



Haiti: A Path to Stability for a Nation in Shock

Crisis Group Latin America and Caribbean Briefing N°44
Bogotá/New York/Brussels, 30 September 2021

What's new? The assassination in July of Haitian President Jovenel Moïse, perpetrated with no apparent resistance from his elite security detail, and a bout of natural disasters weeks later have further destabilised an already fragile Haiti and intensified its humanitarian crisis at a time of extreme insecurity.

Why does it matter? Coming amid intersecting political, human rights, economic and humanitarian crises, Moïse's killing and other recent events have exposed the chronic failings of state authorities and difficulties in ensuring that foreign support is deployed effectively. Growing insecurity is also driving instability and increased migrant flows within and outside the country.

What should be done? Funnelling aid to vulnerable people hit by recent natural disasters, preferably through local civil society, is the imperative. International backing for prosecuting high-level crimes, police reform and support for a broad-based representative and inclusive interim government stand a better chance than a rush to elections of helping restore stability.

I. Overview

Even before hit men assassinated President Jovenel Moïse in July and an enormous earthquake struck in August, Haiti was in a harrowing state of insecurity. Violence, largely perpetrated by criminal groups funded by powerful business leaders, politicians and drug dealers, had shut down much of the economy. These groups extended their sway as Moïse's opponents contested his authority in an increasingly heated political climate. Although the killing's aftermath has brought numerous arrests and promises of inclusive government from the country's acting leadership, interim authorities face manifest threats of worsening political volatility and humanitarian crisis. They will need outside help to pull through. It is essential that Haiti accept foreign support to investigate high-profile crimes and set in motion long overdue economic and security reforms. Leading donors and the UN should take the cues of local political and civil society leaders as to when fresh elections should be held, and work with a broad-based coalition on recovery efforts in the wake of the earthquake and the ensuing tropical storm.

A snapshot of Haiti in the weeks prior to Moïse's assassination reveals a country in deep distress. As of June 2021, more than 90 armed gangs operated throughout the country and controlled over half the capital Port-au-Prince, according to the UN.

The entire southern half of Haiti was cut off from the rest due to gang roadblocks. Fuel could not be unloaded from tankers because of security concerns; shortages were increasing; and more than half the nation's population subsisted on less than \$2 per day. At least 15,000 people had been internally displaced, and many found themselves in overcrowded community centres that humanitarian agencies found hard to reach because criminals controlled the vicinity. Rape and sexual violence were common in these centres. COVID-19 was raging, having caused over 600 fatalities (likely a vast underestimate), including the death of the head of the Supreme Court in June, while the first vaccines arrived only in July. Moïse had also hollowed out the country's political institutions, refusing to allow parliamentary elections and appointing surrogates to local posts.

Moïse's killing itself starkly illustrated the state's lack of control over Haitian territory. Assailants burst into his private residence in the early hours of 7 July, murdering him and seriously injuring his wife. Not one of the president's large retinue of security personnel, many of them highly trained and heavily armed, was even lightly injured in the attack, leading to the widespread conclusion that they offered no meaningful resistance. A sprawling investigation led by the Haitian police with support from abroad, above all the U.S. and Colombia, has so far led to the arrest of close to 50 people, including eighteen Colombian former soldiers alongside high-ranking Haitian police officers. Still, many questions remain about who ordered the killing and why.

The assassination also raised the possibility of a bruising battle for political supremacy. Three people claimed to be the president's legitimate successor straight after the murder. Eventually, largely due to pressure from the U.S., Canada, France, the EU and other members of the so-called Core Group, Ariel Henry, a neurosurgeon and interior minister under former President Michel Martelly, became prime minister on 20 July. Although Henry has preached reconciliation, many Haitians refuse to recognise his government's legitimacy and express disappointment in the official response to the August earthquake and severe weather that together killed at least 2,200, left hundreds of thousands homeless and prompted a new cohort of migrants to take to the high seas. Allegations that Henry was directly involved in Moïse's killing are likely to intensify the political ferment.

As the country struggles through its third year of an economic slump and works to pick up the pieces after July's assassination and August's natural disasters, its interim leaders and donors must decide where to focus their energies. A planned constitutional referendum and elections have been postponed; these votes should not be the immediate priority, particularly given the challenges of organising credible polls amid the current tumult. The first steps should be to consolidate a caretaker government, with genuine broad-based support and participation, and to pursue measures that address the country's security deficits, judicial impunity and humanitarian needs. These steps ought to remain the objectives even if the composition of Haiti's interim government changes, for example as a consequence of allegations against Henry in relation to Moïse's killing.

While outside actors should try to steer clear of the heavy-handed military and peacekeeping interventions that largely failed to achieve their goals from the 1990s through the 2010s, there is much they can constructively do. Donors should direct their assistance to supporting local civil society initiatives to restore housing, public services and people's livelihoods. Until such recovery efforts are well under way, for-

eign governments, and the U.S. in particular, should halt any further deportations to Haiti so as to avoid putting further weight on overtaxed and resource-starved state institutions and local communities.

Donors should also invest in shoring up state institutions responsible for investigating high-level crime and start in on security sector reform. As for fresh elections, Haiti's outside partners should stay in close touch with a wide range of local groups to gain a sense of when conditions will permit credible polls to be organised and safely held, and then work to make those successful, so that the country can begin to repair its broken political order and find its way onto a more stable footing.

II. Haiti's Long Struggle and Moïse's Troubled Term

Haiti declared its independence from France on 1 January 1804, marking the only successful slave revolt ever, and the creation of the world's first Black republic. Haiti also became the first country to permanently abolish slavery.¹ Yet while Haiti defeated its colonial rulers militarily, its battle for acceptance and recognition had only just begun. Under threat of invasion and war from Paris, the country agreed in 1825 to pay 150 million francs to indemnify former enslavers.² The country's struggles to overcome the protracted impoverishment that resulted from its debt burden and long diplomatic isolation, and more recently to establish a functioning and credible democracy, remain at the heart of the multiple crises it faces today.

A. A Long Struggle

Haiti's recent history – with its cycle of elections, coups and jostling for power – represents a long struggle to create a stable democracy after decades of dictatorship that ended in the mid-1980s. In the four years prior to his July 2021 assassination, President Jovenel Moïse had aroused intense opposition in part because many viewed his efforts to enlarge presidential powers and recast the Haitian constitution as a ploy to restore the authoritarian rule that had previously prevailed.³

Haiti's current constitution can be traced to the demise in 1986 of dictator Jean-Claude "Baby Doc" Duvalier, the son of another dictator, François Duvalier.⁴ Although

¹ Laurent Dubois, *A Colony of Citizens: Revolution and Slave Emancipation in the French Caribbean, 1787-1804* (Chapel Hill, 2004), pp. 155-168. Sudhir Hazareesingh, *Black Spartacus: The Epic Life of Toussaint L'Ouverture* (New York, 2020), pp. 298-317.

² Economist Thomas Piketty explains that this sum "represented more than 300 per cent of Haiti's national income in 1825 – in other words, three years of production". Because of the loan's terms, which said it had to be repaid in five years, Haiti was forced to refinance with new loans from French private banks at an interest rate of 5 per cent. "This meant that Haiti was obliged to repay the equivalent of 15 per cent of its national product every year, indefinitely, simply to pay the interest on the debt without even beginning to pay down the principal". Thomas Piketty, *Capital and Ideology* (Cambridge, 2020), pp. 150-152, 155-156. Piketty has also calculated that France should pay at least \$28 billion to Haiti as restitution for expropriating its wealth. "Haiti, the case for reparations", *Caribbean Business Report*, 2 August 2021.

³ For more details on Moïse's killing, see Mariano de Alba, "Handling the Aftermath of Haiti's Presidential Assassination", Crisis Group Commentary, 23 July 2021.

