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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 elections that were widely heralded as the first free and fair elections in Haiti's then-186-year 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 soon disbanded the Haitian army. U.S. aid helped train a professional, civilian police force. Critics charged Aristide with politicizing that force and engaging in corrupt practices

Elections held under Aristide and his successor, Rene Preval (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 over half the country. Aristide claimed that he was still the elected president and that the United States forced him from office, a charge the Bush Administration denies.

An interim government, backed by the Bush Administration, was established with Gerard LaTortue as Prime Minister. The U.N. Stabilization Mission in Haiti has tried to improve security conditions, but Haiti, the poorest nation in the Western Hemisphere, remains unstable. Natural disasters have contributed to instability. After several postponements, presidential elections were held on February 7. The electoral council declared Rene Preval winner after a controversial calculation process. Runoff legislative elections were held on April 21. The presidential inauguration is scheduled for May 14. Preval will have to form a coalition government: his party appears to have won the most seats, but not enough to form a majority in the legislature. Legislative election results are to be certified on May 7.

Congressional concerns regarding Haiti include fostering stability and democratic development, the cost and effectiveness of U.S. assistance, protection of human rights, improvement of security conditions, combating narcotics trafficking, addressing Haitian migration, and alleviating poverty. Current law related to Haiti includes P.L. 109-13, P.L. 109-53, P.L. 109-95, P.L. 109-102, P.L. 109-108, P.L. 109-162, P.L. 108-25, and P.L. 108-447. Legislation includes H.Con.Res. 353, H.R. 257, H.R. 611, H.R. 899, H.R. 945, H.R. 946, H.R. 1130, H.R. 1213/S. 704, H.R. 1409, H.R.1737, H.R.2092, H.R.2592, H.R.2601, H.R.3658, H.R.3700, H.R. 4211/S. 1937, S. 350, S. 453, S. 600, S. 1197. This report will be updated periodically. See also CRS Report RL33156, *Haiti: International Assistance Strategy for the Interim Government and Congressional Concerns*; and "Haiti" in CRS Report RL32733, *Latin America and the Caribbean: Issues for the U.S. Congress*.

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

Developments and U.S. Policy Since 1991¹

Most Recent Developments

Presidential and legislative elections were held on February 7, after having been postponed several times since fall 2005 amidst technical and security concerns. Former President Rene Preval (1996-2000) was declared the winner after a week of controversy over the tabulation of votes. He will be inaugurated on May 14. The U.S. focus will shift to assisting in the transition of a new government, which the United States and other international donors have already pledged to do.

Trying to keep expectations low, Preval encouraged Haitians to vote for legislators in the second-round legislative elections held on April 21. "I want to remind the Haitian people of the limited power of the 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."² Results are expected to be certified on May 7. Reflecting Haitians' emphasis on the role of the president, however, turnout for the presidential elections were about 60%, and only about 30% for the second round vote determining the composition of the legislature. The United Nations mission in Haiti is investigating charges that election officials and other groups committed fraud in the second round, although international observers say the irregularities are unlikely to change the outcome of those elections.

Preval outlined the two main missions of his government to be building institutions as provided for in the constitution, and creating 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. Preval has placed the needs of Haitian children at the top of his political agenda, and UNICEF has pledged to mobilize international support to support those needs. Preval has also said he will promote a constitutional change to formalize the dissolution of the Haitian army.

The Bush Administration has expressed its support for Preval. The President called to congratulate him, and top officials, including Secretary of State

¹ 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.

² Jean Jacques Cornish, "'Haiti Voted for My Return'," *Mail and Guardian Online*, Feb. 24, 2006.

Condoleezza Rice, have met with him. In those discussions, Preval asked for U.S. support for public works projects, said he would cooperate fully with counter narcotics efforts, and hoped the U.S. Congress would enact legislation to give Haiti trade preferences. A U.S. official said the Administration would “try to see what we can do to move forward with some kind of a preferences program” for Haiti.³ Preval toured Latin and North America to win support for his government. While in Washington on March 27-28, President-elect Preval urged both President Bush and Congress to pass legislation providing preferential trade treatment to Haiti.

