

Building on International Law and Diplomacy to Explore a Legal Policy for Change in Haiti

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This paper exposes the increasing interest of international society in the promotion of the rule of law and the legal foundation of this doctrine in international law, as well as concrete expressions of the promotion of the rule of law in Haiti, while underlining their limits. Analyzing the role that international human rights law plays in today's diplomacy in the quest for social change, this study asks how such a trend can help Haiti improve the domestic legal and institutional landscape in cooperation with interested states and international organizations in order to empower the people. This paper argues that while the political and economic context is challenging for change in Haiti, shared values grounded in international human rights law explains Haiti's needs and provides a framework for a people-centered legal policy which embraces the two-fold political and economic dimension of the rule of law in a globalized world. The shaping of such a policy would eventually bring about a more coherent stance for Haiti in diplomacy and for international cooperation with Haiti.

Keywords: International Law, Diplomacy, Human Rights, Legal Culture, Haiti

Introduction

The promotion of democracy, with an interest in political representation, human rights and the rule of law has been a notable trend in international relations particularly since the 1990s (Crépeau 2001, p. 171) resulting in an increase in the promotion of international human rights law, which is at the heart of global law theories (Hennebel, 2012). That trend has led to several legal and institutional reforms in Haiti and has posed tremendous challenges for this developing country in the Caribbean and the Americas, which has engaged in democratization since the late 1980s.

This paper aims at analyzing opportunities and challenges for Haiti in the promotion of the rule of law in light of the evolution and the use of international law by international actors in international cooperation. This study stresses the relevance for Haiti to formulate a people-centered legal policy at the national level. Haiti should utilize a people-centered domestic policy as a model to build a people-centered foreign policy and use it in diplomacy to protect the Haitian people. Indeed, the Haitian people are subject to violations of human rights, not only in the context of migration, but also given the overwhelming international cooperation touching the country, specifically with a number of states, international organizations (IOs) and non-states actors operating in Haiti. The Haitian state should thus build on such a people-centered legal policy as a priority in negotiations regarding Haiti in both bilateral and multilateral diplomacy, be it in the field of international peace and security or developmental aid and humanitarian assistance.

Adopting an interdisciplinary approach and a mixed methodology, this paper builds on the democratic theory of international law as illustrated in legal theory by the work of Olivier de Frouville. This theoretical perspective helps approach international law “as a set of rules and institutions governing relations between members of international society” (Crépeau and Gareau

2007, p. 47). And, this is also true with regards to diplomacy. Indeed, diplomacy is “a process through which the objectives of policies directed towards the management of relations with an actors international environment are translated into outcomes through the employment of a range of institutionalized techniques and strategies mediated through a set of established structures, rules and norms” (Hocking 2016, p.67). In other words, diplomacy is “a process (...) based on the practices- representation, communication, negotiation - of (...) diplomats” (Lequesne 2016, p. 9). That is to say, stemming from the Kantian perspective on the legal doctrine and the Habermasian theory of communicative action (de Frouville, 2001), the democratic theory of international law focuses on human rights in the quest for peace through international law resulting from a process of dialogue that diplomatic processes guarantee (Lundestad and Mikalsen, 2011).

With regard to the Haitian legal system, this study builds on the work of Patrick Pierre-Louis (2013) which crosses political philosophy and the sociology of law, in line with thought-provoking scholarship in sociology and the anthropology of law as related to Haiti (Montalvo-Despeignes, 1976; Barthelemy, 2001; Pesant, 2003). Such scholarship helps to better understand the existing complex legal culture in this Caribbean country. Additionally, these theoretical approaches, desk-study and legal analysis were confronted with reality in order to explore what is at stake practically in the implementation of international law in Haiti and the extent to which representations of the legal system could jeopardize institutional reforms and legal protection. For this research, more than thirty semi-directed interviews with various actors were conducted and testimonies were taken into account on reporting practices that undermine the independence and impartiality of judges in the Haitian judicial system (Fleury, 2008).

Haiti illustrates both theoretical and practical issues in the construction of the rule of law, namely at three levels. First, there are concerns about the substantive dimension of the rule of law, with the content of norms promoted by international society. Second, international action regarding Haiti illustrates the formal dimension of the rule of law, with international society approaching such a promotion through the lens of a number of rule of law institutions. Third, Haiti raises questions regarding the extent to which the weight of social perceptions touch the justice system, including the judiciary and other rule of law institutions and legal professionals, which are often forgotten in the international arena, and which affects the implementation of law.

While North American states and IOs, including the European Union (EU), have recently adopted strategies that place security and the rule of law at the heart of their priorities for the Caribbean (US Department of States 2020; Sutton 2012), the relationship between the Haitian state and its population stresses the importance of a people-centered legal policy. Anchored in the Haitian judiciary and foreign policy, such a legal policy would help redefine a stance of the state with respect to international law in international cooperation and its articulation with domestic law. Therefore, to what extent could the Haitian state and international society take into account the evolution of international law and the relationship between Haitian domestic law and international law in order to strengthen the rule of law to better promote human security in this Caribbean country?

The paper closely looks at challenges surrounding the promotion of the rule of law in international law and diplomacy specifically since the 1990s. It shows the forms and limits of the promotion of law in Haiti by states (notably Canada, the United States (US) and France for the purposes of this paper focusing on Haiti), and IOs. These include the United Nations (UN) and specialized agencies of the UN system in particular the World Bank (WB) and the International Monetary Fund (IMF), the European Union (EU), the Organization of the American States (OAS), the Caribbean Community (CARICOM), and the International Organization of la

Francophonie (IOF)), in cooperation with multiple non-state actors such as non-governmental organizations (NGOs) and multinational corporations (MCs). This analysis reflects on the challenging reception of international law in Haiti and sheds light on the conceptual contours of the rule of law and the importance for the Haitian state and international actors to build on this doctrine to promote human rights in cooperation with Haiti.

This paper argues that multidimensional setbacks in Haiti, which has been the subject of an increasing promotion of the rule of law by international society, illustrate that defining a comprehensive people-centered-legal policy is necessary at the national level and for international cooperation. The following section discusses how measures aimed at building the rule of law in Haiti based on the evolution of international law elucidate a security, institutional and state-centered approach to security that is not in line with the reality of the Haitian population. Considering the geopolitical context and the legal culture of the country, the last sections argue that rethinking individual capacity building by enhancing legal information and training, and judicial reform within a comprehensive approach is crucial to strengthen the rule of law in Haiti. This includes not only cooperating with institutions close to the population, including humanitarian aid and development action, but also formulating a legal policy to be mobilized in both the domestic legal system and international cooperation to minimize inconsistencies in the implementation of international law.

Limited Institutional Reforms based on International Law in Haiti

The rule of law concept often gives rise to confusion. In fact, an “elusive concept (...) the rule of law means that government officials and citizens are bound by and abide by the law.” (Tamanaha, 2012, p. 232). However, the practices of states and international organizations (IOs), have stretched the rule of law, with a two-fold political and economic dimension. This section discusses the concept *rule of law* and analyzes the forms and limits of its promotion by international society in Haiti.

