

HAITI'S TRANSITION: HANGING IN THE BALANCE

I. OVERVIEW

Almost a year after the abrupt departure of former President Aristide, the political, security and social-economic situation in Haiti remains in crisis.¹ The transitional government is weak and fighting to maintain credibility, and there are no clear signs of either political reconciliation or economic reconstruction. Violence -- criminal, score settling and political -- is still extremely high. The initiative for a national dialogue jointly endorsed by the transitional government and the international community is hindered by political polarisation, human rights abuses (some by rogue elements of the Haitian National Police, HNP), and illegal detentions of Aristide supporters. The elections planned for late 2005 are unlikely to produce the legitimate government the country needs without significant improvements in three main areas:

- *Security*: the United Nations Stabilisation Mission in Haiti (MINUSTAH) and the transitional government must address continuing citizen insecurity, both in the countryside where former military still operate with weapons and in the urban slums where armed gangs identified mostly but not exclusively with Aristide's party, Fanmi Lavalas,² vie for turf, money and power.
- *Reconciliation*: a pluralistic national dialogue that establishes some common objectives for the next government, regardless who wins the elections, is needed to turn Haiti away from the zero sum power game that appears to be operating again.
- *Economic revival and social alleviation*: while the transitional government has stabilised the macro-economic situation, the overwhelming majority of citizens live in poverty, need jobs, food, health and justice, and frustration is building.

Security remains fragile because the armed groups are far from dismantled, although MINUSTAH has begun to take a more robust approach, routing some of the gangs in one of the biggest slums of the capital, removing the ex-military who had occupied Aristide's abandoned residence, and reacting promptly when the ex-military retaliated by occupying several police stations around the country. Producing effective and impartial national law enforcement and justice systems is an absolute priority, but in the near and medium term only MINUSTAH can guarantee any security.

The first quarter of 2005 is crucial for the transition. If new unrest is to be avoided, Prime Minister Latortue's transitional government, with international support, must work urgently at improving rule of law and social and economic conditions. Electricity costs and salaries take up the bulk of donor budget support, and the government rightfully is requesting that more of the promised project money be made available.

An inclusive process of national dialogue should be launched, aimed at brokering a pact among all Haitians that establishes national priorities to be taken up by an elected government. This needs to include not only those who forced the departure of the previous government but also those who, at one point, were its supporters. President Aristide abandoned his claim to be a spokesman for Haiti's poor by his actions but those people still require a voice, and some still believe in him. The remnants of his Lavalas movement need to be part of a dialogue all of whose participants commit to non-violence.

Mechanisms are needed to achieve an inclusive political process untainted by politically motivated investigations of Lavalas officials. If they are not established, the elections will likely be marred by violence and carried off in a poisonous attitude that will deprive their results of legitimacy. Haiti already has known elections that were neither fair nor free. The result has been years of turmoil. All sides must be able to campaign without fear and citizens to vote without intimidation. With international help, the ballots must be counted and the results reported accurately. Only then will the 2005 elections put Haiti on a promising new path.

¹ For discussion of the fall of Aristide and the first months of the transitional government, see Crisis Group Latin America/Caribbean Report N°10, *A New Chance for Haiti?*, 18 November 2004.

² Hereafter referred to as Lavalas.

II. TRANSITIONAL GOVERNMENT UNDER ATTACK

A. THE NEED FOR A COURSE CHANGE

The transitional government has grown weaker over the last months as it has faced strong criticism from many sectors, including former supporters. Widespread complaints are coming from the private sector (notably the Chamber of Commerce and the Centre for Free Enterprise and Democracy (*Centre pour la Libre Entreprise et la Démocratie*, CLED)³ and from the Group of 184.⁴ Some leaders of the latter indicated at one point an intention to organise demonstrations demanding the government's resignation. Instead of acknowledging a need to reach out and establish more regular contacts with key sectors of civil society, Prime Minister Latortue's bluntly negative response to criticism has further exacerbated political tensions.⁵ Some business leaders reportedly lobbied to force changes within the government, at a maximum including the replacement of the prime minister.⁶

As a result, the transitional government has appeared fragile and isolated, backed primarily by the international community. That perception is rarely positive in any country and is a particular negative in Haiti where a nationalistic chip on the shoulder born of multiple foreign interventions is common across the political spectrum.

At last acknowledging the unhappiness of many sectors of society, including a core element of its business community constituency, the prime minister announced an important reshuffle of his cabinet on 31 January 2005, including new ministers of foreign affairs, interior and commerce and industry.⁷

³ Centre pour la Libre Entreprise et la Démocratie (CLED), "Réflexion du CLED sur la transition", Port-au-Prince, 7 December 2004.

⁴ A coalition of civil and grassroots organisations that played a key role in the anti-Aristide movement in 2003-2004.

⁵ "The businessmen should take care of their own business", *Le Nouvelliste*, 12 December 2004.

⁶ Crisis Group interviews, Port-au-Prince, December 2004. The question of a possible change of government is contemplated within the "Consensus on Political Transition" (*Consensus de Transition Politique*) signed in April 2004 by the transitional government, civil society representatives and several political parties. According to its provisions, if the prime minister resigns, the Council of Eminent Persons (*Conseil de Sages*) nominates two candidates, and the interim president makes the final choice.