Preval has asked the U.N. Mission in Haiti to stay, saying “it would be irresponsible for Haiti to request the departure of the U.N. force, and it would be irresponsible for the international community to withdraw the force from Haiti.”⁴ At a February 21, 2006 meeting of donors, the international community reiterated its support of Haiti through the Interim Cooperative Framework established at the 2004 Donors Conference, and which is now 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 Preval’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.⁵

Former President Jean-Bertrand Aristide, who had maintained he was still Haiti’s president since his departure in February 2004, acknowledged Preval as “my President,” and says that he wants to return to Haiti from exile. Preval has been estranged in recent years from Aristide, his former mentor, including distancing himself by forming his own party. But Preval 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, Preval 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.⁶

³ “Haiti’s President-Elect meets with Rice, Mbeki,” Agence France Presse, March 11, 2006, and Joe Mozingo, “Haiti’s new Leader Fears Mentor’s Return; Wrong Move Could Plunge Nation into Anarchy,” Knight Ridder, San Jose Mercury News, March 5, 2006.

⁴ “A Package of News Briefs from the Caribbean,” Associated Press, March 12, 2006.

⁵ “Donors Welcome Newly Elected President Rene Preval and Commit to Long-Term Engagement with Haiti,” press release 2006/278/LCR, World Bank, Feb. 21, 2006.

⁶ Mozingo, op cit.

Aristide's First Term in Office

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 believed 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 bourgeoisie 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

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 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 by October 30, 1993,⁷ 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.⁸

Completion of Aristide's First Term, and the Preval Administration

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 force. The level of reported 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. Rene Preval, 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.

⁷ "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.

⁸ "Remarks by President William Clinton ... at U.N. Transition Ceremony," The White House, Office of the Press Secretary (Port-au-Prince, Haiti), Mar. 31, 1995.

Preval 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. 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, Preval'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 Preval 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 Rene Preval 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 Preval 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

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.⁹ 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 says 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 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 has reported Haiti as one of the most corrupt countries in the world for several years.¹⁰

OAS/CARICOM Efforts to Resolve Haitian Conflict. Efforts to resolve the electoral dispute frustrated the international community for years. At the third Summit of the Americas in April 2001, hemispheric leaders 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

⁹ Statement by the Press Secretary, The White House, Dec. 28, 2000.

¹⁰ In Transparency International's annual Corruption Perceptions Index, the higher the number, the higher the perception of corruption. In 2002, Haiti was ranked 89th out of 102 countries; in 2003, Haiti was ranked 131st out of 133, and corruption there was described as "pervasive"; in 2004, Haiti was ranked 145th out of 145. Available online from Transparency International's website at [<http://www.transparency.org>].

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 the 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.¹¹

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.¹²

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.

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

¹¹ "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.

¹² "Report of the Secretary General in Response to CP/INF.4724/02," OEA/Ser.G CP/doc.3643/02 corr.1, Aug. 27, 2002, part I.

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, 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. Secretary of State 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 has since said he was kidnapped, a charge the White House 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.¹³ 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 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

¹³ S/RES/1529 (2003), Feb. 29, 2004.

“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.¹⁴ 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.¹⁵ Aristide went into exile in South Africa on May 31, 2004.

The Interim Government

Following succession protocol outlined in the Haitian constitution, Supreme Court Chief Justice Boniface Alexandre was sworn in as President on February 29, 2004. A tripartite commission, based on an element of the CARICOM proposal, helped establish an interim government headed by Prime Minister Gerard 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 consists of technocrats without strong party affiliations and does not include either Lavalas or the Democratic Convergence. The new minister of Interior and National Security is Herard Abraham, former head of the Haitian army during Aristide’s first term, in 1991. Abraham retired about three months before the 1991 coup took place.

Showing his support for the interim government in Haiti, Secretary of State Colin Powell visited Haiti on April 5, announcing several U.S. initiatives. 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. will 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 “to ensure that the medical and nutritional

¹⁴ Paisley Dodds, Ian James, “U.S. Marines Say They Killed Haiti Gunman,” *AP*, Mar. 8, 2004.

¹⁵ “Haiti Decries Aristide ‘Meddling’,” *BBC News*, Mar. 16, 2004.

needs of Haiti's most disadvantaged people are met."¹⁶ Relations between the U.S. and other Caribbean governments remain strained as Caribbean Community (CARICOM) nations continue to withhold recognition of the LaTortue government and maintain that Aristide is still Haiti's legitimate elected leader.¹⁷

On July 20, international donors pledged 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 hope will reach \$41 million. Members of former President Aristide's Fanmi Lavalas party have threatened to boycott the elections in light of their alleged political persecution by the interim government.

Many observers express concern over the actions of former members of the Haitian military since Aristide's departure. Many former military personnel have 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 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.¹⁸ 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 former President Preval. In June, 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 remain concerned, noting that government discussions of disarmament have focused more on former Aristide supporters than on armed rebels and former members of the army. In addition, the government presided over a rushed re-trial of Chamblain, in which he was acquitted of the 1993 political assassination he had been convicted of in absentia.

