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Mission by the Advisory Group of the IPU Committee on United Nations Affairs Haiti, 24-27 February 2014

Report of the Mission to Haiti

The Advisory Group of the IPU Committee on United Nations Affairs undertook a field mission to Haiti from 24 to 27 February 2014. Its mandate was to examine United Nations stabilization and humanitarian efforts in the country, the manner in which efforts at the country level meet the needs and expectations of the local population, as well as the effectiveness of these operations. The mission also looked at how UN partners on the ground involve parliament, and more specifically the role parliament plays in helping secure the rule of law, as well as peace and sustainable development in the country.

The visit was part of a series of missions undertaken by the Advisory Group since its establishment in 2008, designed to assess the degree to which national parliaments were aware of and involved in major UN initiatives in their respective countries, such as One UN reform to align international support to the priorities established by national authorities. These include visits to: Tanzania in 2008, Viet Nam in 2009, Ghana and Sierra Leone in 2011, Albania and Montenegro in 2012), and Côte d'Ivoire in 2013. The mission to Haiti was aimed at examining stabilization efforts in the country and the humanitarian operations led by MINUSTAH.

The parliamentary delegation was led by Mr. Mélégué Traoré (Burkina Faso), President of the IPU Committee on United Nations Affairs, and included Ms. Katri Komi (Finland), Mr. Patrice Martin-Lalande (France), Senator Dennis Dawson (Canada) and Senator Mariana Gómez del Campo. Ms. Anda Filip, IPU Director for External Affairs and Member Relations and Mr. Alessandro Motter, Senior Adviser at the IPU Office to the United Nations in New York, accompanied the delegation to provide support.

During the mission to Haiti, the delegation held a number of meetings with the following persons:

- The Speaker of the Haitian Senate, Mr. Simon Desras, and the parliamentary leadership from both the Senate and the Chamber of Deputies
- The Prime Minister of Haiti, Mr. Laurent Lamothe, the Minister for Relations with Parliament, Mr. Ralph Théano, the Foreign Affairs Ministry Cabinet Director, Mr. J.C. Barthelemy, and other government officials;
- Ms. Sandra Honoré, Special Representative of the UN Secretary-General, Mr. Luc Coté, MINUSTAH Rule of Law Coordinator, Mr. Pierre Emmanuel Ubalijoro, Head of the Parliamentary Support and Liaison Unit, Ms. Sophie de Caen, UNDP Senior Country Director and other UN officials in the field;
- Monseigneur Guire Poulard, Archbishop of Port-au-Prince and Monseigneur Patrick Aris of the Episcopal Mediation Council;
- Representatives of civil society and NGOs that are members of the Civil Society Initiative; and
- Ms. Geraldine Pelzer-Salandra, Head of USAID's Parliamentary Support Programme in Haiti.

Haiti is in many ways a unique country facing very specific challenges. It is also a country of multiple paradoxes. On the one hand, Haiti is the first black republic in the world, having recently marked 210 years of independence. Yet despite this, the country has been faced over the years with a terrible post-colonial heritage:

- A huge financial indemnity imposed by France and further compounded by the expensive loans contracted to pay this debt;
- Decades of civil war and authoritarian rule (including the 30-year Duvalier dictatorship, one of the saddest chapters in Haitian history, which saw tens of thousands killed or exiled);
- Political instability (20 governments over the past 25 years) and a deeply-embedded history of government interference in the affairs of the legislative and the judiciary;
- Mismanagement of natural resources and massive deforestation, which in turn has led to widespread soil erosion;
- Endemic poverty (an estimated 80% of the population live below the poverty line) and very high levels of illiteracy;
- Recurrent natural disasters – including the devastating earthquake of January 2010 which claimed over 220,000 lives and affected over 3.5 million people. Over a quarter of the civil servants in Port-au-Prince were killed, 60 per cent of public administration buildings (including the Parliament building and the Holy Trinity Cathedral) and 80 per cent of schools in the densely-populated capital were either destroyed or damaged.

