

## B. The situation in Guatemala

### Decision of 31 January 1994: letter from the President to the Secretary-General

By a letter dated 17 January 1994 addressed to the President of the Security Council,<sup>78</sup> the Secretary-General transmitted the text of the “Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca” signed in Mexico City on 10 January 1994,<sup>79</sup> in the presence of the United Nations observer to the peace process. Among the changes introduced by that new agreement, was the parties’ request that the Secretary-General appoint a representative to serve as Moderator of the bilateral talks, a request which he intended to accept. The parties had also concurred that the United Nations should be requested to verify the implementation of all agreements reached by them. It had been made clear to them at the meeting in Mexico City that the latter request would in due course require decisions by the

<sup>78</sup> S/1994/53.

<sup>79</sup> Ibid., annex.

relevant intergovernmental bodies of the United Nations. Should the forthcoming negotiations succeed in producing an agreed settlement of the conflict in Guatemala, the Secretary-General would recommend that the United Nations agree to verify implementation of the relevant agreements.

By a letter dated 31 January 1994,<sup>80</sup> the President of the Council informed the Secretary-General of the following:

The members of the Security Council take note with appreciation of your letter dated 17 January 1994 and the annex thereto, concerning the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca.

The members of the Council welcome the agreement reached by the parties and express the hope that an early and fair settlement of the conflict in Guatemala can be attained.

The members of the Council will welcome any further communications on developments regarding the matter.

<sup>80</sup> S/1994/104.

## 13. The question concerning Haiti

### Decision of 16 June 1993 (3238th meeting): resolution 841 (1993)

By a letter dated 7 June 1993 addressed to the President of the Security Council,<sup>1</sup> the representative of Haiti stated that, despite the international community’s efforts, constitutional order had not been re-established in Haiti because the *de facto* authorities continued to obstruct all the initiatives that had so far been proposed. He requested that the Security Council make universal and mandatory the sanctions against the *de facto* authorities, adopted at the Ad Hoc Meeting of Ministers for Foreign Affairs of the Organization of American States (OAS), and recommended in various General Assembly resolutions, giving priority to the embargo on petroleum products and the supply of arms and munitions.

At its 3238th meeting, on 16 June 1993, the Council included that letter in its agenda. Following the adoption of the agenda, the Council invited the

<sup>1</sup> S/25958.

representatives of the Bahamas, Canada and Haiti, at their request, to participate in the discussion without the right to vote. The President (Spain) drew the attention of the members of the Council to a draft resolution submitted by France, the United States and Venezuela.<sup>2</sup> He further drew their attention to a letter dated 14 June 1993, addressed to the President of the Council from the representative of Cuba,<sup>3</sup> in which the latter informed the Council of his Government’s view on the draft resolution before the Council. In that letter, he recalled that, at the time when repeated efforts had been made to secure the Security Council’s authorization of electoral assistance to Haiti, in September 1990, the unanimous opinion of the Group of Latin American and Caribbean States had been that such assistance was not an issue related to international peace and security and could not, therefore, come under the aegis of the Council. On that occasion and subsequently, when further attempts had been made in

<sup>2</sup> S/25957.

<sup>3</sup> S/25942.

1991 to involve the Council in Haiti following the *coup d'état* there, it had been determined, pursuant to the Charter, that the General Assembly was responsible for action on the matter, concerning the approval of electoral assistance for Haiti as well as support for the measures taken by the appropriate regional organization in accordance with its constituent charter. With reference to the draft resolution before the Council and its characterization of the situation of the Haitian refugees as a threat to peace and security in the region, Cuba considered the matter to be a purely humanitarian question, which had to be solved through the relevant international organizations and bodies. Accordingly, that question did not fall within the mandate accorded to the Council under the Charter. Cuba's support for a return to constitutional order in Haiti and for its sole legitimate representative, President Aristide, did not prevent it from categorically repudiating the adoption of measures concerning the internal situation of Haiti by the Council, whose primary responsibility was the maintenance of international peace and security as set forth in Article 24 of the Charter, a context which did not embrace the situation prevailing in Haiti. In his delegation's view, the actions that were being sought of the Council were illegal under the Charter and established a dangerous precedent, which only served to buttress the repeated attempts to extend the authority and mandate of the Council beyond those laid down in the Charter.

The representative of Canada noted that the overthrow of the democratically elected Government of President Aristide had been universally condemned by the international community and that only a firm and unequivocal response from the international community would produce the conditions necessary for the return of democracy to Haiti. While OAS had demonstrated patience and resolve in condemning the interruption of the democratic process and in implementing concrete measures designed to restore that process, it had to be recognized that there were limits to the tools available to it. The OAS embargo on trade with Haiti was not binding on countries which were not members of the organization, thus reducing its impact and allowing the illegal regime in Port-au-Prince to cling to power. Acknowledging that reality, OAS had found it necessary to seek the support of the United Nations. Canada strongly supported the efforts of the past six months of the Special Envoy of OAS and the United Nations to reach a negotiated settlement. She further stated that the

international community shared the responsibility to create the conditions necessary to ensure the success of the mediation mission of the Special Representative of OAS and of the United Nations. By supporting the limited sanctions in the draft resolution, the purpose of which was to advance the negotiating process, the Council would send a clear message. She added that the situation in Haiti was a threat to peace and security in the region and Haiti's neighbours were daily subjected to the consequences of it. The Government of Canada therefore considered it legitimate and necessary that the Council respond positively to the call by President Aristide and impose an embargo on the delivery of oil supplies in order to bring about a speedy conclusion to that situation. There was no other way to bring about the end of the illegal regime. She noted that the principal elements of the draft resolution — an embargo on the delivery of petroleum and petroleum products, arms and munitions, and the freezing of the assets of the Haitian State — had already been covered by the embargo earlier decreed by OAS.<sup>4</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 841 (1993), which reads:

*The Security Council,*

*Having received* a letter dated 7 June 1993 from the Permanent Representative of Haiti to the United Nations addressed to the President of the Security Council requesting that the Council make universal and mandatory the trade embargo on Haiti recommended by the Organization of American States,

*Having heard* a report of the Secretary-General on 10 June 1993 regarding the crisis in Haiti,

*Taking note* of resolutions MRE/RES.1/91, MRE/RES.2/91, MRE/RES.3/92 and MRE/RES.4/92 adopted by the Ministers for Foreign Affairs of the member countries of the Organization of American States, and resolution CP/RES.594 (923/92) and declarations CP/DEC.8 (927/93), CP/DEC.9 (931/93) and CP/DEC.10 (934/93) adopted by the Permanent Council of the Organization of American States,

*Taking note in particular* of resolution MRE/RES.5/93 adopted on 6 June 1993 at Managua by the Ministers for Foreign Affairs of the member countries of the Organization of American States,

*Recalling* General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 A of 24 November 1992, 47/143 of 18 December 1992 and 47/20 B of 20 April 1993,

<sup>4</sup> S/PV.3238, pp. 6-8.

*Strongly supportive* of the continuing leadership of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States and of the efforts of the international community to reach a political solution to the crisis in Haiti,

*Commending* the efforts undertaken by the Special Representative for Haiti of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States, Mr. Dante Caputo, to establish a political dialogue with the Haitian parties with a view to resolving the crisis in Haiti,

*Recognizing* the urgent need for an early, comprehensive and peaceful settlement of the crisis in Haiti in accordance with the provisions of the Charter of the United Nations and international law,

*Recalling* its statement of 26 February 1993, in which it noted with concern the incidence of humanitarian crises, including mass displacements of population, becoming or aggravating threats to international peace and security,

*Deploing* the fact that, despite the efforts of the international community, the legitimate Government of President Jean-Bertrand Aristide has not been reinstated,

*Concerned* that the persistence of this situation contributes to a climate of fear of persecution and economic dislocation, which could increase the number of Haitians seeking refuge in neighbouring Member States, and convinced that a reversal of this situation is needed to prevent its negative repercussions on the region,

*Recalling*, in this respect, the provisions of Chapter VIII of the Charter, and stressing the need for effective cooperation between regional organizations and the United Nations,

*Considering* that the above-mentioned request of the representative of Haiti, made within the context of the related actions previously taken by the Organization of American States and by the General Assembly of the United Nations, defines a unique and exceptional situation warranting extraordinary measures by the Council in support of the efforts undertaken within the framework of the Organization of American States,

*Determining* that, in these unique and exceptional circumstances, the continuation of this situation threatens international peace and security in the region,

*Acting*, therefore, under Chapter VII of the Charter,

1. *Affirms* that the solution of the crisis in Haiti should take into account the above-mentioned resolutions of the Organization of American States and of the General Assembly of the United Nations;

2. *Welcomes* the request of the General Assembly that the Secretary-General take the necessary measures in order to assist, in cooperation with the Organization of American States, in the solution of the crisis in Haiti;

3. *Decides* that the provisions set forth in paragraphs 5 to 14 below, which are consistent with the trade embargo recommended by the Organization of American States, shall come into force at 0001 hours eastern standard time on 23 June 1993, unless the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, has reported to the Council that, in the light of the results of the negotiations conducted by the Special Representative for Haiti of the Secretary-General of the United Nations and Secretary-General of the Organization of American States, the imposition of such measures is not warranted at that time;

4. *Decides also* that if at any time after the submission of the above-mentioned report of the Secretary-General, the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, reports to the Council that the de facto authorities in Haiti have failed to comply in good faith with their undertakings in the above-mentioned negotiations, the provisions set forth in paragraphs 5 to 14 below shall come into force immediately;

5. *Decides further* that all States shall prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of petroleum or petroleum products or arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, police equipment and spare parts for the aforementioned, whether or not originating in their territories, to any person or body in Haiti or to any person or body for the purpose of any business carried on in or operated from Haiti, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply;

6. *Decides* to prohibit any and all traffic from entering the territory or territorial sea of Haiti carrying petroleum or petroleum products, or arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, police equipment and spare parts for the aforementioned, in violation of paragraph 5 above;

7. *Decides also* that the Committee of the Security Council established by paragraph 10 below may authorize, on an exceptional case-by-case basis under a no-objection procedure, the importation, in non-commercial quantities and only in barrels or bottles, of petroleum or petroleum products, including propane gas for cooking, for verified essential humanitarian needs, subject to acceptable arrangements for effective monitoring of delivery and use;

8. *Decides further* that States in which there are funds, including any funds derived from property, (a) of the Government of Haiti or of the de facto authorities in Haiti, or (b) controlled directly or indirectly by such Government or authorities or by entities, wherever located or organized, owned or controlled by such Government or authorities, shall require all persons and entities within their own territories holding such funds to freeze them to ensure that they are not made available directly or indirectly to or for the benefit of the de facto authorities in Haiti;

9. *Calls upon* all States and all international organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to 23 June 1993;

10. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council consisting of all the members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports submitted pursuant to paragraph 13 below;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the present resolution;

(c) To consider any information brought to its attention by States concerning violations of the measures imposed by the present resolution and to recommend appropriate measures in response thereto;

(d) To consider and decide expeditiously requests for the approval of imports of petroleum and petroleum products for essential humanitarian needs in accordance with paragraph 7 above;

(e) To make periodic reports to the Security Council on information submitted to it regarding alleged violations of the present resolution, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;

(f) To promulgate guidelines to facilitate implementation of the present resolution;

11. *Calls upon* all States to cooperate fully with the Committee in the fulfilment of its tasks, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

12. *Also calls upon* States to bring proceedings against persons and entities violating the measures imposed by the present resolution and to impose appropriate penalties;

13. *Requests* all States to report to the Secretary-General by 16 July 1993 on the measures they have initiated for meeting the obligations set out in paragraphs 5 to 9 above;

14. *Requests* the Secretary-General to provide all necessary assistance to the Committee, and to make the necessary arrangements in the Secretariat for that purpose;

15. *Also requests* the Secretary-General to report to the Security Council, not later than 15 July 1993, and earlier if he considers it appropriate, on progress achieved in the efforts jointly undertaken by him and the Secretary-General of the Organization of American States with a view to reaching a political solution to the crisis in Haiti;

16. *Expresses its readiness* to review all the measures in the present resolution with a view to lifting them if, after the provisions set forth in paragraphs 5 to 14 above have come into force, the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, reports to the Council that the de facto authorities in Haiti have signed and have begun implementing in good faith an agreement to reinstate the legitimate Government of President Jean-Bertrand Aristide;

17. *Decides* to remain seized of the matter.

After the vote, the President stated that he had been asked by the members of the Council to say that the adoption of resolution 841 (1993) was warranted by the unique and exceptional situation in Haiti and should not be regarded as constituting a precedent.

The representative of France qualified the situation before the Council as one of “total blockage” and expressed the hope that the adoption of sanctions against Haiti would make it possible to bring the perpetrators of the *coup d’état* to the negotiating table, in order to restore constitutional order in Haiti. He also hoped that it would not be necessary for the Council to tighten those measures if no tangible result emerged from the talks that the Special Representative wished to continue with the parties.<sup>5</sup>

The representative of Venezuela stated that the situation in Haiti was undoubtedly a threat to international peace and security, in particular in the Caribbean basin. It was not a question of interference in Haiti’s internal affairs. The legitimate and constitutional Government of Haiti — that of President Aristide — had asked the members of the Council to act. Efforts must not flag until the lawful authorities of Haiti were restored to power and were accorded the same consideration and support which the United Nations had shown in other extreme cases elsewhere in the world. He further noted that the provisions of the embargo imposed by OAS had not been respected because they were not binding. The action on which the Council had decided was unquestionably a sign of cooperation between the United Nations and a regional organization, namely OAS. It was also the first time that the Council had adopted a resolution implementing Chapter VII in connection with a country in the American hemisphere. The speaker contended that OAS had attempted to apply measures aimed at bringing about a negotiated settlement since the beginning of the crisis in Haiti. There had not been any

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<sup>5</sup> *Ibid.*, pp. 9-10.

initiative, mission, meeting or declaration that had not been undertaken within the framework of OAS. All that remained, therefore, was recourse to the Security Council. The only way to strengthen the embargo was to make it binding and universal, which in turn required action on the part of the Council. In that respect, he emphasized that the embargo was not being pursued as an end in itself, but as a means to give the Special Representative an additional deterrent so that the negotiations would continue and would achieve the goal sought by all.<sup>6</sup>

The representative of Pakistan explained that his delegation voted in favour of resolution 841 (1993) in the belief that the mandatory measures contained therein were in conformity with the recommendations made by OAS and that such extraordinary measures by the Council were necessary due to the threat to international peace and security emanating from the continuation of the situation in Haiti. In his delegation's view, the Council had acted under exceptional circumstances in that particular case. His delegation's vote was therefore without prejudice to the position which it might take on future resolutions of the Council in a similar situation.<sup>7</sup>

Similarly, the representative of Brazil contented that resolution 841 (1993) made it clear that the situation in Haiti was unique and exceptional due to a conjunction of factors, including the request by the legitimate Government of Haiti that the Council make universal and mandatory the measures recommended by OAS and the fact that action had already been taken in that same direction by OAS and by the General Assembly. That prior action provided a framework which warranted the extraordinary consideration of the matter by the Council and the equally extraordinary application of measures provided for in Chapter VII of the Charter.<sup>8</sup>

The representative of the United States stated that the Council had acted decisively to underline the international community's demand for a return to democratic legitimacy in Haiti. In taking the extremely serious step of imposing mandatory sanctions, it was sending a clear and resounding message. At the same time, her delegation was aware that sanctions alone were not a solution to the Haitian tragedy. Rather, the

adoption of tough sanctions represented a further step by the international community to put pressure on those who stood in the way of a solution. In the final analysis, however, the international community could not solve the Haitian crisis. Only the Haitians themselves could do that. She called on all sides to negotiate seriously for a settlement.<sup>9</sup>

The representative of China contended that the crisis in Haiti was essentially a matter which fell within the internal affairs of that country, and therefore should be dealt with by the Haitian people themselves. The Haitian crisis had, however, acquired a new dimension with the latest developments. Under those circumstances, the representative of Haiti, acting within the context of the related actions previously taken by OAS and by the General Assembly, had requested the Council to take urgent measures to redress the crisis in Haiti. Similar requests had been made by OAS and by Latin American and Caribbean countries to support the efforts made by the regional organization. The resolution just adopted had also made it clear that the Council, in dealing with the Haitian crisis, would fully heed and respect the views of the relevant regional organization and countries in the region, and that any action by the Council should be complementary to, and supportive of, the actions by the relevant regional organization. He concluded by pointing out that his delegation's support for resolution 841 (1993) did not in any way alter China's consistent position, according to which it did not favour the Council's handling of matters which were essentially internal affairs of a Member State and disapproved of resorting lightly to such mandatory measures as sanctions by the Council.<sup>10</sup>

#### **Decision of 15 July 1993: letter from the President to the Secretary-General**

On 12 July 1993, pursuant to resolution 841 (1993), the Secretary-General submitted to the Council a report on the situation of democracy and human rights in Haiti,<sup>11</sup> in which he reported on progress achieved in the efforts jointly undertaken by him and the Secretary-General of OAS with a view to reaching a political solution to the crisis in Haiti. The Secretary-General informed the Council that his Special Envoy had obtained the agreement of the President of Haiti

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<sup>6</sup> Ibid., pp. 10-14.

<sup>7</sup> Ibid., pp. 14-15.

<sup>8</sup> Ibid., pp. 16-18.

<sup>9</sup> Ibid., pp. 18-19.

<sup>10</sup> Ibid., pp. 19-21.

<sup>11</sup> S/26063.

and of the Commander-in-Chief of the Armed Forces of Haiti to meet with him at Governors Island, New York. The meeting took place from 27 June to 3 July 1993 and concluded with the signing of a 10-point Agreement containing the following arrangements: (1) organization under the auspices of the United Nations and OAS of a political dialogue between representatives of the political parties represented in the Parliament, with the participation of representatives of the Presidential Commission; (2) nomination of a Prime Minister by the President of the Republic; (3) confirmation of the Prime Minister by the legally reconstituted Parliament and his assumption of office in Haiti; (4) suspension, on the initiative of the United Nations Secretary-General, of the sanctions adopted under resolution 841 (1993) and the suspension, on the initiative of the Secretary-General of OAS, of the other measures adopted at the OAS Ad Hoc Meeting of Ministers of Foreign Affairs, immediately after the Prime Minister was confirmed and assumed office in Haiti; (5) implementation, following the agreements with the constitutional Government, of international cooperation, including assistance for modernizing the Armed Forces of Haiti and establishing a new Police Force with the presence of United Nations personnel in those fields; (6) granting of an amnesty by the President of the Republic within the framework of the National Constitution; (7) adoption of a law establishing the new Police Force and appointment, within that framework, of the Commander-in-Chief of the Police Force by the President of the Republic; (8) exercise by the Commander-in-Chief of the Armed Forces of Haiti of his right to early retirement and appointment of a new Commander-in-Chief of the Armed Forces by the President of the Republic; (9) return to Haiti of President Aristide on 30 October 1993; and (10) verification by the United Nations and OAS of fulfilment of all the commitments contained in the Governors Island Agreement.<sup>12</sup> With regard to the last point, the Secretary-General intended to entrust verification of the Agreement to his Special Envoy. Concerning human rights, he would propose that the arrangements for the International Civilian Mission in Haiti (MICIVIH) remain in effect.<sup>13</sup> Regarding

sanctions, he recommended that the Council endorse the proposal to suspend the sanctions immediately after the Prime Minister was confirmed and assumed office in Haiti. He also recommended that the Council decide that the suspension of the sanctions should be automatically terminated if at any time he, having regard to the views of the Secretary-General of OAS, reported to the Council that the parties to the Agreement or any authorities in Haiti had failed to comply in good faith with the Agreement. In that respect, he specified that failure to comply with the undertakings would include, *inter alia*, numerous violations of the human rights and fundamental freedoms set forth in the international instruments to which Haiti was a party and in the Constitution of Haiti. He added that, immediately after the return of President Aristide to Haiti, he would report to the Council with a view to the sanctions being lifted definitively and that the Secretary-General of OAS had informed him that he would take parallel action with respect to the measures adopted by that organization. On the question of a United Nations presence in Haiti to assist in the modernization of the armed forces and the establishment of a new police force provided for in the Agreement, the Secretary-General would report to the Council with his recommendations after the necessary consultations with the constitutional Government of Haiti.

By a letter dated 15 July 1993,<sup>14</sup> the President of the Council (United Kingdom) informed the Secretary-General of the following:

The members of the Council have considered those parts of your report of 12 July 1993 which are within the competence of the Council. They expressed their deep appreciation for your efforts and those of your Special Representative to achieve a peaceful settlement to the crisis in Haiti and declared their readiness to give the fullest possible support to the Agreement signed on Governors Island, New York, on 3 July 1993.

The members of the Council earnestly hope that the inter-Haitian dialogue which is beginning in New York this week will facilitate rapid progress towards the achievement of the objectives of the Agreement. They look forward to the full implementation of all stages of that Agreement and confirm their readiness to suspend the measures imposed by resolution 841 (1993) of 16 June 1993 immediately after the confirmation of the Prime Minister and his assumption of his functions in Haiti. They agree that provision will also need to be made for the

<sup>12</sup> S/26063, para. 5.

<sup>13</sup> The United Nations component of the joint United Nations/OAS International Civilian Mission in Haiti (MICIVIH), which had been in operation in the country since February 1993, was authorized by the General Assembly on 20 April 1993 to verify compliance with

Haiti's human rights obligations (see General Assembly resolution 47/20 B).

<sup>14</sup> S/26085.

automatic termination of such suspension if at any time you, having regard for the views of the Secretary-General of the Organization of American States, report to the Council that the parties to the Agreement, or any authorities in Haiti, have failed to comply in good faith with the Agreement. They declare their readiness to terminate the measures imposed by resolution 841 (1993), on receipt of a report from you, immediately after the return of President Aristide to Haiti.

The members of the Council stand ready to take the necessary action urgently upon receipt of your recommendations for the presence of United Nations personnel in Haiti to assist in the modernization of the armed forces and the establishment of a new police force, in accordance with point 5 of the Agreement.

**Decision of 27 August 1993 (3271st meeting):  
resolution 861 (1993)**

On 13 August 1993, pursuant to resolution 841 (1993), the Secretary-General submitted to the Council a follow-up report to his report of 12 July 1993.<sup>15</sup> The Secretary-General reported that following the signature of the Governors Island Agreement, the Special Envoy had invited the representatives of the main political forces in Haiti and of the political blocs in Parliament to participate, together with the members of the Presidential Commission, at a political dialogue to discuss the agenda set forth in point 1 of the Agreement. The dialogue had taken place in New York from 14 to 16 July 1993 at the conclusion of which the participants had signed a document known as the New York Pact.<sup>16</sup> That document provided for a political truce of six months' duration, a procedure to enable Parliament to resume its normal functioning, and agreements for the early confirmation of the Prime Minister nominated by the President to head a Government of national concord, and for the adoption of the legal instruments necessary for ensuring the transition. Those undertakings were subject to verification by the United Nations and by OAS. The Secretary-General further reported that, on 24 July 2003, President Aristide had informed the Presidents of the two chambers of Parliament of his intention to nominate Robert Malval as Prime Minister.

On 26 August 1993, the Secretary-General submitted to the Council a follow-up report to his report of 13 August 1993,<sup>17</sup> in which he informed the Council that, the process of confirmation of the Prime Minister-designate of Haiti, Mr. Robert Malval, had

been completed and that the latter had assumed his functions. Accordingly, the Secretary-General recommended that the measures imposed in resolution 841 (1993) be suspended immediately. He also recalled that the suspension would automatically be terminated and sanctions reimposed if at any time he, having regard to the views of the Secretary-General of OAS, reported to the Council that the parties to the Governors Island Agreement or any authorities in Haiti had failed to comply in good faith with the Agreement. Some of the circumstances that would lead him to conclude that such a breach had occurred had been spelled out in his reports of 12 July and 13 August 1993. He further recalled that, immediately after the return of President Aristide to Haiti on 30 October 1993, he would report to the Council with a view to the sanctions being lifted definitively.

At its 3271st meeting, on 27 August 1993, the Council included the report of the Secretary-General dated 26 August 1993 in its agenda. Following the adoption of the agenda, the Council invited the representative of Haiti, at his request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the members of the Council to the reports of the Secretary-General dated 12 July and 13 August 1993,<sup>18</sup> as well as to a letter dated 15 July 1993 addressed to the Secretary-General from the President of the Council.<sup>19</sup> She also drew their attention to a draft resolution prepared in the course of the Council's prior consultations.<sup>20</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 861 (1993), which reads:

*The Security Council,*

*Recalling* its resolution 841 (1993) of 16 June 1993,

*Commending* the efforts undertaken by the Special Representative for Haiti of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States,

*Having considered* the relevant parts of the report of the Secretary-General of 12 July 1993,

*Taking note with approval* of the Governors Island Agreement between the President of the Republic of Haiti and the Commander-in-Chief of the Armed Forces of Haiti, including the provisions of point 4, under which the parties

<sup>15</sup> S/26297.

<sup>16</sup> *Ibid.*, annex.

<sup>17</sup> S/26361.

<sup>18</sup> S/26063 and S/26297.

<sup>19</sup> S/26085.

<sup>20</sup> S/26364.

agreed that the sanctions should be suspended immediately after the Prime Minister is confirmed and assumes office in Haiti,

*Having also considered* the report of the Secretary-General of 13 August 1993 on the New York Pact of 16 July 1993,

*Having received* the report of the Secretary-General of 26 August 1993 indicating that the Prime Minister of Haiti has been confirmed and has assumed office in Haiti,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* that the measures set out in paragraphs 5 to 9 of resolution 841 (1993) are suspended with immediate effect, and requests all States to act consistently with this decision as soon as possible;

2. *Confirms its readiness*, as noted in the letter dated 15 July 1993 addressed to the Secretary-General from the President of the Security Council, to terminate immediately the suspension of the measures referred to in paragraph 1 above if at any time the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, informs the Council that the parties to the Governors Island Agreement or any other authorities in Haiti have not complied in good faith with the Agreement;

3. *Expresses its readiness* to review all the measures in paragraphs 5 to 14 of resolution 841 (1993) with a view to lifting them definitively once the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, informs the Council that the relevant provisions of the Agreement have been fully implemented;

4. *Decides* to remain seized of the matter.

After the vote, the representative of France stated that his Government was pleased that the progress of democracy in Haiti had enabled the Council to suspend the sanctions imposed by resolution 841 (1993), as set out in the resolution itself and as stipulated in the Governors Island Agreement. He expressed the hope that the process towards democracy would be completed and that the Council would then finally be able to lift the sanctions. In that way, the Council would be demonstrating to all that it could act in accordance with the developments it observed. He also noted that Haiti's progress towards democracy was in large part the result of cooperation between the United Nations and OAS, which set an example whose repetition and extension would benefit all.<sup>21</sup>

The President, speaking in her capacity as representative of the United States, stated that, at the

time the Council imposed sanctions on Haiti, the goal had clearly been to help restore the democratic Government that had been stolen from the people of Haiti. The Governors Island Agreement, signed two weeks later, was a clear demonstration that sanctions had worked. Both at OAS and at the United Nations, the ratification of President Aristide's chosen Prime Minister was a triumph for multilateral diplomacy, which had been put at the service of democracy and human dignity. The suspension of sanctions was not only a success, but also a first in recent years for the Security Council members had shown that they would be serious in responding to serious progress. That was a message to those who continued to stonewall the Council. In suspending sanctions, Council members had also shown that that economic tool was both flexible and effective, and that the Council could act quickly and decisively. She added that the success also provided a glimpse into the future of a greater vision her Government saw for the United Nations. That vision was not only to reform those States which had spurned the community of nations and to embrace the new democracies that so wished to become good citizens in that community, but also to restore failed States so that they too could rejoin it.<sup>22</sup>

The representative of Haiti stated that the ratification of President Aristide's designated Prime Minister was a major victory for OAS and for the United Nations, and in particular for the Security Council, whose resolution 841 (1993) was decisive in the development of the matter. However, the situation in Haiti was still extremely precarious, with a renewed outbreak of human rights violations, as indicated by the last report of the International Civilian Mission. His delegation hoped that the Council would remain vigilant against any attempts to wreck the process of establishing democracy in Haiti.<sup>23</sup>

Other speakers also highlighted the importance of the cooperation between the United Nations and OAS, and the need to continue such a partnership until a definite solution to the crisis in Haiti had been achieved. Some expressed concern at the human rights situation in Haiti.<sup>24</sup> Others emphasized the role that

<sup>22</sup> *Ibid.*, pp. 16-17.

