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REPORT OF THE SECRETARY GENERAL
ON THE SITUATION IN HAITI

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REPORT OF THE SECRETARY GENERAL ON THE SITUATION IN HAITI

I. INTRODUCTION

This fifth report of the Secretary General is presented to the Permanent Council pursuant to CP/RES.822 (1331/02) of September 4, 2002. The report reviews the period from May 20, 2003 to November 4, 2003 and evaluates the Special Mission's capacity to fulfill its mandates, as requested in AG/RES 1959 (XXXIII-O/03), adopted by the OAS General Assembly in Santiago, Chile on June 10, 2003.

II. REVIEW OF DEVELOPMENTS

With the Haitian economy in a critical state, the resumption of active relations between the Government of Haiti (GOH) and International Financial Institutions (IFIs) marked distinct progress. In June, the International Monetary Fund launched a *Staff Monitored Program* following important measures taken by the Government, including raising fuel prices significantly and tying them to international prices, restraining the fiscal deficit in its budget for the 2002/2003 financial year and limiting its borrowings. The GOH also agreed on a package with the Inter-American Development Bank, including the clearing of the \$32 million in arrears and a resumption of lending. Talks with the World Bank also made a fresh start.

On the political front, the situation has become increasingly polarized despite a variety of efforts to promote dialogue. The Government has not yet taken the concrete measures sought from it by the international community in regard to security; and some groups and individuals opposing the government insist that elections cannot be held with President Aristide in power. On June 21, fifteen days after he was named Director General of the Haitian National Police (HNP) in consultation with the OAS Special Mission for Strengthening Democracy in Haiti (the Mission), Jean Robert Faveur resigned, accusing governmental authorities of political interference. The consultative process to name a successor was cut short by the Government, who named Me. Jocelyne Pierre (former Doyen of the civil tribunal in Port au Prince) as Director General on June 28, 2003. No other changes have taken place at the top levels of the police, a point that had been at issue during the March, 2003 visit of the OAS/CARICOM High Level Delegation (HLD). However the Government has made many changes, some controversial, at lower levels of the HNP hierarchy. Several senior officers have left the HNP for unclear reasons, including the Departmental Director of the Port au Prince area.

In June and early July, several *Fanmi Lavalas* (FL) parliamentarians spoke publicly of their support for constitutional change to permit President Aristide a third term, sparking considerable debate on the ruling party's intentions. In September, several formal constitutional amendments were put forward in Parliament but that issue did not explicitly arise. Also in July, FL parliamentarians began to speak about the need to organize elections before the end of the year in order to prevent an "institutional void," as the majority of their terms expire on January 12, 2004. On August 7, President Aristide called on the Provisional Electoral Council (CEP) which he had named in March 2001, to "*prepare the ground*" for the organization of elections by the consensus-based CEP agreed

in the *Draft Initial Accord*¹. The President convened Parliament in October for an extraordinary session in order to adopt the budget for 2003/4, other legislation (including on gun control—see third paragraph of Section III. B. 1. below) and a number of international agreements. The post-January 12, 2004 “institutional void” issue has not been resolved.

On September 19 following considerable public debate, the President confirmed publicly that it is the consensus CEP which is to conduct the legislative and local elections, on the basis of Resolution CP/RES. 822 (1331/02), including selecting the dates for the elections. He stated that the Police had the task of protecting and serving the rights of all to demonstrate throughout the country; and that he would be handing over the Presidency to his successor on February 7, 2006, in accordance with the Constitution.

Disturbing incidents of violence have exacerbated the existing political tensions. Neither order nor clarifications have followed upon armed attacks in the lower Central Plateau that commenced in November 2002. At least 11 persons were killed in unclear circumstances in the Lascahobas/Belladère area of the Central Plateau, including four members of a five-person team from the Ministry of the Interior. The government again charged that killings in the Central Plateau were the work of an alleged “armed branch of the opposition”, without adducing proof.

