**Haiti’s government must be returned to its people**

*By Mario Joseph, Managing Director of the Bureau des Avocats Internationaux*

The assassination of Haiti’s President Jovenel Moïse on 7 July is far from being the only Haitian death that should matter in this moment. Haitians no longer ask each other to stay safe because catastrophic insecurity has transformed leaving their homes into Russian roulette.

Just a week before President Moïse was assassinated, a human rights defender and a journalist were killed alongside [at least 17 other Haitians](https://www.hrw.org/news/2021/07/08/haiti-investigate-presidents-killing). Hundreds had lost their lives before that, and over 1.5 million are directly affected by the current crisis, according [OCHA](https://reliefweb.int/sites/reliefweb.int/files/resources/Haiti%20-%20Situation%20Report%20Nr.%203%20-%20Displacements%20Port-au-Prince%20-%20final%20-%20ENG.pdf). Although the assassination deepens security concerns and instability, the truth is that Haiti’s government had already failed in its essential functions. With no clear constitutional way to navigate the institutional hollowing that long-predated Moïse’s death, it is the people of Haiti who should determine the path forward.

 Haiti’s Parliament has been non-functional since January 2020. The president has been killed, but in fact the legitimacy of his mandate past February 7 of this year had been strongly disputed. Although Claude Joseph appears to be holding on to the reins of power, there is no clear prime minister. Moïse had appointed Dr. Ariel Henry to replace Joseph on July 5, with the latter acknowledging his removal, but Henry had not yet been formally installed in that role.

Haiti’s Supreme Court is also practically defunct. It is left with only six justices after the recent death of its president, two longer-term vacancies, and the unlawful removal of three justices by Moïse in February. That number is insufficient to hear certain cases, including on questions of constitutionality. On July 3, the *Conseil supérieur du pouvoir judiciaire* – the government entity responsible for overseeing judicial integrity and independence – [became nonfunctional as well](https://lenouvelliste.com/article/230219/le-cspj-caduc-lexecutif-seul-aux-commandes). The failure by the presidency to ensure the function of all three branches of government and their resulting breakdown also means that constitutional procedures for replacing an assassinated president cannot be executed.

Any way forward is thus a rupture with Haiti’s Constitution and democratic principles envisioning the orderly transfer or power consistent with the rule of law. In spite of this, there are contenders who claim they are entitled to govern and talk of foreign intervention. These are the wrong answers for Haiti. They are also illegal and violations of the Haitian people’s human rights to self-determination, democratic governance, and a working system of laws. Indeed, it is the history of such interventions that is largely responsible for the hollowing out of Haiti’s institutions.

What Haiti needs is to break with the failed and foreign-imposed structures of the past and to place – perhaps for the first time – Haitians at the center of their government. Haitian civil society has long identified that a meaningful path forward requires a transitional period that would address not just the immediate democratic crisis, but also the underlying structural challenges that have impeded democracy in the past. Many of these instability drivers are relics of foreign interference and the resulting centralization of power. It is thus particularly important that, in devising a transitional mechanism that truly embodies government by the people, consultations include all Haitians – not just elites in Port-au-Prince.

Much of the international community has refused to acknowledge the Haitian people’s demands for a transitional government. In spite of the unlivable security situation and what even the Organization of American States has acknowledged to be an illegitimate electoral council, some foreign actors like the U.S. have continued to call for elections this year. This amounts to calling for some set of unconstitutional interim powers to hold sham elections that cannot hope to empower Haitians to choose the government, and which would further entrench far-reaching institutional failures. This is not a democratic path forward, but exactly the type of harmful interventions that have caused some of the challenges Haiti faces today.

Haiti’s civil society has made clear that the nation’s people want a path of transition. Foreign powers must desist from interfering, and must recognize that solidarity with the Haitian people requires supporting what Haitian leaders identify as the democratic path forward. It is equally important that in this fraught moment, all actors ensure protection for civilians and especially human rights defenders and civil society activists, as well as for healthcare workers, who have not only risked their safety to treat the victims of violence, but continue to battle the COVID-19 pandemic as well.

The Haitian people – who raised the first flag to confront human enslavement – deserve the opportunity to retake and remake their government.