Haiti and the UN's Endless Peacekeeping Mission: Is UN a Curse for Haiti's Democracy?

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Introduction

Three presidential elections have been organized under the United Nations (UN) peacekeeping mission watch; all of them had been either marred with irregularities or massive frauds. In 2006, Haitian people had to gain the streets for several weeks to abort an electoral coup pre-engineered by United States-backed de facto government Gerard Latorture. In 2010, right after a 7.0 magnitude earthquake ravaged the country's western part, Haiti's then President Rene Preval was forced to abide by a U.S.-backed Organization of American States' electoral commission result asking him to remove his handpicked candidate Jude Celestin to replace him with U.S.-preferred candidate, Michelle Joseph Martelly.

In 2010, Haitians reject CEP's contentious and tainted preliminary results for the presidential elections. Nearly two months since Haiti's *Conseil Electoral Provisoire* (Electoral Provisional Council), know as the CEP, announced the final results for the first round presidential elections, second round legislative and local elections that plagued with massive frauds. The controversial results for the presidential elections placed Haiti's ruling Party candidate, Jovel Moïse at the first place with over 34 percent of the popular and the former 2010 presidential candidate Jude Celestin in second place. Since then protest against those tainted results have been widened throughout the country. The question one may ask is, is UN a curse for Haiti's democracy?

This paper will discuss the meaning of justice for Haitians who survived the 1991 and the 2004 coups. This paper will also point out why the first and the second UN missions in Haiti have failed to respond to the need for justice of the survivors of both coups. Finally, I will argue that the conflicting agenda or the interference of some powerful members in the International Community in the Haiti's politics such as the United States, France and Canada may be one of the salient factors –besides the cultural and historical factors that may anticipate in the UN-OAS endless process of building peace and restoring justice in Haiti after ravaging by the recent two coups –and other previous political unrests. As it could be noticed that the name of Jean-Bertrand Aristide already appeared many times in the introduction, it will continue to appear as former statesman, and most importantly one of the survivors, perhaps the principle leading figure of both coups.

UN's Endless Peacekeeping Mission in Haiti
To understand the division amongst Haitians regarding the first and the second United Nations Missions for Stabilization in Haiti, it is crucial to look at the history of Haiti and the circumstance in which the former slaves freed themselves from French rule. The first UN mission, the *Mission Civil International in Haiti* (International Civilian Mission in Haiti) or MICIVIH a United Nations and Organization of American Sates (UN-OAS) joint mission, started in 1993 during the military junta regime that ousted President Jean-Bertrand Aristide in the 1991 coup d'état. The UN-OAS joint mission ended in 1996. This mission supposedly was a successful mission, was coincided with the return of constitutional order by the reinstatement of President Jean-Bertrand Aristide to his office. It was also the first time Haiti experienced a democratic political transition, where Aristide handled the power to another democratic elected leader, his former Prime Minister, Réne Préval on 7 February 1996. The second UN mission, *Mission des Nations Unies pour la Stabilisation en Haiti* (United Stabilization Mission in Haiti), known as MINUSTAH, began in 2004 after President

Aristide was ousted for a second time. The MINUSTAH mission may probably the most controversial UN mission among Haitians, particularly those from the poor class, who have unconditionally supported Aristide since he was first elected from the first Haiti's democratic election on 16 December 16 1990.

Haiti: The Road towards a freedom and Democracy

Haiti, known as *La Perle des Antilles (The Pearl of the Islands)* for its natural beauty, was one of the French richest colonies in 18th century because of its sugar cane production, and other productions such as coffee, which was made possible by the Africans who were brought to the colony as slaves. As Aristide (2008:xxix) wrote, "The blood of Africans and the labour of Toussaint's people caused the colony of St-Domingue to flourish economically, and it became the richest of the French colonies."

Unhappy with the most dubious and inhumane treatment, the slaves revolted against their master's rules. Their goals were to escape their masters' most illegal and harshest treatments and punishments, and to forever free themselves from their masters' social and economic injustice, and racism. This struggle for freedom, equality and justice would remain an endless struggle, even after the slaves in a unusual alliance with the *mulâtres* (people whose one of their parents is either African descent or European descent) fought the French Army in the most bloodiest battle on 18 November 1803 to become independent, which they proclaimed on 1January 1804. Haiti became the world's first Black Republic, and the first successful slave rebellion. Haiti's former President Aristide wrote about Toussaint Louverture, an early leader of the slave uprising in Saint-Domingue (present day Haiti) and his political and economic vision. Aristide said, "The dream held by Toussaint was a two-side coin: on one side political freedom, on the other economic freedom" (Aristide, 2008: ix).

