

## PROTECTION FOR WHOM? STABILIZATION AND COERCIVE RULE IN HAITI

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This article examines police reform initiatives in Haiti since 1994 in the context of how armed groups, including police, have been used to maintain order and power in the 20<sup>th</sup> century. Drawing on the model of the protection racket state, it argues that the political links and consequences of local rule by gangs perpetuate violence and conflict. International security and police missions target this ‘criminal’ violence, but have not confronted the political and patronage networks of armed groups and the police force. International pressures for regional geopolitical stability create a ‘low-intensity democracy,’ in which the national government’s prospects for implementing substantial institutional and socio-economic reforms are constrained.

“This is a war. We sit out on our terrace at night and listen to the gunfire.”  
Brian Moller, Médecins Sans Frontières staff member in Port-au-Prince  
(*Toronto Star*, November 5, 2006)

“Democratization can routinize the authoritarian legacy and ultimately legitimize the silent violence of daily material deprivation afflicting oppressed majorities.”  
Robert Fatton, Jr., Haitian scholar (Fatton 2002, 5)

### INTRODUCTION

Humanitarian and political leaders talk about the ‘reconstruction’ of Haiti, and numerous countries have joined the project of ‘peace-keeping’ in the country. Haiti is not in the aftermath of a civil war, nor negotiating ceasefires or peace agreements, nor is it even caught in the turbulence of revolution or dictatorship. But the daily violence afflicting Haiti is more prevalent and, in many cases, political, than almost any other country in the hemisphere. More than 8,000 murders and 35,000 sexual assaults occurred in the capital, Port-au-Prince, during the twenty-two months following the overthrow of President Jean-Bertrand Aristide (Kolbe and Hutson, 2006). Prisons are overflowing with inmates awaiting charges from a nearly inert judicial system.<sup>1</sup> Haiti has been described as “the world’s first permanent failed state” (International Crisis Group, 2006), and “a patient [who] failed to recover,” despite past interventions (von Einsiedel and Malone 2006, 154). A major focus of the current intervention, the United Nations Stabilization Mission in Haiti (MINUSTAH), in place since 2004, is controlling crime and violence, primarily through strengthening the police system. This is a complex task, for there is no precedent for just or neutral state law enforcement in Haiti. The relative stability of recent months may be difficult to sustain unless ongoing

reforms and activities of the police in Haiti counteract, rather than ignore or perpetuate, the historical patterns of coercive rule in Haiti.

This article contends that the current approach to police reform remains constrained by contradictory local and regional political pressures, and that the emphasis on stability allows the national government minimal opportunity to move beyond coercive methods of governance. The article will apply Charles Tilly's (1985) model of the protection racket state to analyse the use of violence for political power in Haiti, and will suggest that the institutional conditions for law enforcement are distorted. This article also argues that in present-day Haiti, order and power are maintained at two levels: locally, through gang-based protection rackets, and trans-nationally, through "consensual domination" (Robinson 1996, 315). It points to numerous conceptual and operational aspects of police reforms since 1994 that have contributed to, and resulted from, this arrangement. The first section outlines how state agents of violence enforced an exploitative form of 'order' in the 20<sup>th</sup> century, the political and economic consequences of which remain entrenched. The second section frames gang violence as a form of coercive governance, which national factions can manipulate through neo-patrimonial networks. The following sections propose that international agendas, not the national government, determine the version of 'stability' to be promoted in Haiti. These pressures are contradictory and often prioritize superficial forms of order, to the detriment of more substantial socio-economic reform. The concluding section discusses the opportunities and challenges for police reform and building security, one year into the strong electoral mandate and ambitious projects of the national government under President René Préval.

## **THE DYSFUNCTIONAL PROTECTION RACKET: THE HISTORICAL CONTEXT OF VIOLENCE AND POWER**

Haiti is well acquainted with what Charles Tilly calls "the organized means of violence" (Tilly 1985, 170) – power based on controlling the exertion of violent force. Unsurprisingly, the current stabilization efforts in Haiti attempt to curtail the use of violence by non-state groups, primarily gangs. Tilly's protection racket model posits that functional state institutions can develop over time through a reciprocal relationship: the state offers protection, mainly through force, to its citizenry in exchange for access to resources, mainly through taxation (Tilly 1985). Throughout the twentieth century in Haiti, this dynamic became distorted. Rather than building a mutually beneficial contract with the populace, the Haitian state's use of violence built exclusive protection rackets based on precarious alignments of elite interests, which have exploited the population and stunted economic development. Those in power (officially and unofficially) have used all available means, including violence, to uphold self-serving arrangements against internal threats from other factions.