⁴ Duvalier's government was replaced by the National Council of Government, a military-controlled regime lead by General Henry Namphy, chief of the armed forces. See Michel-Rolph Trouillot, *Haiti:*

the combined 29-year Duvalier dictatorship ended then, the damage it had done would not be easily remedied. The Duvaliers had disempowered the judiciary, the legislature and any other independent source of power that might challenge their control. They stole huge sums of public money, established corruption networks throughout the state and bought the allegiance of segments of the bourgeoisie who controlled key sectors of the economy, killing any who resisted.⁵ Secret police and the rulers' militia, the feared Tons Tons Macoutes, presided over widespread human rights violations, such as extrajudicial executions, torture, disappearances, arbitrary arrests and detention, and a near total ban on freedom of expression, assembly and association.⁶

Following Duvalier's departure, the country's long, factious and incomplete transition to democracy began. In March 1987, the vast majority of Haitians backed the adoption of a new constitution that aimed primarily to prevent the recurrence of dictatorship. In order to achieve this end, the new constitution had several goals: to place checks and balances on the executive; to distribute power among the three branches of government; to decentralise government; and to allow each president only one five-year term of office, always beginning on 7 February.⁷ As a safeguard against abuse by the security forces, it provided that no one could be arrested between 6pm and 6am unless caught in the act of committing a crime (the Tons Tons Macoutes would "disappear" their victims during these hours). Additionally, the constitution's mechanism for its own amendment contemplates that it can only be altered by an intentionally cumbersome process via the national legislature, rather than by referendum, which the framers thought could be more easily manipulated.⁸

Critics of the 1987 constitution contend that its aspirations to prevent authoritarian rule have helped lay the groundwork for chronically weak government.⁹ In particular, proponents of constitutional reform argue that it creates a system in which elections are too frequent; the balance of power between parliament and the executive is off kilter; the influence of small political parties acting out of their own material self-interest is out of control; and the layers of government are too many for such a poor country, placing strain on a limited budget.¹⁰ Moïse took up the mantle of ostensible reform late in his presidency but, as discussed below, his opponents saw this move against the backdrop of his extensive efforts to aggrandise the presidency's authority for his own benefit and regarded it as a power grab.

State against Nation – The Origins and Legacy of Duvalierism (New York, 1990), pp. 219-224. Duvalier returned to Haiti in 2011 and was promptly arrested; he died of a heart attack awaiting trial for crimes against humanity.

⁵ Ibid., pp. 166-183.

⁶ For more on human rights under the Duvalier government, see "Paper Laws, Steel Bayonets: The Breakdown of the Rule of Law in Haiti", Lawyers Committee for Human Rights, 1990; "Haiti's Rendezvous with History: The Case of Jean-Claude Duvalier", Human Rights Watch, 14 April 2011; and "Annual Report of the Inter-American Commission on Human Rights, 1984-1985", Organization of American States, 1 October 1985.

⁷ Laurent Dubois, *Haiti: The Aftershocks of History* (New York, 2012), p. 383.

⁸ Ibid.

⁹ Crisis Group telephone interview, international organisation official, 16 April 2021.

¹⁰ The overview of the constitutional reform proposal published in January lays out these arguments. See "Avant-Projet Constitution", Republic of Haiti, January 2021.

B. *A Troubled Term*

Prior to launching his political career, Jovenel Moïse had been a banana exporter who became president of the Chamber of Commerce in Port-de-Paix, a city in north-western Haiti. He developed close ties with his presidential predecessor, Michel Martelly, who picked Moïse to succeed him as leader of the Haitian Tèt Kale Party PHTK, seemingly with the plan that Moïse rule Haiti until 2021 before Martelly mounted a fresh bid for office. When asked whether he and Martelly had a twenty-year plan in mind to run Haiti (twice alternating five-year terms for each) in January 2016, Moïse responded, “Yes, it’s a good plan. We need stability”.¹¹

Moïse appeared to win the first round of voting in the October 2015 presidential election. Turnout in the election was low, with only 1.5 million (of 5.8 million) registered voters going to the polls to choose from a field of 54 candidates – a manifestation of the country’s splintered politics and loss of faith in the democratic process. But although some international monitors found that the first-round outcome was consistent with the voting that they observed, Moïse’s adversaries did not recognise the results, asserting that they were marred by ballot tampering and fraudulent tabulations. The dispute led to violent unrest on the streets and repeated postponements of the second round of voting. In November of that year, after a commission recommended that the initial vote be restaged, Moïse won a fresh first round. Only 1.12 million people, or 18 per cent of registered voters, turned out. Having captured more than 50 per cent of the ballot (barely 10 per cent of the total eligible electorate), Moïse assumed office on 7 February 2017.¹²

The economic and security situation in Haiti went from bad to worse during Moïse’s time in office. When he became president in 2017, the country was already by some measures the poorest in the Western Hemisphere, suffering extreme socio-economic inequality alongside flare-ups of political violence, and with weak institutions and high levels of impunity and corruption. It was also still enduring the effects of a devastating 2010 earthquake, estimated to have killed over 200,000 people. But the situation became still more dire during Moïse’s tenure. Haiti’s political and social unrest increased amid a deep economic crisis, worsening insecurity, corruption, poor handling of the COVID-19 pandemic and resurgent gang violence.

As he struggled to govern effectively, Moïse also began working to expand his presidential powers, leading a growing opposition to see him as determined to stay in power through extralegal manoeuvres if necessary.¹³ In a series of measures that effectively gutted parliament, he decided not to hold legislative elections scheduled for October 2019 and vowed instead to focus on his plans for constitutional reform. In January 2020, he began ruling by decree.¹⁴ Moïse also asserted control at the local

¹¹ Jon Lee Anderson, “Aftershocks”, *The New Yorker*, 1 February 2016.

¹² De Alba, “Handling the Aftermath of Haiti’s Presidential Assassination”, op. cit.

¹³ “Haiti braces for unrest as a defiant president refuses to step down”, *The New York Times*, 7 February 2021.

¹⁴ According to the representative of one international organisation, “this fitted a pattern started by Moïse’s predecessor Michel Martelly which Moïse continued: repeatedly refuse to hold elections, face limited criticism from the international community and then rule by decree, further eroding people’s faith in democracy as reflected by plummeting rates of participation by the electorate”. Crisis Group telephone interview, former UN official, 26 September 2021. The terms of twenty senators also expired in early 2020, leaving the Senate with just ten elected members and unable to muster a

level by handpicking mayors and local councillors due to the failure to hold local elections.

Moïse's opponents were also deeply concerned about two decrees he issued in November 2020. The first created a new intelligence service that would give the president power to spy on citizens and whose agents would enjoy legal immunity for their acts. The second expanded the legal definition of terrorism in ways that could allow the government to apply counter-terrorism tools to its political adversaries.¹⁵

He also touched off a firestorm by insisting that his five-year term in office – which normally would be measured from the date that Martelly stepped down and therefore end on 7 February 2021 – should be extended a year to 7 February 2022 because his term had begun a year late. This position was backed by the UN Secretariat, the Secretary-General of the Organization of American States and the U.S. government, but it generated mass protests and other pushback inside Haiti. Most constitutional scholars rejected Moïse's argument, noting that all other elected officials measured the length of their terms from the 2016 starting date even though they took office one year later.¹⁶ On 6 February, Haiti's Superior Council of the Judiciary determined that his five-year term in office had come to an end on that day.

Moïse did not accept the ruling. When, on 7 February, the opposition tried to instal a parallel government, he cracked down. He arrested Supreme Court Judge Yvickel Dabresil and 23 others in the middle of the night, in violation of the 1987 constitution. Some critics suggested that the charges of coup-plotting and the late-night arrests were reminiscent of the Duvalier era.¹⁷

It was against this backdrop that, in February 2021, Moïse sparked further strife by proposing a referendum that would remove some of the constitutional safeguards that had been introduced to curtail presidential power after Baby Doc Duvalier was toppled in the 1980s.¹⁸ Moïse's proposal was controversial in part because the method (referendum) was unconstitutional; in part because the 1987 constitution had been amended less than ten years previously, in 2012, following the proper parliamentary

quorum. In the lower house, all the deputies departed when their terms expired. See "Jovenel Moïse tries to govern Haiti without a parliament", *The Economist*, 18 January 2020.

¹⁵ On 26 November 2020, the Moïse government published two decrees on national security. The first created the National Intelligence Service (ANI). According to the decree, the ANI would be allowed to enter private homes and businesses to gather information related to investigations. The decree also established that the ANI would have access to all government databases and conduct its operations in total secrecy. The second decree expanded the definition of "terrorism" to include crimes such as robbery, extortion, and destruction of public and private property. "What's in Haiti's New National Security Decrees: An Intelligence Agency and an Expanded Definition of Terrorism", Center for Economic and Policy Research, 14 December 2020.

¹⁶ Others noted that when President Jean-Bertrand Aristide argued that he should have the three years lost due to a military coup (1991-1994) added to his five-year term, courts rejected his argument outright.

¹⁷ "Paper Laws, Steel Bayonets", op. cit., 1990.

¹⁸ The constitutional referendum was first scheduled for April but, due to the coronavirus pandemic, it was delayed to 27 June and then to 26 September. After Moïse's assassination, the Provisional Electoral Council postponed the elections to 7 November. Henry disbanded the Council on 28 September, meaning, in effect, that the referendum and general elections have now been put off indefinitely. "Haiti to hold delayed constitutional referendum in September", France 24, 29 June 2021. "New date for delayed Haiti vote after president's slaying", France 24, 12 August 2021. "Haiti polls postponed after electoral body is dissolved", BBC World, 28 September 2021.

process; and in part because the amendments Moïse proposed would eliminate some of the safeguards introduced in 1987 (eg, allowing two consecutive five-year terms), suggesting to opponents that he was seeking to restore a strongman presidency.

