

# Human Rights & Human Welfare

---

Volume 11  
Issue 2 *January Roundtable: The Haiti  
Earthquake, One year Later*

---

Article 2

1-1-2011

## The Scourge of Occupation

Christina Cerna  
*Organization of American States*

Follow this and additional works at: <https://digitalcommons.du.edu/hrhw>



Part of the [Emergency and Disaster Management Commons](#), [Human Rights Law Commons](#), [International Humanitarian Law Commons](#), [International Law Commons](#), [International Relations Commons](#), [Other International and Area Studies Commons](#), [Other Public Affairs](#), [Public Policy and Public Administration Commons](#), and the [Public Administration Commons](#)

---

### Recommended Citation

Cerna, Christina (2011) "The Scourge of Occupation," *Human Rights & Human Welfare*: Vol. 11: Iss. 2, Article 2.

Available at: <https://digitalcommons.du.edu/hrhw/vol11/iss2/2>



All Rights Reserved.

This Roundtable is brought to you for free and open access by the Josef Korbel School of International Studies at Digital Commons @ DU. It has been accepted for inclusion in Human Rights & Human Welfare by an authorized editor of Digital Commons @ DU. For more information, please contact [jennifer.cox@du.edu](mailto:jennifer.cox@du.edu), [dig-commons@du.edu](mailto:dig-commons@du.edu).

---

## The Scourge of Occupation

### Abstract

"Haiti's Blame Game" suggests that Haitians are wondering why they should bother voting when it is unclear that their government is running the country. The anger of the Haitians, according to the author, is focused on MINUSTAH, the UN mission that was created in 2004 to stabilize Haiti and to coordinate the work of the different UN agencies active in the country.<sup>1</sup> Some Haitians perceive MINUSTAH to be an occupying force, but is it really, and who is running the country?

### Keywords

Human rights, Haiti, United Nations, Occupying force, Stabilization mission, Development, Elections

### Copyright Statement / License for Reuse



All Rights Reserved.

### Publication Statement

Copyright is held by the Josef Korbel School of International Studies, University of Denver. User is responsible for all copyright compliance.

## The Scourge of Occupation

by Christina Cerna

“Haiti’s Blame Game” suggests that Haitians are wondering why they should bother voting when it is unclear that their government is running the country. The anger of the Haitians, according to the author, is focused on MINUSTAH, the UN mission that was created in 2004 to stabilize Haiti and to coordinate the work of the different UN agencies active in the country.<sup>1</sup> Some Haitians perceive MINUSTAH to be an occupying force, but is it really, and who is running the country?

This article brings back to mind a chat I had many years ago with Dennis McNamara, at the time the Director of the UN Transitional Authority in Cambodia (UNTAC). We were chatting in the lounge of the UN Office in Geneva and I asked him whether the plans to establish an international criminal court for the Former Yugoslavia had provoked demands in Cambodia for a similar international tribunal. He responded, much to my surprise, that the Cambodian people were not interested in putting the Khmer Rouge on trial, but rather in ridding themselves of the Vietnamese occupiers in Cambodia. It was the first time I realized how hated an occupier can be.

It is estimated that the [death toll in Democratic Kampuchea](#) was approximately two to three million people, so it was stunning for me to imagine that the Cambodian people were more interested in ousting the occupiers than putting on trial the Khmer Rouge leaders. In Latin America, putting on trial the leaders of military dictatorships for the human rights abuses committed during the respective “dirty wars” was a clear priority for the victims’ and the survivors of the crimes committed in Argentina, Chile, and other countries in the region. Surely Dennis McNamara did not speak for all the people of Cambodia, but he reflected an informed perspective of at least part of the popular will in Cambodia at that moment in time. Indeed, it took many years after the Vietnamese occupiers had left for a movement to successfully create the [Cambodian Genocide Tribunal](#) to try the handful of Khmer Rouge leaders who were still alive.

It’s even possible, perhaps probable, that many Cambodians were unhappy with the UNTAC because, like MINUSTAH, it too was an occupier with the power to adopt laws, and in other ways it assumed the functions of a government. Having even the most well-intentioned of guardians run your affairs entails a certain level of humiliation inherent in the fact that you are incapable of running your affairs. The situation in Haiti, however, was different from that of UNTAC because MINUSTAH was not the result of a peace agreement and was not intended to serve as a transitional form of government. MINUSTAH, the United Nations *Stabilization Mission in Haiti*, was created in 2004 primarily to stabilize Haiti following the ouster of President Aristide. [MINUSTAH was given the mandate](#) to “ensure a secure and stable environment”, by reforming the Haitian police force and by protecting UN and other civilian personnel in Haiti. In addition, MINUSTAH’s mandate is to assist the transitional government in carrying out elections, to assist the government, the UN, and NGOs in protecting human rights, and perhaps most ambitiously, “to continue to contribute to the promotion of the social and economic development of Haiti, in particular for the long-term, in order to achieve and sustain stability and combat poverty.”

Reducing poverty by 2015 has become the UN's number one human rights goal as set forth in the [United Nations Millennium Development Goals](#). Some countries like China, Brazil, and Venezuela have made important gains in reducing poverty in their countries, but Haiti has probably suffered an increase in poverty due to a combination of the 2010 earthquake and the cholera epidemic.

Notably, MINUSTAH's mandate does not contemplate substituting itself for the government of Haiti, so it should not be perceived as an occupying power as perhaps UNTAC or other UN missions might have been. MINUSTAH has no mandate to draft a constitution, adopt laws, conduct trials or perform any other governmental functions. So while elections might seem like an expensive, useless distraction, they are the essential *sine qua non* for maintaining Haitian sovereignty, and it is up to the people to assure that those elected are capable of running the country.

*The author of this Roundtable article, Ms. Christina M. Cerna, is a staff member in the General Secretariat of the Organization of American States' Secretariat for the Inter-American Commission on Human Rights. The opinions expressed in this note are the sole responsibility of the author in the author's personal capacity and are not to be interpreted as official positions of, and are not to be attributed to the Inter-American Commission on Human Rights, the General Secretariat of the Organization of American States, or the Organization of American States.*

Stabilization in 2004 was to be carried out by 6,700 UN troops and 1,600 police. Today the total is approximately 12,000.

---

*Christina Cerna - B.A., New York University; M.A., Fulbright Scholar, Ludwig-Maximilian Universitat; J.D., Dean's Fellow, American University; LL.M., Columbia University. Ms. Cerna is Principal Human Rights Specialist at the Inter-American Commission on Human Rights (IACHR) at the headquarters of the Organization of American States (OAS) in Washington, D.C.. She has been with the OAS since January 1979 and is currently in charge of certain special cases and systematizing the IACHR's jurisprudence. She taught international human rights law as an Adjunct for the law schools at George Washington University, Penn State University and, since 2005, at Georgetown University.*