

# CRS Report for Congress

## Haiti: Developments and U.S. Policy Since 1991 and Current Congressional Concerns

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# Haiti: Developments and U.S. Policy Since 1991 and Current Congressional Concerns

## Summary

Following the first free and fair elections in Haiti's history, Jean-Bertrand Aristide first became Haitian President in February 1991. He was overthrown by a military coup in September 1991. For over three years, the military regime resisted international demands that Aristide be restored to office. In September 1994, after a U.S. military intervention had been launched, the military regime agreed to Aristide's return, the immediate, unopposed entry of U.S. troops, and the resignation of its leadership. President Aristide returned to Haiti in October 1994 under the protection of some 20,000 U.S. troops, and disbanded the Haitian army. U.S. aid helped train a civilian police force. Subsequently, critics charged Aristide with politicizing that force and engaging in corrupt practices.

Elections held under Aristide and his successor, René Préval (1996-2000), including the one in which Aristide was reelected in 2000, were marred by alleged irregularities, low voter turnout, and opposition boycotts. Efforts to negotiate a resolution to the electoral dispute frustrated the international community for years. Tension and violence continued throughout Aristide's second term, culminating in his departure from office in February 2004, after the opposition repeatedly refused to negotiate a political solution and armed groups took control of half the country.

An interim government, backed by the Bush Administration, was established with Gérard LaTortue as Prime Minister. The U.N. Stabilization Mission in Haiti (MINUSTAH) has tried to improve security conditions, but Haiti remains unstable. Natural disasters have contributed to instability. After several postponements, presidential elections were held on February 7, 2006, and runoff legislative elections were held on April 21. The electoral council declared René Préval winner after a controversial calculation process. He was inaugurated to a five-year presidential term on May 14, 2006. President Préval has sought to restore stability, build democratic institutions, and establish conditions for private investment in order to create jobs. He enjoys broad support from the international donor community, the Bush Administration, and Congress. On December 9, 2006, the 109<sup>th</sup> Congress passed a special trade preferences bill for Haiti (the Haitian Hemispheric Opportunity through Partnership Encouragement/HOPE Act of 2006, Title V, P.L. 109-432).

Congressional concerns regarding Haiti include fostering democratic development, stability, and security; the cost and effectiveness of U.S. aid; protecting human rights; combating narcotics, arms, and human trafficking; addressing Haitian migration; and alleviating poverty. The FY2008 Consolidated Appropriations Act (H.R. 2764/P.L. 110-161) includes a number of provisions on U.S. aid to Haiti that are described in this report. During its second session, the 110<sup>th</sup> Congress may consider a variety of legislation that has provisions on Haiti: H.Res. 234, H.Res. 241, H.Res. 909, H.R. 351, H.R. 454, H.R. 522, H.R. 750, H.R. 1001, H.R. 1645, H.R. 2830, H.R. 4986, S. 222, S. 821, and S. 1348. An expansion or extension of current trade benefits provided through the HOPE Act may also be considered. This report will be not be updated.

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# Haiti: Developments and U.S. Policy Since 1991 and Current Congressional Concerns

## Developments and U.S. Policy Since 1991<sup>1</sup>

### Most Recent Developments

U.S. officials have continued to express strong support for the Préval government, particularly improvements it has made, with U.N. support, in the security realm. In December 2007, Paul Tuebner, the USAID Mission Director in Haiti praised President Préval for “taking the actions necessary to bring Haiti out of conflict and into development.”<sup>2</sup> His comments were similar to those expressed by President Bush during President Préval’s first official visit to the United States in May 2007. President Bush praised Préval for his efforts to improve economic conditions and establish the rule of law in Haiti, and Préval responded by saying that his government seeks increased U.S. investment in Haiti.

There is also bipartisan support in Congress for the Préval government. On December 9, 2006, the 109<sup>th</sup> Congress passed a special trade preferences bill for Haiti. The Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act of 2006 (H.R. 6142) was incorporated into the Tax Relief and Health Care Act of 2006 as Title V (P.L. 109-432). Supporters said the bill could generate 20,000 jobs in Haiti within a few months of its implementation. State Department officials estimate that some 4,500 jobs have thus far been created.<sup>3</sup> Some Haitian officials and business leaders hope that the 110<sup>th</sup> Congress will consider expanding the benefits provided by the HOPE Act and extending the duration of those benefits in order to help the country attract new investors and create more jobs.<sup>4</sup>

The Bush Administration and Congress are likely to maintain an interest in ensuring that Haiti is able to hold free and fair elections this spring for the 10 seats in the Haitian senate whose terms will expire in May 2008. The U.S. government is providing close to \$4 million to support the Senate elections in Haiti. The elections, originally scheduled for the late fall, were postponed after members of the country’s

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<sup>1</sup> Sources for historical background include CRS Report 95-602, *Haiti: Efforts to Restore President Aristide, 1991-1994*; and CRS Report 93-931, *Haiti: Background to the 1991 Overthrow of President Aristide*, both by Maureen Taft-Morales.

<sup>2</sup> “Haiti’s Improved Economic Situation Tied to Better Security,” *State Department Press Releases and Documents*, December 5, 2007.

<sup>3</sup> U.S. Department of State, Office of Caribbean Affairs, Hill Briefing, January 24, 2008.

<sup>4</sup> Jacqueline Charles, “HOPE Act Would Help Haiti’s Garment Industry,” *Miami Herald*, November 26, 2007.

electoral commission accused the commission's leadership of embezzling funds. President Préval named a new commission in December 2007, but expressed serious concerns about his country's ability to afford the multiple elections that the current Haitian constitution requires. His December statements followed an October 2007 speech in which he called for constitutional reform. Since that time, Haitian leaders and civil society has been debating the pros and cons of reforming the country's 1987 constitution.<sup>5</sup>

In November 2007, the Préval Administration published its Poverty Reduction Strategy, a key requirement to meet the International Monetary Fund's conditions for debt relief through the Heavily Indebted Poor Countries Initiative (HIPC). Haiti still has to meet certain other conditions (a so-called "completion point") before its roughly \$1.54 billion in foreign public debt, which is mostly owed to the IMF and the World Bank, is cancelled.<sup>6</sup> Upon reaching that completion point, Haiti will also be eligible for cancellation of its debt to the Inter-American Development Bank (IDB). Until that point is reached, the IDB is providing \$50 million in grant funding annually for Haiti.

On October 15, 2007, the United Nations Security Council voted to extend the mandate of the U.N. Stabilization Mission in Haiti (MINUSTAH) for another year and directed the Mission to undertake more operations to secure Haiti's borders and maritime boundaries. The number of troops was reduced slightly, while the number of police was increased in order to help the Haitian National Police maintain control over urban areas. This latest extension occurred after Secretary-General Ban Ki-moon's August 2007 visit to Haiti. During his visit, he praised President Préval's efforts to fight corruption and to reform Haiti's police, judiciary, and prison systems.

On May 21, 2007, the Drug Enforcement Administration (DEA) announced the seizure of 1,056 pounds of cocaine and the arrest of three drug smugglers in international waters near the island of Hispaniola.<sup>7</sup> That and other seizures occurred as a result of a series of joint interdiction operations carried out in the spring and summer of 2007 by DEA, Dominican, and Haitian officials. There is increasing concern among some Members of Congress that Haiti and the Dominican Republic are becoming major transshipment points for drugs coming from South America. They would like to see more joint interdiction efforts carried out and counternarcotics assistance provided to Haiti. H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, would require an Administration report to Congress on counternarcotics assistance to Haiti.

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<sup>5</sup> Robert Perito and Jasenka Jovic, "Paper Versus Steel: Haiti's Challenge of Constitutional Reform," United States Institute of Peace Briefing, January 2008.

<sup>6</sup> This debt figures was taken from: Mark Weisbrot and Luis Sandoval, "Debt Cancellation for Haiti: No Reason for Further Delays," *Center for Economic and Policy Research*, December 2007.

<sup>7</sup> "DEA Seizes 1,056 Pounds of Cocaine, Arrests Three Drug Smugglers in International Waters Near Hispaniola," *U.S. Fed News*, May 21, 2007.

## **Aristide's First Term in Office (February-September 1991)**

Jean-Bertrand Aristide was first elected President in December 1990, in elections that were widely heralded as the first free and fair elections in Haiti's then-186-year history. A Roman Catholic priest of the radical left, Aristide's fiery sermons contributed to the collapse of the Duvalier dictatorship. The most controversial of 11 presidential candidates, Aristide won a landslide victory with 67.5% of the vote. His inauguration took place in February 1991, on the fifth anniversary of Jean-Claude Duvalier's flight into exile.

President Aristide was faced with some of the most serious and persistent social, economic, and political problems in the Western Hemisphere. After eight months in office, Aristide had received mixed reviews. He was credited with curbing crime in the capital, reducing the number of employees in bloated state enterprises, and taking actions to bring the military under civilian control. But some observers questioned his government's commitment to democracy. Opposition leaders and others criticized him for not establishing a cooperative relationship among the democratic elements, failing to consult the legislature in appointments as required by the Constitution, and for manipulating the judicial system in the prosecution of Duvalierists. His record in the area of respect for human rights was also mixed. He was criticized for appearing to condone mob violence, but was also credited with significantly reducing human rights violations while he was in office.

Some observers believe that during his eight-month tenure, Aristide contributed to political polarization within Haiti by refusing to condemn violent acts of retribution, and holding out the threat of mob violence against those who disagreed with him. On September 30, 1991, days after a speech in which some contend Aristide threatened the bourgeoisie for not having helped his government enough, Aristide was overthrown by the military. Some maintained that the elite business class financially supported the coup leaders.

Most human rights monitors credit Aristide's first administration with being the first Haitian government to address the need to improve respect for human rights, and the needs of the poor majority. They also asserted that progress made during his term was undone by the military regime that followed. Most sources credit Aristide with creating a much greater sense of security in Haiti during his first term than there had been in years. According to the State Department human rights reports for 1991 and 1992, there were no reports of disappearances during Aristide's eight-month term and dozens in the months following the coup. The State Department estimated coup-related deaths at 300-500 at the time, while Amnesty International estimated them to number over 1,500.

## **Restoration of Aristide to Office (October 1994)**

The leaders of the military coup faced stronger international sanctions than did previous coup leaders in Haiti, mainly because a democratic government had been overthrown. For over three years, the military regime resisted international demands that Aristide be restored to office. U.S. policy consisted of pressuring the de facto Haitian government to restore constitutional democracy to Haiti. Under the

Administration of President George H. W. Bush, measures included cutting off assistance to the Haitian government; imposing trade embargoes, as called for by the Organization of American States (OAS) and the United Nations; and supporting OAS and U.N. diplomatic efforts. While some observers believed that the Administration of President William J. Clinton intensified pressure on the Haitian regime and helped advance negotiations to restore democracy to Haiti, others felt it did not apply enough pressure. After the collapse of the Governors Island Accord, which called for the military regime's resignation and Aristide's return to power by October 30, 1993,<sup>8</sup> critics increased pressure on the Clinton Administration to change its policy. The Administration then took a tougher stance toward the military regime, imposing ever-stiffer sanctions, and ultimately ordering a military intervention to remove it.

On September 18, 1994, when it learned that a U.S. military intervention had been launched, the military regime signed an agreement with the United States providing for Aristide's return. It also called for the immediate, unopposed entry of U.S. troops, a legislative amnesty for the military, and the resignation of the military leadership. President Aristide returned to Haiti on October 15, 1994, under the protection of some 20,000 U.S. troops. On March 31, 1995, having declared that a "secure and stable environment" had been established, the United States transferred responsibility for the mission to the United Nations.<sup>9</sup>

### **Completion of Aristide's First Term (1994-1996), and the First Préval Administration (1996-2001)**

Following his return, President Aristide took steps to break with the pattern in which a military-dominated police force was associated with human rights abuses. Haiti, with U.S. assistance, demobilized the old military, established an interim police force of selected ex-military personnel, and began to train a professional, civilian Haitian National Police (HNP) force. According to various human rights reports, the level of violence, flight of refugees, and alleged assassinations dropped markedly from very high levels during the de facto military regime.

Also in 1995, President Aristide took steps to hold democratic elections, with substantial assistance from the United States and the international community. Most first-round parliamentary and municipal elections were held in June 1995. Although the deadly violence which had marred past Haitian elections did not occur, election observers alleged that there were numerous irregularities. Several re-run or runoff elections were held from July to October. Pro-Aristide candidates won a large share of the seats. Presidential elections were held December 17, 1995. The Haitian constitution prevented Aristide from running for a second consecutive term. René Préval, an Aristide supporter, won, with 89% of votes cast, but with a low voter turnout of only 28%, and with many parties boycotting the election.

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<sup>8</sup> "The Situation of Democracy and Human Rights in Haiti, Report of the Secretary-General," U.N. General Assembly Security Council, A/47/975, S/26063, July 12, 1993.

<sup>9</sup> "Remarks by President William Clinton ... at U.N. Transition Ceremony," The White House, Office of the Press Secretary (Port-au-Prince, Haiti), March 31, 1995.

Préval assumed office in February 1996. He launched a program to privatize government enterprise through joint ventures with private capital. Despite public protests against the economic reforms, the Haitian Senate passed privatization and administrative reform laws, allowing the release of millions of dollars in foreign aid through the International Monetary Fund (IMF). Protests against the associated austerity measures continued, however. One of the most vocal critics of the proposed economic austerity program was former President Aristide. In January 1997 he formed a new party, Lavalas Family, as a vehicle for his presidential bid in the year 2000.

**The 2000 Haitian Elections.** The Haitian parliamentary elections in 2000 were an attempt to resolve disputed elections from 1997, which had triggered an electoral crisis at the time. Saying that the 1997 elections were marred by fraud, Préval's Prime Minister resigned. Haiti was then without a prime minister for a year and a half, with four failed attempts to name a new one, and no resolution to the 1997 elections controversy. In January 1999, President Préval declared that most of Parliament's term had expired, although elections had not been held to replace them. He then installed members of his cabinet and an electoral council by decree. He continued to rule by decree through the end of his term in February 2001. In July 1999, President René Préval signed a new electoral law that effectively annulled the disputed April 1997 elections and provided for new elections.

