

USE OF UN POLICE AND POLICE REFORM IN POST-CONFLICT SOCIETIES: THE UN POLICE IN HAITI AND THE REFORM PLAN OF THE HAITIAN NATIONAL POLICE (HNP)



BY
Walter Corraello

A THESIS PRESENTED IN PARTIAL COMPLETION OF THE REQUIREMENTS OF
The Certificate-of-Training in United Nations Peace Support Operations



Peace Operations Training Institute®

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I. INTRODUCTION

1. Recent History of Haiti

For most of its troubled history, Haiti has been the poorest country in the western hemisphere. Politically, until very recently, Haiti had never experienced a democratic political transition. More recently, from 1986 to 1990, Haiti was ruled by a series of provisional governments. In 1987, a new constitution was ratified, providing for an elected bicameral parliament, an elected president and a prime minister, cabinet ministers, and supreme court appointed by the president with the consent of the parliament. The Constitution also provided for political decentralization through the election of mayors and administrative bodies responsible for local government. At the first elections under the new constitution, in December 1990, Jean-Bertrand Aristide, a charismatic Roman Catholic priest, won 67% of the vote in elections that international observers deemed largely free and fair.

However, Aristide's radical populist policies alarmed many of the country's elite, and, in September 1991, he was overthrown in a violent coup that brought General Raoul Cédras to power. There was violent resistance to the coup, in which hundreds were killed, but Aristide was forced into exile. An estimated 3,000-5,000 Haitians were killed during the period of military rule from 1991-1993. The coup created a large-scale exodus of refugees to the United States. The U.S. Coast Guard interdicted (in many cases, rescued) a total of 41,342 Haitians during 1991 and 1992. Most were denied entry to the United States and repatriated back to Haiti¹.

¹ OEA/Ser.L/V/II.83 March 9, 1993, Doc. 18 Report on the situation of Human Rights in Haiti – Chapter III

The Cedras military regime governed Haiti until 1994. Various initiatives to end the political crisis through the peaceful restoration of the constitutionally elected Aristide government failed. In July 1994, as repression mounted in Haiti and a civilian human rights monitoring mission was expelled from the country, the UN Security Council adopted UN Security Council Resolution 940, which authorized member states to use all necessary means to facilitate the departure of Haiti's military dictatorship and to restore Haiti's constitutionally elected government i.e., Aristide to power.

In mid-September, with U.S. troops prepared to enter Haiti by force, to implement UNSCR 940, U.S. President Bill Clinton dispatched a negotiating team led by former U.S. President Jimmy Carter to persuade the Cedras government to step aside and allow for the return of constitutional rule. With the U.S. led intervening troops already airborne and on the way to Haiti for a forcible entry, Cédras and other top leaders agreed to step down. The 21,000 strong U.S. led MNF entered Haiti and quickly established a safe and secure environment that was able to hand over operations, in March 1995, to a newly established but much smaller (6000 strong) UN peacekeeping operation called the UN Mission in Haiti (UNMIH).

Aristide had returned to Haiti by October 1994. With the support of UNMIH, national elections were held in June 1995. Aristide's coalition, the Lavalas (Waterfall) Political Organization, won a sweeping victory. Aristide's term as President ended in February 1996. Because Aristide was constitutionally unable to succeed himself as president René Préval, a prominent Aristide political ally, was nominated and

subsequently elected President with 88% of the vote: this was Haiti's first ever transition between two democratically elected presidents².

In June 1996, the large UN Peacekeeping Mission, UNMIH, was withdrawn, having successfully maintained the “safe and secure environment” environment established by the U.S. led Multi-national Force and then assisted Haiti in its 1995 electoral process. However, UN assistance continued to 2000 through a series of ever smaller assistance missions that supported various specific developmental programs dealing primarily with Haitian administrative and police reform. (UNSMIH 1996-1997; UNTMIH 1997; MIPONUHI 1997-2000)

The political situation in Haiti took a turn for the worse in late 1996 when Aristide broke with Préval and formed a new political party, the Lavalas Family (*Fanmi Lavalas*, FL), which won elections in April 1997 for one-third of the Senate and local assemblies. These results were not accepted by the Préval government. The split between Aristide and Préval produced a dangerous political deadlock, whereby the government proved unable to organize local and parliamentary elections due in late 1998. In January 1999, Préval dismissed legislators whose terms had expired (the entire Chamber of Deputies and all but nine members of the Senate), and Préval then ruled by decree.

Elections for the Chamber of Deputies and two-thirds of the Senate finally took place on 21 May 2000. The election drew a voter turnout of more than 60%, and the FL won in a virtual sweep. The opposition parties, regrouped in the Democratic Convergence Party (*Convergence Democratique*, CD), demanded that the elections be annulled, and that Préval stand down and be replaced by a provisional government. In the

² Polity IV Country Report 2005: Haiti

meantime, the opposition also announced it would boycott the upcoming November presidential and senatorial elections. The continuing political bickering and resulting instability caused Haiti's main financial donors to threaten to cut off aid.

As a result of this impasse, the November 2000 elections were boycotted by the opposition, and Aristide was again elected president, with more than 90% of the vote, but with a very low voter turnout. The opposition refused to accept the result or to recognise Aristide as president. Major disorders were prevented by the continuing presence of U.S. and other foreign forces, under U.N. auspices.

The continuing political deadlock between Aristide and the opposition prevented legislative elections being held as scheduled in late 2003, and consequently the terms of most legislators expired in January, forcing Aristide to rule by decree. In December 2003, under increasing pressure, Aristide promised new elections within six months. He refused demands from the opposition that he steps down immediately.

Anti-Aristide protests in January 2004 led to violent clashes in Port-au-Prince, causing several deaths. In February 2004, a revolt broke out in the city of Gonaives, which soon fell under rebel control. The rebellion then began to spread to other areas in Haiti. When Cap-Haitien, Haiti's second-largest city, was captured by the rebels, a mediation team of foreign diplomats presented a plan to reduce Aristide's power while allowing him to remain in office until the end of his constitutional term. Although Aristide accepted the plan, it was rejected by the opposition who wanted Aristide removed.

On February 29, 2004, with rebel contingents marching towards Port-au-Prince, Aristide departed from Haiti. There is controversy over whether or not he was forced to leave Haiti by the United States.

Aristide insists that he was essentially kidnapped by the U.S., while the U.S. State Department maintains that he resigned from office. Aristide and his wife left Haiti on an American airplane, escorted by American diplomats and military personnel, and was flown directly to Bangui, capital of the Central African Republic, where he stayed for the following two weeks, before seeking political asylum in a less remote location.

After Aristide's departure the government was taken over by Supreme Court Chief Justice Boniface Alexandre. Many political organizations and writers, as well as Aristide himself, have suggested that the rebellion was in fact a foreign controlled coup d'état. The Caribbean Community (CARICOM), the sub-regional organization which had been backing the peace deal in Haiti, accused the United States, France, and the International community of failing in Haiti because they allowed a democratically elected leader to be violently forced out of office. The U.S. claimed that the crisis was of Aristide's making and that he was not acting in the best interests of his country. They have argued that his removal was necessary for future stability in the island nation.

