

## FULFILLING THE PROMISE OF TECHNOLOGY

Mr. President, the news is not all good. Thousands of Americans with disabilities cannot afford these technologies, some of which cost thousands of dollars. In my home State of Kansas, the legislature has recognized this problem and recently authorized an annual appropriation of \$100,000 to help pay for technology.

And in the Balanced Budget Act, I sponsored a provision with Senator CONRAD to allow Medicare beneficiaries to use their own funds to pay for more sophisticated technologies, by supplementing Medicare's payment for a standard item.

But we need to do much, much more.

The second big issue is that we must be careful that new technologies—whether personal computers, the Internet, or whatever—are designed to be accessible to the disabled from the start. We have learned the hard way how expensive it can be to retrofit buildings and streets. We do not need to learn that lesson twice.

In this regard, the new Telecommunications Act has several provisions designed to encourage companies that manufacture telecommunications equipment or provide services to make their products accessible to the disabled. Another provision in the act also provides for more closed captioning of TV and video programs.

Mr. President, in closing, I would like to say a few words about the Americans With Disabilities Act. ADA was passed 6 years ago. Some people claim that I have backed off my support for ADA. That is simply not true. But I believe, and have always believed, that ADA can work, must work, for everyone—people with disabilities, Government, and business. I am trying hard to see that happens.

The poet Archibald MacLeish once wrote, "America was always promises." The technology revolution, together with important laws like ADA, are helping people with disabilities realize America's promises.

## MEASURE PLACED ON THE CALENDAR—S. 1028

Mr. DOLE. Mr. President, I ask unanimous consent that S. 1028 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HAITI POLICY

Mr. DOLE. Mr. President, this week marks the final withdrawal of United States Armed Forces from Haiti. It is an appropriate time to ask, "What did our second intervention of the century in Haiti achieve?" Congress and the American people were deeply divided over the wisdom of Operation Uphold Democracy. Many of us were concerned that the American intervention to restore President Aristide would not lead to lasting and durable change in Haiti.

Unfortunately, it is now clear that U.S. policy has not achieved its stated

goals of establishing a rule of law, fostering genuine democratic change, and creating sustainable economic development. A bicameral staff delegation visited Haiti over the April recess and has completed a report which details serious failures of American policy—failures in each of the three critical areas of politics, security, and the economy.

## HUMAN RIGHTS

The report concludes that the Clinton administration and the United States Embassy have not taken human rights seriously in Haiti. A particularly disturbing incident involves the event leading up to the assassination of Mrs. Bertin on March 28, 1995—3 days before President Clinton visited Haiti. The U.S. Government had concrete information about a plot to kill Mrs. Bertin which implicated Aristide government officials, including the Minister of Interior. Inexplicably, no one in the U.S. Government warned Bertin of the plot. Instead, U.S. officials decided to rely on the same government planning Bertin's murder to provide her with warning of the plot. This incident deserves, as the report recommends, full investigation by the executive branch and by the Congress to examine why U.S. officials neglected to act effectively on information that they possessed.

## NO PROGRESS ON DOLE AMENDMENT

The report details lack of progress in meeting the conditions of the so-called Dole amendment on investigating political murders. The report also details the lack of action by the U.S. Embassy in examining and reporting on a wide range of human rights and police issues. The compromise of police investigations by Aristide loyalists was not reported. Basic information about murders involving the U.S.-trained police forces was not even gathered. It seems clear that the attitude of the United States Government was they did not want to know about government death squads which would prove embarrassing to the claim of Haiti as a foreign policy success.

## ADMINISTRATION'S CONFLICTING STORIES

The report also details the sustained campaign by the administration, chiefly the Agency for International Development [AID], to blame Congress by providing intentionally misleading information about U.S. assistance programs. The Clinton administration cannot even get its own story straight. For example, while AID criticizes Congress for delaying aid to the Haitian police because of human rights concerns, the State Department takes credit for suspending aid to the Haitian police for the same human rights concerns. And while AID was holding up health programs because of their concerns about the competence of the Haitian Minister of Health, AID officials in Washington, regularly criticized Congress for holding up health projects in Haiti.

## A FOREIGN POLICY SUCCESS?

There has been much in the media about the success of President Clin-

ton's Haiti policy. There has been little about the fundamental flaws detailed in this report. It is clear, however, that the administration knows it is on thin ice: changes in their Haiti policy have already been announced in recent days. Earlier this year, congressional pressure led to the dismissal of some of the worst human rights violators in the Haitian security forces. This week, the administration announced it was suspending aid because the Dole amendment conditions could not be met. The administration is reportedly considering reopening a fund for the victims of human rights violations. Most notably, the administration now points to the importance of thwarting former President Aristide's effort to undermine important policy goals. Long the defender of Aristide, even the Clinton administration now admits he refused to allow progress on police reform or free market economics. What a difference congressional pressure can make.

## PLAYING POLITICS WITH HAITI POLICY

Mr. President, there is no difference between congressional Republicans and the stated goals of the Clinton administration in Haiti—democracy, economic recovery, and the rule of law. Our differences are about the very real problems which have been swept under the rug—in the name of defending policy failures. Our differences are over the administration's effort to make Haiti a political football by blaming Congress for their own shortcomings.

Mr. President, the U.S. military did its job. There is no security threat to the government of Haiti. The dictatorship is destroyed and the Haitian army no longer exists. It is on the civilian side where our policy has fallen short.

What have we achieved in our Haiti intervention after 18 months and more than \$2 billion? The answer is disappointment and missed opportunities. The answer is not nearly as much as could have been achieved if the administration had been more honest and more able. For the sake of the long-suffering people of Haiti, I hope the administration will jettison its political approach, and begin working with Congress to fashion a workable Haiti policy. I hope they begin soon.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,

Washington, DC, April 17, 1996.