On July 12 an attack in Cité Soleil against the Group of 184 (G184—a civil society grouping opposed to the government) by well-known popular organization members with close links to the Government provided additional arguments for those expressing concern about initiating the electoral process under current circumstances. The early July arrest, illegal detention, and torture of opposition leader Judith C. Roy and 3 others strengthened such concerns.

Over the last several months, five former state officials, including a Chief of Police, a former Port-au-Prince Mayor, a former Cité Soleil City Hall official and the former spokesman for the HNP, fled the country after accusing Government officials and/or State agents of complicity in crimes ranging from conspiracy to commit murder to operating civilian death squads. Several Senators and other long-time government supporters made statements implying divergence with various government positions. Parliamentarians and other members of the Government vigorously denied the veracity of the allegations and charged parts of the international community with soliciting individuals to frame the government in exchange for visas.

Police were directly involved in blocking a demonstration by the *Front de l'Opposition du Nord* (FRON) and other opposition activists in Cap Haïtien on the weekend of August 30 and 31, despite the Special Mission's requests to government and police officials for appropriate security measures to be put in place to protect political rights. While pro-opposition media and the attitude of the opposition demonstrators contributed significantly to the tensions in Cap Haïtien on August 30, the GOH showed little will to protect the opposition's rights. Similar dynamics were evident in the handling on all sides of events in Cap Haïtien throughout September and October.

The position of many opposition groups hardened, with a number re-launching the December 15, 2002, call for President Aristide's departure, the designation of a provisional president from the Supreme Court and the formation of a consensus government to hold general elections. The Protestant Federation of Haiti, one of the nine entities designated to select a representative to the CEP, had on August 7 called on President Aristide concretely and completely to apply Resolutions

1. See CP/doc.3625/02 corr. 3

CP/RES. 806 (1303/02) and CP/RES. 822 (1331/02) or voluntarily step down so that general elections could be organized in 2004.

Pursuant to paragraph 7 of Resolution AG/RES. 1959 (XXXIII-O/03), on August 19 the Secretary General named Ambassador Terence Todman, a former US career diplomat, as Special Envoy to promote dialogue in Haiti. Ambassador Todman arrived in Haiti on August 22 with a mandate to “*seek to catalyze security and confidence-building measures and the establishment of the CEP in accordance with Resolution 822*”. Ambassador Todman has visited Haiti and has worked diligently to find a consensual democratic solution to the formation of the CEP and the holding of elections, with the necessary support from the international community. The search for compromise and consensus was encouraged by statements issued September 26 by the Episcopal Conference of Haiti (Roman Catholic Church) and September 29 by the Episcopal Church of Haiti (Anglican).

In early October the Secretary General announced that a special working session was to be held in Port au Prince in order to bring together the President and members of the Government and the Fanmi Lavalas party, opposition representatives, and members of civil society. The purpose of the special working session was to discuss formation of a CEP on the basis of Resolution CP/RES. 822 (1331/02), along with the necessary accompanying security measures, in order to hold credible legislative and local elections at a date to be decided by the consensus CEP. As of the date of writing, it has not been possible for that special working session to take place.

Meanwhile, however, the assassination, of Amiot Métayer, leader of the self-proclaimed “*Armée Cannibale*” of Raboteau, a suburb of Gonaïves, sparked considerable unrest. Métayer, mentioned by name in the Report of the OAS Commission of Enquiry into the events of December 17, 2001, had been arrested in July 2002 and broken out of prison one month later. He had figured in all the discussions by the OAS with the government over actions to be taken pursuant to Resolutions CP/RES. 806 (1303/02) and CP/RES. 822 (1331/02), with the OAS urging that he be brought before the justice system for appropriate action. His bullet-riddled body was reported to have been found on September 23 near Saint-Marc. At the time of writing, his death, which is still under inquiry by the authorities, has given rise to six weeks of violent demonstrations in Gonaïves, repressed vigorously by the HNP. Up to thirteen persons have reportedly been killed during the demonstrations and many more wounded (including some HNP). The leaders of the demonstrations, including members of the Métayer family, are publicly calling for President Aristide to step down. The Délégué Départemental, appointed earlier this year under pressure from Métayer, has now resigned and been replaced by a five member interim body.