⁷ As originally announced, Minister of Interior Hérard Abraham was to move to foreign affairs, Michel Bernardin, said to be

Although the demands of many critics had gone much farther, even to the departure of the entire cabinet, it is likely the prime minister can survive for now, in part because any replacement would face the same huge obstacles and have the same limited resources at his command. Changing the prime minister also would undoubtedly cause new paralysis in public administration because of the additional staff changes that would follow. For that reason alone, the international community appears to remain behind Prime Minister Latortue but it is deeply concerned whether he can quickly deal with indications of corruption in parts of his administration, rising reports of human rights violations and the perceived inclination of some to use their power to settle scores with enemies, particularly Lavalas.⁸

National and international actors alike should concentrate on defining and achieving clear, limited objectives for the remainder of the transitional period. A possible change of government should not divert energies from the main concerns of security, dialogue and economic development. Rethinking the transition to address these issues is vital if the transition is to end with successful elections at the end of the year. Unless the transitional government does rework its priorities and its action-plan, however, the evident lack of public confidence in some ministers will spread to the entire team and produce growing calls for a full housecleaning.

One way to demonstrate a willingness to act resolutely would be to reinforce the role of the Council of Eminent Persons,⁹ broaden it to be more representative and give it

close to the interim president, was to replace Abraham, and the former director of the Association of Haitian Industries (*Association des Industries d'Haïti*), a key private sector body, was to replace Minister of Commerce and Industry Danielle Saint Lot. A power struggle between the prime minister and the interim president, however, derailed that plan amid allegations of old human rights violations and dual citizenship. Ultimately, George Moïse became minister of interior and Fritz Kenel minister of commerce and industry.

⁸ This is one of the main reasons behind the alleged international pressure to change the current minister of justice; such pressure allegedly intensified again in late January 2005. Crisis Group interviews, Port-au-Prince, January 2005.

⁹ The Council of Eminent Persons (*Conseil des Sages*) was installed soon after the departure of former President Aristide; it includes representatives of key sectors of Haitian society, including the former political opposition and Lavalas. Its main task was to select a prime minister to head the transitional government. In the absence of a working parliament, it was required to act as an advisory body to the transitional government. However, Council members have reportedly complained about not being consulted.

a greater operational role in key sectors, including justice, and even a leading role in the dialogue initiative.¹⁰

B. CRITICAL HUMAN RIGHTS SITUATION

The transitional government itself has been implicated in human rights abuses, including arbitrary arrests, and rogue HNP elements allegedly have been involved in summary executions and some rapes. The Inter-American Commission on Human Rights (IACHR) has expressed its concern about the human rights situation and should be urgently investigating recent abuses.¹¹ Amnesty International and other human rights groups have published damning reports.¹² All this has made it harder for the member states of the Caribbean Community (CARICOM) to restore normal relations with the transitional government.¹³

Of particular concern are charges of summary executions in populous neighbourhoods -- including murder of street children¹⁴-- and the killing of at least ten inmates in the central prison of Port-au-Prince on 1 December 2004. Police claimed the latter were killed after attacking prison guards and other inmates while attempting to escape.¹⁵ Although Haitian and international human rights organisations have attributed all these killings to HNP officers, the government has failed to conduct proper investigations.¹⁶ The

government and the international community operating under a Security Council mandate with the full authority of Chapter VII of the UN Charter cannot allow those killings to take place with impunity.

The release from detention of a Catholic priest,¹⁷ two former parliamentarians and a grassroots leader¹⁸ were welcome developments seemingly prompted by international pressure, including the visit of the chairman of the African Union Commission, Alpha Oumar Konare. Further undermining the transitional government's image is the fact that several Lavalas leaders and supporters, including high-profile figures such as former Prime Minister Yvon Neptune and former Minister of Interior Jocelerme Privert, are held in preventive custody in clear violation of the due process guarantees of Haitian law and international human rights covenants. The transitional government should have no interest in holding Lavalas leaders if it can produce neither charges nor evidence. The perception of persecution strengthens party hard-liners, including Aristide, and weakens the moderates who might be willing to participate in the transitional process.

The announcement of a nineteen-member Lavalas committee headed by Aristide but otherwise of low-profile party members (including representatives of so-called "popular organisations"),¹⁹ seems to be yet another attempt by the former president to maintain control over his party by keeping it divided. Lavalas affiliates resident in the U.S. have been disowning some leading party figures, especially those still in Haiti and who have courageously spoken out against violence.²⁰ Aristide's determination to control the party and exclude those who have tried to act independently may push the latter to create a new political movement. That could ultimately be a positive development. Several Lavalas leaders very

¹⁰ Claude Moise, "Un nouveau rôle pour le Conseil des Sages", *Le Matin*, December 2004.

¹¹ "IACHR expresses concern over the situation in Haiti during its 121st Regular Period of Sessions", 28 October 2004, www.oashaiti.org.

¹² A recent report by the Centre for Human Rights at the University of Miami concluded that "Haiti's security and justice institutions fuel the cycle of violence". The findings are highly revealing in their picture of lawlessness and fear within the poor neighbourhoods of Port-au-Prince, at www.law.miami.edu/news/368.html.

¹³ Crisis Group interviews, Port-au-Prince, December 2004. CARICOM has not recognised the transitional government. For background information, see Crisis Group Report, *A New Chance for Haiti?*, op. cit. pp 12-13.

¹⁴ Haitian human rights organisations say that up to 50 children may have died in poor neighbourhoods during gang violence. The number of children actively engaged in armed groups is increasing, an issue that should be a priority for the transitional government and international organisations.

¹⁵ "Rights groups say Haiti prison riot a massacre", Reuters, 9 December 2004. See also National Coalition for Haitian Rights (NCHR) report on national penitentiary killings, December 2004, at www.nchr.org.

