U.N. PEACE OPERATIONS AND STATE-BUILDING: A CASE STUDY OF HAITI

A product of the Statebuilding and Peacebuilding Program at NYU's Center on International Cooperation (CIC)

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Introduction

Recently the issue of state-building has become more pronounced in the study and policy of building and consolidating peace. Despite important research exploring how state institutions relate to international and national efforts to secure peace, these issues remain underconceptualized and understudied in the operations of international organizations.[1]

The Center on International Cooperation (CIC), therefore, undertook a case study of state-building in the overall United Nations (UN) efforts in Haiti. The rationale for the study grew from a concern that the UN has increasingly been asked to help build states, but with little guidance or history on how to operationalize such mandates. The case of Haiti has been selected because it is one of a growing number of UN operations where state-building is explicitly part of the mandate and a central challenge in the country. The most recent UN Security Council (UNSC) mandate of October 2008 includes support for 'an all-inclusive political dialogue,' expansion of its support to 'strengthen self-sustaining state institutions,' and continued support for the Haitian police and other rule of law institutions, including Haiti's capacity to manage its borders. It also states that the government's capacity is 'indispensable for the sustainable success' of the UN effort.

Six successive UN missions to Haiti in the 1990s did not leave a sustainable state in place. At the same time, policymakers are pressing their various institutions to think more about how to ensure that national and local institutions are sufficiently resilient to prevent armed conflict and meet basic needs. What institutional markers signal a minimally effective and legitimate state? How should the UN system enhance its operations to ensure eventual peacekeeping exit without widespread violence? We hope this project will assist in greater harmonization of overall UN efforts around state-building strategies, including by the United Nations Country Team (UNCT) and in conjunction with other international actors.

I. The Main Questions and Method of this Analysis

This research design element of this study explicitly examines the processes by which the UN System engages Haitian institutions and society. This analysis will emphasize five questions:

1) Is the UN System adequately supporting consolidation of a political foundation among the main political actors at the national level?
2) Have international actors, including the UN System, sought to foster a nationally-owned comprehensive strategic framework for consolidating peace and leaving behind a sustainable state? Are international actors relying on this

[1] Recent research on state-building as peacebuilding includes Rahul Chandran, Bruce Jones et al. "From Fragility to Resilience: Concepts and Dilemmas of State-building in Fragile States", Discussion Paper submitted by the Center on International Cooperation and the International Peace Institute for the Organization for Economic Cooperation and Development, 2008; Ashraf Ghani and Clare Lockhart. *Fixing Failed States: A Framework for Rebuilding a Fractured World*, New York: Oxford University Press, 2008; Charles T. Call with Vanessa Wyeth, eds. *Building States to Build Peace*, Boulder, CO: Lynne Rienner, 2008; Francis Fukuyama, *State-building: Governance and World Order in the 21st Century,* Ithaca, NY: Cornell University Press, 2004.

framework for setting priorities, for decisions about funding, and in fostering a cohesive international support for the strategy?

3) Is the international effort pushing to develop local and national capacities as far as appropriate? Where bad governance (corruption, abuse, etc) are evident, are alternative approaches to state-building sufficiently emphasized, including the development of state and non-state capacities for oversight and accountability?
4) Are international actors, including the UN System, appropriately channeling resources through state institutions, including a national budgetary process and the Finance Ministry?
5) Are international actors sufficiently seeking to minimize the potential harm caused by their footprint or actions for the legitimacy and capacity of the national state (e.g., avoiding unnecessary international posts, ensuring that capacity-building does not undermine legitimacy, and vice versa, etc.)?

Analyzing these issues requires judgment, rather than quantitative indicators. A number of objective indicators serve as the basis of this judgment. However, these indicators reflect the recent emphasis in research on *process* as important in the outcomes and success of state-building endeavors.[2] In addition to analyzing these processes, the study also examines the UN System's own benchmarks for progress in terms of outputs and outcomes, in a broad manner. Although these benchmarks privilege the priorities established by the Security Council and the Mission, we also identify areas where priorities are neglected or overemphasized.

The research for this study was conducted by a CIC Consultant, Charles T. Call, and CIC Programme Officer Gigja Sorensen, with the support of CIC Associate Directors Rahul Chandran and Jake Sherman.[3] We conducted interviews (on background) at UN headquarters with various units at DPKO, DPA, UNDOCO and UNDP, as well as with thinktanks and some experts. Professor Call and Ms. Sorensen also spent two weeks in Haiti in November 2008 conducting interviews for the study. We are grateful especially to DPKO and to UNDP for assisting with our work and visit.

II. The Particular Challenges of State-building in Haiti

The UN, of course, has a long history of efforts to foster a self-sustaining state in Haiti, including five missions from 1994-2000, even before the departure under pressure of President Jean-Bertrand Aristide on 29 February 2004. In this sense, the

[2] The paper adopts the OECD definition of state-building, laid out in the framing paper, "From Fragility to Resilience," *ibid,* which proposes that state-building needs to be seen in the broader context of state-formation processes and state-society relations. It sees state-building as a primarily endogenous development founded on a political process of negotiation and contestation between the state and societal groups. In this view, "state fragility arises primarily from weaknesses in the dynamic political process through which citizens' expectations of the state and state expectations of citizens are reconciled and brought into equilibrium with the state's capacity to deliver services […] In short, the overarching priority of state-building must be a form of political governance and the articulation of a set of political processes or accountability mechanisms through which the state and society reconcile their expectations of one another" (pp. 7-8).

[3] We are grateful to helpful feedback from Teresa Whitfield, Richard Gowan, Bob Maguire, Rahul Chandran, and Peter Sollis, and for research assistance from Yolande Bouka and Heather Svanidze.

difficulties of fostering state institutionalization are familiar to international actors, and to national elites.[4]

Haiti's peculiar history as the first republic founded by ex-slaves who successfully revolted against their oppressors led to a century of political and economic isolation and to a militant commitment to sovereignty and resentment of foreign intrusion in internal affairs. The combination of international and national factors led to two hundred years of poverty, obscene disparities of wealth and power, and repressive governments. Haiti's post-Duvalierist 1987 constitution contains tenets of democracy that are observed in the breach. Transforming or strengthening state institutions and their legitimacy in Haiti therefore faces several challenges.

Analysts should not underestimate the present-day impact of the failed international attempt during the 1990s to build a democratic, minimally secure and economically advancing country. The opportunity presented by the UN-sanctioned, US-backed return of a democratically elected and popular president was badly bungled by Haitians and international actors alike. Unfortunately the conditions for externally-supported state-building in 2004 were in many ways more adverse. The manner of Aristide's ouster, the debated role of the US administration therein, the consequent questionable legitimacy of the transitional government all fostered doubt and even cynicism among Haitians and some donors. These challenges were compounded by Haitians' disillusion about the minimal economic effects of six UN missions and international wariness of the reappearance of many Haitian leaders from the 1990s.

More specific challenges bear mention. First, one core element of Haiti's state weakness is the low level of human resources. Haiti's dire poverty (in 2005, 77% lived in poverty, with income of less than $2/day), its corresponding brain drain, and its low level of education make it difficult to find people with the analytic and writing skills for formal sector work, much less for management.[5] Several interviewees indicated that the people at the ministerial and director levels of Cabinet ministries were often highly competent (if sometimes corrupt), but that those below these levels were not able to effectively carry out their work. Although surprisingly many state officials continue their service across changes in government, the constitutionally-mandated civil service is extremely weak. One problem is that many competent individuals are hired by well-paying international organizations or non-governmental organizations (NGOs), complicating the calls for capable staff. Consequently, a handful of senior officials (many of whom spend inordinate time with international officials and visitors) make virtually all of the decisions, slowing down the working of government.

Despite some ongoing UN and bilateral projects and calls by then-UN Special Representative (SRSG) Edmond Mulet to support the government's request to help

[4] Many political office holders held identical or similar posts in the 1990s, including President Préval, Prime Minister Alexis, Justice Minister Exumé, Security Adviser Manuel, Secretary of State Eucher.
[5] The 2005 poverty rate is from FAFO, found in the Poverty Reduction Strategy Paper (PRSP), para 33, p. 21. According to the Human Development Report, 39 % of Haitian's above the age of 15 are illiterate and the combined ratio of primary, secondary and tertiary education enrollment represented 53% in 2005. Further details on human capital in Haiti can be found in the World Bank country study, *Social Resilience and State Fragility*, 2007.

build administrative capacity,[6] the donor community has not adopted a plan to this end. Several donors, notably the European Union, supported the work of international technical advisers within ministries during the period from 2006-2008, but many of these programs have ended, and they remain uncoordinated responses to the problem of state capacity. The lack of a dedicated training program for civil servants also undermines the strengthening of this capacity.

Second, Haiti's security challenges do not fit conventional approaches or doctrines developed for international peace operations. The first series of UN missions (in the 1990s) derived not from an armed conflict, but from an international intervention to restore a democratically elected government ousted amidst human rights violations. The uprising of 2003-04 involved a few isolated attacks on police posts, evolving into a small number of troops moving largely uncontested across the territory. They ultimately did not seek armed confrontation but rather fear and mobilization of masses. The most salient political violence of the past three decades has involved not well-organized combat operations, but mobilization of crowds from among the millions of extremely poor, on short notice by murky political interests. Violent political activity often reflects intertwined criminal and political insecurity. As a result, the mission's initial, traditional approaches to Demobilization, Disarmament and Reintegration (DDR) proved inadequate, and the challenges of 'reconciliation' are complex. More broadly, state-building in Haiti poses challenge not of implementing a peace agreement (there is none), nor of resolving an identity conflict, but of relations among sporadically violent personality-based political/rent-seeking groups.

