



The resolution 2699 (2023) authorizing the Multinational Security Support Mission (MSSM) is a significant step toward protecting the Haitian population especially vulnerable groups from crimes, atrocities and gang's violence, but effective operational mechanisms, key for its success, are yet to be defined

I. Summary of Resolution 2699 in nine points

1. i) With the adoption on resolution 2699 within the framework of the Chapter VII of the United Nations Charter, the Security Council authorized the deployment of a "Multinational Security Support Mission" (MSSM) in Haiti. The resolution appeared to implicitly apply the principle of the Responsibility to Protect to the Haitian situation. This principle, enshrined in the 2005 World Summit Outcome Document, called upon the International Community to act in case of massive and widespread violation of human rights when state authorities are unable to fulfil their responsibility to protect their population from the perpetrators of crimes and violence. ii) As a non-UN mission, the (MSS) will be funded through voluntary contributions from states and regional organizations. iii) The initial duration of the MSSM is one year, with a first review of its mandate to be carried out in August 2024. iv) The Mission's mandate is to support the national police in conducting (joint) operations against gangs; protecting key strategic areas, infrastructures, key intersections as well as schools and hospitals; and ensuring safe access to humanitarian aid for the population receiving assistance. v) In line with its chapter VII mandate the MSS is authorized to adopt, on exceptional basis, urgent temporary measures, including arrest and detention of violence perpetrators, to prevent the loss of life. In doing so, the mission is expected to strictly adhere to international human rights law, with preventive mechanisms in place, particularly regarding sexual violence, child and women's protection, etc. vi) States are obligated to prevent the supply, sale, or direct or indirect transfer of small arms and light weapons and their ammunition to Haiti. vii) The resolution also emphasizes the need for control over ports and borders to curb arms trafficking. viii) The resolution calls for all national and international stakeholders to contribute to the work of the MSS. ix) On the political front, the resolution underscores the need for national stakeholders to forge a broadest possible consensus in cooperation with the CARICOM, and BINUH, good offices.



II. Introduction

2. After a year of political and diplomatic efforts the Security Council adopted Resolution 2699 on October 2, 2023. This resolution authorizes the deployment of the "Multinational Security Support Mission" (MSSM) in Haiti for an initial period of twelve months from its adoption. The mission's key objective is to improve security conditions in Haiti (§1). Such improvement would be critical to create conditions for holding free and fair elections (§1), in accordance with the Constitution (Article 58 and following), the International Covenant on Civil and Political Rights (Article 25), and the American Convention on Human Rights (Article 23).
3. Of note, contrary to the initial discussions on the matter, the mission is provided with a both "static and dynamic mandate." While it maintains the original mandate of supporting HNP efforts to protect key sites, infrastructures, intersections and critical public services, it will also play a crucial in supporting and accompany HNP-led ant-gang operations.
4. The work and mandate of the MSM will be reviewed by the UNSC nine months following the adoption of the resolution.
5. The Center for Analysis and Research on Human Rights (CARDH), which staunchly advocated for the deployment of an urgent international operational support to the national police believes that the resolution provide Haitian stakeholders with a new and ultimate opportunity to improve security, protect the population and create conditions to move cohesively towards the restoration of democratic institutions. However, lessons learned and review of shortcomings and wrongdoings from past experience of international support and interventions in Haiti should inform the planning and the deployment of the mission with a view to maximizing its impact and produce sustainable results.
6. This analysis of the resolution 2269 aims at facilitating a better understanding of the MSS mandate by also highlighting the challenges and opportunities ahead...



III. The mandate of the Security Council

1. Chapter VII of the United Nations Charter

7. Considering that Haiti "continues to pose a threat to international peace and security and stability in the region" the Security Council acted under Chapter XII of the United Nations Charter, which states that "the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security."

2. Responsibility to Protect: the role of national authorities and the International Community

8. Under the principle of the "Responsibility to Protect," the international community at large has an obligation to act when a population is subjected to systematic human rights violations and the state is unable to protect them. In the case of Haiti, the implicit invocation of this principle coexisted with the recognition that the primary responsibility to protect the civilian population belong to Haitian state institutions and the Haitian National Police as the latter is expected to benefit from a comprehensive international operational support, which includes the conduct of joint operations, the joint protection of key facilities, infrastructures, intersection and public services, as well as the provision of training, mentorship and advice.

