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AND THE  
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The Dominican Republic Elections  
and the United Nations Embargo  
against Haiti

André Corten

The International Community in Haiti:  
Evidence of the New World Order

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## INTRODUCTION

The occupation of Haiti in September 1994 by a US-led force has helped to answer some questions, but it has left many more unresolved. The uncertainty surrounding President Clinton's willingness to use US troops on foreign soil may have been lifted, but it remains very unclear how long the occupation will last and what objectives can realistically be achieved.

The unfolding of the Haitian crisis after the military overthrow of President Aristide in September 1991 has had many dimensions. The US desire not to be seen to be acting unilaterally has drawn in both the Organisation of American States (OAS) and the United Nations (UN), but the ability of these multilateral organisations to act independently of US policy in the Haitian crisis has been called into question. The UN trade embargo against Haiti has raised traditional concerns over both its legality in international law as well as its effectiveness as an instrument of foreign policy.

No trade embargo can function without the support of neighbouring countries. In the Haitian case this has meant the Dominican Republic, whose relationship with its western neighbour in the island of Hispaniola has been marked by tension and suspicion ever since the Dominican Republic gained independence from Haiti 150 years ago. Yet the Dominican Republic has had its own share of problems in the last few years, culminating in the recent presidential elections (May 1994) widely condemned as fraudulent.

There is now a chance for the return of Haiti to the democratic fold. Yet questions remain not only over the viability of democracy in Haiti, but also over the treatment of those guilty of human rights abuse and military intervention. The issue of impunity, controversial in many Latin American countries, is clearly of particular importance in Haiti.

As a contribution to our understanding of all these unresolved questions, the Institute of Latin American Studies is publishing two papers on the Dominican Republic, Haiti and the United States. The first, by André Corten, looks at the complex web that has bound the three countries together in recent years through migration, trade and domestic politics. The second, by Federico Andreu, tackles the thorny issue of impunity in Haiti and the response of the international community. Both papers were given as seminars at the Institute of Latin American Studies in early 1994 and have been revised to take into account recent developments.

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## **THE DOMINICAN REPUBLIC ELECTIONS AND THE UNITED NATIONS EMBARGO AGAINST HAITI**

André Corten

The most recent of many crises in 'Hispaniola', the Caribbean island uncomfortably shared by Haiti and the Dominican Republic, began with the military overthrow in September 1991 of Jean Bertrand Aristide, the democratically elected Haitian President. Subsequent unsuccessful efforts by the Organisation of American States (OAS) to restore democracy led to greater involvement by the United Nations (UN) and the imposition of a UN trade embargo. In order to ensure compliance with the embargo, the support of the Dominican Republic was essential. As a result, fraudulent presidential elections in May 1994 aimed at extending the mandate of President Joaquín Balaguer have not been denounced by the international community with the vigour that might otherwise have been expected. The crisis has thus affected the whole island and the occupation of Haiti in September 1994 by a multinational force dominated by the USA still leaves many questions unanswered.

Although the embargo was imposed by the United Nations, the dispute has only three main players: Haiti, the United States of America and the Dominican Republic. In a brief period in 1994, the triangular Haitian-Dominican-US relationship experienced several changes of which perhaps the first is the most important. On 8 May, President Clinton announced the short-lived end of the 'repatriation' of the Haitian boat people;<sup>1</sup> on 16 May the Dominican Republic elections took place in the usual atmosphere of fraud; on 22 May resolution 917, for a 'total commercial embargo' against Haiti, which had been voted for by the United Nations Security Council on 6 May, came into effect; on 25 May, at the instigation of the United States, President Balaguer, who had always described the embargo as inhuman, began to respect it; on 10 June the US administration adopted new sanctions against Port-au-Prince, the banning of commercial flights leaving for and coming from Haiti, the freezing of any financial transaction above \$50 and the threat of a 'surgical' military intervention. Finally, on 18 September, following a last-minute agreement brokered by ex-President Carter, US troops occupied Haiti peacefully.

The proximity of these few dates encapsulates the deep US-Dominican-Haitian entanglement. Apparently, the United States can only solve the Haitian question with the co-operation of the Dominican Republic. Some observers even thought they had discovered a 'secret pact':<sup>2</sup> the Clinton

administration would close its eyes to the electoral fraud in exchange for which the Dominican Republic would close its border and enforce the UN embargo. This hypothesis is based on two assumptions. The first is that Washington believed and hoped that the embargo would have an effect. The second is that the United States prefers the support of President Balaguer to other possible Dominican Republic leaders.

We will examine successively the points thus raised. First, the two elements of the so-called 'secret pact': on the one hand the electoral fraud, and on the other the major role played by the Dominican Republic in implementing the embargo. Afterwards the two assumptions will be explored. It will be found that these four elements are inter-linked by an underlying factor: the political role (active or passive) of Afro-Americans as much in the United States as in the Caribbean.

### The Electoral Fraud

Electoral fraud is common in the Dominican Republic political system. It was during the dictatorship of Trujillo that elections took place 'regularly' every four years. These had already allowed Balaguer to be elected President under the reign of the 'Benefactor' (1930-1961). Since 1966, every election has had complaints of serious fraud lodged with the *Junta Central Electoral (JCE)*. Two of these elections – 1970 and 1974 – were boycotted by the Partido Revolucionario Dominicano (PRD), the main opposition party (see Table 1). In 1978, the military positioned themselves in the streets of the capital city, Santo Domingo, whilst the count of the vote was interrupted. Intervention by President Carter was needed for the PRD to be recognised as having won.

**Table 1**  
**Results of Presidential Elections**

	1962	1966	1970	1974	1978	1982	1986	1990	1994*
PRD	58.72	36.76	np	np	51.69	46.70	36.46	23.23	41.42
PRSC	-	56.48	52.78	84.67	42.17	36.55	41.56	35.06	42.05
PLD	-	-	-	-	1.11	9.82	18.37	33.81	13.16

\* Preliminary breakdown given to the press by the JCE.

Source: For 1962-1990, Corten (1993), *El Estado Débil: Haití y la República Dominicana* (Santo Domingo: Edición Taller).

The present situation, however, is closest to that which happened four years ago. In 1990, the Partido de la Liberación Dominicana (PLD), led by

ex-President Juan Bosch,<sup>3</sup> which had been ahead by nearly ten points in pre-election polls, found itself denied victory by a 'colossal fraud'. The JCE decreed on 27 June that outgoing President Balaguer had won by a margin of 24,000 votes. In 1994, Balaguer, 87 years of age, was again behind in the polls for more than a year. This time, however, it was the 'young' Peña Gómez, aged 57 and already a veteran of Dominican politics as the leader of the PRD, who saw victory denied by a handful of votes (see Table 1). The preliminary results gave 41.42% to Peña Gómez, against 42.05% to Balaguer with the process being interrupted after 97% of the vote had been counted. The PRD held evidence of irregularities which the Rector of the University of Santiago, under whose auspices a 'pact of civility' had been signed, took seriously. Meanwhile, the fact that Balaguer had agreed to partial new elections if the need arose suggested that he had the means to ensure that these would not affect the final result.

This proved to be the case. The final result, which had to be announced before 16 August (the constitutional date for the investiture of the new President), gave Balaguer's Partido Revolucionario Socialista Cristiano (PRSC) a small margin over his main rival. The poor showing of the PLD was confirmed (Juan Bosch had already resigned<sup>4</sup>). There was little confidence inside or outside the Dominican Republic that the elections had been fair and Balaguer was only able to continue in office after reaching an agreement with Peña Gómez that new elections would be scheduled for November 1995 in which the President would not stand.<sup>5</sup> This would be one month before the elections that are supposed to be held in Haiti.

