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HAITI DEMOCRATIC NEEDS ASSESSMENT

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## PREFACE

USAID/Haiti's two year strategy paper was reviewed in A.I.D./Washington on January 31, 1989. A decision was made that the Mission will actively pursue a determination of what should be done on democratization, and how much it would cost in budget and Mission staff. Reflecting the high priority this deserves, the Bureau for Latin America and the Caribbean would consider all possible sources of funding. All viable options to support the democratization process should be assessed as soon as possible by the Mission with help from A.I.D./Washington to identify additional actions that could usefully be undertaken during the democratic transition. Part of the assessment would focus on options for assisting elections. This assessment was undertaken as a result of the A.I.D. decision to support the democratization process in Haiti.

This report represents the views of the authors on what the USAID/Haiti democratic strategy should be, and is presented to the Mission for its consideration.

The assessment team wishes to express its appreciation to all those who were interviewed. Everyone gave considerable time and thoughtfulness to answer our questions, and with candor shared their views. It was difficult for them, as well as ourselves, to relive the tragic events of November 29, 1987.

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## HAITI DEMOCRATIC NEEDS ASSESSMENT

An election does not a democracy make.  
Various.

Beyond the mountains, there are mountains.  
Creole proverb.

### I. INTRODUCTION

The purpose of this assessment is to determine what types and levels of U.S.-sponsored technical assistance should be provided to help facilitate a successful, sustainable democratic transition to civilian government in Haiti. The specific objectives cover three areas:

- (1) To survey and assess past and present requirements for external technical assistance for the purpose of building democratic institutions and networks.
- (2) To recommend a U.S. strategy and future priorities for such technical assistance, considering the needs over the next two years as the first phase of a longer assessment process, with subsequent phases to come at appropriate times in the future.
- (3) To identify culturally and linguistically appropriate sources of technical assistance, training opportunities, and other support for democratic development in Haiti, including, but not limited to, elections.

Field work was conducted in Haiti from April 24 to May 5, 1989. From May 8 to 19 the team was in Washington for further interviews and investigation, and writing of the report. Additional field visits by appropriate experts are planned for a more detailed assessment of the political parties, and more specific technical assistance for the election process once an election calendar has been established. The list of those interviewed for the assessment is in Annex I. Annex II contains a chronology of recent U.S. assistance to Haiti and relevant legislation. Despite time limitations, the team was able to visit a field site outside

of Port-au-Prince, La Vallee de Jacmel. Time did not allow for interviews with other donor representatives in Haiti. Nevertheless, the team was able to contact a good representative sample of the diverse organizations and networks existing in Haiti.

In 1987, the Agency for International Development (A.I.D.) provided most of the financing and assistance needed for the November 29, 1987 election. From this experience and other A.I.D. election assistance in Latin America, there is a recognition that an election is only one part of a democratic transition. A wide range of private and government institutions are needed to support continued civilian government. This assessment views assistance to elections as important, but not sufficient to support a democratic transition in Haiti. Assistance to organizations, associations, and networks that support democratic development is also needed. This assistance should complement any assistance to a renewed election process in Haiti, but should not be dependent on the outcome of any election.

It is all too easy to write off the prospects for democracy in Haiti. Such an assumption does not serve the best interests of the vast majority of Haitian citizens nor does it serve the best interests of the American people. The United States has a vested interest in the development of more representative institutions in Haiti. The longstanding climate of repression in Haiti tends to further exaggerate the chronic state of crisis which characterizes Haiti's political and economic institutions. The feeble development of local democratic institutions serves as a conspicuous constraint to accomplishing the basic objectives of American economic assistance.

There must be a convergence of interest, a genuine linkage between American and Haitian efforts to promote democracy. It is appropriate for the international community to show a serious interest in Haitian political questions and to respond to indigenous efforts - as partners - in a quest to promote the growth of democratic institutions. It is highly inappropriate to impose American, or European, or even Latin American solutions to "The Haitian Problem." It is also counterproductive for outside forces to intervene in the Haitian political context for the sake of narrowly-defined external advantage. Haitian citizens and institutions must be fully integrated into external democratic initiatives.

## II. DEMOCRATIC THEORY AND PRACTICE

### A. Theory

In other technical fields in which A.I.D. provides assistance there are large bodies of research, theories, and experience from academics and practitioners upon which to draw in developing a strategy for our assistance. This is not true in the field of democratic development.

Since the emergence of Third World states after the end of World War II, much has been written and put forward to explain the process of change in developing countries. There was interest by the countries themselves and developed Western democratic nations to accelerate economic growth, and to build modern nation states. A variety of theories relating to both economic and political development, and the relationship between these two concepts, have been expounded. Ideological passions have made for heated, but not enlightened, discussions on how a country develops politically. Unfortunately, forty years of experience with the process of political change in Third World countries has not led to any universal, uncontested theories on political change or the best way to promote democratic development in the Third World.

In the 1950s and 1960s, there was a general assumption that as a country developed economically, political development would follow. This "modernization" theory dealt with how a traditional society changed into a modern state. On the political side the theory assumed that a county would develop democratic institutions as it developed into a Western, industrialized economy. Researchers at this time saw a strong correlation between high levels of economic development and the prevalence of democratic political systems. Another interpretation of modernization theory had stages of political development similar to W.W. Rostow's, The Stages of Economic Growth.

In the early 1960s, the term "political development" came into being under the work of the Committee on Comparative Politics of the Social Science Research Committee in New York, which was funded by the Ford Foundation. There has never been a universally accepted definition of political development, but it generally looks at political change in societies as they move from traditional to modern types of political structures. The bulk of the writing on political development and revisions to modernization theory took place at this time. In the late 1960s, Samuel Huntington, an American political scientist who greatly influenced the debate, saw modernization as disruptive, and the source of discontent and social and political conflict. Violence and instability were a product of rapid social and economic change. It was the army and not democratic political parties

that provided stability and created the necessary preconditions for sustained economic growth. Huntington stated that economic development and political stability are two independent goals, and progress towards one had no necessary connection with progress towards the other.

By the early 1970s there was a marked decrease in the writing on political development. In part because the theories expounded did not fit the realities of what was happening in the Third World. The Vietnam War dominated the interest of the U.S. academic community, and the Ford Foundation stopped funding research on political development.

In the Western Hemisphere the political development issue was tied to economic dependency theory in that the international economic structure was seen as controlling both the economies as well as the political structures. The literature on dependency theory is quite large, diverse, and contested. In Latin America, there was also the development of the doctrine of national security that justified military takeover of civilian governments, especially in the Southern Cone, in order to promote strong economic growth and an end to political instability and subversion. The doctrine combined concepts of state, war, national power, and national economic goals, and placed national security above personal security, the needs of the state over individual rights, and the judgments of the ruling military over the rule of law.

In 1973, Argentine political scientist Guillermo O'Donnell, in viewing the breakdown of democracy in Brazil and Argentina, saw lower and higher levels of modernization associated with non-democratic political systems and political democracy at the intermediate stages of modernization. This concept of "bureaucratic authoritarianism" challenged the assumption that more stable democratic structures occur in countries undergoing considerable economic growth.

Since the late 1970s, the literature on political development in the Western Hemisphere has concentrated on trying to explain the breakdown of democratic rule, and the transition of authoritarian regimes to civilian democratic rule. For Latin America, there does not appear to be any agreed upon explanation as to the apparent cyclical nature of many Latin democracies - why they have fallen, and why the upsurge in the 1980s. Discussions by Latin Americans on transitions to democracy from military dictatorship almost always include a discussion on the doctrine of state security. One still finds in the U.S. literature authors stating that there are economic thresholds that have to be met before democracy can take hold, and that there is a strong relationship

of market-oriented economies and democratic regimes. A careful review of all social, economic, and political data in all geographical regions show enough deviations, and important deviations, from any of the hypotheses and theories which have been expounded to provide no solid theoretical framework to use for this assessment.

#### B. Definition of Democracy

There are many definitions of democracy and its specific characteristics. For this assessment we have used a definition of democracy, or what Robert Dahl terms "polyarchy," that has three essential conditions:

- meaningful and extensive competition among individuals and organized groups (especially political parties), either directly or indirectly, for the major positions of government power;
- a "highly inclusive" level of political participation in the selection of leaders and policies, at least through regular and fair elections, such that no major (adult) social group is excluded, and
- a level of civil and political liberties -- freedom of expression, freedom of the press, freedom to form and join organizations -- sufficient to ensure the integrity of political competition and participation.

The assessment directs its attention to strengthening elements of these three characteristics of democracy as a means to move forward toward a democratic transition.

#### C. Practice

Although there is not the theoretical base in which to guide the assessment in determining the best ways to promote a democratic transition in Haiti, we do have an "institutional development" or "institutional strengthening" approach as a parallel in democratic initiatives to what A.I.D. does with agriculture, health, and education, etc. While not a theory, it is a practical approach to the issue. A number of organizations, including A.I.D., have experience in promoting democracy. These organizations are the Inter-American Foundation (IAF), the Asia Foundation, the National Endowment for Democracy (NED), and a variety of private foundations. The approaches used are similar: to encourage a wide variety of sectors within the society to be active and responsible participants in government. The range of sectors include labor, the media, political parties, academic groups, civic and community

associations, grass-roots groups, etc. A.I.D. has been the principal source of funding for democracy activities in the public sector, such as administration of justice.

In past and current A.I.D. legislation, there are a number of references to broad goals and specific objectives to develop political and social institutions that improve the quality of peoples lives and in which the development process encourages respect for civic and economic rights. Under Title IX of the Foreign Assistance Act (FAA) (as amended), A.I.D. is to put emphasis "on assuring maximum participation in the task of economic development on the part of the people of the developing countries, through the encouragement of democratic private and local government institutions." Section 116(e) of the FAA encourages A.I.D. "to promote increased adherence to civic and political rights, as set forth in the Universal Declaration of Human Rights." During the Reagan Administration, the U.S. Government policy was to support the "infrastructure of democracy," i.e., political parties, labor unions, the media, etc.

In A.I.D.'s Bureau for Latin America and the Caribbean (LAC), one of the Bureau's four major goals is to support democratic institutions and human rights. From the FY 1990 Congressional Presentation, LAC states that "Economic growth will best benefit the citizens of the LAC region and support U.S. interest if it occurs in an environment in which people can participate freely and make informed decisions in local and national political processes; form labor unions, cooperatives, and other voluntary organizations; and have recourse to a fair and speedy judicial system." The LAC democracy program is designed to improve the capability of key democratic institutions, such as the judiciary, congress, and national election tribunals/registries. The program strengthens professional, civic, and community organizations and enhances the organizational and leadership skills of their members in order to increase citizen participation in local and national democratic decision-making. The program also supports seminars, conferences, training, and educational programs to improve the effective exercise of internationally recognized human rights and to strengthen respect for the rule of law as a fundamental requirement of government.

In our approach to the assessment, we are using the broad guidelines for A.I.D. and the LAC Bureau. We concentrated our analysis on non-governmental activities that can be supported whether the democratic transition goes forward or not. We found the uncertainty of the political situation to make impractical at this time democracy assistance to the public sector.

In LAC context

Haiti

D. Haiti

Haiti has bona fide democratic credentials. In the latter part of the 18th century, Haiti and the United States were the first countries in the Western Hemisphere to decolonize and declare their independence. Haiti was the first nation in the world to mount a slave revolt, abolish the institution of slavery, and reconstitute itself as a nation of small holding peasant farmers. However, the slave plantation system left its mark on Haitian institutions. This includes age old patterns of authoritarianism, militarism, and class and color antagonism. In the modern era, Haitian aspirations for democratic development have been brutally repressed. Haiti is clearly a unique case, and should be assessed with careful attention to context.

The assessment recognizes the lack of a theoretical framework and the current stagnation in economic, social, and political developments in Haiti, and proceeds cautiously in reviewing what exists as basic building blocks for a democratic society: political parties, the press, labor unions, private associations and networks, executive, judicial, and legislative structures. A remarkable political, social, and governmental framework for democracy in Haiti is laid out in the 1987 Constitution. We have used the Constitution as the foundation for our approach. The assessment acknowledges the critical role of the army. There can be no democratic transition in Haiti if the military does not buy into the process. A.I.D. is legislatively barred from providing assistance to the military, thus the assessment does not deal with the needs of the military. These needs, which are legitimate, will have to be addressed from other sources.

