

Effective Multilateral Governance: The Way Forward

Keeping the Peace? Haiti

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Introduction

This short paper looks at the present cooperation between the United Nations and regional organizations in peace and security, in the context of the UN Secretary-General vision of “a global-regional security mechanism”, in order to apply that cooperation to the case of Haiti.

For this end I will analyse the response given by the global organization (UN) and the regional and sub-regional organizations which are part of this global-regional cooperation process in the two stages of the Haiti crisis - In 1991-1997 (UN/OAS) and in 2000-2006 (UN/OAS/CARICOM/MERCOSUR/EU). I will therefore be able to present a vertical analysis (global/regional/sub-regional) and a horizontal analysis (inter-regional) of the international community's response. The case of Haiti is a clear example of this developing partnership with the UN, with the important response of the two American partner organizations - OAS and CARICOM.

What I will try to conclude is if this UN/regional organization's cooperation works, even if “the patient failed to recover” (leading to a second crisis in 2004). Were the regional organizations able to respond efficiently to the gap created by the global limitations? In short, is regional cooperation a real alternative to limited global action?

Regionalism and Effective Multilateralism

In the latest years a number of key changes and challenges have taken place or been reinforced in international relations in the peace and security area. Disagreements related to unilateral enforcement action without the authorization of the Security Council have continued and UN reforms have moved to the centre stage of debate and action. Some regional agencies have

also gone through rapid periods of change and reflection and Member States have started to ask more pointed questions about whether or not to fund activities through multilateral agencies.

The paradox of today is that the policy authority for tackling global problems still belongs to states while the source of the problems and potential solutions is situated at transnational, regional or global level¹. This paradox is very visible especially in the security area - armed conflicts, terrorism or nuclear weapons being some of the main ‘problems without passports’. This may be the main reason for the, very broadly publicized (namely by the UN Secretary-General), crisis in multilateralism.

The organising principle of global governance is multilateralism, and the UN lies at the very core of the multilateral system. But as the UN Secretary-General Kofi Annan noted “we can no longer take it for granted that our multilateral institutions are strong enough to cope with all the challenges facing them”² The High-level Panel on Threats, Challenges and Change outlined the unprecedented challenges the UN faces in the near future, especially the increasing limitations of collective security as envisaged in the UN Charter. The conflicting doctrines of sovereignty, use of force, and right to intervention, limit the simple state-to-state approach to multilateralism and increase this paradox.

The present momentum is asking for the renovation of the multilateral system

¹ See THAKUR Ramesh and VAN LANGENHOVE Luk, ‘Enhancing global Governance through Regional Cooperation’, Paper presented in Conference on “Regionalisation and the Taming of Globalization?”, University of Warwick, October 2005.

² UN Secretary-General, Kofi Annan, Address to the UN General Assembly, September 2003.

through the adoption of far-reaching reform measures. One pertinent solution can be the development of a middle layer of governance between the state level and the global level – a regional level approach to multilateralism, giving further strength to the regional engagement in security. As the OBREAL IV Group puts it “ensuring constructive complementarity between regionalism and multilateralism requires multilateral, regional, inter-regional and national action”³

The question is if regionalism and regionalisation can provide a satisfactory solution for the above-mentioned paradox – and a way out for the present crisis in multilateralism. The rise of regionalism as a component of multilateralism is being recognized by the international community as both desirable and feasible, and even necessary - as a complementary mechanism to the UN in governance of peace and security. *Regionalism* is now seen as a configuration of authority and power devolved in accordance with Chapter VIII of the UN Charter to international organizations that occupy a security space between national and global levels.

This is reflected in the UN Secretary General’s stated vision of a ‘mutually reinforcing regional-global security mechanism for peace and security’ – and is leading to a rethinking of the relationship between regional security and global governance. In the present context of ‘frustrated multilateralism’, the role of the regional organizations is therefore of considerable significance, and it can bring back UN’s lost legitimacy and efficiency.

The Construction of a UN-RO Partnership

As mentioned above, the UN is seeking to develop a ‘regional-global security mechanism’ for the 21st century. The structural relationship between the UN and the regional organizations is fundamental to the success of this mechanism, and comprises three phases: shaping the

relationship (through the UN Charter); building the institutional framework (through the development of the regional organizations) and developing a framework for cooperation.