Several pre-election polls are available to show the electoral balance before the 1990 and 1994 elections (see Table 2). These polls obviously cannot prove that there was any fraud. Indeed, a few days before the election one survey gave Balaguer the lead with 38.8% against 37.9% for Peña Gómez,<sup>6</sup> whilst another gave Peña Gómez a slight lead, 37% against 34% for Balaguer<sup>7</sup>. However, we do know that 200,000 voters were deleted from the electoral roll through electronic rigging. This would have happened in the areas where the PRD was strongest. The JCE recounted the votes, but – taken with everything else – this did not change the fraud.<sup>8</sup>

Electoral fraud is common in the Dominican Republic. An opposition candidate has no chance of winning unless they have a comfortable lead such as was the case in 1978 and 1982, a period when divisions in the opposition were less important (see Table 1). However, the analysis cannot be conducted purely in electoral terms. There was an unusual factor present in the last elections. The candidate of the PRD - José Francisco Peña Gómez - is black, and is considered as having Haitian ancestors. The electoral campaign was therefore marked by unbridled racism. His adversaries accused him of being a voodoo follower and of supporting a plan for the merging of the Dominican

Republic with Haiti – an idea said to have been hatched by the great powers, namely the United States, Canada and France. A first stage in this process would have been the creation of refugee camps for Haitians in the Dominican Republic and a strict application of the UN embargo, which was accepted by Peña Gómez, would have promoted a flood of such refugees.

**Table 2**  
**Pre-election Polls (1989-1990, 1992-1994)**

	Jan. 1989	Mar. 1990	Nov. 1992	Sept. 1993	Apr. 1994
PRD	13	15	37	42	33
PRSC	24	26	26	35	27
PLD	34	36	17	15	9

Polls: January 1989 (Gallup); March 1990 (Gallup); November 1992 (Hamilton); September 1993 (Penn and Scroen); April 1994 (Roper).

The electoral campaign, full of dirty tricks,<sup>9</sup> resulted in some thirty deaths. Recalling the dark period of ‘Balaguerismo’ (the beginning of the 1970s), it was intended to arouse anti-Haitianism with the aim of producing a nationalist response. This was linked to rumours about the plan allegedly hatched by the great powers. This story, of particular importance to the right-wing Unión Nacionalista, was relaunched five days after the elections, that is to say when Peña Gómez as a Vice-President of the International Socialist sought the support of his foreign friends to denounce the fraud to the OAS. This demonstrated the advantage of an anti-imperialist rhetoric. In the absence of a credible claim to have held fair elections, Balaguer and his supporters sought refuge in the language of nationalism. In a declaration published on 15 June, the US State Department pressed the Dominican authorities to take into consideration the fraud allegations. The JCE answered that it could not accept orders from any international institution.

The consequences may be even worse in the long term. Throughout the campaign, Peña Gómez presented himself as being as Dominican as his rival. Instead of publicly accepting that he really has Haitian blood<sup>10</sup>, and proposing a structured notion of relations between Haiti and the Dominican Republic, namely defining a clear migration policy, he was constantly trailing his opponent in a defensive position. Balaguer has for years been presenting himself as a follower of Price-Mars<sup>11</sup> and a theoretician of Dominican-Haitian relations – he has written two books devoted to it.<sup>12</sup> In particular, he defends the argument of a demographic disequilibrium between a country of an Ethiopian race (Haiti) and that of a ‘white’ race<sup>13</sup> and warns against a peaceful invasion through migration. At the same time, it was during his



last mandates that the Dominican economy came to rely most heavily on the cheap Haitian labour force.<sup>14</sup> A myth is therefore emerging that, in common with all myths, is so constructed to absorb opposing arguments in all cases.<sup>15</sup> A simple defensive position against this myth can, as a result, reinforce it. Involuntarily, Peña Gómez gave the opportunity for a strengthening of anti-Haitianism.

### **The Embargo**

The embargo<sup>16</sup> was decreed for the first time by the OAS the day after the *coup d'état* of 30 September 1991. It was confirmed in November 1991, after long hesitation, and was reconfirmed in October 1992. It was adopted by the Security Council on 16 June 1993, lifted after the Governor's Island agreement (see below) on 3 July and reimposed on 18 October. It was reinforced by Resolution 917 of the UN Security Council on 22 May 1994.

In accordance with Chapter VII of the United Nations Charter, these embargo measures were accompanied by a naval blockade that was enforced by twelve ships (mainly US but also French, Canadian and Argentine). This blockade intercepted 1,005 ships and turned away 81. In the first week of the latest sanctions (22 May 1994) nine ships were able to enter Haitian ports, but 12 were turned away.<sup>17</sup>

Well before the United Nations resolutions, the blockade had been enforced by the US navy in accordance with the 1981 agreement with the Haitian Government which allows US coastguards to intercept the Haitian 'boat people' on the open sea. Since October 1993, the aim of the blockade has remained that of a quarantine line to contain the thousands of escaping Haitians so smugglers needed only to avoid the route taken by the emigrants. A journalist's report drew attention to the port of Jacmel situated in the south of the country.<sup>18</sup> Off the migration routes, it is the ideal port for smuggling. Local residents pointed out that at least nine vessels docked after the intensification of the embargo on 22 May. They were ships sailing under British, Jamaican, Colombian, Dominican, Bahamian and Haitian flags. They generally arrived by keeping close to the coast from the Dominican Republic. In particular, witnesses have seen a ship sailing under the Union Jack making return journeys with a cargo of 15,000 gallons of oil. It is this oil that ultimately supplied the US Embassy in Port-au-Prince.

The image of a totally blockaded country does not exactly conform with reality. The fact that six versions of the embargo had to be decreed is evidence that the previous orders were not respected. With the benefit of hindsight, it can be noted that the first measures had a distinct lack of

concrete content. The most recent resolution, on the other hand, talked of a 'complete commercial embargo'; yet it was not, as it did not affect essential foodstuffs and medical or 'humanitarian' products. Also 300,000 gallons of petrol for humanitarian organisations were allowed to enter. Electricity was rationed and even the favoured residential areas received only two to three hours of electricity. However, all firms have generators, as do the wealthy households. Finally, estimated inflation rose to an annual rate of 60%. Is this an excessive rate for a country allegedly under siege?

There are, of course, many disturbing figures. Ten thousand have died among the most vulnerable groups of the population.<sup>19</sup> Haiti is a tragic country, the tragedy of the 'development of underdevelopment'.<sup>20</sup> The embargo puts this horrible reality on public display. The ineffectiveness of the embargo is moreover a demonstration of this. Many ships, despite having been searched by the US coastguards, continued to trade. Certain prohibited products, including petrol, escaped the blockade. In fact, the new embargo measures mainly affected the manufacturing industry. It has been calculated that 8,000 to 10,000 jobs have been lost. Employers' organisations are talking in terms of a disaster. They estimate that since October 1991, 50,000 jobs have been directly lost and 150,000 indirectly. It is painful for the owners to lose workers who are paid 30 cents an hour!

In fact trade between the United States and Haiti<sup>21</sup> has been flourishing during this period, even after the October 1993 'severe sanctions' that included petrol and weapons. The United States has even increased its exports. In January-February 1994 they reached \$31 million compared to \$26 million within the same period in 1992.<sup>22</sup> From January to October 1993, the United States imported 2.5 million softballs and 678,000 baseballs - more than the same period in 1992.<sup>23</sup>

The image of a total blockade focused attention on the Haitian-Dominican border. Since November 1993<sup>24</sup> questions have been raised about the effectiveness of sanctions on the Dominican-Haitian border. At the beginning of November President Balaguer confirmed that his country was not violating the embargo and would remain loyal to the UN and OAS sanctions 'for as long as they did not condemn the Haitian people to hunger'.<sup>25</sup> Journalists sent to Dajabon or to Jimani scrutinised (scarcely hidden) contraband. Smuggling is an old practice on which Dominican-Haitian relations have been forged. Dating from the XVIIth century, it has acquired a special importance since 1986.<sup>26</sup> Since February 1994, therefore, it has been under a magnifying glass. Increasingly detailed and explicit information has been collected.<sup>27</sup> As a result, it is claimed that it is no longer the traditional illicit trade between two countries but is now a large-scale operation. This involves, it is pointed out, about twenty tankers per day.<sup>28</sup> This operation implies not only the tolerance, but also the aid of the Dominican army and the

support of the President himself. The Dominican army and the Haitian army have clearly collaborated in this very lucrative traffic.

