

# Assessment of policy constraints to effective watershed management

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## ABBREVIATIONS AND ACRONYMS

ANAP	Association Nationale pour les Aires Protégées
BAC	Bureau agricole communal
DAI	Development Alternatives Inc.
DDA	Direction départementale de l'agriculture
DEED	Développement économique pour un environnement durable
EIA	Environmental impact assessment
FHE	Fondation Haitienne de l'Environnement
IMWACA	Integrated management of watersheds and coastal areas
MARPOL	UN convention on marine pollution
MARNDR	Ministère de l'agriculture, des ressources naturelles, et du développement rural
MdE	Ministry of Environment
MICT	Minister de l'Intérieur et de la Coopération Externe
MoA	Ministry of Agriculture—the correct name of which is the MARNDR
MPA	Marine protected area
MPCE	Ministère du plan et de coopération externe
NTIC	New technologies information and communication
PA	Protected area
PAE	Plan d'Action pour l'Environnement
RAMSAR	UN Convention on the protection of wetlands
SDAGE	Schema directeur d'aménagement et de gestion de l'environnement
SNAP	Système national des aires protégées
SPAW	Specially protected areas or wildlife
UNCLOS	United Nations Convention on the Law of the Sea
USAID	US Agency for International Development

## 1. INTRODUCTION

The DEED project (Développement Economique pour un Environnement Durable), a project financed by USAID, started in Haiti in mid-February 2008. DEED aims to both develop and preserve the watershed zones of Limbé and Montrouis by working with local producer groups to reinforce and strengthen sustainable commercial agriculture in ways that protect the environment and improve the management of natural resources. The DEED project is implemented by Development Alternatives Incorporated (DAI).

A key result for DEED is that the natural resource management policies of the Government of Haiti facilitate resource management and are well coordinated between Ministries and with local government. This report responds to the first requirement under this result which is to identify policy constraints, assess their importance, and recommend appropriate action in a participatory manner<sup>1</sup>. The relevant standards are:

- Watershed level fora are held that allow farmers to identify policy and institutional constraints
- Regular meetings are held with USAID's Bassin Versant Advisor to discuss analysis and recommendations
- An assessment of policy constraints in the watersheds is completed and presentations are made to MoA, Mde, USAID, and other donors and stakeholders.

The watershed level fora referred to above were held in Limbé and Montrouis in May 2008. One of the objectives of these stakeholder workshops was to identify both the constraints and the opportunities for sustainable development and improved management of natural resources. Representatives from over 30 producer groups and farmer associations took part in the workshops—which were managed in a way that encouraged the maximum degree of participation by the farmers.

## 2. THE COMMUNITY PERSPECTIVE

One of the first tasks required of DEED was to identify the principal stakeholders working or having a significant interest in the two watershed areas. These stakeholders were then invited to a one-day workshop the objectives which were to:

1. Bring the principal stakeholders together to discuss perceptions of the environmental and development issues in the watersheds;
2. Identify constraints and opportunities for sustainable development and improved management of natural resources;
3. Propose priority interventions that DEED will consider as activities to be undertaken in collaboration with local producer groups;
4. Introduce the proposal for a Watershed Management Committee;
5. Encourage a collaborative and consensual approach to the management of the watershed areas among the principal stakeholders.

The first workshop was held to discuss the situation in the Limbé watersheds and took place at the Hotel Roi Christophe in Cap Haitien on 6 May 2008. The second workshop focused on the Montrouis

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<sup>1</sup> This report is submitted in compliance with Deliverable 5.1.1 –Assessment report on watershed policy constraints”, and Milestone 5.1.1 –Assessment of policy constraints in the watersheds completed”.

watersheds and was held at Xaragua Hotel in Montrouis one week later on 13 May 2008.<sup>1</sup> Over 100 constraints were identified by the participants at the workshops in Cap Haitien and Montrouis. During the workshops, these constraints were arranged geographically by watershed and sub-watershed locality. However, no attempt was made to analyze the constraints and to group them thematically. These constraints are set out in Table 1, in the language of the participants themselves as recorded during the two workshops.

When the constraints are analyzed and grouped, six themes emerge. These are :

1. Inadequate technical assistance for farmers
2. Lack of financial and business services
3. Unavailability of agricultural inputs
4. Weak governance
5. Inadequate infrastructure
6. Weak institutional development

These constraints are briefly summarized below.

### **Inadequate technical assistance for farmers**

Cited more than 20 times in all, participants from producer groups and associations identified a clear need for technical assistance for farmers. Problems cited were inappropriate agricultural practice and plant diseases that farmers do not know how to deal with. For example, farmers need help dealing with Cigatoka.

### **Lack of financial and business services**

The unavailability of credit was cited several times. In reality, credit is available – but interest rates are so high that most farmers are not willing to pay these charges. There is also a need for business service providers.

### **Unavailability of agricultural inputs**

Several producer groups identified the lack of a shop to buy seeds, fertilizer, and other agricultural inputs as a serious constraint. The quality of seeds may also be an issue.

### **Weak governance**

The major constraint and one cited in a multitude of forms--the absence of any kind of government intervention to apply and enforce the abundance of legislation related to environmental and natural resource management is a major impediment to the sustainable management of watershed areas.

### **Inadequate infrastructure**

Roads and irrigations systems are the principal problems, although the lack of potable water is mentioned more than once. The poor condition of the roads is a major problem. Agriculture cannot develop to its full commercial potential if valuable but perishable produce has to be carried by people or animals in small quantities over distances of tens of kilometers down rocky trails to the nearest market.

### **Weak institutional development**

Several producer groups and associations identified their own weaknesses as a constraint—recognizing that they lacked the capacity and the organizational skills to further develop the commercial potential of their businesses.

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<sup>1</sup> Report on the Stakeholder Workshops in Limbé and Montrouis, Development Alternatives Inc, June 2008.