The United States allotted \$16 million over two fiscal years for elections assistance for the 2000 Haitian vote. The aid supported the provisional electoral council, whose tasks included the registration of almost 4 million eligible voters, issuing voter identification cards for the first time, and organizing legislative and municipal elections for some 10,000 posts in May 2000. Every elected position in the country was on the ballot except for president and eight Senate seats.

Many observers hoped these elections would mean that, after two years of a deadlocked government and more than a year of President Préval ruling by decree, a new parliament could be installed and international aid released. Instead, the elections brought Haiti into another crisis. Both domestic and international observers noted irregularities in the tabulation of election results for some Senate seats. Nonetheless, the electoral council affirmed those results, which favored former President Aristide's Lavalas party. In September 2000, thousands of protesters shouting anti-Aristide and anti-Lavalas slogans called for the resignation of the Lavalas-controlled legislature. The OAS tried to broker an agreement between Lavalas and the opposition, to no avail.

Presidential elections were held on November 26, 2000. Because the Haitian government refused to address the earlier contested election results, the United States and other international donors withheld election assistance and refused to send observers, and opposition parties boycotted them. Although Aristide won the election with a reported 91.5% of the vote, turnout was very low, with estimates ranging from 5% to 20% of eligible voters participating.



## **Aristide's Second Term in Office (2001-2004)**

As President-elect, Aristide wrote a letter to outgoing U.S. President Clinton, promising to make several political, judicial, and economic reforms, including correcting the problems of the May 2000 elections. According to the White House at the time, no new promises were made by the United States.<sup>10</sup> The Administration of George W. Bush, which took office on January 20, 2001, accepted the reforms set forth in the letter as necessary steps for the Aristide government to make. Aristide took office again on February 7, 2001. At his inauguration, the United States was represented by its ambassador.

During President Aristide's second term, increases in political violence renewed concerns over security and police effectiveness. In 2001, President Aristide announced a "zero tolerance" policy toward suspected criminals. According to various human rights reports, this announcement was followed by numerous extrajudicial killings by the Haitian National Police and lynchings by mobs. The government's respect for freedom of the press continued to deteriorate. According to the State Department's February 2004 Human Rights Practices Report, "The [Haitian] government's human rights record remained poor, with political and civil officials implicated in serious abuses."

Observers also made increasing charges of corruption during Aristide's second term. The interim government (2004-2006) claimed that its investigation into the ousted Aristide Administration uncovered embezzlement of millions of dollars of public funds. The Central Unit for Financial Information reported that millions of dollars in public funds were illegally transferred to private institutions created by Aristide and that an estimated \$20 million were transferred to personal foreign accounts belonging to Aristide. The interim government filed a suit in U.S. federal court November 2, 2005, alleging that Aristide and eight co-defendants broke U.S. law by transferring public funds to personal foreign accounts. Aristide's lawyer dismissed the lawsuit as "baseless" and said that it was part of a government misinformation campaign against Aristide. Observers made allegations of corruption and misuse of public funds throughout much of Aristide's second term. Transparency International reported Haiti as one of the most corrupt countries in the world for several years.<sup>11</sup>

**OAS/CARICOM<sup>12</sup> Efforts to Resolve Haitian Conflict.** Efforts to resolve the electoral disputes of 1997 and 2000 frustrated the international community for years. At the third Summit of the Americas in April 2001, hemispheric leaders

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<sup>10</sup> Statement by the Press Secretary, The White House, December 28, 2000.

<sup>11</sup> In Transparency International's annual Corruption Perceptions Index, the higher the number, the higher the perception of corruption. In 2002, Haiti was ranked 89<sup>th</sup> out of 102 countries; in 2003, Haiti was ranked 131<sup>st</sup> out of 133, and corruption there was described as "pervasive"; in 2004, Haiti was ranked 145<sup>th</sup> out of 145. Available online from Transparency International's website at [<http://www.transparency.org>].

<sup>12</sup> CARICOM, the Caribbean Community and Common Market, was originally an economic organization of English-speaking Caribbean countries. Dutch-speaking Suriname joined in 1995, French- and HaitianCreole-speaking Haiti in 2002.

singled out Haiti as a country whose democratic practices were in trouble and asked the OAS to try again to help negotiate a solution to the crisis. The OAS had been mediating on-again off-again talks between the Aristide government and the opposition alliance Democratic Convergence. In OAS-mediated talks in July 2001, the Aristide government and the opposition agreed to hold new elections for local and most parliamentary seats, but could not agree on a schedule.

Tensions and violence in Haiti increased dramatically after Aristide assumed his second term in office. Supporters of both President Aristide's Lavalas Family party and the opposition coalition Convergence reportedly engaged in a cycle of violent revenge. In January 2002, the OAS Permanent Council passed Resolution 806 establishing an OAS Mission in Haiti and calling for the Haitian government to do all it could to ensure a climate of security and confidence necessary to hold free and fair elections. In July 2002, the OAS released a report stating that a December 2001 attack on the National Palace was not an attempted coup, as the Aristide Administration had claimed, and that "[T]he political opposition did not participate in the planning or in the execution of the attack." It also said that the government and Lavalas party officials gave arms to militants who plundered and burned the homes and offices of opposition members after the palace attack.<sup>13</sup>

Also in July 2002, the opposition proposed that presidential elections be re-held as well. All the OAS member states recognized Aristide as Haiti's legitimate head of state, however, and the OAS Secretary General said that the November 2000 elections "have never been the subject of an OAS or Summit of the Americas mandate," meaning that only the disputed May 2000 parliamentary elections were within the OAS mandate to negotiate a solution.<sup>14</sup>

In September 2002, the OAS passed Resolution 822 that tried to break the political impasse by recognizing the government's "constitutional electoral prerogatives." In other words, it removed the obstacle of having to complete negotiations with the opposition before elections could be held. A consensus resolution, negotiated by member states and voted for by Haiti, stated that legislative and local elections were to be held in 2003, on a date to be set by a new Provisional Electoral Council (CEP). An "autonomous, independent, credible and neutral CEP" was to be established by November 4, 2002. Haiti failed to meet that deadline, in part because the Democratic Convergence refused to name a representative for the council until the government dealt with security issues and made all reparations to opposition forces for damage done by government supporters in December 2001. Aristide named a partial CEP in February 2003. In June 2003, the OAS passed Resolution 1959, regretting that neither the government nor the opposition had fully implemented their obligations under the previous two resolutions, and urging the government to create a safe environment for elections and the opposition to help actively form a CEP. Those steps were not taken, and elections did not take place in 2003.

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<sup>13</sup> "Report of the Commission of Inquiry into the Events of December 17, 2001, in Haiti," OEA/Ser.G CP/INF.4702/02, July 1, 2002, part III.

<sup>14</sup> "Report of the Secretary General in Response to CP/INF.4724/02," OEA/Ser.G CP/doc.3643/02 corr.1, August 27, 2002, part I.

In November 2003, the new U.S. Ambassador to Haiti, James Foley, described the current state of Haiti as “very worrisome from all points of view: poverty, insecurity, economic development, infrastructure, environment, health, etc.,” and said that it was essential that Haiti resolve its political impasse so that Haiti and its international donors “can work together to resolve all of these fundamental problems.” A U.N.-appointed human rights expert said in November that the human rights situation there had “again deteriorated,” criticizing the ongoing impunity of human rights violators; the “persistent dysfunctions in the administration of justice,” and the frequently violent suppression of freedom of expression and especially of peaceful demonstrations. Saying he was “very disturbed” at the rising political violence there, then-U.S. Secretary of State Colin Powell backed a proposal by the Roman Catholic Bishops Conference of Haiti to set up a council of advisors to help Aristide govern until new parliamentary elections were held. Aristide supported the initiative, but the opposition, which accused Aristide of corruption and mismanagement, rejected it. In January 2004, the CARICOM secured Aristide’s agreement to disarm political gangs, appoint a new prime minister, and form an advisory council. Opposition groups refused to negotiate a settlement or participate in elections unless Aristide resigned. Two-thirds of Haitian legislators’ terms expired in January 2004 without elections having been held to replace them. President Aristide began ruling by decree.

The conflict escalated when armed rebels seized Haiti’s fourth largest city, Gonaives, on February 5, and the armed rebellion spread to other cities. Street battles ensued when police forces tried to regain control, leaving dozens dead. CARICOM continued trying to negotiate a solution to the crisis. Civil opposition groups operating mainly in the capital denied any links to the armed rebellions. After being criticized by some for statements appearing to indicate it might support the elected President’s removal, Administration officials said the remarks were not intended to signal support for Aristide’s resignation, and that the Bush Administration sought a peaceful solution to the crisis. Colin Powell and other foreign diplomats suggested the possibility of bringing in outside police forces, but only to support the enforcement of a political agreement reached by the Haitian government and the opposition, such as the one proposed by CARICOM. The opposition rejected the agreement.

**Aristide’s Departure.** With rebel forces moving toward the capital of Port-au-Prince on February 28, 2004, the Bush Administration increased pressure on Aristide to resign, stating that “His failure to adhere to democratic principles has contributed to the deep polarization and violent unrest that we are witnessing in Haiti today.” Aristide resigned the next day and flew into exile. He later said he was kidnapped, a charge the White House strongly denies. Following succession protocol outlined in the Haitian constitution, Supreme Court Chief Justice Boniface Alexandre was sworn in as President on February 29. The United Nations unanimously passed a resolution authorizing an international force, initially comprising U.S. Marines and French and Canadian police and military forces, to help restore order.<sup>15</sup> That force was replaced by U.N. peacekeepers three months later, in June 2004. A tripartite commission, based on an element of the CARICOM proposal, was formed to help

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<sup>15</sup> S/RES/1529 (2003), February 29, 2004.

run an interim government. CARICOM said it was not prepared to hold discussions with Haiti's new leaders, however, and called for an investigation into Aristide's "relinquishing of the Presidency" by an independent international body such as the United Nations.

During a demonstration on March 7, 2004, in which protesters called for the exiled Aristide to stand trial for alleged corruption and human rights violations, six people were reportedly killed by suspected Aristide loyalists. U.S. Marines killed at least six Haitians who they said were trying to attack them. Speaking from exile in the capital of the Central African Republic on March 8, Aristide asserted, "I am the elected president," and appealed for "peaceful resistance" by his supporters to what he called the "occupation" of Haiti.<sup>16</sup> After Jamaica allowed Aristide to travel there for a ten-week visit, Haiti's acting prime minister withdrew its ambassador from Kingston, saying Aristide was "disturbing Haiti's fragile order" by visiting the island only 125 miles away. The Jamaican government said Aristide agreed to their condition that he not use his visit to launch a campaign to be reinstated as president.<sup>17</sup> Aristide went into exile in South Africa on May 31, 2004.

## **The Interim Government (2004-2006)**

The formation of a legitimate transitional government through a constitutional process was made difficult by Aristide's claim that he remained Haiti's democratically elected president and by the lack of a legally constituted legislature to authorize a transitional government. When the office of the President becomes vacant, the Haitian constitution calls for the President of the Haitian Supreme Court to head an interim government. Accordingly, Boniface Alexandre was named interim President on February 29, 2004, although there was no functioning legislature to confirm his appointment, as called for in the constitution. A tripartite commission, based on an element of the CARICOM proposal, helped establish an interim government headed by Prime Minister Gérard LaTortue. The Commission was composed of one representative each of Aristide's Lavalas Family party, the civil opposition, and the international community. LaTortue's cabinet consisted of technocrats without strong party affiliations and did not include either Lavalas or the Democratic Convergence. The new minister of Interior and National Security was Hérard Abraham, former head of the Haitian army during Aristide's first term, in 1991. Abraham had retired about three months before the 1991 coup took place.

The constitution also calls for the election of a new President to be held between 45 and 90 days after the vacancy occurs. In April 2004, the interim government reached an agreement with opposition political groups to hold elections in 2005, with a new president to take office on February 7, 2006. Elections were delayed several times and finally took place in February and April 2006.

Showing his support for the interim government in Haiti, then-Secretary of State Colin Powell visited Haiti on April 5, 2004, announcing several U.S. initiatives.

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<sup>16</sup> Paisley Dodds, Ian James, "U.S. Marines Say They Killed Haiti Gunman," *Associated Press*, March 8, 2004.

<sup>17</sup> "Haiti Decries Aristide 'Meddling'," *BBC News*, March 16, 2004.

These included the immediate deployment of a seven-member team to advise the interim government on security issues; a three-year employment generation program to improve municipal infrastructure and provide tens of thousands of jobs; and a team to assess the technical assistance needed by the Haitian Finance Ministry and to assist Haitian authorities “in the recovery of assets that may have been illicitly diverted.” The U.S. stated it would provide an additional \$9 million to the Organization of American States (OAS) Special Mission for Strengthening Democracy in Haiti, for elections and democracy building activities; and \$500,000 for a variety of elections-related activities such as public education programs, public opinion polling, and training for political parties to develop candidates. Powell also said that humanitarian development programs would be expanded.<sup>18</sup> Relations between the U.S. and other Caribbean governments remained strained throughout the interim government’s tenure as CARICOM nations withheld recognition of the LaTortue government and maintained that Aristide was still Haiti’s legitimate elected leader.<sup>19</sup>

In congressional hearings in 2004, the Bush Administration reiterated that U.S. policy in Haiti is to support democracy and the strengthening of democratic institutions. Then-Assistant Secretary of State for Western Hemisphere Affairs Roger Noriega defended the Administration’s decision not to send in troops while Aristide was still in Haiti. He said that although Aristide voiced support for the CARICOM agreement, he continued to foment violence through his armed supporters, and that the Administration decided supporting his continued rule was not a sustainable policy and not worth risking U.S. lives for.<sup>20</sup>

At the same hearings, several Members of Congress harshly criticized the Administration for its role in Aristide’s departure from Haiti, saying that the Bush Administration refused to provide any assistance to stop the escalating violence in Haiti until Aristide resigned. Some voiced concern that the Administration’s actions set a dangerous precedent, that the ouster of a democratically elected government by violent thugs would be tolerated if the government was no longer favored by the current U.S. administration. Some Members called for independent investigations into what they referred to as the coup d’état that removed Aristide from office, and the role of the U.S. in his departure. Some observers were also concerned about the effect Aristide’s claim, and his call for his supporters to resist the international “occupation,” would have on efforts to restore order and stability in Haiti.

