Political Will
for
Decentralization
in
Haiti

by

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with
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Some Comments on Political Will

Relations between central and local government

"The central government is a festering sore for the mayor's office."
    - Mayor of a secondary city

"Relations between central government and communes are a calamity."
    - Mayor of a rural commune

Governance

"Currently, no institution operates according to the constitution."
    - Senator Wesner Emmanuel (Independent, Ouest)

"We are living a virtual democracy in a backward society."
    - Leslie Manigat, ex-President of Haiti (RDNP)

"We're in transition to correct governance; Haiti has been in transition since 1804."
    - Coordinator of a communal sectional council (CASEC)

Political Parties

"We don't want to be at the tail end, never seeing face to face with party leaders."
    - A CASEC coordinator

"They want to decide in the name of the people rather than with the people."
    - Municipal Delegate, Jacmel

Decentralization

"The biggest thing that could happen in this country."
    - A CASEC coordinator

"Civil society is an indispensable instrument of decentralization."
    - Gérard Pierre-Charles, General Coordinator, OPL

"Decentralization is a necessity for the development of the country, via participation."
    - Yvon Neptune, Spokesperson, Fanmi Lavalas

Preface

The five-member team generated this report primarily from open-ended interviews, documents, the team's synthesis and joint reflections between January 17 and February 19, 2000, and some additional input and feedback on earlier drafts, received in April and May. This final version of the report has been updated somewhat following the first round of elections carried out in May; however, the team's overall analysis still holds, and its basic findings and recommendations remain current.

Glenn Smucker served as primary author of the present report; however, its findings and conclusions are very much the product of a team effort. Pharès Pierre and Craig Olson contributed notes on the legal framework for decentralization and interviews with political leaders. Yves-François Pierre contributed brief texts on communal government and traditional sources of leadership. Marc-Antoine Noel and Craig Olson served on the team on a part-time basis. Craig Olson served on the team between January 17 and February 3.[1]

The DAI team is deeply appreciative of the forthright responses of interviewees and their patient collaboration in this tour of decentralization and political will. People contacted in the course of this study constitute a fascinating cross-section of opinion makers in Haitian society (see Annex A). Without exception, interviewees demonstrated a high degree of tolerance in responding to difficult questions; however, the team assumes sole responsibility for findings and conclusions in this study.

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[1] DAI fielded an initial local government and civil society assessment team in November and December of 1999 on behalf of the USAID Haiti Mission. Four contributors to the present report had served on the earlier team (Marc-Antoine Noel, Craig Olson, Pharès Pierre, and Glenn Smucker). One member was not a part of the initial assessment team (Yves-François Pierre).

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I. Introduction

Background

This is the second report prepared by Development Alternatives, Inc. (DAI) under the terms of a contract with USAID Haiti to assess local government and civil society, and to support Mission redesign for these sectors. Local government and civil society are critical components of the Mission's Democracy Enhancement Project (DEP) and its Strategic Objective for democracy and governance in the period 1999-2004 (see text box).[2] The overall objective of the DAI contract has been to assist in design of a program of support grounded in lessons learned from project experience since 1995, current political realities, and a Haitian vision for civil society and local government.

> **Strategic Objective**
> *More Genuinely Inclusive Democratic Governance*
> **Intermediate Results**
> **1:** *Civil society organizations positively influence policies*
> **3:** *More responsive governance by local elected officials*

The first DAI report included an assessment of two USAID projects under the DEP: Asosye, a civil society support project operated initially by Americas's Development Foundation (ADF) and presently by Management Systems International (MSI); and the local government support project operated by Associates in Rural Development (ARD-PACTE, Programme d'Appui aux Collectivités Territoriales).[3] As noted in the DAI assessment report, the period since 1995 has been deeply marked by severe political and constitutional crisis, and limited progress in decentralization despite the return of constitutional government in late 1994.[4]

In response to concerns raised by the Mission, the present report further explores the political commitment to decentralization among critical stakeholders both inside and outside of government. Political will is without a doubt the pivotal factor in decentralization. It directly confronts the imperative to design programs rooted in a Haitian vision and Haitian political and social realities. Clearly, the orientation of program assistance should flow from a well-grounded analysis of obstacles and opportunities. This report revisits the question of political feasibility as it pertains to program design. Its findings anticipate various program options that the Mission might pursue in support of democracy and decentralization.

Given the politically volatile circumstances that predominate in Haiti, project design is necessarily an iterative process. Proposed elements of project design should be reviewed and perhaps reoriented in light of the results of the electoral cycle still underway after a

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[2] The other two intermediate results (IRs) of this strategic objective are as follows: *Elections are more credible* (IR 2), and *People increasingly treated according to the rule of law* (IR 4).
[3] C. Olson *et al*., *Local Government and Civil Society in Haiti: An Assessment of Two Components of USAID/Haiti's Democracy Enhancement Project*, Bethesda, DAI, December 1999.
[4] See pages 19-22, "The Evolution of Constitutional Democracy in Haiti 1995-1999. "

series of postponements. This emphasizes the importance of flexibility in the process of project design.[5]

U.S. democracy assistance in the 1990s was designed on the basis of the following assumptions – none of which held up during project implementation:
- The Haitian government shares project commitment to decentralization and would put into place the mechanisms necessary to implement it.
- Parliament would be present and committed to passing the enabling legislation.
- Local government bodies would be put into place and able to function legitimately during the life-of-project period.
- The U.S. government consistently supports collaboration with the government of Haiti for decentralization assistance.

Recent project experience thus points strongly to the need for a flexible strategy in implementing ongoing projects for democracy assistance. Program assistance for civil society and local governance must be prepared to adapt to rapid changes in the Haitian political environment. This is a clear lesson drawn from the project experience of ARD-PACTE and Asosye since 1995, and also from earlier forms of U.S. democracy assistance including PIRED (Projet de Renforcement de la Démocratie en Haïti) operated by America's Development Foundation (1991-1995), and democracy grants in the late 1980s.[6] A flexible implementation strategy is also required in order to respond to the possibility of changing priorities for U.S. democracy assistance overseas in the wake of its own electoral cycle.

Tour of Decentralization

Between January 25 and February 16 the team interviewed over 60 people identified as stakeholders – though not necessarily supporters – of decentralization (see Annex A). Most contacts were open-ended interviews structured around a series of talking points. Some were unscheduled encounters that offered an opportunity to ask one or two brief questions. The team also made use of material from earlier interviews undertaken by the DAI assessment team in November and December of 1999. The overall list of people interviewed was not random and certainly not exhaustive. The team selected interviewees with a view to eliciting a range and variation of viewpoints among those whose interests are at stake. These informants reflect distinctly different social categories and contrasting political commitments. The team made a special effort to interview representatives of the business sector and political parties.

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[5]Interviews for this report took place during the electoral campaign prior to elections scheduled for March 19 then postponed to May 21. With the exception of Grand Anse Department, the first round of local and parliamentary elections were carried out on May 21, 2000, having been postponed four times. Runoff elections were scheduled for June 25, and presidential elections in the last quarter of the year 2000. Prior to the postponement of March elections, parliament was scheduled to go into session on June 12. This was then postponed. As of this writing, it is not yet clear when the upcoming parliament will go into session.
[6] See ARD (1996, 23) and ADF (1996, 5-11).

The basic approach was to explore the play of vested interests within and outside of government and the impact of these interests on decentralization. The guiding strategy was stakeholder analysis – a tool for assessing the political feasibility of decentralization and of support for more responsive local governance, including the role of civil society organizations. Aside from interviews, the team also reviewed pertinent documents and laws on decentralization.

Interviews with key informants were geared to identify points of entrée into the system and sticking points or obstacles to decentralization. Is there genuine political support for decentralization? Whose interests are threatened by reform? Who are the potential partners and prime constituencies for reform? How might project assistance best support reforms and reformers?

The team interviewed representatives of the following categories of stakeholders:
- Ordinary citizens of Port-au-Prince, provincial towns, and rural areas
- Local government officials – mayors, salaried municipal employees, members of communal sectional councils (rural), members of sectional and municipal assemblies[7]
- Central government officials – prime minister's office, senators, former parliamentarians, ministries, executive delegates, deconcentrated government services
- Political parties – candidates for office, party leaders
- Civil society organizations – associations of elected officials, private sector associations, church, women's organizations, grass roots peasant organizations
- Business interests – banking, manufacturing, commerce, services
- Journalism – radio and newspaper

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[7] Local officials interviewed had originally been elected but were serving past their mandated terms of office by appointment of the executive in the wake of the presidential decree of January 11, 1999. The only directly elected officials interviewed – who continued to hold office – were two sitting senators.

II. Legal Framework for Decentralization

The primary decision-makers, and the interests most threatened by decentralization, reside within central government; however, central government is not a monolithic entity. It does not speak with one voice. Conflicting interests are at stake within the state apparatus. Review of the legal framework for decentralization helps to clarify the varied interests of government stakeholders including local government, parliament, the presidency, ministries, and deconcentrated government.

Formal and Informal Rules

Field studies suggest that informal systems and informal institutions govern most aspects of daily life in Haiti, including local governance – despite Constitutional prescriptions for depersonalizing government. In contrast to the informal sector, the quintessential formal institution is presumably the central state; however, the assessment team found that even at the level of the central state, personal networks and informal arrangements are very much the norm. The political culture is deeply marked by old patterns of centralized authority, personalism, and patron-client relations. According to informants, some current high government officials have described themselves privately as "anarchists" – meaning they don't follow the rules. This is consistent with longstanding Haitian political traditions favoring the rule of men rather than laws.[8]

What can we learn from the present legal framework for decentralization? To what extent have constitutional provisions for decentralization been implemented by passage of enabling legislation and by government practice? What light does this shed on political will? The following paragraphs review legislation pertaining to decentralization, including laws passed by parliament or decreed by the executive since ratification of the Constitution in March 1987 (see Annex B for further reference on existing laws).[9]

Laws

The Constitution of 1987. The Constitution is the fundamental point of reference. The principles of decentralization, and of participation of the entire population, are announced in the preamble. The form of decentralization is described in articles on "local governments and decentralization" defined as communal sections, communes, and departments – including provision for local executives and local assemblies. The Constitution establishes the "administrative and financial autonomy" of communal government (Article 66). It provides for the Inter-Departmental Council as a channel for representing local governments at the highest levels of central government (executive

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[8] Also, see Smucker and Thomson (1999, 8-9) on operations of informal governance at the local level in Haiti, and White and Smucker (1998, 12) on informal networks of social capital within the state apparatus.
[9] The following review of the law elaborates on notes prepared by Pharès Pierre.

branch, council of ministers). Furthermore, Article 87-4 requires that decentralization be accompanied by deconcentration of public services.[10]

Decree of October 22, 1982, on the Commune.[11]   The Decree is the most current law on the organization and functioning of municipal government. This presidential decree from the old regime contradicts the later Constitution of 1987 in many respects. It does provide mayors with authority to census real estate for tax collection in "collaboration" with other authorized agencies of the state; however, municipal government does not have direct authority to collect taxes. The 1982 Decree does allow mayors to issue municipal decrees (*arrêtés municipaux*), including urban plans and budgets.

Decree of March 13, 1987, on the organization and functioning of the Ministry of Economy and Finance.[12] The Decree (Article 3) stipulates that the Ministry exercises financial control over local government bodies. This contradicts the "decentralized financing" (Article 217) of local government provided by the Constitution of March 1987, and the provision that public revenues allocated to local government be determined by law, as proposed by the executive and the Interdepartmental Council – the latter representing decentralized government.

Decree of September 28, 1987, restructuring the tax office (DGI, Direction Générale des Impôts).[13] Certain articles of the Decree pertain to local government but are distinctly unconstitutional.

- The Constitution assigns communes responsibility for managing state lands (*domaine privé de l'état*); however, the Decree retains DGI responsibility for state lands including rents, land inventories, concessions, sales, and acquisitions.[14]
- The Decree retains the principle of a central government service responsible for property census, statistics, and collection of taxes "on behalf" of local government. However, *municipal government has no authority over DGI tax functions*.
- The decree establishes the DGI as the sole agency authorized to bring suit on behalf of the state, thereby *circumventing direct recourse by municipal government* to a court of law to protect its interests and enforce municipal regulations and ordinances.

Decree of September 30, 1987, on the organization and functioning of the Ministry of Agriculture, Natural Resources, and Rural Development.[15] The Constitution (Article 81) authorizes the Departmental Council to prepare development plans – in collaboration with the central government, whereas the Decree (Article 4) asserts the Ministry's authority over rural development policy and practice.

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[10] See constitutonal Articles 61 through 87-5 in Title V, Chapter I, *Des collectivités territoriales et de la décentralisation* (CEDH 1997).

[11] Décret du 22 octobre 1982 sur la Commune.

[12] Décret du 13 mars 1987 sur l'organisation et le fonctionnement du Ministère de l'Économie et des Finances.

[13] Décret du 28 septembre 1987 restructurant la Direction Générale des Impôts.

[14] Compare Article 74 of the Constitution with Article 2 of the Decree of September 28, 1987.

[15] Décret du 30 septembre 1987 sur l'organisation et le fonctionnement du Ministère de l'Agriculture, des Ressources Naturelles, et du Développement Rural.

Decree of May 17, 1990, on reorganization of the Ministry of Interior.[16] The Decree creates a department of local government (Direction des Collectivités Territoriales) with tutelage (*tutelle*) or trusteeship over municipal, sectional, and departmental governments. This raises questions about the administrative and financial autonomy of communal government prescribed by the Constitution.[17] The Decree on the Ministry of Interior contradicts Constitutional provision (Article 87-1) for the Interdepartmental Council to serve as "liaison" between local governments and the executive.

Audits and financial oversight. The May 17 Decree also overlaps the Constitutionally mandated role of the Cours Supérieure des Comptes et du Contentieux Administratif (see Articles 200-205), *an autonomous agency responsible for financial and administrative oversight of state finances – including local government*. Despite its mandate, the Cours Supérieure des Comptes et du Contentieux presently has no offices outside of Port-au-Prince.

- In practice, local government autonomy should be accompanied by external financial oversight and audit functions (see reference to the Cours Supérieure des Comptes in Annexes B and C).
- As an autonomous agency, the Cours Supérieure des Comptes et du Contentieux Administratif is authorized to act independently of the executive and its line ministries including the Ministry of Interior.
- This is a potentially powerful role in support of transparence. In effect, by exercising its role as independent auditor, the Cours Supérieur provides an alternative to central government tutelage and toward local government autonomy (and responsibility).