<sup>23</sup> *Ibid.*, pp. 18-19.

<sup>24</sup> *Ibid.*, pp. 5-6 (Venezuela); and pp. 6-8 (Brazil).

<sup>21</sup> S/PV.3271, pp. 8-9.



should be played by other United Nations organs with regard to economic and social assistance to Haiti.<sup>25</sup>

**Decision of 31 August 1993 (3272nd meeting):  
resolution 862 (1993)**

On 25 August 1993, the Secretary-General submitted to the Council a report concerning Haiti,<sup>26</sup> in which he put forward recommendations for the consideration of the Council concerning United Nations assistance in the modernization of the Armed Forces as well as in the establishment of a new police force, as provided for under the Governors Island Agreement. Those recommendations had been made pursuant to a letter of 24 July 1993 from President Aristide and were based on advice from his Special Envoy and the “Friends of the Secretary-General for Haiti”. Pending adoption of the necessary legislation for the creation of the new police force, including the appointment of a Commander-in-Chief of the Police, an estimated 567 United Nations police monitors would assist the Government in monitoring the activities of those members of the Armed Forces who were carrying out police functions. In consultation with the Government of Haiti, the United Nations would, at a later stage, assist in the establishment of a Police Academy and in the training of a new generation of police officers there. The task of modernizing the Armed Forces would be discharged by training teams of 12 trainers each, with an average of 60 trainers being present in Haiti at any given time. In addition, a military construction unit with a strength of approximately 500 people would be deployed to work with the Haitian military to carry out construction projects. Those tasks would be carried by the mission to be known as the United Nations Mission in Haiti (UNMIH). The Secretary-General recommended therefore that the Council authorize the establishment of UNMIH for an initial period of six months, to be dispatched as soon as the conditions set up in the Governors Island Agreement were met. The duration of the Mission would be subject to periodic review, in the light of the progress achieved in the restoration of democracy in Haiti.

At its 3272nd meeting, on 31 August 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the

<sup>25</sup> *Ibid.*, pp. 8-9 (Spain).

<sup>26</sup> S/26352.

President drew the attention of the members of the Council to a draft resolution prepared in the course of the Council’s prior consultations.<sup>27</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 862 (1993), which reads:

*The Security Council,*

*Recalling* its resolutions 841 (1993) of 16 June 1993 and 861 (1993) of 27 August 1993,

*Recalling also* the Governors Island Agreement between the President of the Republic of Haiti and the Commander-in-Chief of the Armed Forces of Haiti, of 3 July 1993, contained in the report of the Secretary-General of 12 July 1993, and the letter dated 24 July 1993 from the President of the Republic of Haiti to the Secretary-General,

*Commending* the efforts undertaken by the Special Representative for Haiti of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States,

*Noting* that point 5 of the Agreement calls for international assistance in modernizing the armed forces of Haiti and establishing a new police force with the presence of United Nations personnel in these fields,

*Reaffirming* the international community’s commitment to a resolution of the crisis in Haiti, including a restoration of democracy,

*Recalling* the situation in Haiti and the continuing responsibility of the Council, under the Charter of the United Nations, for the maintenance of international peace and security,

1. *Takes note* of the report of the Secretary-General to the Security Council of 25 August 1993, which contains recommendations concerning United Nations assistance in the modernization of the armed forces as well as in the establishment of a new police force in Haiti under a proposed United Nations mission in Haiti;

2. *Approves* the dispatch, as soon as possible, of an advance team of not more than thirty personnel to assess requirements and prepare for the possible dispatch of both the civilian police and military assistance components of the proposed United Nations mission in Haiti;

3. *Decides* that the mandate of the advance team will expire within one month, and contemplates that this advance team could be incorporated into the proposed United Nations mission in Haiti if and when such a mission is formally established by the Council;

4. *Looks forward* to a further report of the Secretary-General on the proposed establishment of the United Nations mission in Haiti, including in particular a detailed estimate of

<sup>27</sup> S/26384.

the cost and scope of the operation, a time-frame for its implementation and its projected conclusion, and how to ensure coordination, *inter alia*, between it and the work of the Organization of American States, with a view to establishing the proposed mission on an expeditious basis, if the Council so decides;

5. *Urges* the Secretary-General to enter expeditiously into discussions with the Government of Haiti on a status-of-mission agreement to facilitate the early dispatch of the United Nations mission in Haiti, if and when the Council so decides;

6. *Decides* to remain seized of the matter.

After the vote, the representative of France stated that resolution 862 (1993) allowed the international community once again to note its will to ensure the return of democracy to Haiti. He hoped that the advance team provided in the resolution could be sent immediately to its theatre of operations to prepare for the arrival of a larger United Nations mission. It was important for the Council to be provided quickly with the additional information it had requested, in order to take a final decision concerning the United Nations Mission in Haiti.<sup>28</sup>

The representative of Venezuela noted that the measures in resolution 862 (1993) had been identified and agreed to by the Haitians themselves. The Council was therefore working in accordance with those understandings and with full respect for the sovereignty of Haiti. Emphasizing the need to follow up on the recommendations of the advance team, he noted that that initiative by the Council was part of a process which, as a result of the express will of the Government of Haiti, had involved the United Nations and OAS from the beginning. Unlike other similar operations, that one had reflected the security measures and the guarantees that had been found suitable and agreed upon by the parties in the process which guided the Special Envoy. For that reason, he believed that the organizational and budgetary safeguards in paragraphs three, four and five of resolution 862 (1993) should not be interpreted as restrictive or as conditions of the commitment to set up UNMIH expeditiously.<sup>29</sup>

The representative of Spain stated that, with the adoption of resolution 862 (1993), the Council was demonstrating its determination to actively assist the legitimate Government of Haiti and the Haitian people in their task of restoring and consolidating their

democratic institutions. In that respect, he noted that the democratization of the police forces and the military establishment was related to the international civil mission which was already functioning in Haiti under the auspices of the United Nations to supervise genuine respect for human rights. The assistance of the United Nations in those matters, in cooperation with OAS, and coordinated by the Special Envoy, was important for two reasons: firstly, the United Nations was responding promptly to a request by the legitimate Government of Haiti and supporting that Government's desire to modernize and professionalize its security and armed forces, in accordance with the provisions of the Governors Island Agreement; and secondly, the democratization of those institutions was an essential element in lending a seal of permanence to the period of democracy which was beginning.<sup>30</sup>

The President, speaking in her capacity as representative of the United States, stated that the provision of United Nations military and police personnel was a tangible sign that the Council's commitment would not end with the restoration of constitutional government, but would continue until democratic institutions were firmly in place. It was also a calming presence during the transition period. Noting that the Secretary-General's report of 15 August 1993 provided a well-considered formula to cultivate an enduring solution, she looked forward to the speedy dispatch of the United Nations advance team and to its assessment of the situation, followed by the establishment of UNMIH.<sup>31</sup>

**Decision of 17 September 1993 (3278th  
meeting): statement by the President**

At its 3278th meeting, on 17 September 1993, the Council resumed its consideration of the item. After the adoption of the agenda, the President (Venezuela) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:<sup>32</sup>

The Security Council deplors the recent upsurge in violence in Haiti, particularly the events of 11 and 12 September 1993, when at least a dozen people were assassinated, including a prominent supporter of President Aristide, during a church service.

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<sup>28</sup> S/PV.3272, p. 3.

<sup>29</sup> *Ibid.*, pp. 5-6.

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<sup>30</sup> *Ibid.*, pp. 8-9.

<sup>31</sup> *Ibid.*, pp. 9-11.

<sup>32</sup> S/26460.

The Council is deeply concerned at these developments as well as at the existence of organized armed civilian groups in the capital which are attempting to interfere with the new constitutional Government's proper assumption of its functions.

The Council considers it imperative that the constitutional Government of Haiti assume control over the security forces of the country, and that those responsible for the activities of the organized armed civilian groups throughout the country, and particularly in Port-au-Prince, be held personally accountable for their actions and removed from their functions. It also urges the Haitian authorities to take immediate measures with a view to disarming these groups.

The Council strongly calls upon the Commander-in-Chief of the Armed Forces, also in his capacity as signatory to the Governors Island Agreement, to carry out his responsibilities to the fullest by ensuring immediate compliance with the letter and the spirit of the Agreement.

The Council will hold the Haitian military and security authorities personally responsible for the safety of all United Nations personnel in Haiti.

Unless there is a clear and immediate effort by the security forces to put an end to the present levels of violence and intimidation, and unless the above requirements are met, the Council will have no alternative but to consider that the authorities responsible for public order in Haiti are not complying in good faith with the Agreement.

Therefore, should the Secretary-General, in accordance with resolution 861 (1993) of 27 August 1993, and having received the views of the Secretary-General of the Organization of American States, inform the Council that, in his opinion, there is a serious and consistent non-compliance with the Agreement, the Council will immediately reinstate those measures provided for in its resolution 841 (1993) of 16 June 1993 appropriate to the situation, with particular emphasis on those measures aimed at those deemed responsible for the non-compliance with the Agreement.

The Council reaffirms that all the parties in Haiti are bound to comply with their obligations under the Agreement, as well as with those embodied in the relevant international treaties to which Haiti is party and in all relevant Council resolutions.

The Council will closely monitor the situation in Haiti in the coming days.

**Decision of 23 September 1993 (3282nd meeting): resolution 867 (1993)**

On 21 September 1993, pursuant to resolution 862 (1993), the Secretary-General submitted to the Council a report on Haiti, in which he provided additional information on the proposed establishment of UNMIH.<sup>33</sup> The Secretary-General reported that, in

accordance with resolution 862 (1993), an advance team of military, police and civilian specialists, led by his Special Envoy, had been dispatched to Haiti on 8 September 1993. First, the team had been instructed to undertake a detailed survey as a basis for the preparation of the report, and secondly, a small group of military and police officers were to remain in Haiti, after the return of the main body of the advance team on 12 September 1993, with the task of making preparations for the eventual deployment of the Mission in Haiti. His Special Envoy had met with a number of Haitian officials representing the Constitutional Government as well as the Armed Forces, including the Prime Minister and Commander-in-Chief of the Haitian Armed forces. Both sides had confirmed their desire to pursue the implementation of the Governors Island Agreement, including those provisions which foresaw the participation of the United Nations. He noted that notwithstanding the assurances given by both sides regarding their readiness to cooperate with the United Nations in the implementation of the relevant provisions of the Governors Island Agreement, they continued to be divided by deep mistrust and suspicion. Meanwhile, the political and social climate in Haiti continued to be characterized by widespread violations of human rights and other instances of violence. The Secretary-General fully concurred with the opinion of his Special Envoy, according to which there was an urgent need to demonstrate through concrete steps the commitment of the international community to the solution of the Haitian crisis. He hoped, therefore, that the Council would agree to the urgent establishment of UNMIH in line with his earlier recommendations.

The Secretary-General recalled that the main objective of United Nations cooperation in the police sector was to assist in the establishment and organization of a national police force separate from the Armed Forces. In the first phase, pending the creation of such a police force, the police members of UNMIH would monitor the performance of the existing security forces. In particular, they would verify that the existing security forces respected human rights as well as the letter and spirit of the political accord. That initial phase of the Mission was estimated to require six months. As soon as feasible, and if possible before the completion of the initial phase, the scope of UNMIH activities in the police sector would be expanded to include training of the members of the

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<sup>33</sup> S/26480. See also S/26480/Add.1.

new police force.<sup>34</sup> Concerning assistance for the modernization of the Armed Forces, the Secretary-General stated that the military operation would be carried out in three phases: the first consisting of the movement of military units and the installation of a base camp; the second covering training of military personnel in various disciplines and the initiation of engineering and medical assistance projects; and the third phase involving expanded training, as well as engineering and medical projects enabling the Haitian military personnel to apply their newly acquired skills. It was estimated that all those activities could be conducted simultaneously and be completed within six months.<sup>35</sup> The training which would be provided to the Haitian Armed Forces was intended to enhance their capabilities in non-combat skills essentially in the areas relating to disaster preparedness and relief.<sup>36</sup> The strength of the military component of UNMIH, including military trainers, would need to be increased to approximately 700 personnel. Finally, his Special Representative in Haiti would be responsible for coordinating the work of UNMIH and of MICIVIH, both of which would function under his overall authority.

The Secretary-General noted that his recommendations for the deployment of UNMIH had been developed with a view to ensuring that the operation was cost effective. Some elements of the activities envisaged for UNMIH would have to be funded separately through the establishment of trust funds or other arrangements.<sup>37</sup> He reiterated his recommendation that the Council approve the establishment of UNMIH for an initial period of six months.

At its 3282nd meeting, on 23 September 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution submitted by the United States<sup>38</sup> and read out revisions to be made to the draft in its provisional form. He also drew their attention to several other documents.<sup>39</sup>

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<sup>34</sup> S/26480, para. 9.

<sup>35</sup> *Ibid.*, para. 16.

<sup>36</sup> *Ibid.*, para. 17.

<sup>37</sup> *Ibid.*, para. 26.

<sup>38</sup> S/26484.

<sup>39</sup> Reports of the Secretary-General dated 12 July and 13 August 1993 (S/26063 and S/26297); letter dated

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 867 (1993), which reads:

*The Security Council,*

*Recalling* its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993 and 862 (1993) of 31 August 1993,

*Recalling also* the relevant resolutions adopted by the General Assembly of the United Nations and the Organization of American States,

*Taking note* of the report of the Secretary-General of 21 and 22 September 1993 and the reports of the Secretary-General of 25 August and 26 August 1993, submitted pursuant to his reports to the Council of 12 July and 13 August 1993,

*Taking note also* of the letter dated 24 July 1993 from the Secretary-General to the President of the Security Council conveying a proposal from the Government of Haiti requesting the United Nations to provide assistance in creating a new police force and in modernizing the Haitian armed forces,

*Stressing* the importance of the Governors Island Agreement of 3 July 1993 between the President of the Republic of Haiti and the Commander-in-Chief of the Armed Forces of Haiti towards promoting the return of peace and stability in Haiti, including the provisions of point 5, under which the parties call for assistance for modernizing the armed forces of Haiti and establishing a new police force with the presence of United Nations personnel in those fields,

*Strongly supportive* of the efforts to implement that Agreement and to permit the resumption of the normal operations of government in Haiti, including police and military functions, under civilian control,

*Recalling* the situation in Haiti and the continuing responsibility of the Council under the Charter of the United Nations for the maintenance of international peace and security,

*Concerned* about the escalation of politically motivated violence in Haiti at this time of critical political transition, and recalling in this respect the statement of the President of the Security Council of 17 September 1993,

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26 July 1993 from the Secretary-General to the President of the Security Council (S/26/80), transmitting a letter dated 24 July 1993 from the President of Haiti to the Secretary-General; letter dated 14 September 1993 from the Secretary-General to the President of the General Assembly (S/26471), transmitting a declaration on the situation in Haiti adopted by the Permanent Council of OAS on 8 September 1993; and letter dated 21 September 1993 from the representative of Belgium to the Secretary-General (S/26482), transmitting a statement on Haiti issued by the European Community on 20 September 1993.

Considering that there is an urgent need to ensure conditions for the full implementation of the Governors Island Agreement and the political accords contained in the New York Pact as contained in the annex to the report of the Secretary-General of 13 August 1993,

1. Approves the recommendation of the Secretary-General contained in his reports of 25 August and 21 and 22 September 1993 to authorize the establishment and immediate dispatch of the United Nations Mission in Haiti for a period of six months subject to the proviso that it will be extended beyond seventy-five days only upon a review by the Council to be based on a report from the Secretary-General on whether or not substantive progress has been made towards the implementation of the Governors Island Agreement and the political accords contained in the New York Pact;

2. Decides that in accordance with the report of the Secretary-General of 21 and 22 September 1993, the Mission shall be comprised of up to five hundred and sixty-seven United Nations police monitors and a military construction unit with a strength of approximately seven hundred, including sixty military trainers;

3. Determines that the United Nations police monitors shall provide guidance and training to all levels of the Haitian police and monitor the way in which the operations are implemented in accordance with paragraph 9 of the report of the Secretary-General of 21 and 22 September 1993;

4. Also determines that the military component of the Mission in charge of modernization of the armed forces shall have the following roles:

(a) The military training teams shall provide non-combat training, as outlined in paragraph 17 of the report of the Secretary-General of 21 and 22 September 1993, to meet requirements determined through coordination between the chief of the Mission and the Government of Haiti;

(b) The military construction unit will work with the Haitian military to carry out projects, as specified in paragraph 15 of the report of the Secretary-General of 25 August 1993 and as described in paragraph 16 of his report of 21 and 22 September 1993;

5. Welcomes the intention of the Secretary-General to place the peacekeeping Mission under the oversight of the Special Representative of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States, who also oversees the activities of the International Civilian Mission in Haiti, so that the peacekeeping Mission may benefit from the experience and information already obtained by the Civilian Mission;

6. Calls upon the Government of Haiti to take all appropriate steps to ensure the safety of United Nations personnel, as well as to ensure the freedom of movement and communication of the United Nations Mission in Haiti and its members as well as the other rights necessary for the

performance of its task, and in this regard, urges the conclusion at the earliest possible stage of a status-of-mission agreement;

7. Notes that such safety and freedoms are a prerequisite for the successful implementation of the Mission, and requests the Secretary-General to report to the Council in the event that such conditions do not exist;

8. Calls upon all factions in Haiti explicitly and publicly to renounce, and to direct their supporters to renounce, violence as a means of political expression;

9. Requests the Secretary-General to dispatch the Mission on an urgent basis;

10. Encourages the Secretary-General to establish a trust fund or make other arrangements to assist in the financing of the Mission, along the lines and conditions outlined in paragraph 26 of the report of the Secretary-General of 21 and 22 September 1993, and to seek for this purpose pledges and contributions from Member States and others, and encourages Member States to make voluntary contributions to this fund;

11. Requests the Secretary-General to seek contributions of personnel from Member States for the civilian police and military components of the Mission, as specified in paragraph 18 of his report of 25 August 1993;

12. Expresses the hope that States will assist the legally constituted Government of Haiti in carrying out actions consistent with the restoration of democracy as called for by the Governors Island Agreement, the New York Pact and other relevant resolutions and agreements;

13. Expresses its appreciation for the constructive role of the Organization of American States in cooperation with the United Nations in promoting the solution of the political crisis and the restoration of democracy in Haiti, and in this context stresses the importance of ensuring close coordination between the United Nations and the Organization of American States in their work in Haiti;

14. Requests the Secretary-General to submit progress reports to the Security Council on the implementation of the present resolution by 10 December 1993 and 25 January 1994, thus keeping the Council fully informed on actions taken to implement the Mission;

15. Decides to remain actively seized of the matter.

Speaking after the vote, the representative of the United States noted the role played by both the United Nations and OAS in Haiti. He said that the country was entering a period of fundamental change, during which its most important institutions had to be refashioned as the building blocks of a democratic society. Those institutions could not, however, be imposed from the outside. But with the consent of Haitian leaders, outsiders could help Haitian citizens. Furthermore, the establishment and maintenance of civil order by

democratic means was essential to the future of Haiti, and helping that to occur was a central purpose of the United Nations mission. The international community expected the Governors Island signatories to meet their obligations in full, especially with respect to safeguarding the human rights of Haitian citizens and ensuring the safety of United Nations mission personnel in Haiti.<sup>40</sup>

The representative of France stated that it was a matter of urgency for his delegation to vote for resolution 867 (1993). Noting that the positive developments, which were taking place in Haiti since July, reflected a spirit of compromise on the part of the leaders of the various factions, he said that it would be unfortunate if the atmosphere in Haiti were to deteriorate in an enduring way that would compromise the initial achievements in the process of national reconciliation. His country strongly condemned the recent acts of violence and human rights violations in Haiti, and called on those responsible to show restraint and to respect the rules of democracy. He noted that the decision to dispatch a military construction unit, while not specifically provided for in the Governors Island Agreement, would help involve the armed forces in the civilian work of rebuilding the country. He pointed out that the projects to be carried out in that framework would have to be financed by a special fund, which should be funded largely by the participants in the military construction unit.<sup>41</sup>

The President, speaking in his capacity as representative of Venezuela, stated that the establishment and immediate deployment of a United Nations mission in Haiti was an urgent operation because of the grave situation of violence and political intimidation that had re-emerged in Haiti. That situation impeded the effective functioning of the legitimate Government and the creation of a climate of tranquillity and stability, and hindered United Nations efforts to re-establish democracy in Haiti. The international community had committed itself to guaranteeing the implementation of the Governors Island Agreement and the New York Pact, and would not tolerate acts of defiance whose continuance would force it to reimpose the sanctions provided for in resolution 841 (1993). He reiterated his delegation's support for the presidential statement of 17 September

1993, which declared that anyone attempting to harm United Nations personnel in Haiti would be held personally responsible. In conclusion, he noted that the adoption by the Council of resolution 867 (1993) was but one of the steps necessary to restore democracy in Haiti.<sup>42</sup>

**Decision of 11 October 1993 (3289th meeting):  
statement by the President**

At its 3289th meeting, on 11 October 1993, the Council resumed its consideration of the item. After the adoption of the agenda, the President (Brazil) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:<sup>43</sup>

The Security Council is deeply concerned with the situation in Haiti and deeply deplores the events of 11 October 1993, when organized armed civilian groups ("attachés") threatened journalists and diplomats waiting to meet a contingent of the United Nations Mission in Haiti dispatched pursuant to resolution 867 (1993) of 23 September 1993. Moreover, the disturbance created by these armed groups and a lack of dock personnel prevented the landing at Port-au-Prince of the ship carrying the contingent. The Council considers it imperative that the armed forces of Haiti carry out their responsibilities to ensure that obstructions such as these to the safe and successful dispatch of the Mission end immediately.

The Council reiterates, in accordance with the statement of the President of 17 September 1993, that serious and consistent non-compliance with the Governors Island Agreement will prompt the Council to reinstate immediately those measures provided for in its resolution 841 (1993) of 16 June 1993 appropriate to the situation, with particular emphasis on those measures aimed at those deemed responsible for this non-compliance. In that context, the Council requests the Secretary-General to report urgently to the Council whether the incidents of 11 October constitute such non-compliance by the armed forces of Haiti with the Agreement.

The Council looks forward to the report of the Secretary-General and will closely monitor the situation in Haiti in the coming days.

**Decision of 13 October 1993 (3291st meeting):  
resolution 873 (1993)**

On 13 October 1993, pursuant to the presidential statement of 11 October 1993, in which the Security Council had requested the Secretary-General to report to it whether the incidents of 11 October constituted

<sup>40</sup> S/PV. 3282, p. 11-12.

<sup>41</sup> Ibid., pp. 15-16.

<sup>42</sup> Ibid., pp. 22-23.

<sup>43</sup> S/26567.

serious and consistent non-compliance by the Armed Forces with the Governors Island Agreement, the Secretary-General submitted a report on the question concerning Haiti.<sup>44</sup> The Secretary-General noted that the incidents of 11 October 1993, which had prevented the deployment of a contingent of the military component of UNMIH arriving on board the vessel *Harlan County*, had been the culmination of a situation characterized by the repeatedly observed refusal on the part of the command of the Haitian authorities to facilitate the operation of UNMIH, to follow the instructions of the constitutional Government, and to put an end to the violence perpetrated by armed civilians with the complicity of the police. He also cited the attack on 5 October on the Prime Minister's office by armed civilians with the participation of members of the police force and the general strike declared on 7 October against UNMIH on the proposal of a group known as the Front pour l'avancement et le progres d'Haiti. Accordingly, he was compelled to inform the Council that the Commander-in-Chief of the Armed Forces of Haiti, as one of the parties to the Agreement, and the police chief and commander of the Port-au-Prince metropolitan area, as one of the "authorities in Haiti", had failed to fulfil the commitments entered into under the Governors Island Agreement. In the light of all the foregoing facts, which reflected serious and consistent non-compliance with the Governors Island Agreement, and having regard to the views of the Secretary-General of OAS, he considered it necessary, in accordance with resolution 861 (1993), to terminate the suspension of the measures set out in paragraphs 5 to 9 of resolution 841 (1993).

At its 3291st meeting, on 13 October 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Barbados, Belize, Dominica, Grenada, Haiti and Saint Vincent and the Grenadines, at their request, to participate in the discussion without the right to vote. The President drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.<sup>45</sup>

Before the vote, the representative of the United States, referring to the incidents of 11 October 1993,

<sup>44</sup> S/26573.

<sup>45</sup> S/26578.

stated that the military leaders of Haiti had violated a solemn agreement which sought to resolve peacefully the governmental crisis in their country. United States troops on a United Nations mission had been prevented from entering Haiti by armed demonstrators acting with police and military support. Those troops, which had been invited by Haiti's Prime Minister, had not been sent to confront the military or police, but to provide technical and training assistance, as called for by the Governors Island Agreement. The United States had said from the outset that its participation depended upon the willingness of the Haitian military to provide a cooperative and secure environment. It had never suggested or threatened an intervention in Haiti over the opposition of the military, nor had that course of action ever been endorsed or proposed by President Aristide. Turning to the draft resolution, the speaker said that the decision to reimpose economic sanctions had not been taken lightly. Her Government would maintain the pressure for democratic change in Haiti in every manner possible, short of an armed intervention that no one wanted. It would continue to explore every avenue for a peaceful solution.<sup>46</sup>

The representative of Venezuela took note of the fact that the military authorities of Haiti had not carried out in good faith the commitments assumed in the Governors Island Agreement. That lack of compliance with the obligations imposed in the Agreement obviously reflected a situation that was a threat to peace and security in the region and required the Council to take action under Chapter VII of the Charter. Accordingly, his delegation supported the reimposition of sanctions on Haiti. It was essential to send an unambiguous message to those who were challenging the authority of the Council and the international community, which had committed itself to guaranteeing the implementation of the Governors Island Agreement. The purpose of assisting in the return of democracy to Haiti was firm and there would be no hesitation to take all measures to ensure that that goal be attained.<sup>47</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 873 (1993), which reads:

<sup>46</sup> S/PV.3291, pp. 3-5.

<sup>47</sup> *Ibid.*, pp. 5-7.

*The Security Council,*

*Recalling* its resolutions 841 1993 of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993 and 867 (1993) of 23 September 1993,

*Deeply disturbed* by the continued obstruction of the arrival of the United Nations Mission in Haiti, dispatched pursuant to resolution 867 (1993), and the failure of the armed forces of Haiti to carry out their responsibilities to allow the Mission to begin its work,

*Having received* the report of the Secretary-General of 13 October 1993 informing the Council that the military authorities of Haiti, including the police, have not complied in good faith with the Governors Island Agreement,

*Determining* that their failure to fulfil obligations under the Agreement constitutes a threat to peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides*, in accordance with paragraph 2 of resolution 861 (1993), to terminate the suspension of the measures set out in paragraphs 5 to 9 of resolution 841 (1993) as of 2359 hours eastern standard time on 18 October 1993, unless the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, reports to the Council that the parties to the Governors Island Agreement and any other authorities in Haiti are implementing in full the agreement to reinstate the legitimate Government of President Jean-Bertrand Aristide and have established the necessary measures to enable the United Nations Mission in Haiti to carry out its mandate;

2. *Decides also* that funds that are required to be frozen pursuant to paragraph 8 of resolution 841 (1993) may be released at the request of President Aristide or Prime Minister Malval of Haiti;

3. *Decides further* that the Committee of the Security Council established pursuant to paragraph 10 of resolution 841 (1993) shall have the authority, in addition to that set forth in the aforementioned paragraph, to grant exceptions to the prohibitions (other than those referred to in paragraph 2 above) referred to in paragraph 1 above on a case-by-case basis under the no-objection procedure in response to requests by President Aristide or Prime Minister Malval;

4. *Confirms its readiness* to consider urgently the imposition of additional measures if the Secretary-General informs the Security Council that the parties to the Governors Island Agreement or any other authorities in Haiti continue to impede the activities of the Mission or interfere with the freedom of movement and communication of the Mission and its members as well as the other rights necessary for the performance of its mandate, or have not complied in full with relevant Council resolutions and the provisions of the Agreement;

5. *Decides* to remain actively seized of the matter.

