

CLAIRE ANTONE PAYTON

In Moral Debt to Haiti

In the world's first independent Black Republic, cholera victims and their international allies continue to fight the UN for their basic right to clean water and monetary reparation.

On December 1, 2016, United Nations Secretary-General Ban Ki Moon heralded a turning point in the organization's history. "On behalf of the United Nations," he told members of the General Assembly, "I want to say very clearly we apologize to the Haitian people. We simply did not do enough with regards to the cholera outbreak and its spread in Haiti. We are profoundly sorry for our role."

After six years of dissembling over the fact that UN peacekeepers inadvertently introduced cholera to Haiti, Ban's acknowledgement represented a victory for cholera victims, their families, and the human rights advocates who have supported their cause. Yet the extent of the victory is limited to the degree that it is symbolic. In the same speech, Ban proposed a two-pronged support package that would combat the spread of cholera and offer "material assistance" to victims and their families. It remains to be seen if UN leadership can marshal its member states to support its pledge by supplying the financing. But just because the December 1 victory is primarily symbolic does not mean that it is empty. The



admission also represents the UN's capitulation in the struggle the organization had fought hardest to win: the fight to control the narrative of the epidemic and the meaning of Haitian lives and deaths.

At its most basic level, this is a material issue: more than 9,000 people in Haiti have died of an imported disease, and hundreds of thousands more have fallen ill since October 2010. Cholera has sickened approximately one out of every fifteen people in the country. To stop the deaths, someone must finance the construction of water and sanitation infrastructure in addition to a large-scale medical response. Investment in clean water infrastructure is the only strategy that will truly contain the epidemic. The water and sanitation systems across Europe, North America, and Asia—many of them built in response to the cholera epidemics of the nineteenth and early twentieth centuries—have effectively eradicated the disease in those areas.

At a more abstract level, Haiti's cholera epidemic represents a crisis of human rights and the progressive



A street mural in Port-au-Prince by Haitian graffiti artist Jerry expresses the trauma of cholera. CLAIRE ANTONIE PAYTON

dream of a more just and ethical world. Historically, the United Nations has been one of the world's most dedicated advocates for human rights. In 1948, its members enshrined this commitment in the Universal Declaration of Human Rights. Article 25 of the Declaration states, "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family." On July 28, 2010, less than three months before the epidemic in Haiti began, the UN General Assembly passed a resolution recognizing "the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights." While plenty of aspects of life in Haiti run contrary to the Universal Declaration, the cholera epidemic is particularly troubling because the people who violated the organization's touchstone of ethical integrity were agents of the United Nations itself. Then the organization used lies and victim-blaming to hide the truth. By failing to hold itself accountable for its own violations—and stonewalling others' efforts to do so—the organization has dramatically undermined

its standing when addressing human rights violations around the world. The UN's handling of this epidemic has eroded its integrity, and thus its moral authority—the only currency it had to influence world events in increasingly uncertain times.

As a historian of Haiti, it is unsettling to see Haitian bodies serving once again as battlegrounds for human rights. In 1791, enslaved people in the French colony of Saint-Domingue rose up against their colonial oppressors, overthrew the institution of slavery over the course of a bloody 13-year war, and in 1804, forged the second independent republic in the world—the first ruled by and for people of color. The men and women who fought and won that war did so on the principle that the rights of citizenship belonged to everyone, regardless of race. The racially inclusive idea of human rights threatened the surrounding slave-holding empires and the newly formed United States. The diplomatic community ostracized Haiti for 21 years as a result. This isolation ended only when Haiti's leaders agreed to pay an indemnity, roughly equivalent to three

billion U.S. dollars in today's currency, to French colonists for property lost during the war, including Haitian bodies. It took Haiti decades to pay off this debt and its interest. Between 1915 to 1934, a period during which global economic turmoil led other countries to default on their loans, an American military occupation forced Haiti to prioritize servicing its debt over investments in national infrastructure and institutions. This unstable foundation inhibited the establishment of a strong or effective state, preventing Haiti's emergence from its early years of incipient political strife. Haiti's political history has been characterized by political turmoil ever since.