Some critics describe the LaTortue government as weak and partisan. They note the current interim government's difficulties in organizing elections and voice concern that ongoing violence and human rights violations create an intimidating

¹⁶ U.S. Department of State, Office of the Spokesman, "U.S. Support for Haiti," Fact Sheet, Apr. 5, 2004.

¹⁷ Carol J. Williams, "Former Ruling Party Seeks to Keep Itself Afloat in Post-Aristide Haiti...", *Los Angeles Times*, Apr. 7, 2004.

¹⁸ "Haiti: Formal Role for Rebels Negotiated," *Latin American Weekly Report*, Apr. 6, 2004.

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

Others note that the government has 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 has been 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.¹⁹

The U.N. Stabilization Mission in Haiti. 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 provided assistance in the provision of emergency assistance following the natural disasters, stretching its resources even thinner. MINUSTAH has been urging international donors to accelerate the disbursement of \$1 billion in aid pledged for 2004-2006 to support their efforts.

Both the Haitian government and MINUSTAH have complained that the other is 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 is expected to remain volatile, especially in the months leading up to elections.

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 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

¹⁹ See CRS Report RL33156, *Haiti: International Assistance Strategy for the Interim Government and Congressional Concerns*, by Maureen Taft-Morales.

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.²⁰ 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.”²¹ 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 since then killings and kidnappings have declined, according to MINUSTAH Chief Juan Gabriel Valdes. Nonetheless, gangs continue to operate in the slums of Port-au-Prince.²² 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.²³ 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. Haiti must still hold two more elections in the coming months: the legislative run-off and local elections.

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. U.N. commanders have denied that they are targeting civilians.²⁴

The U.N. General Assembly approved an additional \$46.41 million in funding for the U.N. Stabilization Mission in Haiti (MINUSTAH) on November 25. The increase, from \$494.89 million, will cover the cost of the temporary increase in the mission’s troops to strengthen security for the elections and the following transition to a new government.²⁵

MINUSTAH’s mandate must be renewed every six months. The mission’s Brazilian commander, Jose Carvalho, said recently that the mission would remain in

²⁰ 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, Apr. 20, 2005.

²¹ Statement by the President of the Security Council, U.N. Security Council doc. S/PRST/2005/1, Jan. 12, 2005.

²² Ginger Thompson, “A Bitterly Divided Haiti is Lurching Toward an Election,” *New York Times*, Oct. 30, 2005. (Hereafter cited as Thompson, *A Bitterly Divided Haiti*.) Ben Fox, “Jailed Haitian Priest Appeals Suspension from Church Duties,” *Associated Press*, Sept. 28, 2005.

²³ Alfred de Montesquiou, “U.N. Envoy Voices Confidence in Haiti Elections, Vows Tough Stance Against Armed Gangs,” *Associated Press*, Nov. 27, 2005.

²⁴ 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*, Nov. 16, 2005.

²⁵ “General Assembly Increases Funding for UN Missions in Haiti, Cote D’Ivoire,” *States News Service*, Nov. 25, 2005.

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. Spain is withdrawing its soldiers, but says it remains committed to helping Haiti through the provision of police and other assistance. Although some Haitians call for the removal of foreign troops, President-elect Preval has asked the mission to stay, saying prior to his election that “I will not adopt a falsely nationalist position. MINUSTAH should leave as soon as possible, but only when we are ready to assume responsibility for security.”²⁶

The 2006 Elections. Presidential and legislative elections have been held, and municipal elections will be held later in the year.

Results of February Elections. First round presidential and legislative elections were held, after several months of delays, on February 7, 2006. Former President Rene Preval was declared the winner after a week of increased tension and protests. Unofficial early counts indicated Preval had the more than 50% necessary to win in the first round. When official results showed Preval 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. This pushed Preval’s total to over 51%, and he was declared the winner on February 16. His inauguration will be 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 Preval 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.

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 Preval’s party, Lespwa (“Hope” in Creole), appears to have won the most seats in the legislature, he will have to form a coalition government because his party did not win enough seats to constitute a majority. Reflecting Haitians’ emphasis on

²⁶ “Haiti: MINUSTAH To Stay on for 2 to 3 Years,” Latinnews Daily, Mar. 13, 2006.

the role of the president, voter turnout for the presidential election was about 60% but only about 30% for the second round vote determining the composition of the legislature. Results are expected to be certified on May 7. The United Nations mission in Haiti is investigating charges that election officials and other groups committed fraud in the second round, although international observers say the irregularities are unlikely to change the outcome of those elections.

Municipal elections are scheduled for June 18. President-elect Preval has encouraged citizens to vote in these elections, saying that Haitians have relied too heavily on the president and need to help build other institutions.

