

Congress of the United States
Washington, DC 20515

October 6, 2022

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington D.C. 20500

Dear President Biden,

It is more than one year since the July 7, 2021, assassination of Haitian President Jovenel Moïse, and the situation in Haiti continues to worsen. We are writing to express our concern about the lack of progress in establishing a Haitian government that is consistent with the Haitian constitution and has the backing of the Haitian people, and to propose several steps that the U.S. government can take to clear the way for the Haitian people to end the current impasse and realize their democratic aspirations. There is no time for delay.

Since July 20, 2021, Haiti has been led by de facto Prime Minister Dr. Ariel Henry, who assumed this position following a power struggle with then-Prime Minister Claude Joseph. On July 5, 2021, just two days before Moïse's assassination, Moïse selected Henry as Haiti's next Prime Minister. Moïse, Joseph, and Henry have all been closely affiliated with the Parti Haïtien Tèt Kale (PHTK) political party. Henry has no constitutional or popular mandate; parliamentary elections have not been held since 2016 and the Haitian Parliament was dissolved in 2020; and the judiciary is in shambles, in no small part due to political meddling.¹ In the past year, Haiti's security and humanitarian situations have also spiraled downward. Criminal gangs effectively control the ports and half of Haiti. They have close ties to the political classes and the economic elite,² and engage freely in kidnapping and sexual- and gender-based violence.³ These gangs prevent the distribution of humanitarian assistance, including to the more than five million Haitians (half of Haiti's population) who require food assistance.⁴

None of these weighty issues can be addressed effectively in isolation. Neither free and fair elections, nor effective delivery of humanitarian assistance, are possible until the violence is quelled. Yet the Haitian police conspire with the gangs, and past U.S. efforts to build a professional, accountable police force have failed. The violence can only be quelled by Haitian authorities acting consistently with the rule of law through impartial judicial processes. While there clearly is no easy solution to the current impasse, a large cross-section of Haitian civil

¹ U.S. Department of State, 2021 Country Reports on Human Rights Practices: Haiti, <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/haiti/>.

² U.S. Institute of Peace (USIP), *How to Break the Stalemate in Haiti*, (June 9, 2022), <https://www.usip.org/publications/2022/06/how-break-stalemate-haiti>.

³ Haiti Country Report (note 1).

⁴ Renata Segura, *Haiti's State of Paralysis: How to Break the Deadly Relationship Between Politics and Crime*, Foreign Affairs (Apr. 20, 2022), <https://www.foreignaffairs.com/articles/haiti/2022-04-20/haitis-state-paralysis>.

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society organizations and political parties have come together in unprecedented fashion to create the Montana Accord, which proposes a transition period that will ultimately result in elections.⁵

A number of factors have led many Haitians to believe that Henry has no interest in leading Haiti closer to democracy and stability. These include but are not limited to a history of the PHTK using gangs as a tool of repression, which many believe has continued under Henry, and Henry's utter failure to exert control over worsening gang violence;⁶ the PHTK's rigorous elimination of any independent oversight;⁷ Henry's unwillingness to engage meaningfully with representatives of the Montana Accord;⁸ and Henry's potential implication in Moïse's murder.⁹ Moreover, having experienced decades of U.S. meddling in Haiti's internal affairs, and having noticed the lack of any meaningful U.S. government criticism of Henry, many Haitians believe the United States is actively sustaining Henry in power and regards him as indispensable to Haiti's future.¹⁰ This perception was reinforced as recently as June 2022 when President Biden welcomed Henry to the Summit of the Americas while excluding the leaders of Venezuela, Nicaragua, and Cuba in light of their "undemocratic" status – an irony that was not lost on Haiti-watchers.¹¹ Haitians feel they have been abandoned from within and without.

While some, but not all, observers perceive small, positive changes in U.S. government messaging on Haiti, such as in Assistant Secretary of State for Western Hemisphere Affairs Brian A. Nichols' op-ed in the Miami Herald in June,¹² our actions and words must go much further.

First, the United States must meaningfully include the leaders of Haitian-led mechanisms such as the Montana Accord in ongoing discourse about Haitian security and governance. Although a series of high-level meetings between the U.S. Executive Branch and representatives of the Montana Accord have taken place, they have failed to send a clear signal that the United States does not consider Henry the sole path through which any Haitian-led solution must flow. The

⁵ USIP report (note 2).

⁶ Catherine Porter and Natalie Kitroeff, 'It's Terror': In Haiti, Gangs Gain Power as Security Vacuum Grows, New York Times (Oct. 27, 2021), <https://www.nytimes.com/2021/10/21/world/americas/haiti-gangs-kidnapping.html>.

⁷ Haiti Country Report (note 1).

⁸ Georges A. Fauriol, *Haiti: Betting on the Montana Accord*, Center for Strategic & International Studies (Feb. 18, 2022), <https://www.csis.org/analysis/haiti-betting-montana-accord>.

⁹ Matt Rivers et al, *Haitian Prime Minister Involved in Planning the President's Assassination, Says Judge Who Oversaw Case*, CNN (Feb. 8, 2022), <https://www.cnn.com/2022/02/08/americas/haiti-assassination-investigation-prime-minister-intl-cmd-latam/index.html>.

¹⁰ Editorial Board, *A Year after its President's Assassination, Haiti is in Turmoil*, Wash. Post (July 7, 2022), <https://www.washingtonpost.com/opinions/2022/07/07/jovenel-moise-haiti-assassination-anniversary-turmoil/>; Press Release, House Haiti Caucus, Pressley, House Haiti Caucus Mark One Year Anniversary of the Assassination of President Jovenel Moïse (July 7, 2022), <https://pressley.house.gov/media/press-releases/pressley-house-haiti-caucus-mark-one-year-anniversary-assassination-president>.