¹⁶ This continues a pattern. There has also been no proper investigation of earlier serious cases, such as the executions of a dozen young people in October 2004.

¹⁷ Father Gérard Jean-Juste was released on 28 November 2004 after almost seven weeks of illegal detention. He had been arrested on 13 October 2004 for "inciting public trouble".

¹⁸ Senate President Yvon Feuillé, Rudy Hériveaux, the former president of the Chamber of Deputies, and activist Lesly Gustave, all members of the Lavalas party, were arrested on 3 October 2004 and accused of inciting violence. Granting a request from their lawyer, the judge issued a provisional release order on 23 December.

¹⁹ Cellule Nationale de Réflexion des Organisations Populaires Base Fanmi Lavalas, "Note de Presse", 16 December 2004.

²⁰ Like former Senator Gérard Gilles, see Brian Laghi, "Martin urges peace in Haiti", *The Globe and Mail*, 15 November 2004.

close to Aristide have indicated a willingness to contest the elections whether or not he approves.²¹

If the government truly wants a national dialogue, full respect for human rights is an absolute priority. Far more extensive and independent monitoring -- national and international -- is needed. MINUSTAH should take the lead, but eight months after its deployment, it still has not received enough staff to set up either a human rights or rule of law section in Port-au-Prince, let alone in the other departments where investigations of abuses also are lacking. This failure of the UN recruitment system has sorely handicapped MINUSTAH's field work.

III. A TURNING POINT IN THE SECURITY SITUATION?

A. THE MINUSTAH OPERATION IN CITÉ SOLEIL

Until early December 2004, the overall security situation, with random violence prevailing in many sectors of the capital, continued to frustrate Haitians at all levels. Allegedly the result of what groups associated with the former opposition to Lavalas and later the transitional government called "Operation Baghdad", the disturbances nearly paralysed the government and commercial districts, producing a disastrous impact on business activities (especially the informal sector and street vendors), access to health clinics and schools and even recovery efforts from the flooding that followed the two torrential storms of late 2004.

A clear example of the volatility of the situation was the shooting that erupted on 1 December 2004 outside the presidential palace where U.S. Secretary of State Colin Powell was meeting with the interim president, prime minister and others. UN troops returned fire, and no casualties were reported but the incident fuelled the perception that MINUSTAH was unable to control the security situation -- a perception that, more than an actual attack on the visitor, may have been the real intention.²²

MINUSTAH and, to some extent, the HNP were mostly praised, however, when they conducted the first large-scale and successful actions against illegal armed groups in Cité Soleil in mid-December. The initiative responded to growing criticism of MINUSTAH inaction.²³ On 14

December 2004, some 800 UN peacekeeping troops and civilian police, along with a symbolic HNP presence, took control of the violent slum, which had been the theatre of armed rivalry between pro and anti-Aristide gangs. The operation was undoubtedly the most important and symbolic carried out so far by the UN Mission, which is now almost at its full strength.²⁴ The fact that almost no casualties were reported²⁵ further enhanced MINUSTAH's profile.

Important as it was, the operation should only be considered the first step in reestablishing public security in the capital. MINUSTAH's presence in Cité Soleil is confined to the main roads and the two police stations; no major gang leaders have been arrested, and almost no weapons have been confiscated.²⁶ Lack of intelligence is slowing the operation. MINUSTAH needs to have a better intelligence system and possibly to make more use of vetted HNP officers who know the neighbourhoods and might be more able to recognise the gang leaders.²⁷

As discussed below, it would also be important to start large, labour-intensive programs to obtain immediate visible improvements.²⁸ The engagement of UN troops in clean-up operations in the Bel-Air neighbourhood was a welcome step (UN medical staff also treated hundreds of residents). Before the December 2004 holiday period, the transitional government also began to distribute basic food staples and to allocate funds for social projects in some of the poor neighbourhoods of the capital. This may have helped defuse discontent, although it also led to alleged cases of corruption which resulted in changes within the prime minister's office and the Port-au-Prince municipal council.²⁹

Miami Herald, 29 November 2004.

²⁴ The UN military force in Haiti now consists of about 6,000 soldiers and almost 1,400 civilian police (CIVPOL), nearly 90 per cent of its original authorised strength.

²⁵ According to the UN Mission; see "Ongoing joint operation by MINUSTAH and the HNP in Cité Soleil and Large Joint security operation [by] MINUSTAH and the HNP in Cité Soleil 14 December 2004, <http://www.un.org/Depts/dpko/missions/minustah/press2004.html>.

²⁶ Some analysts voiced concern that MINUSTAH's intervention might eventually favour the anti-Aristide Labannè gang in its struggle with the pro-Aristide Drèd Wilmè.

²⁷ Gang leaders merged with the local population to receive food provided by MINUSTAH troops, who obviously do not recognise them. Crisis Group interview with Cité Soleil residents, December 2004.

²⁸ "Cité Soleil needs to be transformed in a huge building-site", Crisis Group interview with the President of Chamber of Commerce, December 2004.

²⁹ Mainly over rice distribution, which involves the Port-au-Prince Mayor's Office, and checks issued to several municipalities.

²¹ Crisis Group interview, Port-au-Prince, 19 January 2005.