In October, despite President Aristide’s September 19 public declaration to uphold the right to assembly, pro-government popular organization (OP) leaders launched a nationwide operation to prevent anti-government demonstrations from taking place. The Government of Haiti neither denounced nor put a stop to these activities of the OPs which have either interrupted or prevented numerous anti-government demonstrations throughout the country using various tactics, including occupying points of assembly for the demonstrations and physically aggressing the demonstrators. In one incident, about 100 members of OPs threw bottles and other objects at 50 women participating in a peaceful sit-in at the *Palais de Justice* in Port au Prince to denounce violence against women. The women took refuge in the *Palais* and were subsequently evacuated by crowd control police in the presence of members of the OAS Special Mission. When confronting situations involving OPs, the police were generally non-interventionist, but in some instances police operations appeared to support OP actions. Government authorities in the North recently announced a ban on all

demonstrations in that region until after the November 18 ceremonies marking the 200th anniversary of the Battle of Vertières, the final victory over French forces prior to Haitian independence. Increased polarization undermined the efforts of the OAS, including the Special Mission, and others arguing for the early formation of a consensus CEP with the necessary security so as to move toward credible elections at a date to be decided by the consensus CEP.

III. CAPACITY OF THE SPECIAL MISSION TO FULFILL ITS MANDATE

General Assembly Resolution AG/RES. 1959 (XXXIII-O/03) states the following:

“11. To request the Secretary General to remain engaged and active in the process of reinforcing democracy in Haiti and to provide, by September 2003, as part of his report presented every two months to the Permanent Council, an assessment of the ability of the Mission to fulfill its mandates under the above-cited resolution CP/RES. 822 (1331/02), in particular regarding the Mission’s support for the electoral process and the Mission’s financial situation, so that the Permanent Council might make appropriate adjustments to the Mission’s mandates.”

In November 2002, the Secretary General sought US \$12M to cover the Special Mission’s work from that date until the election process, then expected to begin early in 2003. As of October 31, 2003, receipts have been approximately US\$5.4M with another approximately US\$1.6M committed.

A. The General Context

Creation of the Special Mission was one of a number of measures that the OAS put in train under CP/RES. 806 (1303/02). The framework for its operations was established in accordance with an agreement with the Government of Haiti of March 1, 2002. By September 4, 2002, when CP/RES. 822 (1331/02) was adopted, the Mission had begun establishing itself on the ground, acquiring personnel, offices and equipment, and developing relations with the government, opposition, civil society, NGOs and international players. Under CP/RES. 806 (1303/02) the OAS had also carried out two other unusual and successful activities, an independent Commission of Inquiry into the events of December 17, 2001, and a tripartite Advisory Council on Reparations for the victims of those events. Two different models were used: the Commission of Inquiry was made up of three jurists chosen by the OAS and operating independently of both the OAS and the Government of Haiti; the Advisory Council had three members, one each representing the OAS, the Government of Haiti, and Civil Society. Both worked very effectively for the specific issues for which they were formed.

The Special Mission, whose purposes were inherently far broader than the specifically defined Commission of Inquiry and Advisory Council, initially developed a notional budget of \$2.8 M, with fifteen professionals. Its original mandate comprised security, justice, human rights and governance. CP/RES.822 (1331/02) added election assistance, disarmament, and observation and reporting. The original mandate was in practice quite open-ended, and took time to organize into manageable work units, especially while also putting in place mechanisms with counterparts who were uncertain about where they wanted to go. With the Government, this was ultimately resolved at

least in part by negotiating Terms of Reference (TORs) and establishing a Government-Special Mission Joint Committee in each area of the Mission's work (seven in all). Negotiation of the TORs and creation of the joint committees took many months to achieve; in all areas a very great deal remains to be done.