Background to the Elections. The interim government signed an agreement with the U.N. and the OAS on August 23 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 hope will 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.²⁷ A State Department official described the registration process as the “most comprehensive, transparent, and fraud-free ever conducted” in Haiti’s history.²⁸

Members of former President Aristide’s Fanmi Lavalas party threatened to boycott the elections and claim 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 Gerard 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.²⁹ 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. The 35 remaining candidates included former presidents and prime ministers, some of whom served under the brutal de facto military regime; the leader of last year’s armed rebellion, whom the Bush Administration suspects of drug trafficking;

²⁷ “Elections May Be Delayed. (Haiti),” *Caribbean Update*, Nov. 1, 2005.

²⁸ “System Reportedly in Place for Holding 2005 Elections in Haiti,” *Washington File*, U.S. State Department, Oct. 31, 2005.

²⁹ Thompson, *A Bitterly Divided Haiti*; and Ben Fox, “Jailed Haitian Priest Appeals Suspension from Church Duties,” *Associated Press*, Sept. 28, 2005.

a former Senator accused of political murders; a former mayor of Port-au-Prince and supporter- turned-critic of former President Jean-Bertrand Aristide; a co-founder of the Group of 184, a civil society coalition that opposed Aristide; and long-time activists who fought against the Duvalier and de facto regimes.

The winner, former President Rene Preval (1995-2000), was considered the most popular candidate. Although Preval had been a supporter of Aristide, as President he tried to institute economic reforms that were strongly opposed by Aristide. Preval 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.

The party, Haiti's largest and best organized, is split, however. The candidate the party nominated, priest Gerard 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 see Bazin as an opportunist: since losing the 1990 presidential race to Aristide, he has been an outspoken critic of Aristide but is now running 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.

Leslie Manigat, who placed a distant second with about 11% of the vote, is a historian and political scientist. He 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. Manigat was ousted after he tried to attack corruption in the government and assert control over the military.

Charles Henri Baker came in third, with only 8% of the vote. He is a wealthy businessman.

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 Preval in 2000. The Bush Administration suspects Philippe of drug trafficking.³⁰

Head of the interim National Police in 1994, Dany Toussaint also ran for President. 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 Preval to drop him as head of the new Haitian National Police. When talk first emerged of Toussaint running for President several years ago, when he was an extremely popular Haitian Senator, a U.S. official reportedly said, "He's a nefarious character. We believe he is involved in political murders. We believe he's involved

³⁰ Thompson, *A Bitterly Divided Haiti*.

in drug trafficking. And we would find it unacceptable for him to hold any position in the government.”³¹

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.

Preval has said he will promote a constitutional amendment allowing those with dual citizenship to run for office, saying the country needs to draw on expertise from Haitians living in Haiti and abroad.³²

President-Elect Preval

President-elect Rene Preval outlined the two main missions of his government to be building institutions as provided for in the constitution and creating 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. Preval has placed the needs of Haitian children at the top of his political agenda, and UNICEF has pledged to mobilize international support to support those needs.

Since winning the presidential election in February 2006, President-elect Rene Preval has traveled to various Latin American countries, Canada, and the United States seeking 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 established at the 2004 Donors Conference, which is now 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 Preval’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.³³ International donors will also assist Haiti in developing a long-term Poverty Reduction Plan to succeed the Interim Cooperation Framework

President-elect Preval 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

³¹ Scott Wilson, “Popular Haitian Lawmaker Worries U.S.,” *Washington Post*, Mar. 4, 2002.

³² Carol J. Williams, Chantal Regnault, “A Reluctant Candidate Rises in Haiti,” *Los Angeles Times*, Feb. 12, 2006.

³³ “Donors Welcome Newly Elected President Rene Preval and Commit to Long-Term Engagement with Haiti,” press release 2006/278/LCR, World Bank, Feb. 21, 2006.

would be irresponsible on the part of the international community to withdraw MINUSTAH prematurely.”³⁴ Preval 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.

In Washington, Preval urged passage of legislation granting Haiti preferential trade treatment and asked that benefits proposed in the Haiti Economic Recovery Opportunity Act (H.R. 4211/S. 1937, see *Legislation* section below) be extended from three to ten years. The Bush Administration has not taken a position on the bill. Some U.S. textile interests oppose it. Supporters say it could generate 40,000 jobs.

