

U.S. POLICY TOWARD HAITI

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U.S. POLICY TOWARD HAITI

Tuesday, November 9, 1999

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
WASHINGTON, D.C.

The Committee met, pursuant to call, at 10:10 a.m. in room 2172, Rayburn House Office Building, Hon. Benjamin A. Gilman (Chairman of the Committee) presiding.

Chairman GILMAN. The Committee will come to order. This morning we will review the U.S. policy toward Haiti. We called this hearing to examine what is happening in Haiti today and shed some light on where we need to go from here to advance pluralism and foster economic growth in Haiti. Of keen concern are the prospects for free and fair parliamentary and local elections that are anticipated to be held on March 19th and concerns over efforts to undermine and to politicize the Haitian National Police.

In January, I traveled to Haiti with several of my colleagues. President Rene Preval had just dissolved parliament, deepening Haiti's protracted political crisis. We all agreed that the best way out of that crisis was a sound and fair election. Several positive developments led us to believe that a good election would be possible. President Preval issued a public statement that "very quick elections under good conditions are the only solution to the existing political crisis."

State Secretary for Public Security Robert Manuel began negotiations at Preval's behest with the opposition parties. On March 17th, President Preval created a politically balanced provisional electoral council. With supporting leverage from the Dole Amendment restrictions, a transparent settlement of the disputed 1997 elections was also achieved. Most importantly, we began to see leaders from Haiti's civil society, ranging from grass roots to religious to business organizations, working together across ideological and class lines.

Our hopes began to fade, however, when a May 28th rally organized by a broad spectrum of civil society groups was attacked and broken up by Lavalas Family party protesters. The Haitian National Police failed to protect the citizens who gathered that day to exercise their rights to freedom of assembly and speech.

This year has seen a distressing escalation of common crime and violent acts. On November 2nd, Amnesty International stated that "A series of violent events in Haiti have led to fears that the climate of respect for human rights which the country has been endeavoring to promote in recent years is progressively deteriorating."

There is a long tradition of undemocratic rule in Haiti. Recent events led us to fear that Haiti is experiencing a return to past practices. It will only serve to create violence and misery in that impoverished nation. The departure of Robert Manuel raises real concerns about the future independence and professionalism of the Haitian National Police. The October 8th murder of Colonel Jean Lamy followed by the October 14th armed attack on a director of the HNP's Judicial Police, the unit responsible for investigating Lamy's killing, are very bad signs.

Our Ambassador to Haiti, Timothy Carney, underscored the real issue recently, stating: "What is currently important is that no one political party, no faction or group gain control of your police. I emphasize that the politicization of the police is unacceptable."

We must not abandon our efforts to help the Haitian people. We should continue to work to alleviate the underlying conditions that plague Haiti. But Haitian leaders must meet their responsibilities as well. In order for there to be good elections which the United States can support in good conscience, there must be freedom of speech and assembly, and an apolitical police force to protect those essential rights. Moreover, the Provisional Electoral Council, which has been trying to organize the elections, civil society, and political parties should not be the object of crude, antidemocratic attacks.

On October 24th, protesters violently broke up an official function of Haiti's Provisional Electoral Council, the CEP. We were appalled that the Haitian National Police again failed to fulfill their responsibility, in this case to protect the CEP. When former President Jean-Bertrand Aristide's government was overthrown, our Nation, with our support, spared no effort to restore elected, civil government to Haiti. This unacceptable outrage was committed in Mr. Aristide's name. That is disappointing to us all.

I would like to say a word about our Ambassador to Haiti, Timothy Carney. It is regrettable that the State Department declined to allow him to be available for this hearing. Ambassador Carney has earned our respect for his forthrightness and his professionalism. Among other accomplishments, we credit him with leading the effort to put good elections on track last Spring. We would have welcomed his views on how to keep them on track today.

We thank Senator DeWine of Ohio, Senator Bob Graham of Florida, Representative Porter Goss of Florida, Representative Charles Rangel of New York, and Representative John Conyers of Michigan for accepting our invitation to testify before this Committee. While we may disagree on some of the issues, each of these elected representatives has demonstrated a consistent interest in the welfare of our hemisphere's poorest country.

I would like to ask our Ranking Minority Member, Mr. Gejdenson, if he has any opening remarks, and then we will withhold opening remarks in order to enable our Senators to get back for a roll call that they have waiting for them.

Mr. GEJDENSON. I will hold my opening remarks until after the Senators and our other House Members have given their testimony.

Chairman GILMAN. At this point, I would like to note that Senator Graham made a special effort to be with us today, because it is his birthday. Congratulations, Senator Graham. You look young-

er than ever. We welcome having you with us. I'm also pleased to welcome Senator DeWine, from Ohio, and a former Member of this Committee. Welcome Senator DeWine.

**STATEMENT OF THE HON. MIKE DeWINE, A UNITED STATES
SENATOR FROM THE STATE OF OHIO**

Senator DEWINE. Thank you very much. It is great to be back with the Committee on which I served for 6 years when I was in the House. I want to thank you for convening this hearing today. The country of Haiti and its people are really at a crossroads. I thank you for holding this hearing because although Haiti is not of strategically great importance to the United States, probably never will be, it is close to us. It is in our back yard. What happens in Haiti is very, very important to us as a country, and we need to be interested in Haiti.

I am no expert on Haiti, but I follow the events affecting this country closely, and have traveled there seven times in the last 5 years. I believe that there is some good news that comes out of Haiti. I would like to talk first about the good news, and then the bad news.

First the good news. Perhaps, Mr. Chairman, the best news that comes out of Haiti comes from the thousands of individuals from the private, non-governmental organizations—members of churches, church congregations, religious people—who are in Haiti every day trying to make a difference. These are Haitians, these are U.S. citizens and others. They have helped the poor; they have helped the orphaned, the starving, the elderly and the sick. Each time I have visited Haiti, I have been inspired by their heroic deeds.

Second, the U.S. Government has played a major humanitarian role in Haiti, and we continue to do so; and we must continue that. We have been able to continue to feed thousands of orphan children through Public Law 480. Also, our AID mission in Haiti is developing a local association to serve as advocates for Haitian children and to create a network for orphanages to share ideas and resources, and this must continue.

Third, Mr. Chairman, we have made tremendous progress in training the Haitian police. We literally started with nothing. Although the Haitian police have had problems, and will continue to have problems, these problems were not unexpected. We have done something that has probably not been done on this magnitude or scale in the history of the world which, basically, we took 18-, 19-, 20-year-old kids and turned them into a police force.

Fourth, Mr. Chairman, I have been encouraged by the success of some USAID programs to promote growth in Haiti's agricultural sector. We haven't done this enough, frankly. We need to do more of it. But what we have done, we have seen some progress. We have worked directly with farmers to improve techniques in the fields, where they learn—from our example—how to improve their farming practices to yield more productive crops. We have also, just as importantly Mr. Chairman, worked to help form marketing co-operatives in Haiti to enable farmers to get their products to the marketplace without having to go through the traditional Haitian choke-hold that is controlled by just a few families.

Fifth, Mr. Chairman, Haiti has taken some small steps toward business privatization—not as much as we would like to have seen—but we have seen some in the area of flour and cement and enterprises, and also in the area of cellular phones.

Finally, Mr. Chairman, we have really not seen the kind of massive exodus of Haitian refugees that we have witnessed earlier, and that is good news as well.

But let me now turn to the bad news. The Haitian economy remains stagnant. Because a significant proportion of economic activity is really from the underground markets, it is very difficult to determine exactly where the economy is in Haiti and to see exactly how far it has fallen. Haiti remains the poorest nation in our hemisphere. We use the figure of \$250 per capita per year, but no one really knows the real figure. What growth there is, Mr. Chairman, I believe, from my trips to Haiti, comes from two sources: one is the underground economy, and the other is from foreign remittances, which are very significant in Haiti's economy.

Mr. Chairman, the political situation is even worse. The phrase "Haitian government" is tragically today an oxymoron. The government has virtually ceased to function. The current political crisis is rooted in the April 1997 parliamentary and municipal elections. Since January 1999, President Preval has been ruling by decree. Elections have been postponed three times, and now are scheduled for March of the year 2000. With former-President Aristide running for president, and he and his followers in the Lavalas Family Party campaigning to hold one comprehensive presidential and legislative election in November or December, 2000, it is unlikely, I believe, that March elections will occur. Political intimidation is definitely on the rise.

Mr. Chairman, absent a stable and democratic government in place, Haiti has no hope of achieving real and lasting economic, political, and judicial reforms. Haiti is finding itself stuck in a vicious cycle of despair. It is a cycle in which political stalemate thwarts government and judicial reforms, which in turn discourages investment and privatization. Caught in a cycle like this, the economy stands to shrink further and further unless changes are made.

Mr. Chairman, earlier I noted the limited progress of the Haitian National Police. However, very real threat does exist that the police force will become politicized as a result of the October 7, 1999, forced resignation of Secretary of State for Public Security Bob Manuel. Since then, supporters of former-President Aristide have harassed the Police Director, General Pierre Denize, calling for his dismissal. That has contributed to the erosion of public confidence in the police force, which adds to the country's instability. The Haitian people's confidence in their country's judicial system is also fueled by their belief that the legal system is corrupt and for sale to the highest bidder.

It is no surprise that with a law enforcement far from effective, Haiti has become a popular transit stop for drug traffickers. This will continue, Mr. Chairman, and frankly what we have to do is to work outside the borders of Haiti on the high seas to make a difference there, at the same time that we work with the Haitian National Police.

Why do we care about Haiti, Mr. Chairman? We care because this tiny country lies roughly 550 miles from the U.S. coast of Florida. It is part of our hemisphere, and what happens in this hemisphere affects us; and we should care about it. We cannot ignore Haiti. Let's not forget that we already have a lot of money invested in Haiti. The price we pay for failing to pay attention will take several forms. One may be another massive refugee crisis, and certainly we will see drug trafficking continuing through Haiti. That is why we must care about Haiti.

Mr. Chairman, the planned withdrawal of the U.S. military forces from Haiti should not represent an end to our involvement in Haiti. Our Nation can still play a constructive role, in partnership with the Haitian people, to ensure that the many troubles inflicting this small island do not pass a point where they can not be reversed.

Mr. Chairman, first we must continue efforts aimed at democracy-building in Haiti. This means we must promote free markets and the rule of law. That also means that we must provide Haiti with electoral assistance so that free and fair elections can take place. However, Mr. Chairman, the United States must not support any election, either politically or financially, if certain criteria are not met.

We must insist that the parliamentary elections are held separately from the presidential elections this year. We must pressure the Haitian government to allow the international community and a delegation of world leaders to take a lead role in the upcoming election. We must urge the Haitian government to reform the electoral and political party laws to level the playing field. We must insist that they have voter registration lists, voter cards, access to state media, and access to state financial resources. We must also ensure that the police do not become politicized in favor of certain factions or parties at the expense of others. Finally, we must provide funding to continue with the political party-building process in Haiti.

Mr. Chairman, we must make it clear that our financial assistance for these elections is truly contingent on the above.

Second, until a functioning government is in place, any assistance we provide needs really to go through the private sector. This is the only way that we can ensure that aid gets directly to the people. Third, we must fight drug trafficking through Haiti with a continued offshore U.S. presence as well as working with the Haitian police. Fourth, the United States should expand agricultural assistance through nongovernment organizations.

We have seen some success with these USAID programs, and I have personally visited a number of them myself, Mr. Chairman. Efforts aimed at teaching the Haitian farmers about land preservation, natural resource depletion, and efforts to work directly with the farmers have the most hope of preventing Haitians from abandoning agriculture for urban areas like Port-au-Prince.

Finally, Mr. Chairman, a U.S. role in Haiti must ensure that humanitarian and food assistance continues to reach people and especially the children. We have, I believe, a moral obligation to not let the orphan children and other needy children in Haiti, the elderly, and others starve.

To conclude, Haiti cannot progress until its political leaders and the elite class take responsibility for their situation and commit to turning things around. I truly believe, Mr. Chairman, that we will not see Haiti turn around until two things happen: First, the political leadership of the country decides that it is in their interest to make things happen; and second—and maybe this is even more important—the political elite in Haiti, the 1 or 2 percent, the educated people, the people who have truly, historically been the elite, they must decide that it is in their best interest that Haiti change. They must decide that it is no longer in their interest to see chaos, to see uncertainty, to see the status quo.

I truly believe that there are many people in Haiti in the elite who believe that that is the only ocean they can swim in, and that they will be better off if there is chaos, uncertainty, and no change. Until this elite in Haiti changes its perception and truly understands that Haiti needs to change, it will be very difficult for change to really take place in Haiti.

Mr. Chairman, I appreciate your indulgence with my time. I appreciate you giving us the opportunity to be here. Thank you for holding this hearing on Haiti.

Chairman GILMAN. Thank you, Senator DeWine, for your extensive and very thorough remarks.

[The prepared statement of Senator DeWine appears in the appendix.]

Chairman GILMAN. We now turn to Senator Graham.

**STATEMENT OF THE HON. BOB GRAHAM, A UNITED STATES
SENATOR FROM THE STATE OF FLORIDA**

Senator GRAHAM. Thank you, Mr. Chairman, Congressman Gejdenson, and Members of the Committee. Before I start, Mr. Chairman, I would like to take the privilege of commenting on the magnificent portrait of our friend, Congressman Dante Fascell. It was 40 years ago this year that I was an intern for Congressman Fascell. Most of the values and concepts of what it means to be a legislator I gained from that great man, and his wisdom still pervades this Committee and this Congress; and it is so reassuring to see his presence with us today.

Chairman GILMAN. Thank you, Senator Graham. We certainly miss our former Chairman, and he made a great contribution to our Nation and to this Committee. Please proceed.

Senator GRAHAM. Mr. Chairman, I am very pleased to join my colleagues in appearing before you today to testify on the current political situation in Haiti. I appreciate the long efforts that you and the Members of this Committee have focused on the situation in Haiti and your efforts to bring democracy and prosperity to that country.

Mr. Chairman, I am very troubled by recent events in Haiti, particularly the disruption of the meeting of the Provisional Electoral Council, the CEP, on October 24th of this year. On that date, factions associated with the Fanmi Lavalas broke up a meeting by throwing urine on members of the Provisional Electoral Council. No democracy can function with this type of direct assault on its fundamental institutions.

In light of these events, some suggest that the situation in Haiti is without hope, beyond our ability to influence. I am here to say that turning our backs on Haiti is not an option. We have learned this lesson repeatedly during this century. We will always be drawn back to Haiti by a combination of historical ties, humanitarian instincts, and our own national interest. Although it is difficult to remain engaged, as the country that has the greatest influence on Haiti the United States must use that influence in a positive way.

I remember, as do you, the scenes of Haitian refugees awash in the seas in their small boats. I remember the scenes of Haitian ships being searched and found to be laden with illegal drugs destined for our Nation's streets. These are the images of reality that we will once again be forced to face if we ignore current events in Haiti.

I am an optimist. I have known the quality of the Haitian people—their strong, strong family values, their dedication to personal, family and community improvements, the beauty and value of their art and culture. These are the foundations for democratic reform on which a stable society with economic opportunity and prosperity may be built.

Mr. Chairman, as a Senator from Florida, I know first-hand the importance of strengthening democracy and economic development in Haiti, as well as the consequences of failure in these regards. Indeed, the United States has been committed to this objective and has led international efforts to help Haiti. Since 20,000 U.S. troops landed to restore democracy to Haiti in 1994, we have provided significant humanitarian, economic, and security assistance. In spite of our efforts, Haitian democracy again finds itself at a crossroads. Parliamentary and municipal elections that can resolve the political crisis in Haiti, originally scheduled for later this month, have been postponed until March of 2000. I cannot overstate the importance of holding these elections in the Spring of 2000, and assuring that they are open and credible elections.

Violence, election fraud, and low voter turnout have plagued Haitian elections in the past. In fact, there were problems with the 1997 elections—in which voter turn out was about 5 percent—that escalated the current political crisis in Haiti. Only by holding free and fair elections in a secure environment where all parties are able to participate openly can Haiti move beyond its current stalemate. Ending this stalemate will also allow for additional economic assistance from the United States and the international community. It is a prerequisite of improving the life of ordinary Haitians.

Let me suggest several steps that I believe must be taken to ensure that the upcoming elections can take place in an environment that will engender trust in the system and allow Haiti to move forward. First, during the period leading up to the elections in Haiti, although our permanent military force is small and will soon transition to an expeditionary presence, we should continue military efforts to help the Haitian people. This force should be engaged in worthwhile civic projects such as construction of schools, roads, and medical clinics throughout the country.

Second, we must do what we can to assure that there is a secure environment in which these elections can take place. Providing a

significant number of international observers will help accomplish this objective. It is important that these observers be deployed early in the electoral process, not just arrive a couple of days before the election itself.

Third, the international community must provide support for these elections. I know that the United States and other nations have already provided significant funding to prepare for the elections. Additional assistance will be available only if the conditions for a free and fair election exist. As I mentioned at the outset, there have been several very troubling incidents over the last few weeks and months that lead me to question whether these conditions do, in fact, exist. Some would suggest that, under current conditions, we should not be a party to an election in Haiti, but we cannot afford to walk away. The world, in particular the United States, stands ready to help the Haitian people build their democracy.

Fourth, the Provisional Electoral Council has done an excellent job of resolving the disputed 1997 elections. During my recent visit to Haiti, I met with several of the members of the CEP. They have proven that they are willing to do what is right, what is courageous, what is best for the people of Haiti. They deserve our support and the support of the Haitian political parties. The reassuring and compelling statements of our Ambassador to Haiti, Tim Carney, emphasized the importance of the CEP.

Political parties are taking risks to participate in this election, and they deserve our support. Without it, they will be forced underground. We need to find ways to assure that they are able to assemble freely and have their platforms heard. The United States and the international community must help the political parties directly. I applaud the efforts of the National Endowment for Democracy, the International Republican Institute, and the National Democratic Institute as they have worked to advance democracy in Haiti. Their efforts are good examples of how non-governmental organizations become engaged in promoting democratic reform where direct involvement by the U.S. State Department and other agencies would be inappropriate.

Mr. Chairman, I would suggest these would be important steps that the United States and the international community can take to assure that credible elections will be held. But the Haitians themselves have the greatest responsibility to assure that this occurs. All political parties should publicly commit to denouncing political violence, including allowing all parties to publicly campaign without intimidation. This commitment must include actively restraining any elements or supporters from participating in violence or intimidation. President Preval and former President Aristide have a special responsibility to use their status and trust that the Haitian people have placed in them to restrain the forces of evil. I call on them to work with the international community to ensure that these elections go forward in a secure environment. Mr. Chairman, in many respects their credibility depends on this, and they will be held accountable for their success or failure.

It is essential to the Haitian democratic process that there are indeed two separate elections in the coming 14 months. We have already witnessed considerable delays. Any additional delay will

put international support at great risk. Credible parliamentary and municipal elections must occur to provide confidence in the electoral system for the presidential elections in November of 2000 to be viewed as credible. It is also important that Haiti develop a strong and independent legislative branch of government. This can help it to survive through periods of instability and provide an outlet for those who may disagree with an elected executive.

Some have argued that the March election should be delayed and folded into the presidential election. This would have ominous and negative implications. It would mean for almost 3 years the country has been without a stable parliament. It will mean that the economy of the country will continue to be denied international financial aid that requires legislative action by the Haitian Parliament before it can move forward.

Finally, Mr. Chairman, and I appreciate your indulgence, the United States has developed a very effective military, a military that has proven its ability to intervene in conflicts and provide a secure environment. We have done this in Haiti, Bosnia, and now in Kosovo. Unfortunately, we have not been equally successful in providing long-term political and economic stability following our military interventions. The military's success is the result of many years of thoughtful planning, training, and resourcing. The follow-up economic and political activities have none of these qualities. They are characterized by their ad hoc nature and lack of sustainable and credible initiatives, and a particular lack of emphasis on carrying out an effective economic recovery plan.

These comments are by no means limited to Haiti. In the current issue of Foreign Affairs, there is an article, Mr. Chairman, entitled "A European New Deal for the Balkans." I would just read one sentence from the second paragraph, "The basis for long-term stability and non-nationalistic politics in southeastern Europe lies in its economies, and here the picture is bleak." Exactly that same sentence could be written substituting Haiti for southeastern Europe.

Mr. Chairman, operations in Bosnia and Kosovo have been characterized by successful military as the first chapter, followed by failed economic and political chapters which left us in situations no better than those which we originally encountered. Mr. Chairman, I would recommend to the Members of the House of Representatives as a step which might be taken to strengthen our economic influence in Haiti and other countries in the Caribbean basin—the Caribbean Basin Initiative legislation which was passed by a 3 to 1 vote in the Senate last week—I would hope that favorable and expedited attention could be given to that in the House of Representatives. I believe this would be a significant step toward the United States overcoming this history of failed economic response after successful military intervention.

Mr. Chairman, during my last visit to Haiti in June of this year, I flew over the north coast and observed scores of small boats under construction. These boats could be a warning of things to come, or simply a reminder of past problems. We already know the price of failure in Haiti because we have paid it for most of the 20th Century. We must use this opportunity to enhance democracy in Haiti so that our children and grandchildren will not have to

continue paying the price of failure into the 21st Century. Thank you, Mr. Chairman.

