

## **Back to Square One: The Politics of Police Reform in Haiti**

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Fifteen months after the departure of Jean-Bertrand Aristide, the United Nations' latest effort to restore peace, democracy, and stability to Haiti is in serious trouble. With elections aimed at replacing the country's current interim government scheduled for later this year, Haiti's dismal public security situation has scarcely improved since the arrival of MINUSTAH, the UN mission that replaced a US-led intervention force in mid-2004. Armed gangs, drug lords, and remnants of Haiti's disbanded army operate more or less with impunity, while the Haitian National Police continues to uphold its reputation for thuggishness and incompetence. The UN's Brazilian-led peacekeepers, despite some well-publicized operations in recent months, remain under constant criticism for doing too little, while a restrictive mandate has rendered MINUSTAH's civilian police component unable to engineer rapid improvements in the security situation. Perhaps the clearest statement on the current state of lawlessness in Haiti came this past February, when a handful of gunmen stormed the state penitentiary in Port-au-Prince and succeeded, with suspicious ease, in freeing nearly 500 of the country's most violent criminals.

Haiti's current situation is even more depressing given the political, human, and financial resources devoted to the rehabilitation of the country's security sector following Aristide's return to power in 1994. With the abolition of Haiti's notorious armed forces following the Aristide restoration, the newly-minted Haitian National Police (HNP) emerged as the country's key security sector institution. For a time at least, cautious optimism about the new force, and its potential as a professional, impartial pillar of the rule of law in Haiti, seemed justified. However, the HNP project, along with the broader international effort to create a stable and democratic Haiti, began to unravel only a few years after it began. In the wake of the controversial departure of Aristide in February 2004, and in the midst of the ongoing debate about whether he stepped down or was the victim of a US-supported *coup d'etat*, the international community is once again attempting to pick up the pieces in Haiti and restore some semblance of a functioning democratic state. With regard to the police reform process specifically, notes David

Beer, the Canadian in charge of international civilian policing in Haiti, “we’re essentially back to square one.”<sup>1</sup>

This paper explores the politics of the police reform process in Haiti over the past decade, paying particular attention to the renewed effort to professionalize Haiti’s police services in the aftermath of the country’s recent turmoil. The central argument is that the international effort in Haiti has paid insufficient attention to the links between politics and policing, and has focused too narrowly on the technical aspects of policing. It will suggest that the international community must approach the latest phase of police reform in Haiti from a broader, longer-term perspective, the goal of which should be to fundamentally re-orient the relationship between both police and political elites and between police and society.

The politics of police reform are crucial to the current stabilization process in Haiti for a number of reasons. First, as already noted, with the abolition of the armed forces the HNP now represents the main coercive arm of the country’s security sector. An effective national police force is therefore not only a fundamental precondition for the restoration of the rule of law and of public security, but is also crucial to the broader process of restoring state legitimacy and a state-held monopoly on the legitimate use of force. Second, while recent analyses have recommended strengthening the mandate of the UN’s civilian policing element in Haiti to include executive policing, such measures represent at best temporary solutions to the country’s longer-term public security problem (Refugees International, 14 March 2005). If Haiti is ever to escape from ongoing cycles of crisis and upheaval, priority must be given to building up domestic capacity for the provision, and effective management, of public security. Third, and perhaps most significant, public security forces in Haiti have traditionally been more threats than guarantors of human security, and any new social contract between rulers and ruled in post-Aristide Haiti will very much depend on the establishment of a police force which serves the public rather than the ruling elites. Police reform is highly political in any post-conflict context, but the politicization of security has been particularly pronounced in Haiti, where security forces have traditionally served as tools of repression. Given the current state of politics in Haiti, therefore, and the direct relationship between the country’s dysfunctional political process and the failure of the first attempt to create an

effective Haitian National Police, there should be no illusions about the difficulties of engendering a fundamental transformation of the culture of policing in Haiti. Short of such a transformation, however, the current international reform effort risks the same fate as its predecessor.

### **The Politics of Post-Conflict Police Reform**

The challenges of police reform in Haiti, while daunting, are far from unique. Since the end of the cold war, in fact, civilian police (CIVPOL) elements have been the under-achievers of international peacebuilding missions. Explanations for the rather unimpressive result of international efforts to transform public security institutions in post-conflict environments can be found both in the nature of the task and the character of the institution charged with accomplishing it.

On the one hand, post-conflict police reform efforts are faced with the reality that changing the political culture around questions of public security is extremely difficult in the best of circumstances. As key social institutions charged with maintaining order and the status quo, policing organizations are almost inherently conservative. Otwen Marenin, for example, has pointed to the “almost intractable nature of policing which resists change at all levels. Existing societal roles, organizational arrangements and working cultures of officers reflect powerful domestic forces and are difficult to change” (1998: 160).

