

Peace Operations and Cooperation in Latin America



Haiti

In February 2004, after years of crisis, Haiti was on the verge of civil war, posing challenges and threats in multiple dimensions of the security of the region. Faced with this situation, the United Nations decided to establish a peace mission (MINUSTAH), which from the beginning showed strong Latin American commitment. Such support became an unprecedented joint effort. The formation of multilateral groups, permanent contact between Ministries, creation of joint battalions and a declared concern for the situation, are some of its expressions.

Basic Data of the Constitution and the System

To July 2008, the United Nations Force (MINUSTAH) is composed of:

- 7,174 active military troops
- 1,881 active police officers

Africa, Asia, Latin America, North America and the Caribbean provide active troops.

Latin America mainly contributes with military active troops who come from: Argentina, Bolivia, Brazil, Chile, Ecuador, Guatemala, Paraguay, Peru and Uruguay.

The active police officers mainly come from: Canada, China, Jordan, Nepal, Nigeria, Pakistan and Senegal.

Powers of the State

- The President declares war, negotiates and makes peace, with the approval of the National Assembly (Sec. 140).
- With the approval of the Senate, the President appoints, through a decree issued by the Council of Ministers, the Commander-in-Chief of the Armed Forces, the Commander-in-Chief of the Police, Ambassadors and General Consuls (Sec. 141).
- The President of the Republic shall see to the respect for and enforcement of the Constitution and the stability of the institutions, and shall ensure the regular operations of the public authorities and the continuity of the State (Sec. 136).
- The Prime Minister enforces the laws. In the event of the President of the Republic's absence or temporary inability to perform his duties, or at his request, the Prime Minister presides over the Council of Ministers. The Prime Minister has the power to issue rules and regulations but he can never suspend or interpret laws, acts or decrees, nor refrain from enforcing them (Sec. 159).
- Ministers are responsible for the acts of the Prime Minister that they countersign. They are jointly responsible for enforcement of the laws (Sec. 169).
- The National Assembly can negotiate and make peace. It can declare the state of exception in case of civil war or foreign invasion (Sec. 278-1, 2, 3, 4).

Armed Forces

- The Public Force is composed of two different bodies, the Haitian Armed Forces and the Police Forces.
- The Armed Forces were officially dissolved in 1994. However, they are still mentioned in the Constitution, from 1987. The National Police (HNP) was created to transfer the maintenance of public security to civilian control in 1995.
- The United Nations Mission of Stabilization in Haiti (MINUSTAH) provides security along with the National Police as was established in Resolution 1743 of the United Nations Security Council.

Haitian National Police

- The Police Force is an armed body. It works under the command of the Minister of Justice (Sec. 269).
- The Commander-in-Chief of the Police Force is appointed, in accordance with the Constitution, for a period of three years, and this period can be renewed (Sec. 270).
- The Police is established to ensure the law and order and protect the life and assets of the citizens (Sec. 269-1).

Educational Institutes in the Security Area^{*}

Institution

School of the Magistrature (Art. 176).

Police Academy (Art. 271).

They are subsidiary organs of

Ministry of Justice

The Police Today

The HNP (Police Nationale d'Haïti) was created as a response to the demobilization of the Armed Forces to subject public security under civilian control. The Mission of the United Nations supports the plan to reform the Police while correcting and training them properly, uprooting all forms of corruption and abuse of power.¹

Statistics of Personnel: In March 2008, the Secretary of the United Nations Ban Ki-moon reported to the Security Council that 8,444 officers had been identified on active duty. Around 1,000 of them were devoted exclusively or in part to the following tasks: fire fighting (144), coastguards (69) and in prisons (790). The plan to reform the Police aims at creating a force of 14,000 men for 2010.

¹ As specified in Resolution 1702 of the Security Council.

