

## 18. The question concerning Haiti

### **Decision of 29 February 1996 (3638th meeting): resolution 1048 (1996)**

On 14 February 1996, pursuant to a request made by the Security Council at its 3594th meeting on 16 November 1995,<sup>1</sup> the Secretary-General submitted to the Council a report on the United Nations Mission in Haiti (UNMIH),<sup>2</sup> covering significant developments in the country and providing an assessment of United Nations achievements there. The report also contained his recommendations on the future role of the Organization in Haiti, taking into account a letter dated 9 February 1996 from the newly elected President of Haiti,<sup>3</sup> requesting a further extension of the mandate of UNMIH. In his report, the Secretary-General stated that although there was no indication of an organized threat to the Government of Haiti, there was some concern that growing popular discontent could be used by “disgruntled groups” to foment trouble, especially after the departure of UNMIH. Under those circumstances, he believed that the Mission should not cease its activities abruptly, but should continue to assist the Government for a few more months, while its assets were gradually withdrawn. He therefore recommended that the Council should give a positive response to the request of the President of Haiti and extend the mandate of UNMIH for a further period of six months. He further recommended that in the light of the gradual transfer of some of the Mission’s earlier functions to the Haitian authorities its strength be substantially reduced.

At its 3638th meeting, held on 29 February 1996 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Argentina, Bangladesh, Canada, Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Canada, Chile, France,

Honduras, the United States and Venezuela.<sup>4</sup> She also drew their attention to a letter dated 13 February 1996 from the Secretary-General addressed to the President of the Security Council,<sup>5</sup> transmitting a letter dated 9 February 1996 from the President of Haiti, addressed to the Secretary-General, requesting a further extension of the mandate of UNMIH.

Opening the debate, the representative of Haiti thanked the Council for considering the request of his Government, thereby helping the country to consolidate its economic and social progress, and supporting the new Haitian National Police, as it gained the experience it lacked and as it continued to acquire the equipment it still needed. Politically speaking, he said, there was cause for optimism; elections had been held and, for the first time in Haiti’s history, a democratically elected President had transferred power to another. Moreover, thanks to the assistance of UNMIH, the role of public security forces had been strengthened, security had improved and the population was more confident. The situation, however, remained precarious and there were serious risks of disturbances. In that context, he believed that the forthcoming departure of the Mission would leave a considerable void, which the inexperienced and under-equipped Haitian National Police would be unable to fill. His delegation therefore hoped that the Council would heed the request made by his Government and that it would authorize the extension of UNMIH.<sup>6</sup>

During the deliberations, a number of speakers welcomed the first democratic presidential election in Haiti and the peaceful transfer of power. They emphasized, however, that despite significant progress since the return of a constitutional Government, challenges still persisted and the security situation remained fragile. For that reason, they supported the extension of UNMIH to assist the Government of Haiti to fulfil its responsibilities, and to contribute to the training of the new national police force. Some speakers also pointed out that the Government and the people of Haiti bore the ultimate responsibility for national reconciliation, economic reconstruction and

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<sup>1</sup> S/PRST/1995/55.

<sup>2</sup> S/1996/112.

<sup>3</sup> S/1996/99.

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<sup>4</sup> S/1996/136.

<sup>5</sup> S/1996/99.

<sup>6</sup> S/PV.3638, pp. 2-4.

the maintenance of a secure and stable environment in their country.<sup>7</sup>

The representative of the Russian Federation stated that the Haitian problem was unique, because in essence the situation there did not threaten regional peace and security. Nevertheless, taking into account the exceptional circumstances, the Council had agreed to establish a United Nations peacekeeping operation in Haiti. He further stated that although his Government acknowledged the importance of supporting the Haitian National Police, it also had reservations about the continuing presence in Haiti of a large United Nations military contingent. This should be the last extension of UNMIH, he said.<sup>8</sup>

The representative of China stated that, despite significant progress in the Haitian peace process, some issues still needed to be addressed, in particular the economic recovery and reconstruction of the country, as well as the question of security. At the same time, considering precedents in view of the Organization's other United Nations peacekeeping operations and the current serious financial situation, his delegation believed that UNMIH should be withdrawn as scheduled. However, considering the recommendations of the Secretary-General, the request of the Government of Haiti and the attitude of the Latin American and non-aligned countries on the question of UNMIH, his delegation exercised maximum flexibility during the consultations of the Council and had done its best to find a compromise proposal. In view of the fact that the draft resolution before the Council had basically incorporated the amendments by his delegation, they would vote in favour of the draft resolution.<sup>9</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 1048 (1996), which reads:

<sup>7</sup> Ibid., statements before the vote: pp. 4-5 (Italy, on behalf of the European Union and of Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia); pp. 6-7 (Indonesia); p. 7 (Botswana); pp. 7-8 (Honduras); pp. 8-9 (Republic of Korea); pp. 9-10 (Poland); pp. 10-11 (Guinea-Bissau); and p. 11 (Egypt). After the vote: p. 12 (United Kingdom); p. 14 (Germany); and p. 15 (France).

<sup>8</sup> Ibid., pp. 5-6.

<sup>9</sup> Ibid., pp. 11-12.

*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, 975 (1995) of 30 January 1995 and 1007 (1995) of 31 July 1995,

*Recalling also* the resolutions adopted by the General Assembly on Haiti,

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

*Having considered* the report of the Secretary-General of 14 February 1996, and noting the recommendations contained therein,

*Taking note* of the letters dated 9 February 1996 from the President of the Republic of Haiti to the Secretary-General,

*Underlining* the importance of the peaceful transfer of power to the new democratically elected President of Haiti,

*Welcoming and supporting* the efforts of the Organization of American States to promote in cooperation with the United Nations consolidation of peace and democracy in Haiti,

*Stressing* the need to ensure that the Government of Haiti will be able to maintain the secure and stable environment established by the multinational force in Haiti and maintained with the assistance of the United Nations Mission in Haiti, and in this context welcoming progress to establish a fully functioning Haitian National Police and to revitalize Haiti's system of justice,

*Recognizing* the link between peace and development and the fact that a sustained commitment by the international community to assist and support the economic, social and institutional development of Haiti is indispensable for long-term peace and stability in the country,

*Commending* the efforts of the Secretary-General and his Special Representative, the contribution of the United Nations Mission in Haiti and the International Civilian Mission in Haiti in support of the Haitian people's quest for stability, national reconciliation, lasting democracy, constitutional order and economic prosperity,

*Acknowledging* the contribution of the international financial institutions, including the Inter-American Development Bank, and the importance of their continued involvement in the development of Haiti,

*Recognizing* that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment and reconstruction of their country,

1. *Welcomes* the democratic election of a new President in Haiti and the peaceful transfer of power from one democratically elected President to another on 7 February 1996;

2. *Expresses appreciation* to all Member States which have contributed to the United Nations Mission in Haiti;

3. *Welcomes* the report of the Secretary-General of 14 February 1996, and notes his recommendations for continued United Nations assistance to the democratically elected Government of Haiti;

4. *Reaffirms* the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure to the consolidation of peace, stability and democracy and the revitalization of Haiti's system of justice;

5. *Decides*, in accordance with the recommendations of the Secretary-General in his report of 14 February 1996, that for the purpose of assisting the democratic Government of Haiti in fulfilling its responsibilities to (a) sustain, by the presence of the Mission, the secure and stable environment which has been established, and (b) professionalize the Haitian National Police, the mandate of the Mission is extended for a final period of four months, for the purposes set out in paragraphs 47 to 49 of the report;

6. *Decides* to decrease the troop level of the Mission to no more than 1,200;

7. *Decides also* to reduce the current level of civilian police personnel to no more than 300;

8. *Requests* the Secretary-General to consider and implement, as appropriate, steps for further reduction of the strength of the Mission consistent with the implementation of this mandate;

9. *Also requests* the Secretary-General to initiate planning not later than 1 June 1996 for the complete withdrawal of the Mission;

10. *Further requests* the Secretary-General to report on the implementation of the present resolution by 15 June 1996, including information on activities by the United Nations system as a whole to promote the development of Haiti;

11. *Requests* all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 5 above;

12. *Reiterates* the commitment of the international community and international financial institutions 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;

13. *Appeals* to Member States to make voluntary contributions to the trust fund established in resolution 975 (1995) for the support of the Haitian National Police, to ensure that its members are adequately trained and that it is fully

operational, which is essential for the implementation of the mandate;

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

Speaking after the vote, the representative of Chile drew attention to one of the significant elements of the resolution, namely that peace was no longer the absence of armed conflict, but there was now an integral concept of peace that consisted of two constituent parts: security and development. Progress in those areas was thus vital for the promotion of peace and security in Haiti. He noted with satisfaction the fact that the Council's support for Haiti sought to restore democracy in Latin America and the Caribbean, which was a primary objective for the countries of the region.<sup>10</sup>

The representative of France stated that the United Nations role in Haiti could have been completed after the presidential elections. However, the new President of Haiti had requested the presence, for a few more months, of an international force to maintain security and stability in the country and to continue the training of its police force. France, for its part, would continue to participate in UNMIH and to provide economic assistance to Haiti.<sup>11</sup>

The President, speaking in her capacity as representative of the United States, stated that, by approving the extension of the Mission, the international community had renewed its support to Haitian security and stability by continuing its much-needed assistance to the newly deployed Haitian National Police. It would also allow the Government of Haiti to consolidate and further expand its recent political, social and economic advances. The resolution just adopted was designed to help "finish the job". During the following months, her Government would welcome recommendations from the Secretary-General on further ways that the international community could contribute to development, democracy and security in Haiti.<sup>12</sup>

The representative of Canada stated that his delegation would have much preferred if the Secretary-General's recommendations had been approved in their entirety. However, given the strength of its

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<sup>10</sup> *Ibid.*, pp. 12-14.

<sup>11</sup> *Ibid.*, p. 15.

