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SUCCESSES AND CHALLENGES FOR U.S. POLICY TO HAITI

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COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

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THE SUCCESSES AND CHALLENGES FOR U.S. POLICY TO HAITI

TUESDAY, JULY 15, 2003

U.S. Senate,
Committee on Foreign Relations,
Washington, DC.

The committee met, pursuant to notice, at 10:06 a.m. in room SD-419, Dirksen Senate Office Building, Hon. Richard Lugar (chairman of the committee), presiding.

Present: Senators Lugar, Chafee, Brownback, Coleman, Dodd, and Bill Nelson.

The Chairman. This hearing of the Senate Foreign Relations Committee is called to order.

Today, the committee meets to examine the United States policy toward Haiti. We are pleased to have two impressive panels to discuss this issue. On the first is Under Secretary of State for Political Affairs, Marc Grossman, and Under Secretary of the Treasury for International Affairs, John Taylor, who represent the administration.

On our second panel we will hear from Dr. Paul Farmer, founding director of Partners In Health, co-founder of the Program in Infectious Disease and Social Change of the Harvard Medical School, and chief, Division of Social Medicine and Health Inequalities; Mr. Steven Forester, the senior policy advocate for Haitian Women of Miami; and Dr. Rudolph Moise, president and CEO of the Haitian Broadcasting Network based in Miami, Florida. We welcome our witnesses and look forward to their testimony.

In recent months, this committee has examined the problem of failed States and the risk they pose to the United States' national security. We have held hearings on Afghanistan and post-conflict Iraq that underscored how these nations could become incubators of terrorism if reconstruction efforts do not succeed. We also know that failed States can have negative consequences for international security beyond any direct links to terrorism. As we have observed in Somalia, Bosnia, Rwanda, and Sierra Leone, failed States usually lead to violence, humanitarian crises, immigration and refugee flows, and illicit economic activity.

In our own hemisphere, Haiti stands out as a continuing tragedy. Its prospects for advancement have been marred by depredations of authoritarian rule, interspersed with periods of chronic political instability and violence.

Haiti is the poorest country in the hemisphere, with an annual per capita income of only $225. According to World Bank statistics, life expectancy in Haiti was just 52.4 years and dropping. The Haitian political system has proved incapable of dealing with problems that deepen poverty, such as the spread of AIDS, severe environmental degradation, and illiteracy. Haiti's ongoing political crisis has debilitated the State, undermined respect for human rights, and exacerbated an already worrisome humanitarian situation.

For two centuries, the American and Haitian peoples have had a close relationship. In contemporary times, this relationship has been driven by the hundreds of thousands of Haitians living and working in the United States. Haitian Americans are making vital contributions to our society and to our economy. Each year, Haitians living in the United States send more than $700 million back to their home country, an amount that equals an estimated 20 percent of Haiti's gross domestic product.

Although Haiti is a small nation, its troubles have consequences for the United States. Corruption, drug trafficking, and illegal migration are areas of deep concern

for our two countries. Mass migration has the potential to create instability in the region and undermine efforts to improve border control.

The people of Haiti have suffered long, and their chances for improved conditions are slim as long as Haiti's protracted political crisis continues. The current political crisis began with flawed legislative elections in May 2000, where the results of seven Senate contests were decided under questionable circumstances. Subsequent Presidential elections in November 2000 were boycotted by the opposition.

The international community, led by the United States, has designed a guide for Haiti to resolve the latest political crisis. That guide is contained in OAS Resolution 822, which lays out specific steps the government of Haiti and other political actors must take to fulfill the promise of true democracy in Haiti.

This hearing is intended to give the committee an opportunity to examine in depth ways that the U.S. Congress and our government can contribute to positive changes in Haiti. Among other issues, I look forward to insights into the current Haitian political crisis, United States humanitarian aid to Haiti, the role of the OAS and the international financial institutions in Haiti, and how we can deter illegal immigration while being humane and fair.

The consequences of failing in Haiti are potentially severe. We must work with our neighbors to prevent a further slide to social and political disintegration in Haiti. I look forward to examining these issues with our witnesses and with the members of this committee.

[The opening statement of Senator Lugar follows:]

Opening Statement of Senator Richard G. Lugar

Today, the Foreign Relations Committee meets to examine U.S. policy toward Haiti. We are pleased to have two impressive panels to discuss this issue. Under Secretary of State for Political Affairs, Marc Grossman, and Under Secretary of the Treasury for International Affairs, John Taylor, will represent the administration. On our second panel we will hear from Dr. Paul Farmer, co-founder of the Program in Infectious Disease and Social Change at the Harvard Medical School; Mr. Steven Forester, the senior policy advocate for Haitian Women of Miami; and Dr. Rudolph Moise, president and CEO of the Haitian Broadcasting Network based in Miami. We welcome our witnesses and look forward to their testimony.

In recent months, this committee has examined the problem of failed States and the risks they pose to U.S. national security. We have held hearings on Afghanistan and post-conflict Iraq that underscored how these nations could become incubators of terrorism if reconstruction efforts do not succeed. We also know that failed States can have negative consequences for international security beyond any direct links to terrorism. As we have seen in Somalia, Bosnia, Rwanda, and Sierra Leone, failed States usually lead to violence, humanitarian crises, immigration and refugee flows, and illicit economic activity.

In our own hemisphere, Haiti stands out as a continuing tragedy. Its prospects for advancement have been marred by the depredations of authoritarian rule, interspersed with periods of chronic political instability and violence. Haiti is the poorest country in the hemisphere with an annual per capita income of only $225. According to World Bank statistics, life expectancy in Haiti in 2001 was just 52.4 years and dropping. The Haitian political system has proved incapable of dealing with problems that deepen poverty, such as the spread of AIDS, severe environmental degradation, and illiteracy. Haiti's on-going political crisis has debilitated the State, undermined respect for human rights, and exacerbated an already worrisome humanitarian situation.

For two centuries the American and Haitian peoples have had a close relationship. In contemporary times this relationship has been driven by the hundreds of thousands of Haitians living and working in the United States. Haitian-Americans are making vital contributions to our society and economy. Each year, Haitians living in the United States send more than $700 million back to their home country, an amount that equals an estimated 20 percent of Haiti's gross domestic product.

Although Haiti is a small nation, its troubles have consequences for the United States. Corruption, drug trafficking, and illegal migration are areas of deep concern for our two countries. Mass migration has the potential to create instability in the region and undermine efforts to improve border control.

The people of Haiti have suffered long, and their chances for improved conditions are slim as long as Haiti's protracted political crisis continues. The current political crisis began with flawed legislative elections in May 2000, where the results of seven Senate contests were decided under questionable circumstances. Subsequent Presidential elections in November 2000 were boycotted by the opposition.

The international community, led by the United States, has designed a guide for Haiti to resolve the latest political crisis. That guide is contained in OAS Resolution 822, which lays out specific steps the Government of Haiti and other political actors must take to fulfill the promise of true democracy in Haiti.

This hearing is intended to give the committee an opportunity to examine in depth ways that the U.S. Congress and our government can contribute to positive change in Haiti. Among other issues, I look forward to insights into the current Haitian political crisis, U.S. humanitarian aid to Haiti, the role of the OAS and International Financial Institutions in Haiti, and how we can deter illegal migration, while being humane and fair.

The consequences of failing in Haiti are potentially severe. We must work with our neighbors to prevent a further slide to social and

political disintegration in Haiti. I look forward to examining this issue with our witnesses and the members of this committee.

The Chairman. When Senator Biden comes to the hearing, of course, he will be recognized for an opening statement, if he wishes to give one at that point. But at this stage, I would like to welcome our first panel.

[The opening statement of Senator Biden follows:]

Opening Statement of Senator Joseph R. Biden, Jr.

Mr. Chairman, I commend you for convening this hearing on Haiti. I also want to acknowledge the longstanding focus of Senator Dodd on Haiti, who has been working to address the political, economic, and social situation in that country for many years.

It is important that we are holding this hearing, and even more critical that we take action on these issues. Haiti is in bad shape. Unemployment and poverty have worsened in recent years. Eighty percent of Haitians are unemployed, and less than half the population has access to potable water. The average per capita income is $250 per year--less than one-tenth of the average in Latin America.

Furthermore, Haiti is being devastated by HIV/AIDS. The United Nations Joint Programme on HIV/AIDS cites that Haiti accounts for 90 percent of the HIV/AIDS infections in the Caribbean--with prevalence reaching up to 10 percent of the Haitian population in urban areas.

The Bush Administration and Congress recently committed to fighting global HIV/AIDS, and Haiti is a country that is designated to receive significant attention and support under this initiative.

I am interested in hearing recommendations from our witnesses as to how we can effectively fight HIV/AIDS, and the many other health crises--such as tuberculosis, malnutrition, and high infant and maternal mortality rates--that Haitians are suffering.

I am concerned that even given the economic and health calamities in Haiti, relations with multilateral lending institutions have not normalized and the United States continues to withhold direct aid to Haiti until President Aristide acts on a series of political, judicial and economic reforms--several of which require financial resources to implement.

I agree that President Aristide needs to undertake significant reforms. But as we continue to withhold funds, while pushing for reforms, the Haitian people continue to suffer. We need to find a way to get out from under this apparent impasse. The Haitian people can't wait any longer.

I am encouraged by the administration's recent decision to increase food assistance to Haiti by $6 million this year, bringing the total to $69.8 million. I applaud this decision--but an increase in food aid is only a small part of the work that needs to be done.

We need a comprehensive and sustainable approach to resolving Haiti's political and economic crises. I understand that last week there was some movement on this issue of the Inter-American Development Bank releasing the $146 million dollars in development loans that have been approved for Haiti when Haiti paid $32 million in arrears to the bank. That's good news--but the development loans are not flowing yet. We have to make sure that the funds are disbursed.

In short, we need an effective policy toward Haiti. The administration does not appear to have such a policy. I hope this hearing will help bring increased attention and focus on this beleaguered country, and bring us closer to that objective.

The Chairman. Our witnesses on the first panel are the Honorable Marc Grossman, Under Secretary for Political Affairs, Department of State; and the Honorable John B. Taylor, Under Secretary, International Affairs, Department of the Treasury.

Gentlemen, would you please give your testimony in that order? Your full statements will be made part of the record. Please proceed as you wish.

STATEMENT OF HON. MARC GROSSMAN, UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

Mr. Grossman. Mr. Chairman, thank you very much. On behalf of Under Secretary Taylor, we are both delighted to be here. Senator Coleman, we are delighted to be part of this hearing. We are thankful for this opportunity to appear before the committee to talk about the administration's policies in Haiti.

May I just say, Mr. Chairman, on behalf of both of us, we think this ought to be the beginning of a conversation, since, as you have said, this is going to be a continuing matter of interest for the Congress, for the Senate, and for the administration, as well. So we look forward to more of this interaction with the Senate.

As I said, Mr. Chairman, while much energy has been spent since September 11, 2001 focused on the war on terror, focused on looking at failed States, we have remained deeply engaged as an administration in the hemisphere. Since September 11, President Bush has made five trips to the region, has received nine leaders from the region, and the Secretary of State, as you know, sir, has also been very active, having taken 10 trips to the region.

I also want to take a minute to thank the committee, and if I could, the Senate as a whole, for acting promptly on the nomination of Ambassador-designate James B. Foley to Haiti. The committee also moved expeditiously on the nomination of Ambassador Roger Noriega as the Assistant Secretary for Western Hemisphere Affairs, and we look forward to working with the Senate to complete the confirmation process.

Mr. Chairman, as you said, the United States of America is connected to Haiti by geography, by history, and by values. As

you also pointed out, hundreds of thousands of Haitians live and work in the United States, making a vital, as you said, contribution to our economy and to our society. Next year, Haiti will celebrate the bicentennial of its independence, reminding us all that Haiti was the second republic to be formed in the hemisphere.

As you have asked in your opening statement, Mr. Chairman, we have some questions, too: What will it take to help Haiti become a peaceful, democratic country that respects human rights and the rule of law? How can the United States support Haiti in building an economy with opportunities for its people to lift themselves out of poverty, out of illiteracy, and hunger? How can we help settle the political crisis that you referred to that was made so much worse by the flawed election of 2002? How can we safeguard our own national security from the dangers posed by illegal migration and narcotics trafficking?

As you all have discussed on a number of occasions, these challenges are severe. Success with them will require engagement, consistent policies, and clear priorities. If I might, Mr. Chairman, just talk about four priority areas for the administration's Haiti policy today.

First, as you said in your opening statement, we support the full implementation of OAS Resolution 822. Our support for that has included a $2.5 million financial contribution to the OAS Special Mission to Strengthen Democracy in Haiti.

We should all remember that the Government of Haiti joined consensus at the OAS on Resolution 822, and therefore committed itself to a series of actions that would promote a climate of security and confidence for free and fair elections to be held in 2003. Although the Government of Haiti has taken some steps, we believe it has not complied with many of the most important commitments that it made under Resolution 822, particularly those that would contribute to a climate of security.

So together with the Organization of American States, the United States has repeatedly and consistently urged the government of Haiti to meet the commitments of Resolution 822. Our efforts have included participation by President Bush's Special Envoy for Western Hemisphere Affairs, Otto Reich, in the High-Level Delegation to Haiti, a joint OAS-CARICOM delegation that went to Haiti in March.

It is also important to note, as that delegation did, that we remind the opposition and civil society that they also must participate in forming a credible, neutral, and independent provisional electoral council once the government of Haiti takes concrete steps in good faith toward meeting its commitments.

But I think all of us can sense--and we certainly sense from reading the report of the OAS Special Mission--that hemispheric patience is running out. OAS Resolution 1959, which was adopted by the OAS General Assembly in June, calls for the Secretary General to provide an assessment by September of the ability of the OAS Special Mission to fulfill its mandates under what they call ``the circumstances of delay and resistance.''

So we will continue to consult with you, with our European partners, and our partners in the hemisphere; but I bring to your attention, as I know that you have seen Secretary Powell's statement in Santiago, we have called for a reevaluation of the OAS role in Haiti if by September the Government of Haiti has not created the climate of security essential to the formation of a credible, neutral, and independent provisional electoral council.

Second, a key part of our policy, we are focused on the plight of the Haitian people and maintaining assistance programs to meet their humanitarian needs. As my colleague, John Taylor, will testify, the realization of full normal relations with the international financial institutions took a big step forward when Haiti, on July 8, paid its arrears to the Inter-American Development Bank.

The United States remains the largest donor to Haiti. Our aid is distributed through U.S.-based and Haitian-based nongovernmental organizations, and it supports programs in food assistance, health, democracy, education, economic growth, and, very importantly, HIV/AIDS, which--I have a report from Ambassador Curran this morning--has really sparked interest among the Haitian people.

I have some examples, Mr. Chairman, in my prepared statement which I hope I can submit for the record. But this aid works. Let me give a couple of useful examples.

Our economic growth programs in 2003 focused on credit for microbusinesses and marketing help for small farmers, and have supported thousands of Haitians and their families. Our health programs support over 30 local health organizations that serve an estimated 2.5 million Haitians.

Interestingly, in those areas where these organizations are at work, child immunization is up and malnutrition is down. Obviously, the first two of these priorities are connected, because our assistance won't work unless there is a political solution; so a key element for progress on the AIDS side is obviously for the Haitian authorities and people to act to embrace the need for good government and inclusive competitive markets.

Third, Mr. Chairman, a key priority that you mentioned in your opening statement is the question of the flow of narcotics through Haiti to the United States.

Sadly, narcotics-related corruption is pervasive in the Haitian National Police, and our efforts to combat that

corruption center now on visa revocations and pressure on the highest level of the government of Haiti to remove corrupt officers. We believe this has raised the level of awareness in the government about the importance of this issue to us.

As you know, Haiti was decertified in 2002 because it failed to adhere to international narcotics agreements and to take counternarcotics measures required by U.S. law.

As you also know, President Bush granted a national interest waiver of sanctions which, if not imposed, would have required withholding important types of United States assistance. We believe it is important to continue to work with those elements in the Haitian National Police, most notably the Coast Guard, that we can rely on. The Drug Enforcement Administration continues to focus on this area with some positive results, but more work needs to be done.

Fourth, Mr. Chairman, the other item that you mentioned, illegal migration, is an important U.S. security concern. We want to deter illegal migration while treating migrants in a fair and humane fashion. We support legal migration from Haiti. In fact, about 15,000 immigrant visas are issued to Haitians every year. But, as you said, illegal migration from Haiti is a very sensitive challenge for us, and does respond to changes or perceptions of changes in U.S. policies regarding repatriation and parole into the community pending resolution of asylum claims.

Mr. Chairman, thank you very much for the chance to be at this hearing. I look forward to your questions, and I hope that these four priority areas, as supplemented by Under Secretary Taylor's testimony, will give you a view of what the United States is doing in this important but troubled country.

The Chairman. Thank you very much, Secretary Grossman.

[The prepared statement of Under Secretary Grossman follows:]

Prepared Statement of Hon. Marc Grossman, Under Secretary of State for Political Affairs, Department of State

Mr. Chairman, I thank you and other members of the committee for this opportunity to appear before you and testify about the Administration's policies in Haiti.

While much energy since September 11, 2001 has focused on the war against terror, we have remained deeply engaged in the Hemisphere. Since September 11, President Bush has made six trips to the region. The President has received in Washington nine leaders from the region. The Secretary of State has also been active, making 10 trips to the Hemisphere.

I want also to thank the committee, and the Senate as a whole, for acting promptly on the nomination of Ambassador-designate James B. Foley to Haiti. The committee also moved expeditiously on the nomination of Ambassador Roger Noriega as Assistant Secretary for Western Hemisphere Affairs. We look forward to working with the Senate to complete his confirmation process.

The United States is connected to Haiti by geography, history, and values. Hundreds of thousands of Haitians live and work in the United States, making important contributions to our economy and society. Next year, Haiti will celebrate the bicentennial of its independence--an historic event reminding us that Haiti was the second republic to be formed in the Hemisphere.

What will it take to help Haiti become a peaceful democratic country that respects human rights and the rule of law? How can the United States support Haiti in building an economy with opportunities for its people to lift themselves out of poverty, illiteracy, and hunger? How can we help settle the political crisis made worse by the flawed elections in 2002? And how can we safeguard our own national security from the dangers posed by illegal migration and narcotics trafficking?

These are difficult challenges. Success will require engagement, consistent policies and clear priorities.

Here are four key parts of the Administration's Haiti policy:

First, we support full implementation of OAS Resolution 822. Our support has included a $2.5 million financial contribution to the OAS Special Mission to Strengthen Democracy in Haiti.

The Government of Haiti joined consensus on Resolution 822; it committed itself to a series of actions that would promote a climate of security and confidence for free and fair elections to be held in 2003.

Although the GOH has taken some steps, it has not complied with many of its most important commitments under Resolution 822, particularly those that would contribute to a climate of security.

Together with the OAS, the U.S. has repeatedly and consistently urged the Government of Haiti to meet its commitments under Resolution 822. Our efforts have included participation by Presidential Special Envoy for Western Hemisphere Affairs in the High-Level OAS/CARICOM delegation to Haiti in March.

We also remind the opposition and civil society that they must participate in forming a credible, neutral, and independent Provisional Electoral Council once the Government takes concrete steps in good faith toward meeting its commitments.

Hemispheric patience is running out. OAS Resolution 1959, adopted by the OAS General Assembly in June, calls for the Secretary General to provide an assessment by September of the ability of the OAS Special Mission to fulfill its mandates under the circumstances of delay and resistance.

We will continue to consult with our partners in the hemisphere and in Europe regarding next steps in Haiti. Secretary Powell, speaking in Santiago, called for a reevaluation of the OAS role in Haiti if by September the Government of Haiti has not created the climate of security essential to the formation of a credible, neutral, and independent Provisional Electoral Council.

Second, we are focussed on the plight of the Haitian people and maintaining assistance programs to meet humanitarian needs. As my colleague Treasury Under Secretary John Taylor will testify, the realization of full normal relations with the IFIs took a big step forward when Haiti on July 8 paid its arrears to the Inter-American Development Bank;

The U.S. remains Haiti's largest bilateral donor. Our aid, distributed through U.S.-based and Haitian non-governmental organizations, supports programs in food assistance, health (including substantial programming to stem HIV/AIDS), democracy, education, and economic growth.

For example, economic growth programs--totaling $7.8 million in FY 2003 and focusing on credit for micro-businesses and marketing help for small farmers and artisans--have provided support for thousands of Haitians and their families. And a network of over 30 local health organizations serves an estimated 2.5 million Haitians. In those areas where these organizations work, child immunization is up and malnutrition down. On family planning and HIV/AIDS, U.S. aid programs have increased prenatal consultations and use of contraceptives.

Our aid programs can help, but as with the political situation, the key element for progress is the willingness of the Haitian authorities and people to act, and to embrace the need for good governance and inclusive, competitive markets.

Third, we must stem the flow of narcotics through Haiti to the U.S.

Sadly, narcotics-related corruption is pervasive in the Haitian National Police.

Our efforts to combat corruption center on visa revocations and pressure on the highest levels of the Government of Haiti to remove corrupt officers. These steps have certainly raised awareness in the Government about the importance of this issue to us.

Haiti was decertified in 2002 because it failed to adhere to international narcotics agreements and to take counter-narcotics measures required by U.S. law. President Bush granted a national interest waiver of sanctions, which if imposed would have required withholding of certain types of U.S. assistance.

It is important that we continue to work with those elements in the Haitian National Police, most notably the Haitian Coast Guard, that we can rely on. The Drug Enforcement Agency has mounted joint operations with its Haitian counterparts with some positive results, but others have been compromised by corrupt officials.

Fourth, illegal migration is an important U.S. security concern. We want to deter illegal migration while treating migrants in a fair and humane fashion. And we support legal migration from Haiti: approximately 15,000 immigrant visas are issued to Haitians every year.

Illegal migration from Haiti is very sensitive to changes or perception of changes in U.S. policies regarding repatriation and parole into the community pending resolution of asylum claims.

For example, in November 1991, a month after the coup that removed President Aristide from power, Haitians took to the seas in an effort to reach the U.S. U.S. policy at the time was not clearly established--most were taken to Guantanamo Bay for asylum processing but about one-third were paroled into the U.S. The result was a wave of Haitian migrants, nearly 38,000 from the end of 1991 to June 1992.

After the first President Bush ordered the direct repatriation of boat migrants, almost all of whom were found to be intending economic migrants, not political refugees, the number dropped to 2,404.

We support Department of Homeland Security policies designed to deter illegal migration from Haiti by promptly repatriating migrants interdicted at sea who have no legitimate fear of persecution and by detaining those who are successful in reaching the U.S. while their claims are processed.

The Department of Homeland Security interviews all migrants, whether interdicted at sea or detained in the U.S., who establish a credible fear of persecution, to determine whether or not they have a well-founded fear of persecution.

People detained in the U.S. who meet the well-founded fear threshold are granted asylum here; those who are interdicted at sea and are found to require protection are resettled in third countries.

These policies have been successful in deterring migrant flows, which have leveled off to approximately 1,300 to 1,400 per year over the past three years while providing protection to those who need it.

Thank you again, Mr. Chairman, for including me in today's hearing. I will be happy to respond to any questions you or other members of the

committee may have.

The Chairman. Under Secretary Taylor.

STATEMENT OF HON. JOHN B. TAYLOR, UNDER SECRETARY OF THE TREASURY, INTERNATIONAL AFFAIRS, DEPARTMENT OF THE TREASURY, WASHINGTON, DC

Mr. Taylor. Thank you very much, Mr. Chairman and other members of the committee. Thank you for inviting Under Secretary Grossman and myself to testify on developments in Haiti and humanitarian needs for that country.

As you indicated in your opening remarks, Mr. Chairman, the people of Haiti are deeply impoverished. Per capita income is only one-fifth the average of Latin America and the Caribbean, one-fifth the average of an area which is well below the United States already. Per capita income is 40 percent less than the second poorest country in our hemisphere, Nicaragua; 40 percent less than Nicaragua.

The people of Haiti have been impoverished for a long time. Per capita incomes have been declining for the last 40 years, where they have been rising through most of the world. Infant mortality, about 8 percent; illiteracy, 50 percent; clean water access, only 54 percent.

Years of economic mismanagement, political instability, and weak rule of law have produced this tragedy. Fiscal policy mistakes, monetary policy mistakes, have created uncertainty and high inflation rates. Poor infrastructure and corruption have created poor investments. The most basic needs--education health, security--have not been met.

Were it not for this instability, I think it is clear that the Haitian people would have been able to raise their living standards significantly. Indeed, Haitians outside of Haiti--Haitians in the United States--have done just that. They have still sent back remittances to their families and relatives back in Haiti equal to a fourth of Haiti's GDP, a tremendous amount of support.

Foreign aid alone could not overcome these obstacles. The policies in Haiti must change. A poor policy environment has undermined the effectiveness of foreign aid in Haiti for a number of years. Just last year, the World Bank analyzed its own activities in Haiti in the 1990s. It concluded these activities had a negligible impact. To take one example, a $50 million project designed to provide regular road maintenance did not achieve its aims. In fact, funds were wasted and diverted elsewhere.

We must commit ourselves, therefore, to avoiding such mistakes. We need to focus our economic development assistance in places where the policies are good so they can help the people raise their living standards. That is the concept behind President Bush's Millennium Challenge Account.

Now, we have been working and talking with the people from the Government of Haiti quite a bit in the last year. We have had many meetings with officials from the Finance Ministry. I am happy to report that the Government of Haiti has recently taken some strong steps to rein in the fiscal deficit, restrain some of the inflationary financing, and eliminate wasteful subsidies.

We welcome these important actions. The Government of Haiti is cutting its fiscal deficit and money growth by about a half right now as we speak. The Finance Ministry is going to be given more control over the execution of the budget. There will be a consolidation of separate ministerial accounts. There will be external audits of public enterprises.

These pledges helped launch a 1-year International Monetary Fund [IMF] program in the last few months. With this IMF program in place, we are also pleased to announce, as Marc Grossman just indicated, that last week Haiti cleared the arrears of $32 million to the Inter-American Development Bank [IDB]. The IDB can now move forward on a number of projects. It can discuss future lending with the Government of Haiti. Next week we expect that the IDB will approve a $50 million loan, and disburse $35 million of that loan right away.

The IDB can also begin disbursing on $146 million of previously approved project loans for education, for health, for water and sanitation, and for road maintenance.

With substantially better policies in Haiti, we believe that Haiti could tap other development assistance from the international financial institutions. Right now, Haiti's 3-year IDA allocation from the World Bank is only $6 million, $6 million over 3 years; but with improvements in Haiti's policy performance, that allocation could rise significantly. It could expand. That in itself would help Haiti clear arrears and actually use those funds from the World Bank for economic development.

Haiti is not now eligible for President Bush's grants initiative from the World Bank, except possibly in the HIV/AIDS-related projects. We are going to work hard with the international community to make sure a substantial portion of Haiti's assistance from the World Bank and the IDB in the future will be provided in the form of grants.

I think it is good news that the Haitian Government has taken positive first steps in improving its economic policies; but, clearly, fundamental challenges remain. The Government of Haiti must now take steps needed to lay the foundations for a more sustained growth, growth in the private sector, which is going to be the only way to improve living standards for people. The United States is committed to helping people of

Haiti in this effort.

At the same time--and let me underline what Under Secretary Grossman has said--the United States is continuing to provide substantial humanitarian support for the Haitian people. The United States has delivered more than $120 million in humanitarian assistance over the last 2 years. Haiti is now eligible for assistance to fight HIV/AIDS, malaria, and tuberculosis under President Bush's emergency initiative.

Mr. Chairman, let me conclude my opening remarks and ask that my written remarks be put in the record, and say that I am quite willing to answer any questions you may have. Thank you.

[The prepared statement of Under Secretary Taylor follows:]

Prepared Statement of Hon. John B. Taylor, Under Secretary of the Treasury for International Affairs, Department of the Treasury

Chairman Lugar, Ranking Member Biden, and other members of the Committee, thank you for inviting me to discuss the Administration's efforts to promote economic development in Haiti and to help address the most critical humanitarian needs of the Haitian people.

the economic situation in haiti

The people of Haiti are impoverished. Per capita GDP in Haiti is 1/5th the average for the Latin America and Caribbean region as a whole and 40% lower than the second poorest country in the hemisphere, Nicaragua. Haiti has been poor for many years. Real per capita income in Haiti has actually fallen over the past four decades. Other indicators tell a similar story. Infant mortality stands at 79 per 1,000 live births. Illiteracy is near 50 percent. And 54 percent of Haiti's population lacks access to clean water. These facts explain why Haiti was ranked 150th out of 175 countries on the UNDP's Human Development Index in 2002.

Years of economic mismanagement, political instability, and weak rule of law have produced this tragedy. Fiscal and monetary policy mistakes have fed economic uncertainty and produced high inflation. These macroeconomic factors combined with poor infrastructure, irregular supplies of electricity, corruption, and customs delays to create a poor investment climate. The most basic needs of the Haitian people in the areas of education, health, and personal security have not been met. Were it not for the violence and instability that have characterized life in Haiti, the Haitian people would have been able to apply their energies to successfully build a better future for themselves and their children. Indeed, Haitians outside of Haiti have done just that, sending back remittances to relatives that total as much as 1/4th of Haiti's GDP per year.

As experience all over the world has shown, chronic, unsustainable public deficits, misallocation of public resources, corruption, and instability strangle growth and increase poverty. Aid cannot overcome these obstacles. The Haitian government must be accountable for its performance. In the absence of good policies, development assistance does not improve the lives of the poor.

In fact, a poor policy environment has undermined the effectiveness of World Bank assistance in Haiti. In 2002, the World Bank's Operations Evaluation Department analyzed the World Bank's activities in Haiti in the mid-1990s. It concluded that these projects had a negligible impact on improving the lives of Haitians. To take one example, a $50 million Road Maintenance and Rehabilitation Project--designed to address the urgent lack of regular road maintenance in Haiti--suffered from waste and diversion of funds to other projects. Even the improvement of roads that did take place under the project was judged unlikely to be sustainable, due to the lack of institutional reform at the public works ministry and failure to establish a fund for regular repairs.

We must commit ourselves to avoiding the mistakes of the past. We need to deliver our humanitarian assistance so that the people of Haiti actually benefit from that assistance. And we need to focus our economic development assistance so that it can help the Haitian people raise their living standards and achieve the benefits of long-term economic growth.

This Administration seeks to help countries pursue policies that create the conditions for increased economic growth, higher living standards, and lower poverty. This is the concept behind President Bush's Millennium Challenge Account (MCA). MCA assistance is designed to reward those countries that are ruling justly, investing in people, and promoting economic freedom.

The Government of Haiti has recently taken strong steps to reign in the fiscal deficit, restrict monetary financing of the government, and eliminate wasteful subsidies. The United States welcomes these important actions. At the same time, Haiti has a long way to go in creating an environment conducive to investment, entrepreneurial activity, and growth of the private sector.

Establishing greater political stability, improving governance and reducing corruption are central to this effort. Improved governance has political, legal, and administrative dimensions, which others have noted today. Rule of law is also critical if people are to put their capital at risk. Haiti needs to take steps to establish the integrity of the police and the judicial system for matters both criminal and civil. On the administrative side, improving governance entails steps to make the government bureaucracy more effective and responsive in meeting the needs of the public, whether in the area of education, health, or other basic services. A key part of this is implementing better and more transparent tracking of government spending, to ensure that public resources are used for their intended purposes.

Outside donors can provide assistance in strengthening governance in Haiti. For example, the international financial institutions are encouraging Haiti to undertake audits of public enterprises so that the managers are accountable for the resources under their control and the resources are used in ways that serve public not personal interests.

Progress on these critical issues will not only create a foundation for the revitalization of economic activity in Haiti, it will also help

attract foreign investment. Foreign direct investment fell from $30 million in 1999 to about $5 million in 2002. The United States is committed to helping the Haitian government put in place a framework that will allow the country to promote the private investment needed to raise living standards.

recent progress

I am pleased to report that progress has been made recently. The Government of Haiti has taken important actions to strengthen public finances and create conditions for greater macroeconomic stability.

The Haitian government amended the draft budget for FY2002/03 to cut the fiscal deficit by half, limiting central bank financing of the government. Broad money growth is targeted to decelerate to 10% during the period April-September 2003, down from 26% from October 2002-March 2003. This helped launch a one-year Staff Monitored Program (SMP) with the IMF that outlines a framework to help stabilize Haiti's economy, increase accountability and improve economic governance.

The Haitian government has also committed to steps to give the finance minister more control over budget execution, so that he can implement the budget as passed by the legislature and reduce corruption. The plan envisages the consolidation of separate ministerial accounts, which have undermined spending control. Furthermore, the Haitian government has agreed to conduct external audits of the five major public enterprises during the next year, to ensure that resources within these public concerns are being used appropriately.

The Staff Monitored Program gives Haiti an opportunity to demonstrate its ability to implement economic policies designed to promote macroeconomic stability. Finance Minister Faubert Gustave has stressed the importance of the program for improving economic policy and budgetary control in Haiti. We very much want the IMF and multilateral development banks to support those in Haiti who are working to strengthen its institutions.