Despite Aristide's departure and the dispatch of a new international military peacekeeping force to Haiti to help stabilize the security situation, violence in Haiti continued. Clashes between police and Fanmi Lavalas supporters were common. At one point in July 2005 the peacekeeping forces were accused of conducting a massacre against the residents of Cité Soleil, a densely populated shanty-town located in Haiti's capital of Port-au-Prince.

Many protests were organized to demand the return of Aristide. Several of the protests resulted in violence and deaths. In the midst of the on-going controversy and violence, however, the newly established Haitian

Interim Government planned legislative and executive elections. After being postponed several times, these were held in February 2006.

2. Social and political context

According to statements and reports of various observers, the 21 May 2000 elections which Aristide's Lavalas Family Party (FL) had won resoundingly were held under optimal conditions of transparency and freedom with a rather high rate of participation in comparison with other elections held since 1990.

There were, virtually, no cases of police misconduct; no police officer was accused of preventing citizens from fulfilling their electoral duty. On the evening of 21 May, none of the various international electoral observer missions had occasion to report the occurrence of large-scale fraud of such a nature as to affect the validity of the elections.

However, later, the opposition accused the Lavalas Government of using armed commando units and the National Police to violate the right of citizens to vote. They reported that ballot boxes had been stolen or replaced by other, previously-filled ones; that people had been intimidated with weapons but there had been no bloodshed; that votes had been counted without proper supervision; that false documentation had been submitted; that ballots had been cancelled; and that candidates had been terrorized or detained³.

The final results of the 2000 election gave the majority of seats to the Fanmi Lavalas party. The opposition unanimously rejected these results and an Electoral Observation Mission of the

³ Human Rights Watch World Report 2001: Haiti: Human Rights Developments

Organization of American States (OAS) continued to maintain that the method of calculation used by the Provisional Electoral Council (CEP) for the senatorial elections was not in accordance with the Electoral Law.

By its resolution dated 4 August 2000, the Permanent Council of OAS decided to accept the invitation of the Haitian Government and to send to Haiti a mission led by the Secretary-General of OAS, on which the Group of Friends of the United Nations Secretary-General would be represented, to identify, together with the Haitian Government and other sectors of the political community and civil society, options and recommendations for resolving, as expeditiously as possible, difficulties such as those that had arisen from differing interpretations of the Election Law, and for further strengthening democracy in Haiti.

In fact Haiti seemed to have gone from one crisis to another since the restoration of democracy following the UN peacekeeping intervention. “The Haitian people have always been deprived of power, and have often shown that they rejected traditional power. They must still prove that they want to take hold of the powers within their grasp in order to establish a State based on the rule of law, a regime of liberty and justice”⁴.

3. Dysfunction of the criminal justice system

The weakness of the Haitian judicial system, which is manifested in the dysfunction of the criminal justice system, the lack of independence of judges and government commissioners and the difficulty of gaining access to the courts, continues to arouse frustration, not only among the people, but also among

⁴ Claude Moise in *Constitutions et Luttes de pouvoir en Haiti, 1990 Editions CIDIHCA*

international donors. Often experts and observers have expressed concern at the failure of the government commissioners to implement orders for the provisional release of detainees issued by judges, particularly in sensitive cases, not to say those with a political connotation. This attitude, which is detrimental to the rule of law, has resulted in a spreading number of cases of arbitrary detention⁵.

There are, in addition, cases of illegal detention for debt or witchcraft, failure to respect judicial procedures because of ignorance or corruption on the part of judges, and denial of justice.

The National Penitentiary in Port-au-Prince alone houses more than 50 per cent of Haiti's prison population. The cases of most of those being held in pre-trial detention are affected by serious judicial irregularities⁶. Also people are kept in police stations for months without a hearing before a judge.

It sometimes happens that an order is issued and the police negotiate with the person with a view to rescinding the order. Sometimes the police will arrest someone for kidnapping who is then later released because his dossier was inadmissible since the police had not taken the pains to notify a justice of the peace to verify the facts of the case. The list of omissions is long and it includes the lack of forensic medical services.

Corruption in the judiciary continues and adds to the difficulty of persuading the Haitian people to become reconciled to the justice system. Further aggravating this situation is the fact that drug traffic is becoming more widespread with the involvement of a number of policemen⁷.

⁵ A/54/366 Commission on Human Rights - report of the Independent Expert

⁶ Institute for Justice and Democracy in Haiti - Haiti Prisoners at National Penitentiary in Port-au-Prince

⁷ International Narcotics Control Strategy Report for Haiti - 2006 INCSR

Hundreds of policemen have been dismissed, many of them following investigations carried out by the Office of the Inspector-General and the others by decision of the Office of the Director-General of Police. Still remaining, however, is the question of the judicial proceedings that should be instituted against those policemen accused of human rights violations.

4. Rural populations and the right to development

The poverty of the rural population reflects the socio-economic conditions prevailing in Haiti, a country which is continuing to suffer from all the evils of underdevelopment. It is true that many of the so-called development strategies initiated in Haiti were based on repression, denial of civil and political rights as well as economic and social rights. Access to equal justice for rich and poor is essential to establish the rule of law, considered it indispensable to provide adequate legal assistance to those who, under threat to their lives, liberty, poverty or reputation, are unable to pay a lawyer.

Two questions arise concerning Haiti: first; how to bridge the enormous gap separating the elite, the middle class, from the vast majority of Haiti's impoverished poor and; second, how to help that majority to gain access to the legal resources they need in order to enjoy their rights and conduct collective action to promote and defend common interests. In the past, many laws and regulations directly affecting the rural world were enacted without the participation of the people concerned with the result that the rural inhabitants are unaware of those laws or are only partially and imperfectly acquainted with them.

II. PREVIOUS U.N. MISSIONS IN HAITI

1. United Nations Mission in Haiti - UNMIH (1993-1996)

The first in the series of peacekeeping operations in Haiti was the United Nations Mission in Haiti (UNMIH), from September 1993 to June 1996. UNMIH was effectively suspended from October 1993 but was reactivated in March 1995, once a “Secure and Stable” environment had been established by the U.S. led Multinational Force (MNF) intervention that lasted from September 1994 to March 1995.

UNMIH was the first of a series of United Nations peacekeeping efforts in Haiti to help the Haitian people restore democracy, stability and the rule of law in their country. UNMIH formally took over on 31 March 1995 from the U.S. led Multi-national Force which had established the safe and secure environment permitting deployment of the follow-on UN peacekeeping mission.

At its peak in June 1995, UNMIH deployed over 6,000 military personnel and some 850 civilian police with the following tasks:

- help maintain security and stability in Haiti;
- aid the return to constitutional rule;
- assist in the training of a new national police force;
- assist in the holding of elections.

UNMIH accomplishments:

- helped create an atmosphere conducive to free and fair elections, and provided technical and logistical support to the Haitian authorities responsible for organizing and conducting parliamentary and presidential elections in 1995.