Speaking after the vote, the representative of France saw no alternative to re-imposing the sanctions that had been lifted on 27 August 1993. He noted that a few days had been granted before the sanctions took effect, during which time he hoped that those in charge of the army and police in Haiti would decide to comply fully with the Governors Island Agreement, which should lead to the reinstating of the legal authorities and the return of President Aristide on 30 October 1993. If sanctions were to be lifted, those responsible for the impasse would have to give formal guarantees of their full cooperation with UNMIH, demonstrate that they were committed to strict compliance with the orders received from the constitutional Government, and immediately implement points 7, 8 and 9 of the Governors Island Agreement, which provided, in particular, that before the return of President Aristide, the Commander-in-Chief of the Armed Forces should be replaced. He made it clear that if those provisions were not implemented within the necessary time frame, France would not hesitate to adopt additional measures against those responsible for the failure of the process.<sup>48</sup>

The President, speaking in his capacity as representative of Brazil, stated that it was clearly the duty of the military and security authorities in Haiti to ensure conditions for UNMIH personnel to arrive safely in Haiti and afterwards to perform their tasks without any obstacles. OAS had condemned the acts of intimidation of 11 October 1993 as well as the lack of cooperation on the part of the military and police authorities to enable United Nations contingents to disembark in Haiti. He recalled that by resolution 861 (1993), the Council had indicated that the sanctions which had then been suspended would be reimposed should the Haitian security authorities fail to implement in good faith the provisions of the Governors Island Agreement. The Council had to thus respond appropriately, while making clear that it would continue to firmly support the restoration of legitimacy, democracy and the rule of law in Haiti. To do otherwise would not be consistent with the goals and principles of the Organization.<sup>49</sup>

<sup>48</sup> *Ibid.*, pp. 7-8.

<sup>49</sup> *Ibid.*, pp. 10-12.



**Decision of 16 October 1993 (3293rd meeting):  
resolution 875 (1993)**

At its 3293rd meeting, on 16 October 1993, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Canada and Haiti, at their request, to participate in the discussion without the right to vote. The President drew the attention of the members of the Council to a draft resolution submitted by Canada, France, the United States and Venezuela<sup>50</sup> and to a letter dated 15 October 1993 addressed to the Secretary-General from the President of Haiti<sup>51</sup> in which he noted the violations of the Governors Island Agreement, as certified in the Secretary-General's report of 13 October 1993, and requested the Council, under the authority vested in it by Chapter VII of the Charter, to call on Member States to take the necessary measures to strengthen the provisions of resolution 873 (1993).

The representative of Haiti contended that, since the signing of the Governors Island Agreement, groups of armed civilians, commonly known as "attachés" who were auxiliary personnel of the Armed Forces and the police were waging a terror campaign to intimidate anyone who wanted to help restore democracy in Haiti. The assassination of the Minister of Justice was very revealing of that sector's systematic opposition to the transition process and to the return of President Aristide. Calling on the international community to condemn that act and those responsible for it, he further stated that the international community had to make it clear that it was determined to carry out to the end the process of restoring democracy in Haiti. It was important that the Council monitor strictly the application of measures reimposed under resolution 873 (1993). The more those measures were respected, the faster and surer would be the results. The international community had to bring pressure to bear so that all the provisions of the Governors Island Agreement and the New York Pact would be complied with and Haiti would finally regain peace.<sup>52</sup>

Speaking in explanation of vote, the representative of the United States noted that for the second time in four days, the Council was meeting to restate its commitment to the Governors Island

Agreement and to the peaceful return of elected President Aristide. The members of the Council had recognized the need to act promptly and firmly. The draft resolution under consideration called upon all States to cooperate in ensuring that no ships arrived in Haiti in violation of the economic sanctions previously adopted. While that decision might cause additional suffering to the Haitian people, the purpose of those sanctions was ultimately to relieve hardship and to liberate Haiti from the stranglehold being inflicted by a small group of men. Noting that the economic sanctions would not enter into effect until 18 October, she called upon Haiti's military leaders to take immediate steps to reaffirm their commitment to the Agreement. Noting also that there should be no doubt about the determination of the United States and the community of nations, she added that her Government would use its diplomatic and military power to see that economic sanctions worked and to ensure that those sanctions served to shield the flickering flame of Haitian democracy.<sup>53</sup>

The representative of Venezuela stated that the international community had an irrevocable commitment to democracy in Haiti. That commitment would appear to be on the verge of coming to naught as a result of the behaviour of the military and police authorities of Haiti who continued to promote and encourage acts of harassment and aggression against the legitimate Government of Haiti and against the international community, as represented by OAS and the United Nations missions in Haiti. The recent events in Haiti and the general insecurity prevailing in that country constituted open contempt for the will of the international community, as expressed in Council resolutions, in its efforts to restore democratic order and its determination to ensure the conditions for the consolidation of democratic legality in that country. In particular, the grave new developments suggested the impossibility of translating into reality the commitment to ensure the return of President Aristide on 30 October 1993 and jeopardized the entire international effort to restore democracy in Haiti. In the face of those developments, there was no alternative but to exercise the options afforded by the Charter. In so doing, the Council adopted resolution 873 (1993), thus showing the international community's resolute determination. The draft resolution under consideration was aimed at

<sup>50</sup> S/26586.

<sup>51</sup> S/26587.

<sup>52</sup> S/PV.3293, pp. 3-4.

<sup>53</sup> *Ibid.*, p. 5-7.

complementing that resolution and at ensuring its effective implementation.<sup>54</sup>

The representative of Spain stated that the draft resolution before the Council was based on Chapters VII and VIII of the Charter; its sole purpose being to ensure the effective enforcement of the embargo measures adopted under resolutions 841 (1993) and 873 (1993). He emphasized that the measures were not aimed at the people or the lawful Government of Haiti, whose President had requested the Council to ask Member States to take the necessary action to implement those measures, but rather at a minority that were oppressing the people of Haiti and standing in the way of compliance with the Agreements to which they had lent their assent. He further stressed the continuing validity of the presidential statement of 17 September 1993, in which the Council put the de facto authorities on notice that they would be held responsible for the security and safety of United Nations personnel in Haiti.<sup>55</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 875 (1993), which reads:

*The Security Council,*

*Reaffirming* its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993 and 873 (1993) of 13 October 1993,

*Taking note* of resolutions MRE/RES.1/91, MRE/RES.2/91, MRE/RES.3/92 and MRE/RES.4/92 adopted by the Ministers for Foreign Affairs of the member countries of the Organization of American States, and resolution CP/RES.594 (923/92) and declarations CP/DEC.8 (927/93), CP/DEC.9 (931/93), CP/DEC.10 (934/93) and CP/DEC.15 (967/93), adopted by the Permanent Council of the Organization of American States,

*Deeply disturbed* by the continued obstruction to the dispatch of the United Nations Mission in Haiti, pursuant to resolution 867 (1993), and the failure of the armed forces of Haiti to carry out their responsibilities to allow the mission to begin its work,

*Condemning* the assassination of officials of the legitimate Government of President Jean-Bertrand Aristide,

*Taking note* of the letter dated 15 October 1993 from President Aristide to the Secretary-General, in which he requested the Council to call on Member States to take the

necessary measures to strengthen the provisions of resolution 873 (1993),

*Mindful* of the report of the Secretary-General of 13 October 1993 informing the Council that the military authorities in Haiti, including the police, have not complied in full with the Governors Island Agreement,

*Reaffirming its determination* that, in these unique and exceptional circumstances, the failure of the military authorities in Haiti to fulfil their obligations under the Agreement constitutes a threat to peace and security in the region,

*Acting* under Chapters VII and VIII of the Charter of the United Nations,

1. *Calls upon* Member States, acting nationally or through regional agencies or arrangements, cooperating with the legitimate Government of Haiti, to use such measures commensurate with the specific circumstances as may be necessary under the authority of the Council to ensure strict implementation of the provisions of resolutions 841 (1993) and 873 (1993) relating to the supply of petroleum or petroleum products or arms and related materiel of all types, and in particular to halt inbound maritime shipping as necessary in order to inspect and verify their cargoes and destinations;

2. *Confirms* that it is prepared to consider further necessary measures to ensure full compliance with the provisions of relevant Council resolutions;

3. *Decides* to remain actively seized of the matter.

After the vote, the representative of France stated that the unanimous adoption of resolution 875 (1993), which strengthened the measures contained in resolution 873 (1993), attested to the Council's unswerving determination to secure full implementation of the Governors Island Agreement. Those measures were part of a clear-cut political strategy that would also form the basis of the international community's reaction to subsequent developments in the situation in Haiti. He recalled that it was incumbent upon the military authorities in Haiti to restore public order, to ensure the safety of members of the legal Government, and to make it possible for UNMIH to be deployed without delay. It was not the first time that the Security Council had implemented measures calling for the use of maritime monitoring of the implementation of sanctions. In his delegation's view, those rules of engagement, which had proved their effectiveness, had to be based on established rules. He added that the withdrawal of the Commander-in-Chief of the Police Force and of the Commander-in-Chief of the Armed Forces of Haiti had to occur immediately, in keeping with items 7 and 8 of the Governors Island Agreement. His Government would

<sup>54</sup> Ibid., pp. 9-11.

<sup>55</sup> Ibid., pp. 11-13.

continue to take steps to help bring about the return of President Aristide on 30 October and the full restoration of the rule of law in Haiti.<sup>56</sup>

According to the representative of China, the Council, in handling the Haitian question, should fully solicit and respect the views of OAS and the Latin American countries and bring their full role into play. He stressed that the measures authorized in resolution 875 (1993) were special actions taken under the unique and exceptional circumstances in Haiti and should not establish a precedent. China's support for resolution 875 (1993) did not imply any change in its position, which held that all international disputes should be settled by peaceful means and opposed the use or threat of force. In carrying out measures authorized by the resolution, countries should only take actions commensurate with the specific situations prevailing at the time, strengthen coordination with the efforts of the Secretary-General and his Special Representative and keep the Council informed on a regular basis.<sup>57</sup>

The representative of the Russian Federation noted that the military authorities in Haiti had followed a course of direct resistance to United Nations efforts to restore democracy in that country. Resolution 875 (1993) was an essential step to the expression of the Council's determination to complete the political settlement in Haiti, to ensure implementation of its previous decisions and to realize the international community's efforts to settle the protracted crisis in Haiti. That step was aimed above all at preventing an exacerbation of the situation in Haiti, which threatened to deteriorate even further. Calling upon the military authorities to return to a strict implementation of the terms of the Governors Island Agreement, he demanded the immediate removal of the obstacles to the deployment of the United Nations Mission and the establishment of all the conditions necessary for the Mission to begin its work.<sup>58</sup>

The President, speaking in his capacity as representative of Brazil, stated that Council members had faced the need to address a unique and exceptional situation with equally exceptional and unique measures, particularly the authorization for Member States to use measures that might include the halting of inward maritime traffic, with the exclusive purpose of

enforcing the sanctions related to oil and arms established in resolutions 841 (1993) and 873 (1993). That unique and exceptional character was not only a result of the extraordinarily deplorable political and humanitarian situation that prevailed in Haiti. It was embodied, above all, in the fact that the action decided upon by the Council was taken in response to a formal and explicit request by the legitimate Government of Haiti for the strengthening of the provisions of resolution 873 (1993). That request was essential for the Council to act as it did. In addition, the *sui generis* nature of resolution 875 (1993) had also been reflected in the fact that the measures, which it was intended to enforce, emanated originally from OAS, which had recommended to the United Nations that it give mandatory effect to the sanctions adopted at the regional level. Brazil supported resolution 875 (1993) on the understanding that it did not and would not constitute a precedent for the work of the United Nations. He added that the adoption of resolution 875 (1993) could be understood only as a means to ensure the strict implementation of the sanctions measures previously imposed by the Council in relation to the supply to Haiti of petroleum, petroleum products, arms and related materiel. It was thus clear that the authorization given in operative paragraph 1 of the resolution was restricted in scope, space and time by the clearly limited purpose, which constituted its *raison d'être* and was intended to have effect only until those sanctions measures were suspended or terminated.<sup>59</sup>

**Decision of 25 October 1993 (3298th meeting):  
statement by the President**

At its 3298th meeting, on 25 October 1993, the Council resumed its consideration of the item. After the adoption of the agenda, the President stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:<sup>60</sup>

The Security Council reaffirms the necessity of full compliance with the Governors Island Agreement. It condemns the acts of the military authorities in Haiti, who continue to hamper the full implementation of the Agreement, in particular by permitting the development of acts of violence in violation of their obligations under the Agreement. It gives full support to the efforts of the Special Representative of the Secretary-General, Mr. Dante Caputo, to put an end to the crisis and to

<sup>56</sup> Ibid., p. 16.

<sup>57</sup> Ibid., p. 18.

<sup>58</sup> Ibid., pp. 19-21.

<sup>59</sup> Ibid., pp. 22-24.

<sup>60</sup> S/26633.

ensure the return, without delay, of democracy and the rule of law in Haiti.

The Council, recalling points 7 and 8 of the Agreement concerning the departure of the Commander-in-Chief of the Haitian Armed Forces and the appointment of a new Commander of the police force, insists that these provisions be implemented without further delay.

The Council reiterates its support for the legitimate Government of Haiti and recalls that it holds the military authorities responsible for the security of that Government and of the members of Parliament. It also continues to hold the military authorities responsible for the safety and security of all United Nations personnel in Haiti.

The Council warns that, should the Agreement not be fully implemented, it will consider imposing measures additional to those imposed by resolutions 841 (1993) of 16 June 1993, 873 (1993) of 13 October 1993 and 875 (1993) of 16 October 1993.

The Council underlines the importance of the full implementation of the measures contained in the above-mentioned resolutions by all States, including nearby countries.

The Council will continue to monitor closely the situation in Haiti in the coming days.

**Decision of 30 October 1993 (3301st meeting):  
statement by the President**

At its 3301st meeting, on 30 October 1993, the Council resumed its consideration of the item. After the adoption of the agenda, the President stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:<sup>61</sup>

The Security Council continues to insist on full and unconditional compliance with the Governors Island Agreement and the early return of President Aristide and full democracy to Haiti, in accordance with the relevant resolutions and statements by the President of the Council. It reaffirms that the Agreement remains fully in force as the only valid framework for the solution of the crisis in Haiti, which continues to threaten peace and security in the region.

The Council is deeply concerned by the suffering of the Haitian people, which is a direct result of the refusal by the military authorities to comply with the Governors Island process.

The Council stresses that the signatories to the Agreement remain obligated to comply in full with its provisions. The Council condemns the fact that General Cedras and the military authorities have not so far fulfilled their obligations under that Agreement. It moreover deplores the fact that the Haitian

military leaders have fostered and perpetuated in Haiti a political and security environment which prevents the return of President Aristide to Haiti as provided for in point 9 of the Agreement.

The Council expresses its support for the invitation by the Special Representative of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States to all parties to meet next week solely to resolve the remaining obstacles to full implementation of the Agreement. Further, it reaffirms its determination to maintain and effectively enforce sanctions on Haiti until the commitments made on Governors Island are honoured, and to consider strengthening them, in accordance with its resolutions 873 (1993) of 13 October 1993 and 875 (1993) of 16 October 1993 and the statement of the President of the Council of 25 October 1993, if the military authorities continue to interrupt the democratic transition. In this regard, it requests the Secretary-General to report urgently to the Council.

**Decision of 15 November 1993 (3314th  
meeting): statement by the President**

On 11 November 1993, pursuant to the presidential statement of 30 October 1993, the Secretary-General submitted to the Council a report on the question concerning Haiti,<sup>62</sup> in which he described the developments following the departure of the *Harlan County* and the withdrawal of UNMIH and MICIVIH. On 23 October 1993, a "Crisis Committee" led by the President of the Chamber of Deputies and comprising parliamentarians opposed to President Aristide, had proposed an 11-point compromise calling, inter alia, for a simultaneous vote on the acts concerning the amnesty and the police, the expansion of the Government and the elaboration by the Government of a protocol governing the presence of international missions. On 26 October, the Front National pour le Changement et la Démocratie (FNCD) parliamentary bloc, which supported President Aristide, had offered its own eight-point compromise. On 28 October 1993, President Aristide had addressed the General Assembly, calling, inter alia, for a complete and total blockade of Haiti and for the departure of the Haitian military leaders, upon which he would convene the parliament to vote on the bills on the police and the amnesty. In a statement to the press made on behalf of the Secretary-General, on 29 October 1993, the Special Representative had expressed regret that the timetable provided for in the Governors Island Agreement had not been respected, had announced that resort to article 149 of the Haitian

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<sup>61</sup> S/26668.

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<sup>62</sup> S/26724.

Constitution would compel the Secretary-General to recommend to the Council the strengthening of the sanctions, and had proposed that a meeting be held to discuss the implementation of paragraphs 5 to 9 of the Governors Island Agreement. Such a meeting was later convened by the Special Representative but adjourned on 5 November 1993, due to the non-attendance of the army. Subsequently, in a statement to the press, the Special Representative had described as regrettable the absence of Haiti's armed forces. He had also pointed out that the Governors Island Agreement remained the basis for any settlement of the Haitian crisis and had reaffirmed the determination of the international community to persevere in seeking a negotiated settlement in the context of the Agreement.

At its 3314th meeting, on 15 November 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Cape Verde) drew the attention of the members of the Council to a letter dated 12 November 1993 addressed to the President of the Council from the representative of Haiti,<sup>63</sup> transmitting the report of a meeting held from 9 to 11 November 1993 between President Aristide and a Government delegation, at which, *inter alia*, affirmed that the Government of Prime Minister Robert Malval remained in power with the absolute and complete confidence of the President of Haiti and that the Governors Island Agreement remained the sole framework for the resolution of the crisis and had to be implemented in its entirety; requested that the international community ensure the immediate return of MICIVIH and the deployment without delay of UNMIH; and insisted that the Haitian armed forces scrupulously honour their commitments undertaken within the framework of the Governors Island Agreement. The President then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:<sup>64</sup>

The Security Council takes note of the report of the Secretary-General of 11 November 1993 on the question concerning Haiti and the letter dated 12 November 1993 addressed to the President of the Security Council from the representative of Haiti.

The Council commends the efforts of the Special Representative of the Secretary-General of the United Nations

<sup>63</sup> S/26725.

<sup>64</sup> S/26747.

and the Secretary-General of the Organization of American States, Mr. Dante Caputo, takes note of his oral report made to the Council on 12 November 1993, and confirms its full support for his continued active diplomacy for resolving the crisis in Haiti.

The Council condemns the military authorities in Port-au-Prince for failing to comply fully with the Governors Island Agreement and in particular with points 7 to 9. It reaffirms that the Agreement constitutes the only valid framework for resolving the crisis in Haiti, which continues to threaten peace and security in the region.

The Council also reaffirms its support for the democratically elected President of Haiti, Mr. Jean-Bertrand Aristide, and for the legitimate Government of Mr. Robert Malval. It recalls that it holds the military authorities responsible for the security of the members of that Government and for the security of the personnel of the United Nations and the Organization of American States in Haiti.

The Council is deeply concerned by the plight of the Haitian people. It reaffirms that the military authorities in Haiti are fully responsible for this suffering which directly results from their non-compliance with their public commitments to the Agreement. It expresses its determination to minimize the impact of the present situation on the most vulnerable groups and calls upon Member States to continue and to intensify their humanitarian assistance to the people of Haiti. It welcomes in this regard the decision of the Secretary-General to dispatch a team of additional humanitarian personnel to Haiti.

The Council encourages the Secretary-General, in consultation with the Secretary-General of the Organization of American States, to work for the earliest possible return of the International Civilian Mission in Haiti. It requests the Secretary-General to continue planning for additional measures, including for an appropriate United Nations mission in Haiti to be deployed as conditions permit, consistent with the Agreement.

The Council stresses that the sanctions contained in resolutions 841 (1993) of 16 June 1993, 873 (1993) of 13 October 1993 and 875 (1993) of 16 October 1993 will remain in force until the objectives of the Agreement are fulfilled, including the departure of the Commander-in-Chief of the Haitian Armed Forces, the creation of a new police force permitting the restoration of constitutional order to Haiti and the return of the democratically elected President.

The Council reaffirms its determination, expressed in the above-mentioned resolutions, to ensure the full and effective enforcement of current sanctions. It welcomes measures taken to this effect by States on a national basis in accordance with the Charter of the United Nations and the relevant Council resolutions. In this regard, the Council is prepared to consider additional mechanisms and practical measures to help verify the full compliance with its decisions.

The Council reaffirms its determination to consider strengthening the measures regarding Haiti in accordance with its resolutions 873 (1993) and 875 (1993) and the statements of

its President of 25 October and of 30 October 1993 if the military authorities continue to obstruct full compliance with the Agreement, thus preventing the restoration of lawful order and democracy in Haiti.

**Decision of 10 December 1993: letter from the  
President to the Secretary-General**

On 26 November 1993, pursuant to resolution 867 (1993), the Secretary-General submitted to the Council a report on UNMIH, in which he addressed the issue whether or not substantive progress had been made towards the implementation of the Governors Island Agreement and the New York Pact.<sup>65</sup> The Secretary-General recalled that the mandate of UNMIH had been seriously undermined by various developments in Haiti which had constituted non-compliance by the Armed Forces of Haiti with the Governors Island Agreement and had, inter alia, prevented the disembarkation on 11 October 1993 of a contingent of the military component of the Mission. He also recalled that as a result of subsequent developments, including the withdrawal from Haiti of the advance elements of UNMIH, it had been decided to evacuate the bulk of MICIVIH from Haiti on 15 October 1993. The Secretary-General noted that the success of UNMIH depended on the full and active cooperation of both parties to the Governors Island Agreement. So far, the necessary cooperation had not been forthcoming from the Haitian military authorities as they had failed to live up to the commitments solemnly entered into under the Governors Island Agreement. In those circumstances, he was compelled to conclude that the mandate entrusted to UNMIH by resolution 867 (1993) could not be implemented until there was a clear and substantial change of attitude on the part of the Haitian military leaders. With the assistance of his Special Representative, he intended to continue the efforts, as requested by the Council, to bring about such a change of attitude with a view to ensuring the implementation of the Governors Island Agreement and the participation of the United Nations in the peace process, as envisaged in that Agreement.

By a letter dated 10 December 1993,<sup>66</sup> the President of the Council (China) informed the Secretary-General of the following:

The members of the Council welcome your report of 26 November 1993. Pursuant to resolution 867 (1993) of

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<sup>65</sup> S/26802.

<sup>66</sup> S/26864.

23 November 1993, they are continuing their review, on the basis of your report, and have found no reason why the mandate of the United Nations Mission in Haiti should not be continued for the full six-month period authorized by resolution 867 (1993).

**Decision of 10 January 1994 (3328th meeting):  
statement by the President**

At its 3328th meeting, on 10 January 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (Czech Republic) drew the attention of the members of the Council to a letter dated 15 December 1993 addressed to the Secretary-General from the representatives of Canada, France, the United States and Venezuela,<sup>67</sup> transmitting the text of the statement of conclusions adopted at the meeting of the "Friends of the Secretary-General for Haiti", held in Paris on 13 and 14 December 1993. The President then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:<sup>68</sup>

The Security Council reiterates its deep concern for the plight of the Haitian people in the ongoing crisis and reaffirms its determination to minimize the impact of this crisis on the most vulnerable groups in Haiti.

In this context, the Council welcomes the imminent arrival in Haiti of a shipment of fuel approved by the Security Council Committee established pursuant to resolution 841 (1993) concerning Haiti.

The Council also welcomes the role being played by the Pan-American Health Organization in the management, delivery and distribution of fuel for humanitarian purposes.

The Council attaches great importance to humanitarian assistance in Haiti, including the unimpeded delivery and distribution of fuel used for humanitarian purposes. It will hold responsible any authorities and individuals in Haiti who might in any way interfere with the delivery and distribution of humanitarian assistance under the overall responsibility of the Pan-American Health Organization or who fail in their responsibility to ensure that this delivery and distribution benefits the intended recipients, those in need of humanitarian assistance. The Council will also hold responsible any authorities or individuals in Haiti who endanger the personal security and safety of all personnel involved in such assistance.

The Council reaffirms once again its determination to ensure the return to constitutional legality in Haiti, on the basis of the implementation of its relevant resolutions. In this context,

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<sup>67</sup> S/26881.

<sup>68</sup> S/PRST/1994/2.

it shares the understanding of the Friends of the Secretary-General on the question of Haiti that the process as defined by the Governors Island Agreement, which provides, inter alia, for the return of President Aristide, constitutes the only viable framework for Haiti to emerge from the crisis and to lead to the establishment of a State under the rule of law.

**Decision of 23 March 1994 (3352nd meeting):  
resolution 905 (1994)**

On 18 March 1994, further to his report of 19 January 1994,<sup>69</sup> the Secretary-General submitted a report on UNMIH,<sup>70</sup> in which he informed the Council that notwithstanding the continued efforts made on his behalf by his Special Representative and the Friends of the Secretary-General on the question of Haiti, there had been no change in the prevailing situation in Haiti that would have allowed the reactivation of UNMIH. Nevertheless, efforts to reach a solution to the political impasse continued unabated. Recent political developments in Haiti had shed encouraging light. Members of the Parliament had reached an agreement on 19 February 1994 on a plan to break the impasse and resume progress in implementing the Agreement.<sup>71</sup> President Aristide, on the other hand, had expressed his concerns that such a plan would be contradictory to the Agreement and therefore could not be accepted by him. In those circumstances, the Secretary-General recommended that the Council consider authorizing the extension of the mandate of UNMIH in its existing form for a period of three months, which would allow for the possibility of reactivating the Mission with a minimum of delay, should the political impasse be breached and implementation of the Governors Island Agreement be resumed.

At its 3352nd meeting, on 23 March 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (France) drew the attention of the members of the Council to a draft resolution prepared in the

<sup>69</sup> S/1994/54. In that report, the Secretary-General informed the Council that, notwithstanding the efforts made by his Special Representative and the Friends of the Secretary-General for Haiti, there had been no substantial change of attitude on the part of the Haitian military leaders towards the implementation of the Governors Island Agreement that would have allowed the reactivation of UNMIH.

<sup>70</sup> S/1994/311.

<sup>71</sup> The plan was transmitted to the Council on 20 February 1994 (S/1994/203).

course of the Council's prior consultations.<sup>72</sup> The draft resolution was then put to the vote and adopted unanimously as resolution 905 (1994), which reads:

*The Security Council,*

*Reaffirming* its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993 and 875 (1993) of 16 October 1993,

*Deeply disturbed* by the continued obstruction to the dispatch of the United Nations Mission in Haiti, pursuant to resolution 867 (1993), and the failure of the armed forces of Haiti to carry out their responsibilities to allow the Mission to begin its work,

*Having considered* the reports of the Secretary-General of 26 November 1993, 19 January 1994 and 18 March 1994,

*Stressing* the continuing importance of the Governors Island Agreement of 3 July 1993 between the President of the Republic of Haiti and the Commander in Chief of the Armed Forces of Haiti towards promoting the return of peace and stability in Haiti, including the provisions of paragraph 5, under which the parties call for assistance for modernizing the armed forces and establishing a new police force with the presence of United Nations personnel in these fields,

1. *Takes note* of the above-mentioned reports of the Secretary-General;
2. *Decides* to extend the mandate of the United Nations Mission in Haiti until 30 June 1994;
3. *Requests* the Secretary-General to report to the Council at such time as conditions may exist in Haiti for the deployment of the Mission for purposes consistent with paragraph 5 of the Governors Island Agreement and to make specific recommendations, taking into account circumstances at the time of the report, on the composition of the Mission and the scope of its activities within the overall personnel levels established in resolution 867 (1993);
4. *Decides* to remain actively seized of the matter.