The role of external actors forms part of the unusual character of Haiti's peace/state-building challenges. The country's history reveals a dearth of peace processes leading to negotiated settlements. Instead, external powers, typically the US, step in either to prevent or prompt regime change to a friendly government. In both 1994 and 2004, the US played the dominant role in regime change and transition, and the UN was seen as a fig leaf for that intervention, complicating the role of intergovernmental bodies and bilateral donors.

Third, a low level of money is channeled through the state. International Monetary Fund (IMF) figures show that the portion of Official Development Assistance (ODA) passing through the Haitian state rose from 33% to 50% between 2005 and 2007.[7] However, the OECD-DAC monitoring survey of the Paris Declaration shows that only 46% of aid allocated to the public sector went through the public finance system in 2007.[8] In addition, international donors and the diaspora provide an extraordinary percentage of the resources that keep the country afloat.[9] Despite significant improvements in the past four years, the tax rate remains low, and is unlikely to increase in the next two years according to government officials. The rate for 2007

[6] Sabina Zawadzky, "UN says Haiti Donors Should Focus on Civil Service," Reuters report, 30 November 2006, accessed via Caribbean NetNews, 16 December 2008.
[7] Calculations based on IMF figures, "Haiti 2007 Article IV Consultations", *IMF Country Report No. 07/293,* August 2007, table 3 and 8.
[8] The country chapters of the 2008 Monitoring Survey can be accessed at http://www.oecd.org/document/18/0,3343,en_2649_3236398_41395474_1_1_1_1,00.html.Haiti ranked 20th out of 55 aid recipient countries rated by the OECD-DAC in 2007 (from highest percentage of aid through the state to lowest).
[9] International aid surpassed 6% of gross national income in 2005, and over 60% of the planned budget for 2008-2009. Remittances accounted for 19% of GNP in 2005. See PRSP 2007, para 24, p. 19.

should be somewhere around 10.3%, still below the 14% average for similar low-income countries, below also the target of 11% that the government targeted for the year, and well below the 36% average for OECD countries.[10]

Related to the low levels of aid channeled through the state is the relatively low level of international financing in general. International aid to Haiti has fluctuated significantly over the past fifteen years but has remained relatively low compared to other post-conflict scenarios. Following the 5-day conflict in August 2008, $4.5 billion was pledged to Georgia at the October 2008 donor conference while the Flash Appeal for Haiti of $107 million (subsequently raised to $127.5 million) remained largely unfulfilled, 3 months after the natural disaster that hit in August-September 2008. As of December 18th 2008, only 41% of the $127 million required was covered, with more than $75.5 million still uncovered. The SRSG has called for a mini-Marshall Plan for Haiti (approx. $3 billion) but new funding has not been forthcoming at this level. In the current economic context, it will remain to be seen whether the donor conference scheduled for April 2009 will generate significant resources and commitments.

Virtually all international officials spoke of serious and frustrating obstacles to state reform efforts in Haiti, reflecting an absence of political will.

- "Every decision is like pulling teeth."
- "Haitians are smarter than Liberians about picking us [international actors] off."
- "If we don't draft the text of laws, and wait for the Haitian government, then nothing happens."

A widely recognized lack of consensus among political and economic elites about the rules of the game underlies the difficulties of state legitimation and reform.[11] An intolerance, especially across parties reflecting deep class and racial divisions, afflicted Haitian political life and undermined state-building efforts both in the 1990s and currently. Donor assessments of past aid ineffectiveness emphasize these political and 'governance' problems as central to the lack of material progress in Haiti over the past two decades.[12]

One of the central challenges of supporting state reforms that comport with the UN Security Council mandate and liberal ideals is the disinterest or resistance by Haitian elites to reform. It is extremely difficult for the international community to embrace local or national ownership and simultaneously act cohesively to induce elected leaders to carry out reforms that they are reluctant to implement. And even when those elites are committed to certain reforms, the disincentives for prompt reform remain strong from those in society who have the most to lose. This challenge lies at the core of state-building in Haiti. Some interviewees suggested that the presence of international actors may induce a lack of empowerment, and contribute to an attitude of 'letting the *blan* [foreigners] do it'.

[10] OECD, "Revenue Statistics," 1965-2007, 2008 edition. Figures for 2006. http://www.oecd.org/dataoecd/48/27/41498733.pdf

[11] See the Interim Cooperation Framework, July 2004, for instance, p. 6.

[12] Institute for State Effectiveness, "Haiti: Consolidating Peace, Security and Development", working paper, 2008, especially pp. 3-4.

Aside from understandable reluctance by Haitians to embrace international agendas for state reform uncritically, Haiti confronts active resistance from individuals who stand to lose directly. Transparency International ranked Haiti among the four most corrupt countries in the world in 2008, alongside Somalia and Myanmar.[13] Absent strong leadership, the degree of institutional opposition to reform processes will continue to pose challenges to state-building policies and programs. The dilemma of trying to 'build' a state through state officials who have a stake in the survival of the status quo poses the question of whether the UN can do more to create incentives and political space for reform. Astutely balancing the 'stick and the carrot' requires concerted and unified action from the international community. Failure on this front is likely to perpetuate what van de Walle and others call the 'politics of partial reform',[14] whereby the regime gains leeway over the international community by agreeing to everything in principle, giving in to some reforms to keep the aid flowing while opposing or repeatedly delaying the implementation of others. Haitians' sensitivity about sovereignty requires that any reform agendas be undertaken on the basis of mutual respect, listening and consent, even as persuasion and leverage are not abandoned.

Political and economic inequalities are widely recognized as chief sources of instability in Haiti. Many interviewees described how the state is captured by powerful political and economic interests acting for their own gain. Impoverished masses facing limited opportunities and dire conditions are readily mobilized by elites. As a result, bureaucrats must logically respond to personal agendas of top officials given the unclear incentives for competent work. They rarely fulfill institutional mandates or the interests of the publics served by them (e.g., roads in Public Works, collecting taxes from professionals by the Direction Générale des Impôts (DGI) etc.). Unequal economic conditions are reinforced by the tiny property tax collected by the state[15] and corporate tax only represents 0.85% of GDP.[16] In addition, the scope of tax exemptions and very weak tax enforcement capacity means that the upper strata of society pay very little tax. If the UN System is to consolidate peace and avoid having to send another peace operation sometime in the future, it must foster a state that reduces, rather than replicates, this historic and deep divide.

The slow nature of political processes is complicated by Haiti's structure of government. Important powers are held by both the President and the Prime Minister. Furthermore, the Parliament is institutionally weak but politically powerful. Since 1990 the country's populous poor have succeeded in electing presidents favored by the masses rather than by the country's wealthy elite. Consequently, Parliament became the shelter for the country's well-off minority, aided by electoral rules that empower small political parties. Parliament blocked two candidates for Prime Minister during the political stalemate of April-September 2008. In addition, it has

[13] See Transparency International's Corruption Perception Index for 2008, http://www.transparency.org/policy_research/surveys_indices/cpi/2008.
[14] Nicolas van de Walle, *African Economies and the Politics of Permanent Crisis, 1979-1999* Cambridge: Cambridge University Press, 2001.
[15] Institute for State Effectiveness, "Haiti: Consolidating Peace, Security and Development", working paper, 2008, p. 18.
[16] World Bank, Public Expenditure Management and Financial Accountability Review, A World Bank Country Study, 2008, p. 7

failed to initiate much substantive legislation. By one account, some two dozen bills stalled without action in 2008, and only five bills besides budget laws had been passed up to November. One international official said, "Parliament thinks it is the executive branch."

Some longtime international analysts dismissed linear notions of progress in institutional reform in Haiti. Instead, they argue that reform patterns are more cyclical or circular. They readily point to UN-supported efforts to reform state institutions ranging from the Haitian National Police (HNP) to the justice system to the corrections system to the civil service in the 1990s. Such efforts are widely acknowledged to have failed but are being reprised with the same actors and outlines today.

Recent years reflect this cyclical pattern. After relative stasis under the transitional government (2004-2006), a period of hope commenced with the election of René Préval as President. Dialogue became a greater means of settling disagreements, albeit very slowly. The eventual deployment of UN troops in select gang-ridden poor slums in late 2006 and early 2007 helped enhance security and diminish the overt power exercised by these criminal/political organizations. However, several Haitian and international observers remarked that the withdrawal of UN troops in the coming months would likely lead to a resurgence of gang violence and recourse to violent demonstrations by political groups aimed at destabilizing the government.

Hopes for state reform and economic growth suffered a setback with the ouster of the prime minister and the lack of a government for five months in 2008. An explosive rise in the cost of living had presented an opportunity for opposition forces to oust the government. More importantly, four hurricanes in mid-2008 killed over 800 persons and rendered 23,000 homeless. The hurricanes damaged another 80,000 homes, destroyed important bridges and roads, and undermined agricultural production. Referring to the political crisis that began in late 2007, several of those interviewed called 2008 a 'lost year.' The dashed hopes, and fears over survival in the wake of the natural disasters underscored the urgency of the unusually dire economic conditions. The SRSG and others expressed firm conviction that addressing important economic challenges, especially job creation, is essential to any peace consolidation and is as important as the development of state institutions.

