

## **CONSOLIDATING STABILITY IN HAITI**

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## CONSOLIDATING STABILITY IN HAITI

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Haiti's security and stability remain fragile. President René Préval has endorsed national policies for security, police, justice and prison reform, but a weak state and decades, if not centuries, of institutional abandonment, make implementation slow, difficult and uneven. His first real success has been the dismantling of the toughest gangs in Port-au-Prince, but for this to be sustainable a community-friendly Haitian National Police (HNP) needs to be built under the security umbrella provided by the UN peacekeepers (MINUSTAH), infrastructure and economic opportunity must appear in the capital's poor neighbourhoods, and comparable recovery and reconstruction have to be extended across the country.

Post-conflict and transitional assistance is only starting to trickle into the capital, whose communes have still not perceived the start of a new era. Likewise, donor and government coordination is not yet efficient: in Cité Soleil, one of the main areas wrested from the gangs, vital time has been wasted in prolonged negotiations about where and when the HNP would establish its permanent presence. The majority of the most-wanted gang members have been killed or arrested but some have already paid their way out of prison or been replaced by younger, no less violent lieutenants, and others are in hiding. More than a dozen private incidents of revenge, including lynchings, have occurred in Cité Soleil since January 2007. Disarmament, demobilisation and reintegration (DDR) and other community violence reduction programs have been too slow. Peacebuilding initiatives are required that bring income, community services and hope to these communities quickly.

To embed stability Haiti must also halt political manipulation of the justice sector, end impunity and assure both accountability and due process of law. Short-term actions include establishing a special criminal court chamber to handle certain serious crimes, as well as non-partisan investigation, prosecution and trial of suspects in the most sensitive political assassinations and killings of the last decade – steps that require strong support from the president and Prime Minister Jacques Edouard Alexis. Parliament's early passage of the judiciary reform package is also essential. Longer-term improvements require donor-government agreement on benchmarked

changes in justice practices, with the extent of future funding linked over time to progress in implementation.

State structures are still extremely weak, especially at the various local levels, the number and complexity of which add to the inefficiency of governance. Decentralisation is important and should be pursued but so should a national consensus on changes, including constitutional amendments if necessary, to rationalise the local governance system and turn it into one that Haiti can afford without massive donor subsidies.

Revenue collection, state reserves and economic growth are rising, and inflation and exchange rates are under control, but the average citizen has not felt an improvement in living conditions. Customs revenue is far less than its potential because of corruption and smuggling. Similarly, the lack of administrative capacity limits the ability of the 140 municipalities to impose and collect local fees and taxes and so to meet local needs, and is even more apparent in the near abandonment of rural communities where some 60 per cent of the population lives.

Ministries and public institutions must accelerate public spending and investment and speed up massive infrastructure renovation. Numerous job creation and investment projects have been planned but not implemented; the most successful ones, with potential to spark cultural change and new local governance practices, have been single-shot efforts, yet to be extended for national impact. President Préval recently spoke of rooting out corruption at all levels of government as a priority but, as with so much else that is needed to ensure the country does not slide back into all too familiar chaos when international attention inevitably wanes, little has yet been done.

### RECOMMENDATIONS

#### **To the President, Prime Minister and Government of Haiti:**

1. Oppose any attempt to create a second national security force, beside the Haitian National Police (HNP).

2. Appoint locally respected leaders as new departmental delegates and vice delegates or confirm those currently in office so as to put an end to uncertainty at local levels.
3. Reinforce the interior ministry with more and better trained staff so it can:
  - (a) support and supervise municipal and other local officials; and
  - (b) determine and support best practices in local development and governance projects for replication nationwide.
4. Coordinate national conferences on local governance and incorporate recommendations into a renewed legal framework for comprehensive reforms, including, if determined to be necessary, constitutional changes, to:
  - (a) simplify public administration by reducing the number of local bodies and administrative levels and the cost of elections by merging councils and assemblies as appropriate;
  - (b) redraw territorial boundaries to provide for greater equality in political representation;
  - (c) empower municipalities, delegations and vice delegations to play a more active role in local development, while considering the need to assign consultative roles to Communal Section Assemblies (ASECs) and Communal Section Councils (CASECs) as well as departmental assemblies and councils; and
  - (d) strengthen local taxation capacity and speed revenue sharing.
5. Implement more rapidly the government's plan for Cité Soleil, expanding it to include maintenance, municipal administration and citizen security, and clarify the chain of command for coordinating the Cité Soleil task force.
6. Tighten coordination between the national commission for disarmament, demobilisation and reintegration (CNDDR), donors and non-governmental organisations (NGOs) in order to agree on criteria for enforcing compliance with disarmament requirements and reinsertion standards and preventing gang violence.
7. Instruct the justice ministry to undertake an independent review of the need to reopen or re-launch criminal cases involving assassinations where suspicion of improper political influence exists.

8. Create, through appropriate administrative measures, a special criminal court chamber with jurisdiction over cases involving drug trafficking, kidnapping, terrorism, corruption, money laundering, human trafficking and organised crime.

#### **To Parliamentarians and Political Parties:**

9. Make the workings of the legislative branch more professional by improving party discipline, following parliament's internal rules and carrying out the agreed parliament reform plan.
10. Act promptly on the government's justice reform legislative package.

#### **To the International Community, including the U.S., Canada, the EU, the International Financial Institutions and Other Major Donors:**

11. Put Haiti on the agenda of the UN Peacebuilding Commission as soon as possible and allocate \$50 million from the Peacebuilding Fund to those UN agencies which can facilitate capacity building in governance at all levels, assist large-scale planning and encourage more rapid investment in sustainable infrastructure and service improvement in the "hot zones".
12. Contribute financial and technical assistance to the government's plan for Cité Soleil.
13. Support, following a national dialogue, the government's strategy to simplify and strengthen local governance.
14. Offer technical assistance to the justice ministry to strengthen justice administration and agree with the government on benchmarks for justice reform, including:
  - (a) more efficient functioning of the detention commission;
  - (b) adoption of the three draft reform bills on the status of magistrates, the judicial council and the magistrates school;
  - (c) immediate review by a revitalised judiciary inspection body to determine appropriate sanctions against corrupt judges, lawyers and others involved in improper conduct with respect to serious crime cases; and
  - (d) tangible progress in the police vetting process.
15. Continue to apply pressure for quicker modernisation in customs administration and improved state control of ports.

16. Support government anti-drugs programs, including by:
- (a) supporting vetted HNP anti-drugs units;
  - (b) fully staffing U.S. anti-drugs offices in Haiti;
  - (c) intensifying regional coordination on intelligence, surveillance and interdiction, including the permanent stationing of two U.S. Drug Enforcement Agency-supported helicopters to assist HNP/MINUSTAH action against clandestine air strips used by drug traffickers and off-shore air drops; and

- (d) providing MINUSTAH and HNP the capability to establish a maritime base on the southern coast from which to conduct regular patrols, surveillance and interdiction.

**To MINUSTAH and UN Agencies:**

- 17. Improve coordination with the CNDDR and set up a reintegration program for vetted police staff.
- 18. Launch major community policing training and community safety projects in the localities where HNP vetting has been successfully completed.

**Port-au-Prince/Brussels, 18 July 2007**

## CONSOLIDATING STABILITY IN HAITI

### I. INTRODUCTION

national ministries, local authorities, community organisations and the private sector.<sup>2</sup>

Haiti has an historic opportunity to design a democratic future and establish conditions conducive to economic development. President René Préval enjoys domestic and international support to implement an ambitious, long-term reform agenda. The UN Stabilization Mission in Haiti (MINUSTAH),<sup>1</sup> together with the Haitian National Police (HNP), have dislodged the core of the politicised, criminal networks in Port-au-Prince which threatened stability for the previous nine months. However, the state remains very weak, in need of continued military, police, political, financial and technical support.

Port-au-Prince is still the key security challenge, even though gang capacity to carry out political violence, kidnapping, port blockades and business sector coercion on a large scale has been eviscerated. The government and MINUSTAH will have to keep tight control of volatile areas for the next several years to reassure the still jittery population. Strengthening state structures is critical for sustainable development. The economic governance of the finance ministry and Central Bank must be constantly monitored and brought up to international standards. Préval's statements about prioritising the fight against corruption is only a promising start.

To pass his program, including deep reform of the justice sector, the president will need a more mature and responsible legislature and a more accountable political class, backed by higher donor priority, an active civil society and an engaged private sector. Lack of money and aid is not the problem, since donors are ready to contribute to genuine, locally owned and feasible initiatives. But in many instances, new legislative authority is required. In many others, there is a need for additional competent personnel.

As Préval acknowledged in May 2007, peace has to be maintained nationwide, not only in the capital. Better organised, trained and financed local government is another key to renewal, one requiring not only further resources but also more effective partnerships between

<sup>1</sup> On 15 February 2007 the Security Council extended the mandate of MINUSTAH to 15 October 2007.

<sup>2</sup> Philippe R. Girard, *Paradise Lost: Haiti's Tumultuous Journey from Pearl of the Caribbean to Third World Hotspot* (New York, 2005).

## II. SECURITY

Since the kidnapping peak of December 2006, many main gang leaders have been arrested or killed. More than 750 suspected gang members have been jailed since January and much ammunition recovered. Aid and development staff work in relative safety during the day in Cité Soleil. However, the situation remains fragile.

### A. PROGRESS

General insecurity and indiscriminate kidnappings intensified in November-December 2006.<sup>3</sup> The ensuing wave of terror in Port-au-Prince touched all of society.<sup>4</sup> The mid-November kidnapping, torture and subsequent murder of a female student, Farah Dessources, and the killing of a six-year-old boy even after ransoms had been paid, followed in December by a spate of child abductions, triggered popular outrage.<sup>5</sup>

The government pressed for an early response but MINUSTAH was only ready after the 3 December elections and a mid-month troop rotation.<sup>6</sup> The first of a series of major joint operations with the HNP, on 22 December, turned into a shoot-out with the Belony gang<sup>7</sup>

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<sup>3</sup> According to MINUSTAH, kidnappings dropped in September and October 2006, but rose from 31 to 96 in November and to a year's high of 129 in December. Haitians say the actual numbers are higher, because many kidnappings are not reported for fear of reprisals and distrust of the HNP. Jean Michel Caroit, "Chaos Reigns in Haiti", 2 January 2007, at <http://www.alterinfos.org/spip.php?article750>.

<sup>4</sup> Senior officials and internationals were not exempt. Fred Joseph a former minister of finance under Préval and brother-in-law of the current minister, was abducted on 30 November 2006. On 10 November, two Jordanian soldiers were killed near Cité Soleil when their truck was fired upon. "Haiti gunmen kill 2 Jordanian U.N. soldiers", Reuters, 11 November 2006. Several Haitian UN staff have also been kidnapped.

<sup>5</sup> 29 kidnappings of schoolchildren were reported in three days in the second week of December in Port-au-Prince. "L'UNICEF et le MINUSTAH ensemble contre le kidnapping d'enfants", [www.minustah.org](http://www.minustah.org), 22 December 2006. Martissant experienced an escalation in gang violence with a dozen people killed in three days in December and the killing on 3 December of a local policeman, Jean-André Noël, who had been implicated in several kidnappings.

<sup>6</sup> Crisis Group interview, MINUSTAH UN police (UNPOL) staff, Port-au-Prince, 24 February 2007. Center for Strategic & International Studies (CSIS) roundtable discussion with Ambassador Mulet, 27 January 2007.

<sup>7</sup> MINUSTAH press release 299, 22 December 2006. The spelling of gang members' names varies. Previous Crisis Group reports used "Bellony" and "Evans". This report uses "Belony" and "Evens", which have become more common in the media.

in Bois Neuf and Drouillard, with at least nine casualties.<sup>8</sup> General Carlos Alberto Dos Santos, the Brazilian who took over MINUSTAH on 11 January,<sup>9</sup> adopted a systematic plan, first seizing strategic buildings around Cité Soleil and targeting the most notorious gang leaders, while relying on intelligence to keep casualties as low as possible.<sup>10</sup> Checkpoints were maintained on key routes in and out of Cité Soleil, and troops stayed on the ground in order to create a secure environment for the HNP to return permanently and government and development agencies to work unimpeded.<sup>11</sup>

On 24 January, MINUSTAH occupied a strategic four-story building, the "Blue House", at the entrance to the Boston sector.<sup>12</sup> On 9 February "Operation Jauru Sud Americana"<sup>13</sup> targeted Boston and Evens's Jamaica base.<sup>14</sup> In between major drives, MINUSTAH stayed in Cité Soleil and increased patrols, some with the HNP.<sup>15</sup> With Evens's gang believed dislodged and a permanent MINUSTAH presence established in Boston, "Operation Nazca" on 20 February turned to Belekou.<sup>16</sup> The HNP

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<sup>8</sup> "Monthly Forecast: Haiti", Security Council Report, February 2007, at [http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.2461273/k.472/February\\_2007brHaiti.htm](http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.2461273/k.472/February_2007brHaiti.htm).

<sup>9</sup> He replaced another Brazilian, Lt. Gen. José Elito Carvalho Siqueira.

<sup>10</sup> In the 34 zones of Cité Soleil, as many as 32 gangs operated with shifting affiliations to the three main groups, whose leaders were identified as Evens Jeune in Boston, Belony in Bois Neuf and Amaral Duclona in Belekou. For more on Cité Soleil gangs, see Crisis Group Latin America/Caribbean Briefing N°12, *Haiti: Security and the Reintegration of the State*, 30 October 2006.

<sup>11</sup> The HNP has not occupied its three commissariats there since February 2004.

<sup>12</sup> It was next to the main water tower and source of water for many residents, the product of a project involving the International Committee of the Red Cross (ICRC), the drinking water agency CAMEP, the U.S. Agency for International Development (USAID) and the International Organisation for Migration (IOM). Part of it was damaged, and troops were put on it, making it a possible target. They left after being made aware of the situation, damage was repaired, and the tower is now functioning.

<sup>13</sup> Named after the force commander's Brazilian battalion. The 700 soldiers came from Bolivia, Brazil, Chile, Paraguay, Peru, Uruguay and Jordan. Evens's gang had dug ditches around the base. The military used trucks with sand and engineers to fill them.

<sup>14</sup> Crisis Group interview, General Dos Santos, MINUSTAH force commander, 9 February 2007.

<sup>15</sup> A routine patrol arrested Ti Bazil in Cité Soleil. "Haiti: UN peacekeepers arrest gang chief in ongoing anti-crime blitz", UN News Service, 20 February 2007, at [www.un.org/apps/news/story.asp?NewsID=21619&Cr=haiti&Cr1=](http://www.un.org/apps/news/story.asp?NewsID=21619&Cr=haiti&Cr1=).