Tilly proposes that the process of building a legitimate state involves four elements: extraction, protection, war-making, and state-making (Tilly 1985, 182). The case of Haiti shows contradictions and twists on all of these elements. The extraction of resources has been exploitative since the colonial era. The modern taxation system is minimal and still overburdens the peasantry. Agricultural products have traditionally been taxed and exported under monopoly arrangements, which allowed for the growth of a class of exploitative middlemen, while tax exemptions on imports benefited mainly the elite class (Kumar 1998, 47). Rather than seeking further resources through territorial expansion, as Tilly's model posits, rulers in Haiti have attacked and exploited the lower classes and rival factions, capturing their resources by threat of force or by offering protection against internal enemies.

As a country founded by freed slaves in 1804, and subject to economic and diplomatic hostility from the US and France in the 19<sup>th</sup> century, Haiti could perhaps have followed Tilly's path of state consolidation by protecting itself from external threats. Instead, divisions persisted until the US military occupied Haiti (1915-1934) and established and armed Haiti's first version of a police force, the *gendarmerie*, later converted into the military. This provided a means of resource extraction and political control for rulers – for example, a peasant uprising in 1918 was quickly quashed (Robinson 1996, 268). This pattern persisted under the dictatorship of Francois (Papa Doc) Duvalier. Due to the constant threat of military coups, Duvalier governed by channelling wealth through his personal security network, the *Volontaires de Sécurité Nationale* (VSN), also known as the *TonTons Macoutes*. The *TonTons* were groups composed of poor black men that eventually became more powerful than the army and notorious for extreme violence. A major challenge for contemporary police reform efforts is to overcome the legacy of fear and rivalry surrounding these state agents, military and non-military, many of whom now operate in extra-legal networks.

The protection racket that developed in twentieth century Haiti relied on the exclusion and exploitation of the majority of Haitians. The economic elite agreed to pay some taxation to the dictator, in exchange for the protection of their monopolistic business arrangements. The military and private security agents, however, were generally not from the wealthy class. This balance of power therefore began to split when Jean-Claude Duvalier, motivated by his marital ties to the economic elite class and his ambitions to develop assembly factories in Haiti, offered more state resources to the economic elite, which the military networks perceived as a loss of their relative power (Robinson 1996; Snyder 1992). At the same time, the poor majority of Haitians were beginning to mobilize under the *Ti Legliz*, a grassroots movement led by Jean-Bertrand Aristide, a radical priest who called for redistribution of wealth. The breakdown of the alliance between the military and economic ruling classes led to competition for power, for the state no longer held absolute control over the agents of repression. This, bolstered by international pressures against the dictatorship and assistance for electoral procedures, allowed Haiti its first experience with democracy, with the election and eight-month government of Aristide's Lavalas party in 1990-1991. Without the reciprocal

economic relationships built by a functional protection racket state, however, Haiti soon returned to “*la politique du ventre*,” where rival factions “have been literally eating each other to digest the limited fruits of power” (Fatton 2002, 13). This has left Haiti with a monopolistic and weak economy, a profound distrust amongst sections of society and of the state, and the absence or weakness of functional state institutions – a situation in which neo-patrimonial dynamics continue to flourish.

