

Haiti

Haiti managed to register some political progress in 2012, including the establishment of the Superior Council of Judicial Power (SCJP) and the publication of a corrected version of the constitutional amendments. However, political infighting led to the resignation of Prime Minister Gary Conille in February and stalemates have halted much of Haiti's forward progress. Pressure mounted on President Michel Martelly's administration as armed groups comprised of former army officers resurfaced in the spring and unrest among the Haitian population spilled into the streets in October.

Amid these challenges, Security Council Resolution 2070 renewed the mandate of the UN Stabilization Mission in Haiti (MINUSTAH) until October 2013, while also planning for future consolidation. It authorized a further withdrawal of personnel to 6,270 troops from a current strength of 7,340 and the reduction of police forces from 3,241 to 2,601, to be completed by June 2013. The mission also refocused its activities on strengthening governance and promoting the rule of law, after dedicating much of 2010 and 2011 to postearthquake recovery. However, the continued vulnerabilities in Haitian institutions underscore that they are not yet in a position to assume responsibility from MINUSTAH.

Background

The ouster of Jean Bertrand Aristide via military coup in 1991 began the cycles of instability that persist to this day. In 2000, Aristide returned to the presidency after a contested election, but by 2004 the discord spiraled into

armed conflict, ultimately forcing Aristide to flee. When the insurgents threatened to overtake Port-au-Prince, the UN Security Council authorized the deployment of a US-led multinational interim force (MIF) to support local police, promote rule of law, and protect human rights. In June 2004, the MIF gave way to MINUSTAH, with a mandate to maintain security, support the transitional government, and assist in the reform of the police and judiciary.

MINUSTAH's early attention focused on security and supporting the 2006 presidential election, won by René Prével, a former prime minister and Aristide ally. As gang violence worsened, MINUSTAH worked with the Haitian National Police (HNP) at Prével's request to root out the armed groups. Through joint operations, much of the gang leadership was eliminated by 2007, and violence was substantially reduced. Because of this new stability, MINUSTAH was able to transition to focusing on assisting state authorities to build their capacity. The Security Council also began processes for MINUSTAH's consolidation in 2008.

However, these plans were put on hold by the devastating 2010 earthquake. In the aftermath, MINUSTAH quickly adapted to provide emergency services, along with security and logistical support. The Security Council authorized an additional 2,000 military troops and 1,500 police to assist with the recovery. Later, a further 680 police joined the efforts, bringing MINUSTAH's authorized strength to over 13,000 troops and police. The introduction and rapid spread of cholera in October 2010 dealt another blow to Haiti as it

UN Stabilization Mission in Haiti (MINUSTAH)

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| • Authorization Date | 30 April 2004 (UNSC Res. 1542) |
| • Start Date | 1 June 2004 |
| • SRSO | Mariano Fernández (Chile) |
| • Force Commander | Major-General Fernando Rodrigues Goulart (Brazil) |
| • Acting Police Commissioner | Colonel Tabasky Diouf (Senegal) |
| • Budget | \$648.4 million (1 July 2012–30 June 2013) |
| • Strength as of 31 October 2012 | Troops: 7,308 Police: 2,778 International Civilian Staff: 451 National Civilian Staff: 1,317 UN Volunteers: 191 |

For detailed mission information see p. 261

struggled to recover. The cholera epidemic also strained the relationship between MINUSTAH and the Haitian population, as the mission was quickly identified as the likely source of the outbreak. This was in part supported by an independent panel of experts, though their report itself did not place direct blame on UN peacekeepers.¹ By July 2012, over 500,000 people had been infected, resulting in over 7,400 deaths.²

Key Developments

Political Developments

President Martelly's first year in office involved a steep political learning curve. Conille, who accepted the position of prime minister in October 2011, resigned in February 2012, only four months into his tenure, due to a number of factors including challenging relationships with both the president and cabinet ministers. Without a prime minister, Haiti's government stalled. In March, President Martelly nominated close ally Laurent Lamothe, and after extensive negotiations the Senate ratified the choice on 8 May. However, on 9 May, the terms of one-third of the senators

expired, leaving Lamothe immediately without majority support in parliament. Controversies over allegations of corruption also negatively impacted the effectiveness of the Haitian government.