To encourage the democratic process in Haiti, our approach over the next year and a half, or sooner if there is a civilian government, is to reinforce already existing local initiatives. The needs are small, reflecting the fragile nature of the existing organizations. Our concern is not to overfund. The organizations and networks must first learn to effectively manage relatively small amounts of outside funding before larger external funding is provided.

### III. HAITIAN POLITICAL ENVIRONMENT

The prospects for democratic development in Haiti must be considered in light of a clear understanding of the Haitian political context. Needs assessment can only be undertaken in response to a serious effort to understand Haiti's very complex political environment. It is not enough to point out that modern democratic institutions are poorly developed, that true political parties do not exist, that due process in the judiciary is most often honored in the breach. It is ultimately absurd to define Haitian political institutions simply by what is absent. The key questions have to do with what does exist, where are the points of entree, where is there room for maneuver within an archaic system of highly personalized authoritarian rule. The challenge is to attain a realistic understanding of the political terrain and to respond appropriately.

It is helpful to situate Haiti's current crisis in the context of recent political events, and also in the broader stream of Haitian history. This approach reveals certain very persistent features of Haitian political institutions. These recurring features are evident in the events which have transpired since 1986.

Political instability is inherent in the spectacle of 5 successive governments in less than 3 years. This apparent instability tends to mask underlying political continuities. In 1957, there were five governments within a six month period prior to the accession of Duvalier to the presidency: (1) a provisional constitutional presidency, (2) a provisional revolutionary presidency, (3) a collegial government, (4) a provisional military government, and (5) a constituent assembly. These formulae have a familiar ring in light of more recent political history. This pattern also reflects an old nineteenth century history of various forms of transitory government during interim periods between longer term power holders. The interim period in 1956-57 lasted less than a year. The interim period in 1946 lasted about eight months. The present crisis has now endured for well over three years.

The protracted political crisis in Haiti is a crisis of succession. The present crisis has been profoundly shaped by the Duvalierist political dynasty which came to power in 1957 and maintained effective control over the state apparatus for 28 years. There is good evidence that the post-Duvalier period continues to be characterized, in many respects, by Duvalierism without Duvalier. It would be a serious error, however, to attribute all features of the Haitian crisis to the Duvaliers. There is ample precedent in Haitian history for key elements of the Duvalierist system. There are also important discontinuities with the past. Prior to the fall of the Duvalier, the last crisis of succession in Haiti dates back to 1956. How have things

changed since the mid-1950s? To set the stage for further discussion, it is helpful to establish a chronology of events.

A. Duvalier Dynasty 1957-1986

Francois Duvalier 1957-1971

- 1957 Fraudulent election of Francois Duvalier for six year term of office scheduled to expire in 1963.
- 1961 Unsheduled and fraudulent re-election of Duvalier to an unconstitutional second term.
- 1962 U.S.A.I.D. withdrawn from Haiti.
- 1963 U.S. ambassador withdrawn.
- 1964 Fraudulent referendum ratifies Duvalier as president-for-life.
- 1968 U.S./Haiti diplomatic relations restored.

Jean-Claude Dulvalier 1971-1986

- 1971 Death of Francois Duvalier, uncontested succession by 19 year-old Jean-Claude Duvalier under regency of his mother, Simone Ovide Duvalier, and a small inner circle; bilateral US assistance is resumed in the 1970s.
- 1976-80 Relative flowering of press freedom, Creole newscasts begin to report local news, fledgling political parties are formed, human rights league is organized; union leaders, journalists, party activists and human rights advocates are arrested and expelled by the government in November 1980.
- 1980 The November expulsions signal the onset of heightened government repression throughout the 1980s, including arrest and intimidation of individuals perceived as potential sources of opposition to the regime, attacks on media, human rights groups, church organizations (clergy and lay people) and peasant organizations.
- 1980-82 Jean-Claude marries Michele Bennett in 1980; Michele succeeds Simone O. Duvalier as First Lady in 1982; this signals new factional alliances, creates special opportunities for the Bennett-Duvalier group to amass wealth during the remainder of the Duvalier era.
- 1983 Pope Jean Paul visits Haiti and declares "things must change," signaling new era of church activism in Haiti.
- 1983 Jean-Claude renounces traditional right of Haitian President to nominate Catholic bishops (per Concordat of 1860). Promulgation of new constitution, Haiti's 20th since 1801.
- 1984 Anti-government riots in Gonaives (May).

1985 Constitution amended and ratified by fraudulent referendum in August provides for new office of prime minister, strengthens presidency-for-life as permanent institution, reserves president's right to name successor, provides for political parties under severe restrictions, Jean-Claudist party organized as the Parti National Progressist, growing political unrest culminates in protracted political crisis at year's end, four students killed by army troops during anti-government riots in Gonaives (November).

E. Succession Crisis - Four Interim Governments Since February 7, 1986

1986 Popular revolt, strikes, Operation Dechoukaj seeks to "uproot" Jean-Claude and the Duvalierists, general loss of support for Duvalier regime, Duvalier and Bennett families leave Haiti on February 7 in U.S. Air Force plane, having received temporary exile status in France; military-civilian council assumes power under Lt. General Henri Namphy as president of the ruling Conseil National du Gouvernement (CNG), Namphy government annuls Duvalierist constitution, election for new Constituent Assembly held in October.

1987 Constituent Assembly and Namphy government propose new constitution, ratified by popular vote on March 29 with large turnout and overwhelming support; independent electoral council formed in accord with the new constitution as the Provisional Electoral Council (CEP). CNG relations with CEP degenerate into open conflict in June, CNG annuls the independent CEP and proposes its own electoral council, the CNG abolishes the opposition trade union CATH, strikes and civil unrest force the government to reinstate the independent electoral council, presidential elections are set for November 29, 1987, local elections are postponed, civil strife includes massacre of at least 200 people in Jean-Rabel (July) in dispute over land reform. Presidential campaign heats up, two presidential candidates assassinated (Athis and Volel), CEP wrenched by controversy over application of Article 291 banning participation by Duvalierist candidates, campaign officially opens on October 8, 1987, with 35 presidential candidates registered, 23 recognized by the CEP, and 12 Duvalierist candidates disbarred under Article 291; CEP headquarters burned, 2.2 million voters register to vote, large turnout on election day, election called off mid morning on November 29 in the wake of massacres at the polls, official count of 34 dead, unofficial estimates higher, U.S. suspends

- 1987            bilateral aid to the Government of Haiti, Namphy government announces formation of new electoral council and a new election date, January 17, 1988, the four leading presidential candidates withdraw their candidacies.
- 1988            Elections are held on January 17, CNG declares Leslie F. Manigat the winner in election marked by fraud and very little voter participation, the army maintained tight security at the polls, Manigat takes office on February 7, 1988 and deposed by the army on June 20, following dispute over army appointments, military government is reinstated under Lt. General Henri Namphy for the second time, there is no mention of return to constitutional government, Lafontante Joseph, human rights attorney, assassinated in July, the community organization office of the Ministry of Education (ONPEF) is abolished in August, violent Duvalierist leadership re-asserts itself; during Sunday services on September 11, 1988, Tonton Macoutes enter the church of St. Jean Bosco, carry out a massacre and set fire to the church pastored by radical Salesien priest, Pere Aristide; on September 17, 1988, Namphy is toppled by General Prosper Avril in a coup d'etat supported by non-commissioned officers of the Presidential Guard housed in the National Palace. General Avril subsequently carries out a purge of the army command and the cabinet. In October, Avril arrests 15 soldiers and non-commissioned officers who supported the coup which brought him to power. Responding to public pressure, General Avril issues decree on November 28, 1988, creating a commission to investigate the election day massacre, climate of insecurity continues, killings of random individuals by unidentified gunmen. Frank Romain, alleged mastermind of the St. Jean Bosco massacre given safe conduct from the Dominican Embassy to the Dominican Republic.
- 1989            After two delays, Avril convenes a National Forum on February 7, 1989, with strong participation from centrist politicians interested in re-establishing an electoral calendar; Avril re-activates 1987 Constitution on March 13, 1989, with the notable exception of 38 articles including some pertaining to the military; a new CEP is subsequently established in keeping with the Constitutional provisions, and new CEP members are named and take office in April. From April 2 to 8, factional army struggles break out into pitched battle with attempted coups d'etat by the Leopards and the Dessalines Battalion - supported by Duvalierists,

1989 Tonton Macoutes leaders and high level army officers implicated in drug traffic; the Palace Guard remains loyal to General Avril who survives the coup attempts and emerges with a strengthened hand; four colonels seek asylum and are deported; Avril abolishes the Leopards and the Dessalines Battalion, and at the time of this assessment is still carrying out a policy of dispersing these troops into scattered provincial outposts. Some troops are now returning on their own, instability continues, and the army is divided.

### C. The Duvalier Dynasty and the Haitian System

1. Maintaining power - The Duvalier era may be characterized as a republican dynasty. Dynastic succession passed smoothly from father to son in 1971. The outward forms of a republic were maintained, but the inner reality was that of an archaic type of monarchy or despotism. Haiti's dynastic republicanism is a new variant on the Haitian system. It evolved over time as Francois Duvalier became firmly entrenched. It began in a very traditional way. Duvalier simply extended his elected term of office beyond its prescribed six years. There is ample precedent for this in Haitian history. Duvalier's immediate predecessors all tried to prolong their prescribed terms of office (Magloire, Estime, Lescot, and Vincent). The next step was to impose the presidency-for-life. Again, Duvalier had ample precedent for this move. Nine of his predecessors were chiefs-of-state for life. The final step was to engineer the hereditary presidency. This had never previously been done, but it had been tried in a slightly different form: Christophe (1807-20) and Soulouque (1847-59) were monarchs who tried to instigate hereditary succession.

In short, the primary goal of Haitian presidents has nearly always been to maintain themselves in power for as long as possible. In this process, there is no such thing as a loyal opposition. Constitutionally prescribed terms of office are not sacred. Rather, the creation of a new constitution is a president's prerogative. A constitution is a personal charter. The Duvalierist Constitution of 1983 is an excellent case in point. There have been 21 constitutions since 1801. The present Haitian constitution was ratified by popular vote over two years ago, but it has never really been implemented. It was declared inoperative by Namphy in 1988, then re-activated by Avril in 1989 - with the exception of certain articles. All this has been done by simple presidential decree with no real basis in the law.

2. Army Politics: Force and Counterforce - The Haitian army has traditionally played the role of political arbiter. There is ample precedent for this in 18th century colonial Saint-Domingue. Military rule was strongly reinforced during the Haitian revolutionary period (1791-1804). The leading general of the revolution, Toussaint L'Ouverture, declared himself the French governor-for-life in the pre-independence Constitution of 1801. The Haitian revolution erupted on the heels of the French revolution, but Haiti became independent when Napoleon, a preeminent military figure, ruled France as Emperor. Dessalines, the first Haitian head of state, was also a victorious general who declared himself Emperor. From 1804 to 1913, all Haitian heads of state were military officers. The US Marine Occupation tended to reinforce the political role of the military (1915-1934).

In short, the army has always been the supreme arbiter of political destinies, including the political succession of Francois Duvalier in 1957. At this point history took a different turn. Within five years, Duvalier had effectively undermined the authority of the regular army by developing a paramilitary counterforce. The success of the Duvalier dynasty can be attributed largely to neutralizing the military as an independent political force.

There is historical precedent for the paramilitary counterforce. Soulouque made effective use of zinglins, precursors to the Tonton Macoutes. During his presidential campaign, Duvalier organized a private paramilitary group known as cagouards (hooded men). This developed into a national network of Tonton Macoutes (bogeymen) after Duvalier took office. In 1962 the Tonton Macoutes were legitimized and formalized as a uniformed militia, the Volontaires de la Securite Nationale (VSN). The VSN was a reactionary political apparatus devoted to power maintenance and repression of political opposition. It was larger than the army, and was made up primarily of rural dwellers.

The VSN has always had a strong base of support in rural Haiti. Rural support was drawn from the same sectors which served as the basis for recruiting peasant irregulars known as "cacos" and "piquets" during the pre-occupation era. Duvalier's legitimation of the VSN was a clever policy since it coopted disenfranchised elements into the established political system at relatively little cost to the regime. The militia members were volunteers. They were willing to pay significant fees to local VSN commanders in order to secure the right to join as unpaid volunteers. Local VSN commanders would periodically disband their units in order to organize a new membership drive and thereby raise funds through such payments.

