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Report of the Secretary-General on the United Nations Stabilization Mission in Haiti

I. Introduction

1. By its resolution 1658 (2006) of 14 February, the Security Council extended the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH) until 15 August 2006, and requested me to report on whether to restructure the mandate of MINUSTAH after the new Government took office, including recommendations for ways in which MINUSTAH can support reform and strengthen key institutions. Drawing on consultations with the elected authorities and key international partners as appropriate, the present report contains such recommendations and provides an update on major developments in the period from 2 February 2006 to 15 July 2006.

II. Major developments

A. Political developments

2. During the reporting period, the most significant political event was the conduct of free and fair national elections, which led to the establishment of a broad-based Parliament and the formation of a multi-party Government, following extensive consultations. Those achievements, which took place in a fragile security environment, reflected the commitment of the Haitian people to a democratic electoral process, and the active and sustained support of MINUSTAH and the international community.

3. Despite the difficulties encountered, the elections were widely regarded as a success, enabling the Haitian population to exercise its vote freely and fairly. For the first time in recent history, the legitimacy of the elections was not contested. Forty-five political parties and 33 presidential candidates competed, and over 60 per cent of registered voters participated in the presidential and first-round legislative elections on 7 February 2006. Turnout in the second round of the legislative elections, which has traditionally enjoyed lower participation, still exceeded 1 million voters.

4. In view of the acute security situation in Port-au-Prince from November 2005 to January 2006, MINUSTAH stepped up its security activities in order to promote



an environment in which the population could vote in safety. In the run-up to the elections, no significant incidents were reported. On the election day of 7 February, a number of isolated incidents occurred, mainly as a result of the long queues at the polling stations.

5. The potential fragility of the security situation became apparent when street protests erupted on 12 February, after the latest partial results of the presidential election released by the Provisional Electoral Council showed that René Préval's lead had dropped from over 60 per cent to below the 50 per cent threshold required to win the election in the first round. By 13 February, large-scale demonstrations were taking place across the country, causing serious disruption. During that time, the ability of MINUSTAH to maintain a secure and stable environment was stretched to its limits. Roadblocks were erected along all main roads and the airport of Port-au-Prince was temporarily shut. The hotel where the Provisional Electoral Council media centre was located was overrun by protesters and the tabulation centre surrounded by them, forcing both centres to suspend their activities temporarily.

6. On 14 February, after two days of demonstrations and negotiations between the main political actors, the Provisional Electoral Council decided to distribute the unusually high proportion (4.36 per cent) of blank ballots pro rata among all candidates according to the number of votes they had received. On that basis, the Provisional Electoral Council declared Mr. Préval the winner of the presidential election in the first round, with an absolute majority of 51.21 per cent. The procedure and its subsequent result was politically criticized, but not legally challenged, by some of the candidates, including runner-up Leslie Manigat, who had received 12 per cent of the votes.

7. The second round of the legislative election was held in general calm, with only sporadic violence reported. In Grande Saline, however, two voting stations were closed as a result of violent confrontations between supporters of rival political parties, as they had been in February.

8. Pending the holding of run-off parliamentary elections in those localities where either the electoral process was disrupted or appeals were upheld, 27 out of 30 Senators and 88 out of 99 Deputies were duly elected and sworn in on 9 May. Lespwa, President Préval's coalition, won 11 seats in the Senate, followed by the Organisation du peuple en lutte with 4. With 20 seats, Lespwa also leads in the House of Deputies, followed by Fusion with 15 seats. Four Senators and two Deputies are women.

9. Mr. Préval assumed office as President of Haiti on 14 May. In his inaugural speech, he called for dialogue to bring stability to the country. While acknowledging the efforts of MINUSTAH and the international community to date, President Préval affirmed that the country's problems could only be solved by Haitians themselves. Earlier, while addressing the Security Council on 27 March, he had requested that the mandate of MINUSTAH be reoriented in the post-electoral period to focus increasingly on the reform of the police and the judicial system, and on development.

10. Following affirmative votes by the Senate and the House of Deputies, President Préval on 30 May ratified Jacques Edouard Alexis as Prime Minister. On 6 and 7 June, Mr. Alexis appeared before the Senate and the House of Deputies,

respectively, to present his Government's agenda, which concentrated on the modernization of the State and on wealth creation. Mr. Alexis also submitted President Préval's recovery plan, the *Programme d'apaisement social*, to respond to immediate social needs. The Senate approved the Government's agenda and the proposed cabinet members unanimously; the House of Deputies did so with one abstention.

11. In the months preceding his inauguration, President Préval commenced a dialogue with political party and civil society leaders on a 25-year governance and development plan. This was followed by a consultative process which led to agreement on a multiparty Government and the subsequent participation of former opposition party leaders in the President's visits abroad, which reflected a welcome spirit of political diversity. The 18-member cabinet contains representatives from seven political formations: Fusion, Alyans, Mouvement pour l'instauration de la démocratie en Haïti, Fanmi Lavalas, Lespwa, Organisation du peuple en lutte and Union. Five Ministers had served previously, most of them in the same position, during President Préval's first term (1996-2001). Most political sectors have expressed their willingness to support the President's initiatives for dialogue and reconciliation.

B. Security

12. During most of the reporting period, the security situation in Haiti remained generally stable but fragile; early in July, however, it started to deteriorate sharply. While criminal activities by armed groups, in particular kidnappings, had started to decline in the capital in January and February, their levels increased again in June and continued to create an obstacle to the restoration of law and order. Although the number of reported cases remained much lower than the peak registered in December 2005, the increase in acts of violence in the capital, particularly kidnappings and killings, largely dominated public debate and media reports. While a large proportion of the increase in violence is related to common crime, it nonetheless affected the political situation, and prompted increased criticism by political and civil society groups of a perceived inadequate response to the issue by the Government and MINUSTAH. To respond to these developments, MINUSTAH and the Government officials jointly designed an integrated security plan, with increased checkpoints and joint patrols, which was put in place on 10 July. It should be recognized, however, that MINUSTAH, unless it is provided with specialized police capacities, has only a limited capability and mandate to address what is essentially a domestic law enforcement task. Its main contribution will be strengthening Haitian National Police capacity.

