

UN peace operations, local peoples and legitimacy – the case of Minustah

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United Nations peace operations have gained an important political relevance over the past years, mainly after the end of the Cold War, when globalization and its impacts have intensified. Although they represent an important progress in the global governance mechanisms to promote peace and support societies plagued by violent conflicts and mass human rights violations, there is an important and growing literature which points out the limitations, problems and even dangers of the authority present in the international institutions and mechanisms behind them.¹

In this context, my PhD research aims to comprehend to what extent UN peace operations respect and guarantee democratic procedures in the countries in which they intervene, analyzing the relationship of these operations with local peoples, and the consequent implications for their legitimacy and ability to actually contribute to peacebuilding. It is based on an extensive literature review and in one case study, of the United Nations Stabilization Mission in Haiti (Minustah), where I conducted a field research with the support of the SRA program, between April and May of 2016. With the insights developed with the case study and the field research, I aim to critically analyze and possibly challenge assumptions of the existing literature, bringing new contributions for this important field of study.

As we are facing a global context where conflicts and violence are still widespread, and many of their underlying causes remain or are worsening, such as extreme inequalities, ethnic and religious disputes, natural degradation and climate change, research with consistent empirical and theoretical grounds on the global governance mechanisms to support peace and stability is particularly important, mainly taking into account that these mechanisms have been failing in so many occasions, even causing huge and serious negative consequences.

I have conducted in-depth, semi-structured interviews among Haitian citizens, members of human rights, humanitarian and development NGOs, politicians, journalists, academics, members of cultural organizations and social and communitarian leaders. The informal dialogues I had with Haitian citizens in general were also very important in my research, to understand the local context, the impacts of Minustah and the perceptions and opinions of Haitians about the operation. I also interviewed Minustah and other international personnel (employees of international NGOs, journalists, academics, diplomats, representatives of regional institutions). My objective was to understand the opinions and perceptions of Haitians about Minustah, mainly on its source of legitimacy, the outcomes of the operation, the dialogue and grievance mechanisms made available (or not) by the operation, and about the current situation of the country and the Minustah's role in this situation. The objective was also to gather first-hand data about the local context, the work developed by Minustah, the

¹ Orford, A. 2011. International authority and the responsibility to protect. Cambridge: Cambridge University Press.

current political situation, the current economic, humanitarian, social and political crisis that ravage the country and the Minustah's role in this situation.

I found that the main reasons for the contestation of Minustah's legitimacy are linked to its role in the elections, mainly since the Martelly's election in 2010, and the contamination of cholera provoked by UN troops from Nepal after the 2010 earthquake, situation in which the UN didn't demonstrate any accountability to the Haitian people, in the view of many of them.

And although there is a general recognition that some kind of external intervention was necessary in 2004, for the political instability and widespread violence in Haiti, the legitimacy source of the operation is not so clear for many Haitians. The Minustah's UN Security Council resolution was determined under the Chapter VII of the UN Charter, which means that the mission doesn't need the approval of the Haitian state to operate in the country. All governments so far have cooperated with the mission, but many Haitians question the grounds of the mission's mandate renewals.² Besides, its perceived legitimacy has been decreasing over the time, mainly for the lack of perceived positive outcomes, and for the lack of perspective/ prevision for the ending of the operation. The existing literature already suggests that, even if external interventions have the support of the local population at the beginning, this support tends to deteriorate over time.³ This certainly happened in the case of Haiti, with many factors involved in this deterioration.

There have been blatant maneuvers for the election of Michel Martelly in 2010, and his administration did not hold elections for a long period, deflagrating a political crisis with huge and long term consequences. He personally pointed mayors, and the parliament's mandate ended without a new parliament elected.⁴ In the view of many Haitians, Minustah has been collusive in this situation. In my investigation, I could not find information about any effort made by the UN for the holding of elections during this period. The current political crisis in Haiti is certainly connected with these developments.

The Haitian political system and democracy are themselves very fragile; the democratic culture is still very weak. Many people are afraid to vote because of the recent past of political violence in the country; the participation in the elections is very low; there is a strong and widespread distrust about the elections. The Organization of American States (OAS), for instance, recognizes the gravity of this situation and the need to restore trust and the legitimacy of the process. But with all these problems and controversies, the UN mission did not help Haiti to improve its democracy and electoral

² The mission has been established "*for an initial period of six months, with the intention to renew for further periods*" (UNSC Resolution 1542, 2004:

[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1542\(2004\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1542(2004))). Thereby, its mandate is renewed every year. The short-term perspective of the UN and actors involved becomes evident with this situation, a serious problem of UN peace operations already pointed in the 2000 'Brahimi Report' (http://www.un.org/en/events/pastevents/brahimi_report.shtml)

³ Edelstein, D. Foreign militaries, sustainable institutions, and postwar statebuilding in: Paris, R., Sisk, T. (editors). 2009. The Dilemmas of Statebuilding: confronting the contradictions of postwar operations. Routledge.

