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Haiti

Haiti had a difficult year in 2005, and the UN Stabilization Mission in Haiti (MINUSTAH) a challenging one. A fluctuating security situation saw signs of improvement in the latter half of the year, while elections were repeatedly delayed. MINUSTAH's more robust approach opened greater access to some of Port-au-Prince's poorest and most dangerous neighborhoods, but the level of political and criminal violence, including almost daily kidnappings, remained deeply disturbing. Little progress was made in reforming the corrupt Haitian National Police and even less in reforming the judiciary. At the start of the year, Haiti was described by many as a "failing state"; twelve months later it is a somewhat safer place, but one whose future is far from secure.

Background

MINUSTAH is the latest in a series of six UN peace operations in Haiti, dating back to the UN Mission in Haiti (UNMIH) in 1995, which succeeded the US-led multinational force that saw President Jean-Bertrand Aristide's return to power in 1994. Between then and 2000, the Haitian army was formally abolished and a measure of democracy was restored, but owing to the continuing political crisis and concomitant lack of stability in the country, self-sustaining institutions and economic development never took hold. President Aristide claimed victory in delayed elections in the year 2000, with a turnout of barely 10 percent of the voters. The other parties contested the results and, when dialogue with the government broke down in late 2003, a newly united opposition movement began calling for the president's resignation.

The political stalemate erupted in armed conflict in the city of Gonaïves in February 2004. Insurgents took control of much of the northern part of the country, and threatened to march on the Haitian capital. Under pressure from the United States and France, President Aristide signed a letter of resignation on 29 February, and left the country on a US-chartered plane for the Central African Republic under circumstances that remain a source of tension. In response to a request from the interim president, the UN Security Council authorized a US-led Multinational Interim Force (MIF) in March and declared its readiness to establish a follow-on UN stabilization force three months later. A Haitian Council of Eminent Persons appointed Gerard Latortue



UN Stabilization Mission in Haiti (MINUSTAH)

• Resolution passage	30 April 2004 (UNSC Res. 1542)
• Start date	1 June 2004
• SRSB	Juan Gabriel Valdés (Chile)
• Acting force commander	General Aldunate Eduardo Herman (Chile)
• Police commissioner	Richard Graham Muir (Canada)
• Budget	\$506.15 million (1 July 2005–30 June 2006)
• Strength as of 31 October 2005	Troops: 7,273 Civilian police: 1,594 International civilian staff: 438 Local civilian staff: 469 UN volunteers: 160

prime minister of a transitional government. He formed a thirteen-member government shortly thereafter, composed mainly of individuals from the private sector and nongovernmental organization (NGOs)—a supposedly “technocratic” body that excluded most political parties, including Fanmi Lavalas, the party of Aristide. The transitional government signed a pact with most political parties (but not Lavalas), civil society groups, and the Council of Eminent Persons, setting out a series of steps to be taken during the transitional period, which was to culminate with the installation of a newly elected president in February 2006.

Mission Mandate and Deployment

MINUSTAH formally took over from the 3,700-strong MIF on 1 June 2004. Rehatting the Chilean and Canadian contingents facilitated the handover and, while the latter withdrew at the end of July, the Chileans remained part of the new mission. Brazil took over command of the operation, supplying 1,200 troops as well as the force commander. Substantial contingents from Argentina, Uruguay, Sri Lanka, Jordan, and Nepal followed, as well as smaller contingents from Peru, Spain, Morocco, the Philippines, Ecuador, and Guatemala. Meanwhile, Jordan, Nepal, Pakistan,

the Philippines, and Senegal were supplying formed police units at the end of 2005, and individual police officers came from over thirty countries. Over one thousand international and national civilians also staff MINUSTAH.

The pace of deployment of MINUSTAH was slow. By mid-August 2004, less than half of the authorized troops and a quarter of the police were on the ground. By November 2004 the mission was able to deploy throughout the country, but it took until February 2005 for it to get close to full strength. The slow deployment was exploited by the former Haitian military, who occupied abandoned police stations in August and September and contributed to serious waves of violence and criminality that did not subside until the end of 2004.

A Security Council mission to Haiti in April 2005 identified a need for additional police and military resources. The Secretary-General recommended and the Council approved an expansion of the military component to 7,500 and the police to 1,897. A new battalion joined the mission in October and a “force commander’s reserve”—designed to serve as a quick reaction force—was expected before the end of the year, along with a new formed police unit and 200 individual police officers.