Concerns were also raised about the civil opposition as represented by the Democratic Platform in Haiti. Some observers questioned the right of the civil opposition to participate in an interim government, given their rejection of political solutions that did not involve Aristide’s resignation, including the one proposed by

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<sup>18</sup> U.S. Department of State, Office of the Spokesman, “U.S. Support for Haiti,” Fact Sheet, April 5, 2004.

<sup>19</sup> Carol J. Williams, “Former Ruling Party Seeks to Keep Itself Afloat in Post-Aristide Haiti...,” *Los Angeles Times*, April 7, 2004.

<sup>20</sup> Hearings before the House Committee on International Relations, Subcommittee on the Western Hemisphere, March 3, 2004, and before the Senate Foreign Relations Committee, Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs, March 10, 2004.

CARICOM and supported by the United States. Others wondered to what extent the opposition had a unified agenda beyond the removal of Aristide from office. Some asked what, if any, relationship the opposition had with the armed rebels who took over much of Haiti prior to Aristide's departure. Both the opposition and the Bush Administration stated that there was no relationship between the armed and unarmed opposition at the time.

On July 20, 2004, international donors pledged to provide more than \$1 billion over the next two years to help Haiti rebuild its infrastructure, strengthen institutions, and improve basic services. The United States committed to provide \$230 million for FY2004-FY2005.

The interim government signed an agreement with the U.N. and the OAS on August 23 to hold presidential, parliamentary, and local elections in 2005, with a new president to take office on February 7, 2006. The U.N. established a trust fund for the elections, started with \$9 million in U.S. funds, which they hoped would reach \$41 million. Members of former President Aristide's Fanmi Lavalas party threatened to boycott the elections in light of their alleged political persecution by the interim government. In the end, elections were held in 2006, and Fanmi Lavalas participated.

Many observers expressed concern over the actions of former members of the Haitian military after Aristide's departure. Many former military personnel demanded reinstatement of the Haitian army, which was disbanded by President Aristide in 1995 following a period of multiple military coups and gross violations of human rights carried out under military rule. The U.S. government and human rights organizations have objected to armed rebels being given any formal role in Haitian security forces.

The interim government increased concerns in April 2004 when Prime Minister LaTortue called the rebels "freedom fighters," and Haiti's top police official in the northern region met with former paramilitary leader Louis Jodel Chamblain and Guy Philippe to negotiate roles for their fighters in the police force.<sup>21</sup> Chamberlain had been convicted in absentia for killing a Justice Minister and chief financier of former President Aristide; Guy Philippe was accused of leading a coup attempt against President Préval during his first term in office. In June 2004, LaTortue assured U.S. officials that former soldiers would be subject to the same criteria and human rights vetting procedures as other applicants for joining the Haitian National Police. Nonetheless, some observers were concerned, noting that government discussions of disarmament focused more on former Aristide supporters than on armed rebels and former members of the army. In addition, the government presided over a rushed retrial of Chamblain, in which he was acquitted of the 1993 political assassination he had been convicted of in absentia.

Some critics described the LaTortue government as weak and partisan. They noted the interim government's difficulties in organizing elections and voiced concern that ongoing violence and human rights violations created an intimidating

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<sup>21</sup> "Haiti: Formal Role for Rebels Negotiated," *Latin American Weekly Report*, April 6, 2004.

atmosphere that inhibited political participation at both the national and local level. Both the State Department and Amnesty International reported human rights abuses against Aristide supporters under the interim government. Hundreds of Aristide supporters were jailed without charge for months, including former Prime Minister Yvon Neptune, who was held for 16 months before being charged. (See “Protection of Human Rights...” section below.)

Others note that the interim government enacted some reforms. For example, the interim government prepared a budget for FY2005, the first one to be prepared before a fiscal year began since 1996-1997. With international support, some progress was made toward other objectives outlined at the International Donors Conference on Haiti in July 2004, including 70% voter registration, improvements in fiscal transparency, jobs creation, and broader access to clean water and other services.<sup>22</sup>

**The U.N. Stabilization Mission in Haiti’s Activities in 2004-2006.** The U.N. Stabilization Mission in Haiti (MINUSTAH) assumed authority on June 1, 2004, although few of the U.N. troops had arrived by then. The MINUSTAH mandate includes helping to ensure a secure and stable environment, fostering democratic governance, and supporting the promotion and protection of human rights. The Brazilian commander of MINUSTAH said that without a full complement of troops it was difficult to maintain law and order. The mission had initial authorization for a force of about 8,000, made up of 6,700 military troops and 1,622 civilian police. Yet in May 2005, almost a year after the mission was authorized, forces were still below that level, with 6,435 peacekeeping troops and 1,413 civilian police from 41 countries in country. According to the State Department, the United States had a total of four U.S. military advisers and 25 civilian police participating in the U.N. mission. Furthermore, the mandate was established in April 2004, prior to flooding and hurricanes that left thousands of Haitians dead and thousands more homeless. MINUSTAH helped protect and deliver emergency foreign assistance following the natural disasters, stretching its resources even thinner. MINUSTAH urged international donors to accelerate the disbursement of \$1 billion in aid pledged for 2004-2006 to support their efforts.

Throughout this period, both the Haitian government and MINUSTAH periodically complained that the other was not doing enough to establish security in Haiti. Nonetheless, in October 2004 Haitian police officers and U.N. soldiers made a joint show of force to try to quell a spate of violence, arresting suspected militants and searching for weapons. Security improved, but the situation remained volatile. In late summer 2006, MINUSTAH and the Haitian police began a disarmament program.

To encourage the international community to make Haiti a higher priority, the entire 15-member U.N. Security Council traveled to Haiti April 13-16, 2005. Calling “dramatic” poverty “the prime cause of instability in Haiti,” the delegation emphasized the need for a long-term development strategy. It also said that holding

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<sup>22</sup> See CRS Report RL33156, *Haiti: International Assistance Strategy for the Interim Government and Congressional Concerns*, by Maureen Taft-Morales.

elections was the most pressing challenge for Haiti and the international community. It noted that the mission had improved security conditions in the preceding months but could do more in areas such as police reform. The Security Council also urged the interim government to implement “without delay” the mission’s proposed disarmament, demobilization, and reintegration program.<sup>23</sup> MINUSTAH’s mandate was extended until February 15, 2006, and the U.N. Security Council expressed its support for a U.N. presence in Haiti for “as long as necessary.”<sup>24</sup> MINUSTAH was also expanded by 800 military personnel and 275 civilian police and restructured to increase its ability to deter violence and provide security for the upcoming elections.

MINUSTAH troops cracked down on street gangs in the summer of 2005, and killings and kidnappings subsequently declined, according to MINUSTAH’s Chief. Nonetheless, gangs continue to operate in the slums of Port-au-Prince.<sup>25</sup> Then-U.N. Special Envoy to Haiti Juan Gabriel Valdes reported in November 2005 that peacekeepers had “stabilized” the country but cautioned that the elections could still be disrupted by violent groups.<sup>26</sup> There was some violence in the morning of the February 7 elections, but the situation calmed down and the rest of the election process was relatively peaceful, as were the local elections held in December 2006.

A group of human rights activists accused U.N. peacekeepers of killing civilians and the U.S. government of arming security forces who abuse human rights in petitions filed before the Inter-American Commission on Human Rights on November 15, 2005. U.N. commanders denied that they targeted civilians.<sup>27</sup>

MINUSTAH’s mandate must be renewed every six months. In March 2006, the mission’s Brazilian commander, Jose Carvalho, said that the mission would remain in Haiti for another two to three years. The death of his predecessor, Lt. General Urano Bacellar — ruled a suicide — prompted calls for the removal of Brazilian forces from Haiti. After debates in both countries about their role in MINUSTAH, Brazil and Chile have said their troops will remain. Although some Haitians call for the removal of foreign troops, President Préval asked the mission to stay, saying prior to his inauguration that “I will not adopt a falsely nationalist position.

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<sup>23</sup> Ibid., and “Haiti Security Improved, but International Assistance Remains Vital for Social, Political Progress, Security Council Told.” U.N. Security Council Press Release SC/8363, April 20, 2005.

<sup>24</sup> Statement by the President of the Security Council, U.N. Security Council doc. S/PRST/2005/1, January 12, 2005.

<sup>25</sup> Ginger Thompson, “A Bitterly Divided Haiti is Lurching Toward an Election,” *New York Times*, October 30, 2005. (Hereafter cited as Thompson, *A Bitterly Divided Haiti*.) Ben Fox, “Jailed Haitian Priest Appeals Suspension from Church Duties,” *Associated Press*, September 28, 2005.

<sup>26</sup> Alfred de Montesquiou, “U.N. Envoy Voices Confidence in Haiti Elections, Vows Tough Stance Against Armed Gangs,” *Associated Press*, November 27, 2005.

<sup>27</sup> Pablo Bachelet, “Rights Groups says Civilians Killed; Human Rights Activists filed a Petition before the Inter-American Commission on Human Rights Accusing Peacekeepers of Killing Civilians in Haiti,” *Miami Herald*, November 16, 2005.



MINUSTAH should leave as soon as possible, but only when we are ready to assume responsibility for security.”<sup>28</sup>

## The 2006 Elections

**Background to the Elections.** The interim government signed an agreement with the U.N. and the OAS on August 23, 2005, to hold elections in fall 2005. The U.N. established a trust fund for the elections, started with \$9 million in U.S. funds, which they hoped would reach \$41 million. Elections, first scheduled for October 2005, were postponed several times.

The presidential and legislative elections were delayed while observers debated whether conditions were conducive to holding free, fair, and safe elections. A member of the Provisional Electoral Council said that elections had to be delayed to allow time for technical preparations such as preparing ballots, distributing voter identification cards, and setting up polling sites.<sup>29</sup> A State Department official described the registration process as the “most comprehensive, transparent, and fraud-free ever conducted” in Haiti’s history.<sup>30</sup>

Members of former President Aristide’s Fanmi Lavalas party threatened to boycott the elections and claimed to face political persecution by the interim government, charges backed by human rights groups and other observers. Hundreds of Lavalas members, including Aristide’s former Prime Minister, were arrested and held for many months without charge. In July 2005, the interim government arrested Reverend Gérard Jean-Juste for alleged involvement in the abduction and murder of a Haitian journalist, charges the *New York Times* called “dubious.” Jean-Juste was in Miami when the abduction occurred and denies the allegations. Others claim his arrest was an effort to prevent the popular Lavalas leader from running for President and to weaken his party.<sup>31</sup> Jean-Juste was released on January 29, 2006, to receive treatment in Miami for leukemia. The charges against him have not been dropped.

**Presidential Candidates.** On November 12, the electoral council released a revised slate of presidential candidates, allowing 35 of the 54 who had registered to run. Former President René Préval (1995-2000), was considered the most popular candidate. Although Préval had been a supporter of Aristide, as President he tried to institute economic reforms that were strongly opposed by Aristide. Préval is remembered for building roads, schools, and hospitals during his term. Although he ran as an independent and said almost nothing about his political agenda during the campaign, grassroots members of Lavalas supported him.

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<sup>28</sup> “Haiti: MINUSTAH To Stay on for 2 to 3 Years,” *Latinnews Daily*, March 13, 2006.

<sup>29</sup> “Elections May Be Delayed. (Haiti),” *Caribbean Update*, November 1, 2005.

<sup>30</sup> “System Reportedly in Place for Holding 2005 Elections in Haiti,” *Washington File*, U.S. State Department, October 31, 2005.

<sup>31</sup> Thompson, *A Bitterly Divided Haiti*; and Ben Fox, “Jailed Haitian Priest Appeals Suspension from Church Duties,” *Associated Press*, September 28, 2005.

The Lavalas party, Haiti's largest and best organized, was split. The candidate the party nominated, priest Gérard Jean-Juste, was disqualified by the provisional electoral council (although he had not yet agreed to be the candidate) and was held in prison until just before the elections. The Lavalas leadership supported coalition candidate Marc Bazin, a technocrat who once worked for the World Bank. Critics said Bazin was an opportunist: since losing the 1990 presidential race to Aristide, he was an outspoken critic of Aristide but then ran under the banner of Aristide's party. After Aristide's overthrow in 1991, he served as Prime Minister in the de facto military regime characterized by its high number of human rights violations.

There were several other notable figures among the presidential candidates. Leslie Manigat, a historian and political scientist, won questionable elections run by the de facto military regime that followed the collapse of the Duvalier dictatorship, and was President from February to June 1988. Charles Henri Baker, a wealthy businessman, enjoyed some popular support. A leader of the armed rebellion that contributed to Aristide's ouster, Guy Philippe, also ran for President. A former member of the Haitian military and police commissioner, Philippe fled into exile after being accused of involvement in a coup attempt against then-President Préval in 2000. The Bush Administration suspects Philippe of drug trafficking.<sup>32</sup> Another candidate was Head of the interim National Police in 1994, Dany Toussaint. Toussaint, who received FBI training that included human rights courses, once enjoyed U.S. support, but by late 1995 was perceived as using the police as an enforcement branch of the Lavalas party. The U.S. government pressured then-President Préval to drop him as head of the Haitian National Police.

The most controversial candidate, Dumarsais Simeus, a wealthy Texas businessman who was born in Haiti to illiterate rice farmers, was removed from the race. The electoral council first barred Simeus from running because he did not meet the constitutional requirements of being a Haitian citizen and residing in the country for five consecutive years before the date of elections. In October, Haiti's supreme court overruled that decision, even though Simeus is a long-time U.S. resident who reportedly holds a U.S. passport. In November, the electoral council ruled that neither Simeus nor another candidate could run for president because they held dual nationality, which disqualifies a candidate under the Haitian constitution.