<sup>16</sup> 700 soldiers from the same Latin American countries as for the previous operation, and from Jordan and Nepal, along with coast guards, Chilean air support, surveillance helicopters and formed police units (FPU) were involved.

arrested seventeen suspects, and MINUSTAH established another base; the gang leader Amaral's house was seized but he escaped. A 28 February operation, targeting Bois Neuf again, took Belony's headquarters and arrested seven people with no shots fired but the gang leader evaded capture.<sup>17</sup>

Four weeks after the operation targeting him, Evens was arrested on a tip from residents, on 13 March near Les Cayes.<sup>18</sup> Belony fled to Saint-Michel de L'Attalaye in Artibonite department but locals, fearing he would bring violence with him, alerted the police, and he was arrested on 21 April. The media, particularly Haiti's 200 radio stations and national television, gave wide publicity to the anti-gang campaign,<sup>19</sup> and the cooperation from the population that led to both these arrests was a positive sign.<sup>20</sup>

As Prime Minister Jacques Edouard Alexis promised, Cité Soleil operations were followed up in Martissant, where there was a turf war between rival gangs, and other volatile zones. HNP and MINUSTAH now regularly patrol Martissant.<sup>21</sup> The operations dispersed some of the gangs and allowed residents of Cité Soleil, Martissant and other slums to gain a small sense of stability and resume normal activity. Not all gangs have been dislodged; some have reduced activities and hidden their weapons.<sup>22</sup> However, insecurity is no longer prevalent in the capital, and other regions have not been destabilised to the extent feared after initial reports of gang flight into those areas.<sup>23</sup>

Several local organisations, such as the Institute for Justice and Democracy in Haiti (IJDH), have claimed that many casualties in the operations were innocent residents caught in indiscriminate MINUSTAH fire.<sup>24</sup> Doctors from Médecins Sans Frontières-Belgium (MSF-Belgium) noted an increase in gunshot casualties at the local hospital but did not offer an interpretation of the statistics, and it is difficult to establish direct responsibility for casualties resulting from operations in which peacekeepers faced heavy fire from well-armed gangs.<sup>25</sup>

## B. REMAINING FRAGILITY

The improved security environment has not solved poverty, urban violence or lack of progress on disarmament. The HNP and MINUSTAH are now shifting from an urban-gang focus to organised crime and trafficking. Completing the internal HNP clean-up is essential. No second armed body would be helpful. Specifically, reviving the army would risk an eventual return to civil war or its misuse by special interests for anti-democratic purposes.

Until the police are a fully reliable institution, elements of the elite may well subsidise criminals in part at least to create their own personal zones of stability. Belony's claim to have received \$5,000 per week from business circles has led to demands for investigation of the private sector's role in supporting the gangs,<sup>26</sup> something which could produce unpredictable reactions from powerful individuals fearful of exposure.

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<sup>17</sup> "UN peacekeepers complete first phase of anti-gang crackdown in capital", [www.minustah.org](http://www.minustah.org), 2 March 2007.

<sup>18</sup> His gang is thought to have had links to drug trafficking in Port-au-Prince.

<sup>19</sup> The effectiveness of radio has not been lost on MINUSTAH. Two hours of programming are streamed daily over the mission's website, and it hopes to begin broadcasting nationally soon. Crisis Group interview, David Wimhurst, director, public information office, MINUSTAH, Port-au-Prince, 12 June 2007.

<sup>20</sup> MINUSTAH asked via radio, television and street banners, for information to be called in on a toll-free, confidential hotline, "Je Wè Bouch Pale" (You See, You Let us Know) set up in June 2005. MINUSTAH press release 133, 9 June 2005, at [www.un.org/Depts/dpko/missions/minustah/pr133e.pdf](http://www.un.org/Depts/dpko/missions/minustah/pr133e.pdf).

<sup>21</sup> "Après Cité Soleil, offensive de la PNH et de la MINUSTAH contre les gangs de Bolosse et Martissant", Radio Kiskeya, 15 May 2007, at [www.radiokiskeya.com/spip.php?article3670](http://www.radiokiskeya.com/spip.php?article3670); "Le système de patrouille conjointe Minustah-PNH est un atout pour les autorités", Radio Métropole, 27 April 2007.

<sup>22</sup> Crisis Group interviews, local residents and non-governmental workers, 13 June 2007.

<sup>23</sup> Residents of other regions have called for similar anti-gang operations in their towns, like Ouanaminthe. Crisis Group interviews, MINUSTAH, UNPOL and local clergyman, Ouanaminthe, 25, 26 and 27 April 2007.

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<sup>24</sup> Haitian media reported four civilians dead in the Boston raid; UN officials could not confirm. *Miami Herald*, 19 February 2007. IJDH alleged that a MINUSTAH helicopter fired indiscriminately into houses in Cité Soleil. "Half-hour for Haiti: Follow-up On MINUSTAH Raid in Cité Soleil", IJDH, 10 January 2006, at [www.ijdh.org/articles/article\\_halfhourforhaiti\\_1-10-07.html](http://www.ijdh.org/articles/article_halfhourforhaiti_1-10-07.html). The Special Representative of the Secretary-General (SRSG), Edmund Mulet, denied this in an open letter to IJDH, saying UN helicopters only fly surveillance. Ibid. The MINUSTAH spokesperson asserted that bullets which struck houses were fired by the gangs at the helicopter. "Haiti: UN peacekeepers complete first phase of anti-gang crackdown in capital", UN News Service, 2 March 2007, at [www.minustah.org/blogs/119/Haiti-UN-peacekeepers-complete-first-phase-of-anti-gang-crackdown-in-capital.html](http://www.minustah.org/blogs/119/Haiti-UN-peacekeepers-complete-first-phase-of-anti-gang-crackdown-in-capital.html).

<sup>25</sup> MSF-Belgium statistics from St. Catherine's hospital, Cité Soleil, show 200 gunshot casualties in December 2006 compared with 80 for that month in 2005. December 2005 figures are used for comparison because there is generally a peak of violence in December.

<sup>26</sup> Radio Vision 2000, monitored by MINUSTAH, 25 April 2007.



Many victims of violence are traumatised and seek help and justice.<sup>27</sup> In the absence of formal justice, there has been a worrying recourse to vigilante vengeance. Lynchings of gang members, possible kidnappers and criminals identified by the local population intensified across the country in April.<sup>28</sup> In Cité Soleil, St. Catherine hospital staff confirmed a decrease in gun violence but reported twenty knife and machete casualties per week.<sup>29</sup> Local leaders describe this as “silent violence”,<sup>30</sup> vigilante action to settle scores.<sup>31</sup> A resident gathered a crowd of at least 100 with machetes to lynch persons thought to have been involved with gangs; it was stopped by MINUSTAH and HNP.

Gang members have retaliated against presumed informants following arrests of leaders. Investigations into the killing of radio journalist Jean Rémy Badio in Martissant on 19 January are ongoing.<sup>32</sup> In a widely publicised event, a Cité Soleil gang leader and Evens accomplice, Johnny Pierre Louis alias Ti Bazil, who had been arrested on 18 February by a MINUSTAH patrol for murdering members of families of two participants in the disarmament, demobilisation and reintegration

(DDR) program, was released, allegedly after bribing a judge.<sup>33</sup>

The DDR program itself remains controversial and the country awash with arms. Traditional approaches, whether by MINUSTAH or the national commission on DDR (CNDDR), have failed,<sup>34</sup> and community violence reduction alternatives, identified as early as 2005, are still not off the ground.<sup>35</sup> Coordination between donors and the CNDDR suffers from mutual inflexibility.<sup>36</sup> About 150 individuals are scheduled to enter the CNDDR reinsertion centre in Santo but international organisations meant to assist continue to question the selection criteria.<sup>37</sup>

Disruption of gang criminal activities may lead members to look for other revenue sources; if economic and social alternatives are not offered quickly, the risk is that new criminal structures will form. Ex-gang members, mostly young males who joined as the only way to earn money, have no political motivation. Many do not believe in working for a wage and only seek handouts or quick financial return with little long-term commitment.<sup>38</sup> While they have no particular political grievance, they could be easily manipulated.

Another question concerns the fate of police who are vetted out of the HNP. In Grande Anse department, rogue officers believed involved in criminal activities, were transferred.<sup>39</sup> It remains unclear how former police who

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<sup>27</sup> “Voix d’Haiti: Impact de la Violence armée”, the Campaign for the Reduction of Violence, <http://www.campagnecontre violence.org/>. This campaign was begun in March 2006 by fifteen social organisations to support community activities to research, sensitise and train targeted groups on the peaceful transformation of violent conflict in “hot zones” and lobby, nationally and internationally, to control the circulation of arms and reduce conflict.

<sup>28</sup> On 23 April 2007, people in Miragoâne stoned, stabbed and beat to death five alleged thieves. The police and MINUSTAH arrested seven, including two police – Augustin Myrtil of the Intervention and Maintenance of Order Unit (CIMO) and Hanz Maitre, assigned to the Miragoâne station. They were all part of the armed gang. Police Superintendent Marc Andre Cadostin indicates that residents complained the gangsters were breaking into homes and stealing. The thieves were using a truck to carry the stolen goods, which, along with a 9mm gun are in police custody. Haiti Support Group news briefs, at [http://haiti support.gn.apc.org/fea\\_news\\_main.html](http://haiti support.gn.apc.org/fea_news_main.html).

<sup>29</sup> Crisis Group interview, municipal leader, Cité Soleil, 4 June 2007.

<sup>30</sup> Crisis Group interview, political leader, Cité Soleil, 21 May 2007.

<sup>31</sup> Crisis Group interviews, local leader from Cité Soleil and local hospital worker, Cité Soleil, 21 May 2007.

<sup>32</sup> It has been alleged by SOS Journalistes, a group of which he was member, that he was killed by members of the Martissant gangs, Lame Ti Manchet and Baz Pilate, whom he had recently photographed. “Amnesty International condamne le meurtre d’un journaliste”, press release, 25 January 2007, <http://ara.amnesty.org/library/Index/FRAAMR360012007?open&of=FRA-HTI>.

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<sup>33</sup> Speech of SRSF Edmund Mulet, reported by Radio Métropole, 30 May 2007. Ti Bazil reportedly returned to Cité Soleil and carried out revenge killings. Crisis Group interviews, Port-au-Prince, 28 May and 20 June 2007.

<sup>34</sup> Gang leaders have given up weapons rarely, mostly as an attempt to negotiate their freedom. In February 2007, after intensified pressure from MINUSTAH, Amaral offered to hand over weapons but authorities considered it was too late. In March Belony handed over several dozen guns and some ammunition to the CNDDR after the seizure of his Bois Neuf HQ.

<sup>35</sup> MINUSTAH staff felt strongly that a “classic” DDR approach was inappropriate. After the initial failure to pursue that approach during the transition period, the UN had to wait for Security Council Resolution 1702 (15 August 2006) until UN headquarters and the General Assembly’s Fifth Committee agreed to an explicit shift to a community violence reduction program. In 2007 the DDR section had 56 positions and a budget of some \$3.6 million. Crisis Group interview, DDR staff, MINUSTAH, Port-au-Prince, 12 June 2007. Some 80 international positions and a \$1.5 million budget had originally been set aside for DDR.

<sup>36</sup> Crisis Group interviews, UNDP, CNDDR and U.S.-based think-tank staff, Port-au-Prince, 4 June, 14 May and 5 June 2007.

<sup>37</sup> Crisis Group interviews, diplomats, Port-au-Prince, 5 and 19 June 2007.

<sup>38</sup> Crisis Group interview, Cité Soleil local leader, 6 June 2007.

<sup>39</sup> Crisis Group interviews and correspondence, MINUSTAH staff, April-June 2007.

are not prosecuted will be reintegrated into society so that they do not have incentives to join criminal groups. The CNDDR has spoken of developing special programs but nothing is in place.

Most HNP and MINUSTAH efforts since 2004 have focused on urban gangs, armed groups and self-defence groups in the capital and other big city slums. Less attention has been given to ex-military outside Port-au-Prince who have not retained large, organised structures. Armed groups have recently re-emerged as destabilising factors, however, especially following Préval's speech on corruption. Anti-Aristide resistance 2004 front members,<sup>40</sup> prison escapees, random criminals ("zenglendos"), rogue police and mafia-type groups have more room to operate. Some in Gonaïves have already been targeted but others may re-emerge as troublemakers. Guy Philippe,<sup>41</sup> who had kept a low profile in Les Cayes, made a strong statement in favour of Ti Will<sup>42</sup> after his arrest and gave names of private sector figures who had allegedly financed his anti-Aristide rebellion.<sup>43</sup>

Other grievances relate to national pride and MINUSTAH's "occupation".<sup>44</sup> UN police (UNPOL), through joint intelligence work with the HNP, have tried to reduce the number of people arrested without prior suspicion, probably as much to reduce popular anger as for human rights reasons.<sup>45</sup>

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<sup>40</sup> Also called "freedom fighters" by those who have supported them.

<sup>41</sup> A former police superintendent, he fled to the Dominican Republic in 2000 after being accused of coup plotting. A leader of the 2004 armed movement which overthrew President Aristide, he was an unsuccessful presidential candidate in 2006.

<sup>42</sup> Wilfort Ferdinand, alias Ti Will, is a former member of the anti-Aristide "Cannibal Army" and "Artibonite/Gonaïves Resistance Front" in Gonaïves. He was appointed "departmental police commissioner" by the 2004 armed movement. Charged with murder and suspected of other crimes, he nevertheless remained free in Gonaïves until his arrest in May 2007.

<sup>43</sup> Radio Signal FM, quoted in MINUSTAH local radio monitoring, 29 May 2007.

<sup>44</sup> Several popular 2007 Carnival songs, a Haitian political tool, were about MINUSTAH, which is often depicted as an occupation force. Residents make sarcastic jokes and word plays on its acronym. Given recent history, Haitians are sensitive to military occupation. Mary A. Renda, *Taking Haiti: Military Occupation and the Culture of U.S. Imperialism, 1915-1940* (Chapel Hill: University of North Carolina Press, 2001).

<sup>45</sup> "Aremaj" is the term for the general round-up of suspected criminals. Monthly arrest figures are made public in press conferences; high figures are presented as positive signs in the fight against crime. According to the HNP, almost 1,400 were arrested in May, up from just over 1,000 in February; in the last two weeks in June, more than 910 were arrested. Statement by Frantz Lerebours, HNP spokesperson, Radio Métropole, monitored by MINUSTAH, 28 June 2007.

### III. CONSOLIDATING STABILITY IN PORT-AU-PRINCE: CITE SOLEIL

The relative stability achieved in the capital urgently needs to be consolidated by the reinforcement of state presence and coordinated international support. Installation of local authorities in Cité Soleil offers opportunity to strengthen local governance and security and, if successful, could be a model for other major city slums.

Prior to ex-President Aristide's departure, Cité Soleil had up to 500,000 residents; it probably still has 200,000-250,000.<sup>46</sup> Its stability is key for national economic life given its strategic location on the north west side of Route Nationale 1, the main road north out of Port-au-Prince, next to the Sonapi and Shodecosa industrial parks and on the way to the airport. It is a maritime focal point, with two small ports and the privately owned Varreux terminal within its boundaries and the National Port bordering it. The \$20 million pledged by the U.S. solely for this one commune of the capital, totalling roughly 21 sq. km,<sup>47</sup> is a testament to its importance.

#### A. LESSONS LEARNED FROM EXTERNAL ASSISTANCE

The level of violence at the end of 2006 meant that very few international non-governmental organisations (NGOs) had a physical presence in Cité Soleil.<sup>48</sup> While between

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<sup>46</sup> Internal economic migrants often arrived in Port-au-Prince without money or contacts, many by boat at the small port of Waff Jérémie. Some residents were moved to Cité Soleil from La Saline in the 1980s after a major fire. Crisis Group interview, Jorel Joachim, director, Radio Boukman, Port-au-Prince, 14 June 2007. Precise population figures are difficult to obtain. Government, local and international estimates prior to the most recent violence ranged from 200,000 to 500,000. There is consensus that residents started to flee in 2004, and although some are returning, almost three quarters of the housing is empty. There is no study on this internal displacement. MSF-Belgium will release a mortality study in July 2007, and there are plans for a census for tax purposes this summer. Crisis Group interviews, local leaders, residents, government officials, MINUSTAH staff, donor agencies and international organisations, February-June 2007.

<sup>47</sup> "Cité Soleil" can refer either to the area of 5 sq. km known as the heart of Cité Soleil or the commune of around 20 sq. km.

<sup>48</sup> A few organisations have claimed they were the only ones working in Cité Soleil during the past year, a useful fund-raising device. Crisis Group interviews, NGOs in Cité Soleil, February-June 2007. In fact well-known international organisations have been there almost continually: the ICRC, MSF-Belgium, Médecins du Monde Canada (MDM), the International Organization for Migration (IOM), the Pan American Development Foundation (PADF), Yéle Haiti, AVSI, Food

\$13 million and \$19 million were spent on some 170 projects there in that fiscal year,<sup>49</sup> “almost none...of these projects have had a lasting impact on the residents’ daily lives”.<sup>50</sup> The situation made anything more than basic humanitarian relief hard to carry out.