Hon. BOB DOLE,  
Majority Leader,  
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Pursuant to your authorization, we traveled to Haiti from March 30, 1996, to April 3, 1996, to examine political, economic, security and assistance issues. We met with a wide range of U.S., Haitian, and international officials and visited a number of sites including the Haitian National Police Training Center, U.S. Agency for International Development projects, and U.S. Armed Forces headquarters.

As the final withdrawal of U.S. Armed Forces is underway, we believe our findings

and recommendations are particularly timely. Still, if the United States is ever to achieve a truly bipartisan policy toward Haiti, the Clinton Administration must cease its efforts to blame Congress for the shortcomings of its own policy. Our seven principal findings are:

More than eighteen months after Operation Uphold Democracy began, Haiti's social, political and economic situation remains troubled and tenuous. The U.S. intervention successfully destroyed the military dictatorship, and significantly reduced human rights violations, at a cost of more than \$2 billion. However, the U.S. intervention in Haiti has not yet laid the foundation for lasting progress in establishing genuine democracy, in generating economic reform and sustainable development, or fostering respect for the rule of law.

The conditions set forth in section 583 of Public Law 104-107 (the "Dole Amendment") on conducting thorough investigations and cooperating with the United States on investigations of extrajudicial and political killings have not been met and will not be met in the foreseeable future.

The U.S. Embassy in Port-au-Prince has failed to devote sufficient attention or resources to the critical issues of extrajudicial killings and human rights abuses perpetrated by officials of the Haitian government.

The work of the SIU has been severely compromised by the presence of three American attorneys and one American "investigator" closely identified with many who have publicly and regularly questioned the overwhelming evidence of Haitian government involvement in extrajudicial killings. These individuals are paid by the government of Haiti on terms they refused to disclose to the staff delegation, and have had total access to all SIU investigative files. Prior to the arrival of two American contractors hired by the Department of State to work with the SIU, all SIU investigations were supervised and controlled by these attorneys.

The Clinton Administration has conducted a sustained and coordinated inter-agency effort designed to blame the legislative branch for the shortcomings of its own policies in Haiti. By repeatedly seeking to politicize Haiti policy, the Clinton Administration has done a disservice to the appropriate role of Congress and, more importantly, to the Haitian people. They have also, as a result of systematic obfuscation, kept their own program managers in the dark about these matters, risking the effectiveness of important programs.

In a striking and profound reversal, U.S. and international officials in Haiti now argue that the Preval government deserves U.S. support in order to *prevent* former President Aristide from thwarting important policy objectives, especially on economic and judicial reform. The staff delegation consistently heard numerous officials cite policy initiatives—moribund under the Aristide government—which could actually proceed under the Preval government if U.S. and international support was provided. Such criticisms of the Aristide regime, voiced now in retrospect, were not voiced when they could have made a difference.

The Haitian economy remains highly dependent on foreign assistance, including food aid, and remittances from Haitians living abroad; at least 65 percent of the 1995 budget was provided by international assistance. Despite attempts to promote private investment, adverse internal political developments have reinforced foreign and Haitian investor concerns about the political and security outlook in Haiti. The 1985 level of private investment in Haiti—a very low baseline—is not likely to be restored in this century.

We have attached our full report with appendices. Finally, we wish to express our appreciation for the efforts of U.S. Ambassador to Haiti, William Lacy Swing, and his staff for facilitating our visit. Despite our differences over elements of U.S. policy in Haiti, Ambassador Swing, our control officer Julie Winn, and the Embassy staff provided invaluable support for our visit.

Sincerely,

RANDY SCHEUNEMANN,  
CHARLES FLICKNER,  
CHRISTOPHER WALKER,  
LOUIS H. DUPART,  
ROGER NORIEGA.

#### REPORT OF CONGRESSIONAL STAFF DELEGATION TO HAITI

From March 30, 1996 to April 3, 1996, a delegation of Congressional staff members traveled to Haiti to assess political, economic and human rights issues, and to examine U.S. assistance programs. Our staff delegation was assisted by Karen Harbert, a former AID and International Republican Institute official who traveled to Haiti at her own expense.

Our delegation included:

Randy Scheunemann, Adviser on National Security, Majority Leader, United States Senate;

Louis Dupart, Chief Counsel, Permanent Select Committee on Intelligence, United States House of Representatives;

Charles Flickner, Staff Director, Subcommittee on Foreign Operations, Committee on Appropriations, United States House of Representatives;

Roger Noriega, Professional Staff Member, Committee on International Relations, United States House of Representatives;

Christopher Walker, Senior Professional Staff Member, Committee on Foreign Relations, United States Senate.

#### FINDINGS

More than 18 months after Operation Uphold Democracy began, Haiti's social, political and economic situation remains troubled and tenuous. The U.S. intervention successfully destroyed the military dictatorship, and significantly reduced human rights violations, at a cost of more than \$2 billion. However, the U.S. intervention in Haiti has not yet laid the foundation for lasting progress in establishing genuine democracy, in generating economic reform and sustainable development, or fostering respect for the rule of law.

#### RULE OF LAW

##### *Human rights and extrajudicial killings*

The conditions set forth in section 583 of Public Law 104-107 (the "Dole Amendment") on conducting thorough investigations and cooperating with the United States on investigations of extrajudicial and political killings have not been met and will not be met in the foreseeable future.

The U.S. Embassy in Port-au-Prince has failed to devote sufficient attention or resources to the critical issues of extrajudicial killings and human rights abuses perpetrated by officials of the Haitian government.

Despite general statements about the importance of human rights and the rule of law in Haiti by senior U.S. policymakers, no unequivocal or specific statement on more than 25 extrajudicial killings or the emergence of government-sponsored death squads in Haiti has been made. Serious inattention in Washington to systematic human rights violations contributed to the Embassy's uneven and incomplete attention to the critical issues of human rights and the rule of law. Moreover, there is no commitment to incarceration and prosecution of anyone involved in political murders.

