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**HAITIAN CIVIL SOCIETY'S DEBATES ON  
DECENTRALIZATION AND PARTICIPATION**

**RESOLUTIONS**



# **THE DEBATES OF HAITIAN CIVIL SOCIETY ON DECENTRALIZATION AND PARTICIPATION**

## **RESOLUTIONS**

We, **representatives of more than 700 civil society organizations** (CSO's) established in the Southern, Northern, North Eastern, the Artibonite and Central Plateau departments, **bringing together more than 100,000 citizens**, convened around a series of debates on Decentralization and Participation, from November 97 until February 98

We were thus able to discuss a number of issues pertaining to decentralization and adopt a number of resolutions and recommendations which we hereby submit to the Executive, Judicial and Legislative branches of the Haitian State, to our local government representatives, to all civil society organizations, and to the international community institutions cooperating in Haiti on the process of national democratization and development

**We, the People, therefore, urge the following**

### **1 Pertaining to the relationship between Decentralization and Civil Society**

#### **1.1 Concerning the impact of civil society on elected officials**

We notice a lack of solid rapport between elected officials and members of civil society. The latter are not aware of its role, its rights and duties, the elections are not well organized and many of those elected are incompetent. Various civil society organizations (CSO's) are not well represented and their representatives are ill trained. The same political practices of old are alive and well, in that the Territorial Collectivities still have no importance.

For these reasons, we ask that

- Better relations exist between elected officials and civil society,
- Civil society know the roles of elected officials,
- The management of the elections be improved,
- and in order that civil society choose candidates on the basis of their competence,
- That another manner of political practice be found whereby the Territorial Collectivities regain their importance

## **1 2 Concerning the their oversight of local governments by Civil Society**

There are no laws on the functioning of local governments, unpunished elected officials are wasting state funds, assets and properties, there is neither information nor transparency

For these reasons we ask that

- There be adequate laws passed regarding the workings of local government,
- Control be exercised over state properties, that waste be expunged and that legal sanctions be taken to deal with corrupt local officials,
- Proper measures be taken in order to guaranty the free flow of information throughout local government for the sake of transparency

## **1 3 Concerning the role of local governments**

Local governments do not provide satisfactory services to the communities nor do they keep them informed on what is being done The current laws dealing with local governments are inappropriate There is a lack of dialogue between central and local governments

For these reasons, we ask that

- Both the executive and legislative branches of government pass a number of laws aimed at insuring that local governments serve the needs of the people,
- A serious meeting be organized between local and central governments,
- Local governments become accountable to civil society at large, provide adequate information and work in total transparency

## **1 4 Concerning the relationship between Council and Assembly**

In practice, no one is quite clear on the relationship between Council and Assembly, there is no clear legislation on the functioning of these two institutions Also lacking are laws providing sanctions against municipal authorities that steal

For these reasons, we ask that

- There be new laws that set behavioral guidelines for locally elected officials and that clearly establish the relationship between Council and Assembly, to the benefit of the general population,
- There be an institution wherein citizens can register their complaints against elected officials and that would then prosecute and punish them

## **1 5 Concerning the major differences existing between the Parliament's draft law and the Federation of Mayors' regarding the Territorial Collectivities**

We noticed that the mayors have not organized an open discussion with civil society on their initiative to draft a set of legislation on the Territorial Collectivities, to be submitted to Parliament Neither the Mayors' nor the Parliament's proposals have been sufficiently analyzed within civil society, consultations and debates with civil society were not organized by either side on this matter, and particularly on the draft legislation proposed as the "General Framework for Decentralization and Territorial Collectivities" We see here a violation of the Constitution by elected officials

For these reasons, we ask that

- Civil society, together with the mayors and Parliament members, study, clean up, analyze and finalize any law on the Territorial Collectivities, civil society must be widely consulted any draft legislation must be widely distributed to CSO's around the country,
- Elected officials respect and apply the Constitution

### **1 6 Concerning the relationship existing between local and central governments**

Civil society decries the lack of communication between local and central governments, the relationship between them is undemocratic, elected officials give the impression of defending only their own interests and pockets Articles 91 through 96 do not adequately define the level of competency required of candidates to parliamentary functions

For these reasons, we ask that

- There be good and proper communication channels between local and central governments Their relationship must be democratic,
- Elected officials must understand that the population elected them to public service and to do the people's work,
- Parliament and the Executive make amendments to the Constitution's articles 91 through 96 as soon as possible