- made a significant contribution to restoring basic services and infrastructure in the country, which suffered from years of dictatorial neglect and international economic sanctions imposed on the illegal regime.
- assisted in the formation, training and support of the new Haitian National Police (HNP). UNMIH's UN civilian police component provided on-the-job training and guidance to more than 5,000 new Haitian police officers deployed throughout the country, and monitored their progress. UNMIH civilian police were also assigned to monitor and mentor Haiti's new Criminal Investigation Unit. Canada, France and the United States supported formal police training at the Haitian Police Academy under the guidance of the International Criminal Investigative Training Assistance Programme of the United States.
- helped restore infrastructure and provided training and other assistance through more than 1,000 small developmental projects. Convinced that "turning on the lights" and improving living conditions would help maintain a secure and stable environment, UNMIH personnel worked with Haitians to rehabilitate water, sanitation, electricity supply and roads. Police stations, schools and other public facilities were repaired, and training was provided in disaster management, first aid and other fields. UNMIH engineering units rebuilt the critically important bridge in the city of Jacmel, destroyed by a hurricane in 1994.
- helped Haiti's government assume its responsibilities and functions, and maintain a secure and stable environment by providing security to humanitarian convoys, airports seaports and storage locations, and maintaining a presence and conducting patrols throughout the country. UNMIH participated in working groups comprised of representatives of the Haitian Government, the Friends of the Secretary-General for Haiti (Argentina, Canada, France, the United States, Venezuela and Chile), and the International Civilian Mission in Haiti (MICIVIH) which

formulated plans and identified means for helping Haiti's Government deal with transitional issues. These multi-lateral working groups addressed a wide range of topics such as disarmament, justice, prison and human rights, fire fighting and urban disorders.

In February 1996 the Security Council approved a final four-month extension of UNMIH's mandate⁸ but with at a reduced strength of 1,200 military personnel and 300 civilian police. However the government of Canada provided an additional 700 troops at its own expense.

UNMIH was succeeded in July 1996 by a smaller mission called the United Nations Support Mission in Haiti (UNSMIH).

2. United Nations Support Mission in Haiti - UNSMIH (1996-1997)

The Security Council established the United Nations Support Mission in Haiti (UNSMIH) on 28 June 1996⁹. In setting up UNSMIH, the Council underlined the need to support the commitment of the Government of Haiti to maintain the secure and stable environment that was established by the Multinational Force in Haiti (September 1994-March 1995) and continued and consolidated by UNMIH through June 1996.

Earlier, on 5 June 1996, the Secretary-General had made a number of recommendations regarding the role of the United Nations in Haiti after expiration of UNMIH's mandate¹⁰. The Secretary-General shared the view expressed by the Haitian authorities that the presence and

⁸ Resolution 1048 of the Security Council

⁹ Resolution 1063 (1996) of the Security Council

¹⁰ Report of the Secretary-General of 14 February 1996 (S/1996/112)

assistance of the international community continued to be required in Haiti to support the Haitian National Police (HNP) and to consolidate the progress achieved by the Haitian people after the restoration of democracy. The Friends of the Secretary-General for Haiti also expressed their support for the position of the Haitian authorities and their interest in adjusting the operations of the United Nations to reflect the new realities on the ground¹¹.

According to the Secretary-General, it was clear that HNP was still not in a position to ensure, on its own, the maintenance of a stable and secure environment which was required for the further consolidation of democratic rule. It was felt that complete withdrawal of the United Nations military and police presence could jeopardize the success achieved by the peacekeeping mission until then. The Secretary General therefore recommended the establishment of a new Mission (UNSMIH) with a limited mandate.

The Security Council agreed with the Secretary General's recommendation and voted to establish UNSMIH for one year and to be composed of 300 civilian police personnel and 600 troops. In addition, 700 voluntarily funded military personnel were provided to serve with UNSMIH. Later, acting on a request by Mr. René Prével, the President of Haiti, the Security Council extended UNSMIH's mandate to 30 November 1996.

As UNSMIH's mandate was about to expire again, the Secretary-General reported to the Council that despite some improvement in the security situation in Haiti and in the capacity of HNP to confront challenges, HNP had not yet reached the level of experience and confidence required to control and defeat threats posed by subversive groups. It was clear that the presence of the UNSMIH military element

¹¹ Statement of Conclusions of the Friends of the Secretary-General on Haiti

was a key factor in the ability of the Haitian authorities to contain the danger of destabilization by forces threatening democracy. In the Secretary-General's view, the presence of UNSMIH continued to be required to give the international program of support the firm foundation necessary to ensure its success, to allow for an orderly transfer to the Haitian authorities of the functions being carried out by the Mission, and to consolidate the considerable investment made by the international community in the restoration of democracy in Haiti.

Based on the Secretary General's recommendation the Security Council decided once more to extend UNSMIH mandate; this time until 31 May 1997 with a maximum strength of 300 civilian police personnel and 500 troops¹². The Council also decided that, if the Secretary-General reported, by 31 March 1997, that UNSMIH could make a further contribution to the consolidation of democracy in Haiti and the revitalization of the country's system of justice, UNSMIH mandate would be further extended, for a final time, following a review by the Council. Based on the Secretary-General's statement to the Council of 24 March 1997¹³, UNSMIH mandate was extended, for a final time, until 31 July 1997.

3. United Nations Transition Mission in Haiti - UNTMIH (1997)

UNTMIH was the third in the series of United Nations peacekeeping operations in Haiti. It was established on 30 July 1997¹⁴ for a single four-month period ending on 30 November 1997.

¹² Security Council Resolution 1086 (1996)

¹³ S/1997/244, para. 38

¹⁴ Security Council resolution 1123 (1997)

UNTMIH was established on the basis of a July 1997 report by the Secretary-General to the Security Council¹⁵. In this report, the Secretary-General stated that Haiti had taken significant strides forward. Nevertheless, the country continued to face daunting political and economic challenges. The basic consensus among Haitians for the reforms required to strengthen democratic institutions, generate economic growth and create jobs had yet to be built. Progress had been made with regard to the establishment and training of the new police force. However, this progress was slow, and the Secretary-General shared the view of Haiti's political leaders that without steady and long-term support from the international community, the Haitian police force might not be able to cope with serious incidents, risking deterioration in the security situation.

The Secretary-General shared the views expressed in November 1996 by the President of Haiti, Mr. René Préval, that a full 12 months would be necessary for the HNP to be able to ensure a secure and stable environment without international support. Against that background, the Secretary-General recommended that the Security Council maintain United Nations support of HNP for a further period of four months, that is from July through November 1997. The new mission comprised both military and civilian police elements and continued to support the Haitian authorities in further professionalizing the HNP.

4. United Nations Civilian Police Mission in Haiti - MIPONUH (1997-2000)

Upon conclusion of UNTMIH's mandate period the UN established another follow-on mission, MIPONUH. Unlike the three previous missions, MIPONUH had no military component. Its mandate was to

¹⁵ S/1997/564

continue the work of the United Nations to support the Haitian National Police and to contribute to its professionalization.

Near the end of UNTMIH mandate, on 29 October 1997, the President of Haiti, Mr. René Préval, wrote to the Secretary-General, thanking the United Nations for its contribution to the consolidation of Haitian democracy. At the same time, he noted that it was important for Haiti to continue working to strengthen its police force and he expressed both hope and confidence that Haiti would be able to continue to count on United Nations support in the new stage of its effort at national reconstruction.