III. Initiation and Timing of International State-building in Haiti

Building the state and its institutions are widely recognized to be important goals of international efforts in Haiti. On 30 April 2004, the UNSC adopted resolution 1542, requesting the establishment of MINUSTAH's. It replaced the US-led Multinational Interim Force (MIF) in June 2004 and oversaw the work of a transitional government and the election of a new president and Parliament. By 2008, MINUSTAH had an annual budget of $US 575 million, 490 international civilian staff, 1,206 local civilian staff, 205 UN volunteers, 7,000 troops and 2019 police officers.[17]

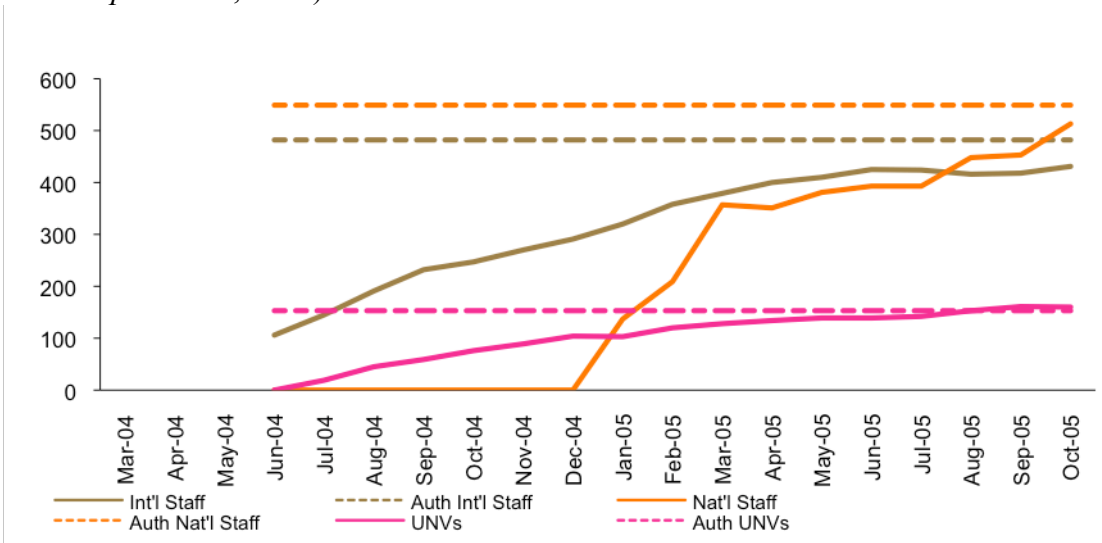
Going beyond the mandates of the UN missions of the 1990s, the initial mandate for the UN Support Mission in Haiti (MINUSTAH) in 2004 mentioned strengthening the

[17] CIC *Annual Review of Global Peace Operations,* 2009.

judiciary, assisting the transitional government to extend state authority, and supporting good governance at the local level.[18] Subsequent mandate revisions strengthened the state-building elements of the mandate. UN Security Council Resolution 1840 (October 2008) "calls upon MINUSTAH, consistent with its mandate to expand such support to strengthen self-sustaining state institutions, especially outside Port-au-Prince, including through the provision of specialized expertise to key ministries and institutions."

Unfortunately, the pace of deployment was extremely slow, and by mid-August 2004, fewer than half of the authorized troops and a quarter of the police were on the ground. By November 2004, the mission was able to deploy throughout the country, but it took until February 2005 for it to get close to full strength (see Chart 1).

Chart 1. MINUSTAH Mission Deployment Timeline (CIC *Annual Review of Global Peace Operations*, 2006)



The funds, programs and agencies of the UN System have also incorporated institutional strengthening into their work. 'Democratic governance,' for instance, is the first priority of the United Nations Development Assistance Framework (UNDAF) for 2009-2011. Beyond the UN system, international financial institutions have also placed governance and institutional capacity squarely at the center of their poverty reduction and growth-creation efforts. In 2002, the World Bank admitted that "[w]hile the Bank's objectives were consistent with Haiti's major economic problems, their relevance was limited by their failure to give highest priority to resolving the political and governance problems that undermined economic development."[19]

Before addressing specific mandated activities, it is important to address the temporal challenges of enhancing state legitimacy and capacity. The Haiti case reveals a time lag between international efforts to address the two core elements of state-building: legitimacy and capacity. As in most cases, the majority of important decisions shaping the legitimacy of a post-conflict state occurred in the early months after the

[18] UN Security Council Resolution 1542, 30 April 2004.
[19] From World Bank, "Haiti: Country Assistance Evaluation," Operations Evaluation Department, Washington, DC, February 2002, quoted in Institute for State Effectiveness, "Haiti: Consolidating Peace, Security and Development", 2008, p. 3.

armed conflict ended. In Haiti, this included the internationally-brokered transitional government that took office after the Leap Day departure of President Aristide in 2004. Partly due to the prominence of US and allied governments in shaping that transitional administration, it enjoyed limited internal and external legitimacy, and was not in a position to initiate systemic reforms. National elites also determined not to alter the 1987 constitution, with its schedule of frequent, staggered (and expensive) elections at the local, legislative and executive levels. Much of the internal (as well as external, of course) legitimacy of the state rested on the legitimacy of the electoral processes, especially the presidential election held in February 2006.

The UN also provided crucial support for elections in 2006. Despite its perceived identification with the transitional government in the eyes of many Haitians, the UN Mission helped turn its image, partly through its handling of the elections in 2006. The prominent role of Brazil (and to a lesser degree Chile and Argentina) in MINUSTAH, which seemed like a 'southern' formality to some, subtly favored Haitians' perception of the UN presence.[20] Electoral assistance became the bulk of UNDP's program in Haiti in the 2004-05 period, leading to criticism (including among UNDP staff) that it had become a service provider in ways that diverted it from its core development mandate.[21]

In the eyes of many in the UN system, support for elections (especially national elections for head of government) forms the core of any external role in legitimating the state in the eyes of its people and of the world. However, elections only form one component of legitimation, albeit an important one. Others include residual legitimacy (historico-cultural understandings and expectations of the state), performance legitimacy (the extent to which expected services are fulfilled under the aegis of the state), and process legitimacy (including elections, but also the sense of fairness and inclusion in the everyday processes of the state).[22] The intangibles of popular faith in a national system of government, or the regime of rules and processes governing alternation and regulation of power, go beyond whether free and fair elections occur. In contrast to liberal theory and awkwardly for external brokers, perceptions of fairness may derive more to the outcome of elections than the process. The Haitian elections of 7 February 2006 exemplify this irony. Many poor Haitians found satisfaction in the re-election of President René Préval despite the legally questionable need to reapportion blank votes among candidates in order to reach a simple majority and halt street demonstrations against a second round.

Despite widespread recognition of institutional weaknesses, the international community, with isolated exceptions, did not launch sector-wide programs to enhance state capacity until well into the peace operation. Many significant initiatives only came into focus in 2008, four years into the peace operation. One important reason for this delay was the limited external legitimacy and internal support enjoyed by the

[20] This finding was reported by researcher Robert Maguire in his research, private communication, February 2009.

[21] Over 75% of UNDP's $48 million expenditures for 2004-2005 was dedicated to governance, most of this in electoral aid, which ended up totaling $59 million for 2005-06. Carroll Faubert, "Evaluation of UNDP Assistance to Conflict-Affected Countries: Case Study Haiti," completed for UNDP Evaluation Office, 2006 [undated], p. 24.

[22] These categories draw on CIC and the International Peace Institute, "From Fragility to Resilience: Concepts and Dilemmas of State-building in Fragile States," 2008, para. 34, p. 7.

provisional government of Interim Prime Minister Gerard Latortue (2004-06). Without a government in place ratified by elections, donors were understandably reluctant to embark on major structural reforms.

In addition, assessment of crucial capacity gaps proved insufficient. In April-May 2004, roughly four months after President Aristide's departure, the UN System and the World Bank sent a large assessment mission to Haiti. This group, organized into thematic working groups with interim government officials and national and international experts, prepared a draft Interim Cooperation Framework (ICF) based on a hurried three weeks in Haiti. The ICF was adopted by international donors and the interim government to govern external assistance from July 2004 to 2006 (later extended to 2007).

However, international actors could have initiated more strategic capacity-building programs earlier. A review of the ICF process found that the team carried out detailed assessment of human resources and training needs at the local and national level, but this did not translate into a comprehensive state-building strategy. The ICF failed to identify core state functions, and the capacity assessment proved insufficient to convince external actors to rely upon it. The review is worth quoting at length:

> *[B]eyond the statements of intent, there was no real, consolidated strategy to build capacity. In addition, there was a lot of flag-waving from donors and some competition among them, which made it difficult to agree on joint programs for capacity building, as well as for other priority areas. It should also be noted that there was a high level of skepticism by the donors of the Interim Government's, as well as of the present government's, capacity to implement the ICF. As a consequence, many donors used the ICF for reference, but retained information and created parallel project implementation structures that weakened the state in order to achieve their own interests and implement bilateral projects. Few projects were undertaken to improve the management and governance of institutions, which in turn created to a further mistrust of the ICF.*[23]

Beyond the actions of donors and UN agencies, MINUSTAH proceeded too slowly, partly because of ongoing insecurity through 2007. Judicial reform, for instance, remains in its infancy as three laws deemed crucial for launching meaningful change passed only in late 2007. One interviewee said, "The mission's focus on three laws seems a bit crazy. Haiti is not a place where laws are the issue… We thought they should focus on more immediate things to improve people's lives." Similarly, civil service reforms have not moved forward at all, despite being assigned a priority in the state reform plan of the Alexis government in 2006. [24] Although problems with the country's prisons have long been apparent, little was done before 2007 with the development of a 5-year strategic correction reform plan.[25]

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[23] UNDGO and World Bank." Haiti Needs Assessment: Case Study", *PCNA Review phase 1*, October 2006, p. 10.