[The prepared statement of Senator Graham appears in the appendix.]

Mr. BALLENGER. [Presiding.] Senator Graham, I would like to thank both you and Senator DeWine for being here. I don't know how much time you have.

Senator GRAHAM. Mr. Chairman, unfortunately we have already had a bell for a vote that commenced at 10:30, and I am afraid that I am going to have to join my colleague in absenting myself from the balance of the hearing.

Mr. BALLENGER. We thank you kindly for being here this morning, and I am sorry for the tight schedule that you have run into.

Congressman Goss, we will turn it to you now.

Mr. GOSS. Thank you very much, Mr. Chairman. I have a lengthy, closely typed, single-spaced multipage statement which I would like to submit for the record.

Mr. GEJDENSON. We would love to hear all of it.

Mr. GOSS. I would like to summarize, and I would like to have unanimous consent to submit the full statement.

Mr. BALLENGER. Without objection.

STATEMENT OF THE HON. PORTER GOSS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. GOSS. Thank you. I will proceed to say that I also want to congratulate the Committee for making this effort. Lord knows Haiti needs all the help it can get from its friends. I think everybody here, as I look around, are people that have either traveled there or are very familiar with it and are trying to find a solution for a difficult problem.

I could point out, in terms of my own credibility about Haiti, I have been involved with that country one way or another with government efforts since the 1960's. I can point out that Port-au-Prince is a lot closer to my district than Washington, D.C. I can point out that I have a lot of Haitian Americans in my district. I have to point out that I have a steady stream of visitors, parliamentarians, and businessmen from Haiti, and I basically seem to spend a large part of my official life dealing with the Haitian problem.

I also, as the Chairman of the Intelligence Committee, deal a lot with facts that go on in the world, troubling facts, that affect our national security and our well-being and our American interests, and we also try very hard in the Intelligence Committee to distinguish between facts and wishful thinking. One of my criticisms—and I have been harsh on the Administration about this—is that they failed to distinguish the facts from the wishful thinking over the past several years.

Let me start by saying where we are in Haiti today. By any measure I would say—in fact by all the measures—I would say that we are generally backsliding badly. The economy is in shambles. There is corruption in the business world, the official world and every world. It is very hard to get a business loan from a bank in Haiti. It is very hard to get any kind of security guarantees at warehouses. Payoffs are a part of business. Things just are not

going forward in a way that would pass muster in this country, and in fact it is getting worse.

Crime is rampant. I have been getting calls from people who say that once the sun sets, the HNP in many of the cities just simply go indoors and they don't come out, and you are at your own risk until the sun comes up again. Unfortunately, we are seeing a considerable increase in crime going on throughout the country.

The judiciary is, in fact, non-functional. The parliament is shattered, as we know. Power is concentrated in the executive branch, with even the local officials in the country serving at the presidents' pleasure. When I say "presidents," I use the word in the plural sense. I would also point out that there is, among international observers in the community now, increasing concern about this backward drift, or back slide.

Election security is going to be a critical issue. From the point of view of competency, the HNP probably is not going to be able to do the job sufficiently to give people the confidence to run, that is, the opposition out there to run, or the people to vote, to be concerned about their safety in the voting process. We have to overcome those areas, and that means a huge effort, because as people have testified already, the two Senators have testified and others who know the situation there know, getting elections to happen in Haiti is not going to be easy, and getting full, fair, free, and transparent elections is a huge task.

I think it is telling that former-President Aristide has been silent on the disruptions we have seen so far to the initial kickoff sessions of the CEP and the opposition politicians who have tried to gather around. There has been calculated violence meant to disrupt the democratic process. It is associated, or at least alleged, that former-President Aristide is responsible, in part, for this. I understand that there has been no word forthcoming from him.

I think the question that is often asked about, gee it is going to be such a huge effort in terms of educating the Haitians relative to the security question of the atmosphere to vote, is a false issue in some ways. The Haitians know how to vote. I have been there, as many of us have, for elections to observe the Haitians. I was there in 1990, and I was there again for the parliamentary elections thereafter; and the Haitians go about their business very well. They understand how to do it, notwithstanding the high illiteracy rate. The problem is that they don't feel motivated to do it now because of the corruption, and "democracy", has brought them nothing, has not brought food to the table. They see the authoritarianism continuing, and the destabilization and the elitism that was spoken about earlier in the testimony rampant in the country.

So, I think that the idea of know-how is not the issue. I think the idea of atmosphere is rather critical. In the area of atmosphere, one cannot overlook all of the very significant evidence in recent days that there is increasing politization of the HNP. Not only is it a competency question realistically asked, but the politization question is one that needs to be resolved.

In a couple of other areas that have been spoken to briefly, I would like to talk about immigration, the economic immigration, looking to the megapolis of Miami as the way out of the troubles

in Haiti if you are in economic despair, which almost everybody in the country is; we need to have a repatriation agreement. It is extraordinary to me that we have negotiated two repatriation agreements with Fidel Castro, and none with Haiti, which is thought to be a more friendly country. It does give us a need to address that issue.

Speaking of Cuba, I am concerned, and would ask the question and try and direct to this Committee's attention, what exactly is the Cuban interest in Haiti these days? There seems to be a greater manifestation of Cuban presence, allegedly or assertedly under the guise of medical help, but from observers' testimony that I have talked to and have called me, it is more than that. There appear to be what I would call young thugs who are militant types out and about doing I don't know what, but apparently doing it without any concern for whether the HNP cares what their activities are about. It appears to me that is an area that needs to be pursued in addition to the question of the increasing drug trade which is obvious, well known, understood, and is seriously a setback for us on the war on drugs, and without again overlooking the problems of the immigration flows that Senator Graham is so aware of and spoke so articulately about.

I believe where we are in Haiti now is the need for a realistic appraisal, and I stress the word realistic. I believe that we need to identify the Haitians in Haiti who are willing to be powerful, strong, courageous leaders, and assist them in their opportunity in Haiti to lead Haitians.

I think the problem is that we have been calling it not as it is, but as we wish it were in Haiti, and that is a formula for deceiving ourselves.

I basically would associate myself with the ideas that have been put forward by Senators DeWine and Graham. The one exception would be that I do not believe it is useful for our combat troops to be down there doing civilian projects when I believe there are other NGO's that can do that. But that is a small point. In terms of drawing a line about will the United States lend its credibility to these elections, I think we have to answer the question is it possible to have full, fair, free, friendly transparent elections where there will be good opposition opportunities, where the Haitians will willingly go forth and vote because there is opportunity for them. I think that is going to be the test, and if Haiti fails that test, I do not think that we should lend the aura of credibility to elections that are not credible.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Goss appears in the appendix.]

Chairman GILMAN. [Presiding.] Thank you, Mr. Goss. I hope you can stay for some questions.

Mr. GOSS. I would be very happy to stay.

Chairman GILMAN. We are now pleased to have Congressman Conyers, representing the State of Michigan, Ranking Minority Member on the Judiciary Committee. Welcome, Mr. Conyers. We are pleased to have been able to go to Haiti with you on several occasions.

STATEMENT OF THE HON. JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. CONYERS. Thank you, Mr. Chairman, and to my good friend, the Ranking Member, Mr. Gejdenson Members of the Committee, Mr. Payne and Mr. Hastings, and Mr. Delahunt, who serves with me on the Judiciary Committee, have been very helpful in the one area of foreign affairs that I have spent as much time on, this subject, perhaps more than any other. I am delighted to be here to share with my colleagues some of the impressions of where we are in the very important issue around restoring Haiti to some prominence, both economically and politically.

Mr. Chairman, I thank you, because you have been working with me on this issue for many years. I have been to Haiti with everybody that has been at this table, and many of the Members of the Committee. I have followed the subject closely; I travel there frequently. Today's hearing provides an excellent opportunity for us to openly discuss some of the challenges that are still facing Haiti, and what we can do about them.

I may be the one that knows the first democratically elected president as well as, or better than anybody in the Congress. I remember President Aristide before he was a president. He was here in Washington and I got to know him. He traveled with the Cranbrook Institute in Michigan. I am deeply impressed by him as a human being, a spiritual leader, and a person who is trying to bring order to his country under incredible circumstances. I think Jean-Bertrand Aristide, the man, deserves some examination of his life and his career and his designation, based on the principles of the religion out of which he came. I think we can easily demonstrate that the former-President, Mr. Aristide, has denounced, in a regular way, all of the activities, the unfortunate incidents that have happened, the public disruptions; and I can remember one of our meetings in which we delivered the same kind of message that we are delivering to ourselves, we delivered to him. As soon as I finished he said what do you want me to do? I said we want you to go on the radio and denounce these events. He said, I will do it. He said, I am prepared to do it and I want to do it. And he did it. He still does it. He has not been silent. He has publicly denounced and condemned these activities.

While we are thinking about that, we ought to examine the motive for him to be deliberately fostering the disruptions for a country in which he is the lead contender for election, I don't think that would make good sense. He would not benefit from any of this disruption.

The other matter that I think we need to get on the table right away is his—he and the current President's commitment to two elections. That was a very important aspect of our visit. Now, the elections were delayed but it wasn't—it was through administrative difficulty of printing ID cards for a million Haitians that, if you know the terrain, as I know the Chairman does, it is impossible. Nobody gets up there, period, except the people that live there. So to imagine that we could bring in some entrepreneurs who would quickly take a photo of everybody for the election, which was a worthy idea, it is just simply impossible. So the election was delayed. But the first commitment we got from both President Preval

and former-President Aristide was that we get out, we make it clear, we get out to the public that there would be two elections and no further delay. That has been the commitment and still is.

Now, a word about the police. Pierre Denize, the head of the Haitian National Police, has been one of the most able, committed, and open members of the whole government. They have abolished their army, something that has never happened before. They are moving ahead in a very excellent way. His credibility has never, ever been brought under question. Every investigation that we have asked him to look more carefully at, every issue that we have ever raised to him, I think, has been very important.

The other matter that I think should be brought to your attention, Mr. Chairman, and Members of the Committee, is the whole question of our expectations. We have to get a management under these—our expectations. Haiti was in ruins after largely U.S.-supported governments for several administrations—in ruin. There was no department of anything. I mean, we are talking about creating a nation from the ground up in a few years, and of course we are impatient. We want more to happen. But we have got to get some management over our own expectations. We have to be a bit more realistic about what we expect of Haiti at this point.

The transition to democracy in 1990, and again in 1994, was difficult. Thousands of Aristide supporters were murdered. We still have problems going on. The President's own sister has been injured. These aren't activities promoted by people that are supporting the present administration or the past administration. Haiti has abolished its military and begun building a new professional police force with 5,000 members today, with our help.

I talked with former-Police Chief Kelly and his successors down there, and they and we were pleased at the quick training, which is not yet completed by far. We have got a lot more to do. So, I think it would be inaccurate to suggest that President Aristide, or his supporters, or any other political group are dominating the police when the few facts that we do have make it clear that the sources of violence are so diverse.

We should avoid any over-simplification that any one group of supporters carries a disproportionate responsibility for disruption. The strength of a democracy is measured by how well it functions under adverse circumstances, and the economic and social environment in Haiti places tremendous pressures on the political system. Our U.S. Agency for International Development just reported that even though we have delivered thousands of vaccinations for children, increased access to microcredit for entrepreneurs, and improved environmental conditions, only 39 percent of the population has access to clean water, and only 26 percent have adequate sanitation. I meet with the businessmen regularly too, and am supportive of their efforts. They are great and doing a wonderful job.

I am here to urge that our investigation be tempered with caution and patience; that we don't expect too much too quickly from a nation that is literally rising from the ashes. It is in that spirit that I am very pleased to join you here today and ask that my report from my latest visit to Haiti, of September 10, 1999, be put in the record along with my colleagues that were there: Represent-

atives Campbell, Payne, Hilliard, Faleomavaega, and Delegate Donna Christian-Green.

Chairman GILMAN. Without objection that will be made part of the record.

[The prepared statement of Mr. Conyers appears in the appendix.]

Chairman GILMAN. Thank you, Mr. Conyers, for your testimony. Regretfully, Congressman Rangel of New York is detained in a Committee markup. He will not be able to be with us this morning. Without objection, we will include his statement in the record.

[The prepared statement of Mr. Rangel appears in the appendix.]

Chairman GILMAN. Let me address a question or two to our panelists. The attack on Haiti's electoral authorities on October 24th was unacceptable. What should we do to oppose this kind of action at this time? Mr. Goss, Mr. Conyers, or either one.

I am pleased Senator DeWine was able to return.

Senator DEWINE. Mr. Chairman, just very briefly, I think that this country, as I said in my prepared statement, must be very strong in regard to the elections. I set forth criteria in my prepared statement. I think we have to insist on this criteria. That is pretty much it. This is an area where I think we have to draw the line.

As far as U.S. assistance—if U.S. assistance is going to be in there, we have to have certain things required in regard to the election. One of the things that we constantly monitor and look at, not just in Haiti, but in many countries, is whether or not the police are becoming politicized. That is something we just constantly have to worry about. I think we have made very, very significant progress with the police in Haiti. It is an underreported, untold success story that we all should be very proud of; that the Haitians should be very proud of. But insisting that the police remain non-political, I think, is one of the main keys to ensuring that democracy will continue to develop in Haiti.

Chairman GILMAN. Thank you, Senator DeWine. Mr. Goss.

Mr. GOSS. Mr. Chairman, one of the problems that we see with that, as disgusting and disruptive as those incidents were, and again remember that this is—we make these comments with the backdrop of the United States being disinvited to have its troops present anymore as a stabilizing factor, or any other factor—is the fact that the HNP did not respond. They were not responsive to calculated organized violence. There was a disruptive effort made. The HNP was notified these events was going to take place. Their protection was requested, as would be normal in a democracy, and they failed to show up for whatever reason.

I certainly would give the United States of America, and its taxpayers and citizens, an A-plus for a good idea in trying to strengthen the HNP, but in terms of the measure of effectiveness, I would have to call it a failure at this point. I think we saw that failure in these demonstrations. I think this is the type of thing we will continue to see, and in fact it is only a part of a continuum that we are seeing in Haiti which is regrettably getting worse rather than better.

Chairman GILMAN. Mr. Conyers.

Mr. CONYERS. Might I just observe that crowd control is one of the most difficult areas of police enforcement. We have problems

right here in our own country in terms of that sort of thing, and for a newly trained force to be able to sweep in very effectively in the way that we know that police can and should operate, may be a bit of a stretch for a police force that is still coming out of 6 to 9 months of training, and has no long record of being able to deal with this sort of thing.

But more importantly, the next day, October 25th, Fanmi Lavalas issued their press release, strongly condemning and denouncing the violence that occurred on Sunday, October 24th, during the opening of the civic education campaign. They were right there because, why? We go to motivation again. There is nothing for them to gain by encouraging lawlessness around electoral activity when they have the most to benefit from it.

Chairman GILMAN. Thank you, Mr. Conyers. Just one last question. Of course we all recognize that freedom of assembly and freedom of speech are essential to free and fair elections. Do you recommend anything more we can be doing to assure that those kinds of elections in the spring will be held in that manner of free and fair election?

Mr. CONYERS. Yes, sir. I would like to recommend that we send in not only an international delegation of observers for the election, so that we can make sure that the elections are conducted as they are supposed to be, and have been promised, but that we here in the Congress send a delegation ourselves. It is my personal hope, my duties in Congress permitting, to be there to make sure that all the promises are fulfilled. I think that many of the parties begin to realize that the only way that they can gain credibility is to minimize any disruption. That disruption operates not just to our anger and disagreement and dissolution, but it also operates against their own best interests politically. So it is my hope that the observer system, which has been worked to a pretty fine point these days, will be operating in full swing, so that everybody knows that there will be independent observations coming out of any election.

Chairman GILMAN. Thank you, Mr. Conyers. Senator DeWine.

Senator DEWINE. Mr. Chairman, the only thing I would add is that, not only for these elections, but for the long-term development of democracy in Haiti, we should do what I think many times we do best, and that is export democracy and work through our private sector, through our private political parties in this country, to help develop the political system in Haiti. This is something that we can do on a people-to-people basis. I think our government needs to be involved in that. That is something that, in the long term, will pay dividends for the stability of Haiti.

Chairman GILMAN. Thank you, Senator. Congressman Goss.

Mr. GOSS. Mr. Chairman, I think it is important to take a step back and say, who is inviting us to come to Haiti to do what. I think we want to be a little careful we don't fall into the trap that Mr. Conyers alluded to in his testimony, that Haiti was in ruins somehow because of former U.S. Government policies. It is a sovereign nation, and it is in charge of its own destiny. To the degree we can be useful in the system, to the degree that we are accepted and are wanted to come down and play in that playing field under those terms, I think it is very important to draw those lines first.

I know there are well-meaning people in Haiti; I know there are hard working people in Haiti trying to accomplish those goals. I know that those people are interested in having a bona fide international observation force there.

But if that is going to be frustrated by a duplicity, or behind-the-scenes disruptions by other powers that are there, then it has got to come out yet again, as it has in the past. So my concern is, before we commit to anything, we find out what the invitation is, what is expected, what the ground rules are going to be, who is going to be held accountable, and identify the people who are asking us. Because as I pointed out earlier, we have been disinclined in some ways from participating.

Chairman GILMAN. Thank you very much, Mr. Goss. Any further comments by any of our panelists? If not, Mr. Payne.

Mr. PAYNE. Thank you very much, Mr. Chairman; and I commend you for holding this hearing—very important, I think, that those of us who are here are certainly very concerned about Haiti. I also look at the problems there, and with the disbanding of the military that has probably been an institution that has been in Haiti longer than any institution, and to attempt to create a police department, I think that we are kind of expecting too much too soon.

Unfortunately, you need to have an effective police department. But when I look at the numbers of police in Haiti, less than 5,000 maybe—it is about 4,800 police for the entire country—trying to recruit new people from scratch, I compare the population of Haiti to the population of New York City, probably the total miles of that not too far off, when you take the five boroughs; New York has 45,000 police. You have 4,800 in Haiti. We look at it as saying, well now, we ought to compare what is happening there with what happens in our major cities. You can't even compare.

As a matter of fact, I take exception. I think the crime rate in Haiti is very low. Now, there may be political violence which is higher than what we have here, but overall crime—although people don't go out at night—if you take the number of actual crimes compared to the crime in the cities of this Nation, in spite of the fact that we have 25 percent of the population of Haiti in prison in our jails, I am just looking at 4,800 policemen as compared to the 45,000 policemen in New York, and we are looking for miracles.

Second, it is difficult, as Mr. Conyers said, if Aristide is so popular and the Lavalas Party is so strong, why would you need to disrupt election processes that are going on? The ones, it would seem to me, that would want to be disruptive would be those who would like to derail the popularity of the majority. It would be the ones in the minority that would not want to see—the anti-Aristide people, it would seem, would be the ones who would have more to gain by disrupting a process which is moving forward.

So I am a little bit confused, too, that when an Aristide confidante is killed, that is possibly drug related, but if someone opposed to Aristide is killed, it is political, without a question, because Aristide's people will kill their opponents. But if an Aristide person gets killed, not that the opponents might have killed him, it is the fact that it must be some other reason.

So there is no question that there is a lot of prejudging or maybe prejudice that goes on on that level with many people seeming to have an anti-Haiti position.

Now, of course, I have 5 minutes to ask the question, but since I wasn't here for an opening statement, I thought I would roll that in. Let me just ask the panelists, I believe that—and we all agree that the election should be separate. I think Mr. Conyers indicated that everyone agrees that that is the way it should be. I just wonder and maybe those of you, Mr. Goss, and Senator DeWine, the process by which the elections were supposed to be held in December, with polling places having to be gotten, with candidates having to be certified, with election workers having to be trained—and I think the number is closer to 3 million photo ID's that were going to have to be taken in order to have the December election—I was just wondering if anyone feels that that election could have been—the election has been postponed—but does anyone believe that could have been pulled off?

I heard our U.S. Embassy say it could have been pulled off. I totally disagreed with that when I was there in September or October, because I couldn't see that all that would be done by December. I wonder if anybody there might have any views on the election, and whether that December 8th date was realistic, especially in light of the new photo ID business that was brought in—whether it would have been possible to have it take place. I wonder if Mr. Goss or the Senator, or Mr. Conyers could respond.

Mr. CONYERS. I just wanted to quickly observe that it was a noble and appropriate attempt for the December elections, that is, when it was scheduled. But on a CODEL—two CODEL's—that we were in, it became clear that there might be difficulty, and it would require a postponement. Now we have cleared the crisis of the absence of a prime minister, we are seeing progress. One of my CODEL's unanimously recommended postponing the elections to make sure that there was adequate time to have excellent preparation. Now, we are making sure that these preparations, including the measures intended to increase voter confidence and reduce fraud, are implemented. I think our country must show a strong commitment for these elections, and let me just say that our Ambassador is doing an excellent job. I would like to just put in a word for Ambassador Carney, who was able, while we were there, to bring OPL and Fanmi Lavalas together, and even the dissidents, for the first time. So, the U.S. was doing a great job in moving us out of this necessity to postpone the election.