In view of the President's expressed desire for further UN assistance, the Secretary General consulted with Member States to determine the availability of the personnel for a further assistance to Haiti. On 20 November 1997, the Secretary-General reported the outcome of those consultations to the Security Council as well as his recommendations concerning a possible follow-on mission to UNTMIH and a concept of operations for such a new mission¹⁶. Establishing MIPONUH, the Security Council affirmed the importance of a professional, self-sustaining, fully functioning national police of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and the revitalization of Haiti's system of justice¹⁷.

5. Summary of UN Peacekeeping efforts and HNP Reform in the 1990's

The 1990's saw a decade of violent turmoil in Haiti brought on by a succession of leadership crises triggered each time when there were national elections. To assist in stabilizing Haiti during this period, the

¹⁶ S/1997/832/Add.2

¹⁷ Security Council resolution 1141 (1997) of 28 November 1997

UN deployed four successive peacekeeping missions: UNMIH, 1993-1996; UNSMIH, 1996-1997; UNTMIH, 1997; and MIPONUH, 1997-2000. The core task of each of these peacekeeping missions was to “professionalize” the Haitian National Police (HNP). A professional Haitian National Police Force, operating in accordance with “democratic policing principles,” was correctly viewed as the key element or “center of gravity” for ending the seemingly endemic Haitian violence and in establishing a lasting peaceful and secure public environment for much needed economic and social progress.

The 1990’s era of UN peacekeeping missions in Haiti, led by the Security Council, ended in the year 2000 when the Security Council terminated MIPONUH. A follow-on International Civilian Support Mission in Haiti (MICAH) focusing on “peace-building” efforts was established but MICAH’s efforts came under the broad auspices of various non-Security Council UN developmental bodies and agencies, not the Security Council.

With the end of the UN peacekeeping efforts which had been focused primarily on Haitian police reform, the unanswered question was how well Haiti’s new UN built police force would be able to deal with future bouts of internal political violence and major gang related crime.

The answer was not long in coming, and it was not what had been hoped for! Early in the new millennium, renewed Haitian political differences led to open armed conflict between factions. Civil conflict once more threatened to spin out of control. It became clear that the Haitian National Police, the reform and professionalism of which had been the focus of four successive peacekeeping missions in the 1990’s, would be unable to keep deal with the growing political violence and the thuggery of armed gangs openly operating out of the major city slums.

To address this renewed violence with which the HNP could not cope, Haitian authorities again sought international help. In response, in February 2004, the UN Security Council authorized formation and deployment to Haiti of a Multinational Interim Force-Haiti (MIFH) to assist in establishing security in Haiti until a UN peacekeeping force could be deployed. The UN Peacekeeping Force, called the United Nations Stabilization Mission in Haiti (MINUSTAH), was assembled and took over operations in Haiti from the MIFH on June 1, 2004. MINUSTAH has been conducting security operations in Haiti since then. Its mandate has been renewed several times by the Security Council. The latest mandate renewal authorizes the mission until October 2008.

The key component of MINUSTAH's mandate again deals with establishing an effective Haitian National Police. The mandate directs MINUSTAH to:

“assist...in monitoring, restructuring and reforming the Haitian National Police, consistent with democratic policing standards, including through the vetting and certification of its personnel, advising on its reorganization and training, including gender training, as well as monitoring/mentoring members of the Haitian National Police”...and to assist “the Haitian National Police with comprehensive and sustainable Disarmament, Demobilization and Reintegration (DDR) programs for all armed group...”.

III. MINUSTAH: A new approach in the use of UN Police

1. The Multinational Interim Force in Haiti

The United Nations in response to the deteriorating political, security and humanitarian situation in Haiti in 2004, authorized the immediate deployment of the Multinational Interim Force in Haiti (MIFH) to help secure and stabilize the capital, Port-au-Prince, and elsewhere in the country¹⁸.

A fundamental task was to facilitate assistance to the HNP and the Haitian Coast Guard (HCG) to support public safety and human rights. Joint patrols between MIFH and HNP conducted have been extremely productive in providing HNP with basic training and increased professionalism and have resulted in an increased presence of HNP patrolling in the community. Joint operations have provided HNP with the security and support necessary to carry out operations against known or suspected weapons caches as well as pursuing outstanding arrest warrants.

2. Transfer of responsibility to the United Nations Stabilization Mission in Haiti

The establishment of the United Nations Stabilization Mission in Haiti (MINUSTAH) in June 2004 provided the endorsement necessary to guarantee an orderly and transparent transition to institutional and political recovery in the Republic of Haiti. The Security Council authorized the extension of the MIFH mandate up to 30 days on request of the MINUSTAH commander, in recognition of the need to continue MIFH operations beyond the 1

¹⁸ Security Council resolution 1529 (2004) of 29 February 2004

June 2004 and to ensure a smooth transfer of responsibility for operations in Haiti from MIFH to MINUSTAH. French forces were withdrawn from the northern sector and completed redeployment by 20 June 2004, Canadian and Chilean forces agreed to remain in Haiti, switching to MINUSTAH control upon transfer of responsibility.

3. The Mandate of MINUSTAH

The mission was established with the following mandate¹⁹:

- Support the Transitional Government to ensure a secure and stable environment within which the constitutional and political process in Haiti can take place;
- Assist the Transitional Government in monitoring, restructuring and reforming the HNP, consistent with democratic policing standards, including through the vetting and certification of its personnel, advising on its reorganization and training, including gender training, as well as monitoring/mentoring members of the HNP;
- Assist the Transitional Government, particularly the HNP with comprehensive and sustainable Disarmament, Demobilization and Reintegration (DDR) programmes for all armed groups, as well as weapons control and public security measures;

¹⁹ Security Council adopted resolution 1542 (2004) , 7, I, (b), (c), (d). In addition to the mandate focusing on rule of law

and DDR, an Interim Co-operation Framework (ICF) was drawn up in July 2004 as a joint effort between the international community and the interim government, which established needs and targets in over 16 sectors. It set forth out a strategy reflecting a needs-assessment for the stabilisation and reconstruction of Haiti. Participating in creating the ICF were government representatives from over 35 countries, NGOs, international organisations, UN and Haitians (civil society, political parties, government and press). OCHA Situation Report no. 15, Haiti *Socio-Political Crisis*, 24 June 2004, paras. 8-11. This framework included a focus on DDR, police, justice and corrections. *Interim Co-Operation Framework*, July 2004, paras.54-66. However, it has been criticised for slow implementation and limited civil society participation.

- Assist with the restoration and maintenance of the rule of law, public safety and public order in Haiti through the provision inter alia of operational support of the HNP and the HCG as well as their institutional strengthening, including the re-establishment of the correction system;
- Protect United Nations Personnel, facilities, installations and equipment and ensure the security and freedom of movement of its personnel, taking into account the primary responsibility of the Transitional Government in that regard;
- Protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment, without prejudice to the responsibility of the Transitional Government and of police authorities.