²² Michael Kamber, "Powell Visits Haiti, a Nation Kept on Edge by Persistent Violence", *The New York Times*, 2 December 2004

²³ Joe Mozingo, "Anarchy reigns in streets of Haiti", *The*

B. THE TABARRE CONFRONTATION WITH THE FORMER MILITARY

On 15 December 2004, some 50 former military occupied the abandoned private residence of former President Aristide in the outskirts of Port-au-Prince (Tabarre) and declared an intention to establish their new headquarters there. The transitional government declared the group illegal and ordered it to evacuate the house, which MINUSTAH troops and HNP officers surrounded. After two days of unsuccessful negotiations conducted by government representatives, civil society and political leaders, the peacekeepers carried out a forcible eviction.³⁰ The occupants, sixteen of whom had never been enrolled in the old army (the FAd'H), left hungry and tired a day after their leader, Remissainthe Ravix, had abandoned them. No casualties were reported. The successful action showed that MINUSTAH could be more effective in dealing with illegal armed groups while reinforcing among Brazilian officials the belief that the use of force should be used only as a last resort.³¹

Ravix may have thought MINUSTAH was overstretched in Cité Soleil and would be unable to respond,³² but he miscalculated: the timing and symbolism of the occupation of Aristide's residence was the straw that broke the camel's back.³³ MINUSTAH deserves credit for its handling of the situation, particularly for avoiding unnecessary use of force, in spite of repeated calls from, among others, the transitional government and key embassies to act more forcefully against the former soldiers.³⁴ The intervention was also an unexpected opportunity to show that it was even-handed in its approach towards all the armed groups.

The result was a serious defeat for Ravix. His image badly discredited, he desperately asserted that the humiliation of the former military should be

considered a declaration of war and called on the movement to go to the hills and become guerrilla fighters.³⁵ However, he has not been arrested by either the HNP or MINUSTAH.³⁶ There have been some subsequent incidents, including attacks on police stations, in several provinces where ex-soldiers and their supporters were angered by the handling of the confrontation.³⁷ MINUSTAH troops and HNP officers responded to most of these and have been able to retake or maintain control of the police stations.

C. DISARMING THE GUNMEN

A few days after the Tabarre affair and before launching a comprehensive program for disarmament, demobilisation and reintegration (DDR), the transitional government announced it would provide financial compensation to former soldiers.³⁸ The intention apparently was to capitalise on the success in Tabarre with other elements of Ravix's following. The plan, totalling some \$28 million, includes individual compensation of roughly \$3,000 for troops and up to \$10,000 for officials.³⁹

The DDR program outlined by the prime minister has caused concern among the international community generally but also independent observers of similar programs in other countries. Benefits are to be offered in three stages, starting with an indemnification payment of approximately 100,000 gourdes (some \$3,000) for the troops. This in turn would be paid out in three allotments, the first of which already has been delivered to most former military. The second benefit is to be payment of accrued pensions. The third is job or business training in order to integrate those who do not qualify for police, border patrol or other security-related public positions because of age, health or unsavoury record.

³⁰ "Brazilian UN troops force Haitian ex-soldiers out of Aristide's home", Associated Press, 17 December 2004. MINUSTAH, "La MINUSTAH a mis fin à l'occupation illégale de l'ancienne résidence de l'ex-Président Aristide", 17 December 2004, <http://www.un.org/Depts/dpko/missions/minustah/press2004.html>.

³¹ Crisis Group interview with Brazilian government officials, Brussels, January 2005. Brazilian troops form the largest part of MINUSTAH, 1,200 out of 6,700 military personnel, and are deployed mostly in the Port-au-Prince area.

³² It was also expected that 16 December 2004 would be a day of violence since the pro-Lavalas gangs had announced demonstrations to commemorate Aristide's 1990 election. The funeral of a notorious pro-Lavalas gang leader was also scheduled for that day.

³³ "La goutte qui fait déborder le vase", Crisis Group interview with political analysts, Port-au-Prince, December 2004.

³⁴ Crisis Group interviews with diplomats, January 2005.

³⁵ Ravix is sought by police and is believed to be in hiding. Joseph Guyler Delva, "Haiti Rebel Leader Vows to Launch Guerrilla Warfare", Reuters, 18 December 2004.

³⁶ Crisis Group interview, February 2005.

³⁷ Several persons demonstrated in Hinche in support of the military, allegedly attacked the local police and threw rocks at MINUSTAH's cars on 18 December 2004. Ex-military members temporarily occupied the police stations of Grand-Goâve, Mirebalais, Petit-Goâve and Arcahaie. Police confirmed that two ex-military were killed and two others injured and taken prisoner at Miragoâne. On 18 December, armed civilians blocked a road in the Petit-Goâve, preventing Sri Lankan peacekeepers from retaking control of the police station occupied since September by the former military. The UN troops were forced to retreat.

³⁸ "Le processus d'indemnisation a bel et bien démarré" *Le Matin*, 29 December 2004. See also Message of Prime Minister Gérard Latortue, 12 January 2004.

³⁹ All figures in this briefing denominated in dollars (\$) refer to U.S. dollars.