All organisations which stayed through the worst violence had to deal with the gangs to work safely.<sup>51</sup> Often this involved just informing them of plans but where projects required working through them, it strengthened the gangs. The population often believed food and other goods and services resulted from the gangs’ presence. The positive side of decisions to stay and work was that basic health services and food did reach some who needed it during even the most violent periods. The negative side was that gangs skimmed money, in some instances even charging for use of water taps.<sup>52</sup> The NGOs who remained can now share their experience and assist new and returning agencies. Some organisations readily admit a few projects with local partners failed: money disappeared, materials were stolen and projects were not completed or had no maintenance system so are now in disrepair.<sup>53</sup>

These poor results stemmed in part from failure to research local resources thoroughly and identify and work with legitimate collaborators. The projects of the International Committee of the Red Cross (ICRC), which maintained a neutrality that allowed it to function, were exemplary for listening to residents and engaging

the community. Taptap<sup>54</sup> drivers were employed to evacuate the wounded instead of a costly ambulance. Local staff and volunteers ran the projects with ICRC support and training. CAMEP<sup>55</sup> and COGESEPSOL<sup>56</sup> were similarly supported as partners which already had been involved with the community water system.

With at least 100 local organisations in Cité Soleil, often with links to the gangs, and many others outside claiming to be working for the people there, selection of a responsible local partner requires intensive research.<sup>57</sup> There is less community spirit in Cité Soleil than other communes,<sup>58</sup> and some argue the lack of income opportunity and the short-term nature of many projects have engendered a culture of aid dependency and not infrequently violent conflict over which gang is to take part in a project.<sup>59</sup> Another possible reason for failure seems to have been the lack of physical presence and monitoring from project managers due to the violence. The more successful projects tended to be those which kept a constant presence even during the insecurity: the water fountain project run with ICRC, COGESPEL and CAMEP; the clinic and training centre for women run by the Daughters of Charity; and Hands Together and St. Catherine hospital, officially run by the state but supported by MSF-Belgium.

Although the main military operations ended in February, UN security rules prevented UN agencies from entering Cité Soleil without an escort until late April. During this period, especially the Brazilian peacekeepers were keen to undertake humanitarian projects, both to alleviate the desperate social situation and to win over the population. Emergency efforts included a temporary health centre in Evens’s former Jamaica base and several building and clean-up projects around the military strong points.<sup>60</sup>

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for the Poor, Hands Together and the National Democratic Institute (NDI), alongside smaller less-publicised organisations: VIDWA (Haiti Rights Vision, without an office in Cité Soleil but working through agents), QIFD (Quisqueya International Organisation for Freedom & Development), L’Athletique d’Haiti, and the Daughters of Charity and Sisters of Mercy, who between them run a feeding program, training centre for mothers, health education classes and two schools.

<sup>49</sup> The budget figures are only for projects reported to the UN Office for the Coordination of Humanitarian Affairs (OCHA). Crisis Group interviews, Judith Dunne, senior humanitarian affairs/development officer, office of the deputy SRSG, Port-au-Prince, 30 May 2007, and local government official, Port-au-Prince, 12 June 2007.

<sup>50</sup> Crisis Group interview, local government official, Port-au-Prince, 12 June 2007.

<sup>51</sup> Hands Together was one of several groups that worked with the gangs as “community leaders”; the diaspora criticised Wyclef Jean, creator of Yéle Haiti, for being photographed with two gang leaders in Cité Soleil. He replied it is necessary to listen to all sides. Letter from Wyclef Jean to Concerned Haitian Diaspora, 9 March 2006, at [www.potomitan.info/ayiti/wyclef.php](http://www.potomitan.info/ayiti/wyclef.php).

<sup>52</sup> UN consultant comment to Crisis Group, 1 July 2007.

<sup>53</sup> Crisis Group interviews, NGO workers and Cité Soleil residents, Port-au-Prince, February-May 2007.

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<sup>54</sup> A Taptap is a small lorry transformed into a colourfully decorated minibus and serving as public transport in urban areas.

<sup>55</sup> Centrale Autonome Métropolitaine d’Eau Potable (Central Metropolitan Authority for Drinking Water).

<sup>56</sup> Comité de Gestion du Système d’Eau Potable à Cité Soleil (Management Committee for Cité Soleil Drinking Water System).

<sup>57</sup> Crisis Group interviews, Gabriel Frederic, coordinator of Civic Forum Exchange, Port-au-Prince, 28 May 2007, and Delva Mario, director general, Cité Soleil municipality, Cité Soleil, 18 June 2007.

<sup>58</sup> Crisis Group interviews, international organisation employees, April and May 2007.

<sup>59</sup> Crisis Group interview, international organisation employee, Port-au-Prince, 11 April 2007. On fights between gangs for a share of project money, Crisis Group interview, CAMEP employee, 29 May 2007.

<sup>60</sup> MINUSTAH halted health checks after humanitarian agencies complained it was inappropriate work for army

Funding was released through MINUSTAH's "Quick Impact Projects" mechanism and battalion funds. However, residents resented the soldiers and military engineers for taking away jobs in an area with almost 95 per cent unemployment. The clearing of landfills with heavy machinery instead of local labour was also criticised.<sup>61</sup> MINUSTAH civilian staff subsequently drew up new guidance for such work to avoid local resentment.<sup>62</sup>

## **B. COORDINATION AND JOB CREATION CHALLENGES**

The government, international organisations and MINUSTAH have recognised the need for improved coordination on the projects they started independently in Cité Soleil and other volatile slum areas. The government put together an urban development plan for Cité Soleil at the president's request, an objective of which was to allow the public sector to take back responsibilities that had been filled by NGOs. It was to become a blueprint for similar action in other slum areas.<sup>63</sup> Focused on infrastructure, efforts are still underway to incorporate maintenance concerns and broader municipal administration needs. In an almost parallel move, the Special Representative of the Secretary-General (SRSG) decided in late August 2006 that a task force should incorporate the main international stakeholders working in the "red zones". The first three or four meetings highlighted differences between the organisations however. NGOs were unhappy with UN bureaucracy; MINUSTAH was frustrated as different NGO representatives came to each meeting; and there were no terms of reference. Meanwhile, the deputy SRSG and the head of the UN Office for the Coordination of Humanitarian Affairs (OCHA) were meeting with the government about unifying national and international approaches.

The first joint meeting of the international task force and those involved with the government plan, on 27 February 2007, decided the two groups would work in

parallel, with continual coordination. The government proposed four joint sub-groups: education, health, infrastructure and security/justice. Although MINUSTAH and other internationals are still frustrated by the government's tendency to send junior staff without decision-making authority, each sub-group has developed a plan, and projects are being packaged into a single joint document by a coordinator.<sup>64</sup> If this overall plan highlights funding and organisational gaps to be filled by donors, it would be a small but important shift from project-based grants to direct support for local government and central ministries. Joint planning for transition from external aid to local ownership through capacity building needs to become a priority, especially as humanitarian agencies start withdrawing from the area.<sup>65</sup>

A new U.S. bilateral initiative for Cité Soleil, in the meantime, shows that, even with broad consultation, there can be risk of confusion. The State Department announced on 1 February a \$20 million post-crisis program, "Pwoje Soley Klere" (Project Shining Sun), combining development aid with security support. The ambassador publicly signed a protocol with the prime minister and the mayor of Cité Soleil on 25 April. A State Department assessment team, after consultation, proposed that approximately \$5 million should go to security, including equipment and buildings for three permanent police stations and intensive training for their HNP complement, and \$6.2 million each to the Cooperative Housing Foundation (CHF) and the International Organisation for Migration (IOM), through existing job creation and community-based urban infrastructure programs now to be directed into Cité Soleil.<sup>66</sup> Community expectations for immediate benefits, however, were unrealistic.

Violence will not be definitively reduced until urban youths have jobs that are more attractive than gang money. Cité Soleil and the industrial parks and factories on its outskirts need investment. Numerous projects have focused on education and training but in an uncertain environment, they have tended to be short-term and not sustainable. Nevertheless, education statistics

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doctors. Exchanges of fire between the troops and gangs had damaged buildings.

<sup>61</sup> Crisis Group interview, MINUSTAH humanitarian staff, Port-au-Prince, 30 May 2007.

<sup>62</sup> "Peace and Reconciliation in Haiti's Red Zones: Roles and Responsibility of the Military Component of MINUSTAH in Support of Immediate Post-Operations Relief Activities", guidance note, April 2007.

<sup>63</sup> Crisis Group interview, Leslie Voltaire, urban affairs adviser, Port-au-Prince, 30 May 2007; "Programme d'Interventions Urgentes à Cité Soleil, Plan d'Opération", prime minister's office, planning and external cooperation ministry, CNDDR, February 2007.

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<sup>64</sup> The "Plan de Réponse Intégrée: Cité Soleil, Task Force Nationale et Task Force Internationale" was finalised in July 2007.

<sup>65</sup> For instance, MSF-Belgium has announced withdrawal from St. Catherine's hospital. Crisis Group interview, Cité Soleil health expert, Port-au-Prince, 12 June 2007.

<sup>66</sup> The funding came from the special "1207" transfer authority, referring to the section of the National Defence Authorisation Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3458) permitting up to \$100 million to be transferred to the State Department for post-conflict stabilisation worldwide. Crisis Group interviews, State Department official, Washington DC, February-March 2007.

show potential for a large, capable labour force there.<sup>67</sup> Young people in Cité Soleil say they often do not get jobs for which they are qualified because of the commune's image.<sup>68</sup> Those statistics and the school projects that succeeded during the period of violence should be better publicised so as to provide a more balanced view.<sup>69</sup>

Schools need to be supplemented by vocational training connected directly to job opportunities. Projects such as one run by CNDDR that gives scholarships to children from Cité Soleil to study and train outside the immediate environment also are important. Training started by CHF in Port-au-Prince may give new chances to urban youth exposed to violence.

The U.S. HOPE (Haitian Hemispheric Opportunity through Partnership Encouragement) Act<sup>70</sup> may create new economic dynamism by allowing the private textile sector to boost production and thus employment. It is expected to lead to more business for apparel manufacturers, 90 per cent of whose exports go to the U.S.<sup>71</sup> Tariff reductions took effect in June but some manufacturers already had increased their work force in anticipation.<sup>72</sup> Whether it will benefit Cité Soleil and other poor, violent neighbourhoods remains to be seen.<sup>73</sup>

There are some positive signs of new investment. Employment in the Sonapi industrial park has increased from a December 2005 low of 7,000 to 12,000 in June

2007.<sup>74</sup> Cité Soleil's low real estate prices may also attract investors wishing to establish themselves near industrial areas.<sup>75</sup> Strong local and central government partnership is needed, however, to convince investors. CNDDR efforts to engage mobile phone companies and banks to extend services to Cité Soleil are encouraging.

The psychological impact of the violence is a separate and serious problem that needs to be addressed in parallel to other recovery efforts. AVSI, an organisation working with former gang members, highlights this mental trauma and seeks to provide psycho-social support at every stage of the reinsertion process.<sup>76</sup>

### C. LOCAL SECURITY AND JUSTICE CHALLENGES

Although MINUSTAH claims it has "re-established security for all the residents of Cité Soleil", much remains to be done, particularly for women, who are frequently targets of crime.<sup>77</sup> There is a sense of security during the day, when HNP patrols and MINUSTAH troops are on the street. That ends after 6pm, and NGOs have noted a worrying increase in rapes, particularly of young girls, since the end of the major operations.<sup>78</sup>

The longer the HNP waits to establish a permanent presence in Cité Soleil, the more difficult it will be to build trust and the greater the danger of losing the present opportunity. As noted, U.S. money is to pay for the three new commissariats that are to mean a permanent HNP presence. One is to be on Route 9, a road leading out of Cité Soleil, between Bois Neuf and Drouillard. The central and biggest commissariat is expected to be established in a market building, "Marché Boulos", used as a strong point by MINUSTAH, though

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<sup>67</sup> Graduation scores, nationwide NDI school project results and data from REV (an education NGO training Cité Soleil teachers) all indicate Cité Soleil pupils are in the top category nationwide.

<sup>68</sup> Crisis Group interviews, Haitian Red Cross volunteers, 8 March 2007, female victims of violence, Port-au-Prince, 3 April.

<sup>69</sup> Crisis Group interview, Alix Fils-Aimé, head of CNDDR, Port-au-Prince, 14 May 2007.

<sup>70</sup> The act, passed in December 2006, provides tariff-free access to the U.S. market for apparel made in Haiti, even if the fabric is not from the U.S. The necessary steps, including issuance of regulations, were completed on 22 June 2007. "Rules and Regulations", Federal Register, vol. 72, no. 120, p. 34,369.

<sup>71</sup> After its peak in the mid-1980s, when it employed over 100,000 workers, the sector now employs fewer than 20,000. "Help for Haiti. A time for trade, not troops", *The Washington Post*, editorial, 27 November 2006, and <http://haiti.quixote.org/node/114>.

<sup>72</sup> Crisis Group interview, textile industrialist, Port-au-Prince, 24 March 2007.

<sup>73</sup> Most jobs in the formal assembly sector, including textiles, pay more in better conditions than informal sector jobs, although they are low-skill and lack union protection. The question is what effort will be made to find workers from slums for the jobs.

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<sup>74</sup> Crisis Group interview, Mikelson Toussaint Fils, administrator, Sonapi Industrial Park, 20 June 2007.

<sup>75</sup> It is believed some three quarters of the houses have been empty since residents fled the violence. Crisis Group interviews, Maryse Kedar, president, Yéle Haiti, 13 May 2007, and local resident, Port-au-Prince, 13 June 2007.

<sup>76</sup> Crisis Group interview, Anne Sosin, director, VIDWA, Port-au-Prince, 12 June 2007. VIDWA has helped rape victims in Port-au-Prince for over two years. Crisis Group interview, AVSI staff, Port-au-Prince, 11 June 2007.

<sup>77</sup> "Fin de la première phase des opérations de sécurité engagées par les casques bleus et la police haïtienne contre les gangs armés à Cité Soleil", [www.minustah.org](http://www.minustah.org), 1 March 2007. Oxfam says 90 per cent of all victims of violence are women, see [http://www.oxfam.org.uk/what\\_we\\_do/where\\_we\\_work/haiti/violence\\_against\\_women.htm](http://www.oxfam.org.uk/what_we_do/where_we_work/haiti/violence_against_women.htm).

<sup>78</sup> VIDWA noted a worrying increase of rape victims in April, the month after Evens was arrested, to 85 (50 in Cité Soleil) compared with an average previous total of 45. Crisis Group interview, Anne Sosin, director, VIDWA, 12 June 2007.

there have been coordination problems over this.<sup>79</sup> The third is to be at Waff Jérémie.<sup>80</sup> To deal with police brutality, which is still a concern, the U.S. plans to train several hundred HNP in community policing. Pilot initiatives will need to be launched with vetted police, for instance involving them in sports and community activities in order to determine the best way of reconciling residents with law enforcement structures.

Part of the \$20 million U.S. aid is meant to reconstruct and equip a civil government/community affairs office and support a permanent judicial presence in Cité Soleil. This, as well as training of justice officials and community leaders, has been designed pursuant to the government plan with justice ministry help. Combined with police presence, the local court is intended to bring state law enforcement and services closer to residents. The most immediate threat to the justice sector, however, is the escape of arrested gang members on the way to court or from the National Penitentiary.<sup>81</sup> Outside security has been reinforced at the National Penitentiary, and special protection was in place when Evens and Belony were brought before a judge.<sup>82</sup> Additionally, if reprisals against witnesses continue, victims will fear filing cases or will withdraw their allegations.<sup>83</sup>

## D. THE COMMUNE GOVERNMENT

An independent group, “Pel et Picwa”, which was not actively supported by a gang or major political party but is said to enjoy strong private sector backing, won the

3 December 2006 local elections in Cité Soleil with a small plurality of a low turnout.<sup>84</sup> The absence of any link to local parties or gangs may have meant it was the least controversial choice of those voting for peace,<sup>85</sup> but there is now huge pressure on the young, relatively inexperienced new mayor, Wilson Louis, and his team.<sup>86</sup> Citizens want the vacuum left by the at least temporary defeat of the gangs to be filled by public services and, more importantly, jobs. The central government hopes to use the Cité Soleil development experience as a model, and MINUSTAH needs residents’ support and an effective mayor to create stability and allow the HNP to become the legitimate security force in the area.

