



# Haiti Under President Martelly: Current Conditions and Congressional Concerns

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## Summary

Haiti shares the island of Hispaniola with the Dominican Republic. Since the fall of the Duvalier dictatorship in 1986, Haiti has struggled to overcome its centuries-long legacy of authoritarianism, extreme poverty, and underdevelopment. During that time, economic and social stability improved considerably, and many analysts believed Haiti was turning a corner toward sustainable development. Unfortunately, Haiti's development was set back by a massive earthquake in January 2010 that devastated much of the capital of Port-au-Prince and other parts of the country. Poverty remains massive and deep, and economic disparity is wide: Haiti remains the poorest country in the western hemisphere.

Haiti is the Obama Administration's top priority in the Latin America and Caribbean region. Haiti's developmental needs and priorities are many. The Haitian government and the international donor community are implementing a 10-year recovery plan focusing on territorial, economic, social, and institutional rebuilding. An outbreak of cholera later in 2010 has swept across most of the country and further complicated assistance efforts after the earthquake.

While some progress has been made in developing democratic institutions, they remain weak. Following yet another controversial, sometimes violent election process, Haiti saw its first peaceful, democratic transfer of power between presidents of opposing parties in May 2011. Outgoing President Rene Préval handed the presidential sash to President Michel Martelly, a popular musician without any previous political experience. Martelly's administration has been without a prime minister for most of his first year in office, hampering reconstruction efforts.

The United Nations Stabilization Mission in Haiti (MINUSTAH) has been in Haiti to help restore order since the collapse of former President Jean-Bertrand Aristide's government in 2004. MINUSTAH's current strength is 10,773 troops. The Mission has helped facilitate elections, conducted campaigns to combat gangs and drug trafficking with the Haitian National Police, and played a key role in emergency responses to natural disasters, especially after the earthquake. Popular protests have called for MINUSTAH's withdrawal because of allegations regarding its role in introducing cholera to the country and sexual abuse by some of its forces.

The main priorities for U.S. policy regarding Haiti are to strengthen fragile democratic processes, continue to improve security, and promote economic development. Other concerns include the cost and effectiveness of U.S. aid; protecting human rights; combating narcotics, arms, and human trafficking; and alleviating poverty. The Obama Administration granted Temporary Protected Status to Haitians living in the United States at the time of the earthquake.

Congressional concerns include the pace and effectiveness of reconstruction; respect for human rights, particularly for women; counternarcotics efforts; and security issues. Congress is also concerned that overdue Senate and local elections be scheduled and be free, fair, and peaceful.

Current law related to Haiti includes P.L. 112-74, P.L. 111-171, P.L. 110-246, and P.L. 109-432. Pending legislation related to Haiti includes H.R. 1016/S. 1576, H.R. 3711, H.R. 3771, H.Res. 510, H.Res. 521/S.Res. 352, S. 1023, S.Res. 26, S.Res. 352, and S.Res. 368. For details see "Legislation in the 112<sup>th</sup> Congress."

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Figure I. Map of Haiti



Source: Map Resources. Adapted by CRS.

## Political Background

Haiti shares the island of Hispaniola with the Dominican Republic; Haiti occupies the western third of the island. Since the fall of the Duvalier dictatorship in 1986, Haiti has struggled to overcome its centuries-long legacy of authoritarianism, extreme poverty, and underdevelopment. While significant progress has been made in improving governance, democratic institutions remain weak. Poverty remains massive and deep, and economic disparity is wide. In proximity to the United States, and with such a chronically unstable political environment and fragile economy, Haiti has been a constant policy issue for the United States. The U.S. Congress views the stability of the nation with great concern and evidenced a commitment to improving conditions there.

## Haitian Democratic History in Brief

Haiti has been struggling to build and strengthen democratic institutions for 25 years, ever since massive popular protests and international pressure forced dictator Jean-Claude Duvalier to abandon his rule and flee the country in 1986. Known as “Baby Doc,” Duvalier came to power in 1971, succeeding his father, Francois “Papa Doc” Duvalier, who had ruled since 1957. Their 29-year dictatorship was marked by repression and corruption. Hoping to reverse almost 200 years of

mostly violent and authoritarian rule, Haitians overwhelmingly approved a new constitution creating a democratic government in 1987.

De facto military rule, coups, and thwarted attempts at democratic elections continued until a provisional civilian government conducted what were widely heralded as Haiti's first free and fair elections in 1990, in which Jean-Bertrand Aristide, a former Catholic priest, was elected president. In 1991, the Haitian military overthrew Aristide in a coup, just eight months after he was inaugurated. Aristide went into exile in the United States. Three years later, under the threat of a U.S. military intervention, the military finally bowed to international pressure and allowed Aristide to finish his term. Aristide returned to Haiti in 1994 under the protection of some 20,000 U.S. troops, who transferred responsibility to a United Nations mission in 1995. With U.S. assistance, President Aristide disbanded the army and began to train a professional civilian police force.

In 1996 Haitians saw their first transfer of power between two democratically elected presidents in Haitian history when Aristide was succeeded by Rene Préval.<sup>1</sup> Five years later, in 2001, Aristide was reelected, and there was another peaceful transfer of power. Political conflict embroiled Aristide and the opposition, however, and led to the collapse of his government in 2004, and Aristide again went into exile, this time eventually in South Africa. An interim government followed, from 2004 to 2006. Charges of corruption against Aristide, dissolution of the parliament by Préval in his first term, questions regarding the interim government's legitimacy, and flawed elections under all of them contributed to their inability to establish a fully accepted or functioning government. Nonetheless, with the support of the United Nations Stabilization Mission for Haiti (MINUSTAH)—which arrived in Haiti in 2004—and other donors, security conditions improved, reform of the country's police force began, and elections were held.

As a result of elections in 2006, the Parliament, which had not been fully functional since the collapse of the Aristide government in 2004, was reestablished, and René Préval began his second five-year term as president of Haiti. During his first three years in office, Préval established relative internal political stability and oversaw a period of economic growth. In 2007, the Préval Administration published its Poverty Reduction Strategy, a key step in meeting IMF requirements for debt relief. International donors pledged more than \$1.5 billion in economic assistance to Haiti.

In the long term, democratization in Haiti has contributed to the slow strengthening of government capacity and transparency. From 2004 to 2009, Haiti made what the International Monetary Fund (IMF) and others called “remarkable progress” toward political stability and economic stabilization.<sup>2</sup> With much international support, the government conducted democratic presidential and parliamentary elections and enacted wide-ranging reforms, especially in economic governance. Elected governments have developed long-term development plans

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<sup>1</sup> Jean Bertrand Aristide served as President in Haiti from February through September 1991; 1994-1996; and 2001-2004. Rene Préval served as President from 1996-2001; and 2006-2011. The Haitian constitution limits presidents to two non-consecutive terms.

<sup>2</sup> Ugo Fasano, “Haiti's Economic, Political Turnaround,” IMF Survey Magazine: Countries & Regions, Sept. 17, 2007; and World Bank, “Haiti Country Brief,” Sept. 2008, at <http://go.worldbank.org/55NM6XIVQ0>. See also, “Remarks by United Nations Secretary-General Ban Ki-Moon at a High-Level Donor Conference on Haiti (as released by the UN),” and “Statement by Ambassador Susan E. Rice, United States Permanent Representative to the United Nations, in the UN Security Council (as released by the US Mission to the UN in New York),” Federal News Service, April 21, 2009.

resulting in international technical and financial assistance. They have developed national budgets and made them public. The number of employees in bloated state enterprises has been reduced. The government carried out the fiscal management and transparency reforms necessary to qualify for debt relief from multilateral and some bilateral creditors under the Enhanced Heavily Indebted Poor Countries Initiative in 2009. Human rights violations have been drastically reduced. Although crime and violence continued to undermine Haitian development, security improved significantly enough during this period that the United Nations Stabilization Mission in Haiti (MINUSTAH) was shifting the focus of its biggest contingent from security to development.<sup>3</sup>

Haiti's fragile stability has been repeatedly shaken, however, if not by political problems, then by climatic ones. During this same period of relative stability, a worsening food crisis led to violent protests and the removal of Haiti's prime minister in 2008. U.N. officials said political opponents and armed gangs infiltrated the protests and fired at U.N. peacekeepers in an effort to weaken the government. Without a prime minister, Haiti could not sign certain agreements with foreign donors or implement programs to address the crisis for over four months. There were some 19 political parties in the legislature competing for influence and positioning themselves for legislative and presidential elections, further complicating governability.