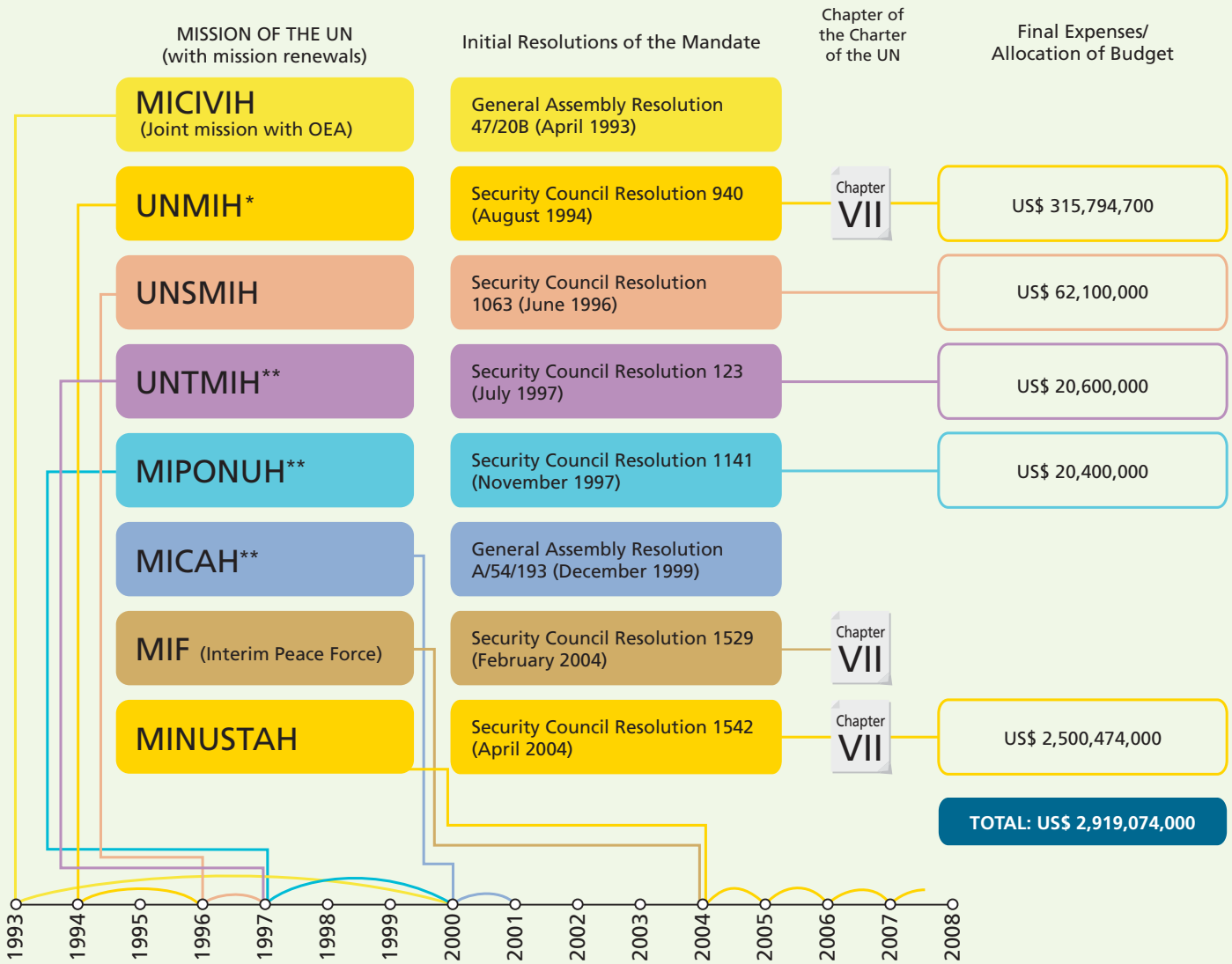
^{*}Set forth in the Constitution.



United Nations in Haiti



Presence of the United Nations in Haiti (1993 - 2008): Missions and Expenses



* The initial mandate of the mission is specified in Resolution 867 of the Security Council (September 1993), but it has not been established due to the political and security conditions of the area. Resolution 940 of the Security Council (August 1994), based on Chapter VII of the Charter, order the use of force in order to make it effective.

**MICAH was established to consolidate the results achieved by MIPONUH and previous missions of the United Nations in Haiti, as well as the International Civilian Mission in Haiti (MICIVIH).

MINUSTAH (United Nations Stabilization Mission in Haiti)



Authorities:

Special Representative of the Secretary-General and Head of the Mission: **Hédi Annabi** (Tunisia)

Principal Deputy Special Representative of the Secretary-General: **Luiz Carlos da Costa** (Brazil)

Deputy Special Representative of the Secretary-General and Humanitarian Coordinator, Resident Coordinator and Resident Representative for UNDP: **Joel Boutroue** (France)

Force Commander: Major-General **Carlos Alberto Dos Santos Cruz** (Brazil)

Police Commissioner: **Mamadou Mountaga Diallo** (Guinea)

MINUSTAH is the seventh biggest mission of all the 22 current United Nations missions of peace regarding the number of personnel affected to it. MONUC (Dem. Rep of the Congo - 18,405) and UNMIL (Liberia - 12,898) are the missions with the most amount of personnel and UNAMA (Afghanistan - 19) and BINUB (Burundi - 17) with the least.