[24] Government of Haiti. *Programme Cadre de Reforme de l'Etat. 2007-2012.* The plan drafted with UNDP support, has not been implemented.

[25] The 2006 Haitian National Police reform plan is an exception, as it might not have made sense to move forward under the provisional government in this area.

Key factors in the Haiti transition – questionable legitimacy and the need to balance haste with time-consuming processes of consultation and planning for state-building – help account for these delays, but are likely to prevail in most countries that emerge from crisis or warfare with a transitional administration.

IV. Overall Planning and Benchmarks for State-building

The degree and pattern of strategic planning for external engagement with a post-Aristide Haiti reflect the halting engagement of Haitian society described above. One of the most important questions for international engagement in peacebuilding is the following: To what extent are international actors supporting a coherent plan, with meaningful ownership of Haiti's state and society, to consolidate the institutions necessary for peace?

Let us briefly examine the ICF process. The preparation of the ICF, lasting only from the external team visit in early May to the adoption of the ICF in July, involved transitional government ministers and knowledgeable Haitians in the drafting process. Yet the nature of the end of the armed conflict in 2004 and the imposition of a transitional government limited the breadth and legitimacy of those consulted within Haitian society. Partly due to the compressed timeframe, consultation was hasty and hit-and-miss.[26] A subsequent review of the ICF process acknowledged its limitations as a strategic planning tool for peace and state-building.[27] Despite conflict-sensitivity being formally a cross-cutting theme in the ICF, "little attention was given to the historical causes of conflict [and] very few specific actions for reconciliation or national dialogue were presented."[28] While strengthening state capacity was seen as a crucial objective, this translated neither to a comprehensive strategy nor a public sector reform program. The process also overemphasized the economic issues rather than the important political and security challenges at the core of stability. The World Bank largely considered the ICF an 'interim PRSP.'

After the election of President Préval in 2006, the long-planned drafting of a Poverty Reduction Strategy Paper (PRSP) commenced (known also by its French acronym, DSNCRP). Haitian and intergovernmental officials collaborated with intergovernmental bodies collaborated to produce the PRSP, whose three central pillars are:

(a) growth vectors (focusing on rural development, tourism, infrastructure, science, technology and innovation);

(b) human development (including health, education, water/sanitation and particular demographic groups); and

[26] See open letter from sixteen Haitian NGOs, "Haitian Civil Society Organisations' Declaration on the Interim Cooperation Framework," 14 June 2004, stating "The process of drafting the ICF is controlled by external actors with the complicity of the current government in the framework of a technocratic approach. This excludes all real participation of the majority and vulnerable sectors of our country…" para 1.3., http://www.grassrootsonline.org/node/723

[27] UNDGO and World Bank. "Haiti Needs Assessment: Case Study", *PCNA Review phase 1*, October 2006

[28] *Ibid.,* p. 9

(c) democratic governance (focusing on modernization of the state and rule of law).

As the DSNCRP itself describes, Haitian government officials held fora in different parts of the country to solicit feedback from civil society. Some representatives of civil society complain that the government's solicitation was not sufficiently early, publicized, broad or deep. Opposition parties concur. However, Haiti's process reflected more consultation than the PRSP-drafting process in most other post-conflict societies. Furthermore, the process was completed within a year, and the government sought and received the approval of the IMF in November 2007.[29]

To what extent is the PRSP an adequate roadmap for harmonized external assistance? To its credit, under 'governance,' the plan embraces security and justice reform, vital issues that often get short shrift by the development specialists who draft PRSPs. In general, the plan's inclusiveness left a need for greater specification of priorities, especially given limited resources. As one senior diplomat posted to Haiti said, "The PRSP lacks strategic vision- it identifies everything as a priority, [offering] a menu from which donors can choose." It is evident that funding will never cover all projects. The plan also requires more detailed planning for fulfilling each of the sectoral objectives (e.g., sustainable agriculture, justice reform, etc), which in many cases are lacking. In late 2008, the political parties and the government were considering revising the DSNCRP to incorporate needs created by the destruction wrought by the four hurricanes that year. [30] The planned 2009 donor conference would provide a window on the degree to which the Haitian government has formulated a strategy rather than a list of desired projects.[31]

The UNDAF, which tracks closely the PRSP priorities, shares some of its positive and negative characteristics. In particular, its level of generality provides an umbrella for many helpful projects. However, it also lacks sufficient prioritization to identify the most crucial elements for building sustainable security or development. Rather it permits donors to give to projects responding to their own interests without necessarily ensuring that external assistance adds to up to effective and harmonized outcomes. Although many other countries' UNDAFs and donor behavior reflect these same traits, Haiti could benefit from a more rigorous framework for state-building.

MINUSTAH's Mandate Implementation Plan (MIP)

In 2006 the UN Mission developed its own Mandate Implementation Plan. That plan has undergone revisions with each modification of the mandate. The MIP, which is not a public document, includes the following 'Strategic End-state':

> *Stability in Haiti is consolidated and considered to be sustainable without the presence of a United Nations peacekeeping operation through the achievement of the reform of the Haitian National Police (HNP), progress in the reform of key rule of law institutions and strengthening of democratic institutions.*

[29] Haitian officials and a World Bank official confirmed that this rapid pace owed largely to the condition placed on debt relief that a PRSP be in place for one year.
[30] The DSNCRP has not yet been funded or implemented.
[31] Economist Paul Collier urged specific new lines of development in a report for the Secretary General of the United Nations in January 2009, entitled "Haiti: From Natural Catastrophe to Economic Security."

> *Haitian State institutions will have begun to function in a credible fashion with support from the population and with a sustainable source of funding from both domestic and international sources.*[32]

The MIP then lists four strategic objectives covering security and stability, establishing the rule of law, promoting democratic governance and strong state institutions, and 'cross-cutting concerns.' For each of the first three objectives, the MIP posits expected accomplishments by June 2009, milestones to be achieved, roles and responsibilities for each component of the UN System, coordination arrangements, outputs, indicators of achievement, monitoring and evaluation mechanisms, and necessary factors for their achieving the indicators.

The MIP is a positive document, one that contains detailed milestone and indicators. Both the drafters of the MIP and UNCT officials concur that country team involvement was less than optimal, limited to the senior level and should be amplified in the future. The end-state (unsurprisingly) comports with the mission's mandate but, like the milestones and indicators, refers to activities and outputs more than to outcomes. Without drifting into outcomes that depend on factors wholly outside the purview of the UN System, we would suggest including more milestones and indicators that come closer to measuring whether the institutions assisted are self-sustaining in nature, rather than simply in place or showing underspecified improvement.

MINUSTAH's Peace Consolidation Plan

In 2008, the Mission drafted a Peace Consolidation Plan that contained more detailed indicators of success for some selected objectives found in the PRSP and the MIP. Seeking to convey to the UN Security Council more detail of the mission's strategic vision, the annex to the Secretary-General's report of 27 August 2008 (S/2008/586) was welcomed by the Council. However, MINUSTAH officials recognize that these indicators are also insufficiently specified to serve as adequate guideposts for the mission's state-building goals. The mission is currently seeking to develop more specific indicators for this plan.

Debate continues within the UN System in Haiti about the Consolidation Plan, both its content and whether its time horizon is long enough. It is not clear that the Plan is sufficiently broad in scope and detailed to institutionalize an ability to maintain stability and resolve conflicts in the future. In particular, it does not address the capacity of the civil service, strategies to generate new jobs, or how to transform the inequalities of power and wealth that underlie the problems of legitimacy in the Haiti.

In general, the UN Mission was slow to develop indicators, but in 2008 turned its attention to developing better measures of its goals and its progress toward them. The Country Team, not fully integrated in the formulation of milestones or indicators in the MIP and the Peace Consolidation Plan, lacks sufficient indicators of its own progress under the UNDAF and other more specific plans in areas such as justice reform, police reform and decentralization.

[32] MINUSTAH Mandate Implementation Plan, 2008, p.1

We now turn to particular areas of capacity-building and how they have progressed and relate to state legitimation.

V. Sector-Specific Institution-building

Most international actors engaged in strengthening states and their institutions focus much (usually most) of their efforts on specific sectors or functions. One cross-cutting 'sector' in which external actors made important progress during the transitional government was public finance. International financial institutions, viz., the World Bank, the Inter-American Development Bank (IADB) and the IMF, gave a high degree of effort, thought, planning to the public finance arena. Analysts agree that the capacity of the Finance Ministry and other entities involved in public finance increased substantially over the past few years.