Senator DEWINE. Congressman, I don't have the expertise to tell you whether, if carried out, that election would work from a technical point of view. I think at this point that is water over the dam for all of us, and certainly for Haiti. I think the important thing is that we push forward, and they push forward, and they have the will to have these elections. I think everybody I have heard today agrees with that.

Mr. GOSS. My view is that, technically, it could have happened, and I base that on the previous two elections that I was down there for. But I don't think there is a will to have an election in Haiti, among the people, that is sufficient. There is lack of confidence about their safety. There is lack of confidence among the people

who would run that their safety can be guaranteed to survive the election. There is some feeling by the voters that voting doesn't get you anything. I have talked to voters who say, why do we vote? We don't understand this democracy; it doesn't put food on the table. I think the status that—Mr. Payne—that you alluded to about people killing each other is part of what is off-putting the will. I think that there is motive for Aristide's forces wanting to disrupt the process. I think the motive of that is to delay the elections into one election later in the year. Aristide is already the de facto power in Haiti, as everybody knows. The question then of wrapping it up with the formality of an "election in one election" sometime next fall, when the presidential elections are called for, and the parliamentary elections, where a puppet parliament would be brought along with them, I think, is a scenario that is much discussed by people who know about Haiti.

Mr. PAYNE. My time has expired. First, I don't see what difference you are going to have in having two elections in one, Mr. Goss, if Aristide is the only name in town and whether it is eight elections, they are going to win all eight. So, to have them in one, I really don't think it is a prime mover. As a matter of fact, I would think that Aristide would want them separate, so people wouldn't think that he wanted to have them all at one time. But there is no question that I would be shocked if Aristide's party does not overwhelmingly win.

Second, I do want to disagree with you. The difference, Mr. Goss, between the election this time, in December, when we were there almost in October, and what happened when we were both there 4 or 5 years ago in the previous election, is that they weren't talking about taking 4 million pictures and having them put in nice little frames and have everybody there when they went to vote. The other election was just a fingerprint. Now you have to have your photo ID and the fingerprint too. That was the big difference. That is what Mr. Conyers alluded to. They didn't have the photo ID. I don't even know who came up with this great idea to go to Canada to get people to take pictures of 4 million people so they can vote. We don't even have photo ID mandatory in New Jersey for drivers licenses, as a matter of fact. But someone says, in our Embassy, we can do these 3 or 4 million pictures and have everybody ready in a month. It absolutely, in my opinion, would have been even difficult in New Jersey. We have 8 million people, too.

Mr. GOSS. If you want a response to that, Mr. Payne, I will tell you we use motor voter in Florida, and we have concerns there as well. The point, I would say, is I was there in 1990, and I have said publicly many times that I thought that election was an absolutely bona fide expression of the will of the people of Haiti. It was a very well done election. Now, it wasn't perfect in technical terms by the way everybody registered and so forth, but it was a clear expression for President Aristide's victory. I have said so. That was a democratic election. I think that was really the last truly democratic election in Haiti, and it may have been the first one. They did it without photos.

Chairman GILMAN. The gentleman's time has expired. Mr. Ballenger.

Mr. BALLENGER. Thank you, Mr. Chairman. I have a couple of questions. The first one is, Senator Graham was the only one of you that spoke out about the need for some economic stability to grow a real democracy there. I am specifically talking about CBI, which is either hung up between the House and the Senate, or somewhere, but it just appears to me that without some sort of economic stability, or the ability for the country to create jobs, the whole thing is going to fall apart, as a personal opinion.

I would like to ask that, but I would also like to throw out something that a group of Haitians gave me last week, just this suggestion. They said that the major difficulty that they felt the police had was that they were scared to take sides. As somebody said—I think one of our Members here said—that their numbers are so small that they are afraid to get involved, because they might end up being brutalized themselves.

The suggestion was—and I didn't even realize this existed—that there are substantial numbers of Haitian American police in this country today, in New York City and Chicago, in various and sundry areas like that, that they thought would be able to volunteer to go down—maybe there would be 300, 500, whatever it is, to go down—and the addition of trained policemen who have lived in a democracy would put backbone into the Haitian police. First, I would like to ask the question about CBI, and the second one, is that second suggestion even practical?

Senator DEWINE. Let me start if I could, Congressman Ballenger, with your second point. One of the success stories that I have seen in Haiti is the U.N. CIVPOL that contains a number of Haitian-born U.S. citizens, big city cops, who are working down there on a contract basis, who care about Haiti, who have a background from Haiti, many times have relatives in Haiti. They are down there with a very specific purpose and role of training of Haitian police, and really training the trainers. They are actually mentors. That has been, I think, very successful.

I think it is important for us to try to do what we can to see that that program continues. I am concerned that it may not be continuing. So it goes right along with your points. We have resources in this country—in most of our major cities we have Haitians who are policemen who are very good and very talented, and many of whom have been willing to go down to Haiti on a limited basis. I think we need to keep that going.

The second point you made on the economy of Haiti, a lot of things have to happen before we get the investment that we need to see in Haiti. The assembly industry that we used to see in Haiti in the time period when baseballs were assembled there—all kinds of products came out of the assemblies—is back up, but it is certainly not near what it was before the embargo. That is something that is—the plants are still there, the buildings are still there, the Haitians are still there—but I think that the instability in the country is keeping some companies from making a decision that they want to go back and relocate back into Haiti.

The fact that the port is the most expensive port in the hemisphere is a real problem. You have experienced that yourself, and I have, when we try to get humanitarian shipments through that port. I had a situation just a week ago, we were working to get

some humanitarian things through the port and it just boggles the mind the red tape you have to go through, and all the problems you have to get it through the port.

Privatization needs to continue. There are eight or nine government-owned industries that, frankly, need to be privatized. They have made some progress on that—flour, cement—but they need to go further. There are just so many things to talk about when you talk about the economy. But clearly what we have to have, what Haiti has to see, is investment. Foreign money has to come in there to invest in Haiti.

The other thing that I mentioned in my prepared statement was agriculture. One of the biggest problems Haiti has today is how many people are leaving the countryside and going to one of the major cities. It is not just Port-au-Prince; it is several other major cities. They are coming in there, they have no way of making a living, they have no way of eating. So we have to, I think, encourage them; and we have the technical expertise at USAID and through the American universities, we have that expertise to help them not only develop their own agriculture, but many times the most important thing is to market their own agriculture so they don't have to go through the families that have control and the choke-points that have been there in Haiti, so they have their own cooperatives, principles we see in the United States in agriculture, and developed in the beginning of this century.

So there are a lot of things that can be done. But part of the problem is the feeling by people that there is that political unrest, the stability is not yet there in Haiti. I think having elections and getting a government that really does function will go a long way to restoring people's confidence.

Mr. BALLENGER. Before I pass that onto Mr. Goss, let me just say one thing. If you are a businessman and you are thinking of investing somewhere, would you put your money in any place that automatically says you are going to be less competitive than the Mexicans? That is the reason I throw the CBI out there.

Senator DEWINE. I totally agree with you, Congressman. We need to do it. We need to pass it, we need to get it done.

Mr. BALLENGER. Porter.

Mr. GOSS. Thank you. I certainly agree with Senator DeWine on the CBI issue. We have been working on it for a long time, and it matters a great deal in my part of the world. But the issue you raise about the economy is clearly true. We have to have the economy. But it is very hard to get anybody to invest because of the unusually high risk involved, the great amount of corruption, and the lack of guarantees.

In fact, I was told by one American businessman—and this is a little bit anecdotal, but it nevertheless is the atmosphere—they would like to have reopened the business that they had previously in Haiti, before the embargo went on, and they could not get a bank loan from the bank because the bank said that the bank examiner would not allow an unsecured loan in Haiti because it is too risky. That is the kind of problem that small American businessmen are having there. It obviously is a huge damper on investment.

I agree with you on the economy. The problem with all of this—and going to your second idea—I think it is a great idea. But it is only a great idea if Haitians in Haiti want to have that happen, want to invite those people in to provide the stability. Because, for every time one group in Haiti gets a good idea, another group decides to derail it. The problem remains among Haitians in Haiti. We haven't learned the concept of opposition. We haven't learned the concept of middle class.

We have got a huge group of non-elite and a small group of elite, and the power shifts back and forth in different areas; but the fact of the matter is the great mass of the country at this point is in economic depravity that probably doesn't exist anywhere else in this hemisphere, if in the world, it is so bad. It is an absolute outrage this can be, when there is so much opportunity. But unless the Haitians who have the capacity to lead in Haiti are willing to lead, and these decisions are made in Haiti, all the good will, good intentions, and good aid we can throw at them will come to naught. That is what we have seen, regrettably, in the past couple hundred years.

Chairman GILMAN. The gentleman's time has expired. Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman. I have enjoyed the testimony from everybody this morning. It has been very informative. I hope Senator DeWine comes back because I think many of the points he makes are really on the mark. I do agree that, for many reasons, it is important for the United States to insist on two elections. I think if that occurs, it will hopefully alleviate some of the concerns expressed by Mr. Goss and those who share his perspective. I would also observe the comments by Mr. Conyers in terms of his conversations with the former President making a commitment to that particular premise, that particular reality. Now we shall see. Now we shall see, Mr. Goss.

Earlier you mentioned the incidents, and you've reached a conclusion that they were at least instigated, if not encouraged, by members of the Fanmi Lavalas. Again, Mr. Conyers submits to us a press statement to indicate that, in fact, the Fanmi Lavalas condemned publicly this conduct of the actions of those who claim to be followers of President Aristide. I certainly don't know what happened. I wasn't there. I have some reservations about the reliability of the information that we receive from Haiti.

But I would also point out, I think it was just this week, that there was another incident where militants who claimed to be Aristide supporters attacked a speaker at a political rally from members of the ESPASE Coalition. We had some good news. The Haitian National Police actually intervened and effected an arrest of one of the militants. I would be interested if we could develop some intelligence as to the whereabouts of that particular so-called militant, and what his perspective and motives may be. I find it, maybe because of my naivete, just simply hard to accept the fact that all those claiming to be followers of Aristide are foolish enough to be proclaiming it. As my friend from New Jersey, Mr. Payne, indicated, it really doesn't make a lot of sense; but then again you know Haiti. It is tough to read the tea leaves, isn't it, Mr. Goss?

Mr. GOSS. It is very tough.

Mr. DELAHUNT. I just wanted to point that out. But you were there in 1990. I think it is really important that we speak to this issue in terms of the context of where we were in Haiti. I mean Senator DeWine made some very good points about the good news and the bad news. I think, realistically, he is pretty much on the mark. But the violence that occurred during the coup years, from 1991 to 1994, clearly exceeded anything that we see today in Haiti in terms of systematic political violence. Would you agree with me, Mr. Goss?

Mr. GOSS. I would say that, measure for measure, the capacity for brutality hasn't changed, the number of incidents have changed. The trend line is to more incidents rather than less at a time when it should be the other way around. But in measuring the absent quantity, there is no question that there were more knocks on the door at night and people disappearing under the tension of the Cedras—it was the military government, and the Aristide government at that particular moment.

Mr. DELAHUNT. It is my understanding that during the coup years there was in excess of 4,000 political assassinations that occurred. I mean, in terms of magnitude and scale, that is—that does not exist today.

Mr. GOSS. There is no question that there was a spike period at that time, as there had been other spike periods in the history of Haiti. What I think we are all concerned about is that we are heading toward more authoritarianism and another spike period where the stabilizing factors that we started out, with good intent, will be captured by an authoritarian arm, and we will have the new Tonton Macoute. I think that, as the people who watch the cycle in Haiti say, here we go again.

Mr. DELAHUNT. It certainly isn't to that degree of magnitude, and I agree we should be vigilant on that. I think the point you make, in terms of vigilance, is a very valid one. We agree on that.

But at the time—as you said you were in Haiti back in the 1980's and this goes to the credibility of the information we all receive from Haiti—did we have intelligence at that point in time that there was going to be a coup overthrowing the former President?

Mr. GOSS. I simply am not aware of any, but I would not have been at that particular station of my life.

Mr. DELAHUNT. Just given your own familiarity with the situation, how could our intelligence community have blown that one back in 1990 and 1991?

Mr. GOSS. I am not sure that there was any mistake by the intelligence community. What I am not sure of is whether the policy people in the executive branch did anything with the information that was available. I just have no knowledge of exactly what was available or how the policy people treated it. We often, in my experience in the intelligence community, and this goes back a lot of years, provide information that says there is an 80 percent, or whatever percent chance that there is going to be a coup by such and such a time. Now that is—

Mr. DELAHUNT. So we really don't know what happened back in 1991, as far as the intelligence community or as far as what the then—Administration, the then—Bush Administration did to in any way deal with the information.

Mr. GOSS. I personally do not know. I am happy to try and get the information.

Mr. DELAHUNT. I think it is important. Because I think a lot of what occurred back there we have to remember—I know you will agree with this—it was during the coup years that this economy, which was fragile to begin with, really went into the hopper. It went down 30 percent in terms of the GDP. So we are starting in 1995, 1996, with total devastation. I mean, those generals that were running the show back then, from 1991 to 1994, created a situation where there was a negative decline in GDP by 30 percent.

Senator DeWine talks about the economy that has stagnated, and for all intents and purposes it has. The World Bank shows that it has grown by 2, 3, or 4 percent; but I would suggest those numbers are significant. But really what has happened is that we have had a real problem based upon what happened in the early part of this decade in terms of moving Haiti forward. I yield back.

Chairman GILMAN. The gentleman's time has expired. Mr. Hastings.

Mr. HASTINGS. Mr. Chairman, thank you very much. Mr. Chairman, as you well know, on this Committee I have tried to offer creative suggestions. As I sit here and I listen to our colleagues, who have made brilliant presentations, and I hear all of us, I think as I look in this audience and I know several of the members in the audience, there are about 20 people in the audience that know a hell of a lot more about Haiti than any of us do. I know in the future, one thing that we might be able to do, while we can't open up our hearings to the public, so to speak, we might invite them to submit one-page statements or something, which any of us that were interested could look at.

That said, I regret very much that Senator DeWine had to leave. I understand his leaving, but he made several provocative statements in my view, one being that Haiti is not a strategic interest of the United States, now, or in the future. I would urge him to understand that it was at one point in the past, and evidently, with the significant number of Haitian nationals living in the United States, it is likely to be again in the future. But I will quarrel with him ideologically when he and I have an opportunity to get together.

Let me ask you, Mr. Delahunt, Mr. Chairman, and Mr. Conyers or Mr. Goss, tell me what is magical about two elections? I don't understand that. While I have agreed and I have supported the two elections, I don't know the magic in it. If there—and especially in light of your statement, Mr. Goss, that Haiti, being a sovereign nation, is in control of their own destiny. If they want to have one election, what is the problem?

Mr. GOSS. In my view, Haiti should be in control of its own destiny. What we are talking about here is what is the interest for the U.S. taxpayer and the United States of America in this Haiti. I think we naturally put out our hand in a gesture to a friendly, neighborly country, trying to be of assistance, in good will, without interfering in their sovereign decisions. They can take their own actions, and they accept the consequences of their actions.

Mr. HASTINGS. What is our leverage to accomplish that, aside from just saying something?

Mr. GOSS. To accomplish what?

Mr. HASTINGS. To accomplish two elections, for example, since that is what all of us seem to agree that they should have. Do we have any leverage to cause that to happen?

Mr. GOSS. Yes. We have expertise, financial support, and good will. I think we can do it in a way that would assure them that we are not interested in interfering with their sovereignty; we are only interested if they are interested in proceeding on the path of democracy and helping them go down that path. That is our leverage. They know that we are here. If they want it, it is available. If they don't want it, we shouldn't jam it down their throats.

Mr. CONYERS. Mr. Hastings, the very famous Delatore brothers, Lionel Delatore and his brother Leslie Delatore, who regularly visit us—probably well known here on the Hill, hardly a few months go by with business delegations—they have urged upon me that we support the notion of two elections. It was for that reason that I urged it upon President Preval and former-President Aristide, and they all agreed. So in a way, there seems to be a unanimity that there can be no political name calling or attributing motives insincere if they were collapsed into one. But I think, and I hope and pray, that we are past that.

Mr. HASTINGS. I, for one, just don't see any particular magic in it or, particularly as it pertains to the fact that they have had elections that were—even if you take Mr. Goss' statement, at least one that was for all intents and purposes fair and transparent, I see no reason why they could not hold another at either March or December or whenever there may be an election.

I want to move or respond, since there is a record, to Senator DeWine's other view about how foreign investment has to go into Haiti. One thing that needed to go into Haiti immediately following the military operation that was successful there in 1994, was the promises of donor countries who indicated that they were going to do things, the United States included, that they did not do.

Now we come to an election, and the one organization that has conducted itself admirably, MICIVIH, is one of the few that is now without funds to carry on under the banner of the United Nations. I would be curious to understand how we bring it to that. But regarding foreign investment and privatization, one of the reasons private investors go into the areas is because of cheap labor and industrious people. If there is any cheaper labor anywhere in the hemisphere and any more industrious people than Haitian people, then I would like to see them step forward. If it is because of the unstable government, then I am curious why we take oil out of Nigeria, Iraq, Kazakhstan, do business in Indonesia and Russia, if instability is the barometer. So I am not so sure, again, I will quarrel with Senator DeWine when I have an opportunity to get with him.

But let me ask you, Mr. Goss, what will we do if, according to our views there should be two elections, and if there are not two elections, what then should America do about Haiti, since Haiti ain't going to go away?

Mr. GOSS. The question of our foreign policy to Haiti or to any other country is obviously for the administrative branch to deal with. My view is that we should continuously try and recognize the fact that we have a very good Haitian-American association. We

have the opportunity for business, and we should continuously try and encourage that and make that known. But we are not going to be able to overcome the tragic flaw that exists in Haiti, which is that a bunch of leaders down there, for the past couple hundred of years, have been looking out more for themselves than they are for the people. You can't have a democracy under those ground rules. I hope we can identify those leaders and bring them along and say look, it is to everybody's advantage to go toward democracy rather than to keep going back to this authoritarian idea where you take revenge on the guy who was trying to take a piece out of your hide last week. We do it pretty well in this country. Sometimes people say we squabble too much up here, but I think that is the lesson we have to share.

Mr. HASTINGS. John.

Mr. CONYERS. I am optimistic. When you say 200 years, that was 200 years without a democratic system. That was the problem. The problem was resolved successfully, thanks to U.S. help, by the election of the first democratic President in 200 years there, with Jean-Bertrand Aristide. What we are trying to do now is continue that, and I think that it can be done. I think that we have a two-election agreement. The economics and the—you referred to some very important parts of it. We have got 3 percent economic growth. From a country that came from the ashes, 3 percent is maybe not much in a Western situation, but there it is great.

We have got new agricultural projects with bananas. We now have from zero factory employment to 40,000 factory workers. The USAID program for microenterprise loans is being undertaken by a major Haitian bank. They are checking out cruise lines. They are getting ready to put \$12 million into a cruise line. These don't demand headlines, but this is the way that you slowly build up, and I see it happening. I don't think this is sheer optimism, both in their politics and their economy.

Mr. HASTINGS. Thank you, Mr. Chairman.

Chairman GILMAN. Mr. Ackerman.

Mr. ACKERMAN. I would like to yield to Mr. Delahunt.

Mr. DELAHUNT. I just have one question. I would ask both Mr. Conyers and Mr. Goss their position in terms of the Administration's refusal to release the so-called FRAPH documents. Do you have an opinion on that, Mr. Goss?

Mr. GOSS. I will let the Administration speak for itself.

Mr. DELAHUNT. You don't have an opinion on that.

Mr. GOSS. I have an opinion about a lot of things about this Administration. I share them publicly. But I think that the problem I have with the Administration is they have not been realistic, and they have tried to steer a picture of Haiti which is not an accurate picture of Haiti as it is today.

Mr. DELAHUNT. But you don't have a position on whether we have an obligation to release to the Haitian government, allegedly—and you use that word “allegedly”—160,000 pages of documents and video tapes, some allegedly involving torture, et cetera, during the coup years?

Mr. GOSS. I would suggest, on that subject, that we have an Administration that handles those matters on a case-by-case basis. We have several such countries around the world where there are

requests for documents. I think the handling of those documents carefully and fairly should be left to the Administration. If there is a problem in our oversight of that, then I think we should jump in. But right now, I am not aware of a problem.

Mr. CONYERS. Mr. Delahunt, this has been a very sensitive point. Our U.S. military confiscated documents when we entered into Haiti that now have been redacted so much it is hard for me to figure out what utility they may have. But for us to say we are not going to turn them over to the democratic government because we are sensitive that it may involve some of our intelligence operations with the Cedras Junta is really a rather bald violation of the respect that nations should have for one another. It is in the past, but I think that if they were revealed it would make everyone feel a lot better; and if it embarrasses the U.S. a little bit, I don't see where that is going to turn our status in the world into something different.