**Table 1 Major constraints as identified by farmers in Limbé and Montrouis**

<b>CONSTRAINT</b>	<b>EXAMPLES CITED BY FARMERS</b>	<b>LOCATION</b>
1 Inadequate technical assistance for farmers	Archaic methods used for preparing fields Lack of technical assistance and support structures Plant diseases Little or no technical training Poor soil management and inappropriate agriculture	Marmelade Marmelade, Roseau, Deluge, Montrouis, Matheux Camp-Coq, Souffriere, Perrin Camp-Coq, Souffriere, Perrin, Limbe Roseau
2 Lack of financial and business services	Inexistent agricultural credit Financial services are few Inadequate support services to businesses	Marmelade, Camp-Coq, Souffriere, Perrin, Matheux Camp-Coq, Souffriere, Perrin Camp-Coq, Souffriere, Perrin
3 Unavailability of agricultural inputs	Lack of agricultural inputs Limited access to inputs	Marmelade, Montrouis Camp-Coq, Souffriere, Perrin
4 Weak governance	Free range animal production Erosion Degradation of the environment Lack of responsibility taken by local actors Uncontrolled deforestation Uncontrolled construction and destruction of mangroves Drying of springs No management of plastic waste Poor management of quarry Lack of a feeling of civic duty at the citizen's level Over exploitation of the continental plateau Theft of coral Absence and lack of responsibility on the part of local authorities Pollution of the coast	Marmelade, Matheux, Courjolle Marmelade, Camp-Coq, Souffriere, Perrin, Roseau, Deluge Montrouis, Matheux Marmelade Marmelade, Camp-Coq, Souffriere, Perrin, Limbe, Bas-Limbe, Deluge, Matheux, Courjolle Matheux Camp-Coq, Souffriere, Perrin Matheux Matheux Limbe Matheux Courjolle Limbe Deluge
5 Inadequate infrastructure	Lack of potable water Lack of agricultural roads Difficult road access to markets Drainage problems No storage facilities Need for product transformation Few health centers Lack of latrines Need for and repair of irrigation systems Access to markets Limited electricity No internet Flooding Insufficient investment Uncapped springs Poor market facilities	Marmelade, Courjolle Camp-Coq, Souffriere, Perrin, Montrouis Camp-Coq, Souffriere, Perrin, Limbe, Deluge, Matheux Limbe Camp-Coq, Souffriere, Perrin, Deluge Camp-Coq, Souffriere, Perrin, Matheux Camp-Coq, Souffriere, Perrin Camp-Coq, Souffriere, Perrin Bas-Souffriere, Matheux, Courjolle Camp-Coq, Souffriere, Perrin, Limbe, Deluge, Matheux Camp-Coq, Souffriere, Perrin Camp-Coq, Souffriere, Perrin Bas-Limbe Bas-Limbe Roseau, Matheux Montrouis
6 Weak institutional development	Lack of communication between farmers Institutional weaknesses Institutional networks absent Organizations are unstructured	Deluge Camp-Coq, Souffriere, Perrin, Roseau Camp-Coq, Souffriere, Perrin Matheux

### 3. THE POLICY CONTEXT

Government policy related to the management of natural resources in general and watersheds in particular is set down principally in four documents. These are :

- The policy concerning the management of watersheds, MARNDR, 1999
- The Environmental Action Plan, MdE, 1999
- The *Décret-cadre* on the management of the environment, October 2005
- The *Décret organique* for the Ministry of Environment, MdE, January 2006 <sup>1</sup>

In addition, the 1978 decree on fishing<sup>2</sup>, still in force, sets out the policy concerning the management of coastal and marine resources; while the 1987 Constitution and the more recent 2006 legislation on decentralization<sup>3</sup> have considerable bearing on natural resource planning at the commune and section levels of local government.

#### 3.1 Policy of the Ministry of Agriculture

In 1999, the MARNDR issued a document setting out its proposed policies concerning the management of watersheds in Haiti.

The text specifies the general objectives of the policy as:

- The rehabilitation of degraded watersheds, by action that is coherent, effective, and sustainable, aimed at improving the socio-economic conditions of the rural communities thus reducing the pressure on natural resources;
- To contribute also to an improvement in the socio-economic situation of the communities living below the watersheds, as a result of greater availability of water resources and a reduction in the risk of flooding and silting up of the lower plains and in particular of irrigation systems.

The specific objectives are cited as:

- To integrate the sub-sector policy of watershed management in both agriculture sector policy and in the global policy of environmental management;
- To ensure the general coordination of actions linked to the management of watersheds;
- To promote a policy of conservation and production in the watersheds.

One notes that MARNDR policy specifically links watershed management with improvements in livelihoods, and that both production as well as conservation are given equal weight. In this regard, the Ministry's policy is closely aligned with DEED's. The Ministry's approach, however, differs considerably from that of DEED.

The responsibilities for watershed management are situated at the different levels of the collectivities. The document argues that the Section is too large a unit, and proposes a smaller unit called the *Unité de*

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<sup>1</sup> The documents are : 1) Politique du MARNDR pour la gestion des bassins versants, MARNDR, Direction des ressources naturelles, Service de défense et restauration des terres, Décembre 1999; 2) Plan d'Action pour l'Environnement, MdE, 1999; 3) Décret portant sur la gestion de l'environnement et du régulation de la conduite des citoyens et citoyennes pour un développement durable, Published in Le Moniteur, 26 January 2006; 3) Décret organique du Ministère de l'Environnement, January 2006.

<sup>2</sup> Décret sur la pêche, published in Le Moniteur No.81, 27 October 1978

<sup>3</sup> Décret cadre sur la décentralisation, February 2006.

*gestion communautaire* (UGC). The UGC is defined as being a cohesive community group working in agriculture in an area corresponding to a micro-watershed (*bassin versant élémentaire*). The UGC is to prepare a management plan for its natural resources and an action plan for development. These plans are consolidated into a Section level Resource Management Plan, which is then consolidated at the Commune level. This plan is then reviewed and approved by the BAC.

At the Commune level, each Commune will conceive a *Plan communal de gestion des ses ressources naturelles*, developed from the priorities of the management plans established in each Section. The Commune plan will provide coherence among the Section plans situated in the same watershed (upstream and downstream). It therefore provides a framework for actions to be implemented in the Commune. This Commune NRM plan, once approved by the BAC and the DDA, is integrated into the *Plan communal de l'agriculture*. This latter plan is integrated into the *Programme communal de développement* that defines the strategic orientation for all sectors in rural development.