Beneficiaries would be required to turn in their weapons only after receiving the lump sum pension payment. This means many former military would still have their guns and uniforms when the planned electoral campaign unfolds and so be in a position to intimidate voters. There already are reports of their reinstating "section chiefs" in some communities whose record as brutal enforcers under the Duvalier regime resulted in the system being abolished after Aristide's first election. Also, since the ex-military would already have received the monetary benefits, they might have relatively little incentive to disarm. It would seem more sensible to withhold at least a portion of the monetary benefits until the former soldiers have both disarmed and been demobilised.⁴⁰ The transitional government does not have enough money for the compensation and was counting on a donation from the U.S. government. However, Washington has apparently suspended its contribution because of unhappiness that disarmament was not required after the first payment.⁴¹

While the transitional government has always indicated that the question of a new army must be addressed by a legitimate elected government, its latest actions appear to violate the Consensus on Political Transition (*Consensus de Transition Politique*)⁴² by aiming at actively paving the way for this option. Possibly for fear of retaliation, very few have publicly criticised the decision to compensate the former military prior to disarmament plan. However, most of the former military already benefited from reinsertion programs in 1995-1996.⁴³ Prioritising them again sends a negative signal in a country where most of the population lives in abject poverty, and human rights victims under past regimes have not been compensated. The government and the

international community need urgently to extend greater attention to other vulnerable sectors of the society, especially poor neighbourhoods in both cities and the remote provinces.

The situation is even more complicated because a substantial number of the estimated 300,000 weapons held illegally are in the control of the armed gangs. The Brazilian Justice ministry proposed on 12 January 2005 that Haiti conduct a gun buyback program of the sort that has reportedly had some success in Brazil. There is interest in the idea, including among MINUSTAH, but implementing it in parallel with the DDR of ex-military could be difficult for the over-stretched transitional government.⁴⁴

The UN Security Council on 12 January 2005 called on the transitional government to create a National Commission on DDR, cautioned that any compensation for the former military should be part of a comprehensive and durable solution, and decided to conduct a mission to Haiti before June.⁴⁵

D. THE RULE-OF-LAW CHALLENGE

While the December 2004 events were important, the security situation is still far from stable. Elements linked to drug trafficking, may be behind much of the current wave of violence.⁴⁶ Pursuit of objectives by promoting violence has a long tradition in Haitian politics and business. While a significant number of gangs allegedly are associated with Lavalas, there are increasing reports that some armed groups, especially in the Cité Soleil and Delmas areas of the capital, have ties to the business community and other political parties.⁴⁷

Improving the security situation, therefore, requires breaking the links between the political, business and drug-trafficking elements that support the gangs. That needs political will and police ready to act, but also a judiciary willing and able to handle drug trafficking cases -- all elements notably lacking. An essential first

⁴⁰ Crisis Group interviews, Port-au-Prince, Office of Prime Minister, 20 January 2005.

⁴¹ Crisis Group interviews, Washington, 4 February 2005. However unless budget support is suspended, the fungibility of money will make it difficult for the U.S. to prevent the transitional government from continuing with its current plan.

⁴² However, a commission installed in September 2004 by the interim president to assess the possibility of re-establishing the army is still not operational. For the Consensus on Political Transition, see fn. 5 above and Crisis Group Report, *A New Chance for Haiti?*, op. cit.

⁴³ In 1995, 5,200 of some 7,000 former military accepted the reinsertion program (funded by the U.S. Agency for International Development (USAID) and implemented by the Organisation for International Migration). They received first a lump sum allowance and then training or loans to start a small business. Problems started because the programs did not last more than six months, and the private sector alternatives had usually not worked out. However, they were generally judged successful as the former military did not take up arms again. USAID, "Haiti Demobilisation Program", 1996.

⁴⁴ Crisis Group interviews, Port-au-Prince, 18-19 January 2005; also see "Argentina and Brazil Guide pressure on Latortue", *Latin American Weekly Report*, 18 January 2005, p. 14.

⁴⁵ MINUSTAH, "MINUSTAH Press Conference: Security Council Meeting in New York and security operations in Haiti" and "Full text of the Presidential Statement related to the situation in Haiti at the term of the 5110th session of the United Nations Security Council held on 12 January 2005", 12 January 2005, <http://www.un.org/Depts/dpko/missions/minustah/press2004.html>.

⁴⁶ Crisis Group Report, *A New Chance for Haiti*, op. cit.

⁴⁷ Crisis Group interviews, Port-au-Prince, December 2004.

step is for MINUSTAH to establish a more direct presence in vulnerable areas such as Cité Soleil, Bel-Air, and Martissant,⁴⁸ arrest the high-profile gang-leaders, and increase the joint patrols with the HNP. The U.S. France and Canada, which have their own intelligence sources, should advise MINUSTAH and the transitional government on how best to track financial dealings between the gangs and their supporters.

The HNP -- seriously discredited, corrupted and allegedly involved in criminal activities including kidnappings -- presents a key problem. At some point the entire force will have to be screened so that those implicated in human rights violations and other criminal activities can be dismissed. In the short-term, however, phased screening of key units needs to be undertaken, which can then be extended to the rest of the force as new recruits are trained and deployed.

It is urgent to implement a more efficient working relationship between the HNP and the civilian police (CIVPOL) component of MINUSTAH, whose role should be expanded since its leadership is competent and may represent the best hope for rebuilding the HNP. This should begin with deployment to police stations, on an around the clock basis as was done by the previous UN Missions in Haiti from 1995 to 2000 and cooperation in conducting operations and investigations, including, if necessary, direct CIVPOL supervision. At the same time, the rapid recruitment and training of new HNP officers -- ideally several thousand -- should become a priority. It is not presently being given the necessary attention by either the transitional government or the international community. At the current training rate, only some 1,200 new officers (400 go through the police academy every four months) will be on board when an elected government begins to function in 2006. The need is all the greater because the HNP General Director reportedly is confident of the competence and loyalty of only one third of his present 4,000 officers.⁴⁹

Parallel to rebuilding the police, more thought and resources need to be devoted to rebuilding the full justice system so that the process of investigation and trial takes place within a time frame adequate to due process. Haiti, like other transitional situations, requires a long-term holistic strategy for strengthening the rule of

law, with coordinated donor funding and technical advice. Just as the international CIVPOL helps hold a fledgling police force accountable, so an international component may well be needed to assure transparency and due process throughout the justice system. In highly controversial cases, the use of an international or a mixed international/Haitian court might inoculate prosecutions from allegations of political motivation.

