

OEA/Ser.G
CP/RES. 822 (1331/02)
4 September 2002
Original: French/English

CP/RES. 822 (1331/02)

SUPPORT FOR STRENGTHENING DEMOCRACY IN HAITI

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,

DEEPLY CONCERNED by the continuing political crisis in Haiti resulting from the elections of May 21, 2000;

HAVING CONSIDERED the extensive efforts by the OAS and CARICOM to contribute to resolution of that crisis and the numerous missions that these two organizations have dispatched to Haiti to facilitate agreement on a political accord, without having reached a satisfactory solution;

HAVING SEEN the Sixth Report of the Mission of the Organization of American States to Haiti on the OAS-CARICOM mission to Haiti from July 5 to 10, 2002 (CP/doc. 3625/02 corr. 3), headed by the Assistant Secretary General, Ambassador Luigi Einaudi, and the Minister of Foreign Affairs of Saint Lucia, the Honorable Julian Hunte, in his capacity as CARICOM representative, and the Report of the Secretary General In Response to CP/INF. 4724/02 (CP/doc.3643/02 corr. 1);

HAVING NOTED in those documents the respective positions of the Government of Haiti and Convergence Democratique with regard to the Draft Initial Accord submitted by the OAS and CARICOM negotiators on June 12, 2002;

RECOGNIZING that Fanmi Lavalas and Convergence Democratique have agreed on the need for elections in 2003 and on the formation of the Provisional Electoral Council (CEP), as well as on its composition and on arrangements for appointment of its members, as set forth in the OAS Draft Initial Accord (Rev. 9) of June 12, 2002;

RECALLING resolutions CP/RES. 772 (1247/02) of August 4, 2000; CP/RES. 786 (1267/01) corr. 2, of March 19, 2001; AG/RES. 1831 (XXXI-O/01) of June 5, 2001; CP/RES. 806 (1303/02), corr. 1, of January 15, 2002; and AG/RES. 1841 (XXXII-O/02), of June 4, 2002;

TAKING INTO CONSIDERATION the steps the Government of Haiti has taken to comply with these resolutions, as stated in the Report of the Secretary General In Response to CP/INF. 4724/02 (CP/doc.3643/02 corr. 1);

BEARING IN MIND:

That the Special Mission of the Organization of American States to Strengthen Democracy in Haiti has been deployed and is pursuing its activities in accordance with resolution CP/RES. 806 (1303/02) corr. 1;

That the independent Commission of Inquiry has submitted its report on the events of December 17, 2001, and that the Government of Haiti has committed to implement the recommendations made in this report;

That on July 10, 2002, the Government of Haiti and the victims of the events of December 17, 2001, signed a protocol of agreement on the payment of reparations and that the Government of Haiti has committed itself to make payment to each victim based on procedures established by the OAS Advisory Council on Reparations;

That the Government of Haiti has proposed that free, fair and technically feasible legislative and local elections be held in the first half of 2003;

CONVINCED:

Of the need to normalize the functioning of democratic institutions in Haiti and to strengthen them, in keeping with the spirit and principles of the Charter of the OAS and the Inter-American Democratic Charter, and that for this purpose the OAS will continue to use its good offices and resources;

That preparations must begin soon for free, fair and technically feasible legislative and local elections in 2003;

That dialogue and consensus-building measures are necessary to help guarantee a peaceful and democratic solution to the political crisis in Haiti;

REAFFIRMING:

That the Inter-American Democratic Charter proclaims 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";

That the Inter-American Democratic Charter also states that "democracy and social and economic development are interdependent and are mutually reinforcing" and that the "promotion and observance of economic, social, and cultural rights are inherently linked to integral development, equitable economic growth, and to the consolidation of democracy in the states of the Hemisphere"; and

DEEPLY CONCERNED by the continuing deterioration of the socioeconomic situation in Haiti, the ongoing suffering of the people, and its potential for humanitarian disaster and convinced that efforts must be made, as a matter of urgency, to alleviate these conditions;

RESOLVES:

1. To take note of the Sixth Report of the Mission of the Organization of American States to Haiti (CP/doc. 3625/02 corr. 3) concerning the joint OAS/CARICOM efforts to facilitate a solution to the political crisis in Haiti, and to thank the OAS Secretary General, the Assistant Secretary General and the Minister of Foreign Affairs of Saint Lucia in his capacity as Representative of CARICOM for their initiatives in this regard.
2. To take note of the report of the Commission of Inquiry and to thank the Commission and the Advisory Council on Reparations for their diligent efforts in contributing to a peaceful resolution of the political crisis in Haiti.
3. To welcome the Government of Haiti's expressed commitment to implement the recommendations of the Commission of Inquiry as well as the recommendations of the Advisory Council on Reparations, as reflected in the Accord signed by the Minister of Justice, Claimants and their Representatives on July 9, 2002, and to call on the Government of Haiti to do so as soon as possible.
4. To further welcome the Government of Haiti's pledge to undertake additional confidence building measures, bearing in mind that some elements can be implemented more expeditiously than others and that additional financial and technical assistance may be necessary. These measures include:
 - a. To publish within 60 days of receipt of the Commission of Inquiry Report a report by the Minister of Justice on actions taken with respect to persons found to be implicated in the events of December 17, 2001 and subsequent days;
 - b. To strengthen its disarmament policies and programs and, in this regard, invite the active cooperation of the International Community, through the OAS Special Mission, in the development and implementation of a comprehensive disarmament program;
 - c. To implement, to the fullest extent of its lawful authority, all the Recommendations on Human Rights and the Press set forth in the Report of the Commission of Inquiry into the Events of December 17, 2001, and all other Recommendations in the Report that are, in whole or in part, directed to it.
5. To recognize, as noted in the report of the Secretary General of August 20, 2002 (CP/doc. 3643/02 corr. 1), the positive steps that the Government of Haiti has taken to date to implement Permanent Council resolution CP/RES. 806 (1303/02) corr. 1 and to support and urge it to implement fully all pending elements of that resolution as soon as

possible, bearing in mind that some elements can be implemented more expeditiously than others and that additional financial and technical assistance may be necessary.