Many supply lines, the workings of wholesale and retail markets, prices, bribes for the army and the Chief of Police have been established.<sup>29</sup> It is even possible to give fairly precise figures. In 1992, the Dominican Republic delivered 2,101 barrels,<sup>30</sup> in 1993 110,925 and in 1994, 289,305.<sup>31</sup> According to US officials 350,000 gallons a month are estimated to have been trafficked.<sup>32</sup> 'Haiti's imports are from now on going through Saint-Domingo' noted the President of the Dominican Society of Exporters. 'The big Haitian importers of US products have set up in the Dominican Republic where they have rented warehouses.'<sup>33</sup> It is for internal political reasons, it is claimed, that these have not been affected by the UN and US sanctions. Also, they openly operate on both sides of the border.<sup>34</sup>

Reading the news of the past months, it is apparent that, if the embargo has not been respected, it is because of the 240-mile land border with the Dominican Republic and because of President Balaguer's refusal to allow it to be enforced. The embargo, which was the symbolic weapon of the US Congressional Black Caucus (CBC), has been neutralised by a President who is being questioned, indeed nearly sanctioned, by the international community over the 'enslavement' of Haitian workers in the Dominican Republic. It is here that Haitian-Dominican relations are again mixed up with the emergence of a black political culture. In the United States this took the form of the struggle against apartheid in South Africa. When this ended in victory in 1989, it moved towards the Dominican Republic.<sup>35</sup> During the whole campaign against slavery, launched in 1979 by the London anti-slavery society, but really started at the beginning of the 1990s, it was humanitarian organisations<sup>36</sup> and certain liberal members of the US Congress who called attention to it. Subsequently, the issue was increasingly taken over by the Black Caucus. It was a turning point which should be credited to the diplomacy of President Aristide. The Black Caucus took note and spoke for him. 'The fact that Haiti, as Somalia, represents blacks under a black tyranny, signifies that the responsibilities of the Congressional Black Caucus are not less but are even greater',<sup>37</sup> its President, Major R Owens, declared.

How does one explain the interest of the CBC in the Haitian question? Two complementary hypotheses can be put forward. First, the links established in the Haitian community in the United States have made those close to the new Democrat administration more aware of Haiti. Secondly, the new humanitarian organisations,<sup>38</sup> which are often driven by religious groups and are engaged in the international campaign against slavery in the Dominican Republic, helped to forge the relationship between Aristide and the CBC.

The CBC is obviously very important to President Clinton, who was elected with the help of the black vote.<sup>39</sup> In particular, he needs their support to pass his domestic programme in Congress. By April 1994 he had ceded to the pressure and agreed to strengthen the embargo. It had been demanded by Aristide since December and was backed by France.

The CBC is a lobby unlike any other. Its actions are driven both by culture and by politics. It was the hunger strike of the black activist and the respected leader of the Trans Africa Forum, Randall Robinson, that gave a new impetus to US policy on Haiti. Furthermore, with the proximity of the Dominican elections, attention was concentrated on the issue of slave labour in Haiti's neighbour. At the end of April, the resignation of Lawrence Pezzullo, until then the President's special envoy for Haiti, and his replacement by the black William Gray marked the dawn of a new period. This became apparent when President Clinton publicly committed himself to an invasion unless the Haitian military leadership withdrew.

### **Dramatic Choice**

An embargo can only succeed if the country concerned can break the determination of its adversaries. President Clinton achieved this by brandishing in addition the threat of military intervention. On 19 May President Clinton explained the six reasons why he considered Haiti to be 'so vital' to the United States. He tried to persuade, in terms dictated by the jurisprudence of international law and especially what purports to be the 'Clinton doctrine', why the United States should prepare itself to intervene militarily in Haiti whilst it is reluctant to do so in other parts of the world, notably Bosnia. The task was difficult as the President also knew that 68% of the US electorate was against intervention. His arguments did not persuade Congress. In an 'open vote' on 24 May, it declared itself to be against an invasion in the absence of an 'immediate danger' for US citizens and interests.<sup>40</sup>

It is worth recalling the six reasons given by President Clinton for the special importance of Haiti:

- (a) Haiti is in 'our back-yard'
- (b) There are a million US residents of Haitian origin
- (c) There are thousands of US citizens in Haiti
- (d) The country is a centre of drug-trafficking (a reference to one of the precedents used for the invasion of Panama)

- (e) It is the only country in the western hemisphere where the military has toppled an elected president; with Cuba it is the only non-democratic country
- (f) A huge inflow of refugees to the United States must be avoided.<sup>41</sup>

The inflow of refugees into the United States seems to constitute one of the reasons for the exceptional case represented by Haiti. It is an unprecedented case in Latin America for the international community, in fact the 'four friendly countries' (the United States, Canada, France, Venezuela – now joined by Argentina, to promote the return and restoration of a deposed president three years after his being overthrown.

President Clinton explicitly mentioned the presence of a million Haitian-Americans in the USA. This figure is far higher than official figures. According to the 1990 census, there are only 289,521 Haitian-Americans. With regard to illegal immigrants, however, they were estimated as being 400,000 in 1983.<sup>42</sup>

Officially, the number of boat people has risen since November 1991 to 66,000 in April 1994, that being only 26,000 more than the official figure of February 1992.<sup>43</sup> This figure is very low if compared with other evidence; 13,000 people – as many as the four preceding months<sup>44</sup> – tried to leave Haiti during May 1994 following Washington's announcement that they would not be automatically returned to Haiti. The US Senator Bob Braham feared a wave of 5,000 to 10,000 refugees a month. Thus, President Clinton's figure of one million may not be unrealistic and the refugee question, not surprisingly, is taken very seriously by the administration.

Faced with the inflow of Haitian boat people, President Bush resolved on 24 May 1992 in favour of their systematic repatriation. According to the United Nations High Commission for Refugees (UNHCR), this decision violated the Geneva Convention.<sup>45</sup> Having criticised forced repatriation during his campaign, President Clinton, following his entry into the White House, nevertheless altered his views and even succeeded in having this radical change endorsed by President Aristide.<sup>46</sup> The naval blockade was begun to 'save human lives', it was said. It was also claimed in the first weeks of 1993 that, as President Aristide was about to be restored, Haitians no longer had a reason to leave.

The growth in terror, particularly after the autumn of 1993, the many reported cases of persecution of repatriated boat people<sup>47</sup> as well as the systematic attack on supporters of Father Aristide by agents of the pro-military Front pour l'Avancement et le Progrès Haitien (FRAPH), gave a new vigour to the campaign which has been run since December 1992 by a

group of humanitarian organisations with the aim of creating a (temporary) 'safe haven' in the Caribbean basin for Haitians who feel threatened. Aristide's letter denouncing the 'refugees' pact', pressure from humanitarian organisations that managed to have the accusation of racism aired publicly,<sup>48</sup> the growing pressure of the Black Caucus, and the symbolic action of Randall Robinson explain the change in policy on 8 May 1994.

