand.

⁹⁹ Pascual, Ambassador Carlos, US Department of State, Coordinator for the Office of Reconstruction and Stabilization, Presentation to the Symposium: *Post-Conflict Cooperation, Common Goals, Differing Perspectives*, Old Dominion University, Norfolk, VA, 19 April 2005

¹⁰⁰ Einaudi Interview, 18 March 2005

A model does exist upon which the framework of an international assistance mission might be based. In Bosnia-Herçegovina after the 1995 *Dayton Accords* were signed, a four-pillar international apparatus was established to implement the terms of the agreements. A powerful civilian “High Representative” was appointed to deal with the civil aspects of the peace agreement and to ensure compliance on the part of the factions’ politicians and civil bureaucrats. This individual reported upwards to the group of guarantor nations that sponsored the Accords. Military aspects of the Accords were assigned to the NATO forces stationed in the country. The head of these forces held equal rank to the High Representative, and reported to the NATO chain of command. Policing aspects were assigned to an International Police Task Force. Finally, humanitarian and developmental efforts were implemented, coordinated or facilitated by UNMIB, a UN mission established post-Dayton (*UN Mission in Bosnia-Herçegovina*). While that nation’s performance in achieving democracy, the rule of law and the entrenchment of individual freedoms has not always been stellar since 1995, matters could certainly have turned out much worse. Notably, hostilities have been kept in check, development is accelerating and the nation is slowly maturing in peace.

In Haiti’s case, a High Representative heading a civil administration of experts could be established to advise and assist the Haitian authorities in matters such as progressive governance, electoral procedures, the judicial system, prisons, the police, civic responsibilities, etc. A multinational military force could be established, reporting to a multinational coalition of regional nations. This force would be primarily responsible for maintaining security, advising the internal security bodies and coast guard, performing VIP guard duties, and such. An international police task force would handle police training, investigative assistance, and related matters. They would conduct their activities jointly with the domestic forces and would also assist in human rights monitoring. Finally, the UN would head a civilian mission responsible for such aspects as development assistance, aid distribution, medical support, educational assistance, coordination with NGOs, etc. The entire four-pillar apparatus would report upward to an international Oversight Commission, composed of very senior officials appointed by the OAS, UN, CARICOM, the USA, France, Canada, Brazil, and Chile. Participation of the World Bank may also be advisable. A Charter would need to be drawn up to lay out this “Standing International Assistance Mission’s” mandate, detail the relationships with Haitian authorities and institutions, establish checks and balances, etc. Mandate timeframes should advisedly be gauged in years, rather than months, to ensure confidence in the

staying power of the international community. The majority of international donor financial aid should be assigned to this “Standing International Assistance Mission” for distribution to enhance its relevance and ability to directly impact Haitians. The aim of setting up the “Standing International Assistance Mission” would be to achieve long-term trust and consistency amongst all domestic and external actors, to the benefit of Haiti’s overall development and stability into the distant future.

CHAPTER 7

CONCLUSION: DENOUMENT IN HAITI

Haiti's self-centred elites and failed leaders have a lot to answer for. They owe a tremendous debt both to their people whom they have so ill served, and to the international community that has devoted so much effort over the past two decades to build stability and promote freedom in the country. In this latter regard, there is no doubt that the OAS has stepped forward to do its part with respect to assisting Haitians in governing themselves lawfully and democratically. Throughout Haiti's post-Duvalier period, the OAS has consistently devoted scarce resources to elections monitoring; human rights assistance and reporting; training government officials, police and civil servants; and assisting with inter-factional political negotiations through the exercise of good offices. Likewise, the United Nations and individual world and regional powers have devoted tremendous amounts of aid and assistance; multinational military operational commitments; and multilateral diplomatic efforts to Haiti's cause since 1987.

Unfortunately, despite its long history as an independent Republic, Haiti appears unable to learn from its mistakes. As soon as some social and governmental stability is achieved, leadership turmoil occurs and the country reverts to overall chaos. Repeatedly since 1987 this scenario has played out, effectively stifling any evolutionary momentum towards freedom and democracy that may have been set in motion. Meanwhile, it is evident that the OAS has reaped little "marketing" benefit from its efforts in Haiti, at least among the minds of the international public. Additionally, suffering from a lack of resources and a total reliance on the exercise of good offices and diplomacy, the OAS seemingly cannot "seal the deal" when it comes to Haitian stability. The OAS lacks an organizational "big stick" that can be wielded *in extremis* to reinforce the message. Finally, although laudable, the Organization's reliance on consensus rather than a majority-type voting system for decision-making severely constrains its freedom of action and timeliness in response to sudden crisis.

Nevertheless, one could logically imagine that eventually Haiti's elites would see the light and collectively devote themselves to bettering the lot of their nation. What spark that might set such an epiphany in motion has to date eluded all players in the Haitian theatre. Perhaps the words of OAS Assistant Secretary General Luigi Einaudi might best reflect this ongoing conundrum. In May

2001, after another failed mission to end the political stalemate in Haiti, he declared: “We leave with the conviction that its time to begin. This has gone on too long, with everybody posturing and paralysed...It’s time to cut the Gordian knot. Of course, we haven’t figured out how to do it.”¹⁰¹

¹⁰¹ Fatton, page 182

ILLUSTRATION: MAP OF HAITI¹⁰²



¹⁰² Map Credit: The CIA World Factbook, 21 April 2005, <http://www.cia.gov/cia/publications/factbook/geos/ha.html>

LIST OF ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
CARICOM	Caribbean Community and Common Market
CD	Covergence Démocratique
CEP	Provisional Electoral Council
EU	European Union
FL	Fanmi Lavalas Party
FRAPH	Front Révolutionnaire Armé pour le Progrès
G-7	Group of Seven Nations
GDP	Gross Domestic Product
HNP	Haitian National Police
IACHR	Inter-American Commission on Human Rights
MICIVIH	OAS / UN Civilian Mission in Haiti
MIF	Multinational Interim Force
MINUSTAH	United Nations Stabilization Mission in Haiti
NATO	North Atlantic Treaty Organization
OAS	Organization of American States
P & R Ops	Post-conflict Stability and Reconstruction Operations
UN	United Nations
UNDP	United Nations Development Program
UNSC	United Nations Security Council
UPD	Unit for the Promotion of Democracy
US	United States
USA	United States of America
USAID	United States Agency for International Development
USD	United States Dollar

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