13. In Port-au-Prince, in the months following the elections, there were few direct attacks on MINUSTAH, which was interpreted as a unilateral "truce" by the armed gangs. However, the Haitian National Police and MINUSTAH were not able to enjoy full freedom of movement in Cité Soleil. Gangs that did not subscribe to the initial truce appear to have continued their criminal activities in other shantytowns. However, on 29 May, two Haitian National Police officers were killed as they entered Cité Soleil and their corpses mutilated under unclear circumstances. On 4 June, violence broke out between two armed gangs in the Carrefour Feuilles area, leading to the death of at least five people and the destruction of several houses and vehicles. In a sharp turn for the worse, on 7 July, in Martissant, in one of the most

serious atrocities since the establishment of MINUSTAH, gang members attacked residents of a neighbourhood where a rival gang was based, leaving at least 22 people dead, including women and children. Following this, gang activity increased, including killings, kidnapping and attacks on peacekeepers. On 13 July, three peacekeepers from the MINUSTAH Brazilian battalion were shot and wounded by unknown assailants in Cité Soleil. Two of them had to be transferred to a medical facility in the Dominican Republic to undergo appropriate treatment.

14. Other cities and the countryside remained largely quiet, with the exception of the Raboteau shantytown of Gonaïves where rivalry and division among the main gangs have been rising.

C. Disarmament, demobilization and reintegration

15. The disarmament, demobilization and reintegration component of MINUSTAH, working closely with the National Commission for Disarmament, has made considerable progress since February 2006 in pursuing a community-based approach to disarmament with the establishment of community prevention and development committees in three volatile quarters of Port-au-Prince and in three other cities. With a view to countering armed violence, the committees support community discussions with the members of armed groups, including the former military, who expressed an interest in disarmament and community reinsertion but were awaiting clarification of the Government's policies in this respect.

16. The Mission commissioned independent expert analyses of the gang dynamics in Haiti, which will help measure the impact of armed violence on women and the socio-economic options for disarmed elements. The results will provide input for the national dialogue on disarmament, as well as for the planning of disarmament, demobilization and reintegration programmes.

D. Haitian National Police reform and restructuring

17. During the reporting period, the ability of the Haitian National Police to act as an effective police force remained limited. On 18 April, Haitian National Police Director General Mario Andrésol announced his determination to pursue vetting of the National Police and affirmed that officers whose actions damaged the force's reputation would be expelled. The police component of MINUSTAH continued to work with the Haitian National Police to bring much-needed improvements to its professional, technical and logistical capacities through co-location in 28 police stations.

18. Selection from among the 33,636 applicants for the eighteenth course at the Police Academy was completed and 578 candidates, including 27 women, started their induction training on 4 June.

19. To date, 5,783 Haitian National Police serving officers, as well as the serial number of their weapons, have been registered. The Mission issued 1,623 weapons donated by the United States of America to the National Police officers who successfully completed the weapons training course. The weapons are tracked through a database system.

20. At the request of the Haitian authorities, MINUSTAH also began to assist with the registration of Haitian security personnel at the National Palace and will assist in their vetting. It will also provide technical advice in the training of a close protection team for the President, which will be supported by a MINUSTAH rapid response team until the Haitian National Police is fully trained.

21. The Haitian National Police reform plan (see S/2006/60, paras. 31-34) was finalized together with the National Police senior management and received preliminary support from the newly elected authorities and bilateral donors. The Director General of the Haitian National Police is expected to submit the plan to the *Conseil supérieur de la police nationale* for endorsement soon.

E. Justice and corrections

22. Little progress was made in addressing structural problems in Haiti's judicial system. During the reporting period, MINUSTAH monitored a number of serious cases in which the course of justice had not been fully respected, owing largely to institutional inadequacies, including the release from detention of Haitian National Police officials suspected of involvement in the Martissant killings (see para. 28 below) and at least one suspected major criminal.

23. The independence of the judiciary remains problematic. The December 2005 Decree establishing the *Conseil supérieur du pouvoir judiciaire* has been widely criticized for leaving the door open for continued Government interference and for having been adopted without prior consultation with professional organizations and civil society. In addition, other legislation important to the independence of the judiciary still remains to be adopted, such as the law on the status of magistrates and the law on the School of Magistrates.

24. In order to help improve judicial practices, MINUSTAH, in cooperation with the United Nations Development Programme (UNDP) and other actors, has started a programme to train justices of the peace in various regions throughout the country. In May, MINUSTAH and UNDP also organized a seminar on prolonged pre-trial detention, resulting in the adoption of recommendations by different legal operators in the penal chain. A follow-up working group charged with promoting the implementation of those recommendations met regularly under the auspices of MINUSTAH.

25. Overcrowded prisons, in particular the National Penitentiary in Port-au-Prince, remained a cause for serious concern, with the rate of prolonged pre-trial detention exceeding 90 per cent. Cells in police stations were increasingly being used for detainees on a long-term basis. In April, based on the decisions of the justices of the peace handling the files, the National Penitentiary released approximately 100 inmates who had been detained on different minor charges, in an attempt to reduce overcrowding.

26. The problem was clearly illustrated on the day of President Préval's inauguration, when some 300 detainees held at the National Penitentiary were able to force open their cell doors in protest against the conditions in which they were being held. At the request of the National Prison Authority, MINUSTAH reinforced the Haitian National Police unit present at the scene; following negotiations, the prisoners agreed to return to their cells. On 20 May, another jailbreak was prevented

at the Fort Liberté prison, when a group of inmates managed to break through the prison roof before being apprehended by the prison's sole armed guard.

F. Human rights

27. The human rights situation in Haiti remained a serious cause for concern. Extrajudicial killings, kidnappings, armed robberies, extortion and general intimidation continued. In Port-au-Prince, in particular, armed gangs continued to threaten the population.

28. Although the cooperation between MINUSTAH and the Haitian National Police improved, there was no satisfactory conclusion to the investigation of the killings during a Haitian National Police operation at a football match in Martissant on 20 August 2005 (see S/2005/631, para. 36). Carlo Lochard, former Haitian National Police Director of the west region, and Renan Etienne, former Director of the Administrative Police, both arrested on 4 November 2005 for serious errors and omissions in the investigation, were released from detention in March and April, respectively, along with five other former National Police officers, upon instructions of an investigating magistrate.

