



Haiti Democracy Enhancement Project Local Government Component

Final Report

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ACRONYMS

ADF	America's Development Foundation
ASEC	communal section assemblies
ASOSYE	the civil society component of the DEP
CASEC	communal section councils
CC	communal councils
CNEH	Confédération Nationale des Educateurs Haïtiens
CNUE	National Confederation of Electoral Observers
CSO	civil society organization
DAI	Development Alternatives, Inc.
DEP	Democracy Enhancement Project
DGI	national tax collection authority
ECD	End Contract Date
EOPS	end-of-project status
FAVA/CA	Florida Association of Voluntary Agencies for Caribbean Action
FEMICA	Federation of Central American Municipalities
FENAMH	National Federation of Haitian Mayors
FGDCT	Fonds de Gestion et Développement des Collectivités Territoriales
GOH	Government of Haiti
GRIEAC	Groupe de Recherches et d'Interventions en Education Alternative
HSI	Haïti Solidarité Internationale
ID	Initiatives Démocratiques
IDC	inter-departmental council
IR	Intermediate Result
IRI	Intermediate Result Indicator
IULA	International Union of Local Authorities
JDG	Justice, Democracy and Governance
LG	Local Government
MA	Municipal Assemblies
MOI	Ministry of Interior
NGO	nongovernmental organization
OPL	Organisation Politique Lavalas
PIRÈD	combined civil service/local government component of original DEP
PMP	Performance Monitoring Plan
R4	Results Report and Resource Request
RMA	Regional Mayors' Association
SO	Strategic Objective
TA	technical assistance
TOT	Training of Trainers
TPTC	Public Works Ministry
UniQ	Université de Quisqueya
USAID/W	US Agency for International Development/Washington
USG	US Government

WFUC

World Federation of United Cities

1. BACKGROUND

The Democracy Enhancement Project (DEP) was first authorized in May 1991, in an effort to contribute to the development of a constitutional, stable and open democratic society in Haiti. Its purpose was to strengthen the principal institutions and groups that comprise a democratic polity, notably the national legislature, political parties, local governments and civil society. Soon after its inception, the project was forced to suspend its activities as a result of the September 30, 1991 coup d'état that ousted President Aristide. Shortly thereafter only those components supporting civil society were reactivated; they continued operating during the lengthy period of *de facto* rule that followed.

With the restoration of constitutional government in October 1994, less than a year before the original DEP estimated completion date, limited support to local governments was authorized under the existing civil society/local government support grant to America's Development Foundation (ADF). Almost a year later, on September 11, 1995, the U.S. Government (USG) and the Government of Haiti (GOH) signed an amended project agreement. The revised project sought to respond to the new situation and to support the Haitian people in building a participatory and accountable democracy, as well as establishing the basis for long-term and equitable economic growth. One purpose of the project, as stated in the bilateral agreement, was to foster the development of a stable democracy by strengthening key institutions of democratic governance, such as the Parliament and local governments.

After a competitive procurement process, USAID awarded a four-year, \$6.6 million contract to ARD, Inc. in late September 1995. The contract called for the provision of technical assistance, training, commodity procurement, grants and project management services in support of local government — and, more broadly, to the constitutionally mandated decentralization process itself.

2. OBJECTIVES

The DEP Local Government (DEP/LG) contract's purpose, per its statement of work, was:

“to enhance popular participation in local democratic processes and to improve the capacity of local governments to respond to constituent needs, especially those of women and other vulnerable groups.”

Its expected end-of-project results (with an original ECD of September 31, 1999) were that:

1. All the elected bodies that comprise Haiti's territorial administration will be established and functioning according to expanded legislation which clearly establishes their individual and mutual roles and responsibilities;
2. At least 300 CASECs and 50 communes will have received TA, training and practical experience on the basis of which they will have adopted new or improved administrative systems and procedures, introduced participatory mechanisms for identifying communal needs, and received training and practical experience in designing and implementing small local development projects;
3. There will be increased involvement of grass-roots organizations, especially those that target women and other vulnerable groups, in discussing community problems with the local governments targeted by the project;
4. There will be functioning regional and possibly a national foundation(s) or association(s) which serve as fora to address and articulate the needs and interests of the CASEC and the communal and departmental councils by periodic meetings of their officials as well as a permanent technical secretariat (which may take on some of the TA and training functions carried out under the project; and that
5. Either through new legislation, or through improved operations of the program that already exists, steps will be taken to assure a guaranteed revenue base for the communal council, and a transparent and participatory process for allocating these resources to municipal and communal section needs. Such arrangements will also address the issue of communal section budgets working toward a resolution of the question of financial independence for those communal bodies, with their revenues guaranteed as a fixed portion of each commune's budget.

This end-of-project status (EOPS) was to be attained by the contractor's accomplishing six (6) major tasks, the second of which was divided into three sub-tasks. These were:

1. A Local Government Assessment;
2. Direct Institution Building through
 - a. strengthening Local Governments,
 - b. providing Field Advisors, and
 - c. designing and implementing a Grants Program;
3. Legislative and Other Structural Reforms;
4. Formation of Associations;
5. Project Monitoring; and
6. Commodity Procurement.

By **July of 1996** however, shortly after DEP/LG had prepared its first annual work plan, USAID/Haiti had already initiated the "re-engineering" of its program outputs and performance monitoring to conform to the requirements of the Agency's new management-by-objective approach. Under the emerging "Strategic Framework," DEP/LG activities became part of the Mission's Strategic Objective (SO) No. 1:

More Effective and Responsive Democratic Institutions and Empowered Communities.

Within this SO, DEP/LG was expected to contribute to the achievement of Results Package (RP) No. 3:

Improved Private/Public Partnerships for Resolving Problems.

Those specific results upon which DEP/LG's program was expected to bear were:

- 3.2. Increased public participation in identifying and resolving issues;*** and
- 3.3. Increased capacity for action at the local level.***

For **FY 97**, these results were in turn incorporated into SO 1's newly formulated Intermediate Result (IR) 5:

Increased Capacity to Address and Resolve Community Issues at the Local Level;

with indicators (IRIs) directly related to DEP/LG outputs that year. The indicators were: 1.5.2, *number of local government units having completed [DEP/LG-provided] training modules*, and 1.5.3, *percent of local government units holding formal meetings with grass-roots organizations*.

In the second quarter of FY 97, ARD also internally reorganized its activities into four major “arenas,” which reflected the principal components of the then-recently-completed DEP/LG monitoring and evaluation framework. These were:

- *Policy and Legislation;*
- *Associations of Local Authorities;*
- *Local Government Performance in Management, Accountability & Transparency; and*
- *Local Government Performance in the Provision of Public Goods and Services.*

Through most of the changes in USAID’s results framework that were to follow, these four activity arenas — and the internal interim indicators ARD had developed to measure progress within each — remained a constant feature of project planning, implementation and monitoring, providing a certain consistency to the ongoing effort, at least until January 1999, when external factors forced a significant reorientation and redesign (see below).

By **FY 98**, the pertinent USAID indicators had been modified yet again, and the results of DEP/LG activities were now to be reflected in IRIs 1.5.1, *number of [DEP/LG] targeted communes implementing models of new institutional arrangements for public service delivery*, and 1.5.4, *number of municipal budgets made public and discussed with the community by local officials in [DEP/LG] targeted communes*.

Finally, **FY 99** saw the inception of a new, five-year Strategic Framework for the Mission (1999-2004), under which the revised “democracy” SO was:

More Genuinely Inclusive Democratic Governance.

Within this new SO (No. 5), both IRs:

- 5.1. Civil Society Organizations Positively Influence Policies;*** and
- 5.3. More Responsive Governance by Elected Officials;***

each with a new set of indicators, fell partially within the purview of DEP/LG activities.

Unfortunately, soon thereafter FY 99 activities were almost wholly disrupted by the premature termination, early in the second quarter, of the electoral mandates of two-thirds of the Senate, all members of the lower house (*Chambre des Députés*), and all local government officials. In response to the ensuing “institutional crisis” — and with the prospect of national legislative and local government elections to be held sometime in the first quarter of FY 00 — the democracy SO team once more revised the intermediate results for all three components of the DEP (Parliament, civil society and local government), *ad interim*.

The new, common “result” for all three components was to:

Increase the Informed and Well-Organized Participation of Citizens in a Nonviolent Electoral Process, as Voters, Monitors, Candidates and Advocates.

Ultimately, it was in the pursuit of *this* short-term objective — and in an effort to consolidate progress-to-date in each of the four activity arenas — that USAID subsequently determined first to revise and then to extend DEP/LG’s program, initially for the time remaining in the original contract, and then over almost a full additional year, through the 2000 electoral campaign and balloting.¹

¹ The “interim strategy,” as it came to be called, was never officially incorporated into USAID program planning and performance monitoring, as it was never submitted to USAID/W for review and approval. In late 1999, as the FY 2000 Results Report and Resource Request (R4) was being prepared, the Mission Director made this eminently clear to the SO Team, and the team’s attempt to develop indicators for this result were definitively abandoned. Nonetheless, the entire DEP had operated for the better part of the preceding 12 months *as if* this were the result being pursued — and *continued* to do so, in essence, at least until the first-round partial legislative and local government elections were finally held, in May 2000.

3. ASSUMPTIONS AND THE POLITICAL DYNAMIC, 1995-2000

A recent report prepared in conjunction with last year's local government and civil society assessment, 'Political Will for Decentralization in Haiti,'² summarizes the assumptions that lay behind U.S. assistance to local government and decentralization in Haiti throughout the 1990s. These were:

- that *the GOH* shared project commitment to decentralization and would put into place the mechanisms necessary to implement it;
- that *Parliament* would be present, functioning and committed to passing the enabling legislation;
- that *local government bodies* would be put into place and be able to function legitimately during the life-of-project period.
- That *the USG* would consistently support collaboration with the GOH for decentralization assistance.

As the report justifiably contends, *not a single one of these assumptions obtained over the five-year course of the DEP/LG contract.*

Depending on the level of analysis, one could suggest many and varied reasons for this near-total failure of political reality in Haiti to conform to the expectations that guided project design in 1995. Suffice it to say, for the purposes of this report, that from the outset the unfolding political dynamic did not bode well for the enterprise.

- In June 1995, the first national elections since the return of "constitutional order" had brought only the executive branches of local governments to office. Thus, for the fourth consecutive time since the promulgation of the 1987 Constitution, those organizing the balloting had reneged on filling the key, constitutionally mandated posts of local assemblymen and -women at the communal section level (ASECs). This in spite of the fact that these deliberative bodies were readily recognizable as the lynchpins of the entire decentralized structure of governance that was one of the new Constitution's principal guarantees of democratic process and participation.
- The same elections brought a clear majority to Parliament under the banner of the *Organisation Politique Lavalas* — the political party founded during the *de facto* period with the explicit objective of transforming the broad-based Lavalas *movement* that had swept President Aristide into office in 1990 into a more disciplined and exclusive party apparatus. Yet a major internal controversy over the issue of extending the restored President's mandate for an additional three years, in order to recuperate the time he had spent in exile while Haiti was under military rule, had begun to erode OPL unity even before the 46th Legislature had been sworn in.
- The definitive party fission came in the run-up to the April 6, 1997 elections, as a new political formation, *Lafanmi Lavalas*, with former-president Jean-Bertrand Aristide as its undisputed

² Smucker, Glenn R. *et al.* Bethesda, Maryland: Development Alternatives, Inc., May 2000

leader, emerged to contest seats in virtually all local assemblies and one-third of the Senate, and fielded its candidates against those of the OPL.