Transforming policing institutions in post-conflict situations requires not only coming to terms with this challenge, but also tackling an additional double challenge. First, within peacebuilding situations change is almost invariably promoted by outsiders, who are often insufficiently attuned to the domestic political context or to the complexity of the links between politics and policing, and who typically exert only limited leverage over local actors. In this context, David Bayley has argued that without buy-in on the part of both domestic political elites and local police forces, foreign assistance programs aimed at establishing democratic policing principles and practices cannot succeed (2001: 35, 58). Police reform, in other words, is difficult to impose from the outside and even more difficult to impose against the wishes of those being reformed.

Secondly, conflict and post-conflict situations tend to reinforce some of the very practices and structures that post-conflict police missions attempt to transform. Given the nature of contemporary conflict – ‘new wars,’ as Mary Kaldor (1999) has characterized them – police and other non-military security forces are typically key players in any conflict, and emerge from conflict situations with their reputations as impartial defenders of public order (where such reputations existed in the first place) severely compromised. At the same time, the term ‘post-conflict society’ is, in most cases, somewhat misleading, since the signing of a peace agreement most often signals the de-militarization, rather than the definitive end, of a particular conflict. In the absence of the rule of law, which is the norm in post-conflict environments, domestic security forces are almost inevitably drawn into ongoing and unresolved political struggles and used as instruments of political power. In post-Dayton Bosnia, for example, the success of NATO peacekeepers in neutralizing local military and militia forces led nationalist elites to rely more heavily on local police forces to carry out particular political agendas. One response to this tendency, employed in both in Haiti and El Salvador, has been to start from scratch with a new police force, presumably untainted by political allegiances or a history of wartime human rights abuses. However, keeping politics out of policing, particular when the broader political context remains unchanged, has proven to be a particularly difficult challenge.

Relatedly, what’s been called the ‘political economy of conflict’ usually persists into the post-conflict period. In the interregnum between the end of active fighting, on the one hand, and the consolidation of the rule of law and the restoration (or establishment, as the case may be) of a functioning market economy, on the other, the political economy of post-conflict countries typically remains dominated by the powerful, the ruthless, and the politically-connected. This period, therefore, tends to be defined by the heightened influence of organized crime and corruption and the criminalization of political elites. Far from being in a position to combat these trends, local public security forces tend to be implicated in them, not least because the benefits of participating in (or merely ignoring) activities such as drug smuggling, human trafficking, or racketeering usually far outweigh the rewards of police professionalism.

While there is little question that post-conflict states are particularly difficult environments in which to carry out deep and meaningful police reform initiatives, the structure of international police interventions also makes them relatively ineffective agents of reform. With the exceptions of missions in Kosovo, East Timor, and (for a period) Haiti, where international police have had executive mandates (ie., they were tasked with carrying out actual policing duties), the typical UN CIVPOL mandate has been based on unarmed international police working with local police forces on the basis of what has become known as the SMART concept. The core CIVPOL tasks, according to this model, are supporting, monitoring, advising, reporting, and training (Hartz, 2000: 31). While this concept assumes a level of local buy-in and cooperation that, for the reasons outlined above, may be unrealistic, its effective implementation also assumes a level of operational efficiency and coherence within CIVPOL missions that, for a range of reasons, doesn't exist.

First, despite the gradual emergence of international norms and standards related to policing, UN police assistance missions lack an over-arching institutional culture. The UN's Civilian Policing Division remains (despite recent upgrades) woefully under-developed vis-à-vis the challenges of post-conflict policing, and is unable to project a common vision and institutional identity through individual CIVPOL missions, which are cobbled together on short notice on the basis of contributions from literally dozens of police-contributing nations. And while the multicultural nature of policing missions is an asset in terms of legitimacy, it is simultaneously a liability in terms of efficiency. Because of their composition, CIVPOL missions tend to incorporate (often awkwardly) a range of different policing cultures, varying levels of competence and commitment among individual officers, and different moral and ethical codes, which again undermines the ability of individual missions to consistently promote a single coherent set of policing norms and practices. Such problems are also exacerbated by the relatively short (six to twelve month) rotations of individual CIVPOL members. In many cases, by the time an average officer has sorted out the invariably complex political situation in his or her area of responsibility, they are already preparing for handover. At senior management levels within international missions, frequent turnover of personnel can also contribute to inconsistency and a glaring absence of institutional memory, as policies, principles and

procedures tend to shift with changes in mission leadership. The lack of internal consistency and coherence within multilateral missions is further compounded by a lack of coordination, and conflicting priorities, between multilateral and bilateral actors. While the problem of international coordination is hardly unique to the police reform field, it is perhaps more visible in this area given the inadequate internal coherence of typical CIVPOL missions.<sup>2</sup>

Combined, these various factors tend to work against the development of a united, consistent international front on questions of post-conflict police reform – making success in what is already a difficult task even harder to achieve. Almost by default, they also generate a tendency to respond to political obstacles and obstruction by retreating into the more strictly technical aspects of policing. If an anemic mandate and an institutional structure poorly geared towards addressing political issues cannot hope to effectively *de-politicize* policing in the aftermath of conflict, the hope seems to be that CIVPOL missions can at least ensure that individual domestic police officers are well-trained, and in the process inoculated against political pressures or corruption. In most cases, ultimately, the CIVPOL approach represents a technocratic response to a deeply-rooted political problem. As will be demonstrated in the following section, the experience of the last decade of police reform in Haiti underlines the weaknesses of this model of international policing, and suggests the need for more politically-sensitive approaches that address much more directly the nexus of politics and policing.