However, the alliance between the former slaves and mixed-raced people did not last for a long time because the two groups could hardly figure out a mechanism to share the country's resources. The marriage between former slaves and mixed-raced people was purely circumstantial. As Laurent Dubois (Dubois 2012:25) points out in his book, the demand of free people of color in the colony of Saint-Domingue was to be equal with whites. Dubois (Dubois 2012:25) wrote, "They didn't attack the institution of slavery itself –after all, wealth in Saint-Domingue was rooted in slavery, and many of them were slaveholder themselves." Slavery, which was itself an institution of injustice, was an ideal institution for the mixed-race people, and they wanted to keep it after the collapse of French rule in the colony. Thus the struggle for equal social, political and economic and religious rights would become a struggle for justice from the day Haiti became a nation to this day.

Haiti: The Endless Struggle for Justice

From the slave rebellion to the popular movement, the social, economic and political struggle between the poor and rich in Haiti can be summarized in three words: the struggle for justice. Whether the struggle is for economic, social and political rights, it is all about justice. The reason for that is that the poor seem themselves as the victims of the social and economic inequality of the country. For them the lack of economic opportunity and social mobility come from the distribution of their country's resources; where a minority, the wealthier, have held over 80 percent the country's resources and the majority, the poorer, can barely survive with what was left for them. For the poor, this is injustice. Therefore, they want to move from a system that promotes injustice to a system that promotes justice. The question raised here is: what is justice?

Towards a Definition of Justice

For Aristotle (Aristotle 1985:116) "justice is the state that make us doers of just action, that makes us do justice and wish what is just." Aristotle (Aristotle 1985:117) further associates justice with "fairness" and "lawfulness," for what is just is fair and lawful. Knowing not all laws are just, Aristotle (Aristotle 1985:118) defines a just as "whatever produces and maintains happiness and its parts for political community." If focused on Aristotle's definition of justice and what is just, it is clear that a system based on inequality and unfairness is an unjust system. The inequality in the distribution of a country's resources and the denial of people of their political and economic rights are the fundamental aspects of injustice.

While Aristotle's approach of justice is focused on fairness, and a just policy aims at maintaining the well-being of a community, John Rawls' approach of justice, a utilitarian-based approach, is focused on the well-being of individual. In his book *A Theory of Justice,* Rawls (Rawls 1972:3) wrote, "Justice is the virtue of social institutions, as truth is of system of thought." He further argued that, "Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override (Rawls 1972:3)." Rawls's argument is that the well-being of individuals should not put in question, even in the case where the majority is deprived of their political and economic rights.

Rawls' argument is certainly linked to western idea of justice. A justice where individuals are free to pursue their economic goal in free market system and their political goals in a democratic-based system, even if it is sometimes detrimental for the rest of the society. In the case of Haiti and in the cases of many countries in the world where the salient factors or the driven force of many conflicts are the need for economic, political and social rights, Rawls' approach of justice may not sound too well since there is a need for both national and international actors to intervene to restore peace and justice.

Focusing on the need for justice in the post-conflict societies like Haiti, South Africa, El Salvador and so on, Rama Mani (Mani 2007:5) notices three dimensions of justice: legal justice, rectificatory justice and third distributive justice; he argued that all of the three dimensions of justice are needed in the post-conflict countries to restore peace and justice. Restoring legal justice, or the rule of law as it is interchangeably used, is seen as an important step toward justice in the post-conflict societies. In a society where the legal justice is dysfunctional, the citizens are mostly like to turn to violent rule, perhaps self-defense rule to resolve their problems.

According to Mani, (Mani 2007:6) the legal justice through the courts "provides a forum for settling disputes without resort to violence." Mani further argued that the legal justice does not only provide a forum to peacefully resolve disputes, but it is also "provides a framework for rectificatory and distributive justice to be meted out (Mani 2007:6)."

Rectificatroy justice is the form of justice dealing with the "physical violence or "gross human rights abuses (Mani 2007:7)." This form of justice could refer to punishment. On the other hand, those who committed atrocities or mass atrocities against others or ethnic groups whether for their political views, economic interest or their race as it was the case in the United Stated in the 50's. However, rectificatory justice is probably one of the most complex forms of justice because its dependence on a political and sometimes cultural agreement, which undoubtedly includes national and international actors. For instance, in the case of Haiti, during the negotiation between the Clinton administration and Haiti's exiled President Aristide, the US officials, as Peter Hallward said, warned Aristide to make "more

far reaching comprises" with the coup leaders in Haiti. One of the proposed plans by the US administration that Aristide had to agree with was to accept "a plan put forward by the ' so-called moderate' Haitian legislators, which again involved an unconditional pardon for the perpetrators of the coup (Hallward 2007:49)." In addition to that, Aristide had to further agree to form a new government with the putsch leaders.

