



# Speech

Organization of American States



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THE ORGANIZATION OF AMERICAN STATES  
AT THE REGULAR SESSION OF THE PERMANENT COUNCIL  
HELD ON APRIL 7, 2004: "REPORT ON OAS ACTIVITIES IN  
CONNECTION WITH HAITI FROM NOVEMBER 11, 2003 TO  
MARCH 10, 2004"**

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THE ASSISTANT SECRETARY GENERAL: Thank you very much, Mr. Chairman.

Mr. Chairman, you had warned me yesterday that this was going to be an interesting debate. Even so, I was not prepared for the richness of this discussion.

I attempted already in my opening statement to point out that we are not always capable of foreseeing everything and the conditions that exist in every situation, and certainly that is the case in the situation in Haiti. I would like to apply the three points that the Ambassador of Colombia, in a very practical but, I believe, intellectually sound manner, presented to us. Essentially, we should admit failure, we should try to be clear about what happens, and we shouldn't rest on technicalities. I couldn't agree more. I have publicly described, and it is in the press, that I felt that what happened in Haiti was a disaster. Quite clearly, this Organization did not seek the outcome that took place in Haiti. I would go further. I would say we did everything in our power, beginning actually even before the May 2000 elections, but in an increasing pace to attempt to prevent this outcome, even going to the extent of creating a Special Mission in the spring of 2002, after an outburst of violence in Haiti had made clear that more needed to be done than the negotiations and preachings in which we had been engaged until that time.

We, of course, acted collectively. In fact I doubt that there is another case in the annals of the OAS where the Council has been kept more fully and continually informed, and you can go back and look at the OAS website to find the documentary record. We knew that things were not going well. In fact, on the 28th of February, facing the imminence of increasing violence and loss of life in Haiti, the Secretary General issued the following statement:

The Secretary General of the OAS, Cesar Gaviria, today reiterated his concern over the situation in Haiti, condemning the violence, lawlessness and lack of respect for human rights in the country. Fearing that the cost to Haiti of the current anarchy will be incalculable, Gaviria appealed to all Haitian actors with influence--the government, political parties, civil society, and church leaders--and to the Haitian people as a whole to put into effect a truce as a first step in the development of a fully inclusive democratic process in the common interest.

Those, you may say, are only words, but they certainly were words that I would defend as 100 percent in keeping with the mandates of these political bodies.

Unfortunately, the appeal went unheeded, as in fact, I might note, went my first appeal for a truce, which was made on December 8, 2001, just to underscore the fact that we have been worrying about this for a very long time.

Now, we were surprised. I still have recorded on my cell phone the call made at one minute past seven on the morning of the 29th from David Lee, saying that he had just learned that something had happened that I needed to be informed about immediately. I think, quite frankly, nobody in the Mission, certainly not myself and certainly not the Secretary General, and I believe probably until earlier that week, not even President Aristide would have thought that his

system of security and control was going to collapse so rapidly and fast.

The fact is, I do not, and nobody in the OAS knows exactly what happened. That is one reason why we also failed the second test proposed by Ambassador Serpa.

Now, we are not, however, as a practical, living matter, in theoretical debates. Political life, particularly political life in a moment of crisis, is something that requires decisions and it requires actions. Here we come in part--but only in part--to Ambassador Serpa's third point, the "contentillio" of Article 28, page 25. Let me say that in this case, we are dealing with Articles 148 and 149 of the Constitution of 1987 of Haiti. That Constitution says that "if the President finds it temporarily impossible (this is Article 148) to discharge his duties, the executive authority shall be vested in the Council of Ministers under the presidency of the Prime Minister." The first part of Article 149 reads: "Should the office of the President of the Republic become vacant for any reason, the President of the Supreme Court of the Republic, or in his absence....shall be invested temporarily with the duties of the President of the Republic....".

On the morning of the 29th, beginning for me at one minute after seven in the morning, the question was: what was going to happen next, and implicitly also, now that disaster had struck, what was the role that the OAS should play in that situation?

Now, some of you may not recall, but the major opposition grouping, the Democratic Platform, had issued a statement already on December 31--actually it was dated December 31 but issued January 2--in which they had a full procedure which did not follow the constitution of the Republic of Haiti and which suggested other Supreme Court Justices more to their liking should be those to replace President Aristide, whom as you would remember, they were insisting on having depart before they agreed to play a positive role politically in the country. We were dealing with a situation of incipient bloodbath. I say that strongly because there was already a great deal of violence taking place and many deaths, and clearly a loss of anything resembling order and control in the Republic, and it had extended even to the capital city, Port-au-Prince, over the previous few days, which is why on the 28th the Secretary General had issued the appeal that he issued.

Our first action, "contentillio," was to find out what was happening, where was the Prime Minister, where was the President of the Supreme Court. It turns out that the Prime Minister was available, had in his hand the letter of resignation of President Aristide. One can debate, and one has since debated over what that means, whether it was really a letter of resignation, whether it was properly translated. Fortunately, I have only said two things about that letter, which I can repeat to you right now.

