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REPORT OF THE OAS DELEGATION TO HAITI, JOINTLY LED BY AMBASSADOR
CORNELIUS ALVIN SMITH, PERMANENT REPRESENTATIVE OF THE BAHAMAS
TO THE OAS, CHAIRMAN OF THE PERMANENT COUNCIL, AND AMBASSADOR
ALBERT R. RAMDIN, ASSISTANT SECRETARY GENERAL OF THE OAS

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PERMANENT REPRESENTATIVE OF THE BAHAMAS TO THE OAS,
CHAIRMAN OF THE PERMANENT COUNCIL AND
AMBASSADOR ALBERT R. RAMDIN,
ASSISTANT SECRETARY GENERAL OF THE OAS**

14 – 17 February 2008

I- BACKGROUND

The General Assembly, through Resolution AG/RES. 2306 (XXXVII-O/07), “Support for the Strengthening of Democratic Institutions and Socioeconomic Development of Haiti”, requested the General Secretariat, among others, “to support the Government of Haiti in the formulation of development policies, in coordination with the United Nations, the Caribbean Community, and other international institutions and agencies”. In that context, a Mission of Permanent Council of the OAS visited Haiti during the period of February 14 – 17, 2008, and held conversations with Haitian Highest Authorities, including their Excellencies President Rene Preval, Prime Minister Jacques Edouard Alexis, Presidents of both Chambers of Parliament, Representatives of the Provisional Electoral Council (CEP), political parties, private sector, organizations of the civil society and partners of the international community.

Those conversations helped to appreciate the progress recently achieved in Haiti, especially in the security area, to know or understand better the priorities set by the Government of Haiti, and to define effective ways to providing support for the efforts being undertaken.

Likewise, a visit to Cap-Haitian and Belladere, as well as low-level flights over Labadie, Citadelle Laferrriere, Fort-Liberte and other sites, showed not only Haiti’s potential for tourism development, but also its environmental and socio-economic challenges.

II- COMPOSITION

The Mission was jointly led by Ambassador Cornelius A. Smith, Permanent Representative of The Bahamas to the OAS and Chairman of the Permanent Council, and Ambassador Albert R. Ramdin, Assistant Secretary General and Chairman of the Haiti Task Force. Further, it included the Permanent Representative of Argentina, Ambassador Rodolfo Hugo Gil; the Permanent Representative of Brazil, Ambassador Osmar Chohfi; the Permanent Representative of Canada, Ambassador Graeme C. Clarke; the Permanent Representative of Peru, Ambassador María Zavalla Valladares; the Permanent Representative of Uruguay, Ambassador María del Lujan Flores; the Interim Representative of the United States of America, Ambassador Robert Manzanares; the Interim Representative of Mexico, Minister Luis Javier Campuzano Pina, and the Alternate Representative of Chile, Minister Counselor Christian Rehren. The Permanent Representative of Haiti, Ambassador Duly Brutus, accompanied the mission and facilitated its work.

III- POLITICAL CONTEXT

The Mission observed an improved political environment. The efforts made by President Preval to put together an inclusive government, as well as to conduct consultations with social partners, were widely recognized. The interlocutors of the delegation also expressed satisfaction over the improvement of the security environment, but think that much remains to be done. As for the political institutional process, there were concerns about the dismissal of the previous Provisional Electoral Council (CEP), the resignation of the CEP Director General Jacques Bernard and some elements of the electoral bill that was submitted to Parliament.

Major preoccupations related to the lack of progress on the socio-economic front. Despite the performance showed through the macro-economic indicators and the fact that Haiti has experienced positive growth over the last three years, the population has not yet benefited as the level of poverty and cost of living remain exceedingly high. Those circumstances brought about street demonstrations and the decision of the Parliament to summon the Prime Minister in order to get an explanation about the difficulties of the Government to address those issues.

As for the work of the OAS delegation, the Government of Haiti did a fine job in facilitating the meetings and providing logistical support. The Haitian High Authorities showed appreciation for the OAS cooperation and mentioned often the organization's achievements, such as contribution to modernize the civil registry and to achieve technical preparedness for the latest cycle of elections. The social partners also showed sensitivity and gratitude for the contribution of the OAS. Therefore, it was in an atmosphere of trust and open-mindedness that the delegation conducted its activities.