To this end, we are pleased that Haiti took a crucial step forward last week when it cleared arrears of $32 million to the IDB. With arrears to the IDB cleared, the IDB can now move forward with a number of projects already in train, and can reengage with Haiti to discuss future lending. The IDB is strongly committed to working with Haiti and in late July will send a staff team to remain in Haiti as long as needed to outline a transitional lending program.

Next week we expect that the IDB will approve a $50 million Investment Sector Loan and disburse the first portion of that loan in the amount of $35 million, which the Haitian government will use to repay the loan provided by the central bank to clear IDB arrears. We also expect the IDB to begin disbursing in subsequent weeks on $146 million in previously approved project loans for basic education, reform of the national health system, rehabilitation and maintenance of roads, and investments in water and sanitation systems. These funds would go directly to suppliers and would disburse over time as progress is made under each project.

With substantially better policy performance and financial accountability, Haiti could tap into other development assistance as well. Policy performance and governance are rightly key determinants of the allocation of World Bank IDA resources, the World Bank's window for the poorest countries. The World Bank role in Haiti has been sharply constrained by persistent expenditure monitoring and control problems. The World Bank has not been able to ensure that project assistance and budget assistance will be used for their intended purposes. Haiti's three-year IDA allocation is only $6 million. With major improvements in Haiti's policy performance, Haiti's IDA allocation could expand considerably and enable Haiti to more easily clear its arrears to the World Bank.

Haiti is not now eligible for the President's grants initiative in IDA-13, except possibly for HIV/AIDS-related projects. We will work with the international community for a substantial portion of Haiti's assistance from the World Bank and IDB to be provided in the form of grants in the future.

One final point must be made in connection with assistance to Haiti from the IMF and multilateral development banks. It stems from legislation passed in 2000 related to trafficking in persons. Haiti's failure to take sufficient action to address trafficking in persons has placed it in the Tier Three category for which sanctions apply. The United States has urged Haiti to make a more concerted effort in this area, but barring progress by Haiti before October 1 or a presidential waiver, the U.S. Executive Directors would be required to vote ``no'' and use their best efforts to deny lending or other assistance to Haiti by the international financial institutions. In the case of the IDB, a ``no'' vote from the United States would block assistance to Haiti.

The Haitian government has taken positive first steps in improving its economic policies. Fundamental challenges remain. The Government of Haiti must now take the steps needed to lay the foundations for sustained economic growth and improved living standards for its people. Consistent with OAS Resolution 822, U.S. policy does not link economic and financial support for Haiti from the international financial institutions to resolution of Haiti's political issues. Rather, our objective is to encourage the Haitian government to take the economic policy actions needed to form the basis for effective engagement by the international financial institutions in support of economic development in Haiti. The United States is committed to helping Haiti in this effort.

u.s. humanitarian assistance to haiti

At the same time, the United States has continued to provide substantial humanitarian support to the Haitian people in recent years through periods of political turbulence. Working through non-governmental organizations in order to avoid misuse of funds, the United States has delivered more than $120 million in humanitarian assistance over the last two years and remains Haiti's largest donor. The United States has provided more than $900 million in assistance since fiscal year 1995. Between fiscal years 1995 and 2001, the U.S.

provided 28 percent of total external assistance to Haiti, more than three times the second-largest bilateral contribution from Canada.

U.S. humanitarian assistance efforts are geared toward alleviating the dire conditions experienced by the Haitian people. In the past year the United States delivered more than $3 million in emergency assistance to respond to communities affected by droughts and flooding. U.S.-backed health projects provide maternal and child health services, child immunizations, and assistance in the prevention of HIV/AIDS, including expansion of a voluntary counseling and testing network to prevent mother-to-child transmission of HIV. The U.S.-supported network reaches approximately 2.7 million Haitians.

Haiti is one of two Caribbean countries eligible for assistance to fight HIV/AIDS, malaria, and tuberculosis under the President's Emergency Initiative, as embodied in the recently passed HIV/AIDS authorization legislation--this assistance will supplement the funds provided to Haiti from the Global Fund to Fight AIDS, Tuberculosis & Malaria.

next steps

The United States will continue to work closely with Haiti and other key players to help the Government of Haiti lay the basis for economic growth and poverty reduction. Agreement on an IMF Staff Monitored Program and the expected resumption of IDB assistance signal progress in breaking the logjam in relations with the international financial institutions created by Haiti's overdue payments. With arrears cleared at the IDB, concrete backing for development efforts can now move forward.

We will work hard with Haiti's government to maintain this positive momentum. The pace of re-engagement with the international financial institutions is largely in the Haitian government's hands. For our part, we will work to ensure that the international community provides maximum incentives for rapid policy progress in Haiti.

The Chairman. Thank you very much.

As I mentioned earlier, the full statements for Secretary Grossman and Secretary Taylor will be made part of the record.

I would like to note that we have several Senators present for the testimony and the question period today, so we will start with a 5-minute period, and another round will proceed after that.

Let me begin by noting that you have given four foreign policy objectives for the United States, Secretary Grossman, two of which are democracy and humanitarian needs, but then you have noted the unfortunate flow of narcotics and illegal immigration.

How severe is the narcotics problem? We have come into this frequently in Plan Colombia with a discussion of the Andean region, but what role does Haiti play in the narcotics situation?

Mr. Grossman. Mr. Chairman, we estimate that about 9 percent of the total cocaine flowing into the United States comes through Haiti.

The Chairman. Nine percent?

Mr. Grossman. Nine percent. It is a substantial problem. Haiti is mostly a transit point from places that grow and process the cocaine. It comes to Haiti in fast boats and is then transferred on the island. It comes into the United States perhaps on freighters, on other go fast boats, and on aircraft. So that is why the DEA has focused so hard on trying to assist the Haitian Coast Guard.

The Chairman. How does the illegal immigration come about? How do illegal immigrants come to the United States from Haiti?

Mr. Grossman. There are two parts of this, I think, that are very important. First, as I said in my testimony, the perception of United States policy on immigration and what we are doing with those people who come to the United States illegally is very important to defining for Haitians what it is they decide to do.

The vast majority of people try to come by water and are interdicted mostly by the United States Coast Guard and the United States Navy. We have done a review over the years of the spikes in this number. It is always interesting, to me, anyway, that the spikes come when there is a confusion about what the policy is in the United States.

For example, in 1991, a month after the coup that removed President Aristide from power, Haitians, if you remember, took to the sea in large numbers. The result was a wave of migrants, over 38,000 from the end of 1991 to June 1992. Then, when the first President Bush was clear about issues of repatriation, that number went back down.

So that is why, Senator, that we are supporters of the policy that the Department of Homeland Security pursues, which is to interdict people, to deter illegal migration from Haiti by repatriating migrants interdicted at sea who have no legitimate fear of persecution, and by detaining those successful in reaching the United States while their claims are processed.

I think the Department of Homeland Security does a very good, credible job in trying to find out who has a legitimate claim here, trying to make the right decisions. But it is clear that our objective is to hold people from Haiti and send people back.

I would say one other thing. Our embassy in Haiti has done an excellent job in getting the word out through the radio and through fliers and other means of communication to the Haitian people about what our policies are.

The Chairman. Presently, 15,000 visas are given to Haitians each year. Is that the----

Mr. Grossman. Immigrant visas, yes, sir. As I said in my

testimony, we support legal immigration. We give about 15,000 immigrant visas each year.

The Chairman. What is your estimate of how many illegal immigrants now from Haiti live in the United States?

Mr. Grossman. Illegal? I don't know. I would have to come back to you, sir. I know that the interdictions over the past few years are in the 1,300 and 1,400 range for 2001 and 2002, and thus far in 2003 the number is about 1,854. But I owe you an answer on the number living in the United States.

[The following information was subsequently supplied.]

The Department of Homeland Security (DHS) reports that there are approximately 23,000 Haitians at large in the United States under final orders for deportation, and an additional 21,000 who are in the deportation pipeline. Most of these are immigration violators, but about 1,000 have other criminal convictions.

DHS does not have an estimate of how many Haitian nationals may reside illegally in the United States.

The Chairman. I raise the question because clearly the number of legal immigrants from other countries is very substantial, and currently there are a large number of people from Mexico, for example, in our country illegally who do not have the problem, I suspect, of coming by sea; they come often by land, across the river. In any event, this is a sizable phenomenon in most States, not only those that border upon Mexico or southern States that would be most likely.

I noted that in my own statement about $700 million is being remitted by Haitians to Haiti, which is one-fifth of the entire economy. Obviously, the compelling economic need of many cases to get to the United States is there. I presume to remit money to support their families is a substantial item that may impel some of this immigration.

What is your own analysis of that problem, the economy and the economic effects of the remittances?

Mr. Grossman. That is absolutely right. All of the analysis that has been done shows that in these interviews that the Department of Homeland Security does, by far the overwhelming reason for people to risk this journey is to do better for themselves and to do better for their families.

The Chairman. Thank you. I will call now upon Senator Nelson from Florida.

Senator Nelson. Thank you, Mr. Chairman.

Mr. Chairman, I had requested that you have this hearing. I want to thank you personally for it. The subject matter is not only important to the United States, but it is particularly important to my State, because often when things go bad in Haiti, there is the tendency of the outmigration that often ends up in Florida. So thank you, Mr. Chairman, for calling this hearing.

With regard to the migration, I want to tell you an experience I had last year. Senator Graham and I persuaded the head of the Immigration Service to come down because we wanted him to see what we consider a double standard in the way that we treat immigrants.

We had, in this particular case, a group of 50 Haitian women that had been detained, at that particular time, about 8 months. They were detained in a maximum security prison which was contracted by the Immigration Service.

After having gone and visited there with the head of INS, what was curious was that we saw there were other women in this maximum security facility--which, by the way, has been taken care of, and the detainees are put in much more appropriate circumstances and settings now--but what was curious to me was that there were other women of other nationalities in there; but when I inquired as to how long each of them had been there, the Haitian women had been there 8 months, the Chinese women had been there 2 weeks, and the other women of other nationalities had been there in a matter of weeks.

Could you explain the administration's position to the committee, as we do our oversight of the executive branch, as to why this double standard exists with regard to detaining Haitians?

Mr. Grossman. Senator Nelson, failure on my part--which I will readily admit--I certainly can explain to you the double standard, or as you might consider it, the different standard between Haitians and Cubans. Where it comes to Chinese or others, I apologize to you, I cannot do that. I will certainly submit an answer for the record.

[The following information was subsequently supplied.]

We do not believe that there is a double standard. All intending illegal migrants apprehended in U.S. territory, except for Cubans because of their unique circumstances, are placed in removal proceedings. They may be detained during their legal process at the discretion of the Department of Homeland Security's Bureau of Immigration and Customs Enforcement (BICE) and the Department of Justice.

In expedited removal proceedings, under U.S. law, even if an individual establishes a credible fear of persecution, the Attorney General and BICE retain the authority to detain individuals without bond while their asylum hearings and any appeals take place. Individuals may be released for humanitarian reasons at the discretion of BICE.

Decisions on the terms and conditions of detention of illegal migrants in the United States are made by the Departments of Homeland Security and Justice; however, the Department of State supports policies that reinforce the foreign policy objective of deterring

illegal migration.
    Lengths of stay in detention may vary for reasons unrelated to nationality. The Department of Homeland Security maintains statistics on foreign nationals pending deportation/removal, but does not keep separate statistics for those who are boat migrants, illegal entrants by air, and legal residents subject to removal based on a felony conviction. In the case of Haiti, DHS reports that the proportion of Haitian detainees who are legal immigrants having committed crimes in the United States is substantial. These individuals tend to fight their removal through legal appeals, and this raises average lengths of detention.

    Senator Nelson. Let's talk about that. Clearly, the United States has an interest in protecting its borders. If we think that someone is going to get out and become an illegal immigrant, we have a right--indeed, a duty--to protect our population and protect our borders.
    In practice, what happens is that the other nationalities are released into the custody of families, when in practice Haitians are not. I would like you to discuss that?
    Mr. Grossman. Yes, sir. I think, from my perspective, the answer to that question is--as I tried to answer Senator Lugar's point--a question of perception. It is the question that what we do in the United States to people who come to the United States illegally, interdicted at sea, is reflected back into Haiti. I would speculate that we don't have the same problem with China, we do not have the same problem perhaps with other countries.
    Again, if you look at the numbers, in 1991, in 1992, in 1994, where the perception of people in Haiti was that they would quickly and easily come into the United States, the numbers went way up for people who tried to get in. So it is the decision of the administration, it is the decision of the Department of Homeland Security--which we support--to pursue the policy that you described so the vast majority of the people from Haiti recognize that if they come to the United States, if they are interdicted at sea, if they do not have a well-founded claim to persecution, then they will be returned to Haiti. The reason for that, Senator, is to keep people in Haiti.
    Senator Nelson. That was what was articulated at the time. I will say it in my own words, and you tell me if this is the policy of the administration: the policy of the administration is that, by detaining the Haitian immigrants, not releasing them to the custody of their families, it would send a signal to those who wanted to leave Haiti, and therefore deter them from leaving Haiti to try to come to the United States illegally.
    Mr. Grossman. Yes, sir.
    Senator Nelson. Is that the policy of the administration?
    Mr. Grossman. Yes, sir.
    Senator Nelson. Mr. Chairman, I am just getting on a roll, so I will come back in another round.
    The Chairman. Pursue it if you wish, if you are in the midst of a question there, for a moment, at least.
    Senator Nelson. Thank you, Mr. Chairman.
    Well, I think if you examine the treatment between other nationalities and Haitians, there is a distinct difference. Now, let me ask you, if that is the policy of the administration, has it worked?
    Mr. Grossman. I believe it has. If I might just--so I get the statistics right--refer to some documents here.
    The three spikes in illegal seaborne immigration from Haiti to the United States, as I said to you, sir--in 1991, 1992, 1994, the number of Haitian migrants intercepted by the U.S. Coast Guard at sea remained around 2,000 to 4,000 from 1984 to 1990, and less than 2,000 from 1996 on. In 1991, however, the number of interdictions leapt to 10,087, followed by 31,000 in 1992. Interdictions then dropped in 2000 to 404 in 1993, followed by a third spike to 25,069 in 1994, and then a drop down, as I have reported to you.
    Our belief is that expectations and perceptions of changes in U.S. immigration policy had been the spark for all three of these large-scale migrations. So when I report to you, sir, that over the last 3 years our numbers have been 1,400, 1,300, 1,800, then yes, sir, I conclude that this policy has some effect.
    Senator Nelson. Mr. Chairman, in my next round of questioning I would like to pursue that I think that the most important policy of the U.S. Government in stopping the outmigration from Haiti is the policy with which we approach the Government of Haiti and the NGOs of Haiti in trying to bring about economic and political stability in that country, so there is not the surge, the urge to want to leave the country. I will pursue that in the next round of questioning. Thank you.
    The Chairman. Thank you.
    Mr. Grossman. May I say, Mr. Chairman, that in advance of that, we both look forward to that line of questioning, because of course that would be something we completely agree with. So I do not want my answers to the Senator to be left here that the only policy that we have in Haiti is a policy on migration. So we very much look forward to that, Senator.
    Senator Nelson. Get ready for my question: Why did it take you 2 years to do it?
    The Chairman. You have been forewarned.
    Senator Chafee.
    Senator Chafee. Thank you, Mr. Chairman. I had the

opportunity to live in south Florida in the Pompano Beach area in the early eighties and in my neighborhood there were many Haitians living there. They were just terrific people. I know we have enormous challenges ahead of us.

From what I understand from your questioning, Senator Nelson, you were asking, why are Haitians treated differently than other undocumented migrants. Did I hear an answer to that? Why are they treated differently? Or are they, first of all?

Mr. Grossman. I apologize to the Senator. I said I was prepared to answer the question in terms of why they were treated differently than Cubans. I owe you and other members of the committee a further answer about other undocumented aliens. I don't know, and I don't want to pretend that I do.

Senator Chafee. Thank you.

Also, to followup on the same line of questioning, are you comfortable with the treatment that these undocumented aliens are receiving? I see from the briefing papers there was a story in the Sun Sentinel from down in south Florida about the poor treatment of the incarcerated Haitians as they await deportation.

Are we confronting that? Do you disagree with the article, if you are familiar with it at all?

Mr. Grossman. I am not familiar with it, Senator. But from our perspective--again, part of the answer, of course, now comes from the Department of Homeland Security--but my understanding is that they interview all migrants, whether interdicted at sea or detained in the United States, to establish a credible fear of persecution and determine whether or not they have this well-founded fear. People who are not granted asylum are returned to Haiti.

As I say, I would be glad to look into any of these stories that you wish, but I am not familiar with the one to which you refer.

Senator Chafee. OK.

Thank you, Mr. Chairman.

The Chairman. Thank you very much, Senator Chafee.

Senator Coleman.

Senator Coleman. Thank you, Mr. Chairman. Thank you for having this hearing. Thank you, Senator Nelson, for your passion and focus. I felt this hearing was important to the full committee and the subcommittee. Senator Nelson has been very insistent that we have that discussion. Thank you for raising that.

Mr. Chairman, I have a more complete statement I would like to enter into the record.

The Chairman. Your statement will be placed in full in the record.

Senator Coleman. I would note, similar to my colleague, Senator Chafee, I grew up in Brooklyn, New York, the first half of my life and lived over in Eastern Parkway. It was part of a very vibrant Haitian community, a very entrepreneurial, active community.

It pains me as I sit here to listen to what the chairman in his opening statement talked about, the tragedy and failed States and corruption, and all of the terrible things and the challenges we are facing that we are trying to correct. We should be doing better. The Haitian people deserve better. The question is, how do we get there?

Mr. Chairman, in your line of questioning you talked a little bit about the issue of narcotics trafficking. Secretary Grossman, in your testimony you note that, sadly, narcotics-related corruption is pervasive in the Haitian National Police. I understand that Haiti has seen a revolving door of police chiefs, none of whom seem to stay in the position long enough to make substantial improvements in Haiti's security.

I am wondering, what is it that we are doing--what role can we play? You can't have economic security without national security. Haiti clearly does not have national security. What is the United States doing to improve security in Haiti and help professionalize the Haitian police force?

Mr. Grossman. Senator, thank you very much. I know that John Taylor would agree, too, that one of the tragedies here, as Under Secretary Taylor testified to, is that Haitians are so successful around the world, and certainly in the United States. That is one of the reasons to have hope that this is possible, with the right economic and political and security policies.

Let me make a general comment about the police, if I could, since, as you say, it is extremely important that the police piece of this come out right. You will see, I think, in Resolution 822 and in the report of the Special Mission that went from the OAS, and in our own comments, that focusing on the police is extremely important. I actually think that one of the reasons that we have not been successful in Haiti over the past few years is precisely because there are not enough police. You find us, No. 1, rhetorically supporting 822, supporting the Special Mission, supporting the need for serious police efforts in Haiti.

Second, we are also trying to make sure that whatever assistance we can give, either to the Coast Guard or those parts of the Haitian National Police in terms of training, goes to people who are actually then going to do their jobs.

The other side of this, as I said in my testimony, is we have also focused in on visa revocations for high-level police people and also others who are involved. We have revoked about 15 visas over the past couple of years, to try to get people's attention.

So all of these areas are extremely important to us. When

you talk about the revolving door, it has always seemed to me that one of the best examples of why the Government of Haiti has not yet met its obligations under Resolution 822 is the appointment--and then 2 weeks later the resignation--of the police chief some months ago.

As you know, from the podium--and from Secretary Powell as well--we condemn that whole business. That man was not allowed to do his job, to make his decisions, to have his budget.

Senator Coleman. If I may followup, then, one further question on the security issue. Secretary Powell's comments reflect your testimony, Secretary Grossman. You remarked if by September the Government of Haiti has not created the climate of security essential to the formation of a credible, neutral, and independent provisional electoral council, we should reevaluate the role of the OAS in Haiti.

Is the OAS the appropriate vehicle for pressing improvement in Haiti? Help me understand what our vision is as to the role of OAS as a partner in dealing with the security concerns.

Mr. Grossman. We have very much supported the role of the OAS in all of what they do. I have great admiration for what they have tried to accomplish. If you read Resolution 822, first of all, and then the report of the Special Mission, the followup reports of the Special Mission, I think that the OAS--the Caribbean countries and the OAS Secretariat are trying to do their very best.

Yes, sir, I would continue to work very strongly with the OAS; because this is not just a problem for the United States, it is a problem for the region and a problem for the Caribbean. So the fact that the Special Mission was a joint CARICOM mission was a very good thing.

Secretary Powell made that statement in Santiago precisely because, like this hearing, we would like to get people's attention to what is going on in Haiti, and to say to people--I am not prepared to say we will do this or we will do that as part of a reevaluation; but to get people's attention that there is a sense that patience is running out and that more needs to be done, both by the government and often by civil society, as well. We just can't continue to do the same things over and over and over again.

We hope it will be something the people will lift up their heads and say, Oh, Powell said something important; this hearing is important.

We need a reevaluation in September. What we reevaluate I think will be a matter of consultation in the hemisphere, and certainly a matter of consultation with this committee.

Senator Coleman. Thank you, Secretary Grossman.

Mr. Grossman. Thank you, sir.

[The prepared statement of Senator Coleman follows.]

Prepared Statement of Senator Norm Coleman

Haiti is the second-oldest country in the Western Hemisphere, just thirty years younger than the United States. During its two hundred years of independence, Haiti has had a particularly tumultuous history.

Hopes were high in 1994, when the U.S. led a multinational force to Haiti to reinstall the democratically-elected President Aristide, who had been deposed by a military coup. While many hoped this would inaugurate a new era of democracy, Haiti's problems have continued.

A series of disputed elections have brought politics in Haiti to its current impasse. The lack of effective authority has meant that Haiti today is a dangerous place, an impoverished country, and a major drug-transit location. Haiti's per capita income is the lowest in the Western Hemisphere, at just $225 per year. The government of Haiti was also singled out in a recent State Department report, for failing to make sufficient efforts to combat human trafficking.

For some time the Organization of American States (OAS) has been involved in efforts to restore a functioning democracy in Haiti. Unfortunately, little progress is evident. Secretary Powell suggested last month that if progress is not made in creating an atmosphere suitable for the formation of a credible, neutral and independent electoral council, the U.S. should ``reevaluate the role of the OAS in Haiti.'' The OAS is not responsible for the problems in Haiti, but neither is the OAS approach succeeding in bringing about real change in Haiti.

Compounding the challenges facing Haiti is the AIDS crisis. Infection rates in Haiti, 6 percent of the population between the ages of 15 and 49, are the highest outside sub-Saharan Africa. Appropriately, Haiti is one of two countries in this hemisphere targeted to receive assistance under the Global AIDS bill as signed by the President.

The U.S. cannot afford to ignore Haiti's humanitarian needs. I strongly support the assistance we will be providing under the President's AIDS initiative, as well as the food aid and other programs now in place.

In this hearing, I'm sure we will take a look as U.S. immigration policy concerning Haiti. Already there are over 400,000 Haitians living in the U.S. While I believe our nation should continue to provide refuge to people at risk, I worry that a further breakdown in Haiti could lead to more than we can handle. This is why it's so important to look at what U.S. policy can do to improve conditions inside Haiti--supporting fair elections there, strengthening institutions, professionalizing the police force, and supporting economic development. Given the correlation between surges of Haitian refugees on our shores and the cycles of political crises in Haiti, it's easy to see why it is directly in the U.S. interest to be engaged in Haiti.

I look forward to discussing with the witnesses ways the U.S. can help the people of Haiti to share in the democracy and prosperity that so many other countries in this Hemisphere have come to enjoy.

The Chairman. Thank you, Senator Coleman.

Senator Brownback, we are in the 5-minute round of questioning, the first round. I would like to recognize you.

Senator Brownback. Thank you very much, Mr. Chairman. I appreciate you doing that. I appreciate you holding this hearing on Haiti. Welcome to our guests.

Secretary Taylor, if I could ask this question of you--and it is as much in the form of a comment, because we have been working with the administration a lot on this--one of the areas that I have had concern about regarding Haiti is a lack of respect for private property rights there.

As I note in your testimony, talking about the Millennium Challenge Account--which you would think Haiti would be a good candidate for--but it is to be applicable to those countries that are ruling justly, promoting economic freedom, and investing in people.

I have a specific situation of a group, Bridges Farms, farm operations. It is a not-for-profit group based out of the United States. It is to create employment in Haiti. Yet, they have consistently had difficulties getting the Haitian Government to recognize their title to the land. The government itself has been building buildings on the edges of the property, and also not allowing the people to use the airstrip that they have on their property, as well.

The Haitians have ignored various requests, despite the fact that the U.S. Government has come to them, and I have presented requests to them. The whole reason for the operation, Bridges Farms, is to provide employment for Haitians.

That is a terribly impoverished country. Yet, I look at this narrow, specific example and I'm thinking, if we are wanting to provide additional support for Haiti, if we want it to grow, and we do, and we want greater economic opportunity, and we do, yet they are not willing to recognize private property rights--and in particular for a nonprofit group that is just trying to create employment there--I am not sure that they are anywhere near meeting their end of the bargain of what we would think of if we get the Millennium Challenge Account established and moving forward.

I would hope they could respect the private property rights so there can be growth taking place in the country. I don't know if you know about this particular case. If you don't, I am happy to have made you familiar with it. I hope we could get it resolved. But to me it is indicative of a governmental system not yet willing to do the things that it can do to be able to allow the people to grow and prosper.

Mr. Taylor. Senator, I would like to learn more about that particular example. It is just the kind of example that shows the problems with poor respect for property, poor rule of law, and how that holds the people of Haiti back and it holds foreign investment back. Those are just the kind of policies that we would like that government to change so that prosperity can begin to grow in Haiti.

We are just beginning to see some positive changes that I emphasized in my testimony on the transparency side of the budget. But there is a long, long way to go in this respect. Your example just points to that.

Right now, the Millennium Challenge Account holds out some very specific things for countries to achieve. Ultimately, of course, we say we would like every country to qualify, but countries like Haiti have a long way to go.

Right now, there are some things that Haiti can do to get more assistance by improving its policies just directly from the World Bank. The World Bank has a performance allocation method where, as countries improve their policies, they get more funds. Right now, Haiti is quite down low on the list with respect to the amount it gets. If it improves the policies--just as the kind you are indicating: better certainty about private property, better rule of law, better transparency, better ways to deal with corruption--it will get more financial assistance; and, more importantly, that financial assistance will be more valuable to the people, so growth will improve.

Senator Brownback. I would like to see us help Haiti. I would like to see us do the Millennium Challenge Account. But if they can't get some of these basics right, I don't think these are wise investments on our part. I don't think they are ready yet.

So I am really hopeful that the Haitians take your points and those from the World Bank and others to heart, because for us to help them, they have to be willing to help themselves. It appears to me from the information that I have that they have not been willing to take those steps that they need to yet.

Mr. Chairman, thank you.

The Chairman. Thank you, Senator Brownback. We will have another round of questioning of the panel.

Let me begin by saying that Secretary Powell--in comments that you have already mentioned, Secretary Grossman--has stated that if the Haitian Government has not created the security climate necessary for performing a credible electoral council to have elections by September 2003, then we should reevaluate our policy to Haiti, and that of the OAS.

I would appreciate some discussion of what the right security climate would be. What are the elements that would be required to have a credible election? I suppose, beyond that, there is the dilemma that seems to me to be posed as we try to work with Haiti to do the right thing. Yet, at the same time, there are the overwhelming circumstances in the country that seem to lead to adverse results or responses to most of these

pleas, which then leads our response to be adverse to Haiti or to the people.

There is sort of a revolving dilemma here: How do you get some bedrock stability, or at least some minimal stability, so that Haiti can be forthcoming, as opposed to censured? I don't say this as criticism of either the Haitians or Secretary Powell, but just an observation.

We are discussing, very delicately, the fact that this country has very, very little income per capita, very little going for it economically and politically. People are trying to flee to get to the United States to support their loved ones back home. This doesn't negate the fact that people might want to have a fairer electoral system. Indeed, they might do so in the midst of this gross poverty and the difficulties that you have described.

Yet as a practical measure, how do we help? Is it enough for us to be involved? How does the OAS fit into this? Is the OAS taken more credibly than comments by even our own Secretary of State?

Mr. Grossman. Mr. Chairman, we hope that the OAS' credibility is helped by the comments of the Secretary of State, and vice versa, that the Secretary of State is attempting to put focus on the importance of the OAS.

Let me answer your question in a couple of ways, if I could. First, I think all of the things that you have said to describe Haiti and the challenges of Haiti are right. But I think also what has come out in this hearing, both from the testimony and the questioning, is that countries have choices to make. Haiti has some choices to make. In this case, they are not mysterious choices to make.

If we were having a hearing and it was unclear about what the path forward was or what should be done next, I would have a harder time answering your question. But there are choices out there, and those choices, it seems to me, are extremely well delineated in the report of the Special Mission of the OAS, for example. They are extremely well delineated in Resolution 822. In fact, if you go back a couple of years, they are extremely well delineated in the eight points President Aristide signed, first with President Clinton, and then were reaffirmed by President Bush.

So if you ask me for a list, what list do I give you? I don't say this is a complete list.

First, there is going to have to be an independent, neutral, and credible central electoral commission that will run this election. Now, I don't say--because I agree with you--that only having an election is the answer to all problems. There is the rule of law, a free market, the rights of property. But the election is very important, it seems to me, in moving this process forward.

The first thing is a real electoral commission.

The second thing is, think of the other four or five things in the Special Mission's reports to the OAS: to finish paying off the people who were hurt on the 17th of December; to arrest some of the people who are out currently, with real impunity, in Haiti, and to make some arrests; to follow some of the judicial process to deal with people who are murdering journalists and labor leaders.

There also has to be--when you talk about what is the fundamental basis for security, there has to be an end to these government-sponsored and party-sponsored gang attacks. There was a terrible one just the other day on July 12 in which members of the diplomatic corps and members of our embassy were involved. Our Ambassador reported to me that they were lucky to get out unharmed.

So there is a list out there. It is not a mysterious list. I think if the Haitian Government and the Haitian people would commit themselves to ticking off the things that were provided to them by the Special Mission of the OAS and CARICOM, there would be a way forward here.

The Chairman. Thank you very much.

Senator Nelson.

Senator Nelson. Thank you, Mr. Chairman. I want to pick up where I left off with regard to detainees.

Last October the whole world saw--by means of television--a boat coming in on Key Biscayne, which is just south of Miami Beach, and all of the Haitian migrants jumping out into the water and trying to come to America in that way, which we clearly have tried to discourage. We certainly should try to discourage that.

But the question is, here we are now in July, and a number of those people are still being detained without being released on bond in their application for seeking political asylum; whereas, the standard procedure is that you release someone on bond. I am not talking about migrants from Cuba, because there is a special law that deals with them. I am talking about all others.

Could you explain the policy of the administration with regard to the detention of those from October?

Mr. Grossman. Yes, sir. Again, because of our view that there is a perception question back in Haiti, as I understand it, there is the capacity of the Department of Justice and the Department of Homeland Security to continue to detain people before they go back, and to continue to detain people without the posting of bond.

