**It’s Time for the UN to Compensate Haitians for Its Cholera Disaster**

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﻿For the first time in five years, the United Nations [has admitted](http://www.nytimes.com/2016/08/18/world/americas/united-nations-haiti-cholera.html) what epidemiologists, human-rights researchers, and the UN’s own experts established long ago: that its peacekeepers were responsible for the inadvertent introduction of cholera into Haiti in 2010, causing the deaths of over 10,000 people and sickening hundreds of thousands more.

﻿After years of denials and dissembling, and choosing to hide behind the cloak of immunity rather than face the legitimate demands of a grieving Haitian people, the UN now says it is willing to take steps to redress the problem. The challenge now is to develop, fund, and administer a meaningful compensation scheme that values Haitian lives, respects the principles of institutional accountability and the right to a remedy, and repairs the self-inflicted damage done to the integrity of the United Nations as a defender of human rights. Such a response holds the potential not only to deliver a measure of justice to the Haitian people, but to establish an important precedent of accountability for the United Nations and other international governmental organizations.

Cholera erupted in Haiti in October of 2010, less than a month after the arrival of UN peacekeepers from Nepal, which had just endured a major outbreak of the disease. The peacekeepers arrived at a UN outpost near Méyè, 40 kilometers northeast of Port-au-Prince, and were stationed at a base just a few meters away from a tributary to the Artibonite River, Haiti’s largest river and one of its main sources of water for drinking, cooking, and bathing.

As United Nations investigators would later establish, sanitation facilities at the base were haphazardly constructed, and as a result, human waste emptied into the tributary. Within days of the arrival of the peacekeepers, Haitian health officials confirmed numerous cases of cholera in the area surrounding the base, the first cases of cholera in the country in over a century. The disease spread rapidly throughout the country, with devastating effect.

Although world-renowned epidemiologists have independently agreed that the outbreak was traceable to a specific cholera strain of South Asian origin found in Nepal, the United Nations has resisted the scientific evidence of their responsibility at every turn. This was not because of a difference of scientific opinion, but because of a fear of liability and a hope that the Haitian people’s demands for justice could be defeated through obfuscation and delay. Time and again, the United Nations pointed to Haiti’s poor water and sanitation infrastructure as the source of the problem—not so subtly suggesting that the Haitian people had brought cholera on themselves.

Haitian victims and their advocates have called upon the United Nations to establish a claims commission for compensation since 2010, as the UN peacekeeper’s own status of forces agreement with Haiti requires it to do. But the organization has steadfastly refused, and when it was sued in federal court in New York by Haitian victims represented by [the Institute for Justice and Democracy in Haiti](http://www.ijdh.org/), it claimed immunity from the suit.

Last week, a federal appellate court [upheld the dismissal](http://www.ca2.uscourts.gov/decisions/isysquery/b4d6808d-f39e-49f7-b492-82330a481a05/4/doc/15-455_opn.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/b4d6808d-f39e-49f7-b492-82330a481a05/4/hilite/) of the suit, on the grounds of organizational immunity, but this is an empty and even self-destructive victory for the United Nations. Immunity from a lawsuit in the United States is not the same as freedom from legal obligation. As a global organization seeking the trust of millions, the UN bears the responsibility to demonstrate how it will fulfill its legal obligations to provide a remedy for the harms it has caused. Moreover, for the UN to accept responsibility for its actions, even as it shoulders the responsibility to do good, is not only consistent with human-rights principles, it is essential to their credibility. So long as the organization ignores those responsibilities, it imperils its mission and legitimacy around the world as an exponent of human-rights norms. As Philip Alston, the UN special rapporteur on extreme poverty and human rights, wrote in a [scathing report](https://assets.documentcloud.org/documents/3031511/Alston-Haiti-Cholera-Report.pdf), which is still in draft form, “The UN’s policy is morally unconscionable, legally indefensible, and politically self-defeating.”

It is unclear what accounts for Secretary General Ban Ki Moon’s change of heart on the issue. Maybe it is the consistent political pressure that victims’ advocates have sustained, including [a letter from 158 members of Congress](https://conyers.house.gov/sites/conyers.house.gov/files/06_29_16%20Kerry%20Haiti%20Cholera%20Letter%20Final.pdf) to US Secretary of State Kerry in June, urging him to demand reparations from the UN. Or perhaps Ban Ki Moon has recognized, in the waning months of his tenure, that leaving the cholera catastrophe unaddressed would stain his legacy. Whatever the case, the United Nations is now poised to remediate the years of harm it has caused, to the Haitian people and to itself, and to affirmatively advance a framework of accountability for international governmental organizations.

To do so, the UN, and the member states of which it is comprised, must ensure four goals.

First, after so many years of denials and prevarication, the UN must begin with an apology. This is made easier by the court decision upholding its immunity from suit, but is no less essential to the process of rebuilding trust with the Haitian people.

Second, the UN must establish a fair process for victims and family members to seek adequate redress, including compensation for the injuries they have suffered, consistent with the promises the organization made in its status of forces agreement. This is necessary both as a recognition of the inviolable dignity of Haitian life and to honor basic human-rights norms of accountability and redress.

Third, the international community must commit to fund the compensation program promptly and adequately so that justice is not further delayed. Previous announcements of a cholera-elimination plan without the funding to back it have further eroded the United Nations’ weak standing in Haiti, and globally.

Finally, the organization should engage in meaningful dialogue with victims and their advocates to ensure that any remediation scheme meets the material and dignitary needs of those most directly affected, and not merely the public relations imperatives of the organization or its leaders.

It is all but certain that the United Nations will confront other demands for institutional accountability in the future. For an organization committed to human rights, accountability should be seen as a strength, not a liability. Instead of being preoccupied with setting a bad precedent by compensating Haitians for their loss, the UN should recognize the opportunity to establish a good precedent for itself, and for other international governmental organizations.

By doing right by the Haitian people today, in both process and substance, the United Nations can develop a culture and practice of accountability, fortifying the UN for its important and challenging work in years to come, and ensuring that its work benefits humanity as its charter commands.