Security is a delicate subject in a commune where violence has been so frequent. A small scandal erupted in February, before his inauguration, when Louis was arrested after a routine check found three unlicensed weapons in his car. Without a regular police presence in the area, the town hall’s security staff has at times carried out patrols and arrested suspects.<sup>87</sup> In an environment where it is not unusual for crowds of as many as 100 young men to demand work, the presence of a trained, supervised HNP force is urgently needed.

Louis has been praised by residents, the central government and internationals for moving the town hall back into the heart of Cité Soleil from Sarthe.<sup>88</sup> His administration seems keen but lacks management capacity. It has complained of not being consulted or even informed about the government’s urban renewal plan for Cité Soleil. Some officials are confused and angered at the international task force’s lists of projects

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<sup>79</sup> Marché Boulos is known informally by the name of its owner, Reginald Boulos, a prominent businessman who ran the local health centre (Centre de Développement de Santé), and was called Strong Point 16 by UN troops. In June 2007, it was still unclear to whom the property belonged. Crisis Group interviews, diplomats, Port-au-Prince, 18 June 2007. U.S. agencies and the HNP had diverging agendas. Some favoured transforming it into a commissariat. The HNP had planned to build a large headquarters on a former military airstrip near Cité Soleil with U.S. funds. Others wanted to keep Marché Boulos as a market building. In the end, it was decided to make it the main HNP commissariat. Crisis Group interviews, UNPOL staff, Port-au-Prince, 10 June 2007.

<sup>80</sup> Crisis Group interview, Mario Andresol, HNP director general, Port-au-Prince, 24 May 2007.

<sup>81</sup> See Crisis Group Latin America/Caribbean Briefing N°15, *Haiti: Prison Reform and the Rule of Law*, 4 May 2007.

<sup>82</sup> “Première comparution en justice de l’ex-chef de gang Bélonie Pierre”, Radio Kiskeya, 22 May 2007, <http://www.radiokiskeya.com/spip.php?article3692>.

<sup>83</sup> Evens Jeune was identified by five former kidnapping victims (at least two of whom are ready to file a case) prior to questioning by an investigating judge one month after his arrest. Radio Kiskeya, 11 April 2007, [http://radiokiskeya.com/spip.php?article3530&var\\_recherche=Evens](http://radiokiskeya.com/spip.php?article3530&var_recherche=Evens).

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<sup>84</sup> The translation from Creole is “shovel and pick”, the group’s symbol, signifying reconstruction of Cité Soleil. It was founded in 1998 and ran unsuccessfully in the 2000 elections, when Cité Soleil was part of the Delmas commune. Crisis Group interview, Ernst Saintil, campaign coordinator, Port-au-Prince, 4 June 2007. Evens supported the Union group in the election, as testified by “Vote Union” signs on the walls of his Jamaica base. Crisis Group observation, 2 March 2007. Turnout was around 10 per cent, with Pel et Picwa receiving 5,365 votes, just over 25 per cent, according to figures from the temporary electoral council.

<sup>85</sup> Crisis Group interviews, MINUSTAH official and other sources, May and June 2007.

<sup>86</sup> Louis was 27 on inauguration; Benoit Gustave and Jean-Robert Charles are deputy mayors, and Ernst Saintil was campaign coordinator.

<sup>87</sup> Crisis Group interview, municipal team member, Cité Soleil, 20 June 2007.

<sup>88</sup> An annexe is still in Sarthe, an area north of Cité Soleil. It handles construction permits, waste collection, death notices and tax collection. Crisis Group interview, Delva Mario, director general, Cité Soleil municipality, 18 June 2007.

and funding they cannot verify.<sup>89</sup> Pel et Picwa has carried out its own plan, which consisted of organising four forums over four days at which residents suggested projects and defined their needs.

The municipality is receiving logistical support from the government among others.<sup>90</sup> In May, Louis was invited to attend a program in the U.S., with five other Port-au-Prince mayors.<sup>91</sup> His team also attended a training session at the presidential palace, 21-25 May, and is to get additional financial support to help with budget management.<sup>92</sup> Donor aid includes repair of the mayor's office by MINUSTAH's Brazilian battalion, seven computers for that office from IOM and NDI training.<sup>93</sup> MINUSTAH's civil affairs section has seconded a local staff member to offer technical help two or three days a week.

Financial resources are limited. The mayor and his team are under daily pressure to distribute funds and jobs and need to be seen as generous, while avoiding becoming the main target for desperate residents.<sup>94</sup> The commune administration's own staff has increased from 112 to some 150, putting it over its 900,000 HTG (\$25,000) monthly budget. IOM and CHF, using some of the U.S. "1207" funding, are channelling a significant number of their jobs through the mayor's office to help it demonstrate receptivity to popular expectations.<sup>95</sup> The new team believes its local knowledge allows it to choose the right

people for jobs better than the internationals.<sup>96</sup> This is probably true, even if some jobs are given to close family and acquaintances, but there is a national need to set and enforce standards for public project hiring and promotions.

Cité Soleil became a commune in its own right on 13 May 2002 but its territorial boundaries were not defined. A 2 February 2006 decree obliged businesses previously believed to be within its jurisdiction to pay taxes to the neighbouring municipality of Delmas.<sup>97</sup> Cité Soleil is in the second category of municipalities, dependent on subsidies from the interior ministry and donor projects.<sup>98</sup> Its ability to generate its own resources is hampered by the absence of a current list of taxpayers. While a census is to be carried out shortly, it will remain heavily dependent on external aid unless its municipal boundaries are revised.<sup>99</sup>

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<sup>89</sup> Crisis Group interviews, town hall officials, February-June 2007. One official showed a list of projects created by the international task force and said he did not understand its content.

<sup>90</sup> Crisis Group interview, MINUSTAH staff, Port-au-Prince, 8 June 2007.

<sup>91</sup> "Visite aux États-Unis des six maires de la région métropolitaine", *Le Nouvelliste*, 15 May 2007. Louis and the mayor of Pétiion Ville were unable to make the trip, however, because of passport irregularities. Crisis Group interview, Cité Soleil, 18 June 2007.

<sup>92</sup> Radio Vision 2000 and Radio Métropole, MINUSTAH local radio monitoring, 19 June 2007.

<sup>93</sup> Crisis Group interview, Gabriel Frederic, NDI, Port-au-Prince, 28 May 2007.

<sup>94</sup> Crisis Group interviews, MINUSTAH civil affairs staff, Port-au-Prince, 16 June 2007, and municipal team member, Cité Soleil, 20 June 2007. CAMEP experienced this problem working with COGESEPSOL, a local group which collected payments for water fountains in Cité Soleil. As the security situation worsened and most businesses left, less money circulated, leaving CAMEP offices a target for desperate local residents. Crisis Group interview, CAMEP official, Port-au-Prince, 29 May 2007.

<sup>95</sup> Crisis Group interview, MINUSTAH staff, Port-au-Prince, 28 May 2007.

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<sup>96</sup> Crisis Group interview, Delva Mario, director general, Cité Soleil municipality, 20 June 2007.

<sup>97</sup> Such as Acierie d'Haiti, the Sonapi industrial park and some from Shodecosa industrial and business park. Crisis Group interview, town hall staff, Cité Soleil, 20 June 2007.

<sup>98</sup> Communes are ranked by ability to raise taxes and be self-sustaining. Delmas and Port-au-Prince are in the first category.

<sup>99</sup> Some from the municipal team believe they can collect only two million HTG (\$55,000) annually from the commune's own revenue sources. Crisis Group interview, Cité Soleil municipality, 4 June 2007.

## IV. GOVERNANCE AND POLITICAL REFORM

### A. THE NATIONAL POLITICAL SCENE

National politics have been stable since the 2006 presidential elections. President Préval's Lespwa (Hope) party has maintained an alliance with the two other main parliamentary groups, Fusion and Alyans, and to a lesser extent with Lavalas.<sup>100</sup> Most political forces have accepted the new state of play and are ready to cooperate with Préval and Prime Minister Alexis. Despite some tensions and infighting, the government has avoided destabilisation, defeating, for example, attempts to force the resignations of Alexis and the justice minister.

A national conference of parties was organised with support of ISPOS (Institute for Advanced Social and Political Studies) on 31 May to discuss a draft bill on the creation, functioning and funding of parties.<sup>101</sup> It confirmed interest in dialogue but despite high-level participation and well-structured debates, it failed to agree on a common text.<sup>102</sup> A Lavalas-proposed resolution requesting the return of ex-President Aristide was rejected.

Perhaps 10 per cent of the political leaders of Lavalas, Aristide's old movement, still actively seek to destabilise the current system and refuse to recognise it. Lavalas supporters have recently demanded the release of alleged political prisoners, increased participation in the Alexis cabinet and reintegration of civil servants dismissed after Aristide left.<sup>103</sup> Internationals and Préval have supported

Alexis against parliamentary threats promoted by Lavalas and some other opportunistic parties.<sup>104</sup> Lavalas's threat of street riots ("Baghdad Operation 2") if its demands are not met has little credibility, since the movement is divided and weakened.<sup>105</sup> The charismatic Aristide's return is, however, still important for an unknown but probably declining percentage of poor citizens who have not benefited from recent macro-economic improvements. On 7 February, Lavalas organised a demonstration in the capital for his return, which attracted some 5,000-6,000 participants.<sup>106</sup>

### B. PARLIAMENT

The parliament has been unwieldy, costly and unproductive, passing only six bills since it convened in January 2007.<sup>107</sup> The 30-member Senate has 620 employees, 350 of whom are staff or administrators, the remainder drivers or security guards. The annual expense exceeds 471 million HTG (\$12.4 million) for the Senate and 587 million HTG (\$15.4 million) for the 99-deputy House. MPs were given \$15,000 each to buy a car and receive 30,000 HTG monthly for office costs in their constituencies.<sup>108</sup> Some have travelled abroad.<sup>109</sup> The press has reported that senators were bribed to block bankruptcy measures related to SOCABANK, an institution with close links to pro-Aristide circles, which has been placed under the supervision of the National Bank of Haiti.<sup>110</sup>

<sup>100</sup> In the Senate, Lespwa has eleven seats (originally twelve but a Lespwa senator in the Artibonite department died in January 2007); Fusion (Fusion of Haitian Social Democrats) four; OPL four; and Alyans (Democratic Alliance), Fanmi Lavalas, LAAA, PONT and Union two each. In the House of Deputies, Lespwa has 23 seats; Fusion seventeen; Alyans eleven; OPL ten; Fanmi Lavalas and Union six each; LAAA, MPH and RDNP four each; MOCHRENA and Konba three each; FRN two; and JPDN, MIRN, MODEREH, MRN, PLH and Tet Ansanm one each. For an explanation of these and other acronyms and abbreviations, please see Appendix B.

<sup>101</sup> Twelve parties, but not Lespwa, participated: Fusion, GFCD, MOCHRENA, PPRH, GREH, KID, Fanmi Lavalas, OPL, PNDPH, MRN, RDNP and Tet Ansanm. See [www.ispos.org](http://www.ispos.org). For background on parties, see Crisis Group Latin America/Caribbean Briefings N°9, *Haiti's Elections: The Case for a Short Delay*, 25 November 2005 and N°10, *Haiti after the Elections: Challenges for Préval's First 100 Days*, 11 May 2006.

<sup>102</sup> Fusion is the only party that wants to transfer responsibility for party matters from the justice ministry to the Permanent Electoral Council. Crisis Group attended the conference.

<sup>103</sup> "Haiti: Bring to trial or release all political prisoners", Amnesty International press release, 1 August 2006.

<sup>104</sup> Parliament can reject one minister or the full government once a year on a specific issue. Constitution, Article 129.1-129.6.

<sup>105</sup> CSIS Haiti Roundtable with Ambassador Edmund Mulet, 27 January 2007; Crisis Group interview, April 2007; "Les OP lavalas annoncent la reprise de l'opération Bagdad", Radio Métropole, 27 October 2006.

<sup>106</sup> The pro-Lavalas website Haiti Action claimed participation at "over 100 000", [http://www.haitiaction.net/News/HIP/2\\_9\\_7/2\\_9\\_7.html](http://www.haitiaction.net/News/HIP/2_9_7/2_9_7.html). Crisis Group, which observed the demonstration, estimated participation at around 5,000. A MINUSTAH source estimated some 6,000. The Associated Press reported "Hundreds protest in Haitian capital to demand Aristide's return", 8 February 2007, [www.minustah.org](http://www.minustah.org).

<sup>107</sup> Two involved state loans; four dealt with international agreements. Three justice reform bills are stuck in committee. Crisis Group interview, MINUSTAH, Port-au-Prince, 29 May 2007.

<sup>108</sup> Not all MPs have a car or an office outside of Port-au-Prince, however.

<sup>109</sup> Reportedly 28 official foreign trips were organised between January and May 2007. "Le sentiment du devoir mal accompli", *Le Nouvelliste*, 15 May 2007.

<sup>110</sup> "Affaire BRH/SOCABANK : encore des révélations", *Le Matin*, 5 February 2007.



The media has severely criticised absenteeism and incompetence.<sup>111</sup> The parliament's practice reflects lack of experience and the absence of strong leadership. Sessions often suffer from indiscipline, absenteeism or delays due to lack of a quorum. Weekly working schedules are rarely adhered to. Legislators prefer informal and non-transparent arrangements to formal decisions. Some 30 to 40 per cent of committee meetings are closed, a procedure that the rules reserve for exceptional circumstances.<sup>112</sup>

Reform of the parliament itself, accordingly, should be a priority. The French parliament supports the drafting of new internal rules and has funded training visits to Paris but the Canadian parliamentary centre is still assessing needs. A plan officially approved by the minister in charge of relations with parliament and the chairmen of the two houses identifies key work directions but focuses more on infrastructure than capacity building and professionalism, which would appear to be needed more.<sup>113</sup> A recent visit from a U.S. Congress assistance team may lead to early help for some physical needs.<sup>114</sup>

### C. POLITICISED JUSTICE

Haitian politicians have traditionally manipulated the courts. Since the mid-1990s several politically related criminal cases have been dismissed, failed to reach a verdict or were obviously obstructed.<sup>115</sup> President Préval

has said any political obstacles to prosecution for the assassination of the radio presenter Jean Dominique no longer exist<sup>116</sup> and announced the creation of a commission to investigate the murders of other journalists. On 13 June he convened a national conference to debate the conclusions of the commission he had created in March. That commission should be a driver for change in the justice sector, including passage of three reform laws before the parliament as well as strengthening judiciary inspection and vetting, improving the performance of the detention commission and completing the police vetting process. Préval's intervention indicates a desire to end impunity but the judicial system is still very weak and lacks effective prosecutors to tackle sensitive issues. Creation of a special criminal court chamber, as discussed by the commission and recommended previously by Crisis Group would be an important step forward. It should have jurisdiction over cases involving drug trafficking, kidnapping, terrorism, corruption, money laundering, human trafficking and organised crime and be equipped with a special corps of investigating magistrates, prosecutors and police.<sup>117</sup>

The justice ministry should appoint and adequately resource a group of qualified judges to examine the possibility of re-launching investigations into several highly symbolic, pending cases that involve some of the darkest elements of recent political history. The request to the ministry and the HNP by Fritzner Fils-Aimé, the investigating judge in charge since 2006 of the Jean Dominique and Jean-Claude Louissaint<sup>118</sup> cases, for more resources and protection so he can renew those investigations should be addressed without further delay.<sup>119</sup>

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<sup>111</sup> "Des députés font l'école buissonnière", *Le Nouvelliste*, 11 April 2007.