Main Points in the Resolutions of the Security Council of the UN on MINUSTAH

Res. N° 1529 (2004/02/29)

- Peaceful and constitutional solution to the crisis.
- The situation in Haiti constitutes a threat to the international peace and security.
- Authorizes the deployment of a Multinational Force for three months.
- Facilitates the provision of humanitarian assistance.
- Contributes to establish a secure and stable environment of the UN to support the peaceful constitutional process under way.

Res. N° 1542 (2004/04/30)

- Establishes MINUSTAH for a period of six months.
- Formation of a civilian and military component.
- MINUSTAH shall ensure a secure and stable environment, support the constitutional and political process in Haiti, promote and protect human rights, and assist the Transitional Government.
- Demands that the States provide economic and humanitarian aid.

Res. N° 1780 (2007/10/15)

- Extends the mandate of MINUSTAH until October 15, 2008.
- Continue its support of the HNP, its effort, reform and empowerment.
- Invite neighbouring states, in coordination with MINUSTAH, to address illicit trafficking of drugs, arms and other illegal activities.
- Provide technical expertise to pursue a comprehensive border control and establish patrols along maritime border areas.
- Calls upon relevant humanitarian and development actors to cooperate with MINUSTAH.
- Support to the DDR National Commission.
- Continue to promote and protect the rights of women and children as set out in Security Council Resolution 1325.



Res. N° 1576 (2004/11/29)

- Commends organizing elections in 2005.
- Urges the Transitional Government to establish the National Commission of Disarmament, Demobilization and Reintegration (DDR).
- Decides to extend the mandate of MINUSTAH until June 1, 2005.
- Urges international financial institutions and donor countries to disburse the funds pledged.

Res. N° 1601 (2005/05/31)

- Decides to extend the mandate of MINUSTAH until June 24, 2005.

Res. N° 1743 (2007/02/15)

- Requests the reform of the HNP as well as the judiciary system.
- Extends the mandate of MINUSTAH until October 15, 2007.
- Requests MINUSTAH to accelerate efforts to reorient its DDR program to reduce violence.
- Continued assistance to help address the reform of the HNP.
- Requests MINUSTAH to support national authorities to reform the key elements of justice.
- Request MINUSTAH to maintain proactive communications to improve public understanding of its mandate and role.

Res. N° 1702 (2006/08/15)

- Urges the government to undertake a reform of the police, and the judiciary systems.
- Underlines the need to establish the DDR program.
- Extends the mandate of MINUSTAH until February 15, 2007.
- Urges the authorities to complete the run-off legislative, local and municipal elections.
- Assist with the restructuring and maintenance of the rule of law, public safety and public order.
- Provide assistance and advice to the Haitian authorities in reforming and strengthening the justice sector.
- Coordination among countries and other relevant internal actors to ensure greater efficiency and development efforts to address urgent development problems.

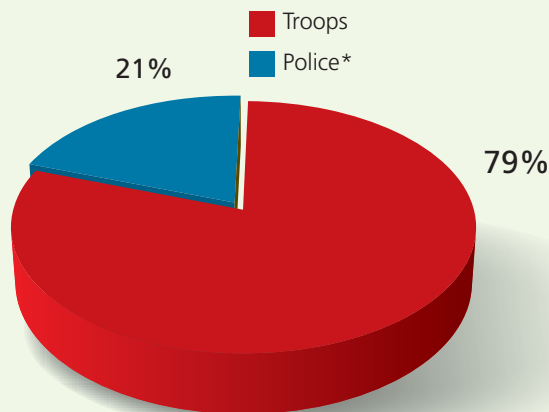
Res. N° 1658 (2006/02/14)

- Calls on the new government to undertake the political and constitutional reforms, and promote and protect human rights and fundamental freedoms.
- Stresses the importance of rapid progress with the DDR program.
- Extends the mandate of MINUSTAH until August 15, 2006.

