REPORT OF THE FACT-FINDING AND STUDY VISIT BY THE BUREAU OF THE ACP- EU JOINT PARLIAMENTARY ASSEMBLY TO HAITI

6 - 8 NOVEMBER 2013

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1. **Introduction**

In March 2013, the Bureau of the ACP-EU Joint Parliamentary Assembly (JPA) decided to organise a fact-finding and study visit to Port-au-Prince (Haiti) to follow up the work of the visit in August 2010. Its objective was to gather first-hand information to assist the JPA in its assessment of the reconstruction of the country following the earthquake of 12 January 2010, the transition from humanitarian aid to development and the strengthening of democracy in Haiti.

The visit took place from 6 to 8 November 2013, and frank and in-depth discussions were held with members of the House of Representatives and the Senate, representatives of the government, the political parties, civil society and non-state players and the United Nations.

2. **The political situation**

Institutional reform is necessary because the current situation involves costly elections almost every year. The President of the Republic is elected for 5 years and President Michel Martelly has been in office since 14 May 2011.

The Senate consists of 30 senators elected for six years, but one third of seats are up for re-election every two years. However, one third of Senate seats are currently vacant. The mandates of these ten senators expired in 2012 and Haiti has not yet held, or even scheduled, elections to replace them. This has forced the Senate to work with only two-thirds of its full complement, which makes it much more difficult to obtain a quorum and conduct legislative business. A second group of ten senators took office in 2009, and their six-year term is due to expire in 2015. However, a 2008 electoral law apparently means that their term of office will end in January 2014; if implemented, this law will make the country ungovernable, because the budget has to be approved by a majority of both chambers.

The visit took place against the background of a political trial of strength between the executive and the legislature to solve this institutional problem.

The Chamber of Deputies is composed of 99 Members who are elected for 4 years. The next elections should take place during the second half of 2014.

Municipal elections should have been held in 2012 and they could probably be held during the second half of 2014. Incumbent mayors about to reach the end of their term of office have been replaced by ‘interim executive officers’ appointed by the executive.

Political demonstrations against the government are regularly held in Port-au-Prince, indeed one took place during the visit.

On the day of the group’s arrival, 5 November 2013, three senior government ministers were subjected to a vote of no-confidence by the Senate which they only survived because the Senate is working with just two-thirds of its complement.

3. **Exchanges of views with government officials**
A meeting on the last day of the visit with Michel Martelly, President of the Republic, together with the Prime Minister, Laurent Salvadore Lamothe, and the Minister of Foreign Affairs and Worship, Pierre-Richard Casimir, helped put into perspective a number of comments heard by members of the delegation during their visit. The constitution and the 2008 Electoral Law, with all their contradictions, had existed long before the current government came to power in 2011. President Martelly demonstrated a strong commitment to finding a solution to the political crisis through dialogue in the days following our visit.

He also highlighted his government’s achievements over the last two and a half years. He emphasised the progress made in education, the re-housing of one million, three hundred and thirty thousand people who had been homeless since the earthquake, the significant progress in developing the country’s electricity grid and the fight against corruption, but he admitted to sometimes having a lot of trouble in convincing the opposition in Parliament to back his plans. In the social field, he also mentioned the creation of reception centres for street children.

Regarding bilateral relations with the Dominican Republic and the recent decision of that country’s Constitutional Court, President Martelly preferred not to respond, because that might be interpreted as interference.

4. Meetings with other government bodies and local authorities

Joseph Pierre-Richard Duplana had been appointed interim executive officer of the city of Port-au-Prince by the government until local elections were held. He appreciated the predictable nature of EU funding for operational expenses and also the financing of several major construction projects currently under construction funded by NGOs. He expressed the hope that the political situation would calm down in the following weeks. According to him, the social situation was improving, and much had been done to increase resilience to deal with the consequences of a new earthquake, but he acknowledged that there was no master plan for the city and so there were many illegal constructions, in particular on hillsides, because of the politicisation of the public services.

As far as housing was concerned, 175 000 people were still living in camps out of the original 1.5 million after the earthquake. This had been achieved through the construction of new housing, by the subsidisation of construction work by the population itself and subsidised lease contracts. The Minister of Public Works, Harry Adam, recognised that the existence of too many illegal constructions had also helped get people out of the camps.

Some priority had been given to projects that created jobs and to the construction of public buildings in the social field, such as schools and hospitals. EU funds had been used for one of the most neglected areas of the country, the Plateau Central region. The 10th EDF had provided for EUR 520 million over 5 years, while the 11th EDF would provide EUR 420 million for 5 years from 2014, including for food security and governance.

In order to generate economic growth, the Minister of Public Works was prioritising the construction sector and agriculture. Port infrastructure had to be strengthened after its shortcomings had been revealed when aid had to be delivered in 2010. Agriculture was an absolute priority, for the country had been self-sufficient in rice production until 1989,
whereas today it had to import 50% of its needs. Other areas were security, energy and tourism.

5. Meetings with the President and representatives of the Parliament and the main political opposition parties

According to the President of the Senate, the substantial and targeted assistance from the European Union was the only aid not to come via the multitude of NGOs that operated outside the country’s control. Direct support also meant that the funds remained in Haiti and did not flow back to their country of origin through domestic contracts.

At a political level, while the executive tended to concentrate the powers necessary to optimise its work to rebuild the country, its attitude had become hostile towards the legislature, civil society and even the press. Since May 2012, the political class had been calling for elections, but it was the executive that had rejected any compromise to reach a political agreement. In the meanwhile the country was facing a multiple crisis relating to unemployment (60%), housing and the food supply.

The replacement of elected mayors at the end of their mandates with interim executive officers, in the absence of fresh new local elections, was strongly criticised. He called on the EU to refuse to cooperate with these agents.