E. CONTINUING LATIN AMERICAN COMMITMENT

The MINUSTAH military force -- led by Brazil and largely staffed by other Latin American countries -- and the presence of a respected Chilean diplomat, Juan Gabriel Valdés, as the UN Secretary General's Special Representative (SRSG) are welcome indications of regional engagement in peacekeeping. Haiti greatly needs this help from Latin America.

The recent operations in Cité Soleil and Tabarre have done much to restore MINUSTAH's prestige after press reports of the then commander's alleged unwillingness to use force against armed groups had sparked widespread criticism.⁵⁰ What was not disclosed was the reluctance of the transitional government to give unqualified support to more aggressive actions against the ex-military. Nevertheless, returning from an official visit to Haiti in December 2004, the Brazilian foreign minister said that his country was not leading a repressive force and threatened to withdraw Brazilian troops if the international community did not promptly address the pressing social and economic changes Haiti needs.⁵¹

The negotiated, bloodless end to the Tabarre situation is viewed by Brazilian officials as a perfect illustration of how they intend to operate: showing muscle when necessary but always with preference for dialogue. Nobody can argue with this when it works, but there may be occasions when more proactive measures are required for dealing with the many armed groups still active. Brazil is under real domestic constraints. This is the first time it is leading a complex peacekeeping operation. Public opinion is not fully behind it, and when the media occasionally pays attention, it is mostly

⁴⁸ An important MINUSTAH operation in the Cité Soleil neighbourhood on 7 January 2005 led to the arrest of 96 suspects. MINUSTAH reported that four of those suspects were identified as gang leaders. MINUSTAH, "Opération de Sécurisation au quartier de Cité Soleil de Port-au-Prince", 7 January 2005, <http://www.un.org/Depts/dpko/missions/minustah/press2004.html>.

⁴⁹ Crisis Group interviews, Port-au-Prince, 19-20 January 2005.

⁵⁰ "We are under extreme pressure from the international community to use violence", General Augusto Heleno Ribeiro allegedly told a congressional hearing in Brazil. "I command a peacekeeping force, not an occupation force ... we are not there to carry out violence, this will not happen for as long as I'm in charge of the force". Andrew Hay, "Brazil rejects U.S. call for Haiti crackdown", Reuters, 2 December 2004.

⁵¹ "Brazil's foreign minister calls for peaceful disarmament in Haiti", Associated Press, 20 December 2004.

to underline that the mission is impossible. Nevertheless, leading a Chapter VII UN peacekeeping mission intrinsically implies the use of "all necessary means", including force when needed, as established in MINUSTAH's mandate. The proportional use of force to confront certain critical situations should not be equated to "repression".⁵²

IV. SOCIO-ECONOMIC RECOVERY AND SECURITY

A. LIMITED IMPROVEMENT

Socio-economic recovery must accompany efforts to restore security and some confidence in the transition process. Macro-economic improvements have resulted in a stable currency (the gourde), a decline in inflation and an increase in net foreign reserves. Although economic activity remains rather weak, there are indications that private sector activity is picking up. Foreign trade, for example, has essentially regained 2003 levels. Lower food prices helped reduce inflation from 26 to 10 per cent in 2004.⁵³ The International Monetary Fund (IMF) approved on 10 January 2005 a \$15.6 million Emergency Post-Conflict Assistance (EPCA) credit.

Nevertheless, the urban and rural poor -- the vast majority of the population -- perceive only limited improvements in their lives. Formal unemployment is reportedly as high as 70 per cent, with most workers engaged in the shadowy informal sector in urban areas and in subsistence farming. The transitional government, anxious to demonstrate adherence to strict fiscal standards, is reluctant to undertake more social programs, even though the main international donors (and even some in the business sector) are pushing it in this direction.

Over the next months, the transitional government should reassess its tight fiscal policy, in particular excessive restrictions on spending,⁵⁴ in order to launch

important social projects that would hopefully begin to alleviate the suffering of most Haitians. It should focus on financing quick impact projects, for example, labour-intensive programs such as garbage collection, road cleaning and repair, canal cleaning, and repair and maintenance to local markets, schools, and public buildings. A significant percentage of the rural population should be employed on environmental monitoring and protection projects. These would improve living conditions and reduce health hazards in local communities but, just as important, would provide jobs at the local level.⁵⁵ If this is not done, social discontent may soon become as big a threat to the transitional government as the illegal armed groups that are delaying restoration of state authority.

B. AN INTERNATIONAL MANAGEMENT TEAM?

The transitional government has accused donors of being excessively slow and reluctant to disburse the aid pledged at the July 2004 Washington conference. However, it has been unable itself to take the lead in channelling the funds to appropriate projects. Donors appear unsure of the transitional government's capacity to generate and execute the projects that make up approximately 80 per cent of the Interim Cooperation Framework's (CCI)⁵⁶ commitments. As a result, few CCI project funds have been expended.⁵⁷ It is estimated,

⁵² UN Security Council Resolution 1542 (30 April 2004).

⁵³ With the transitional government's fiscal surplus and increased availability of foreign exchange on the market, the Central Bank reconstituted its net foreign reserves to almost \$100 million by the end of 2004, without putting noticeable pressure on the exchange rate. Crisis Group interviews with Haitian economists, Port-au-Prince, January 2005.