### **1 7 Concerning the relationship between the Executive Branch and the Departmental Councils**

There is no legal framework defining the relationship between the Executive and the Departmental Councils, or the Interdepartmental Council

For this reason, we ask that

- There must be meetings between the Executive and the Councils and laws must be passed which define the relationship which ought to exist between them

### **1 8 Concerning the role of Parliament on Decentralization**

We noticed that parliamentary representatives are loafing in Port au Prince, are not busy working at passing laws there is no exchange of ideas between Parliament and Civil Society

For these reasons, we ask that

- Parliament members actually work at passing the proper laws for the country,
- Parliament members work within their constituencies,
- Parliament listen to and take into account the people's complaints and demands

### **1 9 Concerning the role of the Executive in a decentralized State**

Civil society deplores the fact that the Executive branch neither informs nor implements training programs for grassroots organizations, it neither studies, coordinates or execute the people's decisions, the population does not feel the concern of the Executive for their welfare and does not see any effort on its part to establish adequate infrastructures within their communities

For these reasons, we ask that

- The Executive do its utmost to disseminate information throughout the country, establish several programs to train CSO's leadership, provide civic education to the greater part of the population,
- Display a greater watchfulness over the nation's future,
- Study, coordinate and execute the decisions taken at the grass roots, in particular, it must put infrastructures in place within the Territorial Collectivities

#### **1 10 Concerning the role of the Central Government in the deconcentration of public services**

Everyone is witness to the incompetence and inefficiency of public officials, problems exist within the pay scale of public servants, which is not well structured, the Superior Court of Accounts does not perform audits of officials' assets Most of the public services are found in the national Capital and main cities of the departments this hurts us a great deal, of particular significance is the lack of "Peace Courts" ("*Tribunaux de Paix*") in the communal sections

For these reasons, we ask that

- Proper measures be taken to insure the skills and competencies of public servants,
- Public services be deconcentrated in order to have a proper decentralization process in the country,
- A proper before and after audit be performed of civil servants' assets by the Superior Court of Accounts,
- The pay scale be balanced,
- The Government establish Peace Courts in all communal sections

#### **1 11 Concerning the role of Political Parties**

We noticed the parties have not helped in literacy efforts or in consciousness-raising, they have not assisted CSO's in their efforts to develop the country While members of the main political parties are struggling amongst themselves for power inside the central government and Parliament, they have been disdaining the needs of the population

For these reasons, we ask that

- Political parties help the civil society uphold its literacy efforts in order for people to be more aware of the various problems gripping the country,
- Political parties work with CSO's to help the nation develop
- Political Parties get together to fulfill the demands of Civil Society

#### **1 12 Concerning the manner in which the Civil Society can organize itself to begin the decentralization process**

We noticed the slow pace at which decentralization is taking place, CSO's are not supported or informed and are ignorant of the Law

For these reasons, we ask that

- Civil Society get together in order to participate in all meetings that are being held regarding decentralization in order to have the information necessary to implement decentralization,
- Civil Society organizations and citizens find out what the existing laws are and what the draft legislations being discuss in Parliament cover, in order to better understand the decentralization process

### **1 13 Concerning the role of women's organizations in the efforts towards decentralization**

Most women's organizations are not firmly established, the women do not participate in public affairs, their demands are not being taken into account, within their family, at school and in the society at large, their education is below par, they find no support with the men folk

For these reasons, we ask that

- Another educational model and another mindset find their place in the homes, the schools, the churches and in all institutions,
- The membership base of women's organizations must be strengthened,
- Women participate in the daily affairs of the nation, particularly in the field of politics, in order to guarantee that their demands will be acknowledged,
- The men help the women in their liberation by developing a truly equal partnership within civil society organizations, and in fighting poverty and population growth

### **1 14 Concerning the role of Women**

Boys and girls are not treated equally, the men trample women's rights under foot, household chores are not shared and there is a lot of violence against women in the country, women bear too many children, and thus bear the brunt of poverty, no law currently guarantees women's presence in the political affairs of the country

For these reasons, we ask that

- Boys and girls be on equal footing in all instances,
- Men respect women's rights and share household chores,
- Women practice family planning in order to fight impoverishment,
- Women be protected (particularly in the legal sense) against all forms of violence,
- Government and Parliament pass laws that guarantee women's presence in each and every cartel of the Territorial Collectivities, a number of seats in Parliament, as well as in the Cabinet