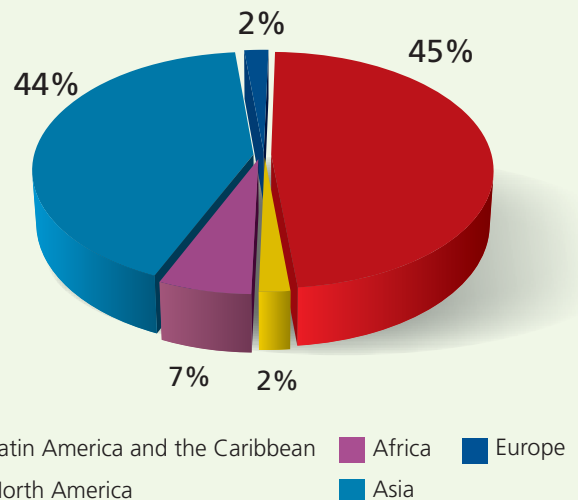
Res. N° 1608 (2005/06/22)

- Organize elections in 2005.
- The elected authorities must take office on 7 February 2006.
- Decides to extend the mandate of MINUSTAH until February 15, 2006.
- Temporary increase of troops.
- MINUSTAH shall ensure the electoral process.
- Training of the Haitian National Police.
- Urges to begin the implementation of the DDR program.
- Renews its appeal for the disbursement of the funds pledged by international financial institutions and donor countries.

Composition of MINUSTAH, by Type of Troops (%)



Composition of MINUSTAH, according to the Origin of Troops (%)



* Categorization used by the United Nations Department of Peace Operations. This category refers to the police and/or military security forces.

Source: UN Department of Peacekeeping Operations up to June, 2008.



International Cooperation Mechanisms

2 X 7

Summit of Vice Ministers of Foreign Affairs and Defence of Latin American Countries Members of MINUSTAH (Argentina, Brazil, Chile, Ecuador, Guatemala, Peru and Uruguay). Santiago de Chile, August 19, 2005

- Stress the commitment of the international community with the stable democratic process in Haiti.
- Promote the application of medium and long term, social and economic development policies with external assistance.
- Fundamental, solid and timely compliance of financial commitments of developed countries and international financial organizations with Haiti.
- Consideration of a progressive transformation of MINUSTAH, once the new Haitian government has taken office, strengthening police and social, economic cooperation components.


2 X 4

Summit of Vice Ministers of Foreign Affairs and Ministers of Defence of Argentina, Brazil, Chile and Uruguay on Haiti. Buenos Aires, May 13, 2005

- Constitution of a Work Group among Chancelleries and Ministries of Defence.
- Need to activate the order of monetary resources to facilitate projects of rapid impact as well as long term institutional and political projects.
- Potential of MINUSTAH to enhance the economic, social, political and human rights in Haiti as an essential component for development and democratic governance.

Rules of Engagement (ROE) for MINUSTAH military component (May 2004)

- Based on the SCR 1542/2004, they are a guide which contemplates the degree for the use of force necessary for self-defence; define the other specific circumstances justified.
- They are addressed to the Force Commander; he shall transmit them to the subordinate operational chiefs, who have the responsibility to make them understood, holding regular training sessions, at least once a month.
- Any violation to the ROE is subjected to a formal investigation and its results shall be reported to the United Nations General Headquarters, who will provide evidence to the troop contributing country, to take the corresponding disciplinary action, without invalidating the possibility of such country initiating its own investigation.



A N A L Y S I S

Latin America's Commitment

Johanna Mendelson Forman*

On April 12, 2008 the Haitian Senate ousted Prime Minister Jacques-Edouard Alexis in a vote of no-confidence. Mr. Alexis' dismissal came shortly after a series of riots that spread across the country over the rising cost of food. At least six people were killed in the protests, including a UN peacekeeper. Since that time the Haitian parliament has rejected two of President Preval's nominees for prime minister and the political situation remains volatile.

Rule of Law

Training the judiciary has been an ongoing challenge in a country where the legal system is so broken. There are inadequate prisons for the criminal population, and often the overcrowding is due to a judiciary that incapable of processing those arrested and jailed. The UN mandate to improve the legal system in Haiti is an unmet challenge that still eludes the Haitian government and the international community. Present plans aim also to "train the trainers" at the

Magistrate School for judicial training. USAID received \$20 million in program funding for the Haiti Stabilization Initiative from the US State Department in 2007. This program focuses on strengthening the Haitian government and national security, and includes \$2 million for a Judicial Strengthening Program. This program hopes to increase the number of cases heard in Haitian courts, ensure that all investigations and proceedings follow standardized and accepted norms, and strengthen community involvement in civic activities. USAID has worked with the National Center for State Courts (NCSC) in Haiti since 2004 to improve the justice system.

