A NEW CHANCE FOR HAITI?

18 November 2004

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

Nine months after an armed uprising and international pressure forced President Jean-Bertrand Aristide to resign, the security situation in Haiti is worsening. The UN Mission, established on 1 June 2004, has deployed only two thirds of its authorised force and failed to disarm armed supporters of the disgraced leader and members of the equally disgraced disbanded army. If international intervention is not to fail for the second time in a decade and Haiti to become a failed state haemorrhaging refugees to the U.S., it is essential to start a serious disarmament process and a more inclusive political process that aims at building a national consensus, not merely holding promised but increasingly at risk 2005 elections.

In a year that was supposed to have been dominated by celebrations marking the bicentenary of their victory over slavery and colonisation, Haitians have had to contend with political violence, an abrupt change of government, and humanitarian crises resulting from two tropical storms. In early 2004, after several years of fruitless diplomatic efforts to bridge political polarisation, Haiti was again convulsed by political violence. Pressured particularly by France and the U.S., Aristide left the country on 29 February. His fall led to a dangerous reconfiguration of a fragile political landscape, including the alarming re-emergence of the former military and their civilian allies who had led a successful coup against him in 1991.

The UN Security Council authorised rapid dispatch of a Multinational Interim Force to stabilise the country and a follow-on peacekeeping mission, MINUSTAH. However, only two thirds of the prescribed force has deployed, leaving a security vacuum that has had disastrous consequences. A transitional government of technocrats led by former UN functionary Gérard Latortue as prime minister was quickly installed but it has been hampered by lack of a comprehensive political agreement. Mainly because it and MINUSTAH have not tackled disarmament of illegal armed groups, Haiti is drifting towards anarchy. The transitional government has failed to establish its authority in most of the provinces where former military are acting unlawfully as security providers. At the same time, armed Aristide supporters are asserting control of most of the capital's poor neighbourhoods and are increasing attacks on police and civilian targets.

At least 80 Haitians -- including eleven police officers (three beheaded) -- have been killed in unrest and often violent pro-Aristide protests that began on 30 September, the anniversary of the 1991 coup d'état. Most were shot in heavily populated Port-au-Prince slums where armed groups battled with the Haitian National Police, who have been accused of summarily executing young men in the Aristide strongholds.

Although the U.S.-led international force was in a strong position to disarm and demobilise rebel and pro-Aristide forces when it entered, very little was done. MINUSTAH has failed to implement the primary aspect of its mandate, to stabilise Haiti, and its inaction has allowed the former military to consolidate, making it more difficult to confront them in the future. With fewer than 3,000 demoralised, poorly equipped and poorly trained members, the police lack the capacity to restore order. It is urgent to increase the number of UN peacekeepers to the level set by the Security Council and to toughen their strategy for dealing with illegal armed groups.

The transitional government lacks a political base and appears increasingly fragile. The transition process is at stake, and urgent corrections are needed to bolster it. These include a broader political agreement, acceleration of the process to constitute an impartial police force and judiciary, and

immediate disbursement of pledged funds for visible reconstruction and recovery projects.

Also essential is a broad national consultative process to set out the priorities, objectives and timetable for the transition and steer the transitional government's policy until an elected successor takes office. Ideally this would start with local and departmental consultations, leading to a national conference with representatives from all political sectors and civil society groups. MINUSTAH should facilitate this with the participation of other international actors. The reconciliation process must go beyond Aristide's party (Fanmi Lavalas) and the former opposition to encompass other social, economic and regional groups. The objective should be to broker a pact among all Haitians that would constitute an inclusive agenda at least until elections in 2005. The holding of those elections should be considered as a principal item of the transition agenda, but not the only one.

The international community hopefully will draw the right lessons from the last, failed intervention so it can help the country move forward at last on the path of democratisation and development. They include the need to engage on security and development for a lengthy period -- at least a decade -- including a genuine process of inclusiveness, building of state capacity in public education and health, and support for urban jobs and sustainable agriculture.

RECOMMENDATIONS

To Haiti's Transitional Government:

1. Pursue urgently an end to violence and destabilisation, by seeking MINUSTAH help to:
   (a) implement an immediate nationwide disarmament and demobilisation program for all illegal armed groups, including former military;
   (b) arrest and prosecute those engaged in trafficking and possessing weapons illegally and financing armed groups; and
   (c) enforce agreements already negotiated with the former military (FAd'H), starting with the return of occupied police stations.
2. Step up efforts to introduce the rule of law and ensure sufficient conditions of security and stability for free and fair elections in 2005, and above all:
   (a) accelerate recruitment and training of the Haitian National Police (HNP), including recruitment of women;
   (b) improve screening mechanisms, with international help, to ensure that no ex-FAd'H members with records of human rights abuse, criminal activity or drug trafficking are admitted to the HNP and that current members with similar records are dismissed;
   (c) work closely with MINUSTAH and civil society, including women's groups, to develop and implement a national plan to strengthen the justice system;
   (d) implement an even-handed approach to justice showing that no one is above the law, regardless of political affiliation;
   (e) ensure due process in the prosecution of all individuals implicated in human rights violations, including detained Fanmi Lavalas members, and where evidence cannot be produced release detainees; and
   (f) conduct thorough investigations into the summary executions allegedly committed by HNP members.
3. Seek national reconciliation by:
   (a) launching local and departmental roundtables to examine priorities, objectives and timetables for initial reconstruction efforts, and present findings and conclusions to a national conference on national reconciliation with international participation; and
   (b) creating specific mechanisms for political and civil society organisations to engage in dialogue with the transitional government.
4. Hold local, parliamentary, and presidential elections in 2005, under conditions of adequate security, pursuant to rules and procedures that permit participation of all political parties, including Fanmi Lavalas, and implement programs in both urban and rural areas to promote awareness about the electoral process.
5. Expand the Council of Eminent Persons to establish a broad-based Conseil d'État as an advisory mechanism to enable a spectrum of

political views to be considered before major policies are adopted.

6. Develop detailed reconstruction projects to make use of pledged donor funds, ensuring transparency and accountability.

To the UN and the Security Council:

7. Request the Secretary General to accelerate full deployment of MINUSTAH's authorised military and civilian strength and to advise whether additional forces -- especially more riot control police (Formed Protection Units) -- are required to achieve a secure environment.

8. Renew MINUSTAH's mandate for at least two years to provide the continuity necessary to stabilise the country.

To MINUSTAH:

9. Implement its mandate more aggressively, particularly with respect to disarming and disbanding illegal armed groups, with a clear timeline for completion before elections.

To Fanmi Lavalas and Other Political Parties:

10. Disown violence publicly, dissociate from any violent armed group, and declare readiness to participate in all initiatives for dialogue and reconciliation.

11. Utilise the Rio Group's offer of mediation to support political dialogue among Haitian political forces.

To the U.S. Government:

12. Pursue a pro-active, bipartisan Haiti policy, similar to the one that supported the transition to democracy following the Duvalier regime, prioritising rule of law, poverty reduction and inclusive democratic institutions.

13. Commit to a $1 billion ten-year program of development cooperation, in addition to humanitarian relief, with priority for the justice sector, public education, sustainable agriculture and health.

To Other Members of the International Community:

14. Disburse at once funds pledged at the July 2004 Washington donors conference to achieve an immediate impact on jobs and visible infrastructure reconstruction, and, with due attention to anti-corruption issues, ensure full Haitian "buy in" by not circumventing state institutions when working with NGOs.

15. Prepare to remain engaged in development aid for at least a decade.

16. Give MINUSTAH funds to enable it to strengthen the police academy, judicial training, gender training and vetting of both existing and new members of the police and judiciary.

To the Caribbean Community (CARICOM):

17. Recognise the transitional government, reintegrate Haiti as an active member, and actively assist it to strengthen democratic institutions.

To the Organisation of American States (OAS):

18. Finalise modalities for cooperation with the UN to support national reconciliation and strengthen governance, particularly to provide practical financial and political support to the Provisional Electoral Council for conducting local and national elections in 2005.

To the Government of Brazil:

19. Continue leadership of and major troop commitment to MINUSTAH and adopt a more pro-active strategy in implementation of its mandate.

To the Government of South Africa:

20. Insist that former President Aristide publicly urge his supporters to stop the violence, turn in their arms and cooperate with the political transition, including Fanmi Lavalas participation in the electoral process.

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I. INTRODUCTION

In a year expected to be marked by celebrations to commemorate the bicentenary of their victory over slavery and colonisation, Haitians have had to contend with major protests and political violence that precipitated an abrupt change of government, and with two tropical storms that produced a humanitarian crisis. Fourteen years after the installation of its first democratically-elected president, the country is mired in violence, political unrest and crime. The deaths of thousands in floods are the latest and most dramatic consequence of a history of environmental destruction, reflecting generations of predatory manipulation of the institutions of governance for private gain.

According to the United Nations Development Programme (UNDP), Haiti is the poorest country in the Americas. It is characterised by blatant social, racial and economic polarisation. A small minority of around 5 per cent of the population, mainly mulatto and light-skinned black, controls more than 70 per cent of the wealth; its members are educated and speak French. The rest of the population is primarily black, largely illiterate and speaks only Creole.[1]

The Haitian state served mainly the interests of the mulatto elite alone until the Duvalier dictatorship wrested political power from the mulattoes and created a small middle-class. The wave of internal migration to the cities, accentuated in the last decade, is a major concern since it produces hundreds of thousands of unemployed. Ultimately, many young people have no opportunity other than joining criminal gangs.

The state provides almost no services to the general population, which must rely mainly on donor aid and international NGOs. The health system relies almost completely on international cooperation (especially doctors from Cuba and financing of health NGOs by bilateral donors or private foundations and religious organisations). The education system is also in a lamentable state. Only a small number of children attend school, and the system is based almost completely on costly private schools, many of poor quality. Moreover, the country has always been divided into two "republics": the capital, Port-au-Prince, and "the rest of Haiti", which rarely receives equivalent services and benefits. In a country where for generations destitution has been widespread and economic opportunity narrowly circumscribed, the government remains the primary route to power and wealth.

The inauguration in 1991 of the first democratically-elected president, Jean-Bertrand Aristide, created tremendous expectations that remain frustrated. The absence of democratic decision-making and consensus-building at the national level has generated political and economic turmoil, and hampered attempts to set Haiti on a new path. Dysfunctional institutions, poor and corrupt governance, lack of transparency, and pervasive crime have exacerbated economic and social instability for the last decade. Almost inevitably given its virtually non-existent law enforcement infrastructure, Haiti also has become a major regional transit point in the international drug trade.

[1] In 2003, Haiti's UNDP human development index ranking was 150th of 173 countries, and life expectancy was 49.1 years. Food insecurity affected some 40 per cent of households, and more than 50 per cent of the adult population was unemployed. Even before the current political crisis, the situation of children was among the worst in the world. More than one in ten die before the age of five, 65 per cent suffer from anaemia, 17 per cent under five have insufficient weight, and 32 per cent suffer from physical development problems due to malnutrition. Some 200,000 children have lost one or both parents to AIDS, and as many as 6.7 per cent of young women have HIV/AIDS. Maternal mortality is among the highest in the world. UNDP Human Development Report, 2003, www.undp.org.

In early 2004, following several years of intermittent and failed diplomatic efforts to bridge its deep political polarisation, Haiti was again shaken by political unrest and violence. [2] Pressured particularly by France and the U.S., whose desire to avoid constitutional interruption had been overridden by the threat of large-scale clashes,[3] President Aristide signed a letter of resignation and left the country on 29 February. The same day, the UN Security Council authorised rapid deployment of a Multinational Interim Force (MIF) to stabilise the country.[4] A follow-on UN peacekeeping mission (MINUSTAH) was deployed on 1 June. The President's abrupt departure was perceived by some as the end of the conflict. However, the events culminating in his departure did little to bring stability; Aristide's fall led to a dangerous reconfiguration of Haiti's fragile political landscape, including re-emergence of the former military and allied forces that led a successful coup against him in 1991.[5]

With international prodding, a transitional government of "technocrats" led by former UN functionary Gérard Latortue was installed within two weeks. Nevertheless, it has been hampered by the lack of a prior, all-inclusive political agreement, and it faces mounting criticism, especially on security issues.

Indeed, the security situation is almost as fragile as it was when Aristide left, mainly due to the failure of both the transitional government and the international community to tackle disarmament. Haiti is increasingly showing signs of drifting towards anarchy. The transitional government has failed to establish its authority in most of the provinces, where former military are acting unlawfully as security providers. At the same time, armed supporters of the former president have maintained or re-asserted control of many of the capital's poor neighbourhoods and have staged an increasing number of attacks on police and civilian targets.

The crisis is deep-rooted, and the conditions that foster violence and impunity have not disappeared. Sustainable changes can only be achieved by addressing the underlying problems of governance and development that are blocking democratisation. The international role continues to be crucial. For the second time in less than ten years, Haiti has had to rely on foreign troops to try to establish basic stability. The international community, Haiti's leaders and its people need to draw the right lessons from the previous failure or the chronic suffering will continue.[6]

[2] Peter Slevin and Bradley Graham, "U.S. Scrambles to Find New Course in Haiti, Humanitarian Crisis Is Prepared For", *The Washington Post*, 24 February 2004, p. A17.

[3] Peter Slevin and Kevin Sullivan, "Powell Puts Pressure on Haitian Leader To Resign", *The Washington Post*, 27 February 2004, p. A1.

[4] Peter Slevin and Scott Wilson, "Aristide's Departure: The U.S. Account", *The Washington Post*, 3 March 2004, p. A19.

[5] The coup leaders ruled brutally for three years, and maintained a shadowy existence after his return in 1994 and the dissolution of the army in 1995, some in exile, some in private security forces, some in the less than fully vetted Haitian National Police and some in criminal bands. "Haiti Human Rights After President Aristide's Return, I. Summary and Recommendations", Human Rights Watch, Vol. 7, No. 11, October 1995.

[6] "Breaking the Cycle of Violence: A Last Chance for Haiti?", Amnesty International, AMR 36/038/2004, 21 June 2004.

II. THE ARISTIDE DISENCHANTMENT

A. HISTORICAL SYNOPSIS

In 1697, Spain acknowledged the French occupation of the western part of the island of Hispaniola, which was renamed Saint-Domingue. Referred to as the "Pearl of the Antilles", it was one of the richest colonies in the 18th-century French empire thanks to sugarcane and coffee plantations and African slave labour. In 1791, the slave population revolted and -- led by Toussaint L'Ouverture, Jean Jacques Dessalines, and Henri Christophe -- gained control of the northern part of the territory and waged a war of attrition against the French.