**Results of February 2006 Elections.** First round presidential and legislative elections were held, after several months of delays, on February 7, 2006. Former President René Préval was declared the winner after a week of increased tension and protests. Unofficial early counts indicated Préval had the more than 50% necessary to win in the first round. When official results showed Préval leading another former President Leslie Manigat by a wide margin, 48.7% to 11.8%, but not enough to avoid a second round, his supporters launched protests. Although some of the 32 other contenders conceded, Manigat reportedly would not. The Provisional Electoral Council, government officials, foreign diplomats, and international observers negotiated an agreement to retabulate the count by distributing thousands of blank ballots (some 4% of the total cast) proportionally among the candidates.

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<sup>32</sup> Thompson, *A Bitterly Divided Haiti*.

This pushed Préval's total to over 51%, and he was declared the winner on February 16. He was inaugurated to a five-year presidential term on May 14.

Following the February controversy over the vote count, the director-general of the electoral council, Jacques Bernard, fled Haiti. Opponents ransacked his farm and threatened him, accusing him of trying to deny Préval a first-round win, a charge he denies. Bernard had assumed the post in November 2005 and oversaw the February elections. He returned in early March to oversee the legislative runoff elections.

There were other controversial aspects of the elections as well. Of 2.2 million votes cast, about 8% of the ballots were missing, many believed to have been stolen or destroyed; and 8% were nullified because they were illegible. Nonetheless, voter turnout was high, violence was limited, and international observers declared the elections to be fair.

Former President Jean-Bertrand Aristide, who had maintained he was still Haiti's president since his departure in February 2004, acknowledged Préval as "my President," but said that he wants to return to Haiti from exile. Préval has been estranged in recent years from Aristide, his former mentor, including distancing himself by forming his own party. But Préval must tread carefully, as much of his support came from Haiti's poor, Aristide's strongest supporters, many of whom now expect Aristide to return. Publicly, Préval has said that Aristide has the constitutional right to return but has also suggested that Aristide might want to consider that he will probably face corruption or other charges if he were to return. Privately, he is said to agree with foreign diplomats that Aristide's return would be destabilizing.<sup>33</sup> The Caribbean Community (CARICOM), which withheld recognition of the interim government, has recognized the Préval government as well.

While most of the international attention centered on the presidential race in Haiti, legislative elections also took place on February 7. Only two of the 1,300 legislative candidates won a post in the first round, for two out of the 99 deputy seats in the lower legislative chamber.

***Legislative and Municipal Elections in 2006.*** Runoff legislative elections, for 30 senate and 97 of 99 lower chamber seats, were held on April 21. Although Préval's party, Lespwa ("Hope" in Creole), won the most seats in the legislature, it did not win enough seats to constitute a majority. Reflecting Haitians' emphasis on the role of the president, however, voter turnout for the presidential election was about 60% but only about 30% for the second round vote determining the composition of the legislature. There were charges that election officials and other groups committed fraud in the second round, but international observers said the irregularities were not significant enough to change the outcome.

Municipal elections were held on December 3. As President-elect, Préval encouraged citizens to vote in legislative and municipal elections, saying that Haitians have relied too heavily on the president and need to help build other institutions. "I want to remind the Haitian people of the limited power of the

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<sup>33</sup> Mozingo, op cit.

president,” he said. “If parliament is not strong and cohesive, the president can’t respond to all the problems, to all the hopes we see the people expressing.”<sup>34</sup>

## The Préval Presidency

President René Préval has outlined two main missions for his government: to build institutions and to establish conditions for private investment in order to create jobs. He emphasized that these must be done through dialogue among all sectors and creating a secure environment. After winning the presidential election in February 2006, Préval traveled widely to seek international support and assistance. He said that Haiti needs “massive” and long-term assistance. At a February 2006 meeting of donors, the international community reiterated its support of Haiti through the Interim Cooperation Framework (ICF) established at the 2004 Donors Conference, which was extended through 2007. International donors, financial institutions, and organizations met to agree on a “coordinated and rapid engagement” with Haiti’s newly

elected officials. They welcomed Préval’s election and discussed the importance of providing technical and material support to the parliament, permanent electoral council, local government, and other institutions resulting from all of the 2006 elections.<sup>35</sup> International donors stated they would also assist Haiti in developing a long-term Poverty Reduction Plan to succeed the Interim Cooperation Framework.

Building on drafts created by the interim government (2004-2006), the Préval Administration produced an Interim Poverty Reduction Strategy for the years 2007-2009 to meet IMF requirements for debt relief. This plan calls for actions to be taken with a macroeconomic framework focusing on three goals: maintaining

### Préval Biography

Préval, son of an agronomist, was born in 1943. His father served as a government minister in the early 1950s, but his family was forced into exile by the Duvalier dictatorship in 1963. Préval studied agronomy in Belgium and lived in New York before returning to Haiti to work in the government. After a brief period of government service, he opened a bakery in Port-au-Prince. He also became active in charity work and political action against the Duvalier regime, developing a close relationship to then-Father Jean-Bertrand Aristide. After the election of Aristide as president in 1990, Préval served as Prime Minister from February to October 1991, at which time the two leaders went into exile.

Préval returned from exile in 1994, and was elected to his first five-year term as president of Haiti in 1995. During his first term (1996-2001), Préval tried to enact some laws on privatization, trade liberalization, and administrative reform, but his term ended with significant popular protests. After completing his term, Préval retired to his father’s hometown where he dedicated himself to local development projects.

Source: “René Préval,” *Latinnews*, Jan. 2006

<sup>34</sup> Jean Jacques Cornish, “‘Haiti Voted for My Return,’” *Mail and Guardian Online*, February 24, 2006.

<sup>35</sup> “Donors Welcome Newly Elected President René Préval and Commit to Long-Term Engagement with Haiti,” press release 2006/278/LCR, World Bank, February 21, 2006.

macroeconomic stability; targeting actions to reduce poverty; and creating conditions conducive to sustainable growth driven by private initiative. Partially in response to criticism that too many priorities were set forth in earlier plans, the Haitian government says this plan focuses on those sectors that can be effectively financed in the first year, considering limitations of time, and human and financial resources. The Interim Poverty Reduction Strategy defines major priorities for 2007-2009 to be infrastructure, energy, education, health and security.

Préval has criticized the donor community for not dispersing funds quickly enough, while some international donors have complained that Préval's government keeps changing priorities — first children's needs, then road-building, then security issues. Crime and kidnaping levels remained high in 2006, leading Préval's government and MINUSTAH to focus on improving security. The International Crisis Group and others have identified the country's failing justice system, overcrowded and insecure prisons, and weak and corrupted police force as top areas in need of reform.<sup>36</sup>

President Préval has asked the U.N. mission to remain in Haiti, saying "it would be irresponsible for us to ask MINUSTAH to leave prematurely, just as it would be irresponsible on the part of the international community to withdraw MINUSTAH prematurely."<sup>37</sup> Préval has said he will promote another constitutional amendment to formalize the dissolution of the Haitian army, saying the money would be better invested in education and infrastructure. He asked MINUSTAH to step up its efforts to train a more effective Haitian police force and to help secure Haiti's borders and maritime boundaries.

A variety of U.S. government reports published in 2007 highlighted other challenges the Haitian government faces in combating narcotics and improving its human rights record. On March 1, 2007, the State Department released its 2007 *International Narcotics Control Strategy Report (INCSR)*, which maintained that Haiti is a major transit country for cocaine from South America because of its weak institutions, pervasive corruption, and dysfunctional police and judicial systems. The U.S. Joint Interagency Task Force South found that the number of drug smuggling flights from Venezuela to Haiti and the Dominican Republic increased by 167% from 2005 to 2006, with one third of those flights landing in Haitian territory. On March 6, 2007, the State Department released its annual human rights report, which stated that although it has made some improvements, the Haitian government's human rights record remained poor in 2006.

**Relations with the United States.** The Bush Administration has expressed support for Préval. The President called to congratulate him, and top officials, including Secretary of State Condoleezza Rice, have met with him. While in

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<sup>36</sup> International Crisis Group (ICG), "Haiti: Prison Reform and the Rule of Law," May 4, 2007; "Haiti: Justice Reform and the Security Crisis," January 31, 2007; and, "Haiti: Security and the Reintegration of the State," October 2006. [Available at <http://www.crisisgroup.org/home/index.cfm?l=1&id=2899>].

<sup>37</sup> "Haiti's President-Elect Pleads for Long-Term Aid," Federal Information and News Dispatch, Voice of America News, March 27, 2006.

Washington in March 2006, then-President-elect Préval asked for U.S. support for public works projects, said he would cooperate fully with counter-narcotics efforts, and urged the U.S. Congress to approve legislation providing preferential trade treatment to Haiti. Members introduced special trade preference legislation for Haiti on September 21, 2006 [H.R. 6142, Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act of 2006], which was approved on December 9, 2006 and incorporated into the Tax Relief and Health Care Act of 2006 as Title V (P.L. 109-432).

On May 7, 2007, Préval began his first official presidential visit to the United States. President Bush praised President Préval for his efforts to improve economic conditions establish the rule of law in Haiti and thanked him “for having one of the toughest jobs in the world.” Préval responded that “peace has been restored” in Haiti and that the country “is awaiting American investors.”<sup>38</sup> To further that end, President Préval announced a new anti-corruption, anti-contraband campaign while speaking at the U.S. Chamber of Commerce. Despite the generally positive reception he received, some U.S. officials expressed concerns to Préval about his government’s increasing ties with the Chávez government in Venezuela.<sup>39</sup>

## **U.S. Policy and Congressional Concerns**

The main priorities for U.S. policy regarding Haiti during the second session of the 110<sup>th</sup> Congress are to continue to improve security, promote sustainable economic development, and strengthen fragile democratic processes now that an elected government is in place. The Haitian government and the international donor community are implementing an interim assistance strategy that addresses Haiti’s many needs simultaneously. The current challenge is to accomplish short-term projects that will boost public and investor confidence, while at the same time pursuing long-term development plans that will improve living conditions for Haiti’s vast poor population and construct government institutions capable of providing services and stability.

### **Support of Democracy**

A key policy concern is Haiti’s ongoing transition to democracy. Even though the 2006 elections went well, many maintain that the subsequent governing process will not be easy. Haitian political parties are mostly driven by personalities rather than political platforms. Years of international efforts to get a national dialogue going have proven frustrating. Politicians lack a tradition of political compromise or serving as a “loyal opposition.” Yet many analysts agree that Haitians must develop a consensus on political development and poverty reduction for Haiti to move beyond the political stalemate it has been stuck in for the past decade.

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<sup>38</sup> “President Bush Welcomes President Préval of Haiti to the White House,” White House Office of the Press Secretary, May 8, 2007.

<sup>39</sup> “On U.S. Visit, Préval Chided Over Loyalties,” *Miami Herald*, May 9, 2007.

At a July 2004 conference on Haiti, international donors pledged more than \$1 billion over the following two years to help Haiti rebuild its infrastructure, strengthen institutions, and improve basic services. A key component of the strategy endorsed by donors at that conference was strengthening political governance and promoting national dialogue. The U.N., through its mission in Haiti, and the OAS took on major roles in supporting the Haitian election process, with financial and technical support from the United States and other bilateral donors. OAS officials in Haiti worked closely with the United Nations and other international organizations during every step of the electoral process. OAS activities in support of the Haitian elections included, but were not limited to, registering 3.5 million voters, setting up polling sites, monitoring the balloting on election day, and certifying the election results.

In July 2006, international donors pledged \$750 million to bridge Haiti's budget gap and fund economic, social, and democratic reconstruction projects through September 2007. At donor meetings, the international community has reiterated its support of Haiti through the Interim Cooperative Framework established at the 2004 Donors Conference, which is now extended through 2007. International donors, financial institutions, and organizations also stress the importance of providing technical and material support to the parliament, permanent electoral council, local government, and other institutions resulting from all of the 2006 elections.<sup>40</sup>

The Bush Administration and Congress are likely to maintain an interest in ensuring that Haiti is able to hold free and fair elections in the spring of 2008 for the 10 seats in the Haitian senate that were supposed to be chosen in November 2007. The U.S. government is providing close to \$4 million to support the senate elections in Haiti. The elections were postponed after members of the country's electoral commission accused the commission's leadership of embezzling funds. President Préval named a new commission in December 2007, but expressed serious concerns about his country's ability to afford the multiple elections that the current Haitian constitution requires.

## **U.S. Assistance to Haiti**

**Trends in U.S. Aid.** From FY1996 to FY1999, the Clinton Administration provided approximately \$100 million annually in foreign assistance to Haiti, plus about \$868 million in Department of Defense costs for peacekeeping and security operations related to embargo enforcement and the international intervention. Beginning in 2000, in response to the unresolved elections dispute, the Clinton Administration redirected U.S. humanitarian assistance through non-governmental organizations (NGOs), rather than through the Haitian government. The Bush Administration continued this policy. Aid began to decrease at the end of the Clinton Administration, and continued to do so for the first two years of the Bush Administration, with \$79 million provided in FY2000, \$73 million in FY2001, and \$56 million in FY2002.

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<sup>40</sup> "Donors Welcome Newly Elected President René Préval and Commit to Long-Term Engagement with Haiti," press release 2006/278/LCR, World Bank, February 21, 2006.

Then, although initial Administration requests submitted were low, aid increased over the next several years. The original request for FY2003 was \$47 million; the Administration later increased aid to \$72 million, in part because the Bush Administration included Haiti in an initiative launched that year to prevent the transmission of the HIV/AIDS virus from mothers to children. According to USAID, between four and six thousand Haitian children are born with the virus each year. In FY2004 and FY2005, the final aid figures were \$132.1 million and \$187.6 million, respectively. Humanitarian aid, including health care, nutrition, and education, provided after natural disasters and the political crisis, and the cost of military forces in Haiti after Aristide's departure, led to the increased aid figures. After the collapse of the Aristide government, U.S. aid also focused on job creation, government infrastructure support, improved security through improved administration of justice, and elections support.

The Bush Administration notified Congress in May 2005 that it supported adding another 800 military personnel and 275 civilian police to MINUSTAH, as recommended by the U.N. Secretary General.<sup>41</sup> The ceiling had been at 6,700 troops and 1,622 police. The State Department also supported the U.N.'s recommendation that MINUSTAH be restructured to enhance its ability to implement a disarmament program and provide security for the fall elections. The Administration estimated that expansion of the U.N. mission would cost the U.S. an additional \$16 million to \$18 million in FY2006.