⁵⁴ The transitional government did, however, lower interest rates in the summer of 2004 and began to allocate funds for social projects in some poor neighbourhoods of the capital. Crisis Group interviews with senior staff of the prime minister, January 2005.

⁵⁵ Another important measure would be passage by the U.S. Congress of the "Haitian Economic Recovery Opportunity" (HERO) bill, which would grant preferential trade access to the U.S. market largely identical to that afforded to Sub-Saharan African countries several years earlier by the African Growth Opportunity Act (AGOA). Studies indicate that it would lead to significant new investment and create over three to five years some 100,000 new jobs in the textile assembly sector -- already Haiti's largest employer with approximately 30,000 semi-skilled jobs. The bill was approved in July 2004 by the Senate but not by the House of Representatives before the end of the Congressional term, thus effectively returning it to square one in the new Congress that convened in January 2005. Matching its passage with long-delayed increases in the minimum wage for formal sector jobs also might alleviate some of the concern that benefits would go disproportionately to assembly plant owners, even though wages there already are well above the norm.

⁵⁶ A needs assessment exercise, conducted jointly by the international community and the transitional government, the results of which were presented at a donors conference in July 2004 in Washington D. C. See Crisis Group Report, *A New Chance for Haiti?*, op. cit.

⁵⁷ A major problem is the lack of efficient planning units (*unités de programmation*) tasked with the elaboration and review of projects within the sector ministries such as Public Works, Health, Education, Agriculture, and Justice.

for example, that of the \$70-\$75 million disbursed by the Inter-American Development Bank (IADB) since it resumed its Haiti program in July 2003, almost \$60 million has been for budget support, only \$10-15 million for sector projects, although the latter makes up the overwhelming share of the IDB's Haiti portfolio.

A possible solution would be for the international community to assume more of a direct execution role in managing projects. It knows how limited professional capacity is in the transitional government and from the outset should have provided project and program design professionals to prepare the packages to use the available funds. It should consider funding the hiring of high-level foreign and Haitian consultants capable of planning and implementing development projects that could absorb pledged funds.⁵⁸ This should not be viewed as a first step toward a protectorate,⁵⁹ a concept advanced in a recent article that was badly received by the interim government and has possibly caused it to take a tougher line on donor responsibility for direct execution of projects.

V. NATIONAL DIALOGUE AND ELECTIONS

A. WHAT KIND OF DIALOGUE?

Interim President Alexandre abruptly announced the launching of a national dialogue in December 2004, citing the need to reach a "three Rs" pact (reconciliation, reconstruction and renewal) among all Haitians. Earlier that month, the prime minister had asked the former spokesman of the Democratic Platform⁶⁰ and KONAKOM party leader Micha Gaillard to take preliminary soundings to evaluate conditions for launching the process.⁶¹ Gaillard presented his preliminary assessment on 31 December. While the idea of national dialogue is widely

Ministerial-level ownership and leadership are essential for improvement.

⁵⁸ The OAS is seeking to expand support by financing the return of "diaspora" Haitians to provide short-term professional services to the transition government.

⁵⁹ Don Bohning, "Nation in Chaos -- An international protectorate could bring stability to Haiti", *The Miami Herald*, 22 November 2004.

⁶⁰ Alliance of "Convergence Démocratique" (a loose platform of opposition parties created in 2001) and the Group of 184 (a coalition of civic and grassroots organisations).

⁶¹ Some analysts have already referred to conflicting agendas of the prime minister and the interim president. See, Claude Moise, *Le Matin*, 12 January 2005.

backed, the contents are still vague. The international community, mainly MINUSTAH and the Canadian Prime Minister, has done much to advance the initiative. Some Haitians, especially from the former opposition to Lavalas, now warn against an "imposed" process. Haitian ownership is a key condition for success but equally the international community, especially MINUSTAH, must play an important role, even on logistics and facilitation, in order to assure all participants both security and a sense of fairness.⁶²

The incipient process is already affected by competing agendas: the Group of 184 is organising regional workshops aimed at developing a new "social contract". It discussed how to integrate various initiatives at length during a national meeting on 15 January. Other groups prefer what they call the Sovereign National Conference (*Conférence Nationale Souveraine*), aimed at reaching binding agreements that might result in constitutional changes, though the transitional government says it will not support any initiative to reform the constitution.

It is essential that the dialogue be inclusive and its objectives clearly defined. Regional participation will also be crucial. Many analysts question the genuineness of the transitional government's professed intention to include Lavalas; unless the 29 investigations the justice minister recently announced against former Lavalas officials produce solid evidence, the transitional government will again face charges that its approach to justice is not even-handed. The preliminary meetings on the national dialogue in November 2004 did not include many civil society and political sectors, including Lavalas.

Several groups also have questioned the prominent organisational role of Gaillard, himself a political leader, and have called for an independent entity to perform this task. While the transitional government will ultimately be responsible, regardless of who is the moderator, it would be disastrous to reduce the process to symbolic meetings between the traditional political class and a handful of civil society groups in Port-au-Prince.⁶³

It is also important to ensure that the dialogue calendar does not interfere with the electoral calendar, which will be difficult to accomplish under any circumstances, even from a technical standpoint. While the dialogue process is unlikely to be completed before the elections, it is essential that its first stage take place as soon as possible with an agreement on security, an electoral code of conduct and a pact of governance subscribed to also by

⁶² Crisis Group interviews, Port-au-Prince, 20 January 2005.