The human and civil rights lobby has become powerful, but the policy shifts it obtains are more than ever tainted by hypocrisy. The Clinton administration made a big play of its efforts to incorporate the Turks and Caicos Islands and Jamaica in accommodating Haitian refugees. Coming to Europe for the fiftieth anniversary of 'D-Day', President Clinton spoke to the British Prime Minister John Major about these issues. It involved the hiring of two Ukrainian cruise liners, each with 700 berths, to allow the accommodation of the boat people during the examination of their claim for sanctuary. The health of the concerned countries was guaranteed by the fact that the boat people would remain stranded on the boats!<sup>49</sup> The UNHCR, who were invited to these 'centres', finally refused to separate the 'true' refugees from economic migrants.

If the right of sanctuary to those who are politically persecuted is allegedly to be offered, why is it immigration personnel who are used to pursue illegal immigrants and not government officials who deal with the right of sanctuary? Why is it that the criteria for a request being accepted was very restrictive and was limited to either being one of Aristide's colleagues or being journalists, when it has been shown that the terror affected those at the bottom of society (many living in Cité Soleil)?<sup>50</sup> The policies of the Clinton administration, accused of being a 'cynical farce' by Aristide as well as by members of the Black Caucus, were clearly adopted to gain time.

The truth is that there is a dramatic choice to be made. Either the USA occupies Haiti for long enough to establish the economic and political conditions for migration pressures to decline, or it accepts the arrival of a hundred thousand Haitians into the USA. This is similar to the number of Cubans it accepted in 1981 with the entry of 125,000 *Marielitos*.<sup>51</sup>

Due to the effect of the actions of humanitarian organisations, the hypocrisy has been peeled away to bare the racism towards Haitians. That is one reason why President Clinton was forced to bring the policy on Cuban refugees (mainly white) into line with refugees from Haiti (mainly black) in August 1994. This situation gives increasing weight to the actions of the Black Caucus. The experts who surround the President know that it will be difficult to avoid a huge increase in Haitian migration. The problem is that US immigration has known periods of openness (before the first Immigration Act of 1882; for people from East Europe after 1948; and for Latin America

and Asia after 1965) and others of rejection (1882, 1921, 1986).<sup>52</sup> Now, a policy of closure has been adopted by the Clinton Administration with the controls on illegal immigrants being reinforced.<sup>53</sup>

### **Putting Haiti under a Political Embargo**

The US administration, before the occupation in September 1994, constantly tried to pass the Haitian burden onto other countries. One need only look at the way help was solicited from a number of Caribbean countries to receive the refugees: Jamaica, the Bahamas, Belize and of course the Dominican Republic. The often-cited figure of a million Haitian Americans mentioned by Clinton is intended to explain why the entry of Haitians must be limited. The annual quotas are unambiguous on this subject. Only 13,000 Haitians are admitted every year. This is half the number for Dominicans (26,000) who admittedly may be more numerous on US soil.<sup>54</sup>

Whilst brandishing the threat of a 'surgical' intervention, the United States tried to incorporate other countries into the United Nations mission which should number 3,000 men. At the beginning of the *de facto* Bazin administration (May 1992-June 1993), an agreement was reached on a mission of 50 international observers rising later to a force of 200 UN and OAS civilians. In accordance with resolution 867 of the UN Security Council, adopted following the Governor's Island Agreement (July 1993)<sup>55</sup>, the United Nations Mission in Haiti (UNMIHA) was increased to 1300 members with the aim of 'professionalising the army' and creating a new independent police force. This force should have disembarked from the U.S.S. Harlan County in early 1994, but had to turn back when it clashed with a group of pro-military protestors. Today, under the aegis of President Clinton's new special advisor, William Gray, it is defined as a 'peace keeping force' of 3,000 men (or 'several thousand men').<sup>56</sup> 'This force should be ready to be deployed as soon as the military leaders have left', William Gray recently said to the Foreign Affairs Commission. The peace-keeping force would have a larger mission than in past agreements, which only foresaw a small contingent. This would include police duties until a non-corrupt police force has been formed. It would have to protect Father Aristide, the members of his government, the members of Parliament, human rights observers and humanitarian organisations. It would have to guard foreign embassies. Its role would also be to prevent a bloody retribution among Haitians and to assure the maintenance of order in the case of a popular uprising.<sup>57</sup>

Although France had already confirmed that it would contribute to the contingent, the United States tried to convince several other governments to participate during the OAS assembly held at the beginning of June in

Brazil.<sup>58</sup> William Gray said that the US request had received a good reception from several countries. These countries, however, stated that they would participate only on condition that the regime in Port-au-Prince was not overthrown by force, a condition that Gray had previously refused to accept.<sup>59</sup> There are now twelve countries in UNMIHA including Canada, Venezuela, Argentina and France (in other words, the countries friendly to Haiti). Although US officials are deeply concerned over the length of this mission (three to 15 years it is said), it has been established from US sources that the 'peace-keeping force could stay until the beginning of 1996, the date that marks the end of the Aristide mandate and the inauguration of a new President'.<sup>60</sup>

## Conclusions

The Haitian political crisis has not only embroiled the United States, but has also catapulted the Dominican Republic into a key role on the island. Independently of the fact that in international politics there is in general a natural inclination to prefer stable situations, there is the question of knowing who is the government leader best suited to playing this unique role. One cannot help but think of the last pages of his book *Isla al revés* where Joaquín Balaguer proposes a confederation between Haiti and the Dominican Republic. Paradoxically, the man who has never stopped speaking of a plan hatched by the great powers may well be the one who profits the most. Of course, it would not consist of a fusion nor of federalism, but of a duo where only one of the two can truly act. It is also logical to think that beyond the natural preference for international stability, the US administration would consider that, whilst not always docile, Balaguer would be their best ally. Behind his talk, which borders on racism and chauvinism, Balaguer has an idea of his relations with Haiti which his adversaries do not.

Balaguer's racism has always been modulated. On the assumption of a peace-keeping force in Haiti, there will be some Haitians viewed favourably by Balaguer, who are assumed to have supported the plans of the 'friendly' countries; others, however, will rebel against this semi-protectorate. Not having been able to define a clear line *vis-à-vis* Haiti, Peña Gómez, if elected, would not have held a different position. Inexperienced and less articulate, he would doubtless be a less certain ally for Washington. At the international level, Peña Gómez has not been able to establish himself in the US Afro-American political culture that has been reinvigorated because of the links woven between Aristide and the Black Caucus.

The existence of a 'secret pact' is certainly worthy of speculation. According to this, the United States would have obtained from Balaguer the



closure of the border by 15,000 soldiers aided by about thirty United Nations inspectors in exchange for recognition of his, possibly fraudulent, re-election. These speculations, however, are diverting attention away from the fundamental variables in the triangular relations between the Dominican Republic, Haiti and the USA. Among these, the growing importance of the civic and humanitarian lobby must be noted. With this, international policy is not only expressed in terms of interests - for example as when President Clinton listed the six points why Haiti is 'so vital' to the United States: the fight against racism, the protection of refugees' rights, the need to act against terror. These values are not necessarily more 'pure'; they essentially express the conflicting transnational relations that are being formed within the Afro-American political culture.

## Notes

1. The first signs of this new policy were noted earlier. See *The Guardian*, 23 April 1994.
2. This was denied by both Washington and Santo Domingo. See Jean-Michel Caroit, 'La République Dominicaine et l'embargo d'Haiti', *Le Monde*, 8 June 1994.
3. Elected in 1962, during the only free elections that the Dominican Republic has ever held, the 'professor' was overthrown in September 1963 by a *coup d'état*. Founder and leader of the PRD until 1973, he left to form the PLD after a dispute with his former disciple, José Francisco Peña Gómez, over party leadership.
4. The former President of the Republic announced on Sunday 19 June that he was resigning as the leader of the PLD that he had founded in 1973. See *Le Monde*, 21 June 1994. It must be stated that this is not the first time that Juan Bosch has announced his resignation recently.
5. Even this proved to be controversial with Congress, dominated by supporters of Balaguer, extending the election date by a further six months to May 1996. See *Latin American Weekly Report*, 1 September 1994, p. 395.
6. *Latin American Weekly Report*, 19 May 1994, p. 216.