The United States provided \$225.7 million for Haiti in FY2006, including \$47.3 million to combat HIV/AIDS and \$20 million in supplemental assistance. In FY2007, U.S. assistance totaled an estimated \$214.8 million. The Administration's FY2008 request was for almost \$223 million, including \$83 million to combat HIV/AIDS and \$25.5 million for an integrated conflict mitigation program to target urban crime.

The FY2008 Consolidated Appropriations Act (H.R. 2764/P.L. 110-161) includes the provision of no less than \$201.5 million in total economic and military assistance to Haiti. It provides that the Government of Haiti is eligible to purchase defense articles for the Coast Guard, states that International Military Education and Training funds and Foreign Military Financing may only be provided to Haiti through the regular notification procedures, and includes a restriction on certain INCLE funding to Haiti. The joint explanatory statement to the act recommends providing \$68.4 million in ESF assistance to Haiti and \$5 million in development assistance funds to support USAID's watershed reforestation program in Haiti. Estimated aid allocated to Haiti for all categories in FY2008 will be available when the FY2009 budget request is released in early February.

Haiti is also one of 12 countries currently receiving legislative-strengthening assistance from the House Democracy Assistance Commission (HDAC). The HDAC was created in March 2005 to provide technical assistance to legislatures and lawmakers in developing democracies around the world.

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<sup>41</sup> Letter from Matthew Reynolds, Acting Asst. Sec., Legislative Affairs, Department of State, to Richard Lugar, Chairman, Senate Committee on Foreign Relations, May 31, 2005.



**Congressional Action and Conditions on Aid.** Congress has monitored aid to Haiti closely, and has established a number of conditions on this assistance over the years. The FY2000 foreign aid act (P.L. 106-113) outlined congressional priorities for assistance to Haiti, including “aggressive action to support the Haitian National Police”; ensuring that elections are free and fair; developing indigenous human rights monitoring capacity; facilitating more privatization of state-owned enterprises; a sustainable agricultural development program; and establishing an economic development fund to encourage U.S. investment in Haiti. The act also required the president to regularly report to Congress on the Haitian government’s progress in areas of concern to Congress.

The Foreign Operations Appropriations Act for FY2001 (P.L. 106-429) shifted conditions, prohibiting aid to the Haitian government until Haiti held free and fair elections to seat a new parliament and was fully cooperating with U.S. efforts to interdict illicit drug traffic through Haiti. The only condition in FY2002 foreign aid appropriations law (P.L. 107-115) required notification to Congress prior to provision of any aid to Haiti. The FY2003 foreign assistance appropriations act (P.L. 108-7) provided for “not less than \$52.5 million” in food assistance program funds to be allocated to Haiti (Section 551), but contained no other conditions on aid to Haiti.

The FY2004 foreign aid appropriations (P.L. 108-199, Division D) continued to allow Haiti to purchase defense articles and services for the Haitian Coast Guard, prohibited the use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti, allocated \$5 million to the OAS Special Mission in Haiti and \$19 million in Refugee and Entrant Assistance funds to communities with large concentrations of Haitian (and Cuban) refugees of varying ages for healthcare and education.

The FY2005 consolidated appropriations act (P.L. 108-447, Conference Report H.Rept. 108-792) contained several provisions regarding Haiti. The act (1) made International Military Education and Training (IMET) funds and Foreign Military Financing (FMF) available only through regular notification procedures; (2) appropriated \$20 million for child survival and health programs, \$25 million for development assistance, including agriculture, environment, and basic education programs; \$40 million in ESF for judicial reform, police training, and national elections; “sufficient funds” for the OAS to help Haiti hold elections in 2005, and \$2 million to Zanmi Lasante for maternal and child health activities; (3) allowed Haiti to purchase defense articles and services for its Coast Guard; (4) noted disappointment on the Haitian government’s role in the trial and acquittal of Louis Jodel Chamblain, and the deteriorating security human rights situation; (5) required a report within 90 days on a multi-year assistance strategy; (6) and encouraged the Administration to help Haitian and NGO officials to devise a reforestation strategy and to provide a report on that strategy within 180 days. The earlier Senate version of the bill had made several findings regarding improving security in Haiti, concluding that “the failure to establish a secure and stable environment and to conduct credible and inclusive elections will likely result in Haiti’s complete transition from a failed state to a criminal state.”

A portion of an additional \$100 million appropriated by Congress in supplemental disaster assistance for the Caribbean region (P.L. 108-324) was

allocated to Haiti as well. The emergency supplemental appropriations act for FY2005 (P.L. 109-13) provided that \$20 million in Economic Support Funds “should” be made available to Haiti, \$2.5 million of which should be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti.

The 2006 foreign operations appropriations act (P.L. 109-102) stipulated that IMET funds and FMF could only be provided to Haiti through the regular notification procedures. Section 549 made \$116.215 million available for Haiti: \$20 million for Child Survival and Health Programs; \$30 million for Development Assistance; \$50 million for Economic Support Funds; \$15 million for International Narcotics Control and Law Enforcement; \$1 million for Foreign Military Financing; and \$215,000 for International Military Education and Training. It also continued to allow the government of Haiti to purchase defense articles and services under the Arms Export Control Act for the Coast Guard.

Section 549 (c) prohibited any International Narcotics Control and Law Enforcement (INCLE) funds from being used to transfer excess weapons, ammunition, or other lethal property of an agency of the United States government to the government of Haiti for use by the Haitian National Police (HNP) until the Secretary of State certified to the Committees on Appropriations that MINUSTAH had vetted the senior levels of the HNP and has ensured that those credibly alleged to have committed serious crimes, including drug trafficking and human rights violations, had been suspended and that the interim government was cooperating in a reform and restructuring plan for the HNP and the reform of the judicial system as called for in United Nations Security Council Resolution 1608, adopted on June 22, 2005.

The 109<sup>th</sup> Congress demonstrated bipartisan support for Haitian development following Préval’s 2006 election, passing an emergency supplemental bill (H.R. 4939, P.L. 109-234, signed into law June 15, 2006) that provided an additional \$20 million for Haiti. The bill included \$2.5 million in Child Survival and Health funds and \$17.5 million in Economic Support Funds for police and judicial reform programs and job creation programs.

On February 14, 2007, the 110<sup>th</sup> Congress completed work on the FY2007 Foreign Operations Appropriations bill as part of the FY2007 Continuing Resolution (H.J.Res. 20/P.L. 109-289 as amended by P.L. 110-5). FY2007 estimated aid for Haiti included in the FY2007 Continuing Resolution totaled roughly \$182.3 million. Aid conditions from FY2006 were continued.

The FY2008 Consolidated Appropriations Act (H.R. 2764/P.L. 110-161) again stipulated that IMET funds and FMF could only be provided to Haiti through the regular notification procedures. It includes the same restriction on INCLE funding to Haiti that was included in the FY2006 foreign operations law (P.L.109-102).

**Trade Preferences Legislation.** Several versions of special trade preference bills for Haiti were introduced over the last several years before one was finally passed at the very end of the 109<sup>th</sup> Congress. The 108<sup>th</sup> Congress considered but did not pass a trade preference bill for Haiti. The Senate passed the Haiti

Economic Recovery Opportunity (HERO) Act of 2004 (S. 2261), which would have given Haiti additional preferential trade treatment if it made certain democratic and economic reforms. Benefits under the Caribbean Basin Trade Partnership Act allowed duty-free access for apparel made in the region from U.S. components.<sup>42</sup> The House Ways and Means Trade subcommittee held a hearing on the issue September 22, 2004. Supporters of trade preferences for Haiti introduced new HERO bills for consideration by both houses in the 109<sup>th</sup> Congress, in fall 2005, and sought Administration support. A compromise bill, the Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act of 2006 (H.R. 6142), had more restrictive country of origin rules for apparel components than the HERO bills. It was incorporated into the Tax Relief and Health Care Act of 2006 as Title V (P.L. 109-432). Supporters said the bill could generate 40,000 jobs in Haiti. Some U.S. textile interests opposed the bill because it would provide preferences to some garments with components originating in China and other parts of Asia. New legislation (H.R. 1001 and S. 222) have been introduced in the 110<sup>th</sup> Congress that would delay implementation of the HOPE bill.

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<sup>42</sup> “Trade Subcommittee Considers Additional Textile Benefits for Haiti,” *World Trade Online*, September 24, 2004. Also, “Crane expresses Hope House Will Approve Haitian Textile Benefits Before Adjourning,” *International Trade Reporter*, September 30, 2004, p. 1607.

**Table 1. U.S. Assistance to Haiti, FY1990-FY2008**

(millions of dollars)

Fiscal year	Development Assist./Child Survival & Health	Economic Support Fund	Food Aid Grants (P.L. 480, Title II)	Peace Corps	Foreign Military Financing	IMET	INCLE	Global HIV/AIDS Initiative	Totals
1990	40.2	1.5	16.0	0.7	0.0	0.1		—	58.5
1991	38.5	12.3	29.1	1.0	0.0	0.3		—	81.2
1992	26.6	4.5	19.6	0.3	0.0	0.0		—	51.0
1993	23.3	24.0	41.3	0.1	0.0	0.0		—	88.7
1994	26.0	36.7	42.7	0.0	0.0	0.0		—	105.4
1995	56.6	56.0	44.0	0.0	3.0	0.0		—	159.6
1996	14.1	45.3	39.2	0.5	0.0	0.2		—	99.3
1997	24.4	53.5	22.5	0.9	0.0	0.3		—	101.6
1998	0.9	65.1	34.9	1.1	0.0	0.3		—	102.3
1999	0.0	65.1	27.0	1.4	0.3	0.2		—	94.0
2000 <sup>a</sup>	0.0	52.5	25.1	1.4	0.0	0.3		—	80.0
2001	0.0	46.9	25.1	1.3	0.0	0.3		—	73.6
2002	0.9	30.0	23.1	1.5	0.3	0.0		—	55.9
2003	33.2	0.0	36.6	1.7	0.4	0.1	—	—	71.9
2004	31.7	55.0	30.5	1.4	0.3	0.2	—	13.0	132.1
2005	44.2	59.7	37.7	1.4	0.3	0.2	—	44.1	187.6
2006	49.5	49.5	36.0	0.2	1.0	0.2	17.5	47.3	225.7 <sup>b</sup>
2007	49.5	49.5	32.5	0.0	1.0	0.2	14.9	67.3	214.8
2008 req.	32.8	63.4	34.5	0.0	0.0	0.2	9.0	83.0	222.9

**Source:** U.S. Department of State, U.S. Agency for International Development (USAID).

a. FY2000: additional USAID operating expenses totaling \$174.6 million provided in Hurricane Supplemental was made available for Haiti on February 18, 2004.

b. FY2006 total includes \$4.6 million for Transition Initiatives and \$20 million in supplemental assistance.

**Table 2. DOD Incremental Costs of U.S. International Peace and Security Commitments, FY1992-FY1996**  
(Budget authority in millions of current year dollars)

Operation	FY1992	FY1993	FY1994	FY1995	FY1996	Totals
Safe Harbor	9.3	—	—	—	—	9.3
Embargo/Interdiction/ Sanctions Enforcement	—	2.8	65.8	—	—	68.6
Uphold Democracy	—	—	198.2	448.8	—	647.0
UNMIH	—	—	—	56.5	86.9	143.4
<b>Total Haiti</b>	<b>9.3</b>	<b>2.8</b>	<b>264.0</b>	<b>505.3</b>	<b>86.9</b>	<b>868.3</b>

**Source:** Under Secretary of Defense (Comptroller).

**Notes:** This chart consists of the DOD incremental costs involved in U.S. support for and participation in peacekeeping and in related humanitarian and security operations, including U.S. unilateral operations, NATO operations, U.N. operations, and ad hoc coalition operations. Incremental costs are amounts spent on operations over that which would have been normally spent on regular salaries, and on routine training, equipment repairs and replacements. Opinion as to which of them constitute “peacekeeping” or “peace operations” differ. U.N. reimbursements are not deducted. Totals may not add due to rounding. The Haiti accounts do not include the DOD processing of Haitian migrants, which totaled \$108.1 million in FY1994 and \$63.7 million in FY1995.

For further information on the U.S. military intervention in Haiti, see CRS Report RL30184, *Military Interventions by U.S. Forces from Vietnam to Bosnia: Background, Outcomes, and “Lessons Learned” for Kosovo*, by Nina M. Serafino, who prepared **Table 2** above.

## Protection of Human Rights and Security Conditions

Another U.S. concern has been the protection of human rights and the improvement of security conditions within Haiti. During his first term, in 1995, President Aristide took steps to break with the pattern in which a military-dominated police force was associated with human rights abuses. Haiti, with U.S. assistance, demobilized the old military, established an interim police force of selected ex-military personnel, and began to train a professional, civilian Haitian National Police force. The level of reported violence, flight of refugees, and alleged assassinations dropped markedly from very high levels during the de facto military regime. Following the return to civilian rule in 1994, Haiti made progress in the protection of human rights, but the gains made were fragile and threatened by political tensions and problems with impunity.

During President Aristide’s second term, increases in political violence renewed concerns over security and police effectiveness. In 2001, President Aristide announced a “zero tolerance” policy toward suspected criminals. According to various human rights reports, this announcement was followed by numerous extrajudicial killings by the Haitian National Police and lynchings by mobs. The government’s respect for freedom of the press continued to deteriorate. According to the State Department’s February 2004 Human Rights Practices Report, “The [Haitian] government’s human rights record remained poor, with political and civil officials implicated in serious abuses.”

After armed rebellions led to the departure of President Jean-Bertrand Aristide in February 2004, an interim government took over, but security conditions remain tenuous. The destruction of prisons and subsequent escape of prisoners in the turmoil of early 2004 and the government's granting of amnesty to convicted criminals in January 2005 further added to instability. Gangs linked to both former army and pro-Aristide forces remain heavily armed. The Haitian National Police are considered understaffed and under equipped to maintain order and have been charged with human rights abuses.