Despite the fact that Haiti is neither at war nor in a situation of conflict, the United Nations has been present in the country for the past 20 years, with various peacekeeping operations taking place one after the other: UNMIH (UN Mission in Haiti, 1993-1996), MANUH (UN Support Mission) and MITNUH (UN Transitional Mission in Haiti) in 1996-1997, MIPONUH (UN Civilian Police Mission in Haiti, 2000-2004). In April 2004, MINUSTAH (UN Stabilization Mission in Haiti) was set up by the UN Security Council, with a mandate to *support the Transitional Government in ensuring a secure and stable environment; to assist in monitoring, restructuring and reforming the Haitian National Police; to help with comprehensive and sustainable Disarmament, Demobilization and Reintegration (DDR) programmes; to assist with the restoration and maintenance of the rule of law, public safety and public order in Haiti; to protect United Nations personnel, facilities, installations and equipment and to protect civilians under imminent threat of physical violence; to support the constitutional and political processes; to assist in organizing, monitoring, and carrying out free and fair municipal, parliamentary and presidential elections; to support the Transitional Government as well as Haitian human rights institutions and groups in their efforts to promote and protect human rights; and to monitor and report on the human rights situation in the country.*

There is clear evidence that the UN presence in Haiti has played an essential role in maintaining law and order in the country and responding to major humanitarian needs (shelter for the many displaced by the earthquake, removal of rubble, distribution of food and medicines, vaccination and treatment, e.g. the treatment of 60% of TB victims, and the provision of water and sanitation facilities). The United Nations has been supporting national authorities as they build their capacities to restore fully functioning institutions. UNDP alone has helped train over 2,700 Haitian professionals (including magistrates and police officers) and has deployed over 70 international experts to assist institutions in shaping public policies in key areas such as judicial reform, the environment, finance, health and education. As Haiti does not have a national army, the buttressing of the national police has been a key element to allow the country to provide for the security of its population, and for the UN military presence to be gradually phased out in line with a five-year national police development plan. The target of a minimum 15,000 national police officers should be reached by 2016.

The UN military presence in Haiti has thus been steadily decreasing, from 12,000 immediately after the earthquake to 6,200 in 2013 and to an estimated 5,000 by the end of this year. A forthcoming Report by the UN Secretary-General is expected to identify options for a “reoriented” UN mission for Haiti. There is, however, strong public demand for the full and rapid withdrawal of UN forces. This is largely due to national pride, the publicity around isolated cases of abuse perpetrated by UN blue helmets and the public outcry over the cholera epidemic brought to the country by UN peacekeepers. The ambivalent position of the United Nations on the cause of the epidemic has further inflamed public sentiment: demands for compensation aside, the scientific evidence is hard to dispute and, as suggested by the UN High Commissioner for Human Rights, the United Nations should assume its moral responsibility.

With the country ensnared in a complex political crisis and the United Nations focusing on the country's most urgent priorities, the relationship with the National Assembly is marked by mistrust and very limited cooperation. The leadership of the Senate views the UN presence as the "*interventionist arm of the world power*". The Senate has adopted resolutions calling for the immediate withdrawal of MINUSTAH from Haiti. The fact that the national parliament has absolutely no say in the terms and mandate of UN operations in Haiti is widely decried by a number of parliamentarians. In light of the stalemate between the political parties, there has been no inclusive debate in parliament on either the mandate or the future of the UN presence in Haiti. Among both government and parliamentary circles, there seems to be a prevailing misconception that financial resources thus far invested in a massive UN peacekeeping operation would automatically turn into UN development investments ("guns to ploughshares").

As for the United Nations, its interaction with the National Assembly is mostly of a formal nature. UNDP, traditionally involved with democratic governance, is investing most of its energy in initiatives at the local level. Capacity-building in support of parliament has been delegated to USAID, with limited results. Even that support is being phased out as the USAID project nears its end. The MINUSTAH Rule of Law Coordinator is conducting important work in a number of areas, including reform of the Penal Code, strengthening the independence of the judiciary and combating prolonged pre-trial detention, but there are no specific initiatives regarding the institution of parliament. MINUSTAH's Unit for Support to Parliament has undertaken some valuable initiatives, such as study tours, conflict mitigation at the local level, assistance in the establishment of an Office for Gender Equality in Parliament and support for organizing debates and furthering legislation to combat corruption. However, in the absence of a predictable annual budget and in an environment marked by deep mistrust between parliamentary leaders and MINUSTAH, the impact of the Unit's work remains far below its potential.