**Decision of 6 May 1994 (3376th meeting):  
resolution 917 (1994)**

At its 3376th meeting, on 6 May 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Canada, Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Nigeria) drew the attention of the members of the Council to a draft resolution submitted by Argentina,

<sup>72</sup> S/1994/325.

Canada, France, the United States and Venezuela,<sup>73</sup> and read out revisions that had been made to the draft in its provisional form.

The representative of Haiti stated that his Government welcomed the submission to the Council of a draft resolution containing measures along the lines of those requested by President Aristide, in particular in his address to the General Assembly on 28 October 1993 and in his letter of 9 March 1994 to the Secretary-General. The aim of the draft resolution was to force the leadership of the Haitian Armed Forces to abide by the commitments they made when they signed the Governors Island Agreement. He contended that the sudden arrival on the political scene in Haiti of a paramilitary organization known as the Front révolutionnaire pour l'avancement et le progrès en Haïti (FRAPH) coincided not only with a worsening of crime but also with unprecedented human rights violations. He expressed the hope that the draft resolution would have the desired result, even before it entered into force: the departure of the military and the immediate restoration of President Aristide to his legitimate functions. He concluded by launching an appeal to the international community to ensure that the sanctions provided for in the draft resolution were fully implemented, stressing that the success of that initiative depended on strict compliance with the draft resolution.<sup>74</sup>

The representative of Canada stated that the existing sanctions had proved insufficient for achieving compliance by the Haitian military authorities with their obligations under the Governors Island Agreement. For that reason, Canada co-sponsored the draft resolution under consideration, which would impose a comprehensive commercial embargo and a number of measures aimed specifically at the military authorities and other supporters of the 1991 coup d'état. Noting that the effectiveness of the existing sanctions and the new measures in the draft resolution depended on full compliance by all States, she indicated that Canada was participating in the maritime interdiction force aimed at achieving full implementation of the sanctions. Also noting that sanctions violations across the land border between Haiti and the Dominican Republic reduced the impact of the measures adopted by the Council, the speaker

supported the request by the Dominican authorities for United Nations assistance. In his view, international technical assistance, possibly including the deployment of international monitors, would help ensure that the Dominican Republic could effectively carry out its responsibilities. While some had argued that tougher sanctions would only aggravate the abysmal humanitarian situation in Haiti, the speaker was of the view that the plight of the Haitian population was due solely to the failure of the military authorities to fulfil their commitments. He also warned against any attempt to interfere with the delivery of international humanitarian assistance or to endanger the personal security and safety of those involved in such efforts.<sup>75</sup>

The representative of Venezuela stated that the protection of human rights and the rejection of dictatorship could allow no settlement nor negotiations that might allow guilty parties to go unpunished. Although it was wise to bear realities in mind, and to look for ways out of a crisis, such efforts should not be prolonged to the point of becoming weakness. If the international community weakened its support or began to interpret the Governors Island Agreement and the New York Pact in such a way as to limit their scope, it would only prolong the crisis and the suffering of the Haitian people. He warned that any delay, any vacillation, any distortion of the fundamental objectives could have terrible consequences, such as human rights violations. He called upon all countries not to violate the sanctions regime and to punish any violations, so that the sanctions could be kept brief and would have greater impact on the guilty parties than on the Haitian people. Furthermore, the international community had to be ready to offer Haiti technical, administrative and material assistance in forging its political, economic and social democracy.<sup>76</sup>

Speaking in explanation of vote, the representative of Argentina stated that the international community could not stand by in the face of horrendous violations of human rights, arguing that there had to be a reaction, which should come under the Charter. Because of its scope, the tragedy of Haiti went beyond the country's borders. The international community could not regard the serious, systematic violation of human rights within the territory of a given State as a purely internal matter. He noted that, for the

<sup>73</sup> S/1994/541.

<sup>74</sup> S/PV.3376, pp. 2-3.

<sup>75</sup> *Ibid.*, pp. 3-4.

<sup>76</sup> *Ibid.*, pp. 4-5.



first time, the measures provided in the draft resolution were personalized sanctions. Recent history showed that, with time and perseverance, economic sanctions could be effective. They isolated a country and, in that case, they pinned responsibility on those who had seized power. The draft resolution reflected the clear objective of the international community, with the united support of the Latin American and Caribbean region, of restoring democracy in Haiti. In that respect, he argued that democracy and human rights were closely related because democracy was the only system of government which, by definition, required respect for human rights and, furthermore, had internal mechanisms by which human rights abuses could be corrected. He added that, in order for the sanctions to make their fullest impact, there had to be appropriate monitoring on the high seas as well as on land.<sup>77</sup>

The representative of Spain noted that the adoption of the draft resolution was set against the background of Haiti's deteriorating human rights situation. The embargo measures contained in it were not an end in themselves; rather they were an instrument to be used for the political objectives enshrined in the Governors Island Agreement and the New York Pact, which continued to be the obligatory frame of reference for a solution to Haiti's political and social crisis. Those measures were not directed against the Haitian people. On the contrary, the draft resolution was designed so that the burden of the sanctions would fall on those responsible for the crisis. The ultimate objective of the sanctions was to facilitate the restoration of democracy in Haiti and the return of President Aristide. He further recalled that the effectiveness of the sanctions would also depend on the scrupulous compliance by States with the Council's resolutions. As in other cases, it had to be recognized that the neighbouring countries would have to make a special effort and suffer considerable economic damage. It was, therefore, natural that the draft resolution should provide for the consideration of requests for assistance under Article 50 of the Charter.<sup>78</sup>

The representative of the United States stressed that the draft resolution was the product of full cooperation among the Latin American and Caribbean States, the members of the Council, and the democratically elected Government of Haiti. Conscious that sanctions were a blunt instrument and the

measures provided in the draft resolution had the potential of aggravating the suffering of the Haitian people, the United States and the international community were undertaking humanitarian-assistance measures on a massive scale. Sanctions were, however, one of the most potent weapons the international community had. The adoption of the draft resolution imposed upon member States a significant moral obligation — to persevere and enforce the sanctions so that they achieved their objective in the shortest possible time. At the same time, she recognized that the burden of enforcement did not fall equally on all States.<sup>79</sup>

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 917 (1994), which reads:

*The Security Council,*

*Reaffirming* its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993 and 905 (1994) of 23 March 1994,

*Recalling* its presidential statements of 11 October 1993, 25 October 1993, 30 October 1993, 15 November 1993 and 10 January 1994,

*Noting* resolutions MRE/RES.1/91, MRE/RES.2/91, MRE/RES.3/92, MRE/RES.4/92 and MRE/RES.5/93, adopted by the Ministers for Foreign Affairs of the countries members of the Organization of American States, and resolutions CP/RES.575 (885/92) and CP/RES.594 (923/92) and declarations CP/DEC.8 (927/93), CP/DEC.9 (931/93), CP/DEC.10 (934/93) and CP/DEC.15 (967/93), adopted by the Permanent Council of the Organization of American States,

*Noting in particular* resolution CP/RES.610 (968/93), adopted by the Permanent Council of the Organization of American States on 18 October 1993,

*Bearing in mind* the statement of conclusions adopted at the meeting of the four Friends of the Secretary-General on the question of Haiti, held in Paris on 13 and 14 December 1993,

*Having examined* the reports of the Secretary-General of 19 January and 18 March 1994 regarding the United Nations Mission in Haiti,

*Commending* the continuing efforts undertaken by the Special Envoy of the Secretaries-General of the United Nations and the Organization of American States to bring about compliance with the Governors Island Agreement and the full restoration of democracy in Haiti,

<sup>77</sup> Ibid., pp. 5-6.

<sup>78</sup> Ibid., pp. 6-7.

<sup>79</sup> Ibid., p. 7.

*Reaffirming* that the goal of the international community remains the restoration of democracy in Haiti and the prompt return of the legitimately elected President, Jean-Bertrand Aristide, under the framework of the Governors Island Agreement,

*Stressing* in this context the importance of a proper and secure environment for all legislative action agreed to in the Governors Island Agreement and the New York Pact, as well as preparations for free and fair legislative elections in Haiti, as called for in the Constitution, in the framework of the full restoration of democracy in Haiti,

*Concerned* at the continued failure of the military authorities in Haiti, including the police, to comply with their obligations under the Governors Island Agreement and at the violations of the related New York Pact committed by political organizations party thereto in relation to the disputed elections of 18 January 1993,

*Strongly condemning* the numerous instances of extrajudicial killings, arbitrary arrests, illegal detentions, abductions, rape and enforced disappearances, the continued denial of freedom of expression and the impunity with which armed civilians have been able to operate and continue operating,

*Recalling* that in its resolution 873 (1993), the Council confirmed its readiness to consider the imposition of additional measures if the military authorities in Haiti continued to impede the activities of the Mission or failed to comply in full with its relevant resolutions and the provisions of the Governors Island Agreement,

*Reaffirming its determination* that, in these unique and exceptional circumstances, the situation created by the failure of the military authorities in Haiti to fulfil their obligations under the Governors Island Agreement and to comply with relevant Security Council resolutions constitutes a threat to peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Calls upon* the parties to the Governors Island Agreement and any other authorities in Haiti to cooperate fully with the Special Envoy of the Secretaries-General of the United Nations and the Organization of American States to bring about the full implementation of the Governors Island Agreement and thus end the political crisis in Haiti;

2. *Decides* that all States shall without delay deny permission to any aircraft to take off from, land in, or overfly their territory if it is destined to land in, or has taken off from, the territory of Haiti, with the exception of regularly scheduled commercial passenger flights, unless the particular flight has been approved, for humanitarian purposes or for other purposes consistent with the present resolution and other relevant resolutions, by the Security Council Committee established pursuant to resolution 841 (1993) concerning Haiti;

3. *Decides* that all States shall without delay prevent the entry into their territories of:

(a) All officers of the Haitian military, including the police, and their immediate families;

(b) The major participants in the coup d'état of 1991 and in the illegal governments since the coup d'état, and their immediate families;

(c) Those employed by or acting on behalf of the Haitian military, and their immediate families;

unless their entry has been approved, for purposes consistent with the present resolution and other relevant resolutions, by the Committee established pursuant to resolution 841 (1993), and requests that Committee to maintain an updated list, based on information provided by States and regional organizations, of the persons falling within this paragraph;

4. *Strongly urges* all States to freeze without delay the funds and financial resources of persons falling within paragraph 3 above, to ensure that neither these nor any other funds and financial resources are made available, by their nationals or by any persons within their territory, directly or indirectly, to or for the benefit of such persons or of the Haitian military, including the police;

5. *Decides* that the provisions set forth in paragraphs 6 to 10 below, which are consistent with the embargo recommended by the Organization of American States, shall, to the extent that these measures are not already in effect under its earlier relevant resolutions, take effect no later than 2359 hours eastern standard time on 21 May 1994, and requests that the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, report to the Council not later than 19 May 1994 on steps the military have taken to comply with actions required of them by the Governors Island Agreement as specified in paragraph 18 below;

6. *Decides* that all States shall prevent:

(a) The import into their territories of all commodities and products originating in Haiti and exported therefrom after the aforementioned date;

(b) Any activities by their nationals or in their territories which would promote the export or trans-shipment of any commodities or products originating in Haiti, and any dealings by their nationals or their flag vessels or aircraft or in their territories in any commodities or products originating in Haiti and exported therefrom after the aforementioned date;

7. *Decides* that all States shall prevent the sale or supply by their nationals or from their territories or using their flag vessels or aircraft of any commodities or products, whether or not originating in their territories, to any person or body in Haiti or to any person or body for the purpose of any business carried on in, or operated from, Haiti and any activities by their nationals or in their territories which promote such sale or supply of such commodities or products, provided that the prohibitions contained in this paragraph shall not apply to:

(a) Supplies intended strictly for medical purposes and foodstuffs;

(b) With the approval of the Committee established pursuant to resolution 841 (1993), under the no-objection procedure, other commodities and products for essential humanitarian needs;

(c) Petroleum or petroleum products, including propane gas for cooking, authorized in accordance with paragraph 7 of its resolution 841 (1993);

(d) Other commodities and products authorized in accordance with paragraph 3 of its resolution 873 (1993);

8. *Decides* that the prohibitions in paragraphs 6 and 7 above shall not apply to trade in informational materials, including books and other publications, needed for the free flow of information, and further decides that journalists may bring in and take out their equipment subject to conditions and terms agreed by the Committee established pursuant to resolution 841 (1993);

9. *Decides* to prohibit any and all traffic from entering or leaving the territory or territorial sea of Haiti carrying commodities or products the export of which from Haiti or the sale or supply of which to Haiti would be prohibited under paragraphs 6 and 7 above, excepting regularly scheduled maritime shipping lines calling in Haiti with goods permitted under paragraph 7 and which are also carrying other commodities or products in transit to other destinations, subject to formal monitoring arrangements established with States cooperating with the legitimate Government of Haiti, as provided in paragraph 1 of resolution 875 (1993) and paragraph 10 below;

10. *Acting also* under Chapter VIII of the Charter of the United Nations, *calls upon* Member States cooperating with the legitimate Government of Haiti, acting nationally or through regional agencies or arrangements, to use such measures commensurate with the specific circumstances as may be necessary under the authority of the Security Council to ensure strict implementation of the provisions of the present resolution and earlier relevant resolutions, and in particular to halt outward as well as inward maritime shipping as necessary in order to inspect and verify their cargoes and destinations and also to ensure that the Committee established pursuant to resolution 841 (1993) is kept regularly informed;

11. *Decides* that all States, including the authorities in Haiti, shall take the necessary measures to ensure that no claim shall lie at the instance of the authorities in Haiti, or of any person or body in Haiti, or of any person claiming through or for the benefit of any such person or body, in connection with the performance of a bond, financial guarantee, indemnity or engagement, issued or granted in connection with or related to the performance of any contract or transaction, where the performance of that contract or transaction was affected by the measures imposed by or pursuant to the present resolution or resolutions 841 (1993), 873 (1993) and 875 (1993);

12. *Calls upon* all States, including States not members of the United Nations, and all international organizations to act strictly in accordance with the provisions of the present resolution and the earlier relevant resolutions, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the effective date of the measures in the present resolution or earlier relevant resolutions;

13. *Requests* all States to report to the Secretary-General by 6 June 1994 on the measures they have instituted in implementation of the measures contained in the present resolution and earlier relevant resolutions;

14. *Decides* that the Committee established pursuant to resolution 841 (1993) shall undertake the following tasks in addition to those set out in resolutions 841 (1993) and 873 (1993) and in paragraph 3 above:

(a) To examine reports submitted pursuant to paragraph 13 above;

(b) To seek from all States, in particular neighbouring States, further information regarding the action taken by them concerning the effective implementation of the measures contained in the present resolution and earlier relevant resolutions;

(c) To consider any information brought to its attention by States concerning violations of the measures contained in the present resolution and earlier relevant resolutions and, in that context, to make recommendations to the Council on ways to increase their effectiveness;

(d) To make recommendations in response to violations of the measures contained in the present resolution and earlier relevant resolutions and provide information on a regular basis to the Secretary-General for general distribution to Member States;

(e) To consider and to decide upon expeditiously any application by States for the approval of flights or entry in accordance with paragraphs 2 and 3 above;

(f) To amend the guidelines referred to in paragraph 10 of resolution 841 (1993) to take into account the measures contained in the present resolution;

(g) To examine possible requests for assistance under the provisions of Article 50 of the Charter of the United Nations and to make recommendations to the President of the Security Council for appropriate action;

15. *Reaffirms its request* to the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

16. *Decides* that, until the return of the democratically elected President, it will keep under continuous review, at least on a monthly basis, all the measures in the present resolution and earlier relevant resolutions, and requests the Secretary-General, having regard for the views of the Secretary-General of

the Organization of American States, to report on the situation in Haiti, the implementation of the Governors Island Agreement, legislative actions including preparations for legislative elections, the full restoration of democracy in Haiti, the humanitarian situation in that country, and the effectiveness of the implementation of sanctions, with the first report to be submitted not later than 30 June 1994;

17. *Expresses its readiness* to consider progressive suspension of the measures contained in the present resolution and earlier relevant resolutions, based on progress in the implementation of the Governors Island Agreement and the restoration of democracy in Haiti;

18. *Decides* that, notwithstanding paragraph 16 above, measures in the present resolution and earlier relevant resolutions will not be completely lifted until:

(a) The retirement of the Commander-in-Chief of the Armed Forces of Haiti, and the resignation or departure from Haiti of the Chief of the Metropolitan Zone of Port-au-Prince, commonly known as the Chief of Police of Port-au-Prince, and the Chief of Staff of the Armed Forces of Haiti;

(b) Completion of the changes by retirement or departure from Haiti in the leadership of the police and military high command called for in the Governors Island Agreement;

(c) Adoption of the legislative actions called for in the Governors Island Agreement, as well as the creation of a proper environment in which free and fair legislative elections can be organized in the framework of the full restoration of democracy in Haiti;

(d) The creation by authorities of the proper environment for the deployment of the United Nations Mission in Haiti;

(e) The return in the shortest time possible of the democratically elected President and maintenance of constitutional order;

these conditions being necessary for the full implementation of the Governors Island Agreement;

19. *Condemns* any attempt illegally to remove legal authority from the legitimately elected President, declares that it would consider illegitimate any purported government resulting from such an attempt, and decides, in such an event, to consider reimposing any measures suspended under paragraph 17 above;

20. *Decides* to remain actively seized of the matter.

After the vote, the representative of France stated that his Government wished to ensure that the imposition of new sanctions was seen first of all as a means to achieve a political result, and not as an end in itself. The objective was clear: to ensure that democracy regained its course in Haiti and to foster the return of President Aristide to his country. The Council had seen to it that that objective would not be achieved

at the cost of the infliction of intolerable suffering on the Haitian people. Its intention had been to censure a minority, including through the use of measures that were exceptional in that they were aimed at individuals. It was in that spirit that the Council would conduct a regular review of the implementation of the sanctions, especially in regard to the humanitarian situation in Haiti. The speaker emphasized that the effectiveness of the sanctions would depend, to a large extent, on the manner in which the Dominican Republic applied resolution 917 (1994). He also considered it very important that the economy of Haiti not be brought to collapse by the sanctions regime, which had been why the Council had ensured that there were several exceptions to the sanctions. Lastly, his country believed that the restoration of democracy in Haiti, while presupposing the return of the duly elected President, also required the existence of a parliamentary institution designed and functioning in accordance with full respect for democratic constitutional principles.<sup>80</sup>

The representative of Brazil stated that the action of the Council could only be understood in the light of the unique and exceptional character of the situation still prevailing in Haiti. Expressing concern that a comprehensive embargo might create additional suffering for the Haitian people, he stressed the importance of keeping under constant review any adverse consequences that the extremely serious measures taken by the Council might entail. He further stated that a sanctions regime could never be an end in itself and that it would be hard to conceive of the imposition of measures that affected an entire population being adopted in a political vacuum. He thus welcomed the firm and sound political basis of resolution 917 (1994) which aimed at the re-establishment of full democracy and the reinstatement of President Aristide. In that respect, the cooperation between the United Nations and OAS, which had proven to be a major tool in the international response to the illegal actions taken by the *de facto* authorities, should be effectively maintained until a final solution to the crisis was reached.<sup>81</sup>

According to the representative of China, the history of the United Nations had taught that sanctions

<sup>80</sup> *Ibid.*, pp. 7-8.

<sup>81</sup> *Ibid.*, pp. 8-9.

were not a panacea that could be applied whenever and wherever suitable, for want of a better solution. His country, based on its consistent position, did not favour the use of sanctions as a means of resolving conflicts. The sanctions regime contained in resolution 917 (1994) was, in the absence of other effective measures, an exceptional step taken under the highly unique circumstances then prevailing in Haiti and one which should not constitute any precedent. China's support for the resolution did not presuppose any change in its position vis-à-vis sanctions in general. Noting that the suffering inflicted upon the Haitian people was at least partially attributable to the sanctions already applied to Haiti by the Council and by other bodies, the speaker expressed concern about whether the newly introduced sanctions regime, if applied, could possibly increase that suffering. In that connection, the Council, the Secretary-General and OAS should, as they were bound to do by their moral duty, monitor closely the humanitarian situation in Haiti and take the necessary measures to alleviate the adverse effects of sanctions, should such concern translate into reality.<sup>82</sup>

**Decision of 11 May 1994: statement by the President**

On 11 May 1994, the President issued the following statement to the media on behalf of the members of the Council:<sup>83</sup>

The members of the Security Council strongly condemn the attempt to replace the legitimate President of Haiti, Jean Bertrand Aristide.

The members of the Council reaffirm, as stated in paragraph 19 of resolution 917 (1994) of 6 May 1994, that they condemn any such attempt illegally to remove President Aristide. They stress that participants in illegal governments in Haiti are subject to the measures provided for in paragraphs 3 and 4 of resolution 917 (1994), concerning travel restrictions and freezing of funds and financial resources.

The members of the Council reaffirm their determination to ensure full and effective compliance with measures contained in all relevant Council resolutions and reaffirm as well their commitment to the restoration of democracy in Haiti and the return of President Aristide, under the framework of the Governors Island Agreement.

<sup>82</sup> Ibid., pp. 9-10.

<sup>83</sup> S/PRST/1994/24.

**Decision of 30 June 1994 (3397th meeting): resolution 933 (1994)**

On 20 June 1994, pursuant to resolution 917 (1994), the Secretary-General submitted to the Council a further report on the question of Haiti.<sup>84</sup> The Secretary-General stated that since the adoption of resolution 917 (1994) on 6 May 1994, no progress had been made towards the implementation of the Governors Island Agreement. On the contrary, tensions had increased as a result of the installation of an illegitimate government, the growing impact of economic sanctions, the continued repression and the humanitarian crisis. The OAS Ad Hoc Meeting of Ministers of Foreign Affairs, held from 6 to 7 June, had reiterated the need for States members of OAS and the United Nations to support and reinforce such embargo measures as suspension of commercial flights and freezing of assets of the Haitian de facto regime and its supporters, and to suspend international financial transactions with Haiti. Further sanctions had been considered or implemented by individual Member States. On 10 June, the United States had banned all commercial flights with Haiti, as well as financial transfers to and from that country. Canada and Panama also had suspended their commercial flights with Haiti. Steps had also been taken on land to enforce the sanctions. At the request of the Dominican Republic, the Secretary-General had dispatched a team of technical experts to that country to assess the situation on its border with Haiti and make recommendations. On 15 June, the Committee, established by the Council under resolution 841 (1993), had adopted consolidated guidelines on the conduct of its work together with a comprehensive list of persons falling under the provisions of paragraph 3 of resolution 917 (1994). In a related development, the President of the Dominican Republic and the Secretary-General's Special Representative had announced that technical assistance in enforcing the embargo would be provided by several countries, under bilateral arrangements.

On 28 June 1994, the Secretary-General submitted to the Council a report on UNMIH.<sup>85</sup> He recalled the statement of conclusions issued by the Friends of the Secretary-General for Haiti on 3 June 1994,<sup>86</sup> whereby they had expressed their determination to promote the full deployment of

<sup>84</sup> S/1994/742.

<sup>85</sup> S/1994/765.

<sup>86</sup> S/1994/686, annex.

UNMIH when conditions permitted and envisaged the reconfiguration and strengthening of the Mission. They had also invited the Secretariat to prepare for the quick return of UNMIH to Haiti. The Secretary-General further noted the resolution adopted on 9 June 1994 by the OAS Foreign Ministers,<sup>87</sup> which called on all member States to support measures by the United Nations to strengthen UNMIH in order for it to assist in the restoration of democracy through the professionalization of the Armed Forces and the training of a new police force, as well as to help maintain essential civil order and protect the personnel of international and other organizations involved in human rights and humanitarian efforts in Haiti. The Secretary-General also stated that the further deterioration of the situation in Haiti had substantially changed the circumstances under which UNMIH had been planned. In the light of the recommendations adopted by the OAS Foreign Ministers, as well as the conclusions drawn by the Friends of the Secretary-General on Haiti, and bearing in mind the changing realities on the ground, he suggested that the Council might wish to consider modifying the original mandate established for UNMIH. In that case, it would be necessary to estimate the additional resources which would be required for the Mission to accomplish its new tasks. Meanwhile, in view of the continuing determination of the international community to remain actively involved in the efforts to resolve the crisis in Haiti, the Secretary-General recommended that the existing mandate of UNMIH be extended for a period of one month. That extension would enable the Friends of the Secretary-General on Haiti and the members of the Council respectively to undertake consultations among themselves and with the parties concerned on the possible strengthening of UNMIH and its role in the overall attempts of the international community to find a long over-due solution to the crisis.

At its 3397th meeting, on 30 June 1994, the Council included the report of the Secretary-General dated 28 June 1994 in its agenda. Following the adoption of the agenda, the Council invited the representatives of Canada and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Oman) drew the attention of the members of the Council to the report of the Secretary-General dated 20 June 1994,<sup>88</sup> as well as to a

letter dated 7 June 1994 addressed to the President of the Council from the representatives of Argentina, Canada, France, the United States and Venezuela,<sup>89</sup> transmitting the statement of conclusions issued on 3 June 1994 by the Friends of the Secretary-General on Haiti. He further drew their attention to a draft resolution submitted by Argentina, Canada, France, the United States and Venezuela.<sup>90</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 933 (1994), which reads:

*The Security Council,*

*Reaffirming* its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994 and 917 (1994) of 6 May 1994,

*Deeply concerned* by the continued obstruction to the dispatch of the United Nations Mission in Haiti, pursuant to resolution 867 (1993), and the failure of the armed forces of Haiti to carry out their responsibilities to allow the Mission to begin its work,

*Having considered* the reports of the Secretary-General of 20 June and 28 June 1994,

*Noting* resolution MRE/RES.6/94, adopted unanimously by the ad hoc meeting of Ministers for Foreign Affairs of the countries members of the Organization of American States on 9 June 1994, which, inter alia, calls for a strengthening of the mandate of the Mission,

*Recalling* the terms of the Governors Island Agreement and the related New York Pact,

*Recalling also* the statement of conclusions of the Friends of the Secretary-General on the question of Haiti of 3 June 1994,

*Welcoming* the measures taken by Member States at the national level aimed at further strengthening the impact of sanctions,

*Noting* the importance of the rapid dispatch of the Mission as soon as conditions permit,

*Condemning* the recent escalation of violations of international humanitarian law and the naming of the so called "de facto III government",

*Deeply concerned* by the deteriorating humanitarian situation in Haiti, and stressing the need for increased assistance from the international community to meet the humanitarian needs of the Haitian people,

<sup>87</sup> MRE/RES.6/94.

<sup>88</sup> S/1994/742.

<sup>89</sup> S/1994/686.

<sup>90</sup> S/1994/776.

*Noting with concern* that the situation in Haiti continues to constitute a threat to peace and security in the region,

1. *Decides* to extend the present mandate of the United Nations Mission in Haiti until 31 July 1994;

2. *Strongly deplores* the refusal of the military authorities to implement the Governors Island Agreement;

3. *Requests* the Secretary-General to report to the Council as soon as possible, but no later than 15 July 1994, with specific recommendations on the strength, composition, cost and duration of the Mission, appropriate to its expansion and deployment, as recommended by the Secretary-General, after the departure of the senior Haitian military leadership as called for in resolution 917 (1994); such recommendations should include, inter alia, means by which the Mission could, in due course, assist the democratic Government of Haiti in fulfilling its responsibility to provide security for the international presence, senior Haitian government officials and key installations, and in assisting Haitian authorities to assure public order and in the holding of legislative elections to be called by the legitimate constitutional authorities;

4. *Authorizes* the Secretary-General to identify personnel, plan and make prior arrangements to enable the Security Council to authorize the rapid deployment of the Mission, once the Secretary-General reports to the Council and the proper environment for such a deployment has been created;

5. *Invites* Member States to prepare to provide promptly the troops, police, civilian personnel, equipment and logistical support required for the appropriate configuration of the Mission;

6. *Decides* to keep the situation in Haiti under constant review, and expresses its readiness to consider promptly any recommendations for a future United Nations mission in Haiti that the Secretary-General, as requested, may make concerning the deployment of the Mission in the light of developments;

7. *Decides* to remain actively seized of the matter.