## NEO-PATRIMONIAL USES OF ARMED GROUPS

Neo-patrimonial rule, “the chief executive’s maintenance of state authority through personal patronage networks, rather than ideology or impersonal law” (Snyder 1992, 279), has been a primary mechanism of influence in Haiti, especially through police, military, and other state agents of enforcement. The Duvaliers purchased loyalty by distributing modest salaries and privileges through military or *macoute* gang networks (Kumar 1997, 37; Robinson 1996, 267). Aristide also maintained rule (in and out of office) in part through the use of armed groups, known as *les chimères*, to intimidate and assassinate those who posed a threat to him (Mendelson-Forman 2006, 23). Aristide’s 1994 decision to dismantle the Haitian army dissolved a major patronage network. Former soldiers were recruited by organized crime and by the Haitian National Police (Mobekk 2001), and much of the current violence in rural areas is attributed to illicit networks of ex-soldiers (International Crisis Group 2007, 4). Even in present times, under a new President and with Aristide exiled in Africa, political factions and positions tend to be identified as pro- or anti-Aristide, suggesting the continuing influence of his persona on Haitian politics. Current patronage networks, however, are significantly less fixed and predictable. The government must compete with other sources of patronage such as rival political leaders, foreign actors, the private sector, and organized crime, for control of these networks. Endemic corruption and divided loyalties within the Haitian National Police can be partly attributed to this circumstance. A regular salary as a police officer is a rarity in Haiti, where jobs are few. Even President Préval’s recent campaign against corruption may not be sufficient to overcome the appeal of other patronage networks.

The pattern of neo-patrimonial politics in Haiti presents two challenges for the Préval government’s attempt to establish meaningful authority and rule of law. First, gangs with shifting alliances have become the de facto governments of neighbourhoods. Second, international actors in Haiti create the contradictory pressures of seeking stability while perpetuating divisions. These challenges will be investigated below.

## **THE LOCAL PROTECTION RACKET AND PATRONAGE POLITICS: *MACOUTES, CHIMÈRES AND ZINGLENDOS***

This section contends that the dysfunctional version of Tilly's protection racket state in Haiti has devolved to the local level, now existing on the level of urban gangs. Dismantling urban gangs has been a priority of the UN Stabilization Mission, and the arrest of gang leaders – reportedly 750 have been arrested in 2007 so far (International Crisis Group 2007, 1) – is cited as justification for the increased level of force used in its confrontations in neighbourhoods such as Cité Soleil (Mulet, 2007). The portrayal of gangs as a problem of criminality is, however, overly simplistic, for it does not address the political role of the gangs. In contrast to the Duvaliers' *macoutes* gangs, and the army units of the military dictatorships of 1986-1990 (including General Cédras from 1991-1994), which operated nationally with direct funding, present-day gangs are often rooted in particular communities. They generate profit through crime, most notably extortion, kidnapping for ransom, and drug-trafficking (International Crisis Group 2005, 4), and they exert control over delineated territory. In addition to standard crime profits, gangs extract money and resources from the residents of the neighbourhoods they control through coercive taxation, demanding large portions of residents' limited funds,<sup>2</sup> and siphoning local development project money (International Crisis Group 2007, 6). In exchange, the 'protection' provided by the gangs consists of defending the area from rival gangs and allowing residents to access the basic daily necessities, such as roads, health clinics, and water taps. Rodgers describes a similar phenomenon in contemporary urban Nicaragua where youth gangs are prevalent, and suggests the micro-level parallel with the conventional state:

This is particularly striking in relation to the gangs' use of violence, which like the state's exercise of violence is arguably not only teleologically related to the constitution of social order, but moreover seems to follow remarkably similar modes of organisation. Like the Weberian state at the national level, gangs possess a monopoly over the predominant forms of violence at the local neighbourhood level, and these are moreover considered to be legitimate forms of violence, at least in terms of the local manifestation of the gang, because of their simultaneously protective and informative functions. (Rodgers 2004, 7).

The difference in Haiti is that the local gangs operate not in isolation from a national state, but in a continually shifting patron-client relationship with either the state or opposition factions. Some of Aristide's *chimères* arose from his local political support networks (Fatton 2002; von Einsiedel and Malone 2006, 23), and thus the *chimères* have a certain degree of political legitimacy in their respective neighbourhoods. For example, Dread Wilmé, who was killed by MINUSTAH in July, 2005, was portrayed as a dangerous gangster by MINUSTAH chief Juan Gabriel Valdes (Valdes 2006, 10), but is considered a "hero of resistance" by some residents of Cité-Soleil (Haiti Information Project 2005). On the other end of the political spectrum, former army members and *macoutes* have also reconstituted into gangs (International Crisis Group 2005). Because the alliances between gangs and national factions are not fixed, gangs operate primarily for criminal profit but can use their localized monopoly of violence to act as proxy rulers for the

highest bidder.<sup>3</sup> The currency of this relationship includes not only money, arms, drugs and judicial exemption or leniency, but also political positions, material items, and jobs. The rival ruling factions in Haiti, who continue to view power as a zero-sum game, frequently wield influence through these armed groups in ways that Carey describes as an “international relations security dilemma,” where a defensive move by one actor is understood by an opponent as a provocation (Carey 2005, 333).