Many Haitian constitutional scholars, even while recognising the flaws of the 1987 constitution, have denounced the proposed referendum as a power grab.¹⁹ Nevertheless, having assumed the prime minister's office, Ariel Henry has insisted on proceeding with a referendum on constitutional reform to strengthen the executive branch – though not in November as once planned – and on prioritising a constitutional review over staging fresh elections.²⁰

III. Politics, Police and Gangs

Most presidents since the Duvaliers have adopted their tactic of creating an extralegal armed branch, with only President René Préval, in office from 1996 to 2001 and again from 2006 to 2011, spurning this approach. Presidents Jean-Bertrand Aristide and Martelly allegedly, and to varying degrees, enlisted, sponsored, tolerated or turned a blind eye to armed groups and drug traffickers operating primarily in Port-au-Prince's poorest neighbourhoods. It appears that Moïse followed in their footsteps, adding his contribution to a legacy of insecurity that his successor will need to address.²¹

Members of the armed groups or gangs (*baz* in Creole) are overwhelmingly young men from the poorest sectors of big cities – areas with few to no social services, poorly equipped schools, no clean water and scarce health care facilities. These young people have scant employment options and face a grim future, making it easy and cheap for politicians and the business elite to buy them off, often for only a few dollars per day. In contrast to most organised criminals in other Latin American countries, who remain largely autonomous even if they rely on state and elected officials for protection, hired guns in Haiti serve those seeking to advance a political agenda, harm an economic rival, or ensure protection of an important warehouse or other strategic location.²² According to one Haitian anthropologist, “violence entrepreneurs – politicians and

¹⁹ Monique Clesca, “Haiti’s critical weeks ahead”, *Americas Quarterly*, 20 May 2021; “Avant-Projet Constitution”, op. cit. On the 2012 constitutional reform, see “Haiti constitutional amendments finally take effect”, Reuters, 20 June 2012.

²⁰ “Haitian government unveils – and plugs – draft of new constitution”, France 24, 9 September 2021. “Haiti elections postponed indefinitely amid political crisis”, Al Jazeera, 28 September 2021. “The AP interview: Haiti PM plans to hold elections next year”, Associated Press, 28 September 2021.

²¹ Shortly after the assassination, a noted Haitian commentator said Moïse had used the gangs as “a means to control the population, giving them free rein to move at will around the country, make declarations and march through the streets without any intervention from the police”. Quotation from Arnold Antonin in “No entiendo la locura por elecciones este año si no existen las condiciones”, *El Diario*, 20 July 2021. See also “Haiti’s slain president presided over the collapse of security in his country”, NPR, 20 July 2021. According to this story, “Some of Moïse’s critics [...] charge that the former president not only allowed gangsters to operate freely but worked with them to destabilize some of the most destitute neighbourhoods in the capital, particularly areas loyal to his political opponents”.

²² See, for example, Crisis Group Latin America Report N°89, *Electoral Violence and Illicit Influence in Mexico’s Hot Land*, 2 June 2021.

business elites – sponsor gangs to control territory, secure economic monopolies and deliver voters during elections”.²³

The weak or complicit response of state officials to gang activity has ensured that their misdeeds go almost entirely unpunished. A recent study of gang violence in impoverished neighbourhoods in Port-au-Prince stated that “to date, the Haitian government has failed to hold perpetrators accountable, allowing them to act with near complete impunity” and affirmed that “state actors have supported the orchestration and execution of the attacks”.²⁴

The relation between the gangs and the Haitian National Police is complicated, varying from occasional coordination between the two to outright conflict. Despite the foreign investment of tens of millions of dollars in the police over the past 25 years, their failure to serve and protect the Haitian population is one of the biggest shortcomings of UN, U.S. and international engagement in the country. While resources have never been plentiful enough to meet all Haiti’s security requirements, the police’s flaws have principally derived from successive government leaders’ reluctance to hold officers accountable combined with the desire of many of those in power to use the force as a personal tool of enforcement and intimidation. The police have selectively enforced the law, allied with gangs when convenient and rarely faced discipline for misconduct. As a result, Haitian people in general show little confidence in the force and hesitate to cooperate with it.²⁵

Perhaps the most notorious gang leader in Haiti is in fact a former police officer, Jimmy “Barbeque” Chérizier, who remains free to act with impunity.²⁶ Chérizier heads the powerful G9 alliance of several gangs whose formation the Moïse government allegedly supported two years ago.²⁷ The U.S. Treasury Department and the UN have tied Chérizier and his group to several gross violations of human rights, including the 2018 La Saline massacre of at least 71 people and threatening to kill one of Haiti’s leading human rights experts, Pierre Espérance.²⁸ Chérizier has also made incendiary

²³ Crisis Group telephone interview, Louis Herns Marcellin, director of Interuniversity Institute for Research and Development, 15 September 2021.

²⁴ “Killing with Impunity: State-Sanctioned Massacres in Haiti”, Harvard Law School International Human Rights Clinic, 22 April 2021, p. 3. A CARICOM Expert Group on Haiti noted in a confidential report that “the continued impunity enjoyed by the G9, the most powerful gang in Port-au-Prince, accused of being responsible for a string of egregious assaults on poor neighborhoods as of 2018, gives some credence to allegations of links to those in power”. The neighbourhoods concerned are the seat of strong political opposition to Moïse. Report of the CARICOM Expert Group on Haiti, 2020, pp. 7-8.

²⁵ Gaëlle R. Piché, “Security Sector Reform in Haiti since 2004: Limits and Prospects for Public Order and Stability”, *Canadian Foreign Policy Journal* (2017), pp. 2-12. Johanna Mendelson-Forman, “Security Sector Reform in Haiti”, *International Peacekeeping*, vol. 31, no. 1 (2006), pp. 14-23. Keith Crane, James Dobbins, Laurel E. Miller and Elizabeth Wilke, *Building a More Resilient Haitian State* (Santa Monica, 2010), pp. 57-68.

²⁶ “Killing with Impunity: State-Sanctioned Massacres in Haiti”, op. cit., p. 3.

²⁷ Crisis Group telephone interview, Louis Herns Marcellin, director of Interuniversity Institute for Research and Development, 15 September 2021.

²⁸ “A human rights group claims to be targeted as gang fighting engulfs downtown Port-au-Prince”, *Haiti Liberté*, 16 June 2021. On 13 November 2018, 71 people were killed after paramilitary and police personnel entered the La Saline neighbourhood in Port-au-Prince. La Saline was known as the stronghold of the opposition movement Lavalas. According to the UN report, Chérizier took part in the massacre. “La Saline: Justice pour les victimes. L’Etat a l’obligation de protéger tous les citoyens”,

statements seeking to stoke racial and ethnic tensions between Haiti's Black majority and a minority population that traces its origins to the Middle East.²⁹ Chérizier has never even been questioned, let alone arrested, by the police.³⁰

These declarations notwithstanding, most gang leaders have no ideology other than the acquisition of power or wealth and largely operate at the behest of their sponsors. Yet the gangs' motives matter little to the population when they are given the means and freedom to operate. Laennec Hurbon, a leading Haitian scholar, has described the period before the 7 July assassination as a time when the "entire population was held prisoner", afraid to leave their houses, to go shopping or to let their children out to go to school or to play.³¹ Yet it is also clear that gang violence can subside just as easily as it can spike. Except for a few incidents, the gangs were largely silent in the first six weeks after Moïse's assassination. One scenario, articulated by a senior UN official, is that until the power struggle yields a clear winner, the gangs will lay low and wait to see where their next paycheck might come from.³²

But there are other scenarios in which a fresh uptick of gang violence would be an imminent risk. The worsening factional struggle for political power could well translate into street violence, while the temptation of huge amounts of humanitarian aid coursing through the areas they control following the 14 August earthquake has already proven too much for gangs to resist. Late August and September saw a resurgence of gang activity, including a spate of kidnappings, and gangs have exploited the aid flows to areas ravaged by the earthquake, stealing and using or selling what they have snatched.³³ Although Chérizier declared that gangs had agreed to a "humanitarian truce" to allow aid distribution, the pause seems to have had limited impact aside from the release of two medical professionals whom they had abducted.³⁴

Gangs also targeted Haiti's two main fuel depots north and south of Port-au-Prince in mid-September, threatening the supply of gasoline and other petroleum-based

MINUJUSTH and UN Office of the High Commissioner for Human Rights, 21 June 2019. MINUJUSTH is the follow-on mission to MINUSTAH, the UN stabilisation operation in Haiti (see footnote 51 for details). See also Djems Olivier, "The Political Anatomy of Haiti's Armed Gangs", *NACLA Report on the Americas*, 1 March 2021. Chelsey L. Kivland, "The Spiral of Sovereignty: Enacting and Entangling Sate from Haiti's Streets", *American Anthropologist*, vol. 122, no. 3 (2020), pp. 501-513. "Treasury Sanctions Serious Human Rights Abusers on International Human Rights Day", press release, U.S. Department of the Treasury, 10 December 2020.