Legal Foundations and Meaning of the Rule of Law Doctrine

The adoption of the UN Charter in 1945 and other subsequent treaties at the regional level has led international society to promote the rule of law at the national level. Indeed, built on the faith placed in democracy and human rights particularly since the 1990s, with the fall of the Berlin Wall, the UN has contributed considerably to the promotion of the rule of law globally. This doctrine, rooted in political philosophy and developed in public law in Europe in the 19th century, and later according to various institutional models (Herschling, 2009), is not subject to a static definition, although the UN Secretary General, Kofi Annan (2004), formulated a definition of the rule of law, which has been referred to in other reports. The concept of the rule of law is seen as a system of standards limiting the state, protecting human rights for all persons and subject to control by independent and impartial bodies. According to the Secretary General:

The concept of “rule of law” or “legality” lies at the very heart of the Organization’s mission. It refers to a principle of governance by which all individuals, institutions, and public and private entities, including the state itself, are accountable for the observance of laws that are publicly promulgated, equally applied and independently administered, and consistent with international human rights norms and standards. It also implies measures to ensure respect for the principles of the rule of law, equality before the law, accountability under the law, fairness in the application of the law,

separation of powers, participation in decision-making, legal certainty, freedom from arbitrariness, and transparency of procedures and legislative processes.

Echoing in a number of main organs and agencies of the UN, and in regional treaties and organizations that rely on human rights, the rule of law has become a means and a general framework for assessing the quality of political and economic governance within the state (Mondélice, 2015), both at the national and international levels (Chevallier, 2009). Consequently, the rule of law is at the heart of international action in the three pillars of the UN: international peace and security, human rights, and development, as stated in the declaration adopted following the UN High-Level Meeting on the Rule of Law in 2012 (UN, 2012).

Other than human rights treaties, the rule of law is based on "soft law" resulting notably from resolutions and declarations of various UN organs and echoed at the regional level. Among others, the United Nations General Assembly (UNGA) Resolution 48/134 on National Institutions for the Promotion and the Protection of Human Rights illustrates interactions between international human rights law and human rights diplomacy. Such a legal basis, which is more acceptable to states through diplomacy and more suitable to produce effects (Carlier and Crépeau, 2011), supports the variable dimension of the rule of law. Through such processes, states and IOs, as well as non-state actors promote the rule of law as an expression of the globalization of law at the heart of the political dimension of the rule of law, coupled with the globalization of the economy.

Consequently, the UN has been cooperating in the promotion of the rule of law in nearly 150 countries since the 1990s, in all world regions. Beyond peace operations, actions include, but are not limited to, law reform, including constitutional reform, reform of the justice system and security institutions; the establishment of national human rights institutions and ombudsmen against maladministration; anti-corruption institutions and electoral observations (Mondélice 2015). The case of Haiti is a perfect illustration of the promotion of the rule of law by international society focused on state empowerment with an emphasis on law and institutional reforms to promote democracy and security.

Expressions of the Promotion of the Rule of Law in Haiti

To better understand the approach of international actors to the promotion of the rule of law and limits of actions taken to build and strengthen the rule of law in Haiti, one must understand the overwhelming challenges regarding the rule of law in Haiti. In this regard, are of particular interests in the works of Patrick Pierre-Louis (2002) on judicial reform in Haiti and the proceedings of an insightful workshop on Mapping Justice and the Rule of Law in Haiti organized by the Interuniversity Institute for Research and Development (INURED) in July 2012. The participants have highlighted, among the main challenges for the rule of law in Haiti, weaknesses regarding guarantees of independence and impartiality of judges in law and practice, a lack of public policy in terms of administration of justice, unadapted imported institutions given the historical manipulation of law and the political instrumentalization of justice, as well as lack of understanding the users' perception of the justice system and how they interact. In addition to the insignificant part of 2% allocated to justice in the national budget and needs for training, the participants (...) identified the government's failure to update the criminal and civil codes to reflect the realities of modern day Haiti as a clear barrier to the advancement of rule of law and justice in Haiti. Other challenges to justice reform identified from the perspective of the Haitian government included: the lack of enforcement of laws, the lack of financial support provided to Tribunals of Peace to ensure that they can function effectively, and the proximity of Justices of the Peace to rural communities. (...) the lack of a real understanding of the current state of Haitian

justice, both the formal and the informal, and thus the crying need for a "mapping" of the sector based on rigorous research that would yield reliable data and an enhanced qualitative and quantitative understanding of the state of play in this crucial sector. [The need for an] evidence-based program which could then be measured and assessed for their impact to determine whether the access to and delivery of justice was improving for the ordinary Haitian (INURED 2012, p.5).

Considering this picture, it is not surprising that, in the 1990s, Haiti was one of the first countries where international society began to promote the rule of law. The context concerned actions undertaken by the UN and the OAS for a "return to constitutional order" in the aftermath of the September 30, 1991 *coup d'état* against then-president Jean-Bertrand Aristide. Indeed, the situation was described as "unique and exceptional" by the UN Security Council in its Resolution 841 of June 16, 1993, which was to give rise to the operation Uphold Democracy, decided by the same organ in its Resolution 940. It has been pointed out that, "for the first time in its history, the Security Council had resorted to coercive measures, going so far as to authorize the use of force to restore democracy in a UN member country" (Corten, 1995; Christakis, 2009). Since this operation for the "restoration of democracy in Haiti," the country has experienced nine peace missions, three civilian missions and six peacekeeping operations deployed by the UN in Haiti. The United Nations Mission for the Support of Justice in Haiti (MINUJUSTH), followed by the United Nations Integrated Office in Haiti (BINUH) established by Security Council Resolution 2476 of 25 June 2019 under Chapter VI of the UN Charter, illustrates the focus on security. In other words, the Haitian case is meaningful when it comes to analyzing the role played by the doctrine of the rule of law in extending international peace and security with such a political mission regarding peaceful domestic political dispute settlement, whereas previous resolutions under Chapter VII of the UN Charter focused mainly on insecurity in the region. Such steps supported by the aforementioned states and organizations and independent experts within them aiming at establishing the rule of law in Haiti, have had various expressions, which can be understood in four areas (Mondélice, 2015).

First, in the area of law, justice and security, the three acts of 2007 on the Reform of the Judiciary, the National School for the Judiciary, and the Superior Council of the Judiciary are part of a dynamic launched in the field of security with an interest in the Haitian National Police (HNP) and the penitentiary system. Those institutions have roots in demands for reforming the system even before the transitional government under the administration of President Alexandre Boniface and Prime Minister Gérard Latortue from 2004 to 2006 (Latortue, 2018). Indeed, as highlighted in the aforementioned scholarship on the Haitian legal system, Haiti shows a complex legal culture, a set of "knowledge relating to laws and institutions, the relationship between the state and the citizen, their formation over the course of national history and the common values to which they call upon" (Kourilsky, 1991). A country with a particular history expressed in its legal system, Haiti's legal system straddles official law influenced by both civil law and common law traditions, and informal law composed of practices governing social interactions. Thus, such institutional reforms could be considered as important steps taken in Haiti. However, they do not rhyme with the expected efficiency of the administration of justice and the long-awaited independence of judges. The same is true concerning the Constitutional Council, which is still not operational, while being created in the context of the controversial amendment of the Constitution of March 29, 1987, finally published in 2012.