All Haitian presidents have had to come to grips with the political power of the army. This is aptly illustrated by the ephemeral presidency of Manigat in 1988. The counterforce has not always been established outside of the regular army. There is also precedent for establishing it from within. President Vincent (1930-41) first created the praetorian guard in the 1930s. He also transported heavy weapons into the Presidential Palace. The Palace Guard helped Vincent maintain power for 11 years. This corps has played a key role in the political fates of all of Vincent's successors. The Corps de Leopards was created by Jean-Claude Duvalier in the 1970s. This is yet another variant on the theme of a specialized army corps with the explicit function of maintaining presidential power and discouraging coups d'etat mounted by other army factions.

Recent political history supports this pattern. General Avril's primary core of support is clearly within the Presidential Guard. Avril has not yet been able to consolidate his power base. There are many potential contenders for his position as military chief-of-state. Furthermore, Avril must contend with army and non-army elements linked to the old Tonton Macoute leadership. The Tonton Macoute apparatus has been abolished, but it has not been dismantled. It continues to play a leading role in the politics of the army, and it appears to be the central obstacle to Avril's consolidation of power. Avril's career was made by the Duvalier era. He is beholden to Duvalierist and Tonton Macoute elements, and his position is threatened by these same elements. He is caught between his own past and an uncertain future.

3. President as Strongman - The primary focus of Haitian political life has always been the presidency. It is the only office that really matters. This is a political environment with a very weakly developed separation of powers. There is an old history of parliaments and elections, but these are generally rubber-stamp institutions which serve the chief-of-state. The historical pattern is one of centralized authority focused on the president.

Haitian writers have often described this obsession with the presidency in pathological terms. As a young writer, long before he was president, Francois Duvalier identified the historic "mania for the presidency" as the disease of "presidentitis." Earlier generations of Haitian intellectuals bemoaned the destructive social effects of the presidency-for-life (e.g., Leger 1907).

This preoccupation with the presidential office continues to be a stubborn political problem. Political parties and candidates remain focused on the presidency. There are no true political parties in Haiti; rather, there is a plethora of political factions focused on individual personalities competing for the

presidency. This focus on the presidential chair is a formidable barrier to constitutional reforms designed to create a sharing of powers, genuine elections, and local representation in the political process. It is also in direct conflict with the tidal wave of popular expectations unleashed by the fall of Duvalier in 1986. These heightened expectations, along with the regressive political tendencies of old line Duvalierists and Tonton Macoutes, help to account for the unresolved political crisis of succession which is now well into its fourth year.

One of the characteristic features of the presidential strongman in Haiti is the personalization of power. Historically there is a godlike quality attributed to the president. The president has life-and-death power over the citizenry. Furthermore, the president does not generally represent a coalition of interest groups which have joined forces through Western style debate, compromise over party platforms and competition at the polls. Rather, the president is the head of a faction which takes control of the state apparatus by any means, no holds barred, but always with the support of the army. In the process, the president becomes the personal embodiment of the State. Duvalier wrote it in lights on the public square: "I am the Haitian flag. He who is my enemy is the enemy of the fatherland." State and Nation merge in the person of the president, ergo, "I am the State." In Haitian political realities there is no real distinction between state and government. They are one and the same.

4. Perceptions of Democracy - A corollary of this presidential system is that the citizen does not participate in the political process except by personal ties to a power holder. This again reflects the personalization of power. This also relegates the citizenry to a position of political irresponsibility. The masses are often invoked in transitions to power, and they may participate in a transitory fashion as an impersonal crowd or mob, but common citizens have had no ongoing role in the political process. This surely accounts for the popular cynicism regarding elections.

The genuinely popular support for the elections of November 29, 1987, are a notable exception to this pattern. The brutal fate of those elections does not bode well for the current electoral process. In the popular mind, the traditional cynicism regarding elections appears to be fully justified. People are skeptical. The government cannot or will not assure security at the polls.

With the fall of Duvalier, the word democracy was on everybody's lips. This period has been characterized by some as a veritable "diyari demokratik" (democratic diarrhea) or "bambosh demokrasi" (democracy partying). Common people had expectations that somehow life would dramatically improve with the departure of the

Duvaliers. Now there would be democracy. But what is this democracy? People have never had the experience of formal democratic institutions mediating their interests or giving them a voice.

The primary political role models for most Haitians living today are identified with the Duvalier era. For many people, post-Duvalier notions of "democracy" have to do with simply changing the factions and personalities who hold power. Democracy means taking turns at the spoils system: "It's my turn," rotating opportunities, rotating elites. For others, it is an opportunity "to do whatever you please," i.e., liberty without responsibility. For most people, "democracy" should somehow provide jobs, food, survival. In any case, the constitutional referendum in March 1987, and the November 29 elections, clearly demonstrate that there is a popular will in favor of genuine change -- change which can somehow lead to improvement in one's life and livelihood.

5. Function of the State - People view government functionaries as beneficiaries of patronage and the spoils system. Law-and-order functions have to do ultimately with protection of the established political order. The actual function of the state is to extract wealth. There is no expectation that the state provides services to its citizenry. Rather, it confiscates, taxes, prohibits or imprisons. It provides jobs and other forms of patronage. There is no independent judiciary. Court proceedings are frequently characterized by political favoritism and special fees. People say, "court rulings are money." The political science literature uses terms like kleptocracy, predatory state, government by franchise, and auto-colonization to describe the Haitian system of taxation, patronage, corruption, public monopolies, and private monopolies protected by the state.

The state has a relatively elaborate apparatus for taxation, but a very limited institutional development of public services. Most public type services in Haiti are provided by foreign assistance agencies and non-governmental institutions. The most highly elaborated public service sector is education, but the majority of school children are enrolled in non-governmental schools. State abdication from the role of service provider creates a situation in which foreign assistance functions as a kind of shadow government, particularly in the area of public services.

Aside from the army, the key state institution has traditionally been the customs house, the primary source of tax revenues. The state also extracts wealth by its control over certain essential services, and private monopoly ownership of key commodities. This state of affairs has the effect of politicizing key sectors of the

Haitian economy. This contributes to the political instability inherent in the frequent rotation of key government personnel, and in the chronic state of crisis which characterizes succession to power.

6. Urban Dominance, Rural Hinterland - There is a sharp administrative division between rural and urban jurisdictions. The urban sector is overwhelmingly dominated by the capital city. National political institutions and decisions are primarily a Port-au-Prince phenomenon far removed from the lives of most Haitians. This reality is reflected in common Haitian references to the "Republic of Port-au-Prince." All Haitians are intimately affected by the political system, but changes in government have not generally had much impact on the lives of rural Haitians. Data from 1984 suggest that 65% of all government revenues, and approximately 80% of government salaries, are spent in Port-au-Prince, a city with roughly 20 percent of the nation's population. In effect, taxes generated in rural areas are used to pay salaries to a privileged class of city dwellers. Foreign assistance tends to further exaggerate these rural/urban differentials. Perhaps 40% of all public foreign aid is of immediate benefit to the city of Port-au-Prince (see Fass 1988). In rural Haiti the army is the government. People commonly refer to the rural "Chef de Section" and his corps of assistants as "leta" (the state), e.g., "A 'state' came to your house." The outward role of the armed forces is national defense. Yet, most members of the army outside of Port-au-Prince are engaged in "police" functions. This includes the denim uniformed corps of 555 rural section chiefs, and their assistants, but it also includes their commanders soldiers, corporals, sergeants, lieutenants, and captains who staff the scattered provincial army posts.

The rural section chiefs are usually recruited from a small class of landed peasant families known as "big men or large peasants." These families are generally vested in other economic endeavors in addition to farming, including grain speculation, money lending and various forms of commerce. Appointments to the position of chief of section are based on political ties, factional alliances and bribes. In many cases, the position is inherited from father to son.

The position of chief of section involves much more than conventional police functions. As the sole government representative in rural areas, the section chief levies taxes and fines, mediates disputes and serves as a civil registry. This puts the section chief in a very powerful political and economic position. He is well situated to collect bribes. Rural police do not respond to citizen requests for services except by virtue of payment for services. This powerful position is further buttressed by the virtual absence of competing power brokers.

It is in this context that the potential impact of civilian rural government councils (CASEC), as provided by the Constitution of 1987, should be assessed. Such councils certainly have the potential for abuse, but they also represent an unprecedented opportunity to curb abuses and mediate the interests of rural citizens in the political process. Avril recently called for the election of the chief of section. None of those we interviewed took the proposal seriously.

Most government institutions are poorly developed. Those that do exist are located primarily in Port-au-Prince and other towns and cities. The government apparatus then combines a high degree of centralized authority in the office of president along with a high level of deconcentration in the exercise of authority by local government officials. There is an apparent contradiction in this arrangement. In effect, government bureaucracies are only weakly developed. The powerful center demands firm political loyalties. Aside from this, there is little or no policy direction, no day-to-day direction of local activities from Port-au-Prince. With the exception of salaries, few if any funds are made available to local government bodies; rather, certain local officials, such as the section chief, are all powerful within their local jurisdictions. They are not dependent on salaries for their income. They have purchased the privilege of tax farming. They levy revenues by virtue of their authority, and their power to grant favors.

Government institutions in Port-au-Prince show at least a facade of providing public services. There is a visible presence of the usual range of government services associated with modern states, e.g., ministries of health, agriculture, education, public works, etc. These ministries are not represented in most rural areas and they provide relatively few services even in Port-au-Prince. Government budgets for "services" generally take the form of salaries with little or no budget for implementing programs. In reality, it is not the true function of government to provide services.

In its beginnings, Haiti was on the cutting edge of political history. The Haitian revolution was roughly contemporary to the American and French revolutions. Haitians decolonized and abolished slavery generations before it became a worldwide trend to do these things. However, today's Haitian state can best be understood as a proto-state when viewed in light of the evolution of modern states during the past two hundred years. It has the strong authoritarian center which is characteristic of archaic states based on monarchy and despotism. It has a very weak development of government institutions, poor elaboration of bureaucracies and limited functions beyond maintaining power, at all costs, and extracting wealth from a large peasant base.

The small industrial sector is characterized by urban enclave industries, favored government status and limited forms of investment. Rural Haiti -- which is most of the population -- benefits least from government expenditures, and has been governed for the past 500 years by uninterrupted military occupation.

#### 7. Persistence Features of the Haitian Political System

A summary of the defining elements of Haitian political institutions provides a general overview of salient areas for democratic alternatives:

a) A state of chronic crisis in succession to power: When a clique loses control of the political apparatus, it precipitates a violent struggle for power. This generally results in an open historical period characterized by a series of ephemeral governments preceding consolidation of power by one of the competing factions. The political arena is characterized overall by competing factions rather than political parties, labor unions, etc. Politics are highly individualized, isolationist, factionalized, based on in-groups. Political factions are strongly influenced by class and color antagonisms.

b) The army is the supreme arbiter of political destiny: The military operates as an independent political force; however, the army is itself characterized by competing factions. All successful political leaders, without exception, must come to grips with the political role of the military. Strategies to gain military support, and neutralize opposition, are usually based on creation of an independent counterforce with special loyalties to the political leader. This counterforce may take the form of special units within the armed forces, and/or it may take the form of paramilitary units outside the army chain of command.

c) President as strongman: Political power in Haiti focuses almost exclusively on the office of president. Presidential power is highly centralized, personalized and authoritarian. No real distinction is made between a government and the apparatus of the state. Constitutions are viewed as expendable. Presidents often create their own constitutions as personal charters. Presidents characteristically seek to prolong their prescribed terms of office. There is no real separation of powers. The judiciary is weakly developed. It is a government of men, not of laws.

d) Intolerance of opposition: The regime in power has little or no tolerance for open criticism or organized opposition. The regime operates on the assumption that it must be all powerful or else it risks fall from power. Political opposition tends to take the form of clandestine plots and counter plots. Once having gained power, the regime generally expends considerable time and effort to maintain power.

e) The primary function of the state is to extract wealthy and extend patronage: The political environment is one in which access to the state apparatus is a business opportunity. Employment by the state is usually viewed as an opportunity for plunder. The state is not viewed as a provider of public services.

f) Feeble development of government institutions: Despite the strong president, there is only a limited degree of elaboration of state bureaucracies -- except for the army. Most state personnel and institutions are based in Port-au-Prince. Traditionally, national political struggles are heavily focused on the capital city. There are sharp administrative distinctions between urban and rural jurisdictions. There is no rural civilian government. Virtually all government functions in rural sections are delegated to powerful local military personnel, the section chiefs. There is no tradition of popular participation in national politics - except the inchoate fury of the mob. There is no institutionalized mediation of the political aspirations of rural Haitians.

g) The absence of personal security: Participation in the political arena at any level involves a great personal risk. This includes the threat of arrest, injury and potential loss of life. Political arrests are not subject to due process.