Members of Parliament feared that direct aid to the government might be used for other purposes, in particular to increase the oppression of opposition parties. They called upon the EU to set up mechanisms to ensure the transparent management and control of funds, as the Court of Auditors was dysfunctional.

Finally, according to the President of the Chamber of Deputies, the government should oppose the action of the Dominican Republic that had made citizens of Haitian descent who had been born in the Dominican Republic since 1929 stateless.

All opposition parties insisted in particular on the political and institutional crisis that needed to be solved urgently through dialogue that should lead to free elections.

They accused the international community of supporting President Martelly who lurched from one crisis to the next: other grievances were his failure to respect procedures to change the Constitution, the postponement of various elections and the appointment of non-elected mayors.

Other recurring criticisms related to human rights, the police which was apparently not up to the task, an unreliable legal system and a flawed democracy based on political parties that were merely launching pads for individual political personalities.

Peaceful protests against these violations of the law were repressed by the tear gas. Meanwhile the real problems facing the country remained unsolved: the famine that still affected a large part of the population, the unemployment rate of 60% and education. For the 30 000 young people who completed secondary school every year, there are only 8 000 university places, and only one vocational training school.

6. Meetings with representatives of civil society and human rights organisations
According to representatives of civil society, the lack of an adequate consultation forum for civil society forced organisations to issue declarations.

They accused the international community of interfering in their choice of leaders and of only offering lukewarm support for civil society which criticised the authorities for their scant respect for human rights and democracy. They denounced the corruption and lack of effort by the government to fight corruption. Furthermore, they pleaded for reforms and a strengthening of the judiciary so as to establish a fair system of justice which was accessible to all.

7. Meeting with the Special Representative of the UN Secretary General (SRSG), head of the UN Stabilisation Mission in Haiti (MINUSTAH)

MINUSTAH has been present in Haiti since the departure of President Aristide in 2004 and operates with a mandate under Chapter 7 of the UN Charter. Sandra Honoré, SRSG and Head of Mission, explained that MINUSTAH, consisting of 6 200 soldiers (being reduced to 5 000 under the mandate of October 2014) and 2 600 police officers, was engaged primarily in national security and training the Haitian police. The objective was to increase the size of the Haitian police force which currently had 10 500 officers to 15 000 in 2016. In addition, the mission also supported the functioning of the Supreme Judicial Council and was implementing a number of rapid impact projects.

8. Meeting with representatives of UNDP, ECHO and UNICEF

Sophie de Caen (UNDP) presented the four main achievements of the UNDP, undertaken with funds from the EU in particular: the removal of approximately 85% of the debris in the streets by a system of ‘cash for production’; the closing of 16 IDP camps through the construction of new homes; the creation of a civil defence force; and the construction of a new town of 100 000 inhabitants to the east of Port-au-Prince. The problems of humanitarian aid remained as pressing as ever: despite increased agricultural production in 2013, 1.5 million people still faced extreme food insecurity and 6 million food insecurity. Water supply and sanitation programmes had greatly reduced the scale of the cholera epidemic, but the incidence of the disease was still too high.

Edouard Beigbeder (UNICEF) noted that some indicators had actually improved since the earthquake, in particular the rate of primary school attendance which had increased from 47% to 77%, while malnutrition had fallen from 10% to 5%, and sanitation in rural areas, which had reached 30%. He pointed out that the greatest challenge concerned local human resources for managing the programmes and projects. He also wondered how lasting these results would prove, given a national budget deficit of 20%.

Nicolas Louis explained that ECHO had spent € 883 million between 2008 and 2013, mainly to combat what had been the largest cholera epidemic worldwide, food insecurity and the extreme poverty that prevented children from going to school. The most important conditions for a successful transition from the humanitarian aid to the development phase were political and security stability. He noted the failure of Bill Clinton’s ‘build back better’ programme which had cost US$ 6 billion, but also acknowledged that definite progress had been made, particularly in the health sector.
9. Conclusions

Members of the JPA delegation heard clearly articulated views on a variety of topics, in particular on the economic and social situation following the 2010 earthquake.

They would like to pay tribute to the government and the international community for the assistance given to the people of Haiti through the post-earthquake reconstruction effort. All the roads have been cleared in Port-au-Prince and there remain only 170 000 IDPs in the camps, down from 1.5 million in 2010. In addition to the results in the field of emergency and humanitarian assistance achieved with international aid, considerable progress has been made in a number of key areas to effect the transition from emergency aid to development: national education, the renovation and construction of roads and bridges, the start of work on buildings intended to serve as the key ministries and the reconstruction of ports and airports.

They recognise that, despite the work that has been done or is under way, solving the many challenges facing the country requires a long-term, multi-sectoral vision.

They are concerned about the pre-election political polarisation that dominates the thinking of a majority of the political players. In particular, the obsession about which electoral law should be applied and constitutional reform seem to paralyse the debate. They consider that the only way to overcome the impasse is through dialogue and a consensus based on compromise. They had met, on the one hand, a President of the Republic very open to dialogue and, on the other, political parties acting in good faith: there is therefore hope that an honourable solution to the crisis can be found which will be in the interests of the people of Haiti who expect their leaders to get down to work addressing economic and social priorities.

Members of the JPA delegation believe that free and transparent elections are the foundation of democracy, and that only they provide the necessary legitimacy to undertake major reforms.

Furthermore, they believe that constitutional reform is needed to harmonise laws and institutions to meet the current and future challenges facing the country. In particular, the excessive number of elections seems to prevent the state working properly.

Members of the delegation are of the opinion that, despite the other priorities, the government could take more care to comply with the international principles and standards of human rights and civil liberties, which have broader implications for the state of democracy, good governance and development.