After the vote, the representative of the United States stated that the resolution just adopted reaffirmed the international community's determination to provide assistance to restore democracy in Haiti and rebuild the country. It also reaffirmed its message that the military leaders had to go. To reinforce that message, the United States had taken additional steps, including a ban on all flights to and from Haiti, the freeze of Haitian assets and the cancellation of travel visas. It called upon all Member States to adopt similar measures. The speaker further noted that the adoption of resolution 933 (1994) acknowledged that the composition of UNMIH had to change and welcomed the Council's willingness to consider a strengthened United Nations mission. Her delegation looked forward

to the Secretary-General's reporting as soon as possible to the Council on the specific means by which the United Nations mission could assist a restored democratic Government in Haiti to assure public order and ensure the protection of both the international presence and the legitimate Government.<sup>91</sup>

The representative of Brazil stated that while his delegation supported the thrust of resolution 933 (1994), which was a technical extension of the UNMIH mandate, it would have preferred an extension for a period longer than one month. He contended that sanctions against Haiti already imposed by the Council and by individual Member States would have benefited from more time to have been proven effective. The measures adopted by the United Nations and OAS had succeeded in putting pressure on the main target, namely the Haitian military authorities and their supporters. The Council should remain committed to the option chosen, while keeping under constant review the humanitarian situation. The speaker further expressed his belief that any decision regarding a modification in the original mandate of UNMIH should be carried out within the framework of a multilateral effort aimed at assisting the legitimate Government and the Haitian people in the transition period towards a normal life under constitutional rule.<sup>92</sup>

The representative of the Russian Federation stated that while his delegation had joined the consensus on the question of UNMIH, it did have questions with regard to the mission, particularly in relation to specific recommendations regarding the strength, composition, cost and duration of the future activities of the Mission, as well as the question of financing of the measures proposed by the Secretary-General. He stressed that resolution 933 (1994) did not provide a basis for any action whatever, except for the submission of a report, without any preliminary decision by the Council on that score.<sup>93</sup>

The representative of China stated that the first order of business was to take effective measures to deploy UNMIH as soon as possible, as authorized by resolution 867 (1993), so as to enable it to play its mandated role. Accordingly, his delegation had supported the Secretary-General recommendation that the mandate of UNMIH be extended and had voted in

<sup>91</sup> S/PV.3397, pp. 2-3.

<sup>92</sup> *Ibid.*, p. 3.

<sup>93</sup> *Ibid.*, p. 3.

favour of resolution 933 (1994). At the same time, however, it had important reservations about the future expansion of the mandate and the scope of UNMIH provided for in the resolution and its vote in no way implied that China was undertaking any obligations in advance in that respect.<sup>94</sup>

**Decision of 12 July 1994 (3403rd meeting): statement by the President**

At its 3403rd meeting, on 12 July 1994, the Council resumed its consideration of the item. After the adoption of the agenda, the President (Pakistan) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:<sup>95</sup>

The Security Council condemns the decision of the illegal de facto regime and the military leadership in Haiti to expel from the country the joint United Nations/Organization of American States International Civilian Mission in Haiti, whose work has the highest approbation of the Council and whose mandate was extended by the General Assembly on 8 July 1994.

The Council considers this action a serious escalation in the defiant stance of Haiti's illegal de facto regime towards the international community.

The Council condemns this attempt by the illegal de facto regime and the military authorities to avoid appropriate international scrutiny at a time of increasing indiscriminate violence against the civilian population in Haiti.

The Council rejects this attempt by the illegal de facto regime and the military authorities to defy the will of the international community. This provocative behaviour directly affects the peace and security of the region.

The Council continues to hold the military authorities and the illegal de facto regime individually and collectively responsible for the safety and security of the international presence in Haiti.

The Council stresses that this latest action by the Haitian military and the illegal de facto regime further reinforces the continued determination of the Council to bring about a rapid and definitive solution to this crisis.

The Council will remain actively seized of the matter.

<sup>94</sup> Ibid., p. 4.

<sup>95</sup> S/PRST/1994/32.

**Decision of 19 July 1994: letter from the President to the Secretary-General**

By a letter dated 12 July 1994 addressed to the President of the Council,<sup>96</sup> the Secretary-General informed the Council that, following the decision of the de facto authorities in Haiti on 11 July 1994 to expel the international staff of MICIVIH from the country, he had decided, in consultation with the Acting Secretary-General of OAS and taking into consideration the security of the MICIVIH staff, that they would have to be evacuated from Haiti as of 13 July 1994.

By a letter dated 19 July 1994,<sup>97</sup> the President of the Council informed the Secretary-General that his letter dated 12 July 1994, has been brought to the attention of the members of the Security Council.

**Decision of 31 July 1994 (3413th meeting): resolution 940 (1994)**

On 15 July 1994, pursuant to resolution 933 (1994), the Secretary-General submitted to the Council a report on UNMIH,<sup>98</sup> in which he put forward his proposals for an expanded UNMIH. Such a force would need a maximum strength of just over 15,000 military personnel and about 550 civilian police personnel, with a mandate from the Security Council, acting under Chapter VII of the Charter that would permit the force to use coercive means, as necessary, in assisting the legitimate authorities to carry out public order functions. It would also require civilian personnel in support functions. The Secretary-General introduced three options. Under option one, the Council, with the consent of the legitimate authorities and acting under Chapter VII, would expand UNMIH and give it a revised mandate covering the additional tasks envisaged in resolution 933 (1994). In option two, the Council, at the request of the legitimate Government and also acting under Chapter VII, would authorize a group of Member States to establish and deploy a multinational or inter-American force to carry out the envisaged tasks. The force would be under the command and control of the Member States contributing to it and those Member States would be

<sup>96</sup> S/1994/829. The letter was also addressed to the President of the General Assembly as document A/48/967.

<sup>97</sup> S/1994/847.

<sup>98</sup> S/1994/828.



responsible for financing it. Alternatively, under option three, the Council could decide to divide the work between an international or inter-American force and UNMIH. As soon as the multinational or inter-American force had created a secure and stable environment, UNMIH would be deployed to carry out its mandate as envisaged. The Secretary-General noted that the assembly, equipment and deployment of a very large international force, for a period of unforeseen duration, would be beyond the then existing capability of the United Nations. He therefore did not recommend the first option. He further noted that if the Council were to choose the second or third option, it might wish to authorize the establishment of a small group of United Nations military and police observers to monitor the operations of the multinational force and as appropriate to make their good offices available.<sup>99</sup>

The Secretary-General pointed out that the activities discussed in his report would form only part of the support and assistance which Haiti would need from the international community as soon as the legitimate authorities were restored. As provided for in the Governors Island Agreement, a major effort would be necessary to provide humanitarian assistance; to facilitate the return and reintegration of the refugees; to help the Haitian authorities to rehabilitate an economy damaged by sanctions and rebuild institutions and infrastructure; to promote respect for human rights; and to foster the economic and social development in Haiti. If his proposals were accepted, the Council would implicitly commit the international community to a long-term continuing programme of support to Haiti.

On 26 July 1994, pursuant to resolution 917 (1994), the Secretary-General submitted a report on the question of Haiti.<sup>100</sup> The Secretary-General noted that since his report of 20 June 1994, the situation in Haiti had deteriorated further as a result of actions taken by the illegal government there. He recalled that, on 11 July 1994, the de facto authorities had declared MICIVIH presence undesirable and had given 48 hours to its staff to leave the country, which they had done on the following day. With regard to the preparation of the legislative elections due in November 1994, the situation remained unchanged and the Chamber of Deputies, which had been due to resume its session on 13 June 1994, had not yet been able to meet. With

regard to sanctions, France had announced on 12 July that it would suspend its commercial flights to and from Haiti. An observer group was expected to be deployed along the border between the Dominican Republic and Haiti to help implement the sanctions. The Secretary-General further noted that the humanitarian situation in the country had become more difficult, according to information received from the United Nations humanitarian affairs coordinator in Haiti. The human rights situation also remained worrisome, with reports coming out of the country indicating a continuation of abuses being committed against Haitians.

At its 3413th meeting, on 31 July 1994, the Council included the two reports of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Canada, Cuba, Haiti,<sup>101</sup> Mexico, Uruguay and Venezuela, at their request, to participate in the discussion without the right to vote. The President drew the attention of the members of the Council to a letter dated 29 July 1994 addressed to the Secretary-General from the representative of Haiti, transmitting a letter from President Aristide, in which he called on the international community to take prompt and decisive action, under the authority of the United Nations, to allow for the full implementation of the Agreement. The President further drew their attention to a draft resolution submitted by Argentina, Canada, France and the United States,<sup>102</sup> as well as to a letter dated 30 July 1994 addressed to the President of the Council from the representative of Haiti,<sup>103</sup> informing him of the agreement of the Government of President Aristide with that draft resolution, which it considered an appropriate framework for the implementation of the Governors Island Agreement.

The representative of Haiti pointed out that despite the Security Council's re-imposition and strengthening of sanctions to compel the military leadership to respect its commitment, no progress had been made to that end. To the contrary, in recent months the military regime had become harder and it had increased repression and taken measures to limit civil liberties. Human rights violations had increased considerably and a state of emergency had been declared. Moreover, in defiance of the international

<sup>99</sup> *Ibid.*, para. 23.

<sup>100</sup> S/1994/871.

<sup>101</sup> S/1994/905.

<sup>102</sup> S/1994/904.

<sup>103</sup> S/1994/910.

community, the illegitimate Government had expelled MICIVIH and installed a provisional President. He further stated that, in the existing situation, his delegation believed that additional measures were necessary to put an end to the delaying tactics and arrogance of the military leadership in Haiti, which posed a direct threat to the authority of the Council. The draft resolution before the Council contained elements that would enable the international community to respond appropriately to the challenge presented by the Haitian military leaders. By stating the consent of the Government of President Aristide to the draft resolution, his delegation was calling on the international community to join it in defending its national sovereignty.<sup>104</sup>

The representative of Mexico contended that although the Haitian military leadership had resisted the sanctions, there were signs that those were beginning to have their effect and should therefore be given enough time to produce the desired results. For that reason, Mexico had doubts about the timeliness of the draft resolution under consideration and regretted that the Council had decided that it was necessary to have recourse to the use of force to resolve the crisis in Haiti. History had shown that military intervention in that hemisphere had invariably been traumatic without necessarily attaining its objectives. It was unfortunate that the Secretary-General's report did not contain a full political expression of, or even a reference to the option of persevering in political and diplomatic efforts. More seriously, the report recognized that the Organization was not able to assume the role it should in an action of that kind, as reflected in the draft resolution. Accordingly, the actions proposed in the draft resolution were not provided for in the Charter. It was the speaker's view that, the crisis in Haiti was not a threat to peace, a breach of the peace or an act of aggression such as would warrant the use of force in accordance with Article 42 of the Charter. The foundations for the actions proposed, as could be seen from the Secretary-General's report, appeared to be previous practice or precedent. Every situation, however, was different. In the case of Haiti, it seemed contradictory to insist on the one hand on the unique character of the situation and, on the other, to cite precedents and concepts applied in other circumstances and geographical areas. The relevance of those precedents in the case of Haiti therefore appeared to be

<sup>104</sup> S/PV.3413, pp. 2-4.

highly questionable. It was also troubling that the draft resolution did not contain any reference to the time-frame for the proposed action, as if *carte blanche* had been awarded to an undefined multinational force to act when it deemed appropriate. That seemed to be an extremely dangerous practice in international relations. Moreover, the draft resolution made scarcely any reference to Haiti's long-term needs in terms of institutional reconstruction and economic and social development and lacked the specific recommendations in that regard. While the Council might not be competent to make such recommendations, it should nevertheless invite the competent bodies of the United Nations system to adopt the necessary measures to that end. The speaker further noted that the Council had, since the beginning of the matter, been acting at the request of the lawful Government and that President Aristide was not opposed to the use of force to re-establish his rights and those of the Haitian people. However, while Mexico was aware of the difficulties and of the need to restore constitutional order and democracy to Haiti, it also believed that there were not sufficient elements to justify the use of force and, still less, to justify across-the-board authorization for the action of ill-defined multinational forces. In its opinion, the continuation of political and diplomatic efforts to achieve solutions consistent with the Charter continued to be the best alternative to bring about the return of constitutional law and the exercise of self-determination for the Haitian people.<sup>105</sup>

Similarly, the representative of Cuba expressed concern about the draft resolution under consideration and the relevant reports of the Secretary-General, as well as with the formulation, which described the situation in Haiti as a threat to regional peace and security, something that was new and removed from the precepts established by the Charter concerning the authority of the Council. He also pointed out the extemporaneous forms and the stereotypes that were used as precedents in paragraph 4 of the draft resolution, the misuse of Chapter VII of the Charter, the omission of the fact that the return of President Aristide was a prerequisite for the restoration of democratic order, and the lack of any time-limits for the operation. Cuba considered that all avenues for finding a peaceful solution to the Haitian conflict had not yet been explored. In principle, it was resolutely opposed to military intervention as a means of solving

<sup>105</sup> *Ibid.*, pp. 4-5.

internal conflicts. History had shown that military operations could not truly solve internal conflicts because they could not resolve the causes of conflict. Decisions of that nature went beyond the mandate of the Council, in accordance with Chapter VII of the Charter, which only authorized such powers in cases of an express threat to international peace and security. He argued that the mechanisms for the peaceful settlement of disputes contained in the Charter had to be retained, because a world policy that was sustained by the use of force was infeasible and extremely dangerous to international peace and security. If anything might signify in and of itself a fundamental threat to peace and security, it was military action of that kind in the Caribbean region. He also warned of the threat to the security and sovereignty of Cuba posed by that military deployment. For those reasons and because of its commitment to the principles of non-intervention and non-use of force or threat of force, Cuba was opposed to the draft resolution.<sup>106</sup>

The representative of Uruguay affirmed the universal validity and the constant consolidation in relations between States of the principles of non-intervention and peaceful settlement of disputes, as complemented by the fundamental principle of the rule of international law. Uruguay's compliance with those principles had always prompted it to support and advocate a restrictive view of the application of the enforcement measures provided for in the Charter. Although it had supported the imposition of economic sanctions in accordance with Article 41 of the Charter, it did not support the application of military action provided for in Article 42. Neither did it believe that the internal political situation in Haiti projected externally in such a way as to represent a threat to international peace and security. It believed that the search for a peaceful solution had not been exhausted and that that was precisely the objective of the application of sanctions. For those reasons, while Uruguay pledged support for all measures directed towards restoring and strengthening democracy in Haiti by peaceful means, it would not support, within the framework of a restrictive interpretation of the principle of non-intervention, any military intervention in that country, whether of a unilateral or multilateral nature.<sup>107</sup>

<sup>106</sup> *Ibid.*, pp. 5-6.

<sup>107</sup> *Ibid.*, pp. 6-7.

The representative of Canada recalled that from the outset of the Haitian crisis, the United Nations had sought to restore democracy in that country through mediation and other diplomatic means as well as through a gradually more severe set of sanctions. Canada had supported and participated in those efforts at every step, as one of the Secretary-General's "Friends of Haiti". It had throughout the crisis stood at the side of the democratically elected President of Haiti, Jean-Bertrand Aristide, whose restoration it saw as a key element of the restoration of democracy in that country. The speaker noted, in that regard, the appeal by President Aristide to the international community for swift and determined action under the authority of the United Nations in order to permit the implementation of the Governors Island Agreement. Because living conditions in Haiti continued to decline seriously and brutal repression continued, the status quo could not be allowed to persist. It was for that reason that his Government had co-sponsored the draft resolution before the Council.<sup>108</sup>

The representative of Venezuela stated that his Government, faithful to the tradition of defending the principle of non-intervention, could not support unilateral or multilateral military actions in any nation of the hemisphere, nor could it interfere with the sovereign will of any country. It believed, however, that not all the means of finding a peaceful solution to the situation in Haiti had been exhausted and associated itself with the efforts which the President of the Council could make to ensure that an operation of war be forestalled by an operation of peace.<sup>109</sup>

Speaking in explanation of vote, the representative of Brazil considered that the crisis in Haiti was of a unique and exceptional character and could not be put on a par with other situations in which international peace and security had been threatened. That was a matter which had to be considered under the dual approach of strengthening democracy in the hemisphere and of the principles enshrined in both the United Nations and the OAS Charters. It was essential, therefore, to respect not only the democratic solidarity which had been built in the region but also the personality, sovereignty and independence of States within it. Peace and cooperation in the region had been possible because of strict observance of the principles

<sup>108</sup> *Ibid.*, pp. 7-8.

<sup>109</sup> *Ibid.*, p. 8.

of the peaceful settlement of disputes and non-intervention. Brazil considered that the draft resolution before the Council was not felicitous in the invocation of the criteria and the choice of means for attaining the goal of restoring democracy and reinstating the legitimately elected Government of Haiti under President Aristide. The situation in Haiti would warrant an expansion of UNMIH in order to implement fully the ideas originating from resolution 933 (1994), along the lines of the first option outlined in the Secretary-General's report of 15 July 1994. That option was put aside, perhaps too hastily, on the grounds that it would require additional time to take shape, the very time that could allow the sanctions to yield the desired effects. Brazil considered it indispensable that consultations be held among all members of the Council and the parties directly or indirectly concerned with a given situation, in order to enhance the legitimacy and effectiveness of the Council's decisions. Such consideration should have been paramount particularly in the case of Haiti, in view of its unique nature. For the first time in history, the Council was holding a discussion on the use of force under Chapter VII of the Charter in connection with a country of the Western Hemisphere. He observed that the issue under discussion in the Council had changed from that of the formation of a reconfigured United Nations peacekeeping force, which could be deployed with the aim of assisting in the recovery of Haiti once the de facto authorities had left, to that of the immediate establishment of a multinational force with the purpose of intervening in Haiti. Due to that abrupt shift, Brazil had serious difficulties with the draft resolution, in particular with operative paragraph 4, which contained language similar to that in resolution 678 (1990) regarding the Gulf War. That, however, was a situation of a totally distinct political and legal nature, in a different political and regional context. The speaker concluded by stating that the defence of democracy should always be consistent with principles governing relations between States and did not entail the recourse to force under the terms being considered by the Council. Those terms constituted a worrisome departure from the principles and customary practices adopted by the United Nations as regarded peacekeeping. For those reasons, his delegation would abstain in the voting.<sup>110</sup>

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<sup>110</sup> Ibid., pp. 8-10.

The representative of China stated that his delegation shared the view that the problem of Haiti constituted an element of instability in the region and therefore endorsed greater peaceful efforts on the part of the international community, especially the countries in the region, to facilitate an appropriate solution through political means. He could not, however, agree to the provision in the draft resolution before the Council concerning the authorization for Member States to adopt mandatory means under Chapter VII of the Charter to resolve the problem of Haiti. China did not agree with the adoption of any means of solution based on the resort to pressure at will or even the use of force. In his view, resolving problems such as that of Haiti through military means did not conform with the principles enshrined in the Charter and lacked sufficient and convincing grounds. The practice of the Council's authorizing certain Member States to use force was even more disconcerting because it would obviously create a dangerous precedent. For those reasons, his delegation would abstain in the voting.<sup>111</sup>

According to the representative of Nigeria, the draft resolution under consideration took Council members to an entirely new level of external action to deal with the situation in Haiti and also to an entirely new territory in the Charter, in particular with regard to the use of Chapter VII. Several of his delegation's concerns had been addressed in the draft resolution, including, firstly, that the sovereignty and territorial integrity of Haiti should not be compromised. Respect for the sovereignty and territorial integrity of Member States was the minimum basis of association by Members of the United Nations and should be observed in the case of all nations. Secondly, any collective action authorized in the draft resolution was country-specific. In view of the special character of the situation in Haiti, the adoption of the draft resolution should not be seen as a global license for external interventions through the use of force or any other means in the internal affairs of Member States. The overriding rationale for the proposed action under Chapter VII of the Charter in the draft resolution was predicated on the failure of the military Government in Haiti to honour the Governors Island Agreement and to fully implement Security Council resolutions, both failures of which threatened peace and security in the region. The adoption of the draft resolution by the Council should not, however, be construed as an

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<sup>111</sup> Ibid., p. 10.

abandonment of collective faith in the efficacy of diplomatic means and/or sanctions to help solve the problems in Haiti and elsewhere. With regard to the operation of the multinational force, he hoped that it would be a temporary one that was focused and subject-specific, and that the second phase of operations to be undertaken by UNMIH would commence soon enough so that the process of rehabilitation and reconstruction could begin in earnest.<sup>112</sup>

The draft resolution was then put to the vote and adopted by 12 votes in favour to none against, with 2 abstentions<sup>113</sup> as resolution 940 (1994), which reads:

*The Security Council,*

*Reaffirming* its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994 and 933 (1994) of 30 June 1994,

*Recalling* the terms of the Governors Island Agreement and the related New York Pact,

*Condemning* the continuing disregard of those agreements by the illegal de facto regime, and the regime's refusal to cooperate with efforts by the United Nations and the Organization of American States to bring about their implementation,

*Gravely concerned* by the significant further deterioration of the humanitarian situation in Haiti, in particular the continuing escalation by the illegal de facto regime of systematic violations of civil liberties, the desperate plight of Haitian refugees and the recent expulsion of the staff of the International Civilian Mission in Haiti, which was condemned in its presidential statement of 12 July 1994,

*Having considered* the reports of the Secretary-General of 15 July and 26 July 1994,

*Taking note* of the letter dated 29 July 1994 from the legitimately elected President of Haiti and the letter dated 30 July 1994 from the Permanent Representative of Haiti to the United Nations,

*Reiterating its commitment* for the international community to assist and support the economic, social and institutional development of Haiti,

*Reaffirming* that the goal of the international community remains the restoration of democracy in Haiti and the prompt return of the legitimately elected President, Jean-Bertrand

Aristide, within the framework of the Governors Island Agreement,

*Recalling* that in its resolution 873 (1993) the Council confirmed its readiness to consider the imposition of additional measures if the military authorities in Haiti continued to impede the activities of the United Nations Mission in Haiti or failed to comply in full with relevant Council resolutions and the provisions of the Governors Island Agreement,

*Determining* that the situation in Haiti continues to constitute a threat to peace and security in the region,

1. *Welcomes* the report of the Secretary-General of 15 July 1994, and takes note of his support for action under Chapter VII of the Charter of the United Nations in order to assist the legitimate Government of Haiti in the maintenance of public order;

2. *Recognizes* the unique character of the present situation in Haiti and its deteriorating, complex and extraordinary nature, requiring an exceptional response;

3. *Determines* that the illegal de facto regime in Haiti has failed to comply with the Governors Island Agreement and is in breach of its obligations under the relevant resolutions of the Security Council;

4. *Acting* under Chapter VII of the Charter, authorizes Member States to form a multinational force under unified command and control and, in this framework, to use all necessary means to facilitate the departure from Haiti of the military leadership, consistent with the Governors Island Agreement, the prompt return of the legitimately elected President and the restoration of the legitimate authorities of the Government of Haiti, and to establish and maintain a secure and stable environment that will permit implementation of the Governors Island Agreement, on the understanding that the cost of implementing this temporary operation will be borne by the participating Member States;

5. *Approves* the establishment, upon adoption of the present resolution, of an advance team of the United Nations Mission in Haiti of not more than sixty personnel, including a group of observers, to establish the appropriate means of coordination with the multinational force, to carry out the monitoring of the operations of the multinational force and other functions described in paragraph 23 of the report of the Secretary-General of 15 July 1994, and to assess requirements and to prepare for the deployment of the United Nations Mission in Haiti upon completion of the mission of the multinational force;

6. *Requests* the Secretary-General to report on the activities of the team within thirty days of the date of deployment of the multinational force;

7. *Decides* that the tasks of the advance team as defined in paragraph 5 above will expire on the date of termination of the mission of the multinational force;

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<sup>112</sup> Ibid., pp. 10-11.

<sup>113</sup> Brazil and China. Rwanda was not present at the meeting.

8. *Decides* that the multinational force will terminate its mission and the United Nations Mission in Haiti will assume the full range of its functions described in paragraph 9 below when a secure and stable environment has been established and the Mission has adequate force capability and structure to assume the full range of its functions; the determination will be made by the Security Council, taking into account recommendations from the States members of the multinational force, which are based on the assessment of the Commander of the multinational force, and from the Secretary-General;

9. *Decides* to revise and extend the mandate of the Mission for a period of six months to assist the democratic Government of Haiti in fulfilling its responsibilities in connection with:

(a) Sustaining the secure and stable environment established during the multinational phase and protecting international personnel and key installations;

(b) The professionalization of the Haitian armed forces and the creation of a separate police force;

10. *Requests* that the Mission assist the legitimate constitutional authorities of Haiti in establishing an environment conducive to the organization of free and fair legislative elections to be called by those authorities and, when requested by them, monitored by the United Nations, in cooperation with the Organization of American States;

11. *Decides* to increase the troop level of the Mission to 6,000 and establishes the objective of completing the Mission, in cooperation with the constitutional Government of Haiti, not later than February 1996;

12. *Invites* all States, in particular those in the region, to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present resolution and other relevant Security Council resolutions;

13. *Requests* the Member States acting in accordance with paragraph 4 above to report to the Council at regular intervals, the first such report to be made not later than seven days following the deployment of the multinational force;

14. *Requests* the Secretary-General to report on the implementation of the present resolution at sixty-day intervals starting from the date of deployment of the multinational force;

15. *Demands* strict respect for the persons and premises of the United Nations, the Organization of American States, other international and humanitarian organizations and diplomatic missions in Haiti, and that no acts of intimidation or violence be directed against personnel engaged in humanitarian or peacekeeping work;

16. *Emphasizes* the necessity that, inter alia:

(a) All appropriate steps be taken to ensure the security and safety of the operations and personnel engaged in such operations;

(b) The security and safety arrangements undertaken extend to all persons engaged in the operations;

17. *Affirms* that the Council will review the measures imposed pursuant to resolutions 841 (1993), 873 (1993) and 917 (1994), with a view to lifting them in their entirety, immediately following the return to Haiti of President Jean Bertrand Aristide;

18. *Decides* to remain actively seized of the matter.

After the vote, the representative of the United States noted that resolution 940 (1994) built on earlier actions designed to relieve suffering in Haiti and promote the rule of law. The purpose was not to impinge upon the sovereignty of Haiti, but to restore the power to exercise that sovereignty to those who rightfully possessed it. The purpose was to enable Haiti, in the words of the Charter, to pursue "social progress and better standards of life in larger freedom". Resolution 940 (1994) authorized a two-phased approach. In the first phase, a multinational force, acting under Chapter VII of the Charter, was empowered to restore legitimate authority to Haiti. That force, which the United States was prepared to organize and lead, would begin to professionalize the police and military and establish a stable and secure environment within which democratic officials and institutions could operate. In the second phase, UNMIH would assume the full range of its functions; continue professionalizing the Haitian armed forces and help build a new civilian police; assume responsibility for assisting the Government in assuring public order; assist in establishing an environment conducive to free and fair elections; and strive to complete its assigned tasks no later than February 1996. The timing of the transition from phase one to phase two would be determined by the Council after appropriate consultation, after a stable and secure environment had been established and the means for fulfilling the United Nations mission were at hand. She added that resolution 940 (1994) meshed well with her Government's policy, and that of the Council, of subjecting proposed new peace operations to rigorous review. Phase one built on the precedents of Kuwait and Rwanda while phase two established a United Nations mission of modest size with a clear and achievable mandate, operating in a relatively secure environment, with the consent of the Government, for a finite period of time. Moreover, the resolution was fully consistent with the views expressed by OAS.<sup>114</sup>

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<sup>114</sup> S/PV.3413, pp. 12-13.