<sup>112</sup> Crisis Group interview, international parliamentary experts, Port-au-Prince, 29 May 2007.

<sup>113</sup> Signed in October 2006, the \$50 million plan envisages \$30 million for infrastructure and only \$10 million for capacity building, training and development of professionalism. "Programme de développement stratégique du parlement haïtien 2006-2010", October 2006.

<sup>114</sup> The U.S. House Appropriations Committee expressed support in House Report 110-197 – State, Foreign Operations, and Related Programs, Appropriations Bill, 2008, at [http://thomas.loc.gov/cgi-bin/cpquery/R?cp110:@1\(hr197\)](http://thomas.loc.gov/cgi-bin/cpquery/R?cp110:@1(hr197))

<sup>115</sup> Michèle Montas Dominique, "Billet à Jacques Roche. Toi aussi confronté à la sauvagerie", *Alterpresse*, 21 July 2005. The murder of Aristide's justice minister, Guy Malary, on 14 October 1993 during the military de facto regime has never been properly pursued despite numerous recommendations from the Inter-American Commission on Human Rights. "Haiti: Failed Justice or the Rule of Law? Challenges for Haiti and the International Community", Organization of American States Inter-American Commission on Human Rights, 26 October 2005, p. 77. For details on the Raboteau case, see Crisis Group Latin America/Caribbean Report N°13, *Spoiling Security in Haiti*, 31 May 2005; "Failed Justice or the Rule

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of Law?", op. cit.; and "Human Rights situation in Haiti", UN Human Rights Commission, E/CN.4/2006/115, 26 January 2006.

<sup>116</sup> "Jean Dominique: un devoir de justice", 3 April 2007, [www.minustah.org](http://www.minustah.org). Dominique, an agronomist by education, dedicated his life to journalism, freedom of speech and democracy in Haiti. He started radio work under the François Duvalier dictatorship and went into exile several times with his wife, Michèle Montas, currently spokesperson for the UN Secretary-General. Assassinated on 3 April 2000, he has become a global symbol for press freedom.

<sup>117</sup> See Crisis Group Latin America/Caribbean Briefing N°14, *Haiti: Justice Reform and the Security Crisis*, 31 January 2007.

<sup>118</sup> Louissaint, the radio building guard, was killed at the same time as Dominique.

<sup>119</sup> The original investigating judge, Bernard Saint-Vil, presented his conclusions in March 2003, without mentioning involvement of any mastermind. Human rights groups were critical, and Dominique's widow appealed. The Appeals Court on 4 August 2003 freed three defendants and ordered three others to trial while returning the file to the court of first instance for further investigation of responsibility. On 29 June 2004 the Supreme Court affirmed this ruling. The three defendants to be tried were

On 5 December 2003, as prelude to another notorious case, armed Lavalas popular organisations supported by the HNP attacked an anti-government demonstration organised by students from the Humanities University. The rector, Jean-Marie Paquiot, who offered to mediate, received two broken legs. The university was ransacked and several dozen students injured. Eleven defendants, all Lavalas members or supporters, were named in a poorly conducted investigation. One, Annette “So-Ann” Auguste, a popular singer and organiser of Lavalas demonstrations, was arrested by U.S. Marines in 2004 for the 5 December events but there was no evidence of her involvement, and her case was followed by Amnesty International among others. She was released after 826 days in custody on 15 August 2006. A limited investigation led to the decision to acquit more controversial defendants.<sup>120</sup> Student victims brought a new complaint in 2006 but there has not been a further investigation.<sup>121</sup>

Suspects in the kidnapping, torture and murder of poet and journalist Jacques Roche in July 2005 still await their trial, have been released or have escaped. Police investigation and arrests initially proceeded smoothly but this changed when Father Gérard Jean-Juste, a controversial Lavalas leader and potential presidential candidate, was charged with the murder.<sup>122</sup> His imprisonment served the interests of the anti-Lavalas campaign. He was supported by pro-Aristide supporters in Haiti and the U.S., as well as independent human rights groups such as Amnesty International, which considered him a prisoner of conscience. Though seriously ill, he was released only when it was ascertained he would no longer stand for the presidency. Subsequent investigation of the Roche murder has made no progress.

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detained but escaped in February 2005 and are still at large. Reporters Without Borders, “Who Killed Jean Dominique? An investigation in Haiti 19-25 March 2001”, 2001 and “Seven years of impunity since leading radio journalist’s murder on 3 April 2000”, 3 April 2007, both available at [www.rsf.org](http://www.rsf.org).

<sup>120</sup> The facts have been filmed by director Arnold Antonin in “GNB Kont Atila Ou une autre Haïti est possible”, 2004, a documentary about the anti-Aristide movement. “Note de presse de la Fondation Connaissance et Liberté-Fokal à l’occasion des événements du 5 décembre 2003”, *Alterpresse*, 9 December 2003. [www.haitiaction.net](http://www.haitiaction.net). “Political prisoner Annette Auguste finally released following 26 months of detention”, Amnesty International, 5 September 2006.

<sup>121</sup> Crisis Group interview, a student leader of the anti-Aristide movement, Port-au-Prince, 29 June 2007.

<sup>122</sup> Crisis Group interview, Thierry Fagart, Head of MINUSTAH human rights section, Port-au-Prince, 31 May 2007. Crisis Group interview, Fr Jean Juste’s lawyer Mario Joseph, who has appealed the last charges, Port-au-Prince, 31 May 2007. For more details on this case, see [http://www.ijdh.org/articles/article\\_jean\\_juste.htm](http://www.ijdh.org/articles/article_jean_juste.htm).

According to pro-Lavalas and human rights organisations close to that movement, 116 persons are imprisoned illegally for political reasons.<sup>123</sup> Some are suspected or charged in relation to a third controversial case, the deadly political violence in La Scierie in February 2004.<sup>124</sup> One of those was a former deputy, Amanus Mayette, whose release on 26 April 2007 on habeas corpus was criticised by anti-Lavalas circles.

#### **D. POLITICAL POLARISATION AT LOCAL LEVEL: THE GONAÏVES CASE**

The murder of the Lavalas regional spokesperson and former *Haiti Progrès* journalist Johnson Edouard on 12 April 2007, followed by the assassination of Alix Joseph, administrator of the local radio “Provincial” in Gonaïves,<sup>125</sup> underscored that violence continues to be used to settle political accounts. Gonaïves has experienced frequent violent confrontations between gangs competing for control of its port.<sup>126</sup> In Raboteau, former anti-Aristide partisans led by the gang figure “Ti Will” and pro-Lavalas groups carried out robberies, intimidation and killings.<sup>127</sup> Some gang leaders were

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<sup>123</sup> UN independent human rights expert Louis Joinet warned that such poorly managed cases risk political manipulation, and detainees with improperly managed cases would become “political prisoners”.s “Human Rights situation in Haiti”, UN Human Rights Commission, E/CN.4/2005/123, 24 January 2005. Amnesty International estimates Haiti has about 100 political prisoners.

<sup>124</sup> La Scierie is a village outside Saint Marc, 100km north of Port-au-Prince. In February 2004 Aristide supporters (Bale Wouze) and opponents (Ramicos) fought over it for several weeks. An attack by Bale Wouze and police on 11 February resulted in numerous deaths. Competing investigations were carried out, and there is no clear conclusion on responsibility and victims’ political affiliation even after the ruling on 19 April 2007 by the Gonaïves Court of Appeal. Estimates of how many died range from nine to 50. Crisis Group interviews, Port-au-Prince, May-June 2007.

<sup>125</sup> Radio Vision 2000, Radio Métropole, Radio Kiskeya, and Radio Ibo, MINUSTAH monitoring of local radio, 16 April 2007.

<sup>126</sup> The port hardly functions but is believed to facilitate illegal trafficking. Residents and neutral observers interviewed by Crisis Group said competition for political control of the city between Prime Minister Alexis and Senator Youri Latortue, both natives, was another possible driver of tensions. Crisis Group interviews, Port-au-Prince and Gonaïves, March-June 2007.

<sup>127</sup> The Saint Juste Adéclat gang has competed with Ti Will. Another notorious suspect in Gonaïves is Billy Augustin, who has been arrested, charged with crimes and released several times, most recently in February 2007. His threat to execute three special unit policemen (UDMO) had a strong destabilising effect among police in Gonaïves. “Ti Will” (Wilfort Ferdinand), a prominent member of the 2004

arrested and released several times thanks to connections with the HNP or magistrates. The climate of impunity produced strong local resentment. The new Lavalas municipal team led by Stephen (Topa) Moïse, tried to ease tensions, including by subsidising music groups during the carnival period, but fear remained, and Moïse was receiving heavy protection in May.<sup>128</sup>

The deaths of the Head of the Court of Appeal, Hugues Saint Pierre, who was in charge of the La Scierie case,<sup>129</sup> and Joseph brought matters to a head. On 7 May during Saint Pierre's funeral, local youths and gangs threw stones at the prime minister's delegation, forcing it to leave prematurely. Alexis then requested MINUSTAH help in addressing insecurity in his hometown. It was agreed MINUSTAH would focus on suspects against whom warrants had already been issued.<sup>130</sup> The HNP deputy departmental director was replaced and Ti Will was arrested on 26 May after which residents started to cooperate with MINUSTAH and the police.<sup>131</sup> Saint Just Adéclat, another notorious gang leader, was killed on 20 June in unexplained circumstances by unknown individuals.<sup>132</sup> MINUSTAH seems determined to end impunity in the city. The next essential step is to reassert state control, physical and administrative, over the port.

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Artibonite/Gonaïves Resistance Front, was accused of killing a six-year-old girl in 2004. Senator Youri Latortue's brother, Jacob, is the lawyer for Augutin and Ti Will. Crisis Group correspondence, MINUSTAH staff, 15 March 2007.

<sup>128</sup> Topa Moïse is the brother of the interim head of the Supreme Court, Georges Moïse (interior minister in the Latortue transition government). A former mayor of Gonaïves, his house was ransacked in 2004. He created a local not-for-profit organisation which distributes food to the poor and has probably furthered his political comeback. In the poorest urban areas, gangs are often linked to traditional and popular rara music events. During carnival, groups sing for local political leaders. The *ochan* style involves praising the local chief or mayor. Gage Averill, "Dechoukaj en musique, La chute de la dictature haïtienne", *Critique internationale*, n°7, April 2000. Crisis Group interviews in Gonaïves, 7 March 2007.

<sup>129</sup> See above on the controversy over the La Scierie case.

<sup>130</sup> Approximately fifteen individuals were targeted in the first wave of arrests. Another report indicated that a judge in Gonaïves had issued 32 arrest warrants for persons in Raboteau. Crisis Group interviews, MINUSTAH, Gonaïves, 7 March 2007 and Port-au-Prince, 13 May 2007.

<sup>131</sup> Ti Will was transferred the same day to Port-au-Prince. His arrest was followed by heavy exchanges of fire between MINUSTAH and gang members in Gonaïves. MINUSTAH, local radio monitoring, 28 May 2007 and Crisis Group interview, MINUSTAH staff, 17 June 2007.

<sup>132</sup> Radio Vision 2000, 20 June 2007.

## V. INCREASING PUBLIC REVENUES AND SPENDING

Port and border control relate directly to fiscal stability. According to the World Bank and the IMF, the transition government did well between 2004 and 2006 to improve the macro-economic situation and establish a legal framework for a more efficient public sector. GDP rose in fiscal year 2006 from 1.8 per cent to 2.5 per cent.<sup>133</sup> Préval has underlined the progress made by his administration in reducing inflation.<sup>134</sup> However, sustaining all this will only be possible if basic services are provided transparently and effectively. This requires increased revenue, which in the short-term largely depends on ending customs evasion and on more efficient governance practices.

### A. ECONOMIC GOVERNANCE

Since 2004, financial institutions have helped Haiti, through the Interim Cooperation Framework (ICF),<sup>135</sup> to launch reform aimed at addressing the main weaknesses in economic governance. A \$25 million Inter-American Development Bank (IDB) loan for a fiscal reform and governance program includes conditions in four key areas: public procurement, budget process, financial controls and revenue collection.<sup>136</sup> To receive the first payment, the government was tasked to reduce the percentage of unassigned expenditure in the budget and the number of current accounts used outside defined criteria; establish procurement units in all ministries; create an anti-corruption body and a public tender commission; and prepare customs and fiscal codes. This has been done and audits of the main public companies completed. Customs and fiscal codes await final parliamentary approval.

The government is following up with a Poverty Reduction Strategy Paper (PRSP) to be completed in 2007 and meant to coordinate social, economic, political, security

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<sup>133</sup> World Bank, report no. 38235-HT, 12 December 2006, p. 7. The Haitian fiscal year ends on 30 September.

<sup>134</sup> MINUSTAH, local radio monitoring, 14 May 2007. According to Préval, inflation fell from 46 per cent in 2004 to 8.5 per cent in 2007. For the first time since 1999, Haiti has stopped resorting to the central bank to finance its public deficit, *ibid*.

<sup>135</sup> The Interim Cooperation Framework is a donor-supported economic, social and political recovery program. A two-year interim development strategy approved after Aristide left in 2004 has been extended for a year, while the government and donors work on a poverty reduction concept.

<sup>136</sup> "Proposal for a loan for a fiscal reform and governance program", Inter-American Development Bank, 7 June 2005.

and judiciary reforms.<sup>137</sup> On 14 May Préval committed to meet IDB conditions for the second, \$10 million, payment, announcing that the government would prioritise anti-corruption policies in its second year and submit a draft law on financial disclosure for civil servants.<sup>138</sup> The IDB has also given technical assistance grants to support reform and modernisation of customs and the internal revenue directorate (Direction Générale des Impôts, DGI), both under finance ministry supervision.<sup>139</sup> That ministry has now computerised its public spending management system.<sup>140</sup> DGI has set up a central taxpayer database, and the central bank plans to make electronic banking transfers the rule countrywide. These accomplishments should make it possible for more donor funds to go through the national budget.

Citizens do not yet see or understand the benefits of lower inflation and greater investment that can come from good macro-economic performance. Likewise, incorporation of donor aid into the national budget remains pending. Considering that the \$1 billion of such aid pledged in 2004 was 22 per cent of the resources available over a four-year period, incorporating external assistance into national accounting should strengthen the government's ownership of development investments and eventually help improve its public image.

## B. PUBLIC REVENUES

International support for budgetary discipline and the government's limited capacity to plan, pay for and implement projects have resulted in a dramatic reduction in public spending since 2004. At the end of the first quarter of the 2007 fiscal year, only 5 per cent of the state investment budget had been spent.<sup>141</sup> Unless there is more public investment in all sectors to foster development, this will lead to greater social frustration. The private sector should be consulted about increases in collection of tax and customs duties, but it must be prepared to pay its fair share, particularly since the government is creating trade and other incentives for its benefit.

<sup>137</sup> A one-year interim PRSP was completed in September 2006.

<sup>138</sup> MINUSTAH, local radio monitoring, 14 May 2007. The financial disclosure law should also impose requirements on prosecutors and judges similar to those imposed on police in the vetting process.

<sup>139</sup> These programs, called "institutional strengthening initiatives", included one supporting creation of an anti-corruption unit.

<sup>140</sup> "Technologie: L'administration publique haïtienne a pris le train sans une vision stratégique globale", Réseau de Développement Durable d'Haïti (RDDH), 30 March 2007, [www.rddh.org.ht/index.php?option=com\\_content&task=view&id=289&Itemid=99999999](http://www.rddh.org.ht/index.php?option=com_content&task=view&id=289&Itemid=99999999)

<sup>141</sup> Crisis Group interview, 16 February 2007.