The public portrayal of these groups as *zinglentos* – criminals – obscures their political impact, but their availability for political mobilization is high, particularly according to the criteria of the “youth bulge” hypothesis (Urdal 2004). Over a third of Haitians are under the age of fifteen (Prest 2005, 12), and young people face bleak prospects for economic survival in Haiti. Furthermore, many of the youth who go to the US seeking work are deported back to Haiti angry, often with some criminal experience (Fatton 2002, 128; Kumar 1997, 70), and easily recruited to gangs. After the demobilization of the Haitian Armed Forces in 1994, ex-soldiers were left with few appealing economic alternatives and thus joined armed groups, narco-trafficking groups, and to a significant extent, the reconstituted Haitian National Police (HNP) (Mobekk 2001; Mendelson-Forman 2006). The 2006 re-activation of the Disarmament Commission is a sign that the Préval government is responding to past critiques of solely aggressive anti-gang tactics, but the Commission’s resources are limited and gang leaders are not eligible for its reintegration program (Associated Press, 2006). NGO-run social and psychological “reinsertion” programs and disarmament efforts are receiving important attention (International Crisis Group 2007, 8). The weakness of economic opportunities, though, continues to push young men to join gangs or to migrate out of the country.

MINUSTAH’s tactical decision to target crime where it is most prevalent – in urban slums – while ignoring the political implications of this stance, has created a distrust among Haitians who perceived the HNP, and by extension the CivPol who back them, as agents of anti-Lavalas forces (Donais 2005, 281), as well as an external occupying force (Talentino 2007). The politicization of gangs appears to be shifting, however. MINUSTAH’s aggressive operations targeting gangs in Port-au-Prince in December, 2006 was authorized by Préval, a step that UN Envoy Mulet called “political ownership” (Mulet, 2007). Préval also maintains support for a single police force, rather than municipal police forces that are more susceptible to local co-optation (International Crisis Group 2007, 20). Still, accusations of excess force and human rights abuses by UN troops against community residents remain unaddressed (Harvard Law Student Advocates 2005; Howland 2006; Haiti Information Project 2007). Moreover, the volatility of the local context is linked to the geopolitical priorities of Haiti’s influential international neighbours.

## THE TRANS-NATIONAL RULES: THE TERMS OF STABILIZATION

The following discussion draws on the concept of polyarchy<sup>4</sup> (Robinson 1996) to contend that the Haitian government’s authority exists only under the conditions set by international actors, through trans-national

authority shifting from coercive to consensual (Robinson 2003, 53). According to Robinson, the subordinate core-periphery relationship of dependency theory continues to shape the economics of globalization, but the division is not geographical or state-based. Rather, trans-national elites from rich and poor countries form the core that exploits the periphery, and this core seeks a minimized national state apparatus (Robinson 2003, 40). The detrimental effects on the well being of most Haitians, which have resulted from the collusion of Haitian elites with international powers, are undeniable. But the incentives for trans-national neo-liberal rule in Haiti are not as clear-cut as in some of Robinson's Central American case studies, due in large part to the dysfunctional, monopolistic nature of capitalism in Haiti.

The strongest motivation for external actors to promote the "liberal peace project" (Willet 2005) in Haiti is not economic profit; it is 'stability' – achieving a minimal status quo to stem the chaos and migration from Haiti. This is especially clear in the issue of enforcing the rule of law and police reform, which have been the central goals of the United States and international interventions since 1994. An important factor in Clinton's decision to re-instate Aristide by military force in 1994 was the perceived threat of Haitian 'boat people' arriving in the United States; Aristide also used this fear as a lobbying tactic (Malone 2006, 155). More recently, rationales for intervention refer to Haiti's position in international drug-trafficking routes, its potential for economic investment (Macnamara 2005), and diaspora connections (MacKay 2007). Contrary to the logic of neo-liberalism, these interventions have attempted to bolster, not dismantle, some government institutions in Haiti through such activities as recruiting and organizing thousands of police officers, judges, and bureaucrats.