The U.N. Stabilization Mission in Haiti (MINUSTAH) was initially understaffed, as member governments were slow to send the 6,700 troops and 1,622 civilian police that were authorized. Only about four U.S. troops have been stationed in Haiti as part of that international mission. MINUSTAH's ability to carry out its mandate to establish law and order was further hampered by the diversion of its resources to help protect and deliver emergency assistance following natural disasters that left thousands dead or homeless. Several U.N. peacekeepers have been killed.

Saying that U.N. peacekeepers had failed to maintain security, Prime Minister LaTortue reportedly asked the Bush Administration in late 2004 to send U.S. troops to Haiti. The Department of Defense did not send troops, but about 250 U.S. military personnel participated in a civic assistance program to help train U.S. military units in construction and medical care services as a show of support for Latortue's government.<sup>43</sup>

New concerns over human rights violations were presented by the leaders of the armed rebellion that contributed to Aristide's resignation. Both Louis Jodel Chamblain and Guy Philippe were members of the Haitian military. Chamblain is the alleged leader of death squads responsible for a bloodbath that halted elections in 1987 and for killing thousands of civilians after the 1991 military coup against former President Aristide. The Bush Administration expressed "deep concern" about the rule of law in Haiti following the acquittal in a rapidly held retrial of Chamblain and former police official Jackson Joanis in August 2004 for their roles in the 1993 murder of businessman and Aristide supporter Antoine Izmary. Chamblain had been convicted in absentia. The State Department called on the interim Haitian government "to ensure that trials involving accusations of gross human rights violations and other such crimes be conducted in a credible manner."<sup>44</sup>

Philippe, who was also a police commissioner in Cap Haitien, fled into exile after being accused of involvement in a coup attempt against President Préval in 2000. Philippe said he wanted to reconstitute the Haitian army and declared himself its head in March 2004. He then ran for president in the 2006 elections. Both men appeared to have a high degree of popular support. The Haitian army, which had a long history of human rights abuses, was disbanded in 1995. Former soldiers have staged protests demanding the restoration of the army and 10 years of back pay.

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<sup>43</sup> Pablo Bachelet, "U.S. Giving Haiti Aid Through Military but no Troops for U.N. Security Force," *Miami Herald*, November 5, 2004.

<sup>44</sup> U.S. Department of State, "U.S. Deeply Concerned About Rule of Law in Haiti," statement by Adam Ereli, Deputy Spokesman, August 17, 2004.

President-elect Préval has said he will promote a constitutional amendment to finalize the dissolution of the army.

Although some Aristide supporters have allegedly committed human rights violations, others were reported to face persecution. Some of Aristide's more militant supporters beheaded police officers and threatened to do the same to civilian officials if Aristide was not restored to office (*New York Times*, October 7, 2004). Several Lavalas party officials were arrested; they denied inciting the violence and blamed the government for not stopping the violence. Both the State Department and Amnesty International reported human rights abuses against Aristide supporters under the interim government. Hundreds of Aristide supporters were jailed without charge for months.

Former Prime Minister Yvon Neptune was held without being charged for 16 months. CARICOM and others have called for the release of Neptune and others who were being held without charge. While some groups agree that people should not be held without charge, they are urging the government to press formal charges and provide for a fair trial. Neptune was finally charged in September 2005 with masterminding the murder of political opponents in St. Marc. An independent U.N. expert on human rights visited the town and said there was not a massacre but confrontations between pro- and anti-Aristide groups that led to deaths on both sides.<sup>45</sup> A U.N. human rights spokesman said that a judge's decision to indict Neptune and try him without a jury was unconstitutional. The official sent the case to the U.N. High Commissioner for Human Rights in October 2005.<sup>46</sup> Neptune was released in July 2006.

Then-U.N. Secretary-General Kofi Annan said in October 2005 that the U.N. "is deeply concerned about the 'pattern of alleged serious misconduct' by Haitian National Police officers, including their alleged involvement in the summary execution of at least nine individuals" at a football game in August.<sup>47</sup> Haiti's Chief of Police, Mario Andresol, announced a policy of "zero tolerance" for police involvement in criminal activities on November 2. Over 20 police officers were arrested for alleged involvement in drug trafficking, kidnapping, and extrajudicial murders.<sup>48</sup>

In 2005, kidnapping became a frequent and often deadly occurrence. In May 2005, the State Department ordered nonessential U.S. personnel to leave, warned U.S. citizens against traveling to Haiti, and urged those in Haiti to leave, "due to the volatile security situation." The Peace Corps withdrew its volunteers from Haiti in

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<sup>45</sup> Joseph Guyler Delva, "Haiti's Jailed ex-PM Formally Charged in Killings," Reuters News, September 20, 2005.

<sup>46</sup> "UN Says Indictment of Haiti's Ex-Premier "Unconstitutional," BBC Monitoring Americas, October 18, 2005.

<sup>47</sup> "UN Secretary-General Says Haitian Electoral Process Remains Very Fragile," BBC Monitoring Americas, October 14, 2005.

<sup>48</sup> "Haitian authorities Want to Clean up Police Force," BBC Monitoring Americas, November 2, 2005.

June. On November 22 the U.S. State Department modified its travel warning, allowing non-emergency personnel and adult dependents to return to Haiti. The travel warning remains in effect for other citizens. The State Department further says that both visitors and residents “must remain vigilant due to the absence of an effective police force in much of Haiti.” The warning was modified on January 10, 2007, to warn of “a chronic and growing danger of kidnappings,” noting that over 60 U.S. citizens had been kidnapped in 2006.<sup>49</sup>

The interim government’s human right record remained poor throughout 2005, according to the State Department’s Country Report on Human Rights Practices issued March 8, 2006. Some of the major human rights problems were arbitrary killings and disappearances committed by the Haitian National Police; prolonged pretrial detention and legal impunity; use of excessive, sometimes deadly force in controlling demonstrations and making arrests; widespread corruption in all branches of government; abuse of women and children; and internal trafficking of children. The report also noted that the interim government had made some progress in judicial and police reform. Other actors were also reported to have committed arbitrary killings, including former members of the Haitian army, members of former President Aristide’s Fanmi Lavalas party, and street gangs “suspected of being paid and armed by supporters of former President Aristide.”

President Préval has said that because Haiti has “a weak and corrupt police force and a weak judiciary,” MINUSTAH is still needed in Haiti. He said his administration’s first mission would be to build governmental infrastructure. In late summer 2006, MINUSTAH and the Haitian police began a disarmament program.

The State Department’s Country Report on Human Rights covering 2006 states that despite some improvements, the Haitian government’s human rights record was still poor. In contrast with 2005, government agents did not commit any politically motivated killings, but there were some incidents of HNP committing extrajudicial killings of civilians. Other major human rights problems included occasional arbitrary arrests, prolonged pretrial detentions, overcrowded and unsanitary prisons, an ineffective judiciary, discrimination and violence against women and children, internal child trafficking, and ineffective measures to combat gang-related crime and violence.

## **U.S. Arms Transfers and Sales to Haiti**

The United States has had an arms embargo in place against Haiti since military forces ousted President Aristide in 1991. The policy allows exceptions to be considered on a case-by-case basis, however. Haiti remains listed in the International Trafficking in Arms Regulations [22 CFR Part 126.1], which prohibit licenses for exports of defense articles to certain countries. The President may remove a country from the list by issuing new regulations and notifying Congress, though this has not been done regarding Haiti. Since the departure of President Aristide, the Bush Administration has transferred and allowed the sale of arms to the Haitian

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<sup>49</sup> U.S. State Department, *Travel Warning: Haiti*, May 26, 2005, November 22, 2005, and January 10, 2007.



government, arguing that the police force needs to be equipped to establish order in Haiti, and has partially lifted the arms embargo. Some Members and human rights groups have expressed concern about these transfers and sales of U.S. arms to Haitian security forces, which have a record of committing human rights abuses.

The Bush Administration transferred excess U.S. law enforcement weapons to the Haitian National Police (HNP) in August 2004. Some 2,600 handguns and 21 long guns were issued to police academy graduating classes and to HNP field units following firearms and human rights training.

In April 2005, the State Department notified Congress that it wanted to permit U.S. companies to sell the interim Haitian government \$1.9 million worth of arms, including 3,000 .38-caliber revolvers for the HNP. The Administration and Congress concluded negotiations to address congressional concerns in the letter of notification that allowed the arms sales licensing to proceed. According to State Department officials, it contains provisions for the continued monitoring of the weapons, to address concerns about human rights abuses by the HNP. The arms — including the above-mentioned revolvers, 500 9mm pistols, 500 12-gauge shotguns, 200 Mini-14 rifles, and 100 M4 carbines — had been delivered to Haiti by the end of November 2005 but were held by the U.S. government until weapons registration and police training could occur.

The FY2006 foreign operations appropriations act (P.L. 109-102) prohibited any International Narcotics Control and Law Enforcement funds from being used to transfer excess weapons, ammunition, or other lethal property of a U.S. agency to the government of Haiti for use by the Haitian National Police until the Secretary of State certified to the Committees on Appropriations that the United Nations Mission in Haiti (MINUSTAH) and the interim Haitian government had carried out certain reforms for the Haitian National Police and the judicial system as called for in United Nations Security Council Resolution 1608 adopted on June 22, 2005.

The bill's conference report also expressed concern about members of the Haitian National Police or other individuals unlawfully using weapons, ammunition, and other lethal materiel that has been provided or sold by the U.S. government and therefore required certain certification, and State Department reports, including information on whether any United States-supplied or provided weapon or ammunition was used during human rights violations, and an assessment of steps taken by the Haitian Transitional Government and MINUSTAH to provide adequate security conditions for free and fair elections and to demobilize, disarm, and reintegrate armed groups. (For details, see "Legislation in the 109<sup>th</sup> Congress" below.)

On October 11, 2006, the Bush Administration notified Congress it was partially lifting the arms embargo that had been in place against Haiti for 15 years ("Amendment to the International Traffic in Arms Regulations: Partial Lifting of Arms Embargo against Haiti," 22 CFR part 126). Préval argued for easing the ban so that the Haitian government could buy arms and other equipment for the Haitian National Police. In December 2006 the Haitian government began a vetting of police recruits to ensure that those credibly alleged to have committed serious crimes, including drug trafficking and human rights violations, are excluded from the force.

A class of 500 was graduated from the police academy, with U.S.-supported training, and were provided with arms from those shipped and held since 2005.

## **Narcotics Trafficking**

Haiti is a “key conduit” for cocaine being transported from South America to the United States, and has experienced a surge in air smuggling of cocaine from Venezuela according to the State Department’s March 2007 International Narcotics Control Strategy Report. Several factors make Haiti attractive to narcotics traffickers. Located between South America and the United States, its coasts and border with the Dominican Republic are largely uncontrolled. Haiti’s nascent democratic institutions and ineffectual infrastructure have been further weakened by the political impasse that has characterized the country since 1997. Haiti’s current legal system is antiquated, and its judicial system dysfunctional, according to the State Department. Haitian authorities charged with controlling drug trafficking are inexperienced, lack sufficient resources, and, because of Haiti’s extreme poverty, are considered highly susceptible to corruption.

During Aristide’s term in office, in 2001, 2002, and 2003, the Bush Administration said Haiti was not certified as having fully cooperated, or had “failed demonstrably” to comply with U.S. drug-control efforts. According to the Bush Administration, the Aristide government took several important actions in 2002 and 2003, including putting into force a bilateral maritime narcotics interdiction agreement with the United States, establishing a financial intelligence unit, and extraditing four well-known traffickers to the United States. The Administration also said, however, that “Haitian drug trafficking organizations continue to operate with relative impunity.” According to the State Department’s March 2004 report, “Serious allegations persisted that high-level government and police officials [were] involved in drug trafficking.” There were numerous allegations that former President Aristide was involved in drug trafficking.

During 2001-20003, President Bush determined, however, that it was in the national interest to continue providing aid to Haiti despite its poor counter narcotics performance and granted a waiver so that aid to Haiti could continue. The Administration said that “Haitian poverty and hopelessness” were chief catalysts in Haitian involvement in the drug trade and in illegal migration to the United States. Cutting off aid to Haiti, including programs aimed at attacking those catalysts, “would aggravate an already bad situation.”

In September 2004 and 2005, President Bush determined that Haiti remained a major drug transit country. In his annual determinations, he found that the interim government took “substantive — if limited — counternarcotics actions....” in 2004, and tried to improve its performance in 2005. The Administration added, however, that it remained “deeply concerned” about the Haitian government’s inability to carry out sustained counternarcotics efforts.<sup>50</sup>

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<sup>50</sup> “U.S. Releases Annual Narcotics Certification Report,” at [<http://www.USInfo.State.Gov>], September 16, 2004. “Memorandum for the Secretary of State: Presidential Determination (continued...)”

In the past, President Préval has criticized U.S. anti-drug efforts as inadequate. Nevertheless, he has pledged to be fully cooperative in counter narcotics efforts with the U.S. Drug Enforcement Agency. In September 2006, President Bush again determined that Haiti was a major drug transit country, but said that “the new government now has a clear mandate from the Haitian people to bring crime, violent gangs, and drug trafficking under control.”<sup>51</sup> At a regional summit on drug trafficking held in the Dominican Republic in March 2007, Admiral James Stravidis, head of U.S. Southern Command, pledged to provide more U.S. assistance to help shore up the porous Haiti- Dominican Republic border. Since that time, drug shipments from Venezuela have reportedly declined, counter narcotics cooperation between Haiti and the Dominican Republic has increased. In early June 2007, the Haitian government recorded a record drug bust.<sup>52</sup>

## Haitian Migration

The main elements of current immigration policy regarding Haitians are migrant interdiction on the high seas and mandatory detentions of undocumented, interdicted Haitians. Since 1981, it has been U.S. policy to have the U.S. Coast Guard stop and search Haitian vessels on the high sea that are suspected of transporting undocumented Haitians. Some of the congressional debate over the years has focused on whether interdicted Haitians are economic migrants, and should therefore be returned to Haiti, or whether they are refugees with a well-founded fear of persecution who should be allowed to stay in the United States while applying for political asylum. Some Members and human rights advocates express concern that Haitians are not given the same treatment as other aliens seeking asylum in the United States. President Bush has said that Haitian “refugees” interdicted at sea will be returned to Haiti.<sup>53</sup>

Then-Attorney General John Ashcroft issued a ruling in April 2003 that said that unauthorized Haitian migrants can be detained indefinitely in response to national security concerns.<sup>54</sup> The Administration said the ruling was needed to discourage mass migration from Haiti and to prevent the U.S. Coast Guard and other Department of Homeland Security agencies from being diverted from more important border security priorities. The Attorney General further warned that terrorists may pose as Haitian asylum seekers, a charge disputed by immigrant advocates and some U.S.

