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Haiti: Political Conflict and U.S. Policy Overview

Conflict and political fragility have plagued Haiti, the poorest country in the Western Hemisphere, for much of its history. Haiti improved governance prior to the 2010 earthquake, but progress since has been uneven. Democratic institutions remain weak and corruptible. Poverty remains extreme and economic disparity wide. Haiti's proximity to the United States, instability, and vulnerability to natural disasters have made relations with Haiti an ongoing policy issue for the U.S. government.

A year after the July 2021 assassination of President Jovenel Moïse and an August 2021 earthquake that killed 2,000 people, Haiti lacks an elected president, legislature, and mayors. No elections are scheduled to replace the expired terms of Haitian officials at any level of government. A political standoff between Prime Minister Ariel Henry's government and political and civil society leaders has occurred amid a worsening security crisis. The ongoing crises in Haiti are major concerns for the Biden Administration and many Members of Congress. U.S. policymakers have pushed for an inclusive, Haitian-led political accord leading to new elections and have increased security assistance for the Haitian police.

Political Paralysis

As in past periods when Haitian presidents failed to hold timely elections, former President Moïse of the Haitian Tèt Kale Party (PHTK) had been governing extra-constitutionally prior to his assassination. Moïse failed to convene parliamentary elections due in 2019 and began ruling by decree in 2020. There was controversy over whether his term ended in February 2021 or February 2022. Moïse, like some other Haitian politicians and business leaders, allegedly provided money and arms to gangs and other criminal groups in exchange for suppressing anti-government protests, according to *Insight Crime*.

Following Moïse's July 2021 assassination, the United States and other donors supported Henry's bid to serve as prime minister over other competitors. Shortly before the assassination, Moïse had nominated Henry, a neurosurgeon, to be prime minister. The legislature lacked a quorum to consider him, however, and the president had not sworn him in. Henry's irregular path to his position and allegations of his possible involvement in Moïse's assassination, a case that remains unresolved, have eroded his credibility. Henry has fired officials who have sought to question him about the case. Under Henry, inflation has further damaged the economy and insecurity has worsened. As of August 1, 2022, 1.4% of the population had been fully vaccinated against Coronavirus Disease 2019 (COVID-19), according to Johns Hopkins University.

In September 2021, Henry and his supporters proposed that he name a provisional electoral council to convene elections and that he remain the single head of government until a new elected government takes office. He has yet to appoint that council, and many civil society and political actors within Haiti have opposed Henry's proposal.

As an alternative to Henry's proposal, numerous civil society organizations and political parties, some in coalitions, have sought to form an interim government. After months of broad consultations, the Citizen Conference for a Haitian Solution to the Crisis (widely known as the Montana Group) came to an agreement in August 2021. The Montana Accord proposed a two-year interim government led by a president and prime minister, with oversight committees, to restore order, administer elections, and create a truth and justice commission to address past human rights violations. Although many civic leaders and political parties signed the Montana Accord, others did not (including some business groups, churches, and the PHTK and allied parties).

Negotiations between Henry and the Montana Group have yet to bear fruit. In June 2022, both parties named negotiation commissions that began meeting in mid-July. Some observers favor a Henry-Montana Group agreement, but others warn such an agreement may not receive broad enough support among the Haitian people to be successful.

Security Crisis

Violent gangs, some formerly tied to the PHTK, threaten to overwhelm the government with greater resources and weaponry. Gangs have exerted power and control over territory, access to fuel, and the delivery of humanitarian aid, challenging the authority of the Haitian National Police (HNP) and other state institutions. Since Moïse's assassination, gangs have expanded their power, as evidenced by the October 2021 kidnapping of U.S. missionaries, hindering the HNP's ability to combat drug trafficking and other crimes.

There are as many as 200 gangs in Haiti, and they control 60% of Port-Au-Prince, key ports, and roads, according to a study commissioned by the U.S. Agency for International Development (USAID). From January to May 2022, kidnappings rose by 36% and homicides by 17%, according to U.N. data; sexual violence is rampant. A wave of gang violence in Port-Au-Prince in mid-July resulted in more than 470 killings, according to the United Nations. Impunity prevails in Haiti's weak justice system. In addition to failing to resolve Moïse's assassination, Haitian authorities have yet to arrest Jimmy Cherizier, a former HNP officer turned gang leader, or other Haitian officials implicated in the 2018 La Saline massacre of 71 people.

The escalating gang violence threatens to worsen political, economic, and social conditions in Haiti, a country where the U.N. Office for the Coordination of Humanitarian Affairs estimates that 40% of the population is in need of humanitarian assistance. Violence has prompted closures of schools, businesses, markets, and medical facilities and has limited humanitarian access in some areas. Gang violence also could inhibit future disaster responses.