### **The rise and fall of the HNP**

For most Haitians, the notion of public (or human) security has long been more aspiration than reality. Not even the demise of Jean-Claude Duvalier in 1986, which brought three decades of brutal Duvalierist rule to an end, made much of an impact on the dire security situation which most Haitians had come to view as a normal element of everyday life. Indeed, as Haiti entered the 1990s, “institutions of the state continued to oppress the people rather than serve them, and the entire public security apparatus (police, courts, and prisons) functioned to control the population and preserve the status of the elites in exchange for the spoils of governance” (Bailey et al, 1998: 216).

The rise to power of the populist Jean-Bertrand Aristide in 1990, largely on the strength of support from Haiti's impoverished masses, appeared to fundamentally change the dynamics of Haitian politics, and promised for the first time to put the interests of 'the Haitian people' at the forefront of the government agenda. While the 1991 military coup temporarily restored a repressive and violent form of business as usual to Haitian political life, the US-led reinstatement of Aristide in 1994 provided, in the words of Rene Depestre (2004), a 'historic opportunity' for Haiti to alter its tragic course.

As recognized in both the Governors Island Agreement of 1993 and in Security Council Resolution 940, which authorized 'all necessary means' to remove the military dictatorship from power, realizing this historic opportunity would require a radical restructuring of the Haitian security sector. Since military and police power in Haiti had long been merged in the form of the Haitian Armed Forces (FAd'H), one of the first priorities after Aristide's return was the creation of a independent, civilian-controlled Haitian National Police. The importance of the HNP in Haiti's democratic transition was heightened by the decision of Aristide, who had grown understandably suspicious of the FAd'H, to abolish the Haitian military. To fill the security void between the arrival of US forces and the establishment of a functional HNP, an Interim Public Security Force was established, consisting of carefully-vetted former Haitian soldiers and returned Haitian refugees, supported by US military police and more than 800 international police monitors (IPMs), who were authorized not only to carry weapons but to enforce Haitian law (Bailey et al, 1998: 220).<sup>3</sup> The US military, despite an initial reluctance to engage in law and order tasks, also played a significant public security role in the period immediately following Aristide's return.

Given the temporary and ad hoc nature of the coalition of forces providing interim security and the perennial international preoccupation with exit strategies, speed became the overriding priority of the early effort to get the HNP up and running. Led by the US Justice Department's International Criminal Investigative Assistance Program (ICITAP), a new Haitian police academy opened in January 1995, with the goal of establishing a 5,000-member police force by February 1996. While the broader ICITAP mandate encompassed institution-building, the development of police administrative and managerial capacities, and the teaching of specialized skills such as forensics, the primary

focus of training efforts was on basic training and getting new officers onto the streets as soon as possible. Once in the field, the classroom training received by new recruits was supplemented by ongoing mentoring and field training under the direction of CIVPOL. While perhaps understandable, this bottom-up focus on getting new officers out the door as quickly as possible came at the expense not only of a more comprehensive training program, but also of a more top-down emphasis on putting in place a professional and politically-insulated leadership and management structure for the new force. The focus on new recruits also represented the path of least resistance for the international community, since the Aristide government had failed to produce a police management team that could be trained in parallel with new recruits. In fact, it was early 1996 before Pierre Denize was appointed as the first credible HNP Director General, ending a cycle of ‘missteps and failures’ on the part of the Aristide administration that at one point led a frustrated US government to suspend its support for the police training program (Stromsen and Trincellito, April 2003: 3-4.) The early experience with senior police management was an ominous sign of things to come, and a poor start for a raw, inexperienced police force badly in need of leadership. Despite these problems, however, and the predictable ‘incidents’ resulting from the first clumsy efforts of armed, untested officers to enforce the law, the early development of the HNP was widely considered a success. In the words of one assessment, “the HNP proved early on to be a politically neutral civilian institution with a human rights record far superior to its military predecessor” (Stromsen and Trincellito, April 2003: 10).

As the HNP took form and began to take on actual policing duties across the country, a new set of challenges to the international police support program began to emerge. First, as the initial rush to get the HNP into the field gave way to longer-term issues of institutional development and consolidation, and as a wider range of international actors joined the police assistance game, the coherence of the international community on policing matters began to break down. On the one hand, while in the initial stages of HNP development the classroom training and field mentoring elements were relatively well-integrated, with CIVPOL officers relying on the standardized lesson plans developed by ICITAP, this system slowly deteriorated as CIVPOL members rotated in and out of the mission. Over time, as Stromsen and Trincellito have noted, “the



diversity of policing styles become very problematic, and field monitoring strayed from what recruits were taught at the HPTC (Haitian Police Training Centre)” (April 2003: 8).

