

PERMANENT COUNCIL



OEA/Ser.G
CP/doc. 3896/04
13 May 2004
Original: English

REPORT OF THE SECRETARY GENERAL ON OAS ACTIVITIES INVOLVING HAITI
FROM MARCH 11 TO MAY 13, 2004

This document is being distributed to the permanent missions and
will be presented to the Permanent Council of the Organization.

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I. INTRODUCTION

This report of the Secretary General is presented to the Permanent Council pursuant to the following resolutions:

- The Situation in Haiti, CP/RES. 806 (1303/02),
- Support for strengthening democracy in Haiti, CP/RES. 822 (1331/02),
- Support for Public Order and Strengthening Democracy in Haiti, CP/RES. 861 (1400/04),
- Situation in Haiti, CP/RES. 862 (1401/04),
- Support for Strengthening Democracy in Haiti, AG/RES. 1959 (XXXIII-O/03).

It complements reports contained in CP/doc. 3798/03 and CP/doc.3849/04 corr.1 which will be submitted to the General Assembly as Addenda to the present report.

II. SIGNIFICANT DEVELOPMENTS

1. Stabilization of the political and security situation in Haiti has continued to progress, albeit gradually. Noteworthy achievements to date include the formation of the transitional government, with the Cabinet sworn in on 17 March and high level appointments through the months of March and April; a political agreement on the government's program signed between the government and the main political parties formerly in the opposition (but not including Fanmi Lavalas (FL) and a number of smaller parties); expansion of the Multinational Interim Force (MIF) and the Haitian National Police (HNP) into many regions of the country; the UN Security Council authorization of a Peacekeeping Mission to Haiti; installation of an eight-member Provisional Electoral Council (CEP); the registration of some 35,000 candidates for the police force; and the leadership role of the transitional government in its collaboration with the international community to tackle the pressing need for resources and other support, including to present an Interim Cooperation Framework at an upcoming donors meeting. These actions notwithstanding, there is impatience in the country over what is regarded as slow progress. The country continues to face serious problems, including widespread use of illegal arms, that could threaten its still fragile stability if they are not promptly and properly addressed.

2. Although politically motivated violence has seen an overall decrease, incidents of apparent settlement of scores between armed groups are yet to be properly investigated. In addition, Fanmi Lavalas (FL) continues to denounce acts of physical aggression, death threats, intimidation and persecution against its members. This situation, added to other concerns including the arrest of some 10 prominent party figures, including the former Minister of the Interior, for their alleged participation in human rights abuses, prompted FL – despite lengthy negotiation meetings with the Prime Minister – to refuse to nominate a representative to the CEP.

3. On 4 May, four days after the date given by Prime Minister Latortue as the last day for FL to designate their representative, an eight-member CEP was installed. The fact that the Government did not proceed to the selection of a ninth member following the provisions of the Draft Initial Accord seems to leave the door open for FL to join the CEP at a later date. The Prime Minister said his government will keep a position of flexibility but, he added, “the electoral process will not be kept hostage.” Through several of its leaders, FL denounced the establishment of the CEP as an act of exclusion by the transitional government and called for the latter to respond to their demands, particularly those related to the physical security of their members and recognition of the mandate of 13 FL Senators. Among the sectors that have, on the other hand, expressed their satisfaction with the CEP are the Convergence Démocratique and the Group of 184.

4. The presence of former rebel groups – who still control several regions in the country and in some cases work jointly with the HNP – continues to be of concern, particularly since they have been engaged in acts of violence. In Gonaïves, for example, a group of former rebels entered the police station on April 25, disarmed the HNP who were on duty and took a government vehicle that had been confiscated by MIF. The stolen vehicle was later seized by a joint MIF/HNP patrol, without incident. Also on April 25, in Hinche, a newly set-up police station was burned down by individuals believed to be close to former military groups. Other main developments regarding these groups include: the announcement on April 28 by Gonaïves-based former rebels of the upcoming creation of their political party, and the voluntary surrender on April 22 to prison authorities of a former rebel leader who had been convicted in absentia of politically motivated killings as a leader in the paramilitary group FRAPH in 1993 and 1994.