Haiti and the UN

The cholera epidemic is a particularly painful chapter in the long history of Haiti and the United Nations. Haiti played an important role in the organization's early founding. In 1948, United Nations agricultural experts visited the country, and their subsequent report represented the very first attempt by the newly formed world body to apply international expertise "to examine the problems of and the conditions affecting...economic development." Over the ensuing decades, the United Nations engaged in a number of humanitarian programs in Haiti, including food distribution, disease prevention, urban planning, preservation of cultural patrimony, and agricultural development.

The peaceful nature of the organization's involvement began to change during the turbulent period that followed the collapse of the brutal Duvalier dictatorship (1957-1986). President Jean Bertrand Aristide was elected in December 1990 only to be overthrown in a U.S.-backed coup nine months later. The junta that replaced him was so violent the UN Security Council imposed an arms and oil embargo in 1993 aimed at removing the military government from power. A year later, 20,000 UN troops, led by the United States, invaded Haiti to assist in removing the junta and reinstalling Aristide. Most UN troops involved with this mission had withdrawn by 1996.

Eight years later, the UN sent a new mission to Haiti following yet another coup against Aristide during his second term as president. The force, known as the UN Stabilization Mission in Haiti, or MINUSTAH for its French initials, was led by Brazil, which considered the mission to be proof of its emergence as a world power. Kofi Annan, the UN's Secretary-General at the time, justified the military intervention on the grounds that Haiti was "unable to sort itself out, and the effect of leaving



The gates to the UN's Annapurna camp near Mirebalais, where a poorly-maintained sanitation system led to cholera bacteria leaking into the Haitian river system.

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it alone would be continued or worsening chaos." The mission's initial goal was to ensure the stability of the interim government, yet the troops remained in Haiti after national elections in 2006 reestablished democratic governance. Then Haitian president René Préval (1996-2001 and 2006-2011) asked MINUSTAH to stay on to ensure his government's stability by directing its military capabilities against potential sources of opposition among the Haitian people. Beginning in 2005, the UN troops had launched a military offensive in the slums of Port-au-Prince to root out violent gangs whose criminal activities were undermining government, in the process killing dozens of innocent bystanders. In the wake of a series of disastrous hurricanes in 2008, MINUSTAH began incorporating more humanitarian projects into its mission. When the January 2010 earthquake struck Port-au-Prince, the UN headquarters there collapsed. A total of 102 people died, including the Mission's leader—the largest single incident of deaths in the history of the United Nations.

An Epidemic Begins

In mid-October 2010, sewage from a rural UN base containing *Vibrio cholerae* bacteria entered the Meye River, a tributary of the Artibonite, Haiti's central waterway. A contingent of MINUSTAH soldiers stationed at the base had recently arrived from Nepal, whose own population was suffering from outbreaks of cholera, a disease endemic to that area. Within days, the bacteria began sickening people downstream. When consumed by humans, the cholera bacteria induces such acute diarrhea that the victim can die from dehydration within hours. And yet it is easily treatable with clean water and a simple solution of sugar and salt.

On October 17, 2010, 28-year-old Rosemond Lorimé became the first Haitian known to have died of cholera. Days later, United Nations officials denied rumors that their base was the source of the outbreak, stating that its waste management was “consistent with established international standards.” Journalist Jonathan M. Katz visited the base shortly after the outbreak and witnessed human waste held in large open pits located above the tributary that locals said regularly overflowed. His supposition that the base was the source of the outbreak was confirmed a few weeks later by a study conducted by French epidemiologist Renaud Piarroux. Genetic testing soon after established that the specific strain of cholera ravaging Haiti was nearly identical to the strain active in Nepal. Yet almost immediately, the UN launched efforts to control the narrative about where cholera had come from and who was ultimately responsible for its introduction.