Further, representatives of the international community on the ground provided much support. In particular, MINUSTAH contributed to ensure a high level of security and strong logistical arrangements for the delegation, especially during its trips to Cite Soleil and the interior of the country. The Director of the Pan American Health Organization cooperated with the delegation by sharing the outcomes of the regional coordinator meeting in Port-au-Prince, held prior to the arrival of the mission. Likewise, PADF Haiti Office, through its interim Director, was instrumental in the success of the visit and showcased some of its flagship projects.

IV- MAIN ISSUES

Conversations with Haitian Authorities, their social partners and Representatives of the international community pointed to the following issues: the holding of the partial elections, the security situation, the economic outlook and the National Strategy paper for Growth and Poverty Reduction (DSNCRP), judicial reform, constitutional reform, Trade and Investment Forum (HTIF) and drafting of a long-term development plan spanning 25 years.

A- HOLDING OF PARTIAL ELECTIONS

The partial elections that should have taken place in November last year, to renew one third of the Senate and to allow the elect to sit in Parliament from the second Monday of January, did not happen. Likewise, the indirect elections that should have led to the formation of the assemblies and made possible the establishment of the Permanent Electoral Council did not take place. The President of the Republic attributed this situation to divisions and conflicts, as well as accusations of corruption within the Provisional Electoral Council. So, the dismissal of its members and the appointment of

new ones in agreement with Representatives of the civil society, including the Catholic Church, became necessary.

President Preval presented to the OAS delegation the status of the electoral process, while indicating that the most urgent issue was the holding of the elections. Former Director General Bernard resigned over the rules of procedure adopted by the new CEP. The Secretary General of that body, Mr Leonel Raphaël, explained that special prerogatives were given to the former Director General because of dysfunctions in the electoral machinery. As the situation was back to normal, the electoral councilmen needed to assume their responsibility and show commitment to hold the elections.

Upon consultations with various sectors of society and out of three drafts, the new Provisional Electoral Council put together a new bill of 223 articles that was submitted to the executive branch for transmission to Parliament. The President of the Senate, Mr. Kelly Bastien, indicated that it was difficult to set a time for the approval of the bill because the extension of the debate relating thereto could not be anticipated. On the other hand, Senator Edmonde Supplice Beauzile, from the Party Fusion des Socio-démocrates, who attended the meeting with the Presidents of the Chambers, brought up the issue of the tabulation center that did not appear in the draft. According to her, the center was a gain stemming from cooperation with the OAS so it should be maintained.

Further, Mr. Serge Gilles, from the same Party, raised the issue of the appointment of the members of the Departmental Electoral Bureaus (BED) and Communal Electoral Bureaus (BEC). At first, the members of those subdivisions were selected publicly, then by contest, but now the appointments can be made by the CEP in opacity. According to the CEP, that situation deserves to be fixed because the credibility and transparency of the elections depend also on the counting in those bureaus.

It is important to note that upon approval of the electoral bill, the CEP would need from 90 to 120 days to prepare the holding of the elections. President Preval informed that a new Director General would be appointed in due course and stressed that the CEP was an independent organ that would need material and financial support to organize the electoral contest.

B- SECURITY SITUATION

It was recognized that the security situation improved tremendously. To show the extent of progress, the Representative of UN Secretary General, Mr. Hedi Hannabi, indicated that one year ago it was not possible for the delegation to visit Cite Soleil without helmets and flat jackets. In 2006, 5000 kidnappings were reported against 237 in 2007. On February 15, 2008, 15 kidnappings were recorded. 800 gang leaders were arrested. Those numbers alone showed the incremental progress, even though challenges remained to be tackled. The security situation is still fragile. If the socio-economic dividends of the improvement did not show up, it might not become self-sustaining.

Under the 5 year Police Reform plan, Haiti should count 14,000 police in 2011. So, 1,500 police need to be trained each year. The police on active duty currently amount to 8,000. The training efforts require more space and resources: in some police stations, there are not even tables.