The fundamental relationship between universalism and regionalism in security doctrine is addressed in the UN Charter. The Charter allows for regional security arrangements for the maintenance of peace and security as a support to the primary role exercised by the Security Council, but there is no pre-fabricated mechanism. At the time of its drafting, the notion of regionalism was still in its infancy, which is very likely one of the reasons for a weak treatment of the regional level in the UN Charter. However the 50s witnessed a burst of unparalleled creativity in regional institutional building in Europe, spreading to Africa and Asia in the 60s and the Caribbean and Pacific in the 70s, and supplemented by ‘late-comers’ and a wave of ‘new regionalism’ in the 80s and 90s, when a global network of regional agencies was in place.

Since the mid-1990s the United Nations has taken the initiative in developing a partnership with regional organizations in the maintenance of international peace and security. The Secretary-General has convened six high-level meetings with regional, sub-regional and other intergovernmental organizations with a view to building what might be called a ‘regional-global security mechanism.

These meetings have resulted in a series of broad guidelines for operational measures in conflict prevention and peace-building. The latest High-level Meetings took this cooperation much further. Meetings are henceforth to be annual, supported by an inter-session Standing Committee and served by a number of working groups.

The Security Council has also undertaken initiatives in strengthening the partnership. It has now held three meetings with regional and other organizations, the most recent of which adopted a Council resolution on the UN-regional organization’s relationship for the first time. The Council expressed its determination to take appropriate steps to further the development of cooperation

³ OBREAL/EULARO Background Paper, Working Group IV, Op. Cit., Para. 49.

with regional and sub-regional organizations in maintaining international peace and security consistent with Chapter VIII of the Charter. The Secretary-General was also invited to submit a report on the opportunities and challenges facing the cooperation between the UN and regional organizations in maintaining international peace and security⁴. Thus the stage is now set for the operational partnership between the UN and regional organizations to be realised.

This new focus on a UN-RO partnership has been given some prominence by the high-level process leading up to the World summit of September 2005. The 2004 UN High-Level Panel noted the important role the regional organizations had to play in international peace and security and called for more formalized agreements between them and the UN. In his report *In Larger Freedom* of March 2005, the Secretary-General declared his intention to conclude a series of memoranda of understanding with partner organizations, later endorsed by the World Summit.

The American organizations involved in this process are OAS and CARICOM as they will therefore be the main focus on the Haiti case. MERCOSUR is not part of this process at the moment but, considering the developments in its peace and security functions it may have an interest for the cooperation in a near future.

Regional response to the Haiti crisis

The Haiti case can be considered a very good example of the concept put forward: that the solution to the crisis in multilateralism (made clear by the difficult politics in the Security Council that led to the end of the UN mission UNMIH in 1997) may lay in the cooperation with regional organizations.

In order to analyze this case, focus will be placed on the main role of the OAS (global/regional cooperation in the first stage of the crisis) and the CARICOM, mainly after 2000 (in a global/regional/ sub-

regional cooperation) both organizations having Haiti in its membership. I will then also look at the roles of other concerned organizations, such as MERCOSUR and EU, the latest one making the case for the inter-regionalist approach.

Since 1991, the UNSC has been involved in a broad range of activities in support of democracy in Haiti. The case offers the first and only instance of authorization by the UNSC of the use of force to effect the restoration of democracy within a member state. This was also the first case in which the USA sought UNSC authorization for the use of force within the Western Hemisphere. Finally, this was the first test of the OAS Santiago Declaration, serving as a precedent for the organization in its efforts to react to threats to democracy in other member states.

OAS's fast regional response in 1991

In the first stage of the crisis (1991-1997), OAS was the first international organization to react to the *Coup d'Etat* (1991) even before the global organization had time to do so. UNGA Res. A/RES/46/7 (1991) already mentions OAS, appealing for support to the regional organization's resolutions. The first UN Security Council resolution also notes the regional response.

Later on, the International Civilian Mission on Haiti (MICIVIH) became the most advanced experience in cooperation between the UN and the OAS— taking place in the areas of electoral observation, humanitarian aid, human rights monitoring, political negotiations, refugees, fuel supply, and the economic recovery program. This was also an interesting experiment in human rights and electoral observation activities, the OAS having been responsible for election monitoring, human rights observation and protection.