IV. Resolution 2699

3. Non-UN Mission Funded by States and Regional Organizations

9. The Multinational Security Support Mission (MSSM) is not a UN mission. Since October 2022, the Secretary-General of the United Nations repeatedly stated that conditions were not in place for the deployment of a traditional peacekeeping operations and consistently advocated for the search of alternative solutions to be led by Member States or regional and sub-regional organizations. The MSS will be therefore funded through voluntary contributions from states and regional organizations (e.g., the OAS). While a special trust fund will be created by the UN Secretary-General, in accordance with paragraph one and 16 of the resolution).



4. Mission Duration: Initial One Year

10. The initial duration of the MSS is one year. After evaluation, it may be adapted and renewed, in accordance with paragraphs one and 19 of the resolution.

"Requests the Secretary-General to provide recommendations, as part of the regular reports to be submitted to it and no later than nine times after the adoption of this resolution, on a possible adaptation of the Mission's mandate or, if necessary, its transformation." Of note, the reference to a possible transformation of the MSM alludes to a re-hatting option that might entails a reorganization of the mission into a regional or sub-regional operation or eventually a full-fledged UN operation. "

5. Mandate : Assist in Restoring Security in Haiti and Creating Conditions for Elections

11. The first operative paragraph of the resolution specifies that the mission will *"support the action taken by the National Police of Haiti to restore security in Haiti and create the security conditions conducive to the holding of free and fair elections, including, to that end: a) provide operational support to the National Police of Haiti, including enhancing its capabilities through the planning and conduct of joint security support operations, as it works to combat gangs and improve security conditions in the country, where kidnappings, sexual and gender-based violence, human trafficking, migrant smuggling, arms smuggling, homicides, extrajudicial killings, and the recruitment of children by armed groups and criminal networks persist; b) provide support to the National Police of Haiti to ensure the security of critical infrastructure and transit points such as the airport, ports, schools, hospitals, and major intersections. "*

12. The Haitian National Police remains on the lead as it conduct operations and its key functions with the support of the MSSM. Nevertheless, the mission may adopt urgent temporary measures on an exceptional basis, which are limited in scope, time bound, proportionate and consistent with the objectives set in its mandate to help Haitian National Police to maintain basic law and order and public safety, including through arrest and detention (§ 3).

13. Of note, underlines on the use of force must be defined in consultation with the Haitian State and the Member States participating in the mission.

"Recalls that the rules of engagement and any use of force directives shall be established by the officials of the Multinational Security Support Mission in consultation with Haiti and other Member States participating in the Mission and shall fully respect Haiti's sovereignty and be strictly compliant with international law, including international human rights law, as appropriate. " (§ 9)



14. The resolution also tried to encourage further contribution to the deployment of the MSS which can currently count on Kenya as leading Member States along with other countries (Jamaica, Antigua and Barbuda, Bahamas, Belize, Suriname, Peru, Spain, Italy) whose possible contributions have to still be specified. In this view, the resolution calls upon " Member States and regional organizations to contribute personnel, equipment, and necessary financial, logistic resources based on the urgent needs of the MSSM. " As of now the United States government will contribute to the MSSM with 200 million dollars.

6. Respect for International Human Rights Law and establishment of accountability mechanisms

15. The resolution specifies that the MSSM must be deployed in strict compliance with international law, particularly international human rights law. Thus, the MSSM must have specialized expertise in areas such as community policing, child and women's protection, prevention and suppression of sexual and gender-based violence. In addition, measures must be taken to ensure proper conduct of personnel, prevention of exploitation and sexual abuse through background checks of personnel. The resolution also encourages the representation of women at all levels of the Mission and the implementation of human rights, child protection, and sexual and gender-based violence awareness training.