U.S. Policy

U.S. policy goals in Haiti aim to support Haitians in their efforts to confront insecurity; restore democratic institutions; and promote economic growth, educational opportunities, and health care. The Biden Administration's political approach to Haiti has evolved from supporting the Henry government to pushing Henry, the Montana Group, and other stakeholders to reach an inclusive political accord. In a July 6, 2022, *Miami Herald* editorial, Assistant Secretary of State for Western Hemisphere Affairs Brian Nichols said, "the time has come for ... steps that will allow Haiti to restore democratic order."

U.S. and international donors, criticized for past interventions in the country, have emphasized their support for Haitian-led solutions to the country's challenges. On July 15, the U.N. Security Council requested that Haitian officials provide an update on progress toward a political accord by mid-October. The Security Council also renewed, but did not expand, the mandate of the U.N. Integrated Office in Haiti, established in 2019 to strengthen political stability and the rule of law in Haiti.

U.S. foreign assistance to Haiti for FY2022-FY2024 is to be guided by a two-year Integrated Country Strategies (ICS) adopted in March 2022. The Administration requested \$274.8 million in assistance for Haiti in FY2023, up from the \$204.4 million provided in FY2021, most of which would fund health and other development activities.

Although a complete breakdown of FY2022 aid to Haiti is not yet available, the United States allocated \$56 million in development assistance, as well as at least \$48 million in International Narcotics Control and Law Enforcement funds to support the HNP and \$5 million to improve prison conditions. U.S. assistance also has included more than \$153 million in humanitarian aid since the August 2021 earthquake, according to a July 2022 State Department fact sheet. USAID and the State Department have provided at least \$47 million in health aid to help Haiti address COVID-19 and have donated more than 500,000 vaccines. The Department of Defense has provided disaster relief and has donated \$5 million in equipment and health supplies.

U.S. policy toward Haiti also has included the use of sanctions; judicial support for the investigation into Moïse's assassination; and extradition for those complicit in arms trafficking, gang violence, and drug trafficking. In December 2020, the Treasury Department sanctioned Cherizier and two other former officials for grave human rights violations under the Global Magnitsky Act. The Department of Justice (DOJ) has assisted Haitian officials investigating the Moïse assassination. DOJ has secured the extradition of two individuals complicit in that crime as

well as a gang leader responsible for the 2021 kidnapping of U.S. missionaries.

U.S. apprehensions of Haitian migrants have risen notably, both at sea and on the southwest border. From January to June 2022, the International Organization for Migration assisted more than 19,000 Haitians repatriated to Haiti, 73% of whom were removed from the United States. The United States also has taken steps to provide legal migration and protection pathways for some Haitians. Some 155,000 Haitians may be eligible for relief from removal under the Temporary Protected Status designation announced in May 2021. In July 2022, the Administration said it would resume the Haitian Family Reunification Parole program, allowing certain U.S. citizens and legal permanent residents to seek parole for family members in Haiti.

Congressional Action

The 117th Congress has enacted legislation, appropriated and conditioned foreign assistance, and conducted oversight of U.S. policy toward Haiti. Congress has held hearings and briefings on U.S. policy toward Haiti, U.S. treatment of Haitian migrants, and Haiti's April 2022 selection as one of the priority countries of focus under the Global Fragility Act (P.L. 116-94).

Congress enacted the Haiti Development, Accountability, and Institutional Transparency Initiative (HAITI Act; H.R. 2471/S. 1104) as part of the FY2022 Consolidated Appropriations Act (P.L. 117-103). The act requires U.S. agencies to measure the progress of post-disaster recovery and efforts to address corruption, governance, rule of law, and media freedoms in Haiti.

P.L. 117-103 does not designate an appropriations level for Haiti. The act requires the State Department to withhold those funds and any other aid for the central government of Haiti until a new president and parliament have taken office following free and fair elections or the Secretary of State determines a transitional government representative of Haitian society is in place and it is in the U.S. interest to provide assistance. Notwithstanding those requirements, the act allows U.S. agencies to provide assistance to support elections, anti-gang police and justice administration, public health, food security, water and sanitation, education, disaster relief and recovery, and other programs to meet basic human needs.

Congress is considering the FY2023 budget request. The FY2023 State and Foreign Operations appropriations bill reported by the House Appropriations Committee (H.R. 8282) does not designate a total funding level for Haiti; it includes the same conditions as P.L. 117-103. The report accompanying the bill (H.Rept. 117-401) would require a report by USAID on maternal care in Haiti. Additionally, measures to extend duty-free treatment from 2025 to 2035 with respect to imports from Haiti under the Caribbean Basin Economic Recovery Act have been introduced as the Haiti Economic Lift Program Extension Act of 2021 (S. 3279 in November 2021; H.R. 6136 in December 2021).

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