4. The new Organizational Structure

The organizational structure of the MINUSTAH Police was built upon 3 pillars under the supervision of a Police Commissioner:

- Operations and Monitoring Pillar with a Deputy Commissioner and a total staffing of 1,516;
- Development Pillar with a Deputy Commissioner and a total staffing of 374;
- Chief of Staff Pillar with a Chief of Staff and a total staffing of 55.

a) Pillar I: Operations and Monitoring

UN Police personnel deployed throughout the country in 87 locations, with 85 officers deployed at Main Headquarters in Port-Au-Prince, 176 in operational support, 73 in development capacity, and approximately 450 officers advising and mentoring the HNP in the field. Until the outcome of the HNP development in the area of crime prevention, 8 MINUSTAH formed police units of 125 officer's each, operating under

the command of the Police Commissioner filled the gap on the ground where they were needed: in Port-Au-Prince, Gonaive and Cap Haitien. In the event of open confrontation with crowds, MINUSTAH police was to protect United Nations installations, help and coordinate the police response and constitute an operational reserve providing a back-up and if necessary taking over the HNP. At the same time MINUSTAH formed police units would monitor the actions of the national police to ensure that the use of force is proportionate to the threat in accordance with internationally accepted control methods that include negotiation, conflict resolution and non-lethal tactics to prevent demonstrations from deteriorating into riot situations. MINUSTAH Police also engaged in an active programme] of monitoring, mentoring and field training to enhance the operational capabilities of the HNP at the station and Commissariat level. These activities required the deployment of some 403 police officers, whose distribution would be based on a UN Police-HNP ratio of 1-10. At the central level, a Director of Central Coordination and Monitoring led two 30-officer teams to monitor the activities of the HNP Judicial and Administrative Police Divisions. This monitoring activity helped measure the development progress and allowed MINUSTAH to take any corrective measure if required.

b) Pillar II: Capacity Development

To manage and undertake the implementation of the HNP Reform Plan, a Deputy Police Commissioner for Development will head five Directorates:

- The Programme and Planning Directorate, with responsibility for the planning, policy development, project coordination and reporting;
- The Development and Capacity Building Directorate would support in the first year the development in the functions of Inspector General: judicial police, close protection, Maritime, Air, Border, Migration and

Forests, Civil Protection, Fire and Natural Disaster, Territorial Services;

- The Technical Services Directorate would support development in the areas of facilities, logistics, procurement, supply, communications, fleet management and workshops;
- The Administrative Services Directorate would provide support to the HNP in the functions of budget and finance, legal affairs, personnel, recruiting, internal audit and registration and vetting;
- The Training Directorate with a total of 98 police officers assigned to: training management, basic training, field training, specialized training and advanced training.

c) Pillar III: Chief of Staff

A Chief of Staff with a Special Assistant and an Executive Officer will head:

- A Director of Logistics for planning, IT & supply, facilities, fleet;
- A Director of Administration for audit & inspection, personnel, internal investigations, human resources development, reporting.

5. The coordination with the HNP

The Security Council on 10 September 2004, in welcoming the appointment of Mr. Juan Gabriel Valdés as Special Representative of the Secretary-General and Head of MINUSTAH, underlined that stability and security remained the key to the political and economic reconstruction efforts of the Transitional Government and the international community and the importance of building the capacity of an effective and professional national police in Haiti. It also reaffirmed the importance of effective coordination and cooperation between MINUSTAH and the HNP.

On 14 December 2004, MINUSTAH launched a major political and military operation jointly with elements of the HNP in the district of Cité Soleil, in the city of Port-au-Prince — an area that is well known for harbouring criminal armed groups, many of which have different and conflicting political loyalties. The objectives of the operation were to restore order and security in the area through the presence and the firm and ongoing control of MINUSTAH, which will facilitate the gradual restoration of the autonomous functioning of the police in the area, as well as create conditions for the normalization of activities ranging from the proper functioning of the public administration to the reactivation of trade and the relaunching of various types of humanitarian operations at the local and international levels. In the first phase of the operation, two police stations were reopened in Cité Soleil and subsequently, with the assistance of MINUSTAH, the HNP has peaceably been able to regain control of several police stations illegally occupied by armed groups. The success of these joint operations, possible only because United Nations military and police forces were included in coordination with the inadequate local police forces, have proven that the coordination between MINUSTAH and the National Police, intended to restore the population's trust in the capabilities of the HNP, is an effective practice but also that it is essential to rebuild and strengthen the Haitian police as a professional and depoliticized institution that proves itself worthy of the people's trust by operating with respect for human rights and the rule of law.

IV. DDR and Police Reform.

1. Disarmament, Demobilization and Reintegration

DDR is the process which has been most criticised by civil society in Haiti as not having reached the objectives set out in the MINUSTAH mandate. This has also clearly been recognised by MINUSTAH staff. There have been several problems rendering the implementation of DDR in Haiti non-feasible:

- primarily there never existed a situation in which the classic approach to DDR could be implemented. There was never a situation where two or more factions with established political end-goals were fighting for a cause and/or political power, and there was no overview of all the armed groups;
- there was never a peace agreement where the parties to the conflict agreed upon a process of DDR. It can be questioned whether a post-conflict situation in the common peacekeeping understanding of the term existed upon intervention: certainly at this stage it has changed, in Port-au-Prince, to one of urban gang violence rooted in a mixture of economic and political motives and causes;
- MINUSTAH's prioritisation of elections;
- the Haitian Interim Government's complete disinterest in DDR;
- the insistence in the MINUSTAH mandate on co-operation with the HNP force to conduct such a process: a police force that itself needs extensive reform and is unable to conduct any DDR process;
- the extensive communication gap between MINUSTAH'S DDR unit and Haitian civil society, which still exists, and has served to

exacerbate the hostile and critical feelings towards MINUSTAH in this area.

There are currently an estimated 210,000 small arms in Haiti.²⁰ The majority of these weapons are in the hands of private citizens and private security companies, not the armed gangs.

The Haitian constitution gives each citizen a right to armed self-defence at home, but the weapons need to be registered.²¹ Presently, vast numbers are unregistered and hence illegal.

As part of the DDR process a weapon registration programme should have been established, facilitated and given technical support, advice and mentoring by MINUSTAH, but conducted by the HNP. This programme should have been followed by sanctions unless the weapons were registered within a specific timeframe.

An extensive public information campaign conducted prior to and during such a program is necessary. Article 268.3 of the Haitian constitution stipulates that the Armed Forces have the monopoly of fabrication, import, export, use and possession of 'war arms' (*arms de guerre*), therefore, such types of arms which are beyond small arms weapons for self-defense at home, cannot be in private hands and could not be part of a registration process, or owned by private citizens. Importantly, one major donor, part of the Friends of Haiti group, has expressed interest in supporting such a gun registry.

In addition, improved border and coast guards to control the influx of weapons in conjunction with passing new legislation to

²⁰ Robert Muggah, 'Securing Haiti's Transition: Reviewing human insecurity and the prospects for disarmament, demobilisation and reintegration', *Small Arms Survey Occasional Paper 14*, 2005, p. 6.

²¹ Haitian Constitution article 268.1

control small arms are essential to reduce violence in the communities.

Although currently most actors acknowledge that achieving traditional or ‘classic’ DDR in the Haitian context was – and is – not feasible, and that alternative means must be established, there are still groups (including certain vocal human rights actors) that argue for forcible disarmament of the armed gangs. This is at present not supported by MINUSTAH.