The representatives of France and the United Kingdom noted that resolution 940 (1994) authorized, in a first phase, the establishment of a multinational force mandated to facilitate the departure from Haiti of the rebel military authorities, as provided for in the Governors Island Agreement, and, in a second phase, the deployment of a peacekeeping force mandated to ensure a stable, secure environment to enable Haiti to return to the path of progress and democracy. The representative of France added that recourse to Chapter VII of the Charter as the basis for multinational action demonstrated a determination to complete successfully, by all necessary means, the tasks the Council had set itself. The intentions of the Council had not changed since 3 July 1993. It desired the complete implementation of the Governors Island Agreement, including the return of the lawfully elected President of Haiti, a radical reform of the Haitian military structure, and the resumption of economic assistance to Haiti. Also needed were the consolidation of institutions and the holding of new elections that would make it possible to restore democracy.<sup>115</sup>

The representative of Argentina stated that the mechanisms provided for by the Charter were clearly applied gradually and patiently — first the measures provided for in Chapter VI of the Charter and then those provided for in Chapter VII which did not imply the use of force. Neither the calls of the General Assembly in connection with human rights and the restoration of democracy, nor the enforcement measures provided for by the Council, nor the various efforts to negotiate had had any impact on the usurpers of power in Haiti. Every alternative available had been exhausted one by one. The maintenance of international peace and security, the strengthening and consolidation of democracy, and the full enjoyment of human rights in the region required resolute action to liberate the Haitian people from the oppression of the de facto Government, as specifically suggested in the Secretary-General's report of 15 July 1994. Although his delegation might have preferred a traditional peacekeeping operation, the options fell within the framework of the Charter and addressed that difficult situation. Of decisive and key importance was the fact that those options were in keeping with what the President of Haiti had requested. Argentina would therefore support the action stipulated in resolution 940 (1994). The speaker added that the Council was well

<sup>115</sup> Ibid., pp. 13-14 (France); and p. 18 (United Kingdom).

aware that the solution to the Haitian crisis lay in the restoration of the democratic regime, which required respect and support for the sovereignty of the Haitian people. Moreover, an end must be put to a humanitarian crisis so vast, and atrocities so unspeakable, that the Council had determined that they could no longer be hidden behind a border. Noting that the situation in Haiti was a unique and exceptional one which could no longer be put off, he concluded that it was also a question of restoring to the people of Haiti — within the framework of the Charter and with the unequivocal support of the legitimate Government — the sovereignty of which it had been stripped.<sup>116</sup>

The representative of New Zealand underlined that the international community had not been precipitate in the matter of Haiti. Time had been given for sanctions to work. Clearly, they were not going to produce a quick departure by the illegal military regime. In the meantime, their effect was being felt mostly by the people of Haiti. That was why New Zealand supported the formal request by the legitimate Government of Haiti for decisive action to be taken by the United Nations to enable the legitimate Government of Haiti to be restored and constitutional order in that country to be re-established. However, it had a number of broad concerns about the manner in which the Council had come to deal with that and other recent situations. Firstly, New Zealand's preference had been for collective security to be undertaken by the United Nations itself. It provided the reassurance that small countries sought from the United Nations when Chapter VII of the Charter was being invoked. That did not mean that his delegation had reservations about the use of Chapter VII, either in the case of Haiti, or other specific cases where it was appropriate. His delegation also did not agree with the Secretary-General's conclusion that that was not feasible by the Organization in the case of Haiti. The resource and management difficulties that the United Nations faced were undeniable, but should be seen as challenges to be overcome, not as excuses for throwing in the towel and abrogating the responsibilities for international dispute settlement under United Nations auspices, which New Zealand and other Governments expected the Organization to fulfil. Secondly, in supporting a multinational intervention in Haiti, New Zealand hoped and expected that when the next call would come for

<sup>116</sup> Ibid., pp. 14-18.

international assistance to restore democracy or to protect people in a humanitarian disaster in some other small and distant country, the United Nations and all the members of the Council would not be found wanting.<sup>117</sup>

The representative of the Russian Federation stated that, in voting for resolution 940 (1994), his country took into account the fact that the resolution enjoyed the support of President Aristide. The Russian Federation attached great importance to the total transparency of the operation authorized by the Council for a multinational force in Haiti. Such transparency was essential to ensure complete confidence in the actions of the multinational force by the international community and support by the international community for that operation. In that connection, he noted that resolution 940 (1994) provided for close coordination between the multinational force and the advance team of UNMIH, for monitoring by United Nations observers of the operations of the multinational force and for verifying, as provided for in the Secretary-General's report of 15 July 1994, "the manner in which that force carried out the mandate conferred upon it by the Council". Of great importance also was the request contained in the resolution to the Secretary-General to report to the Council on the activities of the advance team of UNMIH. With regard to the concept of a two-phase operation, which the Russian Federation supported, his delegation emphasized that the Council would have to return to the question of the mandate and size of UNMIH and other issues of deployment and activities of the mission in phase two of the operation, which had financial implications when it adopted the corresponding decisions on the transition from phase one to phase two.<sup>118</sup>

Having noted that the situation in Haiti constituted a real and growing threat to peace, security and stability in the region, the representative of the Czech Republic stated that the effort by the international community to restore democracy to Haiti through peaceful, political means and through the imposition of economic sanctions had clearly failed. Resolution 940 (1994) was unique in so far as, for the first time in its history, the Council had authorized Member States to use all necessary means to restore democracy in a Member State and to create

conditions for a better and more dignified life in its population. Attention had been given to the clarity of the mandate and the clear definition of both phases of the envisaged operation, the role of the United Nations observers in the operation, as well as its time frame. While his delegation believed that all important aspects of the mission should have been addressed in the resolution in a clear and satisfactory manner, it was pleased that the Council's actions had the full support of democratically elected representatives of Haiti. He noted also that the Council had committed itself to a long-term programme of support for Haiti, in respect of which there should be continuous close cooperation and coordination between the United Nations and OAS.<sup>119</sup>

The President, speaking in his capacity as representative of Pakistan, stated that the deteriorating situation in Haiti was both unique and exceptional and constituted a threat to peace and security in the region, requiring an exceptional response by the international community. He recalled a communiqué of the OAS Ministers dated 7 July 1994 urging all Member States to support measures by the United Nations to strengthen UNMIH, *inter alia* to assist in the restoration of democracy, as well as the letter dated 29 July 1994 addressed to the Secretary-General from President Aristide, in which the latter called for "prompt and decisive" action by the international community in the implementation of the Governors Island Agreement. He expressed regret, however, that, for well understood reasons, the Secretary-General could not recommend the first option contained in his report of 15 July 1994. He concluded by stating that resolution 940 (1994) was a warning to States that were using their state apparatus to carry out systematic campaigns of gross violations of fundamental human rights and civil liberties, particularly where such violations gave rise to tensions in the region and threatened regional peace and security.<sup>120</sup>

#### **Decision of 30 August 1994: statement by the President**

On 30 August 1994, following consultations among the members of the Council, the President issued the following statement to the media on behalf of the members of the Council:<sup>121</sup>

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<sup>117</sup> *Ibid.*, pp. 21-22.

<sup>118</sup> *Ibid.*, pp. 23-24.

<sup>119</sup> *Ibid.*, pp. 24-25.

<sup>120</sup> *Ibid.*, pp. 25-26.

<sup>121</sup> S/PRST/1994/49.



The members of the Security Council deplore the rejection by the illegal *de facto* regime in Haiti of the initiative carried out under the instructions of the Secretary-General. Once again, the regime has discarded a possibility of peacefully implementing the Governors Island Agreement and the relevant resolutions of the Security Council, particularly resolutions 917 (1994) of 6 May 1994 and 940 (1994) of 31 July 1994.

Furthermore, the members of the Council reiterate their condemnation of the systematic repression, violence and violations of international humanitarian law carried out against the Haitian people. The recent assassination of Father Jean-Marie Vincent once again shows the climate of violence in Haiti, which continues to deteriorate under the illegal *de facto* regime.

**Decision of 29 September 1994 (3430th meeting): resolution 944 (1994)**

By a letter dated 27 September 1994 addressed to the President of the Security Council,<sup>122</sup> the representative of the United States transmitted the first report of the multinational force in Haiti, dated 26 September 1994. The report covered the first week of operations of the force. It noted that the force, which had entered Haiti on 19 September 1994 without bloodshed, had taken several important steps towards establishing a secure and stable environment for the return of President Aristide and the full implementation of resolution 940 (1994). First, the Force had taken control of the Heavy Weapons Company of the Haitian armed forces and its armament. Secondly, it had initiated a weapons control programme and, lastly, military police units of the force were working with Haitian police headquarters, conducting mobile patrols and monitoring Haitian police activity. The force had also initiated a number of programmes to ameliorate potential causes of unrest and build a relationship of trust and friendship with the Haitian people, including by facilitating the pursuit of substantial humanitarian efforts and coordinating several civic operations to improve the Haitian people's quality of life.

At its 3429th meeting, on 29 September 1994, the Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the following: at the 3429th meeting, the representative of Haiti, at the 3430th meeting, the representatives of Canada and Venezuela. The Council considered the item at its 3429th and 3430th meetings.

At the 3429th meeting, on 29 September 1994, the President (Spain) drew the attention of the

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<sup>122</sup> S/1994/1107.

members of the Council to the following documents: two letters dated respectively 13 and 14 September 1994 addressed to the Secretary-General from the representative of the Libyan Arab Jamahiriya,<sup>123</sup> in which it was stated that the threat of the use of force by the United States and its preparations for the invasion of Haiti, using to that end the Security Council and its resolutions as a cover for its policy of aggression towards Haiti, constituted a grave precedent that threatened international peace and security, a flagrant violation of the Charter, blatant intervention in the internal affairs of States and a threat to their security and independence, adding that what was taking place in Haiti was an internal affair which constituted neither a threat to or breach of the peace, nor an act of aggression justifying the use of force; a letter dated 20 September 1994 addressed to the Secretary-General from the representative of Germany,<sup>124</sup> transmitting the text of a statement by the European Union on Haiti, issued on 19 September 1994; and a letter dated 26 September 1994 addressed to the President of the Council from the representative of Haiti,<sup>125</sup> transmitting the text of a statement by President Aristide dated 25 September 1994, in which he called upon the Council to take the necessary measures to rehabilitate Haiti's communication and information systems in accordance with the provisions of resolution 841 (1994). He also called for the immediate easing of sanctions, while maintaining the measures specifically targeted at those obstructing the restoration of democracy and for an increase its humanitarian assistance to Haiti and a speedy distribution of aid.

The representative of the United States stated that with the coalition's deployment, the time had come to prepare for the resumption of normal economic activities in Haiti. The United States and Haiti had introduced a draft resolution in the Council to lift completely United Nations sanctions when President Aristide returned. The United States would also act expeditiously, consistent with resolution 917 (1994) and the "all necessary means" provision of resolution 940 (1994), to allow goods essential to the coalition's efforts to enter Haiti. In addition, it would lift all unilateral sanctions on Haiti, except those targeted on the coup leaders and their named supporters. In that regard, the speaker urged other nations that might have had unilateral sanctions, to take

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<sup>123</sup> S/1994/1051 and S/1994/1054.

<sup>124</sup> S/1994/1077.

<sup>125</sup> S/1994/1097.

similar steps. He further stated that a top priority for the coalition was to enable the United Nations mission to enter Haiti promptly and under conditions that would allow it to assume its full responsibilities. Twelve observers from the United Nations Mission were already in Haiti to plan for the coordination of the transition of authority from the coalition to the United Nations Mission. Just as the coalition was fulfilling its mandate in Haiti, so the United Nations Mission had to be ready to assume responsibility when a safe environment had been secured. The support of the Council, of Member States and of the Secretary-General would be essential to ensure that the transition was seamless and effective. The mission in Haiti was a reminder of the importance of United Nations peacekeeping operations, in respect of which the United States had proposed reforms to improve the way in which they were financed, equipped and organized. In that connection, he noted that when the United Nations was asked to act, it had to be provided with the means for mounting successful missions in a timely manner. While the multinational coalition would establish, and the United Nations Mission would help maintain, a secure environment in Haiti, the broader international community had to provide Haiti with economic, humanitarian and technical aid that would spur and consolidate democracy. He stressed that the coalition's mission was not to reinvent or to provide new institutions, but to create conditions that would allow Haiti's legitimate institutions to return. The coalition, the United Nations Mission and economic assistance could not and should not be a substitute for determined efforts by the Government of Haiti and by its people to rebuild their country.<sup>126</sup>

The representative of France stated that the time had come for Haiti to regain its rightful place in the international community. France believed that a very clear political signal needed to be sent out by a decision to lift the sanctions in accordance with the Council resolutions, to take effect the day after the return of President Aristide to Haiti. France, for its part, was prepared to lift the unilateral sanctions that it had imposed as soon as technical conditions made it possible.<sup>127</sup>

The representative of Brazil reiterated that whatever action was taken should be fully consistent with the Charter of the United Nations and of OAS, and

especially with the basic principle of non-intervention. Although his delegation had taken note that a traumatic military operation had been avoided in Haiti, his Government was concerned over the very fact that foreign military forces had been deployed in the territory of a Latin American country, which was a disturbing precedent. His country would support the democratic reconstruction of Haiti in full respect of its sovereignty and in compliance with the principles of non-intervention and self-determination.<sup>128</sup>

At the 3430th meeting, on 29 September 1994, the President drew the attention of the members of the Council to a draft resolution submitted by Argentina, Canada, France, Haiti, Spain, the United States and Venezuela.<sup>129</sup>

The representative of Haiti stated that the arrival at Port-au-Prince on 19 September 1994 of the first components of the multinational force authorized by resolution 940 (1994) had permitted a resumption of the process of restoration of democracy, in conformity with the Governors Island Agreement. The Parliament had met on 28 September 1994, for the first time since the *coup d'état*, to consider a draft amnesty law. The disarmament of the Army and the paramilitary forces had begun. High-calibre weapons had been confiscated, and the conduct of police had markedly improved. Those positive developments had prompted the Council to consider the lifting of the sanctions imposed by resolutions 841 (1993), 873 (1993) and 917 (1994), a measure which his Government supported. However, such measures should take effect after the return of President Aristide to Haiti. He noted that, despite the presence of the multinational force, acts of violence directed against the population continued. That demonstrated the need for the multinational force to speed up disarmament in order to create a stable and secure environment, which would make possible Haiti's national reconciliation.<sup>130</sup>

Speaking in explanation of vote, the representative of Brazil stated that his delegation strongly upheld the objective of bringing to an end the sanctions regime imposed against the *de facto* authorities as soon as President Aristide was reinstated. The immediate end to the suffering of the Haitian people should be a clear priority and had to remain at

<sup>126</sup> S/PV.3429, pp. 2-5.

<sup>127</sup> Ibid., pp. 5-6.

<sup>128</sup> Ibid., pp. 6-7.

<sup>129</sup> S/1994/1109.

<sup>130</sup> S/PV.3430, pp. 2-3.

the core of concerns. Nevertheless, his delegation was not in a position to support the draft resolution before the Council. To do otherwise would be inconsistent with Brazil's position regarding, in particular, full respect for the principle of non-intervention. The seriousness of the crisis in Haiti required the continued attention of the international community but did not justify any recourse to force. In that sense, his delegation had reservations on certain elements of the draft resolution that went beyond the question of the termination of sanctions.<sup>131</sup>

The representative of the United States reaffirmed that sanctions would be lifted only when President Aristide returned to Haiti and resumed his duties. His Government believed that by voting on that day, the early departure of the coup leaders, the early return of President Aristide and thus the early restoration of democracy to Haiti. The draft resolution before the Council reinforced Haitian democracy by taking a crucial step towards those goals.<sup>132</sup>

The representative of the Russian Federation stated that his delegation, while supporting the humanitarian direction of the draft resolution, still had doubts regarding its hasty adoption. It would not object or vote against the draft resolution, however, since it was a question of improving an acutely difficult humanitarian situation and alleviating the extreme suffering of the Haitian people. Furthermore, although the draft resolution was linked to the return of President Aristide, there was still no clear indication as to the timeframe for his return. He added that his delegation was convinced of the need to adhere to a unified, single approach, without exception, to the lifting of the sanctions regime, as regards the observance of general conditions and requirements for everyone. Such an approach would make it possible to clarify the question that naturally arose as to why some resolutions on the lifting of sanctions were discussed in a series of meetings while others were adopted in just over two days, in advance, and without confirmation that those demands had been accepted as put forward by the Council. All that stressed the need, in principle, to work within the United Nations and to develop a flexible mechanism for the gradual mitigation and then the lifting of sanctions, on the basis of political realities. His delegation intended to promote such an

<sup>131</sup> Ibid., p. 4.

<sup>132</sup> Ibid., pp. 4-5.

approach in the consideration of questions relating to the lifting of the sanctions regime, based on the conviction that double standards were inadmissible in the work of the Council.<sup>133</sup>

The draft resolution was then put to the vote and adopted by 13 votes in favour to none against, with 2 abstentions (Brazil, Russian Federation) as resolution 944 (1994), which reads:

*The Security Council,*

*Recalling* the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 933 (1994) of 30 June 1994 and 940 (1994) of 31 July 1994,

*Reaffirming* the objectives of the urgent departure of the de facto authorities, the prompt return of the legitimately elected President Jean Bertrand Aristide and the restoration of the legitimate authorities of the Government of Haiti,

*Recalling* the terms of the Governors Island Agreement and the related New York Pact,

*Welcoming* the fact that initial units of the multinational force were peacefully deployed in Haiti on 19 September 1994,

*Looking forward* to the completion of the mission of the multinational force and to the timely deployment of the United Nations Mission in Haiti as foreseen in resolution 940 (1994),

*Noting* the statement of President Jean-Bertrand Aristide dated 25 September 1994,

*Having received* the report of 26 September 1994 of the multinational force in Haiti,

*Recalling* that, in paragraph 17 of its resolution 940 (1994), the Security Council affirmed its willingness to review the measures imposed pursuant to its resolutions 841 (1993), 873 (1993) and 917 (1994) with a view to lifting them in their entirety immediately following the return to Haiti of President Jean Bertrand Aristide,

*Noting* that paragraph 11 of resolution 917 (1994) remains in force,

1. *Requests* the Secretary-General to take steps to ensure the immediate completion of the deployment of the observers and other elements of the sixty person advance team of the United Nations Mission in Haiti established under resolution 940 (1994);

2. *Urges* Member States to respond promptly and positively to the Secretary-General's request for contributions to the Mission;

<sup>133</sup> Ibid., p. 5.

3. *Encourages* the Secretary-General, in consultation with the Secretary-General of the Organization of American States, to continue his efforts to facilitate the immediate return to Haiti of the International Civilian Mission in Haiti;

4. *Decides*, acting under Chapter VII of the Charter of the United Nations, to terminate the measures regarding Haiti set out in resolutions 841 (1993), 873 (1993) and 917 (1994), at 0001 hours eastern standard time on the day after the return to Haiti of President Jean-Bertrand Aristide;

5. *Also decides* to dissolve the Security Council Committee established pursuant to resolution 841 (1993) concerning Haiti, with effect from 0001 hours eastern standard time on the day after the return to Haiti of President Jean-Bertrand Aristide;

6. *Requests* that the Secretary-General consult with the Secretary-General of the Organization of American States regarding the consideration of appropriate measures which might be taken by that organization consistent with the present resolution and report to the Council on the results of those consultations;

7. *Decides* to remain actively seized of the matter.

After the vote, the representative of France recalled that his delegation had always held that the sanctions imposed on Haiti, which had been voted on in several stages up to the level of a general embargo, with the exception of humanitarian products, would be lifted definitively following the return of the legitimate President, as provided for in the Governors Island Agreement and in all the relevant resolutions of the Council. The time had come to signal the fact that the return of the legitimate authorities would mark the beginning of normalization with Haiti; first political normalization, then economic normalization. The lifting of the sanctions regime would make it possible to consolidate democracy by ensuring the development of the country.<sup>134</sup>

According to the representative of China, the timely lifting of sanctions, after reaching their projected goals in accordance with the relevant provisions of the Council resolutions was in the interests of all the parties, and especially that of the Haitian people. His delegation believed that the Council should, in handling other, similar cases, adopt a practical attitude to facilitate an appropriate solution as it had done in lifting the sanctions against Haiti. He had reservations, however, on some elements in resolution 944 (1994) concerning the sending of a multinational force to Haiti, which was unacceptable to

<sup>134</sup> Ibid., pp. 5-6.

China. China had always abided to the purposes and principles of the Charter and was opposed to interfering in the internal affairs of other countries and resorting to force or the threat of force in international relations.<sup>135</sup>

**Decision of 15 October 1994 (3437th meeting): resolution 948 (1994)**

On 28 September 1994, pursuant to resolution 917 (1994), the Secretary-General submitted to the Council a report on the question concerning Haiti.<sup>136</sup> The Secretary-General reported that, on 18 September 1994, the United States and the *de facto* authorities in Haiti had reached an agreement which provided for “close cooperation” of the Haitian military and police forces with the United States military mission. It also referred to “an early and honourable retirement” of “certain military officers of the Haitian armed forces” when a general amnesty would be voted into law by the Haitian Parliament, or on 15 October 1994, whichever was earlier. The agreement further provided for the immediate lifting of the economic embargo and the economic sanctions. The Secretary-General further reported that the Multinational Force had continued its deployment and was estimated to have reached 15,697 troops. On 23 September 1994, an advance team of 12 United Nations military observers had been deployed in Port-au-Prince and that their operations were proceeding without incident. The rest of the advance team authorized by resolution 940 (1994) would be deployed shortly. Regarding MICIVIH, the Secretary-General intended, in coordination with the Secretary-General of OAS to redeploy the core group of observers in Santo Domingo as soon as their security was ensured. On 22 September 1994, the Permanent Council of OAS had requested the Secretary-General of OAS to take, in coordination with the Secretary-General of the United Nations, the necessary measures for the return of MICIVIH, and to present recommendations for the enhancement and, if applicable, modification of the mission’s mandate during the reconstruction period, in keeping with the resolutions of the Ad Hoc Meeting of Foreign Ministers of OAS on Haiti.

At its 3437th meeting, on 15 October 1994, the Council resumed its consideration of the item.

<sup>135</sup> Ibid., p. 6.

<sup>136</sup> S/1994/1143.

Following the adoption of the agenda, the Council invited the representatives of Canada and Haiti, at their request, to participate in the discussion without the right to vote. The President (United Kingdom) drew the attention of the members of the Council to a letter dated 15 October 1994 addressed to the President of the Council from the Secretary-General,<sup>137</sup> transmitting a letter of the same date addressed to the Secretary-General by the representative of the United States, in which she confirmed that President Aristide had returned to Haiti on that date. He also drew their attention to the report of the Secretary-General dated 28 September 1994,<sup>138</sup> to a letter dated 10 October 1994 addressed to the President of the Council from the representative of the United States,<sup>139</sup> transmitting the second report of the multinational force in Haiti, and to a draft resolution submitted by Argentina, Canada, Djibouti, France, Pakistan, Spain, the United States and Venezuela.<sup>140</sup>

The representative of Canada noted that the peaceful deployment of the multinational coalition under the authority of the United Nations had played a decisive role in establishing conditions which had allowed the return of President Aristide. Canada supported a rapid transition from the multinational operation to UNMIH when a secure and stable climate had been established in Haiti. It also welcomed the return of the joint United Nations/OAS civilian mission.<sup>141</sup>

The representative of Haiti stated that the return of President Aristide to his country had once again demonstrated that when consensus was reached, the international community had the means to have its decisions implemented. Stating that peace and development were related, he stressed that there could be no true peace if the living conditions of the population were not improved and appealed to the international community to help rebuild Haiti.<sup>142</sup>

Speaking in explanation of vote, the representative of Brazil recalled that, at the time of the adoption of resolution 940 (1994), his delegation had stated that the issue of using force under Chapter VII in

relation to a country in the western hemisphere was a matter of the utmost seriousness. Its main reservations related to the authorization for the establishment and deployment of a multinational force with a broad and vague mandate. The speaker noted that reservations had also been expressed by Latin American countries non-members of the Council. Similarly, the draft resolution under consideration contained concepts that his delegation could not support. His delegation was not prepared to give retroactive endorsement to provisions of a draft resolution about which it had expressed reservations.<sup>143</sup>

The draft resolution was then put to the vote and adopted by 14 votes in favour to none against, with 1 abstention (Brazil), as resolution 948 (1994), which reads:

*The Security Council,*

*Recalling* the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 933 (1994) of 30 June 1994, 940 (1994) of 31 July 1994 and 944 (1994) of 29 September 1994,

*Recalling* the terms of the Governors Island Agreement and the related New York Pact,

*Recalling also* the different positions taken by its members when resolution 940 (1994) was adopted,

*Looking forward* to the completion of the mission of the multinational force in Haiti and to the deployment of the United Nations Mission in Haiti as soon as a secure and stable environment is established, as foreseen in resolution 940 (1994),

*Having received* the reports of the multinational force of 26 September and 10 October 1994,

*Having also received* the report of the Secretary-General of 28 September 1994, submitted pursuant to paragraph 16 of resolution 917 (1994),

*Welcoming* the letter from the Secretary-General dated 15 October 1994, confirming that President Jean-Bertrand Aristide has returned to Haiti,

1. *Welcomes with great satisfaction* the return to Haiti of President Jean-Bertrand Aristide on 15 October 1994, and expresses its confidence that the people of Haiti can now begin to rebuild their country with dignity and consolidate democracy in a spirit of national reconciliation;

2. *Welcomes* in particular the fact that, with the convening of the Haitian Parliament and the departure of the

<sup>137</sup> S/1994/1169.

<sup>138</sup> S/1994/1143.

<sup>139</sup> S/1994/1148.

<sup>140</sup> S/1994/1163.

<sup>141</sup> S/PV.3437, pp. 2-3.

<sup>142</sup> *Ibid.*, p. 3.

<sup>143</sup> *Ibid.*, p. 4.

military leadership, the process of implementing the Governors Island Agreement, the New York Pact and the objectives of the United Nations as expressed in the resolutions of the Council is well under way;

3. *Expresses its full support* for efforts by President Aristide, democratic leaders in Haiti and the legitimate organs of the restored Government to bring Haiti out of crisis and return it to the democratic community of nations;

4. *Commends* the efforts of all States, organizations and individuals who have contributed to this outcome;

5. *Recognizes* in particular the efforts of the multinational force in Haiti, authorized under resolution 940 (1994) and those of the Member States participating in the multinational force on behalf of the international community, in creating the conditions necessary for the return of democracy to the people of Haiti;

6. *Expresses its support* for the deployment of the advance team of the United Nations Mission in Haiti and the continued efforts of the Secretary-General to complete the composition of the Mission;

7. *Notes* that under the terms of resolution 940 (1994), the Mission will replace the multinational force in Haiti when the Security Council determines that a secure and stable environment has been established;

8. *Welcomes* the appointment of the new Special Representative of the Secretary-General, and thanks the former Special Envoy of the Secretaries-General of the United Nations and the Organization of American States for his efforts;

9. *Urges* that cooperation continue between the Secretaries-General of the United Nations and the Organization of American States, especially regarding the rapid return to Haiti of the members of the International Civilian Mission in Haiti;

10. *Welcomes* the fact that, now that President Aristide has returned to Haiti, sanctions will be lifted in accordance with resolution 944 (1994);

11. *Reaffirms* the willingness of the international community to provide assistance to the people of Haiti, with the expectation that they will do their utmost to rebuild their country;

12. *Decides* to remain actively seized of the matter.