#### 8. Changes Since 1957

The Duvalier era has introduced certain changes in the system which should be factored into an understanding of the present political environment. These include the following:

a) The Duvalier dynasty has held power longer than any other regime in Haitian history. This has enabled a thoroughgoing entrenchment of Duvalierist institutions and favored patron-client relations with the state.

b) The Tonton Macoute system has a continuing life of its own despite its official dissolution. Old Macoute leaders remain at large and have been politically active throughout most of the post-Duvalier period. The old Macoute networks are well represented within the army. The Macoutist system appears to be a significant obstacle in General Avril's effort to consolidate power and restore a more disciplined chain of command to the army. It is the major obstruction to holding free, fair and popular elections. It is the key to the general climate of insecurity which reigns in Haiti.

c) Through the VSN, the Duvalier regime politicized rural Haiti on a virtually unprecedented scale. The VSN expanded the influence of the central state in remote areas, and incorporated rural Haiti into the national political arena. This happened because of the manifest political role of the VSN -- to serve as a counterforce to the army, and to assure political domination of the hinterlands. This policy was not intended to give peasants a new voice in the political process; however, it created a new awareness of Port-au-Prince and a new consciousness of the "national" political system. It created a generalized disrespect for political institutions. It also heightened local expectations for getting something from the political apparatus.

d) The rural community council movement has also played an important role in this process. This movement stems back to the 1950s. It propagated a populist rhetoric of self-help and joint community action. By the 1980s the movement had spread throughout most of rural Haiti. Beginning in the late 1970s, the regime began to take control of this movement and politicized it, effectively diluting its room for independent maneuver and local representation. The community council movement is presently defunct. Nevertheless, the historical development of these councils, and the rhetoric of community development, introduced a new political consciousness into rural Haiti.

e) Closely related to the community council movement is the PVO factor, the influential role of private voluntary organizations in rural Haiti. This trend increased markedly during the Duvalier years. Over the years, community councils became highly dependent on international PVOs. Religious and secular PVOs have provided a broad range of services to rural areas not otherwise served by the technical ministries of government. The growing role of PVOs in development is tantamount to a privatization of foreign assistance to Haiti.

f) The system of public and private monopolies, including parastatals and import substitution industries, has been greatly elaborated under the Duvaliers. These industries have generated great wealth for a handful of powerful families based in Port-au-Prince. This has had the effect of politicizing the economy. These interests are now threatened. This interjects a volatile competition among competing business and military factions. Key sectors of the business community back Duvalierist presidential candidates who stand to protect the lucrative business privileges established under the Duvaliers.

g) The industrial sector has expanded overall. A key source of new wealth is the light assembly industry, primarily Haitian owned but dependent on contracts from the United States.

h) The Duvalier era has been characterized by significant growth of intermediary classes. This originated with a political strategy of appealing to black middle classes. It created a new constituency for political patronage, government employment and rapid accumulation of wealth through the political apparatus. This new class linked to the Duvalier era helps to account for the tremendous growth of Port-au-Prince.

i) The longstanding tendencies toward centralization of wealth and power in Port-au-Prince have greatly increased during the Duvalier era. Rural areas have suffered accordingly. The income gap between upper and lower income groups has significantly increased.

j) Emigration -- (a) rural-urban migration, (b) external emigration. The Duvalier era has seen an unprecedented level of migration to North America along with smaller waves of migration to other Caribbean societies, Latin America, Europe and Africa. This has had an important impact on Haitian politics. It has sustained numerous fragmented political parties in exile. Emigration introduced huge sums of money into the economy through overseas remittances. It has changed the consciousness of most Haitians in relation to the outside world. It has greatly expanded the rate of upward social mobility of the new intermediary classes.

k) There has been a remarkable expansion of the media since 1957, especially radio. The transistor radio has clearly become an important influence. Radio Soleil and other radio stations played a dramatic role in the fall of Duvalier in 1986.

l) Verbal and written Creole is now commonly used in a whole range of new settings and formats including radio, television, schools, publications, community organizations, development projects and political tracts. This has been a very influential trend with important political implications.

## 9. Current Political Prospects

There is a profound sense of citizen alienation in Haiti at the present time. This is further exaggerated by a general climate of insecurity. The army is shattered by corruption, and a general breakdown in the chain of command. The seemingly interminable problem of succession is compounded by the virtual absence of popular leaders. The sheer number of presidential candidates has dispersed and weakened the democratic process and plays into the hands of reactionary forces from the far right.

The attempted coups d'etat in early April underline the very tenuous position of General Avril. His survival of the coup also suggests that he may be in a stronger position than before, but it reveals that he is highly dependent on a core of loyalists within the Palace Guard. The succession of events during this period reveals a pronounced degree of military weakness and disorganization within the army. The swearing in of new CEP members was interrupted by the coup. The earlier National Forum had notably excluded old line Duvalierists from participation. Thus the timing of the April unsuccessful coup also suggests that there is considerable right wing resistance to re-establishing the electoral process. The Macoute leaders appear to be Avril's biggest threat.

Most people appear to be very skeptical about the prospects for carrying through with free and fair elections. The chief obstacle is security. A corollary of this is the glaring evidence that notorious Macoutist leaders continue to move about freely despite their known culpability in the Election Day Massacre of November 29, and the Sunday morning massacre and burning of the Church of St. Jean Bosco in September, 1988. A broad spectrum of this team's interviewees are quick to note that these Tonton Macoutes have not been disarmed, arrested or prosecuted. A second corollary of the security problem is that it raises questions regarding General Avril's political commitment to hold elections. In short, is the government capable of assuring security? If so, is it committed to doing so.

On the plus side, most of the team's interviewees believe that Avril has not been as repressive as Namphy. A number of important Macoute leaders appear to be keeping their distance from Avril. People are quick to observe that key Macoute leaders were excluded from the National Forum in February. The factional army struggles of early April resulted in an Avril victory over a group of officers perceived as allied with the Macoute leaders against Avril. Haitian political observers are also quick to note that U.S. donor assistance remains tied to continued progress in the direction of democracy. Democratic forces appear to have somewhat more room for maneuver at the present time than under the Namphy government just prior to Avril. Furthermore, there are more democratic organizations actually functioning in Haiti than at the beginnings of the first Namphy regime in the wake of the fall of Duvalier. There continues to be a greater latitude for freedom of speech than under Duvalier. The fall of Duvalier has been accompanied by a rise in influence of the Catholic Church. These observations by local observers are carefully qualified. Haitian democratic leaders are quick to note that there are certain elements of hope in the present situation, but they are very fragile at best. The general view is one of measured skepticism: General Avril should be held to his promises. Actions speak louder than words.

There are several conceivable scenarios as the present political situation evolves: (a) Avril seeks to maintain himself in power indefinitely, (b) a Macoute dictatorship takes control, (c) there is a series of ephemeral military governments, (d) elections are held with a pre-determined outcome, (e) there are "free and fair" elections without popular support by the electorate, and (f) there are free and fair elections with significant voter turnout leading to the inauguration of a democratically-elected government. The last option is desirable, but it is hardly inevitable. Many people believe it is highly improbable due to the pervasive problems of security, the lack of clear and decisive commitment by the government, and the ongoing protection of notorious Macoute leaders.

#### IV. CONSTITUTION OF 1987

##### A. Description

The intent of the 1987 Constitution was to "implant" democracy in Haiti. The Constitution sets up a legal structure for the government, guarantees political, economic, social, and cultural rights, requires duties and responsibilities for citizens, and sets a national agenda and goals. There have been numerous past constitutions, and this one is 70 pages long, with 298 articles.

Two draft constitutions, one prepared by nine experts appointed by the CNG and the other by the Ministry of Interior, were submitted to the Constituent Assembly. The Assembly decided to write a new constitution -- one that bore little relation to either of the two drafts or to previous Haitian constitutions.

The framework of the government structure in the Constitution is radically different than what has existed in Haiti. The Constitution looks at the problems in the past and attempts to address them by creating enduring and open institutions which are characteristic of a free society. It is like other modern constitutions, and unlike the U.S. Constitution, in that it goes beyond just protecting citizens political rights and makes the state a provider of economic, social, and cultural rights for its citizens. While these rights are not enforceable, they are guidelines for future legislation.

The specific rights of citizens are: life (the death penalty is abolished in all cases) and health; individual liberty; freedom of expression; freedom of conscience; freedom of assembly and association; education and teaching; freedom to work; and property (The constitution recognizes the social role of property and has responsibilities and obligations to property holders. One important obligation is to prevent erosion); and security. Duties of citizens include: respect for the law; to vote in elections; to pay taxes; to educate and improve oneself; and to respect and protect the environment.

There are three branches of government: legislative, executive, and judicial, with each branch independent and separate. The executive branch is bipolar, with the president as policy maker and head of state, and a prime minister and cabinet as the executive, policy-implementing offices. The legislature has two bodies: a House of Deputies, and a Senate. A "Conciliation Commission" is responsible for settling disputes between the executive and legislature.

The nation is divided into nine departments, 35 arrondissements, 126 communes, and 555 communal sections with elections at all levels. The provision for local elections is a major change to try and disperse power away from the president.

Several independent institutions are established: a Permanent Electoral Council (CEP), with responsibilities for organizing and controlling with complete independence all electoral procedures throughout the country; a Superior Court of Auditors and Administrative Disputes, an independent and autonomous financial and administrative court, with administrative and jurisdictional control of all government receipts and expenditures; the Conciliation Commission; Office of Citizen Protection or Ombudsman to protect all individuals against any form of abuse by the government; a national university, autonomous and free, to be financed by the government, but without a specific percent of the budget to finance it; a Haitian Academy for Creole; and a National Institute of Agrarian Reform to organize the revision of real property structures and to implement an agrarian reform to benefit those who actually work the land.

The armed forces are under the civilian president. The military is subject to justice under the civilian courts from crimes and abuses to civilians. Military personnel are under the jurisdiction of a military court only for offenses and crimes committed in wartime or for violations of military discipline. The police forces and prisons are to be placed under the Ministry of Justice rather than to be a part of the armed forces.

Article 291 stipulates that for ten years following the issuance of the constitution individuals are barred from public office who have been associated with the excess zeal of the Duvalierists, have made unjustified gains during the years of dictatorship, and any person denounced by public outcry for having inflicted torture on political prisoners in connection with arrests and investigations or for having committed political assassinations. The CEP has been given strict enforcement responsibilities for Article 291.

The Permanent Electoral Council consists of nine members chosen from a list of three names proposed by each of the nine departmental assemblies: three are chosen by the executive branch, three from the supreme court, and three from the legislature. The Constitution sets up a Provisional Electoral Council (CEP) to run the elections leading to the establishment of the government structure in the Constitution. There are nine members, one each designated from the executive branch, Episcopal Conference (Catholic Church); labor unions, Supreme Court; human rights organizations; Council of the University; Journalist Association; Council of Protestant Churches; and the National Council of Cooperatives.

This transitional CEP is very different from the two general types of election commissions existing in other countries. One type is composed of independent, neutral experts on elections. The other type is composed of representatives of political parties. Both types of commissions provide for credible elections, but they generate two distinctly different types of elections. Under an independent commission, decisions are predominately made for technical, administrative and economic reasons. Elections tend to be efficient and less costly. When a commission is made up of Political party representatives, the decisions are made on the basis of political considerations, and a balance of competing interests. This type of election tends to be more attuned to political realities, but less efficient administratively. The CEP in Haiti has two important political roles to play -- relating to the government on one side, and to political parties on the other side. These are very difficult roles for individuals who are not chosen for their technical skills or administrative expertise, nor for party affiliation, and political expertise. Rather the transitional CEP constitutes a third type of election commission which represents a series of broad based constituencies and formal institutions.

The constitution stipulates that the president must be elected by a majority vote. This provision forces coalition-building among the numerous political parties in Haiti. The Constitution calls for the president to be inaugurated February 7 following the date of the election. Presidential elections shall take place the last Sunday in November in the fifth year of the President's term. The House of Deputies takes office on the second Monday of January following election. There is no stipulation in the constitution for what elections should come first under the Provisional Council. In national elections, the State assumes responsibility, in proportion to the number of votes cast, for a portion of the expenses incurred in the election campaign. To be eligible for funding, a party must obtain a minimum of 10% of the votes cast, with a minimum of 5% of the votes cast in one department.