It was hoped that adoption of Resolution CP/RES. 822 (1331/02) would pave the way to a resolution of the political and economic paralysis impeding progress in Haiti. Politically, this meant overcoming security and human rights problems, forming a consensual CEP and holding elections in 2003. Events supported expectations in the economic realm, but in the central political realm, events proved hopes vain, as polarization between the government and the various forces aligned in opposition to it continued and deepened.

The effect of political conflict has been to impede the work of the OAS in Haiti, including the operations of the Special Mission. Neither the Government nor those arrayed against it has been able to impose their will; neither has been able to take full advantage of the constructive facilitation offered by the Mission.

From September 4, 2002, the Mission's focus was on the new electoral mandate, to facilitate efforts underway to encourage the Haitian actors concerned to form an electoral council (CEP) by November 4, 2002 as called for in CP/RES. 822. *These efforts failed despite a number of initiatives by the Special Mission. Thereafter, a series of demonstrations, violent events and manoeuvres by the various political actors disrupted the November to January period.* The OAS and CARICOM responded by deciding to send a High Level Delegation (HLD) to Haiti in March. The Mission devoted much of the first months of 2003 to preparing for and following up on, in a variety of ways and with many actors, the various points put forward by the HLD to the Government, the opposition and civil society ^{2/}

For the Special Mission, the period after the adoption by the General Assembly of AG/RES.1959 was marked by further efforts to encourage the government, civil society and the opposition to take the steps necessary for formation of a CEP; by implementation of a substantial increase in its security pillar; and by a more active presence in the justice and human rights areas. This however took place against a backdrop of increasing confrontation, violent incidents (e.g. in Cité Soleil and Cap Haïtien) and polarization among the Haitian actors, each seeking to maximize their leverage for the Assessment to be presented to the OAS Permanent Council.

B. Work of the Mission

1. Security

The focus of this pillar from June 2002 was on establishing relations and developing a work programme with government counterparts; on working with the Police Academy to strengthen training, especially of 850 new recruits chosen by the HNP, as well as refresher programmes for senior HNP officers (the Mission has provided significant funding as well as course preparation and training); and, after Resolution CP/RES. 822 (1331/02), on getting work underway also on

2. Previous reports by the Secretary General on the situation in Haiti and the work of the Special Mission can be found on the websites of the OAS and of the Special Mission (www.oashaiti.org), e.g. CP/doc.3671/02 of November 26 2002, CP/doc.3686/03 of January 22, 2003, CP/doc.3715/03 of March 25, 2003, and CP/doc.3750/03 of May 20, 2003.

disarmament (including holding a Disarmament Seminar in October, 2002). Throughout the existence of the Mission, the pillar has intervened on many occasions with the Haitian security authorities in order to encourage the HNP to manage the various public demonstrations or other public security issues in accordance with the Constitution and the international instruments ratified by Haiti. It has also participated with other members of the Mission in observing such events.

Three of the Government-Special Mission Joint Committees to implement the TORs relate to security: Professionalization of the Police; Disarmament; and Election Security. *But progress is slow and selective, partly for technical reasons and lack of resources on the Haitian side but mostly due to a lack of political will. It is particularly dependent upon the political atmosphere* surrounding implementation of the OAS Resolutions. For example, movement on most elements of the disarmament TORs has been notably hesitant on the Government side.

Following a decision to increase the security pillar from 3 to 30 technical advisors (TAs--unarmed and not in uniform), progressively since May, TAs have been placed two each in five Departments to date: West (Port au Prince), North (Cap Haitien), Artibonite (Gonaives); Centre (Hinche); and Southeast (Jacmel). In addition, there is one TA each with the Director General of the HNP and her three immediate deputies (of whom one spends considerable time on elections), one in crowd control (CIMO), one with personnel and logistics, one was assigned to explosives for a two month period, one with traffic (including licensing), one on disarmament, two in the new Frontier Police, one at the Academy (training), and two managing the group under the Head of Pillar (the Coordinator and his executive assistant) (to be clarified). The full complement of 30 TAs could not be attained due to resource concerns. The number of TAs currently stands at 24.

