

Latin America and the Caribbean: Colombia and Haiti, Regional Light and Shade

América Latina y el Caribe: Colombia y Haití, claroscuro regional

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Abstract

The article reviews Mexico's role within the Security Council as related to the Haitian and Colombian files. In both cases, the text describes how Mexico became a co-penholder of the Council's resolutions on those two countries and the negotiation process of the drafts. The article observes the contrast between a favorable outlook in the Colombian case where the peace process between the Government and the FARC is solidifying and the uncertainties regarding Haiti's future in a scenario of increasing violence and political instability despite the Council's actions.



Resumen

En este artículo, se examinan las acciones desplegadas por México al interior del Consejo de Seguridad en lo relativo a los casos de Haití y Colombia. En ambos casos se describen cómo se asumió el papel de coautor de las resoluciones del Consejo sobre esos países y el proceso de negociación de los textos. Se observa la situación contrastante frente a un panorama optimista en el caso de Colombia al consolidarse el proceso de paz entre el Gobierno y las FARC y el incierto futuro de Haití frente a un escenario de creciente violencia e inestabilidad política pese a las acciones del Consejo.



Keywords

Colombia, Haiti, Colombian peace process, sanctions, co-penholdership, Mexico, Latin America, Caribbean



Palabras clave

Colombia, Haití, proceso de paz en Colombia, sanciones, coautoría, México, América Latina, Caribe

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For Mexico, the issues of Latin America and the Caribbean on the Security Council agenda were priorities in the 2021-2022 period. The situation in Haiti and monitoring of the peace process in Colombia represented the principle areas of attention. In both cases, Mexico sought and successfully assumed the role of co-penholder of the draft resolutions and communications agreed upon by the Council. Mexico assumed this leadership position as part of its commitment to the region, bearing in mind the value of the endorsement given by the Latin American and Caribbean Group (GRULAC) to its candidacy to the Security Council.

The situation in the two countries offered striking contrasts. In the case of Colombia the course of progress with the Final Peace Agreement and indeed the emergence of a new negotiation process with the National Liberation Army (ELN) was observed with satisfaction. Meanwhile, in Haiti an already delicate situation due to the lack of political agreements collapsed into a crisis marked by the assassination of President Jovenel Moïse and the escalation in violence by the gangs that control most of Port-au-Prince.

Within the Council, these two issues were also approached in different ways. While in the case of Colombia the way the discussions were handled highlighted the importance of having consensus, in the Haitian case a difficult balance had to be observed due to China's repeated abstentions from the draft resolutions concerning the United Nations Integrated Office

in Haiti (BINUH). Another element that characterized Mexico's two-year term as president was the relationship with the co-penholder countries. In the case of Haiti, the collaboration with the United States was very good due to the degree of understanding between the two delegations and their capitals. On the other hand, with the United Kingdom the panorama was more complex when it came to the issue of Colombia under the Government of President Iván Duque, marked by differences regarding the level of Mexico's involvement in the preparation of the draft resolutions.

Haiti

Haiti's presence on the Security Council agenda dates back several decades. In recent years and after having previously implemented the elements of a peacekeeping operation, MINUSTAH, the Council decided to commence a transition process to bring the mandate of this mission to a conclusion, giving way initially to a special political mission, MINUJUSTH, focused on supporting the justice components of the Haitian Government and strengthening of the rule of law.

Under the premise that Haiti's needs predominantly reflected economic and social issues, but also with a view to reducing the foreign presence and, consequently, the economic burden for the U.N. and its funders, it was decided to create the BINUH. The guiding idea was to exercise good offices in the political area, in particular, in supporting the organization of elections and acting in coordination with the U.N. Country Team, that is, the agencies of the U.N. System that operate in Haiti, regardless of the mandate generated by the Council. The history of the U.N. in Haiti, including the crisis arising from the cholera outbreak caused by personnel from the peacekeeping mission, had demonstrated the serious problem of a lack of coordination between agencies, not to mention the multiple projects undertaken by NGOs and cooperation agencies from other countries.