And then a devastating earthquake struck the nation in January 2010, ravaging the Haitian capital of Port-au-Prince and surrounding areas.<sup>4</sup> Political stability was especially uncertain after the disaster, due to the loss of many political figures and government officials and massive damage to government infrastructure. Some 17% of the country's civil service were killed, and the presidential palace, the parliament building, and 28 of 29 ministry buildings were destroyed.<sup>5</sup> Along with the buildings, government records were destroyed; reestablishing and expanding transparency in government spending has been particularly challenging.

After yet another controversial election cycle, Michel Martelly, one of Haiti's most popular entertainers, was sworn into office as Haiti's new president on May 14, 2011. When outgoing President Rene Préal gave him the presidential sash it was the first time in Haitian history that a peaceful, democratic transfer of power occurred between presidents of opposing parties. Much of his term to date has been characterized by gridlock between the executive and legislative branches.

There is still much to be accomplished in the democratization of Haiti. Some parts of the government are not fully independent, the judicial system is weak, and corruption and political violence still threaten the nation's stability. Haitian governance capacities, already limited, were considerably diminished by the earthquake. Much of the Haitian public perceives progress in reconstruction and distribution of over \$9 billion in pledged international assistance as much too slow, adding to mounting public frustration with international donors and the government.

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<sup>3</sup> Jonathan M. Katz, "Largest UN force in Haiti to focus on development," Associated Press, April 25, 2009.

<sup>4</sup> For more information on the earthquake, see CRS Report R41023, *Haiti Earthquake: Crisis and Response*, by Rhoda Margesson and Maureen Taft-Morales.

<sup>5</sup> U.S. Dept. of State & U.S. AID, FY2010 Haiti Supplemental Budget Justification, p.4.

## **The 2010-2011 Election of President Martelly and a new Parliament<sup>6</sup>**

The president, senators, and deputies are elected to serve five-year terms. The constitution limits presidents to two non-consecutive terms. There are no term limits for the legislature, although turnover for its members has been high. The first round of both the presidential and legislative elections took place on November 28, 2010. According to the Haitian constitution, if no candidate receives an absolute majority of the vote, a runoff vote between the top two candidates is held for presidential and Chamber of Deputy seats. For Senate seats, candidates who lack an absolute majority but have at least 20% more votes than the next candidate are declared the winner.

President Préval was completing his second non-consecutive term, the maximum allowed by the Haitian constitution. Nineteen candidates vied to succeed him in the first round. Like most previous elections in Haiti, this one centered around personalities more than parties or issues. A group of Haitian journalists, the Public Policy Intervention Group, with the support of the National Democratic Institute and the Commission on Presidential Debates, tried to encourage more substantive discussions among the presidential candidates by holding a series of debates that were broadcast nationwide. All 19 presidential candidates participated.

The first round produced contested results involving the governing party's candidate, and politically motivated violence. After the Haitian government accepted the recommendations of international observers, the dispute was resolved and the vote went to a second round between Mirlande Manigat, a professor of constitutional law and former first lady, and Michel Martelly. Martelly, a famous Haitian kompa dance musician known for his bawdy performances, and called "Sweet Micky," was popular with young voters. Martelly, also a businessman, had personal financial issues. He defaulted on over \$1 million in loans and had three properties in Florida go into foreclosure, raising questions about his financial management skills.<sup>7</sup> Martelly was declared the winner. Although Martelly won 68% of the votes cast in the March 20, 2011, elections, turnout was low, so those votes constituted the support of only 15% of all registered voters. Martelly, age 50, was inaugurated on May 14, 2011.

The legislative offices up for election included the entire 99-member Chamber of Deputies, and 11 of 30 Senate seats. The results of the second round of voting for legislative seats were contentious. Charges of fraud led to violent demonstrations across the country resulting in the deaths of at least two people, including the director of a hospital that was set on fire.

The legislature sworn in on April 25, 2011, was incomplete: at that time the results in 19 districts had been challenged. International observers reported that the final results released by the provisional electoral council (CEP) for those districts had been changed to favor candidates associated with then-President Préval's Inité (Unity) coalition, and demanded that all 19 results be annulled. The CEP reviewed the cases and endorsed 15 of the 19 original results; the government published the official results; and those 15 legislators were able to take their seats. The disputes over four seats in the chamber of deputies have yet to be decided. The Inité coalition captured a majority in both houses of the legislature, so President Martelly must negotiate with them to get his proposals passed.

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<sup>6</sup> For more in-depth discussion of the 2011 presidential and legislative elections, see CRS Report R41689, *Haiti's National Elections: Issues, Concerns, and Outcome*, by Maureen Taft-Morales

<sup>7</sup> Frances Robles, "Haiti candidate Martelly lost three S. Florida properties to foreclosure," *Miami Herald*, March 7, 2011.

The new legislature began to work before Martelly was sworn in, including adopting constitutional reforms that had been passed under the previous legislature, in hopes of getting them to take effect quickly. Constitutional amendments passed by two consecutive legislatures go into effect when the next president takes office. Controversy has arisen around the status of these amendments as well.<sup>8</sup>

## **Elections Still to be Held**

One-third of the Senate seats expired on May 8, 2012. These and local elections for municipal councils, town delegate, and other posts, which are overdue, have yet to be scheduled. Martelly fired the members of the CEP in December 2011, presumably to enable the appointment of a new electoral council to organize the next elections. To date he has neither appointed a new CEP, nor published the constitutional amendments, which include a streamlined process for creating a permanent electoral council. An electoral council is needed to set dates for elections.

After May 8 the Senate will only have 20 members, which may make it more difficult to meet the 16-member quorum needed to conduct business. The *Inité* party will lose four Senators and some of its clout in that chamber. President Martelly's Peasant Response party had no members in the Senate, and he will be losing four allies there.

## **President Martelly's Administration**

During most of Martelly's first year in office, Haiti was without a prime minister, which severely limited the government's ability to act and the international community's ability to move forward with reconstruction efforts. Martelly was not able to form a government for almost five months because of disputes with a parliament dominated by the opposition *Inité* coalition over his first two nominees for prime minister. Dr. Garry Conille, a senior U.N. development specialist and former aide to U.N. Special Envoy to Haiti Bill Clinton, was confirmed as prime minister on October 4, 2011. Canille lasted only four months in the position, after which he was reportedly pressured by President Martelly to resign in part because of disagreements over an investigation of \$300 million-\$500 million in post-earthquake contracts linked to Martelly and former prime minister Jean-Max Bellerive. Bellerive, now an adviser to Martelly, and also his cousin, said he was the victim of a smear campaign.<sup>9</sup>

Authorities in the Dominican Republic are also investigating corruption allegations linked to President Martelly. According to Dominican journalist Nuria Piera, a company owned by Dominican Senator Felix Bautista was awarded a \$350 million contract for reconstruction work in Haiti, despite not meeting Haitian procurement requirements. Bautista allegedly gave over \$2.5 million to President Martelly before and after he won the election. Martelly has denied the charges.<sup>10</sup>

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<sup>8</sup> The amendments are in a state of constitutional limbo. To become law, bills passed by the legislature must be published by the executive branch. The wording of the amendments sent to be published by the outgoing Préval Administration differed from that actually passed by the legislature, according to the State Department, so the amendments did not become law. In June, Martelly stopped the altered version from being printed. The original version has yet to be printed.

<sup>9</sup> Associated Press, "Martelly denies Kickback in Construction Firm Scandal," *Jamaica Gleaner*, April 4, 2012.