In December 2020, the President of Haiti, Jovenel Moïse, launched a constitutional amendment process regarding the amended Constitution in a referendum. Not only does the ongoing process, undertaken less than ten years after the amendment of the 1987 Constitution,

speak about the limits of law reform supported by international society in Haiti, but it also sheds light on the complex interactions between law and governance in Haiti (Charles, 2020). Moreover, one could argue that the constitutional amendment process added to the correlated electoral process should be seen as an expression of the promotion of the rule of law. However, the lack of legitimacy surrounding the envisaged reform without the legislative branch of the state is not reassuring for strengthening of the rule of law in the future given the Haitian political context. In fact, controversial debates between diverse actors on constitutional amendments and electoral processes in Haiti illustrate a challenging political context that requires actions regarding not only education and law enforcement but also economic, social and cultural rights. In reality, the environment facilitates the manipulation of law by powerful individuals and people in power, while the majority of the population is starving.

Another example is Haitian criminal law reform, mishandled by a legislative vacuum that led to the publication by the executive branch of a decree for a new *Code pénal* in June 2020. The absence of a functioning Parliament raises questions about the constitutionality of the process, especially since there have been reports of concerns surrounding the publication of the decree. The clarification that the Penal Reform Commission wants to bring about the content of articles in the new *Code pénal* (Le Nouvelliste, 2020) sends a message that a large part of the population cannot understand it in practice (Mondélice, 2020). Additionally, the remobilization of the Haitian Armed Forces (FAD'H) in 2017, nearly two decades after their disbanding by Jean Bertrand Aristide and supported by the UN, requires close attention, since interactions between the security (HNP) and defense forces (FAD'H the Army) is anything but reassuring in a context where the democratization of those forces remain urgent.

Second, reforms touching the institutions against corruption and money laundering illustrate the influence of international law on the Haitian legal system. Nevertheless, the functioning of such institutions and the entrenchment of practices touching corruption in the public administration are challenging for the system, as shows the report of the high administrative court-*Cour supérieure des comptes et du contentieux administrative* on the PetroCaribe case (2018).

Thirdly, is the paramount role assigned to the Office for the Protection of the Citizen of Haiti (OPC) as a National human rights institution (NHRI) following the attention international society pays to those institutions because of their role in building and strengthening the rule of law in the three pillars of the UN. The OPC has evolved under the leadership of the respected chief Florence Elie, from its ombudsman status to a hybrid status with the 2012 act. This law makes this body an NHRI in accordance with the *Paris Principles* governing more than 123 NHRIs around the world, allowing them to cooperate with the UN and other IOs (Mondélice, 2017). Characterized by their independence and pluralism, those institutions are promising in the promotion of the rule of law, especially through their advisory and advocacy roles, as well as their actions in the implementation of international human rights law. These institutions interacting with non-state actors have become at the heart of the political and economic dimensions of the rule of law with the UNGA Resolution 70/1 regarding sustainable development goals. However, without strong political support and constructive cooperation with the executive, legislature and judiciary branches of the state, as shown in an excellent Master's thesis on the OPC (Karamaoun, 2020), the context jeopardizes the effectiveness of such institutions. Indeed, the rule of law and NHRIs do not fit well in a political and institutional landscape driven by the image of the "chief" as an all-powerful figure who is not subject to the law in practice within Haiti.

Fourth and lastly, Haiti is all the more relevant to illustrate the promotion of the rule of law doctrine at the heart of global law because the political dimension of the rule of law resonates with

its economic dimension under what has been called conditionality (Guitian, 1995; Sorel, 1996; Kochenov, 2008). In fact, the latter led to an embargo on Haiti in 1993 after the *coup d'état* against Jean-Bertrand Aristide, as well as to the suspension of bilateral and multilateral aid in 2001 following the elections organized by the administration of the same president (EU, 2001). In the same vein, economic policies promoted by the World Bank (WB) and the International Monetary Fund (IMF) remain the monetary and financial counterpart of free trade promoted in international relations since the adoption of the Marrakesh Accords in 1994 creating the World Trade Organization (WTO). Hence, international economic law and policies influence relations between Haiti and the EU, and to some extent, the cooperation envisaged in the strategies of Canada and the US (2020) regarding the Caribbean. Indeed, the principle of differential treatment in favor of developing countries has evolved in the direction of free trade agreements in EU-Caribbean relations (Mondélice, 2020), as shown by the 2008 Caribbean Forum (CARIFORUM) and the EU Economic Partnership Agreement (EU, 2008). One of the objectives of the treaty is to integrate the Caribbean countries into the world economy through regional integration within the CARICOM framework. As of January 2021, Haiti has signed but has not ratified the CARIFORUM-EU Agreement. However, this growing promotion of the rule of law has not been able to contribute to improving the human rights situation in Haiti in practice.

One can observe this with the rulings of the Inter-American Court of Human Rights (IACHR) regarding Haiti in the cases of *Yvon Neptune v. Haiti* in 2008 and *Fleury et al. v. Haiti* in 2011 which shows the weaknesses of Haiti's justice system and its failure to protect human rights. Moreover, the already serious humanitarian situation (Rull, 2015), in nexus with the economic situation of the country, is exacerbated by the Covid-19 pandemic (Mondélice, 2020), especially since Haiti remains in political crisis management at the risk of seeing human rights violations continue to go unpunished. This explains the rationale for the Haitian state to rethink legal policy in order to protect human rights at the national level, and includes the framework of international cooperation.

Necessary People-Centered Legal Policy for Haiti

Based on the definition of public policy in legal theory and sociology of law (Jean-Arnaud 1993, p.457), the paper approaches legal policy as a state policy aimed at making the law and the institutions of justice and security a priority and founding a set of acts and actions suitable to better promote the rule of law in order to ensure the protection of human rights. The need for a legal policy for Haiti lies, first, in the interest of the population and, second, in the quest for a better image of Haiti as a member of international society. Identifying the content of the advocated legal policy helps explore avenues such policy could envisage in Haitian foreign policy and diplomacy.

Towards a Legal Policy Based on International Law for the Construction of the Rule of Law

The historical use of the formal legal system for purposes other than the protection of all individuals, the lack of confidence of the population in the institutions of justice and the situation of civil, political, economic, social and cultural human rights, should inspire us to rethink legal policy in Haiti in a perspective of social change centered on the people. This remains an arduous but necessary task for the construction of the rule of law in Haiti. In this regard, the democratic theory of international law, which emphasizes the role of people-centered law in the quest for peace and security, is of interest. This theory helps understand how the active development of international human rights law can serve social peace because it serves the interests of every

person under the jurisdiction of a responsible state. This analytical grid leads us to explore three overlooked points that should be taken into account in proposed legal policies.

First, what should be considered is the reforms of law and institutions which includes the Public Prosecutor's Office (*Commissaire du gouvernement*) with a clear mandate and status in the judiciary, so that such an institution becomes more adaptable to social reality, with increased information on law and justice. Dematerializing legal and judicial data would be a good path to realizing the right to information in Haiti. Second, the state should look closely at the training of law students, lawyers and judges, as well as continuing professional legal education including strengthening the bar associations at the country level. Such considerations extend to the security and defense institutions (notably the HNP and the FAd'H) involved in law enforcement. Third, interviews with judges reveal that notwithstanding the explicit recognition in the Constitution of the primacy of international law over domestic legislation (art. 276-2), Haitian judges consider international law norms provided that an act of Parliament of Haiti or a decree of the executive branch transposes an international law norm into domestic law. This is an illustration that the old debate on monist and dualistic theories deserves to be overcome in international law.