²⁹ Crisis Group telephone interview, leading Haitian journalist, 28 September 2021. "Gang boss wades into Haiti turmoil, see conspiracy behind president's killing", Reuters, 11 July 2021. See also "Tense funeral for Haiti leader exposes rifts, and U.S. delegation departs early", *The New York Times*, 23 July 2021; and Lyonel Trouillot, "Quand des phtkistes parlent de 'lutte des classes'", *Le Nouvelliste*, 27 July 2021.

³⁰ "Jimmy Chérizier, alias BBQ", Insight Crime, 19 August 2021.

³¹ Laennec Hurbon, "Pour une reconquête de la dignité d'Haïti", *Le Nouvelliste*, 4 April 2021.

³² Crisis Group interview, senior UN official, July 2021.

³³ "Haiti pledges to crack down on gangs, fight rise in crime", Associated Press, 7 September 2021. "Au moins dix personnes enlevées en vingt-quatre heures", *Le Nouvelliste*, 24 September 2021.

³⁴ "Haiti's security woes disrupt earthquake relief", *The Wall Street Journal*, 23 August 2021. "Los saqueos y los problemas de distribución lastran la llegada de ayuda humanitaria a Haití", *El País*, 24 August 2021. "Haïti: après le séisme, fragile trêve des gangs à Martissant", *Le Monde*, 1 September 2021.

products, and further weakening an economy already on its knees.³⁵ Businesses, hospitals, schools and daily life in general risk grinding to a halt, leading to what Haitians call *pays lok* (a blocked country).

IV. The Election Dilemma

Moïse refused to hold constitutionally mandated national legislative, regional and local elections during his term. These elections have already been postponed several times and have since late September been pushed back indefinitely, as has the referendum on replacing the 1987 constitution – the result of acting Prime Minister Henry’s dismissal of the entire Provisional Electoral Council, which he justified on the basis of the members’ inability to organise polls. At that time, Henry insisted that the intention remains to “move as quickly as possible to the restoration of democracy through elections”.³⁶ He also made clear that he believes a referendum on constitutional reform, possibly in February 2022, is more urgent than fresh parliamentary and presidential elections.³⁷

Following the earthquake, foreign powers such as the U.S. have pulled back from their initial demand that Haiti hold polls without further delay.³⁸ As senior officials in Washington now concede, rushing elections could interfere with relief efforts, potentially replicating the experience of 2010 when, soon after the terrible earthquake that year, the U.S., UN and other external actors urged the country to press ahead with voting.³⁹ Far from aiding Haiti on its road to recovery, those hurried elections suffered from extremely low turnout, limited campaigning and disputes over their legitimacy, spurring a cycle of violence and institutional degradation that has culminated in the present stalemate.⁴⁰

The postponement of the November elections is probably for the best. Holding elections in 2021 would pose overwhelming practical challenges. Voter lists are in disarray and identification cards are lacking, while the absence of a functioning parliament means that, even before its members were dismissed by Henry, the Provi-

³⁵ “Incapacité grandissante d’approvisionnements en produits pétroliers”, *Le Nouvelliste*, 8 September 2021.

³⁶ “Haiti’s elections postponed indefinitely amid political crisis”, Al Jazeera, 28 September 2021.

³⁷ “The AP interview: Haiti PM plans to hold elections next year”, op. cit.

³⁸ “Haiti: US no longer pressing for elections this year”, *Miami Herald*, 17 August 2021.

³⁹ For more on the 2010 earthquake’s aftermath, see “Haiti Earthquake: Crisis and Response”, Congressional Research Service, 2 February 2010.

⁴⁰ There is no permanent election law in Haiti. Nor is there a Permanent Electoral Council, though the 1987 constitution requires one. Each time Haitians go to the polls, parliament must pass a new election law and create a new Provisional Electoral Council – something unlikely to happen in 2021. Following the 2010 earthquake, elections were eventually held that November. Turnout for the first round was 22 per cent, a significant decline from the 59 per cent participation rate in the 2006 presidential poll. Only 1.8 of 5.8 million registered voters showed up to vote in the October 2015 presidential election. Crisis Group Latin America and Caribbean Report N°35, *Haiti: The Stakes of the Post-Quake Elections*, 27 October 2010. See also De Alba, “Handling the Aftermath of Haiti’s Presidential Assassination”, op. cit.

sional Electoral Council could not claim to be legitimate.⁴¹ Besides these daunting logistical challenges, many Haitians do not want to have elections as long as current levels of violence, hunger and political volatility predominate and prospects for a credible contest seem low.⁴² Even before Moïse's assassination and the earthquake, people were "exhausted by the protests, the fear of kidnappings and widespread insecurity, and the economic crisis".⁴³ While the positions of opposition leaders range widely, leaders of several major civil society groups have stated that their priorities are physical security and obtaining food and medical care for their families, especially as COVID-19 rages.⁴⁴ "How can we have elections in Haiti when gang members control 60 per cent of the territory? ... It will be gangs that organise the elections", one human rights leader said.⁴⁵

Reinforcing these concerns, the Caribbean regional bloc, CARICOM, noted that elections would risk worsening rather than solving Haiti's political problems by intensifying rivalry between factions and potentially giving rise to another disputed poll.⁴⁶ Of particular concern in this regard would be any attempt by competing political forces to exploit Haiti's ethnic divides, a sensitive issue has torn Haiti apart at var-

⁴¹ Crisis Group telephone interview, former senior MINUSTAH official, 20 August 2021. The Supreme Court of Haiti refused to swear in the nominees to the Provisional Electoral Council proposed by Moïse, who swore them in himself. Leading Haitian jurists and legal scholars denounced the move as illegal and unconstitutional. "Haiti bypasses Supreme Court, installs new election council", *Miami Herald*, 23 September 2020. As a result, the de facto Provisional Electoral Council dismissed by Henry in late September enjoyed limited legitimacy. Haitian civil society groups have proposed in what is called the Montana Agreement (discussed in the main text below) that a transitional government reform the electoral system on the basis of broad consultations aimed at guaranteeing everyone's right to vote. The Agreement is named after the hotel in Port-au-Prince where the civil society representatives held their meetings. See "L'accord du 30 août vise la mise en place d'un conseil national de la transition pour la restauration démocratique en Haïti", Rezo Nòdwes, 1 September 2021.

⁴² "Haiti advocates reject US push for elections after Moise killing", Al Jazeera, 12 July 2021. Peter Mulrean, "To Save Haiti's Democracy, Don't Hold Elections", Just Security, 9 July 2021. Mulrean is a retired U.S. diplomat who was ambassador to Haiti. The overwhelming consensus of a large number of civil society organisation leaders at a virtual meeting on 24 June, before the assassination and earthquake, was that the majority of Haitians opposed elections in the circumstances, which have only deteriorated since. Justice Coalition of Religious, "Hearing Haiti", available at the coalition's website.

⁴³ CARICOM Report, op. cit, p. 9. According to one interviewee, "with the people in power now who would organise the elections from the same group that has caused the crisis in the first place, the population would have no faith in the results". Crisis Group telephone interview, Louis Herns Marcelin, director of Interuniversity Institute for Research and Development, 15 September 2021.

⁴⁴ "Haitian civil society leaders have a plan for the country's future. It doesn't involve the US", Vox, 14 July 2021. "US habit of backing strongman allies fed turmoil in Haiti", *The New York Times*, 18 July 2021. Justice Coalition of Religious, op. cit.

⁴⁵ "US habit of backing strongman allies fed turmoil in Haiti", op. cit.

⁴⁶ CARICOM Report, op. cit., pp. 15-16. "Caribbean community viewed as mediator in Haiti crisis", *Miami Herald*, 22 June 2021. These concerns were echoed by a senior former MINUSTAH official, who expressed concern that no election in the next two years would "generate a stable political environment". Crisis Group telephone interview, former senior UN official, 28 September 2021. In a similar spirit, Jacky Lumarque, rector of Haiti's leading private university Quisqueya, noted that "the conditions don't exist to do either a constitutional referendum or an election. ... The gangs are not against the government. They are inside the government and they are inside the police at all levels". "Haiti police have become targets of gang violence as OAS mission heads to country", *Miami Herald*, 8 June 2021.

ious times in its history and has been touted by prominent figures in recent months. Some demonstrators at Moïse's funeral on 23 July accused the country's southern, largely light-skinned economic elite of responsibility for the murder of the president, who was from the rural north – accusations since echoed by his widow.⁴⁷

V. The International Response

Foreigners have played an outsize role in Haiti since independence in 1804, and Haitians have a justified distrust of outside meddling given how it has impeded the country's development and on occasion led to catastrophe.⁴⁸ Yet there is little doubt that Haiti needs support urgently.⁴⁹ Neither sending in troops nor doing nothing – the prescriptions offered by rival sets of U.S. pundits – offers much hope of a resolution to the country's turmoil.⁵⁰ But carefully crafted partnerships in key sectors, with UN backing, could help Haiti begin to repair the damage to its state and security institutions that has been accentuated over the past decade.⁵¹ These initiatives could build trust and create suitable conditions for holding elections down the road, but they will only be successful if they are designed and implemented in close consultation with a wide spectrum of Haitians.