The partial legislative, municipal, and local elections that are meant to fill the missing Senate seats have yet to be scheduled. This yearlong delay is a result of controversy over the process to establish the country's first Permanent Electoral Council, as set out in the new constitutional amendments. The council is meant to consist of nine members, with three members each nominated by the executive, the newly established Superior Council of Judicial Power, and the Senate. By 15 August the executive and the SCJP had nominated their three members each, but the Senate has yet to reach a decision on nominees. In October the SCJP added to the confusion by nominating another three candidates to replace those chosen earlier, but two former nominees refused to step down. On 24 December, Haitian leaders agreed on the formation of the Transitional College of the Permanent Electoral Council, a transitional body to manage the Permanent Electoral Council. However, it is uncertain when the Permanent Electoral Council will be fully functional.

Notwithstanding these challenges, some promising political developments occurred in 2012 with support from MINUSTAH's good offices. Constitutional amendments, pending since June 2011, were published in June 2012. Amendments included the creation of a constitutional council and quotas for female representation in government. The SCJP was also formally established in July, a core component in ensuring judicial independence. The executive and legislative branches also overcame differences to name a new director for the HNP and pass a national budget. However, high turnover in political offices has made it difficult to develop and enact long-term plans for a stabilized Haiti.

Further highlighting the challenging political landscape, wide-scale protests took place in late September and October targeting

the government. Marching in Port-au-Prince against high-level corruption, land evictions, and the high cost of living, Haitians called for President Martelly's resignation.

Rule of Law and Justice

MINUSTAH's top priority in 2012 was strengthening governance, including the rule of law and the justice sector. However, the mission's work to support the rule of law has been hindered by the ongoing culture of impunity among the Haitian political elite. The Haitian Supreme Court's decision not to prosecute former dictator Jean-Claude Duvalier for crimes against humanity raised serious concerns about the administration's commitment to fight impunity.

Nonetheless, 2012 saw the initiation of two crucial judicial reforms, including the appointment of a president for the Haitian Supreme Court, which had gone unfilled since 2004, and the establishment of the long-awaited SCJP. A working group established by the government on justice reform in January 2012 will also propose measures for reform by 2014. MINUSTAH, in partnership with the UN Development Programme (UNDP), supported the Ministry of Justice and Public Security's development of a roadmap for rule of law reform through coordination of a June meeting on correction procedures.

The Haitian National Police continues to be one of the strongest Haitian institutions, especially in light of the smooth transition from director Mario Andresol to the newly appointed Godson Aurélus in August. While the promotion is viewed positively, there is still a risk that the HNP will become politicized through the appointment of Martelly loyalists in other senior positions. In July a government-hosted police summit endorsed the new five-year plan for the HNP, which outlines as a main objective an increase to 15,000 serving police officers by 2015.³ The increase requires adding cadets in each promotion cycle and reinforcing the middle- and senior-level officer ranks. MINUSTAH and the HNP also presented a one-year interim strategic plan to

better link specific short-term objectives by major donors with the long-term development plan.

MINUSTAH continues to support HNP capacity development, and conducted over 4,400 joint patrols in the Port-au-Prince vicinity and an additional 15,000 in the rest of the country in 2012.⁴ Training new cadets still proves problematic, however, and training in early 2012 was delayed due to funding, as well as divergent views between the HNP, MINUSTAH, and other stakeholders over class sizes and course durations. Slow vetting processes have also contributed to delays.⁵ Although the HNP's performance has improved, it is not yet ready to assume full responsibility for internal security. MINUSTAH estimates that the HNP, with an overall force strength of 10,000 officers, still needs to nearly double its size before it will be large enough to sufficiently maintain security throughout Haiti.

Security

Armed groups continue to challenge Haitian security institutions and MINUSTAH. Tensions escalated in the spring of 2012 as armed groups, consisting of 3,000 alleged former army officers, displayed weapons, set up checkpoints, and occupied state property in their demand for restoration of the Haitian Armed Forces as promised by Martelly during his presidential campaign.⁶ By the end of June, Martelly offered to compensate the former officers according to past agreements on back pay and pensions, while the HNP and MINUSTAH arrested other members. The threat dissipated, but the government lost the opportunity to disarm the former officers and many belligerents disappeared along with their weapons. Martelly has since lowered the priority of establishing a national army, and many international actors, including MINUSTAH, caution against its formation before other national priorities, including the full establishment of the HNP, are achieved.

Pervasive poverty has left few viable economic opportunities and increased the

Organization of American States

As the primary organization involved in promoting peace and security in Latin America, the Organization of American States (OAS) has two political missions active in the region in support of peace processes.¹

The OAS Mission to Support the Peace Process in Colombia (MAPP/OEA) verifies the disbanding of paramilitary groups and reintegration of ex-combatants; monitors public order where these groups operated; and facilitates government implementation of land restitution, transitional justice, and aid distribution. The mission has thirteen regional offices and nearly a hundred staff members deployed throughout the country.