Such a resistance to the application of international law is expressed by two cases involving crimes that are classified as serious crimes under international law and that enjoy recognition as customary international law binding on all states. Leading is the *Jean-Claude Duvalier case*, which has been the subject of a legal battle, included with submissions of an *amicus curiae* from non-governmental organizations such as *Avocats sans frontières Canada* to recognize the jurisdiction of national judges in cases of such crimes prohibited by customary international law, in the absence of any "national legislation." This was not the case until the ruling of the Port-au-Prince Court of Appeal on February 14, 2014. The second case is the *Prison des Cayes case*, where 13 police officers were implicated in practices of police brutality to counter an escape of detainees on January 19, 2010. It appears that prisoners whose bodies were not found could not be identified, since prisoners set the prison archives on fire and police officials concealed the facts that eight prisoners had previously been transferred to the neighboring prison in Aquin (Court of first instance of Les Cayes, 2011). The head of the penitentiary administration contacted high-ranking police officers from the jurisdiction of Les Cayes, who carried out a bloody operation, injuring and killing an unknown number of prisoners, ranging from a dozen to twenty deaths. Contrary to the charges of assassination, attempted assassination, murder and attempted murder under the *Code pénal*, under international law, the aforementioned allegations are grounds to make a case against enforced disappearances, recognized as prohibited by the "international community as a whole," ranging from the prohibition as a norm of *jus cogens* character. If the charges involved enforced disappearances, there would be greater legal consistency, as was the *Raboteau case* (Court of first instance of Gonaïves, 1999) with respect to international humanitarian law, although the execution of that decision remains questionable (Darius, 2020). These cases elucidate the need for more training in international law in Haiti.

Indeed, as described in the aforementioned 2012 INURED report, the main problem in the Haitian justice system remains the independence and impartiality of the judiciary, with concerns regarding the political instrumentalization of justice, resulting in a lack of legal and institutional guarantees and career stability for judges. However, one has to recognize that a lack of training in international human rights law, added to the dualistic approach in practice in an official monist system, and its challenges for the protection of human rights in a dominant civil law system, where, unlike the common law system, judges generally pay attention to codes and do not make

law. This is all the truer, especially since the Haitian criminal and criminal procedures codes, inspired by a state-centered approach and adopted in the 19th century to foster national defense, have not been subject to significant modification (Pierre-Louis, 2002). So far, while continuing professional legal education programs have been initiated (at the *Ecole de la magistrature* for the judiciary and the Police Academy for the HNP), training in law and the audience to be covered should go beyond the framework of continuing professional education.

Firstly, Law has an axiological dimension that members of the entire society have to experience in order for the law to govern social interactions in practice. Accordingly, the state should focus on forming a mentality favorable to the rule of law, by various means, including education at all levels. So far, international cooperation aiming at strengthening the rule of law has overlooked this side. Secondly, Haiti's dated legal language deserves a thorough reform. The language of law must not continue to be understood by the closed circle of jurists. Justice has a communicative dimension, requiring that those who are seeking justice understand the language of law. Haiti exemplifies that when the legal language remains so complicated and the procedural nature of justice is pushed to the extreme in a least developed country, it is hard for people to seek justice and for justice to be done. In this quest, jurist-linguists could contribute to take into account the two official languages, Creole and French, to simplify the language of Haitian law. Thirdly, and lastly, the situation of Haiti requires comprehensive actions in coordination according to an integrated approach so as to not lose donors. This would stand in need of, for example, rethinking the working conditions of legal professionals, especially judges, who must not be in a job paid peanuts with months in arrears. Judges should have stability in their careers and enjoy guarantees of independence and impartiality in practice, both at the time of their appointment and later in their professional development, which includes continuing professional legal education as discussed above. Thus, formulating a people-centered legal policy is necessary for Haiti, not only in order to build and strengthen the rule of law at the national level, but also to mobilize human rights law in Haitian foreign policy and diplomacy.

Uniting Human Rights Law and Haitian Diplomacy

Contemporary international law gives rise to a set of norms, which in application may lead to inconsistencies with respect to the rule of law doctrine. This applies to the Haiti cholera case, where the principle of immunity of international organizations prevents the realization of the right to reparation of the victims (Mégret, 2019). Therefore, what is at stake is to turn the fragmentation of international law into "unity" (Dupuy, 2003), based on the requirements of the rule of law. This is all the more crucial for Haiti, especially since attention paid to this developing country in the Americas and through international action affecting Haiti in the quest for international peace and security, and human rights and development (Daudet, 1992) exposes human rights violations and the manipulation of international law.

The focus of Third World Approaches to international law (TWAIL) on historical experiences in the application of international law can be helpful in understanding those issues in the case of Haiti (Okafor 2005). In the same vein, scholarship touching upon Haitian Studies underline both the complex historic and geopolitical context of Haiti in diplomacy and the role Haiti played in diplomacy with a number of prominent diplomats such as Anténor Firmin, Jean-Price Mars, Stéphane Alexis, Émile Saint-Lot, paving the way for a diplomatic tradition for Haiti as an international actor (Arthus, 2017; Joseph, Saint-Paul and Mezilas, 2018). Such considerations raise questions regarding theoretical frameworks in international relations, which would allow Haiti to establish a solid foreign policy.

Indeed, according to general settings of foreign policy (Nossal, Roussel and Paquin, 2015, p.6), among challenges for Haiti are the complex history of the late recognition of the state by France, the US and Canada, and its geographical proximity to those states that play a major role in international organizations cooperating with Haiti, specifically the UN, OAS, CARICOM, the EU and IOF. In addition, the legal tradition and institutional weaknesses with an unstable political system characterized by struggles for power lead to situation of quasi-permanent political crisis management (Seitenfus, 2011). Furthermore, the domination of certain classes and the carelessness given the majority of inhabitants path for migration, specifically in the Caribbean and the Americas, and the domination of French over Creole in the legal system, place people in a quest for their survival. Last but not least, the unending humanitarian crisis leads to a dependence of international assistance, ensuring a presence of international non-governmental organizations (INGOs) to the detriment of an economic policy anchored in the perspective of sustainable development. On the contrary, involving local actors and institutions close to the population and supporting civil society engagement in public affairs should require closer attention. These are all tremendous challenges for the framing of an effective Haitian foreign policy in a changing world.

While theories of international relations influence diplomatic practices and help locate the aforementioned challenges for implementing foreign policy, states do not seem to exclude a combination of realistic, institutionalist and liberalist theories in their practices in promoting international cooperation (Slaughter, 2011). International law also recognizes this mixed approach. Indeed, article 3 of the 1961 Vienna Convention on Diplomatic Relations and article 5 of the 1963 Vienna Convention on Consular Relations rely both on States' interests and on international cooperation. Practically, states seek to defend their interests while cooperating with other states, including through multilateral diplomacy in a world facing global issues that require multilateral responses.