At the Department level, each Department ensures the synthesis of the Commune NRM plans and determines the actions necessary to harmonize the plans. The *Plan départemental de l'agriculture* sets out the planning for the different sub-sectors which is then inserted in a coherent manner into the *Programme intégré de développement départemental*.

The approach of the MARNDR in watershed management is defined as being both conservationist and productive. This is explained as follows:

- Interventions are not necessarily in the most degraded zones. On the contrary, there needs to be the potential to recover the investment of the action taken. Actions need to allow for eventual autofinancement.
- For each production, the development of a comprehensive and coherent value chain needs to be favored-- (support for production, stocks, transformation, commercialization)
- Action must financially viable in the short term, above all if land tenure is precarious.

The document stresses that the responsibility for watershed management lies with the collectivities. The technical services of the MARNDR are available to facilitate the process, i.e. the Ministry and its agents bring technical and organizational support. This support is defined as :

1. Planning
2. Normative (legislation, rules, etc.)
3. Coordination
4. Facilitating access to funding
5. Technical and organization support
6. Research, training, dissemination
7. Information and knowledge sharing

One important and positive aspect of the MARNDR's policy is that it proposes that planning for the management of natural resources is 'bottom-up' and that it is geographically delimited by the concept of a watershed—and not by the administrative boundaries defined for the collectivities. However, the planning process involves integrating section plans and commune plans into department level plans for agriculture which are finally integrated into departmental level development plans. This process is clearly going to be very bureaucratic and time-consuming. Although the document recognizes the principle of decentralization, it stresses only the *responsibility* of the decentralized collectivities for the implementation of management plans while retaining for the Ministry at the Department level the *authority* for approving them.

Finally we note the comment of JA Victor that in his view the MARNDR policy is *—mort dans l’oeuf*” because the MARNDR has —noninstitutional or legal means to mobilize the collectivities made responsible for the direct management of the watersheds.”<sup>1</sup>

### **3.2 The Environmental Action Plan**

The *Plan d’action pour l’Environnement* or PAE was the result of a long consultative process that genuinely appears to have involved all the principal stakeholders. The process commenced in 1996; the PAE was published in 1999. The Action Plan, which is written almost entirely in the future tense, proposes to implement 10 priority programs, among which one finds:

- Program 4 : Conservation and sustainable use of biodiversity
- Program 5 : Management of strategic watersheds
- Program 6 : Integrated management of coastal and marine zones

These programs consist of the following action and results:

#### ***Conservation and sustainable use of biodiversity***

- Conservation and sustainable use of medicinal plants
- Management of a national protected area system
- Management of an information center on biodiversity and protected areas
- Rehabilitation of ecosystems
- Development of ecotourism
- Creation of a trust fund for the conservation of biodiversity

#### ***Management of strategic watersheds***

- Implementation of land-use planning proposals
- Preparation and implementation of master plans for the management of strategic watersheds
- Promotion of conservationist agriculture and protection of water resources
- Creation of forests

#### ***Integrated management of coastal and marine zones***

- Action against pollution and environmental degradation of coastal and marine areas
- Rehabilitation and protection of natural habitat and marine ecosystems (mangroves, coral)
- Management of the littoral and cleanup of beaches and coasts
- Promotion of sustainable tourism
- Creation of an information database on coastal and marine environment
- Capacity building
- Integration of linkages local-national, ridge-to-reef, and regional (Caribbean)

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<sup>1</sup> Synthèse de la législation et des politiques environnementales, Jean Andre Victor, February 2006

Almost 10 years later, none of these proposed actions have been implemented. One could go further and state that no *attempt* has even been made to initiate any of these proposed actions. The PAE remains the grand vision, but a vision that had little hope of ever being realized.

### 3.3 Present policy of the Ministry of Environment

Two quite recent decrees set out government policy with respect to the environment, and define the structure and responsibilities of the MdE. The discussion below focuses first on the 2005 decree related to the management of the environment.

Broadly speaking, the MdE is given the responsibility for the *executive coordination* of the preparation and the implementation of national environmental policy.

The collectivities (departments, communes, and sections) are required to work with the central government to protect the environment, manage the landscape, and improve the quality of life. The collectivities are *inter alia* required to :

- Participate in the preparation of departmental and commune-level environmental and sustainable development action plans;
- Assist in the preservation of natural, cultural, historical, and archeological patrimony and advise the central authorities in case of alteration;
- Assist in the protection and rehabilitation of natural resources notably forests, green spaces, and ecosystems under their authority (including municipal parks), soil, and fauna, and contribute to their improved management.<sup>1</sup>

The decree declares that the following programs are a priority for the period 2005 – 2020:

- The strengthening of institutional capacity in environmental management within the different levels of government;
- The conservation and the sustainable management of biodiversity;
- The land-use planning and integrated management of watersheds, and coastal and marine resources;
- The prevention and mitigation of risks associated with meteorological, climatic, and seismic phenomena.<sup>2</sup>

According to the decree, the Government has the responsibility for preparing and implementing land-use and environmental management plans for each watershed or hydrographic district in the country. These plans are called *Schemas directeurs d'aménagement et de gestion de l'environnement*, (SDAGE).<sup>3</sup>

The Government is also obliged to provide the necessary support to the collectivities for the task of preparing and implementing departmental and municipal plans for the protection of the environment and sustainable development.<sup>4</sup>

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<sup>1</sup> Decret portant sur la gestion de l'environnement et du regulation de la conduite des citoyens et citoyennes pour un developpement durable, January 2006, Article 25.

<sup>2</sup> Ibid, Article 29

<sup>3</sup> In this report, a *\_plan d'aménagement\_* is translated as a land-use plan, while a *\_plan de gestion\_* is translated as a management plan.

<sup>4</sup> Ibid, Article 32. A *\_municipality\_* and a *\_commune\_* appear to be identical in the 1978 Constitution. This article of the 2005 decree therefore confirms that the communes have the right to prepare and *implement* plans for the protection of the environment and for sustainable development.