7. This poll gave a mere 14% to Juan Bosch. In 1990 it was the rise of Peña Gómez in the final days before the election that can mathematically explain the fact that Bosch was neck and neck with Balaguer. In 1994, it was less clear. It cannot really be claimed that support for Juan Bosch at the end of the campaign would have cancelled out Peña Gómez's lead, since there was no sudden surge in his favour (see Table 2).

8. According to certain news reports, the names of Peña Gómez's supporters were deleted; according to others they were replaced with the names of supporters of Balaguer.

9. As usual, during the tours of President Balaguer in the countryside and poor areas, his assistants gave out handfuls of 100 and 500 peso notes (\$8 and \$40). Furthermore, the army confiscated voters' registration cards or the voters' registration cards of those favourable to the main opposition candidate were bought for cash. Caroit, *Le Monde*, 16 May 1994.

10. Peña Gómez constantly asserted his Dominican nationality. In 1990, he entrusted to Salvador Víctor's care the rectification of his biography. Based in particular on official documents, the book tried to show that neither he nor his parents were Haitian. At the very most the accusations would have been true of his maternal grandmother. The argument was that Peña Gómez was of black origin and of slave descent, but that his family came from the Spanish part of the island. His family is said to have served a Spaniard named Zaruela. However, according to one reporter who investigated the origins of the PRD leader in 1981, 'the eye-witness reports lead you to believe that his mother was Dominican and his father Haitian, but his father had lived in the country for many years since he could speak Spanish perfectly and with no accent according to those still living who had known him'.

11. See Jean Price-Mars (1953), *La république d'Haiti et la république Dominicaine* (Port au Prince, Collection du Tricinquanteaire).

12. See Balaguer (1947), *La realidad dominicana* (Buenos Aires: Imp. Ferrari Hnos) and Balaguer (1984), *La isla al revés, Haití y el destino dominicano* (Santo Domingo: Librería Dominicana).

13. See Balaguer (1984), *op. cit.*, p. 97. Note that the Dominican population is in fact 70% mulatto.

14. It can be estimated that the population of Haitian origin has risen from 300,000 to 500,000 over the last decade. See André D. Corten 'Five thousand Haitians in the Dominican Republic', *Latin American Perspectives* (forthcoming, 1995).

15. See Corten (1993), *El Estado Débil: Haití y la República Dominicana* (Santo Domingo: Edición Taller), pp. 254-256.
16. For the issues of international law raised by the embargo, see Corten, et al (1992), *Droit d'ingérence ou obligation de réaction?* (Brussels: Editions Bruylant/Editions de l'Université de Bruxelles).
17. *Latin American Press*, Vol. 26, No. 20, 2 June 1994.
18. Douglas Farah (Washington Post Service) 'Sanctions Steer Haiti into Lively Trade in Contraband', *International Herald Tribune*, 16 May 1994, p. 3.
19. See *Haiti Hebdo*, No. 58, 24 May 1994. The figure was supported by independent priests and officials in humanitarian agencies.
20. See Corten (1986), *Port-au-Sucre, Haiti et la république Dominicaine* (Montreal:CIDIHCA).
21. Haiti is very dependent on the United States from all points of view. Taking only trade as an indicator, 85% of Haitian exports are destined for the United States and 65% of imports come from the United States.
22. *Latin American Weekly Report*, 2 June 1994, p. 231.
23. *Financial Times*, 9 May 1994.
24. Rohter, Larry, 'Along the Haiti - Dominican Republic Border: A Barrier or Loophole?', *New York Times*, 9 November 1993.
25. *Ibid.* On the question of the Dominican-Haitian border, see CREDISP (1992) *Ayti/Republica Dominicana, Au seuil des années 90* (Dossier Haiti 4); Lozano (1993), *La cuestión haitiana en Santo Domingo* (Santo Domingo: GLACSO/North-South Center, University of Miami).
26. Trade between Haiti and the Dominican Republic has experienced a certain blossoming since 1979. Even on the most generous assumptions, however, the trade before the embargo was no more than 25 million dollars, i.e. not even 10% of the value of Haitian imports.
27. Patrick Cockburn, 'Sanctions drive brings Haiti to the edge of ruin', *The Independent*, 18 February 1994, p. 14; Jean-Michel Caroit, 'Les Trafics entre Haiti et la République Dominicaine', *Le Monde*, 4 February 1994, p. 6.

28. See, Caroit, *op. cit.*, who points out that large-scale smuggling of oil into Haiti from the Dominican Republic is unlikely as it would immediately be noticed by Venezuela which is one of the nations instigating the embargo. The reason is that the Dominican Republic imports much of its oil from Venezuela and it would also appear in Dominican statistics. However, the Dominican Republic not only supplies itself with Venezuelan oil, but also equally with oil from Mexico. Note also that Venezuela greatly moderated its stance on the Haitian case during 1994.

29. A gallon costing the equivalent of US \$1.5 on import was resold at \$3.5 to Haitian smugglers, then at between \$10 to \$16 in Haiti depending on the proximity of the Dominican border. By the end of June 1994, however, prices had fallen to \$7 as a result of the increase in illegal supply.

30. A barrel contains about 40 gallons.

31. *Latin American Weekly Report*, 2 June 1994, p. 231. The article reported that these figures, supplied by Temistocles Montas of the PLD, were confirmed by other Dominican sources.

32. Ron Howell, *Newsweek*, 22 May 1994.

33. Caroit, *op. cit.*

34. Resolution 917, aimed at all the nationals of the member states of the United Nations, was in part designed to prevent imports from countries that had not previously been subject to the embargo.

35. CREDISP, (1992), *op. cit.*, Preface; Corten (1993), *op. cit.*, Chapter 9.

36. Americas Watch and the National Coalition for Haitian Refugees and Caribbean Rights are the most important.

37. *Haiti Update*, May 1993, Vol. 1, No.1, p. 1.

38. On this subject, see Krysanek (1985), *US Latin American Relations* (New York: Praeger), p. 118.

39. 83% of the black vote went to Clinton in the 1992 presidential elections. *The Independent*, 30 April 1994.

40. *Haiti Hebdo*, No. 59, 6 June 1994.

41. *International Herald Tribune*, 21-22 May 1994; *Haiti Hebdo*, No. 58, 24 May 1994.

42. Corten (1993), Tables 13 & 14.

43. André Corten, 'Les Haitiens a l'assaut de l'Amérique', *Le Monde Diplomatique*, February 1992.

44. *Latin American Press*, Vol. 26, No. 20, June 1994.

45. The UNHCR gave its decision in June 1993. What gives a semblance of legality to repatriation is the accord of 1981 with the Haitian Government. President Aristide pointed out that this accord should expire at the end of 1994. *The Guardian*, 8 April 1994.

46. In a letter dated the 8 April 1994, Aristide advised President Clinton that he was ending the 'refugees' pact'. This letter was sent three weeks after the 40 members of the CBC called on President Clinton to change his policy on Haiti and to drop the practice of repatriation, which was described as racist. *Ibid.*

47. According to Steven Forester, the attorney of the Center for Haitian Refugees, a quarter of rejected refugees ended up in prison for periods which can last from a few days to several weeks. *Ibid.*

48. For a long time, the method of welcoming Cubans (only revised in August 1994 after 35 years) and rejecting Haitians has been unfavourably compared.