Current Congressional Concerns

The main issue for U.S.-Haiti policy during the 109th Congress has been how to foster stability, democracy, and development in Haiti. Remarking on the nexus between development, security, and human rights, the chairman of a U.N. Advisory Group on Haiti recommended addressing poverty reduction, demobilization and reintegration, political reconciliation, and judicial and security sector reform.³⁵ Some policymakers argue that security is the top priority and are debating how best to support the existing U.N. Mission, or whether to expand the U.N.’s role, with some observers urging some sort of long-term international intervention. Some observers express concern that elections will have little impact if political disarray and human rights violations continue. Others argue that establishing a legitimate government through fair, credible elections is the first step toward stability. Congressional focus during the second session will continue to be on the remaining elections, and then, if they are successful, on how to support the transition to the new government.

Support of Democracy

Many in Congress have been concerned that Haiti renew its transition to democracy, in particular that it hold democratic elections in accordance with Haiti’s 1987 constitution. Even though elections went well, U.N. officials and others warn 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.

³⁴ “Haiti’s President-Elect PLeads for Long-Term Aid,” Federal Information and News Dispatch, Voice of America News, Mar. 27, 2006.

³⁵ “Holding Free, Fair, Inclusive Elections in 2005 Most Pressing, Visible Challenge for Haiti, Security Council Told,” U.N. Security Council 5178th Meeting (AM). Press Release SC/8384, May 13, 2005.

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.³⁶

At the same hearings, several Members of Congress harshly criticized the Administration, however, 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 popular or favored by the current U.S. administration. Some Members have called for independent investigations into what they refer to as the coup d'état that removed Aristide from office, and the role of the U.S. in his departure. Some observers are also concerned about the effect Aristide's claim, and his call for his supporters to resist the international "occupation," will have on efforts to restore order and stability in Haiti.

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, although there was no functioning legislature to confirm his appointment, as called for in the constitution. 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, with the inauguration scheduled for May 14, 2006. Aristide has recognized Preval as "my president."

A tripartite commission, consisting of one representative each from Aristide's Lavalas party, the civil opposition, and the international community, was formed to help oversee the transition process. Creation of a tripartite commission, also known as the "Council of Elders," was part of a Caricom proposal that was agreed to by then-President Aristide but rejected by the civil opposition. Some observers questioned the validity of the tripartite commission as a legitimate part of an interim government. Caricom withheld recognition of the interim government but has said it will recognize and support the newly elected government.

³⁶ 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, Mar. 10, 2004.

Concerns have also been raised about the civil opposition as represented by the Democratic Platform in Haiti. Some observers question 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 Caricom and supported by the United States. Others wonder to what extent the opposition had a unified agenda beyond the removal of Aristide from office. Some have 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 state that there was no relationship between the armed and unarmed opposition at the time.

At a July 2004 conference on Haiti, international donors pledged more than \$1 billion over the next 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 is strengthening political governance and promoting national dialogue. The U.N., through its mission in Haiti, and the OAS have taken on major roles in supporting the Haitian election process, with financial and technical support from the United States and other bilateral donors.

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, 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 in FY2000, \$73 million in FY2001, and \$56 million in FY2002.

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 the U.S. Agency for International Development (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.³⁷ The ceiling had been at 6,700 troops and 1,622 police. The State Department also supports 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 Bush Administration provided \$196 million for Haiti for FY2006. It requested less, \$163 million, for FY2007. That represents a decrease in Child Survival and Health funds from about \$20 million to just under \$16 million; a decrease in Development Assistance from \$49 million to \$39 million; and a decrease in counter narcotics assistance from about \$15 million to \$10 million. Funding for the HIV/AIDS initiative would be increased from \$47 million to \$63 million.

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 funds and Foreign Military Financing available only through regular notification procedures; (2) appropriated \$20 million

³⁷ Letter from Matthew Reynolds, Acting Asst. Sec., Legislative Affairs, Department of State, to Richard Lugar, Chairman, Senate Committee on Foreign Relations, May 31, 2005.

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 108th Congress considered but did not pass a trade preferences bill for Haiti. The Senate passed the Haiti Economic Recovery Opportunity (HERO) Act of 2004 (S. 2261) in July, which would have given Haiti additional preferential trade treatment if it made certain democratic and economic reforms. Current benefits under the Caribbean Basin Trade Partnership Act allow duty-free access for apparel made in the region from U.S. components.³⁸ 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 109th Congress, in fall 2005, and have sought Administration support. In February U.S. Trade Representative Rob Portman said the Administration “would try to see what we can do to move forward with some kind of a preferences program” for Haiti.³⁹ (For further information, see “Legislation” section below, and CRS Report RS21839, *Haitian Textile Industry: Impact of Proposed Trade Assistance*, by Bernard Gelb.)