Box 1: MINUSTAH's Mandated Tasks related to State-building

Key Areas	UNSC Resolution 1840 (October 2008)
Political	*Stressing* the importance of establishing credible, competent and credible governance, and encouraging the GoH to further strengthen state institutions […] *Encourages* the SRSG **to facilitate [the] dialogue between the GoH and all relevant political actors in order to ensure that the democratically elected political institutions can continue carrying forward the reform work laid out in the DSNCRP**
Border Management	*Requests* MINUSTAH **to provide technical expertise in support of the efforts of the GoH to pursue an integrated border management approach, with emphasis on state capacity-building, and underlines the need for coordinated international support for Government efforts in this area**.
State Strengthening	*Stressing* the need **to reinforce the capacities of the GoH and its institutions, in particular in the coordination of international cooperation […]** *Welcomes* the continuing contribution of MINUSTAH to the GoH's efforts to build institutional capacity at all levels and *calls upon* MINUSTAH, consistent with its mandate, **to expand such support to strengthen self-sustaining state institutions, especially outside Port-au-Prince, including through the provision of specialized expertise to key ministries and institutions**
Policing	*Requests* MINUSTAH […] **to remain engaged in assisting the GoH to reform and restructure the HNP notably by supporting the monitoring, mentoring, training and vetting of police personnel and strengthening of institutional and operational capacities, while working to recruit sufficient individual police officers to serve as instructors and mentors of the HNP, consistent with its overall strategy to progressively transfer geographic and functional responsibility for conventional law and order duties to its Haitian counterparts in accordance with the HNP Reform Plan**
Justice and Corrections	*Welcomes* the steps taken towards the reform of rule of law institutions, requests MINUSTAH **to continue to provide necessary support in this regard, and encourages the Haitian authorities to take full advantage of that support, notably in modernizing key legislation and in the implementation of the justice reform plan, the establishment of the Superior Council of the Judiciary, the reorganization and standardization of court registration processes and the management of cases, and the need to address the issue of prolonged pretrial detentions; […]** *Requests* MINUSTAH **to remain engaged in supporting the mentoring and training of corrections personnel and strengthening of institutional and operational capacities**
Human Rights	*Calls on* MINUSTAH to continue to provide human rights training to the HNP and other relevant institutions, including the correctional services

At the same time, gaps in public finance remain. The UNSC mandate does not explicitly take up public finance. Nor are UN peacekeeping operations accustomed to emphasizing the public finance capacities in their institution-building efforts; instead

they leave the task largely to the International Financial Institutions (IFIs). Yet these challenges are essential to the viability of related state institution-building efforts, and require more sustained political attention by the mission. The state has a notably low capacity to raise revenue, putting into question the sustainability of current reforms ranging from justice sector to disaster relief and the provision of basic services. The international community has emphasized generating custom revenues, possibly at the expense of the more politically-sensitive issue of enlarging the tax base and enforcing tax collection, a burden that would fall mainly on the rich. As one Haitian official put it, "[T]he tax system in Haiti is among the most unfair in the world […] National reconciliation starts at the doorstep of the DGI." Reforming the tax system can be a powerful means to help address social inequalities while cementing a resilient state-society contract

Despite wide recognition that public finance constitutes a crucial element of postwar state-building, the UN Security Council's mandates generally omit mention of public finance, and Haiti is no exception.[33] However, the UNSC explicitly authorizes several state institution-building functions, the most salient of which are included in Box 1. These challenges are addressed in turn.

Police Reform

The most explicit, longstanding, and widely supported element of the UN's institution-building work lies in the security sector. Since the army was *de facto* dissolved by President Aristide in 1995, security sector reform in Haiti refers to the civilian Haitian National Police. This sector saw the most important of institutional reform efforts in the 1990s, and continues to be among the top priorities for MINUSTAH.

The international community (especially MINUSTAH) has done an admirable job of leading an effort to develop a five-year reform plan (2007-11) in which the Préval government, the UN Security Council and the main donors felt some degree of ownership. A March 2005 reform strategy was drawn up by MINUSTAH and Haitian transition officials in response to a UN Security Council request for a plan. It was signed by the outgoing Latortue administration days before its departure after the opposition victory, without consultation with the HNP Director, fueling a swift rejection by the incoming Préval administration.[34] MINUSTAH then drew up a new plan that was adopted in August 2006. That process drew heavily on the input of key civilian and uniformed police officials (including the director of the Police Academy and the Inspector General). However, given the handful of days granted to draft the plan, consultations were – unsurprisingly - brief and did not include civil society or broad political sectors. One review found minimal input from bilateral donors and little buy-in at lower levels of the police and among civil society.[35]

[33] See James K. Boyce and Madalene O'Donnell, *Peace and the Public Purse*, Boulder, CO: Lynne Rienner, 2007; and Clare Lockhart and Nicholas Manning, "Peacebuilding and Public Finance," chapter in Charles T. Call with Vanessa Wyeth, *Building State to Build Peace*, Boulder, CO: Lynne Rienner, 2008.

[34] Eirin Mobekk. "Recent experience of UN Integrated Missions in Security Sector Reform: the Case of Haiti", Case Study Report from the Geneva Centre for the Democratic Control of Armed Forces (DCAF*)*, October 2007, pp. 11-12.

[35] Isabelle Fortin and Yves-Pierre Francois, "Haiti et la Réforme de la Police Nationale d'Haiti", paper prepared for the North-South Institute, December 2008, p. 1.

In addition, interviewees raised a number of concerns about the police reform process. Some wondered whether the technological sophistication of some planned equipment would be sustainable in the Haitian context. Others felt that the HNP needs enhanced efforts to recruit women (8.5% of the HNP was female as of mid-2008) and to respond to gendered crimes.[36] The vetting process was seen as too slow and inadequate by some analysts. Officials of other UN agencies felt marginalized by MINUSTAH. Because bilaterals typically play a decisive role in post-conflict police reform programs, MINUSTAH had emphasized the relationships with bilateral donors. MINUSTAH officials expressed frustration at the slowness and inadequacy of agencies' work in the policing sector. UNDP only put into place someone to direct projects on policing in March 2008, four years into this transition, and several UNDP officials displayed limited knowledge of police projects prior to 2006. A UNDP official said that none of the three police-related projects underway had led to completed outcomes as of November 2008.[37]

Nevertheless, because of the police reform plan and the leadership exercised by Richard Warren, Deputy Commissioner for Police Development, and his department, the security sector represents the sector in which international support for institutional development is most cogent, clear, advanced and enjoys the broadest sense of acceptance and ownership both among state officials and donors. It was heartening to see that the UN Police Division has employed civilians (including Mr. Warren, as well as budget, finance, IT and other specialists) who are not sworn police officers to exercise their specialized skills. The head of one non-governmental human rights group told us that the police force is now more professional, though less close to the population and still afflicted with corruption. Asked what the biggest problems of the HNP are, he strikingly did not cite inadequate oversight, rights violations or poor preparation, but said "The biggest problems with the HNP are not enough equipment, low salaries and lack of insurance."

A number of interviewees acknowledged that the internationally-supported police reform of the mid-1990s, under Mr. Préval's first presidency, inspired a similar sense of cautious optimism for a similar reform plan. Top security officials, also involved in the first reform effort, agreed that the programs shared many characteristics. However, they argued that the previous institution-building effort failed largely because of the politicization of the state, especially the police. They stated that the new force will be more numerous (14,000 rather than 5,000), better paid, and trained for a longer period of time. That experience, nevertheless, points to the importance of a legitimate and accountable political regime, as even successful institutional capacity-building can be reversed by deliberate efforts of a government or the penetration by powerful illegal organized criminal networks.

Justice and Prison Reform

The Haitian government and international actors have made reform of inadequate judicial and corrections systems a salient part of their institution-building efforts. One 2007 report stated, "In spite of robust international efforts for six years following

[36] *Ibid*., p. 25.
[37] UNDP reported that its project renovating 14 police stations in the South was completed in December 2008. http://www.undp.org/cpr/we_work/latin_america.shtml

Aristide's 1994 restoration, little lasting progress has been made, and there has even been regression in some areas."[38] This result in part reflected deficiencies in international support for judicial and corrections reform in that decade. As one longtime analyst said, "[L]ittle was done to integrate the work of the police with the weak judiciary, or the inadequate penal system."[39]

MINUSTAH's April 2004 mandate included assisting " with the restoration and maintenance of the rule of law," as well as in the "development of a strategy for reform and institutional strengthening of the judiciary."[40] It mentioned corrections explicitly. More importantly, under one of its top three priorities, 'democratic governance,' Haiti's 2007 PRSP lists first the establishment of the rule of law and an "equitable justice system."[41]

UN officials acknowledged at the end of 2006 that "in the past two years we have done nothing [on justice and security reforms]" and "we are starting reform now."[42] The reluctance of the transitional government to initiate reform (indeed, it engaged in abuse of the system) is the primary reason for this delay. Initially MINUSTAH worked with the Ministry of Justice and Public Safety to develop a reform plan for the short (2006-07) and long (2007-09) terms.[43] However, UNDP developed its own separate judicial reform plan, showing the embarrassing lack of coordination between the mission and the UNCT. With the drafting of the PRSP, a judicial reform plan was agreed upon, though not one with sufficient detail to guide prioritization and programming.

Progress has been extremely slow, partly because of factors described above about the difficulties facing external reform efforts in Haiti. In addition, many believe that the international community's approach to justice reform has been too timid.[44] MINUSTAH's efforts in 2007 focused on getting three crucial laws passed, which went into effect in January 2008.[45] Some interviewees believe that MINUSTAH could have pressed forward with practical improvements in the judiciary, but UN officials noted that such improvements required having the new legal framework in place. UNDP contributed to delays, as staff turnover led some donors to withdraw money

[38] International Crisis Group, "Haiti: Justice Reform and the Security Crisis," Washington, DC, 31 January 2007, p. 2

[39] Johanna Mendelson Forman, "Haiti Country Study: Exit Strategy Working Group," draft paper, October 2008, p. 4.

