Americas

13. The question concerning Haiti

During the period under review, the Security Council held two meetings and adopted one resolution in connection with the item entitled, “The question concerning Haiti”. One meeting took the form of a briefing and the other meeting was convened for the adoption of a decision.\(^{391}\) With the adoption of resolution \(2547\ (2020)\), the Council extended the mandate of the United Nations Integrated Office in Haiti (BINUH) for a period of one year until 15 October 2021.\(^{392}\) In addition, Council members held two open videoconferences under this item.\(^{393}\) More information on the meetings, including on participants, speakers and decisions, as well as the videoconferences is given in the tables below. In addition to meetings and videoconferences, in 2020, Council members held informal consultations of the whole in connection with this item.\(^{394}\)

In 2020, the Council was briefed three times by the Special Representative of the Secretary-General for Haiti and Head of BINUH, and once each by the Executive Director of Fondasyon Je Klere and the President of the Haitian Bars Federation. Discussions in the Council during this period focused on the mandate of BINUH and the political impasse in Haiti between the Government and the opposition, following the indefinite postponement of the legislative elections in October 2019.

In her briefing at the meeting held on 20 February 2020, the Special Representative of the Secretary-General stated that the political impasse had paralyzed the functioning of Haitian institutions, aggrieved the country’s economy and fueled continued insecurity. The Special Representative of the Secretary-General was working alongside the Secretary-General of the Organization of American States and the Apostolic Nuncio to Haiti to create an environment conducive to reaching a negotiated resolution which would ensure that the most vulnerable received much-needed basic services from the State and lay the groundwork for the timely holding of elections. Political actors had yet to settle on a formula that would lead to the

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\(^{391}\) For more information on the format of meetings, see part II, sect. I. A.

\(^{392}\) Resolution \(2547\ (2020)\), para. 1. For more information on the mandate of BINUH, see part X, sect. II.

\(^{393}\) For information on the procedures and working methods developed during the COVID-19 pandemic, see part II.

\(^{394}\) See \(A/75/2\), part II, chap. 7.
designation of a consensual prime minister, the formation of a new Government and on the remaining length of the term of President Jovenel Moïse. Entering its second year with a caretaker Government, Haiti’s economy was forecast to sink deeper into recession and 4.6 million citizens were estimated to require humanitarian assistance.

Making reference to the Secretary-General’s report, the Special Representative of the Secretary-General noted that BINUH and the United Nations country team in Haiti developed an integrated strategic framework with a focused strategy aimed at assisting institutions to address the root causes of instability. She recalled that the collective success of the United Nations would be measured by the progress made on the six benchmarks, namely, facilitating a political consensus, addressing gang violence, strengthening the police, justice and corrections sectors, promoting human rights, helping address unemployment and socioeconomic grievances, and encouraging the presence of the State in communities through the provision of basic services and efforts to enhance resilience.

At the open videoconference held on 19 June 2020, the Special Representative of the Secretary-General informed Council members that the spread of COVID-19 pandemic was accelerating in Haiti and that its effects were only starting to be felt by its citizens, a majority of whom were already living in bleak socioeconomic conditions. As a result of the multiple, interconnected crises that had affected the country in recent years, Haiti’s economy contracted 1.2 per cent in 2019 and was projected to shrink by a further 4 per cent in 2020. In the absence of adequate resources to support Haiti’s emergence from the recession, the hard-won security and development gains achieved over the past decade and a half risked coming undone, and a primarily domestic problem transforming into a regional issue.

In terms of the security and political situation, the Special Representative of the Secretary-General noted a marked increase in the frequency and intensity of clashes between rival armed gangs in an effort to exert influence on the outcome of elections in the most populous neighborhoods of Port-au-Prince. Despite the call from parts of the opposition on Haitians to come together to face the pandemic, an initiative that allowed newly appointed Prime

395 See S/2020/123.
396 See S/PV.8729.
Minister Joseph Jouthe to govern, a growing number of opposition figures were contesting the length of the President Moïse’s term in office and calling for a transitional administration to take over. She added that a reform of the Constitution was required to create the conditions for institutional stability, good governance and the rule of law. Through the use of good offices, BINUH had continued to encourage actors from across the political spectrum to constructively engage with one another. The Mission had further advised the Haitian National Police in the successful resolution of long-standing labour disputes within its ranks and assisted judicial actors in devising a virtual hearings system during the pandemic.397

