



**Statement before the House Foreign Affairs Committee**

**Tom Lantos Human Rights Commission**

Hearing on

***“Human Rights in Haiti: Ideas  
for Next Steps”***

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Statement of:

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I would like to thank the Co-Chairs of the Commission and its members for the opportunity to testify before you today about Haiti – and offer several ideas for your consideration.

### The new normal

The semblance of political normality in Haiti since Christmas (after months of political chaos and economic shutdown of the country) was dramatically interrupted in February with a police-army shootout in downtown Port-au-Prince and other incidents, including the attack of a TV station. These events should not come as a surprise. They underscore the increased level of violence countrywide, exemplified by physical attacks on journalists. The fundamentals of this now multi-year crisis remain unresolved, and worse, are piling up toward a crash.

The most noteworthy factors are: parliamentary elections delayed since last October (and no new date set), meaning even greater political paralysis and a president now governing by decree; an anti-corruption campaign which engendered considerable public support, anchored to the disappearance of some \$2 billion in PetroCaribe funding and links to the current and previous presidencies; and a collapsing economy and state of government finances, the latter partly due to the absence of a confirmed prime minister since March 2019. This resulted in several critical international lending agreements, themselves requiring reliable Haitian government financial data, being on hold. In effect, this set of factors has now morphed into a prolonged crisis, leaving the country with a leadership façade but little capacity for governance.

There are no winners in this unstable edifice which could collapse at any moment. Yet, a ray of hope did emerge last fall. Several broad coalitions of civil society, political party actors, and some elements of the private sector, cobbled together transitional frameworks – notably the so-called *Marriott* (hotel) agreement, and the *Passerelle* committee. Admittedly, civil society remains factionalized and has at times been outflanked by the anger displayed in the sometimes violent protests of the past 18+ months. The same applies to the private sector, a wide constituency ranging from the small shop keeper, to the larger and export oriented businesses, and also disparate rural and agricultural interests -- and as a result with significantly differing capacities to organize and be heard, but with an underlying message of economic loss from months of sometimes violent political chaos.

Despite representing differing interests, collectively these civil society dialogues generated serious reflections which defined plausible scenarios for varying interim governance structures to guide the country forward. So far, these efforts have not triggered satisfactory political outcomes. Appeals for concessions for the good of the country have fallen on deaf ears. Similar appeals have been echoed by Haiti's traditional international supporters, the United States, EU members, Canada, Brazil, and the UN, triggering a heightened tempo of concerns – but little else.

So the standoff continues. Some of this is due to the inability of the political opposition to President Jovenel Moïse to translate a protest movement into a convincing governing alternative. Likewise, several deal-breakers have blocked a way forward: whether Moïse's departure is a precondition to any deal, and then in turn finding harmony as to the make-up and actual authority of what is dubbed a "government of national unity", let alone agreeing on the actual end-date of

Moïse's 5-year term (because of the 1-year delay in the last election, is it February 2021 or 2022?). Moïse has stood his ground and generally retains the backing of Washington and other international actors disinclined to endorse a break in Haiti's already brittle constitutional order and fearful of a chaotic alternative – for good reasons.

### How can the international community help Haiti?

The question initially needs to account for the following realities. *First*, that despite 30+ years of assistance of all kind, both donors and Haiti have little to show for this collective effort. In the eyes of many Haitians, and critics abroad, the only tangible outcome has been planeloads of international NGOs, accompanied by an assortment of big-name engagement (Presidents, Hollywood stars etc..), waves of UN peacekeepers, and thousands of well-intentioned American volunteers engaged in a mosaic of disjointed micro-efforts.

*Second*, these disappointing outcomes of international community efforts have coexisted with a pattern of dismal governance performance from Haitian political leaders of all factions since the late 1980s. This has compounded years of lost opportunities, wasted goodwill, and disappearing development resources – most recently in the wake of the 2010 earthquake. This indictment is directed at Haiti's national leadership as much as its interlocutors among the international community.

However, there may be a *third* reality, suggesting constructive paths forward – an emerging vision that provides indicators for international community engagement. This reality is centered on Haitian civil society, which has come a long way over the past three decades. In the current crisis it has emerged as a distinct, if fragile, voice from those in government and political parties and builds on an increasingly robust coalition of interests, becoming progressively more institutionalized. This has also energizing further a youthful and street-level engagement. Some of the international attention given to the PetroCaribe scandal over the past year was generated in part by the initially informal and social media networking of the “Petro Challengers”.

This grassroots attention to transparency, the rule of law, and civic engagement piggybacks on an admittedly weak judiciary, but whose core values regarding justice should be viewed as an opportunity for strengthening. This in part explains how even in the current dysfunctional environment, detailed investigations of the PetroCaribe embezzlement were generated by Haiti's Superior Court of Auditors and Administrative Disputes (CSCCA) and by an earlier special commission of the Haitian Senate (admittedly with some political mischief). And even the weak application of the rule of law may also explain why Moïse, dogged initially by money laundering allegations and then implicated in the PetroCaribe audit, has so far already dismissed the heads of the government unit (UCREF) investigating the money laundering allegation as well as the government's unit for the fight against corruption (ULCC) – the latter, twice.

