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REFERENCE:

5 July 2013

Dear Mr. Concannon:

I refer to your letter, dated 7 May 2013, in connection with certain claims against the United Nations related to the cholera outbreak in Haiti.

As stated in my earlier letter of 21 February 2013, consideration of these claims would necessarily include a review of political and policy matters. Accordingly these claims are not receivable pursuant to Section 29 of the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946.

In relation to your question concerning a standing claims commission, it should be noted that, pursuant to paragraphs 54 and 55 of the MINUSTAH status-of-forces agreement, there is no legal basis for the United Nations to establish such a commission in respect of claims that are not receivable.

Similarly, in relation to your request for the engagement of a mediator, there is no basis for such engagement in connection with claims that are not receivable.

As these claims are not receivable, I do not consider it necessary to meet and further discuss this matter.

Finally, and with regard to the concerted efforts undertaken by the United Nations and its partners to combat cholera in Haiti, I would like to share with you an excerpt of the Secretary-General's most recent communication to members of the United States Congress. Specifically, the Secretary-General noted the following:

“...
“The 2010 outbreak of cholera in Haiti further exacerbated the humanitarian crisis triggered by the earthquake in January of that year. While concerted international and Haitian efforts have alleviated much of

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the suffering and damage, the cholera epidemic continues to take a terrible toll.

“Since the outbreak of the disease, the United Nations, in cooperation with other partners, has taken several steps to contain and combat the epidemic and prevent future outbreaks.

“Through the United Nations agencies, funds and programmes present in Haiti and the United Nations Stabilization Mission in Haiti (MINUSTAH), the United Nations has established and upgraded cholera treatment facilities and oral rehydration points across Haiti, and has provided sewage management in nearly 1,500 sites and sanitary facilities in 240 schools. Over 9 million critical items, such as water purification tablets, soap and medical equipment, have been supplied to the Haitian Ministry of Health.

“The United Nations has constructed waste water treatment plants in the municipalities of Croix-des-Bouquets and Morne-à-Cabrit and helped to establish nearly 700 water and temporary chlorination points. It has improved the water supply in the most vulnerable areas of Port-au-Prince and Petit Goave, as well as remote rural areas, and has worked with the Direction Nationale de L’Eau Potable et de l’Assainissement (DINEPA) to develop a water quality monitoring system for all 140 communes of Haiti.

“The United Nations has supported community-based hygiene campaigns through the training of over 1,400 trainers and 5,200 community workers who have reached over 700,000 families. The Organization has also provided logistical support for the movement of personnel and supplies, including 400 metric tonnes of health, water and sanitation materials to areas facing cholera outbreaks. The United Nations has devoted more than US\$140 million on cholera treatment and prevention activities since 2010.

“These efforts have helped to decrease the rate of new infection by 90 per cent since the outbreak began. The mortality rate has been brought down to around 1 per cent. Still, further progress must be made.

“In early 2011, I convened a panel of independent experts to determine the source of the cholera outbreak and to provide the United Nations, the Government of Haiti and the international community specific recommendations on how to respond to the outbreak and avoid future epidemics. The report was made public by the United Nations.

“The lack of access to clean water and sanitation infrastructure pointed out in your letter was identified in the report as a key factor that facilitated the epidemic. The majority of its recommendations have been adopted and are being implemented by the United Nations system. Following the approval of the World Health Organization (WHO), the United Nations Children’s Fund (UNICEF) procured 200,000 vaccines and is working closely with the Haitian Ministry of Health on an upcoming vaccination campaign.

“In 2012, following the launch of my special effort to support the Initiative for the Elimination of Cholera in the Island of Hispaniola, I appointed Dr. Paul Farmer of Harvard University as my Special Adviser on Community-Based Medicine and Lessons from Haiti. Dr. Farmer has spent the last 30 years delivering healthcare to poor communities in Haiti and other difficult settings.

“As my Special Adviser, he was instrumental in convening a WHO/PAHO-sponsored donors meeting in Washington D.C. on 31 May 2013, at which more than US\$29 million in new funds were pledged, bringing total current pledges in support of the Hispaniola Initiative to US\$207.4 million. Outreach to donors will continue during the World Bank ministerial meeting in October of this year. Meanwhile, UNICEF, following a request by the Government of Haiti, is in the process of setting up a trust fund that will allow for the disbursement of cholera funds through Haitian national and local institutions, including civil society organizations.

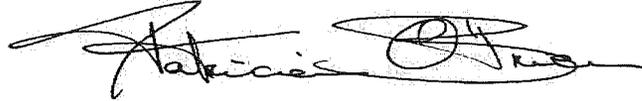
“As you rightly point out, funding to address the many pressing needs of Haiti is far from sufficient. Moreover, as Haiti enters the hurricane season, when cholera infection rates can be expected to rise, I am concerned that the austere fiscal climate affecting Member States could make it difficult to obtain new financial commitments for addressing cholera in Haiti.

“I am working closely with Dr. Farmer to raise awareness and engage with donors. I have also asked United Nations agencies, funds and programmes to make fundraising for the elimination of cholera a top priority as they reach out to Member States bilaterally and to other private funders. In addition, at a recent meeting with some of the world’s leading philanthropists and supporters of UN causes, I made a special appeal for support to underwrite the cost of the oral cholera vaccine in Haiti.

“ ... ”

In conclusion, I therefore wish to reiterate that the United Nations remains deeply committed to do everything possible, together with its partners, to help the people of Haiti overcome the cholera epidemic.

Yours sincerely,



Patricia O'Brien
Under Secretary-General for Legal Affairs
The Legal Counsel

cc: Mario Joseph, Av., Bureau des Avocats Internationaux
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