<sup>12</sup> *Ibid.*, pp. 15-16.

determination not to abandon Haiti at this critical stage, the Government of Canada had decided, pursuant to paragraph 11 of resolution 1048 (1996) to make available, at its own expense, additional military personnel to enable UNMIH to fulfil its mandate. He stressed, however, that such a step was not an ideal arrangement, and should not be used as a model for future United Nations peacekeeping operations. In that context, his delegation firmly believed that all Member States should help shoulder the burden of maintaining international peace and security, through assessed contributions.<sup>13</sup>

**Decision of 28 June 1996 (3676th meeting):  
resolution 1063 (1996)**

On 5 June 1996, pursuant to paragraph 10 of resolution 1048 (1996) of 29 February 1996, the Secretary-General submitted to the Council a report on UNMIH, providing an update of the activities of the United Nations system to promote development in the country.<sup>14</sup> The report also contained his recommendations on the role of the United Nations in Haiti after the expiration of the mandate of the Mission, which took into account a letter dated 31 May 1996 from the President of Haiti to the Secretary-General,<sup>15</sup> requesting the presence of a multinational force for a further six-month period. In his report, the Secretary-General stated that, for the first time in its history, Haiti had a professional police force, committed to the rule of law. Although he was aware that the last extension of UNMIH was intended to be final, it was also clear that the Haitian National Police was still not in a position to ensure, on its own, a stable and secure environment in Haiti, and that complete withdrawal of a United Nations presence, at that juncture, could jeopardize the success achieved so far. He therefore recommended to the Council the establishment of a new mission, to be known as the United Nations Support Mission in Haiti (UNSMIH), for a period of six months and with a limited mandate.<sup>16</sup>

At its 3676th meeting, held on 28 June 1996 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the

report of the Secretary-General. After 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 (Egypt) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its prior consultations.<sup>17</sup> He also drew their attention to the following documents: a letter dated 10 June 1996 from the Secretary-General addressed to the President of the Security Council,<sup>18</sup> transmitting a letter dated 31 May 1996 from the President of Haiti addressed to the Secretary-General, requesting the Council to authorize the presence of a multinational force in Haiti for a further six-month period; and a letter dated 12 June 1996 from the representative of El Salvador addressed to the Secretary-General, transmitting the text of a resolution on the international presence in Haiti, adopted by the Organization of American States (OAS), on 6 June 1996 in Panama City.<sup>19</sup>

At the same meeting, the representative of Italy, speaking on behalf of the European Union, as well as of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, stated that the adoption of the draft resolution would once again demonstrate the international community's strong commitment to the consolidation of Haitian democracy and institutions. The European Union fully supported the continuation of the United Nations operation in Haiti and believed, in particular, that the process of creating a new police force, committed to the rule of law and respect for human rights, was one of the key issues facing the country. Every other aspect of its future was related to the question of internal security.<sup>20</sup>

The representative of Canada stated that the United Nations presence in Haiti had been an essential complement to the Haitian people's efforts to build a democratic, safe and fair society. The Council would now establish a new Mission, significantly reduced in size and with a new, leaner mandate. In that context, he reiterated that his Government would continue to

<sup>13</sup> *Ibid.*, pp. 16-18.

<sup>14</sup> S/1996/416 and Add.1/Rev.1.

<sup>15</sup> S/1996/431.

<sup>16</sup> For details on the mandate and composition of UNSMIH, see chapter V.

<sup>17</sup> S/1996/478.

<sup>18</sup> S/1996/431.

<sup>19</sup> S/1996/432.

<sup>20</sup> S/PV.3676, pp. 2-3.

provide, on a voluntary basis, many of the additional troops required to fulfil the mandate of the Mission.<sup>21</sup>

Speaking before the vote, the representative of Chile recalled that, under the Charter of the United Nations, the main purpose of the Organization was to maintain international peace and security. However, in recent years, the Security Council had turned its attention to conflicts within States, not between them, and had thus found it necessary to assess those situations and to involve itself in the internal affairs of States, at their request. Operations had taken place that constituted true exceptions to the principle of non-intervention. The new situation facing the Security Council posed new challenges to its members. The case of Haiti was an example of a situation demanding subjective assessment of the country's internal problems that required the support of the international community.<sup>22</sup>

A number of speakers, while acknowledging the successful role of UNMIH in laying the foundations for a peaceful and democratic Haiti, underlined that the overall security situation in the country remained unstable, and a premature departure of United Nations troops could jeopardize everything achieved so far. For that reason, and taking into account the request of the Government of Haiti, they supported the draft resolution and the establishment of a new Mission to contribute to the professionalization of the Haitian National Police and to promote a stable and secure environment in the country.<sup>23</sup>

The representative of the Russian Federation stated that his Government had "misgivings" about the need for a new operation, particularly the retention of a military component, at a time when, on the whole, the situation in Haiti was stable and secure, and there was no threat of organized violence to destabilize the situation. However, taking into consideration the appeal made by the President of Haiti and the position of the Organization of American States and the Group of Friends of the Secretary-General for Haiti,<sup>24</sup> his

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<sup>21</sup> Ibid., pp. 3-4.

<sup>22</sup> Ibid., pp. 4-5.

<sup>23</sup> Ibid. Before the vote: pp. 6-7 (United Kingdom); pp. 7-8 (Honduras); pp. 8-9 (Republic of Korea); p. 9 (Germany); pp. 9-10 (Guinea-Bissau); pp. 10-11 (Indonesia); pp. 11-12 (Botswana); and p. 12 (Poland). After the vote: p. 14 (France); and pp. 14-15 (Egypt).

<sup>24</sup> Argentina, Canada, Chile, France, United States and

delegation had joined other members of the Council in consenting to the establishment of UNSMIH. He underlined that this was possible because the sponsors of the draft resolution had taken into account proposals made by Russia and China, which were along the same lines. In conclusion, he added that it was important that the draft resolution sought to continue and further step up the efforts of OAS to provide assistance in resolving Haiti's problems.<sup>25</sup>

The representative of China had reservations about the continued presence of United Nations military personnel in Haiti, since there were no indications of an organized threat to the Government, nor did the situation there pose any threat to international peace and security. However, in view of the request made by the Government of Haiti and the wishes of the Latin American countries, the Chinese delegation would agree in principle to the establishment of UNSMIH, and would therefore vote in favour of the draft resolution.<sup>26</sup>

The representative of the Republic of Korea stated that the role of the United Nations in Haiti should be reoriented and its focus shifted from the current peacekeeping operations to enhanced socio-economic development activities. The United Nations Mission in Haiti had been a successful model for combining a traditional peacekeeping operation with post-conflict peacebuilding efforts. His delegation therefore believed that a continued United Nations presence would contribute to a smooth transition from peacekeeping to the peacebuilding stage. He noted, with satisfaction, that the draft resolution had taken into account the difficult financial situation of the Organization by substantially reducing the troop strength of the Mission.<sup>27</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 1063 (1996), which reads:

*The Security Council,*

*Recalling* all its relevant resolutions and those adopted by the General Assembly,

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Venezuela.

<sup>25</sup> S/PV.3676, pp. 5-6.

<sup>26</sup> Ibid., p. 6.

<sup>27</sup> Ibid., p. 8-9.

*Taking note* of the request of 31 May 1996 from the President of the Republic of Haiti to the Secretary-General,

*Underlining* the need to support the commitment of the Government of Haiti to maintain the secure and stable environment established by the multinational force in Haiti and extended with the assistance of the United Nations Mission in Haiti,

*Welcoming* the report of the Secretary-General of 5 June 1996,

*Commending* the role of the Mission in assisting the Government of Haiti in fulfilling its responsibilities (a) to sustain the secure and stable environment which has been established, and (b) to professionalize the Haitian National Police, and expressing appreciation to all Member States which have contributed to the Mission,

*Noting* the termination of the mandate of the Mission as of 30 June 1996, in accordance with resolution 1048 (1996) of 29 February 1996,

*Noting also* the key role played to date by the United Nations civilian police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and, in this context, welcoming progress to establish the Haitian National Police,

*Welcoming and supporting* the efforts of the Organization of American States, in cooperation with the United Nations, and in particular the contribution of the International Civilian Mission in Haiti, to promote consolidation of peace and democracy in Haiti,

*Taking note* of the resolution on the international presence in Haiti adopted at the seventh plenary session of the twenty-sixth regular session of the Organization of American States, which, inter alia, encourages the international community to sustain the same level of commitment it demonstrated during the years of crisis and recommends that, at the request of the Government of Haiti, the community maintain a strong presence in Haiti and extend its full support for strengthening the national police force and consolidating the stable and democratic environment necessary for economic growth and development, and inviting the further participation of the Organization of American States,

*Recognizing* the link between peace and development, and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and stability in the country,

*Welcoming* the continued progress towards consolidation of democracy by the people of Haiti since the historic peaceful transfer of power from one democratically elected President to another on 7 February 1996,

*Recognizing* that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. *Affirms* the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and revitalization of Haiti's system of justice;

2. *Decides* to establish the United Nations Support Mission in Haiti until 30 November 1996 in order to assist the Government of Haiti in the professionalization of the police force and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and train an effective national police force, and supports the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti;

3. *Decides* that the Support Mission initially will be composed of three hundred civilian police personnel and six hundred troops;

4. *Welcomes* the assurance that the Secretary-General will be alert to further opportunities to reduce the strength of the Support Mission so that it can implement its tasks at the lowest possible cost;

5. *Recognizes* that major tasks facing the Government and people of Haiti include economic rehabilitation and reconstruction, and stresses the importance of the Government of Haiti and the international financial institutions agreeing as soon as possible on the steps necessary to enable the provision of additional financial support;

6. *Requests* all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 2 above;

7. *Also requests* all States to make voluntary contributions to the trust fund established in resolution 975 (1995) of 30 January 1995 for the support of the Haitian National Police, to ensure that its members are adequately trained and that it is fully operational;