Decree of May 17, 1990, on executive delegation.[18] According to Article 3 of this decree, the direct representative of the executive appointed to each department is the hierarchical superior of all civil and military authorities of the department. This again contradicts Constitutional provisions for municipal autonomy, and overlaps the tutelage role of the Ministry of Interior, as noted above.

Law of November 29, 1994, covering the creation, organization and functioning of the National Police.[19] This law provides for deployment of national police in communal sections and communes (Article 6). The national chief of police names local police commissioners at the municipal level. The municipal commissioner's sole obligation to the mayor consists of providing a monthly report (Article 52). Policing is thus a deconcentrated service of a national agency, and municipal government has no direct authority to enforce compliance with municipal ordinances and regulations.

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[16] Décret du 17 mai 1990 réorganisant les structures administratives du Ministère de l'Intérieur.

[17] See Cantave (1996, 24-27) for a discussion of this issue, communal autonomy versus central government control.

[18] Décret du 17 mai 1990 sur les délégations

[19] Loi du 29 novembre 1994 portant création, organisation et fonctionnement de la Police Nationale.

Law of April 4, 1996, on the organization of communal sections.[20] This law implements constitutional provisions for civilian governance of communal sections, the lowest jurisdiction of government. Despite flaws, this law was an important step in implementing decentralization.

The National Commission for Administrative Reform (CNRA) attached to the office of prime minister recommends that the April 4 law be amended or replaced by a new law.[21] A number of party leaders and local government officials interviewed also support this view. The law is incomplete and has provisional articles dependent on subsequent passage of other legislation. Other problems with the law include the following:

- The law provides for locality representation within the communal section, but imposes an electoral requirement to elect slates (*cartels*) rather than individuals. The *cartel* requirement tends to undercut the principle of localism and locality representation with the section, and limits opportunity for local civil society organizations to participate in local governance. It tends to encourage an orientation to external political affiliations rather than local interests and local organizations.[22]
- There is confusion regarding the degree of autonomy and local control exercised by local government in light of "supervision" to be provided by external bodies of government.
- The law provides for direct election of town delegates (*délégué de ville*) to the municipal assembly, but lacks any definition of the role and mandate of town delegates.
- The articles referring to the municipal assembly do not provide – for urban citizens – the structural equivalent to ASEC-CASEC in communal sectional government. This raises questions about decentralization as it pertains to urban neighborhoods.
- There is an apparent confusion in defining the commune as an urban municipal center versus its mandate as a jurisdiction that includes both the urban center and adjoining communal sections that are mainly rural.

Law of May 28, 1996, creating a management and development fund for local governments (FGDCT).[23]   This fund is an important step. It is financed by allocations from the national budget, foreign assistance, grants, taxes, and financial agreements with local government bodies. The law provides for a commission of eleven members to manage the fund – a representative from each departmental council (nine) and a representative of the Ministry of Finance and of the Ministry of Interior. Since the executive decree of January 11, 1999, terminating the mandates of local elected officials, responsibility for this fund has been transferred back to the Ministry of Interior.

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[20] Loi du 4 avril 1996 portant organisation de la Collectivité de Section Communale

[21] Interviews with Tony Cantave. Also, see Cantave (1996) for a detailed critique of this law.

[22] See M-A Noel (2000), "La formule 'cartel' au niveau des ASECs."

[23] Loi du 28 mai créant un Fonds de Gestion et de Développement des Collectivités Territoriales (FGDCT).

Law of July 31, 1996, establishing contributions to the FGDCT as a complement to communal revenues.[24] This law supplements the May 28 law, provides further details regarding revenues to support the fund, and authorizes the Inter-Departmental Council to distribute these revenues – as advised by the nine Departmental Councils.

Findings

1. The Constitution of 1987 enunciates strong commitment to decentralized governance and to local participation in the political process.
2. The Constitution relies heavily on the installation of assemblies as the key to decentralized governance, and to dilution of executive power at the center.
3. Other laws pertaining to local government are contradictory and reflect different political eras, including hallmarks of the old regime (before February 7, 1986).
4. Laws are not implemented or are only partially implemented. Some laws provide for provisional features to be supplanted by new legislation.
5. The body of law includes numerous unconstitutional provisions, including most governance laws passed since ratification of the Constitution of 1987.
6. The body of law suggests a considerable degree of reluctance to devolve genuine authority to local governments.
7. The laws show marked ambivalence with regard to the principle of local government autonomy and to enunciating clearly defined separation of powers.
8. Legislation imposing slates (*cartels*) rather than individual candidacies for local office undercuts locality representation and encourages an orientation to external political affiliations rather than local interests.
9. As embodied in current legislation, urban citizens are less well represented than rural citizens in the structure of decentralized governance.
10. The law tends to translate the legitimate need for oversight of local governments into language suggesting direct supervision or tutelage.
11. It would be useful to strengthen and deconcentrate the Cours Supérieure des Comptes et du Contentieux Administratif as an autonomous agency responsible for audits and oversight of government finances, both central and local. This is a critical element in formalizing local government autonomy while promoting financial transparence.
12. Most laws affecting local government were passed by executive decree rather than parliamentary action.
13. Most executive decrees have run counter to decentralization.

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[24] Loi du 31 juillet 1996, établissant, en complément des recettes communales, des droits internes dénommés: Contributions au Fonds de Gestion et de Développment des Collectivités Territoriales.

III. Parliament

The Constitution of 1987 significantly limits presidential powers – especially in comparison with past governments and traditional political culture; however, the Constitution does not establish a full parliamentary system of government. Furthermore, the present body of law remains focused on the prerogatives of presidential power over all other centers of power. The parliament has the potential to exercise considerable power, but it is not yet firmly established as an institution. Parliamentary practice remains weak, as is evident from recent political history, suspension of parliament by presidential decree, and interminable delays in holding elections. Nevertheless, parliamentary action is crucial to implementing the legal framework for decentralization.

46th Legislature

Why were the 1996 laws passed? First of all, the 46th Legislature enjoyed a period of relative harmony in the aftermath of the return of constitutional government and the electoral cycle of 1995. With the return of President Aristide, there was an initial period of euphoria and the renewal of hope for more democratic institutions. The decentralization laws of April, May, and July 1996 were passed during this initial period of unity. The Organisation Politique Lavalas (OPL) commanded a majority in both houses of parliament and the movement had not yet split into two parties (OPL – Organisation du Peuple en Lutte and OFL – Fanmi Lavalas).

Secondly, there were important political motivations for rapid passage of the Law of April 4, 1996. Party leader René Théodore (MRN) has stated that the law was passed "to flatter the masses."
- There were political pressures from below – local government officials and their associations, particularly FENAMH, representing the majority of the electorate.
- There were political pressures from within party politics, since election of local assemblies is a constitutional precondition for appointment of judges, and very importantly for nomination of permanent members of the electoral council.

Is parliament vested in promoting decentralization? This depends in large part on the political and social make-up of parliament. Secondly, there are differences between the two chambers, and they should be evaluated separately. Senator Wesner Emmanuel noted that the Senate in the 46th Legislature passed an important law on local government, but it was never considered for a vote in the lower house. The eight remaining sitting senators reportedly voted in favor of this legislation. These senators will also serve in the 47th Legislation.[25]

During its first two years, the 46th Legislature definitely took an interest in decentralization; however, the 46th Legislature was stymied by tensions between

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[25] The proposed law was entitled, "Projet de loi cadre définissant les grands principes et les grandes orientation des collectivités territoriales haitiennes," and passed by the Senate in June 1996.

parliament and the executive due at least in part to decentralization, according to ex-Deputé Fils-Aimée.[26] This included important differences between parliament and the prime minister's office over government control of decentralization. Should it be the Ministry of Interior – in keeping with the views of the Commission on Interior and Territorial Collectivities, or should it be the Office of Prime Minister? The national budget of 1996-1997 channeled some financial support for decentralization through the prime minister's office. The Interamerican Development Bank approved a three million dollar loan to the Haitian government to help finance decentralization; however, the loan agreement was never ratified by parliament due to disagreement over the appropriate channel – Office of Prime Minister versus Ministry of Interior.

Current and past parliamentarians also note that the 46th Legislature passed the April 4, 1996 Law on Communal Sections without debate. This would suggest tacit parliamentary support but perhaps little intrinsic interest in decentralization. The absence of parliamentary debate was a sign of "bad faith," according to Evans Paul (KID). Former Député Fils Aimé (Independent), ex-president of the Commission on Interior and Territorial collectivities, has stated that most members of the lower house took little real interest in decentralization (46th Legislature). The Senate passed an important bill on territorial collectivities, but the Chamber of Deputies never debated or voted on this legislation.

High ratio of rural representation. There is a structural feature of parliamentary representation that might favor decentralization in the near to medium term. The Constitution (Article 90) calls for one deputy per municipality, or up to three in heavily populated communes. This would come to a minimum of 133 deputies instead of the 83 as presently constituted. In any case, both figures privilege the representation of rural areas over urban areas. For example, sparsely populated areas such as the North-East and North-West have a much higher ratio of representation in parliament than urban areas, especially Port-au-Prince.[27]

In short, the demographics of parliamentary representation have the effect of overrepresenting rural areas and underrepresenting urban areas. This provides an objective basis for promoting political support for decentralization in the short run, but may generate urban backlash in the long run.

Dispersing Power

Interdepartmental Council. In principle, full implementation of decentralized government is threatening to both the executive branch and parliament. Implementing Constitutional provisions for governance would generate true dispersion of central power – due specifically to the powerful role exercised by the Interdepartmental Council (CID). The CID serves as liaison between the executive branch and local governments, has a

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[26] See Fils-Aimée 2000, 41.

[27] See Myrlande Manigat 1995, 102-105). Also, Article 90 of the Constitution states, "Chaque Collectivité Municipale constitue une Circonscription Electorale et élit un (1) Député. La Loi fixe le nombre de Députés au niveau des grandes agglomérations sans que ce nombre n'excède trois (3)."

deliberative voice in cabinet meetings, and plays a powerful role in national policy, planning, and budgets. Furthermore, the CID – representing decentralized organs of government – has direct access to the executive and the national cabinet without going through parliament or individual parliamentarians.[28]

Spoils of office. On the other hand, the spoils of electoral success tend to promote political party interest in establishing the formal structure of decentralized government and the installation of local assemblies:

- Municipal assemblies are empowered to nominate candidates for local judgeships (*juges de paix*). The executive appoints judges from this pool of candidates.
- Departmental Assemblies are empowered to nominate candidates for nine departmental courts of appeal (*cours d'appel*).
- Most importantly, from a political perspective, the Departmental Assemblies nominate three candidates per department for "permanent" membership in the national electoral council (CEP). The executive, the supreme court, and parliament select the nine permanent members from this pool of candidates. These nine-year appointments represent very high stakes for political parties.[29]

High stakes. In the 45th Legislature (1991), according to Senator Emmanuel, efforts to implement decentralization were sharply opposed by the opposition in parliament due to these high stakes. Lavalas controlled a clear majority, and therefore had the most to gain from implementing assemblies. The majority party had particular incentive to implement decentralization since it would generate an opportunity for appointments, and control over the electoral council. Similar political dynamics came into play in the 46th Legislature with the division of Lavalas into two parties in 1997. In this case, the loss of majority control in parliament was followed by bitter struggle over the disputed election of assemblies and two senators in April 1997.

Financing as litmus test. Two 1996 laws created a mechanism for financing local governments. This is a positive step but does not necessarily reflect strong political will in favor of decentralization. Ultimately, decentralization requires a genuine transfer of power, authority, and resources. One concrete measure of commitment is the transfer of revenues. The new 1996 laws increased the allocation of funds for local government, and financed an increase in salary for poorly paid local elected officials. Parliament could significantly advance the cause of decentralization via the budgetary process alone, without waiting to pass additional enabling legislation.[30]

In the 1997-1998 fiscal year, total transfers to local government came to 108,506,161 *gourdes* in a national budget of 13,409,296,000 *gourdes* – a commitment of 0.81 percent

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[28] See Articles 87-87.5 of the Constitution on the *Conseil Interdépartemental*, and Article 217 on its role in decentralized financing. Article 87.2 states that the CID together with the Executive studies and plans decentralization and development projects from social, economic, commercial, agricultural, and industrial perspectives. This is a rather all encompassing national mandate attributed to the CID, as the representative of local bodies of government.

[29] See Article 175 of the Constitution on appointment of judges, and Articles 191-199 on appointments to the permanent electoral council.

[30] See Castor (1997, 25).

of national revenues. This transfer of funds was less than budgeted. The budgeted transfer of funds would have been 1.64 percent. In contrast, Colombia reportedly devoted 47 percent of national tax revenues to local governments in the early 1990s, and Bolivia two-thirds of the budget in the late 1990s. In the context of its own policy of decentralization, France budgeted 20 percent of the national budget for local governments in 1991. In France, this transfer of central government revenues covered about one-third of local government revenues, with the remainder coming from local taxes and other revenues generated directly by local governments.[31]

Findings

1. Parliament has moved forward the cause of decentralization by passing laws, including the creation of a special fund for local government.
2. There are contrary tendencies at play within parliament.
3. There has been a very small base of intrinsic interest in decentralization among parliamentarians.
4. There has also been passive support and some open opposition.
5. Some parliamentarians view full implementation of decentralization as threatening their own base of power, particularly in view of the powerful role of the CID.
6. Parliamentary representation presently favors representation of rural areas over urban areas.
7. The spoils of success – party influence over key appointments – have played a factor in promoting decentralization.
8. There may be significant differences between the Senate and the Chamber of Deputies. In the 46th Legislature, the Senate demonstrated greater interest and commitment to decentralization than the lower house.
9. A corps of eight sitting senators from the 46th Legislature is likely to serve as a basic core of support for decentralization in the 47th Legislature.
10. The parliament has proved itself able to pass laws on decentralization when a political party has controlled a clear majority of members of parliament.
11. Therefore, majority control better positions parliament to pass legislation on decentralization.
12. Parliament, with all its problems and its limited base of practical experience, has demonstrated greater commitment to decentralization than the executive branch.

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[31] Figures on France cited in Myrlande Manigat (1995, 108). Pharès Pierre provided figures on Haitian national budget and the reference to Colombia. Gérard Pierre-Charles contributed the reference to Bolivia.

IV. Executive Branch

This chapter is closely tied to Chapter II, Legal Framework for Decentralization, which defines the formal rules of governance. Despite partial application of constitutional reforms, and some dispersion of power, the executive branch continues to wield the predominance of power – especially the presidency. In its stakeholder analysis, the team sought interviews with a limited range of officials in the executive branch, including the national commission for administrative reform – an important center for development of decentralization policy.