49. This is not the first time that racism has arisen in health measures. 1981 witnessed a campaign against Haitians, considered medically as being in a high-risk AIDS category. See Corten (1993), *op. cit.*, pp. 140-1.

50. *Haiti Insight* (published by the National Coalition for Haitian Refugees), Vol. 5, No. 4, June 1994. Cité Soleil is the huge shanty town at the entrance to Port-au-Prince.

51. Faced with the repeated occupation of embassies and other actions of civil disobedience, the Cuban government authorised the exodus of those the Government considered as being the 'refuse' of society. This exodus left from the port of Mariel – hence the name *Marielitos*.

52. The 1986 Immigration Reform and Control Act nevertheless legalised the status of nearly 3 million illegal immigrants, mainly Mexicans. Few were Haitians.

53. Alain Frachon, 'L'Amérique immigrée', *Le Monde*, 20, 21, 22 and 23 May 1994.

54. The Governor's Island Agreement is the name given to the accord between Presidents Clinton and Aristide in July 1993 that established the conditions for the end of military rule in Haiti and the restoration of President Aristide as the Head of State.

55. Christian Lionet, 'Washington met la pression sur les Militaires Haitiens', *Libération*, 9 June 1994.

56. John M. Goshko, 'US Urging Force of 3,000 for Haiti', *International Herald Tribune*, 9 June 1994 & Lionet, *op. cit.*

57. The United States realised that it could only mobilise 130 Creole speakers. The 24th Assembly adopted by acclamation the choice of Haiti for the next General Assembly due in 1995 (*Le Monde*, 11 June 1994).

58. Martin Fletcher, 'US led peacekeepers ready to police Haiti', *The Times*, 9 September 1994.

59. *Le Monde*, 12-13 June 1994.

60. Aristide cannot be a candidate in these elections because of the constitution. The time spent in exile has to be deducted from his mandate.

# **THE INTERNATIONAL COMMUNITY IN HAITI: EVIDENCE OF THE NEW WORLD ORDER**

Federico Andreu

## **Introduction**

The Haitian crisis, together with the solution prescribed by the so-called 'international community', has been a test case revealing many of the political underpinnings of the new international order. First, it has revealed the apparent contradiction between the global agenda of democratisation and that of maintaining the prevailing balance of power. This contradiction is evidenced by the difference between the tenets of international law and the policy practice of the international community. The former has taken an increasingly firm stance against gross violations of human rights and impunity, whilst for the latter impunity has become a necessary element of the global process of democratisation.

At present the concept of democracy is a central element in attempts to legitimise the new world order. However, we are not dealing here with an abstract or broad concept of democracy, but rather a particular type of democracy which facilitates rather than challenges the machinery of domination of the new world order, the latter based on the free market and global economic integration. So democratisation (according to a particular vision of democracy) whilst maintaining the current balance of power are two central elements of this new world order. Impunity, therefore, becomes a structural element of the new international order and of the ongoing process of democratisation; it is neither a temporary nor a local phenomenon. The safeguarding of impunity provided by the amnesty laws passed in the Latin American Southern Cone during the 1980s provides but one example of this problem.

Secondly, the intervention of the international community in the Haitian crisis highlights the way in which international governmental organisations act as transmission belts for the foreign policy concerns of the major powers. The new world order certainly appears to be based on the geopolitical division of the globe into new, regional spheres of influence (with the USA dominating the American continent). Undoubtedly the actions of the United Nations (UN) and the Organisation of American States (OAS) with regard to Haiti were based on US foreign policy concerns, the steps taken by those international organisations reflecting the internal contradictions between the Republicans and Democrats and between the Pentagon and State Department.

## Historical Background

On 16 December 1990, Catholic priest Jean Bertrand Aristide was elected President of Haiti by 67% of the electorate. He received support from a broad range of actors within the popular movement and the left, particularly the Lavalas Popular Movement, as well as the grass roots church group 'tilegliz'. The election of Aristide represented a sharp break with the *status quo* within Haiti and in the Caribbean region in general. For the first time a popular movement had won power through the ballot box in a country previously ruled by one of the hemisphere's most brutal dictatorships, a dictatorship dominated by a particularly rapacious elite, closely linked to international capital and supported by successive US administrations.

There was an important regional dimension to the election of Aristide. Because of its proximity to Cuba, Haiti is considered by the Pentagon to be strategic for US security concerns. In addition, US economic sectors have significant interests in Haiti dependent on the *status quo* being maintained. For example, a US National Labor Committee report revealed that the elevated profits made by US telephone and electronics companies in their Haitian assembly plants were principally due to the extremely low salaries paid to local workers.<sup>1</sup>

The very fact that a left wing government was coming to power in Haiti, let alone the potential example set for other Caribbean countries, was perceived as a threat to US interests by significant sectors of the administration, particularly the Republican Party and the Pentagon.<sup>2</sup> Pentagon officials subsequently told the New York Times that Aristide was 'suspect and unreliable'.<sup>3</sup> On 6 and 7 January 1991 a coup attempt led by the ex-chief of the Haitian National Security Volunteers, better known as Duvalier's 'Tonton Macoutes', was foiled. On 29 September 1991 a repeat attempt by the Haitian armed forces (HAF) overthrew Jean Bertrand Aristide. After the military coup, US President George Bush asked the revealing rhetorical question 'are the coup perpetrators a real threat to the security, foreign policy and economic interests of the United States?', signalling the (somewhat cynical) thinking of a key sector of the US administration with regard to the crisis in Haiti.<sup>4</sup>

## The First Actions of the OAS in 1992

The day after the coup, the Permanent Council of the Organisation of American States<sup>5</sup> adopted the resolution 'Support to the democratic government of Haiti'.<sup>6</sup> Besides condemning the coup and reaffirming OAS commitment to deepening democratisation across the continent, this



resolution contained a vital element which would later disappear: the demand for punishment of the perpetrators of human rights violations. This was later substituted by the demand for an amnesty for the coup leaders.

During October 1991 the OAS began a process of dialogue with the *de facto* authorities in Port-au-Prince with a view to reestablishing a constitutional regime.<sup>7</sup> As a means of pressure, the OAS recommended diplomatic isolation of the *de facto* regime and suspension of all financial and economic ties until, in the OAS's own words, 'the rule of law had been reinstated'. It subsequently decreed an economic and trade embargo and created a special civilian mission to work towards reestablishing constitutional government.<sup>8</sup>

The economic and trade embargo, the only means of pressure brought to bear on the *de facto* authorities, was never fully applied by the member states of the OAS. As early as December 1991 President Aristide criticised the fact that few countries were supporting the embargo and that former Duvalierist leaders and Tonton Macoutes were organising supply shipments from across the border in the neighbouring Dominican Republic.<sup>9</sup> The President of the Dominican Republic, Balaguer, even went as far as publicly to state that he was not applying the embargo. Similarly, many of the US firms based in Haiti failed to observe the embargo; indeed, they were protected by a unilateral exception declared by the US government which allowed them to continue assembling and exporting electronic goods to the USA.<sup>10</sup>

### **The Washington Protocols: Imposition of a Model of Democratisation**

The direction of international community intervention in Haiti was clarified on 23 February 1993 when the constitutional government and the *de facto* government signed the Washington Protocols under the auspices of the OAS.<sup>11</sup> Whilst constituting a declaration of intent and a recognition of the minimum elements necessary for the reestablishment of the constitutional order in Haiti, these protocols were also of overriding importance for the transition to or reestablishment of 'democracy' in the country. The Washington Protocols laid out the foundations of a concept of transition or reestablishment of democracy which we might call democratisation with impunity.