The "Indigenous Army" routed an expeditionary force sent by Napoleon and in January 1804 declared independence, renaming the western part of the island Haiti. It is the world's first black republic and the second-oldest republic in the western hemisphere, after the U.S. In a world dominated by Europeans and the slave trade, the Haitian revolution gave added meaning to the new concepts of freedom and racial equality and rightly earned a prominent place in world history. However, the new republic was built on similar structures to those that had characterised colonial rule. The failure of Haiti's leaders to develop an inclusive society has resulted in endless political turmoil and blatant, systemic discrimination.

Separate regimes emerged in the north and south after independence but were unified in 1820. That same year France, under Charles X, demanded a huge indemnity for the war of independence, which the Haitian government under President Boyer agreed to pay, accepting a fatal mortgage on the country's future. Two years later, Haiti occupied Santo Domingo, the eastern, Spanish-speaking part of Hispaniola, and held it until 1844, when it gained independence and became the Dominican Republic. Haiti was thereafter dogged by political instability and turmoil, with 22 changes of government from 1843 until the U.S. intervened militarily in 1915 and occupied the country for nineteen years.

The past half-century was marked by the violent and repressive dictatorship of François "Papa Doc" Duvalier. Elected president in 1957, he declared himself president-for-life in 1964 and ruled until his death in 1971 with the help of a paramilitary force he created, the *Tontons Macoutes*, whose arbitrary use of force, including the killings of thousands of civilians, instilled widespread fear.[7] He was succeeded by his son, Jean-Claude "Baby Doc" Duvalier, who fled to France in 1986 amid a popular uprising against his dictatorship. The period immediately after his departure was marked by mob vengeance against lower-ranking members of the *Tontons Macoutes*.[8] A series of military-backed governments followed until 1991. During this period, in March 1987, Haitians overwhelmingly approved a constitution which included a ban on Duvalierists participating in politics for ten years.

B. THE 1990 ELECTION

After four years of violent and turbulent transition, Haiti prepared to hold general elections. The democratic movement was highly diverse. The political parties were weak and lacked a significant popular base. Civil society organisations of various types were more influential. They included grass-roots Catholic communities, which challenged the Church hierarchy. It was from this sector that a young priest emerged, Jean-Bertrand Aristide, whose voice was one of many challenging the military regimes and denouncing social and economic inequalities. Aristide had the ability to speak to the people and voice their grievances in Haitian Creole.

At the opposite end of the political spectrum was Roger Lafontant, a notorious former interior minister from the Duvalier era, whose candidacy provoked outrage and alarm. A coalition of left and centre-left parties, the *Front National pour le Changement et la Démocratie* (FNCD), dropped school teacher Victor Benoît as its presidential candidate in favour of Aristide, whom it calculated was the only one who could unite the left and centre against the Duvalierist candidate. With many international election monitors watching, Aristide won an overwhelming 67 per cent of the vote.[9]

For the first time, a charismatic leader calling for social change had been elected president. He proved that it was possible for the impoverished masses to identify with a president. The election had been truly

[7] "Thirst for Justice: A Decade of Impunity in Haiti", Human Rights Watch, Vol. 8, No. 7 (B), September 1996. Human Rights Watch estimates 20,000 to 30,000 civilian deaths were ordered by the Duvaliers, father and son.
[8] Ibid.
[9] Marx V. Aristide and Laurie Richardson, *The Haiti Files: Decoding the Crisis* (Washington D.C., 1994).

democratic and created the basis for the legitimate government that Haiti had lacked for so long. However, Aristide's first administration lacked political experience and was ill-equipped for the enormous challenges. Public splits quickly developed within the victorious coalition. Aristide was massively popular but faced fierce opposition from many key sectors, including the business elite, the military and important sectors within the U.S. government.[10]

C. THE 1991 COUP

On 30 September 1991, just nine months after taking office, President Aristide was forcibly removed in a military coup backed by the country's economic elite and was dispatched into exile. Three days after the coup, the Bush administration suspended aid to the military junta.[11] The three years of military-backed rule that followed saw the return of state-sponsored repression, with right-wing death squads targeting Aristide supporters in peasant groups, trade unions, and grassroots and neighbourhood organisations. Some 3,000 to 5,000 people were murdered.[12]

The regime's brutal and systematic repression of any support for Aristide could not be ignored internationally because it set off an exodus of refugees. Efforts to negotiate a diplomatic solution, first by the Organisation of American States (OAS), then by the UN, dragged on for more than two years, with sharp political controversy in the U.S., where some of Aristide's aides questioned the administration's commitment to forcing his return from exile.[13] The OAS and UN appointed a joint Special Envoy, former Argentine foreign minister Dante Caputo, and a joint human rights mission,[14] the International Civilian Mission in Haiti (MICIVIH), which was deployed in February 1993 at Aristide's request and the regime's reluctant acquiescence.

After the two organisations imposed an arms and oil embargo, Caputo was able to broker the Governors Island Agreement with the regime in July 1993,[15] which promised restoration of constitutional rule on 30 October 1993, reforms to the military, UN training of a new civilian police force and an amnesty for the coup leaders. However, the regime reneged, and in July 1994, the UN Security Council authorised a U.S.-led multinational force to use all necessary means to facilitate the military leadership's departure from Haiti and restoration of the legitimate government.[16] The multinational force entered Haiti in September 1994 without opposition, as a high-level U.S. delegation, including General Colin Powell, the former Chairman of the Joint Chiefs of Staff, negotiated regime acquiescence at the eleventh hour. Aristide returned on 15 October amid impressive celebrations.[17]

D. THE RETURN TO CONSTITUTIONAL ORDER

For the hundreds of thousands who lined the streets of Port-au-Prince on 15 October 1994, the Black Hawk helicopters returning Jean-Bertrand Aristide and his entourage to the lawn of the National Palace appeared to open a new chapter in Haitian history. The former priest was a messianic figure, the focus of expectations which exile had only heightened.

The UN gave the U.S. the leading role in what was considered a pioneering example of humanitarian military intervention.[18] The Clinton administration invested considerable resources, financial and political, in an ultimately unsatisfactory effort to help Aristide consolidate democratic institutions. Instead of embracing the opportunity presented by the UN force, Haitians reverted to their two-centuries-old tradition of "winner takes all". Aristide failed to build a broader coalition, and the opposition, with perceived support from Republican allies in Washington, sought to block many economic and social initiatives.

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[10] Lee Hockstader, "Year of Turmoil Dashes Haiti's Democratic Dream", *The Washington Post*.

[11] Thomas Friedman, "U.S. Suspends Assistance to Haiti And Refuses to Recognize Junta", *The New York Times*, 2 October 1991.

[12] "Silencing a People: The Destruction of Civil Society in Haiti", Human Rights Watch, 1 March 1993.

[13] Howard W. French, "U.S. Keeps Eye on Haiti, but Action Is Scant", *The New York Times*, 8 October 1992.

[14] Howard W. French, "Pact to Return Aristide to Haiti Is Called Near", *The New York Times*, 28 March 1993.

[15] The U.S. special envoy, Ambassador Lawrence Pezzullo, was heavily involved in the negotiations. Subsequently, other special envoys, including former Congressman William Gray, were used to try and broker Aristide's return.

[16] The deployment of the U.S.-led multinational force was controversial for the Clinton administration, which faced significant Republican opposition, including that of the then powerful chairman of the Senate Foreign Relations Committee, Senator Jesse Helms.

[17] John Ballard, *Upholding Democracy: The United States Military Campaign in Haiti, 1994-1997* (Wetsport, 1998).

[18] Howard W. French, "A Clinton Doctrine, Perhaps, to Be Tried Out in Haiti", *The New York Times*, 18 April 1993.

In April 1995, the United Nations Mission in Haiti (UNMIH) took over from the multinational force with a mandate to sustain the stable environment established by the latter and to assist Haiti in creating a new police force. In the early stages, it seemed to be making headway.[19] Political violence was reined in, 4,890 former soldiers demobilised and reintegrated, a new civilian police force created, human rights monitored, and programs to bring marginalised sectors into the economy started.

But self-sustaining democratic institutions and economic development never took hold, and most Haitians continued to live in despair.[20] Organised crime, including drug trafficking, increased. Although the old 7,000-strong army (*Forces Armées d'Haïti*, FAd'H) was demobilised and its weapons decommissioned, a substantial number either fled to exile or melted away into private security forces or criminal organisations.[21] Privately held weapons were not collected, and the absence of security was closely linked to a lack of justice. The amnesties granted to regime leaders and the impunity enjoyed by coup supporters sent a signal that encouraged subsequent destabilisation.[22] Another key shortcoming was the lack of broad participation in the political, social and economic institution-building initiatives.

Two external factors had a major impact on the international strategy: a weak response to the flawed 1995 elections and political divisions within the U.S. about Haiti. A U.S. academic observed: "Haiti has to a great extent been held hostage to partisan politics in the United States".[23] In 1995, Republican criticism evolved into Congressional action aimed at constraining, stalling, or undermining President Clinton's policy initiatives on Haiti. One was the Dole Amendment, which set stringent conditions on the release of aid, including police training funds, following the 1995 murders of Aristide's political opponents, in which members of the presidential security guard were suspected. Such pressure reinforced Aristide's phobias about national and international "enemies", and apparently encouraged him to spend sizeable sums on lobbyists, including former Democratic congressmen and others with links to the Congressional Black Caucus, paralleling Haitian business links to Republican lobbyists.

Haitian authorities organised nationwide local and parliamentary elections in June 1995, with technical support from the UN and the OAS and financial support from the U.S. and other donors. A pro-Aristide, multi-party coalition, *Bò Tab la*, led by the *Organisation Politique Lavalas* (OPL), swept the polls at all levels. Some international monitors said there was significant electoral fraud, and many opposition parties boycotted the second round in the handful of provinces where the initial voting had not produced the needed majority. The U.S., the OAS and the UN accepted the elections as valid, in part because it was felt most of the irregularities would not have affected outcomes, but also because it would have been too embarrassing for those who had supported the Aristide and the elections, especially the U.S. government, to do otherwise. Instead of sending a strong message about electoral transparency, human rights and the rule of law, the international community set a dangerous precedent.

Aristide was constitutionally banned from succeeding himself. The U.S., feeling it was important to respect the letter of the constitution, pressured him to accept December 1995 as the end of his term and not to insist on the three additional years he had spent in exile. With evident reluctance, he stepped down in favour of his hand-picked successor, René Préval, but it was soon clear he was not prepared to relinquish power.

Before the end of Préval's first year, a serious division emerged within the OPL coalition, between a populist wing characterised primarily by its loyalty to Aristide, and a social democratic wing led by Gérard Pierre-Charles, which was becoming disenchanted with Aristide's increasingly authoritarian behaviour. In November 1996, the former president withdrew his supporters from OPL to form the *Fanmi Lavalas* (FL) party. He seemed particularly disappointed because the international community (notably the U.S.) dealt directly with the Préval government rather than recognising him as the "legitimate" power.

The divorce was consummated on the occasion of partial legislative elections in 1997, when Fanmi

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[19] See "Accomplishments in Haiti (1994-1999)", USAID Press Office, 24 September 1999. "2365 community projects in 122 of Haiti's 133 communes"; "over 500,000 person-, months of employment for 427,000 people were generated … rehabilitated infrastructure includes 3200 km of irrigation and drainage canals, more than 4000 metric tons of urban waste collected and removed, 9372 micro-loans…"

[20] Serge Kovaleski, "A Nation in Need; After 5-Year U.S. Intervention, Democracy in Haiti Looks Bleak", *The Washington Post*, 21 September 1999.

[21] "Accomplishments in Haiti", op. cit.

[22] ICG interview, Washington, October 2004; "Thirst for Justice", op. cit.

[23] Robert Maguire, "Haitian Politics, Governance and External Actors", Haiti Papers, Trinity College, Washington, 2003.

Lavalas presented its own candidates against the OPL. The second round did not take place because the OPL accused Fanmi Lavalas of electoral fraud, provoking a government crisis. Under mounting pressure from Aristide, Prime Minister Rosny Smarth resigned in June 1997. Haiti's government was brought to a standstill and all multilateral development financing was put on hold. Two successors proposed by Préval were rejected by the legislature. Jacques Edouard Alexis was confirmed as prime minister in December 1998 but the country had lost a full year without access to multilateral lending. The political crisis further weakened the authority of the state, increased public disenchantment toward political parties, raised doubts about the embryonic democratic process and undermined the international commitment to assist Haiti. Neither Aristide nor the opposition ever seemed to recognise the damaging consequences of the failure to reach an accord with international lenders.

Another key factor during these years was the structural adjustment demanded by international financial institutions (IFIs) such as the International Monetary Fund and the World Bank.[24] This included slashing import tariffs to between 0 and 3 per cent, lower than many other Caribbean countries,[25] and privatising public enterprises. Aristide resisted because it meant firing many workers who had few alternative employment opportunities.[26] But there was another reason:

> [Accepting the adjustments] would have reduced significantly the ability of the government to preserve some of the key pillars of the patronage and privilege-based state system that had historically served as the means of wealth appropriation and social promotion for state and public officials and administrators.[27]

The privatisation program for the nine major state-owned enterprises never went beyond the flour and cement facilities.

The result today, several observers argue, is a "predatory democracy".[28] In a country where for generations destitution has been widespread and economic opportunity narrowly circumscribed, government remains the primary route to power and wealth.

E. ARISTIDE: TEN YEARS AFTER

Few people in Haiti's recent history have inspired as much hope as Aristide in 1990. His sermons rallying the popular forces gave voice to the aspirations and grievances of the Haitian poor. At the end of the decade however, few of theses hopes had materialised. Much of the anger both in Haiti and in the international community results from those whose expectations were disappointed. They failed to recognise how strong the institutional and structural obstacles to reform are as much as they initially overlooked the man's weaknesses.