"requests Member States participating in the Multinational Security Support mission in Haiti to include dedicated expertise in anti-gang operations, community-oriented policing, children and women's protection, and preventing and responding to sexual and gender-based violence in a victim-centred manner, and to take necessary action to ensure appropriate conduct and discipline and to prevent sexual exploitation and abuse, including vetting of all personnel and other safe hiring practices, encouraging women's representation at all levels of the MSS, and predeployment and in-mission awareness training on human rights, child protection, and sexual and gender based violence, and to detect incidents when they occur and ensure a safe survivor- and victim-centred response in cases of such conduct involving their personnel, including through providing safe and accessible complaint mechanisms and timely investigations of all allegations of misconduct, to hold perpetrators accountable, and to repatriate units when there is credible evidence of misconduct, including widespread or systemic sexual exploitation and abuse, by those units." (§1 and 7)

16. In an attempt to neutralize risks of wrongdoings and misconducts, the paragraph 9 requests the establishment of robust compliance mechanisms to prevent, investigate address and publicly report violation or abuses of human rights with a view to ensuring the highest standards of transparency, conduct and discipline of the various contingents operating within the framework of the mission. Additionally, the resolution also requests " the establishment of an oversight mechanism to prevent human rights violation or abuses, in particular sexual exploitation and abuse as well as to ensure that



the planning and conduct of operations during deployment will be in accordance with applicable international law. "

17. In light of the lesson learned from Nepalese MINUSTAH contingent mispractices and responsibilities linked to the introduction of cholera, the resolution prescribes the adoption of specific measures to prevent the emergence and spread of waterborne diseases.

"requests Member States participating in the Multinational Security Support mission in Haiti to adopt appropriate wastewater management and other environmental controls to guard against the introduction and spread of water-borne diseases, in accordance with The World Health Organization Water Quality: Guidelines, Standards, and Health publication on Assessment of Risk and Risk Management for Water-related infectious diseases from 2001, and in cooperation with 6/7 Haitian authorities, which bear shared" responsibility for guarding against water-borne disease." (§11 and 12)

18. The afore-mentioned provisions, particularly those indicated in paragraphs 7, 9, 10, 11, 12, represented an important attempt to take into account the shortcoming and lesson learned of previous international intervention in Haiti in order to better inform the design, planning and deployment of the MSSM.

7. Obligation of States to Prevent the Supply, Sale, or Transfer of Small Arms and Light Weapons and Their Ammunition to Haiti

19. The resolution 2699 envisages a significant strengthening of the provisions related to the Haiti sanctions regime, which was established by the UN Security Council through resolution 2653. Of note, Member States are requested to take measures to prevent, through their territory or by their nationals, or through vessels flying their flag or aircraft registered with them, supply, sale, or transfer, directly or indirectly, to Haiti, of small arms and light weapons and their ammunition. This language appears to further strengthen the current, yet unsuccessful, efforts to stop the illicit flow of weapons into Haiti that originates from neighboring countries
20. The resolution states that *" for an initial period of one year from the date of adoption of this resolution, all Member States shall take the necessary measures to prevent the direct or indirect supply, sale, or transfer to Haiti, from or through their territories or by their nationals, or using their flag vessels or aircraft of small arms, light weapons, and ammunition, and further decides that this measure shall not apply to: a. The supply, sale, or transfer of small arms, light weapons, or ammunition to the UN or a UN-authorized mission or to a security unit that operates under the command of the Government of Haiti, intended to be used by or in coordination with those entities and intended solely to further the objectives of peace and stability in Haiti; b. Other supplies, sales, or transfers of small arms, light*



weapons, and ammunition to Haiti as approved in advance by the Committee established pursuant to resolution 2653 (2022) to further the objectives of peace and stability in Haiti." (§14)

8. Control of Ports and Borders

21. The resolution also emphasizes the need for cooperation between the Mission, the United Nations Integrated Office in Haiti (BINUH), the United Nations Office on Drugs and Crime (UNODC), and the Office of the High Commissioner for Human Rights to assist national efforts to "*support the efforts of the Haitian National Police to re-establish security in Haiti, including efforts by the Haitian National police to combat illicit trafficking and diversion of arms and related materiel and to enhance management and control of borders and ports.*" (§ 13)