At the same time, the mix of bilateral and multilateral efforts failed to coalesce into a coherent international police development plan, but rather comprised a ‘laundry list’ of individual projects that were poorly coordinated and based on often radically-differing models of policing. As David Beer has noted, “what should have been an international effort quickly deteriorated into a series of poorly integrated independent programs” (2004: 128). Unsurprisingly, this approach failed, at a critical juncture in the HNP’s development, to further the consolidation of political neutrality, public service, and professionalism as the foundation of the new model of Haitian law enforcement.

Secondly, Haiti’s experience in the latter half of the 1990s did much to establish what has become a basic lesson of justice sector reform, which is that successful reform requires sustained progress in all areas of the justice sector, including police, the judiciary, and the penal system. While considerable international attention was focused on the HNP, far less international resources were devoted to transforming Haiti’s dysfunctional and dilapidated judicial and penal systems. Such was the level of corruption within the judicial sector that, reportedly, many HNP officers preferred to provoke gunfights with the intention of killing suspected criminals than turn them over to the judicial system, an action widely viewed as tantamount to releasing them (Bailey et al, 1998: 237). The state of Haiti’s penal system was, and remains, equally depressing, and characterized by crumbling facilities, chronic insecurity, and rampant human right abuses. Combined, these realities imposed real limits to the ability of even the most efficient and successful police reform program to contribute to the consolidation of the rule of law.

Thirdly, and perhaps more significantly, as the HNP began to establish itself as Haiti’s key security sector actor, it became increasingly drawn into the country’s unreconstructed winner-take-all political culture. As Robert Fatton (2002) has argued, Haiti has long been a ‘predatory republic’, where the absence of economic opportunity has made the capture of governing power the primary, of not the sole, means of acquiring wealth and power. Aristide’s return to power did little to change this, particularly since sanctions imposed in the early 1990s had taken a terrible toll on the Haitian economy and

citizenry. Economic decay, therefore, simply reinforced the iron law of Haitian politics that those in power strive to remain in power at all costs, using all means at their disposal. In particular, Aristide's domination of Haitian politics, combined with a well-earned paranoia of political opposition and a messianistic bent carried over from his days as a preacher to the poor, pushed him towards the adoption of what Fatton has termed 'the old Haitian political authoritarian habitus' (2002: 113).

As Haiti's political crisis deepened in the late 1990s, and the creeping authoritarianism of Aristide and his Lavalas movement came under increasing challenge from the country's still-fragmented opposition, the HNP proved unable to remain above the country's deeply-polarized political fray. As James Dobbins has graphically described it, "the HNP ... became for a time the most honest and effective component of the Haitian bureaucracy, only to find itself slowly sucked back into the culture of corruption, incompetence, and politicization in which it was embedded" (2003: 77). Over time, appointments to senior HNP management positions became increasingly politicized, reports of abuse of police authority for political purposes become more frequent, and the emergence of *chimères*, militant pro-Aristide groups operating with virtual impunity and often in collaboration with the police, further underlined the Haitian government's lack of commitment to the rule of law (Lemoine, September 2004). Politicization, combined with widespread disillusionment among those officers who remained committed to the ideals of public service policing, took a major toll on the HNP, which became increasingly disorganized, dysfunctional, and depleted. Attrition emerged, in fact, as a major problem within the force, which declined from a high of 6,500 officers in 1997 to approximately 3,000 in 2003, while the force's reputation declined almost as precipitously. As the president of the National Coalition for Haitian Rights noted in 2001, "the new force was seen as a carrier of hope for a stable society, one that would consolidate the respect for one and the respect for all. Today the national police have been discredited in the eyes of the Haitian people and no longer inspire confidence" (cited in Stromsen and Trincellito, April 2003: 3).

Finally, and relatedly, as the Haitian economy showed no signs of revival and as the country's political leadership grew more interested in consolidating its political power than in consolidating the rule of law, corruption, like politics, began to eat away at the

integrity of the HNP. As the country's deepening political crisis left the country, starting in mid-1997, first without a functioning government and later without a functioning parliament, international aid was once again frozen, and what was left of the formal Haitian economy virtually collapsed. In its place, the drug trade emerged as an increasingly important pillar of the domestic economy. Some 15 per cent of all cocaine entering the United States is estimated to pass through Haiti, making drug transshipments one of the country's few booming, and lucrative, businesses. While Haiti has long been awash with rumours of direct involvement in the drug trade by senior Lavalas leaders, including Aristide himself, the police have also been implicated in the country's cocaine capitalism.<sup>4</sup> Christophe Wargny, for one, has suggested that most of the police work 'hand in glove' with the mafia. While the economic incentives of involvement in the drug trade were, and continue to be, enormously compelling, the lack of accountability within the HNP meant little downside risk. As Wargny (June 2001) has noted, "if you are posted in Miragoâne, a little port that thrives on smuggling of every kind, why should you keep your eyes peeled for \$300 a month when you can get 10 times as much for keeping them shut?"