- The ensuing “electoral crisis” — based on the widespread contestation of first-round results that succeeded in preventing second-round balloting from taking place and left nine senate seats vacant — rapidly escalated into political deadlock. The OPL’s Prime Minister resigned in June 1997, and the party used its remaining relative majority in Parliament to block the installation of a legitimate government for almost two years.³ All action on pending legislation — including a critical framework law on decentralization, and a law on the organization and operation of communes — was effectively suspended throughout this period.
- Finally, on January 11, 1999, the precedent-setting standoff between the executive and legislative branches of government was broken, as President Préval unilaterally declared the mandates of one-third of the Senate, the full lower house, and *all* local government officials terminated, in accordance with a provision of the 1995 Electoral “Law” under which they had been elected, and began to rule by decree.⁴
- The President’s gambit succeeded, in part, on the basis of his simultaneous promise to move the country *rapidly* toward national elections, and by a political compromise that subsequently emerged, effectively committing a significant portion of the opposition to participation in the electoral process. The promised elections would ultimately not take place until first-round balloting occurred on May 21, 2000, more than 17 months later.

Haiti was thus governed without a functioning legislature in place during the entire final period of DEP/LG implementation, from January 11, 1999 through the September 23, 2000 completion date. Elected local officials at all levels were likewise absent during this period.

For the 19 preceding months (June 1997 through December 1998), the project had had neither an official GOH counterpart — save the Ministry of the Interior, which attempted, with presidential sanction, to step into the breach left by the vacancy at the *Primature* — nor any active partners in the already-stalemated 46th Legislature.⁵

³ In point of fact, the 46th Legislature succeeded, on this count, well beyond the duration of its own mandate, as interpreted by the President: Jacques-Edouard Alexis, the Prime Minister who served at the behest of President Préval from January 1999 on, having never submitted his *Politique Générale* for parliamentary approval, remained the de facto head of government well into the new millennium, more than a eighteen months after the 46th had been dissolved.

⁴ It must remain a matter of speculation whether local government was a distinct target of the Executive on this occasion, or simply a casualty of the required “consistency” in the (mis-)reading of the 1995 Electoral Law that the President felt was necessary to shore up his effective dissolution of Parliament, as he claimed in private meetings with representatives of the National Federation of Haitian Mayors (FENAMH) at the time. Whatever the case, the need for the center to reassert control over the increasingly independent and increasingly vocal territorial collectivities (decentralized governance units) in the course of its consolidation of power would likely have made itself felt in due time in any event.

⁵ Indeed, on March 4, 1999, the Minister of the Interior, Dr. Jean Molière, summoned the DEP/LG Chief of Party in order to question the purpose of ARD’s continued presence in country, given its “unjustifiable” continued support to elected local officials who had chosen to resist the Executive’s determination of their new status as ministerial appointees.

Only during the brief period from its signing, on September 30, 1995, until the resignation of the Prime Minister 20 months later was the DEP/LG contract implemented in the context of a *relatively* conducive political climate. This represents only one-third of its full five-year duration.⁶

With each of these aspects of the implementation environment in mind — objectives, assumptions, and the political dynamic — this report now turns to a review of the accomplishments and results achieved under the contract, organized by activity arena.⁷

⁶ Even during this brief period of relative collaboration, the impact of the Dole-Helms amendment and a related freeze on FY 96 funding, on the one hand, and the inability of the Prime Minister to staff-up his planned Decentralization and Governance Commissions, on the other, effectively foreclosed the possibility of establishing a productive working partnership with the Office of the Prime Minister.

⁷ A recently completed external evaluation of the DEP/LG provides the interested reader with a parallel — and largely consistent — critical account of the project through December 1999, as well as a great deal of background analysis (Olson, Craig *et al.*, “Local Government and Civil Society in Haiti: An Assessment of Two Components of USAID/Haiti’s Democracy Enhancement Project.” Bethesda, Maryland: Development Alternatives, Inc., December 1999).

4. PERFORMANCE AND RESULTS

This report's presentation of each activity arena begins with a plainly worded "primary objective" for the component, as it emerged over the course of project implementation and in response to the changing parameters, both internal and external, chronicled above. This simple, summary statement attempts to capture, in concrete terms, what end was ultimately being pursued by DEP/LG under each activity arena, within the manageable interest of the project.⁸

We then present a life-of-project results framework summary for each activity. Within this framework, (1) we describe the start-of-project baseline conditions, as detailed in the DEP/LG Local Government Assessment (1996); and (2) we provide a related list of "desiderata," or long-term results and outcomes that will ultimately be required to ensure effective decentralization in Haiti.⁹

Next, in a narrative section entitled "Approach, Accomplishments and Results," we discuss project-level results in each activity arena — wholly or partially attributable to DEP/LG over the life-of-contract — as well as the approach(es) used to achieve them.¹⁰

Finally, we provide a more formal assessment of performance in terms of the internal indicators that were used to monitor project implementation during the last full year of unperturbed operations (FY 98). Pertinent results in all four activity arenas that were achieved *subsequent* to those reported in this section were *not* comprehensively monitored by approved internal indicators, although some were monitored, selectively, as part of the Mission's 1999-2004 Performance Monitoring Plan.¹¹

⁸ These project-specific objectives emerged after about 18 months of proactive, field-level implementation, and were originally captured in the draft of the contract's third annual work plan, for FY 1999.

⁹ These long-term "desiderata" were rather expansively labeled "End of Project Status (EOPS) - Result Sought" in early project work plans; they were developed as such at a time when assumptions that proved to be illusory prevailed — concerning both the broader context in which the project would be implemented and what might reasonably be expected to fall within its manageable interest (see section 3. immediately above). Somewhat more modest project objectives would clearly have been more appropriate under the actual circumstances. Nonetheless, the original formulations are reiterated here *because they aptly articulate what today may more properly be thought of as a considerably longer-term vision of how effective decentralization can ultimately be achieved in Haiti.*

¹⁰ More detailed reporting on specific project accomplishments is available in the quarterly performance reports which cover project implementation from November 1995 (mobilization) through May 2000. The activities and accomplishments of the final 3.5 months of the contract are detailed in an annex of the current report.

¹¹ Those subsequent results that were achieved in each activity arena are detailed in the narrative that immediately precedes this more formal review of contract performance. In FY 99, DEP/LG operated under a provisionally approved work plan during the first quarter only. Changes in the FY 99 program precipitated by the executive branch's actions on January 11, 1999, and subsequently — although determined in close collaboration with USAID/JDG — were not the subject of a revised work plan or monitoring plan. By contrast, DEP/LG's radically altered FY 00 program, under an initial contract extension of eight months, further extended to September 23, 2000, was implemented under an approved work plan. *Its* significant results are detailed in the contractor's two most recent Performance Reports, covering the original extension period, and will not be treated here.

While accomplishments in the four activity arenas were *all* clearly relevant to the achievement of one or the other of the current (1999-2004) Intermediate Results, not all DEP/LG outputs were explicitly linked to IR indicators in the succession of Performance Monitoring Plans (PMPs) that were applied to Mission activities over the five-year period of contract implementation (see section 2 above). The current IRs are 5.1, *Civil Society Organizations Positively Influence Policies*, and 5.3, *More Responsive Governance by Elected Officials*. Where the SO team did develop in the *current* PMP an intermediate result indicator whose achievement was directly related to a specific DEP/LG activity arena, this is noted by including the relevant IRI as part of the results framework presentation.

4.1 ACTIVITY ARENA NO. 1: POLICY AND LEGISLATION

Primary Objective: *To assist the mayors’ associative movement to refine existing draft legislation, develop a broader legislative and regulatory agenda for decentralization, and plan and implement one or more actions and advocacy campaigns to promote it.*

4.1.1 Results Framework

Start-of-Project Baseline:

No coherent GOH policy or legislative program to implement constitutionally prescribed decentralized governance framework. Old centralized order prevails in old laws, regulations and customary practice. Parliament and Executive do not consult local officials or civil society on decentralization policy and legislation. No venues to influence the reform of the old order. Nascent mayors’ associations not yet effective as lobby for decentralization reforms. Municipal councils and communal section councils (CASECs) elected, but there is no new legislation defining roles. ASECs and derived bodies at commune, department and national levels not in place, and no legislation enacted governing their roles and relationships to the central government or to one another. Total LG financial allocations from MOI and MEF are less than 2% of public expenditures; there is no legislation prescribing LG role in provision of local public goods and services. Provision of public goods and services remain central agency monopolies, despite their minimal field capacities and resources. Commune and CASEC officials lack authority and resources to respond to community needs.

Desiderata:

- Multiple fora for policy dialogue functioning, e.g. regional and national associations of local authorities, organizations of civil society, including women’s organizations.
- Sub-national structures - communal section assemblies through Inter-Departmental Council (IDC) - are operating. IDC engaged in all matters affecting local government.
- Sound laws on local finance and autonomous management — shaped by open policy dialogue — passed and in force, including authority to set/collect revenues, autonomy in budgeting and financial management, and authority to provide goods and services.
- New policies on intergovernmental transfers in operation, with transparent criteria based on relative need and performance.
- Incremental state agency deconcentration and functional devolution taking place.
- Percentage of total public expenditures made by LGs increase to at least 20%

IR Indicator 5.1.1: *Targeted Haitian civil society organizations [including FENAMH] progress in developing their capacity to advocate for policy change.*

4.1.2 Approach, Accomplishments and Results

From the outset of project implementation, DEP/LG conducted a thorough analysis of the national legal framework and policies in the context of the initial Local Government Assessment. This work established the issues agenda around which ongoing analysis, dialogue and monitoring of reforms were pursued. During the first year of the project, these policy and legislative issues were the object of discussions with Haitian counterparts in the Prime Minister's Office. In the following year the primary focus of technical assistance in the policy and legislative arena shifted definitively to the mayors' associative movement.¹²

Early in 1997, DEP/LG was approached by the nascent leadership of FENAMH (which had yet to be formally constituted by the existing regional mayors' associations [RMAs]) to provide technical assistance in responding to a request from President Préval. The President had requested that they concretize their commentary on the Senate's draft legislation on the organization and operations of municipal government by preparing a full-blown counterproposal. In response, DEP/LG formed a five-person technical working group to provide ongoing TA to a working commission of mayors selected by their peers to respond to the President's request.

What motivated the presidential request at the time will likely never be known. What is perfectly clear, however, is that the mayors' coordinated action in response emerged as a defining moment in the critical early stages of FENAMH's formation. This marked the surprisingly rapid evolution of that fledgling institution from its inception in 1997 until its eloquent defense of the inviolability of the electorate's mandate in the weeks and months following January 11, 1999.

By producing, vetting for peer and public review, and promoting their own policy paper, the mayors (with critical DEP/LG assistance) staked out a well-articulated position on decentralization, *from the vantage point of the localities themselves*, and thereby changed the rules-of-the-game simply by dint of taking the field. *Décentralisation et collectivités territoriale: notes d'orientation politique* discussed:

- the constitutional framework for decentralization;
- basic rules of power sharing between central government and local governments as well as among the levels and institutions of local government;

¹² DEP/LG also continued to commission a series of technical assistance consultations and studies pertinent to decentralization reform, legislative development and local governance over the course of the contract, starting with the local government assessment itself, in early 1996, and ending with a study of social capital and (local) development in Haiti in August 1999. (A full list of these reports and studies can be found as part of the attached index of intellectual property created under this contract.)

- relations of local government with the private sector and civil society;
- fiscal resources and financial arrangements; and
- law-and-order and public security issues in relation to local governance.