That is a choice that the Attorney General and the Department of Homeland Security has made in this case; and, I would say, with our support. I am not pushing this off, because our belief is that the numbers show that when there is

confusion, it is a magnet.
    Senator Nelson. Then you need the feedback from the south Florida community that there is a difference with regard to the origin of the migrant and the perception that is there.
    One of the purposes for which I wanted this hearing, and there are many--and again, I thank the chairman and the chairman of the subcommittee for doing this--is that that perception needs to be cleared up. You have to be proactive in doing it. I am telling you, it took Senator Graham and me four times requesting that the INS head come to Miami to see the conditions firsthand. Since then, we have absorbed the INS into parts of Homeland Security, but still that has been a problem.
    Let's go on to the question of the IDB. Now, there are a lot of problems in Haiti. There are a lot of problems with the Government of Haiti. That is what is clearly in our interest to stabilize politically and economically. It is in the interest of the United States. Clearly, it is in the interest of Haiti.
    But just until recently, for 2\1/2\ years, the IDB had not decided to clear the arrears so that Haiti could become eligible for additional loans. What happened was--additional loans for what? For potable water, for basic living kinds of things.
    The cycle got more vicious and vicious. The IDB, which is clearly influenced by the U.S. Government, said, Well, we can't give anymore loans unless you clear the arrears. But this was not a normal situation, so the problem got worse and worse.
    In a bipartisan way, there have been some Senators up here raising cain about it. This Senator is one. Senator DeWine of Ohio is another one. So now the IDB finally, 2\1/2\ years later, has started the process of making these loans available.
    Could you explain the administration's policy as to why it has taken 2\1/2\ years?
    Mr. Taylor. Senator, one of the principles of our policy is to provide support for economic development where the policies are conducive to making that work, as I tried to indicate in my testimony. To make a program like the IDB has to offer work, there has to be some basic fiscal stability, monetary stability, accountability with respect to the accounts and the way the moneys are used, and the overall fiscal stability in the country.
    As I also indicated, we have been working with the Government of Haiti. In the last year and a half, we have had many meetings--and they intensified late last year and early this year--many meetings with the Finance Minister explaining how important it was to get the policies in a position where the IMF could have a program, and thereby the IDB could arrange for this program of arrears clearance.
    We worked with them and they developed, as I indicated, a substantial change in their fiscal policy, their monitoring policy, their accountability with respect to their accounts. Once they did that, the IMF staff worked out this staff monitoring program. Once that was put in place, the process of doing the arrears was ready to go.
    As soon as it was there, in very short order, I believe, the technical arrangement for the arrearage was done, which was to borrow money from the central bank so the arrearage would clear, so the next disbursement of the loans--which we hope will be next week--can be used to just offset that, and more additional loans can come from that.
    So it seems to me this follows a policy of focusing on rewarding or working with countries that are following good policies, making sure those are in place before we proceed. I just might add, I think that the more Haiti can do to have better policies, the more funding will be there. I can give examples from the World Bank and the IDB that will illustrate that.
    Senator Nelson. Mr. Chairman, I will wait until the next round of questioning. I just want to say that I appreciate the public service of these two representatives of the administration. This has nothing to do personally with you all. I just want you to know, because of bipartisan surfacing of this issue, this Senator feels that something is finally getting done, because the policy toward Haiti has been adrift for 2\1/2\ years. I am glad to see that something is happening. Thank you all for contributing to it.
    Thank you, Mr. Chairman.
    The Chairman. Senator Chafee, do you have further questions?
    Senator Chafee. No, thank you.
    The Chairman. Senator Coleman, do you have further questions?
    Senator Coleman. If I could, just one question, Mr. Chairman.
    Secretary Taylor, you have talked about some of the progress that is being made; but in your testimony you have mentioned the concern about narcotics trafficking, and that barring progress by October 1, that you may be in a position where Haiti would not be able to receive some assistance. What do you mean by ``progress?'' What are we looking for here?
    Mr. Taylor. The particular things are to have laws in place that are not in place now, as I understand it, against these activities; some better enforcement of those laws once they are in place; and basically a concerted effort to deal with this problem of trafficking.
    The legal situation for us, if those are not in place--the State Department has an apparatus to make the judgments about those. But if those are not in place, we are obligated to vote against the programs of assistance from the international

financial institutions. That is by law.
    Senator Coleman. Secretary Grossman.
    Mr. Grossman. To further what Under Secretary Taylor said, I don't want you to think that we have left the Government of Haiti guessing as to what is required. We have been in touch and given them essentially a 90-day set of ideas about what might be possible, given their circumstances and given their resources, to move back or to stay with tier 2.
    Senator Coleman. Thank you, Mr. Chairman.
    The Chairman. Senator Nelson, would you complete your questioning?
    Senator Nelson. Yes, sir. Then I have a question that I need to ask for Senator DeWine, who is not a member of this committee. Thank you.
    Under the Haitian Refugee Immigration Fairness Act, it requires people to reapply for asylum status if they turn 21 while their case is pending. We recently had a case that has caused a good bit of a stir in south Florida.
    If a child comes to the United States with his or her parents, and the application is for asylum when that child is 18 and less than 21, he is considered. But if for some reason that child has not applied and is there with the parents and passes his 21st birthday, then the child has to apply and go back all through the procedures, and is subject to deportation.
    Could you address what appears to be a technical flaw in the law?
    Mr. Grossman. It is not an answer you are going to appreciate, Senator. But asylum--these questions go to Homeland Security and Immigration. I would be glad to take the question and give you an administration response. I apologize. As I said to others, I won't pretend that I know the answer to that question.
    Senator Nelson. As with the other cases in the past, we have deemed it to be appropriate public policy to keep families together. In this particular case, it looks like the technicality of the law is keeping the families apart.
    Mr. Grossman. I will be glad to take that question, sir.
    [The following information was subsequently supplied.]

    The Haitian Refugee Immigration Fairness Act allows certain Haitian nationals and their dependents residing in the United States to become lawful permanent residents. The children of applicants qualify for similar treatment, but under the law have to be under 21 years of age at the time legal permanent residency is granted. If the child of an applicant turns 21--``ages out''--before a parent's application is approved, he or she remains eligible as an unmarried son or daughter 21 years of age or older, provided that he or she has been continuously present in the United States commencing not later than December 31, 1995. An unmarried son or daughter who cannot meet this physical residence requirement may still be eligible for adjustment of status under other provisions of the Act, but is not eligible for HRIFA benefits. This requirement reflects U.S. immigration law.

    Senator Nelson. OK.
    Now, for Senator DeWine, he, along with my support, has introduced the Haitian Economic Recovery Opportunity Act of 2003. What this is is that some favored treatment of other Caribbean nations--indeed, African nations, as well--allows textiles to be exported into the nation, and then they can be value-added by making those textiles into garments, and that can be shipped to the United States duty-free or with lessened duties.
    So the theory is if we are going to help Haiti get itself on its economic feet, then this is something we can do. If we are doing that with regard to other nations in Africa or the Caribbean, why wouldn't we do that with Haiti?
    So Senator DeWine has filed this bill. The administration has not taken a position on the bill. Is the administration going to take a position? When will that be, and what will it be?
    Mr. Grossman. Yes, we will take a position. I hope it will be soon. I don't know what it will be yet. I think the reason is obvious, sir. I could not agree with you more in all of this conversation, that we need to do everything we can to make sure that there is success in Haiti for Haiti.
    But we are trying to balance in the Treasury Department, the State Department, and other parts of government--exactly the point that you made--the interests of those people in the United States who are interested in textiles, because it is not an insubstantial part of our economy, and our interests in making sure we are open to free trade, and doing things in Haiti or Africa, as you described, that will help people.
    All I can give you is a status report today, but that is my status report.
    Senator Nelson. I will look forward to receiving the answer to that so that I can pass it along to Senator DeWine. Thank you.
    [The following information was subsequently supplied.]

    Promoting private investment and job creation in Haiti are goals that we share with the bill's sponsors. However, we need to consider the bill in the context of our overall trade strategy. Given these factors, relevant agencies are discussing the issue with a view to establishing an Administration position. It would be premature to speculate about the outcome of those discussions.

    The Chairman. Thank you very much, Senator Nelson. We thank both of you, Secretary Grossman and Secretary Taylor, for your

testimony and your responses to our questions.
    Senator Chafee.
    Senator Chafee. Thank you for your patience. I was just skimming through some of the subsequent testimony. I know Dr. Farmer has some rather scathing testimony about IDB, International Development Bank, loans.
    Have you had a chance to look at his testimony? I know you will be leaving after this session. The Inter-American Development Bank, IDB loans--Secretary Taylor, do you know the status of these?
    Mr. Taylor. I haven't seen the testimony that you are referring to.
    Senator Chafee. Dr. Farmer will succeed you in the next panel.
    Mr. Taylor. I have not seen that; but as I indicated in my testimony, now that the arrears have been cleared with the IDB, they are prepared to begin making loans again.
    Next week, we hope there is approval of $50 million and then a quick disbursement of $35 million. After that, there is a total of $146 million in loans for roads, health, education, water and sanitation, which then can go in the works. On top of that, there will be a dialog between the IDB and the government about what other kinds of assistance there can be.
    So that process as of July 8, when the arrears clearance was completed--and that was following the IMF program--things are on track now to move ahead.
    Senator Chafee. That sounds positive. Thank you.
    The Chairman. Thank you, Senator Chafee. Once again, I thank the witnesses.
    We will call now upon the second distinguished panel. That will include Dr. Paul Farmer, co-founder of the Program in Infectious Diseases and Social Change, Department of Social Medicine, Harvard Medical School, Cambridge, Massachusetts; Mr. Steven Forester, senior policy advocate for Haitian Women of Miami, Florida; and Dr. Rudolph Moise, president and CEO, Haitian Broadcasting Network, Miami, Florida.
    We welcome the second distinguished panel. I will ask you to testify in the order I introduced you, which would be first of all Dr. Farmer, then Mr. Forester, and then Dr. Moise.
    Dr. Farmer, let me indicate to you and to the other panelists that your full statements will be made part of the record. You need not ask for that to occur. You may proceed to either summarize or to present your testimony any way you wish.

STATEMENT OF DR. PAUL FARMER, FOUNDING DIRECTOR, PARTNERS IN HEALTH; CO-DIRECTOR, PROGRAM IN INFECTIOUS DISEASE AND SOCIAL CHANGE, DEPARTMENT OF SOCIAL MEDICINE, HARVARD MEDICAL SCHOOL, CAMBRIDGE, MA; CHIEF, DIVISION OF SOCIAL MEDICINE AND HEALTH INEQUALITIES, BRIGHAM AND WOMEN'S HOSPITAL, BOSTON, MA

    Dr. Farmer. Thank you very much.
    Mr. Chairman, This invitation is a great privilege. I actually have come up from Haiti for this occasion. I would like to thank Senator Chafee, and, having grown up in Florida, want to tell you, Senator Nelson, that it is an honor to meet you.
    I would also like to thank the other Senators, members of this committee, for allowing an American citizen who has been living and working in Haiti for 20 years to testify as a physician. In addition to directing a hospital in Haiti, I am also a professor at Harvard Medical School, and have been going back and forth between these two places, Harvard and Haiti, for 20 years. I am given, I am told, 5 minutes, so I'm going to make five points very briefly.
    The Chairman. You may take longer than that.
    Dr. Farmer. Professors always do.
    Senator Chafee mentioned that part of my testimony was scathing. You will see shortly why that might be.
    Senator Nelson was kind enough to mention that it took 2\1/2\ years to unblock these humanitarian development assistance loans to Haiti--if they are indeed unblocked; that remains to be seen. That means loans for potable water, health, education, and roads have been denied to those most in need. As a doctor, I am the person who cleans up the messes that result from these blocked loans.
    Rural Haiti has one doctor for every 20,000 people. I happen to be one of them. I am very proud to be counted in that number, but it has been a very difficult 2\1/2\ years. I believe that is why it is important to underline--as Senator Dodd did on the Senate floor some time ago last year--that it is political maneuverings that have blocked these loans and not, as is often said, the question of arrears. I will go into some detail on that, if I am allowed.
    The first thing I would like to say before I testify as a doctor is that the United States and Haiti are the two oldest countries in this hemisphere, so we have a more intertwined relationship than any other two countries. I think that is an important fact. It is certainly important in Florida, where I grew up. These two countries have had very divergent paths, of course. I have my own special relationship with Haiti. I was born in the world's most affluent and powerful country, and now work as a doctor in one of the poorest places in the world.
    I have, of course, lived through the Duvalier family dictatorships, the military juntas that were mentioned earlier, and also the democratic regimes that get such bad press here in Washington. I would like to speak a bit in the first person about the enormous difference there has been for me as a physician trying to work for poor people in Haiti during those

three periods of Haitian history.

What is it like to be a doctor in central Haiti? I live in a squatter settlement that was created by a development project, a hydroelectric dam, so I will turn to the World Bank and its policies in a second.

Just to give an example of the adverse impact of recent U.S. policies, when we see children come into our clinic--and some of you have been good enough to visit us down in central Haiti--we see the results of bad policy. Allow me to give the example of a boy whom I was able to introduce to a U.S. congressional delegation a that came to central Haiti. This 15-year-old boy, Isaac, had typhoid fever. Bacteria had drilled holes in his intestine. He went to the operating room and underwent the correct procedure, but we knew he wasn't going to make it. A few days later, after the congressional delegation left, Isaac died.

We doctors call those children ``IDB kids,'' now. We feel deeply about this blocked humanitarian assistance because we believe lives could and should be saved. I am the only American doctor there; the others are Haitian.

Every day it is the same--hundreds of patients and scant resources--but we have nonetheless managed to do a great deal. That is the other message I would like to give today: that a great deal can be done in Haiti. The current circumstances are the best, certainly, in the 20 years that I have been working in Haiti, not only for health care but with regard to government, respect of law, human rights, and certainly freedom of the press.

I can give personal experiences from the past 20 years but I would like to focus, instead, on how we can move forward, and make progress in terms of bringing Haiti out of its epic poverty.

I work through a group that is sometimes called a community-based organization or a non-governmental organization [NGO]. Some people think of us as a faith-based organization, so you would perhaps expect me to argue on behalf of funneling American aid through such organizations. I may surprise you by saying that I think that is exactly the wrong thing to do.

Haiti does receive assistance from the United States--and from the European Union and Canada and Japan also--but the total amount of aid has been reduced by about two-thirds since 1995. The growing health care crisis that I describe in my testimony--a resurgence of polio, declared eradicated from this hemisphere; a resurgence of death from measles; death from HIV and tuberculosis--has all happened in the face of declining overall contributions to Haiti as it tries to struggle out of 180 years of dictatorship.

Our country, my country, has cut its donations to Haiti by more than half since 1999. The United States contributes about $50 million a year. None of it goes to the Haitian Government, however, except to the Coast Guard--both boats of it--as they are being called upon to help interdict refugees and cocaine trafficking.

Now, this is not the way to help Haiti. The way to move things forward is to work with the Haitian Government, as my organization does. We work with the Ministry of Health, and also, to a certain extent, with the Ministry of Education. In doing so, especially over the last few years, we have started, for example, the world's first integrated HIV prevention and care project, which has been declared a success. Haiti was the first country in the world to receive money from the Global Fund to Fight AIDS, Tuberculosis, and Malaria--the direct result of a public-private partnership with the Haitian Government.

I could give story after story of our own work with the Haitian Government around reducing maternal mortality, increasing rates of vaccination for children, and reducing malnutrition in central Haiti. Each and every time we've tried, we can claim a success. We are very proud of that. It is because we work with the Haitian Government. However, no NGO has national reach. I think it is very important that this committee and the Senators present--and also people like Senator DeWine, who has been a great friend of Haiti--push forward the idea of public-private partnerships that really do include the public part.

One last word about the IDB loans, and then I will close, knowing that my written testimony is appended. The reason that the IDB loans may flow at all is because last week Haiti did something very frightening, even to a doctor who does not claim expertise in economic matters. The government depleted its national treasury by 90 percent. They spent $32 million, I believe, to pay the arrears--many of them accumulated illegally, as I have laid out in my testimony--because of, again, a U.S. memo that blocked these loans after they were already approved by the IDB's executive board and by the Haitian Government.

Now, the charter of the IDB states that that should not happen and may not happen. I am not a lawyer, though I am a doctor. I would like to go back to my clinic. What we would like to see in our clinic and hospitals, actually, is no need at all for many of our services. We don't want to see these children and adults with preventable and treatable diseases who are dying unnecessarily.

So as a physician and as an American, I would ask members of this committee to set just policies toward Haiti, which will necessarily include working with the elected Government of Haiti. The responsibility is on us, as well as on the Haitian Government. If the World Bank, for example, looks back on its

own performance and gives a dismal report, I am not sure why that should reflect poorly on the Haitians. I think the World Bank should look a little harder at its own practices and reassess those, as well.

We need to move forward a human rights-based culture for the rule of law in Haiti. That can only be done by working with the NGOs, who are the targeted beneficiaries of huge amounts of money, and the Haitian Government, which is not. For example, the Bush plan would allocate $15 billion for AIDS. Haiti is in that group of countries that would receive funds. To spend that money wisely, to be accountable, we are going to have to rely on public-private partnerships and not try to skirt the public sector.

That, of course, will also lead, we believe, to increased respect for the rule of law--which, granted, is very difficult in such a poor setting--and also lead to greater respect for human rights, including the right to health care.

Thank you all, especially you, Mr. Chairman, for the privilege of testifying.

[The prepared statement of Dr. Farmer follows:

Prepared Statement of Dr. Paul Farmer, Presley Professor, Harvard Medical School, Boston, Massachusetts and Medical Director, Clinique Bon Sauveur, Cange, Haiti

First, allow me to thank Senator Lugar for this invitation, Senator DeWine for his longstanding commitment to Haiti, and Senators Kerry, Kennedy, and Dodd for having suggested that I be afforded this opportunity to comment on the current health situation in Haiti.

Haiti and the United States are the two oldest independent republics in the Western hemisphere. And Haiti, our oldest neighbor, is living a true health crisis. This means, of course, that our neighbors are dying because of a health crisis. This health crisis can be described concisely. It has many causes but none of them are mysterious. This crisis has solutions that are well within our reach. Because some of what I say will be contentious, I will do two things today. First, and very briefly, I make mention of my own acquaintance with the health problems of Haiti. Second, I will document extensively all of my remarks and am making this documentation available for those of you here today and for the Congressional Record.

I am a professor at Harvard Medical School but for the past 20 years have had the good fortune of spending at least half of my time in central Haiti, where I direct a large charity hospital. This past year alone we have seen over a quarter of a million patients and done our best to provide modern medical services to a population living in dire poverty. Indeed, the hospital I direct sits in a squatter settlement and it would be difficult, I suspect, to find a more impoverished site in which to build such a facility. I've called this settlement home since 1983. During the past two decades, I've lived under the rule of dictatorships, military juntas, and elected governments. Our clinical facility has remained open during almost all of these long and often violent years, and we have developed strong feelings regarding the difference between working with unelected versus elected governments. These views are less political than pragmatic because doctors, nurses, and community health workers tend to be a pretty pragmatic bunch: we want to help our patients get well or, even better, to prevent them from getting sick. Our group, I should add, is a church-affiliated but ecumenical non-governmental organization, and it's been our privilege to work extensively, especially in recent years, with the Haitian Ministry of Health.

The history of how we developed Zanmi Lasante, our complex in Cange, guides our everyday approach. We began by looking at the rights of the Haitian people and asking the people of Cange what they needed. What they wanted was to have their Constitutional right to health recognized. So we set up a clinic which grew into a socio-medical complex. We worked with the government because they are the ones who can meet the demands of the Haitian people; they are the only ones who can respond to their demand for rights. Our patients' assertion of rights is codified in the Cange Declaration which is their patients' Bill of Rights. Using this approach, we have worked to put children in school, improve the water supply, and tackle new health challenges, some of them deemed--incorrectly, it transpires--intractable. None of the problems I will discuss today, from AIDS to malnutrition among children, are intractable.

Finally, I'll note for the record that I have written several books and dozens of scholarly articles about health conditions in Haiti. In short, I've spent my entire adult life worrying about the topic we're here to discuss today and feel well-placed to comment on Haiti's health crisis, its causes, and--most importantly--what we might all do to help our neighbor overcome this crisis.

1. health conditions in haiti today

Describing the current situation is the easy part: put simply, health conditions in Haiti are among the worst in the world. This part of the story is undisputed and should, in and of itself, trigger immediate action from anyone well-placed to help a neighbor in need. All of Haiti's public health indices are bad. Life expectancy, for example, is the lowest in our hemisphere. I rely mostly on data from either the Pan American Health Organization or the World Health Organization, but if our own CIA's Web site is to be believed, Haiti is the only country in the hemisphere in which life expectancy at birth is under 50 years and falling.\1\ As elsewhere in the world, infant mortality rates fell fairly slowly but steadily over the course of the past few decades, but in Haiti some of these trends have been reversed and infant mortality now stands at 80.3 per 1,000 live births.\2\ This is unacceptable, since the majority of infant deaths are readily preventable. Juvenile mortality rates, similarly, are the worst in the region, in large part because of malnutrition, low vaccination rates, and other by-blows of poverty. Maternal mortality rates are--no other

way to put this--appalling. Even the low-end estimates (523 per 100,000 live births) \3\ are the worst in the hemisphere, and one community-based survey conducted in the 1980s pegged the figure at 1,400 per 100,000 live births.\4\ For a sense of scale, those same figures in the United States, Costa Rica, and Grenada are 7.1, 19.1, and 1.0 per 100,000 live births, respectively.\5\ \6\ \7\

Losing one's mother is a nightmare for any child, but for children living in poverty it all too often means that they too are doomed to penury and premature death. When food and water are in short supply, who is there to fight for the survival of infants and toddlers if not their mothers? Orphans who do survive are often pressed into servitude, where their childhood years are filled with abuse and, as often as not, cut short by AIDS or some other dreadful side effect of poverty.\8\

What, then, of infectious diseases, my own specialty? Polio, announced eradicated from the Western hemisphere in 1994,\9\ resurfaced on the island in 2000.\10\ This unexpected resurgence occurred because of a sharp decline in vaccination rates under military rule. Haiti's self-appointed leaders had scant interest, it would seem, in public health. National vaccination rates for measles and polio reached their lowest point ever, with one PAHO survey suggesting that, in 1993, only 30% of Haitian children had been fully vaccinated for measles, polio, mumps, and rubella.\11\ It was only a matter of time--in this case, a few months to a few years--before these diseases came back. The measles epidemics came quickly, as we documented in central Haiti.\12\ But even polio, deemed vanquished forever, could and did return. The strain of polio that spread was actually derived from a vaccine, I should point out: but a strain fully capable of causing paralysis and death and able to spread only because so few children had been vaccinated during the early nineties.\13\

You know already that AIDS is a serious problem in Haiti, perhaps the only country in this hemisphere in which HIV stands as the number-one cause of all adult deaths.\14\ The Haitian epidemic has been described as ``generalized,'' since it affects women as much as or more than men; is not confined to any clearly bounded groups; and has spread from urban areas to the farthest reaches of rural Haiti, such as the villages in which I work. What's worse, HIV not only kills 30,000 Haitians each year and orphans 200,000 more,\15\ it has also aggravated an already severe tuberculosis epidemic. In one careful survey conducted in an urban slum in Port-au-Prince, fully 15% of all adults were found to be infected with HIV.\16\ Stunningly, the rate of active and thus potentially infectious tuberculosis among these HIV-positive slum dwellers was 5,770 per 100,000 population. Again, for a sense of scale, the number of Americans with active TB is pegged at 5.6 per 100,000 population.\17\ For Jamaica, Haiti's neighbor, the number is 5 per 100,000 population;\18\ for Cuba, rates of active TB are only slightly higher than those registered in Jamaica.\19\ Only 8 of every 100,000 Israelis are sick with active tuberculosis.\20\

You get the picture, I'm sure. I could go on, telling you about anthrax, which in Haiti is a zoonosis associated with unvaccinated livestock. As one Haitian veterinarian explained wearily, Haitians are victims of a sort of bioterrorism linked to poverty--in this instance, a failure to vaccinate goats, itself a symptom of our failure to share the fruits of science with the poor, including our very closest neighbors.

In poor countries, doctors must also take an interest in education--not merely medical education, but the education of women and children. We know from many studies, including some conducted in poor regions of Mexico, that good health outcomes among poor children are related ``independently'' to the educational status of the mother.\21\ That is, poverty is far and away the primary predictor of poor health outcomes for Mexican children, but even poor mothers who are better educated can hope to do a better job protecting their children. Whether this association holds true in far poorer countries, such as Haiti, has not yet been demonstrated.\22\ But the fact remains that Haiti's illiteracy rates are the highest in Latin America,\23\ which is why the Haitian government has declared its alphabetization campaign the top public priority. All those interested in the health of the Haitian people would do well to support these efforts.

As for food and water, again the story is grim. According to the World Bank, Haiti is the third hungriest country in the world,\24\ the only hungry country located close to our shores. The water story is even worse: a group in the U.K., the Centre for Ecology and Hydrology, recently developed a ``water poverty index'' and carefully surveyed 147 of the world's countries for supply and quality. Haiti was ranked in 147th place.\25\

Now picture these conditions--I can't resist saying it--a mere hour and a half from Miami. From door to door, Harvard to central Haiti, my monthly journey takes only 12 hours, and a third of that is spent jolting along in a Jeep. This brings me to one last point about current conditions: Haiti's roads are a threat to public health and have a horrific impact on health care.

Allow me to share the story of Isaac Alfred, a boy who came to Cange in January of this year. Isaac contracted typhoid by drinking unclean water. Isaac traveled eight hours from his village near Thomazeau to Cange. The journey was much longer than needed because of roads much more treacherous than most of us in the United States can imagine. Microbes had borne holes through his intestines and when he was at the clinic, hooked up to morphine and antibiotics, he was in excruciating pain. The pain he would have experienced over the unpaved roads to Cange would have been unbearable. By the time Isaac reached Cange, he received medical treatment, but it was too late. Isaac died a few days later. Isaac died because of unsafe water and Haiti's often impassable roads. The story that is even closer to home is that of an AIDS patient at the Zanmi Lasante. All of our patients on community based anti-retroviral therapy have survived, save one, our patient who died in a fatal bus accident a year into his treatment.

So far, I've mentioned roads, public health, water, and education and I'm doing so on purpose. These disparate factors are linked

together. One must ask who is to blame for these problems. Are the Haitian authorities blind to the obvious need for urgent action in each of these arenas? Do they care nothing for their own people? Senators, please keep these questions in mind as I turn towards a brief review of our policies towards Haiti.

2. policies healthy and unhealthy

Our own country is the richest in the world, and encompasses a third of the world's GDP. It's also, the world's superpower. Having established that Haiti, our oldest neighbor, is the poorest country in this hemisphere, it stands to reason that U.S. policies towards that country have an overwhelming influence. This too should be an undisputed claim.

Has the influence of our policies been a good one? Here, of course, is where the dispute comes in. I wish to argue the case as a doctor might; I'm not a politician, nor do I have any wish to leave my clinic. What I want to see is a healthy Haiti, and I believe--I need to believe--that this desire is shared by all of us in this room today.

I will not dwell on what some non-Haitians would call ``ancient history'' (that is, anything that occurred prior to the 21st century), but can't resist noting that while the Haitians willingly sent troops to aid us in the Battle of Savannah, in 1779,\26\ our own response to their appeal for assistance in their war of independence was to support the slave owners. And when, against all odds, the Haitians defeated the French on the battlefield--which led, according to John Adams and to many others, to the Louisiana Purchase--we continued to behave ungraciously. From 1804 until 1862, when Lincoln changed our policy, we simply refused to recognize the existence of ``the Black Republic.'' \27\ Worse, we later pressured other countries in the hemisphere not to recognize Haiti's sovereignty.\28\ Our policies did not improve much during the late 19th century, and in the early 20th century we invaded and occupied Haiti militarily.\29\ In fact, the modern Haitian army, which would later come to be the bane of my medical staff's existence, was created right here in this city, by an act of the United States Congress.\30\ Evidence shows that our past policies towards Haiti were remarkable for their consistently antidemocratic tilt. Modern U.S. historians agree on this, as do the Haitians.

More recent policies may appear, to the untrained eye, a bit more haphazard. But there have been discernible trends. As of today, almost all U.S. aid to Haiti goes through NGOs or through what are now called ``faith-based organizations'' rather than through the Haitian Ministries of Health, Education, or Public Works. Some of you here today will applaud this situation, and you'd think I would, too: after all, I represent an NGO, belong to a faith-based organization or two, and am not part of any government.

But I do not applaud this trend, not at all. I think these policies are unhealthy. I think these policies are unfair and poorly conceptualized because in a country like Haiti, that has suffered from 180 years of poor governance, we need to build a human rights culture. It is a long process and one that is far too long overdue. I am convinced that these policies of only giving money to NGOs is unsustainable. These policies cannot succeed.

First, allow me to note, since my Haitian patients invariably do, that during the reign of both the Duvalier family dictatorship, which lasted almost 30 years, and the military juntas that followed, the United States was unstintingly generous through official channels.\31\ \32\ That is, hundreds of millions of our dollars went to and through these Haitian governments, such as they were. If the aid was supposed to better the lot of the Haitian poor, it wasn't very efficiently targeted, I'd say. But you don't have to trust me: in 1982, the U.S. General Accounting Office summed up its own activities as follows: ``The United States has provided Haiti about $218 million in food aid and economic assistance. After 8 years of operating in Haiti, AID [Agency for International Development] is still having difficulty implementing its projects.'' \33\

This report appeared at almost exactly the same time that I arrived on the scene, your typical young American do-gooder. I did not have a lot of preconceived notions about how best to do health and development work, but as an American I was of course suspicious about working with dictatorships, and I didn't like the way the Duvalier kleptocracy siphoned off such significant fractions of all aid for ``extrabudgetary'' activities of their own. Again, the assessments of officialdom (the GAO, as mentioned, but also the World Bank, USAID, and most of the large multilateral agencies that dominated, and still dominate, the international health scene) were grim enough. And the verdicts of the rural poor with whom I cast my lot--they were even more scathing. ``Why does your government support the dictators and military?'' they asked me, politely enough. I was then a young medical student and so I replied, ``I don't know. I'm just a young medical student.''

But this was a disingenuous response, and I knew it. It was important for me to come to understand what was going on if I, a U.S. citizen, were ever going to be able to defend the policies of my own country.

That proved impossible, frankly. When you hear this, it will be July 15th. But I am writing this on July 4th, since I am taking the day off and using it to prepare these remarks. I thus refer you to another July 4th speech, made in 1985, my third year in Haiti. One month earlier, the Haitian Parliament had unanimously passed a ``political parties law,'' allowing political parties to exist as long as their statutes recognized ``Baby Doc'' Duvalier as President-for-Life.\34\ The same law gave the army and the Ministry of the Interior the unconstrained power to recognize and suspend parties. Three days previously, the Haitian Constitution had been amended to give this President-for-Life even greater powers, including the right to designate his successor. These changes were approved by a referendum on July 22, 1985. According to ``official'' statistics, 90% of voters turned out and 99.98% voted ``yes.'' \35\

Being at the time a young medical student on summer break, I was in

Haiti on July 4th, 1985, when, in a speech, U.S. Ambassador Clayton McManaway called the political parties law ``an encouraging step forward.'' Newsweek quoted an unnamed U.S. State Department official as saying, ``With all of its flaws, the Haitian government is doing what it can.'' \36\ A generous assessment, and the State Department also added that ``the press in Haiti has known a growing freedom of expression in recent months.'' \37\ (I should add here that the only free ``Haitian'' press at the time was that published in New York, Miami, and Montreal; and all of these newspapers have since relocated to Haiti.) The U.S. administration then certified to Congress that ``democratic development'' was progressing in Haiti, allowing more than $50 million in military and economic aid \38\ to flow to the government, if that's the word we want.

Being a medical student at the time, I assumed these matters were beyond me. Better to stick to pathophysiology and clinical medicine rather than to seek to understand why this all seemed like complete garbage. There was, no doubt, a reason for it.

Let's flash ahead to 2001, when such excuses deceived nobody, least of all myself. By then I'd been in Haiti for the better part of two decades, before and after getting my M.D., and was weary of seeing children die of diarrheal disease, adults of typhoid and tuberculosis and AIDS, and everyone of road accidents. I was a doctor tired of seeing children unable to attend school because they could not pay tuition or buy uniforms--even in ``faith-based'' schools that should've done better. And so in 2001 I looked into a series of four humanitarian and development loans that had been blocked. Many other international financial institutions had also cut off aid to Haiti, but I focused on the Inter-American Development Bank, since these loans, I learned, had already been approved by the Haitians and by the Bank's board of directors. And it seemed only fitting that an American doctor should inquire, as one loan was for health care, another for education, one for potable water, and one for road improvement. And they'd been blocked for some time--for ``political reasons,'' I'd been told. Haiti had held local and parliamentary elections in May 2000, and eight senatorial seats were disputed, requiring run-offs. And I'd heard, from sources both Haitian and American, that it had been the United States that had asked the Inter-American Development Bank to block the loans until these electoral disputes had been worked out.

Again, I was tempted to assume that, as a doctor, I couldn't possibly fathom the reasons that would lead my country, the world's richest and most powerful, to try and block humanitarian assistance to one of the world's poorest. But as a boy who'd grown up in Florida and had followed recent electoral problems there (my mother, who lives near Orlando, was sending me reams of material), I must admit that I was angry. Angry, as a doctor, that the Haitian government, with a national budget smaller than that of the Harvard teaching hospital in which I'd trained, could not have access to credit in order to clean up water supplies and revitalize its public health system. And angry about our shouting down the Haitians for elections that didn't seem all that bad compared to some of the problems my family in Florida described. Besides, the Haitian senators occupying the disputed seats had all resigned, and the loans were still blocked.

So this time I did try to find out more, and I encouraged others to help me do so--my students from Harvard, research assistants, and influential friends in business who are donors to our charity. Anyone I could find.

Of course I also tried to go directly to the source. I asked to meet with staffers from the Inter-American Development Bank. One of them shouted at me, in a very public forum (again, right here in this city), but the others were very courteous and kind. Still, they told discrepant stories. One told me, in 2001, that Haiti owed arrears, whereas another told me that no, Haiti had paid its arrears. However, the Haitian authorities said they had paid $5 million for arrears owed (they were current on their payments at that time) and had been promised that the loans would be disbursed immediately. Despite this, the IDB did not release the loans and the government of Haiti fell into arrears again. It was clear that the decision to withhold the loans was a political malfeasance that was brought upon by pressure from the U.S. government to block the loans. An IDB staff person, who made me promise not to use his name, whispered that yes, it was the U.S. government that was blocking the loans. I even called a nice fellow at the U.S. Secretary of the Treasury, since I was told that that's where the levers were pulled. And he informed me that, yes, such matters were in the hands of the State Department. But when I asked how I, a doctor, might help to get clean water to the Haitian poor, I couldn't get a straight answer anywhere. This went on and on and was very time-consuming. And I needed to get back to our patients.

On July 8, 2003, in a move applauded by the international community, the government of Haiti paid the IDB $32 million to satisfy the outstanding arrears owed the Bank. It is outrageous that the government was forced to pay these arrears because it was the malfeasance of the U.S. which helped to create them. I am told that this move by the government will pave the way for lending to resume with Haiti. I ask this Senate body to help us to ensure that the U.S. will not stand in the way of future loans from the Bank to Haiti.