Following this deployment, the pillar has developed an "état des lieux" which describes the situation within each of the areas of the HNP where TAs have been posted, and identifies the overall strengths and weaknesses of the HNP. This will animate the future work of TAs with their counterparts, and more broadly the interventions by the Mission on the security needs of the country, keeping in mind potential election requirements. The pillar has worked with the counterpart to prepare a draft Election Security Plan, which is ready for consideration by a CEP and other appropriate Haitian authorities. On disarmament, the pillar has made a number of proposals to the Haitian counterpart for ways to address the key issues in the TORs, including for dealing with armed gangs and other illegally held arms. The Mission has provided a specialist to advise the Government on legislation to reform and strengthen the laws on small arms and related matters; the proposed legislation was introduced to Parliament on October 14.

The TAs in the departments act as advisors, mentors, trainers and observers vis-à-vis the Departmental Directors of the HNP and their staffs. They also meet with other elements of local government and the society at various levels, and serve as a Mission presence in their cities/Departments. TAs assisted in the planning of operations but are not involved in the Haitian decision-making processes. They do not have any legal authority in respect of law enforcement in Haiti. Accordingly, they do not intervene directly as police officers: for example, they do not carry out arrests or patrol the streets and neighborhoods. Nor do they command or direct the HNP.

Despite limited resources, the security pillar has created the foundations for assisting with professionalization of the HNP, promoting disarmament, and advising on election security. Organizationally, the pillar would need further strengthening and time to accomplish these tasks adequately, as well as assured funding at agreed levels. But above all, it would need clear and

continued evidence of adequate political will from the highest levels of the Haitian administration, including consistent provision of the appropriate orders to the HNP. Without consistent political support from within Haiti and greatly expanded financial and other resource support from the international community (including for the necessary equipment), it is illusory to believe the security pillar can significantly alter patterns of lawlessness and conflict.

2. Justice

Since June 2002, the Justice pillar has provided advice and acted for the Mission on all matters having to do with the Haitian legal system, especially concerning political cases, impunity and justice reform, as well as assistance on certain human rights matters. The pillar added a second lawyer during autumn 2002 and two additional lawyers in spring 2003, to help implement the justice-related TORs. (One has since resigned to accept a major assignment in his home country.) An agreement was negotiated with French Cooperation for training programmes at the Magistrates School for Haitian judges and court clerks. Cooperative relations were established with the Supreme Court and the other levels in the judicial system; and also with a new association of judges and with the Haitian Bar Federation.

Particular effort was put into follow-up in regard to the issue of Reparations for victims of the events of December 17, 2001. The pillar worked with both the government side and the political parties affected and their lawyers to facilitate settlements. With high level encouragement from the OAS and elsewhere, success came when all the political cases were resolved with mutual agreements during the spring of 2003; some half of the non-political cases still remain to be settled. Strong efforts were also deployed in regard to prosecutions against the authors of the December 17, 2001 violence, though results have been insufficient.

Work on justice under the TORs is carried out under two Government-Special Mission Joint Committees: one on impunity, strengthening of the independence of the magistrature, and human rights; the other on preparation for longer-term reform of the system. Work in the first has focused on getting an agreed joint Task Force on Impunity underway, with only limited success to date. This reflects the state of advancement on the 12 difficult "political" cases including Jean Dominique and Brignol Lindor, where progress has also been at best slow and limited in the past sixteen months. However, the recent nomination of a Special Advisor within the Cabinet of the President may activate the dynamic within both the Task Force and the Joint Committee on Justice. The second Joint Committee has made reasonable progress, though longer-term reform by its nature will take time.