The MdE is responsible for the coordination of the *process* of preparing the SDAGEs, although material support to the departments and municipalities is supposed to be provided by the ‘Central Public Administration’.

The decree creates the National System for Protected Areas (SNAP), a system that covers national parks, reserved zones, forest reserves, classified natural sites, and zones under protection. Protected areas are required to have at least one of the following objectives:<sup>1</sup>

- The protection of biodiversity *in situ*;
- The protection of the integrity of specific ecological systems, landscapes, and/or cultural values linked to biodiversity under threat;
- The protection of hydrographic units and aquifers and the reduction of vulnerability to the risk of flooding;
- To contribute to the education and awareness of the population of the beauty of nature sites of historic and cultural value, the fragility of ecosystems, and the necessity to conserve these sites;
- To encourage scientific research and knowledge of biodiversity, and/or cultural values;
- To profit from bio-genetic resources and to facilitate access to these resources by citizens.

According to the decree, protected areas may be national, departmental, and municipal. The protected areas are to be established by *voie réglementaire* – which is assumed to mean that the PAs can be established by an *arrêté* issued by the department or municipality (i.e. commune). This article is therefore extremely important, as it appears to give the Maire the authority to establish a protected area in the commune.<sup>2</sup>

However, it is not clear that a Maire has the authority to establish a *marine* protected area<sup>3</sup>. Furthermore, establishing a protected area is one thing, managing it effectively is quite another. The decree creates the National Agency for Protected Areas (ANAP)<sup>4</sup> --an autonomous agency operating under the aegis of the Ministry of Environment-- which is given the authority to:

- Manage and coordinate the system of protected areas (the SNAP referred to above);
- Coordinate the preparation and the implementation of a National Management Plan for Protected Areas;
- Prepare and approve protected area management plans for the categories of PAs under ANAP’s jurisdiction;
- Preserve the PAs under its administration as well as those under co-management;
- Establish access rules for the PAs under ANAP’s jurisdiction, including access to bio-genetic resources;
- Integrate, *in a responsible manner*‘ the local population and the collectivities in the management of PAs under ANAP’s jurisdiction.

So while ANAP is apparently responsible for the management of PAs *under its jurisdiction*‘, the attributes listed above also allow for co-management by the collectivities and the local population.

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<sup>1</sup> Ibid, Article 49.

<sup>2</sup> Ibid, Article 50.

<sup>3</sup> However, JA Victor states that the Maires have the authority to establish marine protected areas within the marine zone adjacent to the terrestrially delimited communes. Personal communication, July 2008.

<sup>4</sup> L’Agence National pour les Aires Protégées (Article 53)

Apart from protected areas, the decree requires the Government to define and apply a national policy for the prevention of desertification and the protection of soil. With the aim of conservation and/or risk management, the ‘Administration Publique’, by means of an *arrêté*, can limit the exploitation of specific areas of land.<sup>1</sup> Agriculture is declared as being ‘conservationist’.<sup>2</sup>

Furthermore, the decree gives the MdE the right to declare land susceptible to erosion as being inappropriate for agriculture. In this case, the Ministry has the authority to place these lands under the jurisdiction of ‘ONAP’ and for these lands to be planted with trees and reforested.<sup>3</sup>

Concerning, water resources, the decree gives the MdE almost complete authority to manage all manner of ‘natural’ and ‘artificial’ hydraulic resources with the notable exception of irrigation systems. However, the MdE is required to coordinate this action with other ministries and also with the collectivities.<sup>4</sup> The decree again confirms that the watershed is the geographic area to be used for planning the management and protection of water resources. Furthermore, the MdE is charged with taking the initiative to create permanent and autonomous inter-ministerial and inter-institutional mechanisms for the sustainable coordination and management of water resources. These mechanisms are to be at both national level and at the level of the watersheds or ‘hydrographic districts’.<sup>5</sup> The decree therefore specifically proposes the creation of planning mechanisms that appear to be perfectly aligned with the Watershed Management Committees proposed by DEED.

With respect to marine conservation, the decree is strangely mute. Chapter 3 of Title III deals with protected areas but nowhere mentions marine protected areas. Chapter 5 of Title IV deals specifically with maritime resources but deals only with pollution.

Finally it should be noted that at the very end of the decree in Articles 158 and 159 it is clearly stated that the ‘State functions’ for regulating and managing reserved areas, forests, hydrometeorology, hydrogeology, and water resources are transferred from the Ministry of Agriculture to the Ministry of Environment. Given that Article 114 stipulates that the watershed is the operational planning unit for the management and protection of water resources, it is absolutely clear that the decree gives the MdE the authority to manage and protect watersheds and ‘hydrographic districts’.

The *décret organique* issued by the MdE in early 2006 has little to add to the above in terms of policy. However, one article is of particular interest: Article 44 states that the Departmental Directions of the MdE are responsible for promoting and ensuring the preparation of the SDAGE’s for each watershed and hydrographic district in their jurisdiction by means of participatory processes and the application of appropriate techniques.

### 3.4 Policy related to marine resources

Fishing is regulated by the MARNDR through the Fisheries Service within that ministry. The 1978 decree relating to fishing sets out the regulations and technical details related to the way fishing is to be conducted including citing the species that may only be caught at specific times and under particular conditions. Article 37 gives the MARNDR the right, for technical and other reasons, to apply measures that restrict or limit fishing in both the sea and rivers. Article 38 then specifies that in these ‘reserved zones’, no-one is allowed to fish, collect aquatic plants, extract coral or sand, in fact conduct any activity likely to interfere with the reproduction of fish. That these rights are held by the Fisheries Service is reiterated in Article 57 point 13.

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<sup>1</sup> Ibid, Article 95.

<sup>2</sup> Ibid, Article 98.

<sup>3</sup> Ibid, Articles 99 and 100. ONAP is nowhere defined in the decree and may be a mis-spelling of ANAP.

<sup>4</sup> Ibid, Articles 111-113. Article 117 also makes it clear that it is the MdE that controls water resources.

<sup>5</sup> Ibid, Article 115.