To quote Maya Angelou's poem title, that Haiti as a member of the "human family" has to take action to improve the living conditions of its domestic population and relations with international society under shared values capable of building a fairer society for all individuals is a desirable objective. Moreover, the geopolitical context of Haiti creates a natural need and rationale for the country to frame a coherent foreign policy. Consequently, while it is a titanic work for a developing country to frame a solid foreign policy, from the quest to freedom and international recognition in bilateral diplomacy to its evolution in multilateral diplomacy within the UN as a founding member state, Haiti experienced several steps in diplomacy. Hence, building on the Haitian diplomatic tradition and history would be worth focusing on in training Haitian diplomats in order to make Haitian thought and actions in diplomacy better known. That being said, to revitalize Haitian diplomacy, adapting diplomatic traditions to the changing context at both the national and international levels is a demanding task, especially since the COVID-19 pandemic has been challenging to international cooperation and multilateralism. To this end, a people-centered legal policy inscribed in Haiti's foreign policy could explore, but is not limited to, four avenues which touch upon international law and diplomacy.

Firstly, Haiti should show consistency by ratifying and implementing human rights treaties, and by cooperating with universal and regional human rights bodies and mechanisms responsible for monitoring state's compliance with international human rights law; UN Conventions on torture and enforced disappearances are among such treaties. As noted above, such a policy should include the training of judges on methods of interpreting domestic law in the light of customary international law and norms of *jus cogens* character, particularly in relation to serious

violations of human rights. This does not imply that Haiti will not have problems of forced disappearance and torture. However, from a comprehensive perspective, among other avenues to promote the rule of law, ratifying those conventions and training would be a path to actions regarding cooperation in the field of human rights law and diplomacy (Decaux, 2015) prevention and the prosecution of serious crimes in a context of a state that has experienced crimes against humanity involving security and defense forces.

Secondly, in bilateral diplomacy, focusing on international human rights law is of interest for Haiti in relations with other states. For instance, it would be beneficial to rely on human rights law and promote human rights in relations with neighboring states, such as the Dominican Republic for accountability. Indeed, the protection of Haitian migrants remains problematic in the Dominican Republic, as evidenced by the cases *Expelled Dominicans and Haitians* and the *Yean and Bosico Children* ruled by the IACHR, respectively in 2014 and 2005. With tact, such shared values-based approaches could be extended, to some extent, to other states in the Caribbean, the Americas and Europe. In multilateral diplomacy, with cooperation involving international organizations, human rights law must not only be an instrument for crisis management against Haiti, but also for Haiti and its people. This should lead to a rights-based approach in negotiations affecting Haitian migrants, refugees, internally displaced persons, women, children, persons deprived of their liberty, as well as in the area of diplomatic means of dispute settlement (Cançado Trindade, 2004), with a focus on diplomatic protection. The policy might also require taking opportunities, such as when nearly 15 UN experts demanded reparations for cholera victims based on international law, to draw the UN's attention on the need to review its cooperation with Haiti according to standards that the organization itself has adopted (Harvard Law Today, 2020). Consequently, it is essential for diplomats at headquarters, as well as those posted abroad, including heads of missions, to be trained in international law with a critical approach that also allows them to take into account the subtleties of the implementation of law in international relations and, thus, to stress the interconnection between international law and diplomacy. With the uncertainties and economic consequences of the COVID-19 pandemic exacerbating the economic and humanitarian situation in the country, this would be an opportunity of formulating a policy on the right to health and the right to food to address cooperation with the UN, the WHO, the World Bank, the IMF and the EU. This envisaged reversed conditionality in international cooperation would be based on standards international society has adopted. Such an approach would have the virtue of putting the need for coherence on the table, which also requires that the state work on the functioning of the rule of law institutions at the national level.

Thirdly, as a precautionary measure, Haiti should pay particular attention to the headquarters agreements that the state concludes with international organizations in order for the latter to carry out their missions accurately on the territory of the former. In fact, as the cholera case shows, the risks associated with the operations of international organizations are significant in a country with a fragile humanitarian and economic situations. Considering the wording used in such treaties, it would be worth promoting and inserting in such agreements, including in the context of peace operations, a provision allowing for the protection of and reparations for human rights violations. For instance, according to the wording of the Articles 54 and 55 of the Agreement between the United Nations and the Government of Haiti concerning the status of the United Nations operation in Haiti (MINUSTAH):

Third-party claims for property loss or damage and for personal injury, illness or death arising from or directly attributed to MINUSTAH, except for those arising from operational necessity, which cannot be settled through the internal procedures

of the United Nations; (...) [e]xcept as provided in paragraph 57, any dispute or claim of a private-law character, not resulting from the operational necessity of MINUSTAH, to which MINUSTAH or any member thereof is a party and over which the courts of Haiti do not have jurisdiction because of any provision of the present Agreement shall be settled by a standing claims commission to be established for that purpose (UN, 2004).

Such wording culminates in a restrictive substantive approach to disputes (private law) and appropriate modes of disputes settlement. It illustrates inconsistency regarding the rule of law in international relations and prevents access to justice due to immunities of international organizations. As Philipp Alston put it, the existing legal approach of simply abdicating responsibility is “morally unconscionable, legally indefensible and politically self-defeating” (2016). In reality, a wording less vague than those used in the former articles would help counter immunities for sexual crimes and human rights violations affecting the population. The same precautionary measure should apply to a non-exhaustive list of damaging practices that should eventually lead to civil reparations for victims.

Lastly, institutional reforms could bring about not only a more rational use of resources but also better coordination among the key actors of the state involved in legal policy. Among these reforms envisaged could be the merging of the "International Institutions" and "Legal Affairs" directorates of the Foreign Affairs Department- in French *Ministère des Affaires étrangères et des Cultes* (MAEC). Likewise, the creation of an interministerial committee on legal affairs could bring together the MAEC and the Department of Justice- in French *Ministère de la Justice et de la Sécurité publique*. The envisaged committee would work closely with the OPC to better integrate a human rights approach into the actions of the state and the Ministry of Planning and External Cooperation, in French *Ministère de la Planification et de la Coopération externes* (MPCE). Restructuring the MAEC to integrate the MPCE should also be under consideration. The Haitian state should additionally envisage a mandatory continuing professional education program in international law at the Jean Price Mars Diplomatic Academy for all heads of missions, consuls general and senior foreign affairs officials.

Conclusion

Overall, the multidimensional context of political crisis in Haiti and the attention paid to the rule of law doctrine in international law and diplomacy, promoting the idea of the primacy of law to ensure the protection of human rights in the conduct of power, show need for the country to formulate a legal policy. That would be a good step taken in the quest for reconciling the legal and the justice systems amid Haitian society. Such a policy would be in the interest of individuals in a more responsible state within an international society which promotes shared values.

The avenues Haiti could take are multiple, however, information and training, reform of the language used in the justice system and better working conditions and benefits for legal professionals remain necessary at the national level. Such a legal policy would help frame a more coherent Haitian foreign policy by training diplomats including ambassadors and consuls general. Moreover, Haiti should concentrate on the protection of human rights in negotiations affecting the Haitian population, including in international cooperation, as well as on institutional reforms involving the MAEC, the MJSP and the MPCE, to better ensure coordination in the formulation and the implementation of the proposed policy.