#### B. Articles Suspended

The Constitution was suspended under Lt. General Namphy in June, 1988. General Avril reinstated the Constitution on March 13, 1989, minus 38 articles which were temporarily shelved. The Constitution does not provide any legal basis to suspend or reinstate the Constitution. Currently, the executive power is exercised by the president of the military government until a president is elected through presidential elections and takes office. Legislative powers are temporarily suspended until the election of members of the Senate and the House of Deputies. Articles suspended include those that limit the president's power to those which are set by the Constitution, assign separate powers

to the president and prime minister, bar the president from commanding the armed forces, and subject military men accused of abusing civilians to civilian courts. The suspended articles, especially those relating to the military being subject to civilian control, were brought up frequently by our interviewees. No mention has been made by General Avril as to when these articles would be reinstated. The suspended articles effectively maintain military control over the government.

## V. ELECTIONS

### A. Recent History

Since 1986 there have been four elections in Haiti. The experience and results of each have varied remarkably. The recent past is indeed relevant to the success or failure of the renewed election process under a third CEP.

1. October 19, 1986. The first election on October 19, 1986 was for delegates to the Constituent Assembly to write the Constitution. The Assembly consisted of 41 elected and 20 appointed officials. The election was run by the Ministry of Interior. The Ministry of Information stated that 9.2% of those eligible voted. Other sources report a national turnout of 1% to 5%. With a population of approximately six million, and a voting age of 18, Haiti should have approximately three million eligible voters.

2. March 29, 1987. The referendum on the Constitution on March 29, 1987, was again under the direction of the Ministry of Interior. There was considerable public debate on the Constitution at all levels. The Catholic Church played a major role in the establishment of local election offices, urging citizens to vote, and poll watching. The slow pace of registration led to the decision that all Haitians over the age of 18 could vote, and indelible ink would be used to prevent double voting. The constitutional referendum attracted considerably more voters than the election of delegates to the Constituent Assembly. Voter turnout was around 50% of the electorate. In some areas, such as Cap Haitien, the turnout was as high as 72%. It was considered a major accomplishment to have such a high turnout given the low turnout for the October election of delegates. The draft constitution was approved by 99.81% of those voting. Haitians and foreign observers concluded that the referendum represented a fair and honest national consensus in favor of the constitution.

3. November 29, 1987. The election of November 29, 1987, under the first CEP became known worldwide because of the terrible violence that aborted the election by mid-morning. Voters and children in Port-au-Prince were brutally massacred by a small gang of thugs numbering around 35 men. The army and police provided no security, and in several cases watched the violence committed. A figure of 34 is now used for the number murdered; however, most of the people we interviewed believe, and some had eyewitness evidence, that the number was several hundred election related deaths outside of Port-au-Prince were not reported. There was also poor reporting of the high level of violence the night before the election and in the early hours before the polls opened. The home of the treasurer of the CEP was attacked by men with

submachine guns at 4:00 a.m., and he and his family were left for dead, which they were not. The gunmen returned again at 8:00 a.m., but left when they noticed the presence of international observers. The CEP headquarters was also attacked during the night.

In another regard, the November election is unique in election history. It was the first time that an independent election commission has ever put on an election without infrastructural assistance from the government. In fact, the election was organized successfully despite active sabotage by the government. That the election got as far as it did is a tribute to the CEP, the Ministry of Finance, the donors -- especially A.I.D, and above all to overwhelming support from the electorate.

On May 14, 1987, the CNG issued a decree establishing the CEP. On June 5, the CEP submitted a draft electoral law to the CNG within the time limits prescribed by the Constitution. On June 22, the CNG decreed its own electoral law under which it would have retained general control of the electoral process and the CEP would have exercised only oversight responsibilities. This action by the CNG was seen by the Haitian people as an attempt to subvert or circumvent the new Constitution. Weeks of violent anti-government street demonstrations led to numerous deaths and injuries. Local elections were scheduled for July, and initially postponed until August. They were not held due to unrest. On June 20, President Namphy stated that the CNG would respect the Constitution, and that it would retire and hand the government over to an elected successor the coming February. On July 2, the CNG repealed its May decree establishing the CEP, and promulgating in its place a new law giving the CEP specific powers to organize and run elections. Local elections were again rescheduled for mid-November, then postponed to December 20. The CEP began to assemble a staff, and the real organization of the election did not start until August. Thus, the CEP had to organize an entire election process in three months.

The November 29 election required registration. Registration was relatively slow until the burning of the CEP election headquarters in early November. The people then began to show support for the CEP and registered in large numbers after the burning. The figure of 2.2 million registered voters is generally used for the November 29 election. There were 6,000 polling places, with 18,000 ballot boxes. Despite innumerable problems with security and distribution of materials, most election observers believe it would have been a credible election.

4. January 17, 1988. On the night of November 29, Lt. General Namphy blamed the CEP for the failure of the election, censured the CEP for inviting foreign observers, and disbanded the CEP. Later the CNG announced presidential and legislative elections for January 17, and a new CEP, with most members unknown but having Duvalierist and Macoute ties. The leading presidential candidates in the November 29 election refused to participate. The Ministry of Interior supported these elections. Candidates distributed their own ballots, a traditional practice in Haiti. The polling places were reduced to approximately half of the November election. The CNG provided security, and there was no violence. Most estimates of voter turnout were below 10%, with 5% the most widely used figure. Leslie Manigat was elected President. The State Department did not find the elections fully free and fair. Because of the type of elections and low voter turnout, Manigat's presidency lacked legitimacy in the eyes of the Haitian people.

#### B. CEP I

To understand what is needed to make the current election process succeed, it is necessary to understand the dynamics of the November election and the traumatization of the Haitian people as a result of its tragic end.

1. Internal Dynamics. The nine members of the CEP were not a homogeneous group equally devoted to putting on the election. This reflects the diversity of the nine interest groups that nominated them, including the CNG. The members were frequently divided on issues, both large and small. The members were involved in virtually all the details of running an election. There were problems in delegating authority to the staff. Besides lacking technical and administrative skills, the members lacked political experience. This was clearly a learning experience for all of them.

2. External Dynamics. With both the CEP and CNG issuing election laws, the summer of 1987 was spent in open conflict over control of the elections. The CNG backed down after the people took to the streets to support the CEP, but the CEP had no support from the CNG. The independence of the CEP was important to both the CEP and the Haitian people. However, this "win" over the CNG began a process whereby the CEP was seen as a shadow government. Many were skeptical about the CEP's ability to put on election to meet the Constitution's time frame.

3. Organizational Effort. To develop networks of regional, municipal, and local election offices, the CEP went to local groups and asked them to nominate people to run the various election offices. A wide variety of groups volunteered, including the churches. The Catholic Church was very active in helping to set up

the voting places, registering people, and distributing election materials. A number of churches were used as voting places. Religious members helped in packing up and distributing election materials, and in providing assistance to voters as the election began on November 29. Without this volunteer support, the CEP could not have put on an election. The church encouraged people to come out and vote as they had done for the referendum on the Constitution.

The election system adopted by the CEP would have required an enormous logistical effort even in the calmest of times. Individual ballots were used for each candidate. The CEP had to prepare over 20 million individual ballots and distribute them to 6,000 separate places. The CEP tried to computerize the election registry and return the computerized list of eligible voters to each voting box (18,000). The CEP viewed its role as establishing a permanent election council and machinery for the new civilian government.

4. Funding and Technical Assistance. The CEP developed a budget of \$10.1 million to administer elections from the local to the national levels. The CEP believed strongly that it should not directly receive any donor assistance. It did not want to be accused of manipulation by outside forces. The CEP insisted that all its funding go through the government. The Constitution stipulates the independence of the CEP from the government, but it does not provide for staff or a budget. Thus, the CEP had to rely on the government for all of its funding.

A.I.D. provided substantial assistance through two mechanisms: budget support to the CEP, and a grant to the Inter-American Center for Electoral Promotion and Assistance (CAPEL), located in Costa Rica. Local currency equivalent to \$US 6.6 million was made available to the Ministry of Finance. A grant of \$1.5 million was made to CAPEL to provide technical advice to the CEP, training of poll workers, and civic education. A.I.D. also provided a \$40,000 grant to the National Democratic Institute for International Affairs (NDI) to fund a multi-national observer team with bipartisan representation for the election. The Mission assigned one project officer to oversee the election assistance and hired one American under a personal services contract (PSC) to provide additional assistance and liaison.

Other sources of funds for the CEP budget included \$2.4 million from the CNG through the Ministry of Finance, and \$200,000 from the Republic of China. The OAS issued an appeal for \$1 million. The U.S. contributed \$100,000 from A.I.D. These funds were spent for ink and plastic for the registration cards. Canada contributed metal ballot boxes and paper, France an advisor, and Venezuela registration forms. The Ministry of Finance established a revolving \$400,000

cash account for the CEP, and the CEP had to follow government procedures in submitting vouchers for materials and expenses incurred.

At the beginning, the CEP was concerned about too much involvement of outsiders donors, and was cautious in asking for technical assistance. The original intent of U.S. assistance was not to be too close to the process, and to have a neutral body, CAPEL, to provide the technical assistance. CAPEL had difficulties in providing a qualified advisor with good French and the willingness to work in Haiti under a volatile political situation. It was difficult for Latin American election experts to adjust to a level considerably below their own experiences. CAPEL as a small organization was hard put to respond to growing demands for assistance as the CEP was increasingly undercut by the CNG and the level of violence increased. CAPEL signed a contract with Price Waterhouse for financial management services for the A.I.D. funds.

There were problems with all external assistance. The Canadian ballot boxes had a slit for the ballots the size of a quarter, and the slit had to be enlarged to fit the Haitian ballots. The OAS plastic arrived too late for the registration cards. The Venezuelan registration forms were too complex for the system in Haiti. The French advisor received mixed reviews from the CEP members and staff. He was from provincial France, and had no previous experience outside of France. In early November, an individual coming into the new CEP headquarters was shot to death by a guard in the front of the French advisor. This effectively removed him from an active role.

With the disqualification of Duvalierists under Article 291, the violence increased tremendously against the CEP. When the printing plant was bombed, the CEP turned to the donors for additional paper for the ballots. No donor could respond quickly enough to meet the need. The Ministry of Finance quickly arranged for paper available locally. When the CEP was fire-bombed, it was up and running again in days, at a new location with an entirely new phone system. This incredible ability to overcome the escalating attacks and obstacles was due to the spirit of the CEP members, its staff and volunteers; the Ministry of Finance for coming up with innovative ways to provide funding for the CEP; A.I.D.'s resourcefulness in using CAPEL as an additional funding source, and the outside advisors who found ways to respond to every urgent need. CAPEL became a funding source to meet critical needs of the CEP, and made possible the arrival of a helicopter to transport ballots. The A.I.D. project officer, the PSC and the

Price Waterhouse accountants all moved beyond their roles as advisors and project managers to become active participants in the process. It can best be described as everyone rolling up their sleeves, and getting done what had to be done, regardless of roles and responsibility. This dedication and extreme effort by those involved got the CEP to election day.

5. The Campaign. Over 100 candidates declared their candidacy for presidency, and 35 registered to run. On October 31, 1987 the CEP announced the names of 23 candidates eligible for participation, disqualifying 12 candidates under Article 291.

There were four principal candidates: Marc Bazin, of the Movement for the Installation of Democracy in Haiti (MIDH), had returned to Haiti after working with the World Bank since 1968. In 1982, he served several months as Minister of Finance. Sylvio Claude was founder and president of the Haitian Christian Democratic Party (PDCH), a Protestant pastor and a renowned opponent of the Duvalier regime. Louis Dejoie II, leader of the National Agricultural and Industrial Party (PAIN) was the son of Louis Dejoie, Sr., one of the candidates who ran against Francois Duvalier in the 1957 election. Gerard Gourgue was a lawyer, schoolmaster, and long-time human rights activist, and the candidate of the Front of National Cooperation. The Front was composed of some 57 groups. A major component of the Front was CONACOM, a coalition of human rights and civic groups that represented the democratic left. Gourgue had the backing of the base church movement in Haiti. The Front was the closest thing to a national party. During Gourgue's campaign he stated that if elected he would seek justice for abuses by the military and the Tonton Macoute leaders.