[40] UNSC Resolution 1542, 30 April 2004. Among the sectors listed under "modernization of the state," one of the top three priorities in the draft UNDAF for Haiti (24 July 2008), the justice system leads the list of sectors.

[41] Document de Strategie National pour la Croissance et pour la Reduction de la Pauvrete (DSNCRP), November 2007, p. 12.

[42] Quoted in Eirin Mobekk, 'Recent Experience of UN Integrated Missions in SSR: The Case of Haiti," (Geneva: Geneva Centre for the Democratic Control of Armed Forces), October 2007, p. 5. See also p. 10: "Yet progress has been extremely slow, leading many to agree that two years have been lost in police reform…"

[43] *Ibid.,* p. 13.

[44] Isabelle Fortin and Yves-Pierre Francois, "Haiti et la Réforme de la Police Nationale d'Haiti," report for the North South Institute, December 2008, p.21 (and in the executive summary)

[45] The laws created a new Superior Council of the Judiciary, defined the status of judges, and regulated a Magistrates School.

they had placed in a UNDP-created Trust Fund for the rule of law.[46] Despite a Minister of Justice who favored reforms, the overall government effort was very slow-moving and reflected resistance as well. The Superior Council of the Judiciary had yet to be created as of December 2008, although the Magistrates School began operation in mid-2008.

International support for justice reform is less cohesive and coordinated than support for police reform. No single actor on justice assistance exercises as prominent a role as the Police Division, and donors have executed their own projects that generally fall within the PRSP plan, but without commitment to a roadmap. Vetting and the establishment of new courts and posts have proceeded slowly, partly due to the change of government and in Justice Ministers in 2008. Although international actors are approaching justice reform more deliberately and with higher profile than in the 1990s, it is not clear if Haitian leadership or international harmonization and commitment are sufficient to make more of the disappointing mark. One Haitian human rights advocate told us,

> *The international community always comes to Haiti and wastes money on judicial reform, and the result is nothing… Under René Préval three laws were passed. But the problem is corrupt judges, and they are still in the system…We don't see a sign that the government is fighting against corruption…*

The problems of the justice system go beyond corruption to include the personal safety, access, efficiency and adequate preparation of personnel. Most judges have no protection from threats or actual harm from armed individuals or groups, and little recourse in the face of threats. In terms of access, the language of the justice system is French, for example, whereas the large majority of the population only speaks Creole. One UN official said that the Justice Ministry "does not even have the capacity to monitor progress of justice reform under the PRSP." Furthermore, relations between the Haitian National Police and the justice system continue to be very poor. Greater and more cohesive international support for effective justice reform is necessary if gains in security and governance are to be sustainably preserved.

MINUSTAH only began to work on corrections issues in 2007, three years into the mission. As one UN official said, "Before 2007, there was nothing. It was really patchwork." A five-year plan (2007-11) was developed for corrections development that focused on guard recruitment and training, institutional development of systems for recruitment, job assessment, and discipline.

Border Management

One of the emergent priorities for international actors in Haiti is to assist the government to secure and manage its land and sea borders effectively. Porous borders could permit future incursions (such as the one that toppled the government in 2004) or facilitate the smuggling of illegal drugs and other goods. Beginning with

[46] Canada shifted $3 million to other projects, and Norway redirected $800,000 directly to the Haitian Prison Administration Bureau. International Crisis Group, "Reforming Haiti's Security Sector," September 2008 report, p. 16, fn. 166.

Resolution 1743 (February 2007), the UN Security Council "requests MINUSTAH to provide technical expertise in support of the efforts of the Government to pursue an integrated border management approach, with emphasis on state capacity-building…"

International support for enhanced border management cuts across assistance to the Haitian National Police and the Coast Guard, to the Interior Ministry, and to the customs authority. MINUSTAH develops projects on border management in diverse areas including: law enforcement, customs collection, the acquisition and deployment of new boats, and the construction of new buildings at certain land crossings. International Organization for Migration (IOM) provided training for customs officers and immigration procedures. The Canadian government funded a new building at the Malpasse border crossing east of the capital, where two years earlier gangs disrupted border traffic once it became apparent that customs officials would become more exigent in collecting fees.

Implementation of border management projects has proceeded, although it has been 'uneven', in the words of one UN official, who added, "We are not so naïve to think that there aren't elements that don't want this to succeed." The legislature has dragged its feet passing a new Customs Code, one of three conditions set by the IMF for Haiti to receive considerable debt relief. Customs revenue provides an inordinate portion of state revenue as a whole. Adoption of new software to scan goods as they enter the country would enhance the revenue collected, but also accountability for those funds and subsequent taxes that should be paid upon sale of these goods. However, the customs service has moved slowly in adopting this system. One system, which would cost $3 million/year in fees to operate, seems so technological inappropriate that it has not moved out of the port warehouses. Indeed, given that border crossings like Bellaire do not enjoy consistent electricity supply, such automated technologies may also be difficult to maintain.

The ability to patrol the seas was virtually absent in 2004, as the earlier tiny fleet had fallen into disuse. The US, Canada, Uruguay and others offered to help resurrect the Coast Guard. In November 2008, Uruguay had delivered twelve of sixteen planned whalers to be stationed in seven ports around the country's coast. Progress has been slow, given that five years after the mission's initiation, the Coast Guard is not meaningfully operational. As one UN official said, "We deployed the boats before the government was ready… We have dragged the government along kicking and screaming." Even when fully deployed, the small force is unlikely to provide the desired degree of protection against smuggling, immigration and potential incursions. More generally, even if the institutional development of border management, coast guard, and the rest of the Haitian National Police proceeds well, the capacity to confront organized crime remains an open question. Given the salient role that organized crime played in the perversion of Haiti's democratic experiment in the 1990s, and that it plays in spoiling peacebuilding efforts in other post-conflict societies, more focused planning on these capacities seems in order.[47]

[47] Peter Andreas, *Blue Helmets and Black Markets* (ICornell University Press, 2008), James Cockayne and Daniel R. Pfister, "Peace Operations and Organised Crime," paper of the International Peace Institute and Geneva Centre on Security Policy (April 2008); Charles T. Call, "Introduction" in his *Constructing Justice and Security after War* (USIP Press, 2007).

VI. Holistic State-building: Beyond Sectoral Approaches

A. Enhancing State-wide Capacities

As mentioned earlier, state-building goes beyond the specific sectoral arenas identified in a Security Council mandate (in Haiti, these are inclusive political institutions, the police, rule of law/judiciary, border management, and local governance).[48] This expansive view is vital to enhancing the state's legitimacy in the eyes of society and the overall sense of its functionality and capacity. In the case of Haiti, it is not clear that this holistic view of the state has percolated to the UN and other international actors, who tend instead to conceive of state-building in a sector-specific manner.[49] One bilateral official said, "It is not clear we're looking at the state as a whole. UNDP had no field presence [outside the capital] for a long time! They need one for this work"

MINUSTAH's work in this holistic vein derives partly from its mandate to 'strengthen state institutions,' to which the work of the Civil Affairs division is central. Aside from its sectoral work with ministries, on border management and with Parliament, the division coordinates the UN work on local governance. It has helped municipal (*section*) level government function more effectively, especially in financial controls, through training and technical assistance.

Despite heightened local capacity, efforts to decentralize power seem unlikely to bear fruit. Neither President Préval's government nor legislative leaders have shown a desire to act on an empty constitutional commitment to decentralization or put forward a legal framework to facilitate it. Even though some analysts and donors see the decentralization of power to local peoples as crucial for state reform and legitimation, it is unclear how to generate the political will for change.

Some interviewees called into question any effort to expand or strengthen state ministries across the board. Citing the statistic that 85% of Haitian schoolchildren are in private schools (90% of all schools are private), they see it as unrealistic to expect a Haitian state to become the main vehicle for providing basic education in the near future. As one UN official said, "It's a big mistake to create a full-blown state… You should do some functions, but only where it makes sense." Citizens' low expectations of the state, a heavy reliance on international aid and diaspora funds, and Haiti's spectacular social resilience call into question the viability of a multifaceted 'Weberian' state in Haiti. Even if international actors embrace the goal of enhancing state capacities to deliver services (in education and health, e.g.), it may be more realistic to prioritize building the state's regulatory capacity, so that problems of quality with teachers, curriculum, administrative conduct and buildings themselves can be monitored and improved as needed. This line of query points to identifying functions that are clearly best served by public ministry delivery, versus those where a regulatory function should be privileged.

[48] The mandate mentions assisting other states institutions (e.g., the supreme electoral council, office of citizen protection, etc.), but these are less salient and less coherent than the sectors mentioned here.
[49] Of course, it is difficult to articulate such a view, especially when Haitians might see it as overly interventionist.

In this context, the UN System and other donors should consider steps that might enhance the overall capacity of the Haitian state in the medium term. Most significantly, the UN system and other donors could do more to develop Haiti's civil service. Several interviewees suggested that more support for civil service professionalism was required. Despite the personalistic, patron-client character of the state, civil servants persist in lower levels and in more senior posts in state ministries. Working to strengthen their capacity, raise the remuneration and requirements for civil servants, and solidify merit-based promotion criteria would provide a foundation for long-term institutional strength. Although Alexis' state reform plan included strengthening the civil service, and the Canadian government offered to support civil service training, the Haitian government has not taken serious steps on this front. Nor have donors pressed the issue.