<sup>10</sup> Associated Press, "Martelly denies Kickback in Construction Firm Scandal," *op. cit.*, and "DR-Haiti Contracts (continued...)"



After the first prime minister resigned, another three months went by before a new prime minister was confirmed. Laurent Lamothe, Martelly's foreign affairs minister and a former telecommunications executive, was named prime minister on May 4; his cabinet and government plan were approved by parliament on May 14, 2012. The cabinet includes two new posts: one minister to address poverty and another to support farmers.<sup>11</sup>

Because Martelly and much of his team—reportedly mostly childhood friends—lack political or management experience, many observers are concerned about the former performer's ability to carry out his promises of free and compulsory education, job creation, agricultural development, and strengthened rule of law. That political inexperience may have contributed to the gridlock and animosity between Martelly's administration and the parliament for most of his first year in office. His justice minister resigned after police violated the immunity legislators have and arrested a legislator who had allegedly escaped from jail. Legislators responded by blocking many of Martelly's efforts, and opening an investigation into whether he held U.S. citizenship, which would make him ineligible for office.

In April Martelly was absent from Haiti for two weeks while being treated in Miami for a blood clot in his lung. Upon his return, he reached out in a speech to the parliament, urging them to work together to avoid "falling further ahead into trouble."<sup>12</sup> Martelly also said that "all problems we are facing today result from the weakness of our institutions," and called on the international community to keep helping Haiti strengthen its institutions.

International donors, including the United States, have been working with the Haitian government at all levels to rebuild government infrastructure, support the development of transparency and accountability within government institutions, and broaden and strengthen the provision of public services. International assistance continues to professionalize and strengthen the Haitian National Police force and reform other elements of Haiti's weak judicial system. Donors also are training Haiti's public sector workforce so that it will eventually be able to coordinate and carry out development programs. In late 2011, the Haitian government adopted a "Roadmap for the Rule of Law," created with support from MINUSTAH, outlining short-, middle-, and long-term actions to develop and guarantee the rule of law in Haiti.

Martelly has begun several other initiatives during his first year. He has inaugurated a housing loan program and appointed advisers to an earthquake recovery panel. He launched a free education initiative to be funded through taxes on phone calls and wired remittances from abroad. Critics express concern that the fund lacks transparency and a clear policy.<sup>13</sup> The government collected \$22 million for the fund, which is on hold with the Central Bank until the legislature authorizes it to be released. In the meantime, the government took money from other parts of the national budget to pay for the tuition of 1 million children.<sup>14</sup> In May the government launched a program in which it transfers cash credits of up to \$20 a month to mothers who keep their

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(...continued)

Scandal," *Caribbean Update*, May 1, 2012.

<sup>11</sup> Associated Press, "Haiti's New Prime Minister Says New Mining Legislation being Drafted to Benefit Country," *Washington Post*, May 15, 2012.

<sup>12</sup> Text of report by Haitian Radio Vision 2000 on 30 April, "Haitian President Returns, Calls for Unity, Seeks Strengthening of Institutions," *BBC Monitoring Americas*, May 1, 2012.

<sup>13</sup> Jacqueline Charles, "Martelly marks 100 days in Haiti with little progress," *Miami Herald*, Aug. 22, 2011.

<sup>14</sup> Trenton Daniel, "Modest Gains Mark Haitian Leader's First Year," *Associated Press*, May 12, 2012.

children in school. The program will initially benefit 100,000 families in four of Port-au-Prince's poorest neighborhoods. Prime Minister Lamothe said the program would extend nation-wide by year's end.<sup>15</sup>

In May the president also launched two health initiatives in the government's Office of Workers' Compensation Insurance, Illness, and Maternity. He opened a new physiotherapy department, supported by the French Red Cross. He also announced a pilot program that will give about 500 workers, including 100 in the informal sector, free health insurance cards facilitating access to health care. Martelly stated that "we are fighting for all of Haiti to fully enjoy its right to health by the end of my term."<sup>16</sup>

As mentioned above, Martelly has yet to name a new electoral council to organize overdue elections. President Martelly has, however, named three members to the Supreme Court, including its president. The latter post has been vacant for six years. According to the State Department, this will be the first time in over 25 years that Haiti will have those three branches of government in place.<sup>17</sup>

## **The United Nations Stabilization Mission in Haiti (MINUSTAH)**

The United Nations Stabilization Mission in Haiti (MINUSTAH), has been in Haiti to help restore order since the collapse of former President Jean-Bertrand Aristide's government. Armed rebellion and diminished international support for Aristide led him to flee into exile in February 2004. An international force authorized by the U.N. arrived shortly after his departure, and was replaced by MINUSTAH in June 2004. MINUSTAH worked closely with the interim government from 2004 to 2006, when, after several delays, elections were held. The Mission continued to work closely with the Préval Administration. Although some Haitians call for the removal of foreign troops, former President Préval supported the mission's presence, saying that he would "not adopt a falsely nationalist position," and that MINUSTAH should stay until Haiti is ready to assume responsibility for security.<sup>18</sup> Popular protests have called for MINUSTAH's removal because of allegations of its role in introducing cholera to the country, and sexual abuse by some of its forces. Although critical of some aspects of MINUSTAH, President Martelly nonetheless advocates extending MINUSTAH's term to help maintain stability and to assist in the reconstruction effort. He has called for its eventual replacement with a revived Haitian army.

MINUSTAH's mandate includes three basic components: (1) to help create a secure and stable environment; (2) to support the political process by fostering effective democratic governance and institutional development, supporting government efforts to promote national dialogue and reconciliation and to organize elections; and (3) to support government and non-governmental

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<sup>15</sup> "Haiti to Pay Mothers School Incentives via Mobile," *BBC News*, May 28, 2012.

<sup>16</sup> Caribbean Journal staff, "Haiti's Martelly Opens Therapy Centre, Launches Insurance Card Initiative," *Caribbean Journal*, May 29, 2012.

<sup>17</sup> Cheryl Mills, *Haiti—Two Years Post Earthquake: What You May Not Know*, U.S. Department of State, Dipnote: U.S. Dept. of State Official Blog, January 9, 2012, [http://blogs.state.gov/index.php/site/entry/haiti\\_two\\_years\\_post\\_earthquake](http://blogs.state.gov/index.php/site/entry/haiti_two_years_post_earthquake).

<sup>18</sup> "Haiti: MINUSTAH to Stay on for 2 to 3 Years," *Latinnews Daily*, Mar. 13, 2006.

efforts to promote and protect human rights, as well as to monitor and report on the human rights situation. MINUSTAH has played a key role in emergency responses to natural disasters, including facilitating the delivery of emergency humanitarian assistance. As part of its work, the Mission has also conducted campaigns to combat gangs and drug-trafficking with the Haitian police.

Nineteen countries contribute military personnel, and 49 countries supply police personnel. MINUSTAH's current troop strength is 10,773 total uniformed personnel, consisting of 7,295 troops and 3,189 police. They are supported by 559 international civilian personnel; 1,358 local civilian staff; and 226 United Nations volunteers. The Mission's budget for this year (July 1, 2011-June 30, 2012) is \$793.5 million. MINUSTAH's current authorization runs through October 15, 2012, and is expected to be renewed.<sup>19</sup> The U.N. says MINUSTAH's number of troops will be gradually reduced to pre-earthquake levels.

