

**Report to the Permanent Council of the Special Mission to Haiti
by Ambassador Sir Ronald Sanders
Head of the Special Mission to Haiti
on Friday 12 February 2016**

On January 27 2016, a special session of this Council was convened following a request made by the then President of Haiti Michel Martelly through Secretary General Almagro, for a Special Mission to be sent to Haiti.

The context of the request was that the second round of the Haitian presidential elections scheduled for January 24 had been postponed by the Provisional Electoral Council (CEP) because of violence.

Haiti was facing an exceptional situation where its President would not be able to transfer power to an elected successor on the constitutional date of February 7th, 2016.

In light of the acute uncertainty facing Haiti and the threats to its stability, this Council, by consensus and after careful consideration, chose to respond to the request made by the Haitian President and empowered the Secretary-General to deploy a Special Mission to Haiti.

At the request of the Secretary-General and the Permanent Representative of Haiti, and after consulting with my Head of Government, the Prime Minister of Antigua and Barbuda, Gaston Browne, I agreed to head the Special Mission.

It comprised: Mr. Gabriel Bidegain, Special Adviser to the Secretary General; Ambassador Sonia Johnny, former Permanent Representative of Saint Lucia to the OAS; Mr. Frederic Bolduc, Special Representative of the Secretary General in Haiti; Mr. Steven Griner, Acting Director of the Department of Sustainable Democracy and Special Missions; and Mr. Paul Spencer, Special Adviser in the Secretariat for Strengthening Democracy.

While in Haiti, the Mission was supported by Mr Nino Karamaoun and Ms Marie-Anne Amadiou, respectively Senior Adviser and Political Adviser of the OAS National Office.

I wish to observe that the OAS is very well served by the personnel at the National Office, headed by Mr Bolduc.

The Mission team arrived in Haiti on January 31 and departed on February 6th.

At this stage, I recall the nature of the mandate of the Mission, since the Mission's purpose was the object of speculation and disinformation within Haiti, including hostility from some quarters that accused the OAS of installing President Martelly in office in 2011.

The mandate was “to assess the situation in Haiti, including through dialogue with all appropriate parties” in order to report to this Council.

As I repeated with insistence during meetings with over 25 groups of national stakeholders, the Mission was not in Haiti to interfere or meddle in Haitian affairs.

By the same token, the Mission’s presence in Haiti was not inconsequential.

As noted in our departure statement, the delegation was pleased that its presence in Haiti had a beneficial effect on the search for a consensus formula by stakeholders.

In the end, the Mission was welcomed by all the groups with which we engaged.

During its one-week deployment in Haiti the Mission met a very wide array of stakeholders.

On the institutional front, the delegation held meetings with the President, the Prime Minister and Ministers of the Government; the National Assembly and Senate President; the President of the Lower Chamber; Senators from across the political spectrum; the Supreme Court President and several Justices of the Court.

On the political front, we met senior representatives of political parties such as Fanmi Lavalas, RDNP, Vérité, Fusion, Kid and OPL, as well as members of the Group of Eight (G8) and of the Group of 30 (G30). The latter two are groups of candidates who ran in the first round of elections for the Presidency.

The delegation also met leaders of civil society, including members of the Presidential Electoral Evaluation Commission, human rights and national observation groups, private sector and union representatives, and grass-roots organizations.

As I did in Haiti, I again now thank all parties for their openness to dialogue and the frankness with which our exchanges took place.

The Mission realized fully that, in some instances, meetings in such a highly polarized context posed political risks.

We are grateful to those who chose to brave adversity in the highest interest of their country.

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I deal now with what we found on the ground when we arrived in Haiti.

President Martelly was demitting office in 7 days with no elected successor, and no agreed mechanism for how the country would be governed.

Political actors were jockeying for power, making agreement on a mechanism for an interim government extremely difficult.

There was tension, uncertainty and simmering conflict.

Haiti faced – in very stark and real terms – a situation of potential chaos.

It should be noted that there is no provision in the existing amended 1987 Constitution for a transitional government.

There is even doubt about whether the present Constitution is valid.