Later on, with the second cycle of political instability, OAS took further its mediating role, trying to negotiate a political solution for the crisis, sending observer and election monitoring missions and calling for UN action.

The Haiti experience highlights the advantages of cooperation between the two

⁴S/RES/1631 (2005), 17 October 2005.

organizations, OAS having shown the capacity to move rapidly into a crisis. The institution building that took place was made possible by the already growing cooperation between the two organisations. In fact, the main vehicle for UN/OAS cooperation in the 1990s was their coordinated response to the crisis in Haiti, leading to a formal cooperation agreement in 1995.

The role played by OAS in the Central American peace process and in Haiti supports the vision that regional organizations must play a major role in administering security, given their proximity to the problems in question, and capacity to react rapidly to crises.

CARICOM's engagement in 2000

After 2000 the cooperation became also sub-regional, with the role played by CARICOM. Its important role is shown by the effort to bring Haiti into its membership, accompanied by conditionality on Haiti's entrance and later on, its mediation role and pressure for maintenance of democratic standards in the country.

Haiti applied for membership of CARICOM in July 1997. CARICOM therefore used the 'lure of membership' as a way to influence the political democratic outcome in Haiti. It sent a goodwill mission in 1998 and an electoral observation mission (partially funded by Canada) in 2000, considering that the presence of observers from the region would only contribute to the enhancement of Haiti's integration in the regional organization. After the 2000 elections, finally considered fraudulent, CARICOM pushed for the maintenance of Haiti in OAS membership (when the US threatened to suspend it) and, considering the increasing seriousness of the situation, sent two follow-up missions (June and July 2000) and appealed to the OAS and the international community to keep engaged.

In the summer of 2000, in the outset of the elections, CARICOM was involved with Haiti at the highest political levels, through diplomatic efforts and technical assistance, a good example being the joint exploratory mission it sent in July 2001 together with

OAS (Assistant Secretary Generals). In July 2002 Haiti became a CARICOM member.

The entrance of Haiti in CARICOM increases the role of this organization in the crisis, namely in its comparative advantage in culture sharing and closeness. Being now a member of the Caribbean Community, Haiti's instability had direct consequences for CARICOM's security, development and stability. Therefore, CARICOM's interest and impact on the country's situation was now much higher.

In February 2004, considering the rapidly deteriorating political and security crisis, CARICOM and OAS started mediating between President Aristide and the opposition, and CARICOM presented its Action Plan, proposing confidence-building measures such as disarmament, setting rules for demonstrations, strengthening the police force and establishing a transitional government of national unity and an electoral commission. But this Plan failed, accepted by Aristide but rejected by the opposition.

The organization therefore requested (through the Jamaican Minister of Foreign Affairs) a UNSC meeting – calling for international engagement, including an international force. Its requests would however only be granted after President Aristide fled the country, with UNSC Res. 1529 authorizing the deployment of a Multinational Interim Force. UNSC Res.1529 and later UNSC Res. 1542 both commend and support OAS and CARICOM's efforts. These resolutions show the ongoing cooperation between these organizations and the UN on the stabilization efforts.

Even if not recognizing the Interim Government, CARICOM would eventually accept it for the sake of stability and re-open the communications channel, making free presidential elections a condition for Haiti's re-entry in its membership. For the recent elections, CARICOM worked closely with the International Mission Monitoring Elections in Haiti (IMMEH) along with other international observer groups such as the EU and OIF.

MERCOSUR and the EU

Even if the relationship with the UNSC (the global peace and security body) was made primarily with the OAS and the CARICOM (always noted in its resolutions and statements), it is also relevant to look at the inter-regional cooperation response to the crisis. In this context I look at the role of the EU and MERCOSUR, the preferred strategic partners at present for EU-Latin America inter-regionalism.

Considering the influence of MERCOSUR in Haiti – it is interesting to point out the similarities with the EU model – looking at his neighbours for regional stability. This may be the main reason of such a strong contingent of forces from MERCOSUR states in MINUSTAH. A Brazilian Army General is in command of the peace operation consisting of soldiers from 13 countries of which Brazil deploys the biggest troop, followed by Chile, Argentina, and Uruguay. It should be noticed that for the first time peacekeeping forces that consist almost exclusively of South American units carry out a peace mission of the United Nations.