⁴⁷ Crisis Group telephone interview, leading Haitian journalist, 28 September 2021. "Tense funeral for Haiti leader exposes rifts, and U.S. delegation departs early", *op. cit.*

⁴⁸ For more on these interventions, see De Alba, "Handling the Aftermath of Haiti's Presidential Assassination", *op. cit.*

⁴⁹ Speaking at the UN General Assembly in September, Luis Abinader, the president of the Dominican Republic, declared that "there is no more time to wait, or to make further analyses or hold more meetings; the need to act is now". "Dominican Republic's Abinader says Haiti is now regional concern", Bloomberg, 22 September 2021.

⁵⁰ "Starr Forum: The Haitian Constitutional Crisis and the International Community", video, YouTube, 24 May 2021; Malick Ghachem, "How the US Could Really Help Haiti", *Americas Quarterly*, 12 July 2021.

⁵¹ The UN presence in Haiti goes back to February 1993 when the UN and the Organization of American States jointly deployed a human rights monitoring mission to the country. The Clinton administration militarily intervened to restore President Aristide to power and remove the military dictatorship in September 1994. In early 1995, the Security Council authorised the deployment of 20,000 peacekeepers with a Chapter VII mandate to help secure a return to democracy. This presence was gradually reduced and then ended in 2001. In 2004, after conflict broke out between opposition groups and Aristide, and Aristide was overthrown for a second time and spirited out of the country by the U.S. in what remain murky circumstances, the Security Council adopted Resolution 1529 deploying a "multinational interim force" for three months. When this force's time expired, the UN established a permanent multi-dimensional operation known as the UN Stabilization Mission in Haiti (MINUSTAH), which was led by Brazil with troops contributed by more than ten countries. In 2017, the Security Council announced the final withdrawal of MINUSTAH and the creation of MINUJUSTH as a follow-on mission in Haiti. In 2019, Resolution 2476 established the UN Integrated Office in Haiti (BINUH), a political mission deployed under Chapter VI of the UN Charter. In contrast with MINUSTAH and MINUJUSTH, BINUH has no uniformed peacekeeping troops. "Mission in Transition: Planning for the End of UN Peacekeeping in Haiti", International Peace Institute, 1 December 2018. Sean D. Murphy, "Replacement of U.S.-Led Force in Haiti with UN Peacekeeping Mission", *The American Journal of International Law*, vol. 98, no. 3 (2004), pp. 586-588.

A. Emergency Assistance

The priority for the Haitian state, civil society and foreign donors in the short term will remain a comprehensive response to the natural disasters, chiefly aid for the victims. Experience after the 2010 earthquake, however, suggests that expectations of an efficiently managed recovery could be confounded. Outside powers' failure at that time to work alongside local groups has been widely noted, among others by the former head of the UN's Office for the Coordination of Humanitarian Affairs.⁵² Opaque accounting and a lack of transparency among relief bodies and NGOs reportedly led to a huge waste of resources.⁵³ Channelling aid through the central Haitian state should in theory ensure better coordination of efforts among donors and targeting of resources at areas of greatest need. But the Haitian state's failure to enforce regulations ensuring that buildings would be earthquake-proof also casts doubt over its ability to rebuild housing in a safe manner or prevent official corruption in a recovery program.⁵⁴

Numerous Haitian political and social figures have instead insisted that established local groups, rather than international NGOs or state officials with scant knowledge of conditions outside the capital, be the primary recipients and distribution hubs for emergency aid, above all in southern rural areas that have been hardest hit by the disaster.⁵⁵ Working in this way would help ensure that aid ends up in the hands of organisations with intimate knowledge and informal networks on the ground, who can verify immediately that the money and resources are going to their intended recipients. Ideally, this approach would be combined with oversight by a mechanism involving state officials, national civil society and international representatives, who could help encourage transparency as to how funds are used and sound the alarm when fraud or corruption occur.⁵⁶

Financial support is also important. UNICEF has already launched an appeal for \$122.2 million to support the 800,000 children affected by the earthquake while separately the UN requested \$187.3 million to provide shelter, water, sanitation and emergency assistance and the UN Food and Agriculture Organization appealed for \$20 million to help farmers.⁵⁷ While these figures are barely a fraction of what is need-

⁵² John Holmes, "The Haiti earthquake: Would we make the same mistakes again?", Humanitarian Practice Network, 8 January 2015.

⁵³ "Aide: sur chaque million annoncé, dix mille dollars iront aux organisations locales", *Le Nouvel-liste*, 3 September 2021.

⁵⁴ The unit responsible for assessing the stability of structures at risk of earthquake damage has no full-time staff or fixed address, while the head of the office has admitted that the few assessments carried out are ignored. "We do not have the coercive power to make our recommendations respected. ... We essentially are carrying out public awareness campaigns for the moment". "Quake-hit Haiti failed to learn building lessons after 2010 disaster", *The Wall Street Journal*, 19 August 2021.

⁵⁵ See, for example, Michele Montas, "How to escape the cycle of disaster and mismanaged aid in Haiti", *The New York Times*, 21 August 2021; "Haitians can't trust aid from NGOs or their own government", *Slate*, 4 September 2021; and "Para ayudar a Haití, hay que aprender las lecciones del pasado, dicen expertos", Univisión, 24 August 2021.

⁵⁶ For a searing indictment of the post-2010 earthquake failings of the Interim Haiti Recovery Commission, see Jonathan Katz, *The Big Truck That Went By: How the World Came to Save Haiti and Left Behind A Disaster* (New York, 2013).

⁵⁷ "UN and partners appeal for \$187.3 million to support quake-stricken Haiti to recover", ReliefWeb, 25 August 2021. "UN urgently appeals for funding to help Haitian children, farmers hit by earthquake", *Miami Herald*, 13 September 2021.

ed to help Haiti rebuild, one month after the quake less than one half of the amount requested had so far been raised and fewer than one half of Haitians affected by the earthquake had received any aid at all.⁵⁸ Until a viable recovery program is under way, foreign governments, and the U.S. in particular, should refrain from further deportations back to Haiti, which make additional demands on an overwhelmed state and put more burdens on hard-hit communities.⁵⁹

B. State and Security Reform

Addressing high-profile criminal cases, which have posed acute and sometimes deadly challenges for the Haitian judiciary, should be a further priority for donors. The judiciary's difficulty in appointing an investigating judge to handle the Moïse case, largely due to fear and intimidation, has underlined the need for international support, with even court clerks (*greffiers*) assigned to the case having to quit and go into hiding after receiving death threats.⁶⁰

Donors should consider supporting a specialised joint Haitian-UN office tasked with prosecuting senior officials, police and judges accused of serious crimes.⁶¹ While the Haitian foreign minister, Claude Joseph, has asked the UN to establish an international commission to help investigate the Moïse assassination, foreign assistance should be broadened to address serious crimes beyond this case, and donors should press their Haitian counterparts to accept it.⁶² Alongside Haitian counterparts, particularly in the Cours Supérieure des Comptes (High Court of Accounts), international specialists could help investigate and prosecute graft, money laundering and drug trafficking. An initial focus of these efforts should be the PetroCaribe scandal, in which former Presidents Martelly and Moïse were both implicated, along with several of their close aides and advisers.⁶³ Other highly sensitive areas are com-

⁵⁸ "A month after the earthquake, some communities without aid", *Miami Herald*, 16 September 2021.

⁵⁹ Controversy over mass deportations of Haitians from the U.S.-Mexican border, where up to 15,000 had gathered by 21 September – many of them after travelling from other Latin American countries where they had been living – led on 23 September to the resignation of the recently appointed U.S. envoy to Haiti, Daniel Foote. "US special envoy to Haiti resigns over migrant expulsions", Associated Press, 23 September 2021. UN High Commissioner for Refugees Filippo Grandi said the mass expulsions from the U.S. of Haitians without allowing them a chance to claim asylum could violate international law. "U.S. expulsions of Haitians may violate international law – UN refugee boss", Reuters, 21 September 2021.