International interventions, such as the example discussed in this article, promote "low-intensity democracy," defined in the Haitian context as "a variant of democracy divorced from any empowering notions of social justice and participation, [which] privileges civil and political rights over social and economic rights. It is an election- and institution-centred view of democracy with a focus on order and stability" (Shamsie 2004, 1098). For example, although the United States used the rhetoric of democracy to justify reinstating Aristide by force in 1994, his autonomy was limited by his dependence on international forces to implement the law, the conditions of international loans and, when he rejected such conditions, a freeze on American aid and international loans worth US\$500 million in 2000 (Erikson 2005, 84). These factors curtailed the Lavalas socio-economic agenda of 1990 and its potential to spark "upheaval." Fatton suggests that the simultaneous political elevation and economic deradicalization of the Lavalas party is a contradiction in the logic of the intervention (Fatton 2002, 197). In the longer term, however, it is an effective approach: a low-intensity democracy that co-opts potentially radical factions (on the left and the right) better serves the international goal of stability than the installation of a puppet government.

Past instances of ideological manipulation, such as the CIA covert funding of the FRAPH (Front for the Advancement and Progress of Haiti) paramilitary and the military dictatorship of Cédras (Chomsky, Farmer

& Goodman 2004, 6), have faded in favour of the convergence of governance and security discourses with the frame of development and democracy (Duffield 2001; Robinson 1996). After well over a decade of low-intensity democracy existing as a tensely acceptable alternative to the unknown threats of genuine democracy, however, Aristide's personal dominance over the sub-national factions of power became a cause of complaint following the contested elections of 2000. Despite the many criteria for legitimate democracy, which Aristide's government was not fulfilling at the time, the issue of electoral fraud – i.e. the basis of procedural democracy – was the main justification with which the international community accepted (some would say pushed) his departure on February 28, 2004. The Transitional Government (also known as the “Council of the Wise”) established in the wake of the coup was chosen by international forces and drew heavily on leaders of the elite classes. The fact that CARICOM refused to recognize this government, however, indicates that even the “unusually internationalized” (Carey 2005, 349) politics of Haiti are not solely influenced by the United States or elites. Venezuelan President Hugo Chávez's recent donation of USD\$100 million in petroleum and development assistance, along with the Cuban donation of medical teams, is a deliberate challenge to American influence in Haiti (Joseph and Concannon 2007). Brazil's high-profile role in MINUSTAH is seen in part as a strategy for gaining credibility as a major player at the UN level (von Einsiedel and Malone 2006, 166). Policy proposals to the Canadian government, meanwhile, have outlined “mentorship” arrangements through which Canadian ministries would effectively manage the corresponding Haitian ministry (Dade and Graham 2004).

These examples of trans-national authority and low-intensity democracy do not add up to a single international agenda. Nevertheless, the analytical frames allow a broader critical assessment of international involvement in MINUSTAH and police reform projects. While noting the pragmatic challenges of specific initiatives (Beer 2004; Donais 2005; Mendelson-Forman 2006) and even recent instances of “progress” (Mulet 2007) is important, the more systemic issues that underlie these projects and their antecedents are equally relevant. The following sections address two elements of international influence: direct government funding and support for the United Nations and policing programs; and other relevant international funding through civil society and organized crime.

## **INTERNATIONAL INTERVENTIONS: STABILIZATION AND DEVELOPMENT?**

Police and military actions are currently the most prominent element of foreign governments' involvement in Haiti and exemplify the extent of the trans-nationalisation of authority in Haiti. The consequences of this situation are complex, but some of the problems of police projects in Haiti can be attributed to the dominance and limitations of international actors in determining how to address (in)security in Haiti. The former head



of MINUSTAH, Juan Gabriel Valdes, identified two levels of stabilization that MINUSTAH seeks to achieve: stabilization of the government so that it will not be vulnerable to coups; and stabilization of the economy so that it will not be vulnerable to “agents of chaos” (Valdes 2006, 13). These goals fit squarely within the models of trans-national authority and low-intensity democracy. Some of the difficulties that the United Nations and police projects have encountered, however, result from the demands, priorities, pressures and limitations of foreign governments. The following examples suggest that the insistence by international actors that police reform projects focus on addressing what they perceived to be threats, and the expectation of expedient results from flawed Haitian institutional arrangements, detracted from building long-term, local stability.