In the precedent-setting months that followed, the mayors associative movement set the tone for what would soon become their national organization's impressive debut as the country's premier lobbyist for decentralization policy reforms and their timely, effective and transparent implementation. Their two point-by-point legislative counter-proposals were circulating in civil society venues and being discussed with both the legislative and executive branches of government.¹³ Public information seminars were being held at the commune-level, and a radio series promoting the *Notes d'orientation*'s distinct perspective was aired nationally.

These early activities in the policy and legislative arena were of major programmatic significance for DEP/LG, and for Haiti. The entrée into the policy arena from the ground up provided an excellent opportunity for the project to contribute to the substance and quality of the policy agenda and national debate on decentralization, even in the absence of committed national-level interlocutors. In terms of process, the success of this initiative by *multi-partisan* associations of *local* elected officials to engage both the central government and civil society in informed policy debate and advocacy was — *in and of itself* — a quantum leap forward for the national decentralization project, and for democratic pluralism in the open, public realm. The fruits of this national debut for the mayors' associative movement were to be enjoyed over the next several years of project implementation, as FENAMH consistently “weighed in” on decentralization and a host of other core democracy issues, both behind the scenes and in the public eye.

A significant practical outcome of the mayors' strengthened position in the policy arena was their success in pressuring for the distribution of revenues from the *Fonds de Gestion et Développement des Collectivités Territoriales* (FGDCT). The laws creating this fund, and the series of surtaxes that provide its revenues, were both passed by August 1996. Although revenue collection began almost immediately thereafter, distributions to local governments did not. It was only after a concerted lobbying effort by the mayors' associations that fixed monthly amounts for three categories of communes were negotiated with the central government, and regular transfers were instituted. Transfers were preceded by another major step forward in the decentralization process: the opening of bank accounts for all communes and the direct transfer of municipal tax revenues to these accounts by the local offices of the national Tax Collection Authority (DGI).

During this formative period, representatives of the mayors' associations participated in DEP/LG-sponsored stakeholder roundtables to examine the legal aspects of two critical local governance issues:

¹³ In response to the introduction of a general decentralization framework law (*Loi-Cadre sur la Décentralisation*) on the legislative agenda of the Chamber of Deputies, DEP/LG provided technical assistance to the mayors' working commission on policy and legislation in drafting an alternative version of this second critical piece of enabling legislation, as well as the Senate's law on municipalities.

- Existing procedure for the enactment and enforcement of municipal ordinances; and
- The establishment of a formal budgeting process for local governments within the overall GOH budget.¹⁴

FENAMH, once fully constituted following its First General Assembly in March 1998 (see section 4.2 below), expanded its lobbying efforts and working relationships into a number of national policy and governance domains of practical importance to the mayors as a group, to their associations, and to their constituents. In the latter half of 1998 alone, representatives of FENAMH and its constituent RMAs met formally with:

- President Préval, concerning the troubling conflictual tenor of their relationships with the new Municipal Assemblies, installed after the contested 1997 elections;
- the Ministry of Interior, on two separate occasions, concerning (once again) timely distributions from the FGDCT, the transportation needs of regional associations and the national federation, and municipal emergency preparedness;
- the Secretary of State for Public Security on public safety and insecurity;
- the State Secretariat for Youth and Sports, concerning the prospective formation of Local Sports Councils under the aegis of this central government agency (as part of their own deconcentration strategy, the State Secretariat proposed that the local councils actually be chaired by the principal mayor of each commune);
- representatives of the Ministry of the Environment, and civil society representatives, in a series of regional dialogues concerning the National Environmental Action Plan, which culminated in a national conference to finalize this key government policy document; and with
- numerous members of the national press corps, to share their concerns, and the substance and results of most of these meetings with representatives of the executive branch.

As the deep-seated political crisis that emerged around the aborted 1997 senatorial elections worsened, FENAMH did not shy away from using its newfound voice to comment upon and attempt to influence events as they unfolded.

- In mid-1998, FENAMH effectively used the media to secure a meeting with President Préval to discuss the controversy surrounding the formation of a new electoral council. FENAMH urged the Executive to move purposefully toward local government elections (then still expected to be held on “schedule,” later that same year), after organizing a press conference on the same issues.

¹⁴ Much later, in the opening months of FY 99, planned lobbying efforts to rationalize these procedures in keeping with the tenets of the 1987 Constitution were among the first of FENAMH’s pending initiatives to be sacrificed as a result of the worsening political crisis and the mayors’ understandable preoccupation with the anticipated unilateral termination of their mandates by the executive branch (see below, in this section).

- Later that year — after having solicited and received DEP/LG-supported legal counsel on the matter — FENAMH had a succession of meetings with the Minister of the Interior and the President concerning the Executive’s pending determination concerning the length of the mandates of legislators and local government officials elected in 1995. FENAMH argued, for the first time, that elective office should neither be vacated nor ceded to executive appointees and that only *duly elected* successors could legitimately assume such posts.
- Once the President had made his intentions clear and unequivocal in private, FENAMH leadership first went back to the organization’s constituents — the RMAs — for debate and consultation with the rank-and-file and then developed and implemented a *public* strategy to oppose the gambit.¹⁵ Its ultimate failure, at the hands of a still-far-too-powerful Executive, abetted by partisan cohorts within the federation itself, diminishes neither the mettle nor the dignity of their effort.
- Finally, in the closing days of the DEP/LG — after more than a year of dormancy, induced by the enforcement of the Executive’s determination in the matter and the distraction of the extended electoral period that ensued — FENAMH and RMA leadership regrouped to issue both a national and an international appeal that questioned the legitimacy of the process that had brought their successors to office.¹⁶

In retrospect, the initial success of the associative movement among locally elected officials promised significant positive consequences in terms of giving voice to some of those who were willing to take it upon themselves, as elected officials, to represent local interests, urgent governance reforms and — not incidentally — one of the most fundamental of democratic principles, the inviolability of the electorate’s mandate, at the national level. Prospects for renewing that promise under current circumstances will be examined in Section 6, *Lessons Learned and Recommendations*.

4.1.3 Performance by Internal Indicators (FY 98)

(1) Communal section assemblies and derived bodies at commune, departmental and interdepartmental levels functional.

The legal foundation for creating the territorial assemblies was established in prior fiscal years, with the publication of the Law on the Organization of Communal Sections (April 4, 1996), and the Electoral Decree of January 21, 1997. The first assemblies elected in 1997, however, were never

¹⁵ It is particularly noteworthy that FENAMH’s first published objection to the violation of fundamental democratic principles in the matter *anticipated* the President’s action by several weeks. After the fact, their continued public resistance, still on principled grounds, arguably muted the aggressivity of the Minister of the Interior’s ensuing assault on the autonomy of their jurisdictions. (See Lowenthal to Forbes, March 16, 1999 [ARD/DEP/LG/99-064] and contract Performance Report for the period January 1-September 30, 1999.)

¹⁶ Their open letter to President Préval, and their second letter, transmitting it to their international partners, are attached to this report.

able to assume their full functional responsibilities as a result of controversy surrounding their election and mandates. Thus, in spite of the fact that the ASECs and all derived bodies up to and including the IDC were formed in 1997, and the “official” results of the elections leading to their formation were published in the national gazette (*Le Moniteur*, 26 June, 25 August and 22 September, 1997), the territorial assembly system was not “effectively implemented” over the life of the contract. (For further discussion, see 4.3.3 (1) below.)

(2) Associations of local authorities cover all Haiti and are engaged in policy advocacy for decentralized democratic reform.

Starting in FY 98, from its inception as a national organization, FENAMH engaged in advocacy efforts, both in the public domain and in private consultations with decision makers, promoting decentralized democratic reform on behalf of all its member associations. These are described in detail in the preceding section’s chronology of such efforts.

Of perhaps even greater interest is that public advocacy by mayors as early as late FY 97 & early FY 98, while FENAMH was still in its formative stages, was issues-oriented and substantive, successfully marrying — with DEP/LG assistance — public information campaigns with more discrete negotiations with both the executive and legislative branches. In retrospect, it might reasonably be argued that FENAMH itself was in many ways the fruit of this earliest initiative on the part of the best organized regional associations to make their voices heard on the national level.

4.2 ACTIVITY ARENA NO. 2: ASSOCIATIONS OF LOCAL AUTHORITIES¹⁷

Primary Objective: *To support the institutionalization of the associative movement among local government officials, both through direct organizational development TA and by maximizing the advantages accruing to individual and group memberships therein.*

4.2.1 Results Framework

<p>Start of Project Baseline: Four fledgling regional mayors associations, covering 5 of 9 departments, had met a few times. None had developed a consensus-based agenda; none had offices, secretariats or operating resources.</p>
<p>Desiderata:</p> <ul style="list-style-type: none"> ➤ Effective, sustainable regional associations of local authorities cover all Haiti. ➤ National federation(s) of regional associations provide linkages and coordination. ➤ Most have offices, secretariats, resources and program of joint action for policy advocacy and inter-jurisdictional cooperation.

¹⁷ It should be noted that project activities in partnership with associations of elected officials actually relate to several activity arenas. As the policy and legislative agenda is channeled largely through FENAMH, there are activities that involve associations, but are included under Activity Arena No. 1. Activity Arena No. 2 covers the institutional development of the associations and FENAMH.

Start of Project Baseline:

Four fledgling regional mayors associations, covering 5 of 9 departments, had met a few times. None had developed a consensus-based agenda; none had offices, secretariats or operating resources.

IR Indicator 5.1.1: *Targeted Haitian civil society organizations [including FENAMH] progress in developing their capacity to advocate for policy change.*

- Most have active programs of peer TA exchange and training as well as information dissemination (newsletter[s] and media access).
- Some have executed exchange agreements with local government-related organizations in the US and other countries, which, along with donors, provide TA and other ongoing support.

4.2.2 Approach, Accomplishments and Results

In 1991, following the December 1990, municipal elections, the mayors of the Department of the South met and established the first regional mayors' association in Haiti. Mayors from other departments also began to discuss the creation of similar associations. The coup d'état and general deterioration of the political climate prevented further evolution of this associational movement of local authorities. The movement was restarted in 1995, after that year's municipal elections and, at the start of DEP/LG, there were four fledgling regional mayors' associations in place. From that time through the present, the movement has grown.

As a direct result of technical assistance provided by DEP/LG, ten regional mayors' associations covering all nine departments now exist and have formal statutes and elected officers.¹⁸ Six have obtained legal recognition, and the remaining four are at various stages in the process of receiving it.

In this context, FENAMH was established in August 1997, and held its first General Assembly in March 1998. The event was significant in that it resulted in national and international recognition of the organization, the election of its officers, the adoption of its formal statutes, and the establishment of a policy reform agenda in a series of resolutions on a wide range of important national issues. These included the fiscal autonomy of communes, relations between local government units and the central government, the role of women in development, the promotion of public- and private-sector investments in local and regional economies and agrarian reform, among others.

Following the General Assembly of FENAMH, mayors from several departments in the northern region of the country and from several departments in the southern region formed coalitions among their respective associations that they named the Grand Nord and the Grand Sud. The focus of their interest

¹⁸ For the reader unfamiliar with Haitian geography, the apparent anomaly of having 10 associations and only 9 administrative departments is readily explained by the sub-departmental region of "Nippes," the long-isolated eastern portion of the Grand-Anse, cut off from the departmental capital, Jérémie, far to the west, and historically oriented around Miragoâne, the department's second largest city.

in establishing these broader groupings was on regional economic development and cooperation. DEP/LG provided technical and financial assistance in the organization of two important meetings of the Grand Sud, and one of the Grand Nord, that were attended by central government officials, members of the local business community, donors, representatives of Haitian diaspora-based civil society organizations and the mayors of the region.