If we keep saying we are trying to recognize them as a nation like us in the Western Hemisphere, we really should turn those over. It has now become a sore point that is not going to go away. So I know their demonstrations, their requests, their petitions; and yet we still have a kind of stonewalling that makes other people tend to argue that we create world agreements that are for everybody else but not for us, when they are inconvenient or potentially embarrassing.

Chairman GILMAN. Would the gentleman yield on that? My staff informs me that the bulk of these documents are available to the Haitian government at the present time. I thank the gentleman for yielding. Mr. Ackerman.

Mr. ACKERMAN. I thank the panel. I look forward to hearing the next panel. I yield back.

Chairman GILMAN. I want to thank our panelists and their indulgence in our time factor. We thank you for your testimony.

Mr. CONYERS. Thank you for holding these hearings.

Chairman GILMAN. We now proceed to our final panelist, Ambassador Peter Romero, the Acting Assistant Secretary for Western Hemisphere Affairs. We welcome Ambassador Romero. Ambassador Romero, you may put your full statement in the record and summarize. Without objection, your full statement will be accepted in the record.

STATEMENT OF AMBASSADOR PETER ROMERO, ACTING ASSISTANT SECRETARY FOR WESTERN HEMISPHERE AFFAIRS, DEPARTMENT OF STATE

Mr. ROMERO. Thank you, Mr. Chairman. I had a statement the size of a small town telephone book, but I think I will forego that, with your indulgence please, and just make a few comments, if I might.

Chairman GILMAN. The full statement will be made a part of the record. Please summarize.

Mr. ROMERO. September marked the 5th-year anniversary of U.N.-sanctioned military intervention that restored elected government to Haiti. Had we and the international community failed to act, Haiti's nightmarish repression would have continued, along with flotillas of fleeing refugees. While deep-seated problems re-

main, and progress is less than we had hoped or Haitians had reason to expect, the reality is that Haiti has experienced the longest period of democratic government in its history.

Human rights problems continue to be a serious concern. The kind of political violence of the de facto military regime or the Duvalier era has ended. The roughly 380 extra judicial and suspicious killings in the first 8 months of 1994 stand in stark contrast to 38 reported police killings in 1998. However, no police killings are acceptable; they are diminished substantially. Haitians today enjoy an unprecedented level of freedom of expression and press, and a range of political parties and civil society groups operate openly.

The United States' goals in Haiti remain unchanged: To help Haitians reverse the conditions that for nearly two centuries have mired the Haitian people in poverty and impeded the development of democracy. To succeed, our policy needs bipartisan support. Only with such a consensus can we work effectively with the Haitian authorities and people to meet the manifold and intractable challenges to reaching our common goals. We seek to modernize the Haitian state in all its aspects, construct a nation rooted in the rule of law, and create a foundation for sustained economic growth.

At the request of Haitian authorities, we and our international partners have diligently worked together and bilaterally to help build a professional and apolitical Haitian National Police.

Some of our efforts in this regard were inhibited this year by the effective closure, due to lack of funds, of the OAS component of the UN/OAS International Civilian Mission in Haiti, or MICIVIH, that has successfully served as the eyes and ears of the international community in both monitoring and reporting on police abuse and other human rights violations. We are currently working with the U.N. and other bilateral donors to ensure the continuation of U.N. police and human rights assistance after the November 30th termination of the current mandate for the U.N. International Civilian Police Mission in Haiti, MIPONUH, and the December 31st termination of the MICIVIH mandate.

Continued international engagement is essential to help train and mentor new police recruits, address continued management problems among the middle ranks of the HNP, and promote the strengthening of Haitian institutions in civil society to ensure improved respect for human rights.

The HNP faces a number of challenges, including a distinct rise in attrition among the ranks, and an apparent increase in incidents of human rights abuse and corruption. We are very concerned about physical attacks in the past month on senior police leadership that have weakened police moral and pose a serious threat to police neutrality. We continue to press for a full investigation of the attacks, and have made clear to Haiti's leaders that U.S. law enforcement assistance requires their continued deep commitment to an apolitical security force.

The U.S. and international community are assisting Haiti in preparing for elections scheduled for March 19, 2000, to restore fully the parliament and independent local governments that lapsed on January 11th of this year. Despite some organizational difficulties, the Provisional Electoral Council (CEP) continues to operate in a

credible manner, and remains acceptable to a wide range of political parties. We are very concerned about the October 24th violent disruption by self-professed supporters of former-President Aristide at a CEP rally inaugurating the voter education campaign. This directed attack was against grass-roots political organizations, something very vital to the process.

The government of Haiti cannot let actions by a band of thugs deter Haitians from advancing civil society and voter education. In addition to possible steps in a bilateral context, we are urging the political parties participating in elections to sign and abide by a nonviolence pact presently being developed by the CEP. We are also urging the CEP and HNP to improve coordination and communication to prevent a replay of the October 24th incident.

Finally, Mr. Chairman, Haiti remains by far the poorest country in this hemisphere, and with one of the most violent and politically repressive histories. Without U.S. and international assistance in 1994, Haiti would have remained under brutal dictatorship. Without continued international help, there is a real danger Haiti will slip backward. We cannot retreat from our responsibility to advance prospects for democracy in Haiti. We must remain engaged in helping Haitians achieve their goals of strengthening democratic institutions and sustainable economic growth.

Mr. Chairman, Members of the Committee, I hope that we can continue to rely on the bipartisan support from Congress that we continue to enjoy in this effort. Thank you very much.

[The prepared statement of Mr. Romero appears in the appendix.]

Chairman GILMAN. Thank you, Secretary Romero. I will try to be brief. Ambassador Carney's good strong statement on the police suggests that someone, or some group, is seeking to politicize and seize control of the leadership of the HNP against the interests of the United States. Who exactly is involved with this? How should we propose to counter their efforts?

Mr. ROMERO. Mr. Chairman, we have heard that through the years that various people would like to politicize the police to get them to indulge in one particular political view or another. We have just recently heard that the government is considering establishing an informal group to advise the President on the police. We just heard that a couple of days ago.

Chairman GILMAN. Secretary Romero, we were informed that President Preval told a recent visiting Canadian delegation that the elections will not be held in March. What is your assessment?

Mr. ROMERO. Through the last several months, President Preval has not been certain that elections can be held on time. Of course, they have slipped from December to March 19th now, with the second round scheduled for the end of April. But let me just say there were some issues related to why have two elections; and Congressman Conyers and Congressman Hastings and Congressman Payne talked about that. I think it is absolutely vital, in the Haiti context, that small, grass-roots political parties can organize themselves around an event, field candidates, have the security of knowing that they can engage in political activity without reprisals—the single most important catalyst for democratic development. Certainly the small parties are no match for the Fanmi Lavalas, the

largest most established party, but they need to have the experience of being able to contest elections at the grass-roots level. I think the two elections are absolutely critical to Haiti's democratic development.

Chairman GILMAN. Secretary Romero, the Committee received an affidavit from a member of the Haitian National Police stating that witnesses to the killing of Mr. Jean Eddy Lamy saw a police car with a license plate 302 on it at the scene of the crime. According to that affidavit, fingerprints recovered from the police car belonged to a mechanic who was hired by the police on a recommendation of Danny Toussaint. Have you received that kind of information?

Mr. ROMERO. Mr. Chairman, this is the first we are hearing of this, but I would be happy to look into it.

Chairman GILMAN. I wish you would, and we will be pleased to supply the affidavit to you.

The last question. At our December 1997 Haiti hearing, Mr. Hamilton, our Ranking Democratic Member at the time, asked Ambassador David Greenlee for his frank appraisal of Mr. Aristide, and I recall Ambassador Greenlee was reluctant to answer his questions, permit me now to pose to you this question with the same request for your frank assessment: From an American national-interest standpoint, is Mr. Aristide, at this point, being helpful or unhelpful?

Mr. ROMERO. Thank you, Mr. Chairman, for saving that question for me. I think that—

Chairman GILMAN. You are welcome.

Mr. ROMERO. I think that we Americans are people who are concerned more with deeds than words, and I think that Mr. Aristide—ex-President Aristide, has an opportunity to demonstrate his democratic vocation, and that is through his signature as the leader of the Party Fanmi Lavalas on a document that the CEP is drafting up right now, that is, essentially the rules of the game, the decorum, a nonviolence pact, if you will, among and between political parties in terms of these elections. Ex-President Aristide has an opportunity to sign that. I think that one of the major issues related to these elections is the security surrounding them, particularly for candidates, and if he signs them, that will, I think, go a long way in convincing us that he would be a democratic president.

Chairman GILMAN. Secretary Romero, what is the most important thing that we should be doing to help in the forthcoming elections?

Mr. ROMERO. Mr. Chairman, I think we need to keep the course, or stay the course. I think that the progress is being made with CEP preparations, and in a positive, fluid way. Certainly, members of the CEP have had experience on previous electoral tribunals. They remain widely acceptable to all the political parties and non-governmental organizations and civil society. They have begun to branch out regional and municipal offices in terms of preparations—certainly the electoral card is one of those manifestations of their organization—and we believe strongly that they can get it done with good leadership and the experience that they have on that panel.

Chairman GILMAN. Just one last question, Mr. Secretary. The attack on the head of the Judiciary Police, Mario Andersol, reported in the Haitian press was very disquieting. In addition, Police Director General, Pierre Denize, reportedly was forced to leave Jean Lamy's funeral. Are key members of the police still being harassed and intimidated, and if so, what is the source and purpose of that kind of harassment and intimidation?

Mr. ROMERO. Mr. Chairman, I went down to Haiti back in May specifically for the purpose of trying to talk to people about harassment and intimidation of the police. I have to tell you that I was not able, I was not successful. But neither has the virtual parade of Administration folks and Members of both houses of Congress on that same issue. It is hard to figure out where this stuff is coming from. Haiti is not easy when it comes to getting to the bottom of things.

But there were a couple of statements made by Congressmen Conyers and Payne earlier regarding what motive the Lavalas Party would have to try to disrupt the elections since ex-President Aristide basically is the strongest person, at least, going into the elections later in the year 2000. I guess my answer to that would be, in the hypothetical, that ex-President Aristide leads the strongest party in Haiti. That party basically enjoys, or has contested elections with a turnout of about 5 to 10 percent.

If we are talking about the types of grass-roots efforts that happened back in May with the Chamber of Commerce, which tried to occur at the end of October, in terms of getting out the vote and voter education and that sort of thing, then there would be a whole lot more voters out casting their ballots when it came to March 19th or the second round at the end of April. Perhaps there are those in the party that don't want that kind of uncertainty of a bigger voter turnout.

Chairman GILMAN. Thank you, Secretary Romero. Mr. Payne?

Mr. PAYNE. Thank you. Once again, with the small group of U.S. military there, talking to some Haitian business people and American business people on our last trip, there was a desire, of course, to have this small contingent there. Of course, I think the Congress voted that they should leave. The MICIVIH, how do you see them being there? What sort of positiveness is done, if any? What do you think, or won't it make any difference whether there is only a handful of them? When I was there, they had a big softball game going on so I don't guess there are necessarily very key decisions being made there. But the fact that they are there, some people felt there was kind of a reassuring thing. What do you think about them coming out or staying there?

Mr. ROMERO. We lost about half of the contingent of MICIVIH that is there to promote respect for human rights and monitor the progress. We lost about half of them, about 40, when we lost funding several months ago. The other 40, approximately, are there. I think that we are scheduled to lose the police monitoring entity by the end of November, this month, approximately about 300 of them. Hopefully, we will be able to at least keep a semblance of a presence in Haiti. I think it is very, very important that there be an international presence. I think that in terms of the reconstruction of police force, democratic institutions at large, we are

still at a very fragile period, and an international presence is indispensable for being able to enable those institutions to strike and to move on under their own weight.

Mr. PAYNE. I have a question. I am trying to get a picture. There are a number of people who of course have been opposed to Haiti, opposed to the intervention of the U.S. military, have decided that Haiti is a failure even before Aristide was restored, just some HH'ers I call them, Haters of Haiti. Now, we look at the fact that people say that Aristide's people are intending to control the police. They seem to somehow be leaning toward him. On the other hand, 38 policemen have been killed; and Aristide is supposed to be—anything that happens bad, Aristide does it. So you know, I kind of get confused when these theories—they are all theories that come out, the police they think are supportive of Aristide, and they should be independent, and then if an election comes up and the police are favorable to Aristide that is bad.

On the other hand, 38 policemen have been killed. Of course Aristide's people wouldn't kill their friends. You see, there is a lot of disconnect. You say Jean Lamy was killed. When anyone opposed to Aristide is killed—I am not defending—I have been down there about a dozen times in the last 7 or 8 years, but it is clearly, and this—and this is around the House of Representatives—the HH'ers—Aristide did it. On the other hand, when an Aristide person is killed, it has got to be drug related.

It appears that there is just a continuing case built up against Aristide that anything wrong is done by him; anything that may be going in the right direction, he is opposed to. I just wondered, is that the general feeling around? Because like I said, I get confused. There have been some people like the FRAPH who are not choir boys. I am sure that some of them are still around. They were not necessarily pro-Aristide, even the Tonton Macoutes back in the old regime. So I guess my point is that there seems to be enough tough people to go around for everyone, but the conclusion is always that if it is wrong or bad or conspiracy against progress, it is Aristide, no one else. Can you—have you seen that, or maybe, it is just I have gotten a one-sided picture, or could you kind of sort it out for me a little bit since that is your job?

Mr. ROMERO. I wish I could sort it out better for you, Congressman Payne. I think there is just—there is probably a whole lot more that we don't know when you talk about violence and political assassination in Haiti than what we know. But I think there are a couple of givens here. One is that President Preval could exercise a great deal of leadership in showcasing and reinforcing the public dimension of support for the police. I think there is a lot to be done that has not been done.

Hopefully, with Bob Manuel's departure and the somewhat antagonistic relationship between the President and Bob Manuel, the President can come forth, Vice President can come forth, and demonstrate their very strong support for an apolitical police force, effective police force in Haiti. I think the other part of the equation too is certainly the Lavalas folks do not have a premium on violence in Haiti. But I do think that ex-President Aristide has an opportunity to take a big bite out of the violence by this nonaggression pact that will be on the table shortly and that I hope he signs.

Mr. PAYNE. Thank you.

Chairman GILMAN. Thank you, Mr. Payne. Mr. Delahunt.

Mr. DELAHUNT. Thank you. Along those lines of confusion—and I think it is really important that we are clear that the information that we receive from Haiti is vague and nebulous at best.

Mr. ROMERO. Clear.

Mr. DELAHUNT. There are some who would suggest, as Mr. Payne just articulated very well, that everything bad is the responsibility of ex-President Aristide, and that anything good is clearly just mere happenstance. Now, I don't know, and I don't think that you know, Secretary Romero; but I do agree that the former-President does have an opportunity to exercise some leadership here. He clearly is well respected by a majority of the Haitian people. I think it was Mr. Goss who indicated that his election in 1990 was a valid election. He secured, I think it was 67 percent of the vote at that point in time.

I take this opportunity to—and I mean this sincerely, through you to the Haitian government, to whatever contacts we might have with the former-President—I think it is important for him to sign this particular nonaggression pact, if you will. Because I think it is a statement, and I think, given his stature in Haitian society, it is important. I think many friends of the former-President have indicated some disappointment in his lack of clarity on this issue, and I would put myself in that particular category.

The former-President had an opportunity to put himself in a position in terms of Haitian history, which has been a very sad history—over 200 years of brutality—to really accomplish what President Mandela has done in South Africa. I think we are at a very critical juncture here in terms of where Haitian society goes or where this country goes. I think the reality is there is an opportunity here for the former-President to achieve a role in his nation's history that is clearly dramatic in terms of bringing it to and nurturing a nation's democracy that you mentioned.

I just give you that opinion to transfer it. Maybe I will have an opportunity to convey it myself. But it is such a bad mistake to completely reach conclusions about incidents. I am aware of two or three different incidents.

Let's put this in context. Would you agree the most recent incident, which was November 6th, the police did intervene and made an arrest? There haven't been any political assassinations that I am aware of in the past several months that are conclusively determined to be political assassinations. We are making some progress. It is not what I would like to see; it is not what anybody would like to see, but we have got to understand the reality of Haiti at this point in time.

You know that I opposed, on the Floor, the amendment that reduced the funding, or rather I have opposed the reduced funding for MICIVIH. I would encourage the Administration, given the tenuous nature of the next 4 or 5 months, to reopen negotiations with the appropriate Members of Congress to see whether, on an emergency basis, that we could not just simply restore that funding, but to increase it, at least for a period of time.

Many allegations have been made about the police. What we have done is we have reduced the funding for that agency which

provided a mechanism to inform the world about the conduct of the police. It is just counterintuitive. It just doesn't make any sense. It is not a lot of money. If we talk about democracy and we talk about our concern about the police, this is probably the most opportune time we will ever have. So I would make that request through you to the appropriate officials in the Administration to reopen discussions with those to see that if, not only can we restore the funds, but to raise them to a level so that we can hopefully assist in assuring the integrity of the elections on March 19th.

Chairman GILMAN. Thank you, Mr. Delahunt. Mr. Ackerman.

Mr. ACKERMAN. Thank you, Mr. Chairman. Mr. Secretary, could you tell us how much electoral assistance in dollars we now provide to Haiti.

Mr. ROMERO. Congressman Ackerman, I think what we are talking about is approximately \$16 million for the conduct of, to the work up and then the actual elections, and counting two rounds, and approximately \$2 million of that would be earmarked for the police, equipment, other kinds of things related to security, including renting two helicopters.

Mr. ACKERMAN. Is that, in your judgment, sufficient so that we could guarantee fair and free elections?

Mr. ROMERO. I think the sum is sufficient, Congressman Ackerman. I think what is deficient is the amount of policemen on the ground in Haiti, and when you are talking about approximately 5,500 policemen, more or less, you are talking about the ability to put probably about 4,000 cops in the various voting precincts, various voting centers, of which there will be about 13. Certainly the cops will be sent to those places where one would expect to have some potential for disruption. But you begin to see the magnitude of the differences between what law enforcement has at its disposal and the elections themselves.

Mr. ACKERMAN. So the number of police are insufficient?

Mr. ROMERO. Absolutely.

Mr. ACKERMAN. Is there a way that we can help with that?

Mr. ROMERO. Yes. But over the short term there really is no easy fix.

Mr. ACKERMAN. Is that a function of dollars or policy?

Mr. ROMERO. It is a function of absorption. It is a function of the attrition rate of the police whereby the long hours, 12 hour days, 6 days a week, the relatively low pay compared to other places in the economy is causing an attrition rate that is equal to, and I think may even begin surpassing, the intake rate.

Mr. ACKERMAN. If people leave the police force, where are they going?

Mr. ROMERO. There are just all kind of jobs, as security guards and other kinds of things in the economy.

Mr. ACKERMAN. So security guards are paying more than police?

Mr. ROMERO. Apparently.

Mr. ACKERMAN. In 1995, Aristide reneged on his commitment that he had made to privatize many government enterprises. International assistance basically came to not a grinding stop, but it was reduced enormously. If he were to be elected again, what do you think his approach to economic reforms would be?

Mr. ROMERO. It would be hard to say, Congressman Ackerman. I think there is at least a rhetorical commitment to economic reform, to include privatization. But ex-President Aristide has mentioned his intention to talk about the issue of reform and privatization in the context of a national dialogue, and I think it still remains to be seen whether that would mean an acceleration of the process or a further paralysis of the privatization process.

Mr. ACKERMAN. Thank you. The Congress has basically prohibited DOD from maintaining a continued presence there beyond the end of May of this coming year. In view of the political violence and the impending elections, problems in the police that you have cited, many believe that a U.S. presence should continue there. What would your response be to that, and what do you think the effect would be if we removed the U.S. troops?

Mr. ROMERO. Congressman, I think, without the slightest bit of hyperbole, that the U.S. military presence there has had a very important symbolic value, and that is that we care, we are engaged as a people, and that essentially we are behind those Haitian democrats who want to move ahead on a democratic agenda. But by far, the more important entity on the ground, in terms of law and order, is obviously the Haitian police and also the international organizations that we have established with the Haitians to advance human rights practices and monitoring the police. Those institutions will face essentially an end to funding by the end of November, and the end of December, respectively. We are hoping to stand up another organization that will fold all of these functions into one, and hopefully would be sufficient enough. But that is really where the support must come.

Mr. ACKERMAN. You have come back to the police on a couple of these questions now. Do we have a specific program or a policy? Have we engaged them in discussions on raising the salaries of police to help reverse that rate of attrition?

Mr. ROMERO. I am not so sure we have had a recent discussion on salaries, but we have had repeated discussions on issues related to supporting, publicly supporting, the police, enhancing their stature, enhancing their morale. I worked in El Salvador as a Chief of Mission in 1992 and 1993. We created a 10,000 man police force from nothing, and it was only because of the strong leadership of then President Freddie Cristiani that that was able to be done. I don't see that strong leadership as it relates to the police, at least not yet.

Mr. ACKERMAN. Thank you. I yield back my time, Mr. Chairman.