Following the outbreak, global health organizations, including Doctors Without Borders and Partners in Health, two organizations with long histories in Haiti, launched a large-scale medical response to the epidemic. Clinics opened up all over the country to treat patients. But the well-coordinated efforts to contain the disease were vastly overshadowed and undercut by the United Nations’ immoral attempts to contain information about its origin. The organization violated both its own human rights commitments and standard protocol for responding to epidemics by deliberately seeking to mislead, misinform, and trivialize efforts to understand how cholera was introduced to Haiti. United Nations allies accused those interested in the disease’s origin of “playing the blame game” or worse yet, said detractors were indulging in anti-Nepalese xenophobia.

The most egregious strategy used to put distance between the Nepalese soldiers and the disease involved lying and distortion and destruction of evidence. Some of the UN’s red herrings included presenting investigators with an unsubstantiated report that backdated the outbreak to before the arrival of the Nepalese. One UN spokesman announced that the soldiers couldn’t be the source of the disease because “there hasn’t been a single positive test;” although when pressed about that claim, the official admitted that no medical tests came back positive because none of the soldiers had been tested at all. When the UN finally sent the sewage samples from the base to be tested in a laboratory, it sent them to a

weight-loss surgeon in the Dominican Republic with no previous experience testing for cholera. Those results came back negative, an outcome that cholera experts said was likely when samples were handled by inexperienced testers.

The UN and its allies also engaged in a subtle campaign to shape the narrative around the cholera epidemic in Haiti in a way that distracted attention from the MINUSTAH military base on the Meye River. Frequently, writers, media figures, and people in the medical establishment portrayed the outbreak as an inevitable outcome of the earthquake—despite the fact that cholera emerged nine months after the disaster and in a part of the country unaffected by the quake. Also ignored was that fact there is no scientific link between earthquakes and disease. This erroneous opinion was bolstered by leaders in the medical establishment, such as the director of National Institute of Allergy and Infectious Diseases at the National Institutes of Health (NIH), who opined that “the microbe was there somewhere in the water in Haiti. In situations where you have natural disasters like floods, hurricanes and earthquakes, if you don’t have the microbe lurking there, then you don’t get an outbreak.” NBC Nightly News anchor Brian Williams bemoaned that “it’s what all of us worried about when we arrived in Haiti just hours after the quake... Beyond the death toll, the inevitable spread of disease.” Some media coverage made the link explicit in posts with titles such as “The Quake That Brought Back Cholera.” More often, the context provided in reporting about the public health crisis implied a link; almost ritualistically, media outlets opened their stories on cholera in Haiti with a reference to the unrelated earthquake ten months before. “After a magnitude 7.0 earthquake rocked Haiti in January,” an October 2010 article in the *Scientific American* wrote, “many experts worried that devastating outbreaks of infectious diseases would soon invade the region.”

Another strategy was to redirect attention away from cholera’s origin by focusing on factors that contributed to the spread of the disease. In early 2011, the United Nations commissioned a report by independent disease and sanitation experts to investigate the outbreak which found that human activity had introduced a South Asian strain of *Vibrio cholerae* on the river next to the base. Yet in its conclusion, the report declared that the epidemic was ultimately due to a “confluence of circumstances” comprised of Haitian shortcomings like the “widespread use of the river water for washing,

bathing, drinking, and recreation”; “regular exposure of agricultural workers to irrigation water”; a “lack of immunity of the Haitian population to cholera”; and “poor water and sanitation conditions.” Unreported was the fact that all of these were activities that had persisted for centuries in Haiti without resulting in a cholera outbreak; Haitians were not immune to cholera because there had not been a documented case of the disease in the country in a century, if not ever. The report’s conclusion made no mention of the UN base or its irresponsible sanitation system, effectively resorting to victim-blaming to dilute the question of the disease’s origin.

UN officials have repeatedly used the report’s framing to exculpate themselves ever since, asserting that the report’s conclusion “does not present any conclusive scientific evidence linking the outbreak to the MINUSTAH peacekeepers or the Mirebalais camp” while arguing that “anyone carrying the relevant strain of the disease in the area could have introduced the bacteria into the river.” Just two years later, however, the original four authors would write that, in light of new genetic information, they had become confident that the Nepalese peacekeepers were the most likely source of the outbreak.