On the other hand, challenges confront the penal system. The situation of the prisons was quite horrendous. The current penitentiary indicator is .8 m² per prisoner. In some instances, they could

only stand or sit down, but not lie down. As for security at the border or the coasts, MINUSTAH is supporting the National Police. Deployments were being made on land border in Anse-à-Pitres, Malpasse, Belladère and Ouanamithe and the arrival of 16 boats to perform basic police maritime functions was still pending.

Even though, according to several economists, short term dramatic improvements may not show up before 2 years, the Government of Haiti needs to generate some peace dividend to sustain a situation that has a potential of deteriorating again. 70% of the population feels comfortable with MINUSTAH presence; for that reason and also to stabilize the country further, that mission should not leave Haiti overnight, lest it may have to come back. Its presence could evolve over time downsizing gradually as the PNH grows stronger.

C- ECONOMIC OUTLOOK AND NATIONAL STRATEGY PAPER ON GROWTH AND POVERTY REDUCTION

The Haitian Authorities, including President Preval, Prime Minister Alexis and the Minister of Economy and Finance, stressed the importance of the new National Strategy Paper on Growth and Poverty Reduction (DSNCRP). This document was transmitted to the International donor agencies and a conference is scheduled for April 2008 in Port-au-Prince. Special emphasis goes to good macro-economic governance, as well as infrastructures: agriculture, road construction, electricity, and telecommunications. Further, attention is given to the social sector, education and health. The funding for the plan amounts to \$4 billion over 3 years. The DSNCRP constitutes a framework for the government operations and the international cooperation.

The Government of Haiti privileges two tracks: state reform and economic development in a juncture deemed difficult with a substantial increase of cost of living, an unemployment rate of more than 50%, 76% of the active population living with less than \$2 per day and 56% with less than \$1. The cost of basic produces soared while the agricultural sector was neglected. Despite this juncture, the trend is encouraging with 3 consecutive years of real growth: 1.8% in 2005, 2.3% in 2006 and 3.2% in 2007.

The Prime Minister thought that DSNCRP funding could turn out to be laborious if resources delivery kept channeling through NGO's. During the donor conference of April, the Government expects to raise the issue of aid delivery to Haiti that should flow through budget support. It intends to request the international community to remain true to the Paris Declaration, requiring that international aid must be aligned to the priorities of the receiving state. The state must become co-responsible with the international community; so it is urgent that the rules of the game evolve. In that respect, the Government would like an evaluation of the Interim Cooperation Framework (CCI) to be undertaken so as to determine its impact on the country. It was understood that 80% of the projects under the CCI were implemented by the international community itself.

In preparation for the April conference, the Prime Minister intended to dispatch delegations to Haiti's partner countries in order to start mobilizing resources. In that respect, the Assistant Secretary General, Ambassador Albert A. Ramdin, invited the Haitian Government to use the OAS facilities and platform to hold a preparatory meeting in Washington D.C. The Government welcomed that invitation.

Representatives of the organizations of the civil society found that the DSNCRP was not sufficiently prepared and that the process of consultation was too quick and too superficial. For this reason, some inconsistencies were noted, for example orientations about education in the national strategy did not match with a document previously issued by the Ministry of National Education. Regardless, they thought it was an excellent effort made by the government.

Besides, President Preval thought that the conditions were met for Haiti \$1.2 billion debt forgiveness. There is currently an Act against Corruption, as well as requirements for senior officials, President, Prime Minister, Ministers, Parliamentarians, and their spouses and under age children to declare regularly their assets. The President also advocated for the adoption by the US Congress of a Hope Act II to go further in supporting Haiti export sector. He handed two letters to the US Representative, the first one about that issue and the other one requesting the application of the Temporary protected status to Haitian Nationals in the US. This status of which already benefit nationals from El Salvador and Honduras, among others, would allow nationals from Haiti to be protected from deportation until the country recovers from the consequences of previous crisis and natural disasters.