Duffield’s insight that “underdevelopment has become dangerous” (Duffield 2001, 2) is particularly fitting for Haiti, where violent urban slums and illegal immigrants are the emblems of poverty and chaos. The United States- and United Nations-led interventions of the mid-1990s were among the first experiments in merging security and development discourses (Mendelson-Forman 2006; Robinson 1996). A central critique of the 1994 Interim Police Security Force and the subsequent Haitian National Police focuses on the fact that the model for these projects was military. Members of the former Armed Forces constituted a large portion of the IPSF and HNP, and they retained their military networks of corruption, excessively forceful tactics, and even their location in former barracks (Mendelson-Forman 2006, 23). Says Mobekk, “the change in uniform did not constitute a change in mentality, and six days of retraining could not achieve that objective” (Mobekk 2001, 103). Furthermore, even though some ex-soldiers were vetted from the new police force, the geopolitical focus on fighting narco-trafficking continued to favour military approaches. The United States Department of Justice arranged training of Haitian police officers at military camps in the United States, where the use of military-style techniques was emphasized (Beer 2004, 167).

This approach to international security issues became more prominent with the establishment of a regional police-training program for counter-terrorism, based at the U.S.-run International Law Enforcement Academy (ILEA) in El Salvador.<sup>5</sup> Police scholar David Bayley argues that the “ILEA paradigm” reverses a fundamental condition for successful police reform, absent in Haiti: prioritizing local security commitments over international ones (Bayley 2006, 72). Some CivPol initiatives promoting “community policing” techniques acknowledged this view, but faced conflicting mandates among international actors and a short time-frame for overcoming the legacy of police brutality (Mobekk 2001, 105; Beer 2004). Recent promotions of community policing appear more promising, although they remain hampered by inadequate local involvement and residents’ ongoing fear of violence by police and gang leaders (International Crisis Group 2007, 9).

The pragmatic limitations of international involvement in Haiti also detracted from long-term institution building. International donors’ excessive focus on quantitative “outputs” skewed past

interventions toward training a specific quota of police to the exclusion of developing the judicial system (Mobekk 2001, 107). Judicial reform had already stalled in the flawed National Truth and Justice Commission (CNVJ 1994-1996, addressing the years 1991-1994): documents remained classified, testimonies were documented but with no subsequent prosecution, the report circumvented the judicial institution altogether, amnesty deals were struck with former military members, and funding was focused on training judges rather than pursuing the actual cases at hand (Brody 1999). Full investigations of several of the most politicised arrests and killings since 2000 remain pending (International Crisis Group 2007, 12). Without coordinated and substantial reform and resources for the judicial and penal systems in Haiti, the increased ability of the police to arrest does little to provide stability (Mendelson-Forman 2006, 20). The constant arrival of deportees from abroad adds to the pressure on these systems (Mulet 2007). Short-term project budgets, the onset of donor fatigue, and lack of consistency in the objectives of foreign governments continue to be cited as challenges (von Einsiedel and Malone 2006; Beer 2004; Mobekk 2001). As a result, substantial institutional reform is diluted by “the transaction costs of demilitarising the police” (Call 2003, 860).<sup>6</sup>

## **INTERNATIONAL INTERVENTIONS: FACTORS OF DESTABILIZATION**

Other sources of international funding can create further tensions and can undermine national institutions; civil society groups are one example of such a funding source. These groups are often at the forefront of grassroots development efforts, but international funding of civil society in Haiti must be assessed critically, for it can exacerbate political divisions. Given the limited scope of the state in Haiti, the title “NGO” or “civil society” encompasses a wide range of organizations, and donors often prefer to fund such groups in order to avoid state corruption (Malone 2006, 167). The increase in “democracy promotion” funds provided by international donors (government and otherwise) has strengthened the political roles of non-governmental organisations in Haiti (Shamsie 2004). The “Democracy Enhancement” project of the National Endowment for Democracy in 1990-1992 was the prototype (Robinson 1996, 288). Its later incarnations were the Democratic Convergence, the opposition coalition around the 2000 elections, and the Group of 184, a civil society umbrella allied with the elite class; both received funds from the International Republican Institute (Engler and Fenton 2005, 51). Fatton argues that external funding of the Democratic Convergence allowed the opposition to reject the compromises Aristide offered in his second mandate (Fatton 2002, 177). Remittances from the Haitian diaspora are a further source of revenue for civil society groups and individuals (Prest 2005, 21-22). While most remittance funding is directed to individuals or humanitarian causes, partisan divisions among Haitians living abroad shape their organization and involvement in international policy discussions (Council on Hemispheric Affairs 2006). The benefits of both development projects funded by NGOs and of remittances in Haiti may not outweigh the potential for international support for

partisan elements of civil society to foment internal threats (real or perceived) to the Haitian state and distort the incentives for stability and transparency, thus encouraging *la politique du ventre*.