8. *Requests* the Secretary-General to report to the Council on the implementation of the present resolution, including prospects for further reductions in the strength of the Support Mission, by 30 September 1996;

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

Speaking after the vote, the representative of the United States stated that, since assuming responsibility from the United States-led Multinational Force, UNMIH had helped to ensure a climate of security

conducive to free elections, economic development, political reconciliation and the consolidation of democratic institutions in Haiti. The Security Council had once again reaffirmed its determination to contribute to regional stability, and the principles of human rights, freedom and social progress enshrined in the Charter of the United Nations. Over the next five months, international civilian police monitors would continue their efforts to professionalize the Haitian National Police, while the military contingent of the Mission would help deter those who might be tempted to disrupt the democratization process. Ultimately, however, the Haitian authorities would have to assume full responsibility for public order.<sup>28</sup>

The representative of France stated that the United Nations operation in Haiti was undoubtedly one of the great success stories of the Organization in recent times. He noted, however, that despite significant progress made by the Haitian National Police, assistance should continue. His delegation supported the establishment of the new mission, as it believed that a sudden interruption in assistance could compromise the results obtained so far. In addition, any deterioration in the Haitian situation could have a negative impact on the democratic process and on regional stability.<sup>29</sup>

The representative of Haiti welcomed the adoption of the resolution authorizing the establishment of UNSMIH and stated that the new Mission would enable his Government to maintain a secure environment, while it continued to strengthen and professionalize the police force with the assistance of the international community. Measures had also been taken to address the serious economic and social problems, through a new “ambitious” programme which should enable the country to emerge from its economic stagnation within three years. The success of that plan, however, would depend on maintaining the atmosphere of security in the country.<sup>30</sup>

**Decision of 29 November 1996 (3719th meeting): resolution 1085 (1996)**

On 1 October 1996, pursuant to paragraph 8 of resolution 1063 (1996) of 28 June 1996, the Secretary-

General submitted to the Security Council a report on the United Nations Support Mission in Haiti (UNSMIH).<sup>31</sup> In his report, the Secretary-General reported that, although the Government of Haiti had taken steps to correct some of its pressing economic and social problems, progress had been inadequate in several areas. The security situation in Haiti had recently deteriorated and common crime had become an increasing concern, together with drug trafficking and contraband. In addition, abuse of authority and human rights violations by the Haitian National Police were also on the rise. While those incidents did not pose a serious threat to the Government, they caused disquiet among the population, affected the morale of the police, and distracted the Government from focusing on pressing social and economic issues and promoting the reconciliation of Haitian society. The Secretary-General was convinced that any further reductions in the strength of UNSMIH would diminish its capability and place its mandate at risk. He therefore recommended that the Mission’s current strength be maintained for the time being.

In an addendum to his report dated 12 November 1996, the Secretary-General transmitted his recommendations on the role of the United Nations in Haiti after the expiration of the current mandate of the Mission on 30 November.<sup>32</sup> He reiterated that the Haitian National Police had not yet reached the level of experience and competence required to control and defeat threats posed by subversive groups, and that it was therefore clear that the presence of the military component of UNSMIH was a key factor in enabling the Haitian authorities to contain the danger of destabilization. To that end, and should the Government so request, he would recommend to the Council the extension of the Mission until 30 June 1997, at its current strength. The Secretary-General remained convinced that, in the present circumstances, any further reduction in the size of the Mission would diminish its operational and training capabilities and place its mandate at risk.

Subsequently, on 15 November 1996, the Secretary-General informed the Council that he had received a letter from the President of Haiti requesting an extension of the mandate of UNSMIH.<sup>33</sup> He

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<sup>28</sup> Ibid., pp. 13-14.

<sup>29</sup> Ibid., p. 14.

<sup>30</sup> Ibid., pp. 15-16.

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<sup>31</sup> S/1996/813.

<sup>32</sup> S/1996/813 and Add.1.

<sup>33</sup> S/1996/956.

therefore confirmed his earlier recommendation to extend the Mission's mandate until 30 June 1997.

At its 3719th meeting, held on 29 November 1996, in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (Indonesia) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its prior consultations.<sup>34</sup> He also drew their attention to a letter dated 15 November 1996 from the Secretary-General addressed to the President of the Security Council.<sup>35</sup>

The draft resolution was then put to the vote and unanimously adopted as resolution 1085 (1996), which reads:

*The Security Council,*

*Reaffirming* its resolution 1063 (1996) of 28 June 1996 which established the United Nations Support Mission in Haiti,

1. *Decides* to extend the mandate of the United Nations Support Mission in Haiti for an additional period terminating on 5 December 1996;
2. *Decides* to remain actively seized of the matter.

**Decision of 5 December 1996 (3721st meeting): resolution 1086 (1996)**

At its 3721st meeting, held on 5 December 1996 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the report of the Secretary-General.<sup>36</sup> Following the adoption of the agenda, the Council invited the representatives of Argentina, Canada, Haiti and Venezuela, at their request, to participate in the discussion, without the right to vote. The President (Italy) then drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Canada, Chile, France, the United States and Venezuela.<sup>37</sup> He further drew their attention to the earlier letter dated 15 November 1996 from the Secretary-General addressed to the President of the Security Council.<sup>38</sup>

<sup>34</sup> S/1996/990.

<sup>35</sup> S/1996/956.

<sup>36</sup> S/1996/813 and Add.1.

<sup>37</sup> S/1996/1002.

<sup>38</sup> S/1996/956.

Opening the debate, the representative of Haiti stated that in the coming months his Government would strive to complete the formation of the Haitian National Police and, before the end of the following year, the force would be able to maintain peace and security throughout the country. He stressed, however, that the country's infrastructure remained largely dilapidated, rendering living conditions extremely difficult. Moreover, the difficult socio-economic situation was a "breeding ground" in which subversive groups could sow discontent, thereby creating a climate of instability that harmed economic investments and hindered the reform of Haitian institutions.<sup>39</sup>

During the Council's deliberations, most speakers, taking into account the recommendation of the Secretary-General and the appeal made by the President of Haiti, expressed support for a further renewal of UNSMIH to assist the Government to complete the professionalization of the Haitian National Police and to maintain a secure and stable environment in the country.<sup>40</sup>

The representative of the Russian Federation reiterated his country's doubts regarding the necessity of extending the mandate of the mission, and in particular to preserve its military element. He underlined that it was his delegation's conviction that the situation in that country "did not" and "does not" represent a threat to international or even regional peace and security. At the same time, taking into account the appeals of Haiti, the Secretary-General and the views of the group of Friends of the Secretary-General for Haiti, Russia agreed, in principle and in a spirit of compromise, to a final extension of the UNSMIH mandate for a concluding eight-month period.<sup>41</sup>

The representative of China stated that the efforts by the Government of Haiti to maintain political and

<sup>39</sup> S/PV.3721, pp. 2-3.

<sup>40</sup> Ibid.: pp. 3-5 (Canada); p. 5 (Argentina); p. 6 (Venezuela); pp. 6-7 (France); pp. 7-8 (Russian Federation); pp. 8-9 (Indonesia); pp. 9-10 (Honduras); pp. 10-11 (Germany); p. 11 (Republic of Korea); pp. 11-12 (United Kingdom); pp. 12-13 (Botswana); p. 13 (Poland); pp. 13-14 (Guinea-Bissau); pp. 14-15 (Chile); p. 16 (Egypt); pp. 16-17 (United States); and p. 17 (Italy).

<sup>41</sup> Ibid., pp. 7-8.



social stability would help create a favourable environment in Haiti to attract foreign financial assistance and investments and that it would also contribute to economic reconstruction in the country. His delegation believed that under the current circumstances, the United Nations peacekeeping mission in Haiti was over. The main task facing Haiti was economic reconstruction, which would mainly depend on the Haitian people themselves. However, in view of the urgent request of the Government of Haiti for an extension of the mandate of UNSMIIH, his delegation was ready to treat it as a unique case, so as to promote further the peace process in Haiti. He added that the draft resolution before the Council had not only accommodated the request of the Government of Haiti, but also had taken into proper consideration the actual needs and positions of all those concerned. His delegation would therefore vote in favour of the draft resolution.<sup>42</sup>

The draft resolution was then put to the vote and unanimously adopted as resolution 1086 (1996), which reads:

*The Security Council,*

*Recalling* all its relevant resolutions and those adopted by the General Assembly,

*Taking note* of the request of 13 November 1996 from the President of the Republic of Haiti to the Secretary-General,

*Welcoming* the report of the Secretary-General of 1 October 1996 and the addendum thereto of 12 November 1996, and noting the recommendations contained therein,

*Commending* the role of the United Nations Support Mission in Haiti on its efforts to assist the Government of Haiti in the professionalization of the police force and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and train an effective national police force,

*Noting* the improvement in recent months in the security situation in Haiti and the capacity of the Haitian National Police to confront existing challenges, as described in the addendum to the report of the Secretary-General,

*Noting also* the fluctuations in the security situation in Haiti described in the report of the Secretary-General and the addendum thereto,

*Supporting* the role of the Special Representative of the Secretary-General in the coordination of activities by the United

Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

*Noting* the key role played to date by the United Nations civilian police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and, in this context, welcoming continued progress towards establishing the Haitian National Police,

*Supporting* the efforts of the Organization of American States in cooperation with the United Nations, and in particular the contribution of the International Civilian Mission in Haiti to promote consolidation of peace and democracy in Haiti,

*Recognizing* the link between peace and development, and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and stability in the country,

*Recognizing* that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. *Affirms* the importance of a professional, self-sustaining, fully-functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and the revitalization of Haiti's system of justice;