MINUSTAH’s mandate is based on a combined reading of Resolutions 1542 (2004) and 1608 (2005). While detailed, it straddles the line between assigning a purely assistance role to MINUSTAH and authorizing a more proactive, interventionist approach. The ambivalence is largely a result of difference of opinion in the Security Council. The effect is to give the UN Secretariat and mission considerable discretion to interpret the mandate in a manner that strikes an appropriate balance between deference to local authorities and taking independent action to ensure its objectives are achieved. That balance evolved throughout 2005, tipping toward the end of the year in the direction of a more proactive approach in view of Haiti’s dire security situation, weak state institutions, and the unwillingness of the transitional government to act

as a true partner to MINUSTAH in pushing the peace process forward.

The operative words in Resolution 1542 are largely facilitative, but the key security provision is under Chapter VII of the UN Charter. It mandates MINUSTAH to “support” the transitional government in providing a secure environment, and to “assist” with the disarmament of armed groups and the maintenance of public safety and public order. MINUSTAH is also authorized to act forcefully to protect UN personnel, as well as civilians under imminent threat of physical violence, “within the mission’s capabilities and areas of deployment, without prejudice to the responsibilities of the Transitional Government and of police authorities.” With the abolition of the army, the only security institution in Haiti for MINUSTAH to support and assist in these functions is the Haitian National Police, a notoriously ineffective body. Resolution 1608 reaffirmed MINUSTAH’s authority to “vet and certify” the HNP, implying a more proactive role in reforming the institution.

Given Haiti’s turbulent history, the need to ensure credible elections was a priority for the mission, and occupied the Special Representative of the Secretary General (SRSG) and civilian staff for much of the year. The Organization of American States (OAS) Special Mission for Strengthening Democracy in Haiti is mandated by the OAS General Assembly to assist in the preparation of elections, in cooperation with MINUSTAH. A memorandum between the two organizations assigns principal responsibility for voter registration to the OAS, while MINUSTAH is tasked with supervising all aspects of the electoral process and with providing security.

In addition, MINUSTAH was tasked by Resolution 1542 with helping the transitional government to initiate a broad-based “national dialogue” among civil society as well as the political parties. And in collaboration with UN Development Programme (UNDP) and bilateral donors, MINUSTAH assisted the transitional government in extending state authority throughout Haiti and sought to foster

OAS Special Mission for Strengthening Democracy in Haiti

• Authorization date	16 January 2002 (OAS Permanent Council Decision CP/Res. 806); 6–8 June 2004 (OAS General Assembly, A/Res. 2058, amended)
• Start date	June 2004
• Head of mission	Ambassador Denneth Modeste (Grenada)
• Budget as of 30 September 2005	\$15 million
• Strength as of 30 September 2005	Civilian police: 6 Civilian staff: 24

decentralization and good governance at all levels of government.

The overarching goal of MINUSTAH’s justice function is to promote human rights and renovate justice institutions. Small teams of human rights officers deployed in ten regions monitored the dismal human rights situation, undertook investigations, and sought to build local capacity, both in official institutions and among NGOs. Resolution 1542 gave MINUSTAH a rather weak mandate to “develop a strategy” for reform of the judiciary, which was upgraded by Resolution 1608 to take a more active role in rebuilding the dysfunctional court and correctional systems.

Finally, MINUSTAH has humanitarian and development functions, on both an emergency and a more long-term basis. An “interim cooperation framework” was developed with the transitional government and a range of bilateral and multilateral donors, focusing on four priority areas: strengthening political governance, strengthening economic governance, promoting economic recovery, and improving access to basic services.

Key Developments and Challenges

Security

Broadly speaking, there were two types of security threats in Haiti in 2005—politically motivated violence and criminality. Drawing



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Brazilian forces with MINUSTAH, in Bel Air, Port-au-Prince with the Presidential Palace in the background, February 2005.

a sharp line between the two is impossible, as political actors often used armed gangs for their purposes, who in turn benefited from the political associations and instability their activities create. Many of the gangs are embedded in local communities or operate among civilians crowded into the poorest districts of Port-au-Prince. Adding to the complexity, some of the violence springs not from a desire to spoil the peace process, but rather from the chronic poverty and social deprivation that has afflicted Haiti for years.