The Protocols consisted of two separate agreements. The first was signed by President Aristide and the Presidents of the Haitian Senate and House of Representatives, the other by Aristide and the *de facto* prime minister. Both acknowledged the legitimacy of President Aristide and the need to restore and

consolidate democratic institutions. The Protocols signalled four main stages in this process:

- (a) the restoration of President Aristide to his functions (although no date was set for this);
- (b) the creation of a government of national consensus and the appointment of a new prime minister;
- (c) the consolidation of democratic institutions via legislative reforms, particularly the separation and professionalisation of the Haitian armed forces and police;
- (d) a general amnesty for the coup leaders.

The amnesty was defined in very broad terms, the only stipulation being that it was not to apply to 'common criminals'. The resulting interpretation of the amnesty was exceedingly far-ranging. The Special Rapporteur for Haiti of the UN Human Rights Commission defined it as a measure 'to prevent the armed forces and security personnel from being accused and judged for events during and after the coup of 29 September 1991'.<sup>12</sup>

These aspects of the protocols stood in stark contrast to the demands voiced by Aristide some days prior to the signing, calling for the immediate removal of Lieutenant-General Raoul Cedras and the other instigators of the coup: 'the coup leaders are guilty of crimes against humanity. If democracy is to be protected then there are only two possible paths open to them; prison or exile'.

The entire international community backed the Washington Protocols and the implied model of transition contained within them (democratisation with impunity). For example, the Presidency of the European Commission declared itself to be satisfied two days after the Protocols were signed. In Haiti, then, the international community sanctioned a model of democratisation founded upon impunity.

Paradoxically, that same year international law made considerable progress against impunity. In February 1992 the Human Rights Commission of the Economic and Social Council of the United Nations adopted the Declaration on the Protection of all Persons against Forced Disappearance. Article 18 (1) of this declaration prohibits amnesties for the perpetrators of disappearances. On 18 December 1992 the General Assembly of the United Nations adopted this new instrument of international law.<sup>13</sup> The Inter-American Human Rights Commission of the OAS, for its part, declared the Argentine laws of *punto final*, due obedience and the presidential pardon of 1989, as well as the Uruguayan law setting a cut-off date for prosecution of perpetrators of abuses under the previous military government, to be in violation of the Inter-American Declaration and Convention on Human Rights. The Commission's

view was that these laws violated the obligation of the state to investigate and sanction those responsible for human rights violations and as such constituted a denial of justice and the right to effective redress.

Some days after the Washington Protocols were signed, President Aristide spoke before the UN Commission on Human Rights. He stressed the need to charge and try the military leaders of the coup in a court of law for crimes committed against the Haitian people. This was to mark the beginning of the end of the agreements. There were subsequently some fruitless attempts at negotiation. The *de facto* authorities and the military even attempted to cobble together an agreement of national salvation based on the exclusion of President Aristide.<sup>14</sup> In August 1992 a committee composed of members of the OAS, European Union, UN and CARICOM (Caribbean Common Market) launched an unsuccessful initiative to reopen talks between the constitutional president and the *de facto* authorities. Nevertheless it is important to note that the proposal drawn up by the Presidential Commission - advisors to Aristide - contained most of the points enumerated in the Washington Protocols, bar the amnesty.<sup>15</sup>

### **The Caputo Plan and the Governor's Island Agreement**

In late 1992 the UN and the OAS began to cooperate more closely on the Haitian crisis. Dante Caputo, formerly Argentine Foreign Minister under Raúl Alfonsín - the very same administration which had issued the laws of *punto final* and due obedience - was named by the Secretary Generals of the UN and the OAS as Special Envoy to Haiti. The UN Secretary General designated the United States, Canada, France and Venezuela as 'friendly' countries of this initiative.

The international community then entered into a new phase of intervention in an attempt to resolve the Haitian crisis. This intervention slowly took shape around the transition set out in the Washington Protocols, with the addition of some new instruments. In his March 1993 report to the General Assembly, the UN General Secretary wrote: 'the immediate objective is to achieve an agreement on three central issues: the return of President Aristide to Haiti; designation of a prime minister to lead a government of national consensus; and an amnesty'.<sup>16</sup>

The Special Envoy duly visited Haiti in April 1993 and presented an outline of what was initially known as the 'Caputo Plan'. This included:

- deployment of a multinational police force, subject to agreement between the parties, prior to Aristide's return;

- appointment of a prime minister by Aristide to be ratified by Congress;
- the granting of an amnesty and other guarantees to the military coup leaders plus the resignation of the army and police commanders; and
- a programme of financial assistance for economic reconstruction.

In late June the UN and OAS, *via* Special Envoy Dante Caputo, presented a 'Global Agreement' to President Aristide and Lieutenant-General Raoul Cedras, to be signed on 3 July 1993 on Governor's Island by President Aristide and the Commander in Chief of the Haitian Armed Forces. At the outset of negotiations Aristide demanded the immediate removal of the coup leaders and his own immediate return to Haiti. However, he was literally forced to sign the agreement.<sup>17</sup> This was essentially a reworking of the Caputo Plan and included:

- (a) the establishment of a dialogue between the political parties in the Haitian parliament with a view to adopting legal reforms to facilitate the transition;
- (b) the appointment by the President of a prime minister, to be ratified by parliament, then followed by suspension of the embargo;
- (c) separation of the police and armed forces and modernisation of the latter;
- (d) amnesty for the coup perpetrators and 'early retirement' for Lieutenant-General Cedras and Head of Police Lieutenant-Colonel Michel François; and
- (e) return of President Aristide by 30 October 1993.

This process would develop under the auspices and verification of the United Nations and the OAS and would receive international assistance in the areas of legislative reform, modernisation of the armed forces and separation of the police from the military. The agreement postponed Aristide's return for nearly another four months. Furthermore, it left implementation of the agreements largely in the hands of the coup leaders. In practice this led to the absurd situation wherein the armed forces were responsible for the transition away from *de facto* military rule. Soon after the signing of the agreement one of the US administration's most effective means of pressurising the Haitian military to negotiate – freezing bank accounts and assets abroad and prohibiting entry to the USA – was dropped.

In terms of human rights, apart from the problem of the amnesty, the agreement omitted any mention of three central problems: internally displaced persons, paramilitary groups and the purging of the army. Another difficult question was that of truth; the agreement contained no investigative mechanisms, such as a truth commission, which had been features of the transition in, for example, the cases of Argentina, Chile and El Salvador. It is worthy of note that the Governor's Island Agreement was signed ten days

after the World Conference on Human Rights in Vienna called for ‘all laws safeguarding the impunity of those who commit serious abuse of human rights to be repealed’ and reaffirmed ‘the duty of states in all circumstances’ to investigate and sanction those guilty of forced disappearances.<sup>18</sup> In these terms the Governor’s Island Agreement was a major setback, guaranteeing as it did the imposition of democratisation with impunity.

### **The Special Envoy, MICIVIH and UNMIHA**

With the Governor’s Island Agreement, the intervention of the international community *via* the UN and OAS was designed to operate on three levels: the international human rights civilian mission, MICIVIH; the military and police technical assistance mission, UNMIHA; and the political mission under Special Envoy Dante Caputo. This latter was to supervise and administer the other two missions.

The MICIVIH, present in Haiti prior to the signing of the Governors Island Agreement, had a mandate to observe, collect information and make recommendations on human rights.<sup>19</sup> The mission had more than 200 observers spread across Haiti’s nine departments. Its mandate was restricted to: the rights to life, safety and physical integrity of the person; of expression and association; and furthermore it could only deal with violations committed after 9 February 1993.<sup>20</sup> Although MICIVIH was granted access to all public places and official institutions, in practice the military refused them entry to most prisons.

