

OEA/Ser.G
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CP/RES. 806 (1303/02)

THE SITUATION IN HAITI

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,

DEEPLY CONCERNED by the violence that occurred in Haiti, in particular the events of July 28 and December 17, 2001, and the worsening political, economic and social situation in that country;

CONCERNED by the current impasse in negotiations to resolve the continuing political crisis;

HAVING SEEN the Fifth Report of the Mission of the Organization of American States: "Progress Toward An Initial Accord" (CP/doc. 3541/02);

RECALLING that the General Assembly, in resolution AG/RES.1831 (XXXI-O/01), reiterated its deep concern at the continuing political crisis in Haiti, arising from irregularities in the elections of May 21, 2000, and instructed the Secretary General to increase his efforts to help find a solution to the political crisis, to further the social and economic development of Haiti, to strengthen democracy, and to promote respect for human rights in that country;

RECALLING ALSO that the Permanent Council, in resolution CP/RES. 772 (1247/00) of August 4, 2000, at the request of the Government of Haiti, authorized the Secretary General to lead a Mission to Haiti to "identify, together with the Government of Haiti and other sectors of the political community and civil society, options and recommendations for resolving, as expeditiously as possible, difficulties such as those that have arisen from differing interpretations of the Electoral Law, and for further strengthening democracy in that country", and that there have been numerous missions since that time for that purpose;

BEARING IN MIND:

That the OAS Charter establishes that representative democracy is an indispensable condition for the stability, peace, and development of the region and that one of the essential purposes of the Organization is to promote and consolidate representative democracy, with due respect for the principle of nonintervention;

That the Inter-American Democratic Charter, adopted by the Special Session of the General Assembly in Lima, Peru on September 11, 2001, states that the peoples of the Americas have a right to democracy and that their governments have an obligation to promote and defend it; and that "essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government";

TAKING NOTE of President Jean-Bertrand Aristide's condemnation of violence from any source, the statements issued by the Secretary General regarding the events of December 17, 2001 and the subsequent violence and the communiqués of the Inter-American Commission on Human Rights on attacks and threats against journalists;

TAKING NOTE also that the Government of Haiti has initiated an inquiry into the December 17, 2001 events which included an attack against the presidential palace and violence against the headquarters of political parties and the residences of private individuals;

CONVINCED that the worsening political situation in Haiti, which has most recently led to the violent events of December 17, 2001, demonstrates that there is an urgent need to strengthen institutions of representative democracy in that country;

ENCOURAGED by the interest and willingness expressed by the Government of Haiti to collaborate, with the international community in efforts at resolving the ongoing political crisis in Haiti; and,

TAKING NOTE of the decision of CARICOM to urgently dispatch to Haiti a special high-level mission to evaluate the situation in that country,

RESOLVES:

1. To condemn the loss of life and the destruction of property resulting from the events of December 17, 2001.
2. To urge the Government of Haiti, all political parties, civil society, and other relevant institutions of Haitian society to condemn and work towards ending all forms of political violence.
3. To accompany the Government of Haiti's interest and willingness to work jointly with the international community to find a solution to the current political crisis by establishing an OAS Mission, in accordance with AG/RES. 1831 (XXXI-O/01) of the General Assembly of the OAS, to work in the spirit of the OAS Charter and the Inter-American Democratic Charter.

4. To call upon the Government of Haiti to pursue diligently all efforts to restore a climate of security that is a necessary condition for resuming OAS-sponsored negotiations, including:
 - a. the completion of a thorough, independent inquiry into the events related to December 17, 2001;
 - b. the prosecution of any person, and dismissal, when appropriate, of any person found to be complicit in the violence of December 17, 2001 and subsequent days;
 - c. the completion of a thorough inquiry into all politically-motivated crimes;
 - d. reparations for organizations and individuals who suffered damages as a direct result of violence of December 17, 2001;
 - e. an invitation to the OAS to send representatives to Haiti to investigate and assess the situation and to assist the Government and people of Haiti in strengthening their democratic system and institutions, and
 - f. an invitation to the Inter-American Commission on Human Rights to conduct an onsite visit to Haiti.

5. To commend the Secretary General for his constructive efforts as detailed in the Fifth Report of the Mission of the Organization of American States: "Progress Toward An Initial Accord" (CP/doc. 3541/02);

6. To call upon the international community to provide effective and concrete support to the Government of Haiti, Haitian civil society, and democratic political parties that operate within the Haitian constitution and the rule of law, in an effort to strengthen the Haitian democratic institutions.

7. To call upon the Government of Haiti and all political parties, with the support of civil society and other relevant institutions in Haiti, to resume OAS-sponsored negotiations as a matter of urgency, as soon as conditions are conducive to discussions, with a view to reaching an agreement to resolve the political crisis in Haiti.

8. To reaffirm the mandate of the Secretary General in accordance with AG/RES. 1831 (XXXI-O/01) and, to instruct him, in consultation with CARICOM and the Group of Friends of Haiti, to continue his efforts, to contribute further to the resolution of the current political crisis in Haiti by:
 - a. monitoring events in Haiti, including respect for the essential elements of representative democracy, and compliance with any accords that may result from OAS-sponsored negotiations, and
 - b. helping the Government of Haiti in the strengthening of its democratic processes and institutions.

9. To instruct the Secretary General to assign technical experts to the OAS Mission to Haiti, to help the Government in the development and strengthening of its democratic political process and institutions.

10. To instruct the Secretary General, as progress is achieved in reaching a sustainable solution to the crisis arising from the May 21, 2000 elections, to continue to work jointly with member states toward normalizing relations between Haiti and the international community, especially the international financial institutions, and to report on his progress.
11. To ask the Inter-American Commission on Human Rights within its area of competence to undertake an on site visit to Haiti to consult with civil society, political parties, and the Government of Haiti in order to analyze and report on current conditions, and the events related to December 17, 2001.
12. To call upon the Government of Haiti to guarantee to the said OAS Mission under reference at paragraph 3 above and to the Inter-American Commission on Human Rights, as well as those international NGOs with a recognized presence in Haiti, free and safe access to all elements of Haitian civil society, including the press and opposition parties.
13. To call upon the Group of Friends of Haiti, established in accordance with the provisions of AG/RES. 1831 (XXXI-O/01) and made up of interested OAS member states and permanent observers, to remain engaged in assisting the Secretary General in these efforts.
14. To instruct the Secretary General to provide an interim report to the Permanent Council as soon as possible but not later than March 31st 2002, and a full report to the 32nd regular session of the General Assembly on the implementation of this resolution.
15. To request the Secretary General to transmit this resolution to the Secretary General of the United Nations.