Policy Reform

Commission Nationale de la Réforme Administrative (CNRA). The CNRA is attached to the Office of Prime Minister and has an executive mandate to propose decentralization policy. The commission also has a mandate to coordinate activities pertaining to decentralization, including donor-funded programs. Despite its mandate, the CNRA solicits outside funds to finance its own activities. The governmental action plan of March-April 1999 included no additional financing for the CNRA from the public treasury. IDB funding might potentially be available, but IDB funding for decentralization was not ratified by the 46th Legislation and still awaits ratification by the 47th Legislature.

In 1996 and 1997, the government of Prime-Minister Rosny Smarth sought to create three executive commissions, the CNRA for overall administrative reform, and two separate commissions for governance and decentralization; however, only the commission for administrative reform (CNRA) was retained and funded (December 1996). In March 1999, the Jacques-Edouard Alexis government amended the CNRA mandate to include decentralization. In general terms, the Office of Prime Minister appears structurally to be more subject to influence by the broader political process than is the Presidency, and therefore a key point of entrée within the executive branch of government.

The present CNRA work plan in support of decentralization policy is divided into the following major phases:
1. 1999-2000: An initial phase of information gathering, including assessment of field realities and review of civil society, international donors, and governmental interventions in decentralization;
2. 2000: Preparation of a white paper and organization of a national debate via consultation at departmental levels;
3. November-December 2000: preparation of a policy text on decentralization
4. December 2000-March 2001: preparation of draft laws

This work plan assumes the presence of elected local officials in order to carry it out. According to this work plan, the CNRA would propose the following package of draft laws (*avant projets de lois*) for consideration by government and by parliament (see Annex C for further reference):

- A general law on decentralization
- A law on the authority and competence of local government
- A new law on the communal section
- A fiscal law on local government finance
- A law on employees of local government (civil service)
- A law on the function of each local government entity: communal section and assembly, commune and assembly, department and assembly, interdepartmental council

The spokesman for the CNRA has noted that parliamentary review and revision of proposed laws could be lengthy and time consuming. It is unlikely that such a package of laws would be passed all at once. A stopgap measure, according to the CNRA spokesman, would be to implement certain elements of decentralization by decree (*arrêté*).[32]

Operations of Central Government

Deconcentrated government. In the team's encounters with interviewees, it often encountered conceptual confusion between decentralization and deconcentration. People outside of Port-au-Prince clearly place a great deal of emphasis on the need for public services provided by central government ministries. A candidate for senator in Jacmel made numerous references to deconcentrated public services while discussing decentralization. Interviewees outside Port-au-Prince repeatedly noted that increased availability of basic public services would greatly enhance the credibility of government and its rhetoric of decentralization.

There is generally a problem of access to deconcentrated services in a practical sense. Although their coverage is inadequate in relation to needs, the most widely distributed deconcentrated services are education, public health, justice, and the national police. In addition to poor distribution of services, there is a problem of inadequate delegation of authority over deconcentrated services. For example, the mayor of Marigot has gone twice to Port-au-Prince to meet with the minister of education in order to solve a local problem, rather than dealing with the executive delegate or the departmental director for education.

Another important issue is the concentration of government jobs in urban areas, especially Port-au-Prince. This has significant economic impact without even taking into account the quality of public services provided by public employees. Cantave notes that the number of government functionaries jumped from 4,000 in 1941 to about 23,000 in 1978 and 37,000 in 1997; however, 86 percent are concentrated in urban areas.[33]

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[32] It is worthy of note that the Groupe de Recherches et d'Interventions en Education Alternative (GRIEAL) – a civil society organization promoting local governance, participatory democracy, and decentralization – served as an important base of recruitment to staff the CNRA.

[33] Cantave 2000, 17.

Despite the relative concentration of government jobs and services in urban areas, the burgeoning slum neighborhoods of the Port-au-Prince metropolitan area are not well served by public services. In other words, more equitable distribution of public services is not simply a rural-urban problem. Local organizations in urban neighborhoods have a vested interest in decentralization of governance and deconcentration of public services.[34]

Executive delegation. The May 17, 1990 decree on delegations provides for the creation of a Departmental Technical Council (*Conseil technique départemental*) that links all representatives of public services under the coordination of the Departmental Delegate (*Délégué Départemental*). The departmental *délégué* in the South-East Department has held such meetings on a monthly basis. He thus plays a coordinating role for deconcentrated services of the central government.

According to the former *délégué* in the Ouest, the *délégué* exercises an overtly political role reflecting its antecedents under the Duvalier regime – the prefect as direct representative of the president; however, unlike the prefect, the *délégué* no longer plays a repressive role. In certain respects, the *délégué* plays a role as ombudsman, a channel for grievances and claims of injustice. The *délégué* serves a role of surveillance, the eyes and ears of the executive, especially during electoral campaigns. He has a reputation for being the "president's man" and "the man who represents the very seat of power" (*nèg pouvwa a mènm*). By virtue of this special relationship, the *délégué* is generally viewed as the most politically powerful person in the Department. This is yet again symptomatic of the old problem of highly centralized personal power.

There is a sense of rivalry between the *délégué* and other representatives of the central government. There is also a conflict of interest between the current role of *délégué* and the constitutionally prescribed role for the CD (Departmental Council) representing local governments. The *délégué* in the Port-au-Prince area (*Ouest*) has special status, and is often called upon to serve as the personal representative of the President or the Minister of Interior at public functions. This *délégué* also serves in the president's personal cabinet. Overall, the powerful current role of the *délégué* clearly reflects the absence of functional decentralization and may also serve as an obstacle to decentralization.

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[34] For example, note the success of local water committees in Port-au-Prince slums and their role in local governance and links to other local organizations (see Smucker and Thomson, 1999).

Findings

1. The CNRA is seriously committed to decentralization and appears to have excellent human resources.
2. The CNRA has financial problems due to weak support from the government. The government has not allocated additional funds for CNRA since 1997.
3. The CNRA staff is based in Port-au-Prince and may have better knowledge of the operations of central government than of local government in rural areas and communes.
4. It is important that the CNRA continue its work without interruption. It is an essential national resource and the single most important center for the development of decentralization policy.
5. In the 1990s, the Office of Prime Minister has taken initiative on behalf of decentralization.
6. Within the executive branch, the Office of Prime Minister appears to be more responsive to political pressures favoring decentralization than is the Presidency.
7. In the 1990s there has been rivalry between the Office of Prime Minister and the Ministry of Interior over decentralization policy.
8. Decentralization is a cross cutting issue. Line ministries directly implicated in decentralization include Finance, Interior, Planning, Justice and law enforcement, and autonomous agencies such as the Cours Supérieure de Comptes.
9. The notion of deconcentration is commonly confused with decentralization.
10. There is inadequate delegation of authority over deconcentrated public services.
11. More equitable distribution of public services is not simply a rural-urban problem. Local organizations and neighborhoods within <u>urban</u> areas, including Port-au-Prince, have a vested interest in deconcentration of public services, and also in decentralized governance within urban centers.
12. The basic litmus test of executive support for decentralization is budgeting and the transfer of funds.
13. Common delays (low priority) in the normal transfer of funds to local government are symptomatic of weak support for decentralization.
14. The Ministry of Interior is the only national ministry with a department devoted solely to local government.
15. The Ministry of Interior is widely <u>perceived</u> as retaining old patterns of paternalism; however, it has clearly shed the repressive role that deeply marked it under the *ancien régime*.
16. CNRA proposals for administrative reform would eliminate the Interior's trusteeship role over local governments.
17. Ministries remain strongly centralized in Port-au-Prince.
18. Not surprisingly, central bureaucracies are strongly defined by job patronage and tend to resist downsizing. This is a constraint to implementing decentralization.
19. In general, political loyalties and party rivalries tend to interfere with inter-institutional collaboration in public administration – even among bureaucrats with apolitical functions.

20. The executive delegation (*délégué départemental*) is politically powerful by virtue of direct ties to the presidency.
21. The *délégué* system has the potential to play a useful role in coordinating deconcentrated government services.
22. The *délégué* is a channel for grievance and perceived injustice due in part to the inadequacy of the judicial system and limited recourse in a court of law.
23. There is a conflict of interest between the role of *délégué* and the autonomy of decentralized bodies of government, including the role of the Departmental Council.
24. In certain key respects, the current role of *délégué* tends to be an obstacle to decentralization.
25. The executive branch has taken some small steps towards decentralization and in so doing has so far avoided fundamental changes.
26. Overall, the executive branch – and old traditions of personalized executive power – continue to be the major obstacles to decentralization.

V. Local Government

Finances

Commune finances. Team members interviewed officials of three communes in the South-East Department (see Table 1 showing revenues for the three communes). In general, properties appear to be significantly undervalued for CFPB tax purposes.[35] Furthermore, many properties are not registered on tax rolls, especially in larger cities.

In terms of its local revenue base, the city of Jacmel has a clear advantage over two smaller neighboring communes. This suggests a need for reallocation of resources within departments. The commune of Cayes-Jacmel has about one-fourth the population of Jacmel, but the equivalent of one-twentieth of Jacmel's local revenues. Compared to Jacmel, a much higher proportion of Cayes-Jacmel's revenue derives from the Ministry of Interior and the new central government fund for local government (FGDCT).

Table 1
Three Communes of the South-East Department
Local revenues and FGDCT and Subsidy from Central Government, 1997-1998
(in Gourdes)

Communes	Population[36]	Local revenues	Central Subsidy[37]	Total Revenues
Jacmel	132,245	521,450 (34%)	1,000,438 (66%)	1,521,888 (100%)
Cayes-Jacmel	32,054	26,332 (3%)	781,438 (97%)	807,770 (100%)
Marigot	51,749	34,095 (4%)	781,438 (96%)	815,533 (96%)

Local revenues. Local government revenues include the property tax (CFPB), small business licenses (*patentes*), and other miscellaneous taxes including cemetery fees and animal sales. The property tax is by far the most important source of local revenues. In 1998-1999 the Commune of Jacmel had local revenues of 748,271 *gourdes* – 72 percent from property taxes and another 20 percent from business licenses. In Marigot, the property tax supplied about half of local revenues during the 1999 calendar year, and business licenses and the tax on sale of animals made up a third of the local revenue base.

Review of the law would suggest that communes have little or no authority to increase local revenues; however, project experience with local governments shows evidence of underutilized opportunities to increase local revenues and also to improve governance in other respects – even prior to the passage of new legislation on decentralization. For example, ARD-PACTE played an instrumental role in helping communal governments to establish bank accounts. Such bank accounts are now standard. Also, communes are

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[35] The CFPB is the *Contribution Foncière des Propriétés Bâties*.

[36] Population data are noted here for comparative purposes only. Data are drawn from Chavenet (1996) – population projections for the year 1995 based on the last census (1982).

[37] Salary support from the Ministry of Interior plus transfer of funds from the Fonds de Gestion et de Développment des Collectivités Territoriales (FGDCT)

authorized by law to carry out property census. Building on this opportunity, UNDP provided technical assistance to communes to improve census of taxable properties. This led to significant improvements in DGI collection of the CFPB tax, e.g., Petion-Ville, Cayes, Croix-des-Bouquets, and St. Marc.

Municipal by-laws and new revenues. ARD-PACTE trained mayors from 44 communes in use of the *arrêté municipal* (municipal decree or by-law) as a tool of governance. Some mayors issued *arrêtés* during the 1995-1999 period. Others drafted by-laws but never issued them. Some communes have recently used municipal by-laws as the basis for tax collection. For example, a commune in Grande-Anse imposed taxes on commerce in wood and charcoal. Croix-des-Bouquets and Ganthier issued municipal decrees and began to collect taxes from mining sand and gravel.

Local government bodies, including communal sections, have other potential sources of income. For example, a number of Haitian municipalities have entered into sister city agreements with cities in other countries, e.g., Jacmel/Gainesville. Secondly, communal sections and the commune of Cap-Haitien share revenues from tourist taxes collected at Labadie (cruise ships). Two other northern communes share revenues from tourism taxes for use of coral reefs and beaches on offshore islands. These examples illustrate local political will for decentralization, and suggest points of entrée for project assistance at local levels of government.[38]

Local government expenditures. The use of revenues is a key to current roles played by local government. For fiscal year 1997-1998, the Communal Council of Jacmel proposed a budget of 1,604,000 *gourdes*, over 80 percent devoted to salaries.

The Jacmel payroll for June 1999 covered 74 salaries:
- 3 members of the mayoral council
- 3 professional positions (engineer, agronomist, lawyer)
- 1 coordinator for cultural services (theater program, sister cities program)
- 11 adminstrative support staff for city hall
- 4 custodial staff
- 5 inspectors for city engineering, market, beach, and cemetery
- 12 guards and animal catchers
- 2 gardeners
- 17 street cleaners, assisting in waste disposal
- 9 cleaners for marketplaces, slaughterhouse, public bus station
- 5 cemetery workers
- 1 beach cleaner

Monthly payments also included special subsidies for:
- 4 town schools
- 6 sectional (rural) schools – La Montagne (4), La Vanneau (1), Morne à Bruler (1)

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[38] These examples of local tax collection and the use of municipal decrees were supplied by Pharès Pierre, based on personal knowledge as former Director-General at the Ministry of Interior.

- 3 radio stations (Jacmel)
- 1 mobile publicity service (Jacmel)
- 1 volunteer health agent in the communal section of Marbial
- 1 high school band (Jacmel)
- 7 indigents, mostly women

The commune assures maintenance of city hall, public squares and beaches, cemeteries, and vehicles; and supports festivities for the Feast of the Dead, Christmas, Independence Day, Mardi Gras, Rara, May 1ˢᵗ, and sports activities. Communal government provides a small amount of support for the homeless, and buries an estimated 25 indigents per year at public expense in Jacmel.

The smaller, more rural communes of Marigot and Cayes-Jacmel follow a similar pattern – a budget based primarily on salaries, and some limited financial support for schools, holiday festivals, sports events, and indigents. Cayes-Jacmel provides monthly subsidies to nine schools, a municipal library, and a community radio station. In addition, the commune has jointly financed a number of local development projects with its share of FGCDT funding plus support from from the UNDP, FAES, CECI and the UCG. These projects include school and health center construction, potable water, canal repair, and improvements to a public beach.

In October of 1998, Jacmel received a lump sum payment of 500,000 *gourdes* from the FGDCT. It utilized 364,000 *gourdes* for the city of Jacmel, and dispersed 136,000 *gourdes* among the commune's 11 communal sections. The FGDCT dispersed lump sums of 135,000 *gourdes* to the communes in November 1997. Marigot received its payment of 135,000, and used 60,000 *gourdes* to support school construction and improvement of a public beach. It dispersed 15,000 *gourdes* per section to its five cummunal sections. One communal section relinquished its share because its council couldn't agree on use of the funds.