### So, what to do?

Preventing the current political impasse from mutating into somethings worse requires a set of concrete proposals framed by Haitians themselves and supported by the international community. I therefore propose these five ideas for the Commission's consideration:

1) Haitian civil society consensus proposal: Fine-tune a suggestion made by Daniel Erikson of the Penn Biden Center for Diplomacy and Global Engagement at the December 10, 2019 House hearing on Haiti, to create “a short-term, bipartisan and bicameral working group of members, under the framework of ‘Haiti 2020.’” in the US Congress. In fact, empower such a group as the contact point for a detailed package of proposals from a Haitian civil society consensus. This is an invitation to Haitian civil society leadership to provide a specific, *practical* proposal, with options, needed to move Haiti forward and where the United States is able to help. This has the virtue of defining Haiti’s short and mid-term needs by Haitians themselves and in turn synchronizing this with a specific pathway in the US Congress – and confirming this body’s long-standing commitment to Haiti.

2) Electoral support needs: Tackle priorities by sidestepping the current political impasse – first up for consideration is placing parliamentary elections back on track. Without elections there is no functioning parliament and no ratified prime minister – in effect, a government in name only. The issue here is not whether elections can be held during calendar year 2020 but rather identifying what it will take to have credible elections. Haiti’s experience in this arena, despite considerable international support, is very poor just by looking at the fiasco of the last two national elections. There are open questions regarding identification cards, voter registration rolls, voter education to improve turnout, and the voting administrative machinery itself. There is a need to ensure deployment of trained domestic poll watchers and international observer counterparts. Now is the time to consider what is needed.

3) Graduating the PetroCaribe investigation to the next level: Haiti should be given credit for pursuing an investigation of the PetroCaribe scandal, Venezuela’s discounted oil program (now discontinued) whose rebates were to be allocated to social and infrastructure programs – and instead were pilfered. As the various audits and parliamentary investigations dribble out for the public to see, there is an opportunity to develop a more sustainable mechanism to address widespread public sector corruption. This would channel constructively the Haitian public’s anger since there are also other concerns, notably the Haiti-Dominican Republic illicit border trade. This calls for a more robust judicial assistance program, supporting the investigatory capacity of key government and judicial units. But this will not be sufficient to circumvent political interference and requires creativity from the international community. The recent and imperfect experiences in Guatemala (the UN-backed International Commission Against Impunity in Guatemala – CICIG) and Honduras (the OAS-backed Mission to Support the Fight Against Corruption and Impunity in Honduras – MACCIH) can provide some lessons but are not easily transferable. Another avenue might be to capitalize on Haiti’s membership in CARICOM and its more rule of law based constituency, as well as develop an effective Caribbean region anti-corruption and transparency mechanism.

4) Resuming credit flows: Much of the discussion about Haiti’s increasingly humanitarian crisis remains abstract unless some resolution is found to the fact there is no functioning government, an unelected parliament, and by later this spring, unelected mayors and other local officials. All of this centers on the selection of a truly consensus prime minister (since there is no parliament to ratify the choice) – on Monday this week, Moïse announced his 5<sup>th</sup> choice since taking office, Jouthe Joseph (currently in the cabinet as Minister of the Environment as well as interim

Minister of the Economy and Finance). Without a parliamentary-confirmed prime minister, credit flows from the IMF and other international institutions, as well as needed Haitian government reforms, have stalled. Nonetheless, working with a consensus prime minister, interim measures will have to be agreed to in order to unlock financial flows, as well as encourage the government to prioritize budgetary priorities – such as elections. This may be outside the purview of the Commission’s mandate, but these issues will be important factors undergirding proposals made to the US Congress by Haitian civil society as outlined in #1) above.

5) Incorporate capabilities from Haiti’s extensive diaspora: If the premise is that Haiti is suffering from a breakdown in national governance, this invites an appeal from all of those who can help. This should include Haiti’s extensive US-based diaspora, elements of whom are increasingly engaged in local government, business, and education and health services. This is an active community from which Members of Congress hear directly. A consortium of diaspora talent, notably in US universities and colleges, can be teamed up with a counterpart mechanism in Haiti to work on priority issues – for example: political and institutional reforms needed to improve governance; desirable changes in the constitution and electoral law; identification of what can be done to increase government transparency and expand efforts to curb corruption; and confirmation of what is needed to develop a sustained effort to upgrade the nation’s educational system. Insuring a constructive engagement from Haiti’s civil society sector can be enhanced with capabilities from Haiti’s extensive diaspora, and has the virtue of centering efforts and ensuing accountability within Haiti. The exploration of such an effort is presently being undertaken by the Inter-American Dialogue in Washington with partners in Haiti.

I appreciate the invitation to outline these ideas and welcome the opportunity to expand on them, and answer questions that you may have.