## 1. Collection

Tax collection represents only 8 to 10 per cent of GDP and over the last twenty years has consistently been much lower than in other Caribbean countries, where the average reaches 20 per cent. With its entrance into the Caribbean Community (CARICOM), Haiti needs to bring its customs control and customs regulatory framework up to international standards. Customs duties are 70 per cent of state revenue. Other forms of revenue have not been collected comprehensively because an efficient, central budgetary mechanism is still lacking.<sup>142</sup> Since 2004, the government has attempted to significantly increase domestic revenues as well as improve customs efficiency. Changes in the tax laws supported by the IDB are expected to establish clearer, quicker and easier procedures.

Customs collections are 31 per cent of the value of imports in Port-au-Prince but only 6 per cent elsewhere in the country, and it is estimated that an additional five billion HTG (\$130 million) could be raised if the legal rates were levied and collected.<sup>143</sup> The customs directorate (AGD) has instructed all directors to increase revenues, and customs officials have started to use the GATT Valuation Code (GVC)<sup>144</sup> to assess imports, which have traditionally been undervalued so as to satisfy unofficial brokers working for final importers.<sup>145</sup> The actual rates remain unchanged but results outside the capital are improving.<sup>146</sup> Nevertheless, donors feel the customs administration has been slow to formulate a clear national reform strategy and a modernisation plan worthy of their financial support.<sup>147</sup> According to the AGD,

<sup>142</sup> RDDH, op. cit., p. 9, n. 3. "For example, fines collected by the Police, receipts for birth, baptism and death certificates; registration fees in schools and universities; payments received for soil analyses performed by the Ministry of Public Works; miscellaneous taxes and commissions collected by the Judiciary; etc". In 2002-2003, up to 58 per cent of public spending occurred through transfers to "discretionary accounts". This was changed under strong pressure from donors. Ibid, p. 10.

<sup>143</sup> Crisis Group interview, MINUSTAH civil affairs staff, Port-au-Prince, 1 February 2007. This figure is significantly lower than estimates to Crisis Group in 2006. Some Haitian economists consider it high, corresponding to an improbable \$1.3 billion increase in imports. \$100 million would have a dramatic impact on the budget. Crisis Group interview, Haitian economist, 28 June 2007.

<sup>144</sup> For more on the GATT Valuation Code (GVC), see [www.itsfts.co.uk/ITSChinese/section\\_01/s01\\_intro\\_c\\_gvc.htm](http://www.itsfts.co.uk/ITSChinese/section_01/s01_intro_c_gvc.htm).

<sup>145</sup> Only two brokers are officially registered in Saint Marc. Others (more than 100 according to local customs officers) work without official authorisation. Crisis Group interviews, local customs officers, Saint Marc, 3 March 2007.

<sup>146</sup> Crisis Group interview, international expert, Port-au-Prince, 24 April 2007.

<sup>147</sup> In Cap Haïtien, for example, 48 customs officers control

customs computerisation is expected in July 2007, control risk management will be developed, facilities rehabilitated and staff trained. Regional offices are to be strengthened to deal with contraband.

State control of Port-au-Prince's port, which accounts for almost 90 per cent of customs revenue, is essential.<sup>148</sup> This is not yet secure, since the port has been under the influence of pro-Lavalas groups, including elements of formerly politically manipulated trade unions, and of organised crime. While removing spoilers and illegal practices, the government will need to build a partnership with the private sector in order to achieve a port that functions according to international standards, respects workers' rights and allows transparent customs collection.<sup>149</sup>

In Saint Marc port, where customs revenue is 30 million HTG monthly (\$800,000), tensions have mounted following changes in collection procedures.<sup>150</sup> With MINUSTAH patrols briefly stopped,<sup>151</sup> unofficial brokers, unwilling to give up power, threatened and attacked the local customs director in February 2007, resulting in a need for more HNP protection.<sup>152</sup> Matters were quiet again in May but according to customs officers, residents are still angry. The director now has two bodyguards, and the HNP is stationed permanently on the ground floor to control access to offices. The situation will remain tense until the status of brokers is clarified by a sustainable

and transparent registration process involving the customs and port authorities. Meanwhile, customs premises need to be better secured to ensure normal functioning. The customs administration has 70 security agents at its disposal but they still lack proper training. MINUSTAH has provided support through a quick impact project but implementation is slow because of bureaucratic delays.<sup>153</sup>

In the first month since a new customs director, Jean-Claude Voltaire, was installed on 20 March 2007, customs revenues in Ouanaminthe, a border town in the north and one of four official crossings to the Dominican Republic, increased from 2.5 million HTG to thirteen million HTG (\$74,000 to \$383,000), the result of requiring shippers to pay the official duty.<sup>154</sup> He is confident revenues can be increased still further by enforcing the law.<sup>155</sup> In the past, businessmen paid less for goods to go through customs controlled by Lavalas there and in Dajabon.<sup>156</sup> The increase in charged duty has caused the director to fear retaliation from powerful businessmen and local residents who rely on import-export trade. He has received threats, and a strike was announced on 25 April by merchants from Ouanaminthe and Dajabon. Voltaire has been supported by the government and is receiving protection from the customs brigades, a government anti-fraud unit trained and assisted by France, and UNPOL.<sup>157</sup>

All monies collected by customs are transferred to a central treasury account. Subsequent distribution by the interior ministry to mayors and municipal budgets is independent of local collection. Ouanaminthe authorities feel their municipality should receive more funding as a result of the customs revenue it generates. The system offers no direct incentive to customs guards to increase efficiency. Indeed, locals in April claimed that the stricter customs regime was hurting the town, which relies on traders' profits; some restaurants and shops reportedly had closed.<sup>158</sup>

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only nine boats monthly. Crisis Group interview, international customs expert, Port-au-Prince, 1 February 2007.

<sup>148</sup> Crisis Group interview, Jean-Jacques Valentin, customs general director, Port-au-Prince, 23 May 2007. "Perceptions douanières ventilées par bureau de douane par zone d'enregistrement et par ordre d'importance", statistical department, customs general administration, April 2007.

<sup>149</sup> Crisis Group interview, Haitian official, 19 June 2007.

<sup>150</sup> Customs revenues are still rising in Saint Marc, with 21 million HTG (\$550,000) collected in April and 32 million HTG (\$840,000) in March. Crisis Group interview, local customs officers, Saint Marc, 3 May 2007.

<sup>151</sup> Until January 2007, the Pakistani formed police unit (FPU) based in Gonaïves patrolled in Saint Marc but because of difficult road conditions, the patrols were stopped. Responsibility for supporting the HNP in downtown Saint Marc was finally given to the Argentine battalion in Gonaïves. Crisis Group interviews, MINUSTAH staff, Gonaïves, Port-au-Prince, 4 May and March 2007.

<sup>152</sup> A crowd assaulted the director in February. His security guard was arrested by a local judge, allegedly for beating an attacker. The director did not complain to the police. Some observers see in this conflict a struggle between local political groups, the Bale Wouze and the Ramicos, for control of the port. This is denied by customs, which sees social frustration in broker behaviour. Crisis Group interviews, local customs officers, Saint Marc, 3 and 7 March and 3 May 2007, MINUSTAH staff, Gonaïves, 2 March.

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<sup>153</sup> Crisis Group email correspondence, MINUSTAH, civil affairs staff, 22 May 2007.

<sup>154</sup> Crisis Group interview, customs staff, Ouanaminthe, 26 April 2007. Voltaire held the same position and was attacked by residents for the same reforms in 1998-1999.

<sup>155</sup> From 2004-2005 to 2005-2006, customs collection in Ouanaminthe had already increased from three million HTG to 24 million HTG (\$88,000 to \$708,000). Crisis Group interview, MINUSTAH civil affairs staff, Port-au-Prince, 1 February 2007.

<sup>156</sup> Crisis Group interview, MINUSTAH, Fort Liberté, 25 April 2007.

<sup>157</sup> "Le bureau des douanes de Ouanaminthe menacé", *Le Nouvelliste*, 22 June 2007.

<sup>158</sup> Crisis Group interview, local residents, Ouanaminthe, 25-27 April 2007.

In Belladère, the Pan American Development Foundation (PADF) has given a \$2.5 million grant to improve the state's presence and customs on the border by building and staffing a multi-purpose building for the HNP, the interior ministry, the border commission and customs, as well as social affairs. Currently, the customs buildings are 6km from the border crossing, which is believed to lose 11 million HTG (about \$300,000) in revenue monthly. This project, which is agreed in principle, is also supported by the Canadian embassy and the interior and finance ministries. The increased revenues are meant in part to help finance the repatriation centre, which will be built there to assist Haitians returned from the Dominican Republic, sometimes with no clothes.<sup>159</sup> Relations remain tense on the Dominican border. For instance, at Anse à Pitre on 4 July 2007 an alleged theft of a motorbike by a Haitian led to a fight among some 200 armed Haitians and Dominicans.<sup>160</sup>

## 2. Spending

On 31 May 2007, the state budget had a surplus of 1.5 billion HTG (\$39 million). While until 2004 each ministry had a variety of bank accounts at its disposal, on donor insistence only one is now available. A public procurement body under executive and legislative control – the Commission Nationale pour les Marchés Publics (CNMP, National Commission for Public Tenders)<sup>161</sup> – has been set up pursuant to the ICF and with IDB support to permit transparent public spending. Each public body is to establish a procurement unit connected to the CNMP. While important in controlling corruption, the new system needs to operate with greater agility to meet the demand for increased public investment and speedier delivery of basic public services all over the country.

<sup>159</sup> Crisis Group interview, John Currelly, PADF director, 1 June 2007.

<sup>160</sup> Elizabeth Eames Roebling, "Haiti-Dominican Republic: A Fragile Coexistence", IPS news, 12 July 2007, at [www.ipsnews.net/news.asp?idnews=38515](http://www.ipsnews.net/news.asp?idnews=38515).

<sup>161</sup> The commission's website, [www.cnmp.gouv.ht](http://www.cnmp.gouv.ht), is under construction without access as yet to the tenders database.

## VI. THE BUILDING OF LOCAL GOVERNMENT INSTITUTIONS

More than 60 per cent of Haiti's 8.7 million citizens live in rural communities according to the World Bank, while 2.2 million, nearly 64 per cent, of its urban population is in Port-au-Prince.<sup>162</sup> It remains essential to consolidate security in the capital but sustainable stability and development will not be achieved without massive development initiatives around the country, coordinated with empowered local authorities.<sup>163</sup> The local political system is complex and barely manageable, including five political/administrative levels and multiple legislative and executive authorities.<sup>164</sup> This complicates local governance tremendously in a fragile country with weak institutions that is the poorest in the hemisphere, and has a population among the least educated.

### A. 1987 CONSTITUTION PROVISIONS ON LOCAL GOVERNANCE

The constitution gives departments and communes financial and administrative autonomy, but this does not exist in reality because resources are too few. Several laws also regulate local governance but have not been implemented.

The commune, the territory of the municipality, is divided into communal sections (*sections communales*),<sup>165</sup> each of which is managed by a council (CASEC, communal

<sup>162</sup> See [http://siteresources.worldbank.org/DATASTATISTICS/Resources/table3\\_10.pdf](http://siteresources.worldbank.org/DATASTATISTICS/Resources/table3_10.pdf). The Haitian temporary electoral council, however, estimates the total population at 8.2 million. See [www.cep-ht.org](http://www.cep-ht.org).

<sup>163</sup> François l'Ecuyer, "Apaisement et optimisme en Haïti", *Alterpresse*, 10 May 2006.

<sup>164</sup> Article 9 of the 1987 Constitution states: "The territory of the Republic is divided and subdivided into Departments, Arrondissements, Communes, Quartiers and Communal sections". Chapter I, "Territorial Divisions and Decentralisation", describes each entity. Some Haitian researchers believe the complexity results from confused understanding of the French local governance system, in which the municipal council is simultaneously an executive and local legislative. Crisis Group interview, Haitian decentralisation expert, Port-au-Prince, March 2007. Others see a conscious attempt to frustrate authoritarianism by a system of counter-balancing structures. Véronique Dornier, "La décentralisation en Haïti", *Bulletin de l'APAD*, no. 15, March 1998, <http://apad.revues.org/document565.html>, quoting Michèle Oriol, P.A. Guerrier, M. Vincent, *L'utopie territoriale. La décentralisation alternative* (Port-au-Prince, 1995).

<sup>165</sup> The term "communal sections" has replaced "rural sections" used under the Duvaliers. They were headed by powerful section chiefs until the late 1980s.

section council) with three members elected for four years. Each CASEC is accountable to an elected assembly (ASEC, communal section assembly). One member of each ASEC is designated to be part of the municipal assembly, which has representatives from each section and assists the municipal council, a managing body of three elected administrators. In big cities, town delegates, also members of the municipal assembly, are elected directly from urban neighbourhoods (*quartiers*).

The department, of which there are ten, is the largest territorial entity, with several arrondissements and communes.<sup>166</sup> Departmental assemblies have members from each municipal assembly. Each departmental assembly selects three potential members of the permanent electoral council (CEP). Final appointments of the nine members of that body are made equally by the executive branch, the national assembly and the Cour de Cassation. The departmental assembly elects the three members of the departmental council. Each department council elects one of its members to the inter-departmental council, a nationwide body in charge of assisting the executive to develop decentralisation policies and identifying local budgetary resources.<sup>167</sup>

In parallel to self-administered local entities, the central government is supposed to maintain a presence across the entire country through departmental administrative directorates assigned by each ministry. In each department capital (*chef-lieu*) the executive is represented by a delegate who supervises and coordinates the activities of ministerial departmental directors.<sup>168</sup> Deputy delegates do the same at arrondissement level. This scheme,<sup>169</sup> democratic in theory, is impractical for the poor country. Each election costs millions of dollars.<sup>170</sup> Haiti cannot

afford, and donors will not finance indefinitely, such a complex system requiring constant elections.

## B. LOCAL GOVERNANCE IN PRACTICE

The legal framework for local governance and development mostly does not reflect current practice and reality.<sup>171</sup>

### 1. New local structures and future elections

Re-runs on 29 March 2007 of the previous December's elections in 25 localities were peaceful thanks to strong security provided by MINUSTAH and the HNP, though turnout was low.<sup>172</sup> With the completion of these elections, Haitians have an historic opportunity to revitalise local governance but so far only half of the system is in place. The current CEP has not published ASEC and delegate winners in the official journal. Once this is done, indirect elections must be held within one month that can ultimately permit the bottom-up nomination of members to the permanent electoral council (CEP) and judges.<sup>173</sup> 2007 should also see elections to renew one third of the Senate. The government has to decide formally whether the current temporary electoral council should organise indirect and/or senatorial elections.

New municipal councils, ASECs and CASECs have been steadily installed but municipalities have almost no resources other than what the interior ministry allocates.<sup>174</sup> Newly elected representatives require salaries, a workable budget and basic equipment and must deliver services

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<sup>166</sup> The ten departments are Grande-Anse, Sud, Nippes, Sud-Est, Ouest, Centre, Artibonite, Nord, Nord-Ouest, and Nord-Est. The arrondissement, with several communes, is the intermediary level between commune and department but its functioning is not defined by the constitution, Article 75.

<sup>167</sup> Articles 217 and 87.2 of the 1987 Constitution. The interdepartmental council has never existed in practice. A vice delegate admitted that he knew the acronym but had forgotten its meaning. Crisis Group interview, Gonaïves, 7 March 2007.

<sup>168</sup> Constitution, Section 3, Articles 85-86; "Decrees on delegates and deputies, 17 May 1990", *Le Moniteur*, 31 May 1990.

<sup>169</sup> See Appendix C below.