Local Politics

Assembly relations with local government. Since the election of assembly members in the disputed elections of April 1997, mayors and municipal assemblies have generally not worked well together. This has been due in large part to political struggle.

In Jacmel, party rivalries served to divide the Municipal Assembly (linked to OFL) from the mayoral council affiliated with the OPL. Assembly roles were also not clearly defined. Members of the Municipal Assembly were not salaried, and pressured the mayoral council for financial benefits. The Assembly did not have a meeting place or office. Only the Departmental Council (CD) had an office. The Municipal Assembly of Jacmel met four times between April 1997 and January 11, 1999, but never with the mayoral council of Jacmel. On one occasion the Assembly sought to meet in city hall without permission, and was thrown out. Similar dynamics applied to the Commune of Cayes-Jacmel. The Municipal Assembly sought to "fire" the mayors and CASEC council members, basically for political reasons.

In contrast, the mayoral council of Marigot had good relations with its Municipal Assembly. The mayor met several times with the Municipal Assembly and shared information on communal operations. Two of its six communal sections had good working relations between communal assemblies (ASEC) and communal administrative councils (CASEC). La Vanneau Section (Jacmel) also enjoyed good working relations between CASEC and ASEC. In this case, members of CASEC and ASEC were also members of the same political party and the same local grassroots organization.

Elections. In the electoral campaign of 199-2000, over 98 percent of posts for election have been local offices (7,423 out of a total of 7,525), and the 102 remaining positions for representation in parliament. The sheer number of local officeholders constitutes a strong and widely distributed national constituency for decentralization. This constituency is even more significant in view of the over 29,000 candidates that ran for office.[39]

Local political mobilization. In rural areas visited by team members, there has been a notable transition away from traditional patterns of local authority based on force of arms. For example, <u>CASEC members play an extralegal but important informal role in local policing</u>, most often in response to grazing violations. This is perhaps the most visible role they play although there are no legal provisions for such a role. The CASEC exercises this role by local consensus or "entente" – voluntary mediation of disputes rather than extraction by force as under the old *chèf sèksyon* system. This informal but well organized system operates via a network of locality-based aides or assistants to the CASEC.

The CASEC coordinator of La Vanneau Section has twice been elected to his position. He ran again for office in recent elections, but his slate did not exercise a monopoly. There were four competing slates for CASEC and three for ASEC. The incumbent clearly enjoyed the incumbent's advantage in recent elections, including his informal network of aides dispersed throughout all localities within his Communal Section.

Field observations suggest several basic parameters of support for local candidates:
- Traditional forms of clientelism continue to play a very important role, including patron-client relations in access to land and labor. Clearly, candidates draw heavily upon personal ties and networks, and links to influential people.
- Many grassroots organizations (*organisations de base*) in rural areas have a practical base of experience in self-governance. Such organizations are very influential as a source of recruitment for local government candidates and as a base of electoral support.
- There is a growing tendency for grassroots organizations to have both rural and urban affiliates. This appears to be much more the case in secondary cities and towns such as Jacmel rather than Port-au-Prince.

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[39] The number of candidates was reported by Michael Norton, Associated Press, March 3, 2000, "Haiti Postpones Elections." The number of posts is from an undated AID document, based on figures from the CEP.

- Church networks continue to play a role. The Caritas-related small group (*gwoupman*) movement and the Catholic base church movement (*ti kominote legliz*) have long played an important political role, but the base church movement does not currently have the political impact that it did in the 1980s and 1990. The emergence of MOCHRENA (Mouvement Chrétien pour une Nouvelle Haiti) as a new political party suggests a parallel phenomenon based on Protestant networks.
- Political parties have emerged as a growing political force in rural areas during the past ten years, especially since the rise of the Lavalas political movement.
- In general, the more traditional voters and candidates tend to rely on patron-client relations and personal links to influential individuals.
- More democratically oriented candidates tend to have a grassroots organizational base and may affiliate with a party.
- Those disillusioned with party politics stress the personal qualities of individual candidates regardless of party affiliation.

Voter criteria. The rise in the importance of political parties has been accompanied by growing disillusionment with the exercise of their role. People are skeptical of parliament and parties in the wake of the 46th Legislature and of schisms within the Lavalas movement. Parties and politicians have lost credibility due to their inability to make good on the promise of change, and the perception that elected officials are simply enjoying the personal benefits of office (*gran manjè*, literally "big eaters").

Interviews with voters suggest that party affiliation is now somewhat less important than in past elections, especially for local offices. Voters speak of voting for the person and not the party, stressing personal qualities of "honesty and competence" rather than party affiliation. A number of voters interviewed in the Jacmel area stated that they intended to split their vote among different parties.

Party politics at the local level. Nevertheless, voters have not rejected a role for political parties. Parties continue to exercise an important influence in current elections. There are also numerous independent candidacies. According to interviews, candidates seek affiliation with parties for opportunistic reasons, i.e., cheaper candidate registration, the promise of campaign support from political parties, and the prospect of future access to powerful outsiders. Incumbents interviewed expressed no reluctance to change party affiliation if this seemed useful. This implies weak party discipline at local levels. Some local candidates also noted that their first loyalty was to their constituents rather than to affiliated political parties. People view parties as fundamentally "outside" institutions – and not necessarily reflecting local interests and local party ownership. On the other hand, local candidates and local citizens are very interested in having a voice in political parties, especially those viewed as having influence in Port-au-Prince.

Local candidates for municipal and sectional offices reported being approached by several political parties during the period of candidate enrollment. Political parties actively competed to recruit valid candidates for local office. In response, candidates appeared to be choosing the party rather than parties hand picking candidates. In recent elections, there was a strong tendency for multiple candidates for each position. Given

the number of candidates running for office, this came to an average of nearly four candidates for each position up for election. In principle, this open competition for local office bodes well for the democratic process.

Findings

1. Central funding is not presently based on a principle of adequate funding for services to be provided by local government.
2. Clearly, local governments, and local governance projects, cannot rely solely on the transfer of central government revenues.
3. Local bodies of government presently have underutilized potential to generate local revenues, and to improve governance in other respects despite delays in passage of legislation on decentralization.
4. There is demonstrated potential for greater use of municipal decrees as a tool of governance, including increased tax collection.
5. Municipal financing can be used to good advantage as leverage in soliciting external sources of financing for local development.
6. Communal governments have primary responsibility for monitoring and maintaining public spaces: streets, markets, slaughterhouses, public fountains, parks, beaches, bus stations, cemeteries, waste disposal, animal control.
7. Communal governments also actively support local schools, cultural activities, welfare for the indigent, the local media, and development projects.
8. Mayoral councils and Municipal assemblies have generally not worked well together, although this clearly varies from one commune to another.
9. By comparison, CASECs and ASECs have been somewhat more successful at working together.
10. Assemblies and executive councils have had better working relationships when members of both bodies shared common ties with local grassroots organizations and/or were members of the same political party or movement.
11. Simultaneous election of CASECs and ASECs is likely to promote better working relations between the two bodies as partners in local governance. Pre-electoral negotiations among candidates for these positions may tend to foster better future collaboration.
12. The sheer number of local elective offices constitutes an important constituency for decentralization.
13. There is a natural, broad-based constituency for decentralization among local citizens and local civil society organization in communes outside of the Port-au-Prince metropolitan area.
14. Communes outside of Port-au-Prince attribute a great deal of importance to improved public services, including deconcentration of services.
15. Grassroots organizations in many rural areas have a longstanding, practical base of experience in self-governance.
16. There is a great deal of local voter interest in the present electoral campaign.
17. There is a great deal of competition for local office among multiple candidates and a range of political parties.

18. In general, voters are acquiring a growing base of experience through the repetition of electoral cycles.
19. Voters appear to be using more selective criteria for assessing candidates, incumbents, and political parties, especially for local offices.
20. Voters express greater interest in voting for the person than the party, especially for local office.
21. People express a great deal of skepticism toward political parties, but there is little outright rejection of political parties.
22. Political parties are far more active during electoral campaigns than between campaigns, especially at local levels.
23. Local elected officials do not consistently support the party line or remain loyal to the party.
24. Local networks and local civil society organizations appear to be more influential than party affiliation in recent electoral campaigns in rural areas, especially for local office.
25. More traditional candidates draw heavily on patron-client relations.
26. More progressive candidates rely heavily on grassroots civil society organizations.
27. During the present electoral cycle, local candidates have been well situated to choose the party rather than the reverse.
28. Associations of local elected officials have a record of success in representing their interests and lobbying for decentralization, including commune level associations of CASECs.
29. In general, local populations in rural areas appear to have significantly greater capacity to influence and monitor local government officials, compared to large urban centers.

VI. Political Parties

Background

Traits. Political parties have existed in Haiti since the nineteenth century although individual parties have long tended to have an ephemeral existence. Historically, they are almost invariably strongly identified with specific personalities, and have a limited organizational base, especially outside of Port-au-Prince. They emerge sometimes in large numbers as vehicles for presidential campaigns and then disappear, go underground or into exile. Opposition party leaders are arrested, and parties are commonly banned or severely restricted once a new political faction takes control of the reins of government, as under the two Duvalier regimes. Haitian political parties are also subject to splits. Parties commonly coalesce in temporary political alliances or movements during electoral campaigns. These alliances are fragile and generally short lived. Virtually all of these historic tendencies have manifested themselves during the politically tumultuous period that began in the early 1980s. This period of crisis in succession to power continues up to the present.[40]

Recent trends. At present, there are also significant breaks from the past. Formerly exiled parties returned and began to participate openly in elections after 1986, e.g., the Parti Nationaliste Progressiste Révolutionnaire Haitien (PANPRA), the Mouvement Ouvrier Paysan (MOP) now called Mouvement d'Organisation du Pays, and the Parti Unifié Communiste Haitien (PUCH). This period has also seen the creation of a large number of political activists and pressure groups, numerous new parties, and miniscule political organizations sometimes labeled "particles."

Dismantling the army. The Haitian Armed Forces (*Forces Armées d'Haiti*) have traditionally been the final arbiter of political destiny. Aristide's success in dismantling the army constitutes an historic break with the past. As a result Haiti has seen a precipitous decline in state violence. Nevertheless, *old patterns of political violence continue in other forms*, especially during electoral campaigns.

Political violence. During the current electoral campaign, political violence has taken the form of violent street demonstrations and arson – the latter targeting elections and political party offices. There is also the continuing specter of assassination, as in the April 2000 death of Jean Dominique (a revered radio journalist), and media reports of at least 15 deaths attributed to politics during the campaign preceding May 21 elections.[41] As a counter tendency, civil society organizations have mobilized large numbers of people in peaceful demonstrations against violence in Jacmel (1999) and in Port-au-Prince (May 1999, April 2000).[42]

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[40] See Nicholls 1979, S. Manigat 1990, Diederich 1995.

[41] See Michael Norton, The Associated Press, May 24, 2000, "Haiti Opposition Upset over Vote."

[42] The May 199 demonstration was itself peaceful but disrupted by violent counter-demonstrators.

Freedom of speech and assembly. Since the return of constitutional government in late 1994, parties have operated freely without restrictions on freedom of speech or freedom of assembly. Since 1990, a few political parties have created fairly elaborate internal structures and a national organizational base. Party rivalries have had a significant impact on elections and on the functioning of government, e.g., the ability of the 46th Legislature to block the executive, and the inability of the 46th to pass legislation in the last two years of its mandate. The most potent rivalry has been the *Organisation Fanmi Lavalas* (OFL) versus the *Organisation du Peuple en Lutte* (OPL).

Lavalas. The OFL and OPL emerged as two distinct parties stemming from a major split in the Lavalas movement or coalition. The Lavalas coalition emerged initially around 1990 elections and named Jean-Bertrand Aristide as its presidential candidate. The Organisation Fanmi Lavalas was not formally established as a separate political entity until December of 1996. The OPL changed its name from *Organisation Politique Lavalas* to *Organisation du Peuple en Lutte* in January of 1997. Rupture between the two political tendencies was complete with the disputed elections of April 6, 1997, the subsequent political break between President Preval and Prime Minister Smarth, and the ensuing parliamentary crisis over forming a new government and organizing new elections.

Elections 2000. In the recent electoral campaign, 83 seats in the Chamber of Deputies and 19 seats in the Senate were open for election. A total of 33 recognized political parties ran at least one candidate, and six parties each ran over 40 candidates for 102 parliamentary seats. There were also 149 independent candidates for parliament. In terms of numbers of candidates, the largest parties or political alliances in recent elections were the following:
- Organisation Fanmi Lavalas (OFL)
- Espace de Concertation (an alliance)
- Mouvement Chrétien pour une Nouvelle Haiti (MOCHRENA)
- Organisation du Peuple en Lutte (OPL)
- Rassemblement des Démocrates Nationaux Progressistes (RDNP)
- Parti Louvri Baryè (PLB)

Some indicators of political will. Parties can be judged by their actions when holding power, and their success rate in fulfilling campaign promises and platforms; however, there is a limited base of observation for this indicator. The current OPL held a majority in the senate and a plurality in the lower house of the 46th Legislature, and it was able to block the executive; however, no current party has ever held a parliamentary majority. As noted earlier, prior to the OPL/OFL split the old OPL held a parliamentary majority and proved able to pass legislation on decentralization.

Parties can also be judged on the basis of their rhetoric and political platforms, their views of the constitution, the themes pursued in their training programs, their internal organization, and the nature of local participation and decision making in the party as an organization. Does the party have a decentralized organizational structure? To what extent is it defined by an individual political personality? Has there been rotation in party

leadership? Does it advocate publicly for decentralization? What is its view of the role of civil society organizations in decentralization?

Organisation Fanmi Lavalas (OFL)

The following translated quotes are drawn from the party's White Book[43] distributed on the eve of the national OFL party congress in December 1999:

> *"…decentralization…condition sine qua non for sustainable development."*

> *"The communal section is the basic cell of democratic representation."*

The team's interview with the party's spokesman, Yvon Neptune, elicited similar statements regarding the party's commitment to Constitutional provisions for decentralization, "…a required tool to redress the disequilibrium between rich and poor." The party's target for decentralization is the communal section, "the key point of entrée for solving the country's problems." Accordingly, the central government must bridge the resource gap by transferring national revenues to local government bodies.

OFL party structure. The internal organization of the party parallels different levels of local and national bodies of government – the communal section, commune, department and national level. The most local organizational form is the "Ti Fanmi" (little family) – a small base group or cell composed of twelve party members. Each level of the party organization has a coordination committee of three people, two elected and one appointed.