However, the Haitian political context and the consequences of the COVID-19 pandemic are major challenges for such an ambitious legal policy in an international society marked by powerful states, which weigh within international organizations operating in Haiti. Therefore, Haiti has to behave with tact, starting with exemplary actions in the conduct of public affairs at the national level, and in cooperation with the North American and Caribbean regions and, in the framework of the relations between the EU, the Organization of African, Caribbean and Pacific States, and the European Union. This requires increased consideration of bilateral relations with leading states in organizations working in Haiti, as well as for areas of improvement with non-state actors' actions in Haiti. This is a matter of effective diplomacy, a demanding task in a hard time for multilateralism.

ENDNOTES

1. This is a revised version of the paper *Repenser Haïti dans la diplomatie promouvant un droit global dans une société internationale en mutation* presented at the Haitian Studies Association's 32nd Annual Conference, *Nou La Pi Rèd! Embodying a New Praxis* on October 10, 2020. Deepening a SSHRC previous post-doctoral research touching international cooperation with democratizing States at the McGill University's Faculty of Law, this paper is part of an ongoing research on international law, diplomacy and immunities and responsibility of international organizations with The Hague Academy of International Law. The author is grateful to Dr. Jean-Eddy Saint-Paul for his insightful comments at the HSA's Congress and to Dr. Henry (Chip) Carey and his JIOS' reviewers and colleagues for their thought-provoking comments.
2. Our translation.
3. Our translation.
4. These interviews took place between 2012 and 2018, with members of the Criminal Law Reform Commission, judges from the Port-au-Prince, Aquin and Miragoâne districts, law professors, lawyers and student-judges at the *École de la magistrature* of Haiti, the *Protectrice du citoyen*, United Nations officials in New York, the Rule of Law Section of MINUSTAH, UN independent experts and members of UN committees in France and Canada, as well as members of the OAS diplomatic representation in Haiti.
5. Our translation.
6. Cf. the *Loi créant le Conseil supérieur du pouvoir judiciaire* du 17 décembre 2007, *Loi portant statut de la magistrature, Loi relative à l'École de la magistrature* du 17 décembre 2007, Le Moniteur No. 112 du 20 décembre 2007.
7. Our translation.
8. For instance, cf. *Arrêté créant un organisme à caractère administratif dénommé : Unité de lutte contre la corruption* du 8 septembre 2004, Le Moniteur No 61 du 13 septembre 2003; *Loi sur portant création de l'Unité centrale des renseignements financiers* (UCREF); *Loi portant prévention et répression de la corruption* du 10 mai 2013, Le Moniteur No. 87 du 7 mai 2014 ; *Loi portant de patrimoine par certaines catégories de personnalités politiques, de fonctionnaires et autres agents publics* du 9 août 2007, Le Moniteur No. 17 du 20 février 2008 ; *Loi sanctionnant le blanchiment des avoirs et le financement du terrorisme*, Le Moniteur No. 212 du 14 novembre 2013.

REFERENCES

- Arthus, Wien Weibert (2017). *Les grandes dates de l'histoire diplomatique d'Haïti. De la période fondatrice à nos jours*. Paris: Le Harmattan.
- Barthelemy, Gérard (2001). *Pouvoir et justice en Haïti: réflexions sur la culture judiciaire en Haïti, Sistemas Judiciales*. No. 2, 15 janvier 2001, available at <http://www.cejamerica.org/Documentos/DocumentosIDRC/122CEJA-INECIP.pdf>, accessed 26 September 2020.
- Alston, Philip (25 October 2016). *Special Rapporteur on extrême poverty and human rights: Un Responsabilité for the introduction of cholera into Haiti*.
- Cançado Trindade, Antônio Augusto (August 2004). *Peaceful Settlement of International Disputes: Current State and Perspectives*. XXXI Course of International Law Organized by the Inter-American Juridical Committee of the Organization of American States (OAS), Rio de Janeiro, Brazil, available at http://www.oas.org/es/sla/ddi/docs/publicaciones_digital_XXXI_curso_derecho_internacional_2004_Antonio_Augusto_Cançado_Trindade.pdf, accessed 5 January 2020.
- Carlier, Jean-Yves and François Crépeau (2011). “Le droit européen des migrations: exemple d’un droit en mouvement?” *Annuaire français de droit international*, LVII, pp. 641-674. p. 653.
- Charles, Clément Jules (12 December 2020). *The context for Haiti's ongoing constitutional reform process*, available at <https://constitutionnet.org/news/context-haitis-ongoing-constitutional-reform-process>, accessed 5 January 2021.
- Chevallier, Jacques (2009). “L’État de droit et les relations internationales,” *AFRI*, Vol. VII, 2006, p. 9.
- Christakis, Théodore (2009). “La violation du droit interne en tant que menace contre la paix”. In: *SFDI, L'état de droit en droit international*, p.107-122, p. 113.
- Corten, Olivier (1995). “La résolution 940 du Conseil de sécurité autorisant une intervention militaire en Haïti: l’émergence d’un principe de légitimité démocratique en droit international?” *European Journal of International Law [EJIL]*, Vol. 6, pp. 116-133.
- Crépeau, François (2005). “La multiplicité des forums judiciaires, condition de légitimité de la décision collective en droit international”. In: Delas, Oliver; Coté, René; Crépeau, François et al. (dir.). *Les juridictions internationales: complémentarité ou concurrence?* Bruxelles, Bruylant.
- Crépeau, François and Jean-François Gareau (2007). “La société internationale et son droit: vers un changement de paradigme?” In: François Crépeau and Jean-François Gareau (eds.): *Penser l'international, Perspectives et contributions des sciences sociales*, Montréal : PUM, p. 47.
- Daudet, Yves (1992). “L'ONU et l'O.E.A. en Haïti et le droit international,” *Annuaire français de droit international*, Vol. 38, pp. 89-111.
- Darius, Danio (2020). “Le dossier du massacre de Raboteau existe”, BAI et RNDDH en ont transféré une copie au commissaire du gouvernement des Gonaïves,” *Le Nouvelliste*, 16 July, available at <https://lenouvelliste.com/public/article/218666/le-dossier-du-massacre-de-raboteau-existe-bai-et-rn-ddh-en-ont-transfere-une-copie-au-commissaire-du-gouvernement-des-gonaives>, accessed 5 January 2021.
- Decaux, Emmanuel (2015). “Coopération internationale et protection des droits de l’homme,” *Journées de célébration du 50ème anniversaire de la Lettre Encyclique Pacem in Terris du Bienheureux Jean XXIII*, Conseil Pontifical "Justice et Paix", Rome, 2 - 4 octobre 2013, available at <http://www.iustitiaetpax.va/content/dam/giustiziaepace/paceminterris2013/Decaux.pdf>, accessed 24 January 2021.
- Dupuy, Pierre-Marie (2003). *L'unité de l'ordre juridique international: cours général de droit international public*. Recueil des Cours de l’Académie de droit international de la Haye, Tome 297, (2002), Leiden, Martinus Nijhoff Publishers.
- European Union (17 February 2001). *Council Regulation (EEC) No 1608/93 of 24 June 1993 introducing an embargo concerning certain trade between the European Economic Community and Haiti*, OJ L 155, 26.6.1993, p. 2–4;
- European Union (?). *Council Decision of 29 January 2001 concluding the consultation procedure with Haiti under Article 96 of the ACP-EC Partnership Agreement (2001/131/EC)*, OJ L 048, p. 31.
- European Union (30 October 2008). *Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part*, OJ L 289/I/4.
- FIDH (8 March 2018). *Affaire Jean-Claude Duvalier et consorts: “En Haïti, on poursuit l’enquête, pas les criminels”*, available at https://www.fidh.org/IMG/pdf/haiti_709f_fr_8_mars_2018_1_web.pdf, accessed 5 January 2021.
- Fleury, Jean Sénat (2008). *La problématique de la réforme judiciaire en Haïti*. Littleton: Steve Glines. Lulu.com
- Frouville, Olivier de (2001). “CUne conception démocratique du droit international,” *Revue européenne des sciences sociales*, XXXIX-120, available at <http://ress.revues.org/659>, accessed 26 September 2020.
- Gutián, Manuel (1995). “Conditionality: Past, Present, Future,” *Palgrave Macmillan Journals*, Vol. 42.
- Guzman, Andrew T. (2002). “A Compliance- Based Theory of International Law,” *California Law Review* 90 Rev. 1823. No. 4, pp. 792-835.
- Havard Law Today (24 June 2020). *Seeking overdue reparations for U.N.-caused devastation in Haiti*, available at <https://today.law.harvard.edu/seeking-overdue-reparations-for-u-n-caused-devastation-in-haiti/>, accessed 5 October 2020.
- Haiti, Court of first instance-TPI, Conaïves (27 août 1999). *Ordonnance du juge d’instruction, Affaire Raboteau*.
- Haiti, Court of first instance-TPI, Cayes (27 décembre 2011). *Ordonnance du juge d’instruction Bénit Noël* p. 8.
- Haiti, Court of first instance-TPI, Cayes (19 janvier 2012). *Affaire de la prison des Cayes*.
- Haiti, Court of Appeal-CA Port-au-Prince 3^e section (20 février 2014). *Michèle Montas et autres c. Jean-Claude Duvalier*.
- Loi créant le Conseil supérieur du pouvoir judiciaire du 17 décembre 2007, Loi portant statut de la magistrature, Loi relative à l’École de la magistrature du 17 décembre 2007, Le Moniteur No. 112 du 20 décembre 2007.
- Cour supérieure des comptes et du contentieux administratif (2018). *Gestion des projets financés par le fonds Petrocaribe*, available at <https://static1.squarespace.com/static/>