### **1 15 Concerning the laws regulating Civil Society Organization**

Many organizations exist without any kind of structure, have no statutes, are not registered with the Ministry of Social Affairs, have no legal recognition anywhere, have no technical or financial assistance, are without a specific program There are no laws on organizations to insure transparency within them nor is there a means for the department of Social Affairs to control the operational methods of the CSO's throughout the nation

For these reasons, we ask that

- Laws addressing the management of organizations and their transparency be discussed by and with Civil Society,
- The Bureau or Ministry of Social Affairs have competent personnel in order to assist those trying to form organizations, provide technical and financial assistance as well as be able to oversee the functioning of an organization if it would prove necessary,
- Local CSO's have statutes and a well defined program before their recognition by the Bureau of Social Affairs,
- The Bureau of Social Affairs maintain a list of all the CSO's in a particular area with that list readily available to anyone

#### **1 16 Concerning Civil Society's opinion over the organization of elections**

The Provisional Electoral Council is corrupt, candidates' files are never thoroughly investigated, there was no civic education prior to these elections,

For these reasons, we ask that

- Elections be fair and candidates' file investigated thoroughly,
- Civic education be done prior to any election,

#### **1 17 Concerning Civic Education**

The population's civic education is not carried out well, The State is the only authority in educational matters, and the government has not created a civic education program for the people, for these reasons, many small organizations implement civic education programs for citizens and Civil Society in general, that are ill designed

For these reasons, we ask that

- A proper civic education campaign be carried out in the families, schools, churches, through television, radio etc ,
- The government have a National Civic Education Program,
- There be more special programs in the media, so that the society at large can participate in quality civic education programs and activities

#### **1 18 Concerning the role of the Press in Decentralization**

There are no adequate laws to protect the freedom of the press The press lacks the means to disseminate information throughout the country and needs to be decentralized, many members of the press corps lack the proper training to perform their task well The press corps works in a partisan fashion, lacks objectivity when reporting news, it does not promote civic education, does not promote the national culture, the Kreyol language or the nation's development, it doesn't really educate and inform the civil society thus lacks influence on it

For these reasons, we ask that

- The government and Parliament enact laws to protect the freedom of the press,

- The Press be more influential, in order to do so, it needs to train its journalists, it must further decentralize and further extends the means of diffusing information to the remotest corners of the nation, must work at the country's development without partisanship and must be objective when reporting the news,
- The media have special programming to inform and educate the population, they must get actively involved in the population's civic education
- The State's media must have programs that inform the citizenry on the activities of the government

## **2 Pertaining to the Issue of Decentralization and Development;**

### **2 1 Concerning Cooperatives,**

Because the Territorial Collectivities lack financial autonomy, the citizens don't participate as they should in the development activities of their area, and thus are not integrated in the battle for the nation's economic development

For these reasons, we ask that

- There be an effective motivational campaign on cooperatives,
- There be adequate training on the issue of cooperatives within CSO's by the government,
- That cooperatives be reinforced and have sound management,
- That cooperatives integrate their members in all the development activities in their area,
- That cooperatives operate according to the developmental potentials and constraints of their respective areas

### **2 2 Concerning the Ministry of the Environment**

Deforestation, erosion and pollution problems are destroying the country The Ministry of the Environment is non-functional The Ministry of Agriculture does not do its share, nor does the Ministry of Health Everyone has noticed the irresponsibility of the public institutions The economic situation of the farmers is very serious, all the while, there are many natural resources, such as mines, that remain unexploited

For these reasons, we ask that

- The Ministry of The Environment do its job,
- Measures be taken to protect the watersheds,
- Serious reforestation efforts be undertaken throughout the country,
- Specialists determine which kind of vegetation each area requires, prepare the proper seedlings, and require farmers to plant them,
- Forest Guards be placed in all rural sections,
- The population be made aware of the importance of trees,
- Communal decrees be adopted to demand of farmers that they plant five trees for every one that is cut down,

- Solar energy be developed and made use of,
- The government control the quality of all imports,
- Garbage and other refuse be properly disposed of by the responsible services,
- Canals be dredged by these entities responsible,
- The government be on the look-out for anything that might be a nuisance or a threat to people's health,
- The government create employment by making an inventory of mines, study them, exploit them,
- Civil Society be actively committed to the protection of the environment