These include in particular:

- a. The restoration of a climate of security;
- b. The effective prosecution of any person, and dismissal, when appropriate, of any person found to be author of or accomplice in the violence of December 17, 2001, and subsequent days;
- c. The completion of a thorough inquiry into all politically-motivated crimes;
- d. Prompt reparation for organizations and individuals who suffered damages as a direct result of the violence of December 17, 2001.

6. To urge the Government of Haiti that, with a view to establishing the conditions for elections to be held in 2003, it renew efforts to ensure a climate of security and confidence within the parameters established in operative paragraph 5 of AG/RES. 1841 (XXXII-O/02), bearing in mind the need to strengthen independent police and judicial institutions as part of its renewed efforts to combat impunity as called for in paragraph 6 of AG/RES. 1841 (XXXII-O/02).

7. To reaffirm the importance of holding free, fair, and technically feasible legislative and local elections--on a date in 2003 to be established by the Provisional Electoral Council (CEP)--in which all political parties can participate freely and securely. The conduct of these elections shall take into consideration the Government of Haiti's constitutional electoral prerogatives and shall be in accordance with the process proposed by the OAS in the Draft Initial Accord (Rev. 9) of June 12, 2002, which includes:

- a. The formation of an autonomous, independent, credible and neutral CEP) no later than two months after adoption of this resolution;

- b. The establishment by the CEP, within the parameters of Haitian law and no later than 30 days after the formation of the CEP, of a Electoral Guarantees Commission (CGE), which shall be comprised of, inter alia, representatives of a national coordination body formed on the basis of experience of coordinating electoral observation in Haiti and of civil society organizations, and witnessed by representatives of electoral observation missions and the OAS Special Mission to Strengthen Democracy in Haiti ;

- c. The monitoring by the CEP of the activities of the police in connection with the electoral process.

8. To further recognize the urgency of forming the CEP, in accordance with the process proposed by the OAS in the Draft Initial Accord (Rev. 9) of June 12, 2002, no later than two months after adoption of this resolution.

9. To offer the Government of Haiti, political parties, and civil society the support and technical assistance of the Organization of American States that is required to facilitate the process of forming the CEP and preparing for and holding these elections.

10. To encourage all Haitian parties to participate in all relevant aspects of those elections and in the electoral process leading up to it.

11. To support normalization of economic cooperation between the Government of Haiti and the international financial institutions and urge those parties to resolve the technical and financial obstacles that preclude such normalization.

12. To reaffirm the mandates of the Secretary General and the OAS Special Mission in accordance with AG/RES. 1841 (XXXII-O/02), AG/RES. 1831 (XXXI-O/01), and CP/RES. 806 (1303/02 corr. 1) and to instruct the Secretary General to strengthen further the Special OAS Mission to Haiti in order for it to support, monitor, and report on implementation of this and all other pertinent OAS resolutions and on commitments of the Government of Haiti, as set forth in these resolutions and in accordance with the agreement between the Government of Haiti and the OAS on the Special Mission to Strengthen Democracy in Haiti. These commitments include:

- a. Strengthening of democratic institutions, including political parties, in order to guarantee a pluralistic political party system;
- b. Formation of a new Provisional Electoral Council (CEP), in accordance with the process proposed by the OAS in the Draft Initial Accord (Rev. 9) of June 12, 2002, and all of the CEP's activities;
- c. Establishment by the CEP of an Electoral Guarantees Commission (CGE);
- d. Development and implementation of a comprehensive disarmament program;
- e. Promotion of a National Dialogue and Consensus Building between the Government of Haiti, all political parties, and Haitian civil society;
- f. Professional development of an independent police institution, development of a security plan and creation of a climate of security for the 2003 elections;

13. The OAS Special Mission will also:

- a. Support, monitor, and report on provision by the international community and the OAS of technical electoral assistance prior to and following the 2003 elections and on deployment of an electoral observation mission to observe all aspects of the electoral process;

b. Coordinate efforts of the international community to provide technical and financial electoral assistance, including electoral planning, technical assistance, security, and observation of the elections in 2003.

14. To call on the Secretary General to remain engaged in efforts to resolve the political crisis in Haiti, to follow the evolution of the situation, and to submit to the Permanent Council every two months detailed reports regarding the implementation of the present resolution.

15. To call on the international community to provide as a matter of urgency additional funds to the OAS Special Mission in order to help finance its economic, social and institutional strengthening programs for Haiti, with a view to discharging its additional responsibilities under this resolution.

16. To further call on the international community to provide technical and financial support for the elections in 2003, particularly by observing the pre-electoral formation and operation of the CEP and post-electoral operations, as well as the elections themselves.