

NEXT STEPS FOR U.S. POLICY TOWARD HAITI

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Now that the politics of Florida elections are behind us, the United States and the international community need to attend to Haiti. The uproar over the recent arrival of a boatload of 211 Haitians in South Florida and their treatment in asylum proceedings is an indicator of failed U.S. policies toward Haiti. This small Haitian exodus is also a clear warning that Haiti itself is on the brink of collapse. Asylum proceedings, fair or otherwise, cannot cushion or turn around this impending crisis.

No one, of course, is surprised by the glaring unequal treatment of asylum-seekers from Haiti and Cuba. The policy debate on this unequal treatment has occurred within each administration since the 1966 Cuban Adjustment Act gave special status to Cuban arrivals. Although the Clinton Administration made some progress in holding Cuban arrivals to the same legal requirements as others, without an overall change of policy toward Cuba it is unlikely that the imbalance will change.

Haitians, for the most part, are treated nearly the same as others seeking asylum – at least until December 3, 2001 when a boatload of 167 Haitians arrived in South Florida. At that time, the Bush Administration decided to attempt to deter Haitian boat arrivals by detaining those who arrived by sea. Other asylum-seekers, even other Haitians arriving by air, are routinely released. The Administration has still not explained satisfactorily the reasons for its shift in detention practices, and although the Immigration and Naturalization Service (INS) has the discretion to make such shifts, the effort to deter future boat flows – as the recent arrivals show – was doomed from the outset.

The controversies over asylum policies and practices, however, obscure and threaten to distract attention from two more fundamental errors in U.S. policy toward Haiti. First, ironically, the Administration is failing to increase the security in South Florida that its shift in detention practices promised. The Haitian boats interdicted last fall and, especially, the one that made it to the coast in December 2001 alarmed U.S. security planners in a way that has not yet been fully appreciated. Homeland Security, as envisioned by many after 9/11, is a joke if a boatload of migrants, in an unsophisticated vessel, can simply sail up the Miami River without detection. The problem, of course, is not with the migrants per se, and no one seriously believes that impoverished Haitians represent a security threat. It is the boat, and how a similar boat could be used to deliver weapons, that horrify security planners.

Yet, the security problem runs much deeper. A Haitian boatlift that evolved into a large, mass emergency would substantially undermine homeland security preparedness. The mass migration emergency plan for the Florida Straits relies on using the Guantanamo Naval Base in Cuba as the holding center for large numbers of interdicted migrants. From there, U.S. officials would provide the necessary screening, interviewing, temporary lodging, and planned return under conditions required by international law and national immigration policy. Guantanamo, however, is no longer available to serve that role. As the new military prison for Al-Qaeda members, Guantanamo is full, if not literally, certainly in logistical terms, and is off-limits to other civilian populations. A mass migration emergency would severely jeopardize the government's ability to maintain the base's existing level of security, as well as its ability to respond appropriately to the international attention that comes with a humanitarian crisis.

Currently, there are no alternatives to Guantanamo. The search for regional partners to assist during an emergency remains a policy wish rather than a negotiated plan. The consequence is that a mass boatlift in the Florida Straits today, besides damaging political futures in Florida, would set off an emergency plan on the U.S. mainland that would consume the same military and law enforcement resources that are currently aligned, and stretched, to protect homeland security. During the 1994 Haitian migration emergency, for example, the United States diverted 17 Coast Guard cutters for a combined 6,000 cutter days, 5 Navy ships, and 9 aircraft to perform interdiction, rescue, and transport. In another emergency, the choice would be between keeping Coast Guard and Naval resources at work inspecting thousands of cargo ships for terrorist threats, or rescuing hundreds of tiny boats and ferrying thousands of people to shore.

Second, the Bush Administration's policy toward Haiti is counterproductive both in terms of taking risks with homeland security and pre-empting a humanitarian crisis. The Administration's policy toward Haiti rests somewhere in-between a straightforward effort to replace President Aristide at all costs as opposed to his replacement with fewer costs. Its position stands in contrast to the views of former Administrations, the Congressional Black Caucus, and others who argue for a strategy of engagement. These opponents recognize that Haiti may well fail as a state long before it meets all the requirements that the U.S., the OAS, and others have set.

The Administration's policy squeezes the Haitian people, fuels political confrontation within the country, and restrains prospects for economic growth and stability. It leaves many Haitians looking increasingly toward reaching the United States as their only way to escape the pressure. The televised picture of the young Haitian girl in her white church dress being lowered, carefully, into the water off Key Biscayne, was an amazingly respectful request for assistance. If aid cannot be delivered in Haiti, where can it be?