Since October 2020, Mexico observed a complex dynamic in which China voted to abstain on the resolution that renewed the BINUH's mandate for one year, while the Dominican Republic also abstained, mainly due to the dynamics of the bilateral relationship with its neighboring country. Upon joining the Security Council in January 2021, Mexico set its

first objective as becoming a co-penholder for the Council's resolutions and documents on Haiti. This intention had been communicated since its election in mid-2020, however, the United States, the country in charge of drafting the texts, was not very receptive to the idea. Prior to the first session on Haiti, still held in virtual format due to the limitations imposed by the pandemic, Mexico decided to circulate a draft press release in which a joint vision of the Council would be expressed. In response, several of the elected members expressed their support for the Mexican initiative. For its part, the United States was somewhat surprised, but acknowledged that the content of the Mexican text was adequate. However, in the private consultation session in which the text was to be agreed upon, the decision was postponed.

In dialogue with the U.S. mission, it was agreed to focus efforts on issuing a statement from the presidency of the Security Council, a document of greater importance and a format the Council had not used since 2017. Mexico proposed substantive elements of the text that was circulated by the United States and which, after negotiation among the membership, was formally adopted. With this adoption, Mexico was recognized as co-penholder of the Haitian texts, which entailed not only drafting work, but also coordination with the secretariat and the presidencies in turn of the Council for the participation of representatives of civil society, informal information sessions with other Council members and contacts with BINUH staff. In this task, Mexico also added a new dimension to the antagonistic impasse between the United States and China over the Haitian issue, which reflected other geopolitical dynamics as it was a space in which China could take a certain degree of retaliation in the area of American influence *vis-à-vis* U.S. actions in the Pacific region. At all times, Mexico made it clear that it did not intend to act as an intermediary between Washington and Beijing, but rather to look after the interests of Haitians, who in many cases have been forced to leave their country, some of them through Mexico, with the goal of crossing into the United States

Prior to July 2021, the main point of discussion regarding Haiti revolved around President Jovenel Moïse's initiative to call a referendum on a new constitutional text, which would seek to speed up the Haitian political process by eliminating second rounds and establishing a single-chamber legislature. The project was questioned by opposition sectors

who saw the measure as an attempt by Moïse to consolidate his power. The influential Haitian diaspora in Florida was particularly vocal in its opposition to the project. BINUH, in accordance with its mandate, supported the process and worked on providing voter credentials and training the personnel who would organize the elections. The Security Council emphasized the need to hold presidential and legislative elections before the end of the year.

In the early morning of July 7, 2021, the dynamic was transformed with the assassination of President Moïse. In response, Mexico and the United States proposed a statement from the Security Council expressing their strongest condemnation. All actors were called upon to avoid actions that worsened the chaos and for those responsible to be brought to justice. The day before, Ariel Henry had been appointed as prime minister. His appointment did not receive the approval of the Haitian parliament, given that the deputies' terms had ended the previous year. A month later, on August 14, a magnitude 7.2 earthquake hit southern Haiti. The level of damage and human losses highlighted the serious humanitarian situation in Haiti, although the number of deaths was lower than in 2009. On top of the earthquake came the tropical storm *Grace*, worsening the Haitian crisis.

Mexico, drawing on its long history of cooperation in cases of natural disasters, contributed effectively with the shipment of supplies, particularly medical supplies. On the part of the United Nations, greater attention was also paid to the case of Haiti, including visits to Port-au-Prince by the Deputy Secretary-General and senior officials of the Office for the Coordination of Humanitarian Affairs (OCHA).