But, several things became obvious as we engaged each of the stakeholders.

- **The crisis that faced Haiti – and that continues to linger today - is above all a crisis of trust**, exacerbated by weak institutions.

The acute distrust amongst stakeholders translates into a highly polarized environment and a propensity for a “zero-sum game” type of politics.

Institutions suffer from a credibility deficit, even the ones enshrined in the Constitution as independent.

- **But, Haiti was faced with an exceptional situation which required an exceptional solution.**

This solution had to be political, rather than legal.

It quickly became clear that existing constitutional provisions were not sufficient to address the situation.

The reasons for that were two-fold.

Several stakeholders pointed to flaws in the manner in which the amended Haitian Constitution was brought into force.

But, in any event, its provisions did not specifically contemplate the situation facing the Country - a presidential vacuum owing to the inability to complete presidential elections in due constitutional time.

As a result, constitutional provisions could only serve as a reference point for a politically based solution.

- **The solution to the crisis had to be identified by national stakeholders through dialogue.**

All stakeholders met by the Mission, no matter where they stood on the political chessboard, were in agreement on two fundamental points: 1. no matter what form the solution would take, it would have to be a “national solution”, identified and negotiated by national actors; 2. Dialogue would have to be the vehicle for the search of a national solution.

No solution, imposed by any external source, would be sustainable.

The solution had to be made by Haitians and owned by them.

Such dialogue was strongly encouraged and actively commended by the Mission in every exchange with every national stakeholder that we met.

▪ **Haiti was faced with two distinct paths for transition:** a shorter-term transition and a longer-term one.

Proponents of the first path advocated for a short transition allowing for the management of State Affairs only for the time necessary to complete the elections process initiated in 2015.

Others promoted a longer, more ambitious transition period with the aim of establishing the foundations of a new Haiti, including through constitutional reform and a national dialogue.

Without debating the merits of each plan and their variations, the Mission notes that the agreement signed between President Martelly and the Presidents of both Chambers of the National Assembly on February 6th delineates a short-term transition.

That agreement, which is being implemented even as I deliver this report, has given Haiti a respite from turbulence and a period of stability and predictability until the elections that started in August 2015 can be completed.

For that Haiti and the entire international community can be thankful.

Nonetheless, it can be argued that reform of the Constitution and of the Judiciary, and checks and balances on the power of the President are all necessary.

In the future, Haiti will have to address and institute such reforms, through a process of national consultation and dialogue, in order to consolidate democracy.

The good thing is that stakeholders acknowledge that such reforms are necessary.

It is important that the Mission should point out two important matters to this Council.

First, **the 2015 elections process remains a contentious issue.**

A perception exists in Haiti that the electoral process initiated in 2015 is flawed, even though many stakeholders reject this notion.

But, the narrative of massive fraud is adopted by some actors, including contenders for the Presidency who were disappointed by the results of the first round of elections.

In an election where there were 54 candidates for the Presidency, losers are plenty and blaming the process as a whole is an irresistible magnet, especially in a political context characterized by deep distrust and polarization.

However, the Mission notes that an OAS Electoral Observation Mission to Haiti recognized the existence of irregularities, but stressed, that according to its analysis, these did not materially affect the final results and ranking.

It is also noteworthy that all Parliamentarians, elected during this electoral process, took their places in the legislature despite, in some cases, representing political parties critical of the process.

Further, the National Assembly was constituted on February 4th and has been meeting since then, including on February 7th when it assumed temporary responsibility for managing the country until an Interim President and Interim Prime Minister take office until May 14th.

Nonetheless, we remark now that in order to continue in a nationally acceptable manner, the elections process will have to be improved to instill confidence in it.

In that regard, the composition of the next Electoral Council will be critical.

The question of a further verification of the process and the extent of such verification, remain matters that should be decided in a consensual and realistic manner by key stakeholders.

The second observation is that **Instability is taking a toll on Haiti.**

The political history of Haiti since its accession to constitutional democracy has unfortunately been marred by a succession of crises with very few periods of stability.

Consequently, the country has suffered.