29. The judicial hearings of former Prime Minister Yvon Neptune and former Interior Minister Jocelerme Privert, as well as those of others accused of involvement in the alleged killings in La Scierie in February 2004 (see S/2004/698, para. 27), commenced at the Gonaïves Court of Appeal on 8 May. Mr. Neptune and former Minister of Justice Calixte Delatour boycotted the proceedings. On 13 May, the Court ordered the provisional release of Mr. Privert but ruled that it was unable to examine the case of Mr. Neptune.

30. In his report to the Commission on Human Rights of 27 March 2006 (see E/CN.4/2006/53/Add.1), the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, described as "broadly satisfactory" the response of MINUSTAH to his request for clarifications regarding allegations of serious human rights violations committed by MINUSTAH force elements during an operation in Cité Soleil on 6 July 2005 (see S/2005/631, para. 25).

G. Humanitarian and development situation

31. In an effort to put forward a long-term strategy to reactivate Haiti's economy, President Préval proposed a 25-year governance and development plan, which received wide support (see para. 11 above). He also engaged in negotiations with countries in the region on economic cooperation and integrated Haiti into PetroCaraiïbe, a Venezuelan-led initiative providing, among others, preferential oil prices to Caribbean countries. Despite such initiatives, Haiti continues to suffer from high petrol prices and electricity shortages. With a view to improving the living conditions in Haiti in the short term, in particular access to basic services, including electricity and garbage disposal, and employment generation, President Préval proposed the *Programme d'apaisement social* (see also para. 10 above) and was seeking the rapid disbursement of funds by the international donor community to implement such high-impact and high-visibility projects. There is also a pressing need for funds to meet salary arrears for a large number of civil servants.

32. At the High-level International Meeting on Haiti held in Brasilia on 23 May, participants discussed the results of the Interim Cooperation Framework, including the funding status. Donors reported that between July 2004 and March 2006 approximately 90 per cent of the 2004 pledges, or \$964 million, had been disbursed, that is, transferred to the Government of Haiti and executing partners, but not necessarily spent. Approximately 80 per cent of the disbursed funds reportedly covered development expenditures and the remainder covered budgetary support. Such sectors as agriculture, roads and transportation, and the improvement of shantytowns have yet to receive some of the funding pledged in 2004. Assessing the impact of the Framework on the living conditions of the Haitian population has proved challenging owing to the lack of a monitoring and evaluation mechanism and the absence of adequate information management.

33. In Brasilia, donors also reiterated their support for the extension of the Framework through December 2007, and made a commitment to redirect its focus to bring it in line with President Préval's priority to address short-term emergency needs and to support the *Programme d'apaisement social*. Under the auspices of the United Nations Resident Coordinator, donors formed a *Comité de partenariat* with the Government to ensure that, under the Framework's extension, donor activities would be aligned with, and supportive of, the Government's priorities. Participants in Brasilia also took note of the possibility that a United Nations transitional appeal might be launched to support the main objectives of the *Programme d'apaisement social* and to present proposals for funding institutional and capacity-building activities. The appeal is expected to be launched in early September and will target non-traditional donors for Haiti.

34. The United Nations contingency plan for the upcoming hurricane season was updated and MINUSTAH established a joint operations coordination centre to support the United Nations system's disaster response. The Mission also trained Government focal points at national and regional levels, as well as the chiefs of regional offices in response coordination, thereby enhancing the Government's early warning and response capacity in the event of an emergency or natural disaster. These activities were coordinated with a UNDP project, aimed at building the Government's risk and disaster management capacity.

35. The forced repatriation of Haitian nationals from the Dominican Republic, many of whom had no means to support themselves, continued at a monthly rate of between 1,500 and 2,000 persons. On 19 May, MINUSTAH met with Government officials, representatives of the United Nations country team and non-governmental organizations in the border town of Belladere to establish a local reception committee and prepare an action plan, including a MINUSTAH-funded quick-impact project for a reception centre. The Mission coordinated the response to the forced repatriation of approximately 400 Haitians at the border post of Anse-à-Pitre at the end of March by dispatching assessment teams and mobilizing local authorities and non-governmental organizations to respond through the provision of transportation or travel grants.

H. Activities of the United Nations country team

36. The United Nations country team continued the implementation of its mandated activities in areas such as food aid to vulnerable populations, rehabilitation of schools, legal aid for children at odds with the law, psychosocial assistance to women and girl victims of sexual violence, HIV/AIDS prevention, distribution of medical equipment and electricity generators, technical assistance to farmers and employment generation, in particular in the slum areas of the capital and in the regions. In addition, UNDP was instrumental in managing donor funds for the electoral process.

37. Overall delivery by the United Nations country team during the first quarter of 2006 was estimated at \$11 million, over 85 per cent of which was disbursed outside of the capital or for activities with nationwide coverage, in particular in the area of food security, health, rehabilitation of infrastructure, short-term employment generation and environmental protection. It is estimated that these programme activities generated more than 250,000 person days of short-term employment, in particular for youth.

38. The stabilization of the security situation in the capital following the elections made it possible for humanitarian and development actors to reach out to the groups most affected by the chronic emergency conditions. In Cité Soleil, the United Nations Children's Fund (UNICEF) and the World Health Organization/Pan American Health Organization carried out a vaccination campaign for children and provided school equipment while the World Food Programme continued to provide food aid. The United Nations country team task force for Cité Soleil, comprising representatives of MINUSTAH, donors and non-governmental organizations, was established to coordinate the conduct of assessment missions to, and interventions in, the shantytown. Four United Nations inter-agency assessment missions had already been carried out in the sectors of health, education, infrastructure, and water and sanitation. Following the assessment, three projects in the areas of water and sanitation and natural disaster prevention were approved for funding from the United Nations Central Emergency Response Fund for under-funded emergencies.

39. It should, however, be recognized that the overall impact of the efforts of the humanitarian and developmental actors — within and outside the United Nations system — has been insufficient to produce a tangible improvement in the living situation of the Haitian people, to create jobs and ensure the delivery of basic services.

III. Post-electoral role of the United Nations Stabilization Mission in Haiti

40. The notable political progress over the past months and the formation of a democratically elected leadership provide a unique opportunity for Haiti to emerge from a cycle of instability and violence towards recovery and development. In particular, the “political restructuring” that resulted in a realignment of the political forces of the 1990s could help overcome Haiti's acute political and social divisions and could represent a key step in the country's transition towards a stable, constitutional and prospering democracy.

