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REPORT ON OAS ACTIVITIES INVOLVING HAITI  
FROM NOVEMBER 11, 2003 TO MARCH 10, 2004

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## REPORT ON OAS ACTIVITIES INVOLVING HAITI FROM NOVEMBER 11, 2003 TO MARCH 10, 2004

### INTRODUCTION

On February 29, 2004, President Jean Bertrand Aristide abruptly left Haiti. That evening, United Nations Security Council Resolution 1529 called on “Member States to support the constitutional succession and political process now underway in Haiti and the promotion of a peaceful and lasting solution to the current crisis.”

On February 26, the OAS Permanent Council in CP/RES. 862 (1401/04) had explicitly reaffirmed support for the OAS Special Mission for Strengthening Democracy in Haiti (the Special Mission), even as it called for United Nations Security Council (UNSC) action.

This report provides an overview of the work of the Organization of American States (OAS), including that of the Special Mission since the November 11, 2003, “Report of the Secretary General on the Situation in Haiti” (CP/doc.3798/03). It is submitted pursuant to Permanent Council Resolutions 806 (1303/02), 822 (1331/02), 861 (1400/04) and 862 (1401/04).

While most countries and international institutions were drastically reducing their presence in Haiti for security reasons, the Special Representative of the Secretary General and the Director of the Office of the General Secretariat of the OAS in Haiti remained in Port au Prince at all times, and the OAS Special Mission, though unarmed, never fell below twenty international staff and was back to full strength by March 8.

On the morning of February 29, once informed of events and concerned by the prevailing climate of violence, the General Secretariat ensured that its actions were strictly in keeping with applicable provisions of the Haitian Constitution.

With support from the General Secretariat, in the days immediately following the Special Mission urged the Multinational Interim Force (MIF) authorized by the United Nations (UN) to provide security to all government officials and to ensure that those responsible for violence not benefit from the departure of President Aristide. The Special Mission focused its own initial efforts on contributing to the formation of a transitional government, in keeping with the Constitution and in the spirit of the January 31 CARICOM Prior Action Plan which had sought a balanced outcome and had been endorsed in Resolutions CP/RES. 861 (1400/04) and CP/RES. 862(1401/04).

The arrival in Haiti March 10 of the United Nations Multi-Disciplinary Assessment Mission (UN Mission) underscores the need to begin to define coordination and respective spheres of activity between the OAS and the UN. In this regard, the Secretary General has conferred both with the United Nations’ Secretary General and with the Undersecretary General for Political Affairs. The Assistant Secretary General has also communicated with the Undersecretary General for Political Affairs. In addition, the U.N. Secretary General’s Special Adviser on Haiti met with the Secretary General and the Assistant Secretary General at OAS Headquarters on March 1<sup>st</sup>. The Special Mission

is holding discussions with the UN Mission so that its programs are appropriately taken into account in the latter's Report, which will also be further coordinated between OAS and UN Headquarters.

Pending fresh directions from the political bodies, the Secretary General and the Assistant Secretary General have instructed the Special Mission to continue its activities in accordance with previous mandates, but with a special emphasis on:

- governance – support for a balanced interim government that promotes respect for human rights and the rule of law, and begins to prepare for elections in about a year. This is an area of strength and experience for the SM and the OAS.
- security – the establishment of public order (as per UN Security Council Resolution 1529, the military aspects of these functions are assigned to the Multinational Interim Force and a subsequent UN Stabilization Force), but the OAS and its already on the scene core group of specialists is in a position to handle the police advisory and the professionalization of the Haitian National Police (HNP) and, in collaboration with other agencies, the strengthening of the judicial system. More robust police functions, which in addition to gradually taking over from the MIF should include immediate steps to assure disarmament of all armed groups, will need to be discussed. Clearly, the need for doctrinal coherence and the long-term institution building point to a major role for institutions, like the OAS, which have effective, tested professional working relations with all relevant players involved.
- development --address urgent humanitarian needs, get cooperation flowing from the international financial institutions (WB, IDB, Major bilateral Donors) and invest in the long-term institutional development of the Haitian state. Here the OAS role should properly be policy and coordination more than operational, though some support for state-building would be proper.