- [5b9f2b7c3917ee4972f3f2d0/t/5c53bdabee1a194097d4a44/1548991930156/PETROCARIBE++31+JANV.+19.pdf](https://www.icaad.org/sites/default/files/2019-09/5b9f2b7c3917ee4972f3f2d0/t/5c53bdabee1a194097d4a44/1548991930156/PETROCARIBE++31+JANV.+19.pdf), accessed 29 septembre 2020.
- Hennebel, Ludovic (2012). “Les droits de l’Homme dans les théories du droit global”. In: Jean-Yves Chérot et Benoît Frydman (dir.): *La science du droit dans la globalisation*. Bruxelles, Bruylant, pp. 140-145.
- Herschling, Luc (2009). “Le regard d’un comparatiste: l’État de droit dans et au-delà des cultures juridiques nationales,” *SFDI, L’Etat de droit en droit international*. Colloque de Bruxelles, Paris: Pedone, pp. 41-67.
- Hocking, Brian (2016). “Diplomacy and Foreign Policy”. In: Costas M. Constantinou, Pauline Kerr and Paul Sharp (eds.). *The Sage Handbook of Diplomacy*, Los Angeles/ London/ New Dehli Singapore: SAGE.
- IACHR (8 September 2005). *Case of the Yean and Bosico Children v. The Dominican Republic*, Série C, No. 130.
- IACHR (6 May 2008): *Yvon Neptune v Haiti, Merits, reparations and costs*, Series C, No.180.
- IACHR (23 November 2011). *Affaire Fleury et al. c. Haïti. Fond et réparations*, Série C, No. 236.
- IACHR (28 August 2014): *Case of Expelled Dominicans and Haitians v. Dominican Republic* (Preliminary objections, merits, reparations and costs), Serie C, No. 282.
- Jean-Arnaud, André (ed.) (2018). *Dictionnaire encyclopédique de théorie et de sociologie du droit*, 2nd edition, Paris: L.G.D.J.
- INURED (2012). *Mapping Justice and the Rule of Law in Haiti*, Port-au-Prince, 19-21 July
- Joseph, Celucien L., Jean Eddy Saint-Paul and Glodel Mezilas, (eds.) (2018). *Between Two Worlds: Jean Price-Mars, Haiti, and Africa*, Lanham: Lexington Books.
- Karamaoun, Nino Anis (2020). *At the crossroads between peacekeeping and development: the curious case of the establishment and functioning of a National human rights institution in Haiti* [Master Thesis], Faculty of Law, McGill University, Montreal, available at <https://escholarship.mcgill.ca/concern/theses/r494vq32f>, accessed 26 December 2020.
- Kochenov, Dimitry (2008). *EU Enlargement and the Failure of Conditionality: Pre-Accession Conditionality in the Fields of Democracy and the Rule of Law*, The Hague: Kluwer Law International.
- Koskenniemi, Martti, (2005). *Global Legal Pluralism: Multiple Regimes and Multiples Modes of Thought*, Harvard, mars 2005, available at [http://www.helsinki.fi/eci/Publications/Koskenniemi/MKPluralism-Harvard-05d\[1\].pdf](http://www.helsinki.fi/eci/Publications/Koskenniemi/MKPluralism-Harvard-05d[1].pdf), accessed 29 September 2020.
- Kourilsky, Chantal (1991). “Acculturation juridique et socialisation du sujet,” *Droit et Société*, n°19, pp. 273-291, p. 275.
- Latortue, Gérard (2018). *L’œuvre législative du gouvernement de transition d’Haïti (2004-2006)*. Pompano Beach: Educa Vision.
- Lawyers without Bordes Canada & Collectif contre l’impunité (2014). *Affaire Duvalier: La décision de la Cour d’appel de Port-au-Prince du 20 février 2014: une étape importante pour la justice en Haïti*, available at https://www.asfcanda.ca/site/assets/files/7187/affaire-duvalier_haiti.pdf, accessed 5 January 2021.
- Le Nouvelliste (2020). *Mise au point des auteurs du nouveau Code pénal*, 19 July, available at <https://lenouvelliste.com/article/218834/mise-au-point-des-auteurs-du-nouveau-code-penal>, accessed 29 September 2020).
- Lequesne, Christian (2018). *La politique étrangère: approches disciplinaires*. Montréal, PUM, 2018, p. 9.
- Lundestad, Øystein and Kjartan Koch Mikalsen (2011). “The Institutionalisation of International Law: On Habermas’ Reformulation of the Kantian Project,” *Journal of International Political Theory*, Vol: 7, No. 1, pp. 40-62.
- Mégret, Frédéric (2019). “Beyond UN Accountability for Human Rights Violations,” *International Organizations Law Review*, Vol. 16 (2019), No.1, pp. 68-104
- Mégret, Frédéric(2013). “La responsabilité des Nations Unies au temps du choléra,” *Revue Belge de droit international*, Vol, 1, pp. 161-189.
- Mitzen, Jennifer (2006). “Reading Habermas in Anarchy: Multilateral Diplomacy and Global Public Spheres,” *American Political Science Review* 99(3), pp. 401-417.
- Mockle, Daniel (1994). “L’État de droit et la théorie de la Rule of law,” *Les Cahiers de droit*, 35: 4.
- Mondélice, Mulry (2015). *Le droit international et la construction de l’État de droit: enjeux et défis de l’action internationale à travers l’exemple d’Haïti* [doctoral dissertation], Université Laval, Quebec and Université Paris 2-Panthéon-Assas, available at <https://corpus.ulaval.ca/jspui/handle/20.500.11794/26470>.
- Mondélice, Mulry (2017). “L’internationalisation du rôle des institutions nationales des droits de l’homme dans la promotion de l’État de droit sur la base des Principes de Paris: dynamiques nouvelles et défis de consolidation”. In: *Mélanges en l’honneur du professeur Emmanuel Decaux — Réciprocité et universalisme. Sources et régimes du droit international des droits de l’homme*. Paris: Pedone, pp. 1283-1300.
- Mondélice, Mulry (2020a). “Humanitarian Action at the Time of Covid-19: Between Reaffirmation of Multilateralism and Challenges for Coherence”. In: Bruno Charbonneau and Chantal Lavallée. *COVID-19 and the Future of Global Order*. Centre for Security and Crisis Governance, available at <https://ras-nsa.ca/wp-content/uploads/2020/07/CRITIC-COVID-19-Report.pdf>, accessed 26 December 2020.
- Mondélice, Mulry (2020b). “Les relations Union européenne-Caraïbe au-delà des échanges commerciaux : un partenariat évolutif dans un contexte complexe”. In: Olivier Delas (ed.), *L’Union européenne et les espaces d’intégration régionale – enjeux de la nouvelle route de la soie*. Bruxelles: Bruylant, pp.199-233.
- Mondélice, Mulry (2020c). “Louis Joinet: un expert indépendant pour Haïti,” *Droits fondamentaux*, no 18.
- Montalvo-Despeignes, Jaquelin (1976). *Le droit informel haïtien: approche socio-ethnographique*, foreword of Jean-Carbonnier. Paris: PUF.
- Nossal, Kim Richard, Stéphane Roussel and Stéphane Paquin (eds.) (2015). *The Politics of Canadian Foreign Policy*. Montreal: McGill-Queens University Press, 4th Edition, pp. 6-15.
- Okafor, Obiora C. (2005). “Newness, Imperialism, and International Legal Reform in Our Time: A Twail Perspective,” *Osgoode Hall Law Journal*, Vol. 43.1/2, pp. 171-191.
- Paisant, Gilles (ed.) (2003). *De la place de la coutume dans l’ordre juridique haïtien: bilan et perspectives à la lumière du droit comparé*. Grenoble: Presses universitaires de Grenoble.
- Pierre-Louis, Patrick (2013). “Pouvoir judiciaire et État de droit en Haïti, exigences théoriques et contraintes politiques,” *Rencontre: revue haïtienne de société et de culture*, No. 28-29 mars 2013, Centre de recherche et de formation économique et sociale pour le développement (CRESFED), pp. 45-49, available at <http://bibliotecavirtual.clacso.org.ar/Haiti/cresfed/20130513053519/art6.pdf>, accessed 26 September 2020.
- (August 2002). “La réforme de la justice en Haïti ou les affres d’un défi,” *Centro de Estudios de Justicia de las Américas, Sistemas Judiciales*, 2002, No 3, available at