In recent months the level and pace of cooperative activities with civil society groupings have grown considerably. The Mission has sponsored and participated in a series of seminars involving judges, lawyers, the press and others on impunity, the role of the inter-American system, the Caribbean Court of Justice, independence of the judicial system, and how Haitian judges and lawyers can learn from progress in the systems of neighboring countries. Other activities have included work involving both the justice system and the police in regard to technical investigations, use of scientific and medico-legal methods and evidence, where the Haitian systems are grossly deficient. In addition, the Justice pillar was instrumental in setting in place and leading coordination arrangements for the donor agencies involved in the justice field. This instrument facilitates the exchange of information among donors about projects and the search for a better synergy between respective programmes, including the possible adoption of a common strategy on judicial reform.

The justice pillar is well established and is making its mark. Significant concrete results, e.g. on impunity, will nonetheless be difficult, due both to the issues themselves and to political factors, along with the very serious resource constraints on the Haitian side. The basic problems in the justice sector are too serious and deep-seated to be susceptible to correction with the help of a small mission over eighteen months. It is for consideration whether the Mission should in future retain the longer-term reform component of the work of this pillar: one possibility would be greater involvement by another donor agency in this area in cooperation with the Mission.

3. Human Rights

This pillar focused at the outset in two directions. One was to develop relations with the government counterpart, including encouraging the adoption and implementation of international instruments on human rights. The second has been to promote relations with the non-government actors in the field, strengthening, training and encouraging them to take the lead in this area particularly on prevention, violations and incidents. However, given the serious situation on human rights, for some time the pillar has had to focus more on cases and on helping those affected, as well as collaborating with Mission management on the public affairs aspects—including statements and reporting as required. In this regard, the pillar visits victims, both high profile and virtually unknown, in hospital, home and prison, and in NGO premises.

The pillar takes the lead for the Mission in implementing the human rights TORs in the Joint Committee with the government, notably including the negotiation of four communiqués last March on government obligations relating to the role of government employees, government supporters both official and non-official, respect for the rules regarding arrests, torture and other matters. The Mission is funding publication of these documents in leaflet form for wide distribution (10,000 copies), including information on the procedures for holding public demonstrations. The Joint Committee is working on preparation of a series of radio spots on human rights issues related to the holding of elections.

The pillar has sponsored publications and training events, and organized and participated in a great many seminars and meetings to promote awareness of human rights and provide education and training on specific issues and subjects, including on the Inter-American system notably the work of the Inter-American Commission on Human Rights (IACHR). For example, the Mission cosponsored with the IACHR's Rapporteur on Freedom of Expression a seminar for journalists on Freedom of Expression in July 2003. Other sponsorships have involved innovative work with a film festival, sports groups and individuals involved in the arts in order to promote human rights principles and practices, along with an exposition on press freedom. As well, the pillar has sponsored participation by Haitians in training conferences and other human rights events abroad.

The human rights pillar collaborated with the justice pillar on other efforts with the IACHR. The latter visited Haiti again in August 2003, focusing on the issue of Administration of Justice and visiting Gonaïves and Cap-Haïtien as well as Port au Prince. The Mission also works closely with the Special Rapporteur of the UN Human Rights Commission, Louis Joinet, who has visited Haiti and issued reports several times, most recently in October-November 2003.

The human rights pillar has “punched above its weight” of two persons. Human rights must remain a key and crosscutting element of any OAS mission to promote democracy in Haiti. The pillar will need additional people if new directions are decided for the Mission, both at its

Headquarters in Port-au-Prince and in certain Departments. Indeed, it would already be desirable to include a human rights presence in at least some of the Mission offices in the Departments, e.g. Cap Haïtien and Gonaïves.

4. Political, Electoral and Public Affairs

This area is a major focus of mission management and associated personnel. The Head and Deputy Head have spent a good deal of time and effort with the major figures in the Government, the Opposition, Civil Society and other groups, in Port au Prince and elsewhere. The primary purpose has been to advance the OAS objectives pursuant to CP/RES.806 (1303/02), CP/RES.822 (1331/02) and AG/RES.1959 (XXXIII-O/03) regarding formation of a CEP and the holding of elections.