Distributive Justice, Can it Be a Reality in Haiti?

Distributive justice, probably the most important form of justice that Mani and many scholars discussed in their literatures about justice, is a form of justice focusing on restitution and reparation for the victim. As Mani (Mani 2007:8) pointes out, "distributive justice, entails addressing the underlying causes of conflict, which often lie in the or perceived socio-economic, political or cultural injustice." This form of justice is imperative, even though there are additional causes that can motivate one group or tribes to commit atrocities such mass killing and mass destruction to eliminate another group because of their ethnicity background.

Distributive justice, for example, in the case of Haiti, will mean to provide economic and political accessibility to the poor. The daily struggle of the poorest of the poor in Haiti, is a struggle for social justice, a justice in which the poor hope to have access to the country's resources and will be able to participate in the political decision of the country; it was them who voted for Aristide in 1990 and in 2000. As a young priest, Aristide had been severely criticized the globalization and the neoliberal economic. He fought against social injustice. As a president, he felt he was in better position to address the social, economic and political inequalities that make the lives of one group of Haitians (the poor) miserable, and the lives of Haitian elites enjoyable.

As Paul Farmer (Farmer 2006:160) points out, the position of the Bush senior's administration regarding the 29 September 1991 coup d'état against Aristide, the administration blaming Aristide himself for the coup cited "increasingly strident statements by Aristide blaming the wealthier classes for the poverty of the masses." As the priest who administered a parish in one of the poorest neighbourhoods in Haiti, Aristide had witnessed first hand the negative impact of neoliberal economic system or globalization on the poor. He wanted to change it, by asking the rich "to share their bounty, to reinvest profits locally rather than abroad, to pay taxes, to work to provide jobs for the unemployed and the hungry (Farmer 2006:151) " As Famer further explains, for Aristide what he asked the wealthier Haitians was fair and just. Those demands reflect his idea of social justice, which he fought for as a proponent of Liberation Theology, which emphasizes social justice as the social, economic and political rights as the rights that each citizen should be able to pursue in a free and democratic society.

A Haitian perspective of Justice
After looking at the different approaches of justice, from Aristotle to Mani whose focus is on transitional justice. The question that raises, is: **What does Justice mean for the survivors of the recent two coup d' état in Haiti?** The meaning of justice for the 1991 coup's survivors could be well described, perhaps illustrated in Hallward's book, *Damming the Flood*. In 1994, when Aristide returned from his 3-year exiled, his supporters, the victims of the Raoul Cedras junta military regime, asked him one gift. This gift was to disband the Haiti's repressive and torturous Army. As Hallward (Hallward 2007:54) wrote:

> "Some of many thousands people who came to listen [listen to] Aristide on his first day back in the country told reporters that ' before the foreigners leave, they have to destroy the army [...]. Every night, they break into our houses and rape our daughters and wives. Don't leave any of them'."

Hallward added that Aristide's decision to listen to the people and did exactly what they asked him to "was a major victory in the long struggle of the poor against the rich. Hallward 2007:54)." Hallward 's assessment on the need of the survivors of 1991 illustrates the complexity restoring justice in post-coup in Haiti. Aristide's decision to follow through by disbanding Haiti's already dysfunctional Army was seen as an act of injustice for those it used served, such as the elites and the US government. Nonetheless, it was well acclaimed by the poor, who are the majority and were the principle victims of both Haiti's junta military regimes and the elites.

While the disbandment of the Army may be too far to be seen as distributive justice, it can be seen as the beginning of distributive justice since it aimed at empowering the government to take other necessary steps to improve the lives of the poor by providing economic opportunities, and investing in progressive social projects (i.e. providing access to school, hospital and universities for the population) that will be beneficial for the poor. Here, again this is justice, albeit, it is a collective reparation. Justice in the post-conflict societies can take many forms depending: first, the immediate demand and need of the survivors, second the long-term need, and third the historical and cultural meaning of justice for a particular survival group of people or the whole society.

Brian Concannon, who has been working in Haiti for the past twenty years as human rights lawyer, wrote about two important post-coup trials. One in 1999, Carrefour Feuilles Trial, where high ranking members of the newly formed Haitian National Police stood trial for the crimes their committed to the population of Carrefour Feuilles. The other one in 2000, the Raboteau Trial, where the former soldiers and other high-ranking members of the Haitian Army were tried for the pains inflicted on people of this poor harbor town named, Raboteau during the period of the 1991coup. The massacre was known as the massacre of Raboteau, named after the town it took place.