Given these trends, the virtual collapse of the HNP during the insurgency that toppled Aristide for a second time in February 2004 was unsurprising. As the International Crisis Group has noted, the HNP imploded "not only because it was outgunned but because it had been debilitated by corruption and years of politicization" (November 2004: 10).

While a number of conclusions can be drawn from the first, failed attempt to create an effective Haitian National Police, perhaps the most significant is that international police assistance initiatives ignore the linkages among policing, politics, and economics at their peril. From the beginning of the HNP development process, donors and program implementers were more focused on the technical side of policing, and less attuned to the ways in which policing was connected to the broader political economy of the country's democratic transition process. As David Beer (2004: 136) has noted, in Haiti, as elsewhere, police assistance programs tended to focus on measurable goals, such as number of recruits trained or amounts of equipment purchased, rather than on the more fundamental requirements for – and obstacles to – professional, democratic policing. The

initial hope that a combination of basic training and international mentoring would insulate the new HNP from political and economic pressures proved to be overly optimistic. Simply put, the range of carrots and sticks available to international actors proved to be insufficient to re-orient not only the culture of law enforcement in Haiti, but also the broader political culture in which the Haitian police operate.

This conclusion implies, clearly, the need for a much more ambitious, strategic, long-term, and intrusive international engagement with questions of police reform, and raises a number of complex questions with regard to sovereignty and local ownership of peace processes. The key dilemma, experienced in Haiti, as elsewhere, with regard not only to police reform but to peacebuilding more generally, revolves around what to do when domestic political elites either lack the political will to implement the terms of a settlement or are actively committed to an illiberal, anti-democratic status quo. In the case of Haiti, the international community retreated as the country's political crisis deepened and the reform process bogged down, with the UN withdrawing its last support mission in early 2001. Most observers now agree that this was precisely the wrong response, as international disengagement from Haiti accelerated not only to the collapse of the HNP, but of the entire political system.

Many within the international community in Haiti now suggest, off the record, that a ten-year international trusteeship represents Haiti's only chance for sustainable recovery. Since this option is clearly not on the table, the international community once again faces the very difficult task of attempting to re-institutionalize the rule of law within the context of ongoing political turbulence, chronic violence, and economic decay. Getting it right this time will require not only a great deal of luck, but also a much more strategic, long-term effort to disrupt and de-stabilize the culture of corruption and politicization that surrounds the exercise of police authority in Haiti. By implication, this suggests overcoming the piece-meal, disconnected approach to police reform that characterized earlier international efforts, and a much more serious effort to get at the root causes of Haiti's chronic public insecurity crisis. The final section of this paper will address some of the possible components of such a revised approach, within the context of the latest international effort to stabilize, pacify, and democratize Haiti.

## **Picking up the Pieces**

As the international community embarks on its latest effort to build an accountable, competent national police force in Haiti, it does so under conditions that are arguably worse than those faced in 1994. While the US-led Multinational Interim Force (MIF) restored a semblance of order in the immediate aftermath of Aristide's flight from Haiti in February 2004, the lengthy transition process from the MIF to MINUSTAH created a significant security gap that was quickly filled by a range of armed groups. One element of this is the so-called 'ex-FAd'H', remnants of Haiti's disbanded armed forces who re-emerged in the post-Aristide chaos to 'provide security' across large areas of the country and demand a restoration of the army. Another worrying element is the *chimeres*, the largely pro-Aristide armed gangs who control most of Port-au-Prince's heavily-populated shantytowns. Finally, and connected in complex ways to both the *chimeres* and the ex-FAd'H, there are those in control of Haiti's drug trade, who wield significant political influence and are widely suspected of orchestrating the recent break-out from the national penitentiary.

A year after assuming authority in Haiti under a Chapter VII mandate, MINUSTAH continues to struggle to restore public security. Despite some recent progress as a result of a more robust interpretation of its mandate, Haiti is not demonstrably more secure than it was at the beginning of MINUSTAH's mandate (Keeping the Peace, March 2005). At least 600 Haitians have been killed in sporadic violence since September 2004, and there are justified concerns that the situation will deteriorate further as elections approach.

Overlaying the country's ongoing instability and insecurity is the ever-deepening polarization between pro-Aristide and anti-Aristide political forces. Far from resolving Haiti's political crisis, Aristide's departure has not only deepened the rift between his supporters and opponents – Lavalas members claim, with some justification, that they have been victims of an organized persecution campaign over the past year – but has also exposed the extent to which the country's entire political class lacks credibility and support among the general public. While an interim government, under the leadership of former UN bureaucrat Gerard Latortue, continues to limp along, Haiti's fragmented political space (with some 125 mostly ephemeral political parties likely to run in the

coming elections) and the fact that many of the country's most corrupt and criminally-implicated personalities are well-positioned to emerge as key political players in the post-election period, does not bode well for the future of Haitian democracy. Some observers speak ominously of the 'narcotrafficker takeover scenario' as one possible outcome of the electoral process, while even optimists acknowledge that elections are simply an artificial benchmark by which the international community can demonstrate 'progress' in restoring democracy.<sup>5</sup> In reality, however, the likelihood of a stable, honest, credible, and legitimate government emerging in the post-electoral period remains extremely remote.