MINUSTAH has been widely criticized for not responding strongly enough to an outbreak of cholera in October 2010, the first such outbreak in at least a century in Haiti. A team of researchers from France and Haiti conducted an investigation at the request of the Haitian government. They reported that their findings "strongly suggest that contamination of the Artibonite [River in Haiti] and 1 of its tributaries downstream from a [MINUSTAH] military camp triggered the epidemic," noting that there was "an exact correlation in time and places between the arrival of a Nepalese battalion from an area experiencing a cholera outbreak and the appearance of the first cases in [the nearby town of] Meille a few days after."<sup>20</sup> Other studies have come to the same conclusion. While the authors of the study caution that the findings are not definitive, they and others have suggested that "to avoid actual contamination or suspicion happening again, it will be important to rigorously ensure that the sewage of military camps is handled properly." Over 5,000 cholera victims or relatives of victims have filed legal claims against the U.N., demanding reparations, a public apology, and a nationwide response including "medical treatment for current and future victims, and clean water and sanitation infrastructure."<sup>21</sup>

Charges of sexual abuse by MINUSTAH personnel have also fueled anti-MINUSTAH sentiment. The U.N. has a zero tolerance policy toward sexual abuse and exploitation.<sup>22</sup> In the case of peacekeepers, the U.N. is responsible for investigating charges against police personnel, but the sending country is responsible for investigating charges against its military personnel. According to the State Department's Country Reports on Human Rights Practices for 2011, the U.N. was conducting 14 investigations of sexual exploitation and abuse by MINUSTAH and 13 investigations of sexual exploitation and abuse involving minors. The U.N. opened investigations into two cases of sexual exploitation of children by U.N. police in Haiti in January 2012.<sup>23</sup> This apparently led to three members of a Pakistani police unit being convicted of raping a 14-year-old boy in one of the cases. The trial took place in March in Haiti, but was conducted by a Pakistani

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<sup>19</sup> MINUSTAH United Nations Stabilization Mission in Haiti, *MINUSTAH Facts and Figures*, accessed May 29, 2012, <http://www.un.org/en/peacekeeping/missions/minustah/facts.shtml>.

<sup>20</sup> Renaud Piarroux, et al., "Understanding the Cholera Epidemic, Haiti", *Emerging Infectious Diseases Journal*, July 2011, <http://dx.doi.org/10.3201/eid1707.110059>.

<sup>21</sup> Institute for Justice & Democracy in Haiti, *Over 5,000 Haitian Cholera Victims Sue UN, Seeking Justice*, Press release, November 8, 2011, <http://ijdh.org/archives/22789>.

<sup>22</sup> For additional information, see CRS Report RL33700, *United Nations Peacekeeping: Issues for Congress*, by Marjorie Ann Browne, section entitled, "Prince Zeid Report (2005)."

<sup>23</sup> UN News Centre, *Haiti: UN opens probe into cases of alleged child sexual exploitation*, January 23, 2012, <http://www.un.org/apps/news/story.asp?NewsID=41008&Cr=haiti&Cr1=>.

military tribunal, which dismissed the men from the military and sentenced them to one year in prison. Five MINUSTAH peacekeepers from Uruguay were sent home in September 2011, charged with sexually abusing an 18-year-old man at a U.N. base while filming it on a cellphone. Their trial began in Uruguay in May 2012.

## **Haiti's Development Challenges and Socioeconomic Conditions**

Long before the earthquake struck, Haiti was a country socially and ecologically at risk, possessing some of the lowest socioeconomic indicators in the world,<sup>24</sup> and in an acute environmental crisis. Following several hurricanes that hit Haiti in 2008, the president of the Inter-American Development Bank (IDB), Luis Moreno, called Haiti the most fragile of IDB's member countries, saying that no other nation in Latin America and the Caribbean is as vulnerable to economic shocks and natural disasters as is Haiti.

Plagued by chronic political instability and frequent natural disasters, Haiti is the poorest country in the Western Hemisphere. Haiti's poverty is massive and deep. There is extreme economic disparity between a small privileged class and the majority of the population. Over half the population (54%) of 9 million people lives in extreme poverty, living on less than \$1 a day; 78% live on \$2 or less a day, according to the World Bank. Poverty among the rural population is even more widespread: 69% of rural dwellers live on less than \$1 a day, and 86% live on less than \$2 a day. Hunger is also widespread: 81% of the national population and 87% of the rural population do not get the minimum daily ration of food defined by the World Health Organization. In remote parts of Haiti, children have been dying of malnutrition.<sup>25</sup>

Haiti had been making some macroeconomic progress; the Haitian economy had been growing for three years prior to the earthquake, and the government had improved management of its resources. Over the previous 40 years, however, Haiti's per capita real GDP declined by 30%. In order to reach its Millennium Development Goal of eradicating extreme poverty and hunger by 2015, Haiti's Gross Domestic Product (GDP) would have to grow 3.5% per year, a goal the International Monetary Fund (IMF) says Haiti is not considered likely to achieve. Therefore, economic growth, even if it is greater than population growth, is not expected to be enough to reduce poverty; programs specifically targeted at poverty reduction are needed as well.

In 2009, Haiti passed a minimum wage law. The law mandated increases in wages in two phases. In 2010, the minimum wage rose from about \$1.75 per day to \$3.75 per day. In October 2012, it is scheduled to increase to \$5.00 per day. The average daily wage for textile assembly workers is \$5.25, above the new minimum wage, so some manufacturers said that they would have to raise wages proportionally. Despite the wage increase, the fundamental inequality of Haitian society remains basically unchanged.

The global economic crisis led to a drop of about 10% in remittances from Haitians abroad, which amounted to about \$1.65 billion in 2008, more than a fourth of Haiti's annual income.<sup>26</sup>

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<sup>24</sup> World Bank, *Country Report: Haiti*, 2010, <http://go.worldbank.org/GBXI5JKM50>.

<sup>25</sup> "Rural Haitian Children Starving," Associated Press, Nov. 21, 2008.

<sup>26</sup> Mike Blanchfield, "In recession, Haitians abroad send less money home," Canwest News Service, Mar. 17, 2009.

Damage and losses caused by the 2010 earthquake were estimated to be \$7.8 billion, an amount greater than Haiti's gross domestic product (GDP) in 2009.<sup>27</sup> Haiti's GDP contracted by slightly more than 5% in 2010, but grew by 5.6% in 2011. The International Monetary Fund predicts that Haiti will have the highest growth in the Latin America and Caribbean region (7.8%) in 2012.<sup>28</sup>

The likelihood that economic growth will contribute to the reduction of poverty in Haiti is further reduced by its enormous income distribution gap. Haiti has the second-largest income disparity in the world. Over 68% of the total national income accrues to the wealthiest 20% of the population, while less than 1.5% of Haiti's national income is accumulated by the poorest 20% of the population. When the level of inequality is as high as Haiti's, according to the World Bank, the capacity of economic growth to reduce poverty "approaches zero."<sup>29</sup>

The Haitian government and international donors have focused efforts on manufacturing and agricultural production, both of which have made a steady recovery. Agriculture faces significant limitations in Haiti, with all but 2% of the forest cover deforested,<sup>30</sup> 85% of the watersheds degraded, little or no rural infrastructure, and limited access to credit. High rates of unemployment, income inequality, and poverty continue to be serious roadblocks to overall economic development.

## **Potential for Mining**

In the past year, U.S. and Canadian companies have conducted exploratory drilling in Haiti, reporting a potential \$20 billion worth of gold, copper, and silver below Haiti's northeastern mountains.<sup>31</sup> While discoveries of such mineral wealth have led to economic booms in many countries, they also bring risks such as environmental contamination, health problems, and displacement of communities. And like many poor countries that could use the revenue from mineral extraction, Haiti does not have the government infrastructure to enforce laws that would regulate mining—reportedly, the last time gold was mined there was in the 1500s. The Prével government negotiated the agreement with the only company that has full concessions; the terms of that agreement would return to Haiti \$1 out of every \$2 of profits, a high return. Prime Minister Lamothe said the government is already drafting mining legislation to establish royalties paid to the government and safeguards for citizens and the environment in mining areas.

## **Cholera Epidemic**

Cholera broke out in October 2010, in what may be the first such outbreak ever in Haiti. There is evidence linking the outbreak to inadequate sanitation facilities at a MINUSTAH camp (see "The United Nations Stabilization Mission in Haiti (MINUSTAH)" above). Because Haitians had not

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<sup>27</sup> Government of Haiti, "Haiti Earthquake PDNA: Assessment of damage, losses, general and sectoral needs," March 2010, p.6.

<sup>28</sup> International Monetary Fund, *World Economic Outlook: Growth Resuming, Dangers Remain*, April 2012, p. 196.