6. What Went Wrong. There were innumerable CNG complaints against the CEP. The CEP believed there was an active disinformation campaign to discredit them from the beginning. One issue raised was corruption. At the beginning of the election the CEP wanted to buy a vacant office building for \$3 million for a permanent site. The reported earlier price for the building was \$1 million. The Ministry of Finance arranged for the use of a vacant government building. The CEP wanted 20 4-wheel drive vehicles at \$35,000 a piece. The Ministry of Finance purchased vehicles for \$12,000 a piece from Miami. A person in the Ministry who oversaw the accounting for the CEP stated the the funds were "not corruptly spent". Given the type of election commission, funding was not spent effectively by the CEP. Decisions were not made on strictly administrative grounds. This is not unusual for a non-technical type of election commission, but drew numerous

negative comments from foreign observers not knowledgeable about elections.

The CEP was perceived by the CNG as a growing shadow government challenging its authority. The CEP believed it had moral authority from the people to sustain its independence, and acted accordingly. The mobilization of volunteer groups, especially the base church movement, gave rise to charges of partiality toward the Gourgue candidacy. There was considerable CNG concern that workers at the voting places would encourage voters to vote for their candidate. There is no question that the base Church members supported Gourgue and encouraged support for Gourgue. However, the report of the NDI observer mission stated that the delegation "was unable to corroborate any of the allegations concerning CEP partisanship toward Gourgue or towards any other candidate." The official U.S. delegation, which was evacuated the afternoon of November 29, issued no report on the election.

When the CEP disqualified the 12 Duvalierist candidates, there was no one running as a representative of Duvalierist interests. With the perception that Gourgue was the frontrunner and Gourgue's statements on justice for the military, one can now see in hindsight that the Duvalierists, the Macoutes, and the army would not allow an election to go forward that would produce an unacceptable winner.

Some have argued that the CEP should not have stopped the election, and that the election should have continued where it could. The President of the CEP, Ernst Mirville, announced the postponement of the elections due to violence after consulting with one or two other CEP members. Small bands of Macoutes terrorized the voters in Port-au-Prince, and were permitted to do so by the military. Footage of the massacres was aired on local television. (The military did not stop the transmittal of local TV broadcasting.) Photographs were later published which showed them committing the violence. Their identities are well known, as are the names of those who allegedly authorized the violence. Several of our interviewees had heard the week before the election that there was going to be trouble. One received a call Saturday afternoon, November 28, warning him of the order to stop the election. In retrospect, it appears that the CNG did not initially believe that the CEP could actually put on an election. When faced with the reality of an election and with no Duvalierist running, the CNG was undoubtedly prepared to use whatever level of violence deemed necessary to stop the election.

The members of the CEP and the staff fled for their lives. Some had their businesses destroyed, their homes attacked numerous times, their lives threatened and families endangered. At least four members of the CEP are still in exile.

### C. CEP III

In Haiti, our interviewees commented on the differences between CEP I and II, where there was a secured election without popular support, and the prospects for CEP III. The experience of CEP I and what happened to its members, underlies much of our discussions of CEP III.

CEP III has been established under the formula in the 1987 Constitution. Nine individuals were nominated by the different interest groups. Most individuals are not well known. Generally, the members are considered competent. Our interviewees raised questions about two of the members: the nominee from the Supreme Court was legal counsel to CEP II, and another member was allegedly close to the Duvalierists. None have political experience. The CEP still has the dual task of relating to the government and the political parties. Given recent political history, their attention and concern will likely be directed at cooperating with the government.

They will also have concerns about interference from outside donors and technical experts. The active participation of outside advisors in CEP I was evident to many observers. Despite recommendations from technical people that the CEP members remove themselves from the details of the election, one can expect the nine members to be intimately involved in day-to-day details. Their lives are on the line, and one cannot expect them to delegate.

It will be of critical importance for the CEP to pick a staff with exceptionally strong administrative skills. It is highly unlikely that any individual involved in CEP I would be asked, or would be willing, to work on CEP III. Informal discussions are taking place to pass on experience.

The role of the Ministry of Finance will be absolutely critical in the successful administration of CEP. Under the CNG, the Ministry was never given instructions to hold back. In fact, the Minister and his staff were committed to the election. They were also exceedingly capable and creative. Since A.I.D. election funds are likely to take the form of budget support through the Ministry, the role of the Ministry is crucial. The CEP will require the full cooperation and support of the Ministry.

## VI. CONDITIONS FOR CREDIBLE ELECTIONS

At the present time very poor conditions exist for a credible election. This could conceivably change, but it would require dramatic measures on the part of the government. Future planning for elections should take due note of key lessons from the November 29 elections. These include the following:

1. The electorate was strongly motivated to vote. This motivation was strongly anti-Duvalierist.

2. Support for the November election was a continuation and expansion of popular support shown for the Constitution of 1987 in the March referendum. There is widespread support for the Constitution.

3. Support for the November 1987 election was a clear and decisive vote for fundamental political change.

4. There was a national constituency for popular elections. This was a historic new development. The masses of the people have never before had a sense of participating in the political life of the nation.

5. There is high demand for a free flow of information. Under CEP I, the election law was sold, rather than given away. The demand for copies was so great that the CEP could not keep it in stock.

The issue of credibility is the keystone of free, fair, and popular elections. There are numerous important issues related to establishing credibility. Some have to do with clear and unambiguous commitment to elections by the government. Others focus on the CEP. However, there are three essential points which come up again and again in discussing this issue with a broad range of people. These fundamental issues are generally presented as non-negotiable, sine qua non:

1. The CEP must be able to demonstrate clearly that it is independent and non-partisan. A number of political leaders believe that this requirement could well lead to some kind of public disagreement or conflict with the government.

2. The government must prosecute or effectively contain the Macoute leadership implicated in the massacres. It is very important for the government to show a decisive rupture with the corrupt Duvalierist past.

3. The government must be able to demonstrate its clear commitment, and ability to assure, the personal security of the electorate at the polls.

The argument for credibility linked to security is simply unassailable. The pervasive climate of insecurity in Haiti at the present time does not generate any enthusiasm whatsoever for elections. The 1987 election day massacre has created a traumatized electorate. This trauma will be very difficult to overcome. Some of the interviewees suggest that it may be necessary to have external supervision of elections by an international body, such as the Organization of American States.

Other salient points include the following:

1. Security and government credibility can hardly be restored without a re-structuring of the army and the restoration of discipline. There is also a widely-held view that the government must take serious measures to curb abuse of the citizenry by the section chiefs, and to restore the functioning of an independent judiciary.

2. A nation-wide commitment to civic education is very important. This requires the support of key information networks such as the church and the media. Haitian political observers commonly mention the importance of enthusiastic church support for elections.

3. The CEP and the government need to maintain a satisfactory working relationship. The government needs to demonstrate its support for CEP decisions, the electoral law, elections sequence and calendar.

4. In general, carrying out elections requires three essential factors: availability of information, open communications with the electorate, and proper organization.

5. Political observers commonly believe that it is crucial to maintain strong external pressures on the government to promote free, fair, and Popular elections. A broad range of people support the use of foreign assistance as leverage in the regard.

6. There is a vigorous debate over the timing and sequence of elections. Centrist political leaders are almost invariably interested in holding presidential elections as soon as possible. This does not bode well for the nurturing of local democratic institutions in Haiti, particularly in light of the persistent historical pattern of strongman presidents. Genuine growth of local democratic institutions is directly linked to diminishing the

personal power of the president. Political observers committed to greater participation on the part of rural Haitians invariably support local elections first in a step sequence ending with presidential elections.

## VII. NEEDS FOR CREDIBLE ELECTIONS AND DEMOCRATIC DEVELOPMENT

The strategy recommended in this assessment has as an overall goal of strengthening sectors in the Haitian society that can support democratic concepts and actions to achieve and maintain civilian democratic government. There are three specific objectives for the strategy:

- develop a wider variety of individuals, networks, and groups that can more effectively become players for power positions in government and the society;
- broaden the level of political participation so that a wider selection of leaders, especially in rural Haiti, are chosen through free, fair, and popular elections; and
- increase the adherence to the concept of the rule of law and civil and political liberties so that the Haitian people are not subject to pervasive abuse of their human rights, and are able to participate in the political process.

Two different time frames are considered: a two year strategy that assumes elections occurring that will have a civilian president take office under the Constitution of 1987, and a five year strategy that addresses the needs of a civilian government.

### A. Past and Current Assistance Efforts

In addition to election support for the November 29, 1987 election, A.I.D. has support several activities in the area of democratic development:

- A grant to the Haitian International Institute for Research and Development (IHRED) for civic education. IHRED had earlier received a small grant from the National Endowment for Democracy (NED).
- local currency support for the Ministry of Justice for training of justices of the peace and related court personnel, reprinting of selected legal codes and distribution of reprinted materials to courts and law facilities, repairs and renovations of courthouses, and printing of civil registers and forms. The activities began in April 1986, and were terminated after November 29, 1987.
- a program with the American Institute for Free Labor Development (AIFLD) to support an independent trade union movement. Political conditions have made it difficult to carry out even a small program.

--training under the President's Initiative for the Island Caribbean (PTIIC) to complement journalism training by Voice of America (VOA).

The assessment team visited a training session by IHRED in rural Haiti. We observed one day of a three day session. The methodology was good, the trainers excellent, and the participation lively. Thirty some rural leaders attended, and we observed a discussion on justice, how incidents of injustice personally experienced or observed were handled, and whether the approaches used were effective or not. It was an impressive program.

The largest activity in democratic development since 1986 has been the training of journalist under VOA. Over 400 journalist have been trained, mostly in Haiti, but also in the U.S. The program emphasizes short-term training (1 to 4 weeks duration) and targets journalists, owners and managers. This is done through in-country seminars, and workshops as the University of Maine. A.I.D. funding has covered travel and per diem for Haitian participants to the University of Maine programs. The program has targeted non-governmental sources of information, with special attention to radio. The objective of the program is to raise the level of journalism in Haiti. The program works with journalist associations. It is developing a code of ethics and a means of self-monitoring by the journalism associations. Also, the program broadens contacts with journalist associations outside of Haiti. USIS/Haiti finds the program very effective.

A.I.D. has a journalist project for Central America with Florida International University (FIU) in Miami. There is no Haiti component, however, FIU has its own Haiti program. FIU with USIA funding (\$36,200 grant for three years) plus \$5,000 from Citibank, and in-kind contributions from its own School of Communications is helping the University of Haiti establish a practical curriculum for training journalists. (What training now exists follows the French or European approach, which is theoretical and philosophical, and not focused on "how-to" skills.) This assistance is through technical advice and faculty exchanges (FIU faculty spending 2 to 3 weeks in Haiti, University of Haiti faculty spending 3 to 4 weeks in Miami). The program does not provide training to journalist, but rather is preparing the University of Haiti to improve the very low level of existing training. It is a long term institution building approach, and very limited given the level of funding.

The other donors provide some funding in the area of democratic development include the following: human rights - Ford Foundation; legal education and services - IAF and the Dutch; civic education - NED and Venezuela; and political party development - NDI.

Recently IHRED submitted two proposals to A.I.D. for funding: one on civic education (voters education, mobilization for the electoral process, and basic information and education of the citizen on the judiciary system, mostly in rural areas), and one for a support system for administration and distribution of justice in Haitian rural communities. The first proposal is for \$160,000 for a year and a half, and the second is for \$500,000 for three years.

The Center for Human Resource Development (CDHR) is preparing a proposal for civic education and democratization for A.I.D. funding. CDHR had a grant under CEP I for civic education and training of election workers.

The current assistance by donors is small reflecting the fragile nature of the organizations involved. It is concentrated in Port-au-Prince with a few activities in provincial cities or rural areas, and it is uncoordinated. There is little reinforcement of one area by another, e.g., human rights, legal services, labor, and journalism.

One issue raised by donors and local organizations relates to the motivation of Haitians who undertake democratic work. A frequent comment is that some individuals are doing human rights or even legal services because of political ambitions rather than civic duty. It is viewed negatively to have political ambitions in this work.

The staff of the A.I.D. Mission note that the regular core program based entirely on non-governmental organizations will be a positive force for change that will help support democratic development over the long term. There are good reasons to accept this view, however, the core program is not specifically designed to promote democratic development. Nevertheless, it is important to protect and extend this core program for the sake of long term development of more pluralistic institutions at the level of local communities. It is also important to promote near term and medium term democratic development in response to the current political crisis, the need for broader participation in the political process, protection of human rights, etc. The core program and the democratic development efforts represent complementary strategies.