Examples of the Embassy's failure to gather, act on, or report on information concerning extrajudicial killings and human

rights abuses includes the following examples:

One week prior to the assassination of Mireille Durocher Bertin, the U.S. Embassy and U.S. Armed Forces in Haiti received concrete information concerning a plot to murder her which implicated senior Haitian government officials, including the Minister of Interior. For reasons which remain unclear, no American official ever directly warned Bertin or her family of the assassination plot. The decision not to provide a direct warning based on information in the possession of the United States Government had grave and quite possibly fatal consequences. Apparently, the final decision was made—and not challenged by the U.S. Embassy—by the U.S. Military Commander in Haiti, Major General George Fisher.

Until facilitating a meeting requested by the staff delegation, the American Embassy had no contact with the family of slain lawyer Mireille Durocher Bertin more than one year after her murder—despite the dispatch of some 20 U.S. Federal Bureau of Investigation Special Agents to investigate the murder. The family provided the staff delegation with new and useful information about the killing.

Until facilitating a meeting requested by the staff delegation, the U.S. Embassy had made no contact with the relatives of the March 6, 1996, Cite Soleil massacre in which eight people were killed and 11 were wounded.

The November 7, 1995, shooting in which parliamentarian Jean Hubert Feuile was killed and his colleague Gabriel Fortune was injured has not been investigated adequately. This attack had many similar characteristics to other extrajudicial killings. Fortune publicly claimed that the killers were sent by the "Palace" because of Fortune's anti-corruption campaign in the Parliament. The Embassy has made no apparent independent effort to follow-up on Fortune's explosive allegations or determine the status of the material evidence and investigation.

The Embassy has made no effort to determine basic facts surrounding the May 22, 1995, murder of Michel J. Gonzalez, a neighbor of President Aristide's who was shot and killed near his home by four gunmen riding two motorcycles; the attack was witnessed by Gonzalez' daughter, a U.S. citizen. In a meeting with members of the delegation, sources close to the Gonzalez family confirmed persistent rumors that Gonzalez had been pressed repeatedly to move from his rented home so that President Aristide could acquire the property. Despite these widespread rumors, which might suggest a motive in the attack, neither the Embassy nor MICIVIH has made any effort to determine whether the Gonzalez property (where the house has reportedly been demolished) has been incorporated into Aristide's growing 17-hectare compound.

Duly Brutus, a member of the democratic PANPRA party, was arrested briefly in July 1995 and his home was attacked by a 300-person mob in October, less than a week after his testimony before the House International Relations Committee's Subcommittee on the Western Hemisphere. Brutus became aware of threats on his life in November 1995. He was advised by the U.S. military in Haiti to contact the U.S. Embassy with regard to the threat. The Embassy was totally unresponsive to his urgent pleas for help. Because the threats persisted and no one at the Embassy would help, Brutus called the Department of Defense in Washington to request there assistance. DoD interceded on his behalf to ensure that he received safe escort to the airport in Port-au-Prince and onto an airplane

bound for the U.S. In a bizarre turn of events, the Embassy vocally protested DoD's help, which ironically probably saved Mr. Brutus's life. Mr. Brutus has now sought temporary refuge in the United States.

Just before the delegation's arrival in Haiti, Mr. Brutus' wife heard a disturbance during the night at her home in Port au Prince, after which she found five bullets wrapped in stationery of the Ministry of the Interior. An Embassy political officer called Mrs. Brutus after hearing of the incident but took no further action after being assured by Mrs. Brutus that the HNP authorities appeared to be responding adequately to the incident.

Carl Denis and four other persons associated with the "Political Organization for Democracy in Haiti" (founded by Mireille Durocher Bertin shortly before her murder) were arrested on August 18, 1995, a day after a four-person demonstration in Port au Prince. They have since languished in the Haitian National Penitentiary without being charged with any crime, reportedly in violation of Haitian criminal procedure. Mr. Denis told members of the delegation that the lone U.S. Embassy visit was by a "staff sergeant"; Mr. Denis' arrest was reported in the State Department's 1995 human rights report on Haiti. In early March, Mr. Denis was visited by a representative of the Minister of Justice, who told him that there was no merit to the case; he and his companions remain in prison today.

The Embassy terminated its human rights victims fund shortly after the U.S. intervention. The fund provided more than \$219,000 for more than 1,700 victims of human rights abuses and their relatives during the de facto regime's rule. Terminating the fund after the installation of President Aristide sent a clear signal that victims of human rights abuses under the Aristide and Preval governments are of less importance to the U.S. government than victims of abuses under the de facto regime.

The U.S. Embassy's Political Section is now fully staffed—which was not the case when one member of the delegation traveled to Haiti in August 1996. The section includes three officers covering political-military issues on a full time basis and one full-time human rights officer. Given the adequate staffing, the Embassy's apparently complete reliance on non-U.S. sources (such as foreigners serving with the United Nations) for reporting on high-profile cases ostensibly important to Washington is perplexing and disturbing.

In light of Washington's silence and the Embassy's inaction, it is difficult to escape the conclusion that U.S. officials did not attempt to develop independent information on extrajudicial killings because U.S. policymakers did not want to know the truth.

U.S. government lack of interest and attention to extrajudicial killings—until forced by Congressional pressure to act—sent a signal to successive Haitian governments that the U.S. would tolerate these actions.

The "Presidential Commission on Truth and Justice," which was established after President Aristide's return, to investigate human rights violations that took place during his exile, presented its report to Aristide on February 5, 1996. Although the Commission's findings have not been made public, its recommendations reportedly include compensating victims and establishing an international tribunal with foreign assistance to adjudicate some of the "5,000 cases" covered in the Commission's report. The Commission relied on support from the Canadian government and the UN Development Program since USAID failed to deliver on its promise to provide the Commission \$50,000 for vehicles, computers, and office equipment.