A friend of mind, a famous American writer, promised to look into the blocked loans. ``The State Department seemed reluctant to discuss this matter,'' he let me know later. ``I was granted an interview with a senior department official only on condition that I not use his name. He told me it wasn't just the United States that had wanted to block the IDB loans to Haiti, that the Organization of American States (the OAS) was also involved. It was `a concerted effort,' the official said, and went on to explain that the legal justification for blocking the loans originated at an OAS meeting called the Quebec City Summit, which produced something called the Declaration of Quebec City. But that document is dated April 22, 2001,\39\ and the letter from the IDB's American executive director asking that the loans not be disbursed is dated April 8, 2001. So it would seem that the effort became concerted

after it was made.''

I wasn't surprised. The fact is, a concerted effort has long been underway to upset the Haitian people's efforts to build an egalitarian society. It began in 1791, and the only independent country in the hemisphere, our own, weighed in on the side of the slave owners, as noted. And so it has gone on for years, as Haiti grew poorer and we grew richer. In fact, few Americans know much about Haiti but few Haitians can afford to not know about our country. These blocked loans do not surprise the Haitians, but do surprise the good people with whom I speak up here in the country of my birth. Why on earth, family and friends and medical colleagues asked, would we want to block assistance to Haiti?

Why indeed. But it's possible to make a long list of embargoes against Haiti, and I recently did so for a British medical journal, The Lancet.\40\ It is an article which seeks to document the unsurprisingly bad impact of blocking water assistance to the thirsty, education to the unschooled, and health care to the sick. I did my best to argue that such policies are not only illegal--an argument of limited value, I'm told--but also noxious. Deadly. Morally atrocious. I submit this Lancet article to you in the hopes that it too might become a part of the Congressional Record.

In any case, I know the discussion could go 'round and 'round. And that would make us all dizzy and I'd be the only one here, besides Senator Frist, qualified to resuscitate you should you collapse in Senate chambers. But since I am a doctor, I hope you will permit me to use medical language. These are sick policies. They have a long history. And I hope I will not be dismissed as ``playing the race card'' when I argue that our sick policies towards Haiti are rooted in our own country's shameful past. Again, this is easy to prove. One has only to look, again, to the U.S. Congressional Record. On the Senate floor, in 1824, Senator Robert Hayne of South Carolina declared, ``Our policy with regard to Hayti [sic] is plain. We never can acknowledge her independence. . . . The peace and safety of a large portion of our union forbids us even to discuss [it].'' \41\

But now, thank God, we are allowed to discuss it. Unacknowledged or not, these are the roots of our unhealthy policies toward Haiti. And one does not have to be a neurologist or a psychiatrist to know that there are many reasons that some forget and others remember. We Americans have forgotten because we can afford to forget.

3. towards a healthier haiti: some success stories

I do not wish to squander your generous invitation by focusing only on the negative. Many good things are happening in Haiti, and surely the most important of these is the transition, however painful, from dictatorships to democracy. There are medical victories, as well--and most of them are the result of genuine public-private partnerships. That means groups like ours working with the Haitian public sector.

Allow me to give a couple of success stories. First, I mentioned that the island was the site of the hemisphere's first polio outbreak since the disease was declared eradicated from our half of the world. But did polio's resurgence or huge measles epidemics in Haiti constitute insuperable problems? Not at all. PAHO and UNICEF worked with the Ministry of Health in order to launch a massive campaign to eradicate polio and stop epidemic transmission of measles. I'm proud to say that we too were part of this movement and prouder still to report that it worked.

What about AIDS, the world's latest rebuke to optimism? Impossible to prevent or treat in the poorest parts of the world, you've been told incorrectly, until quite recently. Here again, Haiti is more of a success story than one might imagine. First, NGOs working closely with the Ministry of Health have spent a decade developing culturally-appropriate prevention tools, providing voluntary counseling and testing, and working to improve care for people living with HIV. Could these efforts be among the reasons why the predicted ``explosion'' of HIV did not occur in Haiti? That is, the situation is grim and AIDS is, as noted, the leading killer of young Haitian adults. But seroprevalence studies suggest that the Haitian epidemic is slowing down. Again, Haiti formed a public-private partnership, one of the strongest in the world, in order to pull together a successful proposal to the Global Fund for AIDS, Tuberculosis, and Malaria.\42\ The National AIDS Commission is chaired by the First Lady, Mildred Aristide, who has made AIDS and the rights of poor children her primary concerns as a public figure. As I stand before you, Haiti is probably the one country in the poor world with the most promising integrated AIDS prevention and care project already up and running. Over the past year, our project has hosted scores of visitors from as far away as Zambia, South Africa, Uganda, and even Japan.

What about maternal mortality? Can nothing be done to prevent this horror? Again, PAHO is engaged in efforts to make childbirth safer and so are we--and we all work with the Haitian government. There is, as noted, a huge challenge before us. And yet modern medicine has made it possible to make childbirth safe, even in the very poorest corners of the world. In part of central Haiti, where we work with traditional birth attendants and community health workers to offer at-risk women high-quality obstetric services (for example, cesarean sections or treatment of eclampsia), maternal mortality is under 200 per 100,000 live births and dropping. We still have a long way to go, granted, but we're moving in the right direction. Again, this success owes much to our close ties with the Ministry of Health which, though flat broke, has assigned publicly-trained nurse-midwives to assist us. UNICEF has supplied many of our traditional birth attendants with birthing kits. We are also vaccinating our staff against hepatitis B and making sure they have gloves and aprons and other supplies. If we were to work assiduously with the Ministry of Health, how difficult would it be to replicate these practices throughout a country about the size of the state of Maryland?

We are proud of our work in Cange because our methods incorporate a community-wide approach that focuses on the Haitian people's right to health. This sets us apart from the other NGOs that are operating in

Haiti. Zanmi Lasante is a successful public/private partnership which supports poor Haitians' demands upon the government for the right to health and further develops a strategy with them to engage the government and civil society so their demands are respected and can be met. We have a proven success rate using the human rights based approach, rather than the framework of handouts by rich countries and donors that most NGOs in Haiti work under. This human rights approach to development, not only in the health sector, is a model that can be and should be used by other NGOs to build sustainable solutions.

4. a few conclusions

Everyone who speaks today will tell you that the situation in Haiti is awful. And so it is, especially from the point of view of a physician who serves the poor. But there is so much that could be done. Permit me to continue speaking to you as a doctor. First, we need a diagnosis. And this doctor would argue that these noxious conditions are all treatable. What is the etiology of these problems? Haitian culture, as some have argued? Ridiculous--this has nothing to do with Haitian culture. Nor is bad governance the problem. How on earth could we say this when we were so willing to fork over hundreds of millions of dollars to the Duvaliers and the Haitian army, which in over a century had known no enemy other than the Haitian people? What is even more horrendous is that the Duvalier regime was well known for its human rights abuses internationally. Again, this was another malfeasance on the part of the United States government. It has led to an enormous and odious debt to the international community, much of which has not been repatriated from the Duvaliers. Considering this, it is appropriate for the U.S. government and the international financial institution to pursue debt forgiveness for Haiti's odious debt.

The problem in Haiti is poverty and, alas, we have failed to do our best to help our neighbors rebuild their ravaged country. But we can certainly start doing so.

Rebuilding Haiti will require resources. The Haitians have a saying: you can't get blood from a rock. It is critical that capital begins to flow once again to Haiti's public sector in order to stay the human rights and humanitarian crises I've described. But this capital cannot go only to groups like ours--to NGOs or ``faith-based organizations.'' It must be spent well using new approaches that provide Haiti's poor the ability to demand health, to demand potable water, to demand nutrition and have those demands met. That is precisely what building the environment and culture that respects the full spectrum of human rights is about. We're proud of our work in central Haiti, but that's where we live and work: in a circumscribed bit of central Haiti. Only the Haitian government has both national reach and a mandate to serve the Haitian poor.

Haiti still receives assistance from the United States and the European Union and Canada and Japan and various United Nations organizations. But the total amount of aid has been reduced by about two-thirds since 1995. Our country has cut its donations by more than half since 1999. The United States contributes about $50 million a year, but none of it goes to the Haitian government \43\--except for a small amount to Haiti's coast guard, both boats of it, given in the hope that this might help prevent refugees from disembarking for Florida and cocaine-shippers from getting their product to the same destination. Again, for a sense of scale, recall that the U.S. government pumped an estimated $200 million through the Haitian military government in the 18 months following February 1986.\44\ The World Bank, the self-proclaimed lead agency addressing world poverty, has shut down all future lending to this hemisphere's poorest country. It has, in fact, closed its Haiti office, leaving behind only an administrator and a chauffeur. Hardly an impressive strategy for poverty alleviation.

As the United States continues to ramp up spending for global AIDS, TB and malaria, both through the Presidents emergency AIDS initiative and the millennium challenge account, it is important to consider the application of those spending packages. Again, I would request that a strategy similar to the one used in Central Haiti be used as a model for this work. This model works in Haiti and can work in other developing countries and resource poor settings.

Haiti needs our help. Haiti needs resources. But Haitians need us to remember some of the things we forget all too expediently. Technical assistance is also of great importance, but we need to be respectful of our Haitian partners. In 1804, Haiti taught the world a great lesson, perhaps the greatest lesson ever. Haiti taught us that slavery, the use of other humans as chattel, is a crime against humanity. The French claimed to have done this in 1789, but every Haitian knows that it was Napoleon himself who in 1801 sent 40,000 troops to reconquer Haiti, and reclaim it as France's most valuable slave colony. Napoleon failed. And where were we, Haiti's only neighbors at the time? Where were we who should have helped Haiti rebuild an island devastated by a decade of war? The answer: Haiti had no friends. There was no assistance.

That was then and this is now. We now have a chance to make up for past errors. How are we doing? Poorly. Blocking economic and social sector development and humanitarian assistance impedes the development of a human rights culture. With holding health, water and sanitation, education and transportation funding is a terrible tactical and moral error; it is also a medical and epidemiological error. And this error could be corrected, almost effortlessly, by the U.S. government. If I were you, I would not listen to a lot of palaver about arrears or other technicalities. The United States has the power to unblock aid to Haiti in a heartbeat.

That was my final medical metaphor, I promise. In closing, I would ask the members of this committee to call for a formal reexamination of our policies towards Haiti. I would ask that we acknowledge, as a people, our errors and that we try for a fresh start. We certainly have all that is necessary to do so. Call it a ``Marshall Plan for Haiti,'' call it reparations, call it whatever you want. But let us, at long last, do the right thing. And then we will know the gratitude of our neighbors. Certainly, you will know the gratitude of a doctor who would

like to see everyone have the chance to live full and happy lives. And although I care deeply for all my patients, I think you will forgive me for wishing this most ardently for the Haitian people.

Thank you for the privilege of testifying.

footnotes

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\2\ Infant mortality in Haiti has actually risen since 1996, when it was 73.8 per 1,000 live births; PAHO attributes this rise to increasing poverty, the deterioration of the health system, and HIV. See Pan American Health Organization. Country Profiles: Haiti. 2003. Available at: http://www.paho.org/English/DD/AIS/be_v24n1-haiti.htm.

\3\ Pan American Health Organization. Country Profiles: Haiti. 2003. Available at: http://www.paho.org/English/DD/AIS/be_v24n1-haiti.htm. These numbers are likely to be even higher if one measures maternal mortality at the community level.

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\7\ United Nations Development Programme. Human Development Indicators 2003: Grenada. Available at: http://www.undp.org/hdr2003/indicator/cty_f_GRD.html.

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viewpoint

Unjust Embargo of Aid for Haiti

(Paul Farmer, Mary C Smith Fawzi, Patrice Nevil)

Many analyses suggest that social and economic inequalities have deepened most quickly between rich and poor countries over the past three decades.\1\ Adverse health effects of social inequalities are obvious in wealthy countries,\2\ and are matters of life and death for vulnerable populations in many least developed countries, where life

expectancy has dropped in these same decades.\3\ Some negative health trends are caused by HIV/AIDS and other emerging threats; war and social disruption can be to blame. Indeed, many of the growing health problems of the world's destitute sick are now regarded as humanitarian crises, and to address these, large international aid bureaucracies have emerged over the past half century.

Although most public health and disaster relief experts have argued against the politicisation of aid, most bilateral, and much multilateral, aid remains tied to the political aims of wealthy countries. Such linkage can be subtle (eg, aid will be disbursed only if specific economic policies or political systems are adopted). \4\ Here, we consider the health consequences of less subtle forms of the politicisation of humanitarian and development aid--ie, embargoes and blockades.

In the minds of Haitians, modern-day embargoes against their country are linked to the long string of those in their nation's history (panel). However, we believe that the present freeze of humanitarian aid is especially unjust. For the past 18 years, we have delivered health services in Haiti's central plateau. Social conditions in this region are deteriorating, mostly because resources and medical personnel are scarce, and because there is a growing burden of disease. There are many reasons for worsening conditions, but it is important to assess the connection between unnecessary suffering, increased mortality, and an aid embargo which has greatly diminished the ability of the public-health system to respond to the needs of the Haitian people.

Although the Haitian government mismanaged foreign aid during the Duvalier family dictatorship, generous aid continued to flow during much of that time, mainly from the USA.\5\ \6\ \7\ During the early 1990s, with Haiti under military control after a violent coup d'etat, the UN imposed a trade embargo on Haiti to push forward the restoration of the nation's first democratically elected president, Jean-Bertrand Aristide. However, US political commitment to this embargo was, at best, tenuous. The US National Labor Committee was later able to report that, ``In 1992, despite the OAS [Organization of American States] international embargo, U.S. apparel firms and retailers--`under a loophole benefiting US-owned exporters'--imported $67,629,000 worth of clothing sewn in Haiti.'' \8\ An embargo on petroleum was openly flouted, with a tanker from Texas delivering oil in full view of the international bodies charged with enforcing the embargo against the military regime.

On Aristide's return to office in 1994, the USA, other ``donor nations'', and multilateral organisations promised US$500 million dollars over 2-3 years in development aid to rebuild Haiti's battered health, education, and sanitation infrastructure, and to stimulate what had become one of the weakest economies in the world. Most of this aid has been withheld, thus further crippling Haiti's new democracy.

For example, three loans totalling US$146 million--intended for health sector improvement, education reform, potable water enhancement, and road rehabilitation--were approved through the Inter-American Development Bank (IDB) and by the Haitian government. But these loans have been blocked by a US veto in response to alleged irregularities during national parliamentary elections held in May, 2000.

According to the OAS, seven legislators elected should have gone to run-off elections. Six months after this election, presidential elections were held and Aristide, was again elected with a landslide, was inaugurated in February, 2001. Despite the fact that the legislators in question have stepped down, the USA continues to block the IDB loan on the grounds that Haiti has not shown adequate commitment to democratic governance.

What are the public-health implications of withholding $500 million in development assistance and blocking $146 million in loans for water, health, and education? Clearly, Haiti is highly vulnerable to external economic determinants, especially those coming from the USA. During the military rule in the early 1990s, Haiti's public health situation deteriorated greatly. Causality is hard to establish because the noxious effects of a leaky embargo and the consequences of military rule cannot be disentangled. The effect of the military coup was severe in the short term, with thousands of people killed and hundreds of thousands displaced. In view of a striking, yet unsurprising, absence of commitment to public health on the part of the Haitian army, and also severe repression of the population, there was a sharp fall in the quality and coverage of services for Haiti's poor. For example, child mortality doubled in a population-based sample in the central plateau (Maissade area) from 1991 to 1992.\9\ This rise was related to a measles outbreak--itself a consequence of the deterioration of the public health infrastructure during that time--as well as to shortages of food, medicine, and other supplies. Furthermore, many parents, especially fathers, were in hiding during those years and in this time of great insecurity, crops were not planted. In 1992, some 22% of child deaths in Maissade were associated with severe malnutrition or kwashiorkor, a higher death rate related to malnutrition than in the years before the military coup.\9\ Other evidence exists of the deterioration of public health and healthcare infrastructures during the early 1990s.\10\ \11\ For example, maternal mortality was estimated to be as high as 450 per 100,000 births in 1994, a rise of 29% from that reported in 1989.\11\

Elsewhere in central Haiti, we documented worsening social and economic conditions, and a paradoxical decline in the number of patients seen; our clinic was threatened during the military occupation of the country.\12\ In our catchment area, the decline in health status during the 3 years after the coup was catastrophic: epidemics of measles and other vaccine-preventable diseases were reported, as were outbreaks of dengue fever.\13\ \14\

beyond haiti: embargoes and healthcare

During the past 10 years, evidence has accumulated, showing that economic sanctions and embargoes are most harmful to the vulnerable populations within countries that are targeted.\10\ Sanctions and

economic embargoes have been associated with declines in health status in Cuba, Iraq, the former Yugoslavia, and Nicaragua\15\ For example, in southern and central Iraq, mortality in children aged less than 5 years rose after sanctions from 56 per 1000 live births to 131 per 1000 live births.\16\ The long-term effects of the Gulf War might also be contributing to this increased mortality. Daponte and colleagues\17\ investigated the effects of economic sanctions on Iraq and noted that even before the war, child mortality increased strikingly during 6 months of sanctions.

After UN sanctions were imposed on Yugoslavia, UN agencies, including the UN High Commissioner for Refugees and WHO, reported a rapid rise in tuberculosis rates, a tripling of mortality in mental institutions in less than a year, a drop in immunisations rates, and deaths because of a shortage of fuel to transport patients to hospital.\18\ Cuba has a highly functional health-care system, but the US embargo has nevertheless exacerbated difficulties in importing medication. Several drugs became unavailable after the embargo was tightened in 1992 when the US government passed the Cuban Democracy Act. Since then, the cost of many medical supplies has increased because of restrictions placed on medical suppliers. In 1994 there was an outbreak of Guillain-Barre syndrome in Havana linked to water contaminated with Gampylobacter spp, but chlorination chemicals were not available for water purification.\19\

health status and poverty

An important difference between Haiti and countries such as Iraq and Cuba is that severe poverty is pervasive in Haiti. The baseline economic situation should be taken into account if we are to understand the health effects of an economic or aid embargo on a specific country. The $146 million in IDB loans that are blocked by the US administration are urgently needed. During the past 2 years, we have seen further deterioration in regional public health infrastructure and worsening health status of patients and people living within and beyond our catchrnent area.

The decline in health status has had an effect on the 80-bed hospital we direct in the lower central plateau. With a staff of ten Haitian physicians and a large body of community health workers, Zanmi Lasante is one of the largest community-based charity hospitals in Haiti. Our financial support comes largely from private donors and foundations rather than bilateral or multilateral aid from institutions such as the IDB.

In our clinic we have enough staff to receive 35,000 visits per year, but in 2002, we saw almost 200,000 ambulatory patients--a more than three-fold increase from the previous year. Meanwhile, other nearby private and state-run facilities have very few patients; although they remain open, they sell or prescribe medications at prices that are too high for most people in Haiti, over 80% of whom live in poverty.\20\

We have noted a rise in the number of trauma cases attributable in large part to road accidents. The sequelae of accidents are more serious than they would be in other settings because patients have to travel long distances to receive care, and many need but do not receive the care of orthopaedic and trauma surgeons. Malaria also remains a major contributor to anaemia, and is the most frequent sole diagnosis during the rainy season from May to October. Deaths from this disease continue, even though Haiti has not yet registered chloroquine-resistant cases. Access to care has deteriorated during the present embargo and remains the main obstacle in delivery of health-care. Poliomyelitis, which was thought to have been eradicated from the western hemisphere, has resurfaced on the island.\21\ Whether a wild-type or vaccine-related strain, poliovirus will continue to spread if national vaccination efforts are not supported through ministry programmes, since national coverage is imperative. We have also noted outbreaks of other infectious diseases such as anthrax, meningitis, and drug-resistant tuberculosis.\22\ The degree to which these pathogens can be contained will depend largely on the capacity of the public health system to respond.

Outside our hospital's expanding catchment area, there has been an overall decline in the population's health during the past 2 years. There has also been a notable reduction in availability of potable water, especially in Port-au-Prince ($54 million of the blocked IADB loan was intended for improvement of water treatment). This situation is similar to that seen after the military coup in the early 1990s when, in that city, 53% of the population had access to potable water in 1990, but this rate fell to 35% in 1994.\10\

embargoes and collateral damage

During the past several years, average life expectancy has dropped in Haiti to 49-6 years at birth.\23\ Although the fall cannot be attributed directly to the embargo, humanitarian assistance is being withheld while the country's health profile is deteriorating. Furthermore, aggressive humanitarian aid could have an immediate and beneficial effect if it were channelled through institutions with national reach--namely, the public health system. Increasingly, however, aid has been reduced or directed to non-governmental organisations that make only local contributions.

Even when embargoes are judged to be legitimate, provision of humanitarian aid is necessary and consistent with the implementation of sanctions and embargoes in other settings. For example, the UN Security Council implemented the oil-for-food programme in Iraq to address humanitarian needs of the population, irrespective of changes in the political situation. This programme resulted in a slight improvement in child mortality in northern Iraq.\15\ UN agencies and other multilateral organisations, therefore, need to provide humanitarian assistance to vulnerable populations in Haiti to mitigate the effects of the US-advocated aid embargo. Better yet, promised aid should be released to Haiti, for these sanctions are in many ways worse than those in other countries. In most embargoes (eg, Haiti 1991-94, and Iraq), the suffering of ordinary citizens is termed collateral damage, an undesired result justified by the greater good of removing the

target, an unpopular dictatorship. However, when sanctions are levelled against an elected government, there is no collateral damage; ordinary citizens, who made the ``wrong'' choice at the polls, are the targets. Their suffering and the social discord that necessarily ensues seem to be the intended result.

We have seen US aid flow smoothly and generously during the Duvalier dictatorship and military juntas that followed. As health care providers, we believe that the present embargo enforced during the tenure of a democratically elected government is immoral. Such policies are both unjust and a cause of great harm to the Haitian population, especially to those living in poverty.

Conflict of interest statement
None declared.

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The Chairman. Thank you, Dr. Farmer, for coming all the way today for this testimony. It was very important to us and we appreciate it.

Mr. Forester.

STATEMENT OF STEVEN DAVID FORESTER, ESQ., SENIOR POLICY ADVOCATE, HAITIAN WOMEN OF MIAMI, MIAMI, FL

Mr. Forester. Thank you, Mr. Chairman and Senators. I first want to thank especially Senator Nelson for having focused the committee's attention on two of the key points I will focus on: our really draconian indefinite detention policies; and on the need for Congress to remedy, with a fix-it bill and as unfinished business, defects in the Haitian Refugee Immigration Fairness Act of 1998 [HRIFA], as a result of which families are in deep peril.

First, there are alternatives to our detention policies. National security would be better served by passing Senator DeWine's Haiti trade bill. It puts people to work, enables them to feed their families, creates hope, and discourages illegal

immigration and the concommitant diversion of Coast Guard, Border Patrol, and detention resources which our country needs to fight terror.

Similarly, meaningful in-country refugee and immigrant processing in Port-au-Prince and other towns, and regionally in the Dominican Republic and in Bahamas, would provide--as it does in Cuba--a regulated means of immigration for a predetermined number of persons, and it would act as a safety valve against illegal sea voyages and the diversion of our Coast Guard and other resources.

To the same end, we should definitely also include Haitians in any guest worker program that may be adopted. I deal in my written testimony with that. We should prevent unnecessary deportations to ensure the continuing flow, now and in the future, of the remittances which--Mr. Chairman and others--you have alluded to that are so incredibly important, and vastly outweigh foreign aid to Haiti; and remittances on which so many Haitians rely for their subsistence.

We also should find creative ways to make absolutely sure that Haiti's people receive the millions in aid that would alleviate their suffering; and to make sure, as Dr. Farmer was alluding to, that these loans really should be released. Conversely, our security is ill-served by unprecedentedly harsh, indefinite detention policies which waste our resources, divide our communities, and demean our values as people.

Cuba, ironically, is one of the few countries on our government's list of States that sponsor terrorism, but we don't detain the Cubans. There is no mass outflow from Cuba. We don't detain Cubans, but we do detain indefinitely all arriving Haitians. Haiti isn't even on that list of States that sponsor terrorism. Haitians fit no terrorist profile, and there is no substantiated evidence of any terrorists in Haiti.

Alternatives like the trade bill and in-country and regional refugee and immigrant processing would deter illegal departures and render harsh detention practices unnecessary. We indefinitely detain, at tremendous expense, Haitian infants, children, and mothers--for example, this 3-year-old and her mother and sister--for 6 long months, at tremendous expense.

We detain even Haitians who have won political asylum from immigration judges, as about one-quarter of them have. Most have been released; but some, as their cases are pending on appeal, are still detained. That has never happened before. When judges granted bonds, upheld on appeal, the Attorney General this spring overruled them across-the-board, and all of those people remain detained months later, despite those bonds and despite, of course, willing family sponsors.

For the first time, we are detaining and prosecuting Haitian airplane refugees. They have been coming since about 1981, which ensures their imprisonment back in Haiti under life-threatening conditions, because they have the criminal alien label when they are deported. They get thrown in those prisons.

Detention means expedited hearings with no or limited access to counsel. In December, a few dozen detained Haitians, unable to get counsel, were denied asylum and ordered deported without counsel in shortened, expedited hearings. It means trauma, despair, transfer to locations remote from family and legal help. There are people who have been sitting in other States for months without legal help. Money for isolation cells, but not for adequate attorney visitation space.

My written testimony documents an unfortunate history of discrimination dating back 26 years, but I want to now focus on the HRIFA need.

We are deporting to Haiti the parents of U.S.-born American children. These parents own houses and businesses. They work, pay taxes, and they have been sending those remittances to Haiti that are so crucial. These parents have been here for at least 8 years, because HRIFA's eligibility date was pre-1996.

Most of these people came between 1997 and 1993, so they have been here 10 to 15 years. They fled when President Clinton was saying, of Haiti's military regime, and it is a quote, ``They are chopping people's faces off.'' Or they fled in the eighties, under prior dictators.

Their exclusion from HRIFA was an unintended result, ironically, of trying to treat Haitians like differently situated Nicaraguans who fled over land borders, and who had benefited from a more generous bill a year earlier.

Now, the question, of course, for these U.S.-born children, should they wave goodbye as their parents are deported; or should they move to Haiti, a land they have never known, giving up, of course, the promise of their birthright as Americans? As Senator Bob Graham has said, we should do everything possible to fulfill our commitment under HRIFA and to keep these families from being torn apart.

Last, HRIFA permits the adjustment--this is the aging-out question that I believe was raised earlier--the adjustment to permanent residents of the children of approved HRIFA applicants. But delays in processing their parents' applications have already caused hundreds of children to reach the age of 21 and to age out of eligibility.

More than 3 years after the March 31, 2000, filing deadline under HRIFA for principals, nearly 28,000 applications--nearly three-quarters of the applications under the 1998 law--still remain unadjudicated. At that rate, approvals may take up to another decade, and hundreds more will age out and face removal proceedings to Haiti, even as their parents are eventually approved to remain here. Senators, Haitian Americans live in all of your States, and they appeal to your sense of right to

protect these families.
    Before I conclude, if there is still a moment, I would like to add something, briefly, because there is something that the Secretary on the prior panel mentioned that really cries out to be addressed.
    The only rationale for any detention policies--and I would like to remind the committee, if I may, that in the late 1990s, when our detention policies were much less severe, there was no mass outflow from Haiti. How in heaven's name it helps our country and deters anyone to detain infants and children for 6 months, at great expense, is beyond me.
    The Secretary alluded to spikes in outflow in 1991, 1992, and 1994, but there was a really glaring omission in that testimony. I deal with this in great length in my written testimony, which I hope you may allude to. I referred to it earlier when I quoted President Clinton as saying they were chopping people's faces off back in 1994.
    What happened in 1991, 1992, and 1994, there was a brutal coup on September 30, 1991. It was estimated that at least 3,000 people were murdered. That is why the people were flowing out. There has always been a correlation between political instability--and here we are talking about the most incredible repression one can imagine.
    So perhaps I should leave it at that. I wish to say that this idea of a perception question I believe is much overdrawn given that reality, that those spikes occurred under conditions of persecution and repression that were really immense, and that I document in my prepared statement. Thank you.
    [The prepared statement of Mr. Forester follows:]

   Prepared Statement of Steven David Forester, Esq., Senior Policy Advocate, Haitian Women of Miami, Miami, FL

    Senators, there are Haitian-Americans in Indianapolis, Minneapolis and all of your states. They are decent, hardworking people with families and are concerned about their people and homeland.
    Our detention policy is draconian. There are constructive alternatives which better serve our need to deter illegal emigration from Haiti. My testimony discusses each of these in turn: the Haiti Economic Recovery Act (HERO), S. 489, H.R. 1031; meaningful in-country and regional refugee and immigrant processing; and a guest worker program. We need to adopt all of these measures.
    But I begin with an issue which has received far too little attention recently: \1\ the ongoing and imminent deportations of the long-resident parents of U.S.-born American children who don't speak Creole and have never been to Haiti.

    \1\ Not so in the past. See e.g., ``Haitian Immigrants in U. S. Face a Wrenching Choice,'' New York Times (top of front page), March 29, 2000; ``No room for 5,000 Elians'', San Francisco Chronicle lead editorial, April 3, 2000; NBC Nightly New with Tom Brokaw, April 6, 2000; ABC Evening News, July 4, 2000; ABC's Nightline with Ted Koppel (full program entitled ``Equal Justice?''), May 25, 2000; ABC's Nightline with Ted Koppel (segment during Miami townhall meeting on Elian), April 7, 2000; ``A cruel choice for Haitian parents', Tampa Tribune editorial, April 10, 2000; ``Elian's Case Should Shed New Light on Haitians' Plight'', op-ed by nationally syndicated columnist Mike Harden, Columbus Dispatch, April 12, 2000; ``Haitian parents facing deportation fearful for U.S.-born children'', Sun-Sentinel (front page of local section), April 16, 2000; Tavis Smiley show, Black Entertainment Television (full hour), April 24, 2000; ``Haitian Parents of U.S. Kids Deserve to Remain Here Together,'' Miami Herald lead editorial, May 4, 2000; ``Protect 5,000 American Children, Don't Deport Parents'', op-ed, Miami Herald, May 5, 2000.

The Need for a Bill to Remedy Defects in the Haitian Refugee Immigration Fairness Act of 1998 (HRIFA) \2\

    \2\ P.L. 105-277.

    To begin I must go back to an earlier time, perhaps exemplified by something which occurred during a June 15, 1994 hearing of the House Judiciary Committee's Subcommittee on International Law, Immigration, and Refugees. The hearing concerned how well--or poorly--we were screening Haitians for refugee status. Representative Nadler of New York, a subcommittee member, had set up on display an extremely explicit graphic which he used to cross-examine our government officials who testified. It spoke a thousand words.
    It was the photo of the mutilated face of a young Haitian youth leader, Omann Desanges, whose case had been well-documented.\3\

    \3\ ``How U.S. error sent Haitian to his death,'' Miami Herald, April 18, 1994.

    Omann's fate is extremely relevant to the tragic dilemma faced by hundreds of wonderful American families. Permit me to explain.
    Like hundreds of thousands of his compatriots, Omann had been ecstatic during the brief period leading up to the December 1990 elections and until the September 1991 coup which ousted President Aristide. Like him or not--virtuous or flawed--Aristide back then was adored by literally millions of Haitians, kind of like JFK, to use a very inexact analogy. Haitians all over the country--illiterate or not--plastered their homes with his photograph; young people everywhere formed youth groups. They met regularly, discussing excitedly all kinds of desired local projects, like building roads, etc., things which for lack of funds rarely came to fruition. Exiled Haitians love to talk politics, but those in Haiti had never been able to speak freely; now, for the first time in their lives, euphoric, they could, and they

``came out of the woodwork'' in support of Aristide's candidacy and then during those few months of hope before the coup.

It was grassroots democracy in action.

And then came the coup. The military had been there, waiting in the wings, and they knew exactly who to target, everywhere, all over the country. No one knows how many they killed; some said 3,000, some said more. But there was lots of blood. Repression by the Tonton Macoutes under Duvalier, and by their various incarnations--``Zenglendo'' was one--under the military dictators who followed him in the late 1980's, Namphy and Avril, had always been bad; historically Haiti had been a kleptocracy, a government by thieves, and the Macoutes and their followers, in exchange for supporting the current dictator, had always had carte blance to steal, rape and kill vendors and other common poor people when they hadn't gotten their way.

But the post-coup repression was, quite literally, systematic, because the military knew exactly who to go after. Thousands of people went into hiding and fled any way they could.

Omann Desanges was one of them. From 1981 to mid-1994, the U.S. Coast Guard had been interdicting and repatriating virtually every boat person, with the brief exception of the immediate post-coup period, and even then it returned two-thirds of them.\4\ Desanges, a simple youth leader in his twenties, had managed to get to Guantanamo during that brief period, but we erroneously sent him back to Haiti, where after hiding for nearly two years, he was found, arrested, tortured and killed in the most extreme manner imaginable.

\4\ ``Between 1981 and 1991, the U.S. Coast Guard interdicted and forcibly returned only Haitians. During those 10 years, out of 24,558 interdicted Haitians, INS shipboard screeners allowed only 28 persons to pursue their asylum claims in the United States. . . . Those Haitians who managed to register asylum claims during the 1980s (the time of Duvalier and other dictators) had the lowest asylum approval rate of any nationality, 1.8 percent. By contrast, Soviet asylum approvals at that time were 74.5 percent.