The levels of OFL's internal organization as a political party are outwardly reminiscent of decentralized governance via the Assembly system, including delegates from lower to higher levels – and departmental delegates at the national level akin to the government's Interdepartmental Council. The party's small group base (Ti Fanmi) is also outwardly reminiscent of the Catholic base church movement or the Caritas small group (*gwoupman*) movement – both instrumental in bringing Aristide to power in 1990.

In contrast to the Assembly system, the party's own decentralized committees include leaders who are appointed rather than elected. This limits the relative autonomy of lower levels and maintains a degree of national control over the party network. It undoubtedly helps to ensure party discipline, but it also detracts from its outwardly democratic structure of representation from the bottom up. The internal structure of the party does position it to campaign for political control of the assembly system as well as the presidency.

A dominant party? The OFL is a new party, little more than three years old. The party is largely defined by the charismatic personality and phenomenal 1990 electoral success of Jean-Bertrand Aristide. President Préval has strong personal and political ties to the former president. Currently, the OFL is widely perceived as the party in power.

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[43] Aristide (1999), *Investir dans l'humain* (pages 15 and 149).

President Préval is widely perceived as playing an interim role until Aristide can be reelected.

The OFL is well financed and has a national organizational base. Of all parties, OFL has fielded the largest number of candidates for parliament during the recent electoral campaign (80 candidates for deputy, 19 for the senate). It also fielded a large number of candidates for local office. OFL is actively competing against other smaller parties that have been closely affiliated with OFL and with former President Aristide, including the Parti Louvri Baryè (PLB), Mouvement d'Organisation du Pays (MOP), and the Coordination Résistance Grande-Anse (COREGA). Other political groups with close ties to the party include the Assembleée Populaire Nationale (APN), Jan L Pase L Pase (JPP), and the former parliamentary bloc in the 46th Legislature known as the Groupe Antinéolibéral.

What is the party's record on decentralization? Technically, the OFL as a political entity has little experience in public office. During the final 15 months of the tenure of ex-President Aristide in office, and before the open schism within Lavalas, the government organized local elections – but not the election of local assemblies. The current president was elected and took office during the time frame that OFL was just emerging as a separate political party.

President Préval has shown a certain public interest in the executive side of local government, including the CASECs; however, the Préval presidency has been marked by acute controversy over 1997 elections and over the organization of mandated but long delayed elections for parliament and local government.[44] In effect, the Préval presidency has proved unable, thus far, to establish the assembly system as a functional, legitimized tool of local governance. The 46th Parliament shares responsibility for these political failures; however, the President bears primary responsibility for the annulment of parliamentary and local government mandates on January 11, 1999.

The party's record is mixed. In principle, decentralization and full implementation of constitutional provisions are important planks in the party's platform and in its campaign messages. Decentralized organizational forms are also an integral element of the party's internal structure. In practice, however, the party maintains strong central control over party orientation and strategy. Furthermore, the presidency of Préval – presumably a prominent member of the OFL, has tended in many respects to set back the cause of decentralization.

The future. In the elections of 1990, candidate Aristide ran for president under the banner of a popular political alliance that he did not create. In contrast, former President Aristide created the OFL in late 1996 as a new political party – in a political context of schism. Therefore, like most other parties in Haiti, OFL is closely identified with its founder. There is evidence that Aristide does not presently enjoy the same degree of

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[44] After repeated delays, the first round of local and parliamentary elections were held on May 21 with high turnout from the electorate estimated at over 60 percent (Michael Norton, The Associated Press, May 30, "Aristide Party Wins Haiti Election.").

mass popular support that he once did; however, no other prospective presidential candidate, at the present time, can match his prominence as a political leader. Unlike most parties, the OFL has a national base and local affiliates throughout much of the country.

Decentralization as a political strategy. The OFL appears committed to decentralization – and to success in local elections – as a political strategy for electoral success including the presidency. Field interviews verify that OFL has carried out training sessions on decentralization; however, the party's political program (*Livre Blanc*), and interviews with party representatives, make little mention of a role for civil society. Consequently, Assemblies might well serve as bridgeheads for party outreach, and for party influence over judgeships and the permanent electoral council. If so this would curtail the role of Assemblies as intermediaries between local civil society and government. In view of its stated electoral strategy, the OFL does have a vested interest in implementing the institutional forms of decentralization. At the very least, the party is well positioned to influence the passage of legislation on decentralization.

Organisation du Peuple en Lutte (OPL)

The party's position paper strongly supports decentralization. Its strategic vision includes the following:[45]

> *"To make decentralization the center-piece of community and governmental programs … and the motor of development at the level of communes and regions."*

> *"To construct and develop territorial governments, emphasizing the commune as the primary focus of participation by local populations; to put at their disposal the budgetary and administrative means for local power and genuine financial autonomy."*

> *"To participate in the improvement of communes in a spirit of partnership with progressive elements of civil society…"*

According to the OPL leader, Gérard Pierre-Charles, the party is actively seeking to implement Constitutional provisions for decentralization – the channel for citizen participation and democratic governance. The party views civil society organizations as indispensable to this process. Pierre-Charles notes that communes outside of Port-au-Prince are more sensitive to civil society pressures opposing corruption and favoring transparence. He suggests that future project support for decentralization should include investment in communes and communal sections – preferably far away from Port-au-Prince.

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[45] *Projet Politique: Construisons un pays pour tous* (OPL, January 2000). See pages 6 and 10 for the following quotes, translated from the French.

Leadership. Pierre-Charles asserts that the key point of entrée for decentralization is political leadership, and that OPL has the political will to promote decentralization in parliament. He insists that OPL opposition to the President in the 46th Legislature constituted a triumph for the democratic process, although this struggle imposed an unfortunate social cost. He also deems it very significant in light of Haiti's tradition of state violence, that the executive branch did not take violent actions during the struggle that pitched OPL against the President after April 1997.

Political party evolution. Pierre-Charles sees a positive evolution of experience in the role of parties in the political process. Parliamentary continuity between the 45th and 46th parliament consisted of four or five members. In contrast, 18 OPL deputies from the 46th ran for parliament in May elections. Despite widespread criticism of the 46th parliament, according to Pierre-Charles, the sheer number of candidates that ran for office in May reflects popular support for parliament as an institution. OPL ran 61 candidates for deputy, and 16 for the senate.

When interviewed in February 2000, well in advance of elections held eventually on May 21, Pierre-Charles felt that the current cycle of elections would lay the foundation for political pluralism and the emergence of genuine political parties. He also felt that elections would have the effect of reducing the number of parties. Pierre-Charles stated that a parliamentary majority would solve the problem of governability, but as the OPL spokesman he thought it unlikely that there would be a parliamentary majority.

OPL party structure. The internal structure of the party is "autonomous" at the departmental level. It holds periodic elections for party leadership. The party has coordination units at the level of the commune but not at the level of communal sections. Interviews in the field identified OPL-sponsored training programs focused on decentralization. The party supports implementation of constitutional provision for decentralization, and insists on the role of civil society in order to improve local governance. As OPL candidate for the senate (Ouest), Suzy Castor made campaign statements in support of new laws on democratization, decentralization of the national budget, and legislative autonomy from the executive branch.[46]

As in the case of the OFL, the OPL recognizes the political benefits of implementing decentralization in order to influence key appointments (judicial, electoral commission). Sitting senators affiliated with OPL voted for decentralization in the 46th Legislature. The party has well identified leadership at the top, and has not rotated its leadership; however, the party does not focus on charismatic leadership as a strategy for popular support. In principle at least, the OPL may retain some opportunity to influence decentralization policy and legislation, depending on how well it does in the current cycle of elections.

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[46] See campaign announcement of January 13, 2000, "J'ai décidé de me porter candidate au Sénat de la République – Suzy Castor."

Espace de Concertation (EC)

The Espace was an important contender for public office in May elections (75 candidates for the chamber of deputies, 16 for the senate). Unlike OPL/OFL, the Espace is an electoral alliance rather than a political party. Given the precedent for such alliances, there is little likelihood of internal solidarity in the aftermath of elections. Nevertheless, Espace represents an important element into recent politics. The entry of Espace onto the scene greatly improved prospects for elections in the aftermath of parliamentary gridlock, presidential dissolution of parliament on January 11, 1999, and the subsequent transformation of elected officials into interim agents of the executive.

Alliance and schism. The Espace de Concertation initially allied the following political organizations: OPL, KONAKOM (Congrès National des Forces Démocratiques), PANPRA (Parti Nationalist Progressiste Révolutionnaire Haitien), KID (Komite Inite Demokratik), and two smaller political organizations, Ayiti Kapab, and Génération 2004. The RDNP collaborated for a time as "observer." An Espace-brokered agreement with the President on March 6, 1999, resulted in the appointment of a new electoral commission mandated to organize elections. RDNP and OPL withdrew from the emergent alliance, and the remaining members of Espace decided to field candidates jointly under the Espace banner. KONAKOM was the largest remaining member of the new electoral alliance.

Constitutional decentralization unworkable. As a prominent spokesman for Espace and for one of its member organizations (KID), Evans Paul views current legislation on decentralization as inadequate and unworkable – including constitutional provisions for local government. Accordingly, he advocates a national debate on decentralization and amendment of the Constitution.

Evans Paul states that limited human and financial resources for local government tend to provoke conflict. In light of his experience as former mayor of Port-au-Prince, he feels mayors have no authority and virtually nothing to do under the current system in which all real power is exercised by the central government. Consequently, for Evans Paul, there is little difference between the current role of mayor and that of community activist, i.e., a role limited to lobbying with central government and other outside forces.

Focus on the commune. He feels that the commune rather than the communal section should be the focus of decentralization. He states that the national association of mayors (FENAMH) was taken over by international donors rather than representing the interests of its members. He feels that USAID should focus on developing a particular region. According to Evans Paul, amendment of the Constitution should be the first order of priority to advance the cause of decentralization.

Focus on Port-au-Prince. As spokesman for Espace and KONAKOM, Rosemond Pradel states that constitutional provisions for decentralization are suited primarily to communes in the Port-au-Prince metropolitan area. He proposes regrouping scattered peasants into villages rather than communal sections. He notes that decentralization is a

constitutional requirement but not otherwise a preoccupation of KONACOM or the Espace. He is skeptical of the competence of local candidates for office, and notes that KONAKOM as a party is not organized around decentralized party affiliates.

The fundamental concerns of the Espace de Concertation are short term – the current electoral campaign. In effect, it is an opposition alliance. It does not otherwise represent a consensus on political priorities, platforms or decentralization. The Espace lacks the organizational or ideological base for internal discipline as a political party. The Espace de Concertation is contributing to pluralism and competition in the electoral process; however, electoral successes would not necessarily translate into political will for decentralization.

Parti Louvri Baryè (PLB)

The PLB has strong ties in the north but it has also been able to establish itself as a national party, running 39 candidates for deputy and 3 for the senate in May elections. According to its leadership, the party has emphasized candidates for local office in the current electoral campaign. The party leader is Senator Renaud Bernardin, an important member of the Lavalas movement with close ties to former president Aristide; however, the party is competing with OFL for electoral office during the current electoral cycle.

The PLB is closely linked to the personality of Renaud Bernardin; however, he has not always served as party head, and reports that party leadership is subject to periodic elections. According to its leader, the PLB is very interested in decentralization – a common theme in party discussions and training sessions. According to Bernardin, PLB candidates for local office are selected at the base rather than by party leaders. Senator Bernardin and other PLB parliamentarians would support legislation on decentralization. He recommends that donor support for decentralization not be conditional on the formal passage of laws. Donor support should include support for local governance and practical concerns at the level of communes and communal sections.

Future of the 47th. Bernardin notes that the 47th Legislature is unlikely to consider new legislation on decentralization until after the first six months in office, following the orientation of new parliamentarians. In addition, parliamentary ratification of multilateral loans will precede consideration of other legislation.

Rassemblement des Démocrates Nationaux Progressistes (RDNP)

The RDNP is closely identified with the personality of Leslie Manigat, a university professor elected President (1988) in army controlled elections. In the May elections, the RDNP ran a relatively large number of candidates for parliament, 45 for the house of deputies and 10 for the senate including the candidacy (Ouest) of Myrlande Manigat, a well known intellectual, author, and wife of the former president. The party statutes provide for local party affiliates or chapters; however, the party is not genuinely decentralized in terms of its internal structure and decision making.

Amend the constitution. The RNDP takes the position that decentralization is ill conceived in the Constitution of 1987, and that it is *démagogique* to assign assemblies the power to propose judges and permanent members of the electoral council.[47] Therefore, the Constitution should be amended although this will be difficult or impossible to carry out in the foreseeable future. Mrs. Manigat states that one feasible point of entrée to decentralization would be through the fiscal process and parliamentary passage of national budgets. Leslie Manigat notes that effective decentralization will ultimately require decentralized control over finances, independent of central government tutelage: "Si le tuteur finance, alors le tuteur domine" (if the tutor finances, the tutor dominates).

A gradual process. Leslie Manigat views decentralization as a means of modernizing a traditional society in crisis: "Traditional society is moribund but still alive, and modern society has arrived but cannot enter." The focus of decentralization should be a half dozen or so traditional regions of Haiti – not the commune. Emphasizing the commune risks "atomizing" or "dismembering" the country. Decentralization should be a measured process, based on gradual acquisition of competence and resources over time. This will requires two fundamental elements, one financial and the other psychological – a change in "mentality." In this regard, Manigat views peasant farmers as more open to change than urban citizens.

Mouvement pour le Sauvetage National (MPSN)

The MPSN is a conservative electoral alliance strongly linked to the personality of Hubert Deronceray, a sociologist and former cabinet minister under the Duvalier regime. MPSN groups together former Duvalierists and army collaborators, and opponents of Lavalas and Aristide. The alliance has a certain regional following in the South-East and the Petit Goave area (14 candidates for deputy, 7 for the senate in May elections). The alliance supports decentralization based on regrouping scattered peasants into local community development units (*unités tactiques de développement*) supported by regional development organizations. Both of these notions are reminiscent of community councils and the regional development agencies of the Duvalier era. Local assemblies should be based on a *conseil des notables* (council of traditional rural powerbrokers). MPSN does not view the commune as a useful focus for decentralization. When asked about prospects for the return of the presidency for life or some equivalent, Deronceray stated that this was neither desirable nor feasible.

Mouvement pour la Reconstruction Nationale (MRN)

MRN is running a small number of candidates, five for parliament and two for the senate. It does not have a national base. The MRN party head, René Theodore, feels that the church and civil society have tended to demonize political parties, giving them a bad name. The stark polarization of society after the fall of Duvalier has also been a constraining factor; however, Théodore observes that political parties have enjoyed some renewal of support during the recent electoral campaign.