In addition to Mission management, the section includes three other staff. Two have worked with outside experts on elections to pull together a substantial set of technical documents on Haitian election matters, including a notional schedule and cost estimates. The section helped draft the TORs on Elections, and participated in the relatively few meetings of the Joint Committee in this area in the absence of a CEP. Once the CEP is formed, the electoral component would need to grow considerably. At that point the Special Mission should bring in as soon as possible a team of international experts on electoral matters, in cooperation with other parts of the OAS, with the UN system and with bilateral actors, to meet with the CEP and others in Haiti to examine and propose ways and means for the international community to advise and assist technically and financially with the electoral process itself. In the political area, this section investigates problems associated with demonstrations and incidents in various parts of the country (e.g. Cap Haïtien), and leads many of the Mission's observation teams, e.g. in Cité Soleil. Staff members have analyzed Haitian political parties and constitutional matters including legal questions associated with the CEP and election timing, the status of Parliament, constitutional reform, and other matters. The section is playing a leadership role on political matters within the Mission, with the Group of Friends of the Secretary General on Haiti (Group of Friends), and with Haitians, but will need to extend its presence into the Departments in view of elections.

The public affairs component of the section works closely with the Head of Mission and with the political component on press and media relations including communiqués, and for press conferences by the Head of Mission. It also handles liaison with the Group of Friends and arrangements for and reporting on meetings with political parties, civil society groups and others. A contractor set up and services the Mission's website. The communications and public affairs programme of the Mission should properly be more substantial.

5. Management and Administration

Senior management is provided by the Head of Mission and Deputy Head of Mission, along with the Head's recently named Chef de Cabinet. This is satisfactory for this transitional period. However, should the Mission expand any further in the light of developments it will be necessary to add to this level, e.g. an Operations Chief, an Electoral Security and Support Team Chief.

The Administrative Section has been stretched thin by the rapid growth in the Mission's roles, locations and personnel, and, in the event of growth in the Mission's workload, should be strengthened. The Secretary General must be in a position to assure donors that their contributions are properly accounted for and that the highest standards are being adhered to satisfactorily, while

fully meeting the needs of the Mission and its personnel to carry out (often under difficult circumstances) their growing responsibilities and projects in acceptable working and living conditions.

IV. OBSERVATIONS AND CONCLUSIONS

The overall conclusion of this evaluation is that the Mission has put itself into a position to be able to carry out the OAS mandates *provided the it is funded adequately by the international community*. However, *its ability to act as a guarantor and stabilizing force for strengthening democracy in Haiti will depend critically on the taking of key decisions by the relevant Haitian actors*, especially the Government of Haiti and the entities nominating persons to the CEP.

Additional observations follow:

- The Special Mission is an important OAS presence in Haiti, and has had to work flexibly to create a new role and structure in difficult and rapidly evolving circumstances.
- Although the precise dates envisaged in Resolution CP/RES. 822 (1331/02) have been overtaken by events, the major considerations and mandates in OAS Resolutions CP/RES. 806 (1303/02) and CP/RES. 822 (1331/02) remain valid.
- The role envisaged for the Special Mission has been designed from the outset to assist and empower the Haitians to strengthen democracy in Haiti, not to replace them—whether at the government level (e.g. the Haiti National Police--HNP) or non-governmental actors (e.g. press associations or private Haitian human rights organizations). Nor can it replace other international bodies, or aid agencies and donors. Mission performance depends on good working relations with a credible and committed government counterpart and with constructive partners in the private and non-governmental areas. The continued engagement of other international actors, particularly those with experience in Haiti, is a *sine qua non*. It is believed that this approach remains correct, though it will require much additional effort.
- The Special Mission's operations have been frequently bedeviled by financial constraints. Management has not had the funding to plan ahead more than several months at a time at best. This is a particular problem for an entity so dependent upon obtaining and retaining high quality international staff as well as committed local staff. A more solid financial footing for the Mission will be essential, and should cover a minimum of twelve months' full funding for the mandates decided upon by member states.
- Partly because of resource and personnel constraints, progress has been slow over the past sixteen months. But the increasingly difficult Haitian political scene and the reluctance of the Haitian players to take the decisions necessary to form a CEP, including decisions on security, and others required for holding elections have been even more important. As the impasse has increased, the OAS in general and the Mission in particular have on occasion been criticized by both sides "for taking a balanced approach"—apparently because the Mission was not espousing the position of the critics.