Its development has been hampered and the majority of its people struggle to put food on the table.

With a great sense of alarm, the Mission heard from the Workers' Unions that of Haiti's population of more than 10 million people, only 500,000 persons are in permanent employment.

In other words, Haiti cannot afford another prolonged crisis.

That is why the interest of the nation had to be put above all other considerations.

That is why a political compact was necessary to allow for a rapid return to some degree of constitutional normality and the installation of an elected leader.

The moment was critical, the cost of failure too great.

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I am obliged to make a few remarks about Haiti and its relationship with the OAS, for this is our business and one about which we should be mindful collectively.

Within the inflammatory and derogatory rhetoric that sometimes characterized the political discourse in Haiti, there exists a myth of a monolithic, shadowy creature with far-reaching tentacles named “the international community”.

Even more troubling is the fact that the OAS is assimilated in this so-called “international community” and is regarded as its symbol and embodiment.

From the moment of its arrival, the Mission faced hostility regarding the perceived interference of the OAS in Haitian affairs stemming from the 2010/11 electoral process.

However, I wish to assure this Council that no such assertion was accepted or left unchallenged by the Mission.

We spent much time addressing and clarifying misconceptions and misleading information about the role that the OAS plays in Haiti.

It is more than unfortunate that segments of the politically engaged population seem to confine the role of the OAS to electoral matters, completely ignoring the Organization’s sustained contribution to such key sectors as the civil registry, tourism and trade, the protection of handicapped persons, the strengthening of the rule of law, and political dialogue, to name only a few.

I pointed out, as an example, that today there are 6 million Haitians who possess Identification Cards because the OAS organized \$20 million in financing to supply them.

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Now to the concluding observations of this report.

In light of the circumstances I have described and the critical juncture at which Haiti stood, the Mission is pleased to report to this Council that the impetus for dialogue amongst national stakeholders prevailed.

Twenty-two hours before the end of President Michel Martelly's term without an elected President to succeed him, an agreement for a transitional government was reached between Martelly and President Jocelerme Privert and Vice-President Cholzer Chancy of the National Assembly.

Our Mission – the OAS Mission - was honored to have been invited to be present at the final negotiations and the official signing at the Presidential Palace close to midnight on February 5th.

That invitation was the result of trust and confidence that was gradually but effectively built during a week of intense engagement with the stakeholders.

According to the terms of the agreement:

The National Assembly is scheduled tomorrow to elect an Interim President for a term of up to 120 days;

A consensus Prime Minister will be identified in consultation with political and civil society actors and confirmed by Parliament;

The Provisional Electoral Council will be revitalized;

The elections process will be strengthened with the implementation of the technical recommendations of the Presidential Electoral Evaluation Commission: and

The voting, including the second round of the Presidential elections, will take place on April 24.

The new President, elected by that process, will be installed on May 14, 2016.

The Mission commends President Michel Martelly for maintaining his position to demit office on February 7.

In doing so, he showed himself as a true Patriot, putting the interest of the country first and allowing it to take a firm and necessary step toward constitutional normality.

His willingness to engage in constructive dialogue with stakeholders prior to his departure was instrumental in solving the political impasse.

Two days ago, I received a message from the President of the Senate and the National Assembly, Mr Privert in which he said:

“I thank you for the full support you have provided us over the past week of negotiations.... a long road is ahead to get restored the climate of confidence and stability in the country....thank you for your willingness to contribute to the construction”.

Last night, I received a telephone call from President Martelly expressing similar sentiments.

On behalf of the OAS Special Mission, I again congratulate the Haitian stakeholders for having committed themselves to democracy, peace and stability, and wish them every success in pursuing the path paved by their historic agreement.

Such success requires all actors, especially the parliamentarians of both houses of the National Assembly, to participate fully in the election of an Interim President tomorrow.

This is a vital first step to ensuring stability in exceptional circumstances.

In Haiti's interest, there should be no vacillating, no wavering, no faltering.

The Special Mission wishes Haiti well in the coming days and months as it traverses a testing period that offers the hope for a better future.

I am sure this Council joins that sincere sentiment.