Aristide in his first administration overrode his prime ministers and during the Préval presidency was unwilling to yield political power even to a man of his own party. Perhaps not trusting the international actors -- particularly the U.S. -- to be neutral when it came to his own eventual re-election, he seemed determined not to allow anyone else success and public applause. Those actions undermined internationally-supported efforts to give Haiti's state institutions the independence, autonomy and authority assigned to them by the constitution, instead maintaining an all-powerful executive, marked by an authoritarian tendency and, at best, refusal to expose or punish corruption by his allies and officials. Although elected by a mass movement hoping for justice and democratic change, Aristide "came to resemble the opportunist politician who has defined much of the country's history".[29]

[24] Aristide was at first apparently willing to work with the IFIs. Even before his return, in August 1994, a small donor preparatory session was held to pledge support for an initial relief and development plan prepared by Aristide's staff, the World Bank, UN, International Development Bank (IDB), and Haitian professionals in close consultation with Clinton administration officials. It became the basis for a donors meeting after Aristide's return, whose greatest initial success was obtaining forgiveness of almost the entire external debt arrears. But Aristide was uneasy with the rigidity of some of the privatisation elements as well as the abruptness of removing almost all tariff protections for a weakened agricultural sector.

[25] This was a severe blow for agricultural production, especially the rice planters of the Artibonite Valley, as the Haitian market was opened to subsidised rice exports from the U.S., which while arguably cheaper for Haitian consumers undercut both large and small-scale domestic producers.

[26] See International Finance Cooperation reports on privatisation, at http://www2.ifc.org/98ar/lac.pdf.

[27] Alex Dupuy, "Who is Afraid of Democracy in Haiti?", Haiti Papers, Trinity College, June 1993.

[28] Robert Fatton Jr. *Haiti's Predatory Republic: The Unending Transition to Democracy* (London, 2002).

[29] Peter Dailey, "Haiti: The Fall of the House of Aristide", *The New York Review of Books*, March 2003.

This is by no means to diminish the role played by the country's privileged classes in maintaining a political system that denies basic rights to the majority and is geared only to maintaining their interests and advantages. Nor does it excuse the tendency of the U.S., for far too long, to obstruct international lending or direct grants to his government.

In 1999, a new word became current in Haiti: *chimères*. It was used pejoratively to refer to members of a new version of the traditional paramilitary gangs serving as the government's enforcers. As the 2000 election campaign intensified, the police pulled back, and gangs of militants from the capital's slums such as Bel-Air, La Saline and Cité Soleil, voicing allegiance to Aristide, regularly broke up opposition rallies and attacked opposition politicians, human rights activists, and journalists.[30] Those who became *chimères* were unemployed urban youth, hired thugs with little ideological commitment and few political objectives.

C*himérisation* was the first step of Aristide's refusal to build apolitical state institutions. Complete control of the Haitian National Police (HNP) was next. In 1999, after a campaign of escalating threats, the secretary of state for public security -- the minister responsible for the HNP -- resigned and left the country. He was followed by the HNP's long-time director and its inspector general. Drug-trafficking, already widespread among army officers during the coup regime's time, became rampant within the force. The volume of cocaine transported overland into the Dominican Republic or shipped directly to Miami from Cap Haïtien in the north rose from around 5 per cent of the annual U.S. import in the early 1990s to 13 percent in 1999, then fell back to 8 percent in 2000 where it remained through 2003.[31] Drug money has had a corrosive effect on all aspects of government and society. The customs police primarily, the HNP, as well as the justice system, were probably most affected.

[30] "Breaking the Cycle of Violence", Amnesty International, op. cit.

[31] "International Narcotics Strategy Reports, 2003", U.S. Department of State, 1 March 2004. The estimates for the early 1990s were less rigorous than those achieved in the latter part of the decade.

III. THE 2004 CRISIS

A. THE CONTROVERSY OVER THE 2000 ELECTIONS

True gridlock began with the Préval government's inability to organise local and parliamentary elections scheduled for late 1998. In early January 1999, the president dismissed legislators whose terms had expired -- the entire Chamber of Deputies and all but nine Senators. Préval and his prime minister then ruled by decree, establishing a cabinet composed mainly of Fanmi Lavalas partisans. Under pressure from a new political coalition, the Democratic Consultation Group (ESPACE), they allocated three of nine seats on the Provisional Electoral Council (PEC) to opposition groups and mandated the PEC to organise the overdue elections at year's end.

After several delays, the first round of elections for local councils, municipal governments, town delegates, the Chamber of Deputies, and two-thirds of the Senate took place on 21 May 2000. Most opposition parties took part despite three months of violence that prevented them from functioning normally. Turnout was high, more than 60 per cent.[32] Shortly after the polls closed, an OAS observation mission said the process appeared to have been relatively fair and free of incident. But it soon discovered many irregularities, including ballot-tampering by Aristide supporters in several parts of the country and a flawed method to calculate percentages in the Senate races, which resulted in Lavalas front-runners being wrongly proclaimed first-round winners in about half the contests.[33] With the support of the rest of the international community, the OAS mission asked the PEC to correct this method lest the entire election be discredited. When the PEC refused, the OAS declined to observe the second round on 9 July. Most opposition parties also boycotted and called for first round results to be annulled.

[32] "United Nations International Civilian Support Mission in Haiti, Report of the Secretary General", 55th session, A/55/618, 9 November 2000.

[33] The PEC stopped the counting of senatorial votes at the first four top contenders, thereby contracting the field by a quarter to a third and bumping up the percentages of the front-runners so they could claim a majority. James R. Morrell, "Snatching Defeat from Jaws of Victory", International Policy Report, August 2000. Also "Serious Error is Discovered in Haiti's Election", *Miami Herald*, 3 June 2000.

Fanmi Lavalas won all but one of the Senate seats, 72 of the 83 lower house seats, and more than 100 of the 133 municipalities. The opposition was so weak and divided that, even without the vote-rigging and boycott, it would almost certainly have won a parliamentary majority and most town halls. But, subscribing to the winner takes all tradition of Haitian politics, Aristide wanted an overwhelming majority. All major opposition parties boycotted the elections for president and nine Senate seats on 26 November 2000. Aristide ran for the presidency against three virtual unknowns, winning 92 per cent of the vote, while Fanmi Lavalas took all the Senate seats. However, turnout was estimated at 5 to 10 per cent. Once again, Aristide, who undoubtedly would have won anyway -- though not with 92 per cent -- valued total victory over greater legitimacy, and once again, that choice was costly to the Haitian people.

Questions about the legitimacy of Parliament and lack of progress in establishing effective public institutions led the U.S. and other donors, such as the European Union (EU) and the World Bank, to suspend some $500 million[34] in direct assistance and cut back support for national-level reforms. The denial of multilateral lending and the blocking of aid to government agencies pushed Aristide even further into a corner, from where his reaction often was to strike out rather than compromise. A country already near the bottom of the UNDP Human Development Chart lost any chance to move upward, and a high portion of its population remained in extreme poverty.[35] The UN reduced its involvement considerably in February 2001, withdrawing the last of its series of missions, MICAH, primarily because of frustration with the lack of government cooperation on its programs.[36]

B. THE POLITICAL CRISIS FOLLOWING THE 2000 ELECTIONS

Aristide's dealings with the political opposition and the international community following his re-election indicated confidence that time still was on his side, and there was no need for compromise because he still had the people's support. But that support was no longer quite what it was in 1994.

In April 2001 the OAS began an attempt to mediate a negotiated solution to the political and electoral crisis, focusing on formation of a new electoral council, a timetable for new elections, and an improved security environment.[37] Negotiations made some progress, but were interrupted in mid-July. On 28 July, gunmen believed to be former military attacked police installations in Port-au-Prince and the provinces. An ensuing government crackdown on opposition party members and former soldiers fuelled tension between Lavalas and the opposition parties, which had formed a loose coalition, the *Convergence Démocratique.*[38] The inability of the government to safeguard police facilities and punish the culprits led some opposition leaders who had been willing to reach a deal to conclude Aristide's weakness removed the need for them to compromise.

Negotiations were essentially stalled for a year. The government helped to harden *Convergence*'s position further by abusing its authority and violating human rights throughout this period.[39] On 17 December 2001, gunmen attacked the national palace in what Fanmi Lavalas denounced as a failed coup attempt, although again the perpetrators were not identified. Pro-government groups responded by attacking offices and private residences of several opposition leaders, and one opposition figure was killed. Negotiations, on hold since the July violence, were suspended indefinitely.[40]

[34] Figures denoted in dollars ($) in this report refer to U.S. dollars.

[35] The most recent Economic Commission for Latin America and the Caribbean report found more than 80 per cent living in poverty, 66 per cent in extreme poverty, virtually unchanged over the past four years, after a slight improvement during the latter part of the 1990's, reflected as well in slight improvements in infant mortality. "Panorama Social Para America Latina y El Caribe", Economic Commission for Latin America and the Caribbean, United Nations, p. 61.

[36] Aristide did not make a formal request for the mission to stay. Its withdrawal was doubly unfortunate, however, since MICAH was just becoming operational, and a negative signal about international involvement was sent to Aristide as he returned to power.

[37] ICG interview, Washington, 20 October 2004.

[38] An alliance of some twenty political parties of diverse ideologies, ranging from neo-Duvalierist, centrist, religious, and social democratic to former members of the Fanmi Lavalas coalition and close allies of Aristide. The parties were united mostly in their opposition to Aristide and did not propose a common platform or government program that could attract popular support.

[39] Amnesty International Annual Report, 2002-2004, http://web.amnesty.org/report2003/hti-summary-eng.

[40] An OAS report on the December 2001 palace attack did not support the government's claim that it was an attempted coup, though it implied some elements of the police may have

The OAS continued trying to broker a solution. On 4 September 2002, its Permanent Council dropped a negotiated accord with the opposition as a requirement and instead called on the government, which had indicated readiness, to implement a series of steps to improve the security climate for free and fair elections in 2003.[41] In a major policy shift, after Aristide took some of those steps**,** the U.S. agreed to end its opposition to Haiti receiving loans from the IFIs, particularly the Inter-American Development Bank (IDB).[42]. It became increasingly evident, however, that neither side really was interested in a compromise. Aristide and his government did not comply with most of the measures, while the opposition pursued ever more intransigently its one objective, the removal of Aristide.[43]

Protests, strikes and attacks on opposition demonstrations by government-supported gangs between November 2002 and February 2003 hardened attitudes on both sides. A major demonstration in Cap Haïtien in November 2002, for the first time demanding Aristide's departure, was a turning point, and the opposition announced plans for a transitional government. At the same time, an armed group of former military, some based in the Dominican Republic, with civilian support and financing from wealthy Haitians, appeared in the Central Department. Described by the government as the "motherless army", over the next year it was implicated in the killings of several dozen Fanmi Lavalas partisans. The government made several attempts to contain it, including helicopter raids and the burning of most of the village of Pérnal, its base.

An alliance of a new kind -- the Group of 184 -- emerged in late 2002. Initially a coalition of 184 civic and grassroots organisations, it grew to include more than 400, led by a wealthy businessman, André Apaid. It did not initially present itself as anti-Lavalas but focused on promoting a "social contract" for a more inclusive state. For the first time in years, civil society seemed to reclaim a role, building on the precedent set by an earlier group, the *Initiative de la Société Civile* (ISC). G-184 soon evolved into a coalition with a political mandate and, because of the weakness of the opposition parties, became the most important actor in the campaign against Aristide in 2003 and 2004.

Political instability grew throughout the summer and fall of 2003. Government-paid armed groups used violence to disperse a G-184 public meeting in Cité Soleil. Amiot Métayer, the charismatic leader of a pro-Aristide armed gang in Gonaïves, was killed in September after his arrest had been indirectly demanded in several quarters, including the OAS.[44] It was widely believed that the government ordered his murder. Métayer's followers staged a violent rebellion in Gonaïves in October, and the HNP responded with extreme brutality, causing the death of a dozen individuals, including women and children. At that point, under OAS prodding, Aristide and the opposition agreed that 600 international police should be brought in under an OAS banner. However, a year's cost was estimated at nearly $100 million, and no one volunteered to pay. In the capital, pro-government armed groups violently attacked a student demonstration on 5 December, entering university precincts and smashing the rector's knees, an attack that prompted widespread national and international outrage.

C. THE ARMED INSURGENCY OF FEBRUARY 2004

International efforts to broker a political solution continued in January 2004. With U.S. and other major international backing, Caribbean Community (CARICOM) leaders proposed a plan during a meeting in the Bahamas with the government and opposition. Aristide accepted the proposal on 31 January but it was rejected by the "Democratic Platform", an alliance of *Convergence Démocratique* and G-184, which had jointly been demanding Aristide's departure since the 5 December violence.

The security situation meanwhile changed dramatically in early February, beginning in Gonaïves. Métayer's group, holding Aristide

been complicit. It also sharply criticised the failure of the government to prevent attacks on the civilian opposition or bring to justice those responsible. "Report of the Commission of Inquiry into the Events of December 17, 2001", CP/INF 4702/02, 1 July 2002, http://www.oas.org/OASpage/Haiti_situation/cpinf4702_02_eng.htm.

[41] OAS Permanent Council Resolution, CP/RES 822 (1331/02), "Support for Strengthening Democracy in Haiti". The resolution also strengthened the organisation's monitoring mandate.

[42] Part of the reason for that change reportedly was the increasing isolation of the U.S. within the IDB from both Latin American and European members. ICG interview, Washington, 20 October 2004.

[43] ICG interviews, Port-au-Prince, Washington, October 2004.

[44] Métayer was arrested but broke out of jail in 2002.

responsible for his murder, announced its intention to fight for the president's removal and changed its name from the Cannibal Army to *Front de Résistance de l'Artibonite pour le Renversement de Jean-Bertrand Aristide*.[45] It seized control of Gonaïves on 5 February, forcing the police to flee, and thereby gained control of the road from Port-au-Prince to the north. An unsuccessful HNP attempt to recover the city on 6 February resulted in more than a dozen deaths, including several police officers whose bodies were then mutilated by the population. A week later, government officials said at least 40 people had died.

In the days following, at least twelve localities reported violence by both pro- and anti-government groups. Some of the most serious incidents were in St. Marc. After clashes between armed pro-opposition groups and police (aided by armed pro-government groups), the latter regained control of the town. Then about twenty people linked to opposition groups were allegedly killed by pro-Lavalas forces backed by police, on 9-10 February, after a visit by Prime Minister Yvon Neptune.[46] Other localities -- mostly in the Departments of Artibonite, North, Centre and West -- reported that all police had abandoned their posts. Some police stations were ransacked or burned or both.