It is noteworthy that the decree appears to give the Fisheries Service a free hand to sell off marine resources. Article 53, after first stating that the Fisheries Service cannot engage in commercial fishing, then promptly opens the door it had just slammed shut by stating: —Nevertheless, fish and other animals captured as well as plants and rocks collected during its work and research, will be placed on the market. The product from these sales will be placed in the National Bank of Haiti (BNRH) under the responsibility of the Director of the Fisheries Service in a special account proposed under the present law.”

The decree defines several surprising benefits for fishers and fishing cooperatives:

- A revolving fund is to be set up by the Fisheries Service exclusively for the purchase and resale to fishers of fishing materials at the lowest price. Fishers may also purchase materials on credit.<sup>1</sup>
- The MARNDR will help procure the materials and establish fish processing installations.<sup>2</sup>
- The MARNDR will also organize fishing cooperatives and allocate 20% of fines and taxes collected specifically for the development of these cooperatives.<sup>3</sup>
- A fishing cooperative, legally established, is to benefit from:
  1. Duty free importation of its first equipment and installations
  2. Exemption from paying for its patent, from income tax, and from the tax on fuel and lubricants for its operations during the first years of operation.<sup>4</sup>

The decree makes reference to marine parks but does not propose how they should be established. Article 101 states that fishing is prohibited within 50 meters of a protected area such as a national park; and Article 102 informs that the perimeter of sites designated as national parks should be indicated by phosphorescent buoys.

The Fisheries Service is supposed to have inspectors. Article 121 gives them the authority to inspect all installations on the coast (including hotels) and along rivers.

### 3.5 The Constitution

Certain articles of the Constitution are worth noting—particularly those specifying the attributions of local governance structures. In particular:

- The *collectivités territoriales* are defined as the Section, the Commune, and the Department.<sup>5</sup>
- The commune is autonomous—administratively and financially. The Maire is the president of the 3-person municipal council. This reference to the municipality makes it clear that it is synonymous with the commune.<sup>6</sup>

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<sup>1</sup> Decret du 27 octobre sur la pêche, 1978. Article 55

<sup>2</sup> Op. cit., Article 73

<sup>3</sup> Op. cit., Article 74

<sup>4</sup> Op. cit., Article 78. Exemption from the tax on fuel for outboard motors would be a major benefit for fishers. The same article states that the cooperative should address itself to the MARNDR with a copy of its legal papers (including the names of the members of the cooperative and details of the technical equipment) in order to benefit from this exemption.

<sup>5</sup> Constitution of the Republic of Haiti, 1987, Article 61. No mention here of a municipality or of an arrondissement.

<sup>6</sup> Op. cit., Article 66. This article is important because it would appear to limit the authority of the Departments and central government to interfere in affairs at the level of the commune—at least with respect to administration and financial management.

- The municipal council is the ‘privileged manager’ within the commune of the lands designated as the private domain of the state. These lands cannot be the object of any transaction without the prior agreement of the municipal assembly.<sup>1</sup>
- The Constitution also gives the inhabitants of a section the right of ‘pre-emption’ for the exploitation of lands within their locality designated as the private domain of the state. Since this exploitation would not legally be considered a transaction, farmers have the right to work state private land within their locality without the prior approval of the commune.<sup>2</sup>
- No surcharge may be imposed within the commune without the approval of the municipal council. This rule might apply to surcharges imposed on clients by beach hotels to raise funds for coastal zone management.<sup>3</sup>

### 3.6 Decentralization

The decree of 2006 on decentralization sets out in much more detail than the Constitution the rights and responsibilities of the collectivities. The right of the collectivities is immediately reiterated in the second article – to administrative autonomy and to manage ‘their own affairs’.

The general responsibilities of the different levels of local government are defined as follows:

- The Section is the first level of collective decision-making, of providing public services, of planning, and the management of local resources.
- The Commune coordinates the responsibilities of the Sections, but also is responsible for strategic development planning and for land-use planning in the commune.
- The Department coordinates the planning work and the implementation of the plans prepared by the communes. It contributes also to planning at the national level.<sup>4</sup>

Of particular interest is that the decree creates a planning and development structure that is not present in the Constitution. This is called the Development Council. There is a DC at all three levels of local governance. The DCs are to be formed from local authorities at their own level and the one below, from representatives from all sectors of civil society that are registered with the collectivity, from ministry staff assigned to the collectivity, and from representatives of national and international development agencies operating in the locality. The DCs are to be participatory structures responsible for decision-making, implementation, and monitoring development actions in the collectivity.<sup>5</sup>

Chapter III of Title III of the decree sets out in detail the responsibilities of the three levels of government.

The Section is responsible for <sup>6</sup> :

1. Application of the national regulations against the illegal cutting of trees, acts of vandalism in protected areas, and the illegal exploitation of quarries;
2. Promotion of ecological practices;
3. Tree planting;

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<sup>1</sup> Op. cit., Article 74. The term ‘gestionnaire privilégié’ is open to a fair degree of interpretation. The municipal assembly is formed from a representative from each section in the commune (Article 67).

<sup>2</sup> Op. cit., Article 39.

<sup>3</sup> Op. cit., Article 218.

<sup>4</sup> Décret du 2006 sur la décentralisation, Article 6.

<sup>5</sup> Op. cit., Article 58.

<sup>6</sup> Op. cit., Article 96.

4. Protection of springs and water courses;
5. Prevention and management of brush fires;
6. Managing waste, pollution, and nuisances;
7. Creation, rehabilitation and maintenance of green spaces and parks;
8. Managing the free range of animals;
9. Reinforcement of rules on livestock raising, and the killing and transport of animals;
10. Participation in the protection and maintenance of springs and the conservation of water courses

The Commune is responsible for <sup>1</sup> :

1. Preparation and implementation of environmental action plan--consistent with national norms;
2. Authorizing permits for cutting trees in the commune;
3. Participation in establishing national-level plans for managing and eliminating waste materials
4. Protection of fauna and marine species in line with national regulations;
5. Protection of subterranean and surface water resources;
6. Protection of classified forests and protected forests;
7. Management and treatment of liquid pollutants;
8. Managing waste, pollution, and nuisances;
9. Collection of solid waste;
10. Definition of policies for the conservation and management of natural resources in the commune consistent with national policy;
11. Construction and maintenance of barriers, dams, wells, and tubewells throughout the commune;
12. Participation and establishing an early warning committee and managing the risk of natural disasters.