#### *Police dismissals*

Eight individuals in the police and security apparatus of the Aristide regime have been implicated in extrajudicial murders by credible evidence. After pressure from Congress, including passage of the "DOLE Amendment" and objection to obligation of police assistance by House International Relations Committee Chairman Gilman, the Preval government agreed these individuals would not serve in any police and security force.

Congressional Republicans had long raised concerns about these individuals even before Operation Uphold Democracy began. President Aristide consistently refused to take any action against these individuals, and many of them remained in Aristide's inner circle until the end of his rule. Many of them remain close to Aristide today. President Preval deserves credit for doing what his predecessor would not: acting against the most egregious violators of human rights in the Haitian security forces.

#### *Haitian National Police*

Creation of a 5,000 person Haitian National Police (HNP) has been a massive undertaking costing the U.S. taxpayers more than \$45 million to date. Despite the assistance provided by the Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP), the HNP continues to be plagued by the absence of qualified leadership, lack of equipment, and lack of clear political support at the highest levels of the Haitian government.

The March 6, 1996 killings in Cite Soleil will be a critical watershed for the Haitian National Police. Reliable reports—including eyewitnesses interviewed by the staff delegation—implicate members of the HNP in the murders. Beyond the alleged direct involvement of HNP officers in the crimes, senior HNP officials must bear responsibility for the loss of control of the situation. The new HNP Inspector General—dismissed under the Aristide regime for actually trying to investigate a political murder—has begun to investigate the Cite Soleil incident.

In addition to Cite Soleil, HNP officers have been involved in a number of shootings, beatings and other human rights abuses. In addition, at least one officer has been murdered in circumstances which remain unclear.

Although the HNP has developed its manuel de directives, a code of regulations and operating procedures, most HNP officers are not familiar with it, making disciplinary action against HNP officers for violations of law or human rights infrequent. Staff were informed by MICIVIH officials in Gonaives that a local HNP commissaire was known to have committed at least two abuses, including severely beating a civilian, but was merely demoted to the rank of officer.

The delegation learned from U.N. Civilian Police (CIVPOL) trainers that HNP officers recently destroyed two new U.N. vehicles during routine patrols in Gonaives and that the drivers of the vehicles possessed no driver's licenses nor had been taught how to drive. CIVPOL field personnel estimate that 98 percent of all HNP officers do not know how to drive. According to the U.S. State Department, 300 of the 500 vehicles provided to the HNP have been wrecked.

In addition to the Haitian National Police, numerous other armed governmental security forces exist in Haiti, including the National Intelligence Service (SIN), the Ministerial Guards, the National Palace and Residential Security Unit (NPRSU) and the Presidential Security Unit. Particularly in the cases of the SIN, the NPRSU and the Ministerial Guards, it is unclear who in the Government of Haiti controls their activities. There are widespread and credible re-

ports of serious human rights abuses by these security forces.

#### *Special Investigative Unit (SIU)*

The much-trumpeted Special Investigative Unit (SIU) of the Haitian National Police is woefully ill-prepared to undertake the criminal investigations with which it has been charged.

SIU investigators have no more than one week of specialized training in skills necessary to conduct criminal investigations.

The SIU is only at 25 percent of the strength proposed by the U.S., and has yet to receive any of the 100 percent increase in investigators promised by the Haitian government. The SIU currently consists of only 10 officers, charged with more than 80 cases.

SIU investigators do not have access to vehicles, communications equipment, office supplies, and basic investigative equipment. The SIU received office space large enough and secure enough to accommodate its needs.

The work of the SIU has been severely compromised by the presence of three American attorneys and one American "investigator" closely identified with many who have publicly and regularly questioned the overwhelming evidence of Haitian government involvement in extrajudicial killings. These individuals are paid by the government of Haiti on terms they refused to disclose to the staff delegation, and have had total access to all SIU investigative files. Prior to the arrival of two American contractors hired by the Department of State to work with the SIU, all SIU investigations were supervised and controlled by these lawyers.

U.S. Embassy officials did not comprehend or report on the significance of critical issues relating to extrajudicial killings, including crucial developments at the Special Investigative Unit (SIU) of the Haitian National Police. The Embassy official responsible for police issues visited the SIU less than once a month since its creation in October, 1995.

Even if the American lawyers and "investigator" who have tainted SIU actions to date are physically removed and receive no further access to SIU investigators and information, severe damage has already compromised the activities of the SIU on the most important cases. One lawyer was present for the December, 1995 FBI briefing of Haitian government officials on the Bertin case, and all SIU files have already been available for their unlimited perusal.

It is unclear why the vast majority of the SIU's caseload involves crimes from the de facto years. These cases were the subject of the Truth Commission report, and these crimes were an important factor leading to U.S. intervention. It is also unclear why, in light of the decision to include cases prior to September 1994, cases from the first seven months of President Aristide's rule were excluded.

#### *Narcotics*

For years, endemic corruption and unpatrolled borders, water, and ports have made Haiti a prime target for the smuggling of illicit drugs. After months of inaction under Aristide, the new Haitian government has named a chief of its anti-narcotics unit. The police chief has promised but not yet delivered adequate nationwide staffing or resources. Members of the inexperienced police force will require basic investigative and anti-drug training. A full time DEA office and a State Department Narcotics Assistance Section resident in Miami is moving to implement training and cooperation plans.

#### *Judicial reform*

Haiti's judicial system is almost completely dysfunctional. Despite more than \$3

million in AID assistance already obligated (AID has programmed \$18 million through FY 1999), even the most basic training and equipment needs remain unmet. While AID claims that 400 judges and prosecutors have benefited from short-term training seminars, AID has "detected a steady pattern of judges selected by the Ministry for training only to be fired shortly after—or even during—the two week course." Even if HNP investigations bring prosecutions against those responsible for the politically motivated murders, it is unlikely that the judicial system can swiftly, much less impartially, act on these cases.

