



March 16, 2017

H.E. Secretary-General António Guterres
United Nations
New York, N.Y. 10017

Dear Mr. Secretary-General,

We write to you on behalf of the *Bureau des Avocats Internationaux* (BAI) and the Institute for Justice & Democracy in Haiti (IJDH) to request a meeting to discuss the UN's New Approach to Cholera in Haiti. As advocates for Haitian cholera victims, we congratulate you on your declared [vision](#) of building a culture of accountability in UN peacekeeping and ensuring effective remedies to victims of peacekeeping harms. The New Approach to Cholera in Haiti is a vital opportunity to realize that vision, and to ensure that the rights and dignity of victims are put first throughout the UN's responses to peacekeeping harms. We are deeply concerned, however, that the current trajectory of fundraising and elaboration of the New Approach is betraying the UN's promises of a meaningful and accountable response in Haiti.

For the past six years, BAI and IJDH have been the lead organizations advocating for remedies for victims of the cholera epidemic. We filed claims on behalf of 5,000 victims with the UN's third-party claims process; represented Haitian and Haitian-American cholera victims in *Georges v. United Nations* in federal court in New York; and filed a complaint with the UN Special Procedures system that culminated in the report by Philip Alston, the Special Rapporteur on Extreme Poverty and Human Rights. We continue to engage in advocacy with the UN system and to work with some of the most affected communities in Haiti to share information, facilitate conversations and organize actions toward the realization of their rights.

Last December, we welcomed Secretary-General Ban's apology to the Haitian people and the two-track plan officially launched before the General Assembly, particularly the commitment to a \$200 million package of material assistance to those most affected by cholera. We celebrated the pledge to "put victims at the centre of the work and be responsive to their needs and concerns" and to "consult with victims and their families and communities" in developing the material assistance package. We were heartened by the commitment, reiterated in your letter to member states of February 21, 2017, to explore a multi-funded solution in the absence of sufficient voluntary contributions to finance the New Approach.

Your administration is now faced with the challenge of transforming the promises in the New Approach into concrete results for the people of Haiti. We are deeply concerned that three months after the launch of the New Approach, it remains woefully underfunded at only 2%. While we are sensitive to the political challenges of fundraising, we are disappointed that the Secretariat does not intend to present the New Approach to the resumed session of the Fifth Committee, and will instead continue to rely on other forms of voluntary contributions that show no promise of bringing the New Approach anywhere close to being fully funded. We are deeply concerned that if the UN continues on this path, the commitments made in the New Approach

will not be honored, cholera in Haiti will continue unabated, and victims will not be able to access remedies.

Righting the UN's wrongs in Haiti is a collective responsibility of the Organization as a whole, and the resourcing of the New Approach falls on Member States. But progress on this issue has always required courageous leadership by senior UN leadership to overcome reluctance in other parts of the UN system. We urge you to build on your recent letter to Member States, by making resolving the Haiti cholera situation one of your key priorities. Without strong, visible leadership from the Secretary-General, we fear that the New Approach will produce yet another broken promise in Haiti and only serve to deepen the stain on the Organization's reputation.

It is also essential that the challenges of raising funds not impair a victim-centered elaboration of Track 2. We note that the Secretary-General's December report pledges to further assess and report on the "feasibility, costs and risks" of direct payments to the families of those killed by cholera, and commits to doing so in consultation with victims. We are concerned that to date, the UN has been unwilling to engage victims directly in such a process, or produce an in-depth analysis of the options for a material assistance package. It is particularly concerning that there does not appear to be a concrete plan for further elaborating or consulting on the individual payment approach, given the long mobilization by victims in Haiti for compensation and its centrality to the right to a remedy.

The UN's promised engagement with victims cannot wait until the approach is fully designed and funded—their voices must be heard throughout the process of building and elaborating the New Approach if Track 2 is to be accepted as a credible expression of regret in Haiti. A robust and transparent analysis of the options for providing material assistance, informed by victim views, would also greatly increase the likelihood that Track 2 is designed and implemented in a manner that is effective and well-received, while giving Member States and other donors the information they need to make funding decisions.

Since the announcement of a new UN response in August 2016 we have been pleased to engage continuously with the Track 2 team led by Mr. Ross Mountain. We value the critical work they have undertaken to develop the material assistance package. In these meetings, we have repeatedly expressed the above concerns. We now write to you to appeal for your personal resolve to ensure that the promise of a human rights-based and victim-centered New Approach becomes a reality. It would be a travesty of justice if the UN, after having made so much progress towards a just response, abandoned this opportunity to demonstrate accountability in Haiti.

The implementation of the New Approach, although challenging, presents your office with the chance to set a powerful example of a culture of accountability, resolve one of the most damaging episodes in the UN's history, and end the world's worst cholera epidemic while rebuilding the lives of thousands of Haiti's most marginalized people. We strongly encourage you to exercise your leadership to maximize this opportunity, for the people of Haiti and for the United Nations. We are confident that your personal leadership on the matter will affect whether the UN keeps its promises to the Haitian people, and look forward to the opportunity to discuss this potential in person.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'm. Joseph', written above a horizontal line.

Mario Joseph, Av.
Managing Attorney
Bureau des Avocats Internationaux

A handwritten signature in blue ink, appearing to read 'Brian Concannon Jr.', written above a horizontal line.

Brian Concannon, Jr., Esq.
Executive Director
Institute for Justice & Democracy in Haiti