41. The incoming Haitian authorities have presented an ambitious programme for the next five years, concentrating on the modernization of the State and the strengthening of democratic institutions, as well as on wealth creation, including through the encouragement of private investment. The realization of this programme will ultimately depend on the Haitians. However, further sustained and generous international assistance will be essential for the Haitian people and their new leadership to succeed.

42. Pursuant to Security Council resolution 1658 (2006), a thorough assessment of the mandate of MINUSTAH was carried out, involving extensive exchanges between MINUSTAH and United Nations Headquarters, as well as with relevant international partners. The review process culminated with a visit to Haiti in June by a team representing all relevant United Nations entities that, together with MINUSTAH, discussed with the Haitian authorities and other actors an appropriate role for MINUSTAH in the post-electoral period.

43. In order for the international community's support to the Haitian authorities to be optimized, and given the magnitude of the problems facing Haiti, a clear division of labour among all relevant actors is needed, taking into account the comparative advantage of each. As a multidimensional peacekeeping operation, MINUSTAH has a distinct and unique contribution to make through the activities of its troops and police officers, its countrywide presence and logistical assets and the legitimacy provided to it by its Security Council mandate.

44. In the first area of priority for the new Government — the modernization of the State — MINUSTAH should focus on supporting the institutions in the rule-of-law sector and the State administration, in particular outside Port-au-Prince where MINUSTAH personnel often represent the biggest and sometimes the only international presence and where the local authorities are weak or largely non-existent.

45. In the second area of priority — economic reactivation — MINUSTAH can make the best contribution by continuing to ensure a secure and stable environment, where Haitians, together with international actors, are able to pursue their activities in safety. This would also provide the enabling environment for MINUSTAH to support the Haitian National Police reform process and the reform of the judicial and prisons systems.

46. Ample international assistance will be required if the new authorities are to succeed in pursuing the far-reaching programme of social and economic development, which they consider indispensable to the country's lasting stability. The Mission will make available its limited assets, such as engineering units, to facilitate development activities within the limits of its mandate, operational requirements and resources. In addition, the components of MINUSTAH that focus on cross-cutting issues, such as human rights, gender, child protection and HIV/AIDS, will work to ensure the mainstreaming of such matters in the mandate implementation of the Mission.

47. Making use of the comparative strengths of MINUSTAH (see paras. 43-45 above) responds to the explicit request of the Haitian authorities as the proposed MINUSTAH activities are aligned with, and supportive of, national priorities.

48. My Special Representative will play a key role by working closely with the Haitian leadership to support its efforts to reform the rule-of-law institutions, to

strengthen democratic institutions and to overcome predictable vested interests in those areas, in particular by promoting an inclusive dialogue on these topics. He will also endeavour to support the Haitian authorities to enhance the effectiveness of the international community's response by promoting coordination and synergies in the areas of the rule of law and democratic institutions, including through his chairmanship of the Core Group. He will also take the lead to ensure coherence within the United Nations system in mandate-related areas. Furthermore, my Special Representative will make every effort to support the political process and to promote political consensus through his good offices.

49. For MINUSTAH to be successful, it is essential that the Haitian public be fully informed of, and engaged in, the processes. An enhanced United Nations public information capability is crucial in this regard, including the ability to enable MINUSTAH and the United Nations country team to deliver their messages to the Haitian public directly and in real time.

A. Ensuring a secure and stable environment

50. The overall security situation in Haiti has improved since the deployment of MINUSTAH. By late 2004, once the authorized strength of MINUSTAH had been nearly reached, the Mission was able to deploy a credible deterrence throughout the country and regain control for the State of Haitian National Police stations and other Government installations, which had been occupied by elements of the former military. The Mission was also able to carry out large-scale security operations in the course of 2005. However, the security situation suffered serious setbacks, in particular when kidnappings became widespread in Port-au-Prince in the 2nd quarter of 2005, creating an overall sense of insecurity. After the elections, the number of kidnappings diminished substantially, as did gang activities in the shantytowns of the main cities. However, the past month has again seen a significant deterioration in the security context in Haiti.

51. This recent negative trend in the security situation brings to the fore that all the underlying causes that triggered the crisis in February 2004 still exist and that substantial security threats remain. Crime, in particular kidnappings and gang violence, remain a serious destabilizing factor despite an initial reduction as a result of the unilateral truce observed by armed gangs following the victory of President Préval. Inter-gang rivalry and kidnappings have been on the increase, in particular in July.

52. Elements of the former military, while scattered throughout the country and lacking a central command structure, also remain a potential source of instability owing, among other reasons, to the lack of a clear Government policy on their future status. The ability of potential spoilers to reactivate the former military, in particular criminal elements associated with them, should not be underestimated.

53. State institutions continue to lack the capacity to bring quick and visible relief to the population, or to adequately support the civil service. In particular, the rule-of-law institutions remain largely dysfunctional. Enhanced efforts to reform those institutions and extend State authority are likely to meet resistance from those — within and outside of the rule-of-law institutions — who benefit from the current situation, including criminals and other potential spoilers, as well as by their political allies. Furthermore, the fragility of some political alliances currently

supporting the Government has potential to increase or ignite tensions over the coming months, creating a fertile ground for anti-democratic forces to attempt destabilization.

54. Drug and arms trafficking continues to represent a serious underlying destabilizing factor; it feeds gang criminality, engenders corruption and undermines efforts to strengthen the rule-of-law institutions and reduce armed violence. Haiti's porous land and sea borders allow for almost unimpeded trans-shipment of narcotics and trafficking in weapons and munitions. The Haitian State has only very limited capacity to address gang and cross-border trafficking activities. While MINUSTAH, in consultation with the Haitian authorities and within its limited capabilities, can take some measures to endeavour to deter these activities, these alone will be insufficient. Bilateral assistance from key member States possessing the needed technical capabilities will be crucial to enable the Haitian leadership to address these challenges, which negatively affect the peacebuilding efforts, in a meaningful way. In the case of gang criminality, MINUSTAH would require technical expertise to be able to better support the development of the prevention and response capacity of the Haitian National Police. With regard to cross-border trafficking control, direct engagement by capable member States with the Haitian authorities would be needed.

55. Accordingly, creating and maintaining a secure and stable environment will remain a key task of MINUSTAH, in order to provide an enabling context in which the national priority programmes, including humanitarian and development activities, can be implemented in safety. To this end, MINUSTAH will work closely with the Haitian authorities to pursue appropriate security measures and to pave the way for an environment that will permit the Haitian National Police to gradually assume full responsibility for ensuring security.