<sup>170</sup> The cost of February 2006 elections for donors was estimated at almost \$59 million. "Haiti – Election: The bill, Parts of a UNDP document, Submitted to *AlterPresse* on 2 February 2006", 4 February 2006. The cost for ballots alone during the 3 December 2006 local elections was estimated at \$3.75 million by the political parties conference, which anticipated the 2007 and 2009 Senatorial elections would cost respectively around \$5.3 and \$7 million; these estimates

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do not include security and logistics costs. "Réflexions autour de la méthodologie d'organisations des élections en Haïti", 31 May 2007 conference handout.

<sup>171</sup> Crisis Group conducted interviews in the interior ministry and in Gonaïves (including Gros Morne), Les Cayes (including Aquin) and Ouanaminthe; most of the examples below relate to these towns.

<sup>172</sup> These concerned the election of one member of the National Assembly, ten mayors, 29 communal section assemblies (ASEC), 27 communal section councils (CASEC) and 26 town delegates. "La MINUSTAH prête pour les élections du 29 avril", *www.minustah.org*, 27 April 2007.

<sup>173</sup> Article 110 of the 3 February 2005 electoral decree.

<sup>174</sup> "Installation de nouveaux maires dans plusieurs communes d'Haïti", *www.minustah.org*, 30 March 2007. A 2002 study estimated resources at 2 HTG (\$.05) per inhabitant per year and noted that eleven municipalities collect 90 per cent of all municipal revenues. "Vers une politique nationale de décentralisation : synthèse des propositions de la CNRA", Bureau du Premier Ministre, Unité d'Appui à la Réforme Administrative, Programme des Nations Unies pour le Développement Projet HAI/00/003 – Gouvernance et Décentralisation, October 2002, p. 46, at <http://haiticci.undg.org>.

that address their constituencies' needs.<sup>175</sup> Further indecision will delay the appointment of the permanent CEP, with a nine-year mandate, the 2007 senatorial elections, and the nomination of judges.

## 2. Security without municipal police

Security improvements in Port-au-Prince impact elsewhere. With the agenda no longer dominated by Cité Soleil gang violence, drug trafficking and local law enforcement have returned to the policy priority debate. President Préval in January declared drugs the new enemy. At the Regional Summit on Drugs, Security and Cooperation held in Santo Domingo on 16 March 2007,<sup>176</sup> he reiterated his determination to fight the problem regionally, while criticising the U.S. for lack of support on interdiction of speedboats and flights from Venezuela and Colombia that use clandestine Haitian landing strips or drop their cocaine packages into the sea offshore. Frequent HNP seizures of marijuana and cocaine have shown how acute the problem is, including participation of corrupt HNP officers in the trafficking network.<sup>177</sup> The Dominican president, Leonel Fernandez, was equally strong in criticising lack of U.S. support.

The recent increase in flights originating in Venezuela, U.S. authorities say, is due to looser Venezuelan anti-drug policies.<sup>178</sup> Small planes can land at the Port-au-Prince international airport, drop parcels, refuel and

take off once police and customs are off duty, after 6pm. Parcels can be taken out of the airport perimeter without checks.<sup>179</sup> Landing strips (some clandestine), straight roads, beaches and hidden inlets are used on the southern coast and Grande Anse. A several-hundred-metre-long, twelve-centimetre-thick concrete landing strip was discovered in the bush near Aquin in February.<sup>180</sup> Drug traffickers around Port-Salut, Les Cayes and Aquin are well identified, and some have been arrested, but two islands, Ile à Vache and Ile de la Grosse Caye, allow traffickers to work comfortably, since the police lack patrol boats.<sup>181</sup> UNPOL and the HNP in Les Cayes have requested such boats but donors have been slow.<sup>182</sup> Canada, however, now seems committed to support, via UNPOL, establishment of a coast guard contingent in Les Cayes.

Two U.S. Drug Enforcement Administration (DEA) helicopters based in Dominican Republic were used in a pilot operation with a vetted HNP unit and MINUSTAH that virtually halted trafficking flights. They were withdrawn after six weeks, however, and Washington has yet to decide whether the risk that trafficking will undermine the international investment in Haiti's stabilisation justifies their long-term assignment for interdiction.

In some rural areas, where HNP and MINUSTAH are not present, public order is maintained by the CASEC or by individuals through informal agreement with the local mayor to use force when necessary.<sup>183</sup> This extra-legal practice sometimes keeps the peace in locations far from the nearest HNP presence but tension can rise rapidly because of uncontrolled land, domestic or political conflicts.<sup>184</sup> In Aquin, where the mayor and the local deputy both had bodyguards, matters became difficult in May, for example, when the mayor tried to remove the deputy's armed protection. The border between

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<sup>175</sup> IOM has equipped several municipal teams and in some circumstances assisted in rehabilitating buildings. Most new CASECs and ASECs desperately need to be trained on their rights and duties and on the division of tasks between delegations, mayoral offices, CASECs, ASECs, HNP, ministries, deputies and senators. Crisis Group interviews, municipal team, Gonaïves, 4 May 2007. "Final Evaluation of the Haiti Transition Initiative", Management Systems International, USAID, October 2006.

<sup>176</sup> Attended by President Leonel Fernandez of the Dominican Republic, President Préval, President Álvaro Uribe of Colombia and Prime Minister Patrick Manning of Trinidad and Tobago as well as representatives of seven other countries, the UN, EU, IDB, World Bank, CARICOM and Crisis Group.

<sup>177</sup> On 31 May 2007, a car with official plates was seized with 420kg (\$8 million value) of cocaine in Leogane; five of ten suspects arrested were HNP officers. Radio Kiskeya, "La PNH saisit à Léogâne d'autres armes et un téléphone satellitaire appartenant aux présumés narcotrafiquants", 6 June 2007, at [http://radiokiskeya.com/spip.php?article3750&var\\_recherche=Drogues%20leogane](http://radiokiskeya.com/spip.php?article3750&var_recherche=Drogues%20leogane).

<sup>178</sup> "Le trafic de drogues se fait par voie d'aéroports officiels, selon les autorités américaines", Haiti Press Network, 9 May 2007, at [www.haitipressnetwork.com/news.cfm?articleID=8849](http://www.haitipressnetwork.com/news.cfm?articleID=8849). Venezuela rejects the criticism but acknowledges increased use of its territory by traffickers. Crisis Group interview, Regional Summit on Drugs, Security and Cooperation, Santo Domingo, 16 March 2007.

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<sup>179</sup> Crisis Group interview, diplomat, Port-au-Prince, 24 June 2007.

<sup>180</sup> UNPOL staff estimate 70 per cent of Les Cayes lives on drug trafficking money. An 83-year-old man was arrested in May in possession of several kilograms of marijuana. Crisis Group interview, MINUSTAH police staff, Les Cayes, 18 May 2007.

<sup>181</sup> Police sources report that heavily armed Jamaican and Haitian drug traffickers are settled on the southern coasts of these two islands facing Columbia. Crisis Group interviews, MINUSTAH and HNP staff, Les Cayes, 28 March 2007.

<sup>182</sup> Two zodiacs were offered but local UNPOL command considered they were not appropriate. Crisis Group interviews, MINUSTAH staff, Port-au-Prince and Les Cayes, 28 March, 17 May, and 21 May 2007.

<sup>183</sup> Crisis Group interviews, UNPOL staff and local human rights experts, Les Cayes, 18 May 2007.

<sup>184</sup> Crisis Group interview, Les Cayes, 4 May 2007.



politics and violence remains thin, and the HNP is not strong enough yet to play a neutral role countrywide; many mayors constantly press for establishment of a municipal police.<sup>185</sup> President Préval explicitly opposes this and on 14 May reaffirmed the HNP's exclusive responsibility.<sup>186</sup> Observers point to the dangers of an additional force outside the HNP and the questions of who would pay for and oversee it.<sup>187</sup>

This will work only if the HNP undergoes serious reform and removes its corrupt, criminal elements. The vetting process endorsed by the Security Council and Préval was slow to get off the ground, starting with the top level of the HNP and the formation of joint UN police and HNP special investigators in early 2007.<sup>188</sup> Some 160 police were vetted in Jérémie and nineteen transferred. It is unclear how many of them will be removed, prosecuted or reintegrated, without weapons, into the community. The vetting process is proceeding in Les Cayes.

### 3. Powerless delegations and ministerial directorates

Local administrations are unable to fulfil their duties. The interior ministry has an inadequate budget of some 503 million HTG (a little more than \$13.2 million) to cover salaries and allocations to all delegates and municipalities across the country.<sup>189</sup> Delegate appointments are highly politicised, and most incumbents are still awaiting new mandates from the government elected in 2006.<sup>190</sup> President Préval announced on 14 May 2007 only that these would be clarified sometime this year.<sup>191</sup> Delegates and their deputies play a buffer role between the population and the central administration and are the target of complaints and discontentment, but those who try to

forward grievances to Port-au-Prince often feel they are not listened to in the capital. They themselves are unable to comply with the law which requires them to travel wherever necessary and as soon as possible in their department.<sup>192</sup>

Each ministry is meant to be represented in big cities to implement national policies and coordinate with municipal and departmental development plans. In 2006, however, funding and policy implementation were limited due not only to scarce resources but also to lack of experience and efficiency in the management of the ministries,<sup>193</sup> including in the planning and external cooperation ministry, which is supposed to convene all government agencies and NGOs for monthly information-sharing meetings on local issues and development programs.

### 4. External assistance and local governance

Most resources at the disposal of local government structures to deliver basic services, jobs and development come from donors. The way they are used is essential to local stability and peace.

USAID's Office of Transition Initiatives (OTI) financed the Haiti Transition Initiative (HTI) managed by IOM in several towns in 2004-2006. It was intended to revitalise local governance by fostering consultation between communities and state institutions to identify short-term and infrastructure needs.<sup>194</sup> IOM, with further USAID funding, is continuing the work through PREPEP (Programme de Revitalisation et de Promotion de l'Entente et de la Paix) in the same areas.<sup>195</sup>

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<sup>185</sup> Cavaillon municipality wanted to organise a forum on municipal police with support from MINUSTAH, which rejected the request. Crisis Group interview, MINUSTAH staff, Les Cayes, 17 May 2007.

<sup>186</sup> Radio Kiskeya, 14 May 2007.

<sup>187</sup> Crisis Group correspondence, international legal experts, Washington DC and New York, 5 July 2007.

<sup>188</sup> The vetting process was part of police reform agreed to by Luc Eucher, secretary of state for public security, and Mario Andresol, director general of the HNP, although there was a slight delay at the outset until specific steps were clarified. Crisis Group interview, MINUSTAH staff, 15 February 2007.

<sup>189</sup> The initial budget for 2006-2007, almost 382.4 million HTG (nearly \$10 million), was increased in the "corrected budget" in May 2007. Crisis Group interview, interior ministry staff, Port-au-Prince, 29 May 2007.

<sup>190</sup> The volatile political situation has produced a lack of continuity in administration. For instance, seven different delegates have been appointed in seven years in Gonaïves. Crisis Group interview, delegation staff member, Gonaïves, 14 February 2007.

<sup>191</sup> MINUSTAH News, 14 May 2007.

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<sup>192</sup> "Decree on delegates and deputies", op. cit. In Les Cayes the vehicle used by the delegation belongs to the Senate; the delegate has to hire a local long-boat to go to the neighbouring island for which he is also responsible. Some international observers suggest the vice-delegate position should be merged with the mayor's office. Crisis Group interview, Les Cayes, 17 May 2007.

<sup>193</sup> This was acknowledged by President Préval during his 13 May press conference. Ronald Colbert, "Haïti: des points forts et de difficultés pendant une année de présidence", *Alterpresse*, 13 May 2007.

<sup>194</sup> OTI programs are usually short-term and implemented in countries that are not sufficiently stable to allow large-scale, long-term development assistance. HTI was carried out by field offices in Port-au-Prince, Cap Haïtien, Les Cayes, Petit Goâve, Saint Marc and Gonaïves. "Final Evaluation", op. cit., p. 2. Almost \$12 million was spent on 546 projects through July 2006. "Actual projects [were] less important than their impact on building community cohesion, increasing community capacity, building links between citizens and their government and demonstrating that positive change is possible". Ibid, p. 3.

<sup>195</sup> PREPEP operates in Port-au-Prince, Saint Marc, Gonaïves, Petit Goâve, and Cap Haïtien. "PREPEP Program External Report", 1-31 March 2007.

Long-term solutions have begun to be addressed in the big cities since early 2007 by a four-year, \$80 million USAID program, KATA, implemented by the CHF. It requires a painful cultural change in local governance practices. By gathering all stakeholders at the same table and sticking to the rules, it tries to force them to make transparent decisions and break with the predatory, corrupt behaviour which regularly excluded the poorest.<sup>196</sup> It seeks to empower communities to take responsibility, for better or worse, in using the resources it gives them. Success will require transparent communication through local media, rigorous financial control and internal evaluation and firm political support from the USAID mission, the interior ministry and local authorities.

## C. CREATING LOCAL ADMINISTRATIONS AND THE DECENTRALISATION DEBATE

The recently established structures should be supported and assisted in the short-term but the system is not sustainable and needs to be reformed during Préval's term to pave the way for efficient local development policies.

### 1. Creating local administrations

In many regions, central state agencies have pooled resources and put their personnel in common administrative buildings.<sup>197</sup> In the South department, the IDB supports construction of an administration building to house all departmental bodies except the delegation.<sup>198</sup> Some delegation and municipal buildings have been rehabilitated by MINUSTAH through its quick impact programs and civil affairs teams.<sup>199</sup> After the local elections, MINUSTAH allocated its remaining quick impact budget to support delegations and municipalities. "Start kits", including basic office equipment, are to be distributed all over the country.

The next logical step is to make local power structures more sustainable by increasing tax collection and spending efficiency. The interior ministry has run several training sessions for mayors on legal issues, budgeting,

management and taxation.<sup>200</sup> President Préval met with hundreds of mayors and other local officials at their last training session in Port-au-Prince in mid-June.<sup>201</sup> DGI has started to cooperate with some Port-au-Prince municipalities (including Cité Soleil) and departments to organise training and forums on local taxation.<sup>202</sup> Participants have usually been enthusiastic, although a few local officials raised doubts about the capacity of poor households to pay local taxes.<sup>203</sup>

### 2. The decentralisation debate

Préval announced on 13 May that local authorities would be strengthened in 2007 but the process needs to continue at least throughout his term, until 2011. The transition government passed a package of laws on decentralisation but the new government considers it unrealistic.<sup>204</sup> It included creation of consultative development councils at the level of communal section, municipality and department,<sup>205</sup> which seems artificial and redundant since the main task of any local body should be to draw up development plans. Similarly, long provisions on procedures and organs to manage conflict between local bodies pursuant to administrative law seem divorced from Haitian realities. The law on communal sections envisages that CASEC members are paid monthly and ASEC participants receive stipends to take part in the meetings. All these expenditures are supposed to come from the communal section's budget, which in many instances is simply non-existent.<sup>206</sup>

Delegates and vice delegates need to be confirmed rapidly or new ones appointed to end uncertainty,<sup>207</sup> and the interior ministry's staff should be strengthened so it

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<sup>200</sup> Crisis Group interview, interior ministry staff, Port-au-Prince, 29 May 2007.

<sup>201</sup> Crisis Group interview, President Préval, Washington DC, 20 June 2007.

<sup>202</sup> Such forums took place in Chantal, Cavaillon (South) and Saint Marc.

<sup>203</sup> The issue was raised during the Chantal forum on 10 May 2007. Crisis Group interview, MINUSTAH staff, Les Cayes, 17 May 2007.

<sup>204</sup> An interior ministry staffer called the laws "crazy" because they are so complex. Crisis Group interview, Port-au-Prince, 29 May 2007.

<sup>205</sup> Draft decree defining the framework of decentralisation, 1 February 2006, Articles 27, 58, 59 and 138. These councils would be financed by a new "support fund to local governance".