``In May 1992, for the first time in our history, the United States began forcibly returning interdicted asylum seekers with no screening whatsoever--Haitians only. . . .

``[In contrast,] from the 1960s to the present, hundreds of thousands of Cubans have been paroled in and, after a year, allowed to adjust automatically to permanent resident status. . . . the `Guantanamo Cubans' were paroled in under much more favorable conditions that the Haitians [and] the Haitians not the Cubans--were required to pass a `credible fear' screening before being paroled from Guantanamo and--two-thirds were returned to Haiti. . . .''

Bill Frelick, Senior Policy Analyst, U.S. Committee for Refugees, ``Most Favored Refugees?,''Washington Post, April 20, 1998.

Now for the relevance of his story. Since at least 1981, when President Reagan initiated our Coast Guard interdiction and repatriation policy, Haitians had been fleeing by air to avoid it. Since dictators don't give travel papers to those they want to repress, they were obliged to get false papers as the only way to get on the airplane. This manner of exit is well recognized in asylum and international law and tradition; one of the few persons we made an honorary U.S. citizen is Raoul Wallenberg, for helping Jews escape Nazi-occupied Hungary with phony identity papers.

When the Haitians who fled this way arrived at Miami International Airport, they invariably gave their real names, disclaimed the document and indicated their need for asylum. They were promptly paroled into the community, where they got work and formed families, and their exclusion and asylum hearings proceeded apace, much like their boat person compatriots who, unlike Omann Desanges, had managed to get here.

Ironically, it is the more bona fide refugee--the soldier sought by the military for refusing to shoot unarmed demonstrators, the union member shot by the military, the sister of activists slain when soldiers invaded their common home--who was forced to flee this way: the more real and bona fide the threat of repression, the more suicidal it would have been for the person to flee by boat, since the Coast Guard, even during the worst periods of repression, was continuing to promptly sail interdicted boat persons back to Port au-Prince, handing them over on the docks to uniformed and armed soldiers of the Haitian military regime we were simultaneously so roundly condemning.\5\

\5\ In 1994 President Clinton accurately said, ``They're chopping people's faces off, killing and mutilating innocent civilians, people not even directly involved in politics.'' He referred to them in his September 1994 television address justifying U.S. intervention. Secretary of State Christopher on July 10, 1994 said Haiti's military was raping the wives of Aristide supporters, and respected human rights groups documented the regime's use of rape as an instrument of political terror. Assistant Secretary of State John Shattuck wrote:

> Beginning last summer, politically motivated killings in Port-au-Prince rose sharply, . . .
>
> Human rights abuses have qualitatively and quantitatively worsened in recent months. Soldiers and armed thugs stage almost nightly raids on neighborhoods where many Aristide supporters, live, raping the wives and children of political activists and critics of the regime, abducting young people, and disfiguring victims' faces.
>
> Raids have been conducted on clergy, fires set in private homes, and the bodies of men shot with their hands tied behind their backs are appearing on the streets of Port-au-Prince, part of a new practice designed to terrorize the people.

> A delegation from the IACHR [Inter-American Commission on Human Rights] has identified 133 cases of extrajudicial killings between February and May alone, and attributed full responsibility for those and other atrocities to the de facto authorities, i.e. the military and their supporters. The US government fully shares this conclusion.
>
> Haiti today presents a picture of brutality and lawlessness--in the unaccountability of the regime and its wide scale violations of human rights. . . .

``Human rights abuses in Haiti worsen,'' op-ed, Miami Herald, July 14, 1994 (emphases added).

Another irony: if Omann had been brought here instead of being repatriated, he would eventually have been covered by HRIFA; it is only his ``airplane refugee'' compatriots, who fled by air to avoid such a fate as his, who tragically have been excluded from coverage by an ironic, unintended error.

It is on their behalf--on behalf of their U. S.-born children, their families, and on behalf of their extended families in Haiti who rely on the remittances they've been sending to them for years--that I appeal to this august Committee to support a ``HRIFA fix-it'' bill to prevent the deportation of these parents and the destruction of these families.

As HRIFA's champion and your colleague, Senator Bob Graham of Florida, said about their plight:

> I was pleased to read your May 4 editorial ``Haitian parents of U.S. kids,'' about a problem that threatens to tear apart innocent families. . . . We shouldn't punish Haitians who fled tyranny and came here seeking refuge, freedom, and justice. To ensure that they have the opportunity to embrace these protections, Congress passed HRIFA in 1998. . . . We should do everything possible to fulfill our commitment and keep families from being torn apart.

Senator Graham, letter to the editor, Miami Herald, May 13, 2000.\6\

\6\ Indeed, HRIFA's intent and purpose was to end ``two decades of discrimination against the Haitians,'' as others of your colleagues stated, 144 Cong. Rec. S 13003 (Nov. 12, 1998), and to finally provide a semblance of equal treatment to Haitians, following the enactment a year earlier, in 1997, of the Nicaraguan Adjustment and Central American Relief Act (``NACARA'), from which Haitians had been excluded.

In South Florida today, they are facing deportation; some have already been deported, leaving behind forfeit houses and devastated families. An immediate administrative deportation halt is needed to protect them pending enactment of a solution to their plight in a HRIFA ``fix-it'' bill.

These otherwise-HRIFA-eligible ``airplane refugees'' have been here for at least eight years, and most for an average of ten to fifteen years. They own houses and businesses, work and pay taxes, send remittances to Haiti, and love and support their families.

What are their U.S.-born American-citizen children to do if their parents are deported? These children are the promise and future of their communities. They've never been to Haiti and don't speak Creole very well if at all; they are going to school here and pursuing their young lives. Are they to waive goodbye as their beloved parents are deported so that they may remain behind to pursue their birthright to the American dream? Or should they voluntarily move to Haiti to join their families, forfeiting that birthright and dream, so as to be able to grow up with their mothers and fathers? What would each of us do faced with such a wrenching and un-American dilemma?

There is another irony about the airplane people, namely that their exclusion from HRIFA was an unintentional consequence of trying to treat Haitians like the Nicaraguans who had benefited a year earlier from the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA). What happened was that a ``one-size fits all'' approach left the Haitian airplane people ``in the lurch.''

The Nicaraguans had fled Haiti surreptitiously over land borders; they hadn't needed to have any papers, so exclusory language in NACARA for persons using such papers never mattered to them and has never been an issue for them. But the identical exclusion grafted onto HRIFA in an attempt to treat the two groups the same has had this devastating consequence because of the completely dissimilar geography and Coast Guard policies which faced these Haitians back during the coup years and earlier.\7\

\7\ NACARA granted residence to Nicaraguans present in the U. S. before December 1995. HRIFA restricted eligibility to those paroled in, or who had filed for asylum, in both cases before 1996. All of the otherwise-eligible Haitian ``airplane refugees'' therefore by definition fled Haiti before that date, the vast majority ten to fifteen years ago.

The deportation of these persons, and the devastation of the lives of their children, unless HRIFA's vitiated purpose is restored in a HRIFA ``fix-it'' bill, should haunt us. And it will destabilize Haiti, adding more mouths for that country to feed, and depriving many extended families of the remittances on which so many rely for subsistence.

Deserving Children ``Aging Out'' of HRIFA for whom a ``fix-it'' bill is also needed

HRIFA provides for the adjustment to legal permanent resident status of the children under age 21 of approved HRIFA applicants. But according to the GAO, only 9,555 of 37,295 HRIFA applications had been

approved as of March 31, 2003--three years after HRIFA's March 31, 2000 filing deadline for principal applicants.\8\

\8\ U.S. General Accounting Office, Subject: Immigration Benefits: Ninth Report Required by the Haitian Refugee Immigration Fairness Act of 1998, April 21, 2003.

This means that nearly three quarters or 28,000 of the applications still remain unadjudicated today, since very few have been finally denied, a fact of enormous significance for the minor children of eventually successful applicants.

At that rate, it will take nearly another decade for all of the applications to be adjudicated. Hundreds of deserving minor children have already reached the age of 21 and therefore ``aged out'' as a result of this tardy processing--some have already been placed in removal proceedings and all are so threatened \9\--and many hundreds if not a few thousand more will ``age out'' and face removal proceedings and deportation to Haiti long before their parents' HRIFA applications are eventually approved some years from now, unless the problem is remedied legislatively.

\9\ Conversations with attorney Michael Ray, Esq., other attorneys, and an immigration official, Miami, Florida, July 2003.

These delays are only the latest which contributed to this problem: HRIFA did not become law until October 1998, a full year after NACARA; applicants had to wait nine months more, to mid-1999, before they could begin applying; and final HRIFA rules were not published until literally the week before the March 31, 2000 HRIFA filing deadline.

Unless fixed, the converse of the ``airplane refugee'' dilemma will occur: the parents will have obtained legal permanent residence under HRIFA, but their ``aged out'' children tragically will be deported.

There are ways to fix this problem. The Child Status Protection Act fixed ``aging out'' problems in other contexts, but not in this one; a second reason a HRIFA ``fix-it'' bill is needed is to fix the problem in this context.

Now I wish to turn to the plight of current Haitian migrants and refugees.

Current Unprecedentedly Harsh Indefinite Detention Policies

Our security is disserved by unprecedented and harsh policies which waste our resources, divide our communities and demean our values as a people. Discrimination against Haitian refugees is nothing new.\10\ But today's detention policies violate internationally accepted legal norms. And they are unnecessary, given meaningful alternatives--the Haiti Economic Recovery Act, ``in-country'' and regional refugee and immigrant processing, a guestworker program--each of which would deter illegal emigration.

\10\ See footnote 4, supra. Between 1977 and 1991 at least ten federal court decisions in class actions described our violations of their rights. Haitians were unlawfully denied their statutory and treaty rights to a hearing before an immigration judge in exclusion proceedings on their claims for political asylum. Sannon v. United States, 427 F. Supp. 1270 (S.D.Fla. 1977) vacated and remanded on other grounds, 566 F.2d 104 (5th Cir. 1978). They were unlawfully denied their right to notice of the procedures that the government intended to use against them in exclusion proceedings. Sannon v. United States, 460 F. Supp. 458 (S.D.Fla. 1978). They were unlawfully denied the right to work during the pendency of their asylum claims. National Council of Churches v. Egan, No. 79-2959-Civ-WMH (S.D.Fla. 1979). They were unlawfully denied access to information to support their asylum claims. National Council of Churches v. INS, No. 78-5163-Civ-JLK (S.D.Fla. 1979). They were unlawfully denied the right to be heard on their asylum claims and subjected to a special ``Haitian Program'' designed to expeditiously deport them in violation of their basic rights. Haitian Refugee Center v. Civiletti, 503 F. Supp. 442 (S.D.Fla. 1980), aff'd as modified sub nom. Haitian Refugee Center v. Smith, 676 F.2d 1023 (5th Cir. Unit B 1982). They were unlawfully denied their right to counsel and to fair process in their exclusion hearings by being shipped like cattle to remote areas of the country and subjected to a ``human shell game.'' Louis v. Meissner, 530 F.Supp. 924, 926 (S.D.Fla. 1981). They were singled out and discriminated against in their incarceration where they remained for over one year while being subjected to physical abuse and substandard medical care that resulted in the suicide of a named plaintiff; a panel opinion described that discrimination as ``as stark as that in Gomillion . . . or Yick Wo.'' Jean v. Nelson, 711 F.2d 1455, 1489 (11th Cir. 1983). Although the Court of Appeals en banc later vacated this decision on the ground that Haitians had no constitutional rights, it never disturbed the panel's factual findings. Haitians were denied the right to a ``meaningful opportunity to be heard'' in the amnesty program. Haitian Refugee Center v. Nelson, 694 F.Supp. 864, 879 (S.D.Fla. 1988), affirmed sub. nom. McNary v. Haitian Refugee Center, Inc., 498 U. S. 479 (1991). See also Haitian Refugee Center, Inc. v. Baker, 789 F.Supp. 1552 (S.D.Fla. 1991), vacated on jurisdictional grounds, 949 F.2d 1109 (11th Cir. 1992).

The Attorney General cites ``national security'' to justify the practices described below. But Haitian migrants fit no terrorist profile, nor is there any substantiated evidence of terrorists in Haiti. He argues that Pakistani or other terrorists might try to sneak into the U.S. by joining groups of fleeing Haitian boatpersons, but the two groups are entirely dissimilar and easily distinguishable, and a former CIA head of counter-terrorism has said that Haiti is not a favorable environment for suspected terrorists.\11\

\11\ As here, this section relies in part on Florida Immigrant Advocacy Center, ``Detention of Haitian Asylum Seekers,'' late May,

2003.

Ironically Cuba, whose refugees have always received better treatment,\12\ is one of only seven countries our government lists as a state sponsor of terrorism, but we detain no Cubans and all Haitians--indefinitely--although Haiti isn't on that list.

\12\ See footnote 4, supra.

Even without the alternatives discussed below, there was no mass outflow from Haiti in the late 1990's, when detention of Haitians was much less severe; and there is no such outflow from Cuba, whose nationals we do not detain.

Haitian asylum seekers in the Miami District have been discriminated against and routinely denied release from detention since December 2001.\13\

\13\ Prolonged detention is accompanied by another extreme policy, the summary return by the U.S. Coast Guard of interdicted Haitians with no routine screening of their asylum claims unless a person loudly and explicitly expresses a fear of return (the ``shout test''); while Creole interpreters are rare, this is not so for interdicted Cubans and Chinese, who are informed of their rights in their native languages.

We indefinitely detain at great expense (at the inappropriately-named ``Comfort Suites Hotel'') Haitian infants and children and their mothers. For example three-year old Cherlande and her mother, Zilia Mileus, and Cherlande's 14-year old sister were detained for six long months. Children under six years old like Cherlande and adults over 18 remain confined in their rooms with no access to recreation, activities, fresh air or sunshine. There have been as many as six persons per room, and the detainees have had to go weeks or even months without haircut, change of underclothes, and deodorant. Medical care has been inadequate, interpreters often unavailable.

For the first time we are detaining Haitians even after immigration judges have granted them political asylum, while the government is appealing their grants.

When immigration judges last Fall granted bonds to detained Haitians after ruling that the person was neither a flight risk \14\ nor a threat to the community, the government refused to release any of them, appealing every case; when the Board of Immigration Appeals ruled favorably this Spring in the lead case, that of 18-year old David Joseph, that the government must release those Haitians for whom bonds had been set, the Attorney General on April 17, 2003 intervened, overruled his own tribunals, and ruled across-the-board that no Haitian may bond out of detention, even while conceding that David posed no security risk. All of this was unprecedented; months later all of these persons remain locked up.\15\

\14\ Recent Executive Office of Immigration Review (EOIR) statistics in the Miami district indicate that Haitians have a higher than average court appearance rate. See footnote 11, supra.

\15\ See ``Illegal Aliens Can Be Held Indefinitely, Ashcroft Says,'' New York Times, April 26, 2003; ``More Illegal Immigrants Can Be Held,'' Washington Post, April 25, 2003.

Our practices in South Florida vis-a-vis current Haitian airplane refugees are similarly new, and they imperil lives. Haitians have been arriving by air with altered documents since at least 1981, when President Reagan initiated our Coast Guard interdiction and repatriation policy. As indicated earlier, on arrival at Miami International Airport they invariably give their real names, disclaim the document, and indicate they want asylum, and until last Fall they were not detained but rather promptly paroled into the community, where their chances in their asylum hearings were similar to those of their boat-person compatriots.

Last Fall in South Florida we began not only detaining but criminally prosecuting them, wasting the resources of federal detention officers, federal prosecutors, federal public defenders, and federal court personnel. Such detentions and prosecutions jeopardize their chances of winning asylum and insure that, on deportation to Haiti--now with a ``criminal alien'' label--they will be imprisoned in the abysmal and life-threatening conditions which characterize Haiti's prisons--and where prisoners may languish indefinitely and die.

Our indefinite detention policy entails expedited political asylum hearings with little or no access to counsel, jeopardizing basic legal rights and norms; last December at the Krome detention facility outside Miami, a few dozen Haitians were denied asylum and ordered deported without counsel in shortened, expedited hearings. It is well documented that one's chances of prevailing are vastly better with competent counsel able to prepare the case, and many might have won if so represented.\16\

\16\ Of about 214 Haitian boat persons caught October 29, 2002 off Key Biscayne in Florida, about fifty-three (53)--about one in four--have won their asylum claims, an unprecedentedly high rate, indicating the importance of counsel in these cases.

Trauma and despair are common. There have been at least two Haitian suicide attempts at Krome since June of last year. Many of the Haitian women detained at the Broward Transitional Center have become anxious and despondent.

When facilities like Krome, which primarily houses non-Haitian criminal aliens, are overcrowded, the efforts of pro bono legal service providers are rendered more difficult. Overcrowding has resulted in regular transfers of asylum seekers to out-of-state county jails far from South Florida, where many have family. For example, a Haitian woman and her infant child were transferred to rural Pennsylvania after

arriving by boat in December 2002, where they have been unable to secure pro bono legal representation. This increases feelings of hopelessness and jeopardizes the Haitians' rights to claim asylum and to counsel.

Thus detaining asylum seekers jeopardizes their rights to counsel and to a meaningful hearing on their claims. Their detention as a deterrent is illegal under international law: there must be an individualized analysis of the need to detain a particular individual; when detention is used as a general deterrent, as currently, it is not based on such an individualized analysis and violates these principles.\17\

\17\ Advisory Opinion, United Nations High Commissioner for Refugees, April 15, 2002.

Indicative of misguided priorities re Haitians, recently costly state-of-the-art isolation cells were completed at Krome, but no funds apparently are available to increase the number of attorney-client visitation booths to facilitate the right to counsel, as has been often requested. During busy periods attorneys have sometimes had to wait hours to see their clients.

Detention, as indicated earlier, is of questionable efficacy as a deterrent. By nationality, more Ecuadorans were interdicted than Haitians in fiscal year 2002, and as of about June 1, 2003, the Coast Guard had caught more Dominicans than Haitians. Only 1486 Haitians were interdicted in fiscal year 2002, which was slightly higher than the 1391 Haitians interdicted in fiscal year 2001. In January and February 2002, no Haitians were interdicted, although the indefinite detention policy had not yet then been made public; between March and July 2002, just after it became public, 628 Haitians were interdicted.

Now I will discuss three alternatives to the detention policy, alternatives which serve our national security goals as well as our values.

Alternatives: The Haiti Economic Recovery Act

Improving conditions in Haiti creates hope, alleviates despair, and decreases the likelihood of illegal emigration and the concomitant diversion of Coast Guard, Border Patrol and detention resources needed to fight terror.

Haiti is the poorest country in the Americas. 80% live in abject poverty, 70% have no formal employment. More than half of her 8.2 million people are illiterate. Infant mortality is the highest in our hemisphere: one in four children under age five are malnourished.

The trade bill would correct an oversight in U.S. trade law that recognized the special needs of Africa's least developed countries but not those of our hemiphere's poorest land--Haiti.

The U.S. generally promotes free trade but maintains very high tariffs and restrictions on apparel and textiles. Although the garment industry is an ideal ``stepping stone'' industry for undeveloped countries--because it is not capital intensive--current U.S. law requires Haiti's manufacturers to use cloth--and even yarn--made and spun in the U.S. to avoid these prohibitive duties. HERO would relax these restrictions, which have impeded the development of Haiti's apparel sector and kept factories idle and Haitians unemployed.

Specifically, HERO would amend the ``Trade and Development Act of 2000'' to grant duty-free status to Haitian garments made of fabrics or yarns from countries with which the U.S. has a free trade or regional agreement. It is not a ``handout'' and would enable Haiti to become a garment production center, create jobs, improve conditions, and discourage emigration.

HERO would have minimal impact on U.S. jobs and actually encourage job transfer from Asia to our hemisphere, including the U.S., because most Haitian foreign exchange earnings, unlike in the Far East, are used to buy U.S. products.

Haitian apparel accounts for only 0.38% of all apparel imports into the U.S., and the bill would cap duty-free imports made of fabrics or yarns from the designated countries at 1.5 percent growing modestly over time to 3.5 percent. The ``Trade and Development Act of 2000'' already includes strong safeguards against transshipment of garments produced in non-beneficiary countries.

Since the cap begins at 1.5 percent of all such imports, Haitian imports could increase about four-fold to take up the full initial quota. Since the cap increases to 3.5 percent, for this number to be reached in the future Haitian exports could have to increase ten-fold, representing increases in exports from the 2002 value of $216 million to an ultimate $2.16 billion, which was the extent of Dominican Republic exports to the U.S. in 2002. Expressed differently, employment could increase to over 200,000 or approximately 5% of persons of the working age in Haiti.

On the basis expressed by Haitian observers that one formal job in Haiti feeds 6 mouths, such employment could conceivably support over 15% of the entire population.

Haiti has the capacity to reach these caps. The quality of such enterprises is high; there exists good U.S.-educated management with a style readily conducive to the formation and continuation of business with a few major U.S. companies. The availability of under- and unemployed labor combined with the fact that Haitians are hard-working and easily trainable means that that there are workers to produce more.

HERO is a small measure which could lead to important improvements in Haitians' lives, giving them hope and decreasing the desperation which contributes to illegal emigration. This kind of market-based, private sector development is also crucial to promote the growth of the Haitian middle class of entrepreneurs, a key ingredient to democratic political development.

Alternatives: In-Country and Regional Refugee and Immigrant Processing

We do not detain arriving Cubans, yet there is no mass outflow from that country. One deterrent is the U.S.-Cuba Migration Accord, under which up to 20,000 Cubans annually since 1994 have been resettled in the U.S. We should have something similar for Haiti.

A meaningful program in Haiti and regionally would act as a ``safety valve'' against illegal emigration, thereby preserving our resources; and it would learn from the processing lessons of the past and present.

``In-country'' processing in Haiti in the early 1990's was poorly conceived and understaffed. From February 1992 to mid-1994 it rejected 98% of applicants, denying 76% of them even an interview. A requirement that the would-be refugee be ``high profile'' blocked most applicants from consideration and ignored the systematic repression of non-prominent dissidents. Applying was dangerous, especially in the program's early days, when the only processing site was located across the street from the national headquarters of the Haitian police, easily observable by soldiers and paramilitary, who monitored and frequently harassed persons seeking access to the processing office.

But it did offer protection to about 1,500 refugees who were allowed to proceed to the U.S. with the help of voluntary agencies with expertise in resettlement.

More effective in-country and regional processing of Haitian refugees and of the beneficiaries of immigrant petitions would offer an alternative to risky illegal sea voyages. It would also facilitate our ability to meet the target goal of 50,000 refugee admissions in FY 2003, a goal that is currently eluding the resettlement system in the face of security issues and other concerns. Inherent in resettlement are thorough security clearances before one may proceed to the U.S.

Many Haitians are in the Dominican Republic and the Bahamas. Both countries have expressed concerns about Haitians there, and regional processing would alleviate some of these pressures and possibly increase the tolerance of their authorities and public for hosting some Haitians.

There is no meaningful refugee protection in either country. In the Dominican Republic, Haitians are vulnerable to police harassment; children are typically deprived of an education; and families often end up homeless and living on the streets of Santo Domingo.

Past in-country processing in Haiti was hindered by requiring multiple in-person interviews in Port-au-Prince and the completion in writing of complex application forms, which rendered illiterate Haitians virtually ineligible for resettlement. Once a person was identified as eligible, there were often long delays before the person's actual transfer to the U.S.

The process was significantly improved when U.S. resettlement agencies, known as Joint Voluntary Agencies (JVAs), were used to identify potential resettlement candidates and assist in their processing. These included the U.S. Conference of Catholic Bishops and World Relief. The International Organization for Migration facilitated processing in Port-au-Prince.

Such agencies conducted initial screenings and intakes; assisted Haitians in preparing for their actual refugee interviews; helped Haitians complete asylum applications (I-589s); and arranged travel for those Haitians accepted for resettlement.

Since that experience, several successful initiatives have facilitated resettlement in other parts of the world that build upon the expertise of international and local NGOs. In Pakistan, the International Rescue Committee has partnered with local NGOs in an effort to discreetly identify those Afghan refugees most in need of resettlement. In Nairobi, the Hebrew Immigrant Aid Society is working with UNHCR, relief agencies and others to identify refugees in the region appropriate for resettlement. Working with local NGOs and others alleviates the risk of overburdening the system with clearly ineligible applicants. Such efforts have precedents in Haiti, where the JVAs frequently took referrals from local rights groups.

Processing sites should be located not only in Port-au-Prince but in outlying areas. In the 1990s, processing sites eventually set up by the JVAs in Cap Haitien and Les Cayes alleviated the need for applicants to make the arduous and often risky trip to the capital to access resettlement processing.

Processing and interview sites might be located in facilities where other activities are also taking place and in various locations away from government offices.

A resettlement program in Haiti could take advantage of pilots implemented in places such as Pakistan under which Afghan refugees are referred for resettlement through NGOs working at the community level.

Efforts should be made to limit the number of times an applicant must appear in-person. In the 1990s about four appearances were required before an applicant was accepted or rejected. This was quite burdensome to applicants who had to travel each time to the processing site.

To facilitate quick transfer to the U.S., refugee security clearances of approved applicants should be prioritized and conducted quickly.

Many of these recommendations would also apply to regional resettlement initiatives.

Significant groundwork has been laid in Africa and other program sites through the use of biometric data to address concerns about fraud. This can be replicated in Haiti.

In-country refugee and immigrant processing is available in Cuba, not Haiti, although it would act as a significant deterrent to illegal emigration from that country. We should implement a meaningful, effective and thoughtful program which in a controlled and regulated way will simultaneously protect refugees, ease the path of qualified beneficiares of immigrant petitions, diminish the incentives for people to flee illegally, preserve our Coast Guard and other resources and heal community divisiveness by establishing more equal treatment between Haitians and Cubans.

But even if resettlement becomes available, identifying refugees interdicted at sea should be facilitated through the assignment of Creole speaking officers on Coast Guard vessels that are patrolling off Haiti. The officers should at minimum inquire as to whether an interdicted Haitian has concerns about returning to Haiti and should

whenever possible interview each person individually rather than in groups, so that a refugee can more comfortably raise concerns about returning home. And interdicted Haitians should be informed about the availability of in-country processing if they are repatriated.\18\

Alternatives: Include Haitians in a Guestworker Program

Our vibrant market economy is of course a magnet for desperate people seeking economic opportunity. We need not fear this. The pages of our history are filled with the stories of ambitious immigrants coming here in search of a better life. In turn, their dynamism, hard work and fresh perspectives have largely drive our own prosperity and freedom. Historically, immigration to the United States has been a tremendously successful anti-poverty program--one grounded in freedom and opportunity, not handouts and dependency.

Many Haitians don't wish to immigrate but rather wish to work here temporarily to help their families at home and save money for their return. This too is good for our country; it is a win-win situation while they are here and helps to export our values when they leave. Those who return do so with a strong education in how free markets and democratic governance work and higher expectations for self-government at home.

I am encouraged by guest worker legislation currently being discussed, particularly Senator John Cornyn's Border Security and Immigration Reform Act of 2003 (S. 1387) in the Senate and Congressman Jim Kolbe, Jeff Flake and Sylvestre Reyes's Land Border Security and Immigration Improvement Act in the House. These bills would deflect major portions of the flow of illegal entrants and bring millions of undocumented workers out from underground and into the legal market. Such measures would be humane and economically beneficial and would enhance our national security and respect for the rule of law.

I would urge the members of the Committee to follow the progress of these bills and ensure that Haitians are included in them.

Conclusion

There is an urgent need to introduce and enact a HRIFA ``fix-it'' bill to protect deserving individuals and families, including U.S.-born children, and to prevent the destruction of families. Our current detention policy is unprecedentedly harsh and unnecessary, given its lack of efficacy and the existence of appropriate measures which would more effectively serve our security goals: HERO, in-country and regional refugee and immigrant processing, and a guest worker program.

\18\ Thanks to the Women's Commission for Refugee Women and Children for specific ideas regarding appropriate refugee processing.

The Chairman. If I could just help complete that thought, was that true also in 1992 and 1994?

Mr. Forester. Absolutely.

The Chairman. Were there conditions there, coups, or specific political events in Haiti that you believe were the proximate causes for the immigration?

Mr. Forester. The coup was September 30, 1991. Our restoration of President Aristide was in the fall of 1994. At a subcommittee hearing in the House at which I testified in 1994--indicative of how severe the repression was at that time and throughout the coups years--Representative Nadler of New York had had a blown-up poster made of the mutilated face of one of the victims who we had returned from Guantanamo, even during the brief period immediately following the coup. We returned two-thirds of those people. He was one of them, a youth leader.

To understand how severe that was requires very briefly an understanding of what, like him or not, Aristide meant to the Haitian people back then. After decades of oppression, finally there was an election. For 7 months, whatever it was, people came out of the woodwork, euphoric, and joined youth groups; illiterate people. They plastered Aristide's photo on their houses.

When the coup occurred, the military knew who to target. In the following couple of years, they really systematically did this. The State Department, the Secretary of State and others at that time, said that. You need not take my word, I am quoting from them. So that is what occurred in those 3 years.

The Chairman. Thank you.

Dr. Moise.

STATEMENT OF DR. RUDOLPH MOISE, PRESIDENT AND CEO, HAITIAN BROADCASTING NETWORK, MIAMI, FL

Dr. Moise. Good morning, Mr. Chairman, members. For the record, I would like for the ``Mr.'' before my name in the agenda to be changed to ``Dr.'' I am a physician, a Haitian-American physician in south Florida. I am also an attorney, an entrepreneur, and I am also a lieutenant colonel in the United States Air Force Reserve, where I serve as flight surgeon for the 482nd Fighter Squadron in Florida.

I would like to thank Senator Nelson and everybody for being here, and thank you for the opportunity to talk about Haiti. Before I proceed, allow me to say thank you to Dr. Paul Farmer as a colleague for going to Haiti to do this great medical work. We thank you.

As was discussed in the first panel, for the past 3 years Haiti has been involved in a political, economic, and social crisis stemming from the 2002 elections. The OAS has tried numerous times to mediate the conflict. Unfortunately, it has met with very little success.

The U.S. policy has been one of benign neglect and containment, rather than engagement. It has been hopeful that the U.S. process will succeed so we will not have to get

directly involved. As most Haiti watchers would agree, however this policy is wishful thinking, at best; cynical, at worse, and simply not acceptable.

In preparation for this visitation, I traveled to Haiti last week and met with several organizations in the civil society, the opposition, government, U.S. Embassy staff, the private sector, and Haitian Americans. It is without exaggeration that I describe the situation as extremely tense and desperate, with a high level of frustration. There is a general consensus that something must be done now to avoid the needless human tragedy.

A few words on security. The Government of Haiti has had numerous opportunities to resolve the situation. Unfortunately, it has not done so. The Government of Haiti will argue that, due to lack of funds, they were not able to meet some of the conditions in Resolution 822. For example, the security force--Haiti has only a 4,000 police force for a population of 8 million, as opposed to the Dominican Republic, which has a 28,000 security or law officer personnel.

What the Government of Haiti has to understand is that as long as the national police is an arm of the government, we will always have this problem of political violence. The national police should be a professional institution working for the security of all citizens.

This climate of political recriminations and violence has caused an increase in violence and human rights abuses. Human rights groups such as Amnesty International, Human Rights Watch, Committee to Protect Journalists, and the National Coalition for Haitian Rights have documented extrajudicial killings, arbitrary arrests and detention, violent reactions to peaceful demonstrations, and intimidation of journalists, human rights activists, members of the political opposition, the private sector, and judges, which caused them to flee the country in fear of their lives.

All of you have been familiar with what happens in a country that has had a war. Iraq is one of them. All of you are also aware of what happens with a country after a natural disaster, as what happened with Andrew in south Florida. But Haiti has had neither; however, it looks like a war zone. The country's infrastructure is almost nonexistent, due partly to lack of funds and partly to the bad governance on behalf of government.

We thank the administration which has increased aid for AIDS. However, the aid was strictly for humanitarian purposes. As of, I guess, September of this year, the amount of funds for the economy--part of it has actually been reduced from $3 million to actually $1 million, so there needs to be a balance.

In immigration, as Mr. Forester has just described it, there is the double standard. Senator Nelson, as a Haitian American from Miami and as a member of the United States Air Force who swore to fight and defend his nation's ideals of equality, freedom, and justice for all, I cannot end this testimony without taking the U.S. Government to task for the obvious discrepancy and blatant discrimination in the treatment of my compatriots.

Secretary Grossman stated earlier that the detentions will deter Haitians from coming to this country. I disagree. Haitians are high risk-takers. They may deter a few, but not the majority. There is no mass exodus. They are not coming right now just because they hope that something positive will happen. We will have a mess with this when we have something like what Mr. Forester mentioned, like a coups or serious political violence. Right now there have been only 1,500 to 2,000 immigrants a year that have been coming to south Florida.

Recommendations. This administration has a unique opportunity to do what no other administration has done in the past: to work with Haitians, Haitian Americans, and the international community to assist in Haiti's long-term development. It is obvious that a prosperous Haiti is in America's--and obviously Florida's--best interests.