Finally, the Department is responsible for <sup>2</sup>:

1. Giving advice on installing dirty, dangerous, and inconvenient establishments;
2. Verifying environmental impact assessments for large construction projects, dams, roads and other infrastructure;
3. Creation of conservation zones and protected areas;
4. Locating public waste disposal installations and defining policy with respect to the treatment of waste of all kinds.

In this list of responsibilities, although the Commune is responsible for the protection of fauna, marine species, and protected and classified forests, the Commune is not authorized to create a protected area. This authority is assigned to the Department. This policy appears to contradict the MdE policy, according to which the Maire is authorized to establish a protected area within the commune.

### **3.7 Integrating the management of watersheds and coastal areas**

In September 2001, Haiti prepared a national report for the GEF funding mechanism named Project Development Facility Block B. PDF B is named “Integrating watershed and coastal areas management in small island developing states in the Caribbean”. The Haiti National Report presents the ‘rationale’ for

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<sup>1</sup> Op. cit., Article 97.

<sup>2</sup> Op. cit., Article 98.

the integration of the management of watersheds and coastal areas (IMWACA)<sup>1</sup>. This report has been characterized as demonstrating how the MdE and the MARNDR will coordinate and collaborate on the implementation of a coherent and effective approach to watershed and coastal zone management. However, it is noteworthy that the report was prepared by a multidisciplinary team from the Ministry of Environment. No-one on the team was from the MARNDR.

The need for coordination and collaboration between the two ministries is amply illustrated by the report itself. With regard to watershed management, the report states that the roles of the MdE and the MARNDR are as follows:

<b>INSTITUTION</b>	<b>ROLES</b>
Ministry of Environment (MdE)	<ul style="list-style-type: none"> <li>• Conservation of ecosystems,</li> <li>• Water policy</li> <li>• Protection of watersheds</li> <li>• Formulation of related laws</li> <li>• Policy and management strategies for environment</li> <li>• Water quality</li> </ul>
Ministry of Agriculture (MARNDR)	<ul style="list-style-type: none"> <li>• Meteorology,</li> <li>• Watershed management,</li> <li>• Water surface and ground water,</li> <li>• Soils and forest resources management</li> </ul>

While for coastal area management, the respective roles are as follows:

<b>INSTITUTION</b>	<b>ROLES</b>
Ministry of Environment (MdE)	<ul style="list-style-type: none"> <li>• Policy formulation on coastal area management,</li> <li>• Conservation of coastal ecosystems,</li> <li>• Abatement and control of coastal marine degradation including pollution,</li> <li>• Protection of landscape,</li> <li>• Training</li> </ul>
Ministry of Agriculture (MARNDR)	<ul style="list-style-type: none"> <li>• Enforcement of fishing regulations,</li> <li>• Policy formulation on fisheries,</li> <li>• Promotion of different kinds of aquaculture activities,</li> <li>• Training</li> </ul>

The degree of overlap of roles assigned to the two ministries is very nearly 100 percent.

The IMWACA report proposes four over-arching strategic areas of intervention :

1. The restoration of critical coastal ecosystems and associated watersheds;
2. A new institutional and legal framework to address integrated management of watersheds and coastal areas;
3. Reduction of communities' vulnerability to natural disasters;

<sup>1</sup> ~~Integrating~~ "Integrating the management of watersheds and coastal areas in Haiti", Haiti National Report, Ministère de l'Environnement, September 2001.

#### 4. Transboundary cooperation in integrated management of watersheds and coastal areas with the Dominican Republic

The second of these strategic areas implicitly recognizes the jurisdictional entanglements engendered by the lack of clear interministerial responsibilities for watershed and coastal zone management. The objective of this intervention is to “put in place innovative legal and institutional mechanisms and instruments to overcome obstacles, facilitate the planning and improve the overall governance of the sector related to the integrated management of watersheds and coastal areas.”

The report is interesting in that it is one of the few Government documents to reflect candidly on the problems constraining effective GOH intervention in natural resources management. Classifying the problems as 1) legal and policy issues; 2) institutional issues; and 3) financial issues; the report identifies the problems as follows <sup>1</sup>:

ISSUES	PROBLEMS
Legal and policy issues	<ul style="list-style-type: none"> <li>• Absence of a modern legal framework for actions in watershed management;</li> <li>• Absence of a general legal framework for environmental management in Haiti;</li> <li>• Absence of a general law dealing with water management;</li> <li>• Laws which need to be changed include: capture of sea turtles, protection of threatened species, use of spearguns, quarries exploitation from coastal and beach areas, respect of harvest seasons and fishes (sic) sizes;</li> <li>• Haiti non-party of Basal Convention , SPAW (Protocol concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region), RAMSAR Convention;</li> <li>• Deficiencies in the monitoring of UNCLOS III;</li> <li>• Weakness of environmental protection enforcement agencies;</li> <li>• Fragmented approach and absence of a coherent policy in watersheds and coastal management;</li> <li>• Absence of bilateral treaties with the Dominican Republic dealing with transboundary issues.</li> </ul>
Institutional issues	<ul style="list-style-type: none"> <li>• Lack of coordination and articulation among entities involved in the sector;</li> <li>• Lack of human resources well-trained to face and challenge needs identified ... to improved watershed management;</li> <li>• Insufficient scientific information on coastal and marine challenges;</li> <li>• Overlapping jurisdictions and competition among agencies do not facilitate transfer of information;</li> <li>• Absence of systematic EIA;</li> <li>• Persistence of some <i>préjugés</i> or taboos about traditional management methods and knowledge;</li> <li>• Intellectual property rights on traditional knowledge not addressed;</li> <li>• Lack of a coherent Environmental Information System that could benefit from GIS methods and other NTIC.</li> </ul>
Financial issues	<ul style="list-style-type: none"> <li>• Precariousness of funding sources;</li> <li>• Environmental aspects not integrated in fiscal system (no environmental taxes)</li> <li>• Great influence of politics in environmental operations;</li> <li>• Low investments in the environmental sector.</li> </ul>

<sup>1</sup> This table is taken verbatim from the referenced report—which is an English translation from the French.