Guy Philippe (a former police superintendent, who fled to the Dominican Republic in 2000 after being accused of coup plotting) and Louis Jodel Chamblain (a former leader of a particularly violent paramilitary organisation, FRAPH[47] under the previous coup regime, who had been convicted in absentia on several murder counts) travelled clandestinely from the Dominican Republic to Gonaïves and announced on 15 February that they were joining the *Front de Résistance*'s armed uprising. Philippe was accepted as the leader. At the same time, dozens of former members of the armed forces gathered in Pérnal.[48] Although the group who crossed the Dominican border into Haiti with Philippe and Chamblain was apparently smaller, the former soldiers let Philippe and Chamblain take charge. The various armed groups quickly seized control of many towns, mostly with little resistance from the police. In some, the insurgents were enthusiastically greeted by crowds celebrating the departure of *chimères* and police.

A high-level international delegation arrived in Port-au-Prince on 21 February, headed by the foreign minister of Bahamas and including the deputy foreign minister of Jamaica, a U.S. assistant secretary of state, and the Canadian minister for the *Francophonie*. The purpose was to get the government and opposition to accept a timetable for implementing a revised version of CARICOM's January plan, leading to power-sharing and a new prime minister closer to the opposition. Aristide agreed, but the Democratic Platform rejected the plan, asserting that agreeing to anything short of Aristide's resignation would betray its political base.

Cap Haïtien, Haiti's second largest city, fell to the insurgents on 22 February with little resistance. The HNP usually fled as the insurgents approached. It imploded not only because it was outgunned but because it had been debilitated by corruption and years of politicisation. The insurgents received financial support from businessmen both in Cap Haïtien and the capital, as Guy Philippe publicly acknowledged.[49] The Democratic Platform was dominated by hatred of Aristide and seemed to see the armed uprising and its unconstitutional methods as lesser evils.

Statements urging Aristide to draw the necessary conclusions -- interpreted as calls for resignation -- were issued by the U.S. and, more explicitly, France. It was felt his departure would avoid a bloodbath since rebel forces by then controlled half the country and seemed on the verge of entering the capital.[50] On

[45] Resistance Front of Artibonite [Department] for the overthrow of Jean-Bertrand Aristide.

[46] He was later accused by several national NGOs and is currently detained for this reason, although no proof of complicity has been presented publicly or to a court.

[47] The FRAPH (the *Front Révolutionnaire pour l'Avancement et le Progrès d'Haïti*), a para-military group created in 1993, was responsible for the murders of hundreds of Aristide supporters and officials and for massive human rights violations. "Thirst for Justice", Human Rights Watch, op. cit.

[48] According to a former soldier interviewed by ICG, preparations for an all-out armed revolt had begun in September 2003. ICG interview, Port-au-Prince, September 2004.

[49] Allegations were raised in a hearing of the Foreign Relations Committee of the U.S. Senate in May 2004 that some U.S.-funded organisations engaged in planning with Philippe's group in the Dominican Republic, and that weapons, allegedly with U.S. support, were transferred from the Dominican military to his group. Ron Howell, "Probing U.S. Ties to Haiti Coup", *Newsday*, 17 March 2004.

[50] A former military claimed that the U.S. embassy contacted Guy Philippe on 28 February 2004 and dissuaded him from

25 February, armed Aristide supporters began setting up barricades throughout Port-au-Prince, conducting searches and attacking people. On 26 February 2004, the OAS Permanent Council called upon the UN Security Council to "take all the necessary and appropriate urgent measures to address the deteriorating situation in Haiti".[51] On that same date a statement by the president of the Security Council acknowledged this and said the Council "would consider urgently options for international engagement, including that of an international force in support of a political settlement".[52] However, the Council denied a formal request by CARICOM to send troops to "end the spiral of violence".

In the early hours of 29 February, Aristide signed a letter of resignation and left the country on a U.S.-chartered plane for the Central African Republic (CAR). Supreme Court President Boniface Alexandre was sworn in as interim president in accordance with the constitution.

On his arrival in the CAR, Aristide alleged he had been "kidnapped" by U.S. military personnel and had been the victim of a coup.[53] This claim -- vehemently denied by the U.S. -- sparked controversy. CARICOM said it intended to call for a UN investigation but UN Secretary General Annan said he believed the constitution had been respected.[54] The French foreign ministry rejected Aristide's claim that he was still the democratically-elected president.

attacking the capital. ICG interview, Port-au-Prince, September 2004.

[51] OAS Permanent Council Resolution 862.

[52] Statement by President of the Security Council, S/PRST/ 2004/04.

[53] "Crowds Greet Haiti Rebels, Aristide Slams 'Coup'", Reuters, 1 March 2004.

[54] United Nations Report of the Secretary General on Haiti, (S/2004/300), 16 April 2004.

IV. A FRAGILE POLITICAL TRANSITION

Hours after Boniface Alexandre was sworn in, the Permanent Representative of Haiti to the UN submitted his request for assistance, including international troops. In response, the Security Council authorised immediate deployment of a Multinational Interim Force (MIF), for three months.[55] The U.S.-led MIF, which included Canadian, Chilean and French troops, received a Chapter VII mandate to assist the HNP "to establish and maintain public safety and law and order and to promote and protect human rights" and "to take all necessary measures to fulfil its mandate".[56]

Nevertheless, in the days immediately following the security situation still seemed out of control. There was considerable looting and destruction of businesses in the capital, resulting in estimated damage exceeding $100 million.[57] Killings and other acts of violence continued as the MIF seemed unwilling or unable to intervene decisively. It took several weeks to deploy throughout the country and secure key cities, which allowed the rebels to consolidate control, particularly in towns and villages in the central plains, north and north east.[58]

A. ESTABLISHMENT OF THE LATORTUE GOVERNMENT

The international community was instrumental in formation of the transitional government. On 4 March 2004 a Tripartite Council was established, as the first step of an up-dated version of the CARICOM Prior Action Plan, which had failed in February. Its members were representatives of Fanmi Lavalas (former Minister Leslie Voltaire), the Democratic Platform (former OPL Senator Paul Denis) and the international community (UN Resident Coordinator Adama Guindo).[59] Voltaire's participation -- the result of combined and intense international pressure -- was

[55] UN Security Council Resolution 1529, 29 February 2004.

[56] Ibid.

[57] "Businesses are Paying High Price for Ouster", *The Miami Herald*, 10 March 2004.

[58] Lydia Polgreen and Tim Weiner, "Rebel Says He is in Charge; Political Chaos Deepens", *The New York Times*, 3 March 2004.

[59] "Report on the OAS activities involving Haiti from Nov. 11, 2003 to March 10, 2004", CP/doc 3849/04 Corr. 1, 17 March 2004.

surprising as it implied recognition of Aristide's resignation; thereafter, he was regarded with suspicion by Aristide loyalists.[60] Within 24 hours, the Tripartite Council selected seven persons to form a Council of Eminent Persons (*Conseil des Sages*) from key sectors of society, including *Convergence Démocratique*, and Fanmi Lavalas. Its main task was to select a prime minister to head the transitional government.

Gérard Latortue, a long-time UN functionary, was appointed on 9 March, and a transitional government was formed a week later. Latortue's choice was a surprise, as he was seen as the least likely of the three candidates considered by the Council.[61] In the absence of a working Parliament, the Council of Eminent Persons sought to advise the government but was never able to expand into a true *Conseil d'Etat*.[62]

The transitional government was sworn in on 17 March 2004, and senior appointments were made through April. The predominantly technocrat composition of the government, and especially the exclusion of most political sectors -- notably Fanmi Lavalas -- was unexpected. Voltaire said he participated in the Tripartite Council to avoid further bloodshed and chaos but also because he had international assurances this would lead to a power-sharing government tasked to rebuild the country, in the spirit of the original CARICOM plan.[63]

The nature of the government -- without political base and with ministers lacking political experience -- considerably affected events in the following months. The prime minister, who had lived abroad for more than 30 years, abruptly found himself heading a very fragile and complex political transition. Most of the key ministers and secretaries of state were from the private sector or NGOs.[64] On the other hand, the government had the advantage of not being composed of politicians, who are widely mistrusted by the population. The prime minister tried to take advantage of this, asking the political parties in March to "give the country a chance".[65]

In April an agreement on the transitional government's program was signed with civil society groups and the main political parties formerly in the opposition, but not Fanmi Lavalas and a number of minor parties. This led to the formation, in July, of an eighteen-member Political Transitional Agreement Follow-up Committee, whose impact was slight. In the absence of an elected Parliament or a *Conseil d'Etat*, the transitional government was almost unchallenged. The lack of an all-inclusive political agreement, however, proved a serious handicap.

Meanwhile CARICOM, which had been backing the peace deal, accused the U.S. of failing its obligations under the Inter-American Democratic Charter[66] because they allowed a democratically elected leader to be forced from office. Jamaican Prime Minister and acting head of CARICOM, Percival James Patterson, called the circumstances surrounding Aristide's departure a dangerous precedent for regional democracy.[67] Following its decision on 11 March to host Aristide for six weeks, Prime Minister Latortue strongly criticised the Jamaican government. Subsequently, CARICOM excluded Latortue from its 25-26 March summit and decided not to allow the transitional government to take part in its councils.

The situation was worsened by a Latortue speech in Gonaïves on 20 March, in which he said that the insurgents fought for freedom. This sparked

[60] ICG interview with members of diplomatic community, Port-au-Prince, July 2004.
[61] The other two were former Prime Minister Smarck Michel and retired General Hérard Abraham. ICG interview with members of Council of Eminent Persons, Port-au-Prince, July 2004. Reportedly the Conseil of Eminent Persons was divided between the two major candidates: in the first election three votes were cast for Michel and three for Abraham. However, as it soon became clear that neither could get a majority, Latortue was selected in a compromise. Interim President Alexandre allegedly rejected Latortue but finally gave in after the Council refused to modify its decision. ICG interview, Port-au-Prince, July 2004.
[62] Such a Council of State was created during the political transition in 1990. It was composed of nineteen members representing different sectors. Its role was to "*encadrer l'exécutif*", including giving its views on the choice of cabinet ministers and legislation. In the event of a serious disagreement with the executive, it had a right of veto but could only exercise it after exhausting all possible channels of conciliation and informing the public. A two-thirds majority of the council's members was needed to express no confidence in the executive. The council also could censure cabinet. Under no circumstances could the executive disband the council.
[63] ICG interview with Leslie Voltaire, August 2004.

[64] "Le nouveau gouvernement haïtien est composé ", Agence Haïienne de Presse, 17 March 2004.
[65] Interview with Radio Métropole, March 2004.
[66] Adopted by the OAS in Lima, 11 September 2001, which calls on member states to oppose coups and unconstitutional regime change, at http://www.oas.org/charter/docs/comuni_eng/E_003.htm.
[67] "CARICOM demands inquiry into Aristide's exit", *The Miami Herald*, 4 March 2004.

controversy since among the rebels were several well-known human rights abusers, who had been convicted *in absentia* of murder by Haitian courts. CARICOM began an internal debate that is not yet resolved on whether to recognise the transitional government and accept it as representing Haiti within the regional organisation.[68] CARICOM's reserve may in part be explained by the fact that the U.S. had encouraged it to take the lead in seeking a negotiated solution to the crisis in December 2003 after the OAS's failure, but then stepped in itself as the main player, with strong French support, and thereafter made little attempt to consult.

B. AN ENDANGERED ELECTORAL PROCESS

Free and fair elections are the main objective of the political transition. A Provisional Electoral Council (PEC)[69] was installed with, initially, only eight, instead of the nine required members, as Fanmi Lavalas refused to appoint a representative.[70] On 1 July 2004, however, the ninth member, a representative of the justice and civil society sectors, was appointed.

Relations within the PEC deteriorated in July, following highly publicised internal struggles which seemed to put the electoral process at risk until the Political Transition Committee helped develop a code of conduct and an electoral decree.[71] However, profound divisions among PEC members remained, and the situation worsened again in October, with mutual public accusations of misconduct, culminating with the resignation of the President of the PEC on 8 November. This resignation is not expected to resolve the institution's crisis, since none of the disagreements at its roots have been properly addressed.

While the international community has repeatedly expressed commitment to the electoral process,[72] there have been many delays. A Memorandum of Understanding between the UN and the OAS to define the modalities of their cooperation has been under negotiation for months and was finally signed on 4 November 2004.[73] However, slowness of the international response is by no means the main obstacle to the electoral process. In September, according to international observers, groups linked to the G-184 were actively attempting to postpone the elections.[74] The deterioration of the security situation since then seriously threatens the ability to hold elections in 2005.

The configuration of political forces has evolved since February 2004. The way the events unfolded that provoked the departure of Aristide weakened the political parties and civil society while strengthening the rebels and former military, who, in effect, stole the victory of the political opposition.

However, the G-184 continues to play a major role in the transition. It has considerable influence within the transitional government through several ministries and other institutions controlled by persons and groups close to it. It held a national meeting in Port-au-Prince and has been organising regional workshops on the country's problems from which it intends to develop a plan for the electoral campaign,[75] though it formally denies reports it plans direct involvement in politics.[76]

In spite of internal divisions, Fanmi Lavalas remains probably the political force with the greatest potential for popular mobilisation. The current situation

[68] At the same time in Haiti, several political groups formerly in the opposition questioned the value of Haiti's membership in the organisation it had joined in 2002.
[69] As provided for in the OAS-brokered Initial Draft Accord, Rev. 9 of 12 June 2002.
[70] Fanmi Lavalas had refused to participate in view of the government's failure to respond to its demands, particularly those related to the release of party members in detention and the alleged persecution against members and supporters; despite lengthy discussions with the prime minister, no agreement was reached with the transitional government.
[71] Amy Bracken, "Rift Erupts Over Haiti Electoral Council", Associated Press, 18 October 2004.

[72] The U.S. contributed $8.7 million to the OAS to support the 2005 electoral process. Other important stake-holders are the *Organisation Internationale de la Francophonie* (OIF) and the governments of Mexico and Canada, which have already sent technical experts to work with the PEC and are prepared to provide financial and other technical support.
[73] The MOU will provide the legal basis for a Coordinating Electoral Committee, chaired by the UN and vice-chaired by the OAS; the committee is to provide guidelines for cooperation on technical assistance to the electoral process and allow the international community to work jointly in support of the electoral process. ICG interview with OAS senior staff members, Port-au-Prince, September 2004.
[74] ICG interview with diplomats, Port-au-Prince, September 2004.
[75] ICG interview with Yanick Lahens, Port-au-Prince, August 2004.
[76] ICG interview with André Apaid, Port-au-Prince, September 2004.

increasingly seems to exclude the traditional political parties, of whom there are more than 100, but with very limited legitimacy. They are mainly vehicles for the personal ambition of a failed political class. In the months leading to Aristide's departure, they benefited from joining the large coalition of civil society organisations, including students. However, once Aristide was gone, the tactical alliance dissolved, and social and political antagonisms re-emerged. The parties are marginalised because they neither express clear political and social demands nor convey coherent messages. Aristide's fall demonstrated also the bankruptcy of the democratic political class that was involved in the power struggles of the last eighteen years.[77]

Before the wave of violence in September and October 2004, a sector of Fanmi Lavalas was trying to revise the party's structure to join the upcoming elections. Fanmi Lavalas officially has laid down seemingly reasonable pre-conditions for its participation.[78] There is strong objection to the party, however, from the former opposition, while Lavalas's own extremists, the government claims, are pursuing a strategy of destabilisation designed to demonstrate that the transitional government cannot govern, and the only hope for stability is Aristide's return.