While Haiti's current political configuration is complex and deeply unstable, other factors crucial to the success of the latest police reform effort remain depressingly similar. First, Haiti's justice system remains in disarray, with very few of those arrested in the past year having been brought before a judge at all, let alone within 48 hours of arrest as required by Haitian law. At the same time, the HNP's proclivity to shoot suspects rather than arrest them has undoubtedly been reinforced by the ease with which the residents of the national penitentiary were liberated. While the penitentiary break was a graphic reminder of the state of Haiti's penal system, for the most part justice sector reform remains far down the international priority list, even as the HNP continues to attract significant international attention. As Human Rights Watch reported in May 2005, not a single MINUSTAH Justice Section officer has yet been deployed to Haiti (HRW, 16 May 2005). At the same time, MINUSTAH's CIVPOL element retains many of the same features – indeed, many of the same faces – of previous CIVPOL iterations. The 644 CIVPOL (out of a mandated strength of 872) in place at the end of February 2005 represented 33 different countries, with 200 of these officers unable to speak French, let alone Haitian Creole.<sup>6</sup> And unlike the first wave of civilian police to arrive in Haiti in 1994, the current CIVPOL contingent possesses no actual policing powers, and was in fact recently directed by UN headquarters in New York to take a less 'activist' approach to the implementation of its mandate.<sup>7</sup>

Such is the broader context under which the Haitian National Police is to be de-corrupted, de-politicized, and transformed into a model of democratic policing. Between broader political trends in Haiti, the current state of the HNP, and the ongoing reluctance of the international community to fully engage with the politics of policing, the prospects

for this transformation succeeding are not, at the moment, particularly encouraging. First, no one pretends that the problem of corruption within the HNP has evaporated in the post-Aristide period, and while new recruits are currently being vetted and trained, the UN has yet to begin the process of vetting and screening currently serving officers. At the same time, the shaky legitimacy of the current government and the country's complex mix of politics and crime have placed the HNP at the very heart of a volatile political situation. On the one hand, in the continued absence of the rule of law the police increasingly find themselves at war with the pro-Aristide gangs that still control pockets of the capital. The recent tendency of the HNP to conduct paramilitary-style raids in the slums of Port-au-Prince has terrorized local populations and further undermined the force's reputation.<sup>8</sup> On the other hand, because most of the heavy-handed police tactics have been directed at pro-Aristide gangs within pro-Aristide neighborhoods, they have reinforced the widespread belief that the HNP is involved in an orchestrated campaign against Aristide supporters. The independent journalist Kevin Pina, for example, has characterized the HNP as "a repressive police apparatus that today is involved in a systematic campaign to physically eliminate the majority political party, Jean Bertrand Aristide's Lavalas party" (Haiti Action, 8 April 2005). Such fears have been reinforced in recent months by incidents in which police have fired into crowds of unarmed, pro-Aristide demonstrators, and by the fact that many of the new HNP recruits are ex-FAd'H, a trend which further undermines public confidence that an apolitical, public service-oriented HNP is emerging.

Amid the turmoil, MINUSTAH's CIVPOL contingent is attempting to implement a conventional police development and reform model that might be appropriate in a more stable environment, but which faces almost insurmountable obstacles given the current situation in Haiti. Of course, seen in relatively narrow terms the CIVPOL mandate can succeed: new recruits can be vetted, trained and pressed into service; serving officers can eventually be screened to weed out the corrupt and the politicized, and those who remain can be mentored in democratic policing methods; and training programs on everything from child protection to community policing can be carried out. However, if success is measured less in terms of recruits trained or courses completed, and more in terms of the creation of a sustainable, public-service model of policing, then there is at present little

reason to believe that the current reform process will be any more successful than its predecessor. As David Beer acknowledges, “de-politicization has to be done through the institutions of government – questions of political will and political leadership are key.”<sup>9</sup> Thus, the entire HNP reform project is once again being constructed on the shakiest of foundations: the hope that a moderate, responsible, legitimate Haitian leadership – one that will view the police as servants of the public rather than of the ruling elite – will emerge out of the current turmoil.