This report is thus intended to facilitate the work of the Member States and the political bodies in evaluating and refining the Special Mission mandates to take account of the new circumstances since February 29.

The implications for the Special Mission will emerge from the deliberations of the member states; they could well require considerable immediate strengthening, with increased personnel, material and financial resources.

NOVEMBER 11 to DECEMBER 17, 2003

Following the presentation of the November 11 report, the Permanent Council established a working group, chaired by Ambassador Joshua Sears of The Bahamas, to recommend such adjustments as may be required to the mandate of the Special Mission. That Working Group's report to the Permanent Council (CP/doc.3806/03 dated December 9, 2003) recommended that the Special Mission's work should continue to be focused on the areas of Security, Governance, Democracy, Justice and Human Rights and that discussion on the mandates of the Special Mission should not be reopened. The Working Group made a number of relevant recommendations which the Council subsequently adopted at its regular session held on December 17, 2003.

The Assistant Secretary General took the opportunity of the Permanent Council's December 17 session to inform on the incidents that occurred on December 5 when, *inter alia*, portions of the State University of Haiti in Port au Prince were invaded by armed mobs, resulting in severe injury to the University's Rector, Pierre Marie Paquiot, and Vice Rector Paul Laloux, as well as injuries to more than 20 students. He advised that there also were reports of considerable damage to the university's buildings and equipment. The Assistant Secretary General noted that the OAS Special Mission vigorously condemned the actions at the University as "violent and unjustified," and that the Head of the Special Mission and Mission members visited the Rector and the Vice Rector in the hospital to express the sympathy of the OAS.

Commenting that December 5 had come to be known as "Black Friday," the Assistant Secretary General stated that the reverberations of that attack on an institution of learning continued to shake Haiti and had added to the growing calls for the resignation of President Aristide. He mentioned that several important members of the government (such as the Ministers of Education and of the Environment, the Secretary of State for Tourism, and the Ambassador to the Dominican Republic) and of *Fanmi Lavalas* had resigned over the incidents of December 5. He opined that these events required urgent action by all concerned to support the rule of law, noting that while the primary responsibility for maintenance of security in the country lies with the Government of Haiti, all Haitians have a responsibility to seek a peaceful and democratic outcome to the political crisis in the country.

#### SITUATION IN HAITI FROM DECEMBER 17 TO MID -JANUARY 2004

Street demonstrations, both for and against the government, organized by the *Fanmi Lavalas* and the Democratic Platform of the Civil Society and the Political Parties of the Opposition (*Plateforme Démocratique*), continued for the remainder of December 2003 and into January 2004. The Special Mission reported that opposition demonstrations had often been forcibly preempted by an inappropriate association between popular organizations that supported the *Fanmi Lavalas* and some members of the Haitian National Police.

Haiti's bicentenary celebrations on January 1, 2004, at which the OAS was represented by the Assistant Secretary General, should have been an occasion for unity among all Haitians. Instead, on this date, the degree of polarization was evident by an opposition-organized demonstration, parallel to the official ceremonies. Once again violence marred or forced changes in many events. Some days later on January 11, the Special Mission vociferously condemned the brutal murder of the new HNP Director for the *Département du Nord* Inspector General Edner Jeanty. On January 15, the Special Mission also issued a press release deploring the attack on the radio and television transmission stations at Boutilliers.

During this period, repeated acts of violence and other incendiary incidents once again were commented on by the Inter-American Commission on Human Rights (IACHR), which issued a statement on December 9, 2003 expressing its preoccupation over those events in Haiti. This was followed by a statement on January 22 by the Office of the Special Rapporteur for Freedom of Expression of the IACHR in which the Rapporteur deplored the attacks against the exercise of the right to freedom of expression in Haiti, as well as the aggressions and acts of intimidation against journalists and the media in the country.

Clearly, the situation on the ground, in Haiti was one of degeneration into mob rule, considered anathema to all and whose resolution required urgent additional support from the international community<sup>1/</sup>.