The programs so far put in place by MINUSTAH, such as the reintegration packages, have been criticised because they were (and still are) perceived as supporting the perpetrators of violence rather than the victims. This is a key reason why civil society has been so negative about MINUSTAH’s DDR programme.

There remains limited understanding by civil society of why the DDR unit is working with the perpetrators rather than arresting them, reflecting limited information, communication and understanding both of a DDR process and the mandate. This has led to participants in the programme experiencing harassment from the HNP and local communities.

However, what has also been seen is that people who have participated in the programme have used that participation to further their own ends in the community.

In Haiti, because of the specific context, it is critical that any form of reinsertion or reintegration happens alongside victim reparation. If not, the chances of failure of any such process will be high.²²

Creating jobs, giving educational opportunities for members of armed groups without a parallel process of economic

²² Eirin Mobekk, ‘DDR in Haiti: Past Negligence, Present Problems, Future Possibilities’, in Ann Fitz-Gerald (ed.) *From Conflict to Community: A Combatant’s Return to Citizenship*, GFN-SSR, 2005.

development, job creation and education for other groups in society, can lead to polarisation and continued conflict, not reintegration. The reintegration process should not solely benefit the perpetrators. Crucially, this process should not be seen as supporting impunity. There are strong demands for justice within Haitian society and these should be addressed by the new government's policy on DDR.

Granting a general amnesty to the armed gangs would not only politically be extremely difficult in the current situation, but more importantly it would perpetuate impunity and set a negative role-model for the youth in the affected areas.

Accountability needs to be part of the discourse in the context of DDR. However, in practical terms, particularly with the current state of the HNP and the Haitian judicial system, it is not feasible to arrest and prosecute all members of armed gangs, and it is very doubtful whether this would increase stability and security. But unless there are prosecutions of certain perpetrators it may be difficult to rebuild trust in the rule of law and in the new government, since the demand for justice is strong within Haitian society. How to deal with these perpetrators is a decision that needs to be reached by the new government.

Another key criticism of the DDR process has been lack of local ownership. Although a National Disarmament Commission (NDC) was created in September 2004, in response to MINUSTAH's demand for a Haitian counterpart regarding DDR, it indicated the interim government's disinterest in the issue; the selection to the commission was not based on expertise and experience with DDR issues, but partially reflected political connections, and a random selection of individuals representing

different sectors, including civil society, the HNP, and the judicial system.

Currently there are only three NDC commissioners.

There have been significant problems of communication and co-operation between the NDC and the DDR unit. One issue was that the NDC felt that the DDR unit focused exclusively on the former-Haitian Armed Forces (FAd'H), which they viewed as a minimal threat.

The DDR unit seems now to have taken on board this view and is not focusing on the former military.

Although the former-FAd'H are currently, as a group, not active in the violence they should not be ignored as a potential destabilising factor and should be incorporated into the wider DDR plan.²³

While there have been numerous co-operation problems between the NDC and the DDR unit they now seem to have shifted in a more positive direction. There is, however, a need to establish a better-functioning NDC with more commissioners with significant expertise in the field of DDR, so that the work on DDR can not only have local input, but local ownership. However, it is even more critical to develop a capacity at community level for DDR with whom MINUSTAH can work; this will truly ensure a locally owned process.

In co-operation with the NDC and the United Nations Development Program (UNDP), the DDR unit of MINUSTAH has significantly restructured its approach to DDR in Haiti to ensure a tailor-made solution to address the specific problems facing the

²³ For example, not longer ago than January in the Central Plateau a group of former soldiers offered their services to the interim government to resolve the problem of violence. Radio Energie, 'Ex-Fad'h group offer services to Latortue, 10 January 2006.

country. This has meant a redefinition of DDR built on five pillars: disarmament and reinsertion of armed gangs; reinsertion of youth; reinsertion of women; a legislative framework for control of arms; community disarmament. In practice it means focusing on reduction of violence in the communities, creating Community Development Committees and Community Violence Prevention and Development Committees and Centres, focusing on women and youth attached to the armed gangs, putting weapons beyond use through social and economic investment and in terms of changing the mindset ‘from a community that values weapons to one that values development’.²⁴

It is a community bottom-up process of DDR to ensure a reduction in violence. The focus on youth is of special importance. Changing attitudes and their relationship to violence needs to be aimed at the youth involved in the gangs. There should be an emphasis on continuing to develop education programmes targeting youth, placing them beyond the reach of the armed gangs, so as to break the linkages between the armed gangs and the youth.

This is a significant improvement, and if fully implemented, could lead to reduction of violence. However, there is still a vast communications gap between the DDR unit and the local communities. It has been acknowledged by MINUSTAH that a better outreach programme would have circumvented a lot of the criticisms. Yet such a mechanism has yet to be established. Local communities, in general, know very little, if anything, about this new approach that the DDR unit has been working on and hence have continued to be critical of its work. For example, the

²⁴ Report on the progress made on the: Project Intégré d’appui à la formulation et à la mise en Œuvre de la stratégie nationale de désarmement, démobilisation et réintégration in Haïti. UNDP / MINUSTAH – DDR section July 2005, p.3.

Community Development Committee existed in the Bel Air district of Port-au-Prince, but a prominent Bel Air grassroots group had not heard about this committee or this initiative taking place in Bel Air. Moreover, if such an approach is to work it needs input from civil society, not only in the communities where it works through the local committees, but on a broader level. A key factor is also how these committees are selected and given legitimacy: legitimacy should come from the local communities, not from being established by MINUSTAH.

Admittedly, local traditional structures have in many of these areas either disappeared entirely or been disempowered by the gangs. If they have been disempowered MINUSTAH should tap into these structures when establishing the committees so as to ensure heightened legitimacy of the committees.

2. Haitian National Police, Civilian Police and Formed Unit Police

Despite the lengthy UN peacekeeping involvement in Haiti in the 1990's which focused extensively on police reform, the HNP increasingly became a force with corrupt, politicized, criminal and abusive elements. In fact, it became an integral part of the problem of insecurity in Haiti and at the time of the second major international intervention, in 2004, the HNP was again in dire need of reform and restructuring. Moreover, during the conflict in 2004, most of the infrastructure of the HNP was destroyed or vandalized. In June 2004 it was established that 125 police commissariats needed to be rehabilitated and 75 needed rebuilding. The number of vehicles and radio communication equipment had been significantly reduced and office supplies destroyed.

Along with providing security, assistance to the HNP is was the integral part of MINUSTAH's mandate and focus of international donors.²⁵

Yet progress has been slow, again as a result of a combination of factors, particularly an unwillingness of the Haitian Interim Government to focus on police reform and the preoccupation with elections by MINUSTAH. Over a year after the deployment of MINUSTAH, in October 2005, Mario Andresol, HNP's Police Chief, stated that a quarter of the force was corrupt and involved in kidnappings and arms trafficking.²⁶

On the other hand, it is important to note that although progress has been slow there has nevertheless been continuous progress in the area of police reform. This was facilitated by the appointment of Mr. Andresol in July 2005 who immediately began to fight corruption within the HNP.

