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## **Haiti: A Peacekeeper's Observations on a Failed State** by Jean-Michel Blais<sup>1</sup>

If the Latin expression *Ubi societas, ibi jus*<sup>2</sup> applies to every human grouping, then one must ask about how the law is to apply and what are the roles for those people who apply the law, interpret the law and are subject to the law. When the rules are clearly defined, entrenched in accessible documents such as a constitution and applied equally and impartially throughout a defined territory, there is what is called the rule of law. However, in those cases where the rules are arbitrarily applied or that there is no social cohesion or social contract<sup>3</sup> between the State and its citizens, only despots or anarchy rule. This has been and continues to be the case of Haiti.

Recognized as being the first black republic in the world, Haiti forged its independence from France in 1804 after 12 years of bloody insurrection marked by acts of extreme violence and genocide on both sides of the conflict. Once referred to as the 'Pearl of the Antilles' because of its breathtaking beauty and economic potential<sup>4</sup>, Haiti was born in violence and instability. This would continue for another 111 years following independence, a period referred to as '*le Temps des baïonnettes*'<sup>5</sup> (the Time of the Bayonets) because of the control of civil society by the military, the significant number of government overthrows and the murder of numerous heads of State<sup>6</sup>. This period was also exacerbated by France's imperialist legacy to Haiti which was forced into financial submission through the payment of exaggerated reparations as part of its independence to its former colonial masters.

Following this tumultuous period, Haiti was occupied by the United States from 1915–1934, an occupation politically justified as a humanist application of the Monroe Doctrine. During this time, relative political and economic stability resulted in the development of critical infrastructure such as rail lines and roadways, customs and tax collection and the development of a law enforcement organization based loosely on the French *Gendarmerie* model<sup>7</sup>. The *Gendarmerie de la République d'Haïti* was the precursor to the *Garde d'Haïti* which eventually became the *Forces armées d'Haïti* (Fad'H). In an effort

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<sup>1</sup> A 28 year police officer, the author went to Haiti on four occasions: 1995-1996 where he worked as a front-line United Nations (UN) civilian police officer; in 2008-2009 where he worked as the Deputy Police Commissioner in charge of UN police; immediately following the January 2010 earthquake he oversaw the recovery and repatriation of two Canadian police officers who had died; and most recently in February 2014 on a work visit.

<sup>2</sup> Translation: Where there is society, there is law.

<sup>3</sup> As per the terms employed by Francis FUKUYAMA in *Trust: The social virtues and the creation of prosperity*, London, Hamish Hamilton, 1995.

<sup>4</sup> Haiti provided almost a quarter of all revenues to the French imperial treasury in the mid-1700s.

<sup>5</sup> Robert CORNEVIN, *Haïti*, Paris, Presses universitaires de France, 1993, p. 43.

<sup>6</sup> Between 1804 and 1915, Haiti was led by no less than 26 leaders (all men), either as president or emperor. Of those, 14 were overthrown, five were assassinated, four died of natural causes and only two completed their terms normally. The longest term was completed by was Jean-Pierre Royer who served for 25 years before he was overthrown and exiled to France.

<sup>7</sup> Signed in Washington on August 24, 1916, the Accord on the *Gendarmerie de la République d'Haïti* intended to create the first legitimate single-mission law enforcement entity, the goal of which was to maintain order, guarantee individual rights and respect the peace as per American dictates.

to counterbalance the continued threat of military putsches, the 31<sup>st</sup> leader of Haiti, François Duvalier (Papa Doc), created his own armed group, the *Volontaires de la sécurité nationale* (VSN) which would later come to be known as the *Tonton Macoutes*<sup>8</sup>, the secret police that would ensure that both Duvaliers, father and son Jean-Claude (Baby Doc), would be able to maintain power sheltered from any internal armed insurrection from the Fad'H. History, of course, aptly demonstrated that the threats to Duvalierism did not only come from within, but from abroad as well. On February 7, 1986, the reign of the Duvaliers was finished. But Haiti's pain only continued.



Haitian children prepare to sing their national anthem *La Dessalinienne* on Haiti's flag day.

Five leaders, four years and three *coups d'État* later, relatively open elections were held. Jean-Bertrand Aristide, a former Silesian priest, was elected president. He, in turn, would be overthrown by the military less than a year later. The cycle of political upheaval would continue, replaced by a military junta ushering in the period called 'Duvalierism without Duvalier' which was marked by a continued control of civil society, the judiciary, policing functions and even the economy by a small, determined group of individuals.