### **2 3 Concerning the Administrative Division of the National Territory, Participative Management and the Autonomous Institutions of the State**

We denounce the lack of transparency and competence, the inefficient administrative division of the national territory, the mismanagement of local assets, and the lack of quality service provided by so-called Autonomous Agencies of the central government, which are not in fact autonomous

For these reasons, we ask that

- The Administrative Division of the national territory be done on another basis (such as along watersheds),
- Information on the financial revenues of each area be made public,
- Sound participative management be instituted throughout the nation,
- Efficient training programs for technicians be dispensed everywhere,
- There be effective cooperation between local and central governments,
- Autonomous institutions do become so, be modernized, be staffed with competent personnel and be deconcentrated throughout their networks

### **2 4 Concerning national production**

Production is at an all time low, citizens don't understand the government's program on agrarian reform and notice that these reforms have been taking place in the Artibonite area only, much land remains fallow, there is continued waste of local products, farmers continue to be exploited

For these reasons, we ask that

- The government encourage large agricultural domains,
- Jumpstart national production and encourage arts and crafts,
- Present its agrarian reform program to Civil Society and perform a solid decentralized agrarian reform,
- Local and central governments develop land that is left idle,
- Build secondary roads everywhere,
- Provide technical assistance to farmers

## **2 5 Concerning Decentralization and Autonomy,**

The Territorial Collectivities do not have the means of guaranteeing their autonomy, there is no cooperation between the local governments and civil society, civil society cannot fully participate, there is no census. The Collectivities are not ready.

For these reasons, we ask that

- The government carry out a national census,
- Civil Society participate in the planning of development programs,
- There be an efficient cooperation between the local elected officials and CSO's,
- The Territorial Collectivities manage their own tax revenues,
- Proper measures be taken to enable the development of local resources,
- The Territorial Collectivities become efficient and functional government units

## **2 6 Concerning Decentralization, Infrastructure and International Assistance**

Infrastructures are non-existent, teachers are not well trained, there are no professional schools in the Territorial Collectivities, there are no technicians in the communal sections, there is a lack of technical expertise in the country. Monies borrowed from the international community are not invested in the nation's real problems. Civil Society is not informed of NGO's activities. There are no links between the representatives of the Territorial Collectivities and foreign countries and international institutions of cooperation.

For these reasons, we ask that

- Infrastructures be put in place to facilitate investment in various areas of the country,
- Services be available in all the Collectivities,
- Proper training be provided to teachers,
- Professional schools be created in the sections,
- Favorable conditions be created so that technicians will remain in the country
- Technicians be paid well so that they will work in the communal sections,
- More scholarships are awarded for specialization,
- The international community and local elected officials sit down with CSO's to identify which area of development they need assistance in
- The government and Parliament pass laws redefining international assistance,
- NGO's publish their programs and budgets
- Contacts and exchanges between the Collectivities' representatives and foreign countries and international institutions of cooperation be facilitated

### **3 Pertaining to constraints to Decentralization, and the need for a new, Decentralized State**

#### **3.1 Concerning corruption within the Public Administration**

We are aware of the corruption and incompetence of the public administration's personnel. Friendship and cronyism are more valued than competence, positions are filled without specific attributions. There is no delegation of authority to local officials of state agencies, and the local governments have no financial and administrative authority. There is no transparency by the Superior Court of Accounts, which is too centralized to be able to adequately control the mismanagement of state funds. There is no information on the neo-liberal plan.

For these reasons, we ask that

- Personnel be recruited on the basis of competence, not friendship or cronyism,
- The government define clearly the responsibilities of each post within the public Administration,
- The central government deconcentrate public services and delegate authority to local representatives of state agencies. At the same time, the management of public services must be entrusted to local governments.
- The Superior Court of Accounts fight corruption within the Public Administration, exercise proper control over state funds to prevent mismanagement, and have branch offices in all areas. Its operations must be transparent, the population must be kept informed.
- The government must inform the general population on what exactly the neo-liberal plan is about.

#### **3.2 Concerning Professional Training**

The Territorial Collectivities will require all kinds of technical staff. There is however, a lack of adequate training programs for local technicians. In addition, we noticed that these programs seemed aimed only at university graduates. There is no vocational training for semi-skilled laborers. This is a discriminatory practice.