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[47] See Myrlande Manigat (1995) for a more detailed critique of the Constitution.

The MRN feels that civil society must play a key role in decentralization. René Théodore questions the prospects for successful decentralization unless it is accompanied by economic development.

Mouvement Chrétien pour une Nouvelle Haïti (MOCHRENA)

MOCHRENA emerged recently as a new party during the current cycle of elections. It apparently has a significant financial base and has run a large number of candidates for office in May elections, 67 candidates for deputy and 14 for the senate.

Outwardly MOCHRENA builds on a religious base of support, perhaps a Protestant parallel to the religious support enjoyed by Father Aristide a decade ago; however, the Protestant network is not equivalent to the Catholic base church movement. MOCHRENA appears to be conservative in political orientation, and falls on the side of opposition to Lavalas. It has not yet demonstrated solidarity as a political force, and its leader does not necessarily enjoy universal support among Protestants. Protestantism is inherently fragmented and decentralized in contrast to the Catholic hierarchy. Haitian Protestant churches have historically avoided involvement in the political process, although this may be changing somewhat, as it has among conservative Protestants in the United States.

The MOCHRENA party leader couches political discourse in terms of religious and moral issues. Local MOCHRENA candidates encountered by the team are very interested in decentralization; however, it's not clear that decentralization is part of a party-wide platform.

Findings

1. OFL, PLB, and OPL state strong support for implementing constitutional provisions for decentralization, and include this theme in training programs and debates.
2. OPL and MRN view civil society as indispensable to implementing decentralization.
3. PLB puts greater emphasis on fielding candidates at local levels (CASEC, ASEC) than other levels.
4. PLB has rotated its top level leadership, whereas other parties have not.
5. OFL has an elaborate internal organization reaching down to sectional and sub-sectional levels.
6. OFL appears to be the best organized of all parties, and undoubtedly the best funded.
7. Spokespersons for ESPACE and RDNP suggest constitutional amendments.
8. Most parties state that the April 4, 1996 law on the communal section should be amended.
9. Spokesmen for CONACOM, MRN, and RDNP state conservative views of local capacity for self-governance.
10. MRN views economic development as a precondition for effective decentralization.
11. Most political parties cannot impose strong party discipline on their elected public officials.
12. In the 47th Legislature, there will be a larger core of parliamentarians with previous experience in parliament.
13. The 47th Legislature is also very likely to have new parliamentarians with previous experience in decentralization and local government, e.g., former mayors.
14. The Espace de Concertation seems unlikely to advance the cause of decentralization.
15. Any electoral success by MOCHRENA seems unlikely to advance the cause of decentralization, at least not at the level of parliament.
16. Overall, it appears likely that OFL will be positioned to promote decentralization in the 47th legislature, by comparison to other parties:
    ▪ It does not dispute constitutional provisions,
    ▪ does training in decentralization,
    ▪ has a relatively broad base of local party affiliates,
    ▪ has shown considerable success in May 21 parliamentary elections.
17. There are political reasons for OFL, OPL, and other larger parties to support decentralization – the spoils of political control derived from full implementation of assemblies.
18. Party spokesmen generally voiced support for continuing USAID assistance for decentralization.
19. On the basis of precedent, the chances for passage of new decentralization laws would be more likely during the first year of the 47th Legislature than in subsequent years.
20. Likewise, the first year – and especially the first six months of the 47th Legislature – would be the ideal time to influence newly elected lawmakers on decentralization via orientation, training, colloquia, and lobbying by civil society organizations.

IV. Civil Society

Current Trends

In an analytic sense, civil society includes all forms of association between the family and the state. This includes ordinary citizens, the business sector, church hierarchies, media and journalism, grassroots member organizations, rotating labor and credit groups among peasant farmers, and a broad if disparate range of civil society organizations – some well organized, many only recently established, and many ephemeral.

Transition. Haiti remains in transition out of an entrenched authoritarian political system and from traditional to modern forms of governance. During the waning years of the Duvalier regime, civil society was on the cutting edge of change. Despite increased freedom of speech and assembly, and the dismantling of old power structures, the old cleavage between state and society still remains at present; however, the old rules have changed and new rules have not taken their place. The assembly system offers the hope – still unrealized – of channeling civil society interests within a decentralized apparatus of state.

Popular movements. The term "civil society" entered the vocabulary of political discourse in Haiti with the fall of Duvalier in 1986. It retains a connotation of change, particularly popular aspirations to change the Haitian state, and constitutes a base of support for decentralization in both urban and rural areas.[48] On the other hand, civil society is commonly described as "disorganized" or "unstructured" in mediating popular aspirations for change. Grassroots organizations within urban neighborhoods, especially in Port-au-Prince, tend to be less well-organized and long-lived than rural-based grassroots organizations.

Elements of civil society defined as the "popular movement" joined together at pivotal turning points in recent political history: the fall of Duvalier (1986), the Constitutional referendum (1987), the aborted elections of November 1987, support for the entry of multinational forces and the return of Aristide (1994), and support for elections in 1990, 1995, and the current cycle of elections (1999-2000) still underway.[49]

Violence. Recently, the language of political discourse in Haiti has made growing reference to violent fringe groups –sometimes called *chimè* – drawn from urban slums and attributed to the popular movement. Opposition politicians are quick to link violent demonstrations and *chimè* to support for former President Aristide. Violent demonstrators have sometimes explicitly stated their support for Aristide. In response, the former president and other spokespersons for La Fanmi publicly decry violence and vehemently deny any links to *chimè*. In certain respects, the phenomenon of *chimè* is reminiscent of popular recrimination against Duvalierists after 1986 – although the

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[48] See Guy Alexandre (2000), who links civil society with popular aspirations for change, and with support for decentralization as the key to transforming the predatory central state.

[49] See ADF 1996, page 34-39, for a broader description and assessment of civil society as a sector.

present political context is quite different. Nevertheless, *chimè* are a volatile element of the current political environment. They reflect a longstanding tendency toward intense polarization and violent expression of political views, especially during electoral campaigns.

Organized civil society. Despite an atmosphere of perennial crisis, there is presently a somewhat broader base for decision making compared to the old regime and military rule. Organized sectors of civil society engage in advocacy. Civil society pressures make their mark. The government chooses not to raise gas taxes for fear of repercussions from chauffeur unions. Professional associations and women's associations take public positions on policy. Chambers of commerce and associations of elected officials have achieved high public profiles.

In the field of education, Catholic and Protestant educators have collaborated via the Commission Nationale de Partenariat. The CONADEH (La Coalition Nationale pour le Développement Humain) actively promotes inter-sectoral dialogue and advocacy in health, education, and legal assistance.

Civil society organizations have become engaged in the promotion of elections, for example, via participation in the National Civic Network (RCN - Réseau Civique National), or encounters between civil society and political parties organized by the International Academy for Peace (Académie Internationale pour la Paix).

Political will. In this rapid study of political will, the team contacted representatives of a limited range of civil society sectors, with special emphasis on power brokers. Political parties are important power brokers within civil society and have been discussed separately. Other centers of influence include the business sector and recently organized associations of elected officials. Media and journalism are certainly important centers of influence, especially broadcast media and the rapid growth of community radio stations in the 1990s – a trend favoring decentralization. A few formally organized civil society organizations define themselves at least in part as advocacy organizations, including women's groups. The team took a special interest in exploring the vested interests of big business as presumed stakeholders in decentralization.

The Private Sector

Business and professional associations. In the Port-au-Prince metropolitan area, there are a number of influential associations that represent the business sector. These include the following:
- Chambre de Commerce et d'Industrie d'Haiti (CCIH)
- Association des Industries d'Haiti (ADIH)
- Centre pour la Libre Entreprise Démocratique (CLED)
- Chambre Franco-Haitienne de Commerce (CFHC)

These associations lobby with government – including parliament – on behalf of their members. They have gone on record in support of elections and parliamentary

democracy. Their spokespersons note that the specter of violence and the longstanding
political crisis are not good for business.[50] The CCIH organized a well-publicized
demonstration against violence on May 28, 1999 that brought members of the formal
business sector together with market women, in a public demonstration based on shared
interests. In March the major business associations lobbied the President and the
Provisional Electoral Council to proclaim firm dates for elections and timely installation
of parliament.[51]

ADIH, representing the interests of the assembly industry, has publicized its strategic
plan for the period 2000-2005. The plan states ADIH interest in promoting a more
efficient judiciary, the national electoral observer network, and lobbying for reforms that
enhance the investment climate. The strategic plan takes note of the business risks
inherent in political instability and social inequality. It takes positions on public policies
affecting sector interests. It also seeks to formalize channels for representing ADIH
interests in government – interests that flow from the stated principle that less
government is better government (*moins d'État, mieux d'État*).[52]

Business associations and decentralization. An important recent trend is the
emergence of new chambers of commerce in other regions of Haiti. This trend explicitly
supports decentralization. The chambers of commerce in Cap-Haïtien and Les Cayes
have been around for a long time. In the late 1990s, the Port-au-Prince Chamber of
Commerce (CCIH) actively promoted the organization of new chambers of commerce in
Jeremie (1998), Jacmel (1999), Port-de-Paix (1999), Gonaives (1999), and Petit Goave
(1999). CCIH reports that Ouanaminthe and Ft. Liberté will soon have chambers of
commerce. This growing national system is presently inter-linked via the *Conférence des
Présidents des Chambres de Commerce*, an emergent apex organization of chambers of
commerce.

The CCIH strategy for organizing new chambers of commerce links business with
professional people rather than focusing exclusively on commerce or industry, as in the
past. This broadens the focus and promotes pluralism, including small business
operations. It also reflects the reality of limited industrial development outside of Port-
au-Prince. The CCIH strategy has had the effect of incorporating a younger, and in some
respects more progressive, generation into business associations traditionally dominated
by the commercial sector (imports and exports) and its traditionally more conservative
political views.

Business interests and decentralization. In addition to business associations, the team
interviewed individual businessmen from a range of powerful economic sectors including
banking, airport and seaport services, insurance, commerce, manufacturing, and the more

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[50] See the interview with Olivier Nadal, President of CCIH, in *Audience Magazine,* Volume 3, No. 30,
April 2000.
[51] See Agence Haitienne de Press (AHP), "Les élections sont réalisable à brève échéance, selon le secteur
des affaires." Port-au-Prince, 22 mars 2000.
[52] Interview with Richard Coles, President of ADIH, and review of a summary text of the ADIH strategic
plan, "ADIH 2000-2005, Plan Stratégique, Association des Industries d'Haiti," Hotel Montana, February 4,
2000.

specialized assembly industry. Not surprisingly, business leaders clearly state their vested interests in social tranquility and political stability. They are very concerned about security issues and the protection of private property.   They are perhaps more concerned about weaknesses in the justice system than in security since they can – to least to a certain extent – provide for their own security, as evidenced by the proliferation of security agencies in the 1990s. Business interviewees feel strongly that their interests, especially property rights, are not adequately protected by the judicial system.

The profit motive is fully compatible with decentralization; however, an important limiting factor is the weak infrastructure for investment outside of Port-au-Prince. In effect, the business sector in secondary cities has a more immediate vested interest in decentralization, compared to big business in Port-au-Prince. Business interests in Jacmel and Cap-Haitien are direct stakeholders in decentralized governance, improved infrastructure, and better public services. Chamber of Commerce leaders in these cities also express strong support for partnerships with local government and local civil society organizations to promote these interests.

The mega-city. Members of the Port-au-Prince business class are keenly aware of demographic trends. *Haiti is rapidly on the way to becoming, in the majority, an urban society.* This urbanization is sharply focused on the Port-au-Prince metropolitan area. The urbanizing trend applies on a much smaller scale to some secondary cities, particularly Cap-Haitien and Gonaives.

There has been a certain decentralization of banking services, but the growing number of banking outlets in Haiti is far more developed in the burgeoning – and ever more broadly defined – metropolitan area than elsewhere in Haiti. For Port-au-Prince business interests, future prospects for decentralized investment appear to anticipate the emergence of a mega-city extending along the coastal littoral from, roughly speaking, St. Marc to Grand Goave.

For example, a major textile manufacturer is developing a business plan for factory operations outside of Port-au-Prince – but still within the region, e.g., Arcahaie and Léogane. This would allow him to take advantage of local, cheaper labor – without local traffic congestion, while retaining access to high level human resources within commuting distance from the capital city.

The assembly industry. These industries are presently in a growth phase; however, this sector has been deeply marked by domestic political instability as well as global trends in the market. According to ADIH, the assembly industry had around 60,000 workers in the early 1980s, 40,000 workers before the *coup d'état* in 1991, less than 15,000 workers during the embargo (ending in 1994), and around 25,000 at present, mostly in the Port-au-Prince area.

Ports. There has been some investment in port facilities outside of Port-au-Prince, for example Gonaives. There has also been a 1990s trend for heightened use of ports, even unimproved ports, outside the capital city. This does not necessarily reflect an increase in

decentralized demand, but it does reflect significantly cheaper port charges, both formal and informal, compared to the city.

Changing economic forces. The business class is changing. The old coffee export oligopsony no longer plays its historically dominant role in the economy. There has been a precipitous decline in coffee exports, especially in the last 30 years. As a dependent, island economy, Haiti is still strongly tied to exports and imports; however, it imports far more than it exports. External donors and overseas remittances from the Haitian diaspora play the critical role in bridging the trade gap, and also, presumably, drug money from Haiti's growing role in transshipment since the 1990s.

Investment strategies. The private business sector in Haiti is not homogeneous. The president of ADIH notes, "There are as many private sectors as there are individuals in the business sector." In general, according to the ADIH spokesman, the Haitian business sector is very competent but does not have a long-term vision or long-term strategy for investment. It adapts readily to changing political and economic conditions, and tends to invest in measured increments. Compared to offshore assembly sectors in other countries, according to ADIH, Haitian industrialists have tended to invest less while attaining higher levels of productivity per worker.

Changing social profiles. Broadly speaking the dominant business class includes the older generation of export-import merchants and industrialists, and a younger generation of manufacturers identified with assembly industries. A construction boom in the Port-au-Prince metropolitan area has marked the late 1990s. Accordingly, CLED has taken note of an emergent class of entrepreneurs stemming from the explosive growth of Port-au-Prince, accompanied by dramatic growth in property values and other economic sectors in slum neighborhoods.[53] There may be rural (decentralized) counterparts to this emergent trend in the form of successful savings and loan associations, and other investments such as mango exports, by grassroots organizations organized in cooperative forms. An example of this is Gros-Morne, where a grassroots peasant organization presently manages a capital base of some 19 million *gourdes*.[54]

The politics of business. The business class has divided political interests. It is not identified with any one political party. For example, during the *de facto* government period (1991-94), leading members of the business class were identified as either "putchist" or "nationalist" depending on their views of the army *coup*. Antoine Izmeiry, a well-known businessman, was assassinated due to his political support for Aristide. Lavalas prime ministers have been businessmen (Smarck Michel, Robert Malval). During the current electoral campaign, some business people identified earlier as "putchist" now show public support for La Fanmi (OFL).