As a result of the high levels of corruption, being targets of gang violence and lack of trust by civil society, many officers in the HNP do not yet have sufficient confidence and pride in being members of the police force. This sense of pride and confidence is crucial to effective democratic policing. To strengthen this it is vital to address HNP's working conditions, particularly by rebuilding police facilities. Moreover, the new government needs to improve the salaries of the HNP, which at their current low levels encourage corruption. The establishment of management structures and management training also need to be prioritized so that the leadership of HNP can exert more control over the force and over the reform process.

²⁵ S/RES/1542 (2004) 7 I (d), S/RES/1608 22 June 2005, 8 'reaffirms 'MINUSTAH's authority to vet and certify new and existing HNP personnel for service.'

²⁶ Associated Press, 'In notoriously troubled Haiti, 15 officers to face the bar of justice for brutal murders', 11 October 2005. Joseph Delva, 'Haitian Police crackdown, oust over 50 officers', Reuters, 8 November 2006.

There is no question in Haitian civil society or the international community that a stable sustainable HNP needs to be established and is essential for the future security and stability of Haiti. UNPOL has been training the HNP from the beginning of the mission, but was faced with a crucial problem from the outset. At the early stages of the mission the exact number of HNP officers was unclear. Many left the HNP during the first months of 2004, others had joined claiming to be HNP and there were far more registered officers than officers actually working. A registering process to establish the number of officers was put into place by MINUSTAH to establish an accurate number of officers which was a key first step needed for vetting officers and the HNP reform process to proceed.

The subsequent critical step was vetting. This was much discussed and debated becoming a source of discord between certain sectors of civil society and the leadership of the HNP. There was a lot of willingness in the HNP to reform and a realization that there was a need for considerable international involvement in order to achieve real and lasting reform. Yet, certain sectors of civil society were worried about the control of the process by MINUSTAH. This was particularly reflected by the strong negative reactions to interim Prime Minister Latortue's signing of an agreement in February 2006, which gave MINUSTAH significantly broader powers over the police reform process.

As a result the agreement was annulled. However, other sectors of civil society supported a broader mandate for MINUSTAH in relation to police reform, although emphasizing that this needed to be in collaboration with both the new government and the leadership of the HNP.

The HNP cannot conduct vetting of its own force and there is no other functioning body in Haiti that can conduct such a process. A proposed solution was to conduct vetting from the top down so that once the first senior group of management was vetted they could become vetting teams, hence taking over the vetting process, ensuring continued local ownership, whilst being assisted by MINUSTAH's vetting teams. This was something that was supported and encouraged by both HNP senior police officials and key actors within MINUSTAH.

Moreover, to ensure greater local ownership, as well as oversight, it was recommended that the capacity of the Office of the Inspector General should be strengthened by being given technical and material assistance.

As a result of all of these actions, for the first time there was significant HNP support for reform. But to ensure success there also needed to be considerable political will from the new government. The new government had to be energetic in taking advantage of the unique situation while there was considerable HNP willingness to reform as well as UN and donor commitment.

An indicator that this political will was present was the re-appointment of Mario Andresol as Police Chief by President Préval and statements by both the President and Prime Minister Jacques Alexis that police reform would be a focus of the new government, whilst acknowledging the need for MINUSTAH support.²⁷

Since MINUSTAH's presence in-country, several steps have been taken towards improving the HNP. The new recruits to the police academy have had background checks conducted and the curriculum

²⁷ AlterPresse, 'Haiti-Preval: Le nouveau president prone le dialogue et la paix', 14 May 2006.

has been revised. A number of officers have also received ‘in-service’ training from UNPOL that was funded bilaterally by the US. This is a 40-hour course, which includes human rights, crime scene investigation, handcuffing, use-of-force, report writing, traffic, and weapons training.

There is general agreement that UNPOL officers are needed on the streets assisting and mentoring the HNP in their daily duties. This has been emphasized not only by the HNP leadership, but also civil society. There is a desire for more active one-to-one support and mentoring in the field, which is also voiced by key actors in UNPOL. There is support for a larger number of UNPOL officers and a reduction in military presence.

However, an increase in UNPOL officers is difficult to achieve due to the constraints of international policing operations. UNSC Resolution 1542 stipulates that a maximum of 1,622 civilian police officers can be deployed to Haiti. This was expanded up to 1,897 by Resolution 1608. Yet, by 2006, there were approximately only 700 civilian police officers in Haiti.

Critically there is a need for more civilian police officers rather than the public order police units (FPU), which are not tasked with monitoring and mentoring.²⁸

Some have suggested that the number of FPU should be reduced and exchanged with civilian police officers. At this stage, raising the number of civilian police officers beyond 1,622 – although deemed highly desirable by some – seems unrealistic, because of the difficulties in ensuring member states’ contributions to UNPOL operations.

²⁸ Graham Muir quoted in Reed Lindsay, ‘UN failing to police the police’, Toronto Star, 5 February 2006.

However, it is imperative to ensure that the already mandated number of civilian police officers is put in place and maintained consistently throughout the existence of the mission. Put simply, to reach the objectives of mentoring and advising, the mandate authorized number of civilian police officers are needed.

Pressure should be brought to bear on member states reminding them of their obligations towards fulfilling the existing mandate. There is a real need in Haiti for increased international civilian police presence and contributing member states should be urged to provide a higher number of UNPOL officers. This will significantly strengthen the capacity-building aspects of the mission and positively influence the HNP. If this is not ensured the objectives may not be reached, or at best it will take much longer time to reach them.

Criticisms have also been directed at the poor quality of certain UNPOL officers and the lack of French-speaking officers as currently only 38% of UNPOL officers in Haiti speak French.

Unfortunately this an issue repeatedly found in peace-building operations.

While it is acknowledged that quality control and selection of UNPOL officers have increased in the past two years, more needs to be done to address this problem.²⁹

Leaders of the HNP have identified the need to establish a forum where representatives from Haitian society and the international community will be involved to determine the type of police force the HNP should be and the standards to be applied. The creation and implementation of

²⁹ Eirin Mobekk, 'Identifying Lessons in United Nations International Policing Missions', *Policy Paper No.9*, DCAF Geneva, November 2005. http://www.dcaf.ch/_docs/pp09_united-nations-international_policing.pdf

these standards are vital to establish trust in the HNP and it is critical that a force that reflects the situation of the country is created, particularly because access to police is very limited in many parts of the country.

3. The Reform Plan of the Haitian National Police

The Security Council on 12 January 2005, in connection with the Council's consideration of the item entitled "The question concerning Haiti", reaffirmed the comprehensive mandate of the MINUSTAH as set forth in resolutions 1542 (2004) and 1576 (2004), and expressed its support for United Nations presence in Haiti "as long as necessary". The Security Council also underlined "the important role of MINUSTAH in ensuring a secure environment" and commended "the recent joint operations by MINUSTAH and the Haitian National Police, in particular against all illegal armed groups" expressing as well its intention to organize a mission to Haiti in conjunction with a mission of the ECOSOC Ad Hoc Advisory Group on Haiti.

The Security Council Mission on 6 May 2005 again stressed "the importance of the professionalization of the Haitian National Police, which is the responsible authority for security and law and order in Haiti"³⁰. However, the MINUSTAH acknowledged that the Haitian police on their own could not at that time yet adequately fulfil their tasks and exercise public security functions over the entire country, owing to the insufficient number of officers, lack of adequate training and equipment, a limited budget, and corruption. The mission expressed the view that the police should be reformed without delay and recognized that increased international

³⁰ S/2005/302 Report of the Security Council Mission to Haiti, 13 to 16 April 2005

assistance was required to implement reforms conducive to a credible, accountable and respected police force in Haiti.