B. The Military

1. The Army

Before one can address the needs of the democratic sectors, one must first review the needs of the army. The army is considered by everyone to be poorly paid, housed, fed, equipped, and trained. A pay raise was given to the military in FY 1988. Some selected pay rates per month, expressed in U.S. dollars, are:

| <u>RANK</u>   | <u>FY 1987</u> | <u>FY 1988</u> |
|---------------|----------------|----------------|
| Lt. General   | 1,500          | 3,000          |
| Brig. General | 1,200          | 2,400          |
| Colonel       | 800            | 1,600          |
| Major         | 500            | 1,000          |
| 1st. Lt.      | 350            | 600            |
| 1st. Sgt.     | 160            | 280            |
| Corporal      | 140            | 190            |
| Private       | 130            | 155            |

The doubling of the pay scale was at the top, and the lowest grades received the smallest percentage increase. (A private receives more than a school teacher.) The coup attempts in April illustrated how poorly trained the army is. However, it is still the force that is the ultimate arbiter in Haiti. Democracy will not move forward without military agreement and support. The military must see that there are reasons to support civilian control.

The assessment recognizes that others must focus on assisting the military. Besides meeting the basic needs of the military, the officers and soldiers should be exposed to the concepts of democracy, the importance of human rights for all Haitian citizens, the rule of law, and the proper role of the military under the Constitution of 1987. After discussions with General Avril, one human rights group has sent the military a proposal for human rights training. Priority should be given to putting in place on a permanent basis human rights training and civic education at all levels, especially in the military academy. This is both a short-term and a long-term effort that should be encouraged by all donors.

## 2. The Army and the Police

The Constitution of 1987 separates the army and the police, with the police under the Ministry of Justice. The prisons would also be placed under the Ministry of Justice. Under this concept the general role of the police is seen as protecting citizens, while the principal military function is national defense. The French concept of gendarmerie treats the soldier as an armed police officer for the maintenance of public order. This is what exists in reality in Haiti, if not in concept. In rural Haiti the people call a soldier a "gendarme." There is universal agreement among those we interviewed on the need for separation, and that it should take place as soon as possible. Unfortunately, the reality of who is police and who is army makes this separation a very difficult task with profound consequences for the army as an independent force.

Before the April coups there were approximately 7,000 soldiers, with 1,500 of them considered police. The only actual police unit is in Port-au-Prince. The unit in Cap Haitien is in name only. An analysis of the army outside of Port-au-Prince shows that the major function relates to police work, not defense. Therefore, one is dealing with a major restructuring that would radically alter the current alignment of those who are police and army. While this assessment recognizes the desirability of the separation of police and army functions, most Haitians are unaware of the full implication of actually implementing this constitutional provision. Civic education programs should address this difficult issue.

## 3. Civilian - Military Relations

For civilian government to be established and maintained, the military must develop trust in civilian rule. This does not exist. To develop trust, one must first develop positive relationships between military and civilian leaders. Through an A.I.D. funded study project, the American University's School of International Service and a private Uruguayan organization have not only developed new information on civil-military relations in Latin America, but also have significantly increased dialogue among military and civilian leaders in the region. A 1988 conference in Washington attended by more than a hundred internationally renowned scholars, civilian defense experts and military leaders from North and South America created a new network among the participants. Discussions during and after the conference indicated that attention to and analysis of the proper role for the military in a democratic society is an important area for support. Participants have taken the lead on maintaining and extending the dialogue.

An invitation was sent to the Haitian Ambassador to the U.S, a former military officer, to attend the second conference in June, 1989, in Guatemala. Further participation by Haiti should be encouraged in this network. An effort should also be made to begin a local dialogue with civilian and military leaders in Haiti on the proper role of each in a democracy. Depending on how such a program is designed, it may be possible for A.I.D. to fund some law enforcement personnel in broader civic education activities.

#### D. Elections and the CEP

The assessment recommends that the objective for A.I.D. assistance should be to help assure free, fair and popular elections. The issue of popular elections is critical, and the most difficult for A.I.D. to address. The principal concern for outside assistance is to assure that there is progress towards meeting the conditions as established by the Haitian people for credible elections, e.g, justice and security. Without progress in this area, one could have free and fair elections, but with extremely limited participation.

The funding needs for the CEP will be determined by the type of election law that is adopted, and the election time schedule. A major cost element is the type of voter registration. Our concern is that the CEP not be attracted to high tech solutions inappropriate to Haiti. Since the CEP has not made decisions on these matters, we cannot presently determine specific funding needs.

There will be limited desire or need by the CEP for large inputs of outside technical consultants. Some visits by election experts should be sufficient to meet technical requirements. The American election expert who provided some assistance in 1987 could with a few short visits provide appropriate technical advice. It is possible that there could be a role for CAPEL in providing some technical assistance. The major need will be for administrative and logistical services. The government should take major responsibilities for supporting the CEP in this regard.

The major funding requirement for A.I.D. will be for local currency funding for the CEP. The funding mechanism will again be through the Ministry of Finance. The contribution by the government should be high enough to show a major commitment. The A.I.D. portion, and hopefully that of other donors, would be determined by negotiations.

A major effort for a civic education campaign by the CEP and other groups will have to be undertaken to encourage the people to vote. While the CEP can fund such a program (with support from A.I.D. and others), its effectiveness will depend in a large part on factors outside of its control. The CEP's responsibility will be to develop its own credibility and trust by the Haitian people.

#### D. Two Year Time Frame

Within this time frame, A.I.D. should limit its assistance to the private sector. Emphasis should be placed on having the different sectors reinforce each others work, and develop coordinating mechanisms. The limited organization development of the organizations will require financial and administrative assistance in combination with program support. Other than civic education and umbrella grants, the grants would be relatively small, in the range of \$10,000 to \$50,000 a year. We do not see a need for large inputs of outside technical assistance. There were two conditions by local groups given for acceptance of funding by A.I.D.: the assistance not be tied to elections, and that there be no political conditions attached. The assistance should expand on already existing local initiatives. Priority should be given to programs that expand outside of Port-au-Prince.

#### 1. Private Sector

a) Civic Education - People from all sides of the democratic political spectrum recognize the importance of popular education. This concern related to three basic issues: (a) elections, (b) justice, and (c) local democratic institutions. Various types of organizations take an interest in civic education, but they tend to specialize. Political parties and electoral institutions are focused on electoral education. Human rights and legal service organizations are interested in the administration of justice. Peasant councils and PVOs doing community organization take a special interest in grass roots participation in local democratic institutions. There is general concern that popular education for democracy should stress both rights and responsibilities. Also, the inclusion of the military and the section chiefs were mentioned as an important element in some civic education programs.

Some PVOs prefer to separate electoral education from other issues. They are concerned about undermining their credibility by appearing to support elections which may not be fair and free. The staff of Radio Soleil stress a balanced approach. Civic education should be supported by the availability of legal assistance and other support networks in order to avoid recriminations against citizens who speak out in defense of their rights. Overall, it is clear that there is a strong institutional base of support for popular education in elections, justice, and democracy. The network of non-governmental institutions with interest in civic education includes the following:

- labor unions.
- PVOS, including Haitian Association of Voluntary Agencies (HAVA), and numerous PVO affiliates.
- Political education organization: IHRED, CDRH, and political parties.
- School systems, including church schools: There is interest in creating texts and courses in civic education. A course in civic education was dropped from the public school curriculum during the Duvalier era.
- Churches, Catholic and Methodist church representatives have indicated an interest in civic education.
- Human rights organizations. The team is aware of 10 human rights organizations in the country. Most of these organizations stress popular education and the monitoring of abuses primarily in Port-au-Prince.

b) Human Rights Protection - There appears to be an existing funding base for human rights groups. The team has identified legal services as a gap in this sector. The human rights organizations appear to be doing more education than advocacy. Another gap is geographic. Most activities are based in Port-au-Prince. It is important to develop a human rights monitoring system in rural areas, where the most pervasive abuses of human rights takes place. HAVA and IHRED have an interest in developing such a network. This would require additional funding.

To determine the quality of current human rights education, we suggest that the Inter-American Human Rights Institute (IIDH) in Costa Rica send a fluent French speaking human rights expert to Haiti for an evaluation of the current programs. This evaluation would recommend ways to strengthen already existing Programs. IIDH is already developing a program for human rights organizations in the Caribbean, including Haiti.

The human rights sector is complicated by political considerations. Most of these groups were organized in the period after the fall of Duvalier by returning exiles. A number of the personalities associated with these groups are active in political parties and candidacy for office. The team does not view this political association as completely negative. It is encouraging that individuals view work in human rights as a means to increase their political viability. The team believes that programs can be set up to limit political advantage while improving human rights activities.

c) Legal Services - Although there are a few lawyers with a commitment to public service, the legal profession has shown no interest in providing legal service to the poor or disenfranchised. An A.I.D. human rights project with the Bar Association in the late 1970s never was able to move forward, and was de-obligated in 1981 with no funds spent. Legal counsel is very expensive, and there is little pro bono work being done. L'Amicale des Juristes, a young lawyers club, is providing pro bono representation of indigents in the Port-au-prince court system. This group is also involved in popular legal education. It would be useful to assist this group in collecting the statutes and creating texts for popular dissemination.

There is also a problem of identifying appropriate internships for law school graduates. Legal services and human rights organizations might well benefit from a program of tuition subsidy for law school graduates who are required to complete two years of legal internship. A stipend of \$150/month per intern would make for a viable program. The Land Tenure Center of the University of Wisconsin has proposed doing such activities.

HAVA has a program for legal education and services in the Artibonite funded by the IAF and the Dutch. HAVA would like to expand this program to other rural areas in Haiti. This expansion should be considered for funding.

The law school at the University of Maine, which has other contacts with Haiti, would be another source of technical assistance. They have been able to provide French speaking professors to support the VOA program. There is also the potential for French speaking legal assistance from the University of Wisconsin Land Tenure Center and the Law School of the University of Alabama. A.I.D./Washington lawyers who backstop the Haiti program and the A.I.D. lawyer who will be stationed in Kingston and will cover Haiti should also be able to provide assistance in this area.

d) The Media and Journalism - This is a key area in view of the importance of assuring freedom of expression and a free flow of information. Radio media are absolutely essential for civic education and generating popular support for elections. FIU has recently been working with the School of Communications at the University of Haiti to develop a practical curriculum for training journalists. A.I.D. funds could be added to expand this program. The VOA program could be expanded to include short-term training of journalists in specific areas, such as human rights, legal rights and responsibilities, and labor codes and rights. VOA has a well-regarded advisor who runs its training program. She could be used for additional programs.

Assistance could also be directed at developing and coordinating already existing journalist associations. A series of roundtables and workshops could be a beginning for developing the institutional capacity of these associations. For additional training related to the planned School of Journalism at the University of Haiti, provision of equipment in broadcast and print journalism should be considered with curriculum development. Such equipment could cost around \$500,000. One possibility would be to look for donated equipment.

It would also be useful to develop a broader range of Creole programming in the area of civic education, justice and democracy. Provincial radio stations are under-funded, and would make good use of additional program material. The content of the current IHRED program on civic education should be considered for adaption to radio broadcasts in Creole.

e) Labor - The objectives under the AIFLD program are (a) to strengthen the leadership and institutional capacity of the trade union movement to function effectively on behalf of the rights and aspiration of workers and (b) to enhance the involvement of the trade union movement in Haiti. An evaluation is scheduled for the first two years of the program. There appears to have been limited progress in the project. USAID/Haiti has changed monitoring responsibilities to the Office of Private Enterprise.

Several of our interviewees consider the current legal code good, but not enforced. The team recommends that labor rights and responsibilities be incorporated into the other components--civic education by community groups and the media for labor groups, and legal services for those whose labor rights have been violated.

f) Political Parties - The specific needs of the political parties cannot be determined until there is an election calendar. The parties are strong in their desire for presidential elections first and soon. If local elections begin the election process, the parties which have no strong base outside of Port-au-Prince will find it very difficult to organize and campaign at the local level. We recommend that a review be made by an outside expert once an election calendar has been set.

NDI has a program to strengthen political parties. A survey has been conducted, but could not be collected because of the political unrest in April.