On 5 October 2020, the Special Representative of the Secretary-General noted the assassination of the President of the Port-au-Prince Bar Association on 28 August 2020 and the increasing prevalence of unrest, sometimes in the form of violent protests. Gangs continued to challenge the authority of the State, while a fringe group of disaffected police officers brought disorder to Port-au-Prince on several occasions. Although the Haitian National Police had consistently proven its operational proficiency, it required at least an additional 10,000 well-trained and well-equipped police officers to meet internationally accepted policing standards. Similarly, continued support, steadfast political resolve and decisive action was necessary to ensure that the National Commission for Disarmament, Demobilization and Reintegration, which was being operationalized, was capable of performing its tasks. The Special Representative of the Secretary-General stated that, as the country was preparing to enter a new electoral cycle, it was paramount that key aspects of the process, such as the electoral framework and calendar, were addressed to reduce the risk of contested elections and further violence. She urged Member States to amplify their support for a process that, if properly managed, would contribute to renewing Haiti’s elected leadership, lead to a greater representation of women in political life and reinvigorate the social contract between Haitian citizens and the State.398

In her statement at the meeting on 20 February 2020, the Executive Director of Fondasyon Je Klere, a Haitian human rights organization which conducted human rights training, monitoring and inquiries with respect to public institutions, stated that Haiti was facing

widespread and systematic violations of human rights. She cited examples of violations of the right to life, physical integrity and dignity, with numerous accounts of killings, kidnappings, beheadings, rapes, diversion of supplies, abductions and forcible confinement committed by armed gangs. The Executive Director expressed the view that these crimes were being committed with the support, at least tacit, of the Government, while the perpetrators enjoyed official impunity. Drawing attention to the fight against corruption, she stressed the need for the implementation of law on wealth declaration and the holding of fair and equitable trials on the management of the PetroCaribe funds. The Executive Director called on the Council to support ensuring the success of the transition period in Haiti and a return to democratic order, weakening the firepower of armed gangs, the organization of trials in relation to PetroCaribe, the La Saline and Carrefour-Feuilles massacres and cases of rape, ending corruption, auditing the police with a view to boosting its credibility and ensuring that it could discharge its mission to protect and to serve.\footnote{See \textit{S/PV.8729}.}

On 19 June 2020, the President of the Haitian Bars Federation pointed to a massive rise in human rights violations in Haiti, with the incident at La Saline in 2018 as one of many. According to the President of the Federation, the problem was primarily one of impunity, while the question of the involvement of the authorities was also raised in many reports, including those of the United Nations Mission for Justice Support in Haiti (MINUJUSTH) and BINUH. These shortcomings were closely linked to the dysfunction in the justice system, while a perversion of the electoral process had led to interference, violence and the instrumentalization of power. In connection with the role of the United Nations in Haiti, the President of the Federation raised the question of reparation for the victims of the cholera tragedy and accountability for sexual abuse by peacekeepers. Regarding the mandate of BINUH, he noted that respect for human rights and supporting a weak State were conflicting mandates and cautioned that by linking its fate to the State, the Mission risked losing objectivity, even if only in the interpretation of indicators. The President of the Federation called for the strategy of

\footnote{See \textit{S/PV.8729}.}
continued international support to be revisited when there was a lack of national will, and stressed that civil society actors needed to be listened to and supported.400

In their discussions during the meeting and open videoconferences, Council members expressed concern regarding the continued political impasse in Haiti, increased levels of insecurity and human rights violations, including gang violence, as well as deteriorating humanitarian and socioeconomic conditions during the COVID-19 pandemic. Council members called on all political stakeholders to engage in an inclusive and open dialogue to define a calendar for legislative elections, leading to the formation of a new Government and constitutional reform. A number of Council members stressed the responsibility of the Haitian authorities for ensuring the security of their citizens and the rule of law and for addressing the underlying causes of instability.401 Statements referred to the importance of full accountability for human rights violations, including the incidents at La Saline in 2018 and Bel Air in 2019,402 and for corruption.403 Some speakers welcomed the progress made in the professionalization of the Haitian National Police service, but noted that sustainable resources and increased capacity was required to enable it to function effectively.404 The representatives of France, Tunisia, Germany and the United Kingdom recognized that the deployment of BINUH in 2019 was undertaken within particularly difficult circumstances in Haiti.405 Council members commended and underscored the important work of the Mission in facilitating political dialogue and supporting justice and governance reforms. Recalling its disagreement with regard to the withdrawal of MINUJUSTH in the midst of a fragile elections process, the representative of the Dominican Republic expressed hope that the decision to do so, without an adequately equipped

