

Memorandum

To: Members of the United Nations Security Council Mission to Haiti

From: International Crisis Group (Crisis Group)

Re: Update on Haiti

Date: 8 April 2005

INTRODUCTION

The Security Council will be arriving in Haiti at a time of deep turmoil for the year-old political transition. The volatile security climate and high level of violence in the capital, the continuing presence of armed ex-military rebels in the countryside, the lack of tangible movement towards political dialogue and reconciliation, and the absence of socio-economic progress indicate the transition is failing. Urgent steps need to be taken to reverse this trend and to establish a stable political climate for the elections well before they take place.

The increasingly negative role played by the transitional government, backed by key sectors of the Haitian society, raise serious questions about its capacity to fulfil basic state functions. The absence of response to mounting allegations of human rights violations by the Haitian National Police (HNP), a partisan justice ministry, widespread corruption, armed urban gangs and mixed signals towards the disarmament of the former Haitian armed forces, the ex-FAd'H constitute serious obstacles to the success of the UN peacekeeping mission. No one expected the transitional government to solve the deep-rooted causes of the Haitian crisis, but widespread disappointment over the lack of progress, especially with regard to human rights abuses, is further destabilising the country. Units of the Haitian National Police repeatedly have engaged in arbitrary use of force and summary executions with no effective investigation or prosecution of those responsible.

The slow deployment of the military and police elements of MINUSTAH, as well as the human rights monitors,¹ leaves inadequate resources for the SRSG to carry out the mandate of Resolution 1542, even if there had been full cooperation from the transitional government. The absence of that cooperation is reflected in the transitional government's conduct over the last twelve months.² As a result, serious questions have to be raised as to the ability of the peacekeeping force to assure citizen safety, public security, and respect for the rule of law. The weakness and lack of credibility of the transitional government, its partisan actions, and its confrontational stance toward MINUSTAH also raise questions regarding its capacity to manage

¹ Only 7413 of the 8322 authorised police and military have been deployed, and only one of the 19 authorised international human rights monitors was deployed as of January 2005.

² The non inclusion of key articles of the new electoral law (backed particularly by MINUSTAH), the reluctance to adopt an effective plan for the demobilisation and disarmament of the former military – exemplified by the delay in even naming a national disarmament commission until 3 February 2005, the continued illegal detention of key Lavalas leaders, the inclusion of uncertified personnel into the HNP before and after Aristide's departure and the absence of effective internal police control mechanisms reflect government refusal to accept MINUSTAH recommendations.

the transition through the electoral period. Without stronger international responsibility for critical elements of security and stability, the Haitian transitional government is unlikely to move beyond the narrow partisan and sectoral interests, which have too often characterised its actions.

SECURITY

Particularly following the 19 February 2005 escape of prisoners from the National Penitentiary, the security situation has deteriorated to dangerous levels, particularly in the capital. Armed urban gangs, many still run by ex-Aristide supporters, others by opponents, dominate the slums of Port-au-Prince and present a major security threat. Many of these gangs are being manipulated by sectors (partisan political, including Lavalas hard-liners, business elite, drugs) that have a clear interest in postponing the elections. The politicised capital of two million people presents one of the major challenges to MINUSTAH in balancing the requirement for public order, public safety, and the right of political expression. With much of the HNP seen as anti-Lavalas and much of the urban poor seen as the centre of remaining Lavalas sympathy, MINUSTAH has become a crucial independent third party.

HNP responsibility for arbitrary killings has been acknowledged by CIVPOL and MINUSTAH but no effective investigations or prosecutions have taken place. The HNP itself is under tremendous pressure. More than 50 police officials are reported killed since March 2004. Lack of cooperation between the military and police components of MINUSTAH and the failure by both to resolve the problem of the HNP has made the situation more difficult. Recent statements by the UN force commander referring to some Lavalas supporters as a violent group have been interpreted by some HNP as authorisation to use violence against pro-Lavalas groups.

A second major security threat is the armed ex-FAd'H outside Port-au-Prince. MINUSTAH's failure over the past year to root them out has made the process now more complex. Three weeks ago, MINUSTAH took over two police stations illegally occupied by former military in two provincial towns (Terre-Rouge in central Haiti, and Petit-Goave south of Port-au-Prince). Several MINUSTAH peacekeepers were killed along with several ex-FAd'H. The incidents sparked a wave of violence in the capital after radical sectors of the ex-FAd'H apparently retaliated with urban guerrilla actions against MINUSTAH and the transitional government. The MINUSTAH intervention was an appropriate forceful action following the year-long wait for the disarmament and demobilisation of rebel forces. However, a comprehensive disarmament program, despite the announcement of the much-awaited National Disarmament Commission, has yet to achieve significant results. The need is urgent for a vetted and trained HNP.

Recommendations:

- 1. CIVPOL should be expanded from its current level of 1622 to 5000, including an additional Formed Police Unit.** Until the HNP is capable of providing security for the citizens of Haiti, the UN will continue to be called upon to do so. Additional resources for that task are urgently needed.
- 2. Joint CIVPOL-Human Rights Section investigation teams should conduct investigations into killings and other major human rights violations perpetrated by HNP since October 2004.** The lack of an effective HNP inspector general and the Ministry of Justice's unwillingness

to investigate HNP violations mean that only a MINUSTAH initiative can prevent the current transition from being seen to perpetuate official impunity.

3. CIVPOL should accelerate the on-going HNP vetting project with immediate removal from active policing duties of those accused of violations until their cases are resolved. The international community is aware of individuals who have not completed police academy training having been inserted into the HNP since last year. Only an effective and accelerated vetting process can remove unqualified personnel.