¹¹ Jake Johnston, *De Facto Haitian Government's Invitation to Americas Summit Reveals US Double Standards*, Center for Economic and Policy Research (June 5, 2022), <https://cepr.net/de-facto-haitian-governments-invitation-to-americas-summit-reveals-us-double-standards/>.

¹² Brian A. Nichols, *A Year after Moïse's Assassination, U.S., Partners are Coming to Haiti's Aid*, Miami Herald (July 6, 2022).

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United States must take into account the voice of the Haitian people, including through groups such as the Montana Accord, even if Henry will not do so.

Additionally, when U.S. officials meet with Henry and others in the PHTK party, they should avoid public messaging that might support the narrative that the United States is backing him, for instance, by issuing glowing tweets, photos, or statements surrounding the meetings. The United States must lend its support for legitimate efforts to create a transitional Haitian government that respects the will of the Haitian people, and should make it clear to Henry that it will not support him as he blocks progress.

Given the extreme physical security risks and dire humanitarian situation in the country, the United States should immediately suspend all removals and refrain from returning migrants to Haiti against their will.

To give each of these lines of effort the sustained attention it requires, the United States should appoint another Special Envoy for Haiti. In the immediate aftermath of Moïse's assassination in July 2021, the Department recognized the importance of this role by appointing a career member of the Senior Foreign Service, Daniel Foote, as Special Envoy. However, since Ambassador Foote's resignation in September 2021, the position has remained unfilled. We need to utilize every tool we have to address the deteriorating situation in Haiti.

We are encouraged by Haiti's inclusion as one of the five pilot partners under the Global Fragility Act of 2019,¹³ through which the United States will implement a 10-year comprehensive plan to stabilize Haiti by addressing the long-term causes of fragility and violence. The implementation strategy for the Global Fragility Act focuses on locally driven solutions and inclusive political processes in the partner countries.¹⁴ In announcing the implementation strategy, President Biden recognized the need to "humbly apply[] the costly and painful lessons from the past, and transform[] the way we work with each other."¹⁵

To this end, it is imperative that the Administration take sufficient time to consult with a broad range of local stakeholders in Haiti before submitting a 10-year plan. These discussions should ensure maximum accessibility in terms of both language and attendance, recognizing the challenges of limited internet access, unreliable electricity, and safety concerns. The United States must incorporate into the 10-year plan Haitian perspectives on substantive outcomes and working methods expressed during these consultations, to avoid the perception that the United States will impose its own preferred processes and outcomes on the Haitian people. We look forward to working with you on the planning and implementation of the 10-year plan.

¹³ Press Release, The White House, Addressing the Collective Challenges of our Time: Implementing the U.S. Strategy to Prevent Conflict and Promote Stability (Apr. 1, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/01/addressing-the-collective-challenges-of-our-time-implementing-the-u-s-strategy-to-prevent-conflict-and-promote-stability/>; Global Fragility Act of 2019, P.L. 116-94 (2019).

¹⁴ U.S. Department of State, United States Strategy to Prevent Conflict and Promote Stability (Apr. 1, 2022), <https://www.state.gov/united-states-strategy-to-prevent-conflict-and-promote-stability/>.


¹⁵ The White House, Letter from the President on the Implementation of the Global Fragility Act (Apr. 1, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/01/letter-from-the-president-on-the-implementation-of-the-global-fragility-act/>.

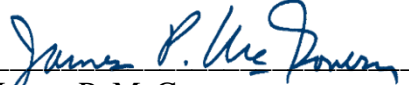
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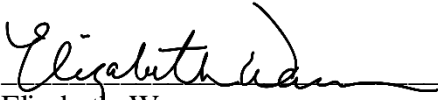
Finally, we look forward to reviewing the 180-day report required in the Haiti Act,¹⁶ which was due on September 12, 2022. The report is required to include a strategy for addressing the protection of human rights and anticorruption efforts, promoting freedom of the press and freedom of assembly as well as the protection of journalists, and prioritizing post-earthquake, post-hurricane, and post-COVID recovery and development. We encourage the Administration to utilize this required report as an important precursor to the 10-year plan but not to rush either process.

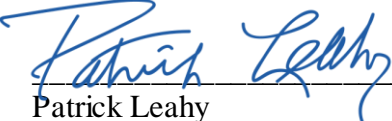
The Haitian people desire and deserve stability and democracy for Haiti. Starting with the limited efforts we are proposing, which keep the Haitian people firmly at the helm, the United States can make clear that it approaches its role with humility and respect for the democratic aspirations of the Haitian people.


Sincerely,



Edward J. Markey
United States Senator



James P. McGovern
Member of Congress



Elizabeth Warren
United States Senator



Patrick Leahy
United States Senator



Bernard Sanders
United States Senator


Ayanna S. Pressley
Member of Congress


Stacey E. Plaskett
Member of Congress

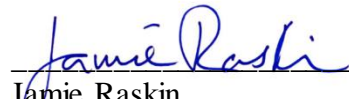

William R. Keating
Member of Congress


Terri A. Sewell
Member of Congress



Maxine Waters
Member of Congress

¹⁶ The Haiti Act, P.L. 117-103, Division V, Section 107 (2022).

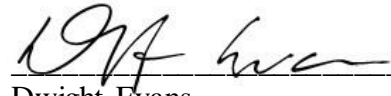
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Jamie Raskin
Member of Congress



Rashida Tlaib
Member of Congress



Dwight Evans
Member of Congress

cc:
The Honorable Antony Blinken
Secretary of State, U.S. Department of State

The Honorable Samantha Power
Administrator, U.S. Agency for International Development