### 3.8 Analysis of policy and institutional issues

As the above overview makes clear, the major salient feature of watershed management in Haiti is the confusion surrounding the respective roles of the ministries of agriculture and environment. The report discussed in Section 3.7 above was written in 2001. Since then, in 2005 and 2006, two pieces of legislation were approved that were almost certainly intended to clarify the roles of the two ministries. This legislation is 1) the *Décret-cadre* on the management of the environment, and 2) the *Décret organique* for the MdE<sup>1</sup>.

However, this legislation has done little if anything to resolve the situation. This is because:

1. The *décret organique* was promulgated by the Ministry of Environment itself—not by the Council of Ministers. It thus represents what the MdE proposes to be its organizational structure, responsibilities and attributes. But as a ministerial decree, it has no effective influence on other sectoral policy—including that of the Ministry of Agriculture.
2. The *décret-cadre* (approved by the Council of Ministers) specifically moves the responsibility for watershed management from the MARNDR to the MdE. However, without a fully fledged *décret organique*, the MdE will never receive the financial, human, and material resources necessary to embark on implementing this mandate.

Thus the present situation with respect to the management of watersheds in Haiti is that the Ministry of Environment has most of the responsibility but very few resources—while the Ministry of Agriculture has almost no responsibility but is relatively well endowed in terms of available resources. The result, predictably enough, is that almost nothing has been accomplished by either ministry in this field of natural resources management except for holding workshops and proposing ambitious ‘action plans’ that are never initiated let alone achieved.

An underlying complexity is the role of the collectivities. The 2006 decentralization decree gives the Commune the authority to prepare and implement ‘environmental action plans’, and considerable authority to protect biodiversity and habitat. However, this decree has apparently now been suspended—further adding to the general confusion.

Apart from the issue surrounding the roles of the MdE, the MARNDR, and the collectivities, as alluded to above, the MdE has almost no human and material resources at its disposition. Even the MARNDR has few agents in the field. Thus, no matter how well crafted is the legislation related to the management of natural resources, the reality is that almost no-one in the rural communities pays any attention to the regulations or laws because there is very little or no enforcement.

One important area of natural resources management policy that remains poorly articulated is that related to the mechanisms to be applied and the procedures to be followed for the management of the watersheds. Although the different texts all speak of either land-use planning, environmental action plans, or natural resources management plans, the legislation is quite vague about who actually does this planning, and vaguer still about how the plans will be implemented.

The reality is that there is no clearly articulated government policy on watershed management that sets out exactly how management plans are to be developed and by whom, how these plans are to be approved, authorized, and funded; and which government agency or collectivity will work with the communities to implement the plans.

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<sup>1</sup> Q.v. footnote 1 on page 4 for the full names of these decrees

The findings that derive from the analysis presented in this section of the report are clear:

1. Government policies do *not* facilitate the management of natural resources in watersheds;
2. Government policies are *not* coordinated between ministries and local government.<sup>1</sup>

## 4. THE CONSTRAINTS TO EFFECTIVE WATERSHED MANAGEMENT

In light of the above, the constraints to the effective management of natural resources in watershed areas may be summarized as follows:

### 4.1 Legal constraints

- The Ministry of the Environment has no *loi organique* that defines its structure, attributes, and responsibilities. The *décret organique* issued by the MdE in 2005 is not a legally binding text. Without a *loi organique*, the MdE will not be able to implement the policies outlined in the National Environmental Action Plan and the 2006 *décret-cadre* on the management of the environment. Without this law enacted, the MdE will be ineffective and moribund, and the management of the environment in Haiti will consist of action plans<sup>6</sup> that produce only inaction, and slogans on billboards that, in the absence of a operational ministry, are effectively meaningless.
- If the 2005 *décret organique* is taken as a possible blueprint for the eventual *loi organique*, a number of important revisions and improvements are nevertheless essential. These include:
  - The need to have field or extension agents based in the Communes. This requires that a Bureau Environnemental Communal (BEC) be established in each Commune.
  - The need for intensive and continuous educational campaigns in the different medias, and therefore the need for a Direction in the MdE to manage and implement these programs;
  - The need for a Direction that manages coastal and marine resources;
- The 2006 *décret-cadre* on the management of the environment is inadequate. It does not write government policy on watershed management into law. The lack of a coherent watershed management policy is discussed in the section below.
- The 2006 decree on decentralization, apparently suspended, outlined the role of the Communes in the management of natural resources at the Section and Commune level. It is essential that the Government either lifts the suspension, or rewrites the decree and approves a revised version in which the role of the Communes in natural resources management is clearly outlined--and in a manner obviously consistent with MdE policy and the *décret-cadre* on the management of the environment.

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<sup>1</sup> This formulation echoes Result 5 of the DEED Project which is that “GOH watershed management policies facilitate resource management and are coordinated between ministries and with local government”. As we have argued in this report, this is far from being the present situation.



## 4.2 Policy constraints

- The MdE should issue a policy document that clearly defines the Government's policy on the management of watershed areas. This document should:
  - Define the participatory process intended to result in the preparation of an approved natural resources management plan for a watershed area;
  - Identify the participants in this process, and the role and responsibilities of each. In particular the role of the communities, the Casecs, and the Maires must be clearly spelled out;
  - Define the procedures that must subsequently be followed in order to implement an approved watershed management plan;
  - Define Government policy on the sustainable manufacture of charcoal in watershed areas;
  - Together with the MARNDR and the collectivities, define Government policy with respect to erosive agriculture on steeply sloped land, and set out the procedures and responsibilities for enforcing this policy;
  - Propose a mechanism for the enforcement of environmental regulations related to the sustainable use of natural resources including the manufacture of charcoal;
  - Specifically set out government policy for the management of coastal and marine resources, including the respective roles for the MdE and the Fisheries Service of the MARNDR;
  - Define government policy in relation to protected areas, national parks, and marine protected areas—including defining the different types of protected areas to be established and managed;

## 4.3 Institutional constraints

The Ministry of Environment is seriously understaffed. This may be due to the absence of the *loi organique*, or it may reflect the supposed 'weakness' of the MdE compared to, for instance, the MARNDR, or it may reflect a general lack of financial resources available to the Government as a whole. Or all of the above. Whatever the reason or reasons, the Ministry of Environment, has nowhere near enough manpower on board to enable it to carry out its mission.

