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December 23, 2016

The Honorable Ambassador Samantha Power  
U.S. Permanent Representative to the United Nations  
799 United Nations Plaza  
New York, New York 10017

Dear Ambassador Power:

We write on behalf of the New York City Bar Association to urge the United States to provide support for the United Nations' new approach to the cholera epidemic in Haiti before you complete your term as the U.S. Permanent Representative to the United Nations. We applaud Ambassador Isobel Coleman's December 1, 2016 remarks stating that the United States "recognizes that more must be done" in response to the outbreak and that it "supports the UN's ongoing efforts."<sup>1</sup> A timely and concrete investment from the United States is essential to ensure that the approach receives full international support and that implementation of the new plan can begin.

The Association is a 145-year-old independent nongovernmental organization of more than 25,000 members in New York City, throughout the United States, and in over fifty other countries. Our membership includes judges, prosecutors, government officials, defense lawyers, and scholars of international and domestic law. The Association has a long history of dedication to promoting human rights and the rule of law, including within the United States. We have long been troubled by the insufficiency of UN efforts to eliminate cholera from Haiti and the lack of

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<sup>1</sup> Ambassador Isobel Coleman, Remarks at an Informal Briefing by the Secretary-General on the United Nations' New Approach to Cholera in Haiti, Dec. 1, 2016, <https://usun.state.gov/remarks/7582>.

any mechanism to hear and resolve claims by cholera victims, and we are encouraged by the UN's recent progress to develop a just response to the cholera crisis.<sup>2</sup>

This is a critical moment for Haiti and for the United Nations. After years of obfuscating the nature of its role in causing the outbreak—and avoiding any responsibility to provide assistance to cholera victims—the UN has recently acknowledged its “moral responsibility” to address the needs of cholera victims and to eliminate the disease from Haiti.<sup>3</sup> On that basis, the UN recently publicly apologized for its role and announced a two-track approach both to address the suffering of those who lost loved ones to cholera or were sickened themselves and to provide cholera control measures that are necessary to alleviate this crisis and eventually eliminate the disease from the country. As the Secretary-General has observed, this is the right thing to do for the UN and its Member States as well as an opportunity to address a tragedy that has damaged the UN's reputation and global mission.<sup>4</sup>

While we welcome Ambassador Coleman's recent acknowledgment of the UN's “clear ethical duty” to respond to the outbreak, and her pledge that the United States will support the UN in those efforts, sufficient resources must of course be made available to make good on that pledge.<sup>5</sup> Given the fundamental leadership role of the United States in the UN, and the historical relationship between the United States and Haiti, the United States has its own ethical duty and a strong national interest in making sure that the UN's plan succeeds. As the largest financial contributor to the UN's peacekeeping operations and a permanent member of the Security Council, the support of the United States for the UN's new approach is critical to enable implementation of the new approach and to signal to other Member States that this plan should be supported. Without strong leadership and support from the United States, the UN's new approach risks becoming no more than words on paper.

With your term as UN Ambassador nearing its end, concrete U.S. support for the UN's plan can form an important part of your own legacy and that of the Obama administration as protectors of human rights and supporters of effective multilateral institutions. The United States now has an opportunity to demonstrate its full support for a resolution to the cholera crisis that is

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<sup>2</sup> See, e.g., Debra L. Raskin & Anil Kalhan, *No Immunity from Cholera: How to Hold the United Nations to Account*, FOREIGN AFFAIRS, July 13, 2016, <https://www.foreignaffairs.com/articles/haiti/2016-07-13/no-immunity-cholera>; Letter from Anil Kalhan, Chair, Committee on International Human Rights, New York City Bar Association, to Hon. Ban Ki-moon, Secretary-General, United Nations, Oct. 14, 2016, available at <http://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/letter-to-united-nations-general-secretary-ban-ki-moon-regarding-the-outbreak-of-cholera-in-haiti-in-2010>.

<sup>3</sup> Statement Attributable to the Spokesman for the Secretary-General on Haiti, Aug. 19, 2016, <https://www.un.org/sg/en/content/sg/statement/2016-08-19/statement-attributable-spokesman-secretary-general-haiti>.

<sup>4</sup> Secretary-General Ban Ki-moon, Remarks to the General Assembly on a New Approach to Address Cholera in Haiti, Dec. 1, 2016, <https://www.un.org/sg/en/content/sg/statement/2016-12-01/secretary-generals-remarks-general-assembly-new-approach-address>.

<sup>5</sup> Somini Sengupta, *U.N. Apologizes for Role in Haiti's 2010 Cholera Outbreak*, N.Y. TIMES, Dec. 1, 2016, at A12, available at <http://nyti.ms/2gRymCi> (reporting that the UN has not yet “raised an additional \$200 million it wants for ‘material assistance’ to families and communities that have suffered; donor nations have not yet come forward with the funds,” and that “[o]f the estimated \$200 million, only \$500,000 has so far been pledged”).

consistent with the UN's obligations and addresses the human rights of victims. By helping to ensure the success of the UN's plan, the United States can also help to reaffirm the credibility and standing of the UN, which have been severely damaged by its response to the cholera crisis. By the same token, if the UN and United States were to turn their backs on their responsibilities and stated commitments, it would likely have lasting consequences for the credibility of the United States, the UN, and the international community.

The UN's new approach offers the kinds of concrete measures called for by members of Congress and by many U.S. stakeholders, including this Association, to address the cholera crisis, and for which the people of Haiti have long waited. Strong support by the United States—acting in furtherance of its commitment to principles of human rights and accountability—is absolutely necessary to ensure that the UN fulfills its commitment to achieve a just resolution to the cholera epidemic in Haiti. Thank you for your efforts.

Very truly yours,



Anil Kalhan  
Chair  
Committee on International  
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Michael Cooper  
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cc: The Honorable John Kerry  
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