The representative of France expressed regret at the fact that the Council had not been able to hail with unanimity the clear success of the international community in Haiti. Whatever reservations were expressed when resolution 940 (1994) was adopted, no one could refuse to acknowledge that without the deployment of the multinational force in Haiti President Aristide would not have returned to his

country and the Haitian people would have continued to suffer military dictatorship and to live in poverty.<sup>144</sup>

The representative of the Russian Federation expressed the hope that the multinational force in Haiti would carry out its mandate in accordance with resolution 940 (1994). His delegation proceeded on the basis that, in due course, the Council would have to analyse the situation in connection with the requirements of paragraph 8 of that resolution, a necessary condition for a decision by the Council to proceed to the second stage of the United Nations operation in Haiti. In that regard, his delegation intended to give special attention to the criteria for conducting peacekeeping operations, criteria which were becoming a regular feature of the Council's consideration of such problems.<sup>145</sup>

Other speakers also emphasized the need for the international community to assist Haiti in its efforts for reconstruction.<sup>146</sup>

#### **Decision of 29 November 1994 (3470th meeting): resolution 964 (1994)**

On 18 October 1994, pursuant to resolution 940 (1994), the Secretary-General submitted to the Council a report on the question concerning Haiti,<sup>147</sup> in which he reported on the activities of the advance team of UNMIH since the deployment of the multinational force in Haiti. He noted that the deployment of the advance team, whose tasks included coordination with the multinational force in preparation for full deployment of UNMIH, monitoring the operations of the force, and making its good offices available, as required, had been successfully implemented with the full support of the Dominican Republic and the multinational force. The civilian police component of the advance team was coordinating its activities with the Commander of the international police monitors, which formed part of the multinational force, in order to work out criteria for the transition from the force to UNMIH. As part of the planning process for that transition, the military component of the advance team had established a joint working group with the force. Under the terms of resolution 940 (1994), it was clear

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<sup>144</sup> *Ibid.*, p. 7.

<sup>145</sup> *Ibid.*, p. 9.

<sup>146</sup> *Ibid.*, p. 5 (Rwanda); pp. 5-6 (United States); pp. 6-7 (Argentina); and pp. 7-8 (Spain).

<sup>147</sup> S/1994/1180.

that the transition from the multinational force to UNMIH could take place only when a secure and stable environment had been established and UNMIH had adequate force capability and structure to assume the full range of functions envisaged for it. The Secretary-General concluded by noting that the advance team of UNMIH was fully operational. Its tasks would expire when the mission of the multinational force ended and when UNMIH assumed “the full range of its functions”.

On 21 November 1994, pursuant to resolution 940 (1994), the Secretary-General submitted to the Council a report on the implementation of that resolution since the deployment of the multinational force in Haiti.<sup>148</sup> The Secretary-General reported that, following the deployment of the multinational force, President Aristide had returned to Haiti on 15 October 1994. The new Government had taken office on 8 November. During his visit to Haiti on 15 November, the Secretary-General had assured the President of Haiti that the United Nations, in collaboration with OAS, would continue to assist the country in national reconstruction, political stability and reconstruction. The Secretary-General also reported that the multinational force continued to operate smoothly towards achieving its objectives under resolution 940 (1994). The military and police personnel of the advance team had also been engaged in on-site planning for the transition from the multinational force to UNMIH. He had instructed that a technical team be dispatched to Haiti to work with the advance team in establishing the operational and logistical plans for the deployment of the Mission. The Secretary-General further noted that the salient issues that would need to be addressed in order to assure a smooth transition from the multinational force to UNMIH, such as training the Haitian police, a timetable of forthcoming legislative elections and the establishment of a secure and stable environment, continued to be the subject of discussions between the United Nations, Haiti, the United States and other interested parties. Of particular concern was the creation of the new Haitian police. While training of the interim Haitian police had commenced, time would be required for it to reach the strength necessary to enforce law and order effectively so that UNMIH could assist the Government of Haiti in fulfilling its responsibilities. In accordance with resolution 940 (1994) a United Nations electoral team

<sup>148</sup> S/1994/1322.

had been dispatched to Haiti on 26 October to evaluate possibilities for UNMIH assistance as it had been requested to do by resolution 940 (1994) in establishing an environment conducive to the organization of free and fair elections. Regarding the expulsion by the Haitian *de facto* regime of members of MICIVIH which had occurred on 12 July 1994, the Secretary-General had decided, in coordination with the Secretary-General of OAS, to redeploy the core group of MICIVIH. Finally, in accordance with resolution 940 (1994) a team from the Department of Humanitarian Affairs had visited Haiti from 25 September in order to establish a comprehensive list of critical emergency needs. Additionally, a survey team had travelled to Haiti on 4 November with a view to updating the Emergency Economic Recovery Programme to that country. The Secretary-General concluded by stating that the head of the UNMIH advance team had recommended that the strength of the team, including United Nations military and police observers and military planners, should be increased in order to further facilitate planning of UNMIH, identification of conditions required for the transition and, most important, preparation for the actual transition. To accomplish those tasks, a substantial expansion of the advance team was required. He recommended that the Council authorize expansion of the advance team up to 500 members to allow it to be progressively strengthened so that it was fully prepared to enter the transition period when UNMIH took over responsibilities from the multinational force.

At its 3470th meeting, on 29 November 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Canada, Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the members of the Council to the above-mentioned reports of the Secretary-General, as well as to letters dated 27 September, 10 and 24 October and 7 and 21 November 1994, addressed to the President of the Council by the representative of the United States,<sup>149</sup> transmitting further reports of the multinational force in Haiti. She also drew their attention to a draft resolution submitted by Argentina, Canada, France, the

<sup>149</sup> S/1994/1107, S/1994/1148, S/1994/1208, S/1994/1258 and S/1994/1321.

United States and Venezuela,<sup>150</sup> and read out a revision that had been made to the draft in its provisional form.

Speaking in explanation of vote, the representative of Brazil recalled that his country had always advocated that, in all cases, diplomatic and other political resources should be exhausted before coercive measures were adopted. In particular, his delegation had more than once expressed its reservations on actions not undertaken under the direct control of the United Nations. Since the Council had considered the options available to establish an expanded force of UNMIH, Brazil had upheld the view that a United Nations presence in Haiti would warrant a strengthening of UNMIH in order to fully implement the mandate emanating from resolution 867 (1993), in accordance with established principles and practices of United Nations operations. As a result, the objective of expanding the advance team of UNMIH would seem a justifiable development in the light of the situation in Haiti. While concurring with the objective of advancing the process of future deployment of UNMIH as soon as the security situation in Haiti permitted, his delegation expressed concern at the terms under which that measure was being taken by the Council. While it could have supported an objective, procedural resolution expanding the advance team of UNMIH, without entering into considerations of a political nature, the draft resolution before the Council still contained elements over which his delegation had expressed reservations on all prior occasions. Since it could not allow for a retroactive endorsement of provisions authorizing recourse to all necessary means in its region, its concerns remained unchanged. Brazil would therefore abstain in the vote.<sup>151</sup>

The representative of the Russian Federation stated that his delegation had serious doubts as to the advisability and timeliness of the adoption of the draft resolution before the Council authorizing a significant increase in the numbers of the advance team of UNMIH. The adoption of the draft resolution could mean that there was a kind of creeping, de facto transition from the multinational force in Haiti towards a United Nations stage of the operation when the requirements laid down in resolution 940 (1994) had basically not been met or implemented and when the Council had not yet taken the appropriate decision. His

delegation saw a direct contradiction in that regard with the assurances given by the sponsors of resolution 940 (1994), upon its adoption, that there would be no automatic shift from a multinational force operation to a United Nations operation. The draft resolution, as originally submitted, gave a very vague idea of the mandate of the advance team, and his delegation was unable to glean any clear notion of the composition of the additional contingent that was to be sent to beef up the advance team. In addition, the speaker observed that there was a clear disproportion in the amount of attention given and reaction evidenced by the Council to one specific situation, even under conditions when the requirements set by the Council had certainly not been implemented and met, while at the same time, in other circumstances, the adoption of decisions relating to very acute situations that actually posed a threat to international peace and security was dragged out. That was a demonstration of double standards, which was simply intolerable in the activities of the Council. The Russian delegation would therefore abstain in the vote. Such a position was dictated exclusively by its desire to ensure respect for what had been established by way of standards and procedures in the Council.<sup>152</sup>

The draft resolution was then put to the vote and adopted by 13 votes in favour to none against, with 2 abstentions (Brazil, Russian Federation), as resolution 964 (1994), which reads:

*The Security Council,*

*Recalling* the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 933 (1994) of 30 June 1994, 940 (1994) of 31 July 1994, 944 (1994) of 29 September 1994 and 948 (1994) of 15 October 1994,

*Recalling also* the terms of the Governors Island Agreement and the related New York Pact,

*Having considered* the reports of the multinational force in Haiti of 26 September, 10 October, 24 October, 7 November and 21 November 1994,

*Having considered also* the reports of the Secretary-General of 18 October 1994 and 21 November 1994,

*Noting* the progress made in establishing a secure and stable environment in Haiti,

<sup>150</sup> S/1994/1354.

<sup>151</sup> S/PV.3470, pp. 2-3.

<sup>152</sup> *Ibid.*, pp. 3-4.



1. *Welcomes* the positive developments in Haiti since the deployment of the multinational force in peaceful conditions;

2. *Commends* the efforts made by the multinational force in Haiti to establish, in accordance with resolution 940 (1994), a secure and stable environment conducive to the deployment of the United Nations Mission in Haiti;

3. *Pays tribute* to President Jean-Bertrand Aristide for his efforts to promote national reconciliation;

4. *Welcomes* the establishment by the advance team of the Mission and the multinational force of a joint working group to prepare for the transition;

5. *Authorizes* the Secretary-General progressively to strengthen the advance team of the Mission up to 500 personnel in order to further facilitate planning of the Mission, identification of conditions required for the transition from the multinational force to the Mission and preparation for the actual transition, as well as to make good offices available for the achievement of the purposes approved by the Security Council in its resolution 940 (1994);

6. *Requests* the Secretary-General to inform the Council at regular intervals of prospective increases in the strength of the advance team of the Mission; such increases should take place in close coordination with the Commander of the multinational force;

7. *Invites* the Secretary-General to expedite planning for the full deployment of the Mission;

8. *Encourages* continuous close coordination between the multinational force and the advance team of the Mission;

9. *Decides* to remain actively seized of the matter.

After the vote, the representative of France expressed his delegation's belief that thought should be given to the transition period and to the replacement of the multinational force by UNMIH. Because of its concern that they should be prepared in the best possible conditions, his delegation voted in favour of resolution 964 (1994), by which it had been decided to strengthen the advance team of UNMIH. Special emphasis should be placed on the training of the police and on the preparation for free and regular legislative elections. His delegation recalled the importance that it attached to that crucial moment in the political life of Haiti and in the restoration of democracy. The United Nations should step up its preparations for the holding of that poll, and the Government of Haiti should take without delay the measures which were within its competence.<sup>153</sup>

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<sup>153</sup> Ibid., p. 4.

The representative of China stated that his delegation wished to put on record its reservations with regard to elements of resolution 964 (1994) concerning the multinational force. While that force might have contributed to the establishment of a secure environment in Haiti, his delegation's reservations were based on China's principled position concerning the peaceful settlement of disputes. China had consistently complied with the purposes and principles of the Charter and opposed interference in the internal affairs of other countries and the use or threat of the use of force in international relations. It expounded that position when the Council adopted resolution 940 (1994), which authorized military action in Haiti. Resolution 964 (1994) should, therefore, be understood even less as an affirmation of that so-called formula.<sup>154</sup>

The President, speaking in her capacity as representative of the United States, took note of the Secretary-General's observation that no acts of intimidation or violence against the United Nations or any other international presence had been reported. She stated that the operation in Haiti was poised to become a model for peacekeeping and international cooperation. As noted in the report of the Secretary-General, the advance team was working closely with the multinational force to prepare for the transition to UNMIH under the provisions of resolution 940 (1994). Expanding the size of the advance team would provide the planning flexibility necessary for that transition. In asking that the Secretary-General inform the Council of increases, and that those increases be coordinated with the commander of the multinational force, resolution 964 (1994) underscored the good planning and coordination that, already, characterized the operation. Increasing the size of the UNMIH advance team in the careful fashion called for in resolution 964 (1994) made a key contribution to the transition. She added that it was the task of the multinational force to establish a secure and stable environment so that the phase of political, economic and social rebuilding under the eye of UNMIH could occur.<sup>155</sup>

**Decision of 30 January 1995 (3496th meeting):  
resolution 975 (1995)**

On 17 January 1995, pursuant to resolution 940 (1994), the Secretary-General submitted to the Council

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<sup>154</sup> Ibid., pp. 4-5.

<sup>155</sup> Ibid., pp. 5-6.

a report on the question concerning Haiti, which assessed the security situation in the country, the threats that might be confronted in the future and the means needed for the international community to assist the Government of Haiti to counter them.<sup>156</sup> It also contained recommendations on the future of UNMIH. The Secretary-General observed that the security situation had improved considerably since the peaceful deployment of the multinational force, the end of the *de facto* regime and the return of President Aristide. No serious danger to the existence of the Government could be identified. The Armed Forces of Haiti no more existed as an organized force. He noted, however, that there was no room for complacency. Although not politically motivated, too many crimes were still taking place. The Secretary-General further observed that, notwithstanding the actions by the multinational force and interested governments, an effective Haitian police force would not yet exist by the time UNMIH took over. In those circumstances, the task of the civilian police of UNMIH would be quantitatively greater and qualitatively more demanding than had been the case in previous peacekeeping operations in which United Nations civilian police had been deployed. In the early stages, therefore, UNMIH, like the existing multinational force, might itself have to take coercive action from time to time, in the closest consultation with the Government of Haiti and in accordance with UNMIH's rules of engagement. The Secretary-General was confident that UNMIH could accomplish its mission if it was given the resources it needed. In that connection, he recommended that the police component of UNMIH be increased to 900 civilian police officers<sup>157</sup> and that the Council authorize the extension of UNMIH's mandate for a period of six months to 31 July 1995. He expected that UNMIH would be able to take over on or around 31 March 1995. That meant that part of the forthcoming election campaign would take place during the multinational force phase, while the rest of the campaign and the actual election would take place after the handover to UNMIH. The Secretary-General was also confident that UNMIH would be able to fulfil its mandate satisfactorily and give all necessary assistance to the Government of Haiti to sustain a secure and stable environment. To do so, however, it would need both the continued commitment of all those who provided

its human and material resources and the continued cooperation of the people of Haiti. He concluded by stating that the goodwill of the international community was no substitute for the Haitian people's own efforts to build their future.<sup>158</sup>

At its 3496th meeting, on 30 January 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Belize, Canada, Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Argentina) drew the attention of the members of the Council to a draft resolution submitted by Argentina, Canada, France, Germany, Honduras, Italy, Rwanda, the United Kingdom, the United States and Venezuela.<sup>159</sup> He further drew their attention to the following documents: letters dated 5 and 19 December 1994 and 9 and 23 January 1995 addressed to the President of the Council by the representative of the United States,<sup>160</sup> transmitting further reports of the multinational force in Haiti; a letter dated 18 January 1995 addressed to the President of the Council by the representatives of Antigua and Barbuda, Argentina, Australia, the Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Costa Rica, Denmark, Dominica, Grenada, Guatemala, Guyana, Israel, Jamaica, Jordan, the Netherlands, the Philippines, Poland, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, the United Kingdom and the United States,<sup>161</sup> conveying, in accordance with paragraph 8 of resolution 940 (1994), the recommendation of the Member States participating in the multinational force in Haiti and the assessment of the Commander of the force that a secure and stable environment had been established in Haiti; and a letter dated 27 January 1995 addressed to the President of the Council by the representative of Haiti.<sup>162</sup>

The representative of Haiti expressed his Government's support for the draft resolution before the Council, as well as for the recommendations contained in the report of the Secretary-General of 17 January 1995. Recalling that the mandate of the multinational force was to create conditions for the

<sup>156</sup> S/1995/46 and Add.1.

<sup>157</sup> S/1995/46, para. 87.

<sup>158</sup> *Ibid.*, para. 91.

<sup>159</sup> S/1995/85.

<sup>160</sup> S/1995/1377, S/1995/1430, S/1995/15 and S/1995/70.

<sup>161</sup> S/1995/55 and Add.1.

<sup>162</sup> S/1995/90.

implementation of the Governors Island Agreement, in particular the creation of an environment conducive to the deployment of UNMIH, he stated that such an environment existed in Haiti. He also noted that, since the deployment of the multinational force on 19 September 1994, the Governors Island Agreement had been progressively implemented. Those who had usurped political power had withdrawn; the legitimate authorities had resumed their functions; constitutional order had been re-established; and President Jean-Bertrand Aristide had resumed his position as Head of State. An electoral commission was preparing for the forthcoming legislative and municipal elections. Furthermore, the human rights situation had improved considerably, as noted by the joint United Nations/OAS International Civilian Mission in Haiti. At the same time, the confidence of the Haitian people in a better future was tempered by what they saw as the possible survival of the *coup d'état* regime, the activities of a network of their former oppressors, the widespread availability of weapons and the inability of the Haitian judicial system to satisfy the demands of the victims of the *coup d'état*. The Haitian Government was aware that urgent measures needed to be taken to address that problem. It was only waiting for UNMIH to be deployed in order to assist it in such tasks, as promised under the Governors Island Agreement and resolution 861 (1993). His delegation therefore hoped that the Council would unanimously adopt the draft resolution before it, as a sign of the continued support of the international community for the democratization of Haitian society.<sup>163</sup>

The representative of Canada stated that the time had come to begin the transition from the multinational coalition to UNMIH, as envisaged in resolution 940 (1994). The draft resolution before the Council affirmed the existence of the secure and stable environment required for the deployment of UNMIH and envisaged that the transfer from the multinational force in Haiti to UNMIH would be completed by 31 March 1995. That transition underlined the continuity of the international community's commitment to Haiti. While his delegation supported the increase in UNMIH's civilian police component for the purpose of providing additional training and monitoring the interim public security force, it stressed that UNMIH's responsibility remained to assist, not to replace, Haitian efforts in sustaining a secure and

stable environment. Stating that continued assistance from the international community aimed at helping rebuild the economy remained key in consolidating stability, he contended that the link between economic and social development, on the one hand, and peace and security, on the other, was nowhere more evident than in Haiti.<sup>164</sup>

Speaking on behalf of the Caribbean Community (CARICOM) and Suriname, the representative of Belize expressed support for the draft resolution before the Council. Referring to the Secretary-General's observation that the relative security being enjoyed by the Haitians people remained fragile, and that the political and social environment contained many factors that could lead to future instability, he stated that it was vital that the security situation should be sustainable after the departure of the multinational force and the full deployment of UNMIH. For that reason, CARICOM Governments and Suriname stressed the need for effective deterrence to continue after the handover to UNMIH and to respond to any residual threat to the Government of Haiti. A capability for swift, coordinated and overwhelming action anywhere in the country was therefore a necessity. In that regard, he noted the indications in the Secretary-General's report that the military component of UNMIH would include a quick-reaction force. He trusted that it would be of a strength and capacity adequate to satisfy that vital security need.<sup>165</sup>

Speaking in explanation of vote, the representative of Nigeria said that the draft resolution before the Council was timely, balanced and constructive. His delegation would support it for the following reasons. First, the draft resolution, in authorizing the phase of United Nations operations in Haiti, had secured the consent of the Government of Haiti, which was a vital prerequisite for all Chapter VI United Nations peacekeeping operations. His delegation's understanding was that the troops to be deployed in Haiti would use force only in exercise of the right of self-defence and in fulfilment of other objectives defined in the mandate. Secondly, his delegation agreed with the six-month mandate period provided for the United Nations operation in the first instance. However, it was important that the force level of UNMIH be kept under constant review, as provided

<sup>163</sup> S/PV.3496, pp. 2-3.

<sup>164</sup> *Ibid.*, pp. 3-4.

<sup>165</sup> *Ibid.*, pp. 4-5.

for in the preambular part of the draft resolution. In that respect, his delegation was in favour of establishing a uniform standard for all peacekeeping operations authorized by the Council and, hence, would support the insertion of the substance of the language of the draft resolution in all future resolutions which dealt with mandate extensions and reviews of force levels of United Nations peacekeeping operations. Lastly, his delegation welcomed the import of operative paragraph 10 of the draft resolution concerning assistance and support for the economic, social and constitutional development of Haiti. That provision accorded with what should be the international community's commitment to assisting all States in post-conflict peacebuilding situations.<sup>166</sup>

According to the representative of Honduras, the case of Haiti had proved to be an exception in all its forms. In his view, while the crisis in that country was of an internal nature and did not constitute a threat to international peace and security, at the same time it had serious political and legal implications for democracy. Serious violations of human rights and the mass exodus of a considerable portion of the Haitian population for political and economic reasons called for prompt and resolute action on the part of the international community, the United Nations and OAS. His Government was of the view that force should be used as a last resort in maintaining international peace and security and believed that that type of decision should be adopted by the Council in any event with the support of all its members, that was to say, in a collegial manner. The concept of a multinational force under the leadership and control of one country should not be regarded as an alternative to the mechanisms that were established in the Charter for the maintenance of international peace and security, especially at a time when very developed concepts and instruments, such as preventive diplomacy, peacebuilding and peacekeeping, were available. His Government also recognized the importance of joint activities undertaken by the United Nations, OAS and the multinational force deployed in Haiti, in particular the commitment of the Secretariat to work together with OAS in assisting Haiti in the fields of national reconciliation, political stability and social and economic reconstruction. With regard to the organization of free and fair elections in Haiti, he hoped that the Secretariat had begun the relevant

<sup>166</sup> Ibid., pp. 5-6.

consultations with OAS to work on those tasks in a coordinated way. He concluded by stating that Haiti could soon provide the third example — after Central America and Mozambique — of the Organization's intervening through a peacekeeping operation under Council resolutions to make progress from conflict to peace and from peace to a stable and lasting democracy.<sup>167</sup>

The representative of China recalled that his delegation had consistently stood for the peaceful settlement of disputes and opposed the use or threat of use of force in international relations. Considering the possible changes in Haiti's situation, and particularly, the security situation following the completion of the deployment of UNMIH by the end of March, his delegation deemed it necessary that the Council should at that time reconsider such questions as the mandate and size of UNMIH, just as it reconsidered those questions for the peacekeeping operations in Georgia and Tajikistan and for some of the operations in Africa. He regretted that amendments proposed by his delegation in that regard were not accepted; therefore it would abstain on the draft resolution.<sup>168</sup>

The representative of the Russian Federation stated that the situation in Haiti no longer posed a threat to peace and security. While his delegation continued to have certain concerns, it considered that it was possible to allow the transition to the United Nations phase of the operation. Both in respect to Haiti and in a broader context, his delegation's approach to the matter of United Nations peacekeeping operations was set out during the Council's discussion of the Secretary-General's Supplement to the Agenda for Peace. Specifically, it considered that there had to be a substantive discussion of what the real requirements for United Nations peacekeeping activities were and what resources were needed to meet those requirements. Every peacekeeping operation was unique and the questions involved had to be addressed in the light of each specific situation. But a single, clear-cut set of criteria should be fashioned for launching and conducting such operations. That would avoid double standards in the approach of the United Nations and the division of conflicts into "priority" and "secondary" conflicts.<sup>169</sup>

<sup>167</sup> Ibid., pp. 7-8.

<sup>168</sup> Ibid., p. 10.

<sup>169</sup> Ibid., p. 10.

The draft resolution was then put to the vote and adopted by 14 votes in favour to none against, with 1 abstention (China), as resolution 975 (1995), which reads:

*The Security Council,*

*Recalling* the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 940 (1994) of 31 July 1994, 944 (1994) of 29 September 1994, 948 (1994) of 15 October 1994 and 964 (1994) of 29 November 1994,

*Recalling also* the terms of the Governors Island Agreement and the related New York Pact,

*Recalling* further its determination in resolution 940 (1994) that the situation in Haiti constituted a threat to peace and security in the region which required the successive deployment of the multinational force in Haiti and the United Nations Mission in Haiti,

*Having considered* the reports of the Secretary-General of 18 October 1994, 21 November 1994 and 17 January 1995, and having considered the reports of the multinational force of 26 September 1994, 10 October 1994, 24 October 1994, 7 November 1994, 21 November 1994, 5 December 1994, 19 December 1994, 9 January 1995 and 23 January 1995,

*Noting in particular* the statement of the Commander of the multinational force of 15 January 1995 and the accompanying recommendation, based on the Commander's report, of the States participating in the force regarding the establishment of a secure and stable environment in Haiti,

*Noting* the recognition in these reports and recommendations that a secure and stable environment has been established in Haiti,

*Taking note* of the letter dated 27 January 1995 from the Permanent Representative of Haiti to the United Nations addressed to the President of the Security Council,

*Underlining* the importance of ensuring that force levels of peacekeeping operations are suited to the tasks involved, and noting the need for the Secretary-General to keep the force levels of the Mission under constant review,

*Recognizing* that the people of Haiti bear the ultimate responsibility for national reconciliation and reconstruction of their country,

1. *Welcomes* the positive developments in Haiti, including the departure from Haiti of the former military leadership, the return of the legitimately elected President and the restoration of the legitimate authorities, as envisaged in the Governors Island Agreement and consistent with resolution 940 (1994);

2. *Commends* the efforts of the States participating in the multinational force in Haiti to work closely with the United Nations to assess requirements and to prepare for the deployment of the United Nations Mission in Haiti;

3. *Expresses its appreciation* to all Member States which have contributed to the multinational force;

4. *Also expresses its appreciation* to the Organization of American States and for the work of the International Civilian Mission in Haiti, and requests that the Secretary-General of the United Nations, bearing in mind the expertise and potential of the Organization of American States, consult with the Secretary-General of the Organization of American States regarding other appropriate measures which might be taken by the two organizations consistent with the present resolution and to report to the Council on the results of these consultations;

5. *Determines*, as required by resolution 940 (1994) and based on the recommendations of the Member States participating in the multinational and in concurrence with paragraph 91 of the report of the Secretary-General of 17 January 1995, that a secure and stable environment, appropriate to the deployment of the United Nations Mission in Haiti as foreseen in resolution 940 (1994), now exists in Haiti;

6. *Authorizes* the Secretary-General, in order to fulfil the second condition specified in paragraph 8 of resolution 940 (1994) for the termination of the mission of the multinational force and the assumption by the United Nations Mission in Haiti of its functions specified in that resolution, to recruit and deploy military contingents, civilian police and other civilian personnel sufficient to allow the Mission to assume the full range of its functions as established by resolution 867 (1993) and as revised and extended by paragraphs 9 and 10 of resolution 940 (1994);

7. *Also authorizes* the Secretary-General, working with the Commander of the multinational force, to take the necessary steps in order for the United Nations Mission in Haiti to assume these responsibilities as soon as possible, with the full transfer of responsibility from the multinational force to the Mission to be completed by 31 March 1995;

8. *Decides* to extend the existing mandate of the United Nations Mission in Haiti for a period of six months, that is, until 31 July 1995;

9. *Authorizes* the Secretary-General to deploy in Haiti, in accordance with resolution 940 (1994), up to 6,000 troops and, as recommended in paragraph 87 of his report of 17 January 1995, up to 900 civilian police officers;

10. *Recalls* the commitment of the international community to assist and support the economic, social and institutional development of Haiti, and recognizes its importance for sustaining a secure and stable environment;

11. *Recognizes* that the situation in Haiti remains fragile, and urges the Government of Haiti, with the assistance of the United Nations Mission in Haiti and the international

community, to establish without delay an effective national police force and to improve the functioning of its justice system;

12. *Requests* the Secretary-General to establish a fund, in addition to that authorized in paragraph 10 of resolution 867 (1993), through which voluntary contributions from Member States can be made available to support the international police monitoring programme and assist with the creation of an adequate police force in Haiti;

13. *Also requests* that the Secretary-General apprise the Council at an early date of the modalities of the transition from the multinational force to the United Nations Mission in Haiti, and also submit to the Council no later than 15 April 1995 a progress report on the deployment of the Mission;

14. *Decides* to remain actively seized of the matter.

