The United Nations Comes Clean

After the Cholera Epidemic in Haiti
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On August 18, the United Nations finally bowed to international pressure and acknowledged what even its internal experts have long maintained: its peacekeeping troops brought cholera to an earthquake-ravaged Haiti, triggering an epidemic that, by an official count, has sickened 800,000 and killed at least 10,000. The real toll is likely far higher, and the disease, not previously reported in Haiti, is now considered endemic. The United Nation’s mea culpa is a step in the right direction, but the victims’ long struggle for justice is not over.

When the office of Secretary General Ban Ki-moon announced “its own involvement in the initial outbreak and the suffering of those affected by cholera,” the body pledged to provide “material assistance” to the victims. According to the Jonathan Katz of The New York Times [1], who broke the story linking the UN peacekeepers to the cholera outbreak and has followed it closely since, the admission was prompted by a draft confidential internal report penned by Philip Alston, [2] the UN Special Rapporteur on extreme poverty and human rights. He had concluded that the epidemic “would not have broken out but for the actions of the United Nations,” and excoriated the world body’s lack of response since the epidemic began in 2010 as “morally unconscionable, legally indefensible, and politically self-defeating.”

“In Haiti we say ‘viktwa se pou pep la’—victory is for the people,” Mario Joseph, Managing Attorney of the Bureau des Avocats Internationaux, said in a statement [3] after the UN announcement. His bureau has led the global campaign on behalf of the victims, first within the UN system and when that failed, in court. “This is a major victory for the thousands of Haitians who have been marching for justice, writing to the UN and bringing the UN to court.”

Although lawyers for the victims have hailed the groundbreaking admission, they are cautious and have vowed to fight on until the crisis is remediated and the victims made whole. “The UN must follow this announcement with action, including issuing a public apology,” Beatrice Lindstrom, co-counsel for the victims from the Institute for Justice and Democracy in Haiti (IJDH), told reporters. Justice also requires “establishing a plan to provide compensation to the victims who have lost so much, and ensuring that cholera is eliminated in Haiti through robust investment in water and sanitation infrastructure.”
To ensure reparative justice for those harmed, the United Nations must now engage with the victims and their representatives to determine and honor their priorities. In his report, Alston noted that “victims are told that a handful of broadly focused development projects should provide sufficient redress.” Although the programs already initiated by the United Nations could comprise part of the settlement package, Alston urged the body to tailor them “more appropriately to the specific rights and needs of those infected.” And those projects, according to the UN expert, “should not be seen as a substitute for personal compensation.” The process of fleshing out the specifics of a plan to redress the harms, Alston said, “should reflect a newfound commitment to consulting with all stakeholders on as transparent a basis as possible.”

For their part, many victims celebrated the announcement and hoped that it would quickly lead to reparations and apologies.

But their elated response was tempered by the decision by a U.S. appeals court [4] less than a day after the UN admission to uphold the organization’s immunity from a lawsuit filed by victims. The U.S. Department of Justice defended the United Nations in the litigation, which the appeals panel cited as influential in its decision. In his report, Alston had implored the United States, as the principal financial contributor to UN peacekeeping missions, to “actively support a resolution to this ongoing crisis that respects the rights of the victims of this tragedy and best serves the reputational and other interests of the United Nations.” Given its role defending the United Nations’ impunity both in court and behind the scenes [5], Washington should step up with additional funds to remedy the harms. If the United Nations lacks the funds to repair the damage wrought by cholera, its admission will be largely symbolic, the victims will be denied justice they deserve, and Haitians will continue to fall sick and die.

During the previous few years in which the United Nations neglected its responsibility, the world body has raised less than a fifth [6] of the funds required for its eradication plan. The disease has not abated: The first half of 2016 saw more new cases than any time since 2013, which continue to wreak havoc in an already impoverished country. As Brian Concannon, a lawyer who directs IJDH, lamented to the Boston Globe [6], the epidemic continues to condemn children who lost a parent to generational poverty. Any suggestion that the United Nations had promptly corrected its mistake was undercut by the revelation [7] that, despite overwhelming evidence of its culpability and mounting international opprobrium, its bases continued to discharge raw sewage in Haiti for at least three years after the outbreak, and engaged in unsanitary practices in other countries as well.

The United Nations has already been rebuked in the court of public opinion. If it does not fully reckon with its culpability and repair its tarnished image with a victim-centered process that provides comprehensive remedies, the world body may find itself losing its last shred of credibility.

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