Despite that, there are no measureable improvements in the country overall to date. Pre-trial detention time is still a major issue, and courts are facing continuously rising delays in proceedings. Since 2004, the average number of days spent waiting for trial has increased each year, and, although several hundred judges and court administrators have been trained by international efforts, there is neither a standard measure for improvement nor a system for performance reviews.

*With the collaboration of CSIS Intern-Scholars Michael Bodakowski, Catherine Rebecca Dooley, Ariadne Medler, and Russell Prag.

Meetings of the 2x7 Mechanism, with the participation of the Secretary General of OAS. Buenos Aires, January 16 and August 4, 2006

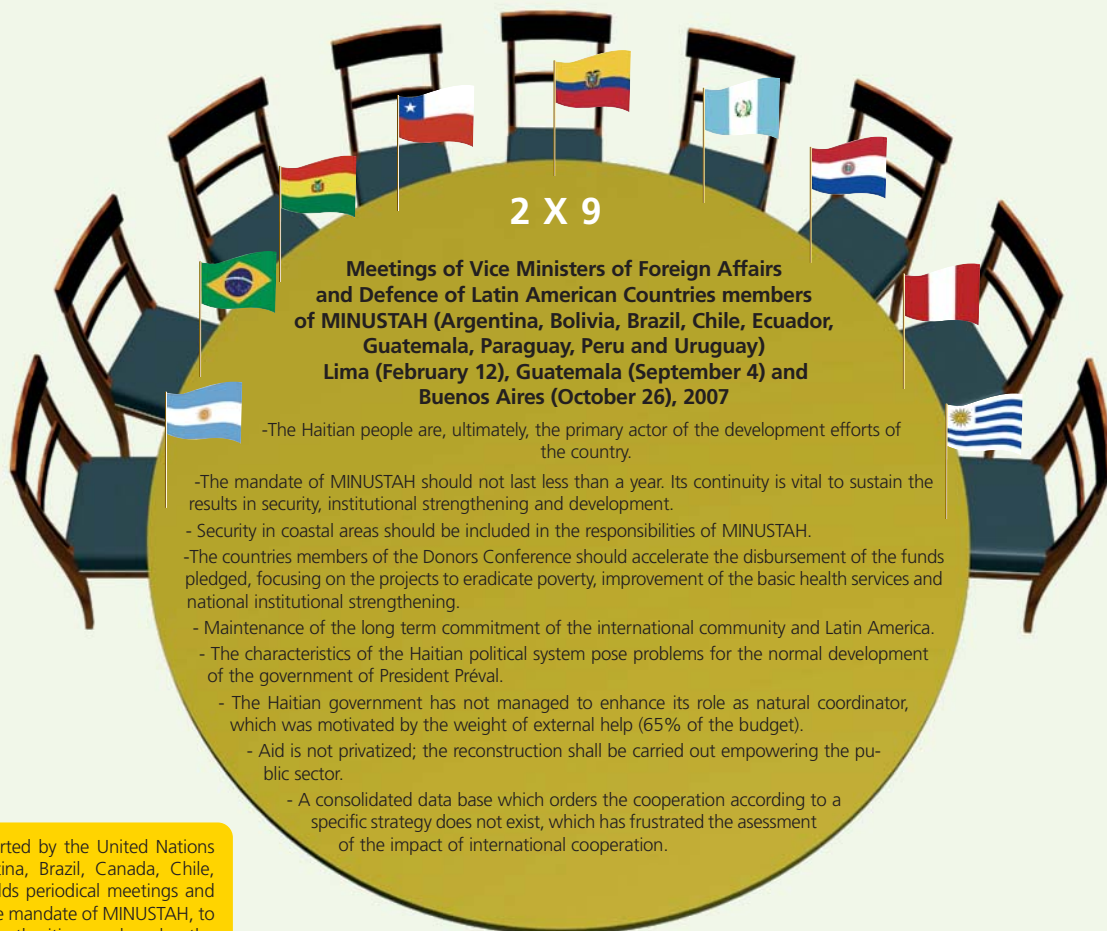
-The mandate of MINUSTAH shall allow the troops to include elements which contribute to the social development in areas such as infrastructure, health and training.