2. *Decides* to extend for the final time the mandate of the United Nations Support Mission in Haiti as set out in resolution 1063 (1996) of 28 June 1996 and in paragraphs 6 to 8 of the addendum to the report of the Secretary-General of 12 November 1996, and in accordance with the request of the Government of Haiti, until 31 May 1997 with three hundred civilian police personnel and five hundred troops, except that, if the Secretary-General reports by 31 March 1997 that the Support Mission can make a further contribution to the goals set out in paragraph 1 above, it will be further extended, following a review by the Council, for the final time until 31 July 1997;

3. *Requests* the Secretary-General to report to the Council on the implementation of the present resolution, including recommendations on further reductions in the strength of the Support Mission, by 31 March 1997;

4. *Recognizes* that economic rehabilitation and reconstruction constitute the major tasks facing the Government and people of Haiti, and stresses the importance of the Government of Haiti and the international financial institutions continuing their close collaboration to enable the provision of additional financial support;

5. *Requests* all States to provide support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to

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<sup>42</sup> Ibid., p. 9.

carry out the provisions of the mandate specified in paragraph 2 above;

6. *Also requests* all States to make voluntary contributions to the trust fund established in resolution 975 (1995) of 30 January 1995 for the support of the Haitian National Police, to ensure that its members are adequately trained and that it is fully operational;

7. *Requests* the Secretary-General to include in his report of 31 March 1997 recommendations on the nature of a subsequent international presence in Haiti;

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

**Decision of 30 July 1997 (3806th meeting):  
resolution 1123 (1997)**

On 19 July 1997, pursuant to resolution 1086 (1996) of 5 December 1996, the Secretary-General submitted to the Council a further report on UNSMIH, covering developments in the country, and recommending the establishment of a new mission, to be known as the United Nations Transition Mission in Haiti (UNTMIH).<sup>43</sup> In his report, the Secretary-General stated that Haiti continued to face political and economic challenges, largely as a result of discontent over the economic situation and lack of improvement in living conditions. The international community itself had come under attack and was being blamed for the country's continuing difficulties, and some "popular organizations" had publicly opposed what they termed a "foreign occupation". Reporting on the security situation, the Secretary-General stated that although progress had been made in the establishment of the new police force, as well as in the other fields, it had been slow and uneven. He shared the view of Haiti's political leaders that, without steady long-term support from the international community, the force might not be able to cope with serious incidents, risking deterioration in the security situation. The Secretary-General observed that although he was preparing to withdraw the Mission by 31 July, the ending of a United Nations presence in Haiti at such a stage might jeopardize the progress achieved so far. He recommended to the Council the establishment of the United Nations Transition Mission in Haiti to assist the Haitian authorities in the further professionalization of the Haitian National Police, with a mandate limited to a single four-month period ending on 30 November

<sup>43</sup> S/1997/564 and Add.1.

1997.<sup>44</sup> The new operation would be composed of military and civilian police personnel, and the expiration of its mandate would not mean the termination of United Nations involvement in Haiti. A follow-on presence to provide advice and support in public security and judicial reform, as well as human rights monitoring, would still be required.

At its 3806th meeting, held on 30 July 1997, in accordance with the understanding reached in its prior consultations, the Council included in its agenda the report of the Secretary-General. Following the adoption of the agenda, the Council invited the representatives of Antigua and Barbuda, Argentina, Bahamas, Barbados, Canada, Ecuador, Guatemala, Guyana, Haiti, Jamaica, Nicaragua, Suriname, Trinidad and Tobago and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Sweden) then drew the attention of the members of the Council to the text of a draft resolution submitted by Antigua and Barbuda, Argentina, Bahamas, Barbados, Canada, Chile, Costa Rica, Ecuador, France, Guatemala, Guyana, Jamaica, Nicaragua, Suriname, Trinidad and Tobago, the United States and Venezuela.<sup>45</sup> He also drew their attention to a letter dated 20 July 1997 from the representative of Haiti addressed to the Secretary-General,<sup>46</sup> requesting the extension of UNTMIH until 30 November 1997.

Opening the debate, the representative of Haiti stated that despite certain difficulties, there had been significant progress as long-term projects began to replace emergency programmes. Nevertheless, serious problems still persisted and national reconciliation continued to be threatened by the proliferation of criminal gangs, whose acts created a climate of insecurity among the population. Such factors, combined with the difficult economic situation, posed a challenge for the police force. In that context, he noted that the Secretary-General, in his last report, had recognized that the Haitian National Police was not capable of coping alone with all those problems, and that much still remained to be done before the force could attain the proper degree of professionalism and efficiency. His delegation was therefore convinced that UNTMIH would be able to help the Haitian authorities

<sup>44</sup> For further details on the mandate and composition of UNTMIH, see chapter V.

<sup>45</sup> S/1997/589.

<sup>46</sup> S/1997/568.

to complete their work and to prepare a smooth transition to another type of commitment to Haiti by the international community.<sup>47</sup>

The representative of Canada stated that the draft resolution represented a significant milestone in a series of steps undertaken by the international community to consolidate the democratic government in Haiti. He underlined that the responsibility for the security and stability of the country would be assumed by the Government of Haiti as the Transition Mission developed a plan and timetable for early and efficient handover of those responsibilities to the national police.<sup>48</sup>

Speaking before the vote, the representative of France stated that the two previous peacekeeping missions had played a central role in efforts to enhance the effectiveness of the Haitian National Police. He stressed, however, that in spite of significant progress, security conditions remained unstable and the force was not yet fully able to meet the emerging challenges. For those reasons, his delegation supported the request made by the Haitian authorities, and the Secretary-General's recommendations, and would therefore vote in favour of the draft resolution and the establishment of UNTMIH.<sup>49</sup>

The representative of Costa Rica stated that by adopting the draft resolution on UNTMIH, the Council would be firmly endorsing a broader and more comprehensive view of the concept of international peace and security. That new approach encompassed difficult and complex situations, such as that of Haiti. The Security Council was moving forward in the right direction in terms of understanding what constituted a threat to international peace and security, he said.<sup>50</sup>

A number of speakers, while acknowledging the contribution made by the previous United Nations mission to Haiti's political stability, noted that the overall situation remained fragile and the Haitian National Police were not yet fully prepared to cope on its own with the emerging security challenges. For that reason, and bearing in mind the request of the Government of Haiti and the wishes of the countries of the region, they supported the establishment of

UNTMIH with a clear four-month mandate to contribute to the formation of the Haitian National Police. Some speakers stressed, however, that the ultimate responsibility for the future of Haiti rested with its Government and people and that international support could not substitute for their efforts.<sup>51</sup>

The representative of China stated that the situation in Haiti no longer posed a threat to international peace and security and that the United Nations peacekeeping mission in Haiti had already been completed. The main task facing Haiti was economic reconstruction and development which should mainly be the responsibility of the Haitian people themselves. However, considering the urgent request of the Haitian government and the wishes of Latin American and Caribbean countries the Chinese Government supported the establishment of UNTMIH as a transitional measure.<sup>52</sup>

The representative of the Russian Federation stated that although his delegation was satisfied that there had been some improvement in the situation in Haiti in terms of security, the situation remained unstable and cause for concern. He stated that the situation in Haiti had not and did not pose a threat to regional peace and security. The situation was exacerbated by the protracted social and economic crisis. He further underlined that his delegation was not opposed to maintaining a United Nations presence in Haiti, but it had to be commensurate with the real requirements. The delegation of the Russian Federation saw no compelling reason for retaining a United Nations military presence in Haiti. However, bearing in mind the appeal of the President of Haiti, the recommendations of the Secretary-General and the view of the Friends of the Secretary-General for Haiti and also the contributors to the civilian police element, his delegation supported the establishment of a new United Nations Transition Mission in Haiti on the understanding that, as stipulated in the draft resolution, it would have a clearly defined, single four-month mandate.<sup>53</sup>

The representative of the United States recalled that much had been achieved since 1994. For the first

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<sup>47</sup> S/PV.3806, pp. 2-3.

<sup>48</sup> *Ibid.*, pp. 3-5.

<sup>49</sup> *Ibid.*, pp. 6-7.

<sup>50</sup> *Ibid.*, p. 8.

<sup>51</sup> *Ibid.*, p. 5 (Argentina); p. 6 (Venezuela); pp. 7-8 (Chile); pp. 9-10 (Republic of Korea); pp. 10-11 (Kenya); p. 11 (Portugal); and p. 12 (Sweden).

<sup>52</sup> *Ibid.*, pp. 8-9.

<sup>53</sup> *Ibid.*, p. 9.

time in Haitian history, a democratically elected President had peacefully succeeded another, and the economy was showing signs of recovery from years of decline. Yet, despite those advances, much still needed to be done. In that context, the creation of UNTMIH would further bolster the rule of law, development, democratization and peace in Haiti. His Government would therefore vote in favour of the draft resolution and the continued support for the Haitian Government.<sup>54</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 1123 (1997), which reads:

*The Security Council,*

*Recalling* all its relevant resolutions and those adopted by the General Assembly,

*Taking note* of the request of 13 November 1996 from the President of the Republic of Haiti to the Secretary-General of the United Nations, and the letter dated 20 July 1997 from the Permanent Representative of Haiti to the United Nations addressed to the Secretary-General,

*Taking note* of the report of the Secretary-General of 19 July 1997, and the recommendations contained therein,

*Commending* the role of the United Nations Support Mission in Haiti in assisting the Government of Haiti in the professionalization of the police and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and train an effective national police force, and expressing its appreciation to all Member States which have contributed to the Support Mission,

*Noting* the termination, in accordance with resolution 1086 (1996), of the mandate of the Support Mission as of 31 July 1997,

*Supporting* the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

*Noting* the key role played to date by the United Nations civilian police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police Force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and in this context welcoming continued progress towards professionalizing the Haitian National Police,

*Affirming* the link between peace and development, noting that significant international assistance is indispensable for sustainable development in Haiti, and stressing that a sustained

commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and security in the country,

*Recognizing* that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. *Affirms* the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and the revitalization of Haiti's system of justice;

2. *Decides*, further to paragraph 1 above, and at the request of the President of the Republic of Haiti, to establish the United Nations Transition Mission in Haiti with a mandate limited to a single four-month period ending on 30 November 1997, in order to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, as set out in paragraphs 32 to 39 of the report of the Secretary-General of 19 July 1997;

3. *Also decides* that the Transition Mission shall be composed of up to 250 civilian police and 50 military personnel to form the headquarters of a security element;

4. *Further decides* that the security element of the Transition Mission, under the authority of the Force Commander, will ensure the safety and freedom of movement of those United Nations personnel implementing the mandate set out in paragraph 2 above;

5. *Decides* that the Transition Mission will assume responsibility to deploy as appropriate until they are withdrawn all elements and assets of the United Nations Support Mission in Haiti remaining in Haiti;

6. *Requests* all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 2 above;

7. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution no later than 30 September 1997;

8. *Recognizes* that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and that significant international assistance is indispensable for sustainable development in Haiti, and stresses the commitment of the international community to a long-term programme of support for Haiti;

9. *Requests* all States to make voluntary contributions to the trust fund established pursuant to resolution 975 (1995) of 30 January 1995 for the Haitian National Police, in particular for the recruitment and deployment of police advisers to assist the

<sup>54</sup> *Ibid.*, pp. 11-12.