Chairman GILMAN. Thank you, Mr. Ackerman. One last question before you leave, Mr. Secretary. The list of major drug producing and major transit nations was due to be submitted on November 1st to the Congress. It is now a week late. The designation of Cuba on the major's list is one that many Members have been following very closely. I hope that you aren't waiting until Congress leaves town before sending us a list. The head of the Spanish National Police told my staff last week that, as to the 7½ tons of cocaine from Columbia intended to transit Cuba last December, that all the Spanish authorities know it was headed for Cuba, and not Spain. Secretary Romero, can you tell us when we could expect to receive the list?

Mr. ROMERO. Mr. Chairman, as you well know, I don't have responsibility, direct responsibility, for the list since I only deal in the Western Hemisphere, and it is a worldwide list.

Chairman GILMAN. I recognize it is out of your—

Mr. ROMERO. But that having been said, I would hope that you would get it in the next couple of days. I know that we are putting our finishing touches on it, both the State Department, and White House a few days ago.

Chairman GILMAN. Thank you, Mr. Secretary. Thank you for being here today. We thank you for your patience.

Mr. ROMERO. Thank you.

Chairman GILMAN. The Committee stands adjourned.

[Whereupon, at 12:25 p.m., the Committee was adjourned.]

A P P E N D I X

NOVEMBER 9, 1999

NEWS



International Relations Committee

U.S. House of Representatives * Benjamin A. Gilman, Chairman * 2170 RHOB * Washington, D.C. 20515

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GILMAN STATEMENT ON U.S. HAITI POLICY

WASHINGTON (Nov. 9) – U.S. Rep. Benjamin A. Gilman (20th-NY), Chairman of the House International Relations Committee, released the following statement today at a full committee hearing on U.S. policy toward Haiti:

I called this hearing to examine what is happening in Haiti today and shed some light on where we need to go from here to advance pluralism and foster economic growth in Haiti. Of keen concern are the prospects for free and fair parliamentary and local elections expected on March 19, and concerns over efforts to undermine and politicize the Haitian National Police.

In January, I traveled to Haiti with several of my colleagues. President Rene Preval had just dissolved parliament, deepening Haiti's protracted political crisis. We all agreed that the best way out of the crisis was a good election.

Several positive developments led me to believe that a good election was possible. President Preval issued a public statement that "very quick elections under good conditions are the only solution to the political crisis."

State Secretary for Public Security Robert Manuel began negotiations at Preval's behest with opposition parties. On March 17, President Preval created a politically-balanced provisional electoral council. With supporting leverage from Dole Amendment restrictions, a transparent settlement of the disputed 1997 elections was also achieved.

Most importantly, we began to see leaders from Haiti's civil society—ranging from grass roots, to religious, to business organizations—working together across ideological and class lines.

My hopes began to fade, however, when a May 28 rally organized by a broad spectrum of civil society groups was attacked and broken up by Lavalas Family party protestors. The Haitian National Police failed to protect the citizens who gathered that day to exercise their rights to freedom of assembly and speech.

This year has seen a disturbing escalation of common crime and violent acts. On November 2, Amnesty International stated that "A series of violent events in Haiti have led to fears that the climate of respect for

(more)

human rights which the country has been endeavoring to promote in recent years is progressively deteriorating.”

There is a long tradition of undemocratic rule in Haiti. Recent events lead me to fear that Haiti is experiencing a return to past practices that have only served to create violence and misery in that impoverished country.

The departure of Robert Manuel raises real concerns about the future independence and professionalism of the Haitian National Police. The October 8 murder of Colonel Jean Lamy followed by the October 14 armed attack on the director of the HNP's Judicial Police—the unit responsible for investigating Lamy's killing—are very bad signs.

Our Ambassador to Haiti, Timothy Carney, underscored the important point recently, saying: “What is currently important is that no one political party, faction or group gain control of your police. I emphasize that the politicization of the police is unacceptable.”

We must not abandon our efforts to help the Haitian people. We should continue to work to alleviate the underlying conditions that plague Haiti. But Haitian leaders must meet their responsibilities too.

In order for there to be a good elections which the United States can support in good conscience, there must be freedom of speech and assembly, and an apolitical police force to protect those essential rights. Moreover, the Provisional Electoral Council (which has been trying to organize these elections) and civil society and political parties should not be the object of crude, anti-democratic attacks.

On October 24, protestors violently broke up an official function of Haiti's Provisional Electoral Council (CEP). I was appalled that the Haitian National Police again failed to fulfil its responsibility, in this case to protect the CEP. When former President Jean Bertrand Aristide's government was overthrown, our nation, with my support, spared no effort to restore elected, civil government to Haiti. This unacceptable outrage was committed in Mr. Aristide's name. This is disappointing to us all.

I would like to say a word about our Ambassador to Haiti, Timothy Carney. It is regrettable that the State Department declined to make him available for this hearing. Ambassador Carney has earned my respect for his forthrightness and professionalism.

Among other accomplishments, I credit him with leading the effort to put good elections on track last Spring. I would have welcomed his views on how to keep them on track today.

Testifying at the hearing were: the Honorable Mike DeWine, United States Senator; the Honorable Bob Graham, United States Senator; the Honorable Porter Goss, Member of Congress; the Honorable Charles Rangel, Member of Congress; the Honorable John Conyers, Jr., Member of Congress; and Ambassador Peter Romero, Acting Assistant Secretary for Western Hemisphere Affairs, Department of State.

Statements from the hearing are available on the committee's website at:

www.house.gov/international_relations/

**HOUSE INTERNATIONAL RELATIONS COMMITTEE
HEARING ON HAITI
SENATOR MIKE DeWINE TESTIMONY
NOVEMBER 9, 1999**

Mr. Chairman, thank you for convening this very important hearing today. As you all know, the country of Haiti and its people are at a crossroads. The country can choose to build its democracy, its economy and its quality of life, or surrender their future indefinitely. I am no expert on Haiti, but I have followed the events affecting the country closely, and have traveled there seven (7) times in the last five (5) years. From those travels, and observations, I believe there is both good news and bad news to report on the current situation in Haiti. Most important, there is much the United States can continue to do to assist the people of Haiti. I am hopeful that we can maintain the kind of bipartisan interest and support for the Haitian people that I see here today.

First, Mr. Chairman, the good news.

The Good News

Perhaps the best news comes from the thousands of individuals from private, non-governmental organizations, who -- through U.S. humanitarian assistance -- are working to make a difference in the daily lives of Haitians. They have helped the poor, the orphaned, the starving, the elderly, and the sick. Each time I visit Haiti, I am inspired by their heroic deeds. We have been able to continue to feed thousands of orphaned children through the PL 480 Title II feeding program. Also, our U.S. Agency for International Development (USAID) mission in Haiti is developing a local association to serve as advocates for Haitian children and create a network for orphanages to share ideas and resources.

Second, we have made some progress in training the Haitian police. This has been a significant challenge, since we began literally with nothing. When the international community restored Aristide to power in 1994, the Haitian military was totally dismantled. To be sure, the Haitian National Police are not at a level equal to a trained police force in our country, but the Haitians have made a start. And, that, Mr. Chairman, is the first and most important step.

Third, I have been encouraged by the success of some USAID programs to promote growth in Haiti's agriculture sector. These programs collaborate directly with farmers to improve techniques in the fields, where they learn -- from our example -- how to improve their practices to yield more productive crops.

Fourth, Haiti has taken some small steps toward business privatization. While the current political stalemate certainly has impeded free market development and privatization, Haiti has managed some degree of privatization in the flour and cement government-owned enterprises. Also, a privately-owned cellular telephone service has been established.

Fifth and finally, we have not seen the kind of massive exodus of Haitian refugees we witnessed earlier this decade. Ultimately, the people of Haiti can and do vote with their feet, and could be prepared to do so again if their country continues its current backslide. Which, Mr. Chairman, brings me to the bad news....

The Bad News

The Haitian economy remains stagnant. Because a significant proportion of economic activity is from underground markets, it is difficult for us to measure exactly how far the economy has fallen. Haiti remains the poorest nation in our hemisphere -- with a per capita income of \$250, less than one-tenth the Latin American average. What growth there is in the economy has clearly come from foreign remittances and the underground economy.

But, the political situation is even worse. The phrase "Haitian government" is an oxymoron. It virtually has ceased to function. The current political crisis is rooted in the April 1997 parliamentary and municipal elections. Since January 1999, President Preval has been ruling by decree. Elections have been postponed three (3) times, and now are scheduled for March 2000. With former President Aristide running for president, and he and his followers -- the Lavalas Family Party -- campaigning openly to hold one comprehensive presidential and legislative election in November/December 2000, it is unlikely that March election will occur. Political intimidation is definitely on the rise.

Absent a stable and democratic government in place, Haiti has no hope of achieving real and lasting economic, political, and judicial reforms. Haiti is finding itself stuck in a vicious cycle of despair. It is a cycle in which political stalemate thwarts government and judicial reforms, which discourages investment and privatization. Caught in a cycle like this, the economy stands to shrink further and further until there is no economic investment to speak of at all.

Mr. Chairman, earlier I noted the limited progress of the Haitian National Police. However, a very real threat exists that the police force will become politicized as a result of the October 7, 1999, forced resignation of Secretary of State for Public Security, Bob Manuel. Since then, supporters of former President Aristide have harassed the police director, General Pierre Denize, calling for his dismissal. This has contributed to the erosion of public confidence in the police force, which adds to the country's instability.

The Haitian people's confidence in their country's judicial system is also low, fueled by their belief that the legal system is corrupt and for sale to the highest bidder.

It is no surprise that with a law enforcement far from effective, Haiti has become a popular transit stop for drug traffickers. And, the more drugs that pass through Haiti means the more drugs that reach our U.S. streets. In 1998, for example, approximately 20% of the cocaine

coming into the United States passed through Haiti. The Haitian government currently is incapable – on its own – to stop the flow of drugs through the country.

So why do we care about Haiti, Mr. Chairman? We care because this tiny country lies roughly 550 miles from the U.S. coast of Florida. It is part of our hemisphere, and what happens in our hemisphere – what happens in our backyard – is very much our concern. And, that, Mr. Chairman, is why we care about Haiti.

We cannot ignore Haiti. Let us not forget that we already have a lot of money invested in Haiti. The price we pay for failing to pay attention will take several forms: We risk another massive refugee crisis and drug trafficking through Haiti will continue to increase.

And, that, Mr. Chairman, is why we care about Haiti.

Mr. Chairman, the planned withdrawal of U.S. military forces from Haiti should not represent an end to our involvement in Haiti. Our nation still can play a constructive role in partnership with the Haitian people to ensure that the many troubles inflicting this small island do not pass a point where they can't be reversed.

First, we must continue efforts aimed at democracy-building in Haiti. This means we must promote free markets and the rule of law. And, that also means that we must provide Haiti with electoral assistance so that free and fair elections can take place. However, the United States must not support any election, either politically or financially, if the following criteria are not met:

- We must insist that the parliamentary elections are held separately from the presidential elections this year;
- We must pressure the Haitian government to allow the international community and a delegation of world leaders to take a lead role in the upcoming elections;
- We must urge the Haitian government to reform the electoral and political party laws to level the playing field;
- We must insist that they have voter registration lists, voter cards, access to state media, and access to state financial resources;
- We must ensure that the police do not become politicized, favoring certain factions or parties at the expense of others;
- Finally, we must provide funding to continue with the political party-building programs in Haiti.

Mr. Chairman, we must make it clear that our financial assistance for these elections is contingent on the above.

Second, until a functioning government is in place, any assistance we provide must go through private organizations, non-governmental organizations, or charities. This the only way to ensure that aid gets to the people and is not diverted to corrupt government entities.

Third, we must fight drug trafficking through Haiti with a continued offshore U.S. presence. We should increase our investments in the Western Hemisphere Drug Elimination Act -- our 2.7 billion, 3-year balanced initiative to increase investments in international drug eradication, interdiction, and alternative crop programs.

Fourth, the United States should expand agricultural assistance through non-governmental organizations. We have seen success with some of the USAID programs. Efforts to aimed at teaching the Haitian farmers about land preservation and natural resource depletion, and efforts to work directly with the farmers have the most hope of preventing Haitians from abandoning agriculture for urban areas like Port-au-Prince.

And, finally, a U.S. role in Haiti must ensure that humanitarian and food assistance continues to reach people and especially the children. We have a moral obligation to not let the orphaned children and others, like the elderly and the destitute in Haiti starve.

To conclude, Haiti cannot progress until its political leaders and elite class take responsibility for their situation and commit to turning things around. Yes, Mr. Chairman, we have an obligation to promote reforms in Haiti. But, Haiti can succeed as a democracy if -- and only if -- the nation has the resolve to hold open elections, to create free markets, to enforce a corruption-free police and judicial system, and to learn how to sustain an agriculture system that can feed its people. But, nothing the United States does with regard to Haiti can provide long-term solutions unless and until the Haitians take democratic reforms seriously and work in earnest to create a stable political system and a free market economy.

Thank you, again, Mr. Chairman for allowing me to testify today. I look forward to the comments from my colleagues and the panels.

U.S. Senator Bob Graham

Testimony Before the House International Relations Committee

November 9, 1999

Good morning, Mr. Chairman, Mr. Gejdenson and Members of the Committee. I am pleased to appear before you today to testify on the current political situation in Haiti. I appreciate your efforts to focus attention on the situation in Haiti and your longstanding work in bringing democracy and prosperity to Haiti. I am very troubled by recent events in Haiti, particularly the disruption of the meeting of the CEP, the Provisional Electoral Council, on October 24, 1999, where factions associated with the Famni Lavalas broke up the meeting by throwing urine on the members of the CEP. No democracy can function with this type of direct assault on its fundamental institutions.

In light of these events, some may suggest that the situation in Haiti is without hope and beyond our ability to influence events. I am here to say that turning our backs on Haiti is simply not an option, as we have learned repeatedly over the past century. We will always be drawn back to Haiti by a combination of historical ties, humanitarian instincts and our own national interests. Although it is difficult to remain engaged, as the country that has the greatest influence on Haiti, we must use that influence in a positive way.

I remember the scenes of Haitian refugees awash in the seas and in their small boats. I also remember the scenes of Haitian ships being searched and found to be laden with illegal drugs destined for our nation's streets. These are the images of reality that we will once again be forced to face if we ignore current events in Haiti.

I am an optimist. I have known the quality of the Haitian people-- their strong family values, their dedication to personal, family and community improvements, the beauty and value of their art and culture. These are the foundations for democratic reform on which a stable society with economic opportunity and prosperity may be built.

Mr. Chairman, as a Senator from Florida, I know first-hand the importance of strengthening democracy and economic development in Haiti, as well as the consequences of failure in this regard. Indeed, the United States has been committed to this objective and has led international efforts to help Haiti. Since 20,000 U.S. troops helped restore democracy to Haiti in 1994, we have provided significant humanitarian, economic, and security assistance. In spite of our efforts, Haitian democracy again finds itself at a crossroads. Parliamentary and municipal elections that can resolve the political crisis in Haiti, originally scheduled for later this month, have been postponed until March. I cannot overstate the importance of holding these elections this spring, and of ensuring that they are open and credible elections.

Violence, election fraud, and low voter turnout have plagued Haitian elections in the past. In fact, it was problems with the 1997 elections--in which voter turnout was about 5%--that escalated the current political crisis in Haiti. Only by holding free and fair elections in a secure environment where all parties are able to participate openly can Haiti move beyond its current stalemate. Ending this stalemate will also allow for additional economic assistance, both from the United States and the international community. It is a prerequisite to improving the life of ordinary Haitians.

Let me suggest several steps that I believe must be taken to ensure that the upcoming elections can take place in an environment that will engender trust in the system and allow Haiti to move forward. First, during the period leading up to elections in Haiti, although our permanent military force is small and will soon transition to an expeditionary presence, we should continue military efforts to help the Haitian people. This force should be engaged in worthwhile civic projects such as the construction of schools, roads, and medical clinics throughout the country.

Second, we must do what we can to ensure that there is a secure environment in which these elections can take place. Providing a significant number of international observers will help accomplish this objective. It is important that these observers be deployed in Haiti early in the electoral process, not just arrive a couple of days before the voting begins.

Third, the international community must provide support for these elections. I know that the United States and other nations have already provided significant funding to prepare for the elections. Additional assistance will be available only if the conditions for free and fair elections exist. As I mentioned at the outset, there have been several very troubling incidents over the past few weeks and months that lead me to question whether these conditions do exist. Some would suggest that, under current conditions, we should not be party to an election in Haiti, but we cannot afford to walk away. The world, and particularly the United States, stand ready to help the Haitian people build their democracy.

Fourth, the Provisional Electoral Council has done an excellent job of resolving the disputed 1997 elections. During my most recent visit to Haiti I met with several of them and they have proven that they are willing to do what is right. They deserve our support and the support of the Haitian political parties. The reassuring and compelling statements of our ambassador to Haiti, Tim Carney, emphasize the importance of the CEP.

Political parties are taking risks to participate in this election and they deserve our support. Without it, they will be forced underground. We need to find ways to ensure that they are able to assemble freely and to have their platforms heard. The U.S. and the international community must help the political parties directly. I applaud the efforts of the National Endowment for Democracy, the International Republican Institute, and the National Democratic Institute as they have worked to advance democracy in Haiti. Their efforts are good examples of how non-governmental organizations become engaged in promoting democratic reform when direct involvement by the U.S. State Department and other agencies of the federal government would be inappropriate.

These would be important steps that the international community can take to ensure that credible elections can be held. But the Haitians themselves have the greatest responsibility to ensure that this occurs. All political parties should publicly commit to denouncing political violence, including allowing all parties to publicly campaign without intimidation. This commitment must include actively restraining any elements or supporters from participating in violence or intimidation. President Preval and former President Aristide have a special responsibility to use their status and the trust that the Haitian people have placed in them to restrain the forces of evil. I call on them to work with the international community to ensure that these elections go forward in a secure environment. In many respects, their credibility depends on this, and they will be held accountable for their success or failure in this regard.

It is essential to the Haitian democratic process that there are indeed two separate elections in the coming 14 months. We have already witnessed considerable delays. Any additional delays will put international support at great risk. Credible parliamentary and municipal elections must occur to provide confidence in the electoral system for the presidential elections in November of 2000 to be viewed as credible. It is also important that Haiti develop a strong and independent legislative branch of government. This can help it survive through periods of instability and provide an outlet for those who may disagree with the elected executive. Some have argued that the March elections should be delayed and folded into the presidential election. This would have ominous and negative implications. It would mean that for three years the country would be without a stable parliament. It will also mean that the economy of the country will continue to be denied international financial aid that requires legislative action by the Haitian Parliament before it can move forward.

Finally Mr. Chairman, we have developed a very effective military that has proven its ability to intervene in conflicts and provide a secure environment. They have done this in Haiti, in Bosnia, and now in Kosovo. Unfortunately, we have not been equally successful in providing long-term political and economic stability following our military interventions. The Military's success is the result of many years of thoughtful planning, training and resourcing. The follow-up economic and political activities have none of those qualities. They are characterized by their ad hoc nature and a lack of sustainable and credible initiatives and a particular lack of emphasis on carrying out an effective economic recovery plan. These comments are by no means limited to Haiti. Operations in Bosnia, and Kosovo also were characterized by a successful military first chapter followed by failed economic and political chapters which left us in situations no better than those which we originally encountered.

Mr. Chairman, during my last visit to Haiti in June of this year I flew over the north coast and observed scores of small boats under construction. These boats could be a warning of things to come, or simply a reminder of past problems. We already know the price of failure in Haiti because we have paid it for most of the twentieth century. We must use this opportunity to enhance democracy in Haiti so that our children and grand children will not have to continue paying the price of failure into the twenty-first century.

As a nation, we share the frustration of the Haitian people in their inability to make significant progress toward a free and democratically elected government. Between 1991 and 1999, the U.S. Department of Defense invested over \$1 billion to support democratization in Haiti. During the same period, the U.S. invested \$400 million in Somalia, \$2.3 billion in Kosovo, \$6.7 billion in Iraq, and \$9.3 billion in Bosnia. Despite these significant investments, there continues to be significant resistance to meaningful change. We must recognize that military intervention on its own is not a panacea for all the social and political ills in distressed areas of the world.. We and our democratic allies must do a better job of coordinating political, economic and military strategies to sustain the developing democratic process in these areas.

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Testimony of

Representative Porter J. Goss

House International Relations Committee Hearing
"U.S. Policy Toward Haiti"
9 November 1999

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Mr. Chairman, I am pleased that this committee has extended an invitation for me to appear this morning, especially to discuss the situation in Haiti. As my colleagues know, my interest in Haiti goes back some time. While I have visited Haiti many times and continue to travel there on approximately an annual basis, I receive a steady stream of visitors and communications from Haiti about the troubles in their country. All of these individuals confirm the many other reports we are getting from citizens, visitors, business people and so forth concerning how it is virtually impossible to have anything useful happen given the situation in Haiti.

I feel very sad about what has transpired in Haiti over the last several years. It is a country I think has great promise and it is a country that wishes very much to join the community of democracies in this hemisphere. Unfortunately, those hopes seem to have dissipated because of events that have taken place in that country in the last few years. There is no question that the vast majority of responsibility for the state of affairs in Haiti rests with the Haitian leaders who have put the pursuit and preservation of power above the needs of their own people.