As the deadline for BINUH's mandate approached in October 2021, it was up to Mexico and the United States to prepare the draft resolution to renew the mandate of the United Nations mission. The draft circulated to the members of the Council proposed a renewal in the original terms, however China insisted that the Mission's closure should be considered within a horizon of six months. The result of the negotiations was an agreement to ask the secretariat to evaluate BINUH, without prejudging its result. After China threatened to veto the Mexico-United States project and present an alternative text, it was agreed to renew BINUH for a period of nine months. As a result, the Security Council was able to approve resolution

2600 (2021) unanimously. For the first time since 2017, the members of the Council spoke with one voice.

With the arrival of 2022, while the Security Council awaited an evaluation by an independent consultant appointed by the Secretary-General, reports of worsening gang-related violence in Port-au-Prince increased, impacting humanitarian aid in the rest of the country and hindering the actions of the various United Nations offices present in Haiti. As the year progressed, with no signs of progress among Haitian political actors, and with acts of violence by gangs increasing, the expected evaluation of the BINUH did not provide further answers regarding the steps that would have to be taken in order to make the United Nations mission in Haiti more effective. However, by then the change in attitude on the part of China was noticeable, which went from demanding the closure of the Security Council-mandated mission to saying its presence in Haiti should be strengthened. The change was partly due to less proselytizing by the Port-au-Prince authorities in favor of Taiwan, which is formally recognized by the Haitian Government.

Faced with the need to renew BINUH's mandate once again in July, the dynamics of negotiation were different from those observed just nine months earlier. Mexico and the United States proposed a project in which the specific recommendations arising from the BINUH evaluation were adopted, namely, increasing the ceiling on the number of advisors to the Haitian National Police (HNP), with the intention of supporting the fight against gangs. In addition, BINUH was given a specific mandate to address issues of sexual and gender-based violence. Faced with the worsening levels of violence in Haiti, the draft resolution included a call for the Haitian authorities to report on their efforts to counter the insecurity crisis in the country. On the other hand, the Secretary-General was asked to present a report indicating options to improve support for the HNP in the fight against gangs. Resolution 2645 was adopted unanimously on July 15, 2022.

By then, there was already talk in the corridors of the U.N. about the need to send a multinational force to confront the gangs and provide space for political dialogue with a view to holding the postponed presidential and legislative elections. Although there was no desire to re-establish a peacekeeping operation, the need to change the situation

on the ground was clear to all parties. The head of BINUH had been clear in stating that the HNP did not have the capacity to confront the gangs. Meanwhile, the deep divisions among the Haitian political class, including the diaspora, the widespread situation of corruption, arms trafficking and the socioeconomic challenges faced by the population demanded a concrete response from the international community and the Security Council in particular.

As a result, Mexico and the United States considered that a way to respond to a growing crisis with potential consequences for the region would be the establishment of a sanctions mechanism focused on Haitian gangs without affecting society as a whole. At the time there was widespread debate on the effectiveness of Security Council sanctions. In the case of Haiti, it was emphasized that the intention was not to impact on the actions of the Government, although including the dimension of corruption was initially considered. On the other hand, the Secretary-General told the Council that the establishment of a multinational force in support of the HNP could be considered as an option to address the situation on the ground. This approach was a delicate issue, given the complex history of foreign interventions in Haiti. Mexico, of course, never agreed with such an approach, which in any case would have required the support of all sectors of Haitian society and the Security Council, but a willingness to consider the issue at a later time was expressed.

In bilateral dialogue, Mexico and the United States agreed to proceed with the negotiation of a draft resolution that would establish the gang-focused sanctions regime for Haiti. Mexico argued that the arms trafficking angle should figure prominently in the text, in line with the work previously done that led to the adoption of resolution 2616 (2021). The irregular flow of weapons to Haiti mainly comes from U.S. territory, as is the case with Mexico. The scale of the problem in Haiti made the inclusion of that element in the draft resolution unquestionable. In agreement with the Mexican position, other members of the Security Council advocated adding topics such as the review of individuals and entities that were subject to sanctions and the possibility of resorting to the relevant ombudsman, as well as including a section on humanitarian exceptions. Another element of discussion was the reference to the potential legal implications of taking actions against entities without a clear definition

in international law. Working on the sanctions text with the members of the Security Council gave an idea of the position that would be taken in any future resolution focused on a multinational force. The comments made in this regard prompted serious objections from Russia and China. The pressure to respond to a situation aggravated by a new outbreak of cholera and the blockade of the main port that supplies fuel to the country was a decisive factor in achieving the adoption of resolution 2653 (2022), once again by unanimous vote.