<sup>29</sup> World Bank, "Income Distribution, Inequality, and Those Left Behind," in *Global Economic Prospects 2007: Managing the Next Wave of Globalization*, p. 83. December 1, 2006.

<sup>30</sup> World Bank, *Country Report: Haiti*, 2010, <http://go.worldbank.org/GBXI5JKM50>.

<sup>31</sup> Figures and dates in this paragraph from: Associated Press, "Haiti's New Prime Minister Says New Mining Legislation being Drafted to Benefit Country," *Washington Post*, May 15, 2012; and Martha Mendoza, "Gold! Haiti Hopes Ore Find Will Spur Mining Boom," *Associated Press*, May 12, 2012.

been exposed to it previously and lacked immunity, and Haiti lacks adequate sewage and sanitation facilities, the waterborne disease spread quickly. Less than two years later, according to the *Washington Post*, Haiti has the highest number of cholera cases in the world.<sup>32</sup> Over half a million cases have been reported, with many cases believed to go unreported. About 277,000 people have been hospitalized, and 7,000 people have died because of cholera.<sup>33</sup> The number of new cases has decreased over time, but spikes during the rainy season, when flooding spreads the disease.

In the fall of 2011, President Martelly authorized a cholera vaccination program, and it finally began in April 2012. (The previous government declined a pilot vaccination program, arguing that vaccinating only a portion of the population would incite tensions among those not vaccinated.) The pilot program will inoculate only 1% of the population: 50,000 people in some of the poorest areas of Port-au-Prince and another 50,000 in the rural Artibonite River Valley. Partners for Health (PIH), a Boston-based non-governmental organization, which has worked in Haiti for decades, and its Haitian partner in the pilot program, GHESKIO, hope the program will lead to widespread immunization. According to PIH, the vaccination is 70% effective, and costs \$3.70 per patient for the two-dose treatment.<sup>34</sup>

Immediate, small-scale preventive measures include building latrines and distributing soap, bleach, and water-purification tablets. Treatment includes oral rehydration salts, antibiotics, and IV fluids. But most observers say cholera will persist in Haiti until nationwide water and sanitation systems are developed. This would cost approximately \$800 million to \$1.1 billion, according to the *New York Times*.<sup>35</sup> Haiti's first wastewater treatment site was opened in the fall of 2011. A study released by the U.S. Centers for Disease Control and Prevention indicated that the strain of cholera in Haiti is changing as survivors develop some immunity to the original strain. This could be an indication that the disease is becoming endemic in Haiti.<sup>36</sup>

## Strategies for Haiti's Reconstruction and International Assistance<sup>37</sup>

### Reconstruction Efforts

Prior to the earthquake in 2010, the United Nations had already designated Haiti as one of the 50 least developed countries in the world, facing greater risk than other countries of failing to

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<sup>32</sup> Associated Press, "CDC Study Shows Haiti Cholera has Changed, Experts Say It Suggests Disease Becoming Endemic," *The Washington Post*, May 3, 2012.

<sup>33</sup> USAID, *Haiti—Earthquake and Cholera*, Fact Sheet #3, Fiscal Year (FY) 2012, December 12, 2011.

<sup>34</sup> Partners in Health, *Cholera, Next Steps*, accessed May 30, 2012, <http://www.pih.org/pages/cholera>.

<sup>35</sup> Deborah Sontag, "In Haiti, Global Failures on a Cholera Epidemic," *New York Times*, March 31, 2012.

<sup>36</sup> Associated Press, "CDC Study Shows Haiti Cholera has Changed, Experts say it Suggests Disease Becoming Endemic," *Washington Post*, May 3, 2012.

<sup>37</sup> For further information, see CRS Report RL34029, *Haiti's Development Needs and a Statistical Overview of Conditions of Poverty*, by Maureen Taft-Morales and Demond Alexander Drummer; for background on the 2004-2007 strategy, see CRS Report RL33156, *Haiti: International Assistance Strategy for the Interim Government and Congressional Concerns*, by Maureen Taft-Morales.

emerge from poverty, and therefore needing the highest degree of attention from the international community.<sup>38</sup>

After the earthquake, the Haitian government established a framework for reconstruction in the 10-year recovery plan, *Action Plan for the Reconstruction and National Development of Haiti*, with four areas of concentration:<sup>39</sup>

- **Territorial building**, including creating centers of economic growth to support settlement of displaced populations around the country and to make Port-au-Prince less congested, developing infrastructure to promote growth, and managing land tenure;
- **Economic rebuilding**, including modernizing the agricultural sector for both export and food security, promoting manufacturing and tourism, and providing access to electricity;
- **Social rebuilding**, prioritizing building education and health systems; and
- **Institutional rebuilding**, focusing on making government institutions operational again and able to manage reconstruction, and strengthening governmental authority while also decentralizing basic services, and creating a social safety net for the poorest population.

Some of the overarching goals of the plan are including environmental factors and risk and disaster management in all recovery and reconstruction activities; actively providing employment and vocational training; and providing assistance to the population affected by the earthquake while hastening recovery efforts with an eye to reducing dependence on foreign aid.

The Haitian government, the Obama Administration, other international donors, and other observers have all stated the need for improved accountability of all donor assistance to Haiti, to improve aid effectiveness and reduce the potential for corruption. Recent Haitian governments have made major progress in reducing corruption, increasing transparency, and improving fiscal management. These improvements qualified Haiti for Heavily Indebted Poor Country (HIPC) debt relief in 2009. To ensure transparency further, the U.S. Agency for International Development has helped Haiti establish an online system to monitor both donor pledges and spending and implementation of assistance.

The Interim Haiti Reconstruction Commission (IHRC) was created to coordinate foreign aid and reconstruction activities. Its 18-month mandate expired in October 2011 without the establishment of the Haitian-run Haitian Development Authority which was to take its place. While there has been criticism that the IHRC was not approving and distributing aid effectively, there is also widespread concern that the Haitian government is not ready to assume full control of the process either. The government's nascent institutions, which had limited capacity before the earthquake, were set back severely by the earthquake's destruction. The president asked the legislature to pass an extension of the IHRC while an alternative mechanism was developed; it

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<sup>38</sup> United Nations Office for Least Developed Countries. Facts About Least Developed Countries (LDCs) available at <http://www.unohrls.org/UserFiles/File/Publications/Factsheet.pdf>, accessed January 15, 2010.

<sup>39</sup> Republic of Haiti, "Action Plan for the Reconstruction and National Development of Haiti," March 2010, available at <http://www.haitisantodomingo2010.org/hsd2010/content/documents>.

has yet to do so. In the meantime, the 12 largest international donors continue to coordinate among themselves and with the Haitian government.

## **Relations with Donors**

Since Haiti's developmental needs and priorities are many, and deeply intertwined, the Haitian government and the international donor community are implementing an assistance strategy that attempts to address these many needs simultaneously. The challenge is to accomplish short-term projects that will boost public and investor confidence, while also pursuing long-term development plans to improve living conditions for Haiti's vast poor population. The challenge has been made more daunting by developments such as rising food and gasoline prices worldwide, internal political crises, and, of course, the lingering damage done by the earthquake and other natural disasters. The Haitian government has criticized the donor community for not dispersing funds quickly enough. Some international donors have complained that the government keeps changing priorities. The instability generated first by the elections process and then by the prolonged lack of a prime minister and gridlock between the Haitian executive and legislative branches hindered reconstruction efforts as well.

There are other frustrations on the part of both donors and the Haitian government regarding foreign assistance. The Haitian government is frustrated that U.S. and other foreign aid is provided primarily through non-governmental organizations (NGOs) rather than directly to the government. The Haitian government indicates it wants more accountability by NGOs, so that the government knows what projects are being carried out, yet has not issued regulations or passed laws seeking accountability. Donors are worried about the lack of Haitian capacity to design and implement programs, as well as corruption.