However, the current administration bears a heavy burden here as well. In fact, I dare say if there was a case study of the failed foreign policy of the Clinton administration, Haiti would probably be the first example. My main purpose in coming this morning was not to itemize what I believe are the many missed opportunities or flawed decisions of the Clinton administration with regard to Haiti. While I firmly believe the Clinton administration owes the American people an accounting of what happened to their investment of thousands of U.S. soldiers and billions of taxpayer dollars, I think today is not the time for an in-depth discussion of that.

I am hopeful this hearing will lead to a frank and open discussion of how we can best help our Haitian friends put an end the downward spiral their country has been experiencing.

Five Years Later

In 1994, when President Clinton dispatched 20,000 American combat troops to return President Aristide to power, he defined the task this way: "To strengthen the young and fragile democracy; to build a new economy based on opportunity, small enterprise and steady development." By

every measure laid out by the President – and several others, including those laid out by Congress in the Dole Amendment – the people of Haiti are not much better off and I think it can be argued that, in some areas, they may be worse off.

Economic development is virtually non-existent. The privatization of several state run industries, which was intended to jump-start economic development, has stalled. Efforts to encourage private investment in Haiti have faltered for many reasons, not the least of which is the political instability and the level of violence.

Haiti's Democratic Institutions are Non-Functional

Haiti's democratic institutions are in tatters. Critically important in any shared power in a democracy is a judiciary system that is capable of fulfilling its responsibilities under the constitution. I am sorry to report that Haiti's judiciary system, which was always feeble and subject to corruption because there was not much pay involved in being a member of the judiciary in Haiti, is even more enfeebled than it was before. It is a system that is broken down. It is not even dysfunctional, it is non-functional.

In January of this year, President Preval took action against parliament, leading to what Secretary of State Madeleine Albright testified before Congress was the "de facto dissolution" of that body. It would be as if the U.S. Congress were closed down and the Senators and Representatives were not allowed to come to the Capitol and go about their business. I know there are some that would perhaps jokingly say, well, closing Congress may not be a bad idea from time to time, what with some of the things that go on in any deliberative legislative body. But the fact of the matter is Congress is a treasured institution and a vital part of our constitution and our democratic government. It is in Haiti, too. Perhaps it is more so in Haiti, where the authoritarian tradition is incredibly strong. The people of Haiti must have a legislative branch, a place for the people's voice to be clearly expressed by their duly elected representatives.

The result of Preval's action is that Haiti's parliament is shuttered and the President rules by decree. The current Prime Minister and cabinet have not been through the parliamentary review process and were, in fact, appointed by decree. Of additional concern is the reality that local officials in Haiti serve at the pleasure of the central government. The end result of all of this is that government power in Haiti is largely invested in the executive branch, which is an obviously grave concern for any democracy.

And while Secretary Albright described what happened in a roughly accurate way when she referred to the "de facto dissolution of parliament," the Clinton administration's response to the crisis was underwhelming and extraordinarily disappointing. As an example, I would point out that the State Department spokesman had this to say when asked to comment on the dissolution of parliament: "We regret the further gaps that have developed between the executive and legislative branches in Haiti." If the United States is serious about helping the Haitian people, we are going to have to do better than that.

Election Assistance

Now eleven months after the dissolution of parliament, Haiti finds itself once again at a critical juncture. Elections originally scheduled for this year have now been put off to the spring. For some time now, these elections have been pointed to as a road-map for the resolution of the government crisis in Haiti. Indeed, they may be, provided Haiti can organize truly free, fair, open and transparent elections. Whether that can happen remains an open question. The United States has been working with the international community to provide logistical and financial support to Haiti so that the elections go forward.

Elections and Security

It seems to me that the security environment is the real key to these elections. Without an adequate security environment, intimidation and harassment will be rampant. The result will be two-fold: many candidates may choose not to participate in the elections because of concerns about their own safety and many voters may not turn out to polls because of concern about election day violence.

The latest news on the security front is particularly discouraging. First came the news that Haiti's secretary of state for public security, Robert Manuel, fled the country for Guatemala after being forced to resign. In April of this year, Manuel, along with Pierre Denize, the director of the Haitian National Police (HNP), were the focus of tire-burning, rock-throwing protests led by Lavalas Family (FL), a political party directed by former President Aristide. FL accused Manuel and Denize of failing to control crime in Haiti, but there is an awful lot of evidence to suggest that FL was trying organize the ouster of both officials so it could replace them with Aristide supporters. In fact, I personally have little doubt that is exactly the purpose of these protests. Now several months later, one of the targets of these protests has departed, but HNP director Denize remains at his post. Shortly after Manuel's resignation, Reuters news service reported that Jean Lamy, a former Haitian Army colonel, who "was expected to replace Robert Manuel as Secretary of State for Public Security" was assassinated in downtown Port-au-Prince.

As an illustration of how critical security is to the upcoming elections, I would like to focus the committee's attention on a disturbing and outrageous event that transpired in the last week of October. Haiti's independent Provisional Electoral Council, the body responsible for organizing the elections, held an event to launch an education program encouraging Haitians to participate in next year's elections. The Associated Press reported what happened:

Rampaging supporters of former President Jean-Bertrand Aristide sprayed electoral officials with bottles of urine to break up a ceremony kicking off next year's election effort. 'Aristide or Death! There's no topping Aristide!' the group of about 30 militants shouted as they doused council members and knocked over chairs. Panicked officials and hundreds of spectators scrambled for the exits...

It bears noting that the Provisional Electoral Council had requested that members of the Haitian National Police be present at the event to ensure that it went smoothly. According to media reports, no HNP officers were present (beyond the magistrate's bodyguards) and no HNP officers intervened once Aristide's supporters stormed in and sprayed urine on members of the electoral council. The International Foundation for Election Systems reports that the CEP formally requested additional police protection. The HNP failed to respond to these requests.

This past weekend, individuals identified as Aristide supporters again disrupted an event related to next year's election. This time, according to press reports, six Aristide partisans disrupted an outdoor political rally in Petit-Goave, which had been organized by a give party coalition that includes Evans Paul, leader of the Confederation of Democratic Unity. The protestors verbally assaulted and then began punching the organizer of the rally, a gentleman named Jean Limongy. The police intervened, arresting one assailant.

Mr. Chairman, many condemned the actions of these Aristide supporters, including the U.S. Embassy in Haiti, which issued an appropriately strong statement. But there is one voice that is decidedly silent about all of this -- former President Aristide himself. A spokesman for the FL said the troublemakers were opponents attempting to embarrass the party and ruin its image. However, that spokesman went on to add that "The people must demonstrate against anything which is not done in their interest," referring -- I would assume -- to the activities of the Provisional Electoral Council to organize legitimate elections.

I must say I find it disturbing that Mr. Aristide, who talks quite highly of democracy on trips to the United States, had nothing personally to say about the activities of his supporters. On June 14, U.S. Ambassador Timothy Carney spoke out clearly in this regard:

Dialogue and compromise have a role in democracy.
Violence, threats and intimidation do not. Those who
organize violent demonstrations in the street, those
who support them, and those who do not condemn them are
not democrats.

I am hopeful that my colleagues in the House who have worked closely with the former President would join us today in sending a clear message: these acts are intolerable. It is vitally important that all of Haiti's leaders speak out against intimidation and violence, particularly when these activities are directed at subverting the democratic process.

A Pattern of Election-Related Violence and Intimidation?

Where is the line for U.S. Support?

Are these events isolated or are they the manifestation of an organized campaign of intimidation and violence? This kind of activity certainly has all the hallmarks of the worst of the Duvalierist era and I think the question for the United States becomes where is the line? At what point does

the United States admit that the free, fair, open and transparent elections are not possible because of the level of intimidation and violence? At what point do we acknowledge that we cannot be party to fraudulent elections and thus withdraw our support?

I was present in Haiti for the elections that swept Aristide into office and the subsequent parliamentary elections. I know it is possible to have elections in Haiti if the leaders will allow it. The Haitian people's enthusiasm for voting has dimmed in recent years, but I think that has more to do with the corruption of the process and the fact there has been little positive benefit from the experience. In much the same vein as the situation in Cuba, I think we have to conclude that the fault for the electoral problems in Haiti lies not with the people of Haiti, but with the government in Port-au-Prince and the not so secret government in Tabarre.

For Haiti's sake, we must not provide a gloss of international legitimacy to an electoral process which has become neither free, nor fair, nor transparent. I do not believe that the United States, the OAS, or the U.N. should be in the position of assisting, funding, or endorsing an illegitimate and undemocratic election in Haiti. I am sad to say that the United States has, in the past, lent its support to fraudulent elections in Haiti, with predictable results. I am hopeful we will not repeat that mistake again.

The Haitian National Police

The Clinton Administration has often pointed to the training and professionalization of the HNP as one of the success stories. In fact, the United States has spent some \$75 million to help train and build the force. We have a significant investment in ensuring both the competency and non-partisanship of the HNP. This is a critically important issue for a variety of reasons. In all of its history, Haiti has never had a professional, non-politicized police force. If the people of Haiti can resolve the HNP's many internal problems and put an end to efforts by some of Haiti's leaders to take control of the police and use it for their own ends, then we may yet break the recent backsliding towards authoritarianism in that country.

Ambassador Carney underscored the importance of this effort: "To have stability, to have real, not false democracy, it is essential that the police are apolitical. What is currently important is that no one political party, faction or group gain control of your police."

Whether the Haitian National Police are up to the task of ensuring an adequate security environment for next year's elections is a justifiable concern. Created four years ago, the fledgling HNP has a myriad of problems, including involvement of its members in politically motivated murders, disappearances of detainees, drug-related crime, human rights abuses and other activities. From April through June of this year, 50 killings, many of them summary executions, were attributed to the police, compared to 31 for all of last year. In addition, the involvement of the HNP in drug-trafficking activities is of grave concern to the United States given Haiti's increasing prominence as a transshipment point for drugs coming into our country. In sum, democracy has a very thin reed to rely on when it comes to law enforcement.

Clearly, there is a lot of work to be done in this area and I look forward to hearing the Administration's thoughts on the HNP and where the United States should go from here in terms of support for this organization.

Managing Immigration Flows

I would be remiss if I did not raise an issue of great concern to my home state of Florida. I am referring to the possibility that we might see a return to the level of mass immigration from Haiti we saw not too long ago. Given Florida's geographic location, we bear the brunt of migrant flows from Haiti. Although the number of illegal immigrants from Haiti has declined dramatically in recent years, the grinding poverty, coupled with insecurity and instability in that country may result in more and more Haitians taking to the boats. I am dismayed that the Clinton administration does not have an established, reliable process in place for the safe, orderly return of illegal immigrants from Haiti.

For the last several years, the United States has relied on the Government of Haiti's (GOH) voluntary repatriation of individuals who attempt to enter the U.S. illegally. This voluntary system is the direct result of the fact that a bilateral repatriation agreement between the United States and Haiti first negotiated in the 1980s was allowed to expire in 1994. The limitations and dangers of this approach are abundantly clear. The most effective way to manage this issue is to have a formalized repatriation process in place. In the absence of one, I am deeply concerned about what might happen if refugee flows from Haiti rise dramatically, as has happened many times in the past.

The United States does, however, have a repatriation agreement with the Government of Cuba. In 1994, in response to massive immigration flows from Cuba, the administration announced an abrupt change in policy: Cuban refugees would be interdicted at sea and housed at the Guantanamo Naval Base in Cuba. Despite the change in policy, the massive refugee flows continued. As a result, in September 1994, administration officials negotiated an agreement with the Cuban government to facilitate the return of Cuban refugees. There are certainly disagreements about whether this is the best policy given our history of unconditionally accepting refugees fleeing the oppression in Cuba. However, the benefits of this type of an agreement are clear. We simply must have an established process in place providing for the safe, orderly and legal return of immigrants the United States does not admit.

I find it difficult not to highlight the fact that the Clinton administration has twice negotiated a repatriation agreement with Cuba, a country with which we have no official diplomatic relations, while it has not done so with the Government of Haiti. This fact is even more remarkable given the especially close relationship with Haiti. The benefits of having an established process for managing refugee flows are clear. These agreements are a vital tool in deterring and managing refugee flows. I am hopeful the Clinton administration will give the utmost priority to reviving the lapsed repatriation agreement with Haiti.

Conclusion

In closing, Mr. Chairman, I do want to elaborate on one final thought. Three weeks ago marked the fifth anniversary of the date that U.S. troops restored President Aristide to power. Five years later, things look pretty bleak. I think the Clinton administration's underlying failure in Haiti was that they lost sight of the fact that the solution to democracy in any country is the people going about the business of looking after themselves and being accountable to their community and their country for their own activities. When another country comes in and tries to do that job for them, I do not believe it will turn out very well.

In the case of Haiti, we sent 20,000 of our combat troops there, we've spent almost \$3 billion of taxpayer's funds and what do we have to show for it? Ambassador Carney summed it up this way:

Haiti is a long way from getting democracy. It lacks nearly all of the elements that make up a democracy. Haiti can best be described as in transition towards democracy. Overall, our expectations were too high. Did we let ourselves be led by our hopes instead of analysis?

I am hopeful that today's hearing will provide an opportunity to make an honest appraisal of the situation in Haiti and what the United States can and cannot do to help. We ought to concentrate on the basics, seeking out and identifying Haitians in Haiti who are committed to democracy both in principle and in daily practice. The solution to Haiti's problems will never come from the United States, it will come from Haitians working together in Haiti.

The approach the Clinton administration has tried for the last several years – throwing troops and money at the problem, all the while ignoring the undemocratic activities of Haiti's leaders – has failed. I do not really think this is a subject of debate any more. The American taxpayer deserves better from its government and the Haitian people deserve better from their northern neighbor than what we've seen the last five years.

Once again, Mr. Chairman, thank you for the opportunity to share my thoughts this morning.

TESTIMONY OF REP. JOHN CONYERS, Jr.
HOUSE INTERNATIONAL RELATIONS COMMITTEE
"U.S. POLICY IN HAITI"
NOVEMBER 9, 1999

I would like to thank my good friend, Chairman Gilman, and the ranking member, the gentleman from Connecticut, Mr. Gejdenson, for inviting me to testify today. As you know, I have been following Haiti closely for many years and I travel there frequently. Today's hearing provides us with an excellent opportunity to openly discuss some of the challenges that are still facing Haiti and what we can do about them.

When democracy was restored to Haiti five years ago, President Aristide came back to a country that had suffered from three years of brutal military repression. Four thousand of his supporters were killed during that period. He set out to dismantle a brutal and corrupt military that had dominated Haiti for decades, rebuild an economy in tatters, and restore confidence in the democratic process.

I spoke with former President Aristide last week and while his followers include sinners and saints alike, I believe that he personally remains committed to the same principles of fairness, social justice, and democracy that allowed him to ride his wave of popularity all the way to the presidency. Aristide and the other members of his party have done what they can to distance themselves from political antics such as the incident at the recent CEP rally and to publicly condemn these acts.

Haiti did abolish the military and begin building a new professional police force, which today has 5000 members. Some of the economic help that the international community promised did come through, so the economy did start moving. And President Aristide stepped down, even though he was deprived of three years of his term. But these problems now seem easy compared to the challenges of reconciliation and consolidation that his successor, Rene Preval, has faced.

In September, I led a Congressional Delegation to Haiti which looked into the police, the status of U.S. assistance, preparations for the elections, and the political environment in general. I am making the complete report available for the record. We were encouraged by certain signs of political progress. And while we were

disturbed with certain serious incidents of use of excessive force by the police, the bipartisan delegation found no evidence of any sort of political pattern.

There have been a number of violent acts which appear to be aimed at political intimidation. On September 4, just a few days before I arrived in Haiti, shots were fired at an OPL official, and two weeks before that, shots were fired at the home of Emmanuel Charles, a member of the Provisional Electoral Council. These incidents are serious but it would be an improper characterization of the victims and the victimizers to equate these incidents with the anything that happened during the years when Cedras, Francois -- or Duvalier for that matter -- ruled Haiti.

I believe I have traveled to Haiti in the last seven years more than any other member of Congress. In my opinion, the most significant act of political violence in Haiti this year probably occurred on October 9 when a prominent ally of President Preval, Jean Lemy was killed. As a former soldier, Lemy provided critical support for President Aristide when he began dismantling a brutal and corrupt military -- an activity that made him extremely unpopular with the macoutes.

I think it would be inaccurate to suggest that Aristide's supporters or anyone else's are dominating the police when the few facts we do have make it clear that the sources of violence are diverse. We should avoid the oversimplification that any one group's supporters carry a disproportionate responsibility for disruptions. This self-indulgent analysis will not help Haiti meet the formidable challenges before it.

The strength of a democracy is measured by how well it functions under adverse conditions. The economic and social environment in Haiti places tremendous pressures on the political system. Just last week, the U.S. Agency for International Development reported that even though they have delivered thousands of vaccinations for children, increased access to micro-credit for entrepreneurs, and improved environmental conditions, only 39% of the population has access to clean water and only 26% have adequate sanitation.

We should avoid placing blame today and devote ourselves to discussing how we can help make Haiti's institutions strong enough to withstand irregularities. I have a list of specific suggestions about how to do that.

1. **Non-violence pact** -- We should encourage the Electoral Council to generate a non-violence pact. Most of the major parties in Haiti have

told me that they would sign such a pact. However, it must be designed by Haitians if it is going to be credible among Haitians.

2. **Human Rights** -- We have to support the international human rights monitoring mechanisms now in place in Haiti, mainly the joint UN-OAS mission, MICIVIH, which has done incredible work monitoring and promoting human rights but is now facing an unexpected withdrawal at a critical time -- just before elections. There is no group of people better qualified or more experienced to ensure that human rights are observed in the coming months. During the CodeI, my staff was deeply impressed with some of the work going on at the MICIVIH field office, and we shouldn't lose this talent.
3. **American troops** -- In the past I have been open to discussing the withdrawal of U.S. troops, but I think it is dangerous to do so if we are also undercutting the effective organs of human rights observation, which is exactly what has happened. When I met with the business community in Port-au-Prince in September, they told me that while the abolition of the army was a good thing, it created a void. They said the U.S. troops should eventually go, but the U.S. shouldn't leave a vacuum.
4. **Election support** -- It would be a grave mistake for either the Congress or the administration to begin looking for reasons to withhold support for the elections. The crisis over the absence of a prime minister has been solved for the most part. And when I was in Haiti in September, we met with Fanmi Lavalas and the OPL together. I have been told this is the first time this ever happened. We should call this progress. I also want to be clear that the CodeI unanimously recommended postponing the elections to make sure that there is adequate time to prepare for them. Now we have to make sure that those preparations, including those measures intended to increase voter confidence and reduce fraud, are implemented. The U.S. must show a strong commitment to the elections.
5. **Expectation management** -- I think we have to be more realistic about our expectations of Haiti. The transition to democracy (in 1990 and again in 1994) was difficult: thousands of Aristide supporters murdered and when the U.S.S. Harlan County offered help, it was turned back by

protestors organized by the CIA's own assets. Democratic consolidation will be at least as difficult, given the social and economic factors that compound the political challenges.

Thank you again for inviting me to testify. I hope we can begin a useful exchange and perhaps implement some of these suggestions of mine together.

STATEMENT BY

HON. CHARLES B. RANGEL

U.S. POLICY TOWARD HAITI

COMMITTEE ON INTERNATIONAL RELATIONS
NOVEMBER 9, 1999

I WISH TO THANK MY DEAR FRIEND, CHAIRMAN BEN GILMAN, FOR CALLING THIS IMPORTANT HEARING ON U.S. POLICY TOWARD HAITI. THIS IS MY FIRST TIME TESTIFYING ON HAITI SINCE BEN AND I TRAVELED THERE LAST JANUARY WITH OUR COLLEAGUES, PORTER GOSS AND JOHN CONYERS.

AT THAT TIME, THE COUNTRY WAS IN THE MIDST OF A CONSTITUTIONAL CRISIS INVOLVING A DISPUTED PARLIAMENTARY ELECTION IN 1997 AND SUBSEQUENT DISAGREEMENTS BETWEEN PRESIDENT PREVAL AND PARLIAMENT OVER APPOINTMENTS OF GOVERNMENT MINISTERS.

THE ENTIRE CABINET HAD RESIGNED AND THERE WERE FEARS THAT THE PROCESS OF DEMOCRATIZATION, STARTED WITH THE RESTORATION OF THE ARISTIDE GOVERNMENT IN 1994, WOULD COLLAPSE.

THAT HAS NOT HAPPENED. INDEED, FOLLOWING OUR VISIT, ALL SIDES CAME TO THE TABLE AND WERE ABLE TO WORK OUT AN ARRANGEMENT TO ABROGATE THE DISPUTED ELECTION AND TO MOVE ON WITH THE SCHEDULING OF NEW LEGISLATIVE AND PRESIDENTIAL ELECTIONS NEXT YEAR.