#### DEVELOPMENTS IN JANUARY AND FEBRUARY 2004

It was against the above background that the Caribbean Community (CARICOM) Heads of Government launched a major initiative in January 2004 to address the crisis in Haiti, which also drew strength from efforts undertaken earlier by the Haitian Roman Catholic Bishops. After receiving a report from a high-level CARICOM delegation that visited Haiti in early January and after informal consultations at the Special Summit of the Americas in Monterrey, Mexico from January 11 to 13, several CARICOM Heads of Government, under the Chairmanship of the Prime Minister of Jamaica, the Rt. Hon. P J. Patterson and including the Prime Minister of the Bahamas, the Hon. Perry Christie and the Prime Minister of Trinidad and Tobago, the Hon. Patrick Manning, met with representatives of Haitian opposition political parties and civil society groups in Nassau, the Bahamas on January 21 and 22. These representatives had for some months resisted all proposals to participate in a meeting with the President. Representatives of the United States, Canada and the OAS (the Assistant Secretary General) also participated in this meeting as observers. At this meeting, there was a frank exchange of views on the situation in Haiti, on CARICOM's perspective on the situation, and ideas for addressing the political impasse were discussed

After the meeting in Nassau, the Prime Minister of the Bahamas, the Hon. Perry Christie, traveled to Port-au-Prince on January 25 where he met with President Aristide, members of the *Plateforme Démocratique* and members of the international community resident there.

A further meeting was held in Kingston, Jamaica on January 30 and 31 during which the CARICOM leaders met with President Aristide and members of his government and of *Fanmi Lavalas*. Once again, representatives of the United States, Canada and the OAS as well as functionaries from France and the European Union participated as observers. On this occasion, the OAS delegation comprised the Assistant Secretary General and the Chief and Deputy Chief of the OAS Special Mission. The outcome of this meeting was encompassed in the CARICOM Prior Action Plan, which called for respect for the CARICOM Charter of Civil Society and incorporated major opposition demands in a formula that called for major reforms, including a new cabinet, while allowing President Aristide to complete his full constitutional term. The OAS delegation made substantial contributions to the deliberations in Kingston. President Aristide immediately accepted the CARICOM plan, which was then conveyed to the Haitian opposition by a CARICOM emissary, Foreign Minister Fred Mitchell of the Bahamas. However the opposition indicated in response that they would not participate in any negotiations which did not include the topic of modalities for President Aristide's departure. The opposition was also united in their position that the international community should not respond favorably to the President's request for an international force to assist with security in Haiti, since they considered that that assistance would be used by the Government to prop itself up.

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1. Copies of the press releases and other statements issued by the Special Mission up to the time of the preparation of this report may be found on the OAS website [www.oas.org](http://www.oas.org). These include releases issued on December 27, 2003, January 12 and 15, and February 7 and 16.

Within a few days of the announcement of the CARICOM Action Plan, the situation in Haiti worsened sharply. On Thursday, February 5 the central police station and other installations in Gonaïves were attacked by the Front for National Liberation and Reconstruction, a group consisting of persons who had formerly supported the government and who had been known as the Cannibal Army.. This armed attack was condemned unequivocally by the Special Representative of the Secretary General and Chief of the OAS Special Mission. Subsequently, the violence spread to other parts of Haiti, with the towns Cap-Haïtien, Hinche and many smaller centers falling under the control of insurgents, now joined, notably by Guy Philippe former police chief and Louis Jodel Chamblain, former second in command of the FRAPH, accused of human rights abuses during the 1991-1994 period.

Against this troubling background, meetings were held in Washington D.C. on February 13 involving Ministers of Foreign Affairs from CARICOM (Jamaica, Barbados and St. Lucia), Canada and the United States, with the participation of the Secretary General and Assistant Secretary General of the OAS. Among other things, the joint communiqué issued at the end of these consultations called on “the Government of Haiti to respect the rights, especially the human rights, of all citizens and residents of Haiti, and on all Haitians to respect the rule of law.”