56. In the post-electoral period, MINUSTAH troops and formed police units will continue to be tasked to provide a deterrent security presence throughout the country by patrolling in towns and their surroundings, protecting key installations, protecting United Nations personnel and facilities, providing operational support to the Haitian National Police and MINUSTAH police operations, and facilitating the access of humanitarian workers to the Haitian people in need. Protecting civilians under imminent threat, within the Mission's capabilities and areas of deployment, will also remain a key task. However, as described above, main factors that destabilize security are gang violence and kidnappings. Without significant added specialized police capacities, the ability of MINUSTAH to respond to crime, as distinct from containing or deterring it and protecting civilians in danger, is limited.

57. In addition, an enhanced security presence at key land border crossing points and selected ports will be required to assist in extending State authority. Continued or even increased MINUSTAH support to the Haitian coast guard will be necessary to deter and respond to illicit activities in the coastal areas. In meetings with my Special Representative, President Préval has expressed concern about specific issues such as smuggling and the lack of proper customs administration in Haiti and has requested increased technical assistance from MINUSTAH military and police components.

58. To fulfil these responsibilities, MINUSTAH troops will continue to be deployed in all 10 regions of the country and will require some additional specific capacities. One hundred additional engineering personnel (together with 10 dump

trucks) are necessary to augment the current capability of MINUSTAH engineering units and to enable the simultaneous operation of heavy engineer equipment already deployed. Twenty additional military police would be required to support the increased investigative workload and to provide additional security escorts. Finally, following a reduction in the contingent supplied aviation capabilities of MINUSTAH, it will be essential to deploy sufficient aviation assets allowing the Mission to maintain its current airlifting capacity.

59. Given the many uncertainties outlined above and the fragility of the overall security situation, the force strength should be kept at the currently authorized ceiling of 7,500 troops. While the actual deployed strength has dropped following the withdrawal, pursuant to resolution 1608 (2005), of one battalion and the closure of the Port-au-Prince sector headquarters, retaining the 7,500 ceiling would give the Mission sufficient flexibility to be able to swiftly deploy additional troops should changes in the security situation require reinforcements. In addition, the 7,500 troop ceiling would allow for the deployment of the special capabilities mentioned above, which are essential for mandate implementation.

60. Together with the military, MINUSTAH formed police units will take on an enhanced crime prevention role by increasing substantially their patrolling in support of the Haitian National Police in Port-au-Prince, Cap Haïtien and Gonaïves. For this purpose, MINUSTAH will need to retain its eight formed police units, which represents a total of 1,000 officers. To enhance the ability of MINUSTAH to deliver operational support to the Haitian National Police, in view of the rising gang violence, at least half of these formed police units would need to include personnel and equipment qualified for special weapons and tactics (SWAT).

61. As the Haitian National Police progressively builds up its capacity to discharge primary security functions, a corresponding downsizing of international security components could be envisaged. However, it is crucial that this process be undertaken with due attention to the need to avoid a security vacuum that could result in a rapid reversal of achievements.

Support for disarmament, demobilization and reintegration and violence reduction

62. Despite incremental advances in community-based violence reduction, little or no progress has been achieved so far in furthering traditional disarmament, demobilization and reintegration as the policies of the Transitional Government were not conducive to successful disarmament. With the installation of the new leadership, new possibilities for progress could open up with regard to the former military, non-certified Haitian National Police officers and gang members. The newly elected authorities have identified disarmament as an area of importance but are still in the process of defining their policy on the matter.

63. The expertise and resources of MINUSTAH should be retained to assist the Haitian authorities in developing and implementing a coherent disarmament and violence reduction programme. An area of particular focus could be to address the predictable impact of police vetting and certification by means of devising, in consultation with relevant partners, a relevant reintegration and retraining programme. Other interventions could aim at placing weapons beyond use in the context of strengthening community security through a programme that, in conjunction with the *Programme d'apaisement social*, addresses the different

needs of various target groups, including armed groups, gangs, and youth and women associated with armed groups. The programme could also support the strengthening of the legal framework related to the control and movement of small arms.

B. Support to the establishment of the rule of law

Strengthening the security capacity of Haiti

64. The credibility and effectiveness of the Haitian National Police continue to be limited owing to technical and institutional shortcomings. Popular confidence in the Haitian National Police has been shaken by criminal behaviour and the brutality of some of its members. In general, the Haitian National Police is understaffed, inadequately trained and suffers from a lack of discipline and respect for the command structure. It is also infiltrated by criminal elements.

65. To address these shortcomings, a draft Haitian National Police reform plan was prepared jointly with the Haitian authorities, pursuant to Security Council resolutions 1608 (2005) and 1658 (2006). Once officially endorsed (see para. 21 above), the Haitian National Police reform plan is expected to guide the activities of the national and international stakeholders in the upcoming years. The support of MINUSTAH to the Haitian authorities will need to go hand in hand with sustained and concerted international assistance, in particular in the area of capital investments. Strong political support for the reform efforts will be required to counter the resistance that the process is likely to generate.

66. The Haitian National Police reform plan identifies the anticipated size and standards of the Haitian National Police and outlines an implementation timetable and required resources. The plan indicates that essential policing functions in Haiti could be discharged by a service of 12,000 well-trained and well-equipped officers. This figure could be achieved in five years at a rate of 1,500 new officers per year, depending on the training capacity (trainers, facilities, equipment and candidates) and the number of officers excluded from the police through the vetting process or through attrition. Key institutional capacities within the Haitian National Police would be strengthened as a priority, including the offices of the Inspector General and the Director General, the judicial police, and the training, administration and general services functions. In parallel, it is anticipated that the vetting of current personnel will be conducted over the course of the first two years after the adoption of the plan. The plan also foresees the creation of a “forum”, in which representatives of different areas of Haitian society and the international community could discuss the new Haitian National Police standards for recruitment, training, and career development. From the point of view of personnel expenditures, the national budget is expected to be able to cover the Haitian National Police increase. The budget allocation for capital investments, however, is insufficient and will thus need to be covered by external sources.

67. In addition, the plan indicates that between 18,000 and 20,000 officers would be required to implement the full range of security sector responsibilities in Haiti. To this end, the plan foresees the need for a supplementary strategy that will outline the development of specialized capabilities, including border and coastal monitoring, fire fighting and response capabilities to serious security threats.