5. Haitian and international human rights organizations welcomed the fact that the former FRAPH leader, Louis Jodel Chamblain, would remain in custody and be retried (as provided for by Haitian law). They believe it is an important step in the fight against impunity, and hope that his retrial “will not make a mockery out of the Haitian judicial system serving to hide the truth and wash [his] hands of the accusations against him.” Previously, human rights groups had publicly criticized the fact that, while the transitional government had promptly proceeded to arrest FL members suspected of involvement in human rights abuses, it has neglected to do the same with rebels who had been accused and/or convicted for the same crimes.

6. Also related to fighting impunity, national human rights groups welcomed the 14 April announcement by the HNP Superior Council (CSPN) of the dismissal of 150 middle and high-ranking police officers for reasons such as non-respect for the HNP’s deontology code (including human rights violations), irregular promotion and desertion of their posts.

7. As regards the accusations by FL of political persecution, the National Coalition for Haitian Rights (NCHR), the leading human rights NGO in Haiti, highlighted the “difference between political persecution and the fight against impunity.” It is important, NCHR said, not to consider the arrest of persons implicated in human rights violations and/or infractions of the law as political persecution. “Those who break the law” they said, “must be brought to justice, regardless of one’s political affiliation. Similarly, those who have been arrested, whatever their political affiliation, maintain their fundamental rights.” NCHR has closely followed the conditions of arrest and detention of FL figures and has on occasion denounced irregularities such as lack of counts of indictment. Special Mission staff has also conducted visits to the main detention facilities in Port au Prince and Cap Haïtien, inter alia, in order to monitor conditions of detention, treatment of detainees, and the legality of the arrests.

8. Of the almost 3000 detainees who were freed during the February 2004 events, HNP officials report that about 100 have been rearrested and detained. Police officials have deplored the delays as regards the reopening of courthouses and prisons throughout the country which has led to severe overcrowding and other irregularities in the police stations which are functioning. Despite high-level nominations in the judiciary, the justice system remains generally dysfunctional, with many courthouses closed in the provinces, and continued allegations of corruption.

9. Former members of the Haitian Armed Forces (FAAdH) – whose presence is concentrated in the Departments of the North and Center – have publicly distanced themselves from other former rebel groups. About 700 of them were allowed by the transitional government to present to an ad hoc commission their candidacies to integrate the HNP. Theirs were part of over 35,000 candidacies received at the Police Academy, of which roughly three-percent (between 800 and 1200) will be retained. OAS Special Mission technical advisors to the HNP have underlined the importance of ensuring that there is in place a systematic mechanism to test the candidates in order to avoid nepotism and political allegiances playing a role in the selection process.

10. Of significant concern with regard to the reconstruction of the police are allegations of inappropriate political interference from associates of the transitional government, and also of continued collusion between members of Fanmi Lavalas and some police officers in criminal acts. Overall, progress in efforts to reorganize the force has been slow and difficult; there are presently only 2000 officers reporting for duty while 4500 remain on the payroll. Attempts to obtain statistics with regard to the number of functioning police stations in the hands of HNP have been unsuccessful and former military members continue to staff some of the provincial cities' main stations.

11. Crime – kidnappings, armed robbery and carjacking – has increased during the period and is of growing concern to the public and the international community. The curfew imposed by the transitional government the day it took office was lifted on 4 May but the HNP – and the MIF – are generally perceived as unable to guarantee security to the population. The expected disarmament process has yet to be launched in a systematic fashion. In cooperation with national NGOs, the Special Mission has organized and financed seminars to discuss the issue of disarmament; Special Mission staff are also leading a disarmament pilot-project in one of the capital's poorest neighborhoods.

12. In addition to the general perception of insecurity, the dramatic decline in already extremely difficult living conditions could further destabilize the nation. Severe electricity shortages and a significant increase in the price of basic food staples, particularly rice, are examples of pressing issues the government must address as a matter of urgency.

13. With regard to the Special Mission for Strengthening Democracy in Haiti (Special Mission), as the Special Representative of the Secretary General/Chief of Mission (SRSG/COM) stated in his 14 April intervention before the Permanent Council, apart from conducting routine duties as established in its mandate, the Special Mission has focused its work in “assisting with the transition and working to prepare for the arrival of the UN Mission in coming weeks, as well as consulting with the donor community about how to reengage with Haiti over the coming period.”

14. On 12 May, the Secretary General announced that Ambassador David Lee, the SRSG/COM, had indicated in a letter dated 3 May his decision to resign effective 31 May, in light of

the major changes in the conditions under which the Mission was established, including establishment by the UN Security Council of the United Nations Stabilization Mission in Haiti (MINUSTAH). The Secretary General also announced that Ambassador Denneth Modeste, Deputy Chief of Mission will serve as his Special Representative and Chief of the Special Mission until further notice.