The resolution, which already established sanctions for the leader of the main Haitian gang, had effects on the ground. Days later, the port terminal was liberated and a fall in cases of violence was recorded in the capital. Without a doubt these events increased expectations of another draft resolution authorizing a multinational force. The matter did not go beyond dialogue between delegations. It was considered that perhaps Canada or the Caribbean Community (CARICOM) could take a lead in this regard, but this proved not to be the case. The slight improvement in conditions on the ground took some of the edge off the sense of urgency in the response to the situation in Haiti.

Prior to the conclusion of Mexico's term on the Security Council, attempts were made to re-emphasize the humanitarian angle. Mexico continued its bilateral cooperation with the Haitian authorities. Greater participation was also sought by the ECOSOC Special Advisory Group on Haiti, as a way to maintain the interest of the international community in the Haitian situation. The issue remains unresolved.

Colombia

The case of Colombia in the Security Council is usually seen as one of the most positive on the agenda, as it is a situation in which the affected country requested the intervention of the Security Council to verify compliance with the Final Peace Agreement between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC), signed on November 12, 2016. For Mexico, there was also a particular interest in pursuing the issue, given its long history of participation in the various peace efforts that took place in Colombia for decades.

When Mexico joined the Council, a fairly well-consolidated process was observed at the United Nations. The mission mandated by the Council contemplated the expansion of its functions in accordance with the provisions of the Colombian peace agreement, subject to the authorization of the Security Council. The main element of concern was within Colombia, specifically with regard to the population's support for the Final Peace Agreement, whose elements of reconciliation and transitional justice did not necessarily respond to the desire for reparations after decades of violent conflict. The awareness that the referendum on a previous version of the Agreement had been rejected in 2016 emphasized the need to keep in mind the impact of the debates and actions of the Security Council on Colombian society.

Against this backdrop, Mexico sought to emphasize elements such as the importance of addressing the needs of indigenous peoples and Afro-Colombian communities, respect for and protection of human rights defenders, the participation of civil society and a humanistic vision regarding the problem of drugs production in Colombia. There were multiple areas of agreement with other elected members of the Council, particularly Norway, in light of its involvement in the signing of the Final Peace Agreement, as well as Ireland. The penholder of the Colombian texts was the United Kingdom, a country with which there was substantive affinity in terms of visualizing how the Security Council could address matters related to the case of Colombia. An element emphasized throughout Mexico's period on the Council was the spirit of consensus among the members, which was reflected in a process of renewal of the mandate of the Verification Mission without major setbacks, and the issuance of press statements after the quarterly sessions on Colombia in the Council. The spirit of consensus was also reflected in other areas of the Council, such as the Working Group on Children in Armed Conflict, in which conclusions on Colombia were adopted that included references to civil society.

In the first sessions in 2021, the aim was to recognize the progress made in the implementation of the Final Peace Agreement, although it was also considered necessary to signal areas in which expectations had not yet been met. In particular, the murders of former combatants of the Revolutionary Armed Forces of Colombia (FARC) and other cases of violence were of concern. The Colombian Government showed that many of the

challenges faced were linked more to the socioeconomic conditions of the country than to a lack of will on its part. Furthermore, it was pointed out that the peace process had a long-term vision and that it could not be expected to fulfill aspects that might take up to two decades to be fully resolved. However, there were aspects of the peace plan that had not been put in place, such as some of the mechanisms for protection of women, as well as elements of rural reform or attention to communities that benefited from illegal crops.