By common agreement, the February 13 Ministerial meeting was immediately followed in Washington by the constitution of a follow-up group. Extensive working sessions involving chaired by the OAS and involving the representatives in Port-au-Prince of the US, Canada, the Bahamas (in representation of CARICOM), France and the European Union (EU) (the Group of 6) started meetings in Port-au-Prince to prepare a plan of action designed to facilitate and motivate the implementation of the CARICOM Action Plan. The OAS Special Mission took the lead in drafting this document and was central to important meetings with both the Government and the opposition *Plateforme Démocratique* on February 20. The Special Mission was again central on February 21 during the visit to Port-au-Prince of the High Level International Delegation which included the Foreign Minister of the Bahamas, the Secretary of State for *La Francophonie* of Canada, the Deputy Foreign Minister of Jamaica, the US Assistant Secretary of State for Western Hemisphere Affairs, the Chairman of the OAS Permanent Council, the Ambassadors of France, Canada and the EU in Haiti and the Ambassador of the *Organisation Internationale de la Francophonie* to the UN. The Special Mission worked extremely hard to convince all parties that adoption of the CARICOM initiative would be in the best interests of the country. Once again, President Aristide accepted the action plan, but despite direct urgings from the US Secretary of State for them to accept the CARICOM plan and additional time to consider their response, the opposition *Plateforme Démocratique*, rejected the plan, which was predicated on shared governance.

In response to these developments and at the request of the delegation of Haiti, a Special Session of the Permanent Council was convened on February 19 and adopted CP/RES. 861 (1400/04). Subsequently, following the rejection by the opposition of the Plan of Action presented on February 21, another Special Session of the Permanent Council was convened by the delegation of the Bahamas (on behalf of CARICOM). That Session adopted CP/RES. 862 (1401/04), which in the light of the extreme violence and the growing threat posed by the insurgents, called upon “the United Nations Security Council to take the necessary and appropriate urgent measures, as established in the Charter of the United Nations, to address the crisis in Haiti.”

At the request of the Government of Jamaica, the UN Security Council met in the afternoon of February 26 to consider developments in Haiti “in light of the steadily deteriorating situation

which affects peace and stability in the region”. The Foreign Ministers of Jamaica and of the Bahamas appealed for immediate action, but the Council took no decision that day.

In the meantime, the insurgents, now comprising former paramilitary, military, police and others, took control of much of the northern part of the country and threatened to enter Port-au-Prince.

#### FEBRUARY 29 AND THEREAFTER

On February 29, 2004 the world woke up to the news that President Aristide had demitted office and left the country at about 6.30 that same morning. There was considerable looting of premises and burning of property, with a number of deaths and many wounded. This unfortunately continued for a good part of the week.

On February 29, President of the Supreme Court Me. Boniface Alexandre was sworn in as Provisional President in as required by the Constitution. Later the same day, the Security Council adopted Resolution 1529 (2004), which “authorized a Multinational Interim Force (MIF) to enter Haiti” and declared its readiness to establish “a follow-on United Nations stabilization force as well as to develop a program of action to address Haiti’s mid- to longer-term needs.” On the same day, the initial deployment of the MIF began in order to secure key sites in Port-au-Prince.

Since the events of February 29, the Special Mission has played a lead role in trying to ensure a peaceful, political solution in very difficult circumstances. It has played an instrumental role in facilitating the environment for the implementation of the Plan of Action presented by the High Level International Delegation. This bore fruit with the completion of the work, at the OAS Offices on March 5, of the Tripartite Council charged with selecting, by consensus, the seven (7) - member Council of Eminent Persons on the basis of a formula originally suggested by the OAS. The Council of Eminent Persons held its first meeting in the afternoon of March 5, 2004 at the OAS Offices in Port au Prince and subsequent meetings at the Hotel Montana. The Council of Eminent Persons in turn, submitted to the Provisional President the candidacy of Mr. Gerard Latortue to serve as Prime Minister. He assumed duties on March 11, 2004. The Prime Minister is to choose his Cabinet in consultation with the Council of Eminent Persons and in accord with the Provisional President.

As a number of international bodies and national governments prepare to tackle the new situation in Haiti, it will be important to seek as much common ground, information-sharing, coordination and collaboration as possible. This should be on the basis of a political vision that extends over the coming decade and encompasses, *inter alia*, governance, security, justice, humanitarian, human rights, economic and social dimensions. This undertaking will require a very long- term global approach and substantial resources.

Credible effort on the Haitian side, both sectoral and regional, is indispensable for this undertaking to succeed. The lesson of past efforts is that without real Haitian involvement, international community efforts do not produce sustainable results.