Some analysts emphasize that the Haitian government and civil society must be partners in designing any development strategy if they are to succeed and be sustainable. They also warn that job creation and other development efforts must occur not only in the cities, but also in rural areas, to reduce urban migration, dependence on imported food, and environmental degradation. As mentioned above, economic growth alone is unlikely to reduce poverty in Haiti. Therefore, the Haitian government and many in the international donor community maintain that donors must continue to make a long-term commitment to Haitian development. Furthermore, in order to reduce poverty across the board, some observers say that development strategies must specifically target improving the living conditions of the poor and address the inequities and prejudices that have contributed to Haiti's enormous income disparity.<sup>40</sup>

## **Outlook Regarding Haitian Development**

Despite the economic and social problems currently existing in Haiti and the comprehensive and complex challenges facing the country, Haiti could become a middle-income country, according to the State Department's Special Coordinator for Haiti, Thomas Adams. Such a transition could take about 30 years, even with good economic growth, Adams said, and would require continued

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<sup>40</sup> See for example, Robert Maguire, "Paul Collier's Report on Economic Security in Haiti," March 2009. Focal Point, Vol. 8, Issue 2.



development of “credible democratic institutions” and private investment, in addition to support from the international donor community.<sup>41</sup>

Prior to the earthquake, prominent analysts noted with optimism the progress Haiti had made and its potential for sustainable development. In the wake of the damage wrought by the earthquake, Haiti must recover from the enormous losses suffered and build on the advances and advantages pointed out by these analysts.

The U.N. Security Council noted in 2009 that the country had made significant improvements in security and judicial reform, although it still needed to contend with widespread poverty and susceptibility to natural disasters. The two governments preceding the Martelly government (the Préval and the preceding interim government) also made progress toward goals outlined in Haiti's international assistance strategy, including improved macroeconomic management, procurement processes, and fiscal transparency; increased voter registration; and jobs creation. The government had also made progress in providing broader access to clean water and other services.<sup>42</sup>

The U.N. Secretary-General also had commissioned a report, published in 2009, that recommended a strategy to move Haiti beyond recovery to economic security.<sup>43</sup> Many of its findings still apply to a post-earthquake Haiti. According to the U.N. report, “the opportunities for [economic development in] Haiti are far more favorable than those of the 'fragile states' with which it is habitually grouped.” The report's author, economist Paul Collier, is known for his book, *The Bottom Billion*, which explores why there is poverty and how it can be reduced. Among his reasons for optimism regarding Haiti: Haiti is part of a peaceful and prosperous region, not a conflictive one; and while political divisions and limited capacity make governing difficult, Collier believed that Haiti's leadership at the time was “good by the standards of most post-conflict situations....[exhibiting] integrity, experience and ability, and a deep concern with the maintenance of social peace.” The U.N. report recommended that modest and focused actions be taken to build economic security on the foundation of social stability that has been built in Haiti in recent years. Because that stability was—and remains—fragile, the report advised that such actions should be taken immediately and should focus on strengthening security by creating jobs, especially in the garment and agricultural sectors; providing basic services; enhancing food security; and fostering environmental sustainability. These strategies remain part of the post-earthquake approach to development.

Collier and other analysts note that Haiti has an important resource in the 1.5 million Haitians living abroad, for their remittances sent back home, technical skills, and political lobbying. The efforts of Haitian-Americans and others lobbying on Haiti's behalf led to another advantage Haiti has, the most advantageous access to the U.S. market for apparel of any country, through the HOPE II Act (the Haitian Hemispheric Opportunity through Partnership Encouragement Act, P.L. 110-246; see “Trade Preferences for Haiti” section below). Supporters say the HOPE Act provides jobs and stimulates the Haitian economy. Critics worry that it exploits Haitians as a source of cheap labor for foreign manufacturers, and hurts the agricultural economy by drawing more people away from farming.

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<sup>41</sup> Associated Press, “Haiti Faces 30-Year Climb to Middle Income Status,” *Jamaica Observer*, May 28, 2012.

<sup>42</sup> “Haiti: UN Council Mission reports strides in security, worrisome poverty,” States News Service, Mar. 19, 2009.

<sup>43</sup> Paul Collier, “Haiti: From Natural Catastrophe to Economic Security, A Report for the Secretary-General of the United Nations,” Jan. 2009, available at <http://www.securitycouncilreport.org>.

## **U.S. Policy Objectives and Assistance**

Obama Administration officials have said that Haiti is the Administration's top priority in the Latin America and Caribbean region. At a hearing in April 2012, Assistant Secretary of State for Western Hemisphere Affairs Roberta Jacobson stated that the Obama Administration's FY2013 request for the hemisphere

prioritizes assistance for Haiti to support the country's ongoing development efforts, focusing on: sanitation and health services to help prevent and treat cholera and other water-borne diseases, expansion of energy infrastructure, and economic growth to increase agricultural incomes and get Haitians back to work, and improving the government's ability to deliver needed services and restore faith with its people.<sup>44</sup>

Other concerns for U.S. policy regarding Haiti include the cost and effectiveness of U.S. aid; protecting human rights; combating narcotics, arms, and human trafficking; addressing Haitian migration; and alleviating poverty. The United States and other members of the international community continue to support efforts to hold free and fair elections in Haiti in the belief that in the long run they will contribute to improved governance and, eventually, improved services to Haitian citizens and greater stability, which will allow for increased development. Congress has given bipartisan support to this policy approach.

### **U.S. Assistance to Haiti**

The Obama Administration's request for FY2013 assistance for Haiti is just under \$340 million. This includes \$141 million in Economic Support Funds; \$23 million in P.L. 480 food aid; \$1.6 million in Foreign Military Financing; \$132 million and \$25 million for Global Health Programs under the State Department and USAID, respectively; \$220,000 for International Military Education and Training; and \$17.5 million for International Narcotics Control and Law Enforcement. This represents a \$17.2 million decrease from FY2012 funding.

U.S. assistance to Haiti focuses on the four key sectors outlined in the Action Plan for Reconstruction and National Development of Haiti, with about half of the funding directed towards infrastructure and energy projects, a third for governance and rule-of-law programs, and the rest distributed among programs for health and other basic services, and food and economic security programs.

### **Temporary Protected Status**

Over the years, after various domestic crises, Haitians have repeatedly sought Temporary Protected Status (TPS), which would allow them to remain in the United States without threat of deportation. The Haitian government and others have argued that the return of deportees would contribute to instability and be a further drain on already inadequate services, and that Haiti depends on the remittances those in the United States send back to Haiti. Opponents of TPS have argued that granting it could encourage a wave of new immigrants. After 2010's devastating

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<sup>44</sup> U.S. Congress, House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, *Testimony, Honorable Roberta S. Jacobson, Asst. Secretary of State, Bureau of Western Hemisphere Affairs, U.S. Dept. of State, Hearing: "Western Hemisphere Budget Review 2013: What are U.S. Priorities?"*, 112th Cong., April 25, 2012.

earthquake, the United States granted TPS to Haitians living in the United States at the time of the disaster. In May 2011, Department of Homeland Security (DHS) Secretary Janet Napolitano extended TPS through January 22, 2013, and allowed eligible Haitians who came to the United States up to one year after the earthquake to be granted TPS. The policy of interdicting Haitian migrants on the high seas and returning them to Haiti continues.

## **Congressional Response and Concerns**

There has been bipartisan support in Congress to assist Haiti both before and since the earthquake. In the years preceding the earthquake, Congress passed several bills, in addition to appropriations bills, to support Haiti. This included a series of trade preferences for Haiti, which are described in more detail below. Another issue of concern to Congress has been efforts to ensure that free, fair, and safe elections are held in Haiti. As mentioned above (see “Elections Still to be Held”), one-third of the Haitian Senate seats expired on May 8, 2012. These and local elections for municipal councils, town delegates, and other posts, which are overdue, have yet to be scheduled. Other congressional concerns include post-earthquake reconstruction; respect for human rights, particularly for women; counternarcotics efforts; and security issues, including Martelly’s proposal to reconstitute the Haitian army.