Inspector General, Directorate General and department headquarters of the Haitian National Police;

10. *Requests* the Secretary-General to include in his report to be submitted no later than 30 September 1997 recommendations on the modalities of subsequent peacebuilding international assistance to Haiti;

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

**Decision of 28 November 1997 (3837th meeting): resolution 1141 (1997)**

On 31 October 1997, pursuant to resolution 1123 (1997) of 30 July 1997, the Secretary-General submitted to the Security Council a report on the United Nations Transition Mission in Haiti.<sup>55</sup> The report provided an overview of the political, economic and security situation in Haiti, together with his recommendations on future international peacebuilding efforts, following the expiration of the mandate of the Mission mandate on 30 November 1997. In his report, the Secretary-General stated that Haiti had not had a fully functioning Government since the resignation of its Prime Minister on 9 June 1997. Efforts were currently under way to find a solution to the crisis and to reach a compromise between the two main factions. Seriously concerned about the political stalemate and its negative repercussions on the economy, he had called upon the Haitian authorities and political leaders to negotiate in a spirit of tolerance and reconciliation to reach an agreement and enable the country to move forward. He added that international assistance beyond November needed to focus on strengthening the existing institutions, including the Haitian National Police and the justice system, restoring people's trust in future electoral processes, and supporting economic and social development. On the security situation, the Secretary-General stated that despite growing popular discontent the situation remained relatively stable. For that reason, and given the absence of a military threat against the Haitian authorities, he hoped that the military component of UNTMIH would be able to leave the country at the end of its current mandate.

Subsequently, on 20 November 1997, in an addendum to his report of 31 October,<sup>56</sup> the Secretary-General stated that while the Haitian National Police had made substantial progress, its development into a

professional force continued to be slow and uneven, and the force would need international assistance to continue to pursue its own institutional development while meeting the country's increasing security needs. Accordingly, and in the light of the request from the President of Haiti,<sup>57</sup> the Secretary-General suggested to the Council the establishment of a follow-on mission, whose main task would be to support and contribute to the formation of the Haitian National Police. He also recommended that the proposed mission, to be known as the United Nations Police Mission in Haiti (MIPONUH), be established for an initial period of six months, until 31 May 1998.<sup>58</sup>

At its 3837th meeting, held on 28 November 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Argentina, Canada, Haiti and Venezuela, at their request, to participate in the discussion, without the right to vote. The President (China) then drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Canada, Chile, Costa Rica, France, Portugal, the United States and Venezuela.<sup>59</sup>

Opening the debate, the representative of Haiti recalled that since 1995, the United Nations had played a decisive role in the maintenance of stability and security in the country and the consolidation of the democratic process. He noted, however, that after the departure of the international military forces the Haitian National Police would be alone to face security challenges. The Haitian National Police needed international assistance to continue its own institutional development while also doing its job of maintaining security. In addition, insecurity remained a problem, living conditions continued to deteriorate, with poverty gaining ground despite the Government's efforts to remedy the situation. At the current stage in Haiti's national reconstruction, the Haitian people

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<sup>55</sup> S/1997/832.

<sup>56</sup> S/1997/832 and Add.1.

<sup>57</sup> S/1997/832, annex II. Letter dated 29 October 1997 from the President of Haiti addressed to the Secretary-General requesting the continued assistance of a United Nations civilian police mission to the Haitian National Police.

<sup>58</sup> For details on the mandate and concept of operations of the follow-on mission, as well as its composition, see chapter V.

<sup>59</sup> S/1997/931.

continued to count on the support of the international community. For all those reasons, his delegation would ask the Security Council to adopt the draft resolution unanimously.<sup>60</sup>

The representative of Canada stated that the draft resolution calling for the establishment of the new civilian police mission in Haiti demonstrated the continuing commitment of the international community to assist that country on its road to democracy. He expressed concern at the growing gap between the development of the Haitian National Police and the slow pace of the judicial reform, but stressed that ultimately it was the responsibility of the Government of Haiti to revitalize its own system of justice. He also urged all political parties in Haiti to work together to resolve the political impasse and enable the Government to move forward.<sup>61</sup>

A number of speakers stated that despite considerable progress since the return of democratic rule to Haiti, serious problems still persisted and the Haitian National Police had not reached the level of professionalization required to confront emerging difficulties. For that reason, and taking into consideration the recommendations of the Secretary-General and the request of the President of Haiti, they supported the establishment of MIPONUH in order to continue to assist the Haitian Government by supporting and contributing to the training of its police force. Several speakers also stressed the need for a sustained commitment by the international community and financial institutions to the economic, social and institutional development in Haiti.<sup>62</sup>

The representative of France stated that, despite earlier United Nations efforts, particularly in the area of police training, the Haitian National Police still needed support to complete its development. The situation in the country remained precarious, so it was essential that the security of the population be guaranteed by a competent and effective police force, which enjoyed the trust of the people. For all those reasons, the Government of France supported the

establishment of a civilian police mission, and would therefore vote in favour of the draft. The new operation would differ from previous missions and would be entirely composed of civilian police. Special arrangements for the security of United Nations monitors would not constitute precedents for other similar civilian police operations.<sup>63</sup>

The representative of the Russian Federation reiterated that the situation in Haiti did not pose a threat to regional peace and security, and that in his opinion the United Nations peacekeeping role in Haiti had been successfully fulfilled. His delegation would, however, support the establishment of MIPONUH with the clear understanding that the new operation would have a clearly defined, single one-year mandate, ending on 30 November 1998. Future assistance to the Haitian National Police should be provided through United Nations specialized agencies and programmes, and other international and regional organizations, and by interested Member States.<sup>64</sup>

The representative of the United States stated that his Government remained committed to the political and economic development of Haiti. Despite some progress in the field of public safety, the Haitian National Police still needed help in dealing with gangs, drug traffickers and political groups that sought to manipulate the police. The presence of a civilian police mission for another year would enable the force to continue to grow professionally. For that reason his delegation strongly supported the establishment of MIPONUH.<sup>65</sup>

The representative of China stated that his delegation believed that the United Nations should conclude its peacekeeping operation in Haiti and concentrate instead on providing technical and financial assistance. However, in view of the current situation and the request from the Haitian Government, his delegation would agree, as an exceptional case, to maintain a civilian police mission in Haiti to support the formation of the Haitian National Police and to contribute to the stability and development of the country.<sup>66</sup>

<sup>60</sup> S/PV.3837, pp. 2-3.

<sup>61</sup> *Ibid.*, pp. 4-5.

<sup>62</sup> *Ibid.*, pp. 3-4 (Argentina); pp. 5-6 (Chile); pp. 6-7 (Portugal); pp. 6-7 (Costa Rica); pp. 7-8 (Egypt); pp. 8-9 (Japan); pp. 9-10 (Kenya); pp. 10-11 (Poland); pp. 11-12 (Republic of Korea); and p. 12 (Sweden).

<sup>63</sup> *Ibid.*, pp. 8-9.

<sup>64</sup> *Ibid.*, pp. 12-13.

<sup>65</sup> S/PV.3837, p. 13.

<sup>66</sup> *Ibid.*, pp. 13-14.