ELECTIONS FOR THE LEGISLATURE ARE NOW SCHEDULED FOR MARCH AND APRIL OF 2,000, TO BE FOLLOWED BY PRESIDENTIAL ELECTIONS IN NOVEMBER.

I RECALL THAT MISSION TO HAITI IN ORDER TO MAKE A POINT. WE HAD MET WITH OUR ABLE AMBASSADOR TIMOTHY CARNEY, WITH PRESIDENT PREVAL, ALL OF THE POLITICAL PARTIES, THE BUSINESS AND LABOR LEADERS AND WITH FORMER PRESIDENT ARISTIDE.

WE USED THOSE OPPORTUNITIES NOT ONLY TO EXPRESS OUR CONCERNS AND FEARS ABOUT THE SITUATION AT THAT TIME, BUT TO MAKE CLEAR THAT THE PEOPLE OF HAITI STILL HAD OUR SUPPORT. AT THAT MOMENT THE PROCESS WAS FALTERING, BUT THE LEADERS OF HAITI REMAINED COMMITTED TO MAKING DEMOCRACY WORK, IN A NATION THAT HAD NOT KNOWN IT AND THAT HAD BEEN BADLY TREATED, EVEN BY THE UNITED STATES, FOR 200 YEARS AFTER THROWING OFF THE SHACKLES OF SLAVERY AND FOREIGN DOMINATION.

I SHARE THE CONCERNS OF MANY IN THIS HEARING ROOM ABOUT REPORTS OF VIOLENCE, POLITICAL INTIMIDATION, DRUG TRAFFICKING, AND POSSIBLE ATTEMPTS TO POLITICIZE IMPORTANT INSTITUTIONS, INCLUDING THE POLICE.

I HAVE NO WAY OF KNOWING THE SOURCES OF THESE ACTIVITIES, BUT I WOULD MAKE IT CLEAR THAT VIOLENCE FROM ANY SOURCE IS NOT ACCEPTABLE, AND THAT THE MARCH TOWARD DEMOCRACY CAN ONLY BE HURT BY CORRUPTION OF ANY OF THE COUNTRY'S IMPORTANT INSTITUTIONS.

AT THIS TIME, I WISH TO COMMEND PRESIDENT PREVAL AND FORMER PRESIDENT ARISTIDE WHO CONTINUE TO LABOR UNDER THE MOST DIFFICULT CIRCUMSTANCES IN PROVIDING INSPIRED LEADERSHIP IN HAITI. PRESIDENT ARISTIDE, WHO WAS RESTORED TO THE PRESIDENCY IN 1994 AFTER THREE YEARS OF EXILE IN THE U.S, WAS ABLE TO COMPLETE HIS TERM IN OFFICE AND PROVIDE A SMOOTH AND FAIR ELECTORAL TRANSFER OF GOVERNMENT, FOR THE FIRST TIME IN HAITI'S HISTORY.

WE WOULD BE ILL-ADVISED TO FORGET THAT, AND WE WOULD BE WRONG TO COMPARE HAITI'S CURRENT SITUATION WITH THAT WHICH FOLLOWED THE COUP THAT DEPOSED THE ARISTIDE GOVERNMENT.

I RECALL ONLY TOO WELL THE ATROCITIES AND HUNDREDS OF KILLINGS OF INNOCENT CIVILIANS, THE TENS OF THOUSANDS OF BOAT PEOPLE ESCAPING THE TERROR WHO SOUGHT REFUGE ON THE SHORES OF FLORIDA, AND THE ARROGANT GENERALS WHO FLAUNTED THEIR ILL-GOTTEN POWER IN THE FACE OF AN INTERNATIONAL COMMUNITY ARRAYED AGAINST THEM.

WHILE WE MUST BE VIGILANT AND OUTSPOKEN IN OUR CONDEMNATION OF ABUSES, WE MUST BE FAIR IN THOSE CRITICISMS AND ACKNOWLEDGE PROGRESS WHERE IT HAS TAKEN PLACE. WHATEVER MAY BE THE CASE IN HAITI TODAY, THE COUNTRY HAS CERTAINLY NOT RETURNED TO THOSE DARK DAYS.

CREDIT IS DUE, FIRST, TO THE PEOPLE OF HAITI WHO HAVE ENDURED UNIMAGINEABLE HARDSHIPS IN THEIR QUEST FOR FREEDOM AND A BETTER LIFE. AND WE SHOULD CREDIT PRESIDENT CLINTON WHO TOOK THE DIFFICULT DECISION TO WREST HAITI FROM THE GENERALS AND TON-TON MACOUTES.

I AM NOT SURPRISED THAT PRESIDENT CLINTON WOULD COME UNDER POLITICAL ATTACK FOR WHAT HE HAS DONE TO BRING HAITI THIS FAR IN ITS QUEST FOR DEMOCRACY. IT HAS NOW BECOME POPULAR IN WASHINGTON TO OPPOSE PRESIDENTS IN VENTURES OVERSEAS, EVEN WHEN OUR TROOPS ARE IN HARM'S WAY, AS WAS PROVEN IN KOSOVO.

FOUR HUNDRED U.S. TROOPS REMAIN IN HAITI, AND I AM GRATEFUL THAT NONE HAVE BEEN KILLED IN HOSTILE ACTIONS. THEIR PRESENCE HAS EVIDENCED CONTINUED U.S. ENGAGEMENT, AND THEREBY PROMOTED AN ATMOSPHERE OF STABILITY, TANGIBLE ECONOMIC GROWTH, AND RELATIVE SECURITY FOR ITS BELEAGUERED POPULATION.

THE CONGRESS HAS AUTHORIZED A CONTINUED U.S. PRESENCE UNTIL THE END OF MAY, AND I WOULD ENCOURAGE THE ADMINISTRATION TO WORK WITH THE HAITIAN GOVERNMENT IN DETERMINING THE APPROPRIATE LENGTH OF DEPLOYMENT WITHIN THE LIMITS SET BY CONGRESS.

I WOULD ALSO URGE MY COLLEAGUES IN CONGRESS AND THE ADMINISTRATION TO FREE UP WHATEVER FUNDS MAY BE AVAILABLE TO SUPPORT THE CONTINUED UNITED NATIONS HUMAN RIGHTS PRESENCE, TO ASSIST WITH REFORM OF THE JUDICIAL SYSTEM, AND TO ASSIST THE HAITIANS IN CARRYING OUT THE SCHEDULED ELECTIONS.

I WOULD ALSO URGE THAT THE U.S. TAKE STEPS TO BEEF UP AIR AND NAVAL SURVEILLANCE SO AS TO ASSIST THE HAITIANS IN FIGHTING THE INCREASED TRAFFIC IN DRUGS THROUGH THE COUNTRY.

IN HAITI, AS IN ALL THINGS, IT IS ALWAYS POSSIBLE TO VIEW THE GLASS AS HALF EMPTY OR HALF FULL. I WOULD URGE ALL AMERICANS, IN JUDGING THE SITUATION TODAY, TO REMEMBER WHERE WE HAVE COME FROM. THE GLASS IS CERTAINLY NOT FULL, BUT IT IS HARDLY EMPTY.

THANK YOU, CHAIRMAN GILMAN AND MEMBERS OF THE COMMITTEE.

Statement by Acting Assistant Secretary
Peter F. Romero
House International Relations Committee
U.S. Policy Towards Haiti
November 9, 1999

General Policy

I am pleased to be here with you this morning to discuss an issue in which we and our neighbors have vital stakes - efforts to build democracy in a troubled land barely 600 miles off our shores. As is evident from the remarks of the Members of Congress who preceded me in testifying today, there is a mixed record of progress toward these goals. It is crucial that the Administration and Congress work together in the months ahead to address the problems that have been raised in this hearing.

September marked the five-year anniversary of the UN sanctioned military intervention that restored elected government to Haiti. Because we and the international community acted, Haiti's nightmarish repression ended, as did the flotillas of fleeing refugees. Deep-seated problems clearly remain – and progress is less than we had hoped or Haitians had reason to expect. But the reality is that Haiti has experienced the longest period of democratic government in its history. Human rights problems continue to be a serious concern, but nonetheless pale in comparison to the pervasive political violence of the de facto or Duvalier eras. The roughly 380 extrajudicial and suspicious killings in the first eight months of 1994 stand in stark contrast to 38 reported

police killings in 1998. Haitians today enjoy an unprecedented level of freedom of the press and assembly, and a range of political parties and civil society groups operate openly.

The United States' goals in Haiti remains unchanged: to help Haitians reverse the conditions that for nearly two centuries have mired the Haitian people in poverty and impeded the development of democracy. To succeed, our policy needs bipartisan support. Only with such a consensus can we work effectively with the Haitian authorities and people to meet the manifold and intractable challenges to reaching our common goals. We seek to modernize the Haitian state in all its aspects, construct a nation

rooted in the rule of law, and create a foundation for sustained economic growth.

We are now increasingly worried about the state of the Haitian National Police (HNP), especially as Haiti prepares for elections. At the request of Haitian authorities, we and our international partners have worked diligently together and bilaterally to help build a professional and apolitical HNP. Due to lack of funds, the OAS component of the UN/OAS International Civilian Mission in Haiti (MICIVIH) has effectively closed. This unfortunately limits the present ability of the international community to monitor and report on police abuse and other human rights violations. We are currently working with the

UN and other bilateral donors to ensure the continuation of UN police and human rights assistance after the November 30 termination of the current mandate for the UN International Civilian Police Mission in Haiti (MIPONUH) and the December 31 termination of the MICIVIH mandate. We cannot turn our backs on the problems in the Haitian National Police. Continued international engagement is essential to help train and mentor new police recruits, address continued management problems among the middle ranks of the HNP, and promote the strengthening of Haitian institutions and civil society to ensure improved respect for human rights.

The HNP faces a number of challenges, including a rise in attrition among the ranks and an apparent increase in incidents of human rights abuse and corruption. We are troubled by physical attacks in the past month on the senior police leadership that have weakened police morale and pose a serious threat to police neutrality. We have insisted that these attacks be investigated in full and have made clear to Haiti's leaders that U.S. law enforcement assistance requires their continued and public commitment to an apolitical security force.

The U.S. and international community are assisting Haiti in preparing for elections, scheduled for March 19, 2000, to restore fully the Parliament and

independent local governments regarded as lapsed January 11 of this year. Despite some organizational difficulties, the Provisional Electoral Council (CEP) continues to operate in a credible manner and remains acceptable to a range of political parties. We are troubled by the October 24 violent disruption by self-professed supporters of former President Aristide of a CEP rally inaugurating the voter education campaign. We must not let actions by a band of thugs deter us from our commitment to helping Haiti consolidate its fragile democracy. In addition to possible steps in a bilateral context, we are urging the political parties participating in elections to sign and abide by a non-violence pact presently being developed by the CEP. We are also urging the CEP

and HNP to improve communication and coordination to prevent a replay of the October 24 incident.

Haiti remains by far the poorest country in this Hemisphere, with one of the most violent and politically repressive histories. Without U.S. and international assistance in 1994, Haiti would have remained under brutal dictatorship. Without continued international help, there is a real danger Haiti will slip backward, and the flotillas of refugees bound for U.S. shores will once again increase. We cannot afford for Haiti to retreat from democracy. We must remain engaged in helping Haitians achieve their goals of strengthened democratic institutions and sustainable economic growth.

HAITI TRIP REPORT

September 10 - 12, 1999

Rep. John Conyers, Jr., Chairman
Rep. Tom Campbell
Rep. Donald Payne
Rep. Earl Hilliard
Del. Eni Faleomavaega
Del. Donna Christian-Green

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Congress of the United States

Washington, DC 20515

September 27, 1999

The Honorable Madeline K. Albright
Secretary of State
U.S. Department of State
Washington, D.C. 20520

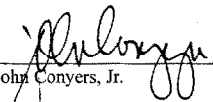
Dear Madame Secretary:

On September 10 - 12, a House Judiciary Committee congressional delegation traveled to Haiti led by the Ranking Member, Representative John Conyers, Jr. Other members of the codeI included Representatives Tom Campbell, Donald Payne, Earl Hilliard and Delegates Eni Faleomavaega and Donna Christian-Christensen.

The trip focused on three general areas of interest: (1) The pending elections and the preparations necessary to undertake them; (2) the Department of Justice's ongoing role in police training and judicial reform; and (3) counter-narcotic activities.

The Congressional delegation's report contains specific recommendations for actions by the Executive Branch and the Congress, with the object of continuing your progress in the consolidation of democracy in the nation of Haiti.

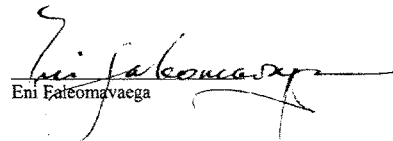
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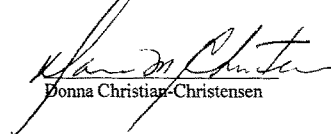

John Conyers, Jr.


Donald M. Payne


Tom Campbell


Earl F. Hilliard


Eni Faleomavaega


Donna Christian-Christensen

Congress of the United States

Washington, DC 20515

September 27, 1999

The Honorable Janet Reno
The Attorney General
U.S. Department of Justice
Washington, D.C. 20530

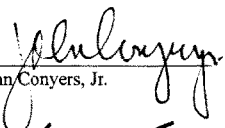
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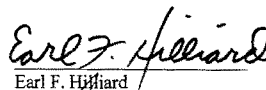
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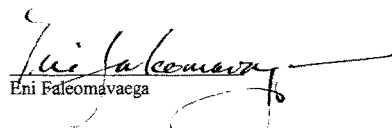
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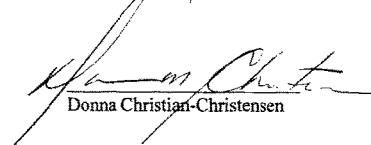

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Congress of the United States

Washington, DC 20515

September 27, 1999

The Honorable Henry Hyde
Chairman
House Judiciary Committee
Washington, D.C. 20515

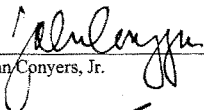
Dear Chairman Hyde:

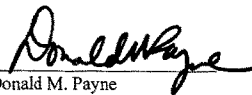
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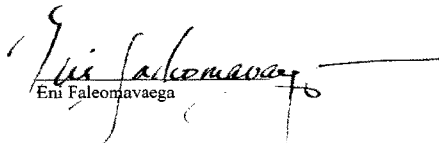
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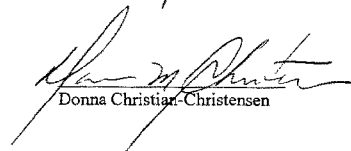

John Conyers, Jr.


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Earl F. Hilliard


Eni Faleomavaega


Donna Christian-Christensen

INTRODUCTION

From September 10th to September 12th, 1999, Congressman John Conyers, Jr., the Ranking Member of the House Judiciary Committee, led a bipartisan congressional delegation (CODEL) to Haiti. The delegation focused on upcoming elections and issues relevant to their successful undertaking such as international monitoring, the proper role of the police and building confidence in the political process. It also looked at the status of police training, the U.S. Department of Justice's role in the establishment of an independent judiciary, and the efficacy of anti-drug operations.

The members of the CODEL included:

Rep. John Conyers, Jr., Chairman (D-MI)
 Rep. Tom Campbell (R-CA)
 Rep. Donald Payne (D-NJ)
 Rep. Earl Hilliard (D-AL)
 Del. Eni Faleomavaega (D-AS)
 Del. Donna Christian-Christensen (D-VI)

In 1990, Jean Bertrand-Aristide was elected president in Haiti's first legitimate, democratic elections. A year later he was overthrown in a coup d'etat and a violent military regime took over, ruling by repression and fear. In 1994, a United States-led multinational force restored democracy to Haiti. Ever since then, Haiti has been grappling with complicated economic, political and social questions necessary for the consolidation of democracy. This report explores some of those challenges and is meant to provide some useful observations.

In addition to having jurisdiction over operations of the Department of Justice generally, the Judiciary Committee has explicit jurisdiction over enforcement of federal drug statutes, administration of the federal courts, treaties, conventions and other international agreements. It also has jurisdiction over immigration and related issues.

The delegation objectives were:

- Evaluate progress of investigations into human rights violations and the role of US assistance, particularly as it relates to the police.
- Examine the impact of the withdrawal of the permanent U.S. military presence.
- Determine the status of judicial reform and the efficacy of US assistance.
- Observe preparations for the elections and make judgements regarding the timetable, the technical steps necessary for their undertaking, the ability of the police to maintain a secure environment, and the role of international observers.
- Make observations regarding the public's confidence in the electoral process, the competence of electoral institutions, and the likelihood of broad civic participation in the process.

Our findings and recommendations follow.

THE POLICE

Background

After the restoration of democracy to Haiti in 1994, the U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) established the Haiti Police Development Program. In the first phase of this program, ICITAP trained 5200 members of the Haitian National Police (HNP). By next year, ICITAP hopes to have established permanent education programs allowing the HNP to become more self-sufficient, institutionalized issues of integrity and civic duty, and set guidelines for the formation of specialized units such as CIMO, the riot control squad, and the BLTS, the counter-narcotics unit.

The delegation met with representatives of ICITAP, as well as OPDAT (the Overseas Prosecutorial Development Assistance Program), the US Department of Justice program responsible for judicial reform assistance. Their budget for FY 1999 is \$6.1 million.¹

A number of things suggest that on the bureaucratic level, the police will meet ICITAP's goals. For example, in the past seven months, three classes have come through the police academy which were 100% trained by Haitians with about 100 cadets in each class. Also, the fact that the HNP developed their own annual budget this year for the first time is an encouraging sign.

Challenges Facing the Police

The Haitian National Police, however, continue to face serious challenges including (1) continued problems with excessive use of force, human right abuses and mistreatment of prisoners; (2) drug trafficking within the force; and (3) keeping the police politically neutral and effectively engaged in providing security. Looming large in the foreground of these questions is what the impact of the U.S. troop withdrawal will be, the probable elimination of the police mentoring mission (CIVPOL), and the scaling down of the UN/OAS civilian mission's (MICIVIH) human rights monitoring work.

Attrition and Recruitment

In response to concerns raised earlier this year by the House Appropriations Committee, the HNP in cooperation with ICITAP, conducted a study on attrition which concluded that attrition was not as bad as it seemed on the surface. According to this study, 1056 police left the force voluntarily or involuntarily between 1995 and April 1999. The overwhelming number of separations were dismissals: 602 police agents and 230 civilian employees fired. The justifications for dismissal ranged from corruption and alleged murder to poor punctuality. There is also a serious attrition problem of another kind: 115 officers have been killed since 1995.² As a consequence of the study,

¹ The amount of that money going to outside consultants has been decreasing. ICITAP-Washington sees this as an encouraging development that is a result of re-competing their contracts, which are now with DYNCORPS and SAIC.

² The UN Secretary General's report of May 10, 1999, gave even higher numbers: 50 killed in 1996, 53 in 1997, 31 in 1998, and at least 16 this year for a total of 159.

the HNP now systematically utilizes exit interviews.

The CODEL was alarmed to hear drastically varying estimates of the actual number of police active in the force. While the official figure is 6500, several sources in Washington and Haiti assert that the actual number is probably more in the range of 3500-4000. This is alarming for a number of reasons: First of all, the need for police will be great in the months leading up to elections. Second, a reduction in the actual number of police could result in an over-reliance on elite forces, and third, it places tremendous strain on the active duty officers who are already expected to work unreasonably long weeks.

Human Rights Abuses

The human rights situation is a marked improvement from the years of the *de facto* regime and abuses do not appear to have any kind of pattern. The CODEL does however have serious concerns about the general conduct of the police and certain incidents in particular.

A top priority of the delegation was investigating the involvement of the HNP in the execution of eleven people on May 28, 1999 in the neighborhood of Carrefour Feuille. Protests in the days following were so violent that the Justice Minister and the Prime Minister had to flee the funeral services for the victims. The Minister of Justice has appointed a three judge panel to investigate the incident and six members of the HNP are currently in jail.

The National Coalition for Haitian Rights (NCHR) has complained that the Minister should not have appointed the panel without the Inspector General's report and is very concerned that the case will be mishandled. MICIVIH has criticized handling of Carrefour, arguing that some suspects are being held in *isolement*, an extra-constitutional and arbitrarily-created form of detention where the suspects have not been charged. It is also generally worried that the investigation is proceeding very slowly. Robert Manuel, the Secretary of State for Public Safety, personally promised Rep. Conyers progress on this investigation and an update in the near future to be announced publicly.

Earlier in the day of May 28, riots erupted in Port-au-Prince when a demonstration organized by a group of businesses and civil society organizations speaking out for peaceful elections faced counter-demonstrators throwing rocks. The demonstration's organizers have charged that the behavior of the police exhibited a bias in favor of the counter-demonstrators, while the counter-demonstrators dismiss the allegations. The role of CIMO, the riot control unit formed in 1997 to handle such incidents, is at the center of some of the charges of police misconduct. For example, last year CIMO was dispatched to the town of Mirebalais and along with UDMO (the departmental crowd control unit) and GIPNH (a SWAT team), shares responsibility for severe abuses of a number of political activists. CIMO's accountability and public perception could be improved vastly by changing its uniforms, which lack badges. This measure, suggested by the U.S. Department of Justice last year, has not been implemented.