The Security Council sought to reflect a balanced view of the situation in its press releases. When the United Kingdom presented the draft resolution to expand the mandate of the Verification Mission in order to supervise the implementation of the resolutions of the special court established in the peace agreement (the Special Jurisdiction for Peace), the negotiation flowed without major setbacks, with only China calling for clarity on the budgetary implications of a broader mandate for the U.N. mission, a concern that reflected the growing role and activism of China in the United Nations. Resolution 2574 (2021) was unanimously adopted.

Given Mexico's interest in incorporating a regional vision in the Security Council texts and in light of the positive experience with the United States in the drafting of the texts on Haiti, the United Kingdom was asked to participate as co-penholder in the case of Colombia. Although at first there was a perceived reluctance to give in to one of the "prerogatives" of the so-called P3 (United States, France and the United Kingdom), it was agreed to proceed with the presentation of a draft press release, the negotiation of which was successful. However, three months later the British mission indicated that it preferred to remain the sole author of the texts, arguing that this was also Colombia's preference. This did not correspond with what the Colombian representatives had previously communicated to Mexico. The lack of clarity made it difficult to agree on a route forward with London. When the British mission decided to circulate its own draft press release, Mexico did the same, pointing out that the prerogative of presenting texts did not correspond to one delegation alone. It remained firm in its position.

After multiple attempts, the Government of President Iván Duque made clear its preference to work only with the original author of the

texts. However, Mexico and the United Kingdom had agreed to jointly present and negotiate the draft resolution to renew the mandate of the Verification Mission, which was adopted as resolution 2603 on October 31, 2021. The commemoration of the fifth anniversary of the Final Peace Agreement did not receive the attention that would have been desired at the United Nations headquarters, although the Secretary-General went to Colombia to highlight the occasion. In April, the Colombian president attended the Security Council session, the last of his term. On that occasion, contrary to established practice (a former member of the FARC had even participated in the previous session), the Colombian delegation opposed the participation of a representative of civil society in the session. The United Kingdom held the rotating presidency of the Council and preferred not to make the Colombian president uncomfortable. This action prompted criticism from several members of the Security Council. Mexico and others expressed their regret at the absence of participation by civil society. In addition, the criticism made by the president of Colombia of the invasion of Ukraine (which was not the topic of the session) gave the Russian delegation an excuse not to allow the adoption of a press statements.

The Security Council welcomed the fact that the legislative and presidential elections in Colombia took place mostly peacefully. Gustavo Petro's victory constituted a change of emphasis in the implementation of the Final Agreement and made way for the possibility of dialogue with the ELN. As far as the Security Council was concerned, the new Government was clear in its desire for Mexico to resume its role as co-penholder of the texts on Colombia. On his first visit to the United Nations, the new Foreign Minister of Colombia endorsed this position, and therefore collaboration with the United Kingdom was resumed. First of all, a press release was issued in which the new Government's "total peace" policy was recognized, as well as the announcement of the resumption of dialogue with the ELN. Subsequently, the draft resolution was prepared that renewed the mandate of the U.N. mission, while also asking the Secretary-General to present his recommendations in response to the request from Colombia to extend the mandate to include the verification of the ethnic and rural reform chapters. Mexico and Colombia have reaffirmed their close collaboration.

Conclusion

The Mexican experience regarding the Latin American and Caribbean issues of the Security Council was marked by the contrasts between a country like Haiti which is on a worrying trajectory, and one in which the outlook, although not free of pitfalls, is seen as broadly positive. In both cases, the influence exerted by Mexico after assuming co-penholdership of the texts was decisive in achieving consensus and approaching the concerns of the populations concerned, preventing other geopolitical dynamics from interfering with the action of the United Nations. Furthermore, Mexico's Latin American and Caribbean vocation was clearly shown by strengthening ties with both Haiti and Colombia, whether with aid and cooperation programs in the first case, or with a renewed presence in the peace processes in the second.