-Will to maintain the Latin American component pro active in search of security and conditions for peace in Haiti.

- Need to unite efforts and coordinate the identification of activities on the land.

-Considers the participation of the international community necessary by sending military troops, complementing their military participation with the timely disbursement of economic-financial resources.

CORE Group is a mechanism supported by the United Nations (Res. 1542 SC). Formed by Argentina, Brazil, Canada, Chile, France, and the United States; it holds periodical meetings and seeks to facilitate the execution of the mandate of MINUSTAH, to promote interaction with Haitian authorities, and make the actions of the international community more effective.



Gangs and Urban Violence

The greatest security challenge in Haiti is the presence of violent armed gangs and other criminals who profit from the illegal drug trade in Haiti. Often Haitian police participate in this form of corruption as they work closely with these criminal elements.

One of the primary missions of the UN today is to reduce the gangs and armed convicts roaming through the Port-au-Prince neighborhoods of Belair and Cité Soleil. The government of Haiti, with the backing of MINUSTAH and UNPOL, are carrying out disarmament, demobilization, and reintegration (DDR) programs targeting armed gang members. In August 2007, the Secretary-General of MINUSTAH reported security improvements in urban areas. A series of 19 security operations carried out by MINUSTAH and HNP in late 2006 and early 2007 led to the arrests of approximately 850 gang members by mid-2007. These areas are no longer controlled by gangs, but the potential for violence remains because not all gang members were arrested and few weapons were confiscated. Additionally, between December 2006 and August 2007, there was an increase in public lynching. Some of these may have been in response to previous gang activity. Whether the UN programs will ultimately reduce urban violence is still untested, but the intense effort being made to control urban crime is evident by the focus that the Préval government has given to these activities.

Although the security situation improved in 2007, the possibility for gang reorganization and urban violence is still a concern. Most recently, there has been an increase in the number of kidnappings. Between January and May 2008, 152 kidnapping cases were reported, compared with a total of 237 for all of 2007. In response to this apparent increase, MINUSTAH has stepped up security checkpoints in Port-au-Prince, where most the kidnappings have occurred.