⁶³ "That would be a parody of dialogue; unfortunately it is very likely to happen", Crisis Group interview with a leading politician, Port-au-Prince, January 2005.

the main political parties and therefore binding upon whatever government is formed. The next stage, after the elections, should focus on longstanding structural challenges which are the root causes of the Haitian crisis and whose resolution is an absolute condition for a sustainable and inclusive democratisation process.⁶⁴ Ideally, the process should begin in small communities and move upward through the departments to the capital to ensure it is truly national.

B. ELECTIONS AND BEYOND

The draft electoral law published in December 2004 by the Provisional Electoral Council (PEC) was generally well received.⁶⁵ On 4 February 2005 the transitional government approved a decree setting municipal elections on 9 October 2005 and legislative and presidential elections on 13 November. The second round for the legislative and, if necessary, for the presidential elections, will be held on 18 December 2005.⁶⁶ The decree sets the bar for participation high, thus encouraging small parties to merge. However, Haitian politics remains extremely fragmented -- some 92 parties have filed papers with the PEC. Attempts to form coalitions continue with limited success, given the deep-rooted Haitian disinclination to compromise. For example, an attempt to form a large socialist party⁶⁷ failed because the Organisation du Peuple en Lutte (OPL) insisted on nominating its own presidential candidate.

The technical requirements include a voter registration process that virtually starts from scratch since there are few records from the 2000 election and earlier. While the OAS already is working on a non-impeachable fingerprint-based computerised registration system, it is some \$12 million short of meeting its budget of \$20. Given Haiti's limited electricity net, ultra-modern systems begin with a heavy challenge. Responsibility for international and national election observation, at levels sufficient to ensure full coverage during not only the voting but also the counting, the stage at which nearly

every previous election effort went awry, is still to be assigned, financed and organised.⁶⁸

On 6 January 2005, the PEC swore in a new Catholic Church representative, Pierre Richard Duchemin, to replace the former president, who resigned in early November following bitter divisions within the Council and in her resignation speech made serious allegations of misconduct against other members. Her allegations were never properly answered or investigated. Some analysts believe an unseemly battle is still taking place for control of the PEC and that the other members in the dispute with the former president should also resign lest the bitterness re-emerge during the campaign.⁶⁹

However, as Crisis Group previously argued, the elections should not be the only objective of the transitional period. Without a parallel inclusive national dialogue, the expansion of state authority, and improvement in governance, they cannot resolve the country's problems. Security is obviously a key element. Almost 1.5 million people live in neighbourhoods of Port-au-Prince where the state has almost no presence (Cit  Soleil, Bel-Air, Martissant). Even more important, it is crucial to give at least minimum signs of progress in order to encourage participation in the electoral process, about which the vast majority of Haitians are currently at best indifferent. A broad national consultative process that identifies long-term priorities and objectives might also help to stimulate participation. The ultimate goal of all elections is a government with legitimacy and acceptance, which would contrast sharply with a Haitian history of either gross fraud or technical flaws. A government selected by a 10 to 20 per cent turnout with some groups excluded would constitute the failure of the transition.

Minimal conditions to move toward elections include:

- sufficient security, made palpable by disarming and demobilising the ex-military in the countryside, an increased MINUSTAH presence bolstering the HNP, and control if not complete disarming of the illegal gangs throughout the country; and
- adequate opportunities for all parties to participate freely, with preparations adequate to offer reasonable guarantees that all who want to can vote and have their ballots counted, which implies a large monitoring effort, both national and international.

⁶⁴ For example, the absence of a public education system and deep-seated rural poverty.

⁶⁵ MINUSTAH, "The international community approves a project to support the organisation of elections in 2005", 10 January 2005.

⁶⁶ On 10 January 2005, an agreement for a total of \$44.3 million was signed between the Transitional Government, the PEC, MINUSTAH and UNDP to implement the electoral process. The funds are going to be allocated mainly - 95% - by the international community (Canada, the European Union and the United States).

⁶⁷ It would have been composed of four centre-left parties: OPL, KONAKOM, PANPRA and Ayiti Kapab.

⁶⁸ Crisis Group interviews, January-February 2005.

⁶⁹ Crisis Group interview with diplomats, January 2005.

A third step is highly desirable: a common national platform addressing Haiti's major challenges that all parties agree to pursue, based on the results of a broad national dialogue -- and that the international community commits itself to support over at least a decade.

The road to elections is still long and strewn with obstacles. However, postponement now would be the

wrong answer -- achieving adequate security, wide participation and a common platform are the right answers.

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International Headquarters

149 Avenue Louise, 1050 Brussels, Belgium · Tel: +32 2 502 90 38 · Fax: +32 2 502 50 38
E-mail: brussels@crisisgroup.org

New York Office

420 Lexington Avenue, Suite 2640, New York 10170 · Tel: +1 212 813 0820 · Fax: +1 212 813 0825
E-mail: newyork@crisisgroup.org

Washington Office

1629 K Street, Suite 450, Washington DC 20006 · Tel: +1 202 785 1601 · Fax: +1 202 785 1630
E-mail: washington@crisisgroup.org

London Office

Cambridge House - Fifth Floor, 100 Cambridge Grove, London W6 0LE · Tel: +44 20 7031 0230 · Fax: +44 20 7031 0231
E-mail: london@crisisgroup.org

Moscow Office

Nizhniy Kislovsky Pereulok 3-46 - Moscow 125009 Russia · Tel/Fax: +7 095 290 4256
E-mail: moscow@crisisgroup.org

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