III. OAS PARTICIPATION IN DONORS' MEETINGS IN WASHINGTON D.C. AND PORT AU PRINCE

15. The Assistant Secretary General and the SRS/COM attended the consultative meeting of donors held at the World Bank in Washington on 23 March, where they briefed the meeting on the situation and prospects in Haiti and encouraged serious but realistic reengagement to confront both the immediate and longer term problems of the country. The meeting proposed that a joint evaluation be conducted with the government in May. A joint session of government and donors was held in Port au Prince on 22 April at which it was decided to develop an Interim Cooperation Framework (Cadre de Coopération Intérimaire –CCI), under the leadership of the transitional government.

16. Special Mission staff are currently participating in the CCI process which will continue through the month of May, to be presented at a donors meeting to be held in several months. The CCI steering committee is composed of representatives of the Office of the Prime Minister, Planning Ministry, IADB, World Bank, European Commission and the UN System. The Special Mission is participating in three of the 10 thematic groups established: Security and Political Governance (providing one of the two focal points for the group, as well as other staff members), Local Development and Decentralization, and Education and Culture (in respect of the press and communications). Each group is expected to present a document describing its theme's current situation, priority actions needed and an estimated budget to implement these actions.

IV. PROTOCOLARY SESSION^{1/} FOR PRIME MINISTER LATORTUE

17. On 6 May, at the request of the Permanent Mission of Haiti, the Permanent Council held a protocolary session in honor of Prime Minister Latortue^{2/}. In welcoming the Prime Minister, the Permanent Council Chair, Ambassador Miguel Ruiz Cabañas of Mexico stated that "the national objectives of national reconciliation and political commitment which (the Prime Minister) had announced as being necessary for a return to democratic normalcy through free elections strike us as

1. The Protocolary Session took place during the Prime Minister's three-day visit to Washington D.C. during which, among other things, he sought the release of financial aid for Haiti "as a matter of urgency." He met with the President of the United States, the Secretary of State and other officials, and with members of the US Congress. He paid visits to the international financial institutions, including the IMF, the IDB and the World Bank. On May 7, the Prime Minister returned to Port-au-Prince for the visit of a Canadian ministerial team and immediately left again for calls on the UN in New York, the European Union in Brussels and the French Government in Paris.

2. Upon arrival at OAS Headquarters the Prime Minister was met by a welcoming committee of the Permanent Council comprising the Ambassadors of Mexico (Chair), Canada, Grenada, Guatemala and the United States. Prior to the Protocolary Session, the Prime Minister and his delegation met with the Secretary General and the Assistant Secretary General.

being highly significant. It is in this sense that the hemispheric community awaits with special interest the appointment of the ninth member of the recently established Electoral Council".^{3/}

18. On behalf of the General Secretariat, Assistant Secretary General Luigi R. Einaudi recalled that Mr. Latortue had been chosen for the post of Prime Minister "as the candidate considered best capable of reconciling acute differences and bridging the polarized situation existing in the country."^{4/} The Assistant Secretary General also stated that, as in the past, the OAS will continue to exhort the Government of Haiti to "spare no effort to guarantee the effective participation of all the country's political currents."

19. In his address, Prime Minister Latortue said that a major task of the transitional government is the preparation of free, fair, open and democratic elections. In this regard, citing Article 23 and 24 of the Inter-American Democratic Charter, he expressed the hope that the OAS, and the Special Mission in particular, would assist by providing "advisory services or assistance for strengthening and developing their electoral institutions and processes, including sending preliminary missions for that purpose." He also placed emphasis on the fact that Haiti intends to remain a member of CARICOM, stressing the importance for Haiti of full insertion within the subregion and his own personal commitment to the subregional integration movement.⁵

20. Upon conclusion of the Protocolary Session, the Council held a closed meeting during which the Prime Minister replied to questions posed by delegations.

21. Prime Minister Latortue's request under reference at paragraph 19 above was formally presented to the General Secretariat by the Permanent Mission of Haiti by Note Verbale dated May 10.

V. FUTURE WORK AND ACTIVITIES OF THE OAS IN HAITI

22. Under current circumstances, the future work and activities of the OAS in Haiti is a subject of some urgency for decision. Various options are possible. And member states have expressed the view that areas for work could include governance, human rights, the rule of law, impunity, elections, and a small capacity on election security. Such work could also include continued activity in the area of disarmament with a focus on coordination for regional projects to demonstrate the possibilities in this area.