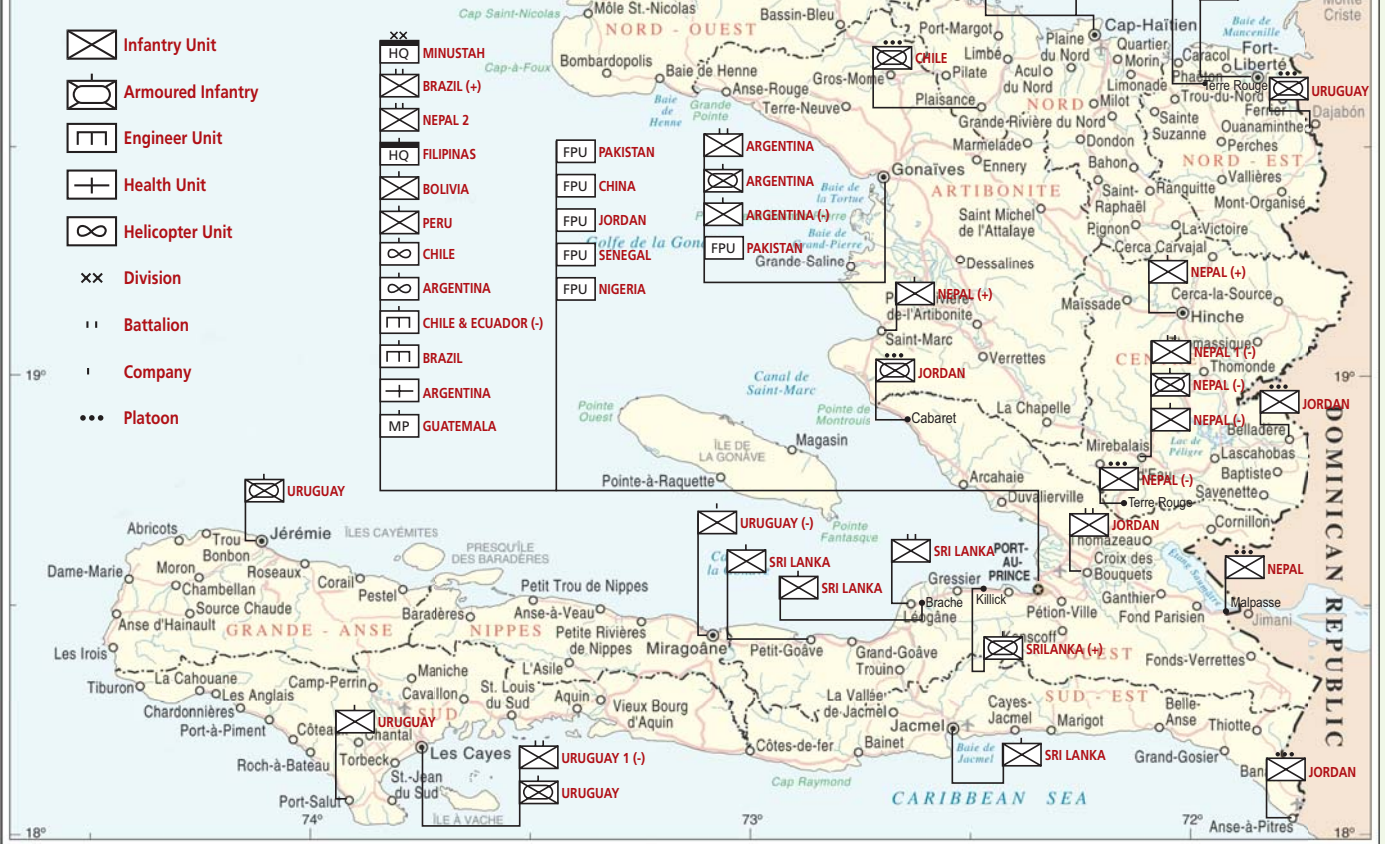
UN Forces

Today's UN peace operation is notable for its size (7,174 troops and 1,881 police for a total of 9,055 persons as of May 31, 2008), but also from its geographic source. Being led by Latin American armed forces, this Latin American led peace operation is an important new feature in the history of regional peace-keeping. Defense ministers of the region formed a consultative group known as the 2 X 9 group that excludes the United States and which last met in Guatemala in September 2007.

The future

Haiti's development depends on a secure and stable environment. It still remains the poorest country in the Western Hemisphere according to the UN Human Development Report. Governance is weak in spite of a series of free elections that have created a new cadre of elected officials not

Positioning of Latin American Troops in Haiti



Source: Report of the Secretary-General on MINUSTAH, S/2008/202. March 26, 2008.

Latin America's commitment

only at the national level, but in all local communities. It is also significant that President Préval has been eager to work with the UN Mission, MINUSTAH, in an effort to eradicate the gang violence that plagues Port-au-Prince. This security partnership between the elected government and the UN marks an important turn around for the government of Haiti which at first was reluctant to use UN forces in policing actions. What is more difficult to predict is whether the Haitians, with donor support and with the help of the UN Mission, will be able to vet new police, create a more reliable and less corrupt force, secure a larger number of police officers who will gain wide public support.

If one lesson comes from the last UN missions since 1994 it is that these are long-term projects, and they will require the support of the international community to ensure that police can be paid, and that the country can attract economic investment that will bring revenue to the new government. At this time there is scant revenue to support the police. Long-term international aid will be needed to build up a new force.

