

11. Juridical-institutional cooperation with the Republic of Haiti

Reports and Resolutions:

CJI/RES.133 (LXXI-O/07) Juridical-institutional cooperation with the Republic of Haiti

CJI/doc.275/07 Keeping the peace and the lessons learned of Haiti: collapse or rebuilding of the State? (presented by Dr. Ricardo Seitenfus)

At the Inter-American Juridical Committee's 71st session (Rio de Janeiro, August 2007), the Committee's Chairman, Dr. Jean-Paul Hubert, recalled that at the request of the rapporteur for this topic, Dr. Ricardo Seitenfus, this matter was first introduced as a subtopic of a broader topic titled "Thoughts on the challenges of the Inter-American Juridical Committee". The Chairman invited the rapporteur to explain his report titled "Keeping the Peace and the Lessons Learned of Haiti: Collapse or Rebuilding of the State?", document CJI/doc.275/07.

Dr. Seitenfus pointed out that the OAS has played an important role in Haiti since 1986. The OAS' hope was that after a history marked by violence, Haiti might finally become a democratic State of laws.

He said that, although preliminary in nature, his report was intended to provide a more balanced vision of Haiti's extraordinary history, given its very negative image and the fact that it was so unfamiliar to almost everyone in the hemisphere. He recalled that in the 1960s and 1970s, the vast majority of the Latin American countries were living under some kind of state of emergency (martial law, state of siege, and so on); ultimately, however, the people of Latin America agreed to a social compact based on democratic governance. The Haitian case is important because the people want to participate, want to elect their representatives and want to be masters of their own destiny. The rapporteur concluded that inter-American society had an enormous responsibility *vis-à-vis* Haiti.

The rapporteur singled out one specific area in which the Inter-American Juridical Committee might play a role in this matter, which is to closely monitor the rebuilding of the Haitian State, its judicial system, and its prison system. These are all profound problems that need to be addressed with great care. One course of action might be for the Committee to agree to a request from Haiti to provide advisory services. In this regard, the rapporteur reported that he would be visiting Haiti as a member of a project being carried out. He asked whether he might represent himself as a member of the Juridical Committee. Finally, for all these reasons he asked that the topic be kept on the agenda.

Dr. Jean-Paul Hubert proposed that this be a separate item on the Juridical Committee's agenda, given its importance and the opportunity it gives the Committee to have some involvement in the process of rebuilding the institutions of democratic government in Haiti.

The members supported the idea of keeping this idea on the agenda and gave its approval for Dr. Seitenfus to visit Haiti as a representative of the Inter-American Juridical Committee. It approved resolution CJI/RES.133 (LXXI-O/07), "Juridical-Institutional Cooperation with the Republic of Haiti", and instructed the rapporteurs for the topic, Drs. Ricardo Seitenfus and Freddy Castillo Castellanos, to prepare a report on Haiti's requests and needs, from the standpoint of their authority to undertake a juridical-

institutional cooperation program. It asked the rapporteurs to make all the appropriate overtures to the Haitian authorities and other public institutions and civil society organizations.