400 See S/2020/568.
401 See S/PV.8729, United States, China, Viet Nam, Niger and Belgium; S/2020/568, Indonesia and Saint Vincent and the Grenadines; and S/2020/979, China, France, Indonesia and Viet Nam.
402 See S/PV.8729, United States, Germany, Estonia and Belgium; and S/2020/568, Belgium, Estonia, France, United Kingdom and United States; S/2020/979, Estonia, Germany, Saint Vincent and the Grenadines (also on behalf of Niger, South Africa and Tunisia), and United States.
403 See S/PV.8729, United States, France, Tunisia, Germany, Estonia, and Belgium; and S/2020/979, France, Germany, and Indonesia.
404 See S/PV.8729, United States, Tunisia, Germany, United Kingdom, Estonia, Indonesia) and Haiti; S/2020/568, Saint Vincent and the Grenadines (also on behalf of Niger, South Africa and Tunisia), United States; and S/2020/979, Dominican Republic, Germany, Saint Vincent and the Grenadines (also on behalf of Niger, South Africa and Tunisia), and United States.
405 See S/PV.8729.
police force, would serve as a lesson to illustrate what the Council should not repeat in another country.\footnote{406}

On 15 October 2020, the Council adopted resolution \textit{2547 (2020)} by which it extended the existing mandate of BINUH for a period of one year until 15 October 2021.\footnote{407} The Council also reiterated the essential constitutional role of Haiti’s Parliament and the urgent need for inclusive inter-Haitian national dialogue to address longstanding drivers of instability by creating a sustainable and commonly accepted framework to permit the organization of free, fair and transparent elections as soon as technically feasible.\footnote{408}

Resolution \textit{2457 (2020)} was adopted with 13 votes in favour and two abstentions of China and the Russian Federation. In the statement after the vote, the representative of China stated that, in adopting a mere technical rollover resolution, the Council had failed to demonstrate the importance it attached to the grim situation in Haiti. Moreover, the representative of China added that the draft did not take into account the constructive and highly consensual amendments proposed by his country’s delegation related to human rights, reducing violence, protecting civilians, implementing good governance, combating corruption and conducting free, fair, transparent and credible presidential elections.\footnote{409} The representative of the Russian Federation added that the document failed to mention the most serious problems with violence vis-à-vis civilians, encroachment on human rights and corruption, and the need to respect the country’s Constitution when adopting momentous decisions. While voting in favour of the resolution, the representative of the Dominican Republic expressed regret that Council members did not have a more extensive, cross-cutting and inclusive conversation in order to come up with a more robust multidimensional mandate for BINUH, including at least the strengthening of human rights safeguards and accountability. The representative of the United States maintained that the resolution ensured that BINUH had the mandate to continue efforts to support democratic institutions, strengthen the rule of law, promote stability and protect human rights, in partnership with the United States, Haiti’s neighbors, the core group and the

\footnote{406}{Ibid.}
\footnote{407}{Resolution \textit{2547 (2020)}, para. 1.}
\footnote{408}{Ibid., third preambular paragraph.}
\footnote{409}{See \textit{S/PV.8768}.}
international community. The representative of France welcomed the fact that the resolution recalled the urgent need to engage in a nationwide dialogue in order to facilitate the conduct of free, fair and transparent elections.

Table 1
Meetings: The question concerning Haiti

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<th>Meeting record and date</th>
<th>Sub-item</th>
<th>Other documents</th>
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<th>Rule 39 and other invitations</th>
<th>Speakers</th>
<th>Decision and vote (for-against-abstaining)</th>
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<tr>
<td>S/PV 8729 20 February 2020</td>
<td>Report of the Secretary-General on the United Nations Integrated Office in Haiti (S/2020/123)</td>
<td>Haiti</td>
<td>Special Representative of the Secretary-General and Head of the United Nations Integrated Office in Haiti, Executive Director of Fondasyon Je Klere</td>
<td>All Council members, all invitees</td>
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Table 2
Videoconferences: The question concerning Haiti

<table>
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<td>Letter dated 23 June 2020 from the President of the Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council</td>
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