How do we do this? We should first of all get out of the current situation. The United States should pressure directly all parties to come to the table and remain there until a satisfactory compromise has been reached. The deadline for this should be October 1, 2003, for obvious reasons. Next year, it will be realized to be beyond that issue, so they can start a new process.

The United States should take the leadership in creating an international police force composed of OAS, European Union, and CARICOM member States to provide a climate of security for campaigning and elections.

No. 2, the United States should be involved in nation-building in Haiti, strengthening the civil institutions. An investment now will cause a great return. From interviewing some in Haiti and asking, what will it take for an institution to be strengthened? Fifteen to $20 million a year for the next 10 years would be a great boon for this area.

Money alone is not enough. I think the United States should also help in recruiting Haitian Americans. We have a pool of Haitian American professionals with expertise that will also help in the rebuilding of Haiti.

Immigration policy. Mr. Forester had mentioned the institution he is with and what it supports. The passing of the Haitian Economic Recovery Act should be done this year as a gift to the bicentennial. It will create 160,000 jobs in the service industry and also in the textile industry, and will support approximately 1 million people. It has bilateral support. I think it should be passed this year.

Finally, I would like to say a word about the contribution of the Haitian American community in this Nation. Our community has produced individuals such as Pierre Richard Prosper, the U.S. Ambassador-at-Large for war crimes; Dr. Rose-Marie Toussaint, the first African American woman to head a liver transplant service in the world; Dumas Simeus, chairman and CEO of Simeus Foods International, the largest black-owned business in Texas and one of the top in the country; Mario Elie, the power guard that helped lead the Houston Rockets to back-to-back championships in the 1990s; and Edwige Denticat, the award-winning author.

We also have officials in the civil institutions in Florida. I hope that in the future we will have one in Congress, as well.

Mr. Chairman, thank you, for the opportunity. I will go to any questions.

[The prepared statement of Dr. Moise follows:]

Prepared Statement of Dr. Rudolph Moise, President and CEO, Haitian Broadcasting Network, Miami, FL

introduction

Good morning, Mr. Chairman and Members of the United States Senate Foreign Relations Committee. My name is Dr. Rudolph Moise, and I am a Haitian-American physician residing in South Florida. I am also an attorney, an entrepreneur and a Lieutenant Colonel in the United States Air Force Reserve where I serve as a Flight Surgeon for the 482nd Fighter Wing in Homestead, Florida. I would like to thank you for the opportunity to testify here today before you in this matter of the deteriorating political situation in Haiti.

overview, context and analysis

Mr. Chairman and members of the Committee, as you have heard from the other distinguished presenters here today, for the past three years, Haiti has been gripped by a political, economic and social gridlock stemming from flawed elections in May 2000. This crisis has wreaked appalling devastation on what is already the poorest nation in the Western hemisphere. Although the Organization of American States (OAS) has been trying to mediate this conflict and bring about new parliamentary elections, the more than 20 negotiation trips made and at least three resolutions passed over the last 38 months have met with very little success, but rather with the further polarization and entrenchment of both sides.

The United States, through a contradictory policy of neglect and containment rather than engagement, has been hopeful that the OAS process would succeed so that it would not have to get directly involved. As most Haiti watchers would agree, however, this non-policy is wishful thinking at best, cynical at worst, and simply untenable. In the next few moments, I will offer some thoughts about the most useful role that the United States government--prodded by this committee and supported by its allocations--can and should play to help bring Haiti out of this morass. To contextualize my comments and have a realistic sense of the challenge facing Haiti, Haitians and the international community, however, I would like to provide the Committee with an historical perspective as well as brief overview of the current state of affairs in Haiti.

In preparation for this presentation, I traveled to Haiti last week and met with several individuals and organizations, including members of civil society, the opposition, government, U.S. Embassy staff, the private sector and Haitian Americans. It is not without exaggeration that I describe the situation as extremely tense and desperate, with a high level of frustration on all sides and a general consensus that immediate action must be taken in order to avert a needless human tragedy.

Historical Roots of Crisis

Jean-Bertrand Aristide's Lavalas movement swept Haiti's first democratic elections in 1990. The movement was initially a broad-based coalition of progressive political parties and grassroots organizations from around the country, most of whom had banded together in the anti-Duvalier movement in the mid 1980s. Much hope was placed on this administration to permanently change the repressive and anti-democratic traditions practiced by successive Haitian governments. Importantly, during the first seven months of this regime, the flow of those trying to flee to the United States or elsewhere trickled to almost zero.

Aristide was deposed on September 30, 1991 in a military-led coup. A reign of terror was quickly resumed and, with the help of the well-organized paramilitary organization FRAPH, the repression of Aristide supporters lasted through October 1994. During this time, over 4,000 Haitians were killed, 300,000 became internal refugees, thousands more fled across the border to the Dominican Republic, and more than 60,000 took to the high seas in search of protection from the rampant human rights abuses that were characterized by the UN and OAS as gross and systematic violations.

U.S.-led efforts returned President Aristide to power in October 1994 to complete his term in office. He quickly abolished the military, replacing it with a civilian police force, and hopes ran high, but the loose Lavalas coalition soon began to fragment. When Aristide's successor, Rene Preval, was elected in the 1995 elections, a divisive element had taken hold within the party. One year later, Aristide visibly withdrew his support from Preval, and broke off from his own Lavalas party (called OPL--Organisation Politique Lavalas) to create a new party with a closer faction of supporters, called Lafanmi Lavalas, or the Lavalas Family.

Political turmoil began in earnest early the following year when disputes of the 1997 legislative elections erupted between Lafanmi Lavalas and OPL. Problems in which unfilled seats in parliament and the inability to come to a negotiated settlement resulted in Preval's January 1999 decision to rule--unconstitutionally--by decree. This action was severely criticized both in Haiti and without as highlighted

in the U.S. State Department Country Report on Human Rights Practices in 1999. In addition, armed groups that began calling themselves ``popular organizations'' (OP) loyal to Aristide began to stage violent protests against the Preval government. Amid the social chaos, the Prime Minister resigned, leaving the post unfilled for nearly 18 months.

In early 1999, an opposition coalition to both OPL and Lafanmi was formed to seek a consensus among the executive branch, certain opposition parties and members of civil society about setting up elections, although there was still no functioning legislative branch. It was called the Espace de Concertation pour Ia Sauvegarde de Ia Democratie (Space for Concord for the Safekeeping of Democracy) and represented a range of political views, including former Aristide proteges.

These elections--deemed critical to unblocking a three-year old stand off--were postponed 5 times due to violence, technical ineptitude, sabotage and allegations of tampering and were finally held on May 21, 2000. The tension rose with each successive postponement, raising the stakes each time. The incidence of electoral violence rose at an alarming rate, and most sources recognize at least 15 politically motivated assassinations during this time. This statistic does not include the numerous other abuses that took place such as disappearances, non-fatal shootings, lynchings and the burning down of houses, businesses and party offices. Many of the victims were outspoken critics of the Lavalas government and on several occasions, this abuse took place under the eyes of the police. Although it was rare that any group would claim responsibility for these actions, it was widely attributed to the so-called popular organizations, or OPs, in the name of Lavalas.

By the time the OAS declared the elections free but not fair because the method of tabulation was not done according to regulation, a larger and more eclectic political opposition calling itself the Convergence Democratique (CD) had formed. Its members included a wide range of parties across the political spectrum, all in opposition to the tally of the vote in the May elections, and they boycotted the presidential elections held in November 2000, which brought President Aristide to power for a second time. Their criticism of the Lavalas party and its leaders intensified during this period as did the backlash from sectors close to the government.

On February 7, 2001, when President Aristide was sworn into office, the Convergence made a public declaration that they would not accept the election of Aristide since the previous elections had not been resolved, and declared that they were naming a parallel president to a parallel government. Since then, government and opposition have been locked in a political stale-mate in which neither side recognizes the legitimacy of the other. Both sides have also rebuffed serious negotiations despite the intervention of the OAS to settle the dispute.

The policy of ``zero tolerance'' introduced by President Aristide in June 2001, which legitimizes the lynching of delinquents or those accused as such, has been used as a pretext for many OPs to threaten and harass anyone perceived as a menace to Lavalas. This was taken to the extreme on December 17, 2001, the day of the attack on the National Palace, branded as a coup attempt by the Aristide government. Less than two hours after the attack, around Port-au-Prince and in various locations around the country, bands of armed Lavalas supporters, occasionally accompanied by elected Lavalas officials, attacked and burned down the homes and offices of Convergence party members and supporters, attacked journalists and began to force censorship of the independent Haitian media reporting these incidents.

Beginning in November and throughout December 2001, journalists and human rights defenders were threatened and attacked on a daily basis. One journalist sympathetic to the Convergence named Brignol Lindor was lynched and assassinated on December 2nd by a crowd who claimed to be getting revenge for an anonymous attack on a Lavalas supporter a few days earlier. Shortly afterward, approximately 30 journalists, particularly those from radio stations who did not auto-censure their broadcasts after the attacks, fled Haiti. In addition, since the beginning of 2002, a small number of high profile judges, social and political activists have continued to flee Haiti as pressure, harassment and attacks against person, family and property continue.

Following an investigation of the December 17th attack by the Inter-American Commission for Human Rights of the OAS, a report was issued on July 1st, 2002, which concluded that the attack was not a coup attempt and that the violent mobs had to have had advance knowledge of what was expected of them in order to retaliate in such a manner.

On September 4, 2002, the OAS unanimously agreed to Resolution 822 as a roadmap for resolving Haiti's political impasse. It called for new elections, disarmament, increased security, and normalization of economic relations between Haiti and the international financial institutions such as the Inter-American Development Bank (IDB) and reparations to the victims of the December 17th attacks.

The resolution and the OAS Special Mission attempting to assist in implementing it on the ground in Haiti have had little success. Only a few of the conditions have been met by the government (reparations for the damages caused by pro government groups against properties of members belonging to the opposition). The other key conditions--the arrest of Amiot Metayer, a gang leader, criminal and supporter of President Aristide; progress on the professionalization of the Haitian National Police; a meaningful campaign to disarm gangs and other illegal groups--have witnessed only cosmetic attempts with President Aristide regularly missing opportunities to fulfill his promises.

It takes two to tango, however, and the opposition has, in some regards, been equally as intransigent, often pursuing an agenda that speaks to dialogue while remaining committed to seeing President Aristide removed from office. One example of this doublespeak is the CD's agreement to work for elections but refusal to cooperate in contributing to the composition of the CEP (provisional electoral

council). In addition, they sought to commandeer the leadership of several massive anti-government demonstrations in recent months. While the vast majority of these protests were clearly driven by the general dissatisfaction of the populace at the country's deteriorating conditions, much of the government's opposition seized on this trend to declare that the protests were in support of their efforts and vigorously renewed their calls for the ouster of President Aristide. This needless politicizing of the Haitian people's very real and valid frustrations by both sides over the past three years has only exacerbated the situation.

Recently, there have been indications from the opposition that they are truly prepared to get serious about compromise. They have dropped their demands for President Aristide's ouster and promise to cooperate with negotiations if President Aristide fulfills the requirements of OAS Resolution 822, especially regarding the issue of security.

Security, Rule of Law and Human Rights

When one speaks of violence and a ``climate of insecurity'' in Haiti, it is important to distinguish between political violence and acts perpetrated by the criminal element that exists in any society. This is key because the two types of violence have different geneses and require different solutions. In other words, a 50,000-person strong police force could sharply curtail criminal activity. Numbers alone, however, would do nothing to improve the reign of impunity in Haiti and might actually serve to further facilitate the repression of human rights.

Haiti currently has a police force of about 4,000 police officers for a population of 8 million people. In addition, most of this force is concentrated in Port-au-Prince and a couple of other urban centers, leaving much of the country with no functioning police presence and effectively no rule of law. The security implications of such a paltry force are self-evident.

Beyond the numbers, however, are the pervasive politicization and corruption of the Haitian National Police which more often than not acts as an arm of the government rather than as an impartial, professional institution working for the security of all citizens regardless of political affiliation. This has been evident with documented cases of police officers attacking anti-government protesters at rallies. In addition, the free reign of violent ``popular organizations'' (OPs) that claim to act in support of the government and Fanmi Lavalas while others who have spoken out against the government's policies have been harassed, arrested or killed (with rare investigations carried out), calls into question the role of political will in determining how police resources are utilized.

This general climate of political recriminations has, not surprisingly, been accompanied by a sharp escalation in violence and human rights abuses. Human rights groups such as Amnesty International, Human Rights Watch, Committee to Protect Journalists, and the National Coalition for Haitian Rights have documented extrajudicial killings; arbitrary arrests and detention; violent reactions to peaceful demonstrations; and intimidation of journalists, human rights activists, members of the political opposition, the private sector and the judiciary, with scores of journalists, investigating judges and other targets of the government leaving the country for fear of their lives. The brutal, Christmas Day assassination attempt on Michele Montas, head of Radio Haiti Inter and widow of Jean Dominique, that resulted in the death of her bodyguard, Maxime Seide; the continuing attacks which forced the indefinite closing of the station; the December murders of three brothers in Carrefour in which an investigation revealed the involvement of several police officers who have yet to be brought to justice; and the sudden resignation and self-imposed exile of Jean-Robert Faveur, the ex-police chief who has accused the Haitian government of interference--are all high-profile examples of the endemic nature of the problem.

Social Conditions and Humanitarian Concerns

The most recent report of the United Nations Development Program (UNDP) paints a desperate and bleak picture of a country that, based on its human development indices, resembles one that has experienced a war or natural disaster, although neither has taken place in Haiti. Beginning particularly in the fall, there has been a breathtaking rise in the cost of living, with a precipitous decline of the gourde and resulting increase in prices of everyday goods and services, such as gasoline and public transportation. The country's infrastructure, never very strong, has been further weakened by the government's inability--due partly to lack of funds and partly to bad governance--to develop and sustain projects for sanitation, transportation, education and health, etc. Dr. Paul Farmer has already spoken (or will speak) eloquently about the HIV/AIDS crisis in the country. And the United States is preparing for a looming humanitarian crisis in Haiti by already approving an increase of more than $10 million in the budget of USAID for food and other emergency humanitarian assistance programs.

Immigration

Senators, you have heard (or will hear) from Mr. Steve Forester about the latest iteration of U.S. immigration policy that treats Haitian asylum seekers differently solely on the basis of their nationality. As a Haitian-American from Miami, however, and as a member of the U.S. Air Force who is sworn to fight for and defend this nation's ideals of equality, freedom and justice for all, I cannot conduct this testimony without noting the obvious discrepancy and blatant discrimination of the treatment of my compatriots.

Since December 2001, U.S. immigration officials have applied a policy of mandatory detention to Haitian asylum seekers with evolving justifications, beginning first with a desire to 1) ``save Haitian lives'' by deterring them from getting on the high seas then 2) to avert a ``mass exodus'' and now 3) the latest Attorney General decision in April citing national security concerns with the reference of Haiti serving as a staging ground for third-county nationals, such as Pakistanis. The various rationales cannot blunt the ugly truth, however, that our government, my government is 1) keeping children and

mothers and brothers and sons who have been convicted of no crimes jailed in degrading conditions for months at a time; 2) subjecting individuals to expedited proceedings at which they often have not had a chance to consult with an attorney or even received language assistance; and 3) deporting asylum seekers--after such sham proceedings--back to a country that even the State Department acknowledges is gripped by political upheaval and social, violent unrest.

In spite of the country's tenuous political situation and subsequent deterioration, however, there is still no evidence to date to support the US government's fear of an imminent ``mass exodus.'' The number of Haitians interdicted over the past few years has been increasing slightly, but it still averages between 1,500 to 2,000 a year, according to the Coast Guard's own figures--certainly nothing like the tens of thousands in the early 1980s and early 1990s. And while from an analytical stand point, the circumstances that spurred the earlier waves do not currently exist in Haiti (no formal state repression mechanism as under Jean-Claude Duvalier or military coup as under General Raoul Cedras), we should all be clear that without a rational, consistent and respectful U.S. policy of engagement now, conditions in Haiti will eventually demand a much more forceful and intense involvement from this country later.

recommendations

Given these challenges, the United States--and this administration specifically--has an unprecedented opportunity to do what no other administration has successfully been able to do: work with Haitians, Haitian-Americans and the international community to contribute meaningfully to a holistic, sustainable policy to assist in Haiti's long-term development. And while this is clearly the right and moral thing to do, it is self-evident why a democratic, stable and prosperous Haiti is undeniably in America's--and certainly Florida's--best interests. Although this may sound like a monumental task, with the United States playing the proper role, it is very achievable.

Meaningful Engagement

The most constructive action that the U.S. government can take to resolve the crisis in Haiti is to pressure directly all parties to come to the table and remain there until a satisfactory compromise has been reached. To break through the impasse, it will be helpful to consider all options, including those suggested by other actors in Haiti, such as a power-sharing proposition developed by various sectors--labor, business, clergy, etc.--within civil society. This decision should be made by October 1.

The upcoming re-evaluation of the OAS role by the U.S. in September will be an important test. But even if there is a determination that the OAS is the most appropriate major international body to remain in Haiti; direct, high-level, bilateral engagement by the U.S., accompanied by a coherent, pragmatic and humane policy, is long-overdue. This policy should be guided by the goal of first creating a climate of security which can lead to unimpeded campaigning and legitimate elections. While bringing about such a climate will be difficult to achieve, an international police force composed of OAS, European Union and CARICOM member states provides the best hope for success. Additionally, sufficient resources (financial, human and other) need to be provided to the OAS and other institutions to ensure that their objectives of strengthening institutions are met this time around so that democracy can truly take root and flourish.

Strengthening of Civil Institutions

Haiti's most endemic problem is the weakness of its institutions, which are easy to manipulate, as has been evidenced by the increased politicization of the police and judiciary. Beyond professionalizing and reforming these government institutions, however, there is an important role for civil society institutions to play in building the capacity of the populace to hold the government to account and participate actively in civic life. While these organizations--business associations, peasant cooperatives, human rights organizations, women's groups, labor unions, etc.--have enormous potential to bring about substantive change and have already started to make an impact, they are still quite fragile and will require significant support in order to thrive. In the past, the U.S. has only funded political parties (2.4 millions through USAID) and not civil institutions. An infusion now of $15 to $20 million a year over the next 10 years into these groups can make a significant difference.

I want to make it clear, however, that money alone, particularly the way that it has been invested in Haiti before, will not solve the country's problems. While sufficient financial resources are an indispensable ingredient, the United States can and should also facilitate the flow of a great amount of technical assistance to Haiti by working with Haitian-Americans and other experts to build a cadre of competent and skilled Haitian leaders to combat the country's long-standing ``brain drain'' predicament. Although we send almost $1 billion dollars annually back to Haiti and are uniquely poised to bring much more substantive change to Haiti, the Haitian-American Diaspora's potential has never been fully utilized by the international community. Given the appropriate structural mechanism and logistical support, however, perhaps through the establishment of task forces composed of Haitians and Haitian-Americans, the Diaspora can make an extraordinary impact not only on the governance of the country but also on its economic and social growth. Haitian-American organizations engaged in international policy work, such as the National Organization for the Advancement of Haitians (NOAH) and the National Coalition for Haitian Rights (NCHR) to name two with which I have worked closely, should be supported in this work.

Immigration Policy

As mentioned earlier, the double standard treatment of Haitian asylum seekers is simply unacceptable and must end now. My community is not asking for special treatment, but for fairness, due process, an honest opportunity to make a claim and the respect accorded other asylum seekers. A few suggestions for the Committee to consider in

addressing the plight of these Haitian asylum seekers include: ensuring humane conditions for those in detention; directing DHS to adopt alternatives to detention, including supervised parole; the possibility of in-country refugee processing; regional resettlement and appropriate on-board screenings during interdiction.

HERO Act

The U.S. Congress should pass the Haiti Economic Recovery Opportunity (HERO) Act this year. This bill would extend certain preferential trade treatment for Haiti in the apparel industry, providing an incentive for foreign companies to invest in Haiti and allowing companies already in Haiti to expand their operations. In a study sponsored by USAID, the impact of this legislation is estimated at the creation of approximately 80,000 jobs in the manufacturing industry, with an added 80,000 in the service industry. Assuming that each employed person has an average of five dependents, this act could potentially support approximately I million people.

The HERO Act enjoys widespread bipartisan support, and if passed this year will be a fitting gift to Haiti on the eve of its bicentennial.

conclusion

Finally, I would like to say just a little about the Haitian-American community and its contributions to this nation. Our community has produced individuals such as Pierre-Richard Prosper, the U.S. Ambassador-at-Large for War Crimes Issues; Dr. Rose-Marie Toussaint, the first African-American woman to head a liver transplant service in the world; Dumas Simeus, chairman and CEO of the Simeus Foods International, the largest black-owned business in Texas and one of the top in the country; Mario Elie, the power guard that helped lead the Houston Rockets to back-to-back NBA championships in the 1990s; Edwige Danticat, the award-winning author.

We are elected officials--Marie St. Fleur of the Massachusetts House of Representatives; Phillip Brutus and Yoelly Roberson of the Florida House of Representatives; and Joe Celestin, Mayor of North Miami. We are doctors, taxi cab drivers, lawyers, home health aides, journalists, entertainers, artists and executives, like the Board Chair of the National Coalition for Haitian Rights, Eddy Bayardelle, First Vice President for Global Philanthropy at Merrill Lynch. We are a people who make an extraordinary impact wherever we land in this country, and the local community is enriched for it. On the eve of our bicentennial, there is simply no reason that Haiti and Haitians should always, always, always be treated with disrespect and disdain by the United States government.

Mr. Chairman, again, I thank you for this opportunity to address the Committee today. I look forward to learning of your initiatives as a result of this hearing.

The Chairman. Thank you very much, doctor, for your testimony.

Let me begin by saying that this committee has been challenged to try to work with the administration to provide more funds for international assistance, for humanitarian assistance, for economic development. We have worked in a bipartisan way, with substantial support.

Many of the statements that I have made, which are not unique, have pointed out that systematically for many years our country cut back its foreign assistance. This trend continued without exception throughout the last 10 or 15 years, as we have traced it now.

In this particular budget cycle we have fought for--and been successful during the budget process--the restoration of even the $1 billion, $150 million that had been clipped out of the budget, so that we could have the Millennium Challenge Account idea plus other situations. That has been supported by the Senate as a whole.

Our authorization bill for the State Department is in limbo for the moment due to other issues that have come before the Congress, but I have sought assurance from our leaders, Senator Frist and Senator Daschle, that they sincerely believe, as we do, that this is important.

So I ask, in a way, for your advocacy; it is important. Clearly, the means for our country to respond more generously--whether it be in Haiti or elsewhere--are going to be curtailed in the event that we are not successful as a matter of national policy, so we can be prepared to spend more of our national budget in these ways.

Having said that, Haiti is the focus of the hearing today--and you have paid tribute, as I do, to Senator Nelson, who has brought Haiti before us; and Senator DeWine, in the introduction of his HERO Act and other activities, including visits to Haiti. Senator Chafee has visited Haiti, as I think has been acknowledged.

Thus there is personal interest on the part of members of this committee, as well as of others in the Senate, which will sustain, whatever our State Department is prepared to do, or whatever we are successful in doing in our legislative initiatives.

I would just ask a couple of technical points.

Dr. Moise, in your testimony you suggested an international police force of sorts. I wonder, first of all, if you could please share with us your sense of the sensitivity as to the sovereignty of Haiti in accepting such an idea. Theoretically, having persons from other nations--for instance, in Iraq now, to take a different situation altogether--to provide security after the aftermath of that conflict is one idea which the international community is entertaining. Yet people are not rushing to help unless this may in fact occur. In your suggestion, you thought that this might include even those, I gather, from the European Union or from other agencies.

Would this be, as you foresee it, a temporary situation providing security up to an election that therefore might be seen by Haitians, as well as the international community, as free and fair and legitimate? Or can you outline in more detail your reasoning for this suggestion?

Dr. Moise. Mr. Chairman, you have done my job. You have answered the question. That was it exactly, to provide a safe environment to go to elections.

Right now, some of the members from the conventions and the opposition--they are just afraid to go and participate and campaign safely, for fear that they might get killed. So by providing an international police force, that will provide the environment to do that; not to wait until after the elections, but before, starting now, and the elections will be afterwards. But this is just on a temporary basis, just for the elections to happen.

The Chairman. Will the Government of Haiti invite this? Would it accept this? What is the position of the government with regard to these external police officers coming in?

Dr. Moise. I think that, as I am mentioning, the government is limited in terms of resources for national police. I think that they will, based on my opinion, welcome such a force on a temporary basis to allow for the elections to happen.

The Chairman. Do you have a thought about this, Dr. Farmer?

Dr. Farmer. I do. I live in rural Haiti, as you know. I have found Haitians to be a very peaceful people. Actually, the crime rate in Haiti is quite low compared to Boston--no offense to my adopted State.

But Haiti has clearly expressed its willingness to welcome a temporary external police force--the Government of Haiti, in fact, has already invited 100 police force members from the CARICOM nations. The issue has been funding.

Also, if I could be permitted just one moment of analysis, the modern Haitian army was created in this very city by an act of U.S. Congress during the time that we occupied Haiti militarily. That army has known no enemy other than the Haitian people, in all of the years of its existence. The dissolution of the army was, in fact, roundly cheered by the people I serve in central Haiti, the poor, who keep voting again and again for Aristide.

Believe me, the members of the Democratic Convergence--the opposition--they may fear for their safety, but their fears should be what is going to happen in the next election. They will certainly be massacred at the polls, meaning by the vote, and they are going to lose again and again. They are not popular.

The police force needs the tools to do its job. There is a culture of military violence to change. The Haitian Government has integrated the police force with women. The chief of police is a woman. The government has as I said, disbanded demobilized the army, and it is going to take a long time to build national institutions like a police force.

I heard in this room earlier today, about bad governance in Haiti. Bad governance compared to what? To the Duvalier kleptocracy that stole hundreds of millions of dollars, that had allowed no free press? After the Duvalier governments came again, the military juntas whose acts were described by Mr. Forester wrecked havoc among the democratic forces--and I happened to be living in Haiti at that time, too, and can tell you, again, that I am one of the people who was trying to sew these people back together.

So in answer to your question, Mr. Chairman, I think the Haitian people are a very hospitable people. They are also very proud of their sovereignty. Certainly, as their 200th anniversary comes up--making it, again, the second-oldest republic in this hemisphere--the subject of police assistance has to be broached delicately. But the current Haitian Government has certainly been very open, in my view.

The Chairman. I appreciate that response. I am not skeptical or antagonistic to the idea; but it is an unusual idea for a sovereign country to have an external police force, and the conditions under which that occurs or how it is to happen are important.

You touched upon this Dr. Moise, in an earlier recommendation you made. You were talking about the negotiations and all the parties coming together, everybody around the table. Describe for us again who all ought to be around the table. In other words, who are the parties that need to come to grips to make a settlement?

Dr. Moise. I am more than happy to do this. Members of the civil society, members of the convergence bodies, members of the government should be allowed to be at the table, along with OAS and obviously the United States, definitely, as a referee, to make sure that things are done the way they are supposed to be done.

The Chairman. Around this table are the parties politically in the country, but also the OAS and the United States; and from these kinds of negotiations then would come down the road specifications of how things are to proceed so that there can be elections or improvement in governance, improvement in the economy, all of these things?

Dr. Moise. I would also include some representatives from the Haitian American community as well, all that to make sure that the progress is done, what is expected from everybody, so it can meet the deadline to make things happen.

The Chairman. Thank you.

Senator Nelson.

Senator Nelson. Thank you, Mr. Chairman. I am glad our

colleague, Senator Dodd, has joined us, because he has been a guiding light for me on this issue. We have discussed it many times. Basically, I have been helping carry your water here until you arrived, and I am delighted.

Let me just say, Dr. Moise and Mr. Forester and Dr. Farmer, you all have given just valuable testimony for the record here. As you were speaking, I just remember this incredible population with a great deal of dignity in one of the worst slums that I have ever seen, Cite Soleil. I went there three times.

In the midst of the most deprived conditions, I saw people with dignity and pride and orderliness; in the midst of enormous poverty, little shacks that were kept, Mr. Chairman, immaculate; in the midst of an open running sewer, efforts by charities--by our own colleague, Senator DeWine, who has generously given to one of the charities--where they are not only teaching the kids to read and write, but they are teaching the parents of the kids to read and write.

So, I mean, I was impressed. There is an opportunity, with a little help, for a population to pick itself up by the bootstraps, if we can break the shackles of this political and economic repression that has gone on for years and years and years. Dr. Moise testified something as little as $15 million to $20 million a year could help Haiti rebuild themselves.

We are helping the Caribbean through the Caribbean Basin Initiative. We helped the African nations more generously through that initiative, but Haiti was excluded. So we ought to pass Senator DeWine's bill giving them the additional incentive to manufacture--since their labor is so cheap--those garments and export them.

Dr. Moise, what do you think about this?

Dr. Moise. I think this is an excellent idea. As you say, the Haitians are a proud people. We are not looking for a handout, just an incentive, something to help us move forward. So yes, I think that is an excellent idea and we support that.

Senator Nelson. Mr. Chairman, Haiti has the greatest infection rate in the Western Hemisphere of HIV, and yet Haiti is making progress. Dr. Farmer, tell us about that. It was a Dr. Papp that I talked to in Port-au-Prince. Tell us about that.

Dr. Farmer. Dr. William Pape is a great man. He is Haiti's chief AIDS expert. I have mentioned earlier the public-private partnership that our two organizations, working with the Haitian Government, put together, Mr. Chairman, in order to develop one of the first successful proposals to the Global Fund to Fight AIDS, Tuberculosis, and Malaria. I would add that, according to members of the Technical Review Committee, of the 300 applications received, Haiti ranked among the top ten in terms of its scientific validity and feasibility.

Some years ago an explosion of HIV was predicted for Haiti. That has not come to pass--again because in recent years especially, concerted efforts--largely public-private partnerships, such as the one that you saw in Port-au-Prince--have promoted HIV prevention in addition to the developing world's first integrated prevention and care project.

We have had visitors to our project from across Africa, from Asia--imagine coming to a squatter's settlement in central Haiti in order to learn how to properly care for people with advanced HIV disease. Of course, this is a Haitian-run project, and my colleagues are very proud of it. I think it is a model, especially for the rest of the developing world.

What we need to do, if I may be permitted to add--and this is something Senator Dodd has said--is to depoliticize aid to Haiti. There cannot be all of these ``conditionalities.'' This became so ridiculous that, at one point when the World Bank and other partner institutions, including our own government, were planning a Caribbean Basin AIDS plan, there were zero dollars allocated to the one country with 80 percent of the total burden of disease in the Caribbean.

That is absurd. You cannot politicize aid in that manner and expect to have good results.

Senator Nelson. Mr. Chairman, I will conclude by saying that we are here invested with our constitutional responsibility to look out for the interests of the United States. Here is an example where, with a minimum of investment, we can so much further the interests of the United States by furthering the interests of the people of Haiti.

The IDB loans that have just been granted--they have not materialized yet, they have been announced that they have been granted--for potable water, for health care, for education, and for roads, the kind of return we will get from that--you can't get commerce going if you have to go over those roads that are almost impassible. I went to the north end of the island. With a little bit of investment, the interests of the United States can be served so very, very well.

Thank you, Mr. Chairman, for having this hearing. The Congressional Black Caucus has asked me to enter this in the record, and I would ask unanimous consent that their letter on this issue be inserted in the record.

The Chairman. The letter from the caucus will be published in full.

[The letter referred to follows:]

United States Congress,
Congressional Black Caucus,
1632 Longworth HOB,
Washington, DC, July 14, 2003.

Hon. Richard G. Lugar, Chairman,
Committee on Foreign Relations,
United States Senate,
SD-450,
Washington, DC.

Hon. Joseph Biden, Ranking Member
Committee on Foreign Relations,
United States Senate,
SD-450,
Washington, DC.

Dear Chairman Lugar and Ranking Member Biden:

We are writing to thank you for scheduling a Senate Foreign Relations Committee hearing on U.S. policy toward Haiti. We appreciate your holding the hearing and look forward to working with you on U.S.-Haiti policy.

As you may know, the Congressional Black Caucus (CBC) has had a historical relationship with Haiti for more than thirty years. Over the past two years, in particular, the CBC has engaged the Bush Administration on various aspects of U.S. policy and made a specific effort to work with the Administration to delink their de facto political sanctions from the disbursement of desperately needed economic assistance. Most recently, we were pleased to learn that the U.S. Department of the Treasury has worked out an agreement with the Haitian Government to pave the way for financial disbursements from one of the multilateral development banks. This was made possible when the Haitian Government recently concluded an agreement with the International Monetary Fund (IMF). Subsequently, Haiti also fulfilled its obligations to the Inter-American Development Bank (IDB) by paying off its arrears and is now eligible for over $200 million in development loans in 2003. Notwithstanding, we remain dismayed that the World Bank still does not have representation in Haiti and worse yet, does not have any program designed to deliver development assistance in the future. We hope that the Committee's hearing will examine the root causes of this problem and identify several solutions to help re-engage the world's largest development institution with one of the world's poorest counties.

