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UN Rebuts Allegations Its Nepalese Blue Helmets Brought Cholera to Haiti

by George Rodriguez

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Despite the dire poverty of its population, Haiti had not been hit by cholera until nine months after the January 2010 earthquake ravaged this French-speaking Caribbean island nation. The outbreak has since killed some 8,000 people and affected hundreds of thousands more, dramatic figures that add to the 230,000-300,000 killed by the quake, which also left around 1.5 million homeless (NotiCen, Jan. 21, 2010). About 300,000 are still lodged in tent towns in this country of 9.1 million people—described as the poorest in the Americas—where daily income for 78% is less than US$2 (NotiCen, Oct. 20, 2011).

The epidemic has been traced to the UN peacekeeping force’s barracks in the southern town of Mirebalais, some 60 km northeast of the capital Port-au-Prince, on the country’s largest river, the Artibonite, where Nepalese blue helmets were stationed (NotiCen, Nov. 18, 2010). The cholera strain in Haiti has been traced back to Nepal, according to various accounts.

In a March 21 opinion article in The Washington Post titled "U.N. hypocrisy in Haiti," a Yale Law School professor and a law student wrote, "For all its challenges, Haiti was free of cholera for about a century before a UN peacekeeping force arrived from Nepal in October 2010."

"Although there had been an outbreak of cholera in Nepal shortly before the troops left for Haiti, the UN mission failed to appropriately screen the peacekeepers for the disease," wrote professor Muneer Ahmad and student Charanya Krishnaswami, director and member, respectively, of Yale’s Transnational Development Clinic. "This error was compounded by the United Nations’ failure to provide the peacekeeping mission adequate sanitation facilities at their base in the town of Mirebalais."

"As a result, cholera-infected waste leaked into a tributary to Haiti’s largest river, the Artibonite. Because many Haitians depend on the river for water, the spread of cholera was as rapid as it was deadly, killing more than 8,000 people, as of last month, and sickening hundreds of thousands of others," the authors reported in the piece datelined in Port-au-Prince. "Cholera continues to infect 1,500 people here every week. Community health advocates told us this week that patients lack access to care and simple life-saving supplies, thanks in part to continued UN inaction."

"Victims living steps away from the UN base—every one of whom has lost a relative, a friend, or a neighbor in the outbreak—expressed their anger at the organization and their hopes to see it brought to justice," according to the account.

"The mandate of the UN mission in Haiti includes ensuring 'individual accountability for human rights abuses and redress for victims,'" the authors explained, referring to the UN Stabilization Mission in Haiti (MINUSTAH). "Yet instead of fulfilling its obligations to the roughly 600,000 Haitians affected by a cholera outbreak it caused, the United Nations is hiding, shamefully, behind a claim of immunity. By refusing to right its own wrong, the international body is violating the principles of international accountability and human rights that it purports to promote."
Suit demands redress and apology; UN claims immunity

Thus, in November 2011, the Boston-based human rights organization Institute for Justice & Democracy in Haiti (IJDH) and its Haitian affiliate the Bureau des Avocats Internationaux (BAI) decided to file claims for compensation in representation of some 5,000 victims of the epidemic.

The suit is aimed at having the UN not only pay compensation to the plaintiffs but issue a public apology for what is described as the organization’s "wrongful acts" and also set up water and sanitation systems nationwide. The UN reacted last month saying that, based upon the immunity derived from the 1946 Convention on Privileges and Immunities of the United Nations, it could not receive the victims’ claim.

Press reports said that was the message UN Secretary-General Ban Ki-Moon conveyed to Haiti’s President Michel Martelly during a telephone conversation.

In statements to reporters at UN headquarters in New York City, the international official’s spokesperson Martin Nesirky said that "today, the United Nations advised the claimants’ representatives that the claims are not receivable pursuant to Section 29 of the Convention on the Privileges and Immunities of the United Nations."

"Since the outbreak began in 2010, the United Nations and its partners have worked closely with the people and government of Haiti to provide treatment, improve water and sanitation facilities, and strengthen prevention and early warning," added Nesirky. "The secretary-general again expresses his profound sympathy for the terrible suffering caused by the cholera epidemic and calls on all partners in Haiti and the international community to work together to ensure better health and a better future for the people of Haiti."

Nicole Philips, an attorney with the IJDH, said the UN’s reaction was no surprise, and she described it as "very political." Quoted last month by the British newspaper The Guardian, the attorney said that, if the UN was a corporation, "and if it had been an environmental spill, there would have been liability."

Also quoted by The Guardian, IJDH attorney and lead counsel in the suit Mario Joseph said, "The United Nations can't have humanity and impunity at the same time. [The victims] still do not know what the UN has said, as they live in the countryside, but I know that they will want us to fight for justice from the UN."

The US Centers for Disease Control and Prevention (CDC) said Haiti’s case marks the worst cholera epidemic in modern times, having spread from this country into neighboring Dominican Republic, with which it shares the island of Hispaniola.

As of three months ago, some 40 fatal cases and around 2,300 hospitalizations per week have been Haiti’s unprecedented cholera statistics.