The draft resolution was then put to the vote and adopted unanimously as resolution 1141 (1997), which reads:

*The Security Council,*

*Recalling* all its relevant resolutions and those adopted by the General Assembly,

*Taking note* of the request of 29 October 1997 from the President of the Republic of Haiti to the Secretary-General,

*Taking note also* of the report of the Secretary-General of 31 October 1997 and the addendum thereto of 20 November 1997, and the recommendations contained therein,

*Commending* the role of the United Nations Transition Mission in Haiti in assisting the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, and expressing its appreciation to all Member States which have contributed to the Transition Mission,

*Noting* the termination, in accordance with resolution 1123 (1997) of 30 July 1997, of the mandate of the Transition Mission as of 30 November 1997,

*Commending* the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

*Noting* the key role played to date by the United Nations Civilian Police, the International Civilian Mission in Haiti and United Nations Development Programme technical assistance in helping to establish a fully functioning Haitian National Police of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and in this context welcoming continued progress towards professionalization of the Haitian National Police and towards fulfilment of the May 1997 "Haitian National Police development plan for 1997-2001",

*Stressing* the link between peace and development, noting that significant international assistance is indispensable for sustainable development in Haiti, and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and security in the country,

*Recognizing* that the people and the Government of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. *Affirms* the importance of a professional, self-sustaining, fully functioning national police of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and the revitalization of Haiti's system of justice, and encourages Haiti to pursue its plans in these respects;

2. *Decides*, further to paragraph 1 above, and at the request of the President of the Republic of Haiti, to establish until 30 November 1998 a United Nations Civilian Police Mission in Haiti, composed of up to three hundred civilian police, with a mandate limited to a single one-year period ending on 30 November 1998, in order to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police in accordance with the arrangements, including monitoring the field performance of the Haitian National Police, set out in paragraphs 39 and 40 of the report of the Secretary-General and paragraphs 2 to 12 of the addendum to the report;

3. *Affirms* that further international assistance to the Haitian National Police, should it be needed, should be provided through United Nations specialized agencies and programmes, in particular the United Nations Development Programme, and through international and regional organizations and by interested Member States;

4. *Affirms also* that all special arrangements accorded to the Civilian Police Mission will not constitute precedents for other operations of the same nature that include civilian police personnel;

5. *Decides* that the Civilian Police Mission will assume responsibility for those United Nations Transition Mission in Haiti personnel and United Nations-owned assets required for its use in fulfilment of its mandate;

6. *Requests* all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 2 above;

7. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution every three months from the date of its adoption until the mandate of the Civilian Police Mission expires on 30 November 1998;

8. *Recognizes* that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and that significant international assistance is indispensable for sustainable development in Haiti, and stresses the commitment of the international community to a long-term programme of support for Haiti;

9. *Requests* all States to make voluntary contributions to the trust fund established pursuant to resolution 975 (1995) of 30 January 1995 for the Haitian National Police, in particular for the recruitment and deployment by the United Nations Development Programme of police advisers to assist the Inspector General, Directorate General and department headquarters of the Haitian National Police;

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

**Decision of 25 March 1998 (3866th meeting): statement by the President**

On 20 February 1998, pursuant to resolution 1141 (1997) of 28 November 1997, the Secretary-General submitted to the Council a report on the United Nations Civilian Police Mission in Haiti.<sup>67</sup> The report provided information on the implementation of the mandate of the Mission, as well as an account of developments in the mission area. In his report, the Secretary-General observed that the international community was deeply concerned that Haiti still did not have a functioning Government, and the political impasse had serious consequences for the economic and social development of the country, jeopardizing the democratic process and seriously compromising international cooperation. Although the Haitian National Police continued to make steady progress, the absence of a functioning judicial system severely hindered its ability to carry out its tasks. While acknowledging the difficulties entailed in “revamping” the system, he stressed that, without a functioning judiciary, international efforts to help create an effective and professional police force would become increasingly difficult.

At its 3866th meeting, held on 25 March 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. After 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.

At the same meeting, the President (the Gambia) made the following statement on behalf of the Council:<sup>68</sup>

The Security Council recalls its resolution 1141 (1997) of 28 November 1997 and welcomes the report of the Secretary-General of 20 February 1998 on the United Nations Civilian Police Mission in Haiti.

The Council commends the achievements of the Representative of the Secretary-General in Haiti, United Nations staff and the civilian police officers of the Mission in Haiti. It notes with appreciation the important contributions made by the United Nations Development Programme and the International Civilian Mission in Haiti.

The Council welcomes the progress made by the Haitian people towards the establishment of a durable democratic and

constitutional system. It also welcomes the sustained improvement in security and stability in Haiti. The Council agrees with the Secretary-General in his assessment of the Haitian National Police, as expressed in his recent report. It also welcomes the significant progress made by the Haitian National Police, as mentioned in the report of the Secretary-General, and expresses confidence that activities of the Civilian Police Mission will continue to build on the achievements of previous United Nations missions in Haiti and to further the professional development of the Haitian National Police. The Council expresses the hope that achievements of the Haitian National Police will be matched by progress in other areas, including the development of a functioning judicial system, and in this regard recognizes the importance of judicial reform.

The Council reaffirms that further assistance to the Haitian National Police, should it be needed, should be provided with the full support of the international community through the specialized agencies and programmes of the United Nations system, and through international and regional organizations and by interested Member States.

The Council reaffirms also that the people and Government of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice and the reconstruction of their country. It emphasizes the importance of Haiti's continuing to settle its contentious issues peacefully and democratically. It expresses the view that a prompt solution of these issues in Haiti will facilitate economic development and the provision of international assistance. It fully supports the appeal of the Secretary-General to Haitian authorities and political leaders to resolve Haiti's political impasse so that the country can move forward and welcomes current efforts undertaken to this end.

The Council stresses that it is of the utmost importance that the next parliamentary and local elections in Haiti be conducted in a free, fair and transparent manner in order to allow the broadest possible voter participation, consistent with Haitian law. It notes that a substantial effort will be required to ensure the success of these vitally important elections. The Council looks forward to the steps taken by the Government of Haiti in this regard and urges the international community to be ready to provide electoral assistance as may be requested.

The Council recognizes that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and stresses that a sustained commitment by the international community and the international financial institutions, as well as the relevant United Nations bodies, to assist and support economic, social and institutional development in Haiti is indispensable for long-term sustainable development in the country. It commends the efforts of those organizations and countries currently involved in meeting these needs and encourages them to coordinate their activities.

The Council will remain seized of this matter.

<sup>67</sup> S/1998/144.

<sup>68</sup> S/PRST/1998/8.



**Decision of 25 November 1998 (3949th meeting):  
resolution 1212 (1998)**

On 24 August 1998, pursuant to resolution 1141 (1998) of 28 November 1997, the Secretary-General submitted to the Security Council a report on MIPONUH, covering the activities of the Mission and developments in the mission area since his last report.<sup>69</sup> In his report, the Secretary-General observed that efforts to resolve the institutional crisis in Haiti had not been successful and the country was still without a functioning Government. The continuing political deadlock threatened the fragile Haitian democratic process, and hindered economic development and international assistance. Stressing the importance of ensuring the fairness and transparency of the upcoming parliamentary and local elections, he stated that the United Nations stood ready to provide international electoral assistance, should the Haitian authorities so request. He further reported that although progress had been made in both the training and performance of the Haitian National Police, the development of an effective police force was a complex and lengthy task, which called for sustained international training to strengthen the capacity of the force and consolidate the gains it had already achieved.

On 11 November 1998, in pursuance to resolution 1141 (1998) of 28 November 1997, the Secretary-General submitted to the Council a report on MIPONUH, covering the activities of the Mission and recent developments in the mission area.<sup>70</sup> In his report the Secretary-General noted that Haiti's democratic process continued to be undermined by the absence of a Prime Minister. The protracted political stalemate had also eroded public confidence in the capacity and willingness of the authorities to solve the pressing economic and social problems facing the country, and jeopardized international assistance. He reported that although the Haitian National Police had developed a greater capacity to maintain law and order, it still lacked the experience, professional skills and cohesion to become a well-established police force. He stressed the importance of creating an effective judicial system in Haiti. He underscored that the Secretary-General had stressed that the termination of MIPONUH at that stage would not only jeopardize the achievements made so far, but

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<sup>69</sup> S/1998/796.

<sup>70</sup> S/1998/1064.

would also have a negative impact on the efforts of the Government to reinforce its institutions. He therefore shared the views expressed by the President of Haiti in his letter of 22 October 1998,<sup>71</sup> and accordingly suggested that the Council might authorize an extension of the mandate and concept of operations of MIPONUH for another year, until 30 November 1999.<sup>72</sup>

At its 3949th meeting, held on 25 November 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the two reports of the Secretary-General dated 24 August and 11 November 1998, respectively. After the adoption of the agenda, the Council invited the representatives of Argentina, Canada, Chile, Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Canada, Chile, Costa Rica, France, the United States and Venezuela.<sup>73</sup> He also drew their attention to a letter dated 27 October 1998 from the representative of Haiti addressed to the Secretary-General.<sup>74</sup>

Opening the debate, the representative of Argentina stated that while understanding the hesitation of some Council members to renew the mandate of MIPONUH, he however wished to request those delegations to understand the significance of maintaining the rule of law and democratic institutions in the region. The Council had on several occasions heeded the needs of specific regions, and hopefully it would do the same for Haiti. However, the Haitian leadership needed to show its recognition of the efforts of the international community by taking concrete action aimed at resolving the political crisis in Haiti.<sup>75</sup>

The representative of Chile considered that the adoption of the draft resolution extending MIPONUH would comply with the responsibility of the Council

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<sup>71</sup> Letter dated 27 October 1998 from the representative of Haiti, addressed to the Secretary-General, transmitting a letter from the President of Haiti requesting the United Nations to continue to cooperate with Haiti in order to strengthen the national police (S/1998/1003).

<sup>72</sup> For further details on the mandate and composition of MIPONUH, see chapter V.

<sup>73</sup> S/1998/1117.

<sup>74</sup> S/1998/1003.