On the political side, we remain very concerned about the Bush Administration, and specifically the State Department, over its role at the Organization of American States (OAS) and in the bilateral context with regards to Haiti. Nearly three years ago, the OAS began to facilitate a dialogue between Haitian authorities and the main opposition parties based on the need to foster a run-off election to replace seven Senators who won seats in parliament under questionable balloting circumstances in May, 2000.

Since that time, the OAS negotiations have drifted into a prolonged process where the OAS and its member states, including the U.S., have imposed an increasing number of conditions on the parties and, as such, have made very little progress toward ending the political stalemate that keeps the country in turmoil. This situation has become particularly worrisome to the CBC since it appears that the U.S., having led much of the effort, continues to favor the non-compliance of the opposition. We believe that this unbalanced approach continues to signal to the most obdurate parties in Haiti that there is no penalty for undermining democracy in the western hemisphere.

In January 2004, the elected terms of most of the Haitian parliament, all of the House of Deputies and one-third of the Senate, will expire with no scheduled elections in sight. If an expedited process is not created soon, Haiti could meltdown into constitutional crisis. We believe that this situation is avoidable if Haiti and the international community act together in the next few months to establish a Provisional Electoral Council (CEP) and the attendant infrastructure to facilitate viable elections. This is a very crucial point and one that can have far reaching implications if not addressed.

We hope, therefore, that this hearing will examine the current status of the negotiating process and ways to complete the process soon. We also hope that the Committee can identify the primary obstacles to getting democracy back on track and methods to hold successful elections in the near term and to discuss ideas to return balance and equity to U.S.-Haitian policy.

Lastly, we would like to suggest that your Committee look closely at the HIV/AIDS pandemic in Haiti and what President Bush's Global HIV/AIDS proposal will do to address the spread of the disease in a nation that now produces over 90% of all newly infected patients in the entire Caribbean. We have been informed by several State Department officials that the current U.S. policy is to work only with non-government organizations (NGOs) and not through government departments such as the Haitian Ministry of Health. We believe this to be poor judgment and a policy decision that should be corrected immediately. We do not believe that NGOs can replace national governments in building infrastructure, training health workers and ensurng nationwide implementation of programs.

To the contrary, many NGOs and other foreign governments are working very closely with Haitian government officials with great success, and so should our government. For example, it was through a public-private partnership that Haiti wrote the HIV/AIDS strategy that was submitted to the Global Fund several months ago. Haiti received one of the highest commendations for the content of its presentation, and subsequently one of the largest first initial installments of funding from the Global Fund. The example underscores the need to find ways to work with all entities in Haiti to address the myriad of problems that keep Haiti in dire needs.

The Congressional Black Caucus' position on U.S. policy toward Haiti is clear: Haiti is a democratic government in our hemisphere, and the U.S. should continue to identify ways to work with all parties to sustain democracy and to alleviate poverty and misery wherever they

exist. We should not become an obstacle to progress, peace or development. We hope that this hearing will probe these issues and we look forward to discussing the results with you at some time in the future.

Thank you again for holding this important hearing. We sincerely appreciate it.

Sincerely,

Elijah E. Cummings,
Chair, CBC.

Barbara Lee,
Co-Chair, CBC Haiti
Taskforce.

The Chairman. I'm going to recognize my colleague, Senator Dodd.

Let me mention that there will be, I understand, a rollcall vote at 12:15, so we will plan to recess the hearing a few minutes before that. I mention that so Senators will know prior to that time why we should ask our questions and take advantage of the panel, because at that point we will bring the hearing to a conclusion.

Senator Dodd. Thank you very much, Mr. Chairman. My apologies to you and the other witnesses for not being here earlier. I have a 22-month old daughter; enough said. So this morning priorities were elsewhere. I am deeply apologetic to the witnesses from the State Department, and also the various distinguished panels that have been here. I thank my colleague from Florida for his very kind remarks.

Thank you, Mr. Chairman, for focusing on this subject matter and holding a hearing at this level, where your involvement and participation says a great deal, again, about your leadership of this committee, that you would be here yourself and involve yourself in this subject matter.

Haiti is a small country. But as Senator Nelson has pointed out and I'm sure others have made the point during this hearing this morning, it is deplorable, to put it mildly, that a nation 200 miles from our coastline has ranked near the bottom of the world for living conditions. The range of problems runs literally the gamut. It is hard to know where to begin, the problems are so pronounced.

Mr. Chairman, I ask unanimous consent that this statement can be included in the record.

The Chairman. It will be included in full.

[The prepared statement of Senator Dodd follows:]

Prepared Statement of Senator Christopher J. Dodd

Mr. Chairman, I want to commend you for holding this hearing today on the current situation in Haiti. You have invited some very expert witnesses this morning who should help the committee members better understand what is happening in Haiti today and what we might do about it.

As one who has been an observer of the Haitian situation for some time, I am deeply concerned by recent developments in that country. The political and economic climate have gone from bad to worse--anyone who has visited Haiti in recent years knows what I mean. People living less than 200 miles from our shores are desperately poor beyond imagination, have life expectancies of less than 50 years, suffer from malaria, diarrhea, and even polio, which has reemerged on the island. Haiti ranks as one of the lowest on the U.N. survey of living conditions. Out of 176 countries ranked by the UN--Haiti was near the bottom of the ladder--34th from the bottom.

Mr. Chairman, Haiti is sinking deeper and deeper into irreversible poverty. The extent of the heartache now being endured by the Haitian people is simply unspeakable. Their suffering is devastating and it is far reaching. In some places there is no potable water, there are no sewers, there are no basic medicines on hand to treat disease, no medical infrastructure in place to ward off otherwise easily preventable diseases.

As we know from our consideration of the HIV/AIDS legislation, Haiti has the highest infection rate in the hemisphere, its people are being devastated by this disease and more than 200,000 of its children made orphans.

There are a lot of reasons for the sorry state in which we find Haiti today. Clearly the Haitian Government must be a key actor in meeting the needs of its people. That it is failing to do so is self-evident. There are many reasons for that--some are within that government's power to address--others are not.

Frankly, we need to be honest and acknowledge that until very recently the United States and other members of the international community bore a measure of responsibility for the worsening of conditions in that country.

I am speaking of U.S. decisions to stop all bilateral assistance to Haitian Government agencies and to join with other OAS members in blocking Haiti's access to InterAmerican Development Bank resources.

Both have contributed to making a dire situation worse. While it is true that the United States is a substantial donor of food to Haiti, that is simply a holding pattern to keep people from dying from starvation and does little or nothing to address the systemic problems confronting the Haitian economy and Haitian institutions.

I have been extremely critical of the decision by the U.S. and others to tie Haiti's access to IDB resources to a political settlement of the disputed May 2000 elections, because I thought that was mixing apples with oranges.

The IDB is supposed to be the premier regional development institution in this hemisphere, charged with alleviating poverty and promoting development.

It should not have been politicized as was the case with respect to Haiti. If there is any country in the region that needs the IDB's help more than Haiti, I don't know which country that would be.

I believe that it should be the people of Haiti who are in the forefront of our concerns as we make policy decisions to restrict aid resources to that country. At long last, it would appear that the U.S. Government and the international community share that view. Haitian authorities have reached an agreement with the IMF and have paid off the arrears owed to the IDB.

Next week the president of the InterAmerican Development Bank will visit Haiti and sign an agreement with the Aristide government which will allow for the quick disbursement of some $35 million in technical assistance. Shortly thereafter, an additional $146 million in stalled IDB project assistance will be available to help address deficiencies in the areas of health, water, roads and education.

That's good news.

Finally we seem to have an international strategy for dealing with some of the economic challenges confronting Haiti. I would also hope that the Bush administration would re-engage with Haitian agencies on a bilateral basis as well--particularly in the areas of health and security. There is no way that there is going to be any measurable improvement in either area unless the U.S. re-engages in these sectors.

So too the OAS needs to re-engage on the political front. For more than two years, I supported the efforts of the OAS Secretary General to end the political crisis that is rooted in earlier flawed elections. I believe that a proposal tabled last year by Luigi Einaudi, the Assistant Secretary General of the OAS, which provides for a series of steps leading ultimately to elections, made a great deal of sense. It still does.

The Aristide government supports the OAS plan--some elements of the opposition have not. This has caused an impasse. That impasse has meant that there has been virtually no progress on the political front. I am concerned that lack of progress at some point is going to produce a major crisis.

By the end of this year, the electoral terms of the entire Haitian Congress and one-third of the Haitian Senate will have expired. How is the Haitian Government supposed to function in the absence of a functioning legislature?

To be kind, the OAS seems to be in a holding pattern. But in Haiti, there is no such thing as the status quo. The ongoing political stalemate has fostered even greater divisions in Haitian society--positions continue to harden, making compromise even more difficult than it would have been six months ago. I am concerned that neither the U.S. administration nor the leadership of the OAS seems to have developed a strategy for what is likely to come next in Haiti if OAS Resolution 822 is not successfully implemented soon.

Last month during the OAS annual meetings, Secretary of State Colin Powell announced that in September the United States would be reassess its support for the OAS efforts, including the OAS mission in Haiti.

I will be very interested to hear from Secretary Grossman exactly what Secretary Powell meant by those words. It is not clear to me that either the U.S. administration or the OAS leadership has any game plan for helping Haiti resolve the political impasse it finds itself caught in--namely wanting and needed to have elections either by the end of the year or shortly thereafter--but not being able to get all the players to join with the government in those elections.

Mr. Chairman, the Haitian people are a proud people--they love their families and they love their country. Next year, Haiti will celebrate its bicentennial anniversary of independence making it the second oldest independent nation in our hemisphere. This should be a time of joy and celebration. It is not going to be so in the current climate of mistrust and insecurity.

I look forward to hearing from our witnesses this morning what they think should be done on the economic and political fronts to address the many challenges which confront Haiti so that the upcoming 200th Haitian anniversary of independence can be more than a date on the calendar.

Senator Dodd. Let me raise a few questions that I am told by Janice O'Connell, my staff person, were not raised, or not terribly fully.

First of all, on the HIV/AIDS issue--again, let me preface the comments--and Senator Nelson has set the table well with his description of the country and the conditions there. In trying to expand the Global AIDS Project to include other islands in the Caribbean, we made the point that Guyana and Haiti were obviously included.

Eighty thousand children in the non-designated countries in the Caribbean were already orphans. I know my colleagues were shocked to hear that that many children in these various other countries throughout the Caribbean were living in orphan status, and that 500,000 people on these small islands of the Caribbean were infected with AIDS, with little or no health care.

To put it in perspective, Haiti has the highest rate of HIV/AIDS in the hemisphere, about 6 percent; now probably higher than that. Dr. Farmer would know that figure. But 200,000 are orphans in Haiti. There are 80,000 for the rest of the entire region, and 200,000 on half of the island or one-third of the island of Hispaniola; so you get some sense of it.

I think you responded to this in part, and to Senator Nelson. But just to quickly frame it, if we could, I wasn't clear whether or not you thought that these were Haitian authorities or nonprofits that were functioning or actively engaged in attempting to prevent and treat HIV/AIDS on the island.

Dr. Farmer, is the Haitian Government involved in that, or is it really more the nonprofits that come offshore through

international organizations that are getting the job done?

Dr. Farmer. First of all, Senator, thank you for the question. It is critical that this be addressed explicitly. The Haitian Government has definitely been very involved. This is a true public-private partnership. That is why it succeeded.

The chair of the National AIDS Commission is the First Lady. She has written and testified extensively on this project. She can even tell you the dosing of AZT to prevent mother-to-child transmission..

Senator Dodd. Mrs. Aristide?

Dr. Farmer. Yes. She is deeply involved in AIDS work in Haiti. In fact, when we hosted the first human rights-based AIDS conference in rural Haiti 3 years ago--we already had many patients on therapy. Mrs. Aristide drove on those deplorable roads that Senator Nelson mentioned in order to be there to testify along with the patients, people living with HIV.

So the idea that there is not adequate political will on the part of the Haitian Government on AIDS is just not true. Dr. Pape would second me very roundly, were he here.

Furthermore, the Haitian Government has put in investments, human investments. That is, they have no money. You missed the part about what happened to the national treasury last week: 90 percent of it went to the IDB. Ninety percent of Haiti's public wealth was transferred from Port-au-Prince to Washington last week in order to pay arrears that were accumulated in the bizarre fashion that you, Senator Dodd, pointed out on the Senate floor last year.

So there is no money in Haiti, but there is political will. There is also staff. The government is providing physicians, nurses, midwives. We benefit enormously from the Ministry of Health and its support. What they are able to give us, we get. These are true public-private partnerships, as i said previously.

I have to say, Senator Dodd, that my colleagues and I believe this model is the way forward in Africa as well. That is one reason why we in Haiti have hosted so many African visitors. Haiti, obviously, wants to help its own citizenry, but it also wants to help other countries that are behind it in progress toward reducing the impact of infectious diseases such as AIDS and tuberculosis. And one of the reasons they look to Haiti is because of the Haitian Government's considerable assistance in this effort.

Senator Dodd. Two other quick questions in this context.

Briefly here, what is the United States and the international community doing to assist in this effort as well?

Dr. Farmer. I have to say that I think the future looks very bright. The bill passed recently by the Senate to build--if I could use Senator DeWine's words--a shell of money so we can have an architecture, as it were, in order to do the right thing. Now we have to make sure that money goes for both prevention and treatment of HIV. These have been arbitrarily pulled apart by many policy makers. No physician or nurse working in this field would agree that you can make this artificial distinction between prevention and care.

When we started treating HIV correctly in Haiti, we saw a profound decline overall in the number of hospitalizations, but also a sharp rise in people's interest in being tested and interest in the subject matter at large. Yet, right now most U.S. assistance goes to prevention and monitoring, not to treatment.

Senator Dodd. To what extent is there government-to-government or agency contacts?

Dr. Farmer. At this point it is almost nil, unfortunately. At this time the government works through groups like ours. And that is a mistake.

Of course, we are grateful for U.S. largesse--as an American, I am very grateful but it is a tactical error. As Dr. Moise has pointed out, it won't help bring Haiti forward. We have to help build these institutions over time by engaging directly with the government. It can't just be through groups like ours; it has to be through the Ministry of Health and the Ministry of Education. They have zero dollars now. What money there is, is all going through NGOs and faith-based organizations.

Senator Dodd. I wanted to expand on the point that Senator Nelson and you made. I don't know how anyone--despite whatever disagreements there are, obviously, on the politics of Haiti, holding hostage very sick people is just unbelievable to me. This is not my America.

The disagreements with President Aristide, considering the ones that we ought to have with others, are relatively minor. I am hopeful they can resolve their political differences. But why in the world we are asking innocent civilians in that country to pay the price because we are unwilling to share a little bit of our largesse with a nation suffering as much as Haiti is is beyond me.

It has gone on way too long. It is more than embarrassing; it is mortifying to me. My anger with the IDB has relaxed to some degree. But the fact that even that international organization would succumb to pressure and deny that kind of economic assistance, where the IDB historically has tried to stay away from those kinds of pressures, has been terrible. They are doing a better job, but it has been terribly disappointing.

Last, I am concerned about the increased violence. It didn't get much reporting, but last Saturday there was some violence when a civic organization, the Group of 184, as it is called, marched through the city of Soleil, the very area my

colleague described so accurately. This was known as the St. Simone under the Duvalier government going back. I have known that area for 40 years. I served as a Peace Corps volunteer on the border between Haiti and the Dominican Republic. I spent time in Haiti. This is as poor an area as you could find anywhere in the world.

This Group of 184 marched into that area and there was violence that occurred. This was against the Aristide government, the Group of 184. What do you think was the intention of this organization? It struck me as being sort of like the marching season in northern Ireland, where particularly people go and march right through the very neighborhoods where you know you are going to have the predictable response.

Why would you possibly do that in one of the poorest neighborhoods or barrios in Haiti?

Dr. Farmer. Since I am the one member who came up here from Haiti, I would like to comment on that. I, of course, wasn't there; I was doing my own work, which is medical. But my response was identical to yours.

Just for those who are not familiar with the arcane vocabulary of Haitian politics, the Group of 184 is seen quite correctly and sociologically as the elite: the middle class and beyond. I have very little experience as a physician, of course, with that population since I live in rural Haiti. ``Civil society'' is very often a code word in Haiti for the elite. There is, of course, with this extreme poverty--I'm sure Senator Nelson knows, and I know you have witnessed, Senator Dodd--with such grotesque indices of social inequality there are quite necessarily conflicts. There is conflict all the time.

I am just amazed at how pacific and thoughtful and kind the Haitian people are, and how rarely they do resort to violence, given these violent conditions in which they live. That there was only a question of rock throwing still astounds me. To walk through a neighborhood of the poorest part of town in a way to taunt the local people living in the slum--who are, as is well known, largely supporters of the elected government--to me it is asking for trouble.

Now, maybe everyone should have the have the right to walk through neighborhoods like that. I don't do it in Boston, frankly. I don't do it in Los Angeles. I think that there are serious problems in all of our cities. The fact that Port-au-Prince is a city of 2 million people with a tiny police force, and still has less violence than one would imagine, is astounding to me, and again, another marker of the dignity and peaceful nature of the Haitian people.

Senator Dodd. I have asked questions of all of you.

Let me ask Mr. Forester or Dr. Moise if they have any comments on anything I have raised, or if they would like to add to this discussion.

Dr. Moise. Yes, I do. In correction of what Dr. Farmer said, the Group of 184 includes the elite and also others, peasant cooperatives and women's groups, as well. It is not just elite.

Senator Dodd. What were they doing marching in the Cite Soleil? You know the reaction that that would have.

Dr. Moise. I believe that peaceful demonstrations can take place anywhere in Haiti. The government would argue that this is a provocation, but take your pick.

I would say, based on my conversations when they were planning on doing this, this is the fact, that Haiti is Haiti. They should be able to have a peaceful demonstration wherever they go. That was the opinion.

Senator Dodd. I don't want to dwell on it.

Do you think we ought to be lifting the U.S. ban on financial aid to Haiti? Should we lift the financial ban on economic aid to Haiti, the United States?

Dr. Moise. Yes. Yes.

Senator Dodd. What about government-to-government support on the HIV/AIDS effort? How about doing that, as well?

Dr. Moise. Yes, I think we should.

Senator Dodd. Mr. Forester, any comments?

Mr. Forester. I concur. I could not have stated it better than you did yourself, Senator, and Dr. Farmer. That is my personal belief.

Senator Dodd. I appreciate that.

Mr. Chairman, I feel very grateful to you for letting me have a little extra time. I thank our witnesses. I may have some additional questions which I will submit in writing.

Dr. Moise, I appreciate your candor, as well and your expression of views on the subject matter. Hopefully, we can break the cycle a bit. As I say, with 200,000 children as orphans and a staggering number of people, 6 percent of that nation and growing, with HIV, although there has been some success.

I am glad you said that there is some brighter light there. You can get awfully depressed about the conditions there, but there have been some positive signs that things are moving in a better direction. I commend your work there. Thank you, Dr. Farmer, for your commitment and that of your colleagues.

I know many in the archdiocese that I live in in Connecticut have dedicated themselves to Haiti, and the Norwich Diocese in Connecticut. A very good friend of mine who is a dentist who started that clinic on that remote peninsula.

It is just unbelievable what these people do; and doctors in the United States who go down periodically, take turns, spend a week or two at a time, and just do remarkable work.

They rarely get recognition, they don't read their names in the press or paper every day, but that is the America I am familiar with. While we don't hear about these people very often, I know the Haitian people appreciate the efforts of yourselves and others.

I feel hopeful the day will come shortly when we get beyond this problem we have with not liking President Aristide and realize a lot of people are being hurt as a result of that terribly myopic, almost adolescent attitude about a country that deserves a lot better. Thank you.

The Chairman. Thank you very much, Senator Dodd.

I would express my appreciation again, as you have, for the extraordinary testimony we have had. We appreciate each one of you coming and being so forthcoming in your responses.

I appreciate my colleagues and their devotion, really, to not only this subject but--likewise Senator Dodd, Senator Nelson--to all affairs with regard to our hemisphere. They have been persevering. We appreciate these opportunities, really, to have colloquy with people who have been there, as you have.

I appreciate the fact that the hearing has been well attended by a public that believes that this is important. We appreciate your attendance.

Having said that, the vote is under way, and the hearing is adjourned.

[Whereupon, at 12:20 p.m., the committee adjourned, to reconvene subect to the call of the Chair.]

Responses to Additional Questions Submitted for the Record

Responses of Hon. Marc Grossman, Under Secretary of State for Political Affairs, Department of State, to Additional Questions for the Record Submitted by Senator Joseph R. Biden, Jr.

Question 1. Secretary Powell recently commented that if the Haitian government has not created the security climate necessary for forming a credible electoral council by September 2003, ``we should re-evaluate the role of the Organization of American States (OAS) in Haiti.'' That date is quickly approaching, and I understand that the opposition is still not fully committed to establishing a provisional electoral council as outlined in Resolution 822.

How likely is it that the government of Haiti and the opposition will have agreed upon an electoral council by September? How does the OAS intend to bring the opposition into the process?

Answer. OAS Resolution 822 provides the means for bringing the opposition into the process. It offers a clear guide for resolving the political impasse through free and fair elections. The Government of Haiti joined consensus at the OAS when Resolution 822 was adopted in September 2002. In doing so, it committed itself to a series of steps designed to build confidence for the participation of all political parties in free and fair elections. Resolution 822 clearly stated what these steps were--an end to impunity, disarmament, an independent and professional police force, and a climate of security conducive to the formation of a credible, neutral, and independent Provisional Electoral Council (CEP) as the essential first step toward elections.

We have made clear to the opposition and civil society that they must participate in formation of the CEP when the government takes concrete steps in good faith to comply with Resolution 822. Primary responsibility for breaking the political impasse must lie with the Haitian government. We cannot expect the opposition to participate in forming the CEP without government action to establish a climate of security, given the numerous acts of repression and intimidation that have occurred during the current political crisis.

The likelihood of agreement by September on forming the CEP will depend on the success or failure of the Haitian government in acting to establish the necessary climate of security.

Question 2. What are we, the United States, doing to support the creation of an electoral council?

Answer. The United States supports a Provisional Electoral Council (CEP) that is credible, neutral, and independent, formed with the full participation of the opposition and civil society. Elections managed by any other CEP, most especially one that is formed by the government acting alone, will not be considered as free and fair.

The U.S. and its hemispheric partners in the OAS and Caribbean Community (CARICOM) support the formation of a credible CEP by insisting on the process laid out in Resolution 822. This process requires the Government of Haiti to establish a climate of security as the means to generate confidence among the opposition for its full and willing participation first in forming the CEP and then in free and fair elections. A joint OAS/CARICOM high-level delegation that visited Haiti in March, on which the U.S. was represented by Ambassador Otto J. Reich in his capacity as Presidential Special Envoy for Western Hemisphere Initiatives, delivered a strong message to President Aristide about the importance of meeting commitments and laid out a series of concrete steps the Government needed to take. The high-level delegation urged the opposition and civil society to participate in forming the CEP once the Government took these steps.

The U.S. assists the process established in Resolution 822 by continuing to provide political and financial support for the OAS Special Mission to Strengthen Democracy in Haiti.

The OAS Special Mission was formed in January 2002 by agreement between the Government of Haiti and the OAS. Its original mandates were assistance to the Haitian government in democracy, human rights,

governance, and security for elections. Resolution 822 expanded the role of the Special Mission to include supporting and monitoring the efforts of the Haitian government to comply with commitments it made in the Resolution. Pursuant to that expanded role, the Special Mission has negotiated Terms of Reference for assistance to the government on disarmament, electoral security, elections, and creating a professional police force.

The Special Mission, with a staff of only fifteen, has endeavored to fulfill its important role with limited financial resources. The U.S. has contributed $2.5 million of the approximately $5.3 million received to date, with Canada being the other major contributor.

Question 3. What are the prospects for elections to be held in the near future in Haiti?

Answer. It appears unlikely that elections will be held in 2003, as called for in Resolution 822. Under the Haitian constitution, local and legislative elections are due to take place in 2004.

Question 4. Do we know what the costs of [Haiti's] elections will be? Do we intend to provide financial assistance for the elections?

Answer. The U.S. Embassy has estimated the costs of national legislative elections in Haiti at $24 to $35 million. Of this, we would look to the Haitian government to absorb $8 to $11 million in local salaries and operations costs, leaving $16 to $24 million to be financed by the international community.

Whether we would provide financial assistance for the elections depends primarily on our having confidence that the elections could be free, fair, and credible. The Government of Haiti has yet to take steps that would give us such confidence.

Question 5. The Organization of American States (OAS) has been repeatedly frustrated in its efforts to mediate a resolution to Haiti's prolonged political dispute since 2000. At the beginning of this year, the U.S. delegation to the OAS said that ``. . . time is running out . . . My delegation urges the Government of Haiti to act, and to act today.'' (Address by U.S. delegation, Jan. 16, 2003.)

Can you describe the current state of the OAS negotiations efforts in Haiti? Do you believe the role of the Organization of American States Special Mission in Haiti should be altered in any respect?

Answer. OAS efforts to mediate a settlement through direct negotiations ended in July 2002 when talks between the ruling party Fanmi Lavalas (FL) and the opposition coalition Democratic Convergence (CD) collapsed. OAS Resolution 822, adopted by consensus with the support of Haiti by the OAS Permanent Council in September 2002, provides the framework for resolution of the political crisis through free and fair elections.

Resolution 822 expanded the role of the Special Mission to include supporting and monitoring the efforts of the Haitian government to comply with commitments it made in the Resolution. Pursuant to that expanded role, the Special Mission has negotiated Terms of Reference for assistance to the government on disarmament, electoral security, elections, and creating a professional police force. The Special Mission this year is deploying 30 international command-level police officers who are attached as observers and advisors to the offices of top officials in the Haitian National Police.

Changes in the role of OAS Special Mission should be considered if, as Secretary Powell stated at the OAS General Assembly in June 2003, the Haitian government has not by September created a climate of security essential to formation of a credible, neutral, and independent Provisional Electoral Council (CEP).

Question 6. Has the Administration set a deadline for Haiti to comply with commitments it made to resolve its political crisis under Organization of American States' Resolutions 806 and 822? Do these resolutions, and the conditions put forth in them, still serve as viable tools to addressing Haiti's political and economic crises? Or do we need to reevaluate their use?

Answer. At the OAS General Assembly in June, Secretary Powell said that the role of the OAS in Haiti should be reevaluated if by September the Government of Haiti (GOH) has not created a climate of security essential to formation of a credible, neutral and independent Provisional Electoral Council (CEP).

Resolution 822 laid out a process for resolving the political crisis through free and fair elections. It also addressed the economic situation by expressing support for normalization of Haiti's relations with the International Financial Institutions (IFIs)

There has been substantial progress in re-establishing normal relations with the IFIs. Haiti paid its arrears to the Inter-American Development Bank (IDB) on July 8, and IDB loan programs should resume in the near future.

The Administration believes, along with its partners in the OAS and the Caribbean Community (CARICOM), that Resolution 822 is the best way to resolve the political crisis. The problem is not with the OAS process, but with the failure of the GOH to meet its commitments under the resolution. The question is whether under these circumstances the OAS Special Mission will be able to carry out the ambitious mandates the OAS member states have given it.

Question 7. Talk to me about what the United States' role has been in supporting the Organization of American States' mediation efforts. Has there been any consideration of forming a ``Group of Friends'' to support the organization's efforts, along the lines of a similar group which the United States is leading to address Venezuela's political impasse?

Answer. A ``Friends of Haiti'' group already exists. Formed in October 2001 by the OAS Secretary General, it consists of OAS member states Argentina, Bahamas, Belize, Canada, Chile, Dominican Republic, Guatemala, Mexico, the U.S. and Venezuela; and France, Germany, Norway, and Spain in their role as OAS Permanent Observers.

The Friends of Haiti is an informal group advising the Secretary General about, and providing support for, activities mandated in OAS resolutions. It has functioned effectively in conveying the concerns of the OAS and international community to the Haitian government (GOH). Friends of Haiti ambassadors meet regularly in Port-au-Prince and have conducted joint demarches on the GOH.

The U.S. also participated in a joint OAS/CARICOM high-level delegation that visited Haiti in March of this year. The delegation, which included Ambassador Otto J. Reich in his capacity as Presidential Special Envoy for Western Hemisphere Initiatives, delivered a strong message to President Aristide about the importance of meeting commitments and laid out a series of specific steps the Government needs to take. The delegation also urged the opposition and civil society to participate in forming the CEP once the Government takes these steps.

Question 8. The United States has encouraged the Haitian government to introduce a new law prohibiting child trafficking. Yet the Haitian Ministry of Social Affairs says it no longer employs monitors to oversee the welfare of these children because of lack of funding.

What resources does Haiti have to enforce a law prohibiting child trafficking? Have you seen a willingness on the part of the Haitian government to address this issue?

Answer. Haiti currently has eight monitors--four funded by the government, four by an NGO--who staff a hotline to counsel and facilitate rescue of child domestics trapped in abusive situations. Child domestics who live with the family that employs them number between 250,000 and 300,000, according to UNICEF, and constitute by far the largest category of trafficked persons in Haiti.

The Government of Haiti (GOH) has also established a Brigade for the Protection of Minors of the Haitian National Police. The U.S. is considering a program to assist the new brigade to recognize Haitian children who are at-risk of being trafficked and to aid those trafficked to be resettled in the community.

According to the State Department's 2003 Trafficking in Persons report, the Government of Haiti is not making significant efforts to combat trafficking. While government officials already work with local NGOs to resettle trafficked children, in 2002 only about 100 were resettled. The GOH passed a law in May to prohibit child trafficking, but has no law to prohibit trafficking of adults. The GOH has sponsored a seminar series and publicity campaign to discourage trafficking and mistreatment of children, but has neither prosecuted child traffickers nor enforced laws regulating child domestic labor.

The U.S. has encouraged the GOH to devote more resources to prevent and punish all forms of trafficking in persons. GOH resources are limited, but we believe it can increase its antitrafficking efforts by re-allocating existing resources.

Question 9 Does any portion of U.S. aid go to addressing this issue through human rights or other social welfare groups in Haiti?

Answer. Yes. To address trafficking of children, the U.S. in FY 2002 funded a project for a comprehensive campaign against child slavery and trafficking. Campaign components include research, public education, coalition-building, supporting passage and enforcement of anti-trafficking laws, and monitoring implementation of relevant laws. The National Coalition for Haitian Rights (NCHR), in implementing this project, published a booklet in 2002 on trafficking of children in Haiti for domestic servitude and provided specific recommendations of actions that could be taken by the Government of Haiti and other actors to eliminate the practice. To date, the GOH has acted on four of the NCHR's 11 recommendations.

Question 10. I understand that the Haitian police force is currently only about 3500 men and women for a population of 8 million and that Haiti has been required to significantly reform the police and judicial systems.

How is it possible to hold high standards for police and judicial reform when we know that Haiti does not have resources to meet those reforms and we are not willing to provide financial support to the government?

Answer. The standard to which we are holding Haiti in terms of police and judicial reform is one that Haiti itself committed to last September when it joined the consensus of the Organization of American States in adopting OAS Permanent Council Resolution 822. Haiti participated significantly in the drafting of the resolution, and it was welcomed by the Government of Haiti at the time. This standard was again endorsed in OAS General Assembly Resolution 1959, unanimously adopted in June, again with extensive participation of the Government of Haiti (GOH).

The reforms required of the Haitian government are not costly. What they require is political will. Resolution 822 clearly states what these steps are--an end to impunity; disarmament; and allowing the police force to operate professionally, independent of political interference, to promote a climate of security conducive to the formation of a credible, neutral, and independent Provisional Electoral Council (CEP) as the essential first step toward elections.

A joint OAS/CARICOM high-level delegation, which visited Haiti March 19-20, reiterated the need for the GOH to implement Resolution 822 and laid out specific concrete steps that the GOH could take as

evidence that it was doing so. Rather than undertaking these steps, the GOH has acted in a manner contrary to their intent.

The international community, including the U.S., is ready to support Haiti if it undertakes reforms. But the key to police and judicial reform is political will on the part of the Haitian government and its leaders.

Question 11. Are we assisting Haiti in any way--through any non-governmental or civil society organizations--to bolster public security efforts such as police training or support for drug interdiction efforts?

Answer. Yes. The USG assists the Government of Haiti (GOH) to bolster public security and drug interdiction efforts in several ways.

The U.S. is the largest supporter of the OAS Special Mission for Strengthening Democracy in Haiti. We have provided $2.5 million of its total $5.3 million funding. The Special Mission has worked with the GOH on security issues since it arrived in March 2002. In June 2003, the Special Mission began providing 30 international police monitors to be attached as observers and advisors to the offices of top police officials. In addition, the U.S. supports the efforts of the OAS InterAmerican Drug Abuse Control Commission (CICAD) to improve the capacity of the Haitian Drug Control Commission to oversee implementation of Haiti's national anti-drug plan and to coordinate with other drug control agencies and NGOs.

The U.S. cooperates with the Haitian National Police (HNP) on counternarcotics pursuant to a Letter of Agreement (LOA) signed May 15, 2002. U.S. Drug Enforcement Administration (DEA) officers attached to the U.S. Embassy work with HNP units with counternarcotics responsibilities. DEA vets officers assigned to those units, using polygraph testing, to ensure that corrupt officers are removed. DEA also organizes joint counternarcotics operations.