### **Post-Earthquake Reconstruction**

In the aftermath of the earthquake, Congress appropriated \$2.9 billion for aid to Haiti in the 2010 supplemental appropriations bill (P.L. 111-212).<sup>45</sup> This included \$1.6 billion for relief efforts, \$1.1 billion for reconstruction, and \$147 million for diplomatic operations. Since then, Congress has expressed concern about the pace and effectiveness of U.S. aid to Haiti. According to the U.N. Special Envoy for Haiti, of the \$1.1 billion the U.S. pledged at the 2010 donors conference for aid to Haiti, 19% had been disbursed as of March 2012. All donors had pledged about \$6.5 billion, and disbursed just over 45% of that.<sup>46</sup>

While Haiti is making some progress in its overall recovery effort, enormous challenges remain. International donors responded to the earthquake with a massive humanitarian effort. Over half of the rubble created by the earthquake has been removed and two-thirds of those living in tent shelters have left the camps.<sup>47</sup> Nevertheless, many criticize the recovery process as too slow. At least 63,000 of those who left the camps were forcibly evicted, and over half a million people remain in tent shelters. USAID and other donors helped determine that 120,000 homes are repairable, but only 5% of them have been renovated in two years. Half of the 85,000 buildings marked for demolition are occupied.<sup>48</sup>

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<sup>45</sup> For further details, see CRS Report R41232, *FY2010 Supplemental for Wars, Disaster Assistance, Haiti Relief, and Other Programs*, coordinated by Amy Belasco, and CRS Report R41023, *Haiti Earthquake: Crisis and Response*, by Rhoda Margesson and Maureen Taft-Morales.

<sup>46</sup> Office Of The Special Envoy For Haiti, “New York conference recovery pledge status and modalities as of March 2012 in USD millions,” [http://www.haitispecialenvoy.org/download/International\\_Assistance/6-ny-pledge-status.pdf](http://www.haitispecialenvoy.org/download/International_Assistance/6-ny-pledge-status.pdf).

<sup>47</sup> Cheryl Mills, “Haiti—Two Years Post Earthquake: What You May Not Know,” U.S. Department of State DipNote, January 9, 2012, [http://blogs.state.gov/index.php/site/entry/haiti\\_two\\_years\\_post\\_earthquake](http://blogs.state.gov/index.php/site/entry/haiti_two_years_post_earthquake).

<sup>48</sup> Camp and housing data from William Booth, “In Haiti, No Home but a Tent,” *Washington Post*, February 20, 2012, pp. A1, A10.

## **Respect for Human Rights, Particularly for Women**

Congress has long advocated for the respect for human rights in Haiti, which has improved dramatically under civilian democratic government. The government is no longer an agent of officially sanctioned and executed violations of human rights. Nonetheless, many problems remain. According to the U.S. Department of State's Human Rights report for 2011:

The most serious human rights problems included abuses by government security forces and representatives of the judiciary, including extrajudicial killings by police and government officials; allegations of sexual exploitation by members of MINUSTAH; and chronic, severe corruption in all branches of government.

Other human rights problems included torture and excessive use of force against suspects and prisoners; overcrowding and poor sanitation in prisons; prolonged pretrial detention; an inefficient, unreliable, and inconsistent judiciary subject to significant outside and personal influence; rape, other violence, and societal discrimination against women; child abuse; and human trafficking. In addition there were multiple incidents of mob violence and vigilante retribution against both government security forces and ordinary citizens, including setting houses on fire, burning police stations, throwing rocks, beheadings, and lynchings.<sup>49</sup>

Some Members of Congress have expressed special concern about violence against women in Haiti. Discrimination against women has been practiced in Haiti throughout its history. The widespread nature and Haitian society's tolerance of this sexual discrimination, says the Inter-American Commission on Human Rights, "has in turn fueled brutal acts of violence and abuse towards women on a regular basis."

Gender-based or sexual violence against women and girls has been described by many sources for many years as common and under-reported in Haiti. The most prevalent forms of this violence are domestic abuse, rape—sometimes as a political weapon—and childhood slavery. Violence against women has also included murder. Haitian girls and women in the poor majority are at particular risk of violence. The issue gained new attention after the earthquake, when women in tent camps became especially vulnerable to gender-based violence. Haitian government enforcement of or adherence to its obligations to protect rights that would protect women and girls from gender-based or sexual violence in particular is weak and inadequate.

The Martelly Administration has dramatically increased the budget of the Ministry for Women's Affairs and Rights, which is responsible for developing national equality policies and the advancement of women. The FY2012 budget for the Ministry is US\$40.76 million, an increase of 828.2% (from 0.17% of the government's budget in FY2011 to 1.41% in FY2012). Reportedly, the ministry has plans to introduce comprehensive legislation to prevent and eliminate violence against women and girls this year, but has not done so yet.

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<sup>49</sup> U.S. Dept. of State, *Country Reports on Human Rights Practices for 2011: Haiti*, May 24, 2012, [http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic\\_load\\_id=186522](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186522).

## **Trade Preferences for Haiti**

Congress passed several bills, before and after the earthquake, to provide trade preferences for Haiti. In 2006 Congress passed the HOPE Act, or the Haitian Hemispheric Opportunity through Partnership Encouragement Act (P.L. 109-432, Title V), providing trade preferences for U.S. imports of Haitian apparel. The act allows duty-free entry to specified apparel articles 50% of which were made and/or assembled in Haiti, the United States, or a country that is either a beneficiary of a U.S. trade preference program, or party to a U.S. free trade agreement (for the first three years; the percentage became higher after that). The act requires ongoing Haitian compliance with certain conditions, including making progress toward establishing a market-based economy, the rule of law, elimination of trade barriers, economic policies to reduce poverty, a system to combat corruption, and protection of internationally recognized worker rights. It also stipulates that Haiti not engage in activities that undermine U.S. national security or foreign policy interests, or in gross violations of human rights.

Those trade preferences were expanded in 2008 with passage of the second HOPE Act as part of the 2008 farm bill (Title XV, P.L. 110-246), in response to a food crisis and then-President Préval's calls for increased U.S. investment in Haiti.<sup>50</sup> HOPE II, as it is commonly referred to, extended tariff preferences through 2018, simplified the act's rules, extended the types of fabric eligible for duty-free status, and permitted qualifying apparel to be shipped from the Dominican Republic as well as from Haiti. The act mandated creation of a program to monitor labor conditions in the apparel sector, and of a Labor Ombudsman to ensure the sector complies with internationally recognized worker rights.

Congress again amended the HOPE Act after the 2010 earthquake. Through the HELP, or Haiti Economic Lift Program Act (P.L. 111-171), Congress made the HOPE trade preferences more flexible and expansive, and extended them through September 2020. Supporters of these trade preferences maintain that they will encourage foreign investment and create jobs. Others argue that while the textile manufacturing sector may create jobs, some of the new industrial parks are being built on arable land and putting more farmers out of jobs, and that the manufacturing sector is being supported at the expense of the agricultural sector.<sup>51</sup>

## **Counternarcotics**

Haiti is a transit point for cocaine being shipped by both sea and air from South America to the United States, Canada, Europe, and other Caribbean countries. It is also a transit point for marijuana coming from Jamaica being sent to The Bahamas and the United States. Some drugs are also sent through Haiti by land to the Dominican Republic. Weak institutions, poorly protected borders and coastlines, and widespread corruption are conditions that make Haiti attractive to drug traffickers and make it difficult for Haiti to combat trafficking.

Nonetheless, the Haitian government has committed itself to combating narcotics trafficking in recent years, and according to the State Department, the Martelly Administration has shown willingness to strengthen the Haitian National Police to make them more effective in

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<sup>50</sup> For more information see CRS Report RL34687, *The Haitian Economy and the HOPE Act*, by J. F. Hornbeck.

<sup>51</sup> Briefing with Camille Chalmers, Executive Director of the Haitian Advocacy Platform for an Alternative Development, May 22, 2012.

counternarcotics efforts. Although corruption is a widespread problem, the State Department's *International Narcotics Control Strategy Report* for 2011 reports that "no senior-level Haitian Government officials are known to be engaged in illegal activity associated with drug trafficking." Low pay and widespread poverty make low-level police and other officials vulnerable to bribery, however. The State Department notes that Haitian law enforcement officials cannot investigate allegations that some legislators may be involved in illicit activities because the constitution provides them with blanket immunity.