⁴ Political uncertainty in Haiti as parliament is dissolved: <http://www.bbc.com/news/world-latin-america-30807811>; Haiti's parliament dissolved after last-ditch negotiations to avert crisis fail: <https://www.theguardian.com/world/2015/jan/13/haiti-parliament-dissolved-michel-martelly-crisis>

process. The pressure of the international community (of the 'Core Group') for the acceptance of the results and the moving forward of the last elections caused dissatisfaction among many Haitians.

There is also a confusion between the positions of the UN Mission and of the group of the most influent foreign countries in Haiti. The well-known 'Core Group', composed by representatives of the USA, Canada, France, Brazil, Spain, EU, OEA and by the UN Mission, very often makes joint political declarations, mainly about the elections. The mission's independence is seriously compromised by these diplomatic games in the eyes of many Haitians.

Concerning the cholera contamination, responsible so far for at least 9.000 deaths, it is the first time that the UN has been sued in a domestic court, in the United States.⁵ The UN defense allegation was simply the immunity it enjoys in the intervened countries. For the majority of the interviewees, the UN should, first and foremost, recognize the responsibility and apologize (the UN mission did not come close to it). There is also a significant consensus that the UN is not doing enough to repair the damage caused.

On the positive outcomes and impacts of the operation, according to my research I can highlight the support for the Haitian government and other local actors in critical human rights issues, such as in the trial of individuals involved in the Duvalier's brutal dictatorship, and the support for the improvement of the Haitian police capacities and qualification, in accordance with high and international standards. This last aspect has been recognized by many of the interviewees. There are important practical outcomes, such as the development of community policing projects; the inclusion of women in the police force, and the supporting for the development of structures specialized in gender based violence.

Concerning the support for the improvement of the rule of law in the country, however, I could attest that the positive outcomes are in most of the cases seriously compromised, since the other aspects of the Haitian crises are not being addressed, mainly the economic and social aspects. The huge crisis in the Haitian prison system is a telling example in this way: there is overpopulation in Haitian prisons, extremely inhuman conditions, and the old problem in the country with the '*détention préventive prolongée*' has been worsening. Haiti also doesn't have institutions for young offenders; there are cases of children detained in the same facilities of adults. The social and economic root causes of criminality and violence are not being addressed, they have worsened in the last years, mainly after the earthquake. In this way, the improvement of the rule of law without an advancement in the most serious and pressing issues of the country is ending up creating new problems.

The main novel insight developed during the field research concerns the political economy dimension of the UN mission. Haiti is one of the poorest countries in the world and has a long history of dependency on (in many cases predatory) foreign aid,

⁵ Lemay-Hebert, N. Taking the 'Unintended Consequences' of Peacekeeping Seriously - How Haiti Has the Potential to Revolutionize World Politics, Again:
<https://www.munplanet.com/articles/fridays-with-munplanet/taking-the-unintended-consequences-of-peacekeeping-seriously-how-haiti-has-the-potential-to-revolutionize-world-politics-again>

with devastating consequences for the country.⁶ As the operation has a huge impact on the local economy, it clearly has worsened this situation of dependency. This dimension demands further and proper investigation; my research will somehow contemplate this aspect, since the impacts and collateral damages of the operation are in the scope of my study, but not exhaustively and with the focus and outreach necessary. I'm going to give more attention, though, to the impacts and collateral damage of Minustah in this aspect, correlating and locating it in the context of the relationship with the local population.

In this way, I could find out that the underlying and structural problems responsible for the Haitian crisis and, consequently, for the permanence of the operation, are not being addressed, on the contrary; the UN neither presents an exit plan, even though some of the countries involved recognize that the time has passed for the mission's departure.

I conducted this field research in Haiti, thanks to SRA program, in a critical moment for Haiti and for the UN mission in the country. The field research will enable me to analyze Minustah in the general context of the UN peace operations and their evolution, evaluating the impacts of this case for the understanding of the UN peace operations in general and the institutions and mechanisms of global governance behind them. I hope to develop relevant contributions for this field of study, highlighting the importance of promoting democratic processes for the achievement, indeed, of sustainable and positive peace, and that international peace, security and human rights protection need to be sought without harming democracy, justice and the self-determination of peoples.

⁶ See, for instance, 'Fonkoze on Surplus Peanuts to Haiti': <http://www.fonkoze.org/fonkoze-delivery-surplus-peanuts-haiti/>