Central to the overall legitimacy of the state is the capacity for electoral processes. Despite positive reviews of the electoral division's performance in Haiti, the electoral processes have given little cause for confidence.[50] The initial elections slated for fall 2005 were delayed by four months, and controversy surrounded the decision that Préval had won enough votes to preclude a second round for the presidency. In 2008, the government was unwilling to schedule elections for the 12 vacant seats in the Senate, finally slating them for April 2009.[51]

B. Enhancing State Legitimacy

If the international community is ill-equipped to build state institutional capacity, its role in enhancing legitimacy faces even more challenges. External actors have no agreed template on what a legitimate state looks like. Some of the most significant decision-nodes for establishing the structures and institutions for state-society relations occur early or are not readily engaged by international actors (e.g., standing constitutions). In addition, strong norms of sovereignty continue to delimit the scope of international technical assistance and policy advice, especially as it pertains to human rights and forms of government.[52] It is even delicate to openly discuss issues of legitimacy *per se*.

Yet the internal legitimacy of the Haitian state continues to suffer from important limitations. Most importantly, a political commitment to reaching decisions through concessions has still not emerged among political and economic elites. Political parties remain reluctant to reach agreement on important laws and appointments, emblemized by letting the government cease to function for five months and leaving Senate seats vacant rather than hold constitutionally required elections.

[50] Apart from the process, the outcome of the presidential election of 2006 is widely regarded as the best expression of popular will, and René Préval seems to enjoy a modicum of steady support.
[51] Ten of the 30 Senate seats fell vacant when their terms expired without the requisite elections for those seats being convened by the government in 2007. Death and resignation caused two other vacancies. If no elections are convened before the end of 2010, then all the House seats and all but 8 Senate seats will fall vacant, as occurred in 1999 for over a year. The estimated cost of the April 2009 elections is $16 million.
[52] In January 2009, the Ethiopian Parliament passed a law that bans NGOs promoting democracy, human rights, or gender, religious or ethnic equality if more than 10% of their budgets come from international sources.

What could the international community do differently to alleviate some of the legitimacy challenges facing the Haitian state? First, the UN System could do more to embrace a concept of legitimacy that goes beyond elections. One DPKO official said that MINUSTAH's Civil Affairs unit operated as a virtual extension of the electoral office in the several months leading up to the February 2006 elections. Although the electoral process is important, other elements of state-society relations shape legitimacy as well, such as transparency of state agencies, accountability for performance, mechanisms for citizen input outside of elections in legislative matters and state functions. These functions also require monitoring and careful attention.

Second and related, international actors could act more in concert to foster a political culture of concession and negotiation rather than posturing and blockage. One means is through more unified exercise of leverage, with respectful engagement emphasizing responsiveness to urgent needs and citizen demands. The donor community is less unified than it could be. The convening role played by the SRSG is positive, but could be strengthened, especially given the window that a new US administration may open.

This international leverage could be extended to objectives of enhancing accountability and transparency of the state revenues and expenditures. Channeling more resources through the state as OECD donors agreed in the Paris Declaration carries with it an obligation to meet standards of openness to the national population, standards which donors themselves should also move toward meeting.[53]

The question of legitimacy is difficult, not least because it involves more than promoting democracy in Haiti, but includes elements of democratic governance. Which elements and how much oversight, accountability and the degree of checks on power are complicated issues that obviously reside first and foremost with Haitians. Yet the lack of such practices in Haiti undermines their very likelihood and the confidence one may have in their outcome. In addition, it is not clear that external promotion of transparency and accountability will mechanically make headway in the near term, rather than provoke backlash.

Third, the UN System could engage civil society more consistently and amply. Fostering social demands is vital for a state that will deliver services more faithfully in the future. Haitian NGOs view the UN mission with distance and with some distrust, partly because Mission leadership since 2004 has seen the role of economic and political elites as crucial to establishing security in the midst of public order crisis. The UN does not have a history of working with civil society organizations and, for various reasons, civil society does not figure as a priority under the governance plans set forth in the DSNCRP. Non-governmental organizations suffer from some of the same problems of lack of institutionalization, personalism, lack of accountability, and corruption that state agencies exhibit. Moreover, civil society organizations are often created and run by economic elites to block emergence of an effective and legitimate state.

However, some non-governmental organizations are among the few mechanisms available to poor Haitians by which to engage the state, partly as a consequence of the

[53] See the OECD Paris Declaration on Aid Effectiveness, March 2005, p. 4.

unreliability of electoral processes. Over the past thirty years, many such organizations became the primary expressions of popular will and interest. The UN System could work more with donors to build civil society into processes and plans. UNDP's support of the Citizens' Forum for Justice Reform is laudable, but has not articulated well with justice reform efforts. The Commission de Suivi sur la Reforme de la Justice (comprising civil society, MINUSTAH and the government) offers some lessons in incorporating civil society voices in state reforms. In sovereignty-sensitive Haiti, external actors are limited in the extent to which they can press the government to operate more responsively, accountably, transparently, and effectively in benefit of service delivery for the bulk of the populace. Despite its flaws, Haitian civil society is an indispensable medium-term engine for reform and check against state abuse and aloofness. The UN System could do more to foster and nourish non-governmental organizations and research efforts to monitor and analyze the national government's institutions and international efforts to foster them.

Fourth, the UN System could provide stronger support for fiscal and economic policies that will empower poor Haitians. Creating jobs in urban and rural areas is an urgent priority, especially given the natural disasters of 2008. This role was rightly embraced by SRSG Annabi, and continues today. The damage from the hurricanes only deepened the problem. A Post-Disaster Needs Assessment (PDNA) completed after the 2008 hurricane season, calculates the damages at 14.6% of GDP. It emphasizes the need for a strategic focus on infrastructure, watershed management, and food security. Recently national and international actors agree on greater emphasis on the productive and agricultural sectors in a country where rural development is not only an economic priority but also one of security.

However, efforts to create quick growth should take care not to cause harm in the medium and long run. Given that poverty and deep inequalities have been identified as a fundamental risk factor for violent conflict in Haiti, the UN System and other donors could stress the importance of a higher tax rate, progressive tax policies, and improved tax and customs collection, and greater transparency in finances and beyond elections, support governance structures which address inequalities and promote accountability over time.

VII. Integration, Coordination, & Coherence

Donor Coordination

One of the central challenges of past work in Haiti and of peacebuilding in general is the coherence of external efforts. In analyzing international assistance during the 1990s, the 2004 Interim Cooperation Framework stated, "The donors recognize a lack of coordination, of consistency and of strategic vision in their interventions."[54] Despite this recognition, problems persist with bilateral donor coordination and harmonization, as well as with multilateral-bilateral coordination. Some interviewed indicated that donor coordination had been better in the 1990s than presently.

The relationship between donors and the UN System also varies, but exhibits serious difficulties. One official of a UN agency stated that "Unfortunately, there is no

[54] Executive Summary, *Interim Cooperation Framework*, 2004, p. 5.

coordination of donors here. At one time there was a secretariat of the mission, agencies and donors, but it no longer meets." "The difficulty of getting to agreement among bilaterals here is amazing," said one UN official. The two principal bilateral donors, the US and Canada, are less inclined to coordinate than many would like.[55] Off-the-record high-level meetings among the "4+1" (US, Brazil, Canada, France, plus the SRSG meeting with the Prime Minister) were initiated in late 2008 and improved the degree of communication and coordination.[56] Yet there was still no process whereby the Prime Minister's office and relevant top government officials meet regularly to review overall progress. Such a process existed under SRSG Enrique ter Horst in 1996 when René Préval was first president.

As to the intergovernmental bodies, the UN System and the IFIs collaborated to a relatively high degree in preparing the 2004 Post-Conflict Needs Assessment, on the ICF based thereon and on the 2008 PDNA. In particular, coordination between the World Bank, the IMF and the UN System has improved over the 1990s, and over other peace operations worldwide.

The UN System

Relations within the UN System, however, especially between MINUSTAH and the UNCT, are very strained. MINUSTAH is an integrated mission, with the limited substantive requirements entailed therein.[57] Among current peacekeeping operations, Haiti has one of the worst reputations in terms of relations with between the UNCT and the mission. Our visit confirmed this poor relationship. One official said that "There remains lots of tension, although it has improved." An official of a UN agency said that it had declined since prior SRSGs, however.

UN officials in the development and humanitarian sphere seem not to understand or accept the rationale for MINUSTAH's involvement in state reform. Because of a perception that UN peacekeeping operations are limited in time to a few years (something that may be changing), many UN agency personnel view them as ill-equipped to deal with long-term institutional development. The presence and approach of MINUSTAH have clearly left many UN agencies feeling resentful and marginalized. One Country Team member said, "DPKO and the agencies have very different perspectives on integration. We have the feeling that they [MINUSTAH] see integration as us submitting to them." One EU official said, "The EU has never been asked to share ideas or contribute to the work of MINUSTAH. We have a good relation with UNDP, who is a more natural partner and is better positioned in the area of institution building." Some cited defects of peacekeeping staffing: the high turnover, generally a lack of country expertise, and often insufficient technical expertise (Civil Affairs was mentioned a few times in this regard).

We found the UNCT's lack of responsiveness to the contemporary challenges of integrating security and development striking. A UNDP official said, "Both the

[55] One European diplomat stated, "The Americans do not wish to be coordinated," and a Canadian diplomat accepted that his country does not always cooperate with the other external donors.
[56] On the work of outside bilateral friends, see Teresa Whitfield, *Friends Indeed: The United Nations, Groups of Friends, and the Resolution of Conflict* (USIP Press, 2007), especially the Haiti chapter.
[57] See Department of Peacekeeping Operations, "Note of Guidance on Integrated Missions," 17 January 2006.