The practical military cooperation between the South American governments has got the potential of introducing a turn to multilateralism within the sub-regional defence cooperation, which has so far mainly relied on bilateral structures. The participation of Argentina, Brazil and Chile in the Haiti-mission is a permanent multilateral task force about to develop. However, and even if MERCOSUR has been developing its peace and security capacities (being from its inception, a security-concerned organization created to ameliorate relations between Brazil and Argentina), this organization is yet not part of the mentioned global-regional partnership. In the future, MERCOSUR may consider pushing for cooperation with the UN.⁵

⁵ Asking to the desk-officer responsible for MERCOSUR in UN-Department of Political Affairs, the response was that this organization is purely economic in nature having no cooperation with the UN in security. This seems to show that there is lack of information inside the UN Secretariat on

EU's role was evident mainly through EU's humanitarian and financial aid, including the funding of an OCHA office in Haiti. The EU is Haiti's greatest aid donor (for post-crisis rehabilitation, basic services and job creation, support for the electoral process, and ECHO humanitarian aid). Therefore, the EU was able to act directly through peace building and rehabilitation measures but also indirectly through conditionality on its aid.

Indeed, after the 2000 flawed elections, EU decided to diminish its aid, making political pressure for new free elections in its meetings with the Haitian government. With the developments towards the holding of free elections, the EU decided in May 2005 to unblock the aid for Haiti's general elections, as well as for disarmament and reintegration of militaries into civil society, having finally sent an advance team and an observer election delegation for the 2006 elections.

EU's role in the response to the crisis in Haiti was also made through its relations with CARICOM – showing its support to the leading role of CARICOM in the mediation efforts, making the case for inter-regional cooperation for peace and security issues

Conclusions

The main problem of the UN in Haiti was, besides its slow response in 1991 (and later on in 2004) not being able to continue the peace building and conflict prevention /re-incidence efforts in 1997. Confronted with the slow or lack of global response, OAS and CARICOM showed faster (OAS was the first to react to the coup d'Etat in 1991) and permanent engagement.

The Haiti case proves the comparative advantage of knowledge of the situation, cultural and geographical closeness and the legitimacy to act of regional organizations (as stated by France in UNSC meeting on Haiti in 2004), when the UN sees itself limited in its actions. This case also shows the alternative way to respond to a regional crisis – the first response coming from the

MERCOSUR, probably a reflection of insufficient communication between the two organizations.

concerned regional organizations who then take it up to the global level (like was the case here, first with OAS in 1991 and then with CARICOM in 2004).

This case also shows the alternative way to respond to a regional crisis – the first response coming from the concerned regional organization who will then take it up to the global level (like was the case here, first with OAS in 1991 and then with CARICOM in 2004). If compared to their direct role, the role of MERCOSUR and EU can be considered only secondary although also of great importance – a more indirect role – pressure through conditionality over financial and humanitarian aid (EU) and coordination of efforts inside the multilateral missions (MERCOSUR).

Furthermore, this case presents a clear example of successful cooperation between the UN and the American organizations, even if “the patient failed to recover”.⁶ Indeed, as of today, after the elections of February, people are back on the streets and instability increases, now with accusations to the UN peacekeepers of violence. This shows therefore that in some cases, even the regional response can prove short of success in completing the global role in peace and security. Indeed, the regional organizations are not perfect actors in security, also subject to internal politics that delay their action and threaten their impartiality (because of their members’ national interests).

Colombia reflects OAS’s fragilities in this sense. Indeed, the clearest sign of the fragility of the OAS today is the fact that it did not play a role in the most pressing security crisis – Colombia, the Permanent Council not going beyond declarations in support of the government and the peace negotiations. US unilateral approach (focusing primarily on military aid), and the posture adopted by Colombia’s neighbours (concentrating on protecting their borders) explain the lack of involvement. However, OAS could play a role in mediation – a

forum for other countries to take part in the debate, establishing the necessary links between dealing with the war in Colombia and countering narco-traffic in the region.

One final conclusion deserves attention here. Even with its shortcomings and defaults, the Haiti case shows that a *multi-level governance* approach may be the key for an effective multilateralism in global peace and security.

⁶ MALONE David, “Decision-Making in the Security Council – The Case of Haiti”, Clarendon Press, Oxford, 1998.