⁶⁰ "Haitians investigating president's death, under threat, go into hiding", *The New York Times*, 2 August 2021. Just four days after being assigned the case, Judge Mathieu Chanlatte resigned, because "all the authorities who had to provide for my needs in terms of personal security did not respond favourably to my requests after a week of going and coming incessantly to them". "Haiti judge charged with overseeing presidential murder probe quits over safety concerns", *Miami Herald*, 13 August 2021.

⁶¹ The experience of the Commission against Impunity in Guatemala might provide valuable lessons. See Crisis Group Latin America Report N°70, *Saving Guatemala's Fight Against Crime and Impunity*, 24 October 2018.

⁶² "Assassinat de Jovenel Moïse: la chancellerie haïtienne demande le support de l'ONU dans la conduite de l'enquête", *Le Nouvelliste*, Aug. 8, 2021.

⁶³ Edwidge Danticat, "Haitians want to know what the government has done with missing oil money", *The New Yorker*, 19 October 2018. "Composition de la Commission Sénatoriale Spéciale d'Enquête Du Fonds PETRO CARIBE", Sénat de la République, October 2017.

plicity between senior government officials and drug trafficking, as well as their links to street gangs.⁶⁴

Although the Haitian police has responded swiftly to Moïse's killing, making dozens of arrests in an increasingly complex investigation that has begun to touch the heights of political power, the assassination itself exposed the force's failings for all to see.⁶⁵ Reforming and strengthening the police is essential to overcoming Haiti's dire insecurity. Most immediately, vetting of the sections charged with protecting the president by a mixed commission of Haitian human rights organisations, the UN Integrated Office in Haiti and the Haitian police's Inspector General's office is vital given the mysteries surrounding the assassination. Over the long term, international police experts could assist in reinforcing management and oversight structures.

Instead of drawing up reforms on a blank slate, these efforts should avoid the setbacks of the past and build on previous successes in improving the Haitian police's effectiveness and integrity. Police assistance has tended to focus on providing logistical support, such as cars, uniforms and communications equipment, as well as one-off trainings with little to no assessment of the effects on police performance. Support for oversight and accountability mechanisms that would punish police misconduct, on the other hand, has been largely absent.⁶⁶ The Office of the Inspector General did enjoy a brief period in the late 1990s when it was able to operate independently, ensuring that Haitian police officers were held accountable for misconduct and raising public trust in the force. Despite the eventual weakening of the office, its record in that period showed that oversight within the force by the Inspector General's office, if it is protected from external political interference and is properly staffed and equipped, is possible and should receive foreign backing.

⁶⁴ A former senior official of the U.S. Drug Enforcement Agency has said of those involved in Haiti's drug trade that "corruption goes up to the top levels". Quoted in "He guarded Haiti's slain president. And he was a suspect in a drug inquiry", *The New York Times*, 21 August 2021. Speaking in an interview published in September, the departing French ambassador to Haiti, José Gomez, declared that "the Haitian state has been infiltrated by businessmen, by mafia groups who siphon off large amounts from public finances; who hijack massive amounts of Haiti's public funds; who oppose advances in democratic governance; who oppose democratic control over the use of public resources". "L'État haïtien a été infiltré par des groupes affairistes, des groupes mafieux...", *Le Nouvelliste*, 23 September 2021.

⁶⁵ More than two months after Moïse's assassination, the investigation remains inconclusive and the masterminds unidentified. At least 47 people have been detained, including the eighteen Colombian mercenaries who allegedly carried out the operation. Haitian members of the president's security detail have also been arrested, but none has been charged. Some of the suspects, such as Joseph Badio, a former justice official, remain fugitives. A prosecutor in the case was fired as he sought in September to bring charges against acting Prime Minister Henry, who was allegedly found to have been speaking with Badio hours after the killing (see more in Section V.C). One judge investigating the case stepped down because of safety concerns after a judicial clerk assigned to the investigation was found dead. "Haiti former first lady calls for help in unravelling husband's murder", Reuters, 31 August 2021. "President's murder inquiry slow amid Haiti's multiple crises", ABC News, 1 September 2021. "Clerk assigned to Moïse investigation found dead, had planned to quit", *The Haitian Times*, 13 August 2021. "Haiti prosecutor calls for prime minister to be charged over president's killing", *The Guardian*, 14 September 2021.

⁶⁶ One Haitian police trainee in MINUSTAH's early years remarked that "these courses on human rights are fine but disciplining one police officer for misconduct would be worth ten of these courses". Crisis Group interview, police cadet, Port-au-Prince, July 2006.

Prison management specialists could also work with Haitian counterparts to address the country's chronically overcrowded and inhumane detention facilities.⁶⁷ Donors should also restore the legal aid that the UN's MINUSTAH peacekeeping mission formerly provided for prisoners, enabling the release of clients who had not been charged but had often suffered months in detention in appalling conditions.⁶⁸

A series of other reforms with foreign backing could assist Haiti in strengthening respect for human rights and increasing the employment opportunities available to young people who might otherwise drift into crime. Re-establishing the post of UN Independent Expert or Special Rapporteur on the Human Rights Situation in Haiti, terminated at Moïse's insistence in 2017, would help connect Haitian civil society to specialised expertise in the UN system and strengthen monitoring.⁶⁹ Building on the stipulation in the 1987 constitution regarding compulsory civil service, a youth corps could provide training, experience and a salary to Haitian young people working on reforestation, literacy, computer skills, first aid and community projects. Other initiatives to reduce community violence, particularly those managed by the Brazilian NGO Viva Rio, invited to work in Haiti by the MINUSTAH peacekeeping mission in 2004, have enjoyed success in the past and should be reinstituted.⁷⁰

C. *Fresh Elections and the Moïse Case*

In the face of these challenges, authorities should time new elections so as to avoid hindering disaster relief or fuelling political instability. It would also be unwise, however, to let the rule of an interim president or a transitional government of experts, in continued breach of the 1987 constitution, drag on too long. Haiti now finds itself in a constitutional void where the best that can be achieved is approximating as closely as possible the framework and procedures established by the 1987 constitution,

⁶⁷ "Nap mouri: Rapport Sur Les Conditions de Détention en Haïti", BINUH and UN High Commissioner for Human Rights, June 2021. Haiti has seen numerous jailbreaks. On 26 February 2021, more than 200 prisoners escaped from the Croix-des-Bouquets jail in Port-au-Prince, which had been inaugurated in 2012 and was housing twice the number of inmates that it had capacity for. A total of 25 people died in the episode, including Arnel Joseph, a powerful gang leader. Some sources said the jailbreak was planned to free Joseph. "Haiti prison escape: Hundreds of inmates flee from Croix-des-Bouquets jail", BBC, 27 February 2021. In the quake-ravaged city of Les Cayes, meanwhile, 30 prisoners escaped from a horrendously overcrowded prison. Later, some of the prisoners who had been transferred from Les Cayes to the Petit Goave prison managed to escape from there while four were killed by the police. "Évasion spectaculaire à la prison civile des Cayes", Ayibo Post, 18 August 2021. "Quatre morts, et environ une demi-douzaine de détenus en cavale, suite à une évasion à la prison de Petit-Goave", Rezo Nòdwes, 2 September 2021.

⁶⁸ The work of these young lawyers led to a reduction in the number of pre-trial detainees from 80 to 40 per cent in jurisdictions where the lawyers operated. Crisis Group interviews, senior MINUSTAH officials, Port-au-Prince, December 2009 and April 2017.

⁶⁹ This move should be paired with renewed efforts to strengthen community organisations in their campaigns to demand state offices meet their obligation to protect human rights and provide basic services, along the lines of MINUSTAH's "human rights budgeting" workshops in rural Haiti. Under pressure from these organisations, local mayors appealed to Port-au-Prince to find out where money had gone and often secured the release of funds.