#### CLINTON ADMINISTRATION POLITICIZATION OF HAITI POLICY

The Clinton Administration has conducted a sustained and coordinated inter-agency effort designed to blame the legislative branch for the shortcomings of its own policies in Haiti. By repeatedly seeking to politicize Haiti policy, the Clinton Administration has done a disservice to the appropriate role of Congress and, more importantly, to the Haitian people. It has also, as a result of systematic obfuscation, kept its own program managers in the dark about these matters, risking the effectiveness of important programs.

The staff delegation heard numerous examples of incomplete, inaccurate, and intentionally misleading information about the role of Congress provided by Clinton Administration officials in Washington to staff, the AID mission, government of Haiti officials and the Haitian business community.

The Embassy and senior Administration officials have repeatedly stated that they welcome Congressional pressure because it leverages their pressure on the Haitian government. Unfortunately, the staff delegation found an absence of pressure by the Administration unless there was Congressional interest.

While senior AID officials assert that Congress is responsible for delays in providing police training programs in Haiti, State Department officials take credit for suspending police training assistance because of the presence of alleged criminals in senior police positions. ICITAP officials in Haiti were not informed of key policy decisions impacting police training programs nor the basis for such decisions.

Senior Administration officials in Washington also criticize Congress for failing to make available funding for certain AID projects in Haiti, yet they conceal the complete picture of serious problems with U.S. assistance programs in Haiti.

While criticizing Congressional concerns about \$4.2 million in development assistance programs alleged to be "humanitarian", AID itself has delayed obligation of more than \$5.5 million for similar programs because of serious concerns about the competence of the Haitian cabinet minister responsible for administering these funds.

AID, not Congress, has withheld since 1995 a \$4.6 million cash transfer to the Haitian treasury because of that government's failure to meet mutually-agreed upon privatization goals.

AID officials have criticized a congressional hold on an environmental project known as "Agricultural Sustainable Systems and Environmental Transformations" (ASSET). Yet at a bipartisan congressional staff briefing in February, 1996, AID officials stated that they intended to withdraw the project altogether because, according to internal AID documents, the project "has been stymied" by the Haitian Ministry of Environment. Other AID electronic mail messages reveal that AID did not withdraw the project because AID's Assistant Administrator of Latin America and the Caribbean

sought political advantage in blaming Congress for holding up the project.

In Washington, the Administrator of AID blames Congress for withholding humanitarian aid, but in Haiti, AID internal documents state that "the \$50 million Health Systems 2004 Project 'is languishing' because of problems with the Haitian Minister of Health.

The impact of the "Dole Amendment" has been consistently misrepresented by officials in Washington and within the U.S. Embassy in Haiti. Despite the clear exemptions for humanitarian and electoral assistance, numerous Haitian and U.S. officials have been informed—incorrectly—that the "Dole Amendment" is responsible for delays in such programs.

#### DEMOCRATIZATION AND POLITICAL ISSUES

##### *Haiti's political power struggle*

In a striking and profound reversal, U.S. and international officials in Haiti now argue that the Preval government deserves U.S. support in order to prevent former President Aristide from thwarting important policy objectives, especially on economic and judicial reform. The staff delegation consistently heard numerous officials cite policy initiatives—moribund under the Aristide government—which could actually proceed under the Preval government if U.S. and international support were provided. Such criticisms of the Aristide regime, voiced now in retrospect, were not voiced when they could have made a difference.

Although Lavalas formally controls the executive, legislative and judicial branches of government, a three way struggle for political power is thought to be underway in Haiti: President Preval has the government, Gerard Pierre Charles has the Lavalas political organization, and former President Aristide has the popular support. Unfortunately, while President Preval's stated objectives most closely match U.S. policy goals, he is the weakest of the three contenders.

##### *Presidential elections*

Presidential elections were held on December 17, 1995. Aristide's hand-picked successor, Rene Preval, won 80 percent of the vote with only 25 percent of eligible voters casting ballots. Preval campaigned as Aristide's "twin," touting "Five More Years of Lavalas." Although these elections were run more efficiently than the controversial June 25 parliamentary balloting, a level playing field did not exist. Aristide's Lavalas movement dominated the Provisional Electoral Council (CEP) on national and regional levels. Lavalas partisans routinely harassed opposition figures, driving some center-right leaders out of the country altogether. The presidential filing deadline coincided with widespread political riots, incited by President Aristide's November 11, 1995 eulogy for slain parliamentarian Jean Hubert Feuille.

Opposition parties, whose many valid complaints about the parliamentary elections were unheeded, boycotted the elections altogether. What remained of the "independent media" (where radio is most important) practiced "self-censorship," avoiding stories that might offend Lavalas partisans. And, international observers (including the United States government, the OAS, and the UN), in a rush to vindicate their mission, rubber-stamped the parliamentary and presidential results.

##### *The 1995 elections*

Haiti's series of elections in 1995 were deeply flawed and did little to advance genuine democracy in Haiti. The egregious flaws before, during and after the June, August, September and November elections cast a seri-

ous and lingering cloud over the limited progress toward democratic pluralism in Haiti.

The democratic opposition in Haiti is demoralized and fragmented. U.S. credibility with the democratic opposition never recovered from two serious blows: refusal to acknowledge systematic problems before the June 25 elections; and the rapid U.S. stamp of approval issued the day of the elections before the polls closed by the head of the official U.S. observer delegation, AID Administrator J. Brian Atwood. Overwhelming evidence of insecure ballots, candidate exclusion and a host of other problems has been detailed comprehensively by the International Republican Institute and the Carter Center. AID documents published recently have dropped the word "fair" from its descriptions of the 1995 electoral process.

A U.S. government-brokered accord between the democratic opposition and Aristide government after the June 25 elections were belated, and ultimately ineffective. The most significant potential breakthrough in these negotiations was halted by President Aristide's own intransigence.