In addition to creating a dynamic for broad regional cooperation in development planning, these meetings produced several initiatives for regional projects. In the case of the Grand Sud, these included a vocational training school, a feasibility study for the establishment of an inter-communal water authority for the region and a program of training for mayors and municipal staff. Technical and financial assistance for these projects of the Grand Sud is being provided by the Belgian city of Namur, through their Intercommunale Namuroise de Services Publics, and in collaboration with the University of Louvain and a private municipal training center, l'Institut Eco-Conseil.

Furthermore, many of Haiti's mayors established linkages with local governments abroad and with international organizations, in the name of their individual communes or their associations. This was a result of their own initiative as well as networking support from DEP/LG, including participation at the annual Interamerican Conference of Mayors meetings in Miami. Examples are various twinning arrangements with U.S., European and Latin American cities and linkages with organizations such as the World Federation of United Cities (WFUC), the Institut de Coopération Franco-Caraïbe, the Florida League of Cities and the Florida Association of Voluntary Agencies for Caribbean Action (FAVA/CA).

Prior to January 11, 1999, these relationships were beginning to produce both concrete results and follow-up opportunities for expanding nascent international networks, such as the technical exchange visits between the city of Key West, Florida and the mayors of the Arcadins coast concerning coastal environmental management and tourism development. Other examples include donation of a fire truck by the City of Ft. Lauderdale to the city of St.-Marc, participation of Haitian mayors at the 72nd annual conference of the Florida League of Cities, a planned meeting with an association of Mexican mayors organized by the WFUC, and limited hurricane disaster relief provided by a group of Florida mayors and the Governor's office through FENAMH.

FENAMH and the regional associations effectively used media resources to communicate their position on numerous policy issues (see preceding section on Activity Arena No. 1), and to inform the public about their activities. They held press conferences, prepared press releases, published newspaper articles and have been interviewed frequently on radio. DEP/LG provided technical assistance for these purposes.

Members of the CASECs also established a national association, the Fondation National des CASECs Démocratiques. In the early years of implementation, DEP/LG provided a modest level of support to FONACAD, notably for the preparation and organization of their first National Congress, which was attended by 1,300 CASECs from all nine departments. In the first quarter of FY 99, project funds

were also used to procure basic office equipment and furniture for the organization's newly established headquarters.

There is no question as to the importance and value of associations of local authorities in building capacity for local governance and promoting decentralization policy and legislative reforms. The experience and growing movements of such associations worldwide attest to this fact. Under the circumstances prevailing in Haiti over the life of this contract, it is highly unlikely that any sustained attention would have continued to be paid to many of the fundamental issues confronting the decentralization process in the absence of FENAMH. It is equally likely that many sitting mayors — particularly those serving in the most disadvantaged and isolated jurisdictions — would long ago have succumbed to alienation and frustration had it not been for the supportive collegial relations with their peers made possible by the regional associations and national foundation. Thus, the associative movement in Haiti was a genuine success story — particularly in the midst of the many discouraging contemporaneous developments discussed earlier in this document — and was in large measure an attributable result of DEP/LG's proactive and continued support of this local initiative.

4.2.3 Performance by Internal Indicators (FY 98)

(1) Regional associations cover all Haiti; national federation(s) coordinate nationwide actions.

Coverage complete by FY 98; ten associations duly constituted, with statutes; six obtained legal recognition. Remaining four still in process at contract completion.

National coordination on policy discussed in 4.1.2, above. Other nationwide actions included 1st General Assembly of FENAMH (March 1998); monthly meetings of FENAMH's Coordinating Unit (through January 1999); and a variety of inter-communal initiatives.¹⁹ Inter-*regional* initiatives (Grand Sud and Grand Nord) were also coordinated through FENAMH.

(2) Associations have some form of permanent infrastructure, and regular access to member-provided resources.

Association offices were never staffed and equipped; two (South & Grand-Anse) collected regular monthly dues from members, providing 100% of resources. Other associations collected dues only on an ad hoc basis for particular activities (e.g., Grand Sud and Grand Nord organization/participation).

(3) Peer TA and training, and other forms of inter-jurisdictional cooperation exist.

(4) Associations [and/or Federation] play continuing role in policy arena.

¹⁹ See Saint-Lôt, Danielle, "Programme d'Initiatives Communales: Rapport Final." Port-au-Prince: Associates in Rural Development, Inc., octobre 1997. (Consultant's report, 12pp. + annexes.)

(5) Associations linked to local authority associations abroad and other donors for diverse support to programs.

See preceding narrative.

4.3 ACTIVITY ARENA NO. 3: LOCAL GOVERNMENT PERFORMANCE IN MANAGEMENT, ACCOUNTABILITY AND TRANSPARENCY

Primary Objective: *To impart a broad range of fundamental administrative, management, communications and leadership skills — and the disposition to apply them in local governance — to mayors, municipal personnel, and selected leaders of civil society in targeted communes.*

4.3.1 Results Framework

Start of Project Baseline:

Most elected Communal Councils (CC) inexperienced in basic LG management with weak commune staffs: many with little experience and training. All LG budgets, staffing patterns, permissible operating expenditures dictated by MOI, based on 1986 levels. No formal mechanisms for accountability to community in operations and finance.

Desiderata:

- All elected LG bodies — Councils and Assemblies — are operational, with full understanding of roles and responsibilities.
- Municipal Councils able to prepare annual budgets based on realistic revenue projections and predictable levels of central government transfers.
- Local governments use discretion in assessing and collecting local taxes, fees, and levies; open and responsible financial management and oversight of resources; and their fair application throughout the jurisdiction.
- They consult with the community on plans and budgets — including local taxes and fees and other revenues — and how they relate to investment projects proposed as well as to general operations. Consultations, both formal and informal, include CASECs, Municipal Assemblies, community stakeholder groups (including women and other vulnerable groups), field offices of central government agencies, donor-operated program officers; and facilitate local government responsiveness to their inputs.
- They ensure that basic internal audits of programs and accounts are carried out, and call for timely external audits with satisfactory findings.

4.3.2 Approach, Accomplishments and Results

The guiding premise of this activity area was always relatively straightforward. The local government assessment had revealed that even the most basic administrative, managerial and leadership concepts, and associated skills and dispositions, were sorely lacking at the local level. Therefore, some form of generic training in these areas would be required if local governments were ever going to be able to fulfill even the simplest aspects of their new mandates under the 1987 Constitution.²⁰

²⁰ As planning for the resulting training program proceeded, it became clear that at least a limited number of local civil society leaders should also be targeted, for two reasons. First, civil society's familiarity with the subject matter to be treated — insofar as it all touched on the governance *relationship* in one way or another — would encourage and facilitate collaboration, transparency and accountability. Second, succeeding cohorts of local elected officials were likely to be drawn from the ranks of local civil society leadership; among these, some would have already benefited from DEP/LG training opportunities before taking office.

The accompanying assumption, of course, was that ample opportunity to *apply* newly learned skills would be afforded to local government officials and personnel in the normal course of their duties. Like many of the assumptions that accompanied the design and execution of this project, however (see 3, above), this one proved more problematic than initially expected. Ultimately, local-level officials elected in June 1995 (DEP/LG's principal clients), and assemblymen elected in April 1997, served their entire (if somewhat truncated) terms without any significant enabling legislation concerning local-level management and administration having been passed. With no agreed upon procedures in place for the development and administration of communal budgets, the issuance and enforcement of municipal ordinances, or even for effecting the most quotidian of municipal operations, DEP/LG trainees under this component understandably found themselves no less frustrated than most of their peers, under the circumstances. Ironically, their having a fuller appreciation than their non-participating colleagues of just what was being denied them may even have increased that frustration.

Nonetheless, many were making significant efforts — with and without DEP/LG follow-up seminars and technical assistance — to overcome these constraints to the exercise of their mandates, at least until those mandates themselves began to be threatened by executive action in the last quarter of CY 98. Indeed, many mayors who were trained sought assiduously to apply what they could of what they had learned locally, even in the absence of the pertinent legal framework at the national level. In matters of leadership and communication — two of the most popular subjects on which training was ultimately offered — this was relatively easy to do, although difficult to measure as a “result.”²¹ In more directly administrative matters, such as budget and municipal ordinance preparation, quantifiable outputs were achieved, if to a limited extent. DEP/LG actively encouraged and assisted these initiatives by individual mayors and their staffs (see 4.3.3 below), in addition to sponsoring legal roundtables on the municipal budget process and the juridical status of municipal ordinances awaiting publication in the official *national* legal gazette, *Le Moniteur*, discussed previously (4.1.2 above).

In the longer term, over and above the constraints that limited the 1995 mayoral cohort's opportunities to apply their newly learned skills, this activity arena produced two enduring assets as results — a six-part training curriculum for effective local governance and a skilled cadre of trainers familiar with the material and the pedagogical approach developed to transmit it. When — and if — those responsible for moving Haiti's decentralization agenda forward in future so choose, these will remain available, “off the shelf,” for adaptation and application nationwide.²²

4.3.2.1 The materials. Six basic modules were developed, field-tested and deployed in training municipal officials and personnel, as well as selected local civil society leaders. The six modules

²¹ In spite of this difficulty, a great many participants having received training in these modules attested to their value and immediate applicability in the work place. Numerous requests, by the mayors themselves, to extend this training to the leaders of local organizations and community groups are another indicator of this appreciation.

²² See Tardieu-Dehoux, Charles, “Training Program, Part One: General Principles and Intervention Strategy.” Port-au-Prince: Associates in Rural Development, Inc., July 1997. (33pp. + annexes.)

covered the following subject areas and skills, deemed fundamental to improved performance in municipal governance:

1. Municipal Ordinances
2. Leadership
3. Communications
4. Budget Preparation, Financial Planning & Management
5. Municipal Administration & Management
6. Project Cycle

For each module, as already noted, final Creole-language trainer and participant manuals are available. DEP/LG's emphasis on the preparation of high quality Creole-language training materials and Training of Trainers (TOT) required an important initial investment of time and resources. The potential returns to this investment remain available, however, and can easily be enjoyed if and when the political will exists to replicate the modular series to cover all municipalities throughout the country.²³

4.3.2.2 Practical applications. As noted, the contract was implemented and completed under conditions adverse to effective municipal management and administration and, therefore, to the practical application of many of the skills learned. Although even at the time of this writing it remains too early to evaluate the potential impact of this kind of training program on future institutional performance, certain modules clearly did show real promise for producing significant practical outcomes over the course of implementation, in spite of the unpropitious circumstances.

This promise was particularly evident in the preparation of municipal ordinances by almost half of the 47 communes to have received training in this areas. Thirty-two such ordinances were prepared in all, in 22 different communes, on matters ranging from taxes on special events, to solid waste management and building codes. In all cases, these local laws were prepared by mayors and their staffs *in full consultation* with concerned citizens and local representatives of the central government. Official public announcements, with press coverage, have accompanied publication of the ordinances.

The following table provides basic data on the generic training program through 31 December 1998, after which the program was suspended and not subsequently resumed.