For these reasons, we ask that

- The Executive branch take some measures to provide training facilities throughout the Territorial Collectivities as well as keep the population informed, begin a civic education campaign to that effect,
- The Executive branch take the proper steps towards securing the future of the Territorial Collectivities,
- There be vocational and professional training within the localities,
- The Executive study, coordinate and execute the decisions taken at the grass root level and set up means of keeping the public informed.

#### **3.3 Concerning laws which are contrary to the 1987 Constitution**

Prior to 1987, a number of laws were passed which are now contrary to the Constitution (for instance, laws dealing with the internal structure of the ministries). These laws reinforce centralization of power and of public funds.

For these reasons, we ask that

- The government in general and parliament in particular assume their responsibilities and quickly amend these laws

### **3 4 Concerning the way the Judiciary operates**

The Executive Branch influences the Judicial Branch Justice is bought and sold, many of the judges are incompetent The Parliament is not passing enough laws nor are these discussed before hand with the Civil Society There are no Peace Courts in the communal sections

For these reasons, we ask that

- The Judicial Branch stand on its own and be entirely autonomous,
- The judges be well trained so that they can uphold the Law impartially,
- Parliament do pass the required laws and Civil Society be regularly consulted,
- The Government build Peace Courts in the remote corners of the nation

### **3 5 Concerning the sharing of Financial Resources**

We notice a genuine lack of will to equitably share the National Budget's resources, and it is not developed on the basis of the specific needs of the Territorial Collectivities There are no infrastructures nor is there any technical support within the Territorial Collectivities At all levels, there is little awareness of local resources available The people's needs are not being met All these reasons are at the basis of the rural exodus In addition, the Executive is engaging the nation's future without Civil Society's awareness or consent

For these reasons, we ask that

- The Territorial Collectivities be provided training and infrastructure The needs of the population be met Real political will be applied when apportioning the budget, both the population at large and the local official be aware of the local resources available in the area It's the only way to stop the massive rural exodus,
- The Government inform the population about everything that concerns the future of the nation That this information is diffused to all communal sections,
- The National Budget be apportioned according to the needs of each locality

### **3 6 Concerning the relationship between the population within the Territorial Collectivities, and politicians and the Political Parties**

There is no understanding between the Territorial Collectivities and the Political Parties There is no understanding either between The Councils and the Assemblies During elections, all kinds of incompetent candidates seek office, and the population has no idea as to who these candidates are

For these reasons, we ask that

- Territorial Councils and Assemblies come to a working understanding
- Political Parties assume their responsibilities, and begin to consult and discuss matters over with civil society organizations within the Territorial Collectivities, so that they

may be able to field competent candidates, and help the population have access to credible information on these candidates

## **4 Pertaining to Decentralization and Security**

### **4.1 Concerning Decentralization and Security**

We know that contraband of firearms and illegal weapons is rampant throughout the country, there is no serious control of the country's borders, there is unemployment and wide spread poverty, there is an absence of police and of the justice system in the communal sections, many policemen behave illegally while officials appear quite nonchalant, a significant part of the international community's aid to Haiti does not correspond to the population's real needs all these things contribute to the increase in insecurity

The incompetence of CASEC members lead them to act as judges, they arrest and detain citizens in makeshift prisons they set up in their houses, they have created a network of CASEC assistants, like the old rural police chiefs used to do. The police do not respect the law they detain citizens for more than 48 hours before presenting them before a judge. There are no Peace courts in the communal sections, the majority of judges are incompetent, the justice system is politicized, sectarian and corrupt. The problem of long distances results in the majority of warrants not being delivered. There is no harmony in the relationship between the police, judges and locally elected officials. All these problems result in the population not respecting warrants, and taking justice into their own hands

For these reasons, we ask that

- There be adequate scientific equipment able to detect illegal weapons, and that the police be given a good radio-communications system throughout the country,
- Serious measures be taken to control the contraband of weapons on the border, at the airports and seaports,
- That the international community adapt its aid programs to Haitian realities, and help create employment for the population,
- Functional Peace Courts and Police sub-precincts be set up in all communal sections,
- The government adopts serious measures to put the judicial system in order,
- The Judiciary be free of political pressures and be depoliticized,
- Adequate and efficient training programs be implemented for policemen, judges and elected officials at all levels, furthermore, everything possible must be done to ensure a close and cooperative relationship between them all,
- An adequate and efficient Civic Education Program be designed and implemented throughout the country

**WE, THE PEOPLE, HAVE SPOKEN  
CREOLE SPOKEN, CREOLE UNDERSTOOD  
Thank you**