While the transitional government was strengthened by the donors conference in Washington on 19-20 July, which pledged $1.08 billion, it has been the target of repeated attacks from almost all sectors of society since the beginning of September. Even the G-184, initially very close to the government, made strong statements against it (and also against the international community). The cabinet was accused of being incapable of defining and implementing national policies and having no real political base. Rumours of the prime minister's resignation were widespread until the tragic floods in Gonaïves.

The wave of violence since 30 September has been the worst blow to the transitional government. Even with UN support and the donor pledges, the unelected Latortue administration is inherently weak.

V. THE SECURITY VACUUM: A COUNTRY ON THE EDGE

That the security situation is almost as fragile as when Aristide left is mainly the result of the transitional government and international community's blatant failure to tackle disarmament. As a result, the transitional government has not established its authority in many provinces; former military still control security there, and police and the UN mission (MINUSTAH) are barely present.

Of particular concern is the growing visibility of former members of the disbanded army *(Forces Armées d'Haïti, FAd'H)* and the continuing presence of armed supporters of Aristide. The level of armed attacks is rising. In addition, a perceived rise in common crime has exacerbated the situation. The country seems to be heading toward anarchy, with illegal armed groups in control of some provinces. The lack of security could lead to a major humanitarian crisis as local commercial networks are further damaged. Food aid is already being diverted to the Dominican Republic because it is too dangerous to bring it to Port-au-Prince.[79]

A. THE 30 SEPTEMBER RIOTS AND AFTERMATH

The deteriorating security situation took a new tragic dimension with the wave of unrest and violence that began on 30 September 2004, the anniversary of the 1991 coup. More than 80 people are known to have been killed, including eleven police. Most victims were shot in the Port-au-Prince slums, where armed groups believed to be linked to Aristide fought gun battles with the HNP. Aristide supporters have accused the police of killing two persons during the 30 September pro-Aristide demonstration. These deaths were followed by the killing of three police officers, whose headless bodies were found the following day. Government officials blamed Aristide militants who, they said, launched a violent campaign known as "Operation Baghdad". Six more police were killed, according to HNP sources, between 30

[77] ICG interview with political analysts Gracien Jean and Carl Castel, Port-au-Prince, September 2004.

[78] The conditions are mainly the release of party members and supporters in detention and the end of the "persecution" against members.

[79] There will be no economic recovery until there is a strong security force capable of controlling customs in order to fight contraband and drug-trafficking. The transitional government does not have the capacity to name efficient civilian servants in customs offices, which often remain under control of the gangs.

September and 1 October. A former soldier was also beheaded by unknown assailants. A joint HNP-MINUSTAH operation in the Bel-Air neighbourhood on 6 October led to the arrest of more than 40 suspects, but no weapons were found.[80]

Violence was also stirred by a controversial government decision to arrest two Fanmi Lavalas senators (Yvon Feuillé and Gérald Gilles) and a former Fanmi Lavalas member of the lower house (Rudy Hériveaux), after police entered a radio station where the three politicians had been participating in a live-debate on the latest incidents. They were charged with participation in masterminding the campaign of violence.[81] However, the arrests appear illegal since there were no warrants and no flagrant act took place that, under Haitian law, would have overridden a requirement for a warrant. In another questionable arrest, Catholic priest Gérard Jean-Juste was taken on 13 October from his church in Port-au-Prince, reportedly by masked and armed police, for inciting "public trouble", a misdemeanour. He remains jailed without having seen a judge for more than ten days. The government also alleges he encouraged recent criminal acts.[82]

The wave of widespread violence without effective response from the police or government has plunged the capital into a situation reminiscent of that of early 2004. Like the transitional government, the U.S. has publicly blamed armed Aristide supporters for this latest unrest.[83] During an interview for a South African radio station on 8 October, Aristide, instead of condemning the violence, told reporters: "the Haitian people today are open for dialogue as I am open for dialogue".[84] Fanmi Lavalas officials said the government feared calls for Aristide's return and accused it of hiring armed thugs to stir up the violence as a pretext for cracking down on their party.[85]

Remissainthe Ravix, now the leader of the former military, stated that ex-soldiers were planning to enter the capital to end the violence,[86] which could set up a confrontation with police and UN peacekeepers. If the escalation is allowed to continue, clashes between at least former military and pro-Aristide armed groups could be feared, the very type of trouble the U.S., France and others pressed Aristide to resign in order to avoid. MINUSTAH was again widely criticised as unresponsive. Large joint patrols with the HNP were not begun until 5 October, almost one week after the violence broke out. The Special Representative of the UN Secretary General (SRSG), Juan Gabriel Valdés, pointed to the small numbers of troops and police but said the mission would review its deployment strategy.[87]

Another worrisome development is a wave of execution-style killings, allegedly involving the police. Particularly serious are several cases of summary executions said to have been perpetrated by HNP agents dressed in black uniforms. The victims have for the most part been young men, residents of overcrowded neighbourhoods considered Fanmi Lavalas strongholds. Human rights organisations charge that street children have also been targeted. In an incident, in the Fort National area (near Bel-Air) on 26 October, at least ten young men were killed; on 27 October, the bodies of four young men were found in the Carrefour-Péan area, also near Bel-Air. All had been shot in the head and at least one had bound wrists. These grave allegations must be immediately and properly investigated by the transitional government and MINUSTAH.

Violence against women also continues to be a major security problem. With an increase in armed groups and criminal gangs throughout the country, women are particularly vulnerable to sexual violence. In

[80] An HNP officer told ICG that a major problem faced by the police is that they are still "infiltrated" by pro-Fanmi Lavalas officers, who alert suspected criminals about police operations.

[81] Gilles was released on 4 October 2004. Hérivaux and Feuillé are still being held.

[82] Michael Kamber, "Priest's Arrest Fuels Anger of Supporters of Aristide", *The New York Times*, 26 October 2004.

[83] "Armed gangs and groups who support former President Jean-Bertrand Aristide have launched a systematic campaign to destabilise the interim government and disrupt the efforts of the international community to assist the Haitian people.…These attacks recall the worst days of Mr. Aristide's rule, which was characterised by the criminal use of street gangs to spread violence and political repression". U.S. Department of State, Press Statement, Richard Boucher, Spokesman, Washington, D.C., 12 October 2004.

[84] Mboniso Sigonyela, "Aristide Says He is Part of Solution to Haiti's Woes", Reuters, Johannesburg, 8 October 2004.

[85] Jean-Michel Caroit, "Les partisans d'Aristide relancent les violences en Haïti", *Le Monde*, October 2004.

[86] "Haiti factions face off over rising violence", Associated Press, 13 October 2004.

[87] "Before that, the plan was to send a certain number of UN soldiers to Les Cayes and Hinche. But we are now reconsidering this so that we can have a large concentration of troops here, because we just cannot wait for the arrival of the other UN troops in Haiti". Richard Lapper "Floods and Violence Take Toll on Haiti", *Financial Times*, 8 October 2004.

general, armed gangs continue to be manipulated by important political actors. They pose a serious threat to the overall transitional process and a particular threat to the most disadvantaged. In Cité Soleil, for example, it is widely believed that gangs have received heavy weapons and ammunition from both Fanmi Lavalas extremists and sectors linked to the business community.[88]

B. THE FORMER MILITARY

Shortly after his return to Haiti in October 1994, Aristide issued a presidential decree formally disbanding the 7,000-member armed forces (FAd'H), which was already in disarray as a result of mass desertions after some ten members of the army-run police were killed in a shootout with U.S. troops. Some 3,000 former FAd'H members entered a reintegration program in 1995.[89] Demands for severance payments and protests against dissolution of the army began almost immediately. Lower-ranks created several organisations to demand pensions and alleged they were victims of persecution and harassment.[90]

Since Aristide's 2004 departure, however, the former military have again become major players in the security context. They number approximately 5,700 according to a preliminary census undertaken by an ad-hoc commission established by the minister of interior and representatives of the former FAd'H themselves.[91] They have occupied several police stations and are present in most provinces, where they act illegally as a security force. Of particular concern for the government was the occupation, at the end of August, of the main police station in Petit-Goâve, 40 miles south of the capital.[92]

The security vacuum that followed Aristide's departure facilitated this growth in former military influence. Most regions had little HNP presence, and at times the former military stepped in to provide security with agreement of the international troops. Former Sergeant Ravix, the leader of the former military, told ICG that his men had an "excellent" relationship with the French contingent part of the MIF deployed in Cap Haïtien.[93] Clearly, the French contingent did not perceive the ex-FAd'H as a threat but rather as an ally in providing security.

It is widely believed that the movement is being financed by groups with independent political agendas. Although they claim most of their material support comes from the people in the localities where they are stationed, some ICG has interviewed admit there are important financial backers, including former high-ranking officers of the old army and businessmen who do not wish to be publicly identified with the movement.[94] Others financing the ex-FAd'H apparently include groups involved in drug-trafficking -- some that used to enjoy the support of individuals linked to the Fanmi Lavalas government and are looking for new alliances, and others that were forced to leave the country under pressure from the Aristide government and supported the armed movement against him.[95]

Other groups allegedly supporting the movement are some conservative sectors of the Haitian elite. These are not really interested in destabilisation; they prefer a new, stable status quo, but they arguably have a short-term interest in prolonging instability in order to increase public demand for restoration of the army.

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[88] ICG interviews with Cité Soleil residents, Port-au-Prince, August and September 2004.

[89] The program was run by the International Organisation for Immigration (IOM) and financed largely by USAID.

[90] The leader of one such organisation, the Association of Military Dismissed without Motive (Association des Militaires Révoqués Sans Motif, RAMIRESM), was assassinated by unknown assailants in July 1996. In August 1996, a press release condemning the disbandment of the Army was issued by the Committee for the Defence of Demobilised Military (Comité Revendicatif pour la Défense des Militaires Demobisés -- CRDMD), signed by its leader St. Joseph Jean-Baptiste, who is currently a leader of the former military movement in the Department of the Centre. Two members of the Committee were subsequently among a group of fifteen former military charged with plotting against the government.

[91] ICG interview with Minister of Interior, Ret. General Hérard Abraham, Port-au-Prince, September 2004.

[92] "D'ex-militaires prennent le contrôle d'une ville du sud d'Haïti", Agence France-Presse, 30 August 2004. The former military proclaimed themselves in charge of security and forced a dozen police officers to leave. More than 200 former military are based in Petit-Goâve; ICG confirmed the presence of roughly 100 during a 23 September 2004 visit.

[93] ICG interview with former Sergeant Rémissainte Ravix, Port-au-Prince, September 2004.

[94] ICG interview with former military, Petit-Goâve, September 2004.

[95] The FAd'H was heavily involved in drugs-trafficking especially after 1986, encouraged by a strong sense of impunity. In several regions these groups use strategies similar to those employed by the FARC in Colombia, trying to establish good relationships with local communities by providing security and even addressing some basic needs.

C. CRIMINALITY AND DRUG TRAFFICKING

Since March, more than 350 police officers have been dismissed from the HNP but not disarmed. These include some 150 members of the special unit tasked with providing security to the National Palace, many allegedly linked to Fanmi Lavalas. Some are believed to be now in criminal gangs. Even more worrisome, several active policemen have been arrested and charged with recent killings, kidnappings and other crimes.[96] Another element with a negative impact on the security situation was the release and/or escape in early 2004 of the entire prison population, many of whom re-established contacts with criminal gangs.[97]

From the coup period of 1991, Haiti's position as an important drug trafficking transit point seems to have grown. Revenues are important for the economy, politics and arms dealing. Since Aristide's departure, some drug traffickers who had left during his term have reportedly returned. The HNP and the U.S. Drug Enforcement Administration (DEA) have also arrested senior Fanmi Lavalas members, including ex-Senators and senior police, several of whom were deported to the U.S. where they are held in a grand jury investigation of drug trafficking.[98]

D. INDECISIVE INTERNATIONAL TROOPS

Although the U.S.-led MIF was in a powerful position to carry out disarmament while the armed groups were unsettled by the abrupt political changes, very little was accomplished.[99] Some initiatives were undertaken in the Cité Soleil slum (especially by French troops before their deployment to the north) but the impact did not last. The MIF argued that disarmament was not part of its mandate. In addition, it has been reported that in view of the volatile situation following Aristide's departure, orders were given to the troops to be extremely careful to avoid MIF or civilian casualties. The U.S. contingent had a program to pay individuals who provided information leading to identification of weapons caches but none were found.[100]

After the MIF deployment, the Security Council declared readiness "to establish a United Nations stabilisation force to support continuation of a peaceful and constitutional political process and the maintenance of a secure and stable environment".[101] On 30 April 2004, it authorised the United Nations Stabilisation Mission in Haiti (MINUSTAH) under Chapter VII of the Charter, to consist of 6,700 troops and 1,622 civilian police and staff.[102] The Secretary General's proposal of an initial 24-month duration was not accepted. Reportedly as a result of U.S. pressure, the mission was authorised only for six months, "with the intention to renew for further period".[103]

MINUSTAH, which is Brazilian-led and has mainly Latin American troops, was formally established on 1 June 2004. On 12 July, Chilean diplomat Juan Gabriel Valdés was appointed Special Representative of the Secretary-General (SRSG) and head of MINUSTAH.[104]

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[96] "Report on the OAS Activities Involving Haiti from 11 November 2003 to 10 March 2004", CP/doc. 3849/04 corr. 1, 17 March 2004.

[97] Individuals deported from the U.S. after committing crimes there are also included in these gangs.

[98] Ann W. O'Neill, "American Airlines Haiti Security Director Arrested", *South Florida Sun-Sentinel*, 16 October 2004.

[99] "When the armed gangs understood that the MIF were not going to do anything against them, they were more confident", ICG interview with Cite Soleil residents, September 2004.