After centuries of environmental scarring, legislative ineptitude<sup>9</sup> as well as institutional and individual kleptocracy, for all intents and purposes, the Haitian State had yet to properly assert control over its entire territory. Its span of control rarely spread beyond Port-au-Prince, the capital, and when it did, it was usually through some manifestation of force or violence to ensure compliance. In this vacuum came an international peacekeeping force led by the United Nations<sup>10</sup> which, although having morphed into different iterations, is still in Haiti today. The security needs are met by a fledgling police service, the *Police nationale d'Haïti* (PNH). As per the *Constitution of 1987*, there are no armed forces; military sovereignty, if required, is maintained by the military element of MINUSTAH.

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<sup>8</sup> The term *Tonton Macoutes* comes from a popular Haitian expression. In Creole, the word *tonton* means 'old' and *macoute* means 'bag'. Together, the term referred to an old man with a bag, a proverbial bogeyman who would come and collect in his bag and take away forever all those children who did not obey their parents.

<sup>9</sup> Since 1804, Haiti has had three founding acts, 22 constitutions, 14 constitutional revisions, one convention and one accord.

<sup>10</sup> Between 1994 and 1996, the United Nations provided law enforcement and military support to Haiti through an initial technical support mission, then through the United Nations Mission in Haiti (UNMIH). A second technical assistance mission then replaced UNMIH until further political upheaval and the second forced departure of Aristide in 2004 resulted in the creation of the United Nations Stabilisation Mission in Haiti (MINUSTAH) which continues to this day.

## Haiti today

Due to the absence of a strong centralised state, in some regards, Haiti is more a collection of regions rather than a country. The last official census projection of its population was in 1982 where it was determined that 6.7 million people inhabited the western portion of the Island of Hispaniola. That number is undoubtedly higher today with increased urbanisation. Life expectancy is low at 43 years for men and 47 years for women as a combined result of cardiovascular disease, violence, accidents (vehicular and industrial) as well as preventable illness, including malaria and cholera. Upwards of 90% of all Haitians live on around one dollar US per day. In spite of this grim figure, some accounts state that here are three billionaires and over 20,000 millionaires living in the country<sup>11</sup>. In addition to extreme economic disparity, Haiti has been crippled by an environmental holocaust<sup>12</sup> and political stagnation<sup>13</sup>.

Since the devastating earthquake that hit the greater Port-au-Prince area on January 12, 2010, resulting in the deaths of what has been reported to be almost 250,000 people, significant investment in infrastructure has come about thanks to international aide. The advent of wireless technology, both cellular and internet-based, has facilitated communication throughout the more populous regions of the country.

However, in spite of some recent progress, the lack of a cohesive governmental role in civil society, particularly in the areas of education, basic electrical and related infrastructure, industry, health care, regulation and revenue (tax) generation leads one to conclude that Haiti is a failed State.



Haitian workers cleaning up a canal following torrential rains that collect millions of plastic bottles thrown out every year.

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<sup>11</sup> One of the unfortunate unique sights in Port-au-Prince is the presence of high-end car dealerships: Mercedes, BMW and Porsche, ostensible evidence of the presence of extreme wealth in such poverty. When one does not have to pay taxes, one can accumulate wealth more readily.

<sup>12</sup> It has been postulated that upwards of 50% of all land in Haiti is devoid of vegetation and less than 40% of the remaining land is arable. Centuries of tree cutting and poor environmental planning have resulted in whole swaths of land incapable of supporting vegetation resulting in food insecurity, erosion, flooding and landslides. Due to a lack of public services and environmental-focused culture, extreme air, land, sea and noise pollution overtakes the geography, especially in the larger urban centres where infrastructure is adequate for only a small portion of the population.

<sup>13</sup> As a republic, Haiti has individual, separate presidential and legislative (Senate and Chamber of Deputies) elections. In the case of senatorial and deputy elections, they are on a rotating basis so as to not replenish both the upper and lower chambers at the same time. Oftentimes these elections are marked by violence, voter fraud, delays or often cancellations.

## Observations of a Peacekeeper

For a foreign peacekeeper, particularly a Canadian one, Haiti is surreal in many regards. Its capital, Port-au-Prince, is closer to Halifax than Calgary. The country resides in the same time zone as Toronto. Many of its citizens speak the same language as Canada's second-most populous province, Québec. Compared to Canada as a country, it is older in terms of European settlement and country status than Canada.