The 2006 foreign operations appropriations act (P.L. 109-102) stipulates that International Military Education and Training funds and Foreign Military Financing may only be provided to Haiti through the regular notification procedures. Section 549 makes \$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

³⁸ “Trade Subcommittee Considers Additional Textile Benefits for Haiti,” *World Trade Online*, Sept. 24, 2004. Also, “Crane expresses Hope House Will Approve Haitian Textile Benefits Before Adjourning,” *International Trade Reporter*, Sept. 30, 2004, p.1607.

³⁹ Mozingo, op.cit.

Enforcement; \$1 million for Foreign Military Financing; and \$215,000 for 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 (HNP) until the Secretary of State certifies to the Committees on Appropriations that MINUSTAH has 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, have been suspended and that the interim government is 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.

Table 1. U.S. Assistance to Haiti, FY1990-FY2007
(millions of dollars)

Fiscal year	Development assistance/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 ^a	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

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Fiscal year	Development assistance/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
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 est.	49.5	49.5	31.4	0.5	1.0	0.2	14.9	47.3	194.3
2007 req.	39.0	50.0	34.5	0.6	0.8	0.2	10.0	63.0	198.1
Total	449.1	707.6	560.3	15.8	6.4	2.9	24.9	167.4	1,935.1

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.

* International Military Education and Training

** International Narcotics Control and Law Enforcement.

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
Total Haiti	9.3	2.8	264.0	505.3	86.9	868.3

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

Congress has been concerned with the protection of human rights and with 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 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.⁴⁰

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."⁴¹

Philippe, who was also a police commissioner in Cap Haitien, fled into exile after being accused of involvement in a coup attempt against President Preval in 2000. Philippe says he wants to reconstitute the Haitian army and declared himself its head in March 2004. He then ran for president in the 2006 elections. Both men appear to have a high degree of popular support that might hamper the international community's ability to persuade them to disarm. The Haitian army, which had a long history of human rights abuses, was disbanded in 1995. Former soldiers have staged

⁴⁰ Pablo Bachelet, "U.S. Giving Haiti Aid Through Military but no Troops for U.N. Security Force," *Miami Herald*, Nov. 5, 2004.

⁴¹ U.S. Department of State, "U.S. Deeply Concerned About Rule of Law in Haiti," statement by Adam Ereli, Deputy Spokesman, Aug. 17, 2004.

protests demanding the restoration of the army and 10 years of back pay. President-elect Preval 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 are 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 report human rights abuses against Aristide supporters under the interim government. Hundreds of Aristide supporters have been jailed without charge for months.

Former Prime Minister Yvon Neptune was held without being charged for 16 months and was earlier reported near death after being on a hunger strike. He demands that he be released; Caricom and others have called for the release of Neptune and others who have been 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.⁴² 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 2005.⁴³

U.N. Secretary-General Kofi Annan said in October 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.⁴⁴ 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 have been arrested for alleged involvement in drug trafficking, kidnapping, and extrajudicial murders.⁴⁵

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

⁴² Joseph Guyler Delva, "Haiti's Jailed ex-PM Formally Charged in Killings," Reuters News, Sept. 20, 2005.

⁴³ "UN Says Indictment of Haiti's Ex-Premier "Unconstitutional," BBC Monitoring Americas, Oct. 18, 2005.

⁴⁴ "UN Secretary-General Says Haitian Electoral Process Remains Very Fragile," BBC Monitoring Americas, Oct. 14, 2005.

⁴⁵ "Haitian authorities Want to Clean up Police Force," BBC Monitoring Americas, Nov. 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 notes that national elections “may become a stimulus for further social tension, which could include violence.”⁴⁶

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-elect Preval 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.

U.S. Arms Transfers and Sales to Haiti

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 Haitian National Police (HNP). 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. 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 the HNP by the end of November but had not been distributed pending weapons registration and police training.

The Administration also transferred excess U.S. law enforcement weapons to the HNP in August 2004. Some 2,600 handguns and 21 long guns were issued to

⁴⁶ U.S. State Department, *Travel Warning: Haiti*, May 26, 2005, and Nov. 22, 2005.

police academy graduating classes and to HNP field units following firearms and human rights training.

The FY2006 foreign operations appropriations act (P.L. 109-102) would prohibit 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 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 U.S. government and therefore requires 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 assessing 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 109th Congress" below.)

Narcotics Trafficking

Haiti is a "key conduit" for cocaine being transported from South America to the United States, and to a lesser degree, to Canada and Europe, according to the State Department's March 2005 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, according to the State Department, dysfunctional. 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. It 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 are numerous allegations that former President Aristide was involved in drug trafficking.