There still has not been a full and satisfactory accounting of all U.S. election support assistance in 1995 (in excess of \$12 million). Because of this failure, AID has no funds programmed for the 1996 Territorial Assembly and Senate elections and refuses to provide any election support until the United Nations and the Haitian Provisional Electoral Council (CEP) undertake and release a complete accounting of all USAID funds in the Haitian Election Trust Fund.

##### *Haitian Parliament*

The Lavalas-dominated bicameral parliament has demonstrated unusual independence from the executive branch by rejecting Aristide's choice for police chief, negotiating prime minister and cabinet candidates, and scrutinizing Preval's budget request. Preval is moving slowly to educate and inform a skeptical, populist Parliament that will be called upon, within a few months, to consider budget cuts, civil service reform, privatization of state enterprises, among others. Many parliamentarians have no government experience, and the institution has no research staff or facilities to carry out basic analytical or deliberative functions. For these reasons, despite the guarded optimism about the Preval government's commitment to economic reform, the parliament may prove to be a battleground—and a bottleneck.

#### INTERNATIONAL PRESENCE

##### *O.A.S./U.N. civilian monitoring mission in Haiti (MICIVIH)*

A case has been made for a continued international presence in Haiti after the expiration of the UNMIH II and MICIVIH mandates, but it is by no means certain that extension of either of these operations under their current mandate is the best form for such a presence to take.

MICIVIH's current mandate expires on May 31 and an internal U.N. Security Council dispute may preclude extension. In its current scaled-down form, MICIVIH has 64 observers in Haiti (each paid \$5-6000 monthly) down from a peak of 170, and has 7 offices down from a peak of 12. MICIVIH currently spends almost \$600,000 monthly.

MICIVIH has adopted a passive role in observing human rights conditions in Haiti, with the mission's director describing conditions today as "relatively quiet." MICIVIH has identified more than 20 murders in the past year as "commando-style executions", the victims of which include political opposition leaders and business persons. U.S. officials acknowledge publicly that several of these killings are linked and that Haitian

government officials appear to have been involved in the murders and the subsequent cover-up. MICIVIH, which played an activist role when the de facto regime held power, has made little effort to press the Haitian government for investigation or prosecution of these killings.

#### U.S. MILITARY PRESENCE

All U.S. military forces associated with UNMIH operation are scheduled to leave Haiti by April 23. The U.S. bilateral military engineering, medical, and civil affairs exercise "Fairwinds", consisting of active duty and reserve forces, will continue through 1997.

The U.S. military continues to provide important engineering and civil works support in Haiti. Despite the persistent refusal of the government of Haiti to respond to requests about priority projects, the U.S. military has undertaken a series of successful civil works efforts to rehabilitate roads, sewers, schools and health clinics.

The Administration recently decided to keep two Chinook heavy-lift helicopters and 40 personnel in Haiti to support the Canadian contingent of UNMIH through May 10. After that, a U.S. contractor will operate helicopters in support of UNMIH forces. On April 10, 1996, the State Department notified Congress of its intent to finance the air support (at least \$1.2 million during the next six months) from its voluntary peacekeeping account.

#### ECONOMY AND DEVELOPMENT

##### *Haitian Economy*

The Haitian economy remains highly dependent on foreign assistance, including food aid, and remittances from Haitians living abroad; at least 65 percent of the 1995 budget was provided by international assistance. Despite attempts to promote private investment, adverse internal political developments have reinforced foreign and Haitian investor concerns about the political and security outlook in Haiti. The 1985 level of private investment in Haiti—a very low baseline—is not likely to be restored in this century.

A major problem for Haitians seeking to break their nation's cycle of misgovernance and poverty is the simple fact that revenues (at about 3 percent of GDP) do not come close to the admittedly inadequate level of government spending (about 7 percent of GDP). Ambitious U.S. Embassy and AID attempts to "irreversibly and fundamentally change Haitian society" through projects aimed at Haitian institutions over several years will fail if Haiti cannot pay its government workers and police. They will also fail if Haiti cannot correct its macroeconomic policy. Sustainable development is a distant dream under these circumstances.

##### *Privatization*

President Preval renewed the commitments he made in Washington, D.C. in late March 1996 to resume the privatization program halted by former President Aristide in October 1995. Whether the new President can overcome strident opposition to privatization from his predecessor and a skeptical parliament remains to be seen.

An ambitious schedule for comprehensive economic reforms calls for negotiations between the Preval Government and international donors to begin on April 15, possibly resulting in signed agreements by the end of May. The untested new Haitian Minister of Finance and the remaining Preval economic team will have to stretch their limited political mandate and untested political skills to the limit if there is to be hope of reaching agreements acceptable to both Washington and the Lavalas coalition.

Privatization will continue to be a major sticking point. Both the U.S. and the World

Bank appear to be insisting on completion of the process of turning over to private management on a lease basis the local flour mill and cement plant—both of which are idle. Both became symbols of Aristide's resistance to economic reform when he refused to open bids for management of the mill and plant in October 1995. This led to the resignation of reformist Prime Minister Smerck Michel, and the termination of nascent economic recovery in the months since.

At the beginning of April, some elements of Haiti's economic team were searching for a way to proceed with privatization while taking into account popular resistance to the concept. A draft proposal would accelerate the outright sale of 50 percent of the flour mill and cement plant. The remaining 50 percent would be assigned to a holding company representing local authorities who could eventually benefit from any distributed profits.

Bureaucratic waste, fraud and corruption continue to be a major drag on the Haitian government. More than 90 percent of the entire Haitian budget is dedicated to salaries, and up to 30 percent of the Haitian civil service consists of "phantom" employees drawing 50 percent of the payroll.

##### *International financial institutions*

The International Monetary Fund (IMF), the World Bank, and the Inter-American Development Bank (IDB) are committing far more economic resources to Haiti than the major bilateral donors, the United States, Canada, and France. About \$230 million was made available by the IFIs in 1995 through the simple device of releasing funds frozen during Aristide's exile. An equal or greater amount is scheduled for 1996. Of course, the military costs absorbed by the United States and Canada in restoring President Aristide have not been taken into account when measuring bilateral foreign aid contributions.