The conventional wisdom among international officials in Port-au-Prince is that there is little choice but to continue to work with the HNP, regardless of whether the lessons of the past are beginning to repeat themselves. If outsiders have neither the authority nor the capacity to re-shape Haitian politics along stable liberal-democratic lines, the hope is that the recent rot within the country’s security forces can at least be arrested, and some measure of security restored, while the country’s politics sort themselves out. Certainly, there is little appetite, either among Haitians or within the international community, for protectorate-type solutions. However, it is also somewhat disingenuous to suggest that outsiders have little influence over politics in Haiti, or should be acutely sensitive to questions of Haitian sovereignty, particularly given the crucial role played by the United States in Aristide’s ouster. Unlike conventional peacekeeping, peacebuilding processes are inherently and unavoidably political, and the most successful examples have involved intrusive international efforts to re-order politics within war-ravaged societies. If the current effort to stabilize and democratize Haiti is to succeed where earlier efforts have failed, there must be an explicit recognition that the international community is a political actor in Haiti, not simply a provider of technical expertise, and both physical and political resources must be deployed in support of these goals.

There is, in fact, much the international community can do in Haiti, short of establishing a protectorate, to affect and influence the shape of the country’s politics, and specifically the politics of its security sector. Not only are there many negative lessons to be drawn with regard to the politics of peacebuilding from past international efforts, but there are also numerous positive lessons. With regard to post-conflict police reform in politically-volatile and complex environments, some of the lessons learned the hard way



through years of reform experiments in places like post-Dayton Bosnia might be applicable in post-Aristide Haiti.

First, and least controversially, radically re-structuring the politics of public security in Haiti will require a long-term commitment on the part of the international community. It is generally accepted that if the latest effort at security sector reform is to be sustainable, a sustained commitment of at least a decade is needed. This acknowledgement is based on the recognition that not only did the international community leave Haiti too early last time, but that in other cases – Bosnia being the most prominent example – it has taken a full decade to see even a gradual shift towards democratic forms of public security provision.

Secondly, changing the dynamics of policing in Haiti will require not only a sustained international presence, but also a more robust and interventionist international stance. This means, firstly, taking a clear stand against the myriad spoilers – drug lords and criminal gangs most prominently – who possess both the means and the will to promote continued instability in Haiti. As long as these forces are allowed to continue to operate with impunity, the restoration of stability will remain an elusive goal. In other words, MINUSTAH's Brazilian-led peacekeepers must not only consolidate but also build upon the efforts that have brought down a number of prominent spoilers in recent months. At the same time, MINUSTAH's CIVPOL component will also have to become (and be allowed by its political masters in New York to become) more activist, not necessarily in the sense of taking on executive policing duties, but in terms of more closely overseeing the work of the HNP. In this regard, the experience of the UN's International Police Task Force (IPTF) in Bosnia might provide a valuable role model. While initially hobbled by a feeble mandate, the IPTF slowly developed an effective form of 'advising with leverage' – which coupled a non-executive mandate with the authority to screen local law enforcement personnel and the willingness to dismiss those found guilty of wartime atrocities, postwar abuses, corruption, or general incompetence (Lewis et al, 2002). MINUSTAH's mandate already includes vetting and certification for new recruits and current officers, but these tools will need to be employed in a determined and aggressive manner if corruption and abuse of authority within police ranks is to be effectively tackled. This entails not only the willingness to use such authority, but the

development of accountability mechanisms – in conjunction with the HNP’s internal oversight arm – to ensure not only that abuses are punished but that they are detected in the first place. Achieving this level of oversight will require a reconsideration of CIVPOL numbers, as MINUSTAH currently does not have the personnel to provide adequate oversight, and this problem will only grow as the HNP grows in size and increases its geographically reach across Haiti. Similarly, mechanisms must also be developed to deter political elites and police managers who seek to manipulate the police for political ends. While Haiti is not likely to see an activist international High Representative a la Bosnia, with the authority to dismiss elected officials for abuse of power, what might be possible in Haiti is for the consistent, sustained, and strategic use of carrots and sticks by the international community to gradually alter the cost-benefit analysis of those who seek to use police power to achieve political or personal goals. One of the clear lessons of the Bosnian experience is that placing responsibility for de-politicizing the police in the hands of those with a demonstrable interest in a politicized police service is a sure recipe for failure. The continued search for ways to advance the de-politicization process should therefore be much higher on the international list of priorities for Haiti.

Clearly, such strategies should be deployed in conjunction with ongoing efforts to enhance police professionalism, but must also be accompanied by a greatly accelerated program to address dysfunctions within the judicial and penal systems. As noted above, no amount of police reform will consolidate the rule of law in Haiti while the judiciary remains dysfunctional and incompetent. A broader rule of law agenda, therefore, will require not only institutional development efforts at the judicial level, but also interim efforts to end both the culture of impunity and the plague of extended pre-trial detention that currently characterize the Haitian justice system. In the interim, the Haitian government and the international community should consider the establishment of special courts, combining Haitian and international jurists, through which particularly difficult and sensitive cases can be prosecuted and adjudicated. In the absence of such interim measures, the culture of impunity in Haiti is likely to prevail, and little progress is likely to be made towards weakening the grip of the criminal and the corrupt – both within and outside of government – over what remains of the Haitian economy.