D- JUDICIAL REFORM

The reform of the judicial system is underway. Three Acts have been adopted by the Parliament on the Higher Council of the Judicial Branch, the School of Magistracy and the status of the magistrates. Representatives of the private sector pointed out that several laws needed to be reformed and modernized, including the law on property rights to open up access to real estate to foreigners, and to guarantee land ownership security. The OAS delegation mentioned that the Center for Justice Studies of the Americas (CEJA) could support the process of justice reform.

President Preval underscored 4 areas of emergency. First, he referred to the Summit on Drugs held in Dominican Republic and the measures taken by the US Drug Enforcement Administration to support the fight against illicit drug trafficking. He deemed urgent to keep supporting the Government of Haiti in this area, because illicit drug trafficking is a major factor of instability. Second is the fight against corruption. The Minister of Justice and US Authorities signed an agreement so that US Treasury Department dispatches to Haiti a team to help investigate economic crimes. That team should arrive in Port-au-Prince in February. Those two first issues of emergency showed the commitment of the Government of Haiti to fight against impunity.

The third issue relates to the judiciary police that need training to prepare well the files, because charges that are not well presented may lead to the release of criminals. The President requested assistance from the OAS and MINUSTAH in that respect. The last issue is assistance to the judiciary. Because the justice system is weak, it needs help to prepare the files adequately. Convicting criminals on files put together with deficiencies, may feed the trend to impunity.

E- CONSTITUTIONAL REFORM

On the issue of constitutional reform, the Government of Haiti wanted to launch a process of reflection, 20 years after the adoption of the Constitution of 1987. Representatives of the 6 political parties involved in the Government are working in caucus before starting a public debate. Many political leaders maintain that the reform procedure contained in the Constitution itself, which

requires the adoption of a motion on that issue at the last legislature session, should be discussed and adopted by the following legislature and enter into force under the following President of the Republic. The themes of the debate comprise, among others, dual citizenship, process of appointment and dismissal of the Prime Minister, territorial collectivities, armed forces and constitutional council. The number of elections required under the current Constitution is financially unsustainable.

F- TRADE AND INVESTMENT FORUM

The issue of holding a Trade and Investment Forum was discussed with President Preval. He supported the idea, but expressed that the lack of human resources and the hectic agenda of the Ministers were major constraints, as far as planning and preparation were concerned. He requested that OAS and the IDB provide a team to help the Government of Haiti to prepare the forum. When the Government and that team consider the situation ripe for the holding of the forum, a date will be set. In that respect, the OAS delegation promised to dispatch two experts to Haiti to respond to the request.

G- LONG-TERM DEVELOPMENT PLAN

President Preval shared with the delegation that the Government of Haiti would like to work on a long-term development plan spanning 25 years. In that respect, several commissions would be formed to debate and make proposals for each sector: justice, education, environment, health, economic development, etc. The OAS was invited to support the Government in that issue.

H- OTHER ISSUES

During the series of conversations with Haitian officials, their social partners and representatives of civil society, other issues were raised: modernization of the political parties, support for the new Secretariat of State for Disabled People created as a result of the OAS cooperation, continuation of the civil registry modernization process and support for the education sector, the migration control, and the legal framework to increase the participation of the civil society organizations.

V- OBSERVATIONS AND CONCLUSION

As mentioned by interlocutors of the OAS delegation, the visit was timely, as it permitted the OAS delegation to revitalize the organization's engagement with the Government of Haiti, to listen to the Highest Authorities of the country and to note their priorities, interests, plans, expectations, constraints and challenges. The delegation observed a good work climate among the institutions of the State. Even though some sectors among the social partners appeared fragmented, there was coincidence of agenda among the branches of Haiti political system, which is per se a major achievement. It was encouraging to note that a vibrant democracy was emerging in Haiti. There was concordance in testimonies about the respect of freedom of expression as well as efforts to value and respect human rights.

It was also stressed that the participative nature of the Government constituted one of the major factors for the improvement of security and the relative synchronization among the institutions and the political players. Finally, it was widely shared that the international community could do better in

are more straightforward way to support the development of Haiti, and the Government of Haiti could also do more with its own resources to alleviate poverty and start modernizing the country.

Washington D.C., February 26, 2008