More than \$100 million in IFI assistance is frozen because of the Haitian government's refusal to meet mutually-agreed upon privatization goals.

The IMF and World Bank are approaching their 1996 negotiations with the Preval Government with some determination to avoid repeating the exceptional procedures used to disburse funds to the Aristide Government in early 1995. Those loans lacked specific conditions and were heavily front-loaded, precluding any opportunity to match promises with performance.

By summer, IMF and World Bank disbursements will be needed in order to meet GOH payrolls and balance of payments requirements. Without a viable economic reform package in place by June 1, that schedule will not be met. Any delays or breakdown in negotiations with the IFIs will result in a renewal of Clinton Administration efforts to fill the resulting budget gap through use of bilateral ESF, of which up to \$60 million may remain from the 1996 appropriation. Much of the ESF for Haiti is now allocated to projects.

The IDB representative in Haiti may be more willing than his IFI counterparts to advance up to \$350 million in additional concessional loans to the Preval Government. He appeared to measure success by the level of loans committed, not their contribution to sound policies in Haiti. It should be noted that the IDB and the World Bank were willing to co-finance public works projects in Haiti undertaken by U.S. armed forces engineers when AID appeared unable to do so.

##### *AID mission in Haiti*

Many AID projects do not meet the basic criteria of "sustainability". For example, according to an internal AID evaluation of its community development projects in one area

of Port-au-Prince, a majority either failed or were unsustainable. AID's internal auditor notes in the case of renovations to the school, Ecole La Sanctification, "This was a gift, not a project!" and for another project AID writes, "This project was a one time affair without a sustainable component towards development."

AID's sole contribution to privatization in Haiti has been a \$2 million grant to the International Finance Corporation to fund IFC-sponsored reports and, according to AID, a "public awareness campaign". In light of the strong—and ill-informed—public opposition to privatization in Haiti, any public awareness campaign has failed.

Through AID's new "Results Review and Resource Requirements" ("R4") process, it is difficult to assess AID's successes and failures since AID now claims credit for projects in which it has no financial or technical stake. For example, AID claims it "assisted the U.S. military... to identify infrastructure projects." Senior U.S. military officials claim that no collaboration exists between the U.S. military and USAID. Further, the project in question, repairs to Harry Truman Blvd.—the city's main thoroughfare which runs in front of the U.S. Embassy—were paid for by the Inter-American Development Bank.

As part of its short term jobs program, AID contracted to develop a data-base of Haitians and Haitian-American residents with marketable technical skills. An AID contractor was paid to develop the skills bank database, which includes 1,171 listings, and it completed its work in October 1995. Despite AID's purported goal of the project which was "rapid mobilization of individuals", today—five months later—no part of the data-base has been made available to the Haitian government or local organizations.

AID lacks innovative methods for dealing with the critical problems facing Haiti. For example, AID's ASSET project seeks to plant more trees in Haiti, continuing a program which has resulted in the planting of 90 million trees over 15 years. Regrettably, there is little evidence that additional tree planting will be effective since Haitians continue the massive deforestation of their country at a rate of 30 million trees annually.

AID's grantee to work with the Parliament, has little experience working with legislatures or working with Haiti, is moving slowly in its critical work. A previous contractor with extensive experience in Haiti and in parliamentary development, was dropped by AID, apparently because of the contractor's previous work with the democratic opposition to President Aristide.

AID takes credit for a training program for 3,000 demobilized enlisted former members of the Haitian armed forces (FAd'H), and for 2,400 ex-members of Interim Public Security Force. While AID claims 2,800 "employment opportunities with private employers have been identified," AID documents omit the fact that less than 4 percent of the former FAd'H members have actually found employment. AID officials also reportedly boycotted graduation ceremonies for the former FAd'H trainees for ideological reasons.

##### *U.N. development program*

As with all UNDP projects, it is difficult to determine their success, failure or sustainability since nearly all of UNDP projects are subcontracted out to other United Nations agencies or to private contractors to provide "technical assistance." Staff did learn that UNDP's contribution to Haitian privatization consisted of a single technical report, which, despite 15 months of preparation and review, has not yet been submitted to the government of Haiti nor disseminated to the private sector. The U.S. Embassy also remains at odds with UNDP over a prison reform project, repeatedly yet unsuccessfully

urging UNDP to do more than offer seminars.

Staff visited a \$10,000 pilot project designed by UNDP to teach rural farmers basic agricultural methods to alleviate soil erosion from hillside farming. It is curious that UNDP is only now undertaking a pilot project of this nature since environmental destruction due to this method of farming has been evident in Haiti for decades.

#### RECOMMENDATIONS

##### *Rule of Law*

##### Haitian National Police

The Government of Haiti should immediately demonstrate its commitment to the Haitian National Police and the Special Investigative Unit. President Preval's visit to the SIU immediately after the delegation left Haiti was a positive step—unfortunately, the visit was not well-coordinated and no one was at the unit's headquarters during the visit.

ICITAP should repair the critical flaws apparent in its Haiti training program, especially in supervisory and investigative personnel, revising future training programs it carries out. The desperate lack of trained supervisory and investigatory personnel must also be immediately addressed if the Haitian National Police and its specialized units are ever to operate effectively. Both shortages should have been foreseen much earlier, and should be addressed in future ICITAP programs.

Visas to enter the United States should be immediately withdrawn for all current or former Haitian officials suspected on the basis of credible evidence to be involved in extrajudicial killings or other gross violations of human rights until they are formally cleared by the Haitian judicial system.

In light of the fact that the report required by the "Dole Amendment" cannot be honestly made, U.S. assistance to the government of Haiti must be immediately reviewed, and all ongoing assistance programs, except for legitimate humanitarian or electoral assistance, to the government should be suspended pending the outcome of the review.