Inadequate sanitation infrastructure in Haiti was certainly the prerequisite condition for the spread of the disease. But that does not obviate the question of its introduction. Underneath the widespread reluctance to accept that the disease’s origin might be an ethical question—that those who sought answers were not playing a trivial “blame game”—lies an even more widely held view that suffering is the natural Haitian condition. The UN and its allies found it easy to reject that the disease’s origin could be an ethical issue because so many people consider Haitians dying of a curable disease to be the status quo. The fact that the disease in question was introduced through the negligent disposal of human waste by a foreign military force was incidental to this reality.

Taking Cholera to the Courts

A group of Haitians and human rights activists who believe the lives of Haitian cholera victims do matter are trying to take the United Nations to court to find justice for the victims and their families. A little more than a year after the epidemic began, Haitian

and American lawyers with Institute for Justice and Democracy in Haiti (IDJH) and Bureau des Avocats Internationaux (BAI) filed a claim with the UN, arguing that “overwhelming evidence has established that reckless disposal of human waste by a United Nations (UN) peacekeeping base in Mirebalais poisoned Haiti’s rivers with a particularly deadly strain of cholera bacteria and created the epidemic.” They demanded the installation of a national water and sanitation system, compensation for victims and their families, and a public apology from the organization.

But holding the United Nations accountable in a legal sense has proven difficult. The United Nations provides a roadmap for handling disputes. Broadly, the Convention on the Privileges and Immunities of the United Nations (CPIUN) states that while the organization enjoys com-

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plete legal immunity, it “shall provide for appropriate modes of settlement” of private legal claims brought against it. In the case of Haiti, the UN-Haiti Status of Forces Agreement (SOFA) that regulates MINUSTAH “provides that third-party claims for personal injury, illness or death that arise out of MINUSTAH’s operations in Haiti, which cannot be resolved informally, are to be heard and settled through a standing claims commission.” These documents stipulate a UN obligation to provide access to conflict resolution. Yet a year and three months after IDJH filed its claim, the organization announced that the claim was simply “not receivable” on the cryptic grounds that to do so would require “a review of political and policy matters.”

After this setback, the lawyers then filed a lawsuit in a U.S. federal court in New York City, where the United Nations headquarters is located. They argued that because the organization had refused to honor the Convention on the Privileges and Immunities stipulation to provide forms of settlement, it should not enjoy the legal immunity established in the same document.



A cholera clinic in the Haitian capital city of Port-au-Prince. CDC GLOBAL / CREATIVE COMMONS

Ultimately, the judge dismissed this argument, contending that violation of one aspect of the agreement did not annul another, and additionally that because the plaintiffs were individuals and not sovereign states, they did not have standing to raise the issue of the UN's violation of the Convention in a court of law. The lawyers appealed the verdict, but on August 18, 2016, the lower court's decision was upheld by the Second Circuit Court of Appeals. Should they decide to appeal again, the next court that would hear the case of the cholera victims in Haiti will be the Supreme Court of the United States.

But a new possibility for redress has emerged from an unlikely source: inside the UN itself. Concerned about its eroding credibility, officials in the highest ranks have begun to break with the organization's formal position of denial—a move that suggests discord from within about how the cholera crisis has been handled. In August 2016, two days before the Second Circuit Court released its decision, a deputy spokesman for Ban Ki Moon acknowledged in response to an email from journalist Katz that “over the past year, the UN has become convinced that it needs to do much more regarding its own involvement in the initial outbreak and the suffering of those affected by cholera” and that a “new response will be presented publicly within the next two months.” This email statement represented the

first time a UN official had publicly admitted a role in the crisis. A few days later, Ban gave a speech in Haiti affirming the organization's “moral responsibility” to the Haitian people. Five months later, in December 2016, Secretary-General Ban issued his apology, while also making a plea that UN member states provide financial support to those affected by the cholera epidemic.