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<sup>50</sup> (...continued)

on Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2006,” Presidential Determination No. 2005-36, White House Press Release, Washington, DC, September 15, 2005.

<sup>51</sup> “Memorandum for the Secretary of State: Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2007,” Presidential Determination No. 2006-24, White House Press Release, Washington, DC, September 15, 2006.

<sup>52</sup> “Haiti: Police Make Record Drug Bust,” *Latin American Weekly Report*, June 7, 2007.

<sup>53</sup> “President Bush Welcomes Georgian President Saakashvili to White House,” The White House, Office of the Press Secretary, February 25, 2004.

<sup>54</sup> 23 I & N December 572 (A.G. 2003).

consular officials. So far there have been no significant population movements, but the United Nations High Commissioner for Refugees has worked with Caribbean states to set up contingency plans in the event of a mass exodus from Haiti.

In October 2004, following a series of tropical storms and floods that killed almost 2,000 people and left over 200,000 homeless, the Haitian government formally requested Temporary Protected Status (TPS) for Haitians in the United States. That status would halt the deportation back to Haiti of thousands of undocumented Haitians living in the United States. Immigration advocates cited the precedent of Central Americans being granted TPS following Hurricane Mitch in 1998. A bill (H.R. 2592) that would have made Haitians eligible for TPS was introduced in Congress in May 2005. The Department of Homeland Security made no recommendation, but says it continues to monitor events in Haiti. Another bill seeking TPS for Haitians has been filed in the 110<sup>th</sup> Congress, the Haitian Protection Act of 2007 (H.R. 522), that would give an estimated 20,000 Haitians in the United States illegally resident status and work papers for up to 18 months.<sup>55</sup>

## Humanitarian Factors

Between February 2004 and October 2004, Haiti was confronted with a series of crises, including a civil conflict and the impact of several flood disasters and tropical storms that resulted in thousands of deaths and tens of thousands being displaced and injured. Thousands of homes were also damaged or destroyed, along with crop and livestock losses, and flooding devastated communities. In 2005, Hurricane Dennis and Tropical Storm Alpha also caused sea surges, localized flooding, mudslides, and heavy rains in Haiti.

Haiti remains the poorest nation in the Western Hemisphere. Each natural disaster was made worse in its cumulative effect not only because of Haiti's extreme poverty but also because of its vulnerability to floods and mudslides as a result of severe environmental degradation. The ongoing political crisis in Haiti and the poor conditions, which include food insecurity and a lack of basic health care and sanitation, are of great concern. The U.S. and international community have responded to these situations as they unfolded with disaster relief and recovery assistance.

In 2004, with an ongoing lack of security, assessments of the humanitarian situation remained fluid. Lack of road security, looting, and poor road conditions at times impeded the delivery of aid. With the assistance of MINUSTAH, the conditions have reportedly seen improvement and are now more consistently sustained, though the situation remains precarious. The international effort is meeting with some success in building health networks and providing food assistance, but much more is needed to provide sustained shelter, food security, and adequate health care. Experts are also concerned about the plight of Haitians in the

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<sup>55</sup> For more information see CRS Report RS21349, *U.S. Immigration Policy on Haitian Migrants*; and CRS Report RS20844, *Temporary Protected Status: Current Immigration Policy and Issues*, both by Ruth Ellen Wasem.

Dominican Republic and whether they are receiving adequate humanitarian assistance and protection.

International humanitarian actors continue field operations in Haiti and include MINUSTAH, U.N. agencies, international organizations, non-governmental organizations, and bilateral and multilateral donors. The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) is in close contact with the U.N. Resident Coordinator on the ground to facilitate relief efforts.

USAID has provided assistance for disaster relief and humanitarian needs. Congress approved \$100 million in emergency assistance for Caribbean countries affected by the 2004 natural disasters, including Haiti. The aid was incorporated into the FY2005 Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act (P.L. 108-324). Some Members criticized the level of aid as too small considering the amount of damage wrought by the storms. The United States and other bilateral and multilateral donors are providing ongoing humanitarian assistance through the donor strategy plan endorsed at the International Donors Conference on Haiti in July 2004. Originally a two-year plan, it has now been extended through September 2007. Donors are helping the Haitian government develop a long-term Poverty Reduction Strategy.<sup>56</sup>

## **Environmental Degradation and Rehabilitation**

Haiti is caught in a vicious cycle that makes its land unable to sustain the needs of its inhabitants and vulnerable to natural disasters. Haiti is a primarily agricultural economy, yet it has insufficient arable land for its farming sector. Because farmers lack the means to invest in more efficient technology, they employ unsustainable methods, such as cutting down trees for wood fuel, which contributes to deforestation, which leads to soil erosion, which leads to inadequate agricultural production, and continued poverty. Haiti's annual deforestation rate from 1990 to 2000 was 5.7%, as compared to 0.1% in the rest of the Latin American and Caribbean region. As of 2000, only 3.2% of Haiti's total land area remained forested, according to the U.N. Food and Agriculture Organization.

The Haitian government and international donors have established the following priorities for protecting and rehabilitating the Haitian environment: promoting sustainable use of natural resources through reduced reliance on wood fuel; planning and carrying out of activities aimed at halting degradation of land and natural resources. Emphasis has also been placed on supporting the development and implementation of disaster management plans.

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<sup>56</sup> Rhoda Margesson contributed to this section. For background information, see her CRS Report RS21751, *Humanitarian Crisis in Haiti: 2004*; CRS Report RL32160, *Caribbean Region: Issues in U.S. Relations*, by Mark P. Sullivan, and CRS Report RL33156, *Haiti: International Assistance Strategy for the Interim Government and Congressional Concerns*, by Maureen Taft-Morales.

## Legislation in the 110<sup>th</sup> Congress

**P.L. 110-161 (H.R. 2764).** FY2008 Consolidated Appropriations Act. Division J includes the provision of not less than \$201.5 million in total economic and military assistance to Haiti. The act provides that the Government of Haiti is eligible to purchase defense articles for the Coast Guard; states that IMF funds and FMF may only be provided to Haiti through the regular notification procedures; and includes a restriction on certain INCLE funding to Haiti. The joint explanatory statement to the act recommends providing \$5 million to support USAID's watershed reforestation program in Haiti. Introduced on June 18, 2007 as the State Department, Foreign Operations, and Related Agencies Appropriations Act, H.R. 2764. The House Appropriations Committee issued its report on the bill, H.Rept. 110-197, on June 18, and the House passed the bill on June 22. The Senate Appropriations Committee approved its version of the bill on June 28, S.Rept.110-128, and the Senate passed it on September 6, approving the same level of total funding as the House bill. On December 17, 2007, H.R. 2764 became the vehicle for the FY2008 Consolidated Appropriations Act, with Division J providing for foreign aid appropriations. The bill was signed into law on December 26, 2007.

**H.Res. 234 (Waters).** Congratulating Wyclef Jean for being named "Roving Ambassador" for Haiti. Introduced March 9, 2007; referred to House Committee on Foreign Affairs.

**H.Res. 241 (Waters).** Urging multilateral financial institutions to cancel completely and immediately Haiti's debts to such institutions. Introduced March 13, 2007; referred to House Committee on Financial Services.

**H.Res. 909 (Meek).** Commemorating the Haitian soldiers that fought for American independence in the "Siege of Savannah" and for Haiti's independence and renunciation of slavery. Introduced December 19, 2007; referred to House Committee on Foreign Affairs.

**H.R. 351 (Lee).** To establish the Independent Commission on the 2004 Coup d'Etat in the Republic of Haiti. Introduced January 9, 2007; referred to Subcommittee on the Western Hemisphere of the House Committee on Foreign Affairs on February 5, 2007.

**H.R. 454 (Meek).** To amend the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998 to benefit individuals who were children when such Act was enacted. Introduced January 12, 2007; referred to Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law of the House Judiciary Committee on February 2, 2007.

**H.R. 522 (Hastings).** To designate Haiti under Section 244 of the Immigration and Nationality Act in order to render nationals of Haiti eligible for temporary protected status. Introduced January 17, 2007; referred to Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law of the House Judiciary Committee on February 2, 2007.

**H.R. 750 (Jackson-Lee).** Save America Comprehensive Immigration Act of 2007, introduced January 31, 2007; referred to House Committees on Judiciary, Homeland Security, Oversight, and Government Reform.

**H.R. 1001 (Spratt).** Would amend the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 to extend the date for the President to determine if Haiti meets certain requirements, and for other purposes. Introduced, February 12, 2007; referred to the Subcommittee on Trade of the House Ways and Means Committee on February 20, 2007.

**H.R. 1645 (Gutierrez).** Security Through Regularized Immigration and a Vibrant Economy Act of 2007, introduced March 22, 2007; referred to House Judiciary and House Homeland Security Committee.

**H.R. 2830 (Oberstar).** Coast Guard Authorization Act, FY2008, would provide up to ten decommissioned Coast Guard vessels to the government of Haiti. Introduced on June 22, 2007; referred to House Committees on Transportation and Infrastructure, Homeland Security, Energy and Commerce and the Judiciary. On January 15, 2008, the House Committee on Energy and Commerce granted an extension for further consideration ending no later than January 23, 2008.

**H.R. 4986 (Skelton)** National Defense Authorization Act for Fiscal Year 2008. Introduced on January 16, 2008. Passed by the House on January 16, 2008 and by the Senate on January 22, 2008. Replaced H.R. 1585 (Skelton) National Defense Authorization Act for Fiscal Year 2008 that was introduced on March 20, 2007, passed by the House on May 17 and by the Senate on October 1, but vetoed by the President on December 28, 2007. Section 1023 of H.R. 4986 would require a report to Congress on counternarcotics assistance to Haiti. That language was originally added to H.R. 1585 by S.Amdt. 2305 (Dole) approved by unanimous consent on September 17.

**S. 222 (Graham).** Would amend the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 to extend the date for the President to determine if Haiti meets certain requirements, and for other purposes. Introduced January 9, 2007; referred to the Committee on Finance.

**S. 821 (Smith).** SSI Extension for Elderly and Disabled Refugees Act, to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a two-year extension of supplemental security income through FY2010 for qualified aliens (including some Haitian entrants). Introduced March 8, 2007; referred to Senate Committee on Finance.

**S. 1348 (Reid).** Comprehensive Immigration Reform Act of 2007. Sec. 512 would amend the Haitian Refugee Immigration Fairness Act of 1998 regarding determinations with respect to children, new applications, and motions to reopen. Introduced May 9, 2007; Motion by Senator Reid to reconsider the vote by which cloture on the bill was not invoked entered in Senate, June 7, 2007.

## Legislation in the 109<sup>th</sup> Congress

**P.L. 109-13 (H.R. 1268).** Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005. Makes \$20 million in Economic Support Funds available for Haiti, of which \$2.5 million should be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law. Introduced March 11, 2005 (H.Rept. 109-72), signed into law May 11, 2005.

**P.L. 109-53 (H.R. 3045/S. 1307).** Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. Contains a side letter indicating the Administration's intent to work with Congress to allow benefits available under the Caribbean Basin Trade Partnership Act for articles co-produced by Haiti and the Dominican Republic to continue once CAFTA is implemented. Introduced June 23, 2005 (H.Rept. 109-182); passed Senate 54-45 June 30; signed into law August 2, 2005.

**P.L. 109-95 (H.R. 1409/S. 350).** Amends the Foreign Assistance Act of 1961 to provide assistance for basic care for orphans and other vulnerable children in developing countries. Introduced March 17, 2005. Became public law November 8.

**P.L. 109-102 (H.R. 3057).** Department of State, Foreign Operations, and Related Programs Appropriations Act, 2006. International Military Education and Training funds and Foreign Military Financing may only be provided to Haiti through the regular notification procedures. Section 549 makes available for Haiti (1) \$20 million from Child Survival and Health Programs Fund; (2) \$30 million from Development Assistance; (3) \$50 million from Economic Support Fund; (4) \$15 million from International Narcotics Control and Law Enforcement; (5) \$1 million from Foreign Military Financing Program; and (6) \$215,000 from International Military Education and Training. It also continues to allow the government of Haiti to purchase defense articles and services under the Arms Export Control Act for the Coast Guard. Section 549 (c) prohibits any 'International Narcotics Control and Law Enforcement' funds from being used to transfer excess weapons, ammunition, or other lethal property of an agency of the United States government to the government of Haiti for use by the Haitian National Police until the Secretary of State certifies to the Committees on Appropriations that (1) the United Nations Mission in Haiti (MINUSTAH) has carried out the vetting of the senior levels of the Haitian National Police and has ensured that those credibly alleged to have committed serious crimes, including drug trafficking and human rights violations, have been suspended; and (2) the Transitional Haitian National Government is cooperating in a reform and restructuring plan for the Haitian National Police and the reform of the judicial system as called for in United Nations Security Council Resolution 1608 adopted on June 22, 2005. Introduced June 24, 2005, referred to House and Senate Committees on Appropriations (H.Rept. 109-152; S.Rept. 109-96). Became public law November 14, 2005.

The conference report expresses concern about members of the Haitian National Police or other individuals unlawfully using weapons, ammunition, and other lethal materiel that has been provided or sold by the United States Government and



therefore requires the certification included in Section 549(c). The conferees understand that investigations into extrajudicial killings and other alleged incidents of human rights abuses by the police were currently underway but were severely limited by the lack of investigative capacity within the HNP. The conferees request that not later than 60 days after the date of enactment of this act, the State Department report to the appropriate congressional committees the findings of these investigations, including information on whether any United States-supplied or provided weapon or ammunition was used during those incidents. Directs the Secretary of State to submit a report to the Committees on Appropriations within 30 days of enactment of the act which (1) describes in detail the steps taken by the Haitian Transitional Government and the United Nations Stabilization Mission to provide adequate security to permit free and fair elections with broad based participation by all political parties, and to demobilize, disarm and reintegrate armed groups, and (2) provides an assessment of the effectiveness of such steps. Conference report (H.Rept. 109-265) agreed to in House 358-39, November 4, 2005.