##### Special Investigative Unit

No further assistance to the HNP or the SIU should be obligated or expended until the following conditions have occurred:

A credible, respected head of the SIU is appointed.

A full-time prosecutor is assigned to the SIU.

Additional investigators are assigned to the unit, reflecting the U.S. preference for 40 full-time investigators.

Priority in manpower and other resources is given to cases of extrajudicial killing after the return of former President Aristide.

Access to SIU investigations, investigators and material is completely and demonstrably denied to the American lawyers and "investigator" who have been working with the SIU or anyone else who might compromise the integrity of the investigations.

If the above conditions have been met, and after prior consultation with Congress, ICITAP should move immediately to augment training and technical assistance for the Inspector General of the HNP and the Special Investigative Unit, including forensics, communication and other much-needed aid.

After the *modus operandi* of the SIU is clearly defined to ensure the security of sensitive material, the FBI should cooperate fully, including sharing complete files, with the U.S. SIU contractors to ensure timely access to all evidence and reports needed to conduct a thorough investigation of extrajudicial killings.

##### U.S. Embassy

The Embassy must make human rights a priority. The Embassy should immediately reconstitute its human rights fund to assist victims of political violence and their families. The Embassy should assume responsibility for monitoring, gathering information and reporting on extrajudicial killings, including the murders of Mireille Bertin, Jean Hubert Feuille, Michael Gonzalez, and those killed in the Cite Soleil massacre.

The Inspectors General at the Department of Defense and the Department of State, the General Accounting Office and the U.S. Congress should conduct independent investigations into the reasons why no U.S. government official warned Mireille Durocher Bertin of an assassination plot against her involving senior Haitian government officials, despite possessing clear and credible information of such a plot. The investigation should include the role of U.S. Embassy and U.S. Armed Forces personnel in the decision not to directly inform Bertin about the assassination plot.

##### *Politicization*

The Administration should cooperate fully with all Congressional Committee requests for documents related to U.S. policy in Haiti. Timely responses to all Congressional requests for information regarding the Administration's policies in Haiti would be a positive, good faith step in restoring bipartisan cooperation in Haiti.

Administration officials should end their intentional mischaracterizations of the "Dole Amendment" and should make available to the U.S. Embassy, the USAID mission in Haiti, the government of Haiti, non-governmental organizations and the media accurate information about the reasons for the withholding of U.S. assistance.

##### *Economy and development*

##### AID and assistance issues

AID should not consider releasing the Fiscal Year 1995 \$4.6 million cash transfer to the government of Haiti until true privatization has taken hold. Under current circumstances, the staff delegation does not foresee the situation in Haiti improving to the point at which there would be justification for releasing any Fiscal Year 1996 funds for balance of payments support. Without swift action by the government of Haiti to substantially cut its civil service payroll, any U.S. balance of payments support will only be wasted.

Congress should not approve any additional Administration requests to use scarce ESF funds in Haiti until a sustainable economic reform program has been implemented. Congress should also carefully monitor the use of the \$60 million in ESF made available from the FY 1996 appropriation.

Given that AID claims it cannot move forward on its ASSET project due to government of Haiti intransigence, AID should immediately withdraw this Congressional Notification.

AID should immediately terminate projects which are not sustainable. While many of the short term jobs programs and training aid have given the perception that Haiti's economy is progressing and that AID's efforts in this area have been successful, that is simply not the case. As seen by the staff delegation, when AID resources for these projects are exhausted, the projects have failed.

##### Privatization

The Government of Haiti must accelerate the rate of privatization. Privatizing the cement factory and the flour mill, while important, should not represent the culmination of the government's efforts, rather they should serve as a useful first step catalysts to further privatization.

The International Financial Institutions should hold firm on their insistence on steps toward privatization, requiring that reforms be enacted before assistance is disbursed. Congress should carefully review the 1997 request for the IADB's Fund for Special Operations to ensure that its use in Haiti would not result in the postponing of economic and civil service reform and privatization. Further, U.S. executive directors at these institutions should use significant American leverage, including their voice and vote, to ensure that reforms precede assistance.

##### *Democratization and politics*

AID must intensify its effort to provide material and technical support so the Parliament can function as efficiently as possible. Current delays, in large part due to AID's change of contractor midstream, should be immediately resolved. Support should include timely, practical assistance on substantive issues which are expected to be taken up by the Parliament soon.

AID should demand a full and complete accounting from the United Nations and the government of Haiti for all U.S. assistance provided for the 1995 elections. No additional election assistance should be provided until this accounting is made public and made available to Congress.

##### *International presence*

The MICIVIH mission should not divert all its attention toward long-term institution building in Haiti at this time, rather it should be more aggressive in its basic human rights monitoring and reporting activities. MICIVIH should further press the Preval government to investigate all human rights violations, especially those cases under the investigative jurisdiction of the SIU and the Truth Commission.

#### ORDERS FOR MONDAY, APRIL 22, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. on Monday, April 22; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date; no resolutions come over under the rule; the call of the calendar be dispensed with; the morning hour be deemed to have expired; the time for the two leaders be reserved for their use later in the day; and that there then be a period for morning business until the hour of 2 p.m. with Senators to speak for up to 5 minutes each with the first 90 minutes under the control of Senator DASCHLE, or his designees, and the last 90 minutes under the control of Senator COVERDELL, or his designee; further, that at the hour of 2 p.m. the Senate resume consideration of Calendar No. 201, Senate Joint Resolution 21 regarding a constitutional amendment to limit congressional terms.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask unanimous consent that following the 2:15 p.m. cloture vote on Tuesday, notwithstanding rule XXII, the Senate proceed to the vote on final passage of the health insurance reform bill, H.R. 3103.

The PRESIDING OFFICER. Without objection, it is so ordered.