MAPP/OEA supports and monitors the implementation of Colombia's 2005 Justice and Peace Law by providing advice and assistance to victims. However, the law has resulted in only eleven convictions in seven years,² and a controversial law adopted in June 2012 now limits the scope of prosecutions and softens sentences for some ex-combatants.

Colombia's Victims' Law took effect in January 2012, providing land restitution to displaced people. MAPP/OEA disseminates information about the law

OAS Mission to Support the Peace Process in Colombia (MAPP/OEA)

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| • Authorization and Start Date | 6 February 2004 (CP/RES.859 [1397/04]) |
| • Head of Mission | Marcelo Alvarez (Argentina) |
| • Strength as of 30 September 2012 | International Civilian Staff: 32 National Civilian Staff: 64 |

to victims' rights groups and works with human rights organizations to protect those returning to their land. However, the OAS has reported a serious lack of security in some parts of the country where restitution is taking place.

The mission recently assisted 120 victims through a program of rights education, psychological assistance, vocational training, medical care, and food security. It also supported a historical memory project, worked with organizations representing the African-descendant population, and trained community leaders in alternative conflict resolution.

The OAS Office in the Adjacency Zone (OAS/AZ) verifies, reports, and provides early warnings on incidents that occur in the adjacency zone estab-

lished by Belize and Guatemala in their long-disputed border region. It also monitors the implementation of confidence-building measures, develops activities to improve relations among adjacency zone inhabitants, and promotes development. OAS/AZ conducts about a hundred verifications of incidents per year, but suffers from funding shortages as it struggles to attract new donors.

The office holds meetings with the police forces of Belize and Guatemala, provides global-positioning devices to the armies of both countries to help them avoid accidental territorial incidents, and maps information gathered in the field. Operational coordination meetings with representatives from both armies are held every three months.

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attractiveness of armed groups. The HNP, supported by MINUSTAH, launched Operations Meritas, Boucler Port-au-Prince I, and Boucler Port-au-Prince II, designed to disarm and destabilize gangs. After the launch of Boucler Port-au-Prince II, Haitian police observed a decline in the number of kidnappings in the area.

In addition to military responses, MINUSTAH added twenty-eight new projects in 2012 to its community-violence reduction program, aimed at former gang members, at-risk youth, and other vulnerable groups; these

projects include skills training and income generation activities. Meanwhile, homicide has significantly increased since 2011, with July proving to be the most violent month since the January 2010 earthquake. Kidnapping has decreased, however, and violence remains centered around major urban areas.

The slow response to postearthquake housing has further weakened Haitian security. An estimated 230,000 individuals remained in camps for internally displaced persons (IDPs) at the end of 2012,⁷ in increasingly dire circumstances as international donor funds dried

Organization of American States (continued)

OAS/AZ provides services and subsidies for families, schools, and institutions directly affected by the situation. It provides training in rural tourism and is identifying opportunities to mitigate the effects of illegal logging and resource extraction in Belize. The Culture of Peace program, which brought hundreds of children from both sides together for cultural activities, is currently suspended due to a lack of funding.

In 2008 the two countries agreed to have the territorial dispute settled by the International Court of Justice (ICJ), pending approval by their respective electorates. A major step was taken in April 2012 as both countries agreed to hold simultaneous referendums on 6 October 2013. The OAS asserts that OAS/AZ must remain at least until proceedings begin at the ICJ, but it is unclear whether

| OAS Office in the Adjacency Zone (OAS/AZ) | |
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| • Authorization Date | 1 December 2000 [CP/RES.780 (1257/00)] |
| • Start Date | 2003 |
| • Heads of Mission | Special Representative of the OAS Secretary-General for Belize-Guatemala: Ambassador Raúl Lago (Uruguay) Interim Director of OAS/AZ: Sergio Benítez |
| • Strength as of 30 September 2012 | International Civilian Staff: 4 National Civilian Staff: 3 |

both countries will vote in favor of ICJ arbitration.

On 18 July 2012 a Guatemalan was killed in a disputed incident involving Belizean troops near the adjacency zone. OAS/AZ dispatched a verification team

to gather information. Belize stated that the OAS could not arbitrate the matter, but invited OAS and Guatemalan officials to observe proceedings. The OAS hosted a meeting between the two sides on 31 July to discuss the matter.