The other major constraint is of course coordination. The management of the environment in any country is never solely the responsibility of the Ministry of the Environment. An Environment Ministry must work in close collaboration with the Ministries responsible for Agriculture, Health, Education, Tourism, Public Works, and land-use planning.

It is not enough to propose, as in Haiti, inter-ministerial committees that are to meet every now and then in Port-au-Prince. The environment is either destroyed or protected at the grass roots level. It is at the grass roots level that it must be managed. This logic implies that the MdE must work in collaboration with the Communes to develop practical and effective procedures for the protection of the environment and the management of natural resources—particularly in the watersheds.

The management of protected areas in Haiti is supposed to be the responsibility of the *Agence National pour les Aires Protégées* (ANAP). However, this agency, proposed several years ago, has never been established. The Government cannot be considered to be serious about the management of protected areas and national parks until ANAP is established and adequate resources provided for its operation.

#### 4.4 Financial constraints

The Government should allocate sufficient financial resources to enable the MdE and ANAP to operate effectively, and for in support of watersheds and protected areas being sustainably managed. It is beyond the scope of this report to go any further into this topic, but the need for adequate and dependable GOH long-term funding is obvious.

#### 5. Conclusion

As noted earlier, overlapping and to some extent conflicting watershed policies are not coordinated between ministries, particularly the Ministries of Environment and Agriculture, as well as other ministries linked to watershed policy and planning including the Ministries of Interior, Planning, and Public Works. Ministerial policies on watersheds and the environment are also not actively coordinated with local bodies of government, particularly *communes* and rural *communal sections*.

The Ministries of Environment and Agriculture have human resources with expertise in watershed planning. Institutionally, these ministries have only limited experience with watershed planning and virtually no experience with implementing watershed management plans. Public policies pertaining to watersheds are generally not implemented, and are perhaps not implementable in their present form. Furthermore, Haiti's numerous laws on the environment are rarely enforced. Despite the growing frequency of environmental disasters, there is little national budgetary support for environmental protection and watershed management. In sum, despite the notable policy initiatives reviewed earlier, Haitian government policies and programs do not serve overall to facilitate the management of natural resources in watersheds. In the end, the pivotal policy constraint is perhaps the absence of political will and the decisive leadership required to devise and implement a coherent watershed management policy.

In actual practice, any serious efforts to protect the environment must take place at the grass roots level where people live and work in watersheds. Local governance – including communes, communal sections, and local populations – appears to be a workable point of entrée for DEED partnerships in watershed management. Yet, last year's municipal budget (2006-2007) for the northern *commune* of Limbé, also a DEED watershed site, was 68,000 *gourdes* per month (1,700 US dollars).<sup>1</sup> This amounted to less than a *gourde* per inhabitant in a *commune* of 70,000 people, and eloquently demonstrates the budgetary constraints currently faced by locally elected public officials – whether for watershed management or any other local public services.

Result number 5 under the DEED project states: “GOH NRM policies facilitate resource management and are coordinated between ministries and with local governments.” Standards for this Result include the following: assessment of policy constraints, and presentation of findings to the Ministries of Environment and Agriculture, donors, and other stakeholders; policy

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<sup>1</sup> Per field interview with Limbé officials including a newly elected Deputy-Mayor (March 9, 2007), cited in Smucker, Noel, and Victor (June 2007), *Environmental Risks & Opportunities in Haiti: A Background Analysis*.

variations tested in target areas, and policy modifications presented as a basis for drafting new legislation nationally or locally, including local government ordinances.

Furthermore, it is important to take note of the intimate connection between Result 5 above and Result 6: —Watershed Restoration Plan Developed and implemented by watershed stakeholders,” including a watershed management committee, local land use plans, and protective infrastructures.

In view of the serious political and policy constraints, how can DEED facilitate practical achievement of these interrelated results? First of all, it is important to note that DEED results and strategies are fully compatible with fundamental elements of the major policy documents reviewed earlier in this paper, i.e., the watershed as the geographic locus for planning, managing, and protecting water resources; linking watershed management directly with improvements in livelihood, including value chain analysis and economic viability of interventions; privileging local populations and local bodies of government, including communes and communal sections, as the driving force for land use planning including watersheds; and designation of the municipal council (commune) as the privileged manager of commune land designated as —*domaine privé de l'état*”<sup>1</sup> This also includes prospective use of local ordinances (*arrêtés*) and co-management arrangements between local government and local populations.

Secondly, there are other donors and projects involved with watershed and land use planning. For example, the Inter-American Development Bank has already engaged the Ministry of Agriculture in efforts to update the GOH policy on watershed management via IADB funding for the Programme National de Gestion des Bassins Versants (PNGBV).<sup>2</sup> In addition, the USAID funded LOKAL project is providing technical assistance to the Haitian government to revise the law on decentralization. According to LOKAL, proposed revisions to this law retain the primacy of local bodies of government (commune, communal sections) and local populations in local land use planning, including watersheds. Therefore, DAI/DEED will maintain ongoing contact with LOKAL for advice on decentralized watershed planning and land use management rather than creating an unsustainable and parallel structure, such as a watershed management committee that bypasses the prescribed functions of local government.

DEED will implement its program with a view to synergy and to complementing rather than duplicating other GOH/donor initiatives presently underway.

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<sup>1</sup> DEED watersheds include « *domaine privé de l'état* » of particular interest to the project, including state lands under leasehold in the upper Limbé watershed, including Bassin (Marmelade) and the headwaters of the Rivière d'Oré.

<sup>2</sup> See G. Smucker, ed., G. Damais, & J.R. Toussaint, *Mission d'Analyse Institutionnelle des Parties Prenantes Relative à la Préparation du Programme National de Gestion des Bassins Versants: Rapport Final* (IADB and GOH, February 2007).