Bourgeois marronage? In general, the big business sector still suffers from the effects of the "Duvalier syndrome" – seeking to maintain a low profile in politics due to fear of

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[53] CLED has made use of the work of Hernando Soto, *The Third Path*, to explore possible trends in formalizing Haiti's very lively informal economy.

[54] Marc-Antoine Noel has personal knowledge of this association.

persecution. Prior to the Duvalier era, businessmen actively campaigned for office, e.g., Louis Dejoie in 1956-57. In contrast, Duvalier-era politicians tended <u>not</u> to come from the traditional business class. Businessmen interviewed recently by the team appear deeply concerned by the political crisis and support the democratic process, free and fair elections, and decentralization of government; however, they are reluctant to run for office or become publicly involved in politics for fear of becoming a target. Recent interviews with candidates indicate that business people have made campaign contributions – but generally on condition that their financial support not be publicized.

There is some indication of change in this regard. For example, a man with a university degree in engineering sought to run for local office as a CASEC council member in a communal section of Port-au-Prince – thereby reversing the social expectation that CASEC officers must be peasant farmers. Also, in the wake of the May 28 march against violence, some business families organized informal discussion groups to discuss their concerns, including forthcoming elections and the overall political crisis.

Looking outward. Interviewees noted that wealthy sectors of the economy have long been controlled by foreigners or Haitians of foreign descent, e.g., Germans before World War II. Members of the dominant business class encountered in this study are multilingual and outward looking. They are inclined to rely on external solutions to internal social and political problems. The younger generation of industrialists is almost invariably foreign educated, usually in the United States. The team's interviews regarding decentralization and Haitian politics tended to elicit discussion of national identity.

The team asked many questions, and was asked questions in return, notably, "What does the United States really want from Haiti? Why doesn't it finish the job it started?" Reliance on external forces, especially the United States, was an underlying theme of interviews. A prevailing assumption was that Haiti cannot, or will not, solve its internal political and social problems – due partly to the absence of political will and also to Haiti's dependence on outside forces.

The business of politics. According to interviews, there is an old pattern of political godfatherhood (*parrainage*) in the conduct of business in Haiti. Business people don't necessarily rely on government contracts, but success in gaining such contracts requires a *parrain* (godfather). Consequently, some business people note, they don't try to compete in markets related to the State because public sector markets are not <u>competitive</u> markets. Rather, they tend to be based on cronyism or kickbacks to friends of state functionaries.

As a dependent island economy, Haiti has historically relied heavily on the customs house as the primary instrument for collecting taxes. Customs duties are a critical element in the cost structure of imported goods. Therefore, the ability to assure a market niche for certain products is in large part a function of favorable customs treatment. A specialized class of intermediaries handles such negotiations with customs agents. These intermediaries also negotiate deals with local tax offices for merchants who pay sales taxes (TCA).

According to interviews, the formal tax structure is a disincentive to investment. Furthermore, contraband goods undercut Haitian production and Haitian incentive to invest. Therefore, it is standard practice to underreport income, show a loss, or negotiate payment of taxes – both in the customs house and the tax office (Direction Générale des Impôts). This process may involve payoffs to government officials. Businessmen note that it is much easier to operate on the basis of informal ties and arrangements with government offices, rather than strict adherence to the rules. Furthermore, the rules are contradictory, and there is no recourse in a court of law. In this view, only the government can make effective use of the justice system to represent its interests.

In general, the operative assumption is that government has always been – and continues to be – corrupt. To make money within government, the preferred government posts are reportedly the electricity and telephone utilities, the public works ministry, and the finance ministry including customs.

Civil Society Organizations

Associations of elected officials. Locally elected officials are critical stakeholders. Up until January 1999, and the dissolution of elected mandates, the national federation of mayors (FENAMH – Fédération Nationale des Associations des Maires) was a national voice unequivocally in favor of decentralization. As a professional association, FENAMH has been perhaps the single most effective civil society organization lobbying on behalf of decentralization. As a federation, it is firmly rooted in ten regional associations of mayors, encompassing all 133 communes of Haiti. Therefore, FENAMH is one of the few true apex organizations of civil society in Haiti. FENAMH has lobbied parliament and critiqued proposed laws on decentralization, including the law on Territorial Collectivities.

FONACAD (Fondation Nationale des CASEC Démocratiques) is the professional association of administrative councils of communal sections. FONACAD is less well organized than FENAMH and perhaps less effective in representing its members. The membership base is more unwieldy than FENAMH due to their large number and wide dispersion of jurisdictions – 565 communal sections. It has not had the benefit of ARD-PACTE training and support on a par with FENAMH. Nevertheless, it is an important stakeholder in decentralization. To maximize its organizational potential, each commune should ideally have its own local association of CASECs. Local associations have been established in some areas, such as the Jacmel Unité CASEC representing 11 sectional councils in the commune. This local association has met regularly on a monthly basis with the mayoral council, and discussed sectional needs and distribution of funds from the national Fonds de Gestion (FGDCT).

Decentralization CSOs? In addition to associations of elected officials, there are a few other CSOs with a special interest in decentralization issues. The most notable of these is GRIEAL (Groupe de Recherches et d'Interventions en Éducation Alternative). This organization has well developed human resources and carried out research and developed training modules on decentralization. It has been an important source of recruitment for

the CNRA (Commission Nationale de Réforme Administrative). Aside from FENAMH and GRIEAL, other CSOs have prepared written critique and commentary on proposed decentralization laws, including the Coordination des Institutions Haïtiennes d'Éducation Populaire and the Mouvement Alternatif Soleil Lévé.[55] Other advocacy organizations interested in decentralization include PHAPDA (Plateforme Haïtienne de Plaidoyer pour un Développement Alternatif) and ID (Initiative Démocratique).

Women's Organizations. The 1990s have seen the emergence of a growing number of woman's organizations and greater media attention to issues of gender equity in Haiti. In 1995 the Aristide government created a new ministry devoted to women's issues, the Ministère à la Condition Féminine. This fledgling ministry is poorly equipped and staffed; however, it is a potential CSO partner – from within central government – supporting decentralization. This ministry also maintains ties with women's organizations outside of government.

Within civil society, women's groups that have shown an active interest in advocacy include the following (this is indicative and not exhaustive):

- Comité de Négociation des Femmes avec les Parlementaires
- Groupe d'Initiative des Femmes
- Fanm Yo La
- Kay Fanm
- Lit Pouvwa Fanm
- Femmes en Démocratie
- Lig pou Fanm
- Enfo Fanm
- SOFA

The PLB candidate for senate (Ouest) in May elections came to her candidacy with a background in civil society, advocacy, and women's issues. She specifically linked women's issues with decentralization and publicly committed herself to support for legislation on decentralization. Further, she is an advocate for parliamentary debate open to the public and CSO access to parliamentary commissions.[56] Kay Fanm, a women's advocacy CSO, negotiated support for this candidate in return for the candidate's commitment to reducing the power of the executive, laws on gender discrimination, and economic development legislation.

This constellation of interests suggests a point of entrée into the system – *a convergence of interest between women's issues, women's CSO advocacy groups, more open CSO access to parliament, and decentralization*. Carothers (1999, 217) has taken note of this phenomenon in other settings: "Women's NGOs are often the most impressive sector of the advocacy NGO world in transitional societies."

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[55] See Cantave (1996, 84).

[56] See the *Programme Législatif* of Marie Laurence Jocelyn Lassègue, recent PLB candidate for senate.

Church. The church is a potential stakeholder for decentralization, but is thus far an underutilized resource in this regard. The Protestant federation (FPH – Fédération Protestante d'Haïti), generally apolitical in its public stance, recently made public declarations calling on the President, the electoral commission, and political parties to join together in supporting firm dates for elections and timely reopening of parliament.[57]

The Archbishop of Haiti states personal support for decentralization; however, the Catholic Conference of Bishops and the National Peace and Justice Commission have not yet made public statements on decentralization nor considered it a high priority for advocacy. Diocesan and national commissions on peace and justice have long advocated on behalf of human rights issues. There may be potential for linking human rights issues to advocacy on behalf of decentralization. The most accessible points of entrée here are at the level of the diocese and its bishop.

Professional associations. Middle-class professional associations have acquired a growing base of experience with advocacy and constitute an underutilized point of entrée for promoting decentralization. For example, educators have lobbied parliament on behalf of their sector interests and private sector educators have lobbied on behalf of a national education policy.[58] The professional sectors with a vested interest in decentralization policy would include physicians, lawyers, economists, media associations, and internet servers.

Media and journalism. Media representatives report an interest in reporting on decentralization issues, and would be enthusiastic about supporting media campaigns. The decentralized network of community radio stations has a vested interest in decentralized governance. In the past, AID funded projects have made successful use of media coverage and provided an opportunity for improved civic journalism, as in the National Dialogues sponsored by Asosye.

Findings

1. The big business sector of Haitian society is heterogeneous, including a range of views and shifting alliances.
2. The traditional business class is oriented to exports, imports and commerce.
3. With the emergence of assembly industries in the 1970s, younger US-educated industrialists have gained considerable economic clout.
4. A new and potentially important class of entrepreneurs is emerging in the sprawling slums of Port-au-Prince.
5. The business sector has divided political interests and is not identified with any one party.
6. The sector as a whole continues to be marked by the "Duvalierist syndrome" – a common reticence to be publicly involved in politics.

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[57] AHP, "L'église protestante appelle le CEP et l'exécutive à trouver un modus operandi pour favoriser la rentrée parlementaire le 12 juin," Port-au-Prince, 21 mars 2000, Agence Haitienne de Presse.

[58] Rosny Desroches of FONHEP cites the March 1997 report, "Contribution du Secteur Privé de l'Éducation à l'Établissement d'un Plan Véritablement National d'Éducation et de Formation."

7. Some younger elements are becoming more interested in politics and see themselves as potential candidates for office.

8. Representatives of the business sector state strong support for decentralization of government.

9. The private sector adjusts readily to changes in state policy and operations; it follows the flow of money.

10. Important elements of the business sector depend heavily on "godfathers" within the state apparatus for contracts or other favors.

11. In general, the business sector operates through elaborate networks of personal ties and obligations, and informal arrangements in paying taxes.

12. The business sector tends to rely on external forces, especially the United States, for internal social and political change.

13. Entrepreneurs are well aware of current urbanization trends and the continuing growth of Port-au-Prince as an emergent mega-city.

14. Port-au-Prince investors are generally reluctant to decentralize their investments due to infrastructure constraints and risks stemming from inadequate provisions for protection of property rights (perceived absence of recourse in a court of law).

15. Some younger entrepreneurs appear to have a higher tolerance for risk and a willingness to invest outside of Port-au-Prince – but generally not too far away.

16. Business associations are well organized, have good lobbying skills, and lobby with central government and parliament to represent their interests.

17. Recently, leading business associations have gone on record in favor of democratic institutions, timely elections and the opening of parliament.

18. An important recent trend is the establishment of new chambers of commerce in secondary cities. This network is linked nationally as an apex CSO.

19. Regional chambers of commerce, and business and professional people in secondary cities, are strong supporters of decentralization.

20. Associations of elected officials are a strong base of support for decentralization, including associations of mayors and CASECs.

21. Prior to January 11, 1999, the national federation of mayors (FENAMH) demonstrated a growing ability to lobby parliament and the executive branch.

22. A number of advocacy-CSOs based in Port-au-Prince are interested in promoting decentralization.

23. Women's and professional associations are potentially strong sources of support for decentralization, both in Port-au-Prince and elsewhere.

24. There may be a convergence of interest between women's issues, advocacy skills, more open civil society access to parliamentarians, and decentralization.

25. Church leaders express support for democratic institutions and elections; however, they have not actively promoted decentralization.

26. There may be a convergence of interest between human rights activists, including Catholic peace and justice commissions, and advocacy on behalf of decentralization.

27. Media interests, especially broadcast media, are generally supportive of decentralization.

28. The growing national network of community radio stations has a vested interest in supporting decentralization.

V. Design Opportunities

This report has identified a great number of obstacles to decentralization. The most intractable obstacle is the inertia and vested interests of the executive branch. Stakeholder analysis has also identified potential partners and points of entrée into the system to promote decentralization. These suggest possible areas of future program intervention.

Points of Entrée

1. The Constitution of 1987 provides clear guidelines. Installation of the assembly system is the critical factor in diluting executive power at the center and channeling citizen participation at the base.

2. Within central government, there is greater room for maneuver in parliament than the executive branch.

3. Within the executive branch, there is likely to be more room for maneuver in the Office of Prime Minister than the Presidency.

4. Within the Office of Prime Minister, the CNRA presently retains a mandate for policy development pertaining to decentralization and has good technical skills and human resources.

5. Central government allocation of funds is the quintessential litmus test of central governmental political will.

6. The budgetary process is also the most accessible tool for promoting decentralization at the center. This includes but is not limited to the legally constituted Fonds de Gestion (FGDCT) for Territorial Collectivities.

7. There is very likely to be a core of support for decentralization in the forthcoming parliament. This core may include the following elements:
   - current sitting senators and other incumbents
   - parliamentarians with previous mayoral experience and prior membership in regional associations or the national federation of mayors
   - a few parliamentarians interested in women's issues and civil society support for decentralization
   - rudimentary parliamentary blocs able to coalesce around regional interests, especially parliamentarians from areas with more strongly developed regional traditions such as the north and southeast
   - political rewards of implementing assemblies
   - timing is a critical issue in promoting parliamentary legislation
   - there is likely to be greater opportunity to influence parliamentarians during the first year and especially the first six months of the 47th Legislature
   - the pent-up agenda for ratification of multilateral loans is a target for lobbyists

8. There are political reasons for larger parties to support decentralization – the spoils of political control derived from full implementation of assemblies, including nominations for the judiciary and for the permanent electoral council.
   - This incentive does not require majority control in parliament nor at regional or national levels for it to be operative.