²³ ARD rigorously applied pedagogical principles of adult learning; and hands-on, practical, results-oriented TOT in the preparation of manuals for the different modules. Each Creole language training manual (one version prepared for trainers and another for participants) contains lesson plans with learning objectives, practical exercises and evaluation instruments. Together, they provide the basis for a relatively comprehensive basic training course for municipal officials and personnel, capable of being offered through either public or private institutional auspices. To encourage this eventuality, DEP/LG did provide the MOI's *Direction des Collectivités Territoriales* with a full set of the completed materials for review and comment. DEP/LG also initiated discussions with a leading private educational institution (Université de Quisqueya [UniQ]), concerning their interest in appropriating these materials and offering a professional training program for municipal officials and personnel under their own auspices. Again, it bears noting that there is little doubt — based on their reception thus far — that the quality of these materials should favor their continued use, if prevailing conditions permit.

TABLE 1: GENERIC TRAINING ACTIVITY LEVELS AND OUTPUTS (through 9/30/98)²⁴

Module	Certified Trainers	Communes	No. of Participants Trained			
			Male	Female	% ?	Total
Municipal ordinances	9	47	189	19	9%	208
Leadership	7	49	229	42	15%	271
Creole Communication	10	30	121	33	21%	154
Budget Prep & Mgt	13	36	164	27	14%	191
Project Cycle	16	7	30	4	12%	34
Municipal Administration	16	7	29	6	17%	35

4.3.2.3 Participant Training. ARD also used overseas study tours extensively to provide local elected officials the opportunity to expand their horizons, make lasting contacts with their peers in other countries, and observe first-hand the variety of ways that local governments cope with problems similar to their own.

DEP/LG sponsored delegations attended the annual Inter-American Conference of Mayors in Miami in four consecutive years, from 1996 through 1999, providing both technical and financial support.²⁵ DEP/LG also regularly financed Haitian technical assistance to accompany these delegations. Each year, in addition to the organized conference proceedings, the Haitian delegation used their attendance as an opportunity to meet formally with representatives of other associations of municipalities and municipal officials, as well as with international donors interested in decentralized cooperation. Over the years, these included the Florida League of Cities, the International Union of Local Authorities (IULA), the Federation of Central American Municipalities (FEMICA), the Association of Mexican Municipalities, the World Conference of Mayors, the Inter-American Development Bank and USAID/Washington.

Outside the Conference, FENAMH delegations regularly met with long-standing supporters of Haitian decentralization and local government, including the mayors of Surfside and Key West, Florida, FAVA/CA, and many concerned Haitian-American professionals and businessmen. At these meetings, participants explored opportunities for partnerships between Haitian local governments, on the one hand, and south Florida municipalities and local organizations of the Haitian diaspora on the other.

²⁴ The numbers displayed in this table cannot be cumulated to generate total activity levels or outputs, since there is overlap within each category. For USAID reporting purposes, however, it is perhaps worth noting that a total of 58 of Haiti's 133 communes, or 44%, have already received training in at least one of the project's generic training modules. In all, 45 separate seminars have been conducted to date.

²⁵ Mayors' participation in the final delegation, in 1999, was limited to two members of FENAMH's Executive Committee, who represented the institution, rather than a larger group of individual mayors, as had been the case in prior years. This was the result of programmatic restrictions adopted in response to USAID guidance following the January 11, 1999 crisis.

Important follow-up actions grew from these encounters, as discussed in section 4.2 above. By visiting with public officials and municipal employees in a number of south Florida cities over the years, Haitian mayors observed the technical and institutional aspects of different public services, and were able to learn about revenue administration, tourism promotion and other local initiatives of real relevance to their own responsibilities and potential role as local “agents of development” for their communes.

Finally, the Haitian mayors’ attendance at the Conference and other activities in the Miami area provided valuable opportunities for gaining new perspectives based on the experiences of other countries, creating new partnerships and building peer networks. These ties proved invaluable in establishing FENAMH’s near-immediate credibility as an *internationally* recognized organization, particularly well-situated to speak out effectively at home *and* abroad to promote Haitian decentralization.

4.3.3 Performance by Internal Indicators (FY 98)

(1) All LG bodies operational (including assemblies).

Only in April, 1997 — a full *ten* years after the ratification of the Constitution, and more than seven years after the first cohort of local government executive bodies had been duly elected and installed — were Haitian voters finally called to the polls to choose their first local assemblymen and -women. Already deeply skeptical of the political process as a result of multiple setbacks and disappointments in the previous decade, they turned out for this balloting in record-low numbers of under 5% nationwide.²⁶

In addition to the abysmally low turnout, other factors conspired to provoke challenges to the legitimacy of these first territorial assemblies, fueled by the more immediate controversy concerning the outcome of first-round legislative elections held at the same time (which were ultimately without issue). The inevitable tensions that could have been expected to attend the initial establishment of the assemblies at *any* time — with their clear constitutional mandates to serve as “watchdogs” vis-a-vis their executive counterparts, providing the foundation for a balance of powers at the local level — were without doubt significantly exacerbated by the delay of close to a decade between the swearing in of the first legitimately elected local-level executive councils and that of the first assemblymen and -women. The new assemblies and their supporters pressed, in 1997 and 1998, to assert their legitimacy by aggressively challenging the performance and accountability of both the communal section and municipal councils that had long preceded them. As a result, the latter reflexively adopted a defensive stance that ultimately produced little more than a stand-off in most

²⁶ A year earlier, in April 1996, with the publication of the law on the organization of communal sections, the stage was already set for undermining public confidence in the already long-delayed process of establishing the constitutionally mandated local assemblies. By dictating the election of communal section assemblies on the basis of uni-dimensional “cartels,” or slates — each representing a single political party or tendency in a winner-take-all contest — the communal section law virtually guaranteed that both the *representative* and *deliberative* functions of these bodies, as constitutionally defined, would be, in effect, unrealizable.

jurisdictions. This deadlock at the local level, unnecessarily aggravated by external circumstances and political maneuvering at the national level, was to prove enduring. It effectively prevented the territorial assemblies from functioning normally during their evanescent mandates, which were prematurely truncated by executive action on January 11, 1999, after less than two years, along with those of their executive counterparts and most parliamentarians.²⁷

In the still-disputed elections of May 21, 2000, new local-level executive councils *and* assemblies — most with common affiliation to a single national party — won office. At the time of this writing, they have been sworn in and have begun to function. How effectively they may govern — and, indeed, for how long — remains an open, and hotly debated, question.

(2) DEP/LG-assisted communes consult with municipal assemblies (MAs), CASECs, ASECs, various community stakeholders, etc., in drawing up plans and budgets in open and transparent process.

As previously noted, the absence of a formal budgeting process for communes linked to the national budget provided little incentive to produce annual commune budgets. The tension characterizing relationships between the 1997 assemblies and sitting (1995) councils also inhibited progress in this area. Nonetheless, in the past fiscal year, in conjunction with the DEP/LG small grants program (Activity Arena No. 4), 17 DEP/LG-assisted communes have consulted CASECs and various community stakeholders in drawing up project-specific plans and budgets, as well as medium-term investment and institutional development plans. The number of such meetings has not been tracked, but the number of stakeholder groups involved could be objectively verified on the basis of records of the vision workshop series that take place in each targeted commune. The percent of participants satisfied with the process has not been measured. Simpler measures are suggested in the revised indicators for the coming fiscal year.

(3) LGs ably use discretion in raising local revenues; open and responsible financial management and oversight; and fair allocation throughout jurisdiction.

No significant progress was registered on this internal indicator over the entire course of the contract.

(4) Internal/external audits performed.

In the absence of a functioning budget process, there was no progress this indicator until the central government recently began auditing the outgoing administrations of major metropolitan municipalities in the highly charged post-electoral political climate.

²⁷ It is some measure of the mutual resentment that had built up between these two branches of local government that neither would permit the President even to broach the question of shortening their mandates (in the many meetings with their representatives that preceded that action), unless it was stipulated that the “others” would be turned out of their elective offices simultaneously.

(5) LGs prepare and apply municipal by-laws.

See preceding narrative.

(6) [DEP-assisted] LGs employ effective co-management methods on public goods/services delivery systems and projects.

See Activity Arena No. 4 below. A revised version of this indicator was ultimately included in that activity arena's results framework.

4.4 ACTIVITY ARENA NO. 4: LOCAL GOVERNMENT PERFORMANCE IN THE PROVISION OF PUBLIC GOODS AND SERVICES

Primary Objective: *To model inclusive, participatory approaches in the prioritization, planning, design and execution of public goods and services programs; and to provide small-grant funding in support of sustainable projects to provide selected goods or services through new institutional arrangements involving public-private, or local government-civil society, partnerships.*

4.4.1 Results Framework

Start-of-Project Baseline:

Municipal governments have no investment budgets and are effectively dependent upon central government agencies, special projects by official and private donors, or voluntary community action to provide/maintain whatever public goods and services are available in their jurisdictions. Development/infrastructure investments planned and executed under MOP and TPTC aegis — both GOH and donor funded — provide for little or no input from local authorities. Everywhere, basic public infrastructure and essential goods and services are gravely lacking.

Desiderata:

- Citizen confidence in local democratic action increased, as LGs plan and execute projects to provide basic goods and services through collective community choice and action — both under DEP/LG grants and through other resources, including new funds in investment budgets and from other sources (UCG, FAES, PL480, etc.).
- LGs use new resources — from increased central government transfers and local revenues — for investment in community/stakeholder-determined domains/projects, and with their active participation.
- LG projects are sustainable and respond to community priorities..

Intermediate Result Indicator 5.3.1: *Number of targeted communes providing services determined in consultation with representatives of local citizens and civil society organizations.*

4.4.2 Approach, Accomplishments and Results

Over the life of the contract, DEP/LG provided intensive facilitation and technical assistance services to eighteen selected communes²⁸ to establish public/private partnerships for the improved local provision of public goods and services. ARD field teams used a participatory methodology that was premised on the inclusion of both civil society and local government representatives from all communal sections and the town center. The teams facilitated a carefully structured, multi-staged consultative process designed to culminate (during the life of the contract) in the award of a small grant to each commune to implement an initial activity to improve the provision of a public good or service in the selected domain.

The activities to be supported by grant funding were designed by a mixed (public/private) working committee — whose members were elected from among participants in the consultative process. Activities were based on a five-year investment plan for the selected sector that they themselves prepared with technical assistance provided by DEP/LG. In addition to satisfying technical soundness and feasibility criteria, in order to qualify for funding all proposed activities were required to be sustainable on the basis of users' fees or fees-for-services,.

Although the prospect of receiving small-grant funding on the order of US \$20,000 clearly served as a strong initial incentive for both public and private participation, the process itself was explicitly designed to *de-emphasize* the importance of the grant itself in favor of consensus-building, strategic-planning, institutional-development and experiential-learning. From this perspective, this last activity arena is properly understood not as a “grants program” *per se*, but as *an intensive, hands-on, training activity*, expected to complement the generic skills training of Activity Arena No. 3 in the selected communes, and to *model* — in concrete actions — the fundamentals of good governance at the local level.²⁹

Indeed, the grants themselves — in those communes where they were ultimately awarded and executed under the new, post-January 1999 guidelines — represented nothing more than *interim* “products” of the overall methodology, rather than its “end.” The grants had been preceded by milestones of equal if not greater importance, including a commune-wide institutional assessment, an inclusive visioning and consensus-building exercise, and the elaboration of a medium-term (usually 5-year) sectoral investment and institutional development plan. In similar fashion, were they were supposed to be followed by further developments. First, the emerging public/private institution (or institutional *arrangement*) was

²⁸ The first six target communes were chosen in collaboration with USAID and the Office of the Prime Minister, in late 1996, when the bilateral agreement under which DEP/LG was funded was being managed as such. Subsequent communes were selected on the basis of DEP/LG consultations with RMAs and, later, FENAMH, in the absence of a disinterested GOH interlocutor following the resignation and withdrawal of the Smarth government in mid-1997.

