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## **UN peacekeeping mission to Haiti leaves controversial legacy**

UN military peacekeepers are withdrawing from Haiti after 13 years. The mission (known as MINUSTAH) has been marred by controversy involving allegations of sexual abuse and human rights violations. Operations began in 2004 when widespread violence forced then President Aristide from power. While the mission is credited with stabilizing the country, particularly in the aftermath of the 2010 earthquake, there has been much criticism of the use of force in the restoration of law and order. However, its most controversial legacy relates to the disastrous outbreak of cholera.

When the UN was blamed for the outbreak of cholera in 2010, it looked like a deliberate attempt to discredit the mission in Haiti. It is now estimated that around ten thousand Haitians have died and over a million have been infected as a result of the outbreak. Cholera is a deadly disease and proved a major cause of mortality during the famine in Ireland. International experts later blamed the UN for introducing the disease to Haiti but these experts were initially ignored.

The UN has now accepted some responsibility for the outbreak and established a trust fund but this does not go anything near far enough. In 2011 a claim for compensation was lodged with the UN on behalf of a large number of victims of the cholera outbreak. The UN rejected the claim. The UN Secretary General expressed his profound sympathy for the terrible suffering caused by the cholera epidemic and called on all partners in Haiti and the international community to work together to ensure better health for the people of Haiti. This was disingenuous given the role of the UN in what its own report referred to as an 'explosive outbreak'.

Evidence was overwhelming that Nepalese soldiers part of the UN peacekeeping mission in Haiti, infected the local water supply. Although Haiti had been ravaged by natural disasters from earthquakes to hurricanes, cholera was not present there prior to the outbreak in 2010.

Not surprisingly, the consequences for Haiti and its impoverished population were devastating. A fundamental tenet of humanitarian operations, the 'Do No Harm' principle was breached, bringing death and illness to the people. The outbreak also hampered a huge relief effort underway as resources and time were spent controlling the spread of cholera and responding to the epidemic. This in turn, delayed the recovery of Haiti from the earthquake.

A UN commissioned Final Report of the Independent Panel of Experts on the Cholera Outbreak in Haiti found the evidence overwhelmingly supported the conclusion that the source of the Haiti cholera outbreak was due to contamination of a river tributary adjacent to the Nepalese UN peacekeepers camp. The pathogenic strain was of current South Asian type, the same as that prevalent among Nepalese peacekeepers and occurred as a result of

human activity. Further scientific evidence, including that of the eminent US cholera specialist and member of the Panel of Experts, indicated more conclusively that the source of the outbreak was most likely the Nepalese peacekeepers.

Although inadequate sanitation was a major factor, the Panel of Experts called for future screening and treatment of those selected for duty prior to departure and proper human waste disposal at UN installations.

The UN defended its role in trying to contain the spread of cholera, saying it has worked closely with Haitians to provide treatment, improve water and sanitation facilities and strengthen prevention and early warning. The leaked report from a UN special advisor at the time demonstrated that the UN response was wholly inadequate. If this had been another country and the victims were American or European, there would have been an international outcry.

The UN tried to hide behind international conventions and to deny responsibility. A special Claims Commission intended to hear civil claims arising out of actions of the UN force, or its members, was never established.

Realising the legal protection available to the UN in the ordinary courts, an NGO representing Haitian victims attempted to get around this obstacle by filing a claim with the UN itself. The response of the UN Office of Legal Affairs to date was immoral and seriously damaging to the UN itself.

The mission was also controversial because of allegations of sexual abuse and the use of excessive force by peacekeepers in attempting to restore law and order in the favelas of Port au Prince. The failure to respond in a more constructive and contrite manner to the cholera outbreak has discredited the work of the UN as a whole. For the organization charged with promoting and defending human rights worldwide, such behaviour smacks of double standards and hypocrisy. The case has profound implications for the UN and its activities, but it should never have come to this. Although the law protects the UN, for good reason in most cases, it does not grant immunity from responsibility or moral obligation. The case raises serious questions regarding the accountability of the UN and its senior staff that needs to be addressed before harm is again inflicted on other innocent parties and the organization's reputation further tarnished.

*Prof. Ray Murphy, Irish Centre for Human Rights, School of Law, NUI Galway.*