- It has been possible in at least some cases for the Mission to establish the kind of links with the Haitian authorities, with other Haitian entities, and with the international donors and agencies, that would enable it to carry out its mandate more fully. In every area, some Haitian organizations and individuals have been found that are keen to move things ahead and effect change to “strengthen the democratization” of the country, although this is far from uniform. The key factor is of course political will, along with empowerment to assume responsibility, especially under the Haitian presidential system. Formation of an acceptable and credible CEP would send an important signal of political will on the part of the political class in Haiti.
- Security has grown into the largest share of the Mission’s work. In this area, the Mission has recently expanded very rapidly and has only begun to be able to assess the chances of progress by the HNP. The additional funding which will be required in this area should cover not only additional technical advisors to be deployed in key areas but also equipment to help the Haitian National Police to carry out at least some of the most important functions of a police service. Improvement will take time, and considerable political will on all sides.
- Overall the Mission has established itself as a presence in Haitian public life, sought out by the press and approached by actors across the spectrum of political and other activity. A structured communications plan should be put in place in light of the results of this Assessment and policy decisions by the member states.
- The Secretary General takes this opportunity to express his appreciation and that of the Assistant Secretary General for the dedicated, highly professional and very hard work of the team of specialist and support staff who have contributed so diligently to the efforts of the OAS to implement its mandate in Haiti.

The Secretary General also wishes to express appreciation to all the donors whose contributions have facilitated the Special Mission for Strengthening Democracy in Haiti to pursue its work. A list of the contributors and the revised financial execution report is attached hereto.

This Report and the Conclusions stated above are submitted to the Permanent Council for its consideration and decisions on the next steps to be taken by the OAS on the matters raised herein.

APPENDIX

**OAS SPECIAL MISSION FOR STRENGTHENING DEMOCRACY IN HAITI
LIST OF CONTRIBUTORS AND AMOUNTS AS OF OCTOBER 31, 2003**

MEMBER STATES AND PERMANENT OBSERVERS	AMOUNT (US \$)
Antigua and Barbuda	\$1,000
Argentina	\$6,000
Bahamas	\$10,000
Barbados	\$5,000
Brazil	\$20,000
Canada	\$1,189,020
Cyprus	\$1,000
France (in-kind contribution)	\$140,000
Germany	\$92,440
Haiti	\$25,000
Holy See	\$5,000
Italy (in-kind contribution)	\$16,724
Japan (in-kind contribution)	\$93,742
Korea (in-kind contribution)	\$100,000
Nicaragua	\$6,000
Norway	\$131,230
Spain	\$73,704
Sweden	\$230,781
Switzerland (agreement signed, cont. pending)	\$31,000
United Kingdom	\$14,268
United States	\$2,121,549
INTERNATIONAL AND REGIONAL ORGANIZATIONS	
CARICOM	\$15,000
Commission of the European Union	\$641,160
Org. Internationale de la Francophonie	\$350,683
United Nations Development Program	\$949,940
OTHER ENTITIES	
National Org. for Advancement of Haitians	\$10,000

Total Cash and In-Kind Contributions	\$6,270,250

<http://scm.oas.org/pdfs/2003/CP11975.pdf> (REVISED FINANCIAL EXECUTION REPORT)