68. The MINUSTAH police component plans to adjust its focus in order to better assist the Haitian authorities in reforming and restructuring the Haitian National Police, while continuing to support the Haitian National Police in the maintenance of law and order. The Mission will thus engage in a programme of monitoring, mentoring and field training at the level of Haitian National Police stations as well as commissariats. Furthermore, drawing upon the Mission's human rights and judicial expertise, MINUSTAH will support the institutional strengthening of the Haitian National Police, and the training of Haitian National Police officers. Particular emphasis will be placed on the vetting process, which will be conducted by 50 investigative teams, each composed of one MINUSTAH and one Haitian National Police officer, supported by expertise from the MINUSTAH human rights section. In order to assist the Haitian National Police in the areas outlined by the reform plan, the current authorized strength of MINUSTAH police, as per resolution 1608 (2005), will need to be enhanced by deploying an additional 54 officers with specialized skills in the areas of investigation, database programming, engineering, finance, communication systems and training.

69. Given the serious practical security challenges facing the Haitian National Police, in particular the gang violence in Port-au-Prince, the vetting and training will be targeted and prioritized in a way to achieve maximum impact on the crime situation, in particular in the capital. The Mission will also need experts in counter-kidnapping and anti-gang operations in order to provide specialized advice to strengthen the Haitian National Police capacity to address these most serious crime threats.

Support for the justice and prisons systems

70. The sustainability and ultimate success of efforts to reform and restructure the Haitian National Police will require parallel concerted efforts to tackle the shortcomings affecting the justice and prisons systems. Establishing and strengthening effective and transparent institutions that can ensure that the judiciary is sufficiently resourced, adequately trained, independent and professional is one of the greatest challenges facing the new authorities. Strong commitment by the Haitian authorities, judiciary and civil society, supported by the international community, is needed to meet the challenge. In this connection, revision by the Haitian authorities of relevant legislation will be essential to lay a foundation for effective reform; key legal texts include the *Code d'instruction criminelle* and the *Code pénal*, as well as the decrees and laws establishing the *Conseil supérieur du pouvoir judiciaire*, the *Statut de la magistrature*, the *Ecole de la magistrature* and the organization of the Ministry of Justice.

71. Greater international community support and a more active role by MINUSTAH, pursuant to Security Council resolution 1608 (2005), will be indispensable for the enhancement of the justice system. With enhanced resources, MINUSTAH could provide qualified experts to serve as a professional resource to be drawn upon on a day-to-day basis by the Ministry of Justice and other key justice institutions, such as the Judicial Inspection, the State Prosecutors, the *Conseil supérieur du pouvoir judiciaire* and the *Ecole de la magistrature*. Together with the long-term assistance being provided by UNDP, these additional resources could assist the Ministry of Justice in developing a comprehensive plan for the reform and institutional strengthening of the justice sector. The Mission could also assist in

strengthening strategic policy and planning, legislative, budget and administrative functions.

72. Furthermore, in fighting organized crime and corruption, the Haitian authorities could draw upon these professional resources, who could provide assistance and advice to special dedicated chambers within the court system for serious crimes, should the authorities choose to pursue such a mechanism. With its specialized expertise and capacities in the human rights, police and public information fields, MINUSTAH could facilitate efforts to improve access to justice, an inclusive dialogue on justice-related issues and training on police-justice cooperation.

73. The extent to which qualified legal experts from MINUSTAH could serve as a professional resource for the relevant Haitian judicial authorities and the scope of their work depends on the acceptance and willingness of the Government of Haiti, which retains full legal authority in the judicial sector.

74. Support to the efforts of the Haitian authorities to address the shortcomings of the prison system could be provided through the deployment of 16 correction officers seconded from Member States to address the most urgent problems. Through a mentoring programme, these experts could assist in strengthening national capacity to address key security issues in all prisons, including contingency planning, audit and inspection, prisoner management and human resources management. Together with UNDP, MINUSTAH could also facilitate a process to strengthen national capacity to reduce prisoner deaths and increase levels of health by providing adequate care.

75. It will remain essential to find short-term mechanisms to address prison overcrowding and prolonged pre-trial detention. Should the Haitian authorities choose to establish a reorganized advisory commission on detentions, MINUSTAH could provide technical support as required.

76. Furthermore, if given a more active mandate in the justice sector, the Mission could be a resource for the Haitian authorities to facilitate coherence in the support provided by donors.

C. Supporting democratic governance and strengthening State institutions

77. As noted above, remarkable progress has been achieved by the Haitian political leaders and people, with MINUSTAH support, in creating a level of mutual collaboration that has rarely existed. The newly elected leadership has indicated its strong commitment to continuing this process, which it must lead. The Mission stands ready to continue to assist the Haitian authorities in this work, as requested, once they have decided on the modalities and institutions they will set up for the dialogue and reconciliation process.

78. The holding of the national elections represented a decisive, yet initial step towards the consolidation of democratic institutions at all levels. It will be essential that the current electoral cycle be completed with the holding, as soon as feasible, of the local and municipal elections, as well as the outstanding run-off legislative elections. Adequate financial support for the organization of those elections from donors and the Haitian authorities remains a prerequisite for their success.

79. The Mission will continue to provide operational assistance and policy advice to the Provisional Electoral Council to complete the current electoral cycle. Once these elections have taken place, the new Government will need to enhance the operational structures to support a permanent electoral management body, as well to keep the voters roll updated and further develop the national capacity to organize future elections. Elected local authorities will soon need to vote for municipal and departmental assemblies. International assistance for such post-electoral activities, above all from bilateral and regional partners, such as the Organization of American States and the Caribbean Community, could be complemented with MINUSTAH and UNDP assistance, should the Haitian authorities so request.