Mission and the agencies have at times behaved like high school kids… At one point the key UNPOL official and the senior UNDP official had not spoken in 11 months." One MINUSTAH official with experience in other countries and with UN agencies and International Governmental Organizations (IGOs) said, "The UNCT is very slow here. They are development actors who don't have humanitarian instincts." He added, "The Country Team is difficult here because they don't see themselves as a team. Funnily enough, MINUSTAH has helped bring them together." Even as UNDP staff insisted on taking a "twenty-year" view of development in the country, three of its officials in Haiti said they did not know what UNDP had done in their respective areas before their arrival.

In areas of police and justice reform, relations between UNDP and MINUSTAH are very poor. Some UNDP officials seemed to be unaware of a salient new feature of development thinking in the past decade: the important links between conflict and development. One UNDP official said "This is not our understanding here – a peacebuilding mandate. Yes there are security problems, but there was not a civil war here. So this is not a starting point – peacebuilding." They also reflected a lack of urgency, with timelines mentioned of 10-20 years, which do reflect the timelines for state formation as found in research, but do not reflect the Haitian political reality where windows for state institutional reform close within periods of months and years. Within MINUSTAH, the recent appointment of a Coordinator for the Rule of Law is a positive step, as he serves as the first secondary evaluator of the heads of corrections and justice in MINUSTAH. Extending his secondary evaluation role to pertinent UNCT personnel might help with integration.

The UNCT (a) lacks strategic vision of overall state-strengthening effort; (b) uses piecemeal programming that covers isolated needs rather than most of the central needs of institutions; (c) lacks convening power of donors (although the Government of Haiti is admirably starting to play this role, albeit sporadically). This reality partly reflects the character of agencies – their dependence on donors' interests and funding – as well as donors' persistence in funding programs bilaterally. Yet it goes beyond institutional constraints. Haitian officials see money passed through intergovernmental organizations as undermining state capacity. One Haitian official, who used to work for UNDP, said, "Bilateral donors give too much money through UNDP. It is against the concept of state-building. […] We are a failed state, and UNDP is an accomplice." Similarly, he questioned USAID's practice of using intermediaries: "Why go through IOM [the International Organization for Migration]?"

MINUSTAH has seemed also to have missed opportunities to draw in the UNCT on more diplomatic terms. Several UN officials indicated their understanding that the UNCT *should* be taking orders from the mission, an attitude that seems unconstructive for effective work in the system as structured.[58] One UNDP official expressed frustration that "They [MINUSTAH] are of the opinion that they should do everything, including development… It is difficult for us to carve a place here." One criticism was that the mission had overlooked basic things like helping the criminal justice system deal with the disappearance and deterioration of case files by

[58] One Haitian presidential senior adviser, who used to work for UNDP, shares this sentiment: "The UNCT should understand that when there is an SRSG, then he is the boss. And they don't understand that, especially UNDP."

developing weather-safe sites for storage. Finally, Country Team officials stated that the projects and spending needed to occur more in tandem with the exercise of political leverage. So leverage was exercised outside of provision of project support, and money spent without enough consideration of what political leverage could best be applied.

Conclusions

This study suggests a number of important conclusions for the UN System, in both its general approach to post-conflict state-building and in its work in Haiti. As regards its broader efforts to consolidate peace, the UN System (and donors more broadly) could benefit from more systematic consideration of the distinct but interrelated challenges of enhancing state *legitimacy* and state *capacity*. In Haiti, the principal state-building activities concentrated first on state capacity (rather than legitimacy), and second, on specific sectors rather than holistic needs. It is far easier in terms of institutional practice for international actors, and especially the state-based United Nations, to address the latter than the former. But legitimacy is at least as important as capacity in state sustainability.

Unfortunately, the window for enhancing legitimacy is narrow, and international influence very context-specific. Effective external support requires a rare combination of deft diplomacy and in-depth knowledge of the culture and politics. Moreover, it is difficult for even the most experienced diplomats to know when exercising leverage becomes counterproductive with the national elites of a sovereign state. A respectful tone and interaction with Haitians is indispensable, and it is very difficult to judge the extent to which sensitivity to Haitian sovereignty dictates deference and patience rather than leverage.

Second, the UN System needs to recognize and plan for the differential timing of addressing legitimacy and capacity. State legitimacy – mediated largely through the rules for selecting, maintaining and holding accountable those who govern, and the perceived impartial application of those rules – is often shaped heavily by decisions early in a peace process or in the months immediately following a ceasefire. Generally those decisions are shaped by national elites, though sometimes local populations have an important voice (through constitutional conventions or referenda, or through popular consultations), and international actors may have a decisive (or marginal) hand. The rules that lay the groundwork for national elections, and the holding of those elections, form an undeniable backbone for state legitimacy externally, but also internally. However, in poor, rural areas of weak states, state legitimacy is also shaped by how the state delivers services to rural and urban populations and by its conduct. That conduct can be shaped subsequent to elections in ways that require the deft exercise of diplomacy and leverage.

Third, the UN System requires more deliberate and considered approaches to enhancing state legitimacy in each country where it operates. Finding ways to systematically think about legitimacy beyond elections is a first step. Despite the difficulty of defining state legitimacy, its accretion is vital to the consolidation of self-sustaining states, and thus to long-term peace and development. This endeavor

requires better systems to determine the priority challenges to legitimacy on a case-by-case basis. Subsequently, the UN System requires enhanced ways to develop strategies to address those top concerns for state legitimacy with the specific tools available in the UN's various entities and beyond them, locally, nationally or internationally.

Fourth, the need for more strategic (in quality, not quantity) planning processes is apparent. The PRSP has limited utility as a strategic planning document due to its lack of prioritization of multiple needs. It serves as an umbrella for donors seeking to fund specific issues or projects, without providing sufficient guidance. Although progress has been made in framing priorities in the document, especially in prioritizing certain thematic areas, there is need for further identification of the most crucial areas for consolidating peace and stability.[59] More urgent is an ongoing process of strategic planning, with ongoing, frequent review of both plans and progress, in a way that overcomes the tendency for such processes to revert to institutional or sectoral silos.

Related to the need for improved strategic planning, it would be helpful for the UN, together with other donors, to conduct an assessment of state capacities as early as possible, possibly during wartime in anticipation of peace. It may be imprudent to move ahead with state capacity-building under a transitional administration depending on its character. However, completing the audit or assessment of state capacities would help planning the response, and ensure greater attention to and integration of capacity-building in UN efforts from the outset.

Fifth, the UN System has yet to develop analytic concepts, much less capacity, to address the issue of legitimacy. Tensions exist between priorities defined by transitional authorities who do not enjoy great legitimacy, or elected governments that are hesitant to invite greater scrutiny or participation from outsiders like civil society. The UN System, more than bilateral donors, must tread carefully in identifying and advancing these vectors of state-building. It is not clear that the UN System has adequate concepts to transform exclusionary state practices as they undermine legitimacy, much less formulated such policies.

The case of Haiti provides a specific example. In Haiti, the UN System and partners should engage the issues of legitimacy discussed above. Sustainable state legitimacy requires sensitivity to ameliorating, and not deepening, the political and economic inequalities in the country. MINUSTAH is seen as having worked closely with the country's political and economic elites and has not developed deep or broad relations with Haitian civil society. Although MINUSTAH is already playing a positive convening role, the UN Mission could act in greater concert to bring pressure to bear on Haitian political parties to make concessions in the cause of public service. Considering ways to engage and strengthen civil society also seems important to long-term sustainability. In light of Haitians' deep-seated and deserved concerns about sovereignty, some such steps may need to be at the internal level of planning and programs, feeding into strategy-setting and priorities in engaging a seemingly sympathetic executive branch.

[59] The Peacebuilding Support Office's (PBSO) suggested 'Strategic Framework' may serve such a purpose, but is would need to be developed as early in a transition process as feasible.

In addition, the UN leadership could make more strides to act as convener of international actors, and seek greater coordination. Such enhanced harmonization goes beyond coordination of projects, but would more closely marry the exercise of leverage (by UN leadership as well as other IGOs and donor countries) with the provision of assistance.

Although the UN System is now in a phase of enhancing local and national capabilities, that process has been slow to commence and slow in execution. MINUSTAH can work more closely with Member States to provide technical assistance, but with an emphasis on national state execution with guidance from technology-appropriate advisers, a direction emphasized by several interviewees.

The UN System in Haiti clearly suffers from important internal problems. Haiti has developed a reputation as a place of particularly difficult relations between a peace operation, on the one hand, and the UN agencies, funds and programmes on the other hand. In order for the system to function, it must find new ways to recruit, promote and evaluate staff that institutionalize cohesion and cross-agency collaboration. Similarly, new forms of budgetary flexibility, as well as more abundant resources, would help. Mission staff need more sensitization to the perspectives and bureaucratic reality of the agencies. At the same time, UN agency personnel require greater accountability to mechanisms that will exact speedier and more collaborative performance.

State-building is not new in the practice of UN peace operations or in its development programs. However, it now has an unprecedented level of prominence in both security and development, and in some sense represents the most important link between them. The concepts, institutional approaches, and coordination of state-building in the context of UN peace operations are vital yet still underdeveloped. We hope that this research effort has shed light on some of the central accomplishments and challenges for international efforts to consolidate peace, both in Haiti and more generally.