²⁹ In addition to the essential, process-based learning experience itself, DEP/LG field staff and consultants also provided important practical training to a variety of civil society actors and commune officials in the eighteen targeted communes. Commune sectoral committee members thus received hands-on, action-oriented training in problem analysis, sectoral diagnostics, development planning, project preparation, project management, financial management; and in other areas specific to grant project activities in particular communes such as procurement, inventory control, pricing, and construction-site management.

expected to appropriate successfully the grant-seeded — but now self-sustaining — service-delivery activity, animated and maintained by those that had seen the process through to that point. Second, there were to be complementary and cumulative “projects” of one kind or another, initiated by the same actors (as foreseen in the investment plan).

Unfortunately, what ultimately proved to be insurmountable difficulties in the quality and timeliness of local technical assistance provided by Haitian firms gave rise to significant delay in meeting the original timetable for this process. Even without the subsequent suspension of activity and adjustments to the approach provoked by the January 11th crisis, this prior constraint was already having the effect of pushing the initial grant period toward the contract completion date. Therefore, the planned post-grant period of technical assistance and institutional development support— which were methodologically and substantively critical in terms of both “ownership” and sustainability — was practically eliminated, leaving a number of follow-up issues outstanding and impact questions unanswered.³⁰ It is therefore well worth reiterating here one of the concluding recommendations of the contract performance report for the period January - May, which chronicled the conclusion of activity in this arena:

“[I]t is highly recommended that USAID/Haiti continue to monitor commune-level conditions in the nine targeted communes that successfully implemented their first small-grant activities. These will be particularly interesting in comparative terms, with respect to how those individuals, civil society organizations and communities with experience with DEP/LG’s Public Goods and Services component — both its methodology and its implementation — may color their responses to the new circumstances of local governance with which they are likely to be confronted.”

4.4.3 Performance by Internal Indicators (FY 98)

(1) DEP/LG-assisted LGs engaging stakeholders, including women’s groups, to select priority domains, to plan and to execute projects.

Achieved in 17 of the 18 communes where DEP/LG worked in this activity arena. In all, 81 communal sections, represented by their elected officials *and* civil society leadership, participated in these consultations. Organized women’s groups at the sectional and communal levels were actively recruited and represented in this process wherever they occurred.³¹

³⁰ For a fuller treatment of these, please see the previously submitted contract Performance Report, January-May 2000.

³¹ While citizens were consulted in later phases of the planning for a grant-funded activity in the eighteenth commune, Croix-des-Bouquets, they had not participated in identifying the “priority domain” for intervention. Here, powerful national and urban-based interests — up to and including the Office of the President — had requested USAID/ARD support for a cadaster and zoning effort focused on regulating growth in the burgeoning town center, adjacent to (and rapidly becoming part of) the sprawling Port-au-Prince megalopolis. Ironically, ARD received a formal letter confirming the Office of the President’s intention to co-finance more than half the cost of this initiative only a few days after Préval’s January 11th nocturnal address to the nation.

(2) DEP/LG-supported LGs carry out projects and establish new institutional arrangements for sustainable management.

As noted above, as a result of the visioning exercises the “new institutional arrangements” referenced here had their roots in the grant-development process itself and, as such, were initiated in all 18 targeted communes — even where grants were not ultimately awarded. In a number of communes, these new configurations were formalized by the commune, eventuating in a Chamber of Agriculture in Camp-Perrin, for example, or a recognized potable water “authority” empowered to collect users’ fees in Cabaret. Their ultimate role in the sustainable management of the public goods and services delivery systems created with DEP/LG grant funding in those 10 of the 18 original communes that reached that stage should be closely monitored for lessons learned, as recommended above.

(3) LGs use new resources ... in community/stakeholder determined domains, with their participation.

With no “new” resources having been forthcoming from increased central government subsidies after FY 97, and appreciable increases in local revenues limited to only a few communes, this FY 98 internal indicator could not logically be tracked. Its achievable aspects were subsumed in the next internal indicator.

(4) LGs — with community group participation — effectively engaging central government agency field offices, other funding sources and action agents in joint efforts to provide goods and services:

Three of DEP/LG’s targeted communes were so engaged in the context of small grant activities — Arcahaie, with the Public Works Ministry (TPTC); Verrettes with the Central Management Unit (UCG; a central government project-finance window), and Chantal, with the TPTC — with varying degrees of success. The central government’s failure to deconcentrate significantly over the course of contract implementation, in spite of the constitutional injunction to do so with all deliberate speed, limited results in this important practical domain.

(5) Women’s and other vulnerable groups included in LG action program.

Women were active participants in the vision workshop series and/or subsequent grant-development activities in 17 communes. Experience suggested, however, that women’s and other groups’ participation did not necessarily guarantee that LG action programs would address their needs. In future, related indicators should seek to more accurately capture the achievement of the desired result.

Postscript: In January 1999, when a decision to terminate all project activities directly benefiting local officials was being considered conjointly with USAID, DEP/LG had been working for some time with each of the 18 communes targeted under this activity arena. Seven of these had already signed grant

agreements and the remaining eleven were scheduled for signing during the first quarter of the 1999 calendar year. After careful consideration, it was decided that ARD should continue the work under this component — although in a reduced number of communes — for the following reasons:

- significant impacts on local governance had already been achieved in the targeted communes;
- representative mixed sectoral working groups, or committees, with strong and broad civil society representation, had effectively worked with local governments to prepare plans, develop grant proposals for technical improvements and make new institutional arrangements for the management of public or collective goods and services;
- grant agreements had been signed or were nearing completion/signature in 11 of 18 communes; and
- grant implementation and management could be undertaken by the civil society elements within the sectoral committees *without* the direct participation of local government officials.

Finally, the primary objective of this activity arena remained valid, in spite of the fact that the implementation of grant-funded programs to deliver “public” goods and services had —temporarily — to exclude the formal participation of local authorities (the so-called “interim executive agents” who replaced elected officials after January).

Given the active engagement of the citizens’ committees, their demonstrated performance in securing and applying resources to solve local problems, and the prior development of five-year sectoral plans in collaboration with local elected officials, *it remains highly likely that most, if not all, of these initiatives will have succeeded in laying a solid foundation for continued civil society/private sector co-production of at least some public goods and services locally.* The empowerment of citizens groups within targeted communes, then, may well yet achieve its intended result — “***More Responsive Governance by Elected [Local] Officials***” — *when (and, of course, if) legitimate local government institutions, including the all-important and heretofore missing local assemblies, are put in place.*

Table 2, on the following page, provides information on the priority sector chosen and the specific activity designed and implemented in each of the ten participating communes that succeeded in implementing a grant, as well as the final total cost, in US dollars, of each of the DEP/LG small grants.

**TABLE 2: COMMUNE GRANTS BY DEPARTMENT, SECTOR, ACTIVITY
& GRANT FUNDS PROVIDED**

DEPARTMENT	COMMUNE	SECTOR	ACTIVITY	AMOUNT
ARTIBONITE	Verettes	Potable Water	Water supply and management for selected outlying community. Spring capped, piping installed, reservoir built, management plan (based on users' fees) implemented.	\$ 20,018
NORTH	Port-Margot	Potable Water	Rehabilitation, extension, and sustainable management of portion of town center's water system. Users' fees being applied for ongoing mtnce.	\$ 19,994
WEST	Arcahaie	Road Rehabilitation	Repair of three segments of secondary roads in communal sections, for a total of 5 kms. (not fully completed)	\$ 19,482
	Cabaret	Potable Water	Pipe portion of town water supply to adjacent section; manage 2 supply points ("kiosks") and collect users' fees in coordination with regional UNDP water project.	\$ 22,114
SOUTH	Camp-Perrin	Agriculture	Establish 3 accessible ag-input supply stores in outlying sections; manage these stores on a sustainable basis.	\$ 21,880
	Cavaillon	Agriculture	Improve fruit-tree production by grafting mango and avocado onto existing stock, producing and marketing 25,000 lemon and guava seedlings, and providing for the training of a corps of 200 local grafters, subsequently available for hire by local producers.	\$ 19,488
	Maniche	Agriculture	Establish commercially sustainable local grain-milling operation for corn and rice.	\$ 21,578
	Roche-a-Bateau	Credit	Establish sustainable revolving credit program for small-scale commerce (primarily women marketers), serving 240 beneficiaries each 6-month cycle.	\$ 20,182
	St-Louis du Sud	Agriculture	Re-establish local cooperative grain-milling operations, rehabilitating physical plant and replacing equipment.	\$ 19,239
	Torbeck	Agriculture	Establish mechanized soil preparation services for local farmers on a sustainable basis, within an appropriate fee-for-service structure.	\$ 24,973

5. DEP/LG IN THE AFTERMATH OF THE “INSTITUTIONAL CRISIS” (January 1999 - September 2000)

During the first quarter of FY 99, the DEP/LG worked under the terms of a draft Third Annual Work Plan that was submitted for review in October 1998. In December 1998, following a full review of the work plan by the Inclusion Results Package Team, minor changes were requested by the Team Leader in order to finalize the plan. Subsequent events were soon to render that finalization moot.

On January 11, 1999, President Préval publicly announced that the mandates of all parliamentarians and local government officials elected under the 1995 Electoral “Law” (actually, an executive decree, rather than a piece of legislation) had come to an end, under the terms of that document. This presidential determination included all sitting municipal councils (mayors), DEP/LG’s primary program partners.

In response, and in close consultation with USAID/JDG, DEP/LG immediately moved to:

- *suspend its field-level activities* with individual mayors and municipal administrations, including both its generic training and small grants activities (Activity Arenas Nos. 3 and 4, “Improved Local Government Performance in Management, Accountability and Transparency” and “Improved Local Government Performance in the Provision of Public Goods and Services”), while awaiting a policy determination from the Mission on their resumption; and
- *step up its support of FENAMH* (Activity Arenas Nos. 1 & 2), whose Coordinating Committee had earlier resolved to resist any attempt by the Executive to remove its members from office or change their status from that of duly elected local officials to local representatives of the central government’s MOI.

In late March, 1999, once it had become clear that, despite FENAMH’s best efforts, the vast majority of mayors were eventually going to have to accept their new status as “interim executive agents,” DEP/LG received definitive guidance from the Mission concerning its suspended field-level activities.” This guidance confirmed that:

- generic training for mayors and municipal personnel was to remain suspended indefinitely, or until such time as newly elected officials were in place; and that
- a limited number of small grants for the provision of public goods and services — those which had reached the final pre-implementation stage — were to be implemented, but *without* the active participation of the interim agents, i.e., the municipality. Implementation would be undertaken exclusively by the citizens’ committees that had initially been formed to work together with municipal governments on planned activities.

In the remaining half of FY 99, DEP/LG activities focused principally on continued training, technical assistance and grant funding under the public goods and services activity arena and several new initiatives in response to the deepening political crisis and threats to security and democracy.

The dissolution of Parliament and the suspension of local government popular mandates constituted a serious threat to Haiti's democratic transition, and a significant setback for USAID's strategic objective in democracy and governance.