80. Support will also be urgently needed for the newly elected officials at the central and local levels, who will have inherited weak institutions that suffer from a lack of qualified personnel, insufficient infrastructure and limited budgetary and material resources. This will require a concerted effort between the Haitian authorities and the international community. The Mission could assist the new authorities in these endeavours, including by providing specialized expertise in regional offices and by continuing its support for small-scale quick-impact projects, which over the post-electoral phase will remain an essential tool in support of mandate implementation. In particular, together with UNDP, it could support the executive branch, both at the central and local levels, such as the *Délégués départementaux* and mayors, once elected, in its efforts to reform the public service, and promote de-concentration, good governance practices and service delivery through a decentralization process. Through the establishment, together with UNDP, of a parliamentary liaison office in the capital, MINUSTAH will be able to provide hands-on assistance to parliamentarians. Furthermore, following specific requests made by the President and his team, MINUSTAH is exploring ways to make available to the executive branch international advisers who could provide technical assistance regarding the implementation of policy priorities. In order to help the executive branch extend its authority countrywide, MINUSTAH assets should, within the limits of the Mission's mandate and operational requirements, be put at the disposal of the President and the country's most senior officials.

81. Haiti's instability, severe socio-economic challenges, vulnerability to natural disasters and advanced environmental degradation hamper political and security efforts to stabilize the country. These challenges demand long-term sustainable solutions, including effective mechanisms for disaster management and human protection. The Mission and the United Nations country team will build and reinforce mechanisms that will help improve the Government's capacity for strategic planning (including development planning), process management, monitoring and regulation of basic service delivery at national and local levels.

D. Support for human rights

82. The human rights component of MINUSTAH, which also represents the United Nations High Commissioner for Human Rights in the country, will discharge and coordinate core human rights functions and help mainstream human rights across all MINUSTAH activities. With enhanced resources, it could provide more comprehensive and effective support to police and justice reform, including by assisting the vetting process and providing a diagnostic basis for those reform processes through the monitoring of human rights-related issues. In consultation

with the Haitian authorities, MINUSTAH will also seek to identify mechanisms to address serious violations of human rights and humanitarian law, with a particular focus on emblematic cases. To achieve these objectives, the Mission will combine enhanced monitoring of rule-of-law institutions, investigation and analysis, capacity-building for Haitian institutions and groups (together with the United Nations country team), public advocacy and provision of advice on human rights issues.

83. With a view to supporting the national capacity for human rights protection and promotion, and advisory services, MINUSTAH will provide training and assistance to the *Office du protecteur du citoyen*, as well as to civil society organizations focusing on human rights issues. Targeted support to the executive and legislative branches will also be made available by means of informational activities on international human rights law and protection systems, provision of advice on ratification of key human rights instruments and revision of key legislation, as well as training on methods and techniques of reporting to international human rights bodies. The Mission will benefit from consultancy support from the Office of the United Nations High Commissioner for Human Rights to pursue wider activities aimed at promoting human rights in support of the Mission's mandate.

84. The Mission will continue to promote the participation of women in all relevant spheres of activity by supporting capacity-building initiatives and providing technical advice to relevant organizations. Together with UNICEF, MINUSTAH will also provide support for the strengthening of the legal framework pertaining to children's rights and child protection. To this end, MINUSTAH will provide capacity-building to relevant Ministries, judicial actors and the Haitian National Police.

IV. Mission support

85. During the reporting period, MINUSTAH provided extensive logistical support for the national elections in February and April. The Mission was required to reallocate its human and material resources in order to ensure a comprehensive logistical network throughout the country. While the MINUSTAH 2005/2006 budget did not anticipate the extent of logistical support that would need to be provided by the Mission, relevant expenses were nevertheless absorbed from within available resources. The Mission also undertook limited road rehabilitation projects in line with its operational requirements.

V. Financial aspects

86. By its resolution 60/18 B of 30 June 2006, the General Assembly decided to appropriate a total amount of \$489,207,100, equivalent to \$40,767,258 per month, for MINUSTAH for the period from 1 July 2006 to 30 June 2007. Should the Security Council approve the recommendations set out in section III of the present report, additional resources for the period up to 30 June 2007 would be sought from the General Assembly at its sixty-first session.

87. As at 30 April 2006, unpaid assessed contributions to the Special Account for MINUSTAH amounted to \$66.8 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to \$1,639.9 million.

88. As at 30 April 2006, amounts owed to troop and formed police contributors to MINUSTAH totalled \$9,148.4 million. Reimbursement of troop and contingent-owned equipment costs have been made for the period up to 30 April 2006, in accordance with the quarterly payment schedule.

VI. Observations and recommendations

89. With the successful completion of the national elections, a new page in the history of Haiti has been turned. Today, the people of Haiti have a unique opportunity to break the cycle of violence and poverty and move towards a future of stable and peaceful development. In this, they will be guided by a new leadership which emerged from a free, fair and inclusive electoral process, conducted in safety and dignity. President Préval has shown a commendable determination to reach out to all political and social forces in Haiti in a spirit of reconciliation and dialogue, leaving behind decades of tension and exclusion. The appointment of a broad-based Government under Prime Minister Alexis and the adoption by the Haitian authorities of an ambitious, yet balanced, policy agenda have laid the foundation for Haiti's recovery and renewal. The implementation of the reform agenda — the modernization of the State and wealth creation — could benefit from an enhanced partnership with the international community, including MINUSTAH and the United Nations country team. Ultimately, however, the Haitian authorities and the people will need to actively take ownership of that agenda in order to ensure its lasting success.

90. The needs of the country remain vast and the challenges immense. The security situation continues to be worrying and destabilizing, in particular the crime situation in the capital, as the sources of instability still exist and the national security capacity to address them remains inadequate. Illicit trafficking in weapons and drugs remains an obstacle to successfully fighting crime, impunity and corruption. The institutions of the State, including the Haitian National Police, the judicial system and the institutions of government, require extensive assistance in order to function appropriately at all levels. An inclusive country-wide dialogue with all political and social forces will need to be nurtured continuously in order to consolidate advances achieved so far. Poverty reduction and socio-economic development are important priorities, as are rapid and visible improvements in the daily lives of the Haitians.

91. At present, Haiti cannot address those challenges all by itself. International partners should therefore extend timely, adequate and coherent support to the new authorities in the above-mentioned areas. As reflected in section III of this report, MINUSTAH, as part of an international division of labour, stands ready to offer the Haitian authorities targeted assistance, based on its comparative advantages, in the following two areas: ensuring a secure and stable environment to allow the ongoing political process to continue and humanitarian and development work to be conducted in safety; and providing institutional support to rule of law reform and to institutions of governance, in particular at the regional and local levels. All these

efforts will be underpinned by the human rights work of the Mission and a political role for my Special Representative, including through his good offices. In addition, MINUSTAH will provide support for the organization of the remaining elections, which should be held as soon as feasible. Enhanced MINUSTAH resources will be required to implement those activities, as indicated in section III.