Since 2008, Congress has included counternarcotics funds for Haiti in the Merida Initiative, an aid package for Mexico and Central America, in addition to bilateral funding. U.S. counternarcotics programs in Haiti aim to enhance the professionalism and capability of the Haitian National Police. Such support ranges from providing police cadets with food and uniforms, to training in community-oriented policing and investigation methodology, to renovation of an operating base for the police's counternarcotics unit.

## **Debate over Reestablishing the Haitian Army**

For years, Congress has expressed concern over citizen security in Haiti. Congress has supported various U.N. missions in Haiti, and the professionalization and strengthening of the Haitian National Police force and other elements of Haiti's judicial system in order to improve security conditions in Haiti. In what has proven to be a very controversial move, President Martelly has proposed recreating the Haitian army to replace MINUSTAH in a few years. The army, which committed gross violations of human rights over decades, according to numerous reports by the State Department, the OAS Inter-American Human Rights Commission, Amnesty International, and others, was disbanded by President Aristide in 1995. Martelly's plan calls for creation of a 3,500-member army<sup>52</sup> to be built over three and a half years, at a cost of approximately \$95 million, including \$15 million to compensate former soldiers who were discharged.<sup>53</sup> Parliament would have to approve recreating the force. The majority Inité coalition said the government cannot afford an army, and should further develop the Haitian National Police (HNP), which MINUSTAH is already training to assume its functions.<sup>54</sup> The United States and other international donors support reform and capacity building in the police force as the best means of continuing to improve citizen security. Others have also suggested establishing civilian corps to carry out disaster response and other duties Martelly is proposing for the army.

Former members of the Haitian army and would-be soldiers have been protesting in favor of reestablishing the army for a year, and have been occupying 10 old military bases since February 2012. About 50 of them, wearing fatigues and some bearing arms, disrupted a session of parliament in April to voice their demands. After months of inaction, and under pressure from the U.N., the Haitian government closed two of the occupied bases and arrested dozens of pro-army protesters—including two U.S. citizens—when a march turned violent on May 21.<sup>55</sup>

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<sup>52</sup> "Haiti president wants to start recruiting new army," Agence France Presse, Sept. 28, 2011.

<sup>53</sup> "Martelly moves ahead with plan to restore army," *Latin American Caribbean & Central America Report*, RC-11-10, Oct. 2011, p. 16.

<sup>54</sup> *Ibid.*

<sup>55</sup> Associated Press, "Mass. Man Jailed In Haiti Could Face Three Years Behind Bars," *CBS Boston*, May 24, 2012, <http://boston.cbslocal.com/2012/05/24/mass-man-jailed-in-haiti-could-face-three-years-behind-bars/>. The two men are Jason William Petrie of Ohio, and Steven Parker Shaw of Massachusetts. If convicted of conspiracy charges, the two could face up to three years in prison according to a Haitian prosecutor.

## Legislation in the 112<sup>th</sup> Congress

**P.L. 112-74.** Under the Consolidated Appropriations Act, 2012, none of the funds appropriated under Title III—bilateral economic assistance; Title IV—international security assistance; Title V—multilateral assistance; Title VI—export and investment assistance; or Title VIII—overseas contingency operations may be obligated or expended for assistance to Haiti except as provided through the regular notification procedures of the Committees on Appropriations. Haiti is deemed eligible to purchase defense articles and services under the Arms Export Control for the Coast Guard. Prior to the initial obligation of funds, the Secretary of State, in consultation with the Administrator of the USAID, shall submit to the Committees on Appropriations a detailed spend plan for bilateral economic assistance and international security assistance for Haiti. The bill authorizes specified funds to be made available for the Fund for Special Operations of the Inter-American Development Bank for debt relief to Haiti. The act also prohibits funds appropriated by it from being disbursed for a U.S. contribution to the general capital increases of the World Bank or the Inter-American Development Bank until the Secretary of the Treasury reports to the Committees on Appropriations that they are making substantial progress toward implementing specific reform commitments agreed to by the World Bank in 2009 concerning sound finances, effective management and governance, transparency and accountability, focus on core mission, and results, and agreed to by the IDB in 2010, including transfers of at least \$200,000,000 annually to a grant facility for Haiti. Signed into law December 23, 2011.

**H.R. 1016/S. 1576.** The Assessing Progress in Haiti Act would direct the President to report to Congress on the status of post-earthquake humanitarian, reconstruction, and development efforts in Haiti, including efforts to prevent the spread of cholera and treat persons infected with the disease. Introduced March 10, 2011, agreed to in House by voice vote May 10, 2011, reported out of the Senate Committee on Foreign Relations and placed on Senate legislative calendar April 26, 2012. S. 1576, as introduced on September 19, 2011, is identical to H.R. 1016 as passed by the House.

**H.R. 3711.** The White House Conference on Haiti Act of 2011 would direct the President to convene a White House Conference on Haiti to make fundamental policy recommendations on ways to assist in Haiti's recovery and long-term development, and the Secretary of State and the Secretary of Homeland Security to plan and conduct the conference. Would require status reports from Administration officials until all final report recommendations were achieved. Would require specified congressional committee hearings on the recommendations, status reports, and recovery and long-term development of Haiti. Introduced and referred to the House Committee on Foreign Affairs and the Committee on Rules December 16, 2011; referred to the Subcommittee on the Western Hemisphere February 3, 2012.

**H.R. 3771.** The Haiti Empowerment, Assistance, and Rebuilding Act of 2012 would define U.S. policy as supporting the sustainable recovery and rebuilding of Haiti in partnership with the government of Haiti and in coordination with the international community. Would direct the USAID Administrator to submit to Congress a multi-year strategy to provide assistance in support of Haiti's reconstruction. Introduced January 13, 2012; referred to the House Committee on Foreign Affairs' Subcommittee on the Western Hemisphere May 7, 2012.

**H.Res. 510.** Would recognize the anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives, and expressing continued solidarity with the Haitian

people. Introduced January 13, 2012; referred to the House Committee on Foreign Affairs' Subcommittee on the Western Hemisphere February 3, 2012.

**H.Res. 521/ S.Res. 352.** Would express the sense of the House of Representatives/Senate that the United States should work with the government of Haiti to address gender-based violence against women and children. Sympathizes with the families of women and children victimized by sexual and other forms of gender-based violence in Haiti; urges treatment of the issue of violence against women and children as a priority for U.S. humanitarian and reconstruction efforts in Haiti; supports passage of Haiti's first comprehensive law on the prevention, punishment, and elimination of gender-based violence. Both introduced January 23, 2012; H.Res. 521 referred to the House Committee on Foreign Affairs' Subcommittee on the Western Hemisphere February 3, 2012. S.Res. 352 referred to the Senate Committee on Foreign Relations January 23, 2012.

**S. 1023.** The Haiti Reforestation Act of 2011 would authorize the President to (1) offer to enter into agreements with the government of Haiti to provide financial assistance, technology transfers, or capacity building assistance to reduce deforestation and increase reforestation in Haiti; and (2) establish a grant program to carry out such activities. It would also amend the Foreign Assistance Act of 1961 to (1) direct the President to invite the government of Haiti to submit a list of areas in which tropical forests are seriously degraded or threatened, and (2) authorize the President to make grants to nongovernmental organizations to purchase discounted commercial debt of the government of Haiti in exchange for government commitments to restore identified forests or to develop plans for their sustainable use. Introduced May 18, 2011; Senate Committee on Foreign Relations ordered to be reported without amendment favorably February 14, 2012.

**S.Res. 26.** A resolution recognizing the first anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the Haitian people. Introduced, agreed to in Senate without amendment and with a preamble by unanimous consent January 26, 2011.

**S.Res. 352.** A resolution expressing the sense of the Senate that the United States should work with the government of Haiti to address gender-based violence against women and children.

**S.Res. 368.** A resolution recognizing the second anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the people of Haiti. Introduced, agreed to without amendment and with a preamble by unanimous consent Feb. 6, 2012.

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