<sup>75</sup> S/PV.3949, pp. 2-3.

under the Charter to maintain international peace and security. The international community should not abandon the Haitian people, but should continue to support them.<sup>76</sup>

The representative of Canada stated that his Government would continue its contribution to MINOPUH at the same level. A great deal remained to be done, particularly regarding the reform of the Haitian judicial system. Time had come to reflect on how to continue to strengthen the Haitian National Police and, more broadly, the Haitian system of justice after the departure of the Mission. The draft resolution encouraged that process and would lead to recommendations by the Secretary-General on a viable transition.<sup>77</sup>

The representative of Costa Rica recalled that Article 24 of the Charter conferred on the Security Council primary responsibility for the maintenance of international peace and security. That responsibility, under Article 1, was proactive and comprehensive for it stated that the United Nations should “take effective collective measures for the prevention and removal of threats to peace”. The situation in Haiti constituted a clear example of the need for organized international participation from the standpoint of guaranteeing and building peace and thus preventing a return of conflict and instability. In addition, dramatic statistics on Haitian social conditions, including education and poverty levels, were sufficient reason to continue assisting its people to promote a new political, economic and social model. The United Nations role in Haiti, he said, went beyond the traditional concept of development assistance; it promoted legal and institutional reforms to prevent a return to hostilities.<sup>78</sup>

The representative of Brazil noted that despite significant progress, the Haitian National Police was still not self-sustainable and there had been regrettable delays in the judicial reform. Moreover, a political stalemate continued to undermine national institutions and hinder the implementation of reforms aimed at solving the serious economic and social problems in Haiti. His delegation regarded the extension of the Mission as part of a preventive strategy that would include economic assistance for the reconstruction and

development process of the country. The renewed mandate of MIPONUH would also provide an opportunity for the gradual transfer of its tasks to other bodies. Highlighting paragraph 8 of the draft resolution before the Council, he further stated that it was a small but in a certain sense innovative step by the Council to revive Article 65 of the Charter.<sup>79</sup>

The representative of Kenya welcomed the Council’s strong appeal urging the Haitian authorities and political leaders to negotiate urgently an end to the crisis. Expressing his delegation’s support for the extension of MIPONUH, he stressed the need to switch mechanisms of engagement and of assisting Haiti from a policing mode to one which focused more on peacebuilding.<sup>80</sup>

The representative of Portugal expressed his delegation’s concern at the climate of violence and unrest, the difficult economic situation, the high level of unemployment, the rising cost of living and the slow pace of change in Haiti. It was also troubling that parliamentary and local elections had been postponed, thereby prolonging the political stalemate. His delegation therefore urged the Haitian authorities and political leaders to urgently seek a negotiated solution to end the crisis. It also believed that a United Nations presence in the country was crucial and would therefore vote in favour of the draft resolution.<sup>81</sup>

The representative of France stated that his Government shared the concern expressed by previous speakers urging the Council to wind down the activities of MIPONUH and transfer its management to another framework. That transition however, must be well organized and carried out in such a way as to avoid damaging the results already obtained. His delegation fully supported the draft resolution and the extension of the Mission’s mandate.<sup>82</sup>

The representative of the Russian Federation shared the view that Haiti continued to need assistance “to get back on its feet” and overcome its socio-economic crisis. He maintained that from the beginning the situation in Haiti had not posed a threat to international peace and security. It was a typical situation: the difficult transition of a society that lacked a democratic

<sup>76</sup> Ibid., p. 3.

<sup>77</sup> Ibid., pp. 3-4.

<sup>78</sup> Ibid., pp. 4-5.

<sup>79</sup> Ibid., p. 5.

<sup>80</sup> Ibid., pp. 5-6.

<sup>81</sup> Ibid., pp. 6-7.

<sup>82</sup> Ibid., p. 7.

tradition — a transition that was made more difficult by chronic socio-economic difficulties and widespread poverty. The situation in Haiti was no different from many other developing countries which were also experiencing the same problems. The speaker recalled that the first United Nations Mission in Haiti had been deployed in September 1993, and had since been extended several times “for the last time” under various names. The proposed draft resolution extending the peacekeeping operation in Haiti again would not enhance the Council’s authority nor confidence in its own decisions. His delegation would therefore not be able to support the draft resolution.<sup>83</sup>

The draft resolution was then put to the vote and adopted by 13 votes in favour, none against and 2 abstentions (China, Russian Federation), as resolution 1212 (1998),<sup>84</sup> which reads:

*The Security Council,*

*Recalling* all its relevant resolutions, in particular resolution 1141 (1997) of 28 November 1997, and those adopted by the General Assembly,

*Taking note* of the request of 22 October 1998 from the President of the Republic of Haiti to the Secretary-General,

*Taking note also* of the reports of the Secretary-General of 24 August and 11 November 1998, and the recommendations contained therein,

*Commending* the role of the United Nations Civilian Police Mission in Haiti in assisting the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, and expressing its appreciation to all Member States which have contributed to the Civilian Police Mission,

*Commending also* the role of the Representative of the Secretary-General in Haiti in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

*Noting* the key role played to date by the United Nations civilian police, the International Civilian Mission in Haiti and the technical assistance of the United Nations Development Programme, as well as bilateral programmes, in helping to establish a fully functioning Haitian National Police Force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti’s system of justice, and in this context, stressing the importance of the reform of Haiti’s system of justice for the successful development of the Haitian National Police, and welcoming

continued progress towards the professionalization of the Haitian National Police and towards fulfilment of the May 1997 “Haitian National Police development plan for 1997-2001”,

*Stressing* the link between peace and development, noting that significant international assistance is indispensable for sustainable development in Haiti, and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and security in the country,

*Expressing deep concern* over the prolonged political stalemate, which presents considerable risks for peace and development,

*Expressing its deep regret* that this political stalemate has not yet made possible the transfer of the activities of the Civilian Police Mission to other forms of international assistance,

*Recognizing* that the people and the Government of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. *Reaffirms* the importance of a professional, self-sustaining, fully functioning national police of adequate size and structure, able to conduct the full spectrum of police functions, for the consolidation of democracy and the revitalization of Haiti’s system of justice, and encourages Haiti to pursue actively its plans in these respects;

2. *Decides*, further to paragraph 1 above, and at the request of the President of the Republic of Haiti, to extend until 30 November 1999 the present mandate, including the concept of operation, of the United Nations Civilian Police Mission in Haiti, in order to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police in accordance with the arrangements set out in paragraph 32 of the report of the Secretary-General of 11 November 1998, including monitoring the field performance of the Haitian National Police and strengthening the capability of the central directorate of the police force to manage aid provided to it from bilateral and multilateral sources;

3. *Affirms* that future international assistance to the Haitian National Police should be considered through specialized agencies and programmes of the United Nations system, in particular the United Nations Development Programme, and through other international and regional organizations and by Member States;

4. *Requests* Member States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to carry out the provisions of the mandate referred to in paragraph 2 above;

5. *Underlines* the importance of full coordination among multilateral and bilateral contributors in order to assure

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<sup>83</sup> *Ibid.*, pp. 7-8.

<sup>84</sup> For the vote, see S/PV.3949, p. 8.

the effective allocation of international assistance provided to the Haitian National Police, and requests the Representative of the Secretary-General in Haiti to work closely with Member States to ensure that bilateral and multilateral efforts are complementary;

6. *Strongly urges* the Haitian authorities and political leaders to fulfil their responsibilities and to negotiate urgently an end to the crisis in a spirit of tolerance and compromise;

7. *Calls upon* the Haitian authorities to pursue the reform and strengthening of Haiti's system of justice, in particular its penal institutions;

8. *Emphasizes* that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and that significant international assistance is indispensable for sustainable development in Haiti, stresses the commitment of the international community to a long-term programme of support for Haiti, and invites United Nations bodies and agencies, especially the Economic and Social Council, to contribute to the designing of such a programme;

9. *Requests* all States to make voluntary contributions to the trust fund established pursuant to resolution 975 (1995) of 30 January 1995 for the Haitian National Police, in particular for the recruitment and deployment by the United Nations Development Programme of police advisers to assist the Inspector General, Directorate General and department headquarters of the Haitian National Police;

10. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution every three months from the date of its adoption until the mandate of the Civilian Police Mission expires on 30 November 1999;

11. *Expresses its intention* not to extend the Civilian Police Mission beyond 30 November 1999, and requests the Secretary-General to make recommendations on a viable transition to other forms of international assistance in his second report referred to in paragraph 10 above, for the consideration of the Security Council, taking into account the need to preserve the progress made in the reform of the Haitian National Police and to strengthen further United Nations support for the consolidation of democracy, respect for human rights and the maintenance of law and order in Haiti;

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

Speaking after the vote, the representative of China stated that the United Nations peacekeeping operation in Haiti had existed for five years and had been extended in various forms many times. He noted that the situation there had since been relatively stable and did not constitute any threat to international or regional peace and security. The resolution before the Council stressed that economic reconstruction was the main task facing the country. His delegation had shown flexibility by suggesting that the Mission be extended

for an appropriate period. He regretted however, that the Chinese major amendment proposals had not been taken into account and adopted by the co-sponsors and as a result his delegation was compelled to abstain in the voting.<sup>85</sup>

The representative of the United States stated that his Government welcomed the Council's decision to continue the role of MIPONUH for another year to provide training and guidance to the Haitian National Police. His delegation remained concerned about the continuing political impasse and urged the Haitians to resolve their differences in the interest of the country's immediate and long-term future. In the months ahead, the international community would need to develop a viable transition mechanism outside the peacekeeping framework to sustain Haitian National Police professionalization.<sup>86</sup>

The representative of Haiti stated that by authorizing the renewal of MIPONUH, the Council would not only ensure the development of the young police force, but it would also help it preserve the progress achieved so far. Haiti was currently facing a continuing institutional crisis; however, despite the frustrating nature of the situation, a forced solution could in fact cause serious problems in the future. The Haitian Parliament had met in a special session to debate the issue and to find a solution within the framework of the Haitian Constitution.<sup>87</sup>

#### **Decision of 30 November 1999 (4074th meeting): resolution 1277 (1999)**

On 24 August 1999, pursuant to resolution 1212 (1998) of 25 November 1998, the Secretary-General submitted to the Security Council a report on MIPONUH, covering the activities of the Mission and developments in the mission area.<sup>88</sup> The report also included, for the consideration of the Council, further comments on a viable transition to other forms of international assistance beyond those made in previous reports. In his report, the Secretary-General observed that the period under review was marked by ongoing negotiations between the political parties and the Government of Haiti on how to further the democratic

<sup>85</sup> *Ibid.*, pp. 8-9.

<sup>86</sup> *Ibid.*, pp. 9-10.

<sup>87</sup> *Ibid.*, p. 10.