And yet it is fraught with dire challenges. When asked what has changed since independence, many observers can point to significant progress in some institutions and technology, just as in any developing country, but are at a loss to describe the changes in political culture. Some of the most virulent political criticism originates from Haiti's diaspora, estimated to be in the range of over two million people<sup>14</sup>. A constant source of financial support for families still in Haiti, those who have chosen to take citizenship and residence elsewhere have been stripped of their right to vote or to run for public office, which is a source of great frustration for members of the diaspora.

Haitians themselves admit that the most prestigious position a person can hold is that of the President of the Republic. Unlike most Canadian children who aspire to become a professional hockey player, an astronaut or a successful business person, Haitians often cite political office as their highest calling. The *Constitution of 1987* is a model document, written after France's Constitution of the 5<sup>th</sup> Republic (1958) and is exemplary in many ways for a developing nation, including limits of presidential authority and terms; but just as with many developing and even some developed countries, there is a stark difference between constitutional theory and constitutional reality. One of the biggest challenges facing Haiti is the cost that its political system has on civil society. Can such a nation well afford to have both a lower Chamber and a Senate as part of its National Assembly? Indeed, Canada has recently come to grapple with that very question.

Haiti still bears the burden of its slave past. As a result of a societal rejection of the large plantations that once flourished under French slave rule, since independence, Haiti has only seen small, independent and inefficient production of crops resulting in the dependency on international trade and especially aid to feed its population. This rejection of collective farming and assistance also resulted in the absence of any form of strong worker or social movements along the lines of socialism or communism. The continued 20<sup>th</sup> Century American influences as well as Duvalierism were also important in discouraging any form of populist left-wing political movement.

The absence of a strong counter-culture to those dominating influences and the lack of governmental leadership also resulted in a continued and accelerated pillaging of the natural resources of Haiti. Its hills are stripped of most vegetation, be it trees, bushes or even shrubs. Erosion is commonplace and what used to be a country to which rich internationals would flock for vacations is now stripped of any clean, sandy beaches except for those that are protected and exploited in the north around Cap-Haïtien by cruise lines and some isolated islands. This is a far cry from the Dominican Republic which inhabits two-thirds of the same island and yet enjoys a significant economic advantage that Haiti does not from tourism<sup>15</sup>.

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<sup>14</sup> Found predominantly in the United States (just under a million people), the Dominican Republic (500,000 – 800,000), Canada (200,000), France (90,000) and the Bahamas (80,000) amongst other countries.

<sup>15</sup> In his book *Collapse – How Societies Choose to Fail or to Succeed*, Viking Press, New York, 2005, Jared Diamond spends an entire chapter comparing the respective, yet intertwined economic and environmental history of both Haiti and the Dominican Republic. He arrives at the following conclusions: whereas the Dominican Republic, under the 'benevolent dictatorship' of President Rafael Leonidas Trujillo Molina (1930-1961) retained a kleptocratic

The lack of collective aid has also manifested itself in an absence of community-based mutual assistance. Whereas solar and wind power would be expected throughout Haiti on a regular basis, there is limited use of these important fuel alternatives to wood charcoal made locally which results in the non-replenishment of forest wood in Haiti. Where such technology is used, very often the photovoltaic cells or parts of wind turbines are often stolen and not replaced. A lack of collaborative approaches to dealing with industry and commerce at the communal level has and continues to impede economic development; the culture of community responsibility being absent, except in times of crisis.

One of the predominant challenges facing Haiti has been collective decision-making. Whereas a developed country's political institutions encourage discourse and discussion with the end goal of determining the best possible ideas for that country, Haiti's political discourse is often present for its own sake, fueling political drama instead of being a driver of development. That being said, it is also very difficult for members of Haitian civil society to be able to rationalise individually or collectively when their immediate concerns are about food security and public safety. One could only speculate about how Canadians would make decisions without the benefit of a full stomach and effective public safety.

### **Peacekeeping in Haiti**

Having had such a robust, continued presence in Haiti over the past 20 years, peacekeeping is deserving of some discussion in how it has contributed to, mitigated or even exacerbated the notion of a failed Haitian State.

Haiti suffers from one of the highest rates of violent crime (murders, kidnappings and sexual assaults) in the Americas. For decades, its territory has served as a trans-shipment area for illicit drugs coming from South America and intended for the North American markets. One of the more important contributions to public safety in Haiti at the outset of UN presence was the training of all PNH officers. Some were trained in the United States, some in Canada and the overall vast majority was trained in Haiti.