<sup>206</sup> ASEC and CASEC have found ways to generate resources, collecting fees, for example, for registration of births and other activities normally falling to the municipal authority. Crisis Group interview, local administration staff, Gros Morne, 4 May 2007.

<sup>207</sup> Crisis Group interviews, Gonaïves, 4 May 2007 and Les Cayes, 29 March 2007.

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<sup>196</sup> KATA stands for "Konbit Ak Tet Ansanm" (Working Together). Crisis Group interviews, CHF staff and local administration officials, Gonaïves, 3-5 May 2007.

<sup>197</sup> This is the case in Les Cayes and Gros Morne, both visited by Crisis Group. This method is also envisaged by the inter-ministerial commission on cross-border issues in the border commune of Anse à Pitre. "Anse à Pitre dans l'attente d'un complexe administratif", *Le Nouvelliste*, 8 June 2007.

<sup>198</sup> Crisis Group interview, delegation staff member, Les Cayes, 29 March 2007. See also [www.iadb.org](http://www.iadb.org).

<sup>199</sup> Data from the quick impact program (QIP) database shared by MINUSTAH, 24 May 2007.

can drive reform and supervise and support local authorities more effectively.<sup>208</sup> Better trained mayors, delegates and vice delegates must do more to animate a national debate on local governance. Better use of the local power management and development fund is required but that resource is not sufficient.<sup>209</sup> The government has trained some 60 local financial monitors to assist in managing public finance. They will be vital in upgrading local public administration and should be deployed as soon as possible.<sup>210</sup> Donors are ready to provide more support but still await a clear government political vision.<sup>211</sup>

Local governance needs to be simplified, which is likely to require constitutional changes. The roles of ASEC and CASEC, which lack significant administrative functions,<sup>212</sup> should be reviewed and the two perhaps merged in enlarged municipal councils.<sup>213</sup> The disadvantage of the ASEC/CASEC option is its electoral cost, currently borne by donors. Local public servants need proper training, career management and monitoring and to have their duties clarified in both law and practice.<sup>214</sup> The interior ministry has presented draft

laws on the commune and communal sections to the parliament.<sup>215</sup> Territorial boundaries must be re-defined consistently to end debates on legal contradictions and unfair political representation.<sup>216</sup> As municipalities get more resources, there will inevitably be more tensions over financial and political control. Their resolution must be managed carefully and transparently.<sup>217</sup>

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<sup>208</sup> The ministry employs some 760 people. It is not in charge of police but is responsible, with help from the justice ministry, for application of laws and other measures to ensure public security. "Decree on the interior ministry", 17 May 1990, *Le Moniteur*, 31 May 1990. Its mandate is to coordinate local authorities' activities, support local administrative structures and their budget policy, control and coordinate delegations and participate in preparation of department and arrondissement budgets. Ibid, section V.

<sup>209</sup> The finance and interior ministries and the still non-existent inter-departmental council all must sign off on decisions relating to the Fonds de gestion et de développement des collectivités territoriales (FGDCT). Some observers say this resulted in the past in systematically corrupt behaviour from both ministries. Crisis Group interview, Haitian local governance expert, 28 February 2007.

<sup>210</sup> Crisis Group interview, interior ministry staff, Port-au-Prince, 29 May 2007.

<sup>211</sup> Crisis Group interview, European Commission delegation staff, Port-au-Prince, 14 March 2007.

<sup>212</sup> Véronique Dorner, op. cit., p. 6.

<sup>213</sup> Crisis Group interview, interior ministry staff, Port-au-Prince, 29 May 2007.

<sup>214</sup> The proposal in a draft 2006 decree to create a training institute deserves support, although other elements of that draft seem infeasible due to inadequate public resources. Draft decree on "the management of employees in the local public service and its public bodies", 1 February 2006. It envisages several new bodies, including a council for local administration (Art. 10), with representatives from the inter-departmental council, the interior ministry and local civil servant professional organisations/trade unions; a national institute for local administration (Art. 16); and four regional centres for human resources management (Art. 28).

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<sup>215</sup> Crisis Group interview, interior ministry staff, Port-au-Prince, 29 May 2007.

<sup>216</sup> "Vers une politique nationale de décentralisation", op. cit.

<sup>217</sup> Some local situations may already be conflictual, like the one between Cabaret and Arcahaie. The boundaries of Delmas municipality (Port-au-Prince) are unclear. A civil servant told Crisis Group she had received tax bills from both Bourdon and Delmas municipalities, probably not a unique case. Crisis Group interview, Port-au-Prince, 29 May 2007.

## **VII. CONCLUSION**

Haiti needs to consolidate the fragile stability achieved in Port-au-Prince against armed gangs earlier this year. MINUSTAH is an essential part of the security environment. However, the only sustainable way forward is to strengthen state structures, launch major, community-based programs and address remaining grievances in society.

Police reform has been generously supported by donors and now has strong political backing, but the force remains small, weak and inadequately trained, and the vetting of corrupt officers is still a work in progress. Macro-economic improvements should lead to more public investment and development-related expenditures to deliver basic services countrywide. Creation of accountable, transparent public administration requires constant attention to economic governance, tax collection and sustainable public spending targeted on social services, rule of law and infrastructure. Parliament needs deep reforms to modernise and professionalise political life. New discipline has to be imposed by both the leaders of the body and constituencies.

Cité Soleil is more than a symbolic test case for post-conflict transition and reconstruction. The perception of the political and economic environment will be determined in part by whether the government and donors can work together on recovery, with a long-term vision. If victims of past slum violence see new infrastructure, services and jobs made available to them fairly, they are likely to become partners in a process of change. Now that politicised and criminal gangs have been mostly controlled in the capital, legitimate state authority must be extended to other key urban and rural areas, including ports and border crossings.

The process of consolidating stability also depends on the perception that the government is reducing impunity and strengthening the rule of law through prison and justice reform. The extent of future funding should be linked over time to progress in the implementation of such reforms. In addition to passage of the three main laws on justice reform, stronger inspection is needed to discipline judges and monitor the performance of tribunals and the detention commission. Independent, non-partisan review, investigation and prosecution is needed of the prominent political assassinations in the country's recent history.

Acute socio-economic inequalities will remain the natural background for further violence if more jobs are not created and those who have the capacity are not professionally trained. With a majority of the population still outside the capital, economic and political stability require decentralised development to limit rural exodus. Participatory development projects, supported by stronger central ministries, are the best tools with which to build democratic local governance and deliver basic services to the poor. Constitutional changes will then have to be envisaged to rationalise the complex local governmental structures, which now demand a costly and unsustainable electoral system.

**Port-au-Prince/Brussels, 18 July 2007**

## MAP OF HAITI



## APPENDIX B

### GLOSSARY OF ACRONYMS AND ABBREVIATIONS

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<b>ASEC</b>	Assemblée de Section Communale (Communal Section Assembly)
<b>Alyans</b>	Alliance Démocratique (Democratic Alliance)
<b>CARICOM</b>	Caribbean Community
<b>CASEC</b>	Conseil de Section Communale (Communal Section Council)
<b>CAMEP</b>	Centrale Autonome Métropolitaine d'Eau Potable (Central Metropolitan Authority for Drinking Water)
<b>CHF</b>	Cooperative Housing Foundation
<b>CIMO</b>	Compagnie d'Intervention et de Maintien de l'Ordre (Intervention and Public Order Maintenance Unit)
<b>COGESEPSOL</b>	Comité de Gestion du Système d'Eau Potable à Cité Soleil (Management Committee for Cité Soleil Drinking Water System)
<b>DGI</b>	Direction Générale des Impôts (Internal Revenue Directorate)
<b>FAD'H</b>	Forces Armées d'Haïti (Haitian Armed Forces)
<b>FGDCT</b>	Fonds de Gestion et de Développement des Collectivités Territoriales (Local Power Management and Development Fund)
<b>FRN</b>	Front Pour la Reconstruction Nationale (Front for National Reconstruction)
<b>Fusion</b>	Fusion des Sociaux-Démocrates Haïtienne (Fusion of Haitian Social Democrats)
<b>GFCD</b>	Grand Front Centre Droit (Large Centre Right Front)
<b>GREH</b>	Grand Rassemblement pour l'Évolution d'Haïti (Grand Assembly for the Evolution of Haiti)
<b>HNP</b>	Haitian National Police
<b>HTG</b>	Haitian Gourde
<b>HTI</b>	Haiti Transition Initiative
<b>ICRC</b>	International Committee of the Red Cross
<b>IDB</b>	Inter-American Development Bank
<b>IJDH</b>	Institute for Justice and Democracy in Haiti
<b>ISPOS</b>	Institute for Advanced Social and Political Studies
<b>IOM</b>	International Organisation for Migration
<b>JPDN</b>	Justice pour la Paix et le Développement National (Justice and Peace for National Development)
<b>KATA</b>	Konbit Ak Tet Ansanm (Working Together)
<b>KID</b>	Konfederasyon Inite Demokratik (Convention for Democratic Unity)
<b>Konba</b>	Konbit pou Bati Ayiti (Cooperative Action to Build Haiti)
<b>LAAA</b>	Latibonit Ann Aksyon (Artibonite in Action)
<b>Lespwa</b>	"Hope" party of President Préval
<b>MINUSTAH</b>	Mission des Nations Unies pour la Stabilisation en Haïti (UN Stabilization Mission in Haiti)

<b>MIRN</b>	Mouvement Indépendant pour la Réconciliation Nationale (Independent Movement for National Reconciliation)
<b>MOCHRENA</b>	Mouvement Chrétien pour Batir une Nouvelle Haïti (Christian Movement for a New Haiti)
<b>MODEREH</b>	Mouvement Démocratique et Renovateur d’Haïti (Haitian Democratic and Reforming Movement)
<b>MPH</b>	Mobilisation pour le Progrès d’Haïti (Mobilisation for Haiti’s Development)
<b>MRN</b>	Mouvement pour la Reconstruction Nationale (Movement for National Reconstruction)
<b>NDI</b>	National Democratic Institute
<b>OCHA</b>	UN Office for the Coordination of Humanitarian Affairs
<b>OPL</b>	Organisation du Peuple en Lutte (Organisation of Struggling People)
<b>OTI</b>	Office of Transition Initiatives
<b>PADF</b>	Pan American Development Foundation
<b>PLH</b>	Parti Libéral Haïtien (Liberal Party of Haiti)
<b>PNDPH</b>	Parti National Démocratique Progressiste d’Haïti (National Democratic Progressive Party of Haiti)
<b>PONT</b>	Pou Nou Tout (For Us All)
<b>PPRH</b>	Parti Populaire du Renouveau Haïtien (Popular Party for the Renewal of Haiti)
<b>RDNP</b>	Rassemblement des Démocrates Nationaux Progressistes (Gathering of National Democratic Progressives)
<b>RNDDH</b>	Réseau National de Défense des Droits Humains (National Human Rights Defence Network)
<b>SRSG</b>	Special Representative of the UN Secretary-General
<b>Tet Ansanm</b>	Heads Together
<b>Union</b>	Union Nationale Chrétienne pour la Reconstruction d’Haïti (National Christian Union for the Reconstruction of Haiti)
<b>USAID</b>	United States Agency for International Development

## APPENDIX C

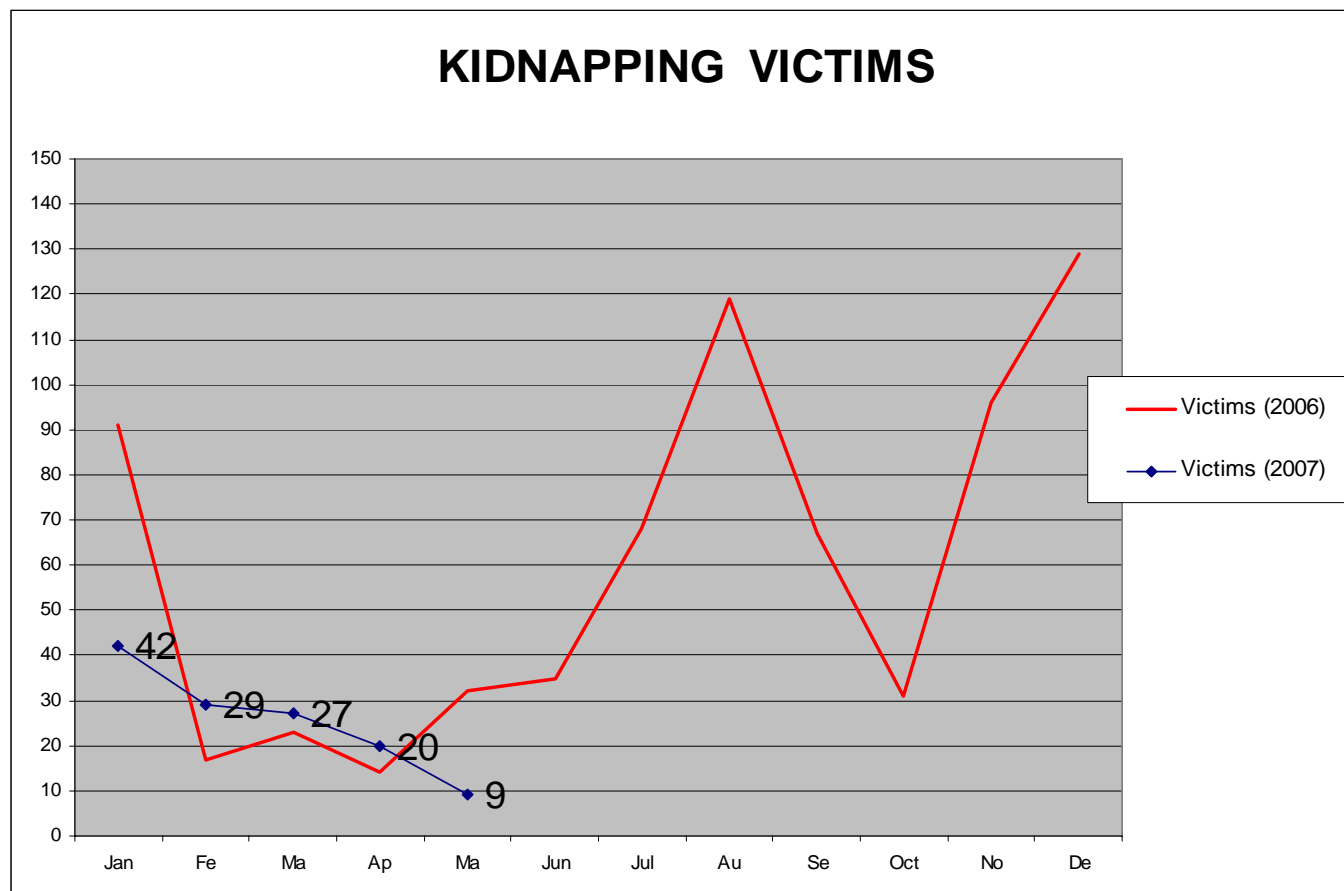
### LOCAL AND CENTRAL POWERS IN HAITI

Central	EXECUTIVE		LEGISLATIVE		JUDICIARY	AUTONOMOUS BODIES
	National					
	President		Senate, Chamber of Deputies		High Court of Justice	
	Prime Ministry Office				Cour de Cassation	
						Permanent Electoral Council
	Ministries					
	State Secretaries					
	Autonomous Public Agencies					
Regional	Inter-Department					
	Inter-Departmental Council					
	Department					
	Delegate	Departmental Council	Departmental Assembly		Appeal Court Civil Tribunal	
	Ministerial Departmental Directors					
	Arrondissement					
	Deputy Delegate					
	Municipality/Commune					
	Municipal Council/Cartel		Municipal Assembly		Justice of Peace	
	Cities and Rural Communal Sections					
			City Delegate			
	CASEC (Communal Section Council)		ASEC (Communal Section Assembly)			



## APPENDIX D

### KIDNAPPING VICTIMS 2006-2007



Source: MINUSTAH

## APPENDIX E

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Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

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