In May and June, MICIVIH learned of 16 cases of people being killed by a vigilante group. On May 13, an investigation team sent to Titanyen discovered the bodies of two people who had been taken

away from Bois Neuf that morning by a group of people, two of them in police uniform. Since then, a total of 14 bodies have been discovered in graves in the area. Progress in this investigation has reportedly been extremely slow as well and the delegation would like to get a status report soon.

In 1998, MICIVIH recorded 423 incidents of police brutality. Law enforcement misconduct has inspired a popular campaign against the HNP leadership. Local organizations, many of which appear to be aligned with *Fanmi Lavalas*, have been demanding the resignation of the police director, Pierre Denize and Bob Manuel, the Secretary of State for Security.

There is an active collective of indigenous organizations that carry out human rights activities, many of which the CODEL met with, but it is clear that they operate at great personal risk. For example, on March 8, Pierre Esperance, Director of the Haiti office of NCHR, was shot and injured shortly after a threatening flyer was found near his office. Some of these organizations, such as those encountered by delegation staff in Gonaive, are awaiting certification as official NGO's from the Haitian Ministry of Social Affairs. It is critical that such bureaucratic obligations are undertaken so that these organizations are able to fill any void left by a downgraded or nonexistent MICIVIH, which has been pivotal in training these indigenous groups.

Police Role During the Elections

The police have thus far managed to keep their distance from politics, a major step forward for a country with a deep history of the politicization of law enforcement. This is a tremendous break from the past, when law enforcement served as the long arm of executive power. However, the elections will present other challenges as well, such as the potential for violence against candidates. For example:

- On September 5, a gunman fired on Sauveur Pierre Etienne, secretary of the OPL, an opposition party.
- In March, Sen. Jean Yvon-Toussaint was killed in front of his home;
- On August 24, gunmen shot at the home of Emmanuel Charles, one of the nine members of the Provisional Electoral Council (CEP);
- On August 21, another CEP official experienced a carjacking;
- In July, election offices in Gonaives and Jacmel were set afire.

The State Department plans on augmenting CIMO for the elections and is working on approving contracts for new riot control equipment. It has also suggested a "non-violence pact," to be signed by all participating parties.

Drugs

According to the Drug Enforcement Administration (DEA), approximately 2720 kilograms of cocaine were seized coming from Haiti between May 1998 and June 1999. Most drugs are smuggled into Haiti via ships, although airdrops and cargo shipments are also used. Most of the drug smuggling is done by Colombians who either live in Haiti or routinely travel there.

Although Haiti still has not signed a formal ship-rider agreement, the U.S. Coast Guard claims that it has “carte blanche” to conduct overflights or board any vessel at any time as long as the Haitian authorities are informed in real time. If this is indeed the case, and drug shipments from Haiti are on the rise, then the most logical improvement would be to dramatically increase the U.S. law enforcement presence, particularly the Coast Guard.

Haiti does not have asset seizure laws, therefore law enforcement agents cannot confiscate large sums of money. Neither does it have domestic laws relating to money laundering and it will not have any until the new parliament is in place next year. In the meantime, President Preval has sought the voluntary cooperation of private banks by requesting them to ask pertinent questions of clients who make large deposits and to help provide such information to the government for tax collection purposes. When the delegation inquired about this arrangement with business representatives, they stated that the assets of the banking sector are actually very small. Nevertheless, the delegation hopes such cooperation with Preval’s proposal is forthcoming.

The International Presence

The UN/OAS Civilian Mission

MICIVIH is being phased out due to the withdrawal of U.S. assistance. The mission plans on going to the UN General Assembly for a new mandate, replacing the current one authorized by the UN Security Council under the MIPONUH (United Nations Civilian Police Mission in Haiti) banner. This means the UN share of funding would come from the General Assembly, while the OAS will continue to contribute their share. The new mission will have some police monitoring component and probably will combine the MIPONUH and MICIVIH functions. Plans on how to facilitate this transition are still up in the air but a temporary extension of the current mandate is a possibility. In the opinion of the delegation, a premature withdrawal of MICIVIH would leave a substantial gap in the human rights monitoring capabilities in Haiti simply because local organizations lack experience. Any phase out over the next year should attempt to minimize this impact.

U.S. Troops

On June 9, the House voted 227-198 for an amendment to the Defense Authorization bill offered by Reps. Ben Gilman (R-NY) and Porter Goss (R-FL) to withdraw U.S. troops from Haiti. Every member of the CODEL opposed this amendment. The amendment, if it becomes law, would end the U.S. Support Group in Haiti, an outgrowth of Operation UPHOLD DEMOCRACY in 1994. The Clinton Administration strongly opposed the amendment, pointing out that the Support Group has built roads and provided health care to thousands of Haitians, and arguing that a premature withdrawal would be disruptive to the pre-election security climate. The delegation is particularly concerned about the withdrawal in light of the phasing out of MICIVIH. These two events combined will leave vacuum that Haiti can ill afford. The administration has pledged to maintain a U.S. presence by rotating troops in for specific humanitarian missions.

Congressional Issues

The House International Relations Committee and the Senate Foreign Relations Committee have frozen the U.S. contribution to MICIVIH, which gets about 60% of its funding from the UN and 40% from the OAS. Previously, the US paid roughly \$3.2 million of the \$5 million OAS share per year. The Senate Foreign Relations Committee has a hold on a \$425,000 arrears payment. The delegation believes this Congressional hold is counterproductive to the establishment of democratic institutions in Haiti and undercuts the role of a key international presence.

Recommendations relating to law enforcement:

- When the new parliament takes office in 2000, the passage of forfeiture laws and legislation to combat money laundering should be a top priority. Until then, the private sector should recognize their responsibility to voluntarily provide such information.
- The U.S. Congress needs to at least ensure that any MICIVIH phase-out minimizes any human rights observation void. Releasing the Senate Foreign Relations Committee's hold on \$425,000 in arrears would facilitate a smooth transfer of responsibility to local organizations.
- The delegation urged Manuel and Denize to make public announcements when they launch an investigation into serious police misconduct. This will increase confidence in criminal investigations.
- Increase the U.S. Coast Guard presence in Haiti.
- A non-violence pact prior to the elections is a good idea, but it should originate from within the Haitian system, for example from the CEP.
- The Haitian Ministry of Social Affairs should do everything it can to expedite requests from NGO's requesting formal certification.
- If CIMO should continue to receive equipment and additional training from the US, the HNP should take steps to improve its accountability and public image.
- The political section of the U.S. Embassy and USAID should continue to reach out to local human rights organizations, who have explicitly expressed a desire to increase contact.

THE JUDICIAL BRANCH

Background

The Haitian judicial system is corrupt and extremely slow. Many of the judges are holdovers from the years of the Duvalier dictatorship. An increasing problem is the vulnerability of judges to corruption from drug trafficking networks; this is partially linked to the fact that judges still receive very low pay.

The delegation was impressed with the new Minister of Justice, Camille LeBlanc. He described his priorities as hiring a new generation of qualified professionals, modernizing outdated laws, and increasing the resources available, in particular for justices of the peace and those involved in judicial processes at the local level. He plans to provide justices of the peace with transportation, enabling them to be the first line of investigation against voter fraud during the elections, and he

intends to permit the commissaires at the regional level to investigate allegations made by one candidate against another. Both seem like sensible ideas if implemented properly, in which case could make important contributions to a climate of confidence during the election cycle.

The United States and the Haitian Judiciary

U.S. Administration of Justice Programs

The U.S. has been helping Haiti reform its judicial system through its Administration of Justice (AOJ) program. The project began with an agreement signed between the US and the legitimate government of Haiti in 1993. Over the last five years, the Agency for International Development has spent \$20 million out of \$27 million committed.

Most of the AOJ programs concluded this summer, including programs to improve the competency of judicial personnel by mentoring judges, distributing legal materials, and working with bar associations. The projects providing legal assistance, advocacy training, and conducting public education on human rights and women's rights wound down as well.

Since the AOJ program began, over 50,000 individuals have received legal assistance and information from Non-Governmental Organizations funded through USAID and its subcontractor, Checci. The Department of Justice's Overseas Prosecutorial Development and Training Assistance Program (OPDAT) has trained over fifty magistrates and parquets (model prosecutors) in jurisdictions throughout the country. In the new five year plan, USAID and the Ministry of Justice expect to revive this program substantially as well as establish new training efforts related to commercial arbitration. For its part, OPDAT expects to train 50-100 more magistrates.

The U.S. Government and the Question of Impunity

During the restoration of democracy, the U.S. Army seized documents, photographs and other materials from the headquarters of the FAd'H (the Haitian army) and FRAPH (the Front for the Advancement and Progress of Haiti), a paramilitary organization with links to the Central Intelligence Agency. The delegation firmly believes that all of these materials should be returned immediately.³

While the FRAPH documents will not solve all of Haiti's problems with the justice system, a long and productive meeting with local human rights organizations in Port-au-Prince convinced the delegation that they are extremely important to many Haitians. Their return would in a concrete way assist lawyers investigating the thousands of murders that occurred during the period of *de facto* rule and in a broader sense contribute to a much needed sense of reconciliation.

A study by the American Law Division of the Congressional Research Service concluded that the

³ These demands were enumerated in some detail in three letters from a sum total of 80 members of Congress sent to President Clinton and Secretary of State Warren Christopher.

documents are the property of the Haitian Government, and it is clear the seizure violated the spirit, if not the letter, of the Multinational Force's mandate. Claims by the Department of Defense and other branches of the U.S. government that the documents needed to be redacted to comply with the Privacy Act are simply without merit. The documents should be returned in their original form.

Supposedly the U.S. Government has re-opened talks on the issue with the new Minister of Justice, Camille LeBlanc. The CODEL hopes that an inter-governmental committee can begin talks soon.

The Prison System

Overcrowding in the prisons remains a serious problem. The population in detention has doubled in the last 2-3 years to over 3000 people, about 80% of whom are in pre-trial detention. For the last several years, a \$1.2 million prison reform project has been funded by USAID and carried out by the UN Development Program. Much progress has been made, but a registry at the national penitentiary is still incomplete.

While the staff delegation did not tour the prison in Gonaive, it has been recently refurbished — partly in the expectation that there will be convictions in the Raboteau Massacre case. We were also encouraged to hear reports that even though prison officials sometimes have shortages of food, the conditions are generally decent compared to the rest of the country. This is clearly a testament to the excellent work of the MICIVIH field office and the local NGO's they have been training. Unfortunately, the NGO's did note that the police, ie, those outside of the prisons, continue to be abusive. Significant work remains to be done before organizations such as these are capable of filling a void left by the departure MICIVIH.

Congressional Issues

The Senate Appropriations Subcommittee on Foreign Operations has a hold of \$2.5 million due to concerns that the judicial project redesign was prepared without the involvement of the Justice Minister. As LeBlanc moves forward with judicial reform, more resources will become available.

The delegation would like to convey to Congress that the Government of Haiti has assumed more of the costs of the Ecole de la Magistrature, which is a positive sign toward meeting Congressional conditionalities.

Recommendations related to the Judiciary:

- The Minister of Justice needs to set a numerical goal for reduction of the prison population.
- An inter-governmental committee including the Haitian Minister of Justice should be formed immediately to begin the return of the FRAPH documents to the Government of Haiti in their original form.
- The Government of Haiti should demonstrate its commitment to judicial reform by approving the program agreed to at the donors meeting on July 6, 1998, appointing new staff, and passing legislation relating to the magistrates school and other matters relevant to the establishment of an independent judiciary.

THE ELECTIONS

Background

On April 6, 1997, Haiti held elections for nine Senate seats, two vacant seats in the Chamber of Deputies (the lower chamber of parliament) and local government positions.⁴ The turnout of these elections was only about 5% by most estimates and there were charges of serious fraud. Other problems included a decision by the CEP to not count blank ballots, official publication of the election results without the approval of the prime minister, and voter confusion due to inadequate civic education. The only positive aspect in the eyes of many observers was that reports of election violence were minimal. The controversy surrounding the elections culminated in the resignation of Prime Minister Rosny Smarth on June 9, 1997, who sought to distance himself from tainted elections.

When elections scheduled for the fall of 1998 did not take place, the parliament voted to extend its term. A constitutional crisis erupted in January 1999 when President Preval refused to recognize the vote and announced he would rule by electoral decree. The parliament responded by charging Preval with trying to rule as a dictator.⁵ Eventually, the dispute was resolved after negotiations between an informal group of political parties called the *Espace de Concertation* and the executive branch were able to choose a CEP.

New Elections

The upcoming elections will run seats for the Chamber of Deputies, most of the Senate seats, as well as the Communal Administration Councils (CASECs), the Communal Assemblies (ASECs) and City Delegates. They were originally set to take place on November 28. A few days prior to the delegation's arrival, the CEP declared that the elections would take place on December 19. After our return, President Preval announced the formation of a committee to look at election schedules.

Much of the political wrangling this summer among the CEP, the president, the Prime Minister and the major political parties centered on whether 17 or 19 Senate seats would be run, since the latter number would indicate rerunning the two contested Senate seats that went to Lavalas candidates in the 1997 elections. On June 11, the CEP announced that it was effectively annulling the results of those elections. Subsequent statements describing what it means by "running all vacant seats" have clarified that elections will be held for all 19 Senate seats. Lavalas has indicated that it will participate in these elections.

⁴ The local government positions included 5,883 members of the Territorial Assembly and 392 Town Delegates, all of whom serve two year terms. A second round of elections is usually necessary. These runoff elections were scheduled for June 15, 1997 but were postponed indefinitely due to the controversy surrounding the first round.

⁵ The Constitution says members of parliament should serve four year terms but a 1995 presidential decree (issued by Aristide and accepted without controversy) said the tenure for current members of parliament should end in January 1999. The decree was meant to correct an election schedule disrupted by the military dictatorship that ruled from 1991 - 1994.

Election Issues

Voter Registration

A key goal of the CODEL was to determine whether preparations for these elections are proceeding on schedule. The information collected varied greatly: The National Coalition for Haitian Rights believes that the timetable for the elections is too short and that more time is needed to organize voter registration, hire staff for the CEP, and restore confidence in the HNP.⁶ The National Democratic Institute (NDI) believes the technical preparations are unnecessarily elaborate and will result in delayed elections. Similarly, the International Republican Institute (IRI) believes that while the cards are a useful long term goal, they are probably infeasible by December. The International Foundation for Election Systems (IFES), which is handling much of the technical preparations, believes the preparations are necessary and achievable.

A postponement of the elections until next year would probably be contentious. Critics of a delay, such as the U.S. embassy and most of the political opposition parties, argue that it would allow political candidates to run on the coattails of Aristide, who will be running for president. Second, they note that since the constitution stipulates that the parliament must be in place by the second week of January, any extension of the parliament's term would probably violate that provision. Finally, they suggest that a delay would undermine confidence; a potential hazard could be a boycott of the elections by some opposition parties. The delegation urges those parties to not withdraw from the political process by doing so.

The issuance of voter identification cards for the election is a controversial issue because many Haitians believe it is simply infeasible for 4.5 million voters to get an ID card in time for the elections and an unsuccessful attempt to do so would result in an urban bias in the electoral results. Moreover, Prime Minister Alexis expressed outrage that the funding for the contract, which went to Code Canada, circumvented the Haitian Ministry of Finance and the CEP. Former president Aristide and many other NGOs suggested that implementation of the voter ID plan begin in both the urban and rural areas with equal vigor, an idea that seems eminently reasonable to the CODEL.

The delegation believes that a postponement of the elections is all but certain. Regardless of when they take place, the massive undertaking of voter ID cards should begin as soon as equipment is in place and staff has been trained. Various factors indicate that any fallout from delay could be mitigated by assurances that two elections -- one for the president and one for the parliament -- take place. During meetings in Haiti and in Washington, representatives of the Haitian business community assured the delegation that having two separate elections is more important than having the elections in December. The words of the President of the BED (the regional electoral council) for Gonaïve and the Artibonite region are illustrative; he emphasized during a meeting with delegation staffers that "*when* elections take place is less important than having people motivated, educated and prepared for them."

⁶ See "Violence Threatens Haiti Elections," An NCHR Briefing Paper, July 1999.

Election Observation

As in 1997, the bulk of the international observation will be carried out by the Organization of American States (OAS). The Inter-American Commission of Human Rights will also help.

MICIVIH has also played an important role during elections by monitoring freedom of expression and human rights aspects as they relate to electoral participation and they plan to do so this year as well. Until recently, it had 120 permanent observers throughout the country, but due to cutbacks and the expiration of the UN Mission on November 30, it has been phasing out its operations.

Two indigenous election observation coalitions have sprung up: the first is the National Electoral Observer Network (RENO), started by a group of business people which hopes to place 4000 observers around the country. The other is the National Civic Network (RCN), composed of center-Right political organizations. The delegation was encouraged by signs that these two coalitions have been cooperating with each other.

Earlier this summer, IRI, the counterpart to NDI, pulled out of Haiti citing physical danger to their staff. IRI had been the focus of a campaign against their effort to organize a coalition of political parties into a bloc. NDI is continuing its work with the Civic Forum, a project it began in October 1997 to provide civic education to citizens around the country. It plans to help encourage voter participation in the elections, sponsor candidate debates and train non-partisan election observers. They will be receiving State Department funding for their election work. The delegation condemns any violence against IRI or any American NGOs and hopes that Haitians will welcome foreign observers in the next elections.

Congressional Issues

The FY 1999 Foreign Operations Appropriations Act set up criteria that must be met before the U.S. can provide assistance for the elections.⁷ On August 16, President Clinton certified to Congress that "the central Government of Haiti: (1) has achieved a transparent settlement of the contested April 1997 elections, and (2) has made concrete progress on the constitution of a credible and competent provisional electoral council that is acceptable to a broad spectrum of political parties and civic groups in Haiti." The first criteria was met when the CEP annulled the 1997 elections on June 11 and with the promulgation of the electoral law, published on July 19 and corrected on July 22. The second criteria was met based on a fair process utilizing the *Espace de Concertation* that picked the CEP in March and by judging how they have acted since.

The delegation urges Congressional leaders to recognize the extraordinary circumstances at play in Haiti and to remain committed to funding free, fair and widely participatory elections in Haiti.

⁷ Section 561(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for FY 1999. (Public Law 105-277)

Recommendations Relating to the Elections:

- If the implementation plan for the ID cards moves forward as planned, it should occur in urban and rural areas simultaneously in order to prevent a geographical bias in turnout. It will also help secure the confidence of the rural population in the process.
- While it is highly unlikely that the voter ID cards will reach the more than 4 million voters by December, they are nonetheless a worthy goal and the process should begin as soon as possible.
- Two separate elections — one for parliament and one for the presidency — need to take place and the political leadership of Haiti needs to publicly maintain that commitment.
- U.S. assistance for the elections is crucial and Congress needs to remain committed to them, even if there should be a brief postponement.

APPENDIX A:
Partial list of meetings and interviews

President Rene Preval
 Former President Jean-Bertrand Aristide
 Camille LeBlanc, Minister of Justice and Gabriel Zephyr
 Robert Manuel, Secretary of State for Public Safety
 Pierre Denize, Director of the HNP
 Debussy Daimier, Carlo Dupiton, Micheline Figaro, Irma Rateau of the CEP
 Colin Granderson, Director of MICIVIH

The Center for Free Enterprise and Democracy (CLED)
 The Chamber of Commerce

Viles Alizar, The National Coalition for Haitian Rights (NCHR)
 Johnson Aristide & Mondesir Jean Gaston, Soley Jistis Demokrasi (SOJIDEM), "The Sun of Justice"
 Jocie Philistin & Lovinsky Pierre-Antoine, Fondasyon 30 Septanm, "The September 30th Foundation"
 Lesly St. Vil, MAP VIV
 Paul Rony, Popular Democratic Organization of Raboteau (OPDR)
 Brian Concannon, Bureau des Avocats Internationaux
 Vincent Louis, Peace Brigades International

Robert August, Ayiti Kapab
 Gergard Phillipe August, MOP
 Marc Bazin, MIDH
 Victor Benoit and Micha Gaillard, KONAKOM
 Gerard Pierre Charles, Sen. Yvelt Chery and Paul Dejucan OPL
 Hubert de Ronceray, MDN
 Fr. Edner Devalcin, Fanmi Lavalas
 Serges Gilles, PANPRA
 Evans Paul and Frea Brutus, KID
 Claude Roumain, Generation 2004
 Rene Theodore, MRN
 RENO
 RCN

Auguste Augustin, Council Electorale Provence et Bureau Electorale Dept
 Pierre Pierrot, President Organization des Defence et Civics of Artibonite
 Joseph Elie

The National Democratic Institute
 The United Nations Development Program
 Micheline Begin, International Foundation for Electoral Systems

APPENDIX B:
Delegation Staff

Carl LeVan, Minority Staff, House Judiciary Committee
Charisse Glassman, Minority Staff, House International Relations Committee
Caleb McCarry, Majority Staff, House International Relations Committee