The next few weeks will be crucial as Haiti feels its way through uncharted, mined territory. The OAS objective should be to help set up a balanced government, restore security throughout the country and help get things functioning again so as to pave the way towards elections.

Some of the elements include the following:

1. There must be interim security, on an urgent basis. The MIF is crucial to this and should first secure the territory and tackle disarmament, in collaboration with the HNP. But the Haitian police must get back on the streets, in uniform, as the only legal Haitian armed force, without prejudice to the many decisions that the new government has to take. Once the first steps are taken, the programs envisaged under the OAS Special Mission should be carried out in cooperation with a more professional HNP—robust programs to strengthen and accompany the police. The OAS, as well as the UN, will have to work closely together, and this will require careful and creative thought. There have already been several positive variants of this cooperation on Haiti in the past (e.g. joint Special Representative in the early 1990s, joint human rights mission—MICIVIH).
2. At the same time, the steps inspired by the CARICOM initiative, as supported in Resolutions CP/RES. 861 (1400/04) and CP/RES. 862 (1401/04) of the OAS and Security Council Resolution 1529, have begun to be put into place quickly, leading to establishment of a Prime Minister and Cabinet. They must be neutral and independent, and exercise the power. The members of the new government, according to the CARICOM plan, are not to be eligible for the post-election government.
3. Also very urgent is the need to take early steps to deal with the humanitarian tragedy. The OAS does not have the lead, but should help politically etc. PAHO is actively involved on the front lines.
4. It should be clearly understood that the new government is a transitional government. They should have as their main function restoring security, including tackling with international assistance the priority issue of serious disarmament. They must restore a reasonably functioning government, and work with the international community in setting up the CEP and paving the way to elections, including the issue of demonstrations and their proper management.

Elections should be decided by the CEP, but could perhaps come in about 11 – 13 months, not too much sooner (for technical and practical reasons) but not much later either, so as to respect the transitional situation. They should be general elections, with attention paid to getting the various bodies back on the constitutional timing track. Civic education and help, including transparent, accountable financing, for political parties need to be part of all this. Close coordination of the international community's efforts will be required, in the various areas of work, as per CP/RES. 822 (1331/02).

5. The transitional government should not try to take major public policy decisions. These should be the responsibility of a newly elected Government, with a functioning Parliament.
6. The transitional government should however work closely with the International Money Fund (IMF) and the other International Financial Institutions (IFI) so as to

get their processes back on track, including that relating to the IMF's Staff Monitored Program as well as the World Bank. Planning should begin with the transitional government leading via the World Bank informal process to a formal aid donors meeting with the newly elected government very early in its mandate. There will need to be close coordination between the political and economic processes. And the Donor Coordinating Group in Port au Prince will be required to play a bigger role. This said, the General Secretariat is mindful of the emphasis by the Caribbean Community that "creating the conditions for political stability, economic development and the institutional reconstruction of Haiti would require a long term commitment on the part of the international community, including the International Financing Institutions".

7. The transitional government should work with the Special Mission and other international and local bodies in showing quickly that things have changed on impunity and human rights. There is a coordinating mechanism in place among key donors; the Special Mission has ideas in this area and others will have too. It needs to be demonstrated that justice works, and accordingly security is effective and investors are prepared to return for the long haul.

A final word about the Special Mission: For security reasons, about 14 of the Mission's 40-odd international staff were evacuated to Santo Domingo on February 27. As of March 8, however, the Mission brought the evacuees back, to gradually resume their activities in the field. The technical consultants have returned to Cap Haïtien. A Mission team visited Jérémie and Les Cayes to assess the situation and continued to Gonaïves and La Gonave. The technical staff also visited Jacmel. Their initial focus is on assisting in dealing with the security (including disarmament) and political issues, working with the police, and developing plans to implement the recent OAS Resolutions and the Security Council Resolution, in cooperation with the UN and member states. Over the longer haul, they will revert to some of their other tasks under the several OAS Resolutions including on human rights and justice matters as well as elections, with whatever adjustments will flow from developments in Haiti and from consultations between the OAS and UN Headquarters and among member states.

The implications for the Special Mission will emerge *inter alia* from these deliberations of the member states; they could well require considerable immediate strengthening of the Mission, with increased personnel, material and financial resources.