Under the LOA, the State Department has allocated $680,000 in funding for counternarcotics support to the HNP. In addition, the USG provided $440,000 in FY 2003 to fund military equipment and training to support the Haitian Coast Guard, an HNP unit that works with us on interdictions both of drug traffickers and illegal migrants.

Additionally, our Embassy maintains an ongoing dialogue with the GOH on counternarcotics issues, provides the GOH an annual list of steps it should undertake to demonstrate its cooperation in the fight against drug trafficking, and monitors GOH counternarcotics efforts. One recent success was the GOH expulsion of a notorious indicted drug trafficker to the U.S.

Question 12. In its annual narcotics certification report, the Bush Administration acknowledged two important steps taken by the Aristide Administration to combat narcotics trafficking: putting into force a bilateral maritime narcotics interdibtion agreement, and establishing a financial intelligence unit.

Talk to me about the bilateral maritime narcotics interdiction agreement. What are its principal elements? Has it gone into effect? Is it working?

Answer. The bilateral maritime narcotics interdiction agreement entered into force September 5, 2002. The agreement mandates the fullest possible cooperation in maritime counternarcotics efforts between our two coast guards. It allows for U.S. Coast Guard (USCG) vessels to conduct counternarcotics operations in Haitian territorial waters with a Haitian Coast Guard (HCG) officer on board or without an HCG officer when in pursuit of a suspect vessel and no HCG ship or officer is available. USCG may investigate, board, search, and detain a suspect vessel, except that searches of Haitian vessels located in the Haitian territorial sea are reserved for the HCG or its officers. USCG aircraft may also overfly Haitian territory and seas for law enforcement operations and relay landing orders to suspect aircraft. The HCG is granted reciprocal privileges.

The agreement also provides that the USCG may board, inspect, search, and detain suspect Haitian-flagged vessels beyond Haiti's territorial sea without seeking case-by-case approval from the GOH.

U.S. Coast Guard vessels have acted pursuant to the agreement several times since it was put into force, undertaking pursuit into Haitian territorial seas and boardings at sea. From the USG perspective, the agreement is working very well. The USCG has an excellent working relationship with the HCG. The agreement was last invoked in June 2003 on the M/V Lady Margo.

The GOH also signed the Caribbean Regional Maritime Agreement in April 2003, which provides a multi-lateral framework for counternarcotics cooperation very similar to that established by the bilateral agreement. By signing this Agreement, the GOH has taken a step toward contributing to a regional approach to combating drug smuggling.

Question 13. What about Haiti's Financial Intelligence Unit? What is its purpose? What are its resources, in terms of finances and personnel? Is it up and running? When will it begin its work?

Answer. Haiti's Financial Intelligence Unit (FIU) reports to the National Committee for the Fight against Money Laundering, under Haiti's Ministry of Justice. It was established pursuant to Haiti's law against money laundering, adopted in February 2001, which complies with the UN Convention Against Transnational Organized Crime. Its purpose is to detect, track, analyze and report suspicious transactions, make recommendations for enforcement of money laundering laws in Haiti.

While the FIU may eventually be functional, and is headed by a respected lawyer, it has not yet taken effective action to help implement or enforce Haiti's money laundering laws and guidelines. The FIU is not yet fully staffed and lacks basic information technology and software that would enable it to analyze suspicious activity reports.

The USG is considering a request to provide such equipment. The FIU currently has three professional staff members.

Even were the FIU to become fully operational, it would not meet international standards for FIUs, as currently the FIU must forward its analyses to a politically-appointed national committee rather than directly to law enforcement agencies for investigation and possible prosecution. Unless this situation is rectified, neither the USG FIU, nor the other 88 operational FIUs, will share confidential financial information with, or respond to requests for information from Haiti's FIU.

Haiti is not considered an offshore financial center, but is a country of primary concern for money laundering because of the existence of drug trafficking and lax financial controls. Haiti recently became a member of the Caribbean Financial Action Task Force. The U.S. Embassy will continue to work to help ensure that the FIU becomes an effective force against money laundering.

Responses of Hon. John B. Taylor, Under Secretary of the Treasury for International Affairs, to Additional Questions for the Record Submitted by Senator Joseph R. Biden, Jr.

Question 1. As you are aware, the $146 million in Inter-American Development Bank loans that have been approved for Haiti have not been disbursed for several reasons, including the failure of the Haitian Government to meet conditions required by the loans, and Haiti's arrears with the lnter-American Development Bank.

Talk to me about the conditions required for the disbursement of the loans. Many of us are concerned with the linkage of these conditions and aid that is meant to address the needs of the Haitian people. Are the conditions within Haiti's capacity to meet? How many of the conditions require financial resources to meet?

Answer. Loan conditions play an important role in helping to make sure that development assistance does address the needs of the Haitian people. Prior conditions provide for the adoption of financial controls to prevent diversion of funds to other uses.

Now that Haiti has cleared its arrears to the IDB, loan disbursements for the reactivated loans can begin once the Haitian Government completes the prior conditions. IDB staff has advised us that many prior conditions have been met. The Haitian Government must still complete additional technical measures before the first disbursement can be made, including:

- Provide evidence that the necessary operating regulations for project implementation have come into force.
- Designate officials responsible for contract execution.
- Provide the Central Project Execution Unit's initial report, implementation plan and current account codes.
- Choose experts that will be accountable for account audits.

IDB staff has advised us that both IDB staff and the Haitian Government do not see major obstacles in the government's completion of these remaining conditions.

Haiti must also provide evidence of counterpart funds--the government's contribution to the project that supplements the IDB loan funds. Experience has shown that the counterpart financing provided by the borrowing country is an important incentive for strong country ownership of the project, which is needed for successful execution. Haiti qualifies for the minimum 10 percent share for counterpart financing. The IDB has helped Haiti find a donor to contribute most of Haiti's counterpart financing for the roads project and is seeking donors to help Haiti with the 10 percent counterpart financing on the water, education and health loans. In addition, the IDB has agreed that Haiti will provide most of its counterpart financing ``in kind.''

IDB staff is also working with Haitian authorities to develop specific benchmarks to evaluate performance using measures such as the number of kilometers of roads constructed, jobs created, increased access to services like education and health facilities, and reduced transportation costs. Each program will then be closely monitored throughout implementation, with future disbursements linked to specified benchmarks and regular program auditing. The IDB will work with the Government of Haiti to assist it in meeting the agreed loan conditions.

Question 2. Now that Haiti has paid $32 million in arrears to the Inter-American Development Bank, as of last week, will the loans be disbursed? What else needs to happen for the funds to go forward?

Answer. Now that Haiti has cleared its arrears to the IDB, the IDB has reactivated the four pending project loans. Disbursements will begin once Haiti satisfies the remaining prior conditions on the loans as discussed above. These requirements are normal technical conditions that apply to IDB borrowers. IDB staff believes that Haiti can complete the prior conditions in short order and without problems. Once Haiti satisfies the prior conditions, IDB will transfer to its country representative in Haiti an advance of a portion of the funds for each of the project loans. The IDB's country representative will disburse funds directly to suppliers to reimburse them for the work performed on each project. Project loans disburse over a period of years as work is performed on each project and as the Government of Haiti meets the defined technical conditions for subsequent disbursements. These conditions are used to monitor the implementation of each program and will have been agreed upon by both the Government of Haiti and the IDB.

Question 3. What are we doing to assist in finding a mechanism to ensure that the loans are released?

Answer. Treasury has worked extensively with the IMF and IDB to facilitate the reactivation of these loans. Treasury staff has met directly with IDB program staff to address concerns and outline a framework for moving ahead. Treasury will continue to consult with the IDB on the specific measures used to monitor project progress.

Responses of Dr. Paul Farmer, Presley Professor, Harvard Medical School and Medical Director, Clinique Bon Sauveur, Cange, Haiti, to Additional Questions for the Record Submited by Senator Joseph R. Biden, Jr.

Question 1. I realize that the United States is the largest international donor of aid to Haiti, yet I have concerns about our policy of providing humanitarian assistance through non-governmental organizations, rather than directly to Haiti. I'd like to hear your thoughts on this issue.

Answer. I share these concerns, Senator, even though I am the representative of a non-governmental organization. There are many reasons to conclude that NGOs cannot function effectively without the Haitian public sector, the first of them long experience: I've been working in Haiti for 20 years, and I know that the only NGOs able to make a difference on a large-scale or ``population'' level are those who work closely with the Haitian public sector. Take the AIDS issue again. We are very proud of our integrated AIDS prevention and care project in central Haiti, but have no hope of making our services available to more of those in need of them unless we work with the Ministry of Health. And since our group reached, however tardily, this conclusion, our work has taken off--to the benefit of all. We have already scaled-up these efforts to 3 public clinics with as many more in the works.

There are other reasons to eschew this NGO-only approach. Not a single NGO has been elected to do this work; we don't have a mandate from the Haitian people, whereas others do have this mandate. Also, years of undermining the public sector by the international financial institutions and also our own aid structures have had, along with great poverty, the expected effects on the governmental institutions--they are all cash-poor and lacking the tools necessary to do a good job. We could remediate this by insisting that U.S. assistance be channeled through Haitian structures. If we do this, other funders will follow suit. In due time, the public infrastructures would be strengthened in many ways.

Question 2. What are your recommendations as to how the U.S. aid program to Haiti should be structured? Would providing aid directly to the government increase or decrease its effectiveness in alleviating Haiti's humanitarian crises?

Answer. My biggest recommendation would be to stop trying to bypass the public sector, for the reasons mentioned above. The U.S. might be the largest donor to Haiti, but virtually none of our largesse now goes through the Haitian public sector. It goes through NGOs, with varied motivations, skill sets, and commitments. If you'll pardon the expression, we NGOs are a motley crew. There's very little coordination and although Haiti's so poor that it's impossible to speak of duplication of services, we can certainly refer--with embarassment, if we're humble about it--to the extreme lack of coordination between NGOs. So in answer to your question, Senator, giving aid directly to the Haitian Government would, in my view, be the best way to end the humanitarian crisis. Imagine vaccine delivery without the public health sector's involvement--if the international community continues to isolate Haiti, that's where we're going.

Question 3. How does providing aid to non-governmental organizations impact delivery of medical services, and particularly in regards to HIV/AIDS prevention and treatment programs?

Answer. There's no doubt that NGOs have their place in Haiti and in other poor settings where there's a lot of work to do. NGOs have certain strengths--a suppleness that public institutions often do not have. We can be at the vanguard of some trends, and HIV prevention and care programs are a good enough example. But relying wholly on NGOs means, ultimately, that services will be fractured and ``unstandardized.'' NGOs are all over the map in terms of what they know how to do. We learned this decades ago with tuberculosis and also vaccine-preventable illnesses. We need to learn it very rapidly with AIDS.

Question 4. What role do you see the international community, including the international financial institutions, playing in this effort?

Answer. The international community could do a great deal to support the renaissance of Haiti, about to celebrate its bicentennial. But this would require a significant shift in the rules of engagement. As I mentioned in my testimony, money from the international financial institutions and also USAID flowed freely into Haiti during the years of the Duvalier dictatorships and ensuing military governments. It's the democratically elected governments that seem to bother the IFIs. In my testimony, I cited the example of the Inter-American Development Bank, which for three years blocked already-approved loans for potable water, health care, education, and road improvement. Careful study of this whole affair leads me to conclude that this was done for political reasons rather than the stated ones about arrears. How on earth can blocking assistance for water, health care, education, and roads help the Haitian people, who so desperately need these things? Our oldest

neighbors deserve better than this and it's my hope that our country will reconsider its own policies and lead the way to a dignified re-engagement with Haiti that is based on genuine solidarity. That would be a first, and welcomed by the majority of Haitians struggling to survive.

Responses of Steven David Forester, Esq., Senior Policy Adviser, Haitian Women of Miami, to Additional Questions for the Record Submitted by Senator Joseph R. Biden, Jr.

Question 1. I'd like to address the difference in treatment between Cuban and Haitian immigrants whom the Coast Guard intercepts at sea (commonly referred to the ``wet foot-dry foot policy'').

I understand that Cubans and Haitians who do not reach the shore are returned to their home countries unless they cite credible fears of persecution. Critics of U.S policy maintain that there is a significantly greater opportunity for Cubans to demonstrate credible fear of persecution than for Haitians; hence, it is ``easier'' for Cubans to remain in the United States.

Can you give us your take on this issue? Is the criticism of U.S. immigration policy and procedures valid? What do we have to do in order to give just attention to Haitian asylum seekers, without compromising U.S. national security interests?

Furthermore, Cuban immigrants who successfully reach the shore (``dry foot'') are generally permitted to stay in the United States and adjust under the Cuban Adjustment Act the following year; however, no parallel adjustment act exists for Haitians.

Answer. The criticism is valid. Nothing similar to the Cuban Adjustment Act exists for Haitians, and virtually all interdicted Haitians are summarily returned. The history of our treatment of Haitian refugees is deplorable. Please see my Senate testimony at footnote 4, in which I quote respected refugee expert Bill Frelick as follows:

> Between 1981 and 1991, the U.S. Coast Guard interdicted and forcibly returned only Haitians. During those 10 years, out of 24,558 interdicted Haitians, INS shipboard screeners allowed only 28 persons to pursue their asylum claims in the United States. . . . Those Haitians who managed to register asylum claims during the 1980s (the time of Duvalier and other dictators) had the lowest asylum approval rate of any nationality, 1.8 percent. By contrast, Soviet asylum approvals at that time were 74.5 percent.
>
> In May 1992, for the first time in our history, the United States began forcibly returning interdicted asylum seekers with no screening whatsoever--Haitians only . . .
>
> [In contrast,] from the 1960s to the present, hundreds of thousands of Cubans have been paroled in and, after a year, allowed to adjust automatically to permanent resident status. . . . the ``Guantanarno Cubans'' were paroled in under much more favorable conditions that the Haitians [and] the Haitians not the Cubans--were required to pass a ``credible fear'' screening before being paroled from Guantanamo and . . . two-thirds were returned to Haiti. . . .'' Bill Frelick, Senior Policy Analyst, U. S. Committee for Refugees, ``Most Favored Refugees?,'' Washington Post, April 20, 1998.

See also footnote 10 of my testimony, in which I cite nine class action suits documenting the discrimination over a period of many years.

U.S. policy towards Haiti also disserves U.S. national security interests. I suggest in the second half of my testimony three measures--enacting the Haiti Economic Recovery Act; in-country and regional refugee and immigrant processing; and including Haitians in any guestworker program--which would discourage illegal emigration and the consequent diversion of U.S. resources by putting people to work and/or giving them a ``safety valve''. But the Administration isn't yet supporting any of these measures.

Instead, it is gearing up to deprive desperate Haitians of the only support which keeps thousands of them in Haiti. Let me explain.

Senator Lugar opened the July 15 SFRC hearing on Haiti by stating that Haitians in the U.S. send $700 million annually in remittances to Haiti. Those monies are crucial to the subsistence of their relatives there. Without those remittances hundreds of thousands would be even more desperate, and many would take to the sea, further taxing our Coast Guard and Border Patrol resources. Preserving the flow of remittances should be a primary U. S. interest.

Instead, as I explain in the first ten pages or so of my SFRC testimony on the need for a HRIFA ``fix-it'' bill (through footnote 9), the Justice Department is deporting and/or detaining for deportation and gearing up to deport Haitian refugees who have been living legally in the U.S. for at least eight and most of them for ten to fifteen years; who have U.S.-born American-citizen children and dependent spouses; who own houses and often businesses; and who--relevantly to our national security--send thousands of dollars each year to their relatives in Haiti.

This is morally and politically senseless and possible only because of the relative political weakness of the Haitian-American community.

For example: As I was typing this answer, a Haitian refugee called me in response to an appeal I made on a Creole television program a few days ago for persons who would benefit from a HRIFA ``fix-it'' bill. The caller has lived in the U.S. since 1993 (during the worst repression in Haiti), has a dependent wife and two (2) U. S.-born children, owns his own house, and sends $150 per month to Haiti on

which ``seven or eight'' of his relatives depend for their survival. He has a final order of deportation.

If he is deported to Haiti, the United States will add one more mouth to feed there and vastly increase the likelihood that those ``seven or eight'' persons will ``take to the seas'' in desperation, causing a concomitant diversion of the Coast Guard and Border Patrol resources we need to fight terror. (Not to mention depriving two small American children of their father.)

Multiply this example by a few thousand. What you have is the Administration speaking from both sides of its mouth. Our stated rationale for our current unprecedentedly draconian detention policy towards Haitians (see my testimony following footnote 9)--e.g. detaining three-year old little girls and their mothers for six months; continuing to detain persons who have been granted political asylum by immigration judges while the government appeals their cases, e.g. a 55-year old man granted asylum in February: all costing the U.S. taxpayer tens and hundreds of thousands of dollars in detention costs)--as stated at the July 15 SFRC hearing by Under Secretary of State for Political Affairs Marc Grossman, is to ``send a message'' to Haitians to stay in their country: to prevent the otherwise necessary diversion of Coast Guard and Border Patrol resources needed to fight terror.

But by deporting a few thousand extremely deserving and productive long-resident refugees who should have been covered in the first place by HRIFA, we will deprive a few tens of thousands of persons still in Haiti of one thing which keeps them there: those critical remittances. (Not to mention destroying the families of American-citizen children who are the future of their communities.)

Question 2. What would be the ramifications of treating Haitian asylum seekers as Cubans are treated? Is this a policy that we should consider, given the plight of Haitian immigrants? Or will it encourage more Haitians to take to the seas and risk their lives attempting to reach the United States?

Answer. Our U.S.-Cuba Migration Accord enables up to 20,000 Cubans annually to come to the U.S. as refugees or the beneficiares of immigrant petitions. Having a similar program vis-a-vis Haiti would in a controlled and regulated way act as a ``safety valve'' discouraging illegal flight by desperate refuges and other deserving immigrants and the concomitant diversion of our Coast Guard and other resources. It would also do very much to remedy the correct perception that our policies vis-a-vis Cuban and Haitian refugees discriminate against the Haitians, which exacerbates community tensions.

Similarly, enacting the Haiti trade bill would put people to work and discourage illegal flight.

There is no indication that our current draconian and unprecedented detention policies deter emigrants. Haitians flee Haiti because of the desperate political and economic conditions there. Under Secretary Grossman cited the years 1991, 1992, and 1994 as supposedly showing that emigration increases when our detention policies are laxer. He neglected to say--I had the opportunity to correct him during my comments--that those were precisely the coup years during which, as President Clinton correctly said at the time, ``they're chopping people's faces off.'' (My testimony documents at length the systematic repression in Haiti during those years as stated by State Department officials.) There was no large emigration during the late 1990s, when our detention policies were nowhere near as bad as they are now.

Our Administration's desire to deport a few thousand long-resident Haitians who should have been covered by the Haitian Refugee Immigration Fairness Act of 1998, and a few thousand other children in danger of ``aging out'' of eligibility (see my testimony)--and who would be covered by a HRIFA ``fix-it'' bill soon to be introduced at least in the House--and its failure to support the Haiti trade bill and in-country and regional processing, measures which would serve our national security by discouraging illegal emigration, reveal that current Administration policies toward Haitians and Haitian refugees are inconsistent, shortsighted, wasteful, disserving of national security and at minimum disingenuous. They are also immoral and threaten the welfare and future of American families and communities.

Responses of Hon. Marc Grossman, Under Secretary of State for Political Affairs, Department of State, to Additional Questions for the Record Submitted by Senator Russell D. Feingold

Question 1. Despite efforts by the international community, especially by the Organization of American States (OAS), to pressure the Aristide government to respect human rights, the human rights situation appears only to be deteriorating in Haiti. Just yesterday, pro-government demonstrators attacked and injured more that 30 people, who were members of an umbrella opposition group that had gathered for a meeting. NGOs and government officials accuse the Haitian government of extrajudicial killings, organized lynchings by mobs and repression of the free media. In addition, the State Department's recently released Trafficking in Persons Report states that child trafficking is rampant in Haiti and that the government is not making serious efforts to eliminate it. What can the United States do to encourage greater adherence to human rights by the Aristide government? What are our best leverage points for demanding reform?

Answer. We encourage greater adherence by pursuing a multifaceted strategy on human rights. Our strategy focuses on promoting the rule of law (especially steps to combat the impunity enjoyed by human rights violators), encouraging Government action against trafficking in persons, urging the Government to create a secure environment for the free exercise of political and civil rights, and increasing local

capacity to monitor the human rights situation and advocate for change. We join with our partners in the Organization of American States (OAS) to support the work of the Inter-American Commission on Human Rights, whose reports--along with those of the U.N. Special Rapporteur for Haiti--heighten international awareness of Haiti's serious human rights problems. Our best leverage point for improving human rights in Haiti is to remain actively engaged in pursuing all aspects of this strategy.

The U.S. Embassy in Port-au-Prince has issued frequent public statements deploring acts of political intimidation and repression of journalists. As a show of support, the Ambassador and other mission personnel have personally visited journalists and members of civil society against whom acts of intimidation have been perpetrated or threatened. We have repeatedly urged the Government to end impunity by arresting notorious human rights violators and vigorously prosecuting politically-motivated murders. Continuing to send strong messages on protecting basic rights will remain a key part of our strategy.

Ending impunity will help greatly to establish a climate of security. With our hemispheric partners in the OAS and Caribbean Community (CARICOM), we are insisting that the Haitian government meet its commitments under OAS Resolution 822, and are providing political and financial support for the OAS Special Mission to Strengthen Democracy in Haiti. In addition to ending impunity, Haiti's commitments under Resolution 822 include disarming gangs and local officials, creating a professional police force that operates free of political interference, and fostering national dialogue.

While we are demanding that the Haitian government fulfill its commitments under Resolution 822, we are also working with them on a plan to improve efforts to combat trafficking in persons. The plan contemplates implementing and expanding Haiti's new anti-TIP legislation, investigating and controlling trafficking of women from the Dominican Republic into Haiti, and curbing the movement of Haitian children into the Dominican Republic.

We directly support human right groups and journalists through U.S.-funded training and technical assistance programs. One program conducts civic education programs for grassroots civic organizations. Another seeks to create political parties that can develop platforms and offer real electoral alternatives. The Independence of the Media Program fosters dialogue on freedom of the press through public fora on issues confronting journalistic liberties, and also provides broadcasting equipment to radio stations.

Question 2. Of an estimated 1.8 million people living with HIV/AIDS in Latin America and the Caribbean, Haiti and the Dominican Republic account for 87 percent of the infected population in the Caribbean. Approximately 250,000 adults and children in Haiti are living with HIV/AIDS (about 6.1 percent of the adult population). What types of programs will be implemented to address HIV/AIDS with the money appropriated by Congress under the H.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (P.L. 108-25; H.R. 1298, S. 1009)? How do we ensure that this money is spent appropriately?

Answer. Haiti is one of 14 countries targeted by the President's $500 million International Mother and Child HIV Prevention (PMTCT) Initiative and the President's $15 billion Emergency Plan for AIDS Relief. The new Global AIDS Coordinator, when confirmed, will determine and oversee future activities under the Emergency Plan. The PMTCT initiative will be incorporated into the activities of the President's Emergency Plan.

Current planning for the PMTCT initiative is being conducted by an interagency steering committee, led by the White House Office of National AIDS Policy, with senior-level representation from USAID, HHS, and the Department of State. Under the leadership of the steering committee and about 100 days after the fiscal year 2003 appropriation was received, all 14 countries received PMTCT funding using a new Federal management system that will increase accountability, improve coordination, and assure effective use of funds in preventing maternal to child transmission of HIV. Activities under the PMTCT initiative already have begun and will be officially launched in Port-au-Prince on July 21.

In Haiti, heterosexual contact is the most common means of transmission, closely followed by mother-to-child transmission. Barring any intervention, 30 percent of babies born to HIV-positive women will contract HIV. In response, the Ministry of Health and its partners designed and are implementing a three-year prevention of mother-to-child transmission (PMTCT) pilot project to target 400 HIV-positive pregnant women in three sites nationwide. Preliminary results in two of the three sites show that this pilot program reduced the vertical transmission rate from 30 percent to 9 percent. The PMTCT pilot program is part of a larger five-year National Strategic Plan to fight against HIV/AIDS in Haiti that calls for the eventual provision of PMTCT services to all pregnant women. The strategic plan will be supported through activities under the President Bush's PMTCT Initiative and a grant from the Global Fund to Fight AIDS, Tuberculosis and Malaria.

USAID is currently providing support for the installation of a nation-wide network of clinical reference centers, providing a full range of Voluntary Counseling and Testing (VCT), reproductive health, tuberculosis and selected AIDS care, including PMTCT services. Under the President's PMTCT Initiative, USAID and HHS will develop and provide nationwide access to 27 VCT/PMTCT reference centers supported by 21 subregional VCT/PMTCT centers for a total of 48 centers and related referral arrangements, which will provide coverage in each of Haiti's 10 regional health departments. The planning for the President's PMTCT Initiative has specifically taken account of Global Fund activities in determining in which regions to invest.

Current USAID planning for assistance to public and private facilities includes support for training, equipment, renovation, interim personnel and other related activities. In addition, USAID supports community mobilization activities and expanded community-based

care and support of people living with HIV/AIDS.
    Current HHS support to Haiti is provided through the Global AIDS Program. The Program supports HIV/AIDS prevention, care and treatment, as well as infrastructure and capacity development. Through the Program, HHS and its agencies provide technical assistance to 27 public and private health institutions for comprehensive PMTCT services. HHS is also providing financial and technical support, as well as purchasing commodities, for the implementation of voluntary counseling and testing (VCT) in 15 public sector VCT centers. Further, HHS has provided financial and technical support to conduct a national HIV sentinel surveillance survey, sampling 7,200 pregnant women from 21 sites nationally.
    Haiti's two-year, $24.4 million Global Fund grant provides support for limited expansion of the pilot PMTCT program, with a goal of reaching a total of 700 women across Haiti. The two Primary Recipients have received their first allotment of funding and have disbursed funds to sub-recipients. To coordinate the different funding mechanisms, USAID and HHS will continue to participate in monthly donor coordination meetings. Haiti's PMTCT steering committee is comprised of representatives of the Ministry of Health, bilateral and multilateral donor organizations (including USAID and HHS), and non-governmental organizations active in the fight against HIV/AIDS in Haiti.

    Question 3. As of now, the United States is largely providing foreign assistance through NGOs and not the Haitian government. The Bush Administration has stated it will not provide aid to the government until President Aristide fulfills his promises of political, economic and judicial reforms. How effective is this assistance approach? How capable are the NGOs on the ground in providing humanitarian assistance and promoting government reform? How do we strengthen the governmental institutions necessary for peace and stability through this policy?

    Answer. The first and foremost requirement for reform and improvement in governmental institutions is political will on the part of the government. Experience has shown that absent such will, assistance aimed at government reform is unlikely to succeed. We have consistently advocated, both directly and through multilateral institutions such as the OAS, that the Government of Haiti (GOH) implement reforms that would contribute to Haiti's peace and stability. A number of these reforms are embodied in OAS Resolution 822, adopted by consensus, with the support of the GOH, on September 4, 2002. The U.S. has supported the OAS Special Mission to Strengthen Democracy in Haiti both politically and financially. Unfortunately, despite help from the Special Mission, the GOH has failed to implement most of its commitments under Resolution 822.
    Making assistance to governmental institutions contingent on evidence of GOH commitment to reforms is one of the best incentives to promote needed government actions. An example of this has been the positive GOH response to the U.S.'s Trafficking Victims Protection Act of 2000, which requires the U.S. to withhold non-humanitarian, non-trade related assistance from countries that do not do enough to prevent trafficking in persons. In response to U.S. embassy warnings, the GOH passed a law prohibiting trafficking of minors, organized a police unit to enforce the law, and began interagency cooperation to help victims of trafficking.
    The U.S. provides predominantly humanitarian aid to improve health and nutrition, particularly of the most vulnerable segments of the Haitian population. The NGOs in Haiti which administer U.S. assistance are carefully chosen for their experience and efficiency in delivering assistance.
    Other U.S. assistance programs promote sustainable agriculture, microfinance, and training for political parties and independent media. By supporting economic growth and democratic governance, these programs contribute to Haiti's peace and stability.
    Finally, the USG provides direct assistance to GOH institutions in which we have confidence. For example, we provide equipment and training to the Haitian Coast Guard, unit of the Haitian National Police, which cooperates with U.S. Coast Guard on interdiction of migrants and drug traffickers. Building these institutions can provide and incentive for reform to other elements of the GOH.

    Question 4. Since Aristide's ``re-election'' on November 26, 2000, the U.S. government has pressured him to implement democratic reforms. Why have our efforts not worked? How can we pressure Aristide more persuasively to take care of his population?

    Answer. President Aristide has demonstrated neither the will nor the leadership to resolve the political crisis.
    OAS Resolution 822 offers a clear guide for resolving the political impasse through free and fair elections. The Government of Haiti joined consensus at the OAS when Resolution 822 was adopted in September 2002. In doing so, it committed itself to a series of steps designed to build confidence for the participation of all political parties in free and fair elections. Resolution 822 provides a roadmap and establishes steps that need to be taken--an end to impunity, disarmament, an independent and professional police force, and a climate of security conducive to the formation of a credible, neutral, and independent Provisional Electoral Council as the essential first step toward elections. The Haitian government has not taken these steps.
    The Government of Haiti understands fully what it must do under Resolution 822. But it will not be able to take the necessary steps without strong leadership from President Aristide. The U.S. and the international community--most notably the OAS and the Caribbean Community--must maintain consistent and strong pressure on the Aristide government to meet the commitments it made to the hemisphere in Resolution 822. The potential cost of not complying for President Aristide and Haiti was stated by Secretary Powell at the OAS General

Assembly in June--if by September the Government has not created a climate of security essential to the formation of a credible, neutral, and independent Provisional Electoral Council, we should reevaluate the role of the OAS in Haiti.

Question 5. Can the United States play a greater role in reducing governmental corruption [in Haiti]?

Answer. Fighting corruption and promoting transparency are critical to democracy and development and are important goals for the U.S. in Haiti, as they are around the world. We work toward these goals in several ways.

For example, we continue to press the Government of Haiti (GOH) to take specific steps against corruption, such as dismissing officers of the Haitian National Police (HNP) engaged in drug trafficking, activating the Justice Ministry's Financial Intelligence Unit (FIU), and undertaking independent audits of public utilities and other government-owned businesses. U.S. DEA Agents stationed in Haiti have used polygraph testing to obtain dismissal of corrupt officers from the HNP counternarcotics unit and the U.S. has provided support for the FIU.

We also support the efforts of multilateral institutions to reduce corruption in Haiti. For example, the USG supports the engagement of the International Monetary Fund, which reached agreement with the GOH in May on a Staff Monitored Program that includes conditions for increasing transparency and improved controls over government accounts. Similarly, we support the Special Mission of the Organization of American States (OAS) in Haiti, which operates a program providing international police monitors attached to the offices of top police officials.

The USG also makes assistance to governmental institutions contingent on evidence of commitment to reform, providing direct assistance only to GOH institutions in which we have confidence. For example, as noted in response to your previous question, we provide equipment and training to the Haitian Coast Guard. In all cases, we ensure that the assistance we provide is used for the purposes for which it is intended.

While these efforts have succeeded in limited areas, official corruption remains a major problem in Haiti. Greater success in this effort requires changing attitudes among Haiti's political leadership, or may require change of some leaders themselves. Ultimately, the key to reform, transparency, and the fight against corruption in government is political will on the part of the Haitian government and its leaders. To date, the Aristide Government has failed to demonstrate such will, except in isolated cases such as the June 18 expulsion of indicted drug trafficker Jacques Ketant.

Question 6. How can we better support the efforts of the OAS to negotiate a settlement between the Fanmi Lavalas party of Jean-Bertrand Aristide and the political opposition parties of the Democratic Convergence?

Answer. OAS efforts to mediate a settlement through direct negotiations ended in July 2002 when talks between Fanmi Lavalas (FL) and Democratic Convergence (CD) collapsed. OAS Resolution 822, adopted in September 2002 by unanimous consent of the OAS Permanent Council including Haiti, is intended as a framework for resolution of the political crisis through free and fair elections.

We can best assist the process established under OAS Resolution 822 by continuing to provide political and financial support for the OAS Special Mission to Strengthen Democracy in Haiti. At the same time, we need to express clearly the view that results will dictate our future course of action. At the OAS General Assembly in June, Secretary Powell called for a reevaluation of the OAS role in Haiti if the Government had not acted by September to create the climate of security essential to formation of a credible Provisional Electoral Council, the crucial first step toward free and fair elections.

The OAS Special Mission was formed in January 2002 by agreement between the Government of Haiti and the OAS. Its original mandates were assistance to the Haitian government in democracy, human rights, governance, and security for elections. Resolution 822 expanded the role of the Special Mission to include supporting and monitoring the efforts of the Haitian government to comply with commitments it made in the Resolution. Pursuant to that expanded role, the Special Mission has negotiated Terms of Reference for assistance to the government on disarmament, electoral security, elections, and creating a professional police force.

The Special Mission, with a staff of only fifteen, has endeavored to fulfill its important role with limited financial resources. The U.S. has contributed $2.5 million of the approximately $5.3 million received to date, with Canada being the other major contributor.