

The United Nations' "Incomplete Apology" to Haiti

By [Kim Ives](#)

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United Nations Secretary General Ban Ki-Moon, who will step down at the end of this month, made his most explicit apology yet for the UN's role and responsibility in Haiti's cholera epidemic, the world's worst.

However, in his ballyhooed Dec. 1 address to the UN General Assembly, Ban stopped short of admitting that UN soldiers militarily occupying Haiti since 2004 introduced the deadly bacterial disease into the country in 2010.

"On behalf of the United Nations, I want to say very clearly: we apologize to the Haitian people," Ban said in the nugget of his long speech in French, English, and Kreyòl. "We simply did not do enough with regard to the cholera outbreak and its spread in Haiti. We are profoundly sorry for our role."

UN Special Rapporteur Philip Alston, whose scathing report last August put Ban on the hot seat, rightly dubbed it a "half-apology."

"He apologizes that the UN has not done more to eradicate cholera, but not for causing the disease in the first place," Alston told the *Guardian*.

The epidemic began in October 2010 when cholera-laced sewage from Nepalese UN soldiers' outhouses leaked into the headwaters of Haiti's most important river, the Artibonite. Within a year, it had spread throughout the country. To date, cholera has killed about 10,000 Haitians and sickened one million.

Ban's 11th hour "half-apology" comes after a relentless campaign of legal suits, popular protests, letter writing, condemnation by celebrities, and a withering torrent of critical press reports, books, and films.

The legal crusade began on Nov. 3, 2011 when lawyers with the Boston-based Institute for Justice and Democracy in Haiti (IJDH) filed a claim within the UN's internal grievance system to obtain compensation for Haiti's cholera victims, as well as a formal apology and the construction of modern water and sanitation systems. They were rebuffed in February 2013, a year and a half later, with a two page letter simply stating that the claims were "not receivable" because the UN enjoys legal immunity.

For the next three years, the IJDH, along with other legal teams, attempted to sue the UN in New York State courts, but in 2015 and 2016 decisions, both district and appeals courts upheld the UN's legal immunity, as argued by U.S. government attorneys. (The UN never deigned to appear.)

But as lawyer Brian Concannon, Jr., the IJDH's executive director, noted: "Every time they had a victory in court supporting their supposed legal immunity, it turned into a public relations disaster due to the negative press coverage and its amplification by social media."

As Special Rapporteur Alston remarked, the UN was employing a "stonewalling" strategy and "double standard" which "undermines both the UN's overall credibility and the integrity of the Office of the Secretary-General."

It is true that the United Nations Mission to Stabilize Haiti (MINUSTAH) troops "did not do enough" to stop cholera's spread from the central Artibonite Valley where it emerged. As a veteran cholera-fighting Cuban doctor told *Haiti Liberté* when the epidemic began in October 2010: "They are doing exactly the wrong thing" by admitting cholera patients into general hospitals and clinics and not sealing off the outbreak area.

Ban's carefully worded apology, similar to his 2014 tour of Haiti with statements citing the UN's "moral duty" to fight cholera, seek to repair the UN's tattered credibility and Ban's pock-marked legacy, while avoiding any true legal liability and obligations.

"We now recognize that we had a role in this but to go to the extent of taking full responsibility for all is a step that would not be possible for us to take," said Deputy Secretary-General Jan Eliasson.

To sweeten the deal, Ban promised (although he won't be around) that the UN would try to raise "around \$400 million over two years" to support efforts like a cholera vaccination campaign (which Haitian biologist/journalist Dady Chery condemns as "useless") as well as "improvements in people's access to care and treatment when sick, while also addressing the longer-term issues of water, sanitation, and health systems." This latter step is the only way to stop the spread of cholera.

The UN's previous anti-cholera fund drives have been singularly unsuccessful, raising only 18% of a \$2.1 billion "Cholera Elimination" plan proposed for 2013-2022. As Concannon told a Dec. 2 conference call, "as hard as we fought to get those promises made, we're going to have to fight even harder to get those promises fulfilled."

"For six years, the UN has been saying it doesn't have the money," Concannon continued. "We've been saying that they've been spending between \$800 million to \$400 million a year for over 12 years for a 'peacekeeping mission' in a country which has not had a war in my lifetime... Since the cholera epidemic started, the MINUSTAH has spent over \$4 billion, and we think that's a powerful argument to make when the UN says it doesn't have money for a cholera epidemic which they started, while they have plenty of money for a 'grave threat against international peace' which never existed."

Indeed, it remains to be seen if the UN will use its new cholera-fighting promises to prolong the mandate of the highly unpopular MINUSTAH, which was originally proposed to deploy only six months in 2004. Its latest six-month extension expires in April 2017, before which the mission will undergo a "strategic assessment," Ban said in August.

In conjunction with his Dec. 1 address, Ban released a Nov. 25 report to the General Assembly entitled "*A new approach to cholera in Haiti*." In it, he referred to a 2013 UN-commissioned medical panel's report which stated that "the exact source of introduction of cholera into Haiti will never be known with scientific certainty," however, "the

preponderance of the evidence and the weight of the circumstantial evidence does lead to the conclusion that personnel associated with the Mirebalais MINUSTAH facility were the most likely source.” This is the closest Ban ever came to an actual admission of guilt for an epidemic whose source “will never be known with scientific certainty.”

“We’re moving forward but we’re not finished,” said Jean-Charles August, a teacher from Petit-Goâve, who is one of the cholera victims represented by IJDH and its sister International Lawyers Bureau (BAI) in Haiti. “We want eradication and compensation.”

“This is more of a beginning than an end in terms of our fight,” Concannon told the conference call of lawyers, activists, and journalists. In the weeks and months ahead, the IJDH, along with the Haitian government and others, will be in negotiations with the UN for exactly how “eradication and compensation” should come about. The current Haitian UN ambassador, Jean Wesley Cazeau, applauded Ban’s “radical change of attitude” and looked forward to concrete results.

As a Dec. 5 *New York Daily News* editorial summed up the situation: “Up next, and urgently: a practical reckoning to undo the damage done.”

In short, only time will tell if Ban’s parting gesture reflects a genuine commitment within the UN to compensate the Haitian people and eradicate cholera, or was simply a head-feint to continue the UN’s shameful record over the last 70 year, from Korea to Afghanistan to Haiti, of leaving death and destruction in countries it invades (at Washington’s behest) to supposedly help.

Kim Ives is the English language editor of the weekly newspaper Haïti Liberté.

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