4. The UN military force component of MINUSTAH should prepare and implement a timeline for removal of all ex-FAd'H from government buildings, as well as their disarmament, department by department, by June. The UN military force must confront any serious threats to the transition. The police functions of the international force should be the responsibility of CIVPOL once its resources are adequate for that purpose. After vetting for criminal activity and after turning in their arms, those eligible ex-FAd'H must be provided appropriate benefits, pension, and training opportunities.³

5. MINUSTAH should work with the National Disarmament Commission to ensure that the disarmament and demobilisation process includes the removal of weapons and the vetting of individuals for major crimes before any further payments are made. The initial one-third indemnisation payments made in January by the transitional government came without any requirement for turning in weapons. Absolute conditions should be imposed for disarmament to take place prior to any further payments.

6. A combined MINUSTAH and international community effort at gathering intelligence on drug trafficking and other groups who constitute threats to the transition also is essential. These “spoilers” have their own interest in diverting the path of the transition and they need to be stopped.

RECONCILIATION, DIALOGUE AND ELECTIONS

An inclusive national dialogue was supposed to have been launched to tackle the issue of moving toward agreed “rules of the game” for the electoral process. Even though a draft Presidential decree has been agreed upon between the government and some civil society groups, the dialogue has been delayed over who would be the convener. To be successful, a mechanism needs to be found to enable the safe participation of ex-Lavalas political figures. While former President Aristide is perceived to be opposed to any Lavalas participation, many former supporters have now effectively distanced themselves from him. That distancing needs to be encouraged and the safety of their participation assured.

The electoral process itself, now scheduled to begin with local elections in October, followed by national parliamentary and presidential elections, faces severe logistical and administrative problems. Internal disputes among Provisional Electoral Council (PEC) members, on-going

³ After the symbolic hand-over of weapons in Cap Haitien on 13 March 2005 during a ceremony presided over by the Prime Minister, many former military have lately agreed to negotiate with the transitional government and MINUSTAH their participation in a substantive DDR process.

tensions between the OAS and the UN over the registration process, ambiguity of assistance for the 93 parties which are now registered, and the lack of a secure environment for campaigning raise questions about the timing of the elections.

Recommendations

7. The UNSRSG should moderate the national dialogue. Even if the interim president issues the convening decree, the UN must moderate the process. The objective of the Dialogue is not merely to assure opportunity for all points of view to be heard but for some basic consensus on critical national priorities to be achieved prior to the elections. National parties must commit themselves to support government action on those priorities—such as public education, justice reform, maternal mortality and HIV/AIDS interventions, basic public infrastructure—regardless of which party receives a majority.

8. The UNSRSG should have the authority to direct those charges to an interim court made up of international and selected Haitian judges. While justice sector reform is urgently needed, a transitional court with international judges is an important immediate step to address the increasingly dysfunctional and partisan use of the justice system.

9. Full electoral security (including for the registration process) and international electoral observation need to be planned, with resources identified and provided as soon as possible. Electoral preparations are being conducted in a trilateral structure between the OAS, UN electoral experts, and the PEC. The current dispute over elements of the voter registration process needs to be resolved quickly. The SRSG needs to establish a mechanism to rapidly resolve this issue and any future disagreements. However, the key to the electoral process remains the removal of obstacles to effective political participation, security for parties and candidates so they can campaign and for citizens so they can vote without fear, and monitoring to guarantee that ballots will be counted fairly.

10. The question of the illegal detention of several high-ranking Lavalas leaders must be addressed in order to ensure Lavalas participation in the process. The former Prime Minister and the former Interior Minister remain in preventive detention. Tens and perhaps hundreds of ex-Lavalas leaders and officials also remain imprisoned in violation of Haiti's due process protections, many without charge.

VISIBLE SOCIO-ECONOMIC RECONSTRUCTION

While the international community has responded with emergency food and other humanitarian relief in the months since the arrival of MINUSTAH, visible economic recovery in the form of jobs in the urban slums and agricultural support in the countryside has been limited. The macro-economic orthodoxy of the transitional government has been so restrictive on government spending that even the IMF has raised questions about the limited boost to economic activity in the government budget. There actually has been a decline in inflation and an increase in net foreign reserves.

To the majority of Haitians who hoped the transition would be an opportunity for an improvement in their lives, the facts demonstrate otherwise. Haiti remains the poorest country in the Western Hemisphere, with more than 70 percent of its formal work force unemployed,

poverty in the 80% or more range, 50% adult illiteracy, and a ranking of 150 of 175 countries in UNDP's human development index. The government's tight-fisted budget execution has been made worse by the disbursement since last summer's \$1.3 billion international donor pledging session of just some \$150 million.

Recommendations

11. The transitional government and the international donors must use their budget and project funding to generate immediate employment through public works projects that both alleviate clear needs – local roads, schools, health clinics – and that employ local residents. The fastest way to provide an alternative to young, unemployed members of gangs is to give them a legal way to earn income.

12. The international community also should direct project funding to environmental monitoring, tree planting, erosion control, and rural financing to Haiti's farm population. The country remains largely rural, even with the 25% of the population located in the capital. Visible efforts to address their needs will help them see the transition as a new beginning, encourage them to participate in elections and produce a more legitimate government.

CONCLUSION

The UN needs to redefine its *modus operandi* with its Haitian counterparts, particularly the transitional government, in order to reverse the current deteriorating situation. If the necessary additional authority required by MINUSTAH cannot be assured under the existing mandate, then a new Security Council resolution providing the necessary authority, resources, and a clear roadmap forward should be approved.