In response to these events — which precipitated what quickly became known as “the institutional crisis”³² — USAID/Haiti’s JDG office developed a “short-term interim strategy,” focusing largely on the pending elections. The stated objective of this strategy was *to increase the informed and well-organized participation of citizens in a nonviolent electoral process (as voters, monitors, candidates and advocates)*. This objective was pursued within the broader framework of JDG’s 1999-2004 Strategic Objective, *More Genuinely Inclusive Democratic Governance* that included the following intermediate results:

- *Elections are more credible;*
- *Civil society organizations positively influence policies; and*
- *More responsive governance by elected officials.*

As partners in USAID assistance to Haiti's now quite beleaguered democracy, ARD's DEP/LG staff participated in the development of the aforementioned strategy, and in the identification of activities to respond to the deepening political crisis and increasing incidents of politically related violence. Several actions resulted in which ARD played a major role during the second and third quarters of FY 99.

- In collaboration with ASOSYE (the civil society component of the DEP, being implemented at that time by ADF), ARD moved quickly to establish an *ad hoc* civil society working group, whose members produced one of the earliest and most substantial analyses of the crisis — *Les fruits d'illégalité sont amers*, or “Bitter Fruit: Where Law Ends, Tyranny Begins,” in its ARD-produced English translation — which was subsequently published and disseminated widely, both in print (French version only) and on the worldwide web (both languages, posted by the Center for International Policy on its Haiti page).
- ARD (both DEP/LG and DEP/P) sought and received U.S. Embassy approval to sponsor the travel of three small delegations of Haitian legislators, civil society representatives and local government officials to the U.S. to share information on the crisis as it unfolded.³³ Briefing

³² The 1997 “electoral crisis” rapidly became a “governance crisis,” with the resignation and subsequent withdrawal of the OPL’s Prime Minister, Rosny Smarth, in protest of the official publication of contested first-round results (which, by rights, should have appeared above *his* certifying signature). This was followed hard on by the “parliamentary crisis,” as the OPL’s relative majority in the 46th legislature refused to ratify a series of the President’s unilateral choices for Premier and blocked all other legislative action. The “institutional crisis” gave issue, in its turn, to the current — and considerably more far-reaching — “electoral crisis,” which may also be understood as both a “constitutional crisis” and a “crisis of legitimacy.” In point of fact, however, Haiti has been suffering from the selfsame crisis ever since February 1986: a polymorphous *succession crisis* — precipitated by the forced departure of Jean-Claude Duvalier and, at the time of this writing, still unresolved, after almost 14 years of often-vicious internecine struggle to determine who will *rule* in his stead.

³³ The only mayor so sponsored was compelled to request political asylum in the United States at the time. He remains there to

documents prepared by deposed members of the 46th legislature on the occasion of their travel were translated.

- Also in collaboration with ASOSYE, ARD assisted in organizing an 18-member Haitian civil society delegation to the second annual International Conference on Nonviolence held in Atlanta, Georgia, in April. The DEP/LG Chief of Party traveled with and assisted the delegation during the conference.
- In response to increasing threats of violence and civil disruption leading into the electoral period, ARD again joined with ASOSYE to support civil society organizations' and newly emerging private sector initiatives to promote nonviolence. ARD provided in-kind support to popular organizations that prepared publications and participated in peaceful demonstrations in support of nonviolence in May. (A follow-on fact-finding mission by a team of nonviolence activists and trainers ultimately proved fruitless, as USAID's justice program — which might have provided a suitable institutional and financial setting for their proposed efforts to train Haitian civil society leaders, election monitors and law-enforcement personnel — foundered for lack of a bilateral accord with the GOH.)
- Finally, ARD technical staff assisted USAID/JDG in developing and planning a series of election-support activities, including a local government candidate training and candidate/constituent debate program that ultimately became part of an eight-month extension to the DEP/LG contract.

A full and detailed report covering contract performance during this extension period, with special emphasis on DEP/LG's election-related activities and including lessons learned and recommendations, was recently submitted to USAID/JDG under separate cover (Performance Report, January - May 2000). Its substance and findings, therefore, need not detain us here.³⁴

this day, where he is extremely active in support of Haiti's troubled transition, particularly through diaspora-owned and -operated radio outlets up and down the East Coast.

³⁴ It should be noted that in July 1999, ARD was also issued a task order under the General Governance Services IQC. The task order scope of work included two principal elements: (1) the implementation of a national civic education program focused on local governance and decentralization issues as they related to the pending elections; and, (2) a decentralization policy activity to organize public debate on major decentralization policy issues and set part of the legislative agenda for the new parliament. In keeping with USAID guidance, task order implementation was carried out in close coordination with DEP/LG. The shared use of facilities and administrative and technical support allowed rapid start up and efficient implementation of the new set of activities.

6. LESSONS LEARNED AND RECOMMENDATIONS

As previously noted, DEP/LG was the object of a comprehensive, external assessment in November and December 1999 by a team from Development Alternatives, Inc. (DAI). The assessment team produced a detailed report covering both the local government and civil society components of the DEP, with a view toward informing the design of a third phase of the Democracy Enhancement Project, which was to begin some time in CY 2000 (Olson *et al.*, December 1999). As the trying electoral process played itself out over a longer period than originally expected early that year, however, it became increasingly clear that such a design exercise might well be premature. Instead, selected members of the assessment team were reconvened in January and February 2000, to explore “the political commitment to decentralization among critical stakeholders both inside and outside of government” (see Smucker, *et al.*, May 2000).

DEP/LG technical staff made substantial contributions to both of these reports, whose authors also consulted the full range of DEP/LG technical and performance reports. The pre-design assessment includes a detailed chapter on lessons learned, as well as both general and specific design recommendations based upon them. The piece on “Political Will for Decentralization in Haiti” also discusses what it calls “design opportunities” for follow-on work in promoting an effective decentralization in Haiti. Quite obviously, there is precious little to add to such a relatively extensive and in-depth corpus at this time — except, perhaps, to revisit the most important of its insights in the light of subsequent events, and to raise the few essentially minor reservations ARD has concerning some of its detailed recommendations.

Those subsequent events include:

- the May 21st local-level elections (there is no second-round balloting required in local races), which brought new executive councils and assemblies to office in virtually all jurisdictions;
- the public denunciation of the legitimacy of the elections, and their issue, by FENAMH, along with the current (outgoing) leadership’s consequent refusal to transfer institutional responsibility for the federation itself to incoming officeholders;
- the reported departures to, and requests for political asylum in, the United States by a number of former mayors closely involved with DEP/LG in general, and with the nascent associative movement that the project did so much to foster and to nurture, in particular;
- the apparently conjoint, but somewhat puzzling, reported requests for political asylum by a number of *newly elected* mayors, who cited as their principal motivation untoward pressure from Fanmi Lavalas party leadership in matters of local governance; and
- the unmistakable emergence of a single-party system currently underway in Haiti.

If it can reasonably be asserted that the respective designs of the first two phases of the DEP (1991-1995 and 1995-1999) both ultimately suffered from having been developed in periods of retrospectively unjustifiable optimism concerning the immediate prospects for Haitian democracy.³⁵ Given the above circumstances, one may presume that this will surely *not* be the case for the planned phase three, should one ever materialize. Indeed, with USG/GOH relations deteriorating, the future of continuing significant support in this sector is, quite justifiably, increasingly precarious.

The DAI assessment has the following to say on supporting decentralization in the absence of a coherent commitment from key elements of central government in both the executive and legislative branches, clearly articulated in implementable policy and legislation.

Decentralized governance cannot be effective in the absence of laws and regulations that clearly define roles and responsibilities.

Local government entities that do not exist . . . or that do not have clear operational instructions cannot be strengthened.

There remains . . . a great deal of indifference or even resistance to decentralization within the central government and among the social and political elite. Further advances in decentralization will require a revival of interest in and support for decentralization among those who are now indifferent or hostile. [T]he projects' [DEP/LG's and DEP/Civil Society's] relative inability to engage national-level power brokers, both within and outside government, seriously impeded the possibilities of achieving DEP objectives.

If . . . U.S. foreign policy concerns prevent U.S. assistance from being provided directly to the central government, even if elections do occur, USAID should understand that short-term objectives dealing with the strengthening of sub-national units of government will be impossible to achieve.

³⁵ “Near-euphoria,” or “democritis” would perhaps be more apt as characterizations of the lack of realism that virtually one-and-all brought to Haiti in the periods immediately preceding and following the three-year military interregnum from September 1991 to October 1994. These periods, as fate would have it, were coterminous with the design phases of DEP and DEP II. As previously noted, not a single assumption that undergirded the design of DEP II held over the full LOP. All the more so in the case of the original DEP.

It should perhaps also be noted here that the principal author of this report served as Chief-of-Party for the combined civil society/local government component of the original DEP (PIRÈD) and, under the terms of that contract, as the Mission’s “Democracy Advisor,” from September 1991 through December 1995. There followed eighteen months as Senior Technical Advisor to the follow-on civil society component of DEP II (ASOSYE) and a subsequent year’s sabbatical, in Haiti, prior to assuming the responsibility as Chief of Party of DEP/LG in July 1998.

[All emphases added]

This guidance is unambiguous. Nonetheless, the subsequent report (“Political Will”) partially undercuts these points by asserting that, while “policy initiatives are important, [and] enabling legislation is essential, neither is *sufficient* to bring about decentralization. *Therefore*, democracy initiatives on the ground *should not be delayed* pending the passage of enabling legislation” (emphases added). How this is to work out in practice — and succeed in being something more than plain, old-fashioned, community-based development — is unclear.

DEP/LG — having quite successfully “modeled” democratic processes of various sorts in close to 20 municipalities — has inadvertently created an ideal “laboratory” for testing the validity of the proposition (implicit in the “Political Will” argument, above) that “democracy initiatives on the ground” are worthwhile *in promoting democracy*, even where the material conditions for their sustainability demonstrably do not exist.

Though clearly not “sufficient,” then, it is worth asking the question: are policy initiatives and enabling legislation *necessary* “to bring about decentralization”? If they are — and an affirmative response is inarguable, once the question is so put — then the issue becomes one of timing. Should “democracy initiatives on the ground” — by which Smucker *et al.* clearly mean local development initiatives involving local governments (whether grant-financed or not) — proceed *in advance of* significant progress in the areas of policy and legislation?

This question of timing is actually critically important. So it would appear after close to ten years of largely frustrated efforts to further an agenda the conditions for whose realization, beyond direct project interventions, simply did not obtain. On the other hand, perhaps it was the fact that the agenda was actually being tacitly, or actively, *opposed* by contradictory and/or conflicting interests at work in the governance domain.

If, in fact, “[t]he [Haitian] Constitution of 1987 provides clear guidelines,” to the effect that “[i]nstallation of the assembly system is *the* critical factor in diluting executive power at the center and channeling citizen participation at the base” [emphasis added], as Smucker *et al.* assert earlier in their presentation, then this latter interpretation gains considerable plausibility, whatever it may lack in demonstrability.