⁷⁰ Timothy Donais, "Bringing the Local Back In: Haiti, Local Governance and the Dynamics of Vertically Integrated Peace Building", *Journal of Peacebuilding & Development*, vol. 10, no. 1 (2015), pp. 46-47.

and ensuring as broad a social and political consensus as possible for an interim government until elections are held. On the other hand, diplomatic backing for the formation of governments by discredited members of Haiti's political elite runs the risks of prolonged crisis, as the departing U.S. envoy to the nation noted in his resignation letter.⁷¹

Signs that Haiti's splintered political elites might reach some working arrangement to create the conditions for fair and peaceful elections have recently appeared. Around twenty political parties, with a few significant absences, signed an agreement for an interim period of "calm and effective governance", with the goal of forming a government of national consensus led by Ariel Henry.⁷² Political parties in Haiti have traditionally been unwilling to forge such compromises. "Many are simply platforms for an individual rather than functioning political parties", one long-time analyst of Haitian politics observed.⁷³ While the agreement in support of Henry would help to a certain extent, its fragility was underscored by the last-minute cancellation of the ceremony to launch the accord on 23 September, with no new date scheduled.⁷⁴

Of potentially more lasting significance, the Commission for a Haitian Solution to the Crisis, created by the Forum of Civil Society Organisations in January, aims to support a return "to the normalisation of the social and political life" through transparent governance and fair, safe and credible elections.⁷⁵ After a series of meetings that included hundreds of delegates from all over Haiti, the Commission opened what is called the Montana Agreement for signature at the end of August. The final draft of the accord, as seen by Crisis Group, calls for the establishment for a two-year period of a transitional council made up of delegates from numerous sectors of Haitian society and politics, charged with appointing an interim president, as well as a monitoring office to guarantee implementation of the accord and a representative body to audit the government.⁷⁶ Over 180 organisations, including religious groups, women's and farmer's organisations, bar associations, labour unions, political parties and human rights groups, designed and backed the accord.

Henry has made overtures to the Commission, indicating that he understands its potential importance in a period of interim rule.⁷⁷ But his push for a vote on constitutional reform in early 2022 – as opposed to the Montana Agreement's call for a participatory constitutional review – could easily undermine the fragile consensus needed for a period of transitional rule to be stable and effective. Whatever the merits of reform, it should not be undertaken without a framework for broad political cooperation

⁷¹ "US special envoy to Haiti resigns over migrant expulsions", op. cit.

⁷² "Ariel Henry et les organisations politiques de l'opposition signent un accord pour une 'gouvernance apaisée et efficace'", *Le Nouvelliste*, 13 September 2021. One critical editorial noted that those politicians signing the accord were not motivated by trying to please Henry or contain the crisis but rather by making sure that they "get their share of the cake". "En 24 heures, Ariel Henry s'est débarassé de l'aile dure du Jovenelisme", *Gazette Haiti*, 16 September 2021.

⁷³ Crisis Group telephone interview, former UN official, 26 September 2021.

⁷⁴ "La cérémonie de lancement de l'Accord Politique pour une gouvernance apaisée" prévue pour ce vendredi reportée sine die", *Gazette Haiti*, 23 September 2021.

⁷⁵ The Commission's program is available at the Haiti Watch website.

⁷⁶ "L'accord du 30 août vise la mise en place de la transition pour la restauration démocratique en Haïti", Rezo Nòdwes, 1 September 2021.

⁷⁷ "Le PM Ariel Henry cherchant d'autres alliés écrit à Magalie Comeau Denis de l'Accord de Montana", *Gazette Haiti*, 11 September 2021.

and social consultation. Ideally, it should be carried out adhering as closely as possible to the rules of the 1987 constitution.

Developments surrounding the Moïse assassination have also undermined Henry's own position and could derail his political roadmap. The revelation, first made in a report by a human rights organisation based on cell phone records, that Henry had two phone calls on the night of the assassination with Joseph Badio, one of the prime suspects in Moïse's killing and a fugitive from justice, was followed by the Human Rights Ombudsman immediately calling upon Henry to resign. The chief prosecutor in Port-au-Prince then "invited" Henry to come in for questioning.⁷⁸ In response, Henry promptly fired the prosecutor and sacked the justice minister.⁷⁹

Whether Henry was involved in the assassination or whether this accusation is an attempt by some (thought to be supporters of Moïse) to manipulate the Haitian justice system to undermine him, neither scenario bodes well.⁸⁰ The political landscape remains extremely volatile. Foreign powers engaged in Haiti should assure Henry of their continued backing so long as they are sure that the investigation into the assassination is working to identify the guilty parties without interference or intimidation. Should Henry be found to have been complicit in the killing, then identifying a replacement for him who is seen to have the Haitian public's backing will be essential, as will firmer and more explicit international support for a period of broad-based transitional rule to steady the country.

VI. Conclusion

Only for a tiny minority has life ever been easy in Haiti. "Resilience" can be an over-used term, exempting foreigners from their responsibility for the country's poverty and misgovernment. Yet Haitians do show an astonishing ability to withstand affliction and to band together to help improve their own lives; *kombit* is the Creole term given to cooperative efforts by friends and neighbours on behalf of their communities. With the Haitian central state starved of revenue and beset by corruption while its political elite feuds, sometimes violently, the most effective way to reach the poorest and most vulnerable is by channelling aid to established local groups and authorities.

Even so, this approach offers little by way of a long-term solution to the failings of the state and security forces. Foreign donors and bodies should act immediately to buttress reforms to the judiciary, police and prison service with a focus on tackling high-level serious crime. Here, as elsewhere, emphasis should be placed on close col-

⁷⁸ "Jovenel Moïse a été livré par ses responsables de sa sécurité, affirme le RNDDH", *Le Nouvelliste*, 23 August 2021. "Assassinat de Jovenel Moïse: L'Office de la protection du citoyen exige la démission du premier ministre", *Le Nouvelliste*, 13 September 2021.

⁷⁹ "Haiti PM sacks prosecutor who accused him of links to president's murder", Agence France Presse, 14 September 2021. "Haiti prosecutor seeks charges against prime minister in president's assassination", *The Wall Street Journal*, 14 September 2021.

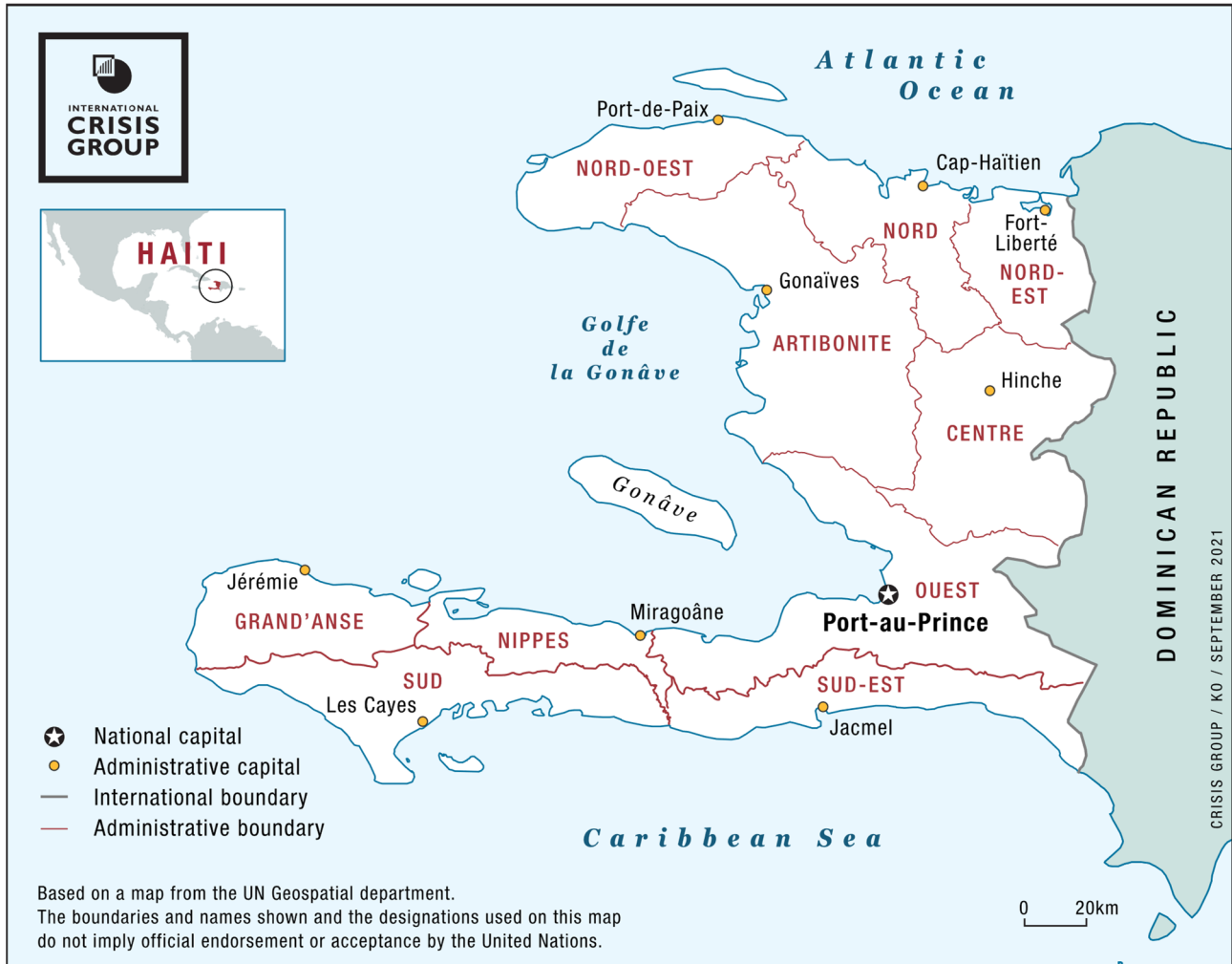
⁸⁰ Most experts believe that these events reveal a fracturing within the PHTK between those supporting Moïse and those beholden to his predecessor Martelly, who were reportedly angered by the increasing independent line taken by Moïse. See "Haiti faces fresh instability as PM comes under scrutiny", Associated Press, 15 September 2021; and "En 24 heures, Ariel Henry s'est débarrassé de l'aile dure du Jovenelisme", *op. cit.*

laboration with honest and willing state authorities and consultation with a far wider spectrum of voices than has been the case to date. The international community, particularly as represented by the Core Group, must work with new political forces and fresh voices from civil society.