9. Role of Each Actor in Restoring Security

22. The Security Council appears to pay important attention to the need to boost national and international buy-in and support to the work and mandate of the MSSM. Resolution 2699 calls "*on all parties in Haiti to cooperate fully with the Multinational Security Support mission in the execution of its mandate and to respect the security and freedom of movement of the Multinational Security Support mission. Additionally, it emphasizes the need for Member States, United Nations organs, bodies and agencies, and other international organizations, including international financial institutions, to redouble their efforts to promote the institutional, social, and economic development of Haiti, in particular for the long-term, in order to achieve and sustain stability and combat poverty.*" (§ 15 and 21)

10. Need for Political Consensus with the support of CARICOM and BINUH good offices.

23. The Security Council also recognized the importance to accelerate progress on the political front as "*it strongly urges the Haitian authorities and other stakeholders to cooperate fully with the good offices of CARICOM and BINUH to reach compromise for the broadest possible consensus as soon as possible.*" (§ 22)

24. This reference to a "broadest possible consensus" to be reached "as soon as possible" introduces a new language which appears to differ from the key provision of UNSC resolution 2692 on BINUH's renewal as the latter « reiterated the need for all Haitian stakeholders to engage in a Haitians-led and Haitian owned political process permitting the organization of free, fair, and credible legislative and presidential elections through the definition of a commonly accepted roadmap towards the restoration of democratic institutions ».



25. Due to the current polarization of Haitian politics, that CARICOM eminent group of persons highlighted in its 12 September communiqué as key obstacle in facilitating inter-Haitian dialogue and consultations, the search for a broadest possible consensus or even unanimity among stakeholders appears extremely challenging if not unrealistic.

V. Conclusion

26. Resolution 2699 authorizing the deployment of the Multinational Security Support Mission (MSSM) in Haiti is an important step toward protecting the population from gang violence. Beyond operational aspects such as protecting strategic areas, joint missions with the police, and strengthening the police, the resolution provides complementary measures to address the structural causes of crime in Haiti: the obligation of states to prevent the shipment of small arms and light weapons and their ammunition to Haiti, and the United Nations (BINUH and UNODC, and the Office of the High Commissioner for Human Rights) to enhance border and port control, measures to prevent human rights violations, responsibility of national and international actors...
27. The swift and effective design and implementation of specific mechanisms will be critical to ensure an effective prevention and prosecution of human rights violations, particularly sexual exploitation and abuse, and foster clear accountability procedures for any type of wrongdoings.
28. An in-depth review and analysis of MINUSTAH shortcomings, and wrongdoings will be critical to ensure maximum impact of the MSSM on the ground and also avoid a repetition of past mistakes, whilst creating conditions for a sustainable and effective restructuring and strengthening of the Haitian National Police.
29. The design and issuance of a clear host country agreement between national authorities and the leadership of the MSSM will allow the Center for Analysis and Research on Human Rights (CARDH) to undertake a more comprehensive assessment of its legal and operational framework. While the host of country agreement will establish immunity and, privileges of mission members, it will also help clarify additional operational details.
30. The establishment of clear and solid coordination mechanisms between the MSSM and the humanitarian workers will be also critical to ensure smooth police-civilians cooperation in providing the population in need of assistance with free and safe access to aid.
31. While current consultations among Haitian authorities and some Member States on possible contribution to the MSSM indicate the possible deployment of approximately 1500 international police officers, it would be important to continue advocating for increasing commitment by other



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member states, regional and sub-regional organizations in support to the mission, in order to have the necessary human resources, expertise, and financial contributions for the fulfillment of the mandate

32. Finally, CARDH underscores the need for all Haitians to take into account the prescription of paragraph 15 of UNSC resolution 2699 as it calls on all parties to cooperate fully with the MSSM in the execution and implementation of its mandate.
33. CARDH believes that a cohesive national multi stakeholder effort is needed to constructively support and contribute to the work and activities of the MSSM. Haitian civil society can play a critical role in liaising with the Haitian government and all international partners and establish a sustained dialogue with the MSSM on key security matters and operations affecting the daily life of the population. Such a mechanism would also allow the CSO to act as effective watchdog and oversight player interacting and exchanging information with the MSSM, proposing recommendations on how to best assist Haitian authorities on ways to restore security and gradually create conditions for holding elections and facilitate the restoration of democratic institutions.