9. Party spokesmen generally voice support for continued USAID assistance for decentralization.

10. Forthcoming local and parliamentary elections hold out the promise of change, and full implementation of assemblies. When the dust settles from elections, the political landscape will be much clearer in terms of:
    - the individual profiles and commitment of newly elected officials
    - the balance of power in parliament (political parties, special interest blocs, majority control)
    - political affiliation of local elected officials
    - renewed opportunity to reactivate associations of elected officials

11. Associations of elected officials are a strong base of support for decentralization, including
    - regional and national associations of mayors
    - local and national associations of CASECs
    - potentially other associations of elected officials such as ASECs, or regional associations or consultative groups (e.g., mixed associations of elected officials, or local dialogues among mayors, assembly members and parliamentarians)

12. Following legitimate election of local officials, new opportunities will open up to work on improved local governance at local levels. There are significant comparative advantages in working at this level:
    - the principle of civilian local government is now well established in rural Haiti
    - popular will favors limits on executive power
    - at the local level, local concerns tend to override the party line
    - there are growing regional links between urban and rural areas
    - there are local vested interests in nominating judges and electoral council members
    - communes outside Port-au-Prince have a very strong vested interest in improved public services and deconcentration of public services
    - simultaneous election of CASECs and ASECs is likely to promote better working relations between the two bodies as partners in local governance.
    - grassroots organizations in many rural areas have a longstanding, practical base of experience in self-governance
    - small towns and rural areas generally offer greater opportunity for social sanctions and social controls on local government officials
    - local government bodies really want outside partners and assistance

- ▪ local bodies of government have underutilized opportunities to increase local revenues via
  - ✓ municipal decrees as a tool of governance
  - ✓ more efficient census and collection of CFPB taxes
  - ✓ tax revenues as leverage in soliciting external investment
  - ✓ diaspora organizations
  - ✓ sister city programs

13. Chambers of commerce and business sectors in secondary cities are strong supporters of decentralization.
    - ▪ an important recent trend is the establishment of new chambers of commerce in regional cities
    - ▪ this network is linked nationally as an apex CSO.

14. Urban neighborhoods and community organizations, especially slum districts, have a vested interest in decentralized governance and deconcentration of public services

15. A number of advocacy CSOs based in Port-au-Prince have a vested interest in decentralization:
    - ▪ middle class professional associations
    - ▪ advocacy CSOs such as those represented on ARD and Asosye advisory committees
    - ▪ there is also a possible convergence of interest between decentralization and
      - ✓ women's advocacy organizations
      - ✓ human rights organizations
      - ✓ church parishes

16. Media interests are generally supportive of decentralization, especially
    - ▪ broadcast media in general
    - ▪ community radio stations in particular

Elements of Program Design

As Haiti bears eloquent witness, transitions to democracy do not proceed in an orderly fashion and conflict is not an aberration in this transition. Therefore, it is crucial to focus on process and not just end goals. ***The process is the product***. This aspect should be addressed in the results packaging of project activities. As Carothers notes (1999, 296), the primary goal of democracy assistance should be "…to facilitate positive changes in the political life of other countries, through genuine partnership with local agents of change."

USAID should take into account the following parameters in crafting program support for decentralization and democratization:

- ♦ In general, planning for democracy assistance should avoid top-down strategies unless they are linked conceptually and in practical terms with bottom-up strategies.

♦ Therefore, support for decentralization should itself be decentralized and firmly rooted in principles of subsidiarity.[59]

♦ The usual problem with legislation in Haiti is that it is not implemented and often not implementable.

♦ Haiti is still writing the rules of its democracy in transition. Policy initiatives are important, enabling legislation is essential, neither is sufficient to bring about decentralization.

♦ Therefore, democracy initiatives on the ground should not be delayed pending the passage of enabling legislation.

♦ As feasible, program assistance should promote partnerships between state and civil society in concrete ways as alternatives to antagonism and polarization.

♦ Foreign models and standards cannot simply be transposed. Program assistance must be carefully adapted to the Haitian context and its continuing evolution in time.

♦ Therefore, program support should include continuous monitoring of context and local practices of governance, and timely review of the degree of fit or pertinence of the current program activities.

♦ Program decisions should build on success, maximize continuity of program elements deemed valid, and counteract an underlying tendency for discontinuity in the working environment – both politically and programmatically

♦ Decentralization, citizen participation, and local governance are crosscutting issues. They are too important to be relegated to a single technical office such as JDG.

♦ Support for decentralization should be actively incorporated into all contracts, objectives, and investments within the Mission's portfolio.

♦ Principles of local governance should be a defining element of all program sectors (schools, irrigation systems, health centers, etc.)

What follows is a list of possible interventions. It is suggestive of design elements that are compatible with points of entrée into the system noted earlier.

1. Support the process of establishing assemblies. This can be addressed at both policy levels and field levels.
2. The policy level might include support for CNRA and continued collaboration with CNRA. The CNRA can only propose policy; it does not lobby on its behalf nor does it implement it.
3. Therefore, policy support should also take the form of limited support for parliament, primarily in support decentralization. This might include
   ▪ promotion of parliamentary blocs (regional or decentralization or civil society oriented)
   ▪ facilitating civil society advocacy in this regard via associations of elected officials and other advocacy oriented CSOs,
   ▪ facilitating advocacy for more adequate budget support local government,

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[59] Subsidiarity is defined here as, *"…solving a problem at the level of the smallest or most local unit capable of handling the problem"* (for further discussion of this strategy and its application to the Haitian context, see the Mission produced report by Smucker and Thomson 1999).

- support for parliamentary commissions related to decentralization, especially Finance and Interior and Territorial Collectivities,
- orientation, training, and colloquia on decentralization in the first month or so of the 47th Legislature.

4. Promote reactivation of local, regional, and national associations of elected officials, including FENAMH and FONACAD.
5. Facilitate advocacy by local elected officials to transfer tax authority and competence to local government.
6. Support joint training of (a) CASECs and ASECs and (b) Municipal Assemblies and Municipal Councils, as partners in local governance.
7. Support civil society training in its role in governance and specifically in its relations with assemblies, including women's groups, professional associations, chambers of commerce, and grassroots organizations.
8. Promote discussion of shared vested interests among workers, artisans, small trades, and the local business sector.
9. Facilitate active collaboration among private sector investors, civil society organizations, and local governments – around concrete issues.
10. Work with local governments via a pilot governance program:
    - Provide support for core networks of local government officials and related jurisdictions including parliamentary districts.
    - Officials and districts should be selected on the basis of competence and commitment to governance and decentralization, and negotiated agreements to collaborate across party lines (CASEC-ASEC, mayors-municipal assemblies, municipal government, local DGI office).
    - Support a local or regional "critical mass" of decentralized organs of government.
    - Support collaboration and practical division of roles among all organs of decentralized government within a region, and also agencies of deconcentrated government.
    - Use a pilot governance program as a means to adapt decentralization to the local context, using principles of subsidiarity.
    - Use pilot local governance as a source of data and ideas to inform the policy process nationally.
    - Support local property census and tax collection.
    - Support consultation with local citizens and representatives of civil society in the revision of local jurisdictions (*découpage térritoriale*) – communal sections, communes, allocation of public services and tax revenues.
11. Provide assistance to strengthen the auditing role in local government, including the mandated role of the Cours Supérieure de Comptes as an autonomous agency.
12. Provide assistance to link deconcentrated services with decentralization, e.g., as a pilot project, use the commune as a local school district.

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ANNEX A. List of Stakeholders Interviewed

Central Government

Office of Prime Minister
  CNRA   Tony Cantave, Coordonnateur-Adjoint, in charge of decentralization

Délégation de l'exécutif   Leslie Beausejour, ex-Délégué, Ouest, 1994-96
                                        Claude Elie, Vice-Délégué
                                          Arrondissement Cayes-Jacmel

Parliament   Alix Fils Aimé
                                          ex-Député, ex-President of
                                          Commission on Interior and Territorial Collectivities,
                                          senate candidate (Independent), Ouest
                          Renaud Bernardin, Senator, PLB, Ouest
                          Wesner Emmanuel, Senator, Independent, Ouest

Ministry of Finance   Ronald Baudin, Director-General
  DGI   Franz Théodat, Director-General, DGIM

Local Government

CASEC   Roland Francoeur, current CASEC Coordinator,
                                        (CONACOM), Section La Vanneau , Jacmel
                                          candidate for reelection (MOCHRENA)
                          Duton Jean, Deputy CASEC (CONACOM),
                                          candidate (MOCHRENA)

ASEC   Ricot Frédéric, Coton Bassin Bleu,
                                          Section La Vanneau
                          Maxo Pierresaint, Carrefour Pingouin, La Vanneau

Municipal Assembly   Charlot Alexandre, Délégué Ville, Jacmel
                                            Coordinator of Municipal Assembly

Departmental Elections Office   Senatus Jean Ruid, Director, BED, Sud-Est

Jacmel Municipal Govt	Jackson Bellevue, Deputy Mayor of Jacmel, candidate for Député (OPL) Charlisthène Jean, Caissier-Payeur, Ernst Edmé, Accountant
Cayes-Jacmel Municipal Govt	Jean Wilder, Mayor, Lavalas, independent candidate for re-election
Marigot Municipal Govt	Louis Gédéon, Mayor (OPL) Roselen Moise, Deputy Mayor (OPL) Firmin Frett, Deputy Mayor (OPL)

Civil Society

Associations of Elected Officials

FENAMH	Jackson Bellevue, Sec.
FONACAD	Bernard Joseph, President Joseph Deshommes, National Delegate Roland Francoeur, Member
Unité CASEC, Jacmel	Roland Francoeur, Member Duton Jean, Member

Private Sector Associations

ADIH	Richard Coles, President
Chambre du Commerce d'Haiti	Fritz Kénol, immediate past president, Ulrick Dessaint, Secrétaire-Général
Jacmel Chambre du Commerce	Jacques Khawly, President
Cap-Haitien Chamber of Commerce	Marc Georges, Vice-President Walter Bussenius, Member

Business Interests

airport services, manufacturing	Hans-Allen Théophilé
insurance	Didier Gardère
manufacturing, port services	Fritz Mevs
manufacturing, port services	Grégorie Mevs
printing	Wilhelm Frisch (Maison Deschamps)
assembly industry, textiles	Richard Coles
banking	Leslie Delatour (Promobank), ex-Governor of Central Bank, ex-Minister of Finance

Women's Organizations

Kay Fanm	Magalie Marcelin, coordination committee
Fanm Yo La	Marie-Laurence Lassegue, former head
Femmes en Démocratie	Vanya Charlier Berrouët, member

Religious Sector

Conférence Episcopale	Monseigneur Serge Miot, Archbishop
Commission Episcopal National de Justice et Paix	Joseph Junior Constant, lawyer
	Jean Hanssens, priest

Media

Le Nouvelliste	Henri Alphonse, Journalist, Jacmel
Radio Jacmel Inter	Feldner Zidor, Journalist, Jacmel

Other Civil Society Organizations

FONHEP	Rosny Desroches, President; member of Comité Consultatif Haitien (CCH, Asosye)
	Vanya Berrouët, Executive Director, member of CCH
GRIEAL	Tony Cantave
Centre Pétion-Bolivar	Arnold Antonin, Director
Jacmel museum project	Michelet Divers, educator, author

<u>Political Parties</u>

FANMI LAVALAS (OFL)	Yvon Neptune, party spokesperson, candidate for senate (Ouest)
OPL	Gérard Pierre-Charles, Secretary-General
RDNP	Leslie Manigat, Secretary-General, RDNP
	Myrlande Manigat, senate candidate, Ouest
	Milot Gousse, senate candidate, Sud-Est
ESPACE DE CONCERTATION	Evans Paul, ESPACE spokesperson Secretary-General of KID - Kodinasyon Inite Demokratik
	Raymond Pascarin, Jacmel mayoral candidate
CONACOM	Rosemond Pradel, Secretary-General; ESPACE candidate for senate (Sud-Est)
	Micha Gaillard, mayoral candidate, Port-au-Prince

MRN	René Théodore, party head, ex-head of PUCH Mayoral candidate, Port-au-Prince
MOCHRENA	Roland Francoeur, CASEC candidate, La Vanneau Duton Jean, CASEC candidate, La Vanneau
PLB	Senator Renaud Bernardin, PLB Secretary-General Marie-Laurence Lassegue, senate candidate, Ouest
MPSN	Hubert Deronceray, President, Mouvement pour le Sauvetage Nationale, President of MDN
Independent	Danielle St. Lot, candidate for mayor, Petion-Ville

Donors

UNDP	Robert Denisé Carl Sauvageau
IDB	Gerard Johnson, Resident Representative

ANNEX B: Current Laws on Government

According to Cantave (1996, 108), the following laws on the Haitian state remain in force but are unconstitutional and should be amended or replaced in support of decentralized governance[60]:

- The Rural Code of May 16, 1962
- The Law of September 18, 1978, on territorial delimitation
- The Law of September 6, 1982, defining the National Administration
- The Law of September 19, 1982, establishing the legal framework of the *fonction publique*
- Law of September 19, 1982, on regional planning (*régionalisation et l'aménagement du territoire*)
- Decree of October 22, 1982, on the Commune
- Decree of December 13, 1982, regulating non-governmental organizations working in development, amended September 14, 1989
- Labor code of 1983
- Decree (*arrêté*) of October 13, 1983, establishing procedures for naming public employees
- Decree of November 4, 1983, on the public agency responsible for audits and mediation of administrative disputes (*La Cour Supérieure de Comptes et du Contentieux Administratif*)
- Decree of January 21, 1985, creating the tax office (*Direction Générales des Impôts*)
- Decree of May 17, 1990, reorganizing administrative structures of the Ministry of Interior
- Decree of May 17, 1990, on delegations

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[60] This list should be viewed as indicative rather than exhaustive.

ANNEX C: Proposed Laws on Decentralization

According to Cantave (1996, 109), the following laws are required to implement constitutional provisions for decentralization:

- A law on the organization and functioning of the Commune and Municipal Assembly (see Article 69 of the Constitution)
- A law on the organization and function of the Departmental Council and the Departmental Assembly (see Article 82 of the Constitution)
- A law on the organization and functioning of the Interdepartmental Council (see Article 87.5 of the Constitution)
- An law establishing the basic framework for decentralization (*loi-cadre*)
- An law establishing fundamental principles and orientations of local governments
- A law transferring authority and power to local governments and defining the relations between Central and Local Governments
- A law on financial accounts (*comptabilité*) of local government
- A law on the financial framework (*régime financier*) and resources of each local government
- A law on public employees of local governments
- A new law redefining the geographic boundaries of local governments (*découpage territoriale*)
- A new law on the organization and functioning of the agency responsible for audits and mediation of administrative disputes (*La Cour Supérieure de Comptes et du Contentieux Administratif*)
- New laws on public administration and public employees (*Administration Publique* and *Fonction Publique*)
- A new labor code
- A new rural code