[100] ICG interview with U.S. ambassador, James B. Foley, Port-au-Prince, September 2004. The program was identical to one implemented by U.S. troops in Iraq.

[101] UN Security Council Resolution 1529, 29 February 2004.

[102] UN Security Council 1542 (30 April 2004) gave MINUSTAH the following mandate: "(*a*) in support of the Transitional Government, to ensure a secure and stable environment within which the constitutional and political process in Haiti can take place; (*b*) to assist the Transitional Government in monitoring, restructuring and reforming the Haitian National Police, consistent with democratic policing standards, including through the vetting and certification of its personnel, advising on its reorganization and training, including gender training, as well as monitoring/mentoring members of the Haitian National Police; (*c*) to assist the Transitional Government, particularly the Haitian National Police, with comprehensive and sustainable Disarmament, Demobilisation and Reintegration (DDR) programs for all armed groups, including women and children associated with such groups, as well as weapons control and public security measures; (*d*) to assist with the restoration and maintenance of the rule of law, public safety and public order in Haiti through the provision inter alia of operational support to the Haitian National Police and the Haitian Coast Guard, as well as with their institutional strengthening, including the re-establishment of the corrections system".

[103] Ibid.

[104] The delay in making his appointment effective, two and a half months after the adoption of Resolution 1542, seriously hampered the deployment and early functioning of the mission.

MINUSTAH tried to follow the transitional government's general policy of avoiding direct confrontation with illegal armed groups (particularly the former military). It interpreted its mandate *to support* the HNP and the transitional government by giving the latter the initiative on disarmament, at least until the arrival of the SRSG. Popular support for the former military in particular communities, coupled with its own slow deployment also seemed to keep it from acting as decisively as expected regarding the ex-FAd'H. When heavily armed former military paraded through Port-au-Prince on 15 August 2004, for example, MINUSTAH troops did not intervene.[105] The transitional government expressed disappointment[106] but it has sent mixed signals about what it wants the mission to do, even when it complains formally about inaction.

In an unusually blunt statement directed at both MINUSTAH and the transitional government on 10 September, the Security Council stressed the urgency of disbanding and disarming all illegal armed groups and underscored that stability and security remain key to political and economic reconstruction.[107] But MINUSTAH has still not attempted to remove the ex-FAd'H from a number of occupied police stations.

MINUSTAH's failure to get off to a more decisive start enabled the former military to consolidate their presence and has made it harder to do what is still required today. Only two-thirds of the mission's authorised strength has as yet reached Haiti.[108] It is urgent to complete deployment and review its strategy for coping with illegal armed groups in Port-au-Prince and throughout the country.

E. THE NEED FOR DISARMAMENT

While the need is clear, the disarmament, demobilisation reintegration (DDR) formula traditionally used in war-torn countries is not appropriate to the current situation in Haiti. It is conceived as a technical process that is implemented after a political solution to an armed conflict, or at least some durable accommodation, has been reached. This is not the Haiti case. Also, the members and hierarchy of the armed groups -- there may be at least ten different types -- are not always clearly identifiable.[109]

Stabilisation is impossible without restoration and maintenance of security and rule of law. The danger is that with time and improved connections to the narcotics traffickers, the armed gangs might develop into either coherent insurgencies as in Colombia or formidable warlord-led groups along the Somali model. Haiti's thugs have not yet reached either stage, and the UN mission must see that it does not happen.

The latest wave of violence has underscored the precariousness of the interim government's control. Minimum security conditions for elections do not exist, and conditions are getting worse. Exactly who was behind each instance of violence remains unclear but there are three main candidates.

- the former military who, by creating chaos and weakening the police hope to reinforce the case for reviving the army;[110]
- armed Aristide supporters, who believe chaos would lead (at least in the medium term) to his return. While Aristide's responsibility is difficult to establish, he is believed to have regular telephone conversations with Fanmi Lavalas officials and supporters.[111] The prime minister has openly accused him of masterminding the violence from his South African exile and accused the South African government of violating international law by letting him orchestrate destabilisation;[112] and

[105] MINUSTAH's decision not to intervene was also taken in order to not jeopardise organisation of the up-coming football match with Brazil.
[106] ICG interview with Prime Minister Gérard Latortue, Port-au-Prince, September 2004.
[107] Statement by President of UN Security Council, S/PRST/2004/32, 10 September 2004. MINUSTAH Force Commander General Heleno had repeatedly tried to avoid the disarmament responsibility by saying disarmament had to be preceded by programs to develop the economy, create jobs and improve conditions for the population. Despite the Security Council's instruction, no change has yet taken place although an additional explanation now offered is MINUSTAH's still incomplete force level.
[108] With reinforcements in recent days, MINUSTAH has 4,489 troops in country of its authorised 6,700. MINUSTAH press release, 11 November 2004.

[109] ICG interview with UNDP staff members, Port-au-Prince, September 2004.
[110] As noted above, groups involved in drug-trafficking may also back this strategy.
[111] ICG interview with Fanmi Lavalas officials, Port-au-Prince, September 2004. One, showing his cellular phone, said: "Aristide remains a key player in Haitian politics".
[112] Latortue provided no hard evidence of Aristide's alleged machinations but he said telephone company records showed

- sectors within the business community, who see violence as a way to discredit Fanmi Lavalas further, justifying the arrest of more of its leaders and activists and so ensuring it does not participate in elections. Chaos and anarchy also favour those who engage in contraband activities.

The HNP lacks the capacity to restore order, and MINUSTAH has failed to implement this primary aspect of its mandate. Relying on the former military may seem a simple solution to some in the traditional elite and perhaps their external allies as well. Although the ex-FAd'H have control over several regions and even work with the HNP in such cities as Cap Haïtien, they remain an illegal armed group. Turning to it to take over the responsibility of the HNP would be a tremendous mistake that would generate extensive clashes with armed pro-Aristide groups, leaving the Haitian people caught in the middle.

The only way to address the situation is to put in place a joint, well-planned HNP-MINUSTAH strategy for disarmament -- voluntary or involuntary -- with a readiness to use force as necessary. Firm decisions need to be taken now to confront the violence, including redeployment of troops and use of the so-called Formed Protection Unit (FPU).[113] Countries that have committed troops and civilian police must send them immediately. Initiatives such as the one currently discussed by the Central American presidents to send troops as a regional group should be encouraged.[114] The Security Council must extend the mandate of the peacekeepers for at least another year and ensure full deployment. If the U.S. does not commit further troops, it should give the UN contingent logistical and other support and increase its aid for the HNP with more funding and more trainers.

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the former president was constantly making calls to Port-au-Prince. He claimed that an individual caught arriving in Port-au-Prince on flight from Canada with $800,000 hidden in a bag was an Aristide courier. (Others suggested the money was drug-related.) See also "Haitian Leader: Aristide Behind Violence", Associated Press, 17 October 2004. The allegations have prompted an outraged response from the South-African authorities: "South Africa: Guest Aristide Not Behind Haiti Mayhem", Reuters, 18 October 2004.

[113] The Formed Protection Unit is a specialised component of the civilian police, equipped to intervene in riots. Its main role is to "control crowds, assist in maintenance of public order, participate in patrols and conduct verification check-points. The entire FPU will consist of 750 officers, divided into six contingents, deployed eventually in four regions: Port-au-Prince, Cap-Haïtien, Les Cayes and Gonaïves. MINUSTAH press release, "95 MINUSTAH Chinese Police Officers Have Arrived in Port-au-Prince", 18 October 2004, http://www.un.org/Depts/dpko/missions/minustah/press.html.

[114] "Central America Considers Troops for Haiti", Reuters, 16 October 2004.

VI. CRUMBLED INSTITUTIONS

A. THE HAITIAN NATIONAL POLICE

Since the army was disbanded in 1995, the HNP is the only legally authorised security force. At the beginning of 2004, the force totalled less than 4,000 in a country of 8.5 million.[115] Considerable donor aid has been directed to training and equipment since 1995. However, since 1999-2000, in addition to its financial and logistical shortcomings, the HNP has been weakened by politicisation, corruption (notably drug-trafficking) and poor management. Arbitrary promotions of Fanmi Lavalas supporters, incorporation of alleged *chimères*, drug trafficking, and police abuse blatantly encouraged by the 2001 "Operation Zero Tolerance"[116] contributed to demoralisation and erosion of professional standards and complete loss of standing with the people.

During the latest crisis, the HNP almost collapsed. Police stations were attacked, ransacked and burned. Officers usually fled before rebels arrived. According to the minister of justice, only some 3,000 officers remain in the force.[117] Since March 2004, several hundred police were dismissed but not disarmed. Recent crackdowns on organised crime have implicated both active and former police in criminal activities, including kidnappings. A vetting project set-up in July by the OAS, the U.S. and UNDP is aimed primarily at new recruits but thorough screening of all police is needed.

The lack of proper response to the former military is also contributing to the police crisis. In some communities, the HNP lacks credibility compared with the former soldiers -- despite the sombre human rights record of the army. In Petit-Goâve, for instance, the population says the security situation has improved since arrival of the former military.[118] Tensions between the HNP and former military were illustrated when two of the latter were killed and another injured in a shoot-out with police in Pétion-Ville on 7 September 2004.[119]

A considerable effort is now required, also by the international community, to reform and reinforce the institutional structures and capabilities. Although the initial steps to form the HNP in 1995 were applauded, several shortcomings were quickly noticeable. The effectiveness of the training and technical aid the HNP received was limited because the justice and penal system did not advance at the same pace. International coordination and cooperation was inadequate, especially in implementation of programs. Approaches tended to vary according to the donor. Bilateral actors[120] and the UNDP had very different ideas in regards to community policing and funded divergent programs.[121] Coordination mechanisms developed late. Matters were made worse because police reform was addressed mostly in isolation without looking at the justice system as a whole.[122] History appears to be repeating itself, as Haitians again are beginning to say that too many international actors are seeking to impose their own models on the HNP.[123]

A critical challenge is to restore public confidence. There is a danger that the efforts of MINUSTAH's civilian police component (CIVPOL) will be discredited by association with the HNP unless there is visible reform of the latter. Despite the need for a major police presence throughout the country, unsuitable elements need to be removed from the force quickly. It is essential that any future integration of ex-military be accompanied by a genuine vetting process that avoids the mistakes of 1995.[124]

B. THE ARMY DEBATE

The transitional government insists the possible re-establishment of an army can only be dealt with by a legitimately elected successor. However, its dithering has allowed the former FAd'H to take the

[115] "Report on the OAS Activities Involving Haiti from 11 November 2003 to 10 March 2004", op. cit.
[116] In May 2001, President Aristide announced Operation Zero Tolerance against criminal groups. It was widely interpreted, however, as providing impunity for police abuses.
[117] ICG interview, Port-au-Prince, September 2004
[118] ICG interview with Petit-Goâve residents. The same situation seems to prevail in other regions of the country, especially in the north, north east and centre, ICG interview with senior OAS Special Mission staff, September 2004.
[119] "Deux ex-militaires tués, vive tension dans le sud-ouest d'Haïti", Agence France-Presse, 8 September 2004.
[120] These have mainly been the U.S. ($66 million from 1995 to 1999), Canada ($30 million from 1995 to 2000), and France ($834,000 from 1997 to 2000). The UNDP contributed $6 million from 1997 to 2000.
[121] "Lessons Learned: Peacebuilding in Haiti", International Peace Academy, 2002, p. 7.
[122] The beginning efforts on police and later on justice came to a halt in 1999-2000 when the political stalemate occurred.
[123] ICG interview with former HNP senior officials, July 2004.
[124] "Breaking the cycle of violence: A last chance for Haiti?", Amnesty International, June 2004, p. 7.

initiative. The transitional government's statement on 8 July 2004 setting a deadline of 15 September for armed groups to hand over illegal weapons or face arrest was probably counterproductive because it was not followed by action.[125]

Commissions have repeatedly been created to defer decisions and action.[126] The most recent, led by the minister of commerce, reached provisional agreement with the former military on 20 September for a turn-over of weapons and vacating of state premises. In exchange, the government created an Office of Management of Demobilised Military that would calculate financial compensation for the former military. However, the next day, Ravix, the leader of the former military, said the ex-FAd'H were not willing to hand over weapons to the HNP and to function under police authority -- but might leave the police stations if given other premises.[127]

Haitians reacted overwhelmingly positively to disbandment of the FAd'H in 1995, largely because of past massive human rights abuses. Nine years later, influential parts of the elite publicly back restoration, including important members of the Group of 184. Few human rights groups, leading journalists, or NGOS have come out publicly against restoration. The international community has expressed reservations or clear opposition. During his visit to Haiti in March 2004, U.S. Secretary of State Powell said the debate was not a priority and stressed the financial implications.[128]

Haitians should not forget their past: the army was a brutal, repressive institution that never served their interests. The debate around re-establishment should, therefore, focus around simple questions: does Haiti need an army now, why, and can it afford one? Public security should be dealt with by a professional, civilian police, as in any other country, including post-conflict states that have undergone extensive military reforms and reductions. Ultimately, the decision is one for Haitians to make but it is to be hoped that at a moment when dialogue and reconciliation are badly needed, the questions will not provoke more wounds and divisions

C. THE JUSTICE SYSTEM

Despite much donor support,[129] very little progress was made during the Fanmi Lavalas period on the judicial system's structural problems -- corruption, politicisation, lack of resources and personnel and poor training.[130] The main reason was high level resistance by the authorities, who wanted a weak and easily controllable institution. The situation worsened during Aristide's second term due to constant intervention from the executive, especially in highly publicised cases like the murder of prominent journalist Jean Dominique. Several judges denounced pressure from officials; others were either dismissed or went into exile. The 2004 unrest further affected the system: at least eight courthouses were destroyed, and many judges ceased to report to work.[131] There is no internal disciplinary mechanism for judges, and many trained by the UN mission in the 1990s no longer work due to low pay and cronyism. Due process is generally not respected, resulting in lengthy pre-trial detention. Strong, long-term political commitment taking account of lessons from the past decade is needed from both the government and international community.[132]

1. Persecution of Fanmi Lavalas?

Fundamental changes are needed to end Haiti's cycles of violence and impunity and encourage sustainable development and democracy. In recent months, allegations of persecution against Fanmi Lavalas have

[125] "Interim report of the Secretary General on the United Nations Stabilisation Mission in Haiti", S/2004/698, 30 August 2004, paragraph 11.