## 2. Public Sector

The most important element of the strategy in the public to improve the administration of justice before and during the election process. The problems in this area are innumerable, the weaknesses of the Ministry of Justice compounds the problem. The chiefs de section are the key factor in whether the vast numbers of Haitian citizens will experience less abuse. Our interviewees had examples of abusive chefs who were removed from their jobs when the people joined forces and complained. While no chief has been disciplined for any abuse, the removal of a particularly abusive chef is a step forward. In great part, Haitians do not know what are the responsibilities and duties of a section chief. The assessment recommends that local officials who deal with local people, including chiefs de section, be incorporated into civic education programs. We do not recommended any assistance to the public sector at this time.

## 3. The A.I.D. Core Program.

To have the A.I.D. core program reinforce the goals and objectives of a program in democratic development, the assessment recommends that a review of the core program take place to identify where the regular program can be strengthened or expanded to enhance democratic concepts.

## E. Five Year Time Frame

If there is a civilian government, the assessment believes that it would be appropriate to assist in the development of government institutions that are directly related to the democratic system laid out in the Constitution of 1987. They are:

### 1. Executive Branch

- Establishment of the Ombudsman Office.
- Functioning Superior Court of Auditors and Administrative Disputes.
- Establishment of a National Institution for Agrarian Reform.

### 2. Legislative Branch

- Orientation and training program for newly elected members.

### 3. Administration of Justice

- Improvement in the functioning of the Supreme Court
- Improvement in the Ministry of Justice, especially at the local level.

The needs of a new civilian government to provide basic services will be immense. The first priority for assistance under a democratic program would be the establishment of the Ombudsman Office. An A.I.D. funded legislative management project is being developed, and A.I.D. has a large administration of justice program. A Haiti component could be added to these two projects. The legislative training should also be a high priority since a functioning legislature could help to balance the power of the president.

The private sector program under the two year time frame could be expanded in all aspects. The principal areas would be civic education, human rights, legal education and services, the media, and labor.

## VIII FUNDING AND MANAGEMENT STRUCTURE FOR IMPLEMENTATION

### A. Funding

For the first year of the program, the team recommends a level of funding of \$1 million, and \$1.5 to \$2 million for the second year for the private sector program not related to elections. Dollar funding would be necessary to cover two personal service contracts (see below), and additions to ongoing activities with FIU and VOA. Local currency would be needed to provide financial and administrative assistance to the groups. The amounts for each grant will be relatively small in comparison to A.I.D.'s regular program. The concern is that A.I.D. does not overfund these groups. The breakout of the various components would be:

|                         |           |
|-------------------------|-----------|
| Civic Education         | \$375,000 |
| Human Rights Protection | \$75,000  |
| Legal Services          | \$200,000 |
| Media and Journalism    | \$100,000 |
| Financial & Adm. Asst.  | \$50,000  |
| Contractors             | \$200,000 |

Funding for civic education programs as part of the election process should be covered by local currency. We do not see the need for outside technical assistance for these programs. These programs would be in addition to the CEP election education programs. The approximate amount would be \$500,000 in local currency. This amount would vary considerably depending on the election calendar. Dollar funding will also be necessary for several short visits by an election expert-- approximately \$15,000.

### B. Overall Framework

For the private sector program, the team recommends that an umbrella structure be set up to oversee the program in Haiti. This advisory body would meet on a regular basis and exchange information on the various components of the program. Within USAID/Haiti it would include the Offices of Human Resources and Program and Project Support, and local staff where appropriate. From the Embassy, there should be the Political Officer and from USIS the Counselor for Public Affairs. This would help insure the sharing of information and coordination of U.S. support to democratic initiatives.

C. Personnel Needs

The recommended program in the private sector as well as the election support program will be labor intensive. One PSC is needed in each area. We recommend that the private sector program be under the Office of Human Resources. It is appropriate that the Program and Project Support Office serve as the focal point for the election project. These activities are politically sensitive, and for that reason we believe that an American or foreign passport should be a requirement for both contractors.

ANNEX I

LIST OF CONTACTS AND PERSONS INTERVIEWED

USAID Mission

Gerald Zarr, Mission Director  
Franz Herder, Deputy Director  
Richard Burns, Project Development Officer  
Alfred Ford, Supervisory Program Officer  
Rosalie Fanale, Project Development Officer  
Dana Fisher, Education Officer  
Mike White, Director, Human Resources Office  
Patrick MacDuffy, Human Resources Office  
Gabriel Verret, Office of Private Enterprise Development  
Martial Bailey, Program Specialist, Public Information

U.S. Diplomatic Mission

Brunson Mckinley, Ambassador  
Douglas Watson, Deputy Chief of Mission  
Jeff Gallup, Political Officer  
Steven Keshkett, Political Officer  
Major Robert Guyette, Defense Attache  
John Beaulieu, Assistant Defense Attache  
Wendell Albright, Political Officer  
Susan Ann Clyde, USIS, Counselor for Public Affairs  
Stuart King, USIS, Press Officer

Non-Governmental Organizations

Andre Apaid, President, Alpha Electronics; Board Member,  
ADIH, Association des Industriels Haitiens (Haitian  
Association of Industrialists)  
Kathy Mangones, Director, Haitian Association of Voluntary  
Agencies (HAVA)  
Leopold Berlander, Director, IHRD, Institut International  
d'Haiti de la Recherche et du Developpement  
(International Institute of Haiti for Research and  
Development)  
Yves Joseph, Training Coordinator, IHRED  
Jacques Jovin, Director, AGAPCO, Agence d'Approvisionnement  
des Pharmacies Communautaires (Supply Agency for  
Community Pharmacies); Treasurer, 1989 CEP  
Seminar on justice and democracy (IHRED), Jacmel region  
Peasant leaders, La Vallee de Jacmel

Church

Father Joseph Lafontant, Auxiliary Bishop, Catholic Archdiocese  
Father Kebreau, Auxiliary Bishop, Catholic Archdiocese  
Father Joseph Serge Miot, Permanent Secretary, Catholic  
Conference Episcopale d;Haiti  
Lay leaders, Catholic base church movement

1987 Elections

Marc-Antoine Noel, former Director-General, CEP, Conseil Electoral  
Provisoire (Provisional Electoral Council)  
Jean-Claude Roy, former staff member, CEP  
Jean-Paul Poirier, International Projects, Price Waterhouse  
Robert Courtois, International Services, Price Waterhouse  
Georges Nicolas, Director, CDHR, Centre de Developpement des  
Ressources Humaines (Human Resource Development Center)  
Ed Scott, Project Advisor, CDRH  
Charles Tardieu-Dehoux, staff member, CDRH  
Licnel Leconte, staff member, CDRH  
Richard Etienne, staff member, CDRH  
Gabriel Verret, former staff economist, Ministry of Finance  
Bagnar Arnesen, former Organization of American States (OAS)  
Haiti Representative

Political Leaders

Marc Bazin, presidential candidate, MIDH, Mouvement pour  
l'Instauration de la Democratie en Haiti (Movement for  
the Establishment of Democracy in Haiti); former  
Minister of Finance (1983)  
Francois Latortue, presidential candidate, Mouvement  
Democratique pour la Liberation d'Haiti (Democratic  
Movement for the Liberation of Haiti); former Minister  
of Justice (1986)  
Victor Benoit, CONACOM, Comite National du Congres des Mouvements  
Democratiques (National Committee of the Congress of  
Democratic Movements), history professor, College  
Price-Mars  
Serge Gilles, PANPRA, Parti National Progressiste Revolutionnaire  
Haitien (National Progressive Revolutionary Party)

Human Rights

Joseph Maxi, President, LHDH, Ligue Haitienne des Droits Humains  
(Haitian League of Human Rights)  
Victor Benoit, Director, IMED, Institut Mobile d'Education  
Populaire (Mobile Institute of Popular Education)  
Jean-Jacques Honorat, Executive Director, CHADEL, Centre Haitien  
de Defense des Libertes Publiques (Haitian Center for  
Defense of Public Liberties)  
Arnold Antonin, Director, RENADDWAM, Reseau National de Defense  
des Droits de l'Homme (National Network for the Defense  
of the Rights of Man); Director, Centre Bolivar-Petion  
(Center for Bolivar-Petion)

Administration of Justice

Yves Barbot, Director-General, Ministry of Justice  
Chantal Hudicourt Evald, Member of Bar Association  
Rene Julien, Member of Bar Association  
Levelt Dorcile, Member of Bar Association  
Membership meeting, L'Amicale des Juristes (Club of Young Lawyers)

Media

Jean Dominique, Journalist, Director, Radio Haiti Inter  
Yves-Marie Chanel, Journalist, News Director, Radio Soleil  
Louis Jacques, Pastoral Director, program host for "Garanti Lalwa"  
(Law Guarantees), Radio Soleil

U.S.

Francois Benoit, Haitian Ambassador to the U.S.  
Steve Horblitt, staff, Congressman Walter Fauntroy  
Francine Marshall, staff, Western Hemisphere Subcommittee,  
House Foreign Affairs Committee  
Bob McGuire, Haiti Representative, Inter-American Foundation  
Alain Rocourt, Former treasurer of the CEP, 1987.  
Carl Gershman, President, National Endowment for Democracy  
Mike Stoddard, Staff, National Democratic Institute for  
International Affairs  
Peter Habermann, Faculty, School of Communications, Florida  
International University  
Harry Heintzen, Director, Center for International Training,  
Voice of America

U.S. con't.

Robert Clutchev, Assistant Dean, Law Faculty, University of  
Southern Maine, Portland  
Norman Singer, Professor of Law, Law Faculty, University of  
Alabama, Tuscaloosa  
David Standfield, Director for Latin America, Land Tenure  
Center, Universty of Wisconsin

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## ANNEX II

### CHRONOLOGY OF RECENT U.S. ASSISTANCE TO HAITI 1987

#### 1987

- Nov. 29 Elections in Haiti aborted by violence; USG suspended all non-humanitarian assistance to the government, later clarified to include all assistance to the Government of Haiti (GOH).
- Nov. 30 \$70.0 million in U.S. assistance to the GOH cancelled, including all Economic Support Funds (ESF), P.L. 480 Title I and III sales, and all proposed new Development Assistance (DA) public sector projects (\$59.8 million) and all existing undisbursed public sector DA projects (\$10.2 million).
- Dec. 23 Continuing Resolution passed by Congress, with Section 569 prohibiting aid to Haiti, with seven specified exceptions, most importantly, aid through private voluntary organizations (PVOs) and other non-governmental organizations (NGOs).

#### 1986

- Jan. 15 Termination notices delivered on USAID projects with the GOH.
- Feb. 7 Leslie Manigat installed as President of Haiti.
- March 4 U.S. Department of Agriculture (USDA) authorized  
to \$9.0 million in GSM-102 credits for commercial  
May 3 purchase of wheat, lumber, and rice from the U.S.  
(one year non-concessional credit, not prohibited by  
Section 563).
- June 19 Henri Namphy replaced Leslie Manigat as President of  
Haiti.
- Sept. 17 Prosper Avril replaced Henri Namphy as President of  
Haiti.
- Sept. 29 A.I.D. reached agreement with GOH on allocation of \$15.0  
million worth of GOH-owned local currency from  
pre-suspension U.S. aid, split 50/50 between private and  
public sector activities.

1988

- Sept. 30 By September 30, the end of FY 1988, A.I.D. obligated for PVOs and NGOs a total of \$39.6 million, including \$20.8 million in new DA, \$8.7 million in P.L. 480 Title II food, and \$10.1 million in reobligations of prior year money.
- Sept. 30 FY 1989 Foreign Aid Appropriations Act passed, including Section 563 prohibiting aid to the GOH, with ten exceptions.
- Oct. 1 Sense of Congress Resolution 149 passed on the conditions required before full restoration of U.S. assistance to Haiti.
- Oct. 20 USDA authorized \$10 million in non-concessional GSM-102 credit guarantees for sale of U.S. wheat to Haiti.
- Nov. 12 A.I.D./GOH agreed on allocating \$4.2 million of local currency (\$935,000 in local currency remains unallocated, including \$735,000 from ESF and \$200,000 from Title III sources).

1989

- March 14 Department of State made legal determination, subject to Congressional consultations, that Haiti was now in compliance with its March 1987 Constitution, thus meeting conditions under Section 563. Congressional consultations began on proposed PL 480 monetized food aid to the GOH.
- April 30 To date, A.I.D. has obligated \$11.0 million of its FY 89 \$24.5 million Development Assistance budget for PVO/NGOs in Haiti. \$14.1 million in P.L. 480 Title II food aid is also planned.

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