All three years President Bush determined, however, that it was in the national interest to continue providing aid to Haiti despite its 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.⁴⁷

President-elect Preval has pledged to be fully cooperative in counter narcotics efforts with the U.S. Drug Enforcement Agency.

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.⁴⁸

Then-Attorney General John Ashcroft issued a ruling in April 2003 that unauthorized Haitian migrants can be detained indefinitely in response to national security concerns.⁴⁹ 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. consular officials. So far there have been no significant population movements, but

⁴⁷ “U.S. Releases Annual Narcotics Certification Report,” at [<http://www.USInfo.State.Gov>], Sept.16, 2004. “Memorandum for the Secretary of State: Presidential Determination 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, Sept. 15, 2005.

⁴⁸ “President Bush Welcomes Georgian President Saakashvili to White House,” The White House, Office of the Press Secretary, Feb. 25, 2004.

⁴⁹ 23 I & N Dec.572 (A.G. 2003).

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.

Following the natural disasters of fall 2004, which killed almost 2,000 people and left over 200,000 homeless, the Haitian government formally requested Temporary Protected Status (TPS) for Haitians in October of that year. 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 make Haitians eligible for TPS was introduced in Congress in May 2005. The Department of Homeland Security made no recommendation, but says it is continuing to monitor events in Haiti. (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.)

Humanitarian Factors

Between February 2004 and October 2004, Haiti was faced 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 refugees in the 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. The plan extends through September 2006. Donors are helping the interim government develop the foundation for a long-term Poverty Reduction Strategy to be further developed and implemented by the next government.

(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.)

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.

Legislation in the 109th 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 are currently underway but are 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. House Report 109-233. Became public law January 5, 2006.

H.Con.Res. 353 (Waters). Commending the people of the Republic of Haiti for holding democratic elections on February 7, 2006, and congratulating President-elect Rene Garcia Preval on his victory in these elections. Introduced, referred to the House International Relations Committee March 8, 2006. Agreed to in the House by voice vote March 28. Received in the Senate and referred to the Committee on Foreign Relations March 29.

H.Res. 777 (Meek). Expressing the sense of the House of Representatives, in recognition of the contributions of the Haitian people to the history and culture of the United States, by establishing "Haitian-American Heritage Month." Introduced, referred to Committee on Government Reform April 25, 2006.

H.R. 257 (Jackson-Lee). To amend the Immigration and Nationality Act to reunify families, permit earned access to permanent resident status, provide protection against unfair immigration-related employment practices, reform the diversity visa program, provide adjustment of status for Haitians and Liberian nationals, and for other purposes. Introduced January 6, 2005, referred to House Committee on the Judiciary's Subcommittee on Immigration, Border Security, and Claims March 2.

H.R. 611 (Foley). To authorize the establishment of a program to provide economic and infrastructure reconstruction assistance to the Republic of Haiti, and for other purposes. Introduced and referred to the House Committee on International Relations February 8, 2005. Forwarded by subcommittee to full committee (amended) by 7-6 vote June 29.

H.R. 899 (Cardin). To amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a two-year extension of supplemental security income in fiscal years 2006 through 2008 for refugees, asylees, and certain other humanitarian immigrants. Introduced February 17, 2005, referred to House Ways and Means Committee's Subcommittee on Human Resources March 3.

H.R. 945 (Lee). To provide assistance to combat infectious diseases in Haiti and to establish a comprehensive health infrastructure in Haiti, and for other purposes. Introduced, referred to House Committee on International Relations February 17, 2005. Referred to Subcommittee on the Western Hemisphere March 17, 2005.

H.R. 946 (Lee). To establish the Independent Commission on the 2004 Coup d'Etat in the Republic of Haiti. Introduced, referred to House Committee on International Relations February 17, 2005. Referred to Subcommittee on the Western Hemisphere March 17, 2005.

H.R. 1130 (Waters). To provide for the cancellation of debts owed to international financial institutions by poor countries, and for other purposes. Introduced March 3, 2005, referred to House Financial Services Committee's Subcommittee on Domestic and International Monetary Policy, Trade, and Technology March 28.

H.R. 1213 (Hyde)/S. 704 (Martinez). To authorize appropriations for FY2006 for voluntary contributions on a grant basis to the Organization of American States (OAS) to establish a Center for Caribbean Basin Trade and to establish a skills-based training program for Caribbean Basin countries. H.R. 1213 introduced, referred to House Committee on International Relations March 10; Senate version introduced, referred to Committee on Foreign Relations April 5, 2005.