A second international source of funds and opportunities comes from the trans-national drug trade, which creates incentives and resources that undermine law enforcement. Suspected ties to organized crime operations are especially common against the HNP. These well-funded and well-connected “spoilers” – those who, “because of their interest in retaining or maximising power, income, authority, and position do not want the transition to succeed” (International Crisis Group 2005, 4) – are considered a primary destabilizing factor in the police reform project (Donais 2005). According to Carey, higher salaries for police have not mitigated the drug-related corruption and attrition rates from the police force, suggesting that organized crime offers similar or better prospects (Carey 2005, 354). In 2007, the chief of procurement for the HNP and 252 other officers were removed from their jobs for illegal ties (Mulet 2007). As long as revenues for the drug trade continue, however, “spoilers” of law enforcement attempts will remain active, whether inside or outside the police force.

The overall effect of international influences on the rule of law in Haiti is contradictory. Official interventions and projects support institutional practices superficially, but do not counter the sources of power and resources that are embedded inside and outside the state. This stance, combined with the influx of funds from organized crime, diaspora contributions, and NGO funding, perpetuates the impotence of the Haitian state. Some advances in the administrative capacity of state institutions have been achieved under Préval’s government (International Crisis Group 2007). Without ongoing and meaningful incentives to compromise and share power, however, Carey’s prediction is persuasive:

Those coming to power with fear for their security will logically attempt to control the police and paramilitary forces to obtain such political security. To finance that security, corruption becomes necessary, which induces a perverse cycle, where corruption leads to a politicized state, based on corrupt police and even less accountable and more corrupt paramilitary forces (Carey 2005, 355).

## **DEMOCRATIC DIVIDENDS? PROSPECTS FOR SECURITY WITH PRÉVAL**

In 1991, Haiti’s first elected government and its promises to respond to the poor majority were not able to overcome the pressures of the predatory state and rule by gunpoint. Thirteen years after the first police reform project, similar dynamics of politicization and corruption continue to distort the rule of law in Haiti. Attempts to “reform” or “reconstruct” the rule of law in Haiti have relied on superficial institutional conditions and have not substantially confronted the politicization of the state’s use of violence against its citizens. Donais warns, “one of the clear lessons from the Bosnian experience is that placing responsibility for depoliticizing the police in the hands of those with a demonstrable interest in a politicized police force is a sure recipe for failure” (Donais 2005, 283).

This article has argued that although the outright elite-military collusion of the Duvalier era has passed, exploitative alliances between the politically or economically powerful and armed groups continue to undermine the rule of law. The instrumentalization of local gang-run protection rackets by political factions and organized crime reduces the potential for the national government to develop a neutral, reciprocal relationship with communities through social services or functional police programs in their areas. Furthermore, international actors promote “stabilization” within the bounds of low-intensity democracy and regional concerns about immigration and drug traffic. “Visible” forms of governance and policing, such as training programs and arrests, are given more priority than longer-term strategies for economic, social or institutional development.

These conditions present serious obstacles and limitations to Préval’s government and to MINUSTAH. Although an electoral mandate alone does not ensure the legitimacy of the government, after one year in office, Préval still has relatively broad popular and international support, which enables his government to resist partisan or international pressures and instead focus the approach to security and policing on concrete local and institutional needs. A measure of stability has indeed been achieved in the most violent areas, such as Cité Soleil, illustrated by the fact that foreign leaders (including Prime Minister Stephen Harper in July 2007), NGO staff, and local residents can safely circulate in previously hostile areas, and also by a notable decrease in shootings and kidnappings (*The Economist* 2007; International Crisis Group 2007). Nevertheless, this is unlikely to alter Haitians’ perception of MINUSTAH as an “imposed” mission (Talentino 2007) or their resentment sparked by the excessive use of force in densely populated neighbourhoods (Pierre and Sprague 2007). While a reduction in violence allows daily life and local development projects to operate more smoothly, it also reveals the immediacy of the country’s economic needs. In the words of one Cité Soleil resident, “It’s true the security situation has considerably improved, but you can’t eat security. You need food and jobs and schools” (Delva 2007).