[126] The minister of interior set up an ad hoc commission responsible for taking a census of former military in the country. By September 2004, it had registered some 5,700 men and was trying to confirm that these had indeed been members of the FAd'H. After vetting, 200 were admitted to the HNP academy to start police training. On 4 August 2004, the transitional government issued a decree creating a seven-member "Inter-Commission on the Military Pension Fund" with the objective of analysing and presenting recommendations on payment of pensions. Ibid.

[127] ICG interview with Rémissainte Ravix, Port-au-Prince, September 2004.

[128] 5 April 2004 interview with Radio Metropole's Rotchild François.

[129] From 1993 to 2001 the U.S., Canada, France, UN, and EU provided about $43 million: U.S. $26.7 million, Canada, $5.5 million, France $900,000, UN $8.3 million. and EU $1.9 million.

[130] Report by the UN Secretary-General on Haiti, S/2004/300, April 2004, paragraph 31. Also see "Any Further Aid to Haitian Justice System Should be Linked to Performance-related Conditions", U.S. General Accounting Office (GAO), October 2000.

[131] "Breaking the Cycle of Violence", Amnesty International, op. cit. p. 5

[132] Donors attempted to improve accountability and sustainability in the judicial system but narrowly focused and contradictory programs hampered results.

multiplied. In July, the party issued a report describing the alleged campaign, including abuse of its members' human rights "before and after February 2004".[133] The most serious allegations include killings and other physical attacks against some 100 party members and supporters. The report provides a detailed list of people who were forced to leave their homes and are said to be in hiding, as well as of fifteen party members described as "political detainees".

The vast majority of physical attacks were perpetrated in the weeks immediately following Aristide's departure. Several killings seemed to be acts of revenge among rival armed groups or settling of scores between individuals; lynchings by local people of notorious armed supporters of the former president *(chimères)* have also been reported. While there is no evidence of the transitional government's involvement in these acts, both it and the judiciary have failed to conduct proper investigations and bring those responsible to justice.

The transitional government has been criticised for apparent lack of even-handedness in the administration of justice. It has moved swiftly to arrest Fanmi Lavalas members suspected of human rights violations or corruption but has not acted similarly against other individuals and groups accused of grave human rights violations. Former Prime Minister Yvon Neptune, former Minister of the Interior Jocelerme Privert and others are detained on charges related to summary executions allegedly committed by Fanmi Lavalas supporters and HNP officers on 11 February 2004 in Saint Marc. However, no measures have been taken against individuals and groups prominent in the recent insurgency and later responsible for violence against Fanmi Lavalas supporters.[134]

This seems to confirm in the eyes of Haitians the appalling tradition by which violent changes of regime allow revenge and reprisal against political opponents. The authorities must reverse this extremely dangerous pattern immediately. Particularly disturbing were recent reports of lack of judicial response to several killings of internally displaced Fanmi Lavalas partisans who attempted to return to St. Marc and Petit-Goâve.[135]

The transitional government, with the assistance of the UN, should arrest and try criminals and human rights abusers, regardless of political affiliation. This would signal an even-handed approach to justice for the first time in Haiti's history. Unless it can be demonstrated that no one is above the law, regardless of political affiliation, impunity will continue to prevail, and there will be no end to the deeply-rooted violence and instability at the roots of the Haitian crisis.

2. Impunity

The fight against impunity suffered a major blow with the retrial of Louis Jodel Chamblain (former leader of FRAPH[136]), and former army captain Jackson Joanis, who had previously been condemned *in absentia* for the 1993 murder of Antoine Izmery, a businessman and pro-Aristide activist. That Chamblain was also among the leaders of the February 2004 armed revolt which forced out Aristide attracted wide attention to the case. On 16 August 2004, both defendants were acquitted after a poorly prepared, one-day trial during which the public prosecutor did not present important evidence and key witnesses.[137] This sparked strong criticism from Haitian NGOs as well as internationally from the U.S. State Department, the OAS and others. The prime minister acknowledged in a press release that the government understood the "shock provoked by this verdict".[138] However, a libel action was brought by three members of the jury against several human rights activists for criticising the trial.

The impunity issue is crucial. Perpetrators of human rights violations, as well as those responsible for corruption, need to be held accountable, tried and convicted. Haiti must break with the unwritten rule that these individuals (including the country's rulers) can simply leave the country. If the justice system cannot respond properly, it may be necessary to explore an international remedy. Some lawyers have argued for the creation of a Special Court as in Sierra Leone, with mixed, national and international judges and prosecutors to try certain highly sensitive cases for a three-year period.[139]

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[133] Fanmi Lavalas, "Dénonciation des crimes, persécutions et exactions contre des membres de Fanmi Lavalas avant et après le 29 février 2004", July 2004.
[134] "Breaking the Cycle of Violence", Amnesty International, op. cit., p. 17.
[135] ICG interview with OAS Special Mission senior staff, October 2004.
[136] A violent para-military group created in 1993.
[137] "Interim report of the Secretary General on the United Nations Stabilisation Mission in Haiti", S/2004/698, 30 August 2004, paragraph 42.
[138] Alva James-Johnson, "Interim Haiti leader resident takes on critics", *South Florida Sun-Sentinel*, 24 August 2004.
[139] ICG interview with William O'Neill, lawyer and Human Rights consultant, October 2004.

D. THE WASHINGTON DONORS CONFERENCE

Shortly after its establishment, the transitional government requested international assistance to reinforce and reform the country's political and economic governance. It agreed to conduct with donors a needs-assessment exercise, the results of which -- the Interim Cooperation Framework (*Cadre de Coopération Intérimaire*, CCI) -- were presented at a donors conference on 19-20 July 2004 in Washington.[140]

Pledges totalled $1.08 billion (approximately 60 per cent in grants, the rest in loans), surpassing the $924 million requested by the transitional government. This was seen as a major success for the transitional government, particularly the prime minister, who had actively accompanied the process from the beginning. World Bank organisers called it a "great vote of confidence" in the new leadership and its economic agenda for the next two years.

Despite this praise, some observers felt an opportunity had been missed for a first step toward national dialogue and reconciliation because of limited civil society and other political party participation and the total exclusion of Fanmi Lavalas. Failure to address agriculture, including the needs of peasant farmers was also criticised.[141]

Nevertheless, the key question now is how to build up quickly the institutional capacities of the transitional government to manage and absorb the financial aid. Prime Minister Latortue proposed a commission representing government, civil society, and donors to monitor implementation of the CCI. A follow-up meeting in September in Port-au-Prince established such a body. However, the transitional government must urgently draw up and implement a policy for immediate use of the pledged funds in detailed projects, with assured transparency and accountability.

E. AN ECOLOGICAL TIME BOMB

Complicating the implementation of a reconstruction effort, huge tropical storms in May and September 2004 created massive humanitarian crises. In May, flooding devastated particularly rural areas of the Departments of the West (mainly in the locality of Fonds Verrettes) and South-East (mostly in Mapou.) At least 1,100 persons were killed and about 1,600 were reported missing. The numbers of displaced were as high as 10,000 in Mapou and 6,000 in Fonds Verrettes, localities which virtually disappeared as a result of the disaster. In late September, when Tropical Storm Jeanne produced similar flooding in Gonaïves, more than 2,000 died. Humanitarian agencies were hampered by the weakness, or complete absence, of local authorities and state institutions to coordinate relief efforts.

These floods, which killed more people than the military dictatorship did in three years (1991-1994), underscored Haiti's fragility as it attempts to confront a demographic explosion, accelerated urbanisation, and division of land generation after generation into smaller and smaller holdings that are less and less able to support families. The latter dynamic encourages deforestation of the mountainsides to create new farm land or to produce charcoal, the cooking fuel for the bulk of the population. Only 1.5 per cent of the tree cover remains, compared to more than 15 per cent in 1970. Any talk of sustainable agriculture must begin with an answer to the fuel supply problem; yet, donors seem to have shied away from this.[142] As several observers have noted, environmental degradation is a "time bomb". Urgent measures are needed to halt this ecological disaster and to find and implement a new model for the country.

[140] The CCI concentrated on four broad themes for the transitional government's strategy: strengthen political governance and promote national dialogue; strengthen economic governance and contribute to institutional development; promote economic recovery; and improve access to basic public services.

[141] Notably by PAPDA, Alter Presse, Haïti, "Une histoire de résistance et d'organisation populaire, Entretien avec Camille Chalmers, de la Plate-forme Haïtienne de Plaidoyer pour un Développement Alternatif", 12 September 2004.

[142] Charles Arthur, "Squalid excuses", *The Guardian*, 29 September 2004. See also: Amy Bracken, "Deadly Floods in Haiti Blamed on Deforestation, Poverty", Associated Press, 24 September 2004. The ministry of the environment set up in early 1995 had plans to reduce urban consumers' demand for charcoal by promoting the use of gas stoves, to explore the option of importing alternative fuels, and to reforest mountain areas where key watersheds were located. However, none of these initiatives got off the ground because only 0.2 per cent of the $560 million foreign assistance that was allocated to Haiti during the mid to late-1990s was allocated to the environment. At the July 2004 donors conference, less than 10 per cent of total pledges were allocated to the agricultural sector, and less than 2 per cent to environmental protection and rehabilitation.

VII. LEARNING LESSONS

A. MINUSTAH

Many of MINUSTAH's shortcomings, as noted, stem from delays in deployment -- not only of peacekeeping troops and international civilian police[143] but also of civilian staff, human rights officers, and political affairs officers, especially senior levels. The mission and the UN secretariat appeared to recognise the dangers only when the ex-FAd'H began taking over police stations in August 2004. Until then, there was a widespread feeling among senior UN officials that the authorised troop and police levels were unnecessarily high.

In fact, given the absence of a comprehensive political accord and the presence of multiple armed groups, they may have been substantially too small. Clearly the numbers on the ground today are not adequate, as was shown when violence erupted in Port-au-Prince on 30 September. The delays in deployment also have a negative impact on performance of staff, who are forced to cope with too many tasks. In spite of its importance, the human rights component has yet to be deployed.[144]

The UN missions in the 1990s did not always have the Haitian authorities' cooperation. To the contrary, those authorities mostly resisted and actively undermined the institution building efforts they professed to support. The UN should have begun its new mission in 2004 by establishing mechanisms through which to monitor and require compliance (including benchmarks to assess progress).

In order to promote Haitian ownership of the process, so conspicuously absent in the 1990s, MINUSTAH should also have considered convening a national conference with participation of all the main political parties and civil society actors to obtain agreement on minimum programs for the government, the mission and the international community in general.[145] It might have covered not only disarmament, reinforcement of the police and judicial system, and elections, but also all other areas covered by the CCI.

The UN peacekeeping mission, bilateral donors, NGOs, and UN agencies did not always work under an integrated strategy in the 1990s,[146] though the DPKO Best Practices Unit felt that other than the justice sector, "overall coordination was good."[147] However, it is still a clear challenge to create synergy between the UN missions and agencies and the hundreds of national and international NGOs present in the country.

B. DONORS

Donors are trying under the CCI to avoid the mistakes of the 1990s, such as lack of a long-term vision, of coordination among themselves, of transparency and mutual confidence in their relationship with the government. They admit that social and cultural factors were often not adequately considered in their previous assistance plans -- a crucial deficiency that is emphasised in evaluations of democracy and governance programs.[148]

It has not always been clear, however, whether the international role is to take charge of the peace-building process or advise and facilitate Haitian initiatives. In the 1990s, the relationship with domestic actors was ill defined at the outset, and a viable working partnership failed to materialise because of the lack of prior binding agreements. This was partly due to the inability of the Haitian government to take charge and make necessary internal compromises to maximise donor aid. "But it was also due to a deficit of coherence and consistency on the part of the international community, stemming from assumptions not anchored in the realities of Haiti".[149]

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[143] The UN Civilian Police Team, with 1,228 officers, is at only three fourths of its mandated level of 1,622 and for all practical purposes is only now becoming operational. There have been serious delays in recruitment and deployment. This coupled with lack of knowledge of the terrain and language weaknesses produced a very slow start up.

[144] MINUSTAH's proposed structure also raised many questions, as it seemed to be based on the Kosovo model, which is not particularly applicable to the Haitian situation.

[145] The idea is to establish something like the original emergency Loya Jirga in Afghanistan, if that could have been conceptualised in the context of Haiti's own history.

[146] This was a major shortcoming of the past experience, according to the "Report by the UN Secretary General on Haiti", S/2004/300, April 2004.

[147] Lama Khouri-Padova, "Haiti Lessons Learned", UN DPKO, Best Practices Unit, March 2004. The Unit also cited good coordination between the UN and the OAS and applauded the concept of the UNDP Permanent Resident serving as Deputy SRSG.

[148] Yves Pétillon, "Synthèse des leçons apprises par les Bailleurs en Haiti", April 2004, at http://haiticci. undg.org.

[149] "Lessons Learned: Peacebuilding in Haiti", op. cit.

It is equally important, and even a necessity, to encourage Haitian governments to promote dialogue, negotiation and participation of civil society organisations. The country's political strife has been a major obstacle to lasting governance improvements and institution building. As a result, development assistance has never spawned a sustainable process of economic and social development. National ownership of the development process is essential, in part because the government is ultimately responsible before its people for sound economic and social policies. But also, national ownership offers better chances to target donor aid most productively. Without strong cooperation between international and national actors -- government, private sector and civil society -- it is difficult to transform aid programs into sustainable economic development.

Donor support also was not consistent, and the rigid conditions placed on a democratic government with only a few years of independent experience were probably excessive. Technical and financial aid can best be utilised if Haitians know it will remain over the long-term -- ten years at least.

Donor strategy tried to circumvent weak and recalcitrant government institutions by working with international NGOs, particularly over the past several years.[150] The international community needs to provide balanced support to strengthen national and local governments and civil society organisations. And it needs to concentrate on those areas -- rule of law, primary education, sustainable agriculture, and health -- that the Haitians have identified in their own interim framework as priority concerns. Bilateral donors such as the U.S. can be most useful when they work in partnership on those priorities. Only then, can the objective of building effective national and local institutions succeed and Haiti escape its current status of fragile, if not failing, state.

[150] Ibid, p. 1.