In the immediate post-election pause in domestic politics, perhaps an opportunity exists to take several steps toward an alternative strategy for Haiti. The next steps should include the following:

- a) The U.S. has been granting asylum to limited numbers of Haitian arrivals for some time, which is a decision by trained officers that testifies to the realities of fears of persecution. Rather than running a humanitarian program that makes people risk their lives at sea, the United States should open refugee processing inside Haiti, allowing screening to occur with sufficient safety and protection. The INS should reverse its decision not to release a substantive summary of the successful asylum claims and offer them instead as a way to understand the narrow and confined nature of incidents in Haiti. Greater attention to conditions in Haiti would help establish the rationale for in-country processing and prevent it from becoming disruptive.
- b) Asylum practices are designed to provide a fair, legal way of adjudicating claims to persecution and should not be tampered with to send signals or otherwise influence broader aims of foreign policy. The Administration should reverse its decision last winter to detain Haitian arrivals. If the risk of death at sea does not deter someone from the boat trip, time in detention facilities is unlikely to sway others' decisions. Rather, the value of the asylum system is that it offers a humanitarian response in all situations, not just those in which the U.S. government does or does not support the government in power in the sending country. Properly administered asylum practices prevent foreign governments from trying to use boatlifts to gain advantage from the United States.
- c) If it has not already done so behind the scenes, the U.S. should immediately establish an alternate mass migration emergency plan that does not require use of Guantanamo. Only if such an alternative exists will the pressure to prevent at all costs a boatlift from Haiti subside. Security concerns in the ports of South Florida will also not be satisfied by detention of relatively few, desperate boat people. The United States needs to construct a clear, regional response to mass migration that does not put all the pressure on suppressing a humanitarian flow.
- d) The international community needs to take leadership on Haitian policy back from a stalemated U.S. position. The case for international involvement rests upon recognition that a failing Haitian state is already creating a humanitarian crisis, that its weakness is allowing drug cartels and other syndicates a strong foothold close to the United States, and that the policies of the United States themselves are causing greater problems. Aid funds should be released, but carefully structured and closely monitored. Assistance should resume – and be sustained – to Haitian public institutions, including the National Police, so they can better address Haiti's humanitarian, economic and security needs. Aid must be conditioned on the attainment of measurable results, however, that all parties agree to at the onset of funding. Violations of the nature that have been documented in asylum cases should be investigated, publicized, and resolved.
- e) The Administration and Congress must find some common ground to begin to engage in Haiti constructively. The current stalemate in U.S. policy between an aggressive anti-Aristide policy and a reform policy resembles guerilla warfare, with private

groups, mid-level agencies, and self-proclaimed leaders, dominating the public debate. Luigi Einaudi, the Assistant Secretary General of the OAS, recently expressed frustration over the character of this current debate. At a recent meeting here at Trinity College, he said that he was “disturbed by the extent to which Haitian national concerns are currently being sacrificed to narrow personal and group concerns.” He urged “all involved ... to find ways to work together in dignity” to help build a Haitian state “that can encourage development and the rule of law.”

- f) The OAS should call an immediate conference to examine the various strategies on Haiti and especially their mounting consequences. Participants from the international community should include those who have interests and institutional obligations in humanitarian protection, such as the UN High Commissioner for Refugees. The conference should also focus on how to bring Haiti within the hemispheric vision that governments agreed to at the Quebec Summit. For that to happen, Haiti must be given an opportunity and a realistic path through which to participate in the regional community. The Haitian diaspora, so closely tied to the persistent, long-term problems in Haiti, whether they left yesterday or twenty years ago, offers a largely underutilized resource to help in development planning and action. U.S. policies and practices that provide opportunities for engagement could harness productively the clear passions and considerable assets of the Haitian community in the United States.

President Aristide is recognized by the OAS and its members as Haiti’s legitimate leader, and realistic alternatives simply are not present. Many doubt that new elections, regardless of the winner, will even have much of an impact on the immediate future. Leadership in Haiti is full of shortcomings, is undoubtedly as much a source of the problems as part of the solutions, and must be accountable to the dismal circumstances of its own people. Still, U.S. policies are simply providing the fuel that accelerates its failures and expands the consequences.

Haitian boats landing on the South Florida shores demonstrate one clear point: the problem belongs at the feet of the United States. Remedies will certainly require the Haitian people to carry the heaviest load. But our policy should be to continue, as difficult as it is, to provide the machinery to lift that load and not simply to shift it to the backs of innocents.

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