H.R. 1737 (Meek). To amend the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998 to benefit individuals who were children when such Act was enacted. Introduced April 20, 2005, referred to House Judiciary Committee's subcommittee on Immigration, Border Security, and Claims May 10.

H.R. 2092 (Jackson-Lee). Save America Comprehensive Immigration Act of 2005, introduced May 4, 2005. Referred to House Committees on Judiciary; Ways and Means; Energy and Commerce; Agriculture; Homeland Security; Financial Services; to Subcommittee on Health, for a period to be subsequently determined by the Chairman, May 23, 2005.

H.R. 2592 (Hastings). Haiti Compassion Act, to designate Haiti under section 244 of the Immigration and Nationality Act in order to render nationals of Haiti eligible for temporary protected status under such section. Introduced, referred to House Committee on Judiciary May 24, 2005.

H.R. 2601 (Smith, Christopher). Foreign Relations Authorization Act, Fiscal Years 2006 and 2007, Introduced May 24, 2005, House International Relations Committee Report 109-168. Requires the Secretary of State to submit a report on all

United States weapons transfers, sales, and licensing to the Government of the Republic of Haiti from October 4, 1991 through the date of enactment of this act, not later than 180 days after the date of the enactment. Also requires, not later than one year after the date of the enactment of this act and one year thereafter, a report on U.S. efforts to (1) assist in the disarmament of illegally armed forces in Haiti, including through a program of gun exchanges; (2) assist in the reform of the Haitian National Police; and (3) support stabilization in Haiti. Received in the Senate July 22, 2005, read twice, placed on Senate Legislative Calendar under General Orders. Calendar No. 172.

H.R. 3658 (Meek). Amends the Haitian Refugee Immigration Fairness Act of 1998 (HRIFA) to (1) include document fraud among the grounds of inadmissibility which shall not preclude an otherwise qualifying Haitian alien from permanent resident status adjustment; and (2) provide that determinations with respect to children shall be made using the age of an individual as of the date of enactment of this act. Permits new status adjustment applications to be filed for a limited time period. Directs the Secretary of Homeland Security to establish procedures for reopening status adjustment applications based upon the amendments made by this act. Introduced September 6, 2005, referred to House Judiciary Committee's Subcommittee on Immigration, Border Security, and Claims September 19, 2005.

H.R. 3700 (Tancredo). Reducing Immigration to a Genuinely Healthy Total (RIGHT) Act of 2005. Introduced, referred to the House Committee on the Judiciary September 8, 2005.

H.R. 4211 (Meek)/S. 1937 (DeWine). Haiti Economic Recovery Opportunity Act. Amends the Caribbean Basin Economic Recovery Act to expand certain preferential trade treatment for Haiti if the President certifies to Congress that Haiti has fulfilled certain requirements, including that Haiti "has established or is making continual progress toward establishing" a market-based economy that "minimizes government interference in the economy..."; the rule of law; elimination of barriers to U.S. trade and investment; economic policies to reduce poverty and achieve other goals; a system to combat corruption; protection of internationally recognized worker rights; and that Haiti does not engage in activities that undermine U.S. national security or foreign policy interests; and does not engage in gross violations of human rights or support acts of international terrorism, and cooperates in international efforts to eliminate them. Introduced in Senate, referred to Committee on Finance October 27, 2005. Introduced in House, referred to Committee on Ways and Means November 2, 2005.

S. 453 (Smith). Amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through FY2008 for refugees, asylees, and certain other humanitarian immigrants, applies to some Haitian (and Cuban) entrants. Introduced, referred to Committee on Finance February 17, 2005.

S. 600 (Lugar). To authorize appropriations for the Department of State and international broadcasting activities, the Peace Corps, and foreign assistance programs for fiscal years 2006 and 2007, and for other purposes. Would allow Haiti to purchase defense articles for the Haitian Coast Guard, would make "not less than"

\$163 million in assistance available to Haiti for FY2006. Makes the finding that “The situation in Haiti is increasingly cause for alarm and concern, and a sustained, coherent, and active approach” by the U.S. government is needed, and would require not later than 60 days after enactment a report describing U.S. policy toward Haiti with specific elements detailed. Introduced March 10, 2005, referred to Foreign Relations Committee, and reported (S.Rept. 109-35). Senate floor actions April 26, returned to the Calendar. Calendar No. 48.

S.Res. 409 (Nelson). Resolution supporting democracy, development, and stabilization in Haiti. Introduced, referred to Committee on Foreign Relations March 28, 2006.

Legislation in the 108th Congress

The following list includes legislation that was approved and become public law during the 108th Congress. For the status of other legislation at the end of the 108th, see the CRS online guide, *Haiti: Legislation in the 108th 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.”