The technical military assistance mission, UNMIHA, was to have two components: police and military. In fact an advance party only arrived on 8 October. The military component was to provide military training to the armed forces and carry out public works (road building and construction of medical dispensaries). The second had a mandate to aid the constitution and training of a police corps separate from the armed forces.

The political mission under the aegis of Dante Caputo was the lynchpin of US and OAS policy, not only in terms of supervising MICIVIH and UNMIHA activities, but also for the purposes of conducting the transition process. It drafted proposals for legislative reform in accordance with the Governor’s Island Agreement: a draft law for the separation of the police from the army; a draft law to provide a means of redress to victims of human rights abuse;<sup>21</sup> and proposals for reform of the judicial and penal system.

Caputo’s advisory team also drew up the text for the amnesty decree that President Aristide was committed to sign as part of the Governor’s Island

Agreement. It appears that the political mission submitted four drafts to the Haitian President before he issued the final amnesty decree on 3 October 1993.

### **The Failure of the Governor's Island Agreement**

The transition scheme soon went awry. Despite the fact that Prime Minister Robert Malval, the President's appointee, was ratified by parliament, and a cabinet of national consensus was set up, the constitutional government was unable to exercise its functions. The ministers, with the notable exception of the Minister of Justice, were unable even to enter their offices. Similarly, the Mayor of Port-au-Prince was unable to take possession of his chambers which continued to be occupied by the *de facto* mayor and which were allegedly used as a torture centre.

Although President Aristide complied with the commitments of the Governor's Island Agreement, the military not only continued with their campaign of repression against all those supporting a return to the constitutional order, but from July onwards the repression became both quantitatively and qualitatively worse. The disappearance and murder of members of the political opposition and popular organisations became systematic practice. Paramilitary groups and death squads, organised by the armed forces and key Duvalierist leaders, operated throughout the country. The objectives of this reign of terror were to prevent the return of Aristide and to achieve the incorporation of the Duvalierist political leadership into the new government, baptised the government of 'Grand Concorde'. The objective of preventing a Lavalas government in Haiti were also the objectives of the local economic elite, and of the Republican Party and the Pentagon in the USA. As Aristide's position became weaker, the armed forces gradually increased the levels of violence in order to test the reactions of the international community which significantly failed to react. As the date set for Aristide's return approached, the crisis intensified.

On 11 September 1993, Antoine Izmary, a successful entrepreneur, Lavalas leader and opponent of the amnesty, was murdered by a joint paramilitary-armed forces commando in front of MICIVIH observers.<sup>22</sup> On 12 September the US troop carrier Harlan County decided not to disembark its UNMIHA passengers, instead returning to the United States. It appears that the decision not to involve US soldiers at this point in the Haitian crisis responded to a previous Pentagon decision, rather than being the result of the supposed threat of attack by a hostile crowd gathered on the wharf at Port-au-Prince. On 15 October the Minister of Justice, Guy Malary, was murdered in another commando operation. On 18 October MICIVIH was evacuated to

Santo Domingo on the direct orders of Dante Caputo. Security concerns for the mission were given as the pretext for evacuation. However, according to many observers, security problems were never such as to justify the evacuation of the mission at a time when its presence was more necessary than ever. Certainly to some extent MICIVIH was in conflict with the political guidelines of the Special Envoy: whilst Caputo engineered a process of transition based on impunity for the coup leaders, MICIVIH increasingly condemned the involvement of military and police officers in the repression and specifically in the organising of paramilitary groups.<sup>23</sup> The 30 October deadline for Aristide's return was not met. The CIA launched a campaign of defamation against Aristide and many US congressmen questioned his ability to rule. It also transpired that the State Department continued to train Haitian military personnel despite the official suspension of diplomatic relations.<sup>24</sup>

In February 1994, Haitian congressmen supported by the US State Department proposed a new plan.<sup>25</sup> It consisted of the appointment of a new prime minister, retirement of Lieutenant-General Cedras and Lieutenant-Colonel Michel François, and – revealingly – the formation of a broad-based government (read 'Grand Concorde') which mentioned no date for Aristide's return.<sup>26</sup> Aristide refused to sign this proposal. A spokeswoman for the State Department said that the US 'regretted' the position taken by the Haitian leader. Finally, the agreement brokered by ex-President Carter in September 1994, as the prelude to the US occupation, made it clear that criminal action would not be taken against the Haitian military leaders guilty of human rights abuse.

## Conclusion

In its management of the Haitian crisis the international community became the main promoter of a model of transition based on impunity. The international community, through the UN and OAS, also served as a vehicle for US foreign policy, a policy which had no interest in ousting the coup leaders until a regime acceptable to the USA could be secured. It becomes a legitimate question therefore whether the UN and the OAS did not in fact become a factor directly contributing to the state of impunity in Haiti.

## Notes

1. United States National Labor Committee (1993), *Haiti after the Coup: sweatshop or real development?*

2. For example, encouraged by events in Haiti a substantial socio-political movement emerged in the Dominican Republic which put forward a priest with considerable ties to the popular movement as its presidential candidate.

3. *The New York Times*, 7 October 1993.

4. See article by Christophe Wargny, 'Véritable objectif de Washington en Haiti, l'élimination programmée du President Aristide', *Le Monde Diplomatique*, April 1994, p. 20.

5. The OAS General Assembly, in its twentieth period of sessions, adopted Resolution AG/RES 1080 entitled 'representative democracy', creating an extraordinary mechanism to convene the Permanent Council in instances of abrupt or irregular interruption of the democratic institutional process.

6. Resolution CP/res 567 (870/91) of 30 September 1991.

7. The first step consisted of the visit of the OAS General Secretary and six foreign ministers from the region to Port-au-Prince in October 1991. This was opposed by the Haitian military.

8. Resolution MRE RS/2/91 of 8 October 1991.

9. Interview with Jean Bertrand Aristide in *Option*, No. 5, Geneva, December 1991, p. 15.

10. United States National Labor Committee, *op. cit.*, p. 11. See also WOLA, *Enlace*, Washington, March 1993, p.6.

11. E/CN.4/1993/47 paragraph 84.

12. *Option*, *Op. cit.*

13. Resolution 47/133.

14. The Tripartite Agreement of Villa Accueil of 8 May 1992 between the *de facto* government, the Haitian Parliament and the Armed Forces, excluding President Aristide.

15. 'Propositions pour une sortie de la crise haitienne', Presidential Commission, Port-au-Prince, 10 August 1992.

16. Secretary General's report to the General Assembly of the United Nations, 27 March 1993, A/47/908, para.17.



17. *Le Monde*, 6 July 1993, p. 4 and 'Clinton and Haiti: lessons of a political crisis' in WOLA, *Enlace*, Washington, February 1994, p. 6.

18. World Conference on Human Rights, *Vienna Declaration and Action Programme*, United Nations Editions, Geneva 1993, paras. 60 & 62.

19. In 1991, President Aristide requested the OAS to send an international civilian mission to Haiti. This petition was present in the Washington Protocols and the proposal later formulated by the Presidential Commission. In August 1992, the OAS sent a civilian observer mission to Haiti. On 8 January 1993 Aristide again requested the Secretary General of the United Nations to send a human rights observation mission. After an exchange of letters between the *de facto* authorities and the United Nations (9 February 1993) the first MICIVIH group arrived in Haiti on 24 February 1993.

20. Except cases of disappearance and internal displacement prior to 9 February 1993 where the violation was still occurring.

21. The proposal was restricted to cases of arbitrary detention, extrajudicial killings, disappearance and torture.

22. MICIVIH report A/48/532/Add.1, appendix.

23. MICIVIH report A/48/532/Add 1.

24. WOLA, *Enlace*, February 1994, p.6.

25. *Le Monde*, 9 March 1994.

26. *Le Monde*, 18 February 1994, p.4.