One significant challenge to the effective functioning of parliament as an institution has to do with the very nature of the relationship between parliamentarians and voters. MPs feel obliged to spend an important part of their time and effort acting as social agents for their citizens, providing the basic services that public administration is not yet equipped to deliver: covering school fees for children in the community, finding jobs for the unemployed, and paying for funerals. This leads to a vicious circle which affects the core work in parliament:

- When election promises are not met, MPs are voted out of office - the huge turnover at elections (over 80%) makes it very difficult to ensure continuity in parliamentary work. There is also little continuity in professional, politically-neutral parliamentary staff to carry on from one election to another;
- As MPs spend a disproportionate part of their time tending to the personal needs of their respective constituents, parliamentary activity is often disrupted, with committees meeting on an ad-hoc basis due to the absence of MPs;
- Moreover, the highly polarized environment in parliaments makes it difficult for MPs to reach agreement on critical issues of national interest, as a result of which there are long periods of paralysis in parliament.

On the one hand, there are indications that government policies are guiding Haiti on a sure path towards reconstruction (300 km of new roads, 4.3% economic growth in 2013, exports up by 6%, agriculture up by 5% and inflation down from 8% to 4%). On the other hand, many claim that political will is lacking to address some fundamental challenges to Haitian society, such as:

- In a situation where many private companies and initiatives are being weakened or destroyed, the prospects for sustainable development are dim;
- The proliferation of "modern slums" instead of decent neighbourhoods, which locks citizens into a vicious circle of deprivation and poverty;
- New buildings erected without adhering to safety standards or taking basic risk precautions, thus paving the way for another humanitarian disaster when the next earthquake or hurricane hits;
- Rampant corruption and nepotism, which prevent new values and talent from coming to the fore;
- Outstanding issues concerning citizenship - *jus sanguinis* not *jus soli* - which weaken the link between the people and the land where they were born. Regarding property rights, the

absence of a land registry to prove ownership is impeding the flow of foreign investments;
and

- “Reforming the Haitian man” - moving from a mentality of victimization to one of affirmative action -, through massive investment in education and civic leadership, which is a widely held view in Haiti.

Accurate or not, all of these matters require a serious public debate, with parliament playing a leading role. These challenges are further compounded by apparent attempts to limit the parliament’s powers. Given Haiti’s long tradition of authoritarian rule and weak parliaments, there is a lingering sense that the only real power of the State is exercised by the government. There are allegations of repeated action by the executive to circumvent the constitutional responsibilities of parliament: delaying the publication of parliament’s decisions or refusing to certify appointments by parliament – such as of members of the national Audit Agency and the Court of Appeals – notwithstanding the provisions of the fundamental law.

According to MPs, cabinet ministers sometimes systematically ignore requests for hearings in parliament. A major political crisis emerged in 2013, when the executive delayed the organization of parliamentary elections and the Senate was in danger of losing a second third of its members once their mandate had expired. That would have rendered it without a quorum and thus un-operational. It was only the adoption and promulgation of a new electoral law in December 2013, with support from civil society and the international community, which averted this major risk to democratic governance and the rule of law.

While a major breakthrough has been achieved with the adoption of a constitutional amendment providing for a quota of 30 per cent women in elected office and public administration, there is still a long way to go in achieving this goal. The Office for Gender Equality in Parliament is working, with UN support, on implementing legislation for these constitutional provisions, as well as on a draft bill to combat violence against women, which is a widespread problem in Haiti. There are currently no women Senators in Haiti and only 4 per cent of women members in the lower chamber. In addition, significant cultural and social barriers need to be overcome in order to ensure women’s political and economic empowerment. The mechanisms recently put in place at both the governmental and parliamentary levels, as well as an active group of civil society organizations (CSOs), are working to address this challenge.