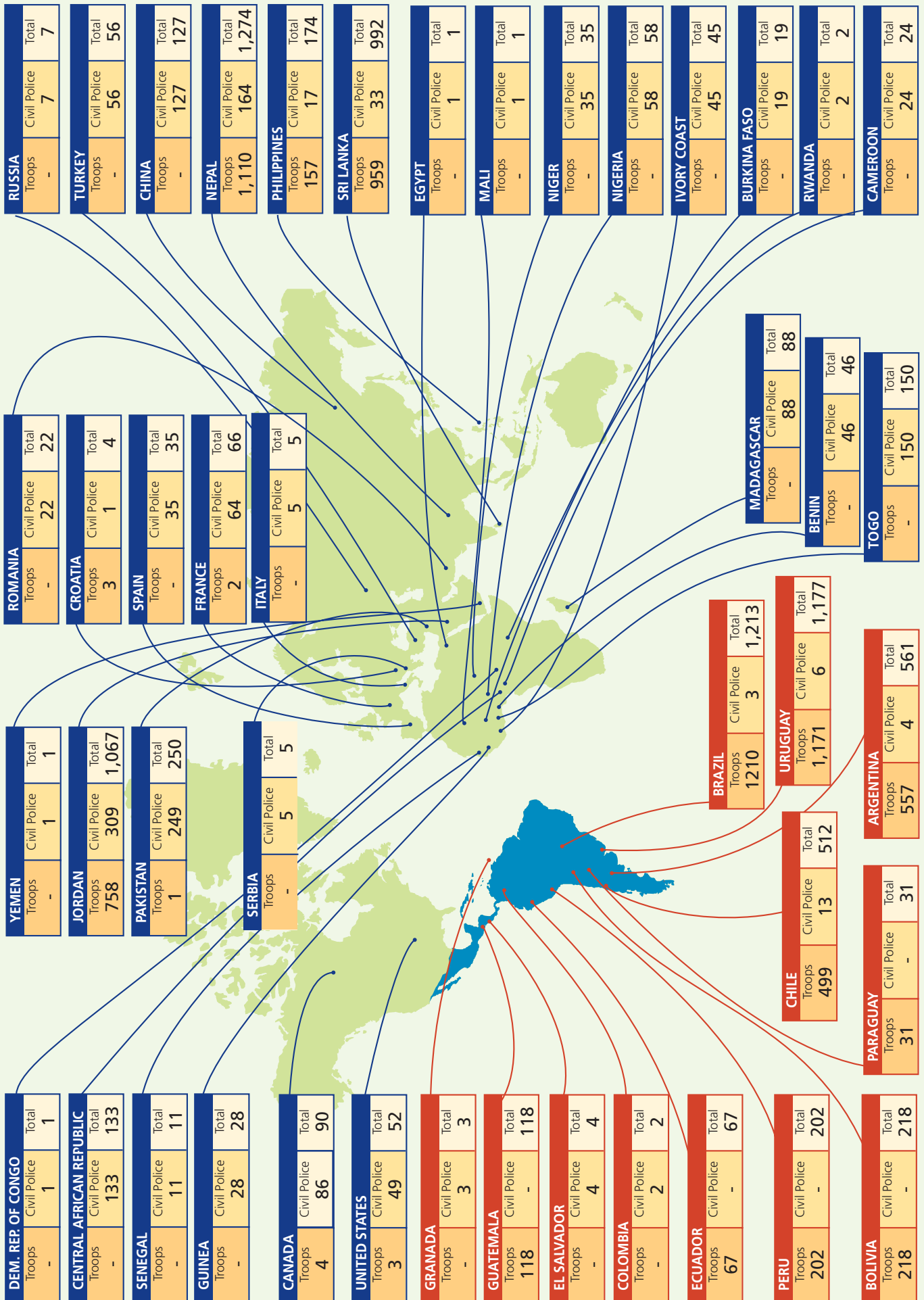
Other arrangements, such as engaging the large Haitian Diaspora in the U.S. and Canada (over 1 million strong) can make the difference by using these individuals to help train, and supplement the talent gap that has been growing in Haiti. The total \$2.65 billion sent back to Haiti by the dias-

pora in 2006 was the equivalent of more than one third of Haiti's GNP that year. However in addition to financial support, the lack of trained French and Creole speaking lawyers and the need to bring in police that can train Haitian nationals is glaring. Efforts are underway to see how members of the Haitian Diaspora can help their countrymen.

The security sector in Haiti is still at risk. Calls to return an army by some members of the Parliament will continue to surface in the absence of any real progress in standing up a new police. Until Haitians feel that their own personal security is not compromised, it will be difficult to see whether the new HNP are actually fulfilling their mission.

Every sovereign state deserves a security sector. An army is not the only institution that can provide national security. But the complexities of problems that prevent police from doing their job, coupled with the lack of job opportunities that will support sustainable development will only result in greater challenges to the government of Préval. For now the best hope is the continued engagement of Latin American nations in the security challenges that Haiti presents, the continuation of the UN Mission, and the commitment that the international donor community has shown for the creation of good governance in Haiti.

Composition of MINUSTAH according to the Origin and Type of its Troops



Source: UN Department of Peacekeeping Operations up to June 30, 2008.

Printed in August 2008
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