After the vote, the representative of the United States stated that the multinational force, authorized by the Council in July, had fulfilled its mission. Planning for the transfer of responsibility to UNMIH was well under way. The Council's vote verified that the transition would occur by the end of March. Her Government had worked with the multinational force and the Secretariat to ensure a seamless transfer of responsibility, a transition without marked change. More than half of the military personnel and about one third of the civilians in UNMIH would be veterans of the multinational force. Overall, there would be no dramatic alteration in mission size, troop capabilities or quality of command. The United Nations troops would have the right to use force to defend themselves, including the right to oppose forcible attempts to impede the discharge of their functions. She warned that if that United Nations force was pushed, it had the leadership, the mandate, the fire-power and the will to push back. She also noted that, although economic reconstruction was not part of the United Nations peacekeeping mission, efforts to that end were complimentary. She joined the Secretary-General in calling upon the international community to work together with the Haitian Government to implement the emergency economic recovery programme. She concluded by stating that the future of Haiti rested, as it must, in Haitian hands. Democratic institutions could not be imposed upon a society; they had to be nurtured from within.<sup>170</sup>

The representative of France recalled that when the Council adopted resolution 940 (1994), it decided that the objective was to hand over to the United Nations as soon as a secure and stable environment had

been established and the United Nations was in a position to take over it. The conditions had been met to allow the second phase of the operation on 31 March 1995. That attested to the progress that had been made since the deployment of the multinational force. He added that the holding of legislative elections was a decisive element in the return of democracy and should take place as soon as possible. The United Nations and the Haitians had to make all arrangements necessary for the elections to be held in complete security and impartiality. Lastly, he emphasized the importance of economic development and the rebuilding of institutions, particularly the judiciary.<sup>171</sup>

The representative of the United Kingdom agreed that the conditions in Haiti permitted a smooth and early transition to UNMIH. As resolution 975 (1995) made clear, it would be important for the Secretary-General to keep UNMIH force levels under constant review and to recommend to the Council adjustments as and when the situation in Haiti permitted. The resolution further acknowledged that the threat formerly posed to peace and security in the region had been removed. He added that ultimately it was the Haitians themselves who had responsibility for the reconstruction of their country.<sup>172</sup>

The President, speaking in his capacity as representative of Argentina, stated that his country had attached primary importance to trying to solve the Haitian crisis within the framework of OAS and in the United Nations. It agreed with the transfer of functions from the multinational force to UNMIH as well as with the level of military and civilian personnel recommended by the Secretary-General. He noted also that the multinational force had carried out the mandate of the international community, pursuant to resolution 940 (1994), within the framework of the Charter, in a responsible manner and in keeping with the circumstances it had to confront. He was convinced that, in the context of post-conflict peacebuilding, the political efforts made by the Council should be accompanied by economic and social measures.<sup>173</sup>

Other speakers further supported the deployment of UNMIH in accordance with the Secretary-General's proposals, stressing, inter alia, the importance of the upcoming legislative elections and the establishment of

<sup>170</sup> Ibid., pp. 11-12.

<sup>171</sup> Ibid., p. 12.

<sup>172</sup> Ibid., p. 14.

<sup>173</sup> Ibid., pp. 14-15.

effective law-and-order forces, as well as the need to assist and support Haiti's institutional, social and economic development.<sup>174</sup>

**Decision of 24 April 1995 (3523rd meeting):  
statement by the President**

On 13 April 1995, pursuant to resolution 975 (1995), the Secretary-General submitted to the Council a report on UNMIH, in which he apprised it of the modalities of the transition from the multinational force to UNMIH.<sup>175</sup> The Secretary-General reported that the transfer of responsibilities, from the multinational force to UNMIH, had taken place on 31 March 1995. His visit to Haiti on that occasion had provided him with the opportunity to exchange views with the President of Haiti on the political situation of the country, security-related matters, efforts to rehabilitate the economy and on the process of national reconciliation. The Secretary-General noted that the existing political situation was characterized by wide popular support for President Aristide and few human rights violations. At the same time, there were major institutional weaknesses and growing frustrations over the slow pace of economic recovery. The extreme poverty and high unemployment prevailing in much of the country required sustained international attention. He stated that the issue of security was central to the entire United Nations operations in Haiti. While very few human rights violations had been reported over the last two months, crime remained at a high level by Haitian standards and a sense of insecurity prevailed. The violence, together with the shortcomings of the Interim Public Security Force, had led to concern that UNMIH, operating without enforcement authority, would not prove as effective as the multinational force, whose mandate included enforcement powers under Chapter VII of the Charter. The existence of a secure environment remained a major precondition for a free and fair electoral campaign and a reasonable turnout of voters on election day. The Secretary-General reported in that regard that President Aristide had informed him that he planned to continue his meetings with the leaders of political parties and members of the Provisional Electoral Council. At the last such meeting, on 6 April 1995, it had been announced that the elections would be postponed until the 25 June. Stating that that was not a major setback, the Secretary-

General stressed that dialogue should continue with a view to achieving the political consensus needed to enhance the benefits and the credibility of the electoral process. Further to a request by the Government of Haiti, the United Nations was providing technical assistance on electoral matters. MICIVIH, UNMIH and other United Nations agencies would also be asked to support the observation efforts of OAS.

The Secretary-General further stated that the transfer of responsibilities from the multinational force to UNMIH on 31 March 1995 was a milestone in the overall efforts of the international community to bring peace and stability to Haiti. The success achieved by the multinational force in the restoration of the legitimate Government of Haiti and the careful, detailed planning for the assumption of responsibilities by UNMIH gave reason to hope that that United Nations operation, notwithstanding the broader scope of its mandate, would be successful. The state of the Haitian economy would be a critical test of the success — or otherwise — of the whole process which was unfolding. Although economic development was not part of the mandate of UNMIH, the Mission would, where possible, assist in the implementation of development activities. In that context, he had appointed a Deputy Special Representative who would also hold the position of Resident Representative for the United Nations Development Programme. It was the first time that the United Nations had linked a peacekeeping mission to development activities in that manner. It would promote closer cooperation among all concerned and facilitate the transition from UNMIH to continuing peacebuilding activities by the United Nations in accordance with established procedures for the coordination of operational activities for development. The Secretary-General further observed that, in accordance with the mandate established in resolution 940 (1994), a fully deployed UNMIH would be able to provide the assistance the Haitian authorities required to carry out their tasks, particularly during the election campaign. In that regard, the establishment of the new Haitian police and the rehabilitation of the judicial system remained crucial both for the maintenance of a secure environment and for the consolidation of democracy, respect for human rights and an end to impunity. He stressed that UNMIH would react swiftly and firmly to any attempt to foment instability.

<sup>174</sup> *Ibid.*, p. 13 (Germany); and pp. 13-14 (Italy).

<sup>175</sup> S/1995/305.

At its 3523rd meeting, on 24 April 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Czech Republic) drew the attention of the members of the Council to a letter dated 7 April 1995 addressed to the President of the Council by the representatives of Argentina, Canada, France, the United States and Venezuela,<sup>176</sup> transmitting a statement of the Friends of the Secretary-General on the question of Haiti. The President then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:<sup>177</sup>

The Security Council welcomes the transfer of responsibilities from the multinational force in Haiti to the United Nations Mission in Haiti that took place on 31 March 1995 and shares the Secretary-General's view, as stated in his report of 13 April 1995, that this transfer was a milestone in the overall efforts of the international community to bring peace and stability to Haiti. The Council commends the Secretary-General, his Special Representative, the Commander of the multinational force and the other dedicated personnel of the United Nations and the force who made the transition possible.

The Council notes, however, that much remains to be done to institutionalize democracy in Haiti and reiterates the Secretary-General's call for the people of Haiti and their leaders to help the Mission to help them. While the Mission's presence will assist the Haitian Government to sustain a secure and stable environment, the existence of a functioning and fair justice system and the early deployment of a permanent and effective police force by the Haitian authorities are central to Haiti's long term stability. The Council joins the Secretary-General and the Friends of the Secretary-General on the question of Haiti in inviting Member States to make voluntary contributions to support the international police monitoring programme and assist with the creation of an adequate police force.

The Government and people of Haiti bear the primary responsibility for Haiti's political, economic and social reconstruction. However, the Security Council notes that the sustained commitment of the international community is indispensable for long term peace and stability in Haiti.

The Council shares the opinion of the Secretary-General that the issue of security is central to the entire United Nations operation in Haiti.

The Council underlines the crucial importance of free, fair and secure elections for the democratic future of Haiti. The Council stresses the necessity of a secure environment in Haiti, including during the June and July legislative and local election period, and underlines the importance of a functioning police force and an established judicial system. The Council urges the

Government of Haiti to take all necessary steps to ensure the success of the elections, and in particular, to register as many voters as possible prior to the elections and to assure, in cooperation with the international community, that political campaigning occurs in an environment free from partisan intimidation.

The Council welcomes President Aristide's meetings with leaders of political parties and members of the Provisional Electoral Council and stresses the importance of dialogue with a view to achieving the political consensus needed to enhance the benefits and credibility of the electoral process. The Council also calls upon the Government of Haiti to cooperate fully with the United Nations and the Organization of American States to ensure that the preparations for elections and the elections themselves can take place in a secure and stable environment. Consistent with the objectives of Council resolution 940 (1994), the Council emphasizes the importance for the presidential elections to take place on schedule before the scheduled withdrawal of the Mission in February 1996.

Finally, the Council welcomes the Secretary-General's decision to coordinate the Mission's peacekeeping mission with development activities carried out by others, in a manner consistent with the Mission's mandate, to help the Government of Haiti to strengthen its institutions, particularly the judicial system. The Council hopes this coordination will promote closer cooperation of all concerned in Haiti, as well as improve the effectiveness of international support for rebuilding Haiti's economy.

**Decision of 31 July 1995 (3559th meeting):  
resolution 1007 (1995)**

On 24 July 1995, pursuant to resolution 975 (1995), the Secretary-General submitted to the Council a report on UNMIH.<sup>178</sup> The Secretary-General stated that four months after the Mission had taken over from the multinational force, it could be said that UNMIH had made significant progress towards achieving the goals of the mandate with which it was entrusted pursuant to resolution 940 (1994). It was expected that it would be able to maintain a secure and stable environment throughout the election period and the forthcoming presidential elections. It was also reasonable to hope that, by February 1996, Haiti would have duly elected institutions and that a functioning security system would be in place. The Secretary-General recalled that the international community had recognized that sustaining a secure and stable environment was essential to promote the economic, social and institutional development necessary for a lasting restoration of democracy in Haiti. Effective

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<sup>176</sup> S/1995/306.

<sup>177</sup> S/PRST/1995/20.

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<sup>178</sup> S/1995/614.



policing capabilities and related institution-building efforts continued to be urgently required as the Haitians themselves gradually assumed full responsibility for the maintenance of law and order. In that connection, he appealed to Member States to give immediate and serious consideration to contributing to the voluntary fund established pursuant to resolution 975 (1995) to support the international police monitoring programme and assist with the creation of an adequate police force in Haiti. The Secretary-General noted that the UNMIH civilian police had achieved commendable results with the interim public security force and had likewise assisted the Haitian National Police. Reporting on the legislative and local elections held on 25 June, he noted that on the whole, election day had been peaceful and the level of violence did not materialize. Allegations of fraud and some intimidation had been, however, levelled and there had been numerous complaints of irregularities. While the full results of the elections were still to be announced, he was confident that the parties to the electoral process would draw on that experience and take steps to correct the organizational mistakes and shortcomings that had hampered the process. It was imperative that the electoral process led to a stable transition to a newly elected Government for the people of Haiti who, in spite of the flaws in the elections, had been able to vote free of fear and intimidation. The Secretary-General concluded by recommending that the Council authorize the extension of UNMIH's mandate until the end of February 1996, as envisaged in resolution 940 (1994), which established the objective of completing UNMIH's mission by that time.

At its 3559th meeting, on 31 July 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Canada, Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Honduras) drew the attention of the members of the Council to a draft resolution submitted by Argentina, Canada, France, Honduras, the United States and Venezuela.<sup>179</sup>

Noting that the draft resolution provided for the extension of UNMIH's mandate until February 1996, the representative of Canada stated that it would be

<sup>179</sup> S/1995/629.

important to consider, well in advance of the expiration of that mandate, ways to ensure that the help to Haiti would continue. It would be unfortunate if the democratic foundations for Haiti's future were to crumble in the absence of sustained engagement by the international community. To that end, his delegation looked forward to discussing options for a continued international presence in Haiti.<sup>180</sup>

Addressing the issue of elections, the representative of Haiti stated that partial elections would take place in those areas where it had been impossible to hold them. Moreover, the Provisional Electoral Council had been reorganized. It was to be hoped that the organization of the complementary elections and the second round would take into account the shortcomings of the first round. His delegation further fully concurred with the views of the Secretary-General to the effect that UNMIH personnel performed their tasks in an exemplary manner. It anticipated with satisfaction the Council's decision to authorize the extension of UNMIH's mandate. The Government of President Aristide would continue to work closely with UNMIH during its time in office so that the successes of the Mission could be made permanent.<sup>181</sup>

Speaking in explanation of vote, the representative of Indonesia stated that his delegation would support the draft resolution extending the mandate of UNMIH for a period of seven months, by which time Haiti would have a Government, chosen by the people of Haiti through free and fair elections. He also noted that the settlement in Haiti had proved to the world that constructive cooperation and consultation between the Secretaries-General of the United Nations and OAS was critical to the success of international assistance for political progress and stability. The transformation of Haiti had proved that joint efforts by the United Nations and a regional organization could help bring about peace and stability in that region.<sup>182</sup>

The representative of Botswana supported the incorporation of elements of economic and social development into peacekeeping operations, but within certain limits of the mandate of the mission itself. The twin processes of peace and development should go hand in hand, as economic development was indispensable to post-conflict stability in the country

<sup>180</sup> S/PV.3559, pp. 2-3.

<sup>181</sup> *Ibid.*, pp. 3-4.

<sup>182</sup> *Ibid.*, pp. 5-6.

when the United Nations peacekeeping mission had left. That was already paying dividends in Haiti. While he supported the extension of UNMIH's mandate until February 1996, he hoped that there would be no need for the Council to renew the mandate then.<sup>183</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 1007 (1995), which reads:

*The Security Council,*

*Recalling* the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 933 (1994) of 30 June 1994, 940 (1994) of 31 July 1994, 944 (1994) of 29 September 1994, 948 (1994) of 15 October 1994, 964 (1994) of 29 November 1994 and 975 (1995) of 30 January 1995,

*Recalling also* General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 A and B of 24 November 1992 and 20 April 1993, respectively, 47/143 of 18 December 1992, 48/27 A and B of 6 December 1993 and 8 July 1994, respectively, 48/151 of 20 December 1993, 49/27 A and B of 5 December 1994 and 12 July 1995, respectively, and 49/201 of 23 December 1994,

*Having considered* the report of the Secretary-General of 24 July 1995 on the work of the United Nations Mission in Haiti,

*Supporting* the continuing leadership by the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in the efforts of the United Nations and the Organization of American States to assist with political progress and stability in Haiti,

*Supporting also* the role of the Mission in assisting the Government of Haiti in its efforts to maintain a secure and stable environment as called for in resolution 940 (1994),

*Stressing* the importance of free and fair municipal, legislative and presidential elections in Haiti as crucial steps in the complete consolidation of democracy in Haiti,

*Welcoming* the commitment of the international community to assist and support the economic, social and institutional development of Haiti, and recognizing the importance of such assistance in sustaining a secure and stable environment,

*Commending* all efforts to establish a fully functioning national police force of adequate size and structure, necessary for the consolidation of democracy and revitalization of Haiti's system of justice, and noting the key role played by the civilian police component of the Mission in creating such a police force,

*Underlining* the need to keep under review the progress of the Mission in the fulfilment of its mandate,

1. *Commends* the United Nations Mission in Haiti on its successful efforts, as authorized in resolution 940 (1994), to assist the Government of Haiti in sustaining a secure and stable environment, protecting international personnel and key installations, establishing the conditions for holding elections and professionalizing the security forces;

2. *Expresses its thanks* to the United Nations Mission in Haiti and the International Civilian Mission in Haiti, and to States contributing to these Missions, for their assistance with the municipal and legislative elections held on 25 June 1995, and looks forward to their continuing efforts as Haiti prepares for the completion of these elections and for subsequent presidential elections;

3. *Commends* the people of Haiti for their peaceful participation in the first round of municipal and legislative elections, and calls upon the Government and political parties in Haiti to work together to ensure that the remaining municipal and legislative elections and the presidential elections to be held at the end of 1995 are conducted in an orderly, peaceful, free and fair manner, in accordance with the Haitian Constitution;

4. *Expresses its deep concern* with irregularities observed in the first round of municipal and legislative elections, and urges all parties to the process to pursue every effort to ensure that such problems are corrected in future balloting;

5. *Welcomes* the continuing efforts of President Jean-Bertrand Aristide to work towards national reconciliation, and calls upon the Secretaries-General of the United Nations and the Organization of American States, respectively, to continue to render all appropriate assistance to the Haitian electoral process;

6. *Reaffirms* the importance of a fully functioning, national police force of adequate size and structure to the consolidation of democracy and the revitalization of Haiti's system of justice;

7. *Notes* the key role played by the civilian police component of the United Nations Mission in Haiti in establishing such a police force;

8. *Recalls* the commitment of the international community to assist and support the economic, social and institutional development of Haiti, and stresses its importance for sustaining a secure and stable environment in Haiti;

9. *Decides*, in order to achieve the objectives established in resolution 940 (1994), to extend the mandate of the United Nations Mission in Haiti for a period of seven months, and looks forward to the conclusion of the mandate at that time and to the safe, secure and orderly assumption of office by a new, constitutionally elected government;

10. *Calls upon* States and international institutions to continue to provide assistance to the Government and the people

<sup>183</sup> *Ibid.*, p. 6.

of Haiti as they consolidate the gains made towards democracy and stability;

11. *Requests* the Secretary-General to apprise the Council of progress in the fulfilment of the mandate of the United Nations Mission in Haiti and, to this end, also requests the Secretary-General to report to the Council at the mid-point of this mandate;

12. *Pays tribute* to the Special Representative of the Secretary-General and the members and staff of the United Nations Mission in Haiti and the International Civilian Mission in Haiti for their respective contributions in assisting the Haitian people in their quest for strong and lasting democracy, constitutional order, economic prosperity and national reconciliation;

13. *Decides* to remain actively seized of the matter.

After the vote, the representative of the United States stated that UNMIH's mandate was an effective one which the Council had extended in the spirit of its original commitment in resolution 940 (1994). UNMIH had made significant progress and, with the extension, would be allowed to finish what it had started. Her delegation agreed with the Secretary-General's observation that effective policing capabilities and related institution-building efforts were urgently required in Haiti. The role of UNMIH's civilian police contingent in that regard had been noteworthy. The speaker echoed the Secretary-General's appeal to Members States to contribute additional funds for that end. She further stated that the task ahead was threefold: to ensure completion of free and fair elections; to complete the creation of a professional civilian police force and effective justice system; and to ensure coordination of effective technical and economic assistance to help Haiti rebuild. Those efforts in Haiti signalled the broader commitment of the international community, spearheaded by the United Nations, to build democracy.<sup>184</sup>

The representative of Argentina noted that the report of the Secretary-General of 24 July 1995 placed on record the significant relevance of cooperation with OAS in relation to Haiti. His delegation was convinced of the desirability of coordinated and concerted action and of the division of labour in initiatives that lent themselves to the involvement of the United Nations with the appropriate regional organization. In the case of Haiti, the combination of peacekeeping and post-conflict peacebuilding efforts, as reflected in a range of

specific projects, showed that combining the two was not merely possible but desirable.<sup>185</sup>

The representative of Italy stressed that progress on the political and institutional fronts in Haiti would be largely determined by the success of efforts for economic recovery. In that regard, the Secretary-General's initiative of coordinating UNMIH's peacekeeping mission with development activities, in a manner consistent with its mandate, to strengthen Haiti's institutions would have particular importance. Once again, the unbreakable bond between political stability and economic development was highlighted.<sup>186</sup>

The representative of the United Kingdom noted that while the extension of UNMIH's mandate should enable the Mission to complete its tasks, the final responsibility for restoring security and democracy to Haiti rested with the Haitian people itself. His delegation was encouraged by the confidence of the Secretary-General that the monthly cost of UNMIH would be contained within the amount already authorized by the General Assembly. That welcome evidence of effective management should not, however, divert Council members from the need to find an equitable long-term solution to the problem of financing peacekeeping operations. His delegation would not wish to confront a situation in which the sponsors of a resolution and the direct beneficiaries of enhanced regional stability were unable to assure the United Nations of their ability to pay their contributions to the Organization in full while others were doing so.<sup>187</sup>

The representative of France, while supporting resolution 1007 (1995) which extended UNMIH's mandate to February 1996, noted, however, that the norm entailed a renewal of at least six months when things were going well. With reference to the logistical difficulties and irregularities of the first round of elections, he commented that democracy was made up of elections lost and elections won, allowing for a real change of power based on free choice, and noted that it was precisely to enable Haiti to enjoy the rights of democratic nations that the United Nations intervened in that country. His delegation also believed that cooperation between the United Nations and OAS was

<sup>184</sup> Ibid., pp. 7-8.

<sup>185</sup> Ibid., pp. 8-9.

<sup>186</sup> Ibid., pp. 9-10.

<sup>187</sup> Ibid., p. 10.

a model that could be useful to other operations on other continents.<sup>188</sup>

According to the representative of Rwanda, it was of paramount importance for Haitians to regain their full sovereignty over all their territory as they assumed the responsibility for law and order in their country. His delegation attached great importance to the Council's decision to coordinate UNMIH's peacekeeping mission with development activities. Referring to the agreement by the Paris Club of creditors to renegotiate Haiti's bilateral debt, he further stated that such assistance should be applied to all countries in post-conflict situations, because of the specific necessity for a longer process in the reinvigoration of their economies.<sup>189</sup>

**Decision of 16 November 1995 (3594th meeting): statement by the President**

On 6 November 1995, pursuant to resolution 1007 (1995), the Secretary-General submitted to the Council a report on UNMIH.<sup>190</sup> The Secretary-General reported that he had visited Port-au-Prince on 14 and 15 October 1995 and had discussed with President Aristide the situation in Haiti and the needs of the country after February 1996. The President had praised the excellent cooperation between the Haitian authorities and UNMIH. The Mission had made substantial progress towards fulfilling its mandate. The legislative and local elections had been carried out in an environment free of fear, violence and intimidation. It was reasonable therefore to presume that UNMIH would be able to ensure that a similar climate would prevail during presidential elections, expected to be held in December 1995 or January 1996. The Secretary-General noted that, as the end of UNMIH's mandate approached, the establishment of a professional police force capable of maintaining law and order throughout the country assumed increased urgency. Attention should focus on the selection and training of the Haitian National Police supervisors and on providing the force with the necessary equipment. In that regard, he reiterated his appeal to Member States to give immediate and serious consideration to contributing to the voluntary fund set up to support the creation of an adequate police force in Haiti. In view of the greater emphasis placed on training activities and

bearing in mind the need to streamline the operation because of the financial crisis of the Organization, he proposed to reduce the strength of UNMIH's civilian police component before the end of the year. The Secretary-General further noted that the local and legislative elections had been concluded and the new Parliament, which opened its special session on 18 October 1995, had been constituted. However, the election of its members continued to be contested by the leaders of many political parties. The dates for the presidential elections were fast approaching, and it was essential that all political forces in the country cooperate to enable the Haitian people to participate in the building of their country's new democracy.

At its 3594th meeting, on 16 November 1995, the Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (Oman) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:<sup>191</sup>

The Security Council welcomes the report of the Secretary-General of 6 November 1995 on the United Nations Mission in Haiti, issued pursuant to resolution 1007 (1995).

The Council commends the Mission on the substantial progress it has made towards fulfilling its mandate, as set out in resolution 940 (1994), to assist the Government of Haiti in sustaining a secure and stable environment, protecting international personnel and key installations, establishing the conditions for holding elections and creating a new professional police force. The Council commends the Secretary-General, his Special Representative and other dedicated personnel of the United Nations who have contributed to this effort.

The Council also commends the Government of Haiti for holding local and legislative elections in a peaceful and non-violent environment and notes the recent convocation of the special session of the National Assembly and its approval of the new Cabinet and plan of government. The Council notes with satisfaction the role of the United Nations Mission in Haiti and the joint United Nations/Organization of American States International Civilian Mission in assisting the Haitian authorities with the electoral process.

The Council emphasizes that the continued engagement and commitment of all Haitian parties is necessary to the successful organization of free, fair and peaceful presidential elections. Consistent with the objectives of resolutions 940 (1994) and 1007 (1995), the Council welcomes the announcement by the Provisional Electoral Council of presidential elections scheduled for 17 December 1995 that

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<sup>188</sup> *Ibid.*, pp. 10-11.

<sup>189</sup> *Ibid.*, pp. 11-12.

<sup>190</sup> S/1995/922.

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<sup>191</sup> S/PRST/1995/55.

should allow a transition of power to a duly-elected successor before the scheduled termination of the United Nations Mission in Haiti on 29 February 1996. The holding of presidential elections on schedule is a crucial step in consolidating long-lasting democracy in Haiti and ensuring a smooth transition of government. The Council calls upon all political parties in Haiti to participate in the forthcoming elections and to contribute actively to maintain the secure and stable conditions necessary for their conduct.

The Council notes with concern recent instances of violence in Haiti and calls for respect for the rule of law, national reconciliation and cooperation.

The Government and people of Haiti bear the primary responsibility for Haiti's political, economic and social reconstruction. The Council underlines its firm support for the progress Haiti has already made in this regard. The Council emphasizes that a sustained commitment by the international community is indispensable for long-term peace and stability in Haiti. In this regard the Council encourages the Haitian Government to continue its dialogue with the international financial institutions.

The Council shares the view of the Secretary-General that the establishment of a professional police force capable of maintaining law and order throughout the country is central to Haiti's long-term stability. As the end of the mandate of the United Nations Mission in Haiti approaches, attention should be

focused on the selection and training of the Haitian national police supervisors and on interested Member States providing the police force with the necessary equipment.

The Council also supports the efforts of the Secretary-General to streamline the United Nations Mission in Haiti, including the civilian police component.

The Council expresses its confidence that the Special Representative of the Secretary-General, the joint United Nations Mission in Haiti and the United Nations/Organization of American States International Civilian Mission in Haiti will continue to assist the Government and people of Haiti. It notes in particular the useful role played by the Organization of American States and the valuable cooperation with Haiti of interested Member States on a bilateral basis and stresses the importance of continuing such cooperation. The Council requests that the Secretary-General, in consultation with the Friends of the Secretary-General on the question of Haiti and the Haitian authorities, report to the Council, at the appropriate time, on the next steps in the areas of security, law enforcement and humanitarian assistance, including by United Nations specialized agencies and programmes, which the international community may take to help Haiti achieve a long-term future that is secure, stable and free.

## Asia

### 14. The situation in Cambodia

#### **Decision of 8 March 1993 (3181st meeting): resolution 810 (1993)**

On 13 February 1993, pursuant to resolution 792 (1992) of 30 November 1992, the Secretary-General submitted to the Security Council a report on the implementation of that resolution and on measures necessary to ensure the realization of the fundamental objectives of the Paris Agreements on Cambodia.<sup>1</sup> The Secretary-General reported that, on 28 January 1993, the Supreme National Council had met in Beijing under the chairmanship of Prince Sihanouk and had agreed that elections for the constituent assembly would be held from 23 to 25 May 1993. In addition, the Supreme National Council had discussed the possibility of issuing a declaration denouncing all acts

of violence, urging self-restraint on the Cambodian parties and calling for an end to violence directed against the United Nations Transitional Authority in Cambodia (UNTAC). Despite the objection of the Party of Democratic Kampuchea (PDK) to such a declaration, Prince Sihanouk had issued a statement in his own name and on behalf of three of the four parties.<sup>2</sup> He had also announced that he would not advance his candidacy for the presidential elections until a new constitution, which would lay down the modalities for the election of the head of State and the related term of office and powers, was adopted. The Supreme National Council had met again, on 10 February 1993, and had adopted a moratorium on

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<sup>1</sup> S/25289. The report should be read in conjunction with the third progress report of the Secretary-General on the United Nations Transitional Authority in Cambodia (S/25124).

<sup>2</sup> See S/25289, annex I, for the statement by Prince Sihanouk, also on behalf of the Khmer People's National Liberation Front, the Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif and the Party of the State of Cambodia.