Resolutions 1542 and 1608 stipulate that MINUSTAH's security functions are largely "in support of the Transitional Government," which in practical terms means in support of the Haitian National Police. Yet the HNP was too small, unreliable, politicized, and corrupt to function effectively as a law enforcement agency, and indeed elements of the HNP were accused of human rights violations and criminal violence. Thus a central dilemma for MINUSTAH was how to provide operational

support to the HNP, while trying to turn it into a professional, rights-respecting law enforcement agency. Joint operations and "co-location" was one solution, but that exposed the mission to criticism for being associated with improper acts by the HNP.

In the first half of 2005, there were sharp differences of opinion within the mission—and Security Council—as to how robustly MINUSTAH should act. One significant security threat was neutralized early in the year when the mission took action against the former military (ex-FAD'H) who had illegally occupied the residence of Aristide and police stations outside Port-au-Prince. The threat could reemerge during elections, but the death of self-proclaimed leader Ravix Remissaint on 9 April meant that the immediate threat from the ex-FAD'H had diminished.

In the summer of 2005, MINUSTAH adopted a robust approach in the slums of Port-au-Prince. A series of small actions in June culminated in a major operation in Cité Soleil on 6 July that reportedly led to the death of Emmanuel ("Dread") Wilme, a dominant gang leader. Hundreds of Brazilian, Jordanian, Peruvian, and Uruguayan troops were involved, as well as the Chinese formed police unit. Around the same time, cordon and search operations began in Bel Air, leading to the release of several kidnapped hostages. MINUSTAH then established a permanent presence and conducted highly visible mobile patrols, providing enough of a deterrent for a degree of normalcy to return to this once gang-dominated area. Voter registration and the delivery of some humanitarian and development assistance became possible. The security operations even had incidental benefits for the disarmament, demobilization, and reintegration (DDR) program—which made little progress throughout the year—by intimidating a limited number of gang members into handing over their arms. In mid-November, similar tactics were employed in Cité Militaire, and plans were in place to do the same in Cité Soleil, though embedded in civilian confidence-building measures as described below.

Many of the security operations were joint MINUSTAH military–police undertakings, highlighting an issue that has arisen in a number of peace operations in recent years and is addressed in the first chapter of this volume: Is the security work to be done fundamentally a police or military job? If what begins as a military function can be taken over by the police, what are the appropriate conditions and modalities for such a takeover? MINUSTAH has seven formed police units of about 125 each who straddle this divide. Arguably, an even larger police force could assume the entire burden in the Haitian countryside, at least after the military had established “umbrella” security. With more limited numbers, many security functions are inevitably shared by the military and police, requiring a high degree of coordination and a progressive transfer of responsibility. Accordingly, a sector headquarters was set up in Port-au-Prince in October to ensure better-integrated operations. Nevertheless, divergent understandings about the respective roles of the two forces meant that poor coordination continued to plague the mission as the end of the year approached.

Political

In April 2005 the Security Council mission to Haiti described the country as being in a state of “deep political, social and economic crisis.” The establishment in that month of a twelve-member commission to prepare a national dialogue looked like a positive step, but it led nowhere and by the end of the year most of the political class remained as distant from the Haitian population as ever. Elections were scheduled for the last quarter of 2005 and important steps were taken early in the year with the reconstitution of the Provisional Electoral Council, but that body quickly became paralyzed. Prospects for credible elections looked dim until August, when Lavalas joined the process and put forward a presidential candidate, Mark Bazin. Former Lavalas president Rene Preval also threw his hat in the ring. This, combined with registration of some forty-five other political parties, more than

thirty presidential candidates, and 3.4 million voters, generated confidence that inclusive elections could be held in early 2006, even if the original timetable was not met.

Unfortunately, the transitional government did not take all the steps necessary for elections to be held on time, despite a ministerial-level meeting of the core group designed to impress upon the government the importance of doing so. Elections were delayed four times, until a date of 8 January 2006 for presidential and legislative elections was agreed on, with run-off elections on 15 February. While this meant that the 7 February 2006 constitutional deadline for swearing in a new president would not be met, most observers—including many Haitians and the UN—felt the brief delay was worthwhile if it resulted in a credible process. However, the announcement of a further delay in late December risked provoking a crisis of confidence in the entire process. That the transition did not unravel entirely during the year was due in large measure to the active good offices of the SRSB, who worked hard to keep the process on track by reaching out to all parties in Haiti as well as the core group of supporting governments and institutions that have some leverage over those parties.

Justice

Haiti’s historical culture of impunity remained pervasive throughout the year in review, marked by arbitrary arrest, wrongful detention, inhumane prison conditions, and excessive use of force. Former prime minister Yvon Neptune, arrested in June 2004, was still in prison at the end of October 2005, without having been charged or brought before a judge. Elements of the HNP were involved in criminal violence, including credible reports of summary executions. Violence against children, including sexual violence, continued to be reported in the slums of Port-au-Prince.