First, it was clearly in the style of Jean-Bertrand Aristide, nobody else could have written that letter. And secondly it was just as clearly signed by him. I had not seen the letter at that point. All I did learn was that Yvon Neptune, the Prime Minister of Haiti, had accepted that letter as authentic and read it over the public airwaves. To me, from Washington, D.C., it did not appear that there was a question about the resignation. Yvon Neptune was hardly a member of the opposition. Before becoming Prime Minister, he had been President of the Senate and President of Fanmi Lavalas. We waited, however, because we were worried about the possibility that somebody other than the President of the Supreme Court might be invested as, in fact, the Democratic Platform had suggested in its formal document issued on January 2. In fact, the President of the Supreme Court, as called for by Article 149, did appear and was duly sworn in.

At that point, we agreed that the Secretary General should issue a statement, the statement that was referred to today. But even for us, even in a moment of crisis, the issue of dotting the i's and crossing the t's of Article 148 and 149, important as it was, really was not the central issue.

There is an old Haitian saying that steel cuts paper, and the issue was steel. The issue was not the constitution and the laws but what was going to be happening in Haiti now that this extraordinary development, for which in fact I believe

nobody was prepared, and the question was then: would the OAS Special Mission getting out, or waiting for this Council make sense? And I will tell you very frankly that I did not hesitate for one minute. With armed violence and armed gangs threatening, with, in effect, major risk, which is still not totally removed, of a political reversal of fortune in the balance, I felt, and the Secretary General, I'm sure, also felt, as certainly did our mission on the ground, that it was essential that the Mission be present and work very hard to attempt to channel events insofar as it was possible for us to do. I think that we as the international community's representatives had a responsibility to act in directions that were not only technically sound but substantively and politically sound.

What do I mean by that? We had been working for three and a half years on Haiti, actively this time, two years with the Special Mission present. We had developed a series of approaches and principles which, in fact, had been ratified and urged upon us by this Council. And one of them was the principle of inclusion, which took the form in most of our resolutions of "all political parties" participating in the process, and which were formally recognized in the agreed formula for an Electoral Council that was negotiated by the Secretary General himself and yours truly in Port-au-Prince in July 2001. So we knew what our principles were. We needed a process where, as the Secretary General had said on the 28th and as he repeated in his statement on the 29th in the portions that were not cited here before us, "a resolution of centuries-old socioeconomic problems can only be achieved by means of a democratic framework of dialogue, negotiation, and a modus vivendi in which the interests and human rights of all Haitians should be taken into account."

The Secretary General's statement was not issued the morning of the 29th; it was issued in the afternoon of the 29th after all of the verifications had been made and after we had had a chance to think about something, which is precisely this, that we were not going to be satisfied with the paper words. We had to worry about the steel—and let me tell you why we had to worry about the steel—because the instant President Aristide left the country abruptly—and that's all we said, because that's all we could then testify to, and it's still the basic fact politically on the ground, not in terms of theory and ideological debate, but practice—at that point, killer gangs went out hunting to find Aristide's followers. And it became essential to protect the people who had positions of responsibility in the Government and the Lavalas party. And as—I am not sure anymore exactly what we said in the report—but as people who lived through that period will say, the multilateral force put four armored personnel carriers on the lawn of the Primature to protect the Prime Minister, whose head was being sought by some of these criminal gangs. But we were not interested just in human rights. We were interested in pushing precisely the spirit of an inclusive process.

Now, it is true—and I, for one, have never claimed that I was supporting a CARICOM plan when a CARICOM plan does not exist—but there was something that was terribly important about the CARICOM Plan: it was a profoundly democratic plan based on CARICOM's internal political history and its Charter of Civil Society. And basically, it said, on the one hand, President Aristide should fill out his legal term; and in return for that, the opposition should have a major political role.

Now, once President Aristide is gone, clearly the CARICOM Plan as such no longer existed, but its spirit was the only solid piece of political direction that was available in Haiti. And what the OAS Special Mission did in the hours that followed President Aristide's departure was to insist that that Plan's spirit needed to be applied, that the Council of Sages that was called for in it needed to follow the prenegotiated plan in which everybody would participate, including Fanmi Lavalas. In fact the nomination of the new Prime Minister was totally unorthodox, but it tells you that when you are dealing with the sands of shifting political life, you don't have time to think or to expostulate "we should apply a plan that the OAS had developed". We had developed such a plan in the fall of 2003 when we were trying to break the veto that was being held by some groups and ensure full participation by all. And that plan was a tripartite commission comprising: one member representing the Government or Lavalas; one representing the opposition; and, to ensure a measure of what the Secretary General in his statement called the "respect for the common good,"

not the partisan good, one member representing the international community. And that tripartite commission was formed. We pushed for the head of the United Nations Development Programme (UNDP) in Haiti to be the representative of the international community, and we got a representative, a former minister of the Aristide Government, to join together with a representative of the opposition. And it is that group which nominated the Council of Sages, which in turn chose the Prime Minister.

Now, since then, as waters have found their level, the role of the Special Mission has weakened. We are waiting for the United Nations; we are waiting for definitions of the member countries. And the new Haitian authorities, as is appropriate, are themselves making the decisions on what their future course will be. We are fully ready in the Secretariat to accept the guidance of this body, but I am proud of the position of the Special Mission and of the decisions that we made and that the Secretary General made at the height of the crisis. It was not just a matter of "contentillio." I know, Ambassador Serpa, you did not suggest that, but I am building on your framework, which gives us all a great deal of positive food for thought.

Thank you, Mr. Chairman.

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