Currently, much hope is being placed in a chance for a revival of national political dialogue, following recent initiative by the Haitian Episcopal Conference (CEH), headed by Cardinal Chibly Langlois, to bring together more than 50 political parties, the parliament, the government and CSOs, to discuss the terms for inclusive parliamentary and municipal elections by the end of this year. The new law on political parties, adopted by parliament in April 2013 and promulgated by the executive in January 2014, also marks an important step towards peaceful, free and fair elections. As noted by Cardinal Langlois, who just a few days earlier had witnessed the “miracle” of having arch rivals President Martelly and Senate President Desras stand side by side during his anointment ceremony at the Vatican, *“No one can carry out this inter-Haitian dialogue in our place. We must not hand over to our descendants a country torn by divisions”*.

The IPU delegation’s meeting with civil society representatives gave a strong indication that there is a vibrant and talented group of professionals and activists who have a deep understanding of Haiti’s needs as it moves ahead on the path towards democracy, rule of law and sustainable development. Huge progress has also been made in terms of press freedom, placing the country among the top tier in the world. In many respects, the current tension between the executive and the legislature is in fact an indication of a parliament which is finally affirming itself, and which needs to be supported in this process. There is potential for a true revival of Haiti albeit in difficult institutional conditions. The country must once again become a stable and prosperous nation. What is lacking is the confidence and the will for this potential to be unleashed.

Recommendations:

- It would be useful if the parliament and the United Nations could together develop a common vision of their future cooperation. While there may have been a multitude of emergencies which the United Nations had to address in the aftermath of a devastating earthquake four years ago, there needs to be a common understanding of the fact that

- sustainable peace and development cannot be achieved without strong institutions of democratic governance, including an independent and effective parliament;
- As such, parliamentary strengthening should become a priority area of action by the United Nations in Haiti. Such a programme should be adequately resourced, and developed in close cooperation with parliament itself. As a general observation, and based on similar findings from previous missions to the field, it would be useful to develop a set of integrated Guidelines on how UN operations and country teams can/should interact with parliaments at the national level;
 - Gradually, parliament needs to be brought into the official processes relating to major national strategies. The Framework for Aid Effectiveness, for example, set up in 2012 and providing for regular consultations among all stakeholders (government, donors and other development partners, NGOs and local authorities) needs to also involve parliament in one way or another. Otherwise, national ownership will continue to be undermined;
 - Parliament needs to be regularly informed of all major decisions and initiatives by both the Government and the United Nations as they relate to the security and development of the country, and to be included in consultations thereon;
 - As parliamentary elections approach, public awareness campaigns should clearly explain the main functions and responsibilities of parliament and MPs, thereby discouraging the creation of false or unrealistic expectations. Candidates, too, should bear this in mind, and conduct their campaigns accordingly;
 - Parliament itself should take action aimed at enhancing its credibility, accountability and effectiveness. The adoption of a law on the status of parliamentary civil servants, aimed at modernizing and professionalizing the institution of parliament, could be one important step in this direction;
 - Social unrest and other manifestations of public discontent in recent years have indicated that the country is in danger of slipping back into crisis if reforms are not carried through and the much-delayed parliamentary and local elections are not held by the end of this year. There seems to be a new awareness among the political and social protagonists of the fact that dialogue is indispensable for Haiti's progress. All political parties must now exercise responsibility, overcome the current blame game and engage in the inter-Haitian political dialogue aimed at an agreement on the terms for free, transparent and inclusive elections in 2014;
 - There needs to be an atmosphere of respect, dialogue and cooperation among the three branches of the State. The Government should make a conscious effort to accept the oversight role of the parliament as provided for in the Constitution;
 - Parliamentary leaders should seize the current window of opportunity and lay the groundwork for the future development of Haiti.

The IPU, which is a unique repository of parliamentary experience and expertise from around the world, is at the disposal of the Haitian Parliament to assist in this process.

The IPU mission wishes to express its gratitude to the Government, Senate and Chamber of Deputies of Haiti, to the administrative and religious authorities, to civil society organizations, to MINUSTAH, and to all the UN agencies that made themselves available to meet with it throughout its stay in Port-au-Prince.

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