Notes: 1. A third OAS mission, the Good Offices Mission in Ecuador and Colombia (MIB/OEA), is no longer active as of mid-2011.
2. International Center on Transitional Justice, “Justice and Peace Process Should Lead to the Most Responsible,” 9 May 2012, <http://ictj.org/news/justice-and-peace-process-should-lead-most-responsible>.

up. In 2012 the government initiated the “16/6” relocation program,⁸ which intended to close six IDP camps in sixteen neighborhoods, but has since expanded. However, nearly 70 percent of IDP camps are on private land and the government has yet to develop a durable housing solution for these camps. As a result of the slow relocation of IDPs, unannounced forced evictions by unidentified assailants or HNP officers are becoming more common, leaving many earthquake victims homeless.⁹

The continuing cholera epidemic also remains a challenge. The Haitian government signed a multiparty agreement with the World Health Organization, the UN Children’s Fund (UNICEF), and other key actors to develop a strategic plan to combat cholera over the next ten years, with a focus on short-term goals. MINUSTAH still faces public discontent over its role in introducing cholera to Haiti, putting

further pressure on the mission to move toward consolidation.

Consolidation of MINUSTAH

After the reduction of the postearthquake MINUSTAH troop surge, focus once again returned to finding a sustainable drawdown strategy for the mission. Along with the decrease in deployed forces outlined in Resolution 2070, the Security Council also supports a refocusing on core mission activities, with continuing priority on rule of law and development of state institutions. Already, the responsibility for security has moved from the UN military to UN formed police units in four of the ten districts. By July 2013, MINUSTAH intends to concentrate its military presence into five security hubs, in Port-au-Prince, Léogâne, Gonaïves, Cap-Haïtien, and Ouanaminthe, with formed police units

filling in the vacated areas. MINUSTAH also seeks to restructure its civilian components by concentrating support functions into four regional hubs and strengthening ties with the UN Country Team.

The government of Haiti, along with MINUSTAH, the UN Country Team, and international partners, is working on a conditions-based consolidation of MINUSTAH, while also developing a compact that will include stabilization benchmarks. The HNP's level of operational effectiveness may constitute the main benchmark, with additional measures on Haitian institutional capacity and the organization and coordination of transparent, fair, and credible elections within the next five years.

Conclusion

Despite trouble with its public perception, MINUSTAH continued to provide important assistance to state institutions and the development of rule of law in 2012. During the past year, Haiti revealed itself to be both making strides forward and falling victim to its political vulnerabilities. Any consolidation plan will need to forge a consensus between the Haitian government, troop and financial contributors, and other international actors to ensure a successful transition. The task moving forward will be to develop a realistic plan for MINUSTAH's drawdown that addresses Haitian concerns, but also ensures that this peacekeeping mission will be Haiti's last.

Notes

1. At the behest of the Secretary-General, an independent panel of experts was tasked with determining the cause of the cholera outbreak. In its final report, the panel cited poor sanitation conditions at MINUSTAH camps nearby an Arbonite River tributary as a likely contributor, though it also named use of the Arbonite River for bathing, lack of immunity among the Haitian population, and inability of medical facilities to prevent the spread of the disease as other factors. It further confirmed Haitian suspicions of MINUSTAH, however, by tracing the particular cholera strain to South Asia.

2. United Nations, *Report of the Secretary-General on the United Nations Stabilization Mission in Haiti*, UN Doc. S/2012/678, 31 August 2012.

3. This development plan follows an earlier five-year reform plan that increased HNP forces and established a police training school and an advanced training academy.

4. United Nations, *Report of the Secretary-General on the United Nations Stabilization Mission in Haiti*, UN Doc. S/2012/128, 29 February 2012.

5. International Peace Institute, "Where Is the Haitian National Police Headed?" 21 September 2012, <http://theglobalobservatory.org/analysis/356-where-is-the-haitian-national-police-headed.html>.

6. "Haiti Soldiers Demand Reinstatement of Army," *The Guardian*, 1 May 2012, <http://www.guardian.co.uk/world/2012/may/01/haiti-soldiers-demand-reinstatement-army>.

7. United Nations, *Report of the Secretary-General*, S/2012/678.

8. Ibid.

9. Amnesty International, "Haitian Authorities Forcing Quake Victims into Homelessness," 11 January 2012, <http://www.amnesty.org/en/news/haitian-authorities-forcing-quake-victims-homelessness-2012-01-11>.