**P.L. 109-108 (H.R. 2862).** Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006. Provides that an amount not to exceed \$20 million shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by Section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Haitian (and Cuban) entrants. Introduced June 10, 2005. H.Rept. 109-118, S.Rept. 109-88, conference report 109-272. Became public law November 22, 2005.

**P.L. 109-162 (H.R. 3402/S. 1197).** Violence Against Women and Department of Justice Reauthorization Act of 2005. Amends Violence Against Women Act of 2002, provides for aliens or children of aliens who qualify for relief under the Haitian Refugee Immigration Fairness Act of 1998 to petition for certain protections of battered and trafficked immigrants. Introduced July 22, 2005. H.Rept. 109-233. Became public law January 5, 2006.

**P.L. 109-234 (H.R. 4939).** Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006. Provides an additional \$22.5 million for Haiti. Includes \$5 million in Child Survival and Health funds and \$17.5 million in Economic Support Funds for police and judicial reform programs and job creation programs. Introduced March 13, 2006, signed into law June 15, 2006.

**P.L. 109-432 (H.R. 6111).** The Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act of 2006 (H.R. 6142) was incorporated into the Tax Relief and Health Care Act of 2006 as Title V. Allows duty-free entry to specified apparel articles 50% of which were made and/or assembled in Haiti, the United States, or a country that is either a beneficiary of a U.S. trade preference program, or party to a U.S. free trade agreement (for the first three years; the percentage would be higher after that). Requires ongoing Haitian compliance with certain conditions, including making progress toward establishing a market-based economy, the rule of law, elimination of trade barriers, economic policies to reduce poverty, a system to combat corruption, and protection of internationally recognized worker rights. It also stipulates that Haiti not engage in activities that undermine

U.S. national security or foreign policy interests, or in gross violations of human rights. Introduced, referred to House Committee on Ways and Means September 21, 2006. Signed into law December 20, 2006.

## Legislation in the 108<sup>th</sup> Congress

The following list includes legislation that was approved and become public law during the 108<sup>th</sup> Congress. For the status of other legislation at the end of the 108<sup>th</sup>, see the CRS online guide, *Haiti: Legislation in the 108<sup>th</sup> Congress*, by Andy Mendelson at [<http://www.crs.gov/products/browse/officialsources/haitileg.shtml>].

**P.L. 108-7 (H.J.Res. 2).** Consolidated Appropriations for FY2003. The Commerce, Justice and State appropriations bill makes available, in the “Federal Prison” section, an amount “not to exceed” \$20 million of contract confinement funds for the care and security in the U.S. of Haitian (and Cuban) entrants. Under the Foreign Operations appropriations (Division E), Section 551(a) allows the Haitian government to purchase defense articles and services for the Coast Guard. Section 551(b) provides that “not less than” \$52.5 million of funds appropriated by Title II and to carry out AID food aid programs should be allocated for Haiti. Signed into law February 20, 2003.

**P.L. 108-25 (H.R. 1298/S. 1009).** The U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. Haiti is among 13 countries (Guyana and 12 African countries) that the legislation expressly benefits, with an HIV/AIDS Coordinator in charge of approving all U.S. activities (funding included) aimed at combating AIDS in these countries (Section 102 (a)). Appropriates \$3 billion per year through FY2008 for bilateral and multilateral efforts to combat HIV/AIDS, tuberculosis and malaria. Signed into law May 27, 2003.

**P.L. 108-199 (H.R. 2673).** Foreign Operations Appropriations Act for FY2004 (H.R. 2800/S. 1426), incorporated into consolidated appropriations act. The Commerce, Justice and State appropriations act makes available until expended, in the “Federal Prison System” section, an amount “not to exceed” \$20 million of confinement funds for the care and security in the U.S. of Haitian (and Cuban) entrants. Under the Foreign Operations appropriations (Division D), Section 551 allows the Haitian government to purchase defense articles and services for the Coast Guard. Sec. 567(b) makes \$34 million available for family planning, maternal, and reproductive health activities in 12 countries, including Haiti. Section 616 prohibits the use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti, including exemption and reporting requirements. Allocates \$5 million to the OAS Special Mission in Haiti. Allocates \$19 million in Refugee and Entrant Assistance funds to communities with large concentrations of Haitian (and Cuban) refugees of varying ages whose cultural differences make assimilation especially difficult, justifying a more intense level and longer duration of federal assistance for health care and education. Conference agreement for omnibus vehicle approved by House December 8, 2003, and by Senate January 22, 2004. Signed into law January 23, 2004.

**P.L. 108-324 (H.R. 4837).** The FY2005 Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act includes \$100 million

in emergency assistance for Caribbean countries affected by the recent natural disasters, including Haiti. According to the supplemental budget requests from the Bush Administration that the bill fulfills, the aid will support the temporary provision of electricity; housing rehabilitation and reconstruction; agriculture sector reconstruction; water and sanitation systems reconstruction; and the rehabilitation of rural infrastructure such as roads, schools, and health facilities.

**P.L. 108-447 (H.R. 4818).** The FY2005 consolidated appropriations act contains several provisions regarding Haiti. The law (1) makes International Military Education and Training funds and Foreign Military Financing available only through regular notification procedures; (2) appropriates \$20 million for child survival and health programs, \$25 million for development assistance, including agriculture, environment, and basic education programs; \$40 million in ESF for judicial reform, police training, and national elections; “sufficient funds” for the OAS to help Haiti hold elections in 2005 and \$2 million to Zanmi Lasante for maternal and child health activities; (3) allows Haiti to purchase defense articles and services for its Coast Guard; (4) notes disappointment on the Haitian government’s role in the trial and acquittal of Louis Jodel Chamblain and the deteriorating security human rights situation; (5) requires a report within 90 days on a multi-year assistance strategy; (6) and encourages the Administration to help Haitian and NGO officials to devise a reforestation strategy and to provide a report on that strategy within 180 days. The conference report was agreed to in both houses on November 20. Signed into law December 8, 2004. The earlier Senate version had made several findings regarding improving security in Haiti, concluding that “the failure to establish a secure and stable environment and to conduct credible and inclusive elections will likely result in Haiti’s complete transition from a failed state to a criminal state.”

## Chronology

### 1991: Aristide’s First Term in Office

**February 7, 1991.** Jean-Bertrand Aristide was inaugurated as President on the fifth anniversary of dictator Jean-Claude Duvalier’s flight into exile. He was elected in December 1990, in what were widely heralded as the first free and fair elections in Haiti’s then-186-year history. A Roman Catholic priest of the radical left, Aristide’s fiery sermons contributed to the collapse of the Duvalier dictatorship in 1986. The most controversial of 11 presidential candidates, Aristide won a landslide victory with 67.5% of the vote.

**September 30, 1991.** Aristide was overthrown by the military, days after a speech in which some contend he threatened the bourgeoisie for not having helped his government enough. Some maintained that the elite business class financially supported the coup leaders.

### 1991-1994: De Facto Military Regime

**September 30, 1991 - September 18, 1994.** For over three years, the de facto military regime resisted international demands that Aristide be restored to office.

U.S. policy consisted of pressuring the de facto Haitian government to restore constitutional democracy to Haiti. Measures included cutting off assistance to the Haitian government; imposing trade embargoes, as called for by the Organization of American States and the United Nations; and supporting OAS and U.N. diplomatic efforts.

**September 18, 1994.** When it learned that a U.S. military intervention had been launched, the military regime signed an agreement with the United States providing for Aristide's return. It also called for the immediate, unopposed entry of U.S. troops, a legislative amnesty for the military, and the resignation of the military leadership.

### **1994-1996: Completion of Aristide's First Term**

**October 15, 1994.** President Aristide returned to Haiti under the protection of some 20,000 U.S. troops. Aristide's government demobilized the old military, and began to train a professional, civilian Haitian National Police force. According to various human rights reports, the level of violence, flight of refugees, and alleged assassinations dropped markedly from very high levels during the de facto military regime.

**March 31, 1995.** Having declared that a "secure and stable environment" had been established, the United States transferred responsibility for the mission to the United Nations.

**June 1995.** First-round parliamentary and municipal elections were held, with substantial assistance from the United States and the international community.

**December 17, 1995.** Presidential elections were held. The Haitian constitution prevented Aristide from running for a second consecutive term. René Prével, an Aristide supporter, won, with 89% of votes cast, but with a low voter turnout of only 28%, and with many parties boycotting the election.

### **1996-2001: The Prével Administration**

**February 7, 1996.** René Prével was inaugurated President. He soon launched a program to privatize government enterprise through joint ventures with private capital. Despite public protests against the economic reforms, the Haitian Senate passed privatization and administrative reform laws, allowing the release of millions of dollars in foreign aid through the International Monetary Fund. Protests against the associated austerity measures continued, however.

**January 1997.** Former President Aristide formed a new party, Lavalas Family, as a vehicle for his presidential bid in the year 2000. He is one of the most vocal critics of Prével's proposed economic austerity program.

**1997.** Elections were marred by fraud, and Prével's Prime Minister resigned partially in protest of the elections. Haiti was then without a prime minister for a year and a

half, with four failed attempts to name a new one, and no resolution to the 1997 elections controversy.

**January 1999.** President Préval declared that most of Parliament's term had expired, although elections had not been held to replace them. He then installed members of his Cabinet and an electoral council by decree. He continued to rule by decree through the end of his term in February 2001.

**July 1999.** President Préval signed a new electoral law that effectively annulled the disputed April 1997 elections and provided for new elections.

**May 2000.** Legislative and municipal elections were held as an attempt to resolve disputed elections from 1997. Every elected position in the country — some 10,000 posts — was on the ballot except for president and eight Senate seats. Many observers hoped these elections would mean that, after two years of a deadlocked government and more than a year of President Préval ruling by decree, a new parliament could be installed and international aid released. Instead, the elections brought Haiti into another crisis. Both domestic and international observers noted irregularities in the tabulation of election results for some Senate seats. Nonetheless, the electoral council affirmed those results, which favored former President Aristide's Lavalas party.

**September 2000.** Thousands of protesters shouting anti-Aristide and anti-Lavalas slogans called for the resignation of the Lavalas-controlled legislature. The Organization of American States (OAS) tried to broker an agreement between Lavalas and the opposition, to no avail.

**November 26, 2000.** Presidential elections were held. Because the Haitian government refused to address the earlier contested election results, the United States and other international donors withheld election assistance and refused to send observers, and opposition parties boycotted them. Although Aristide won the election with a reported 91.5% of the vote, turnout was very low, with estimates ranging from 5% to 20% of eligible voters participating.

## **2001-2004: Aristide's Second Term in Office**

**February 7, 2001.** Aristide was inaugurated President a second time. He later announced a "zero tolerance" policy toward suspected criminals, which, according to various human rights reports, was followed by numerous extrajudicial killings by the Haitian National Police. According to the State Department's February 2004 Human Rights Practices Report, "The [Haitian] government's human rights record remained poor, with political and civil officials implicated in serious abuses." Observers also made increasing charges of corruption during Aristide's second term.

**April 2001.** At the third Summit of the Americas, hemispheric leaders singled out Haiti as a country whose democratic practices were in trouble and asked the Organization of American States (OAS) to try again to help negotiate a solution to the crisis. The OAS had been mediating on-again off-again talks between the Aristide government and the opposition alliance Democratic Convergence.

**January 2002.** The OAS Permanent Council passed Resolution 806 establishing an OAS Mission in Haiti and calling for the Haitian government to do all it could to ensure a climate of security and confidence necessary to hold free and fair elections.

**September 2002.** The OAS passed Resolution 822 that tried to break the political impasse by recognizing the government's "constitutional electoral prerogatives." In other words, it removed the obstacle of having to complete negotiations with the opposition before elections could be held.

**January 2004.** CARICOM secured Aristide's agreement to disarm political gangs, appoint a new prime minister, and form an advisory council. Opposition groups refused to negotiate a settlement or participate in elections unless Aristide resigned. Two-thirds of Haitian legislators' terms expired in January 2004 without elections having been held to replace them. Aristide began ruling by decree.

**February 5, 2004.** The political conflict escalated when armed rebels seized Haiti's fourth largest city, Gonaives, and the armed rebellion spread to other cities.

**February 29, 2004.** With rebel forces moving toward the capital of Port-au-Prince, Aristide resigned and flew into exile. He later said he was kidnapped, a charge the White House strongly denies.

## **2004-2006: The Interim Government**

**February 29, 2004.** Supreme Court Chief Justice Boniface Alexandre was sworn in as President. The U.N. unanimously passed a resolution authorizing an international force to help restore order. An interim government is established, headed by Prime Minister Gérard LaTortue.

**May 31, 2004.** Aristide went into exile in South Africa. He had initially gone to the Central African Republic, then Jamaica.

**June 2004.** The U.N. Stabilization Mission in Haiti (MINUSTAH) assumed authority, replacing the initial U.S.-led international force.

**July 20, 2004.** International donors pledged more than \$1 billion over the next two years to help Haiti rebuild its infrastructure, strengthen institutions, and improve basic services.

**November 2, 2005.** The interim government filed a suit in U.S. federal court alleging that Aristide and eight co-defendants broke U.S. law by transferring public funds to personal foreign accounts. Aristide's lawyer dismissed the lawsuit as "baseless" and said that it was part of a government misinformation campaign against Aristide.

**February 7, 2006.** Presidential and legislative elections were held after several months of delays. Former President René Préval was declared the winner on February 16 after a week of protests.

**April 21, 2006.** Runoff legislative elections were held.

## **2006-present: The Préval Government**

**May 14, 2006.** President René Préval was inaugurated to his second non-consecutive term.

**December 3, 2006.** Municipal elections were held.