From a Canadian perspective, the most significant contribution was the training of the new Haitian police officers in the notions of community policing. In the early 1990s, community policing in Canada was very much in its beginnings, having been introduced by most of the mid to large-size police services either at the municipal, regional or provincial levels. It was thought that simply exporting it to a developing country would be the natural thing to do as policing needed to be closer to the community. Unfortunately, this idea did not take into account that in community policing there requires a continued discourse between police and the community; one that is predicated on the sentiment of mutual confidence and trust. As there had never been a time in their history when Haitians could trust their police, security or military services to protect and serve them, it was premature to begin with the notion of community policing. The PNH had difficulty establishing the requisite credibility to allow for community policing to take hold. It still suffers the same to this day. It would have been better to have focused international development efforts on capacity building, processes and community outreach than to develop the necessary relationships to foster the trust that is the foundation of community policing.

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monopoly over its forestry industry, Haiti, under various leaders and then under the Duvaliers, had no such control or interest resulting in the widespread environmental degradation seen today. This, of course, should not be construed as an apology for the 'Trujillo Era' which was considered to be one of the bloodiest eras in the Americas as well as one controlled by a cult of the personality only rivalled in Stalin's Russia and Mao's China.





The author presenting a United Nations mission medal to the Nigerian Formed Police Unit in Port-au-Prince in 2008

Another challenge regarding the updating of the criminal justice system was the use of technology. Many nations, including Canada and the United States, wished to bring Haiti into the 21<sup>st</sup> Century by equipping the PNH with leading technology such as forensic labs, digital photography, network communication and fingerprint scanning technologies. This too was premature as the basic network connections, work culture and even more fundamentally the electricity required to run these systems were and in most cases still are not present with any degree of regularity. Compounding this issue is the dire need for a legislative updating of the Haitian legal system, governed by its *Code pénal* and *Code de procédure pénale*, two antiquated documents that do not recognize 21<sup>st</sup>-Century crimes or crime-fighting techniques such as forensic identification through photographs.

Another important consideration is the culture that peacekeeping is creating in Haiti. Whereas before the arrival of peacekeepers, Haitians were obliged to work together to achieve common goals, the rationale behind collective action may have been supplanted by disinterest because of the presence of international peacekeepers in the country. In recent years, many examples have been brought forth by international observers regarding the negative impact of peacekeeping<sup>16</sup>. Certain Haitian and non-Haitian actors have been pressing for a diminished international presence and an increase in direct payments to the Haitian State in lieu of on-the-ground support. Considering the inability of the State to properly, effectively and impartially distribute such monies, this option is, on its face, flawed.

Concerns and pressures are building within Haiti as people, both international donors and Haitians themselves, are impatient about wanting to see change as expeditiously as possible. The challenge is that state-building is not an easy or quick exercise. It requires patience as not only infrastructure and buildings need to be built, but whole new ways of thinking and processes must be put in place. One can change processes, but one cannot change people. That remains the single largest impediment to development in Haiti as it does in many developing countries across the world. Change in Haiti's case can only be measured in terms of generations and not years.

However, the effort is worth it as the men and particularly the women and children of Haiti will continue to suffer until strong, effective and impartial leadership is in place to create the conditions required for proper development in this country of now-limited potential; starting with the creation of an effective, working State structure that can guarantee a modicum of services to enforce its laws and

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<sup>16</sup> The inflationary spiral caused by the influx of well-paid internationals vying for suitable lodging in local markets, the sexual exploitation of minors and women by some UN personnel (military, police and civilians) as well as pollution allegedly originating from some UN elements resulting in cholera outbreaks.

regulations, promote constitutional ideals and collect taxes to pay for all of the above. If not, Haiti is doomed to continue its spiral into environmental, economic, political and social disarray.

Jean-Michel ('JM') Blais is the Chief of the Halifax Regional Police (HRP), and previously was a senior commissioned officer of the RCMP. This work is the sole opinion of the author and does not necessarily represent the views of the RCMP, Halifax Regional Police, Halifax Regional Municipality Department of National Defence, Canadian Armed Forces or Royal United Services Institute of Nova Scotia. The author may be contacted by email at: [RUSINovaScotia@gmail.com](mailto:RUSINovaScotia@gmail.com).

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