The Raboteau trial was probably the most obvious examples of the rectificatory justice. Cocannon (Cocannon 2001) said, "The trials also provide an example to the rest to the world that justice for the victims of human rights abuses not be sacrified in democratic transition." Cocannon argued that the will of people in transitional justice must be respected regardless. He said that "the government's acting on what the victims of Haiti, and the of the Chile and the Balkans, have always known: there no reconciliation, there is no democracy, without justice (Concannon 2001)." Concannon's approach on justice is that recitficatory justice for any political reason should not be put aside in a transitional democracy. It was also one of Aristide's government goals, despite the international pressure (US pressure), to try the perpetrators of the 1991 coup and those would-be perpetrators.

As it seems to be the norm for transitional democratic society, upon his return to Haiti, Aristide formed a Truth commissions known as *La Commission Nationale pour la Vérité et Justice, CNVJ* (Haitian National Commission for Truth and Justice) in 1995 to gather testimonies and information from victims and witnesses through interviews (Patrick Ball and Herbert F. Spirer 200). Although the commission's report has been sitting in the office of the Haiti's Minister of Justice, Ball and Spirer (Ball and Spirer 2000) said the CNVJ interviewing method was good and was conducted on the scientific standard. Haiti's former Minister of Justice, Pierre-Max Antoine criticized Aristide's succor President Preval for not publishing CNVJ report. He later lamented that some of the perpetrators still occupied many positions at the public institutions. "Former perpetrators occupied positions in the new national police or as prison guards: one of them was even in the security guard of the national palace even though his name appeared in Appendix 4 of the final CNVJ report (Page 1-b,

code P 0402)," said a disappointed Antoine regarding the failure of Haiti's justice to prosecute the perpetrators of the coup and human rights (Ball and Spirer 2000).

Another Coup: Democracy is under Attack by Western Powers and the Haitian Elite Class

Although there are conflicting accounts as whether Aristide willingly or unwillingly left Haiti on 29 February 2004, President Aristide countered US officials' account and told CNN, "They [the US] used pressure to push me out (Paul Richter and Maggie Farley 2004)." In addition, many observers noticed that the human rights abuses, the political persecutions following the ouster of Aristide in 2004 were no different than what occurred in the aftermath of the 1991 coup.

Many dignitaries of Fanmi Lavalas (FL) government were arrested or were in hiding. In a 2009 protest for the release of political prisoner, former political prisoner and FL supporter, Rospide Pétion told IPS, "We ask [for] justice for Ronald and all the unknown political prisoners from the slums (Jeb Sprague and Wadner Pierre 2009)." The international backed de facto government that replaced Aristide did exactly what the junta military regime Cedras did by using the political repressive machine to intimidate its political opponents.

Justice in Post-coups Haiti

After analyzing different approaches of justice in transitional democratic society, one thing I have observed was that certain donors in the International Community (IC) attempt to impose their political and economic agendas on the transitional governments. Those agendas arguably represent an obstacle for transitional justice for restoring lasting peace. Haiti is an example of this conflicting agenda. Even upon President Aristide's return in Haiti, he attempted to pursue the people's agenda, but the US imposed economic embargo, preventing him and his successor, President Preval, from taking necessary steps to reform the economic and judiciary systems of the country. As a result, Aristide paid a great price for what he started as a reform. He was again victim of a second coup in 2004.

Furthermore, the MICIVIH mission during the period of 1991 coup was " to verifying the respect of human rights" and later extended in "institutions buildings" (MICIVIH 2000). However, the Army was able to violate and kill thousands of Haitians, forcing hundreds of them into exile. Similarly, the MINUSTAH mission was and is "to restore a secure and stable environment, to promote the political process;" and in addition, the mission is there "to strengthen Haiti's Government institutions and rule-of-law-structures" and "to promote and to protect human rights (MINUSTAH/United Nations 2013)." Following few months after MINUSTAH mission began, Laura Flynn, Robert Roth and Leslie Fleming wrote (Flynn Roth et al 2004), "Thousands of supporters of President Aristide and Fanmi Lavalas are currently in hiding throughout the country." Arguably, the MINUSTAH mission statement was and is in contradiction to the reality of those Haitians who opposed the de facto interim government.

Conclusion

Thus, I argue in this paper that establishing justice in transitional societies is a complex task because it depends upon several key factors: society's immediate need in the aftermath of the conflict or coups, in the case of Haiti, its long-term development to prevent a relapse into conflict, and its historical, cultural, and religious beliefs. I also argue that both UN peacekeeping missions in Haiti, after spending millions of dollars, had failed to restore peace and justice. Finally, I argue that the conflicting agenda of some donors in the IC could be a potential obstacle for restoring justice in transitional democratic societies. While Haiti was a case study, its case is similar to other low-income transitional democratic societies. My hope is that transitional justice scholars will review the controversial agendas of some

donors in the IC, which, at times, do more harm than good to the transitional democratic process in these post-conflict societies.

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