Not everyone is satisfied with the apology—or interpreted it the same way. In short, the wording of the Secretary-General's statement allowed him to apologize and express regret for “our role” without giving any indication about what he thought that role, in fact, was. No doubt a strategy to continue to deflect legal claims, the wording cynically assumed that everyone already knew the facts of the case. Yet many listeners heard the spirit of regret and were satisfied. The executive director of IJDH, Brian Concannon, said that even though the wording of the apology was structured to further avoid direct responsibility, “The Haitians picked up that [Ban] really was sorry. And the sincerity was enough to trump the fact that [the apology] was limited.” If the United Nations and its member states follow through with the plan announced by the Secretary-General, that might be enough to bring an end to the legal battle. Beatrice Lindstrom, another lawyer on the case, said, “If the U.N. provides remedies to victims out of court, an appeal will be unnecessary.”

A Moral Debt?

To be sure, the language of apology and “moral responsibility” is slippery. It helps the United Nations escape the entrapment of its lies and denial while not accepting responsibility in any direct sense. It is an effort to recover some moral high ground through symbolism instead of action. Ban’s use of the phrase “moral responsibility” echoes French president Francois Hollande, who on a visit to Haiti in May 2015 said that France had incurred a “moral debt” to its former colony by perpetuating slavery, which France recognizes as a crime against humanity. But French officials clarified that a moral debt was not a financial one, dismissing Haitian appeals that France repay the 1825 indemnity, despite the fact that France took on a “moral debt” through the commodification of human beings. Hollande’s statement expressed a retrospective politics that framed the profound injustices of slavery as relics of a distant historical past that could be memorialized but that ultimately have no practical bearing on the present.

In echoing this strain of retrospective politics, the UN’s rhetorical strategy similarly transforms the question of the cholera epidemic’s outbreak into a question of history—that is, something that can be reckoned with symbolically but is disconnected from the present. But cholera in Haiti is *not* distant history; it is a full-blown epidemic that continues to claim lives and shapes the future of Haiti as a country. Unlike Hollande, the UN’s proposal for “material assistance” opens a door to a forward-thinking politics that actually seeks to produce a more just and healthy future for the people of Haiti. The organization did not use the terms “compensation”

or “reparations” because such language has built into it both an acceptance of wrongdoing and sense of legal obligation that the UN is careful to avoid. But if successful, the plan would accomplish the same thing.

Unfortunately, there is currently little reason to believe the UN’s plan to offer remedy to the people of Haiti will be successful. The UN has little money of its own. Financially strapped member states have proven reluctant to heed the Secretary-General’s call to finance a water and sanitation system in Haiti; they are even less willing to finance a plan to give money directly to victims’ families. Without their support, the UN’s effort to address the situation will remain purely symbolic. Perhaps the gesture towards a plan that lacks meaningful support is the organization’s way of passing off the burden of responsibility. The future of the UN’s new commitment also depends on the incoming Secretary-General, António Guterres, who took over leadership of the international organization at the beginning of 2017. Regardless, MINUSTAH will probably remain in Haiti. Any Haitian president could demand their departure, but every Haitian government since its arrival has become reliant upon the force to impose stability, prevent coups, and stay in power. This dependence also accounts for the government’s silence on the issue of justice for cholera victims.

But as has been seen time and again, a large part of epidemic’s controversy stems from the meaning of words and narratives. The UN and its allies fought hard with unethical strategies to promote a narrative in which justice was irrelevant to the question of Haitian deaths by cholera. According to this worldview, Haitian cholera causalities could not be political because they were ultimately the fault of the earthquake—or worse, of Haitians themselves. Ban’s apology, however carefully framed, concedes defeat on this front. It acknowledges that suffering is not the inherent Haitian condition. It affirms that Haitians have a human right to clean water and a standard of living adequate for health and that these rights had been violated. In this sense, the apology is significant even if financial redress never materializes. Haitian victims of cholera and their advocates forced the UN to acknowledge that their lives matter. **n**

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