- https://sistemasjudiciales.org/wp-content/uploads/2018/09/notasgenerales_pPierre-Louis.pdf, accessed 24 January 2021.
- Rull, Monica, Ilona Kickbusch and Helen Lauer (2015). “International Responses to Global Epidemics: Ebola and Beyond,” *Revue internationale de politique de développement*, available at <https://journals.openedition.org/poldev/2178#tocto1n1>, accessed 26 December 2020.
- Seitenfus, Ricardo (2011). “The Nature of Haitian Politics and international Challenges,” *Journal of Peacebuilding & Development*, Special Issue: Cooperation for Reconstruction, Peace and Transformation in Haiti: Critical Reflections to Advance Aid Effectiveness 6(3), pp. 85- 89.
- Société Française pour le Droit International (2008). “Les aspects idéologiques de l’Etat de droit”. In: SFDI. *L’Etat de droit en droit international*, Colloque de Bruxelles, Paris: Pedone, pp. 69-80.
- Sorel, Jean-Marc (1996): “Sur quelques aspects juridiques de la conditionnalité du F.M.I. et leurs conséquences”. *European Journal of International Law*, Vol.7, No 1, pp. 42-66.
- Slaughter, Anne-Marie (2011). “International Relations, Principal Theories”. In: Max Planck Encyclopedia of Public International Law, available at https://scholar.princeton.edu/sites/default/files/slaughter/files/722_intlrelprincipaltheories_slaughter_20110509zg.pdf, accessed 5 January 2021.
- Sutton, Paul (October 2012). “The European Union and the Caribbean Region: Situating the Caribbean Overseas Countries and Territories”, *European Review of Latin American and Caribbean Studies*, No. 93, pp. 79-94.
- Tamanaha, Brian Z (2012). “The History and Elements of the Rule of Law,” *Singapore Journal of Legal Studies*, 2012, p. 232.
- United Nations (2004a). *Agreement between the United Nations and the Government of Haiti concerning the status of the United Nations operation in Haiti*, RTNU, Vol. 2271, I-40460, 9 July 2004.
- United Nations (2004b). *The rule of law and transitional justice in conflict and post-conflict societies, Report of the Secretary-General*, UN Doc. S/2004/616), 23 August 2004: 6.
- United Nations (8 August 2011). *Strengthening and coordinating United Nations rule of law activities, Report of the Secretary-General*, UN Doc. A/66/133, p. 3.
- United Nations (24 September 2012a). *Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels*, UN Doc. A/RES/67/1. § 38.
- United Nations (2012b). *Delivering justice: programme of action to strengthen the rule of law at the national and international levels, Report of the Secretary-General*, UN Doc. A/66/749, 16 March 2012, § 2.
- United Nations (26 August 2016). *Extreme poverty and human rights. Report of the Special Rapporteur on extreme poverty and human rights [Philipp Alston Report]*, UN Doc. A/71/367.
- US Department of State (23 July 2019). *U.S.-Caribbean 2020, Report to Congress on Progress of Public Law (P.L.) 114-291: Efforts to Implement the Strategy for U.S. Engagement with the Caribbean Region*, available at <https://www.state.gov/u-s-strategy-for-engagement-in-the-caribbean/>, accessed 27 October 2020.
- US Department of State (2020). *Caribbean 2020: A Multi-Year Strategy To Increase the Security, Prosperity, and Well-Being of the People of the United States and the Caribbean*, available at <https://www.state.gov/u-s-strategy-for-engagement-in-the-caribbean/>, accessed 8 October 2020.
- Vienna Convention on Diplomatic Relations, UNTS, Vol. 500, p. 95
- Vienna Convention on Consular Relations, UNTS, Vol. 596, p. 261.