Several initiatives could be extended and broadened; for example, disarmament and re-integration programs must do more than provide money for weapons, they must also address the social and political functions of gangs, distorted though they are, for the members and for the neighbourhoods where they operate. The need to demonstrate “early wins” (Mulet 2007) and “peace dividends” (Howland 2006) in poor neighbourhoods must imply more than token projects or compensation for past aggression. Incentives for disarmament can be collective and meaningful to participants, such as neighbourhood peace pacts that set conditions of non-violence for education projects (Boukman 2007). Furthermore, stabilization efforts are often presented internationally as an essential precursor to foreign investment in Haiti, including for example, new apparel factories and tourism facilities (Inter-American Dialogue & FOCAL 2005). The need for more economic activity and less crime is undeniable, but low-wage jobs and the privatisation of state enterprises (most recently the public telephone company, Téléco) are inadequate solutions for entrenched poverty.

Private sector development efforts must be more comprehensive and sector-specific in order to collaborate with, rather than detract from, public institutions, service delivery systems, and financial resources (Inter-American Dialogue & FOCAL 2005). A more equitable society may be a distant goal, but redistributive policies and social services should neither be stalled until after “stability” is consolidated nor sidelined by efforts to attract foreign investment with cheap labour.

MINUSTAH has neither the time nor the capacity to be a comprehensive development program, despite Secretary-General Ban Ki-moon’s recent statement in support of a one-year extension of the mission (Jacobs 2007). Nevertheless, donor countries could supply more police resources and personnel to the mission, rather than more military resources. Even though international police resources are much scarcer than military personnel, it is crucial that the military tone and role of the mission be scaled back. The recent announcement that Canada will deploy correctional staff to the mission suggests that this emphasis is indeed shifting (Government of Canada 2007). Donor governments could reduce the perception that they are in Haiti for self-serving ends by demanding better implementation and accountability of the MINUSTAH’s human rights obligations (Howland 2006), and faster, more comprehensive cancellation of Haiti’s external public debts (Kar and Ricker 2006). In the long term, the national government must use its resources to persuade its citizens and its police officers that participating in economic and political projects and institutions will bring them more benefit than acting as agents of coercion for rival factions, both locally and internationally.

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## NOTES

<sup>1</sup> According to the International Crisis Group (2007b: 1), there are presently 5,500 inmates, including over 2,000 in the National Penitentiary; only 10% have been convicted. USAID’s audit of its justice reform project (2007: 8) finds that the average time in pre-trial detention is increasing -- in 2006 it was 408 days.

<sup>2</sup> According to GDP and employment statistics, it is reasonable to assume that much of these funds come from the informal economy and from remittances sent by Haitians living abroad.

<sup>3</sup> There are still ideological or partisan delineations to this dynamic, but former pro-Lavalas gang alliances, such as in Cité Soleil, have split into rival criminal factions. The International Crisis Group reports that thirty-four gangs remain active in the zone (2007, 2). Paramilitaries often control rural areas on behalf of elite strongmen, while urban gangs align with different factions of Lavalas, but narco-trafficking and organised crime are eroding even these.

<sup>4</sup> Robinson’s definition is, “a system in which a small group actually rules and mass participation in decision-making is confined to leadership choice in elections carefully managed by competing elite” (1996: 49).

<sup>5</sup> The International Law Enforcement Academies are a network of training institutions designed “to combat international drug trafficking, criminality, and terrorism through strengthened international cooperation,” according to the State Department website. Established under Clinton, the Latin American location was opened in El Salvador in 2005, increasing the dominance of such international security issues on the agendas of national governments and police. For the official mandate, see <http://www.state.gov/p/inl/ilea/>

<sup>6</sup> Call discusses the post-war case of El Salvador; in Haiti the ambiguous nature of the “transition,” combined with similar levels of past repressive army-police integration, makes this dynamic more entrenched.

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