VIII. THE WAY FORWARD

A. RETHINKING THE TRANSITION

Many analysts have voiced concern about the country's winner-takes-all political tradition. Political forces are more prone to fractious impasse than the cooperation necessary for effective democracy. Society seems to be an atomised conglomeration with antagonistic interests, hence the persistence of violence as the ultimate way of resolving conflicts. Throughout their history, the Haitian people have been consistently let down by a political class that has subsisted on conflicts.[151]

This pattern seems to be re-emerging. The unity represented in the Democratic Platform disintegrated after Aristide left. Unfamiliarity with the give and take of democratic process and a deep-rooted tendency to pursue primarily egoistic interests have re-emerged. It is increasingly evident that the transitional government lacks a political base and is becoming ever weaker and more fragile. The April 2004 agreement is inadequate to support the political transition.

The transitional government, and particularly the prime minister, are well aware of the exceptional circumstances that led to the establishment of this government. In the absence of an elective legislative body, a role which cannot be filled by the Council of Eminent Persons, the transitional government must engage in more direct and regular exchange with civil society and other sectors beyond the G-184. In addition, expansion of the Conseil des Sages into a Conseil d'Etat, with departmental representation, as originally proposed in March, would offer greater legitimacy to government decisions taken without a legislature.

The whole transition process is at stake, and urgent corrections are needed, including a broader political agreement and acceptance of national priorities by all major actors, beyond the single goal of holding free and democratic elections. Several initiatives could be envisaged. Recently, the Episcopal Conference revived the notion of a national conference *(Etats généraux de la Nation)* that would allow representatives of all political sectors and civil

[151] ICG interview with Anthony Barbier, Port-au-Prince, August 2004.

society groups, including women's groups, to discuss and agree on a dialogue process and measures to build consensus on an inclusive national agenda at least through the transition. Ideally it would be built on prior local and departmental consultations. MINUSTAH could facilitate the process. The CCI framework document from the Washington donors meeting might be the starting point for discussion.

B. RETHINKING RECONCILIATION

Some level of reconciliation among the major political actors is essential for progress on the transition. Everyone understands that with Fanmi Lavalas on the outside, there is little chance that discussion inside the tent will produce a consensus for going forward. Indeed, the tent may go up in flames. Little has been done to entice Fanmi Lavalas inside, so it has been relatively easy for its spoilers to argue convincingly against accepting that Aristide's presidency has ended. Both sides should be prepared to accept the temporary nature of the transitional government and the crucial need for it to begin act on national reconstruction. That requires some basic consensus on the direction, priority and scope of the transition.

The prime minister too often is confrontational about Fanmi Lavalas while addressing crowds, both undermining reconciliation and keeping alive Aristide's martyr image. Some political sectors may be trying to push Fanmi Lavalas into violence, hoping it will thus exclude itself from the electoral process and provide the pretext for more arrests of its leaders and supporters. Violence that disrupted the electoral process, of course, could also suit the interests of some in government and their allies.

As already mentioned, it is often proposed in the international community that the moderate Fanmi Lavalas elements should be given more political space and encouraged to dissociate from Aristide's more violent supporters and to participate in the political process. To some extent, this underestimates Aristide's dominance of the movement. Most of the leaders have little support independent of Aristide. If they are disowned by him for pursuing a course that does not have his approval, they know they will face both political challenge and possibly physical danger. Nevertheless, the village, community and other NGO groups who are part of that majority should be encouraged to break from Aristide's violent supporters and participate in the electoral process, recognising that his return is unlikely and arguably not even in their own political interest.

This requires, at a minimum, establishment of a secure and stable environment. As a Fanmi Lavalas member said, "we are not afraid of facing the electoral process, we are afraid of the former military".[152] To some extent, the situation is becoming a mirror image of 2000-2003, when it was the former political opposition that claimed political participation was impossible because of the seeming official acceptance of the *chimères*' violence.

The reconciliation process must also go beyond Fanmi Lavalas and the former opposition to encompass other social, economic and regional groups. Haiti's divisions are not just political; they are also cultural, social and economic. The major challenge is achieving the conciliation of two nations that have lived back to back for two centuries. The government has to make a place in its institutions for the expression of these diverse social interests.

Two factors are crucial in this process: involvement of civil society and greater benefits and power at municipal and departmental levels. The transitional government and international community alike need to support decentralisation and civil society participation. Thematic round-table discussions at departmental level should aim at facilitating consensus, building mutual trust, and identifying policy initiatives. Main themes should relate to national dialogue, reconciliation, the CCI reconstruction document and the electoral path.

The objective of a broad dialogue initiative would be to broker a pact among all Haitians that would set priorities, objectives and timetable for the transition and guide the transitional government's policy over the next year. Elections in 2005 should be considered one crucial objective but not, as they are currently perceived, virtually the only one.

[152] ICG interview, Port-au-Prince, September 2004.

IX. CONCLUSION

Haiti, 200 years after independence, meets nearly every definition of a failing state. As violence, extreme poverty and environmental degradation show, the need for profound social change is as compelling today as when it brought Aristide to power. Aristide is in part responsible for failing to address these issues and not improving the lives of citizens. But there are many other Haitians who remain too satisfied with a discriminatory system that has excluded the majority of the population. A genuine campaign of inclusiveness through democratic processes is critical if Haiti is to break out of a vicious cycle.

The international community also needs to re-think its role. It bears some responsibility for not convincing Haitians to bridge their ideological differences and pursue good governance. The UN, the OAS, the International Development Bank, the World Bank, along with the U.S., Canada, France, the EU, Brazil and others all have important roles to play in democratisation and development. The recent offer from the Rio Group to help promote dialogue among all political sectors, including Lavalas, should be put to good use.[153] Ten years after a failed international rescue attempt, it should be possible to draw upon lessons learned and not repeat the same mistakes. The "stop-start" cycle of six UN missions in six years (1995-2001) must be avoided if Haiti is to forge a lasting solution to its needs.

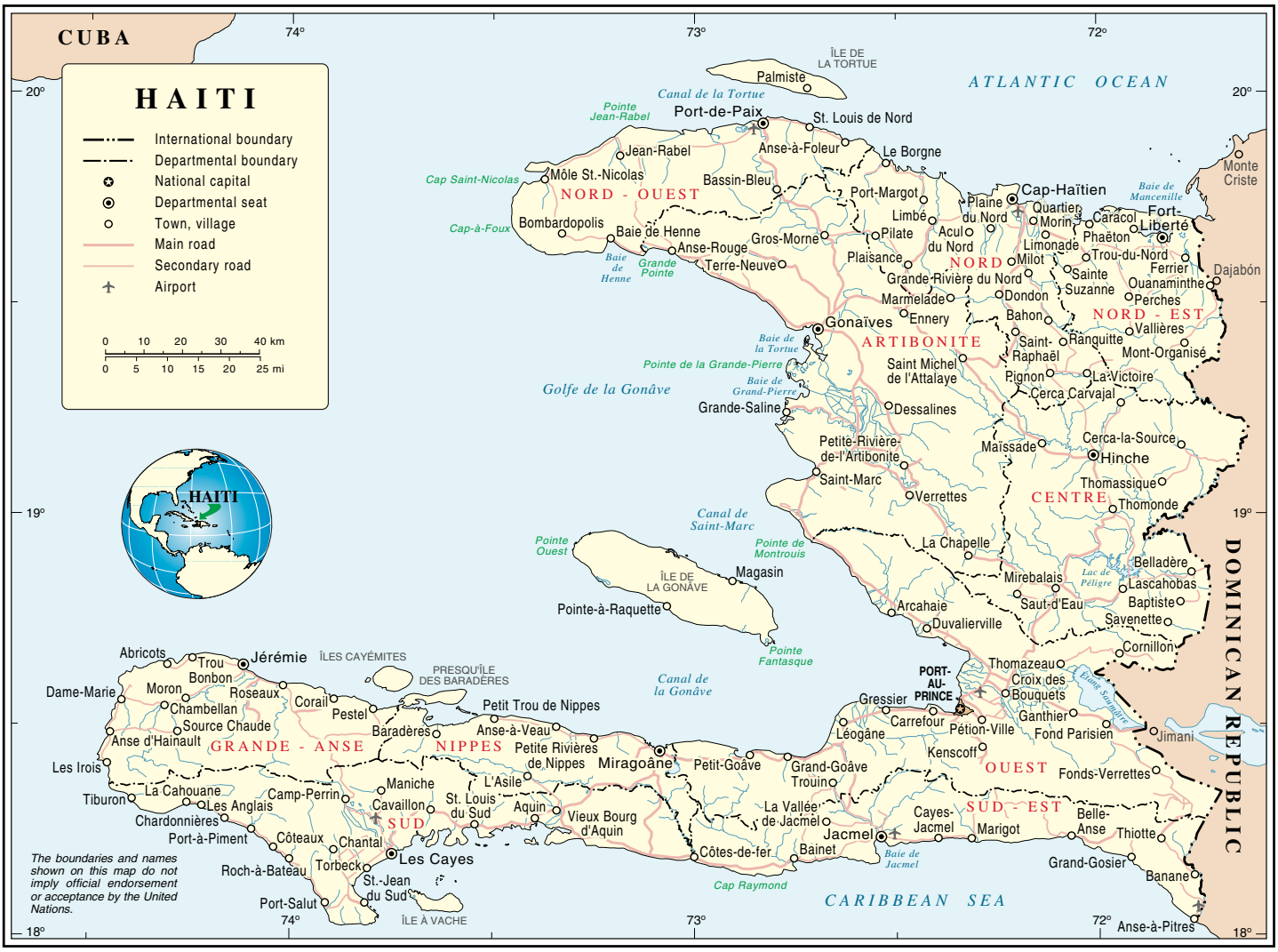
The transitional government and MINUSTAH must act promptly on the security situation, or no progress is possible. At the same time as they move forward aggressively with a disarmament program, they should seek national reconciliation and put into place a roadmap for the transition. But reconciliation also requires agreement on core reconstruction priorities, particularly in the wake of recent natural disasters. Nationwide agenda-setting dialogues on these issues can help legitimate or modify the CCI framework priorities. An international conference on national reconciliation based on the results of such dialogues could then seal national consensus. These are the two key issues which can advance stabilisation, build confidence and reinforce the realisation that only a democratic system can guarantee human rights to all Haitians and at long last build a common nation.

Port-au-Prince/Brussels, 18 November 2004

[153] "A Recipe for Haiti", *Latin American Weekly Report*, 9 November 2004, p. 2. The Rio Group is a permanent mechanism of political consultation and coordination created in 1986 and now including eighteen members from South and Central America and the Caribbean.

APPENDIX A

MAP OF HAITI



Map No. 3855 Rev. 3 UNITED NATIONS
June 2004

Department of Peacekeeping Operations
Cartographic Section

APPENDIX B

GLOSSARY

CCI	*Cadre de Coopération Intérimaire* (Interim Cooperation Framework).
Chimères	pejorative term to designate the new version of the paramilitary gangs serving as the Aristide government's violent enforcers.
Convergence Démocratique	loose coalition of opposition parties created in 2001.
Conseil des Sages	Council of Eminent Persons, the advisory body to the transitional government.
FAd'H	*Forces Armées d'Haïti*, the former Haitian Army, disbanded in 1995.
Fanmi Lavalas	Aristide's political party, created in 1996; *lavalas*, flood, symbolises a mass movement of the destitute.
FRAPH	*Front Révolutionnaire pour l'Avancement et le Progrès d'Haïti* (Revolutionary Front for the Advancement and Progress of Haiti), a violent para-military group created in 1993.
G-184	Group of 184, a coalition of civic and grassroots organisations.
HNP	Haitian National Police.
MIF	Multinational Interim Force.
MINUSTAH	United Nations Mission for the Stabilisation of Haiti.
MNF	Multi-National Force (1994-1995).
OPL	*Organisation du Peuple en Lutte* (Organisation of People in Struggle), formerly *Organisation Politique Lavalas*.
PEC	Provisional Electoral Council (*Conseil Electoral Provisoire)*
Plateforme Démocratique	Democratic Platform, alliance of Convergence Démocratique and the Group-184.
Tontons Macoutes	paramilitary force created by Francois "Papa Doc" Duvalier.
UNMIH	United Nations Mission in Haiti (1995).

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 100 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. ICG also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, www.icg.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. ICG is co-chaired by Leslie H. Gelb, former President of the Council on Foreign Relations, and Christopher Patten, former European Commissioner for External Relations. President and Chief Executive since January 2000 is former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York, London and Moscow. The organisation currently operates nineteen field offices (in Amman, Belgrade, Bogotá, Cairo, Dakar, Dushanbe, Islamabad, Jakarta, Kabul, Nairobi, Osh, Port-au-Prince, Pretoria, Pristina, Quito, Sarajevo, Seoul, Skopje and Tbilisi), with analysts working in over 50 crisis-affected countries and territories across four continents. In Africa, this includes Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Kashmir, Kazakhstan, North Korea, Kyrgyzstan, Indonesia, Myanmar/Burma, Nepal, Pakistan, Tajikistan, Turkmenistan and Uzbekistan; in Europe, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Kosovo, Macedonia, Moldova, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the Andean region and Haiti.

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November 2004

APPENDIX D

ICG REPORTS AND BRIEFINGS ON LATIN AMERICA SINCE 2001

Colombia's Elusive Quest for Peace, Latin America Report N°1, 26 March 2002 (also available in Spanish)

The 10 March 2002 Parliamentary Elections in Colombia, Latin America Briefing, 17 April 2002

The Stakes in the Presidential Election in Colombia, Latin America Briefing, 22 May 2002

Colombia: The Prospects for Peace with the ELN, Latin America Report N°2, 4 October 2002 (also available in Spanish)

Colombia: Will Uribe's Honeymoon Last?, Latin America Briefing, 19 December 2002 (also available in Spanish)

Colombia and Its Neighbours: The Tentacles of Instability, Latin America Report N°3, 8 April 2003 (also available in Spanish and Portuguese)

Colombia's Humanitarian Crisis, Latin America Report N°4, 9 July 2003 (also available in Spanish)

Colombia: Negotiating with the Paramilitaries, Latin America Report N°5, 16 September 2003 (also available in Spanish)

Colombia: President Uribe's Democratic Security Policy, Latin America Report N°6, 13 November 2003 (also available in Spanish)

Hostages for Prisoners: A Way to Peace in Colombia?, Latin America Briefing, 8 March 2004 (also available in Spanish)

Venezuela: Headed Toward Civil War?, Latin America Briefing, 10 May 2004 (also available in Spanish)

Increasing Europe's Stake in the Andes, Latin America Briefing, 15 June 2004 (also available in Spanish)

Bolivia's Divisions: Too Deep to Heal? Latin America Report Nº7, 6 July 2004 (also available in Spanish)

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APPENDIX E

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