23. One important area for governance could be to make a start on decentralization and local government as provided for in the Constitution. As well, with the Provisional Electoral Council established, and given the Prime Minister's request (see (III) above), it would be appropriate for the OAS to dispatch an electoral technical assessment mission to Haiti within a month. Plans and proposals for detailed technical assistance and observation measures regarding next year's elections would emerge from that exercise, along with the associated cost estimates. However, the experience of the past two years demonstrates conclusively that for successful OAS involvement, a clear and

3. See text on OAS website under Situation in Haiti.

4. See text on OAS website under Situation in Haiti.

5. See text on OAS website under Situation in Haiti.

specific mandate and adequate and explicit resources are essential requirements for the whole period in question.

24. With regard to preparation of the electoral process, the rest of this section outlines by way of example one possible set of OAS activities. It is based on the premise that the promotion and consolidation of the democratic process and rule of law must be a priority for the transitional government, for Haitian society in general and for the international community. While many steps need to be taken in this regard, the electoral process – its organization and its outcome – will most likely be the background against which the performance of the transitional government will be measured. It is necessary to ensure that the mistakes of the past are not repeated, that the rule of law is being increasingly respected and that citizens can go about their lawful electoral and other business securely.

25. The OAS is in a position to provide expertise and technical assistance, not only to the preparation and holding of elections, but also towards the consolidation of the democratic process, with a view to promote democratic values and a political culture of peace and reconciliation, based on dialogue and consensus. This would involve measures to prepare the ground and to accompany the process prior to, during and after elections, including with regard to the strengthening of the rule of law and improving the level of respect for human rights.

26. The overall objective would be to advance and consolidate the democratic process in Haiti. The OAS would aim to increase the overall participation leading to elections, to facilitate modernization of the electoral system, to strengthen Haitian institutions relevant to the electoral process and to promote dialogue and consensus-building measures in the preparation and application of public policies by the transitional government. Among many other possible areas of work, a key set of tasks should be to maintain close contacts with political parties, organize relevant training, help finance activities and provide technical advice as requested, on all elections-related issues, including conduct of opposition, production of programs and manifestos, and organization and financing of parties. The establishment of a fund to provide transparent and equitable financing to recognized and democratic parties on the basis of open criteria and full accountability would be explored.

VI. RESOURCE REQUIREMENTS – NEED FOR PREDICTABILITY FOR FUNDING

27. To provide coherent support for good governance and ensure effective continuity once the UN Security Council mandate expires, the OAS, and CARICOM, should be present even if minimally at key points throughout the country.

28. With Special Mission presence in the 10 Departments of Haiti, at least 60 international staff members should be recruited. The 60 staff members should have relevant academic and professional experience in either or several of the following fields: International Law, Political Affairs, Elections, Public Security, International Relations, Human Rights, Political Sciences, Conflict Resolution or related field. Depending on the final structure of the OAS presence, these staff members could be a mixture of junior staff (P2 level) and middle-level staff (P3 and P4) to be deployed in groups of 2 or 3 in each Department. Staff to be deployed within State institutions, particularly the CEP, should be selected and hired on an ad hoc basis, based on specific needs and requests by the government.

29. The total cost is estimated at some US\$ 10 M for twelve months for operational expenses, i.e. not counting specific projects or capital expenditures. A solid financial footing would be essential for the effective and efficient operations described above.

30. However it will be important to bear in mind the experience over the past two years. The voluntary resources provided by contributors to carry out the mandate of the Special Mission were proportionately few, were uncertain in their arrival, and provided piecemeal. Serious planning and implementation were impossible when the Mission did not know whether it would be continuing beyond several months at a time.

VII. DIALOGUE BETWEEN THE OAS AND UN POST RESOLUTIONS 1529 AND 1542 RELATIONS BETWEEN THE OAS AND CARICOM

31. In early March, the Chief and Deputy Chief of the Special Mission held several meetings with the UN Secretary General's Special Adviser on Haiti to discuss his mission and UN/OAS cooperation; other Special Mission senior staff devoted a considerable amount of time to brief representatives of the 38-member UN advance multidisciplinary team that was in Haiti from 10 to 25 March in order to assess the situation in preparation for the upcoming deployment of MINUSTAH.