<sup>88</sup> S/1999/908.

process through the holding of legislative and municipal elections. The security situation remained a matter of concern, and a coordinated effort by the Haitian Government, the police and political and civil leaders would be required to avoid a further deterioration in the months leading to the elections. He also stated that the question of security was the responsibility of all Haitians, and that the Haitian National Police could not operate effectively without the full support of the Government and the population at large. The Secretary-General further observed that it would be appropriate, at that juncture, to assess the extent to which some of the functions currently exercised by the two existing missions in Haiti — MIPONUH and the International Civilian Mission in Haiti (MICIVIH) — could be combined into one integrated operation. Subject to the availability of resources, the new mission could also operate in the areas of human rights monitoring and institution-building to provide support to the judicial sector and the national police. The mission would also encourage the Haitian authorities to speed up the reform of its system of justice; verify and support the promotion and protection of human rights; and assist the development and strengthening of democratic institutions, including civil society.

On 18 November 1999, pursuant to resolution 1212 (1998) of 25 November 1998, the Secretary-General submitted to the Council another report on MIPONUH, covering the activities of the Mission and developments in the mission area since his last report.<sup>89</sup> In his report, the Secretary-General stated that the setting of a date for Haiti's long-delayed legislative and local elections was a significant step forward. He noted, however, that a number of disturbing developments had raised concerns about the electoral process, the security situation and the potential politicization of the Haitian National Police. Moreover, a new postponement of the elections would further erode the confidence of the Haitian people in the Government. The Secretary-General further reported that the Haitian National Police had made significant progress since the establishment of MIPONUH. The termination of the Mission would mark the end of United Nations peacekeeping efforts in Haiti. He underlined further the importance of a continued United Nations presence in the country to assist the

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<sup>89</sup> S/1999/1184.

Government in the democratization process, professionalization of the police, and reinforcement of the justice system, as called for in a letter dated 8 November 1999 from the President of Haiti.<sup>90</sup>

At its 4074th meeting, held on 30 November 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the two reports of the Secretary-General. Following the adoption of the agenda, the Council invited the representatives of Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Slovenia) then drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Brazil, Canada, France, the United States and Venezuela.<sup>91</sup>

Opening the debate, the representative of Haiti stated that MIPONUH, as well as the other previous United Nations missions in Haiti, had carried out their mandate in a positive environment. However, threatening elements still persisted which could reverse the democratic process. He recalled that the Secretary-General had suggested, in his report, that the new mission could carry out the tasks currently handled by MIPONUH and MICIVIH and assist the Haitian Government in areas which were essential for the promotion of democracy, such as the police force, justice and human rights. His delegation therefore hoped that the draft resolution on a phased transition to an International Civilian Support Mission in Haiti (MICAH) as well as the draft before the General Assembly proposing the establishment of that Mission would be adopted by the respective bodies.<sup>92</sup>

The representative of the Russian Federation stated that his delegation would abstain in the voting for reasons of principle. By extending the mandate of MIPONUH, the Council was once again in breach of its own decision. The fact that in the text the words "to continue" were used instead of "to extend the mandate" did not change the essence of the matter. Moreover, the

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<sup>90</sup> Letter dated 8 November 1999 from the President of Haiti, addressed to the Secretary-General, requesting a support mission, whose members would be neither uniformed nor armed, to support the democratization process, and assist the Government of Haiti in strengthening the judiciary and professionalizing the Haitian National Police. (Ibid., annex II).

<sup>91</sup> S/1999/1202.

<sup>92</sup> S/PV.4074, pp. 2-3.

President of Haiti had clearly set forth his position when he expressed the desire that a new mission be established whose members would be neither uniformed nor armed.<sup>93</sup> That approach was at variance with the draft resolution. He underlined that since there was no official written request from the Government of Haiti to extend MIPONUH the Security Council should not take a decision to extend the mandate.<sup>94</sup>

The draft resolution was then put to the vote and adopted by 14 votes in favour, none against and 1 abstention (Russian Federation), as resolution 1277 (1999),<sup>95</sup> which reads:

*The Security Council,*

*Recalling* all its relevant resolutions, in particular resolution 1212 (1998) of 25 November 1998, and those adopted by the General Assembly and the Economic and Social Council,

*Taking note* of the letter dated 8 November 1999 from the President of the Republic of Haiti to the Secretary-General, requesting the establishment of an international civilian support mission in Haiti,

*Taking note also* of the reports of the Secretary-General of 24 August and 18 November 1999,

*Commending* the valuable contributions of the Representative of the Secretary-General, the United Nations Civilian Police Mission in Haiti, the International Civilian Mission in Haiti and the technical assistance programmes of the United Nations Development Programme and bilateral donors, in assisting the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police Force as an integral element of the consolidation of Haiti's system of justice, as well as by their efforts in developing national institutions,

*Recognizing* that the people and Government of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice and the reconstruction of their country, and that the Government of Haiti bears particular responsibility for the further strengthening and effective functioning of the Haitian National Police Force and the justice system,

1. *Decides* to continue the United Nations Civilian Police Mission in Haiti in order to ensure a phased transition to

an International Civilian Support Mission in Haiti by 15 March 2000;

2. *Requests* the Secretary-General to coordinate and expedite the transition from the United Nations Civilian Police Mission in Haiti and the International Civilian Mission in Haiti to the International Civilian Support Mission in Haiti and to report to the Security Council on the implementation of the present resolution by 1 March 2000;

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

Speaking after the vote, the representative of Argentina stated that the resolution was a technical measure aimed at facilitating the smooth transition between the missions currently deployed and the new International Civilian Support Mission in Haiti, the creation of which would be considered by the General Assembly shortly.<sup>96</sup>

The representative of the United States of America stated that her Government strongly endorsed the proposal to extend MIPONUH until 15 March 2000, so as to give the United Nations additional time to recruit the technically skilled personnel required to fulfil the MICAHA mandate. The transition over the following months between the two missions, MIPONUH and MICAHA, reflected the changing realities in the type of international help most suitable for the present situation in Haiti. In their new role, the armed and uniformed international civilian police currently in the country would be replaced by technical advisors who would concentrate on developing a competent cadre of Haitian police commanders and managers.<sup>97</sup>

The representative of Brazil stated that the General Assembly would soon approve the establishment of a new integrated mission in Haiti, thereby bringing to an end the Security Council's peacekeeping involvement in that country. The extension of MIPONUH would allow the necessary time for a smooth transition to new forms of international assistance until the new mission became fully operational.<sup>98</sup>

The representative of China stated that his delegation supported the Secretary-General's proposal to set up MICAHA and hoped that the General Assembly

<sup>93</sup> S/1999/1184, annex II.

<sup>94</sup> S/PV.4074, pp. 3-4.

<sup>95</sup> For the vote, see S/PV.4074, p. 4.

<sup>96</sup> *Ibid.*, p. 4.

<sup>97</sup> *Ibid.*, pp. 4-5.

<sup>98</sup> *Ibid.*, pp. 5-6.

would take a decision on a relevant resolution shortly. He noted, however, that given the overall situation in Haiti, MIPONUH should consider completing its operation so that the relevant agencies could play a bigger role in the peacebuilding field.<sup>99</sup>

The representative of Canada stated that the achievements of MIPONUH had enabled the Council to move to a more flexible mechanism adapted to Haiti's priority needs. The future Mission would

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<sup>99</sup> Ibid., p. 6.

complete the ongoing transition from a military peacekeeping presence to a civilian police presence evolving towards a long-term programme of cooperation. The transition period then adopted by the Council to continue MIPONUH until 15 March 2000 was essential if MICAH was to be organized, deployed and utilized to its full potential. He added that MICAH would be a new kind of mission, fundamentally different from a peacekeeping mission.<sup>100</sup>

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<sup>100</sup> Ibid., pp. 6-7.

## 19. Shooting down of two civil aircraft on 24 February 1996

### Initial proceedings

#### **Decision of 27 February 1996 (3635th meeting): statement by the President**

By a letter dated 26 February 1996 addressed to the President of the Security Council,<sup>1</sup> the representative of the United States requested an urgent meeting of the Council in view of "the seriousness of the situation created by the shooting down of two civil aircraft by Cuban Forces".

At its 3634th meeting, held on 27 February 1996 in accordance with the understanding reached in its prior consultations, the Council included the letter in its agenda. Following the adoption of the agenda, the President (United States), with the consent of the Council, invited the representative of Cuba, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 26 February 1996 from the representative of Cuba, transmitting a note dated 25 February 1996 from the Ministry of Foreign Affairs of Cuba, in connection with the shooting down of two United States "civilian" aircraft by Cuban planes and the readiness of the Government of Cuba to discuss the matters with the United States Government, in the Security Council or elsewhere; and a note dated 26 February 1996 from the Ministry of Foreign Affairs of Cuba, stating that two Cessna private aircraft, which had taken off from Florida, while in the act of violating the airspace over Cuban territorial waters were brought

down by aircraft of the Cuban Air Force. The letter also included a chronology of violations of Cuban airspace from 1994 to 1996.<sup>2</sup>

At the same meeting, the representative of Cuba stated that during the previous 20 months, 25 aircraft originating in United States territory had violated Cuban airspace and that in every case it had been officially communicated to the United States interests section in Havana. He further stated that Cuba had "irrefutable proof" that the two aircraft in the present case were in violation of Cuban airspace when they were shot down. He noted that before being shot down one of the pilots of the aircraft heading for Cuba was warned that defences had been activated and of the risk they would run by entering those areas. The pilot had replied that he would fly despite the prohibition. The representative further maintained that Cuba had repeatedly communicated, both publicly and officially to the Government of the United States — including to the Federal Aviation Administration — the dangers to aircraft that unauthorized flights in their airspace entailed. He maintained that despite those warnings, which it publicly acknowledged on several occasions, the Government of the United States had taken no effective measures to prevent such flights from taking place in Cuban airspace. He stressed that on many occasions, Cuban territorial waters and airspace had been violated by organizations based in the United

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<sup>1</sup> S/1996/130.

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<sup>2</sup> S/1996/137.