For in the final analysis there is no *good* reason why, since the overwhelming ratification of the Constitution by referendum, it has taken more than 13 years — and, to be sure, an unknowable increment of additional delay, as yet to be determined — to seat *legitimate, functional, local assemblies*, alone among *all* elective offices mandated by that fundamental charter. Nor, for that matter, is there any *justifiable* rationale for central government’s continued failure to allocate even a reasonable modicum of public funds — rather than ministerial patronage — to decentralized governance units on the basis of transparent and common criteria. (This latter condition, devoutly to be wished, is Smucker *et al.*’s “quintessential litmus test of central government political will” *to see the constitutional mandate realized.*)

Absent that will — or, alternately, the *imposition* of executive and legislative action to accomplish the constitutional mandate — what future can Haitian decentralization have? How much more should be invested in promoting it?³⁶

It is thus an almost inescapable conclusion, and ARD's principal recommendation in this report, that stringent conditions precedent be established, and strictly enforced, as part of any subsequent bilateral efforts to support decentralization in Haiti. These should be sufficiently explicit and comprehensive so as to require to be met, *a priori*, specific legislative and administrative benchmarks that will, in their cumulative effect, bind the central government inexorably to creating the minimal conditions — financial, political and operational — conducive to effective decentralization on a national scale. Without such an arrangement, one is quite surely condemned to go on “modeling,” at the local level, what will remain the illusory and ephemeral “habits” of democratic participation and governance in an institutional and functional vacuum. There would seem to be little point in continuing such an exercise.³⁷

With a satisfactory bilateral agreement of this kind increasingly unlikely, *it is further recommended (in concert with the assessment's conclusion) that unilateral efforts to increase the “demand function” for good local governance be vigorously prosecuted immediately, in close coordination with already committed elements of civil society.* At the national and regional levels, this recommendation suggests a two-pronged approach.

The first element of such an approach would be to enlist the support of those civil society entities that already have — or have clear potential reasons for developing — a stake in decentralized governance. The “Political Will” piece goes a long way toward identifying such groups, with an appropriate emphasis on private sector organizations. These include regional Chambers of Commerce as strong potential allies, alongside advocacy and self-help organizations focusing on vulnerable groups such as women and youth, whose own constituents' interests are likely to be best addressed at the regional and local levels rather than by central government. Also available to be enlisted in this cause are many professionals and civil society leaders who participated actively in the Decentralization Activities Task Order's Policy Reform and Legislative Development component, either as members of the advisory board that oversaw this activity or as contributors and discussants in two national fora held in the first half of CY 2000 under its auspices.

³⁶ This latter question is all the more telling in light of the fact that expectations concerning the size of any subsequent investment suggest that it will almost certainly be limited to mounting “pilot efforts” of various kinds, none of which will exceed a regional scale, at best. Smucker *et al.* make this point, to their credit, but do not trace its implications in these terms.

³⁷ The notion of “decentralized cooperation,” popular among European donors and many NGOs from both sides of the Atlantic, circumvents this basic conundrum without resolving it. Even under decentralized cooperation, the fact remains that local governance simply cannot become an *institutionalized* reality without some significant measure of central government cooperation — or concession, as the case may be. Similarly, neither does the common argument that “local politics” invariably trump “national politics” — offered by those attempting to justify continued work directly with local governments — appear to hold much water in today's (post-May 21st) Haiti, or at least not yet.

A second, and highly recommended, element of this demand-side approach has to do with the future (or, perhaps more appropriately, the past) of FENAMH. As already noted, the first generation of FENAMH leadership — at both the national and regional levels — continues to question the legitimacy of the electoral process that brought in the new cohort of mayors and all other local government officials issuing from the May 21st balloting. As a result, they have thus far refused to convene the General Assembly required to pass on the reins of the institution to their successors. (See the two letters annexed to this report, which articulate this position clearly.)³⁸

This impasse puts FENAMH in a highly ambiguous position. On the one hand, the federation was obviously created as an “apex” institution uniting regional associations of *elected mayors*. On the other, it has always seen itself quite clearly — and been seen by others, including the donor community — as a *civil society organization*. This was implicit from the outset, when a federation of *mayors* was the chosen option, as opposed to one of municipalities. Today, the institution, and its founders, are at a difficult crossroads — defined by these two poles of orientation, which have been thrown into conflict as a result of the crisis of legitimacy that will continue to plague the “victors” of the 2000 partial legislative and local elections. USAID, not surprisingly, stands at this crossroads as well, having been a supportive companion of the mayors’ associative movement since its infancy, recently through DEP/LG and earlier through PIRÈD’s support of the first national congress of mayors, convened in late 1994 by the first cohort of democratically elected municipal officials (elected December 16, 1990), following the restoration of constitutional democracy. (In a telling harbinger of things to come, President Aristide’s Minister of the Interior at the time categorically refused official recognition of the national organization that the first congress attempted to constitute.)

The choice is nothing, if not difficult. Continued support to whatever may remain of the “mayors’ associative movement” would clearly mean according explicit recognition to the May 21st mayors as legitimate officeholders — and abandonment of vindication of the founders. Throwing support to the founders — in one form or another — means abandoning the notion of such an associative movement, at least for the time being. Either choice will likely mean “sacrificing” FENAMH as we knew it.

We already know what the “next” FENAMH will probably look like. There have been indications in the complaints surfacing from some of those newly elected, as well as in former President Aristide’s first promise to the incoming mayors, shortly after their election, that he would “move FENAMH to Tabarre” — presumably so that they could at last be free from the “meddling” of donors. *ARD*

³⁸ Those little familiar with the remarkable political maturity, and realism, demonstrated by this leadership during their own tenure (though well within the limits of pre-existing constraints and expectations) might be tempted to suggest that such an outcome was inevitable; that democratic alternance, in this respect, was never a real possibility, given the hard realities of Haitian political and institutional life. This would be an egregious — and debilitating — error. The contest over the legitimacy of the mid-2000 elections is real, and ongoing, even as its eventual “resolution” appears increasingly likely to be unilateral. In this, FENAMH simply joined an “opposition” that includes not only disgruntled political parties, but a host of responsible elements from all levels of Haitian civil society (prominently including the National Confederation of Electoral Observers [CNOE]), who question the fairness of the process. Unfortunately, it is unlikely that this issue itself will be resolved either “fairly,” or on the basis of negotiations; and it is thus equally unlikely that we will ever know how FENAMH — and the many like-minded civil society organizations involved in the current imbroglio — *might* have reacted had conditions been more conducive.

therefore recommends that USAID continue to support the founding members of FENAMH in their efforts — already underway in some regions — to reconstitute the organization as a federation of regional associations of former mayors and other citizens deeply concerned about the future of decentralization in Haiti.

This initiative would essentially turn what *was* FENAMH into a civil society apex organization *tout court* — but one with an absolutely firm commitment to, and solid grounding in, the issues surrounding decentralization reform and good local governance. There can be no doubt that, if successful, such a reorganization would provide a remarkably strong potential foundation upon which to build articulate and effective demand in this critical arena.³⁹

To recap the major recommendations in this section, they may be reformulated as follows:

1. Do not support local governments (as distinct from local *development*, of course) in the continued absence of a definitive demonstration of central government commitment to the decentralization process. This support might be “leveraged” through conditions precedent in the context of any of a number of bilateral agreements with the GOH, should bilateral assistance be maintained. Alternately, it may be “encouraged,” indirectly, through support to identifiable pro-decentralization forces within both the executive and legislative branches — as recommended in Smucker *et al.* — should this form of assistance remain an option.⁴⁰
2. Do support the generation of a considerably more coherent and articulate “demand function” for responsive local governance, citizen participation and the comprehensive implementation of the pertinent constitutional provisions — in policy, law and an appropriate regulatory framework. This tack should be pursued at *all* levels: local (building on the work of ASOSYE and the Public Goods and Services component of DEP/LG), regional (through Chambers of Commerce, interested CSOs, parliamentary representatives, etc.) and national. At the national level this would consist of building upon the full core group of CSOs who have demonstrated their commitment. These include the *Confédération Nationale des Educateurs Haïtiens* (CNEH, an apex national teachers’ union), the *Groupe Croissance* (a private sector economic planning consulting firm), the *Groupe de Recherches et d’Interventions en Education Alternative* (GRIEAL), *Haiti Solidarité*

³⁹ A draft working paper on how the first steps of such an initiative might be taken — in the context of a continuing media-based information campaign on the constitutional promise of decentralization — was submitted to the DEP/LG CTO by the COP in the summer of 2000. The single most active advocate of this transformation was former Mayor Enos Charles of Trou-du-Nord, the first President of the Northeast Mayors’ Association and member of FENAMH’s Coordinating Committee.

⁴⁰ At the time of this writing, it clearly remains an open question whether a notable exception should be made to this recommendation in the case of the local assemblies which, under the relevant constitutional and legal provisions, *could* stand poised to serve as an institutionalized interface between the two irreducible partners in local governance — local governments and civil society. If “local concerns” are ever to “override the party line,” as Smucker *et al.* prematurely suggest that they consistently “tend” to do (p. 58) — the newly installed assemblies will likely provide the venue. A clear determination in this matter, however, will require more time and perforce falls to those who remain in place to carry on the efforts of DEP/LG.

Internationale (HSI, two civic education-oriented NGOs) and *Initiatives Démocratiques* (ID, a reform-oriented CSO).

3. Make a reconfigured FENAMH — uniting in a single-issue civil society coalition former mayors and others with a strong interest in effective decentralization locally and regionally. This is a key institutional development objective within USAID’s democracy strategic objective. The new organization should be groomed as a principal party in the “demand-driven” strategy recommended above. Through organized listening groups at the commune level, it should become an outlet for the continuing broadcast media-based public information campaign on the constitutional promise of decentralization and participation — so long deferred — that must obviously be part of the strategy.

In closing this final section of the report, we would do well to turn the reader’s attention briefly to the one major recommendation that emerged from the DAI assessment with which there are clear grounds — and important practical reasons — to take issue. In essence, the assessment team concluded that awarding grants to local governments to undertake projects to improve the delivery of public goods and services was inherently insalubrious. The team argued that grants encouraged a “dependency” on external sources of funding and a regrettable focus on “resources” (at the expense of what were referred to as “more fundamental benefits”). Moreover, grants were seen, simultaneously, to discourage self-sufficiency and efficiency in the collection and utilization of “local revenues.” As a prescription the assessment team recommended that Haiti’s fledgling (and, as we have seen, sorely neglected) local governments “work within their own means,” so that “*development [might be] better served*” (Olson, *et al.*, p. 96, emphasis added).

This argument reappears in a number of different guises throughout the piece, even when it is recommended that some third party, such as a revamped ARC project (*Appui au Renforcement des Communautés*), might be established as a “separate mechanism . . . for providing grant assistance. The criteria [for which] should, *nevertheless*, be tightly linked to beneficiary performance under the new programs.” Moreover, “[g]rant recipients should also bear the majority of the financial risk for *any* project,” with a fixed minimum financial contribution of “at least 50 percent of the project’s costs” (p. 100, emphases added).

For those working in the democracy sector, it is clear that the real problem with high-minded principles is that they are easier to espouse than to live by.

- Haiti’s population —the “constituents” of essentially non-functional local governments in a democracy that has never worked as it was intended — was recently found to be the third worst-nourished population *in the world* and only marginally better off than the suffering denizens of Somalia and Afghanistan.
- The Haitian economy (particularly, but not exclusively, in the rural areas where the majority of citizens still reside and seek their livelihoods) is not simply under-capitalized but has been undergoing relatively steady *decapitalization*. This has been the case since the mid-50s, with

periods of accelerated decline during the mid-80s' swine eradication program and the early-90s' military dictatorship.

Under such circumstances, it is at least somewhat unrealistic to consign these people to their own devices in the name of an ideal of "self-sufficiency." Put quite simply, bootstrap development — of the kind being advocated — is just fine . . . providing people have boots. With the possible exceptions of the metropolitan-area communes and *some* departmental capitals, one is forced to ask what, *precisely*, are these "sources of local revenues" upon which local governments are being counseled to depend? What kind of assistance will need to be provided in establishing reliable services and systems *before* any Haitian local government enjoys the minimal credibility required in order to collect these local revenues where they may exist? These are considerations and questions cannot be lightly dismissed.