32. Exchanges between the General Secretariat and UN Headquarters also continued during the period under review. On March 26, the Assistant Secretary General and the Chief of the Special Mission met at UN Headquarters with the UN Deputy Secretary General, the Assistant Secretaries General of the Departments of Political Affairs and of Peacekeeping Operations, and with the UNDP Associate Administrator to discuss matters arising out of OAS resolutions on Haiti, including the importance of early elections in keeping with the Inter-American Democratic Charter and in the light of UN SC resolution 1529 which called on the international community, specifically the UN, OAS and CARICOM to "work with the people of Haiti in a long-term effort to promote the rebuilding of democratic institutions and to assist in the development of a strategy to promote social and economic development and to combat poverty". On March 29, the Secretary General wrote to the UN Secretary General and proposed as an option for consideration by the Security Council, a joint UN-OAS mission similar in concept to that of the International Civilian Mission in Haiti (MICIVIH), but modified to include a role for CARICOM and to take account of lessons learned on the ground.⁶

33. On March 31, the UN Secretary General's Special Adviser on Haiti met with the Assistant Secretary General at OAS Headquarters following the former's attendance at the XV CARICOM Intersessional Meeting of Heads of Government held in St. Kitts and Nevis from March 25-26. The Special Adviser also took the opportunity of a visit to Washington on May 3 to consult again with the Secretary General and the Assistant Secretary General at OAS Headquarters.

34. The OAS Assistant Secretary General, along with the Secretary General and Assistant Secretary General of CARICOM, met with a UN team led by the Under-Secretary General for Peacekeeping Operations in New York on April 12 to discuss cooperation among the three organizations in the context of the UN operation in Haiti. This meeting took place just prior to the issue of the UN Secretary General's report to the Security Council on April 16. Later, on April 28, against the background of a meeting of the Secretary General's Group of Friends held at OAS

6. See CP/INF. 4964/04 on OAS website under Situation in Haiti.

Headquarters on April 27, the Assistant Secretary General wrote to the Under-Secretary General suggesting that the electoral assessment which the Special Mission was being asked to facilitate and an electoral assessment which the UN was planning to undertake, be conducted jointly.

35. On April 30, Security Council resolution 1542 was adopted, establishing MINUSTAH "for an initial period of six months, with the intention to renew for further periods". While there are several references to the OAS (and CARICOM) in the text, there is no clear indication of division or sharing of functions and /or roles with the OAS. However, related discussions with the UN are to continue on May 19 with the visit to the OAS of a representative of the Department of Peacekeeping Operations.

36. Convinced that CARICOM participation and involvement are vital for building long-term regional anchor for stability in Haiti consistent with the spirit of article 52 of the United Nations Charter, the OAS General Secretariat has maintained constant contact with the CARICOM General Secretariat at the highest levels.

37. It is to be noted that at their March 25-26 meeting in St. Kitts and Nevis the CARICOM Heads of Government agreed to designate a Special Envoy charged, inter alia, with coordinating "the Community's relationship with the UN, the OAS and other partners on the issue of Haiti and of its rehabilitation".

38. Also, the XVII Meeting of the Bureau of the Conference of Heads of Government of the Caribbean Community (CARICOM) with participation by the Core Group on Haiti, held in Antigua and Barbuda from 4-5 May 2004, recommended "that a request be submitted to the Chairman of the Permanent Council of the OAS for the convening of a meeting...to discuss the situation in Haiti, with a view to invoking Article 20 of the Inter-American Democratic Charter". That request was submitted to the Permanent Council Chair through a letter from the Permanent Mission of Antigua and Barbuda dated May 13, 2004.

VIII. CONCLUSION

39. As indicated under section IV above, under the current circumstances, the future work and activities of the OAS in Haiti is a subject of some urgency for decision by member states. The role and structure of the Special Mission will be critical to the Organization's continuing involvement in that country. Since April 2002 when it was established, the Special Mission developed working relationships across the entire spectrum of Haitian political, organizational and institutional life in justice, security governance and human rights. But review of the Special Mission's mandate should ideally be done before the announced start up date of MINUSTAH or at the latest by the XXXIV Regular Session of the General Assembly. Future areas for work could include governance and elections, human rights, impunity and the rule of law. And as was indicated in the report immediately preceding this one, member states' deliberations on the future for the Special Mission could well require strengthening of the Mission through increased personnel, material and financial resources.