92. In particular, the MINUSTAH police need to be strengthened with SWAT-qualified personnel and equipment, as part of its formed police units, as well as with expert advisers in counter-kidnapping and anti-gang operations, as part of its police contingent, to better support the Haitian National Police. This qualitative strengthening is needed since gang violence and kidnappings have emerged as an overriding impediment to stabilization in Haiti. They block the sustainable implementation of institutional strengthening, poverty reduction and economic development programmes by the Haitian authorities and donors, and are a serious obstacle to normal economic activity and productive investment.

93. It is important to recognize that there are limitations to this mandate. While the Mission intends to maximize its crime prevention role, it will not be able to respond to criminality in an exhaustive manner. Neither will the MINUSTAH security presence at border crossings and selected ports and crossroads be sufficient to fully deter illicit activities, including the trans-shipment of drugs and weapons. I therefore call upon the international community, in particular those with close relations to Haiti and its people, to come together in a unified fashion to complement the activities of MINUSTAH in areas where it does not have capacity or mandate and to work closely with MINUSTAH in those areas where it does. I would welcome in particular the involvement of regional partners, such as OAS and CARICOM. New opportunities may open up in this regard now that Haiti has found its place again among the countries of the Caribbean Community.

94. I also appeal to the Haitian authorities to take full advantage of the assistance offered by the international community and, drawing upon MINUSTAH support as required, to help further reforms by adopting key national policies, such as the Haitian National Police reform plan, key legislation related to the independence of the judiciary, a disarmament policy and priorities in the areas of dialogue and reconciliation. The Haitian authorities should make maximum use of the expertise and support available from MINUSTAH for the strengthening of the rule of law sector.

95. Now that an elected government and legislature are in place, the new authorities should be given adequate means to succeed, including for the organization of the outstanding elections. I therefore call on donors to provide urgent and generous support to the Haitian authorities, in particular in the context of the pledging conference held in Port-au-Prince on 25 July, especially to address those short-term socio-economic requirements that are indispensable for the continuing stability of the country given the high expectations of the people. At the same time, I would like to stress that pledges and disbursements are only a first step. Rapid implementation of development projects bringing visible relief to the Haitian people is essential. Job creation and delivery of basic services should be a key aim. The United Nations system stands ready to assist the Haitian authorities and donors to establish a monitoring and evaluation mechanism to facilitate the coordination of their efforts.

96. The United Nations reiterates its commitment to the Haitian authorities to assist with the implementation of national priorities. In order to enable MINUSTAH to do so effectively, I recommend that the Security Council approve the proposals regarding the mandate and resources of MINUSTAH set out in section III above and extend the Mission for a period of at least 12 months. This is the minimum time needed to establish a solid basis for rule of law reform, achieve some initial results and progress towards democratic governance, in particular at the local level. It would also send an important signal to the Haitian people of the enduring commitment of the international community. The Mission's military strength will need to be maintained at the current ceiling of 7,500 troops and the police strength augmented by 54 individual police officers for institutional support, which brings the total strength to 1,951. Furthermore, 16 seconded corrections officers are required to adequately discharge the responsibilities of MINUSTAH in the prison system.

97. The United Nations is grateful for the continuing engagement of troop- and police-contributing countries. Their engagement will need to be sustained and further augmented in the area of police with additional francophone officers possessing specific skills to support the reform of the National Police, as well as with specialized capacities to enhance the ability of MINUSTAH to deliver advice, training and operational support to the Haitian National Police in the fight against gang violence and kidnappings. The unwavering support of members of the Core Group, donors and regional organizations will remain equally important for MINUSTAH to succeed in its challenging mission.

98. Finally, I would like to extend my warm appreciation to Juan Gabriel Valdés, who served as my Special Representative until the end of May and whose remarkable political vision and inspiration were crucial to enabling credible and inclusive elections in Haiti. I would also like to welcome my new Special Representative, Edmond Mulet, and express my gratitude to him and to all MINUSTAH personnel for their dedication, perseverance and commitment to peace and security in Haiti, while carrying out their tasks in often dangerous and demanding circumstances.

Annex I

United Nations Stabilization Mission in Haiti: countries providing military staff and contingents (as at 15 July 2006)

<i>Country</i>	<i>Staff officers</i>	<i>Troops</i>	<i>Total</i>
Argentina	9	549	558
Bolivia	1	—	1
Brazil ^a	14	1 200	1 214
Canada	4	—	4
Chile	8	537	545
Croatia	1	—	1
Ecuador	1	66	67
France	2	—	2
Guatemala	5	80	85
Jordan	11	749	760
Morocco	2	0	2
Nepal	7	750	757
Paraguay	3	—	3
Peru	4	205	209
Philippines	2	155	157
Sri Lanka	12	950	962
United States of America	4	—	4
Uruguay	11	967	978
Total	101	6 208	6 309

^a Including the Force Commander.

Annex II

United Nations Stabilization Mission in Haiti: countries providing civilian police officers and formed police units (as at 15 July 2006)

<i>Country</i>	<i>Civilian police officers</i>	<i>Formed police units</i>	<i>Total</i>
Argentina	4	—	4
Benin	29	—	29
Bosnia and Herzegovina	4	—	4
Brazil	4	—	4
Burkina Faso	71	—	71
Cameroon	41	—	41
Canada ^a	68	—	68
Chad	20	—	20
Chile	27	—	27
China	5	125	130
Egypt	7	—	7
El Salvador	4	—	4
France	78	—	78
Ghana	11	—	11
Grenada	1	—	1
Guinea	38	—	38
Jordan	2	290	292
Madagascar	1	—	1
Mali	13	—	13
Mauritius	1	—	1
Nepal	13	125	138
Niger	21	—	21
Nigeria	10	125	135
Pakistan	—	248	248
Philippines	42	—	42
Romania	4	—	4
Russian Federation	8	—	8
Senegal	47	84	131
Sierra Leone	2	—	2
Spain	28	—	28
Togo	5	—	5
Turkey	12	—	12
United States of America	47	—	47
Uruguay	6	—	6
Vanuatu	3	—	3
Yemen	3	—	3
Zambia	9	—	9
Total	690	997	1 687

^a Including the Police Commissioner.