Reform of the HNP saw little progress throughout the year, although about 4,000 of the projected need of 10,000 officers were on the streets. The HNP was incapable of exercising public security functions over the entire country,



AP Photo/Ariana Cubillos

People wait in line to register to vote while a UN peacekeeper from Sri Lanka stands guard in Port-au-Prince, Haiti, July 2005

owing to insufficient numbers and money, lack of adequate training and equipment, and corruption. As the end of the year approached, MINUSTAH became more active in developing a reform plan, which would include a vetting and certification process, but by the end of October 2005 the HNP was still a long way from being a professional police force.

As for the judiciary, it lacked independence, magistrates often worked two jobs, prisoners received no legal aid, and corruption was widespread. The arrival of a new minister of justice in the middle of the year led to some preliminary attempts to address the problems, but tangible evidence of progress was hard to find. Resolution 1608 calls for MINUSTAH to play a more active role in rebuilding justice institutions, and an advisory team outlined a possible strategy for reform in an October 2005 report. It was apparent that real progress would require greater involvement of international personnel throughout the system, working side-by-side with magistrates and other justice officials.

Economic Recovery

Poverty is among the root causes of much of the unrest and violence in Haiti. Pledged funds for economic recovery were slow to begin flowing, but the situation had improved by October 2005. MINUSTAH approved ninety-eight quick-impact projects during the fiscal year 2004–2005. Moreover, the improved security situation created by MINUSTAH's more robust approach opened windows of opportunity for humanitarian assistance and community development projects, as well as small-scale DDR. Toward the end of the year, plans were under way for an initiative in Cité Soleil that would reinforce the interrelationship between security and economic recovery. Confidence-building measures by civilian actors would be matched by a substantial security presence, which in turn would create space for more civilian activities, generating a sense of hope among the population and isolating the gangs. More broadly, the development of an economic fiscal base that can sustain national institutions remains an enormous challenge.

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MINUSTAH struggled over the course of the year to coordinate its activities. An integrated approach is especially important in a place like Haiti, where security, politics, justice, and development are so closely intertwined. Relatively new peacekeeping countries like Brazil and China are participating in the mission, and unprecedented relationships between the various components are being tested. Mission integration improved toward the end of 2005 as

MINUSTAH established a joint operations center and a multidisciplinary joint mission analysis cell to enhance the analytical basis on which policy decisions are made. A mandate implementation plan was produced with the active participation of all units in the mission, setting out strategic objectives, time-bound programs, and benchmarks on how to achieve those objectives. If MINUSTAH were to take a more proactive, hands-on posture—in the security, electoral, and justice areas—a tightly coordinated approach would be essential.

Box 3.2.1 Colombia

In addition to its presence in Haiti, the Organization of American States (OAS) has maintained a Mission to Support the Peace Process in Colombia (known by its Spanish acronym, MAPP) since February 2004. The MAPP was mandated by the OAS Permanent Council to assist the Colombian government's efforts to demobilize and disarm the country's main right-wing paramilitary force, the United Self-Defense Forces of Columbia (AUC). MAPP has been subjected to frequent criticism by local and international NGOs, and the OAS Secretary-General admitted in October 2005 that "essentially because of scarce resources, the Organization is not fulfilling all the commitments it accepted." Nonetheless, the mission has verified the disarmament

of over 8,000 paramilitaries, more than half its preliminary target.

MAPP was set up after the AUC declared a cease-fire in December 2003. Although it reportedly breached this almost immediately, the government agreed that the AUC leadership should maintain a force of 400 men in a zone of location in southwest Colombia. The MAPP has offices in the zone and four other regional centers in addition to its Bogotá headquarters. But with an overall complement of 44 civilian personnel, most of its offices are typically staffed by only two to four personnel. Although their mandate includes not only verifying disarmament but working with ex-paramilitaries and affected communities, they have focused almost entirely on the former.

From mid-2004 onward, this narrow interpretation of the mandate has been criticized by Colombian civil society, and the mission's head has warned that many demobilized paramilitaries are slipping into crime. AUC cease-fire violations have continued. While the OAS Secretary-General has argued that the operation's staff should be more than doubled to 100, it will continue to face broad challenges deriving from political instability and Colombia's drug trade, in which the AUC has been a prominent player for over two decades.