Elections will certainly be needed to renew the country's democratic institutions and underwrite a legitimate government. But until Haitians see clear signs that essential services are coming online, that their basic rights and physical security will be better protected, and that credible elections are a realistic possibility, a rush to the polls could do more harm than good. In the meantime, donors should throw their resources behind efforts to help Haiti reach those markers.

Bogotá/New York/Brussels, 30 September 2021

Appendix A: Map of Haiti



Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former Foreign Minister of Argentina and Chef de Cabinet to the United Nations Secretary-General, Susana Malcorra.

After President & CEO Robert Malley stood down in January 2021 to become the U.S. Iran envoy, two long-serving Crisis Group staff members assumed interim leadership until the recruitment of his replacement. Richard Atwood, Crisis Group's Chief of Policy, is serving as interim President and Comfort Ero, Africa Program Director, as interim Vice President.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kiev, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

Crisis Group receives financial support from a wide range of governments, foundations, and private sources. The ideas, opinions and comments expressed by Crisis Group are entirely its own and do not represent or reflect the views of any donor. Currently Crisis Group holds relationships with the following governmental departments and agencies: Australian Department of Foreign Affairs and Trade, Austrian Development Agency, Canadian Department of National Defence, Danish Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, European Union Emergency Trust Fund for Africa, European Union Instrument contributing to Stability and Peace, Finnish Ministry of Foreign Affairs, French Development Agency, French Ministry of Europe and Foreign Affairs, Global Affairs Canada, Irish Department of Foreign Affairs, Japan International Cooperation Agency, Ministry of Foreign Affairs of the Principality of Liechtenstein, Luxembourg Ministry of Foreign and European Affairs, Norwegian Ministry of Foreign Affairs, Qatar Ministry of Foreign Affairs, Swedish Ministry of Foreign Affairs, Swiss Federal Department of Foreign Affairs, United Arab Emirates (Ministry of Foreign Affairs and International Cooperation and Anwar Gargash Diplomatic Academy), United Nations Development Programme, United Nations World Food Programme, UK Foreign, Commonwealth and Development Office, and the World Bank.

Crisis Group also holds relationships with the following foundations and organizations: Carnegie Corporation of New York, Ford Foundation, Global Challenges Foundation, Henry Luce Foundation, John D. and Catherine T. MacArthur Foundation, Open Society Foundations, Ploughshares Fund, Robert Bosch Stiftung, Rockefeller Brothers Fund, Stiftung Mercator, and Wellspring Philanthropic Fund.

September 2021

Appendix C: Reports and Briefings on Latin America since 2018

Special Reports and Briefings

Council of Despair? The Fragmentation of UN Diplomacy, Special Briefing N°1, 30 April 2019.

Seven Opportunities for the UN in 2019-2020, Special Briefing N°2, 12 September 2019.

Seven Priorities for the New EU High Representative, Special Briefing N°3, 12 December 2019.

COVID-19 and Conflict: Seven Trends to Watch, Special Briefing N°4, 24 March 2020 (also available in French and Spanish).

A Course Correction for the Women, Peace and Security Agenda, Special Briefing N°5, 9 December 2020.

Ten Challenges for the UN in 2021-2022, Special Briefing N°6, 13 September 2021.

Containing the Shock Waves from Venezuela, Latin America Report N°65, 21 March 2018 (also available in Spanish).

Mexico's Southern Border: Security, Violence and Migration in the Trump Era, Latin America Report N°66, 9 May 2018 (also available in Spanish).

Risky Business: The Duque Government's Approach to Peace in Colombia, Latin America Report N°67, 21 June 2018 (also available in Spanish).

The Missing Peace: Colombia's New Government and Last Guerrillas, Latin America Report N°68, 12 July 2018 (also available in Spanish).

Building Peace in Mexico: Dilemmas Facing the López Obrador Government, Latin America Report N°69, 11 October 2018 (also available in Spanish).

Saving Guatemala's Fight Against Crime and Impunity, Latin America Report N°70, 24 October 2018.

Friendly Fire: Venezuela's Opposition Turmoil, Latin America Report N°71, 23 November 2018 (also available in Spanish).

A Road to Dialogue After Nicaragua's Crushed Uprising, Latin America Report N°72, 19 December 2018 (also available in Spanish).

Gold and Grief in Venezuela's Violent South, Latin America Report N°73, 28 February 2019 (also available in Spanish).

A Way Out of Latin America's Impasse over Venezuela, Latin America Briefing N°38, 14 May 2019 (also available in Spanish).

The Keys to Restarting Nicaragua's Stalled Talks, Latin America Report N°74, 13 June 2019 (also available in Spanish).

A Glimmer of Light in Venezuela's Gloom, Latin America Report N°75, 15 July 2019 (also available in Spanish).

Calming the Restless Pacific: Violence and Crime on Colombia's Coast, Latin America Report N°76, 8 August 2019 (also available in Spanish).

Venezuela's Military Enigma, Latin America Briefing N°39, 16 September 2019 (also available in Spanish).

Containing the Border Fallout of Colombia's New Guerrilla Schism, Latin America Briefing N°40, 20 September 2019 (also available in Spanish).

Fight and Flight: Tackling the Roots of Honduras' Emergency, Latin America Report N°77, 25 October 2019 (also available in Spanish).

Peace in Venezuela: Is There Life after the Barbados Talks?, Latin America Briefing N°41, 11 December 2019 (also available in Spanish).

A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups, Latin America Report N°78, 20 February 2020 (also available in Spanish).

Imagining a Resolution of Venezuela's Crisis, Latin America Report N°79, 11 March 2020 (also available in Spanish).

Broken Ties, Frozen Borders: Colombia and Venezuela Face COVID-19, Latin America Briefing N°42, 16 April 2020 (also available in Spanish).

Mexico's Everyday War: Guerrero and the Trials of Peace, Latin America Report N°80, 4 May 2020 (also available in Spanish).

Miracle or Mirage? Gangs and Plunging Violence in El Salvador, Latin America Report N°81, 8 July 2020 (also available in Spanish).

Bolivia Faces New Polls in Shadow of Fraud Row, Latin America Briefing N°43, 31 July 2020 (also available in Spanish).

Leaders under Fire: Defending Colombia's Front Line of Peace, Latin America Report N°82, 6 October 2020 (also available in Spanish).

Virus-proof Violence: Crime and COVID-19 in Mexico and the Northern Triangle, Latin America Report N°83, 13 November 2020 (also available in Spanish).

Disorder on the Border: Keeping the Peace between Colombia and Venezuela, Latin America Report N°84, 14 December 2020 (also available in Spanish).

Venezuela: What Lies Ahead after Election Clinches Maduro's Clean Sweep, Latin America Report N°85, 21 December 2020 (also available in Spanish).

The Exile Effect: Venezuela's Overseas Opposition and Social Media, Latin America Report N°86, 24 February 2021 (also available in Spanish).

Deeply Rooted: Coca Eradication and Violence in Colombia, Latin America Report N°87, 26 February 2021 (also available in Spanish).

The Risks of a Rigged Election in Nicaragua, Latin America Report N°88, 20 May 2021 (also available in Spanish).

Electoral Violence and Illicit Influence in Mexico's Hot Land, Latin America Report N°89, 2 June 2021 (also available in Spanish).

The Pandemic Strikes: Responding to Colombia's Mass Protests, Latin America Report N°90, 2 July 2021 (also available in Spanish).



International Crisis Group

Headquarters

Avenue Louise 235, 1050 Brussels, Belgium

Tel: +32 2 502 90 38

brussels@crisisgroup.org

New York Office

newyork@crisisgroup.org

Washington Office

washington@crisisgroup.org

London Office

london@crisisgroup.org

Regional Offices and Field Representation

Crisis Group also operates out of over 25 locations in Africa, Asia, Europe, the Middle East and Latin America.

See www.crisisgroup.org for details

PREVENTING WAR. SHAPING PEACE.