With regard to the deep divisions within Haitian politics, MINUSTAH has also been mandated to assist the transitional government with efforts to bring about a process of national dialogue and reconciliation. To date, little has been achieved on this front. As a starting point, a concerted effort must be made by MINUSTAH to assert the legitimacy of those Lavalas elements committed to non-violent participation in the political process, and to ensure that such elements are not the object of government-sanctioned intimidation (ICG, April 2005: 3). Driving a wedge between moderate Lavalas and violent pro-Aristide gangs, and making clear distinctions between legitimate political actors and illegitimate criminal organizations are both necessary measures to counter the widespread belief that the HNP is systematically targeting Lavalas members and supporters. Such a move would represent a small but significant step towards reconstructing genuine democratic dialogue within Haiti.

Finally, while a discussion of Haiti's crippled and dysfunctional economy is well beyond the scope of this paper, there is no avoiding the fact that efforts to stabilize Haiti will fail without serious and concerted efforts to construct a sustainable market economy. Impoverishment and the void of economic opportunity provide legions of recruits for Haiti's criminal gangs and drug lords, thereby contributing to the country's chronic insecurity and undermining ongoing efforts to disarm and demobilize the country's various armed factions. While disrupting the drug trade is one element of the broader task of rehabilitating Haiti, an equally important element is the restoration of the country's long-term basis for economic survival. This too, will require an extended commitment by the international community, and a willingness to set aside conventional neoliberal orthodoxy in order to deal with Haiti's unique and particularly difficult set of economic circumstances. A good starting point would be for the international community to begin to make good on its pledges of international assistance to Haiti, the bulk of which remain unfulfilled given the turbulence of recent months.

### **Conclusion**

Given the tempestuous history of relations between Haitians and the outside world – most particularly the United States – many of the arguments presented here could be dismissed as neo-imperialist. Certainly, given the fact that the US-assisted flight of

Aristide in February 2004 generated more problems for Haiti than it solved, there might be some justification for believing that what the country needs is less outside intervention, not more. Yet it is also the case that Haiti can properly be characterized as a failed state, in the sense of a state that is no longer able to perform basic functions or provide basic services to its citizens, and there appears to be little prospect of domestically-driven recovery. Indeed, the failure of the Haitian state is in large part due to the failure of its political system, and recent events have done little to disprove Robert Fatton's characterization of Haiti as a predatory republic. At this point, the real question is not whether outsiders should intervene or not, but whether such intervention advances or undermines the establishment of stability and democracy.

At the same time, if there is any place that calls out for a re-think of international peacebuilding practices, it is Haiti. The international community now has a second chance to 'get it right' in Haiti, and learning the lessons from past efforts will be crucial to ensuring that the failure of the first peacebuilding project is not repeated. One constant from the previous effort is that restoring public security remains a prerequisite to successful peacebuilding. Framed in more positive terms, as Annika Hansen has suggested, "security is the key to a 'new social contract' between the population and its government or society in which the population is willing to surrender the responsibility for its physical safety into government hands" (2000: 35). Perhaps the central lesson of the past decade in Haiti, however, is that technocratic, institution-building strategies to improve security are necessary but not sufficient, particularly in deeply-polarized political contexts. Equally important are parallel efforts to address the nexus between politics and policing, that space where political power interacts with instruments of coercive force in ways that can generate as much insecurity as security. If the analysis presented here is accurate, the first effort to construct a professional Haitian National Police collapsed because reform efforts failed to alter the broader political culture in which policing in Haiti was embedded. Events of the past twelve months have provided ample reason to believe that the latest international effort at HNP reform will suffer much the same fate, for many of the same reasons. Finding ways to alter the dynamics between politics and policing in Haiti, therefore, may represent the international community's best hope for ensuring that the current peace process in Haiti is indeed sustainable.

## Endnotes

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<sup>1</sup> Author interview with David Beer, Port-au-Prince, 27 February 2005.

<sup>2</sup> Many of these conclusions are drawn from a workshop on Canadian contributions to post-conflict policing, held in Ottawa on 30 April 2004. For more details, see Donais (Autumn 2004).

<sup>3</sup> Under the terms of SCR 940, both US military forces and the IPMs were to be replaced by the UN Mission in Haiti (UNMIH) once conditions allowed. This transition formally took place at the end of March 1995.

<sup>4</sup> On the links between drugs and politics, and drugs and policing, in Haiti, see Adams (3 April 2004).

<sup>5</sup> Confidential interviews with author, Port-au-Prince, 27 February-4 March 2005.

<sup>6</sup> Beer interview, op.cit.

<sup>7</sup> Author interview with Eric Mouillefarine, Civil-Military Coordinator, MINUSTAH, Port-au-Prince, 2 March 2005.

<sup>8</sup> For a graphic, if somewhat partisan, description of recent HNP operations within the slums of Port-au-Prince, see Griffin (2004).

<sup>9</sup> Beer interview, op.cit.

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