Moreover, professionalizing the police is a long-term task, requiring dedicated attention, organizational efforts and resources to root out corruption and counter the negative public image of the police. To promote the trust and confidence of the population in the police, a transparent recruitment must be ensured and also vetting those already in the police service, including elements of the former military. The mission found that there were a number of good officers in the national police who worked courageously under difficult circumstances. Furthermore, the Director General of the HNP suggested the implementation of a community policing approach to change the behaviour of the police, improve their image and enhance communication with the population. The mission was of the view that it was necessary to rapidly enable the national police to ensure the safety and security of all people in Haiti.

While cooperation between the Haitian National Police and MINUSTAH had initially been difficult, the level and character of cooperation had improved lately and this was demonstrated by the recent joint security operations and the willingness of both sides to further improve their existing level of cooperation. MINUSTAH had contributed positively to the work of the police, which was made evident, inter alia, by the growing police presence in the poorer urban neighbourhoods with a clear mandate to assist the Transitional Government in monitoring, restructuring and reforming the police, but that it was unable to make marked progress in this important area because of the ambiguous attitude of the police regarding the need to undertake serious reforms, as well as the need to divert MINUSTAH resources to operational tasks in the light of the precarious security situation.

The vetting and certification of police officers had yet to begin, although a police development plan had recently been approved and the lack of French-speaking civilian police and specialists in MINUSTAH, such as investigators and forensic experts, had hampered the ability of the Mission to implement its mandate: additional measures were necessary to assist the Transitional Government to ensure a secure and stable environment in Haiti.

In this context clearly appeared the urgency of accelerating the reform of the HNP to establish the trust of Haitian citizens and be counted upon to provide public security. Such reform needed to be planned and executed by the Transitional Government with the support of MINUSTAH and bilateral partners and MINUSTAH worked with the Transitional Government to establish and publish a provisional desired end state (such as size and standards) for the HNP and a program (such as timetable and resources) for getting there. Finally, the “Reform Plan of the Haitian National Police”³¹ was adopted by the Government of Haiti on 8 August 2006 (See Attachment)

³¹ see Annex

V. CONCLUSIONS

The current mandate of MINUSTAH stipulates that the mission should “assist the transitional government in monitoring, restructuring and reforming the Haitian National Police....., assist the transitional government, particularly the Haitian National Police, with a comprehensive and sustainable Disarmament, Demobilisation and Reintegration program for all armed groups... and to “assist with the restoration and maintenance of the rule of law... including the re-establishment of the corrections system.”

DDR and rule of law are critical to ensure sustainable peace; therefore, these must receive a strengthened and renewed focus from MINUSTAH and the new Haitian government. The international community and the Haitian government should take advantage of the current window of opportunity provided by the presence of MINUSTAH to promote sustainable reform and reduction of violence in the Haitian context.

The classic post-conflict approach to DDR will not be successful in the Haitian environment, therefore an alternative community based strategy needs to be applied.

During 2004 and parts of 2005, the interim government was unable to exert its authority throughout the provinces, and armed groups (both ex-army officers as well as other armed groups) continued to play a role as law enforcers. In early 2004 the armed gangs included Aristide loyalists, former officials of the Lavalas government, unofficial pro-Aristide armed gangs, gangs who participated in the 1991 coup (including *Le Front pour l'Avancement et Progres d'Haiti* members, FRAPH), former

military officers, former police officers, and former rural police (*chefs de section*), and non-political armed groups³².

During 2004, all these groupings, apart from the non-political armed groups, were conducting their own version of law enforcement, in addition to the Haitian Police and the UN mission. By October 2004 MINUSTAH was still not operating at full mandated strength, which undermined its ability to deal with the armed gangs.³³

The conflict between the armed pro-Aristide gangs, who were extremely violent and politicised, and those in support of his ouster, therefore continued to escalate in the presence of MINUSTAH. For example, in September 2004, former soldiers seized control of several cities, and in one instance chased the police out of the town and painted the headquarters in the colours of the armed forces.³⁴

The police were unable to cope since they were under-equipped, under-staffed and in need of reform. In addition, they were also part of the conflict since both Aristide and FAd'H supporters were embedded within the police force. It was not until early 2005 that MINUSTAH was fully deployed throughout the country. The security situation in Port-au-Prince however, continued to deteriorate in 2005, particularly due to the rise in kidnappings. Moreover, human rights abuses worsened and included summary executions, arbitrary arrests, mob violence and torture.³⁵

Violence peaked in May-June 2005 when, according to the US-based Human Rights Watch, UN troops took more aggressive

³² Findings of Amnesty International Delegation, Amnesty, 8 April 2004.

³³ Edith Lederer, 'UN peacekeeping force in Haiti at 40%', Associated Press, 27 August 2004.

³⁴ Jane Regan, 'Disbanded for abuses, Haiti's former army rises again', Inter Press Service, 8 September 2004.

³⁵ Human Rights Watch, Haiti, 18 January 2006.

http://hrw.org/english/docs/2006/01/18/haiti12210_txt.htm

measures that ‘to a limited extent helped alleviate the atmosphere of insecurity’.

However, towards the end of the year there was another increase in the number of kidnappings in Port-au-Prince.

The face of violence in Haiti has changed since the first period of the intervention. It is too simplistic to say that it was only a matter of political violence reflecting the pro- and anti-Aristide factions. Haiti was never only a conflict of political factions fighting for power. From the beginning Haiti needed an alternative approach to conflict management other than the one applied in post-conflict peace operations, particularly since its situation was one of continued violence, especially urban gang violence.

Though the gang violence that erupted into a rampage of kidnappings has its origins in politics – it came about in retaliation for the alleged ‘kidnapping’ of Aristide – it has since become a way for the gangs to financially sustain themselves. The violence conducted today is rooted in a mix of politics and economics, and flourishes thanks to the continued absence of state authority and the lack of socio-economic development. The armed gangs in some districts of Port-au-Prince look after their communities by distributing money and offering protection, hence it becomes even more difficult to stop the violence, since the communities sometimes protect the armed gangs, out of fear or because they benefit financially from their crimes.

There is therefore an unmistakable link between poverty, lack of development and violence. There are no reliable statistics on kidnappings, but a forthcoming study by Action Aid carried out in

2006 indicates that as many as 45% of the female victims are raped.³⁶

The increased level of kidnappings created outrage in Haiti, particularly in Port-au-Prince, where the majority of cases occurred. Anger towards MINUSTAH for not dealing with the gangs in any meaningful manner is broadly shared by Haitian civil society. How to address the violence varies considerably in the different parts of civil society: Haitian civil society is not one homogenous mass, and there are substantial divisions and deep differences of purpose, aims and opinions.

In this context the issue of sovereignty should be mentioned. After nearly continuous international involvement in Haiti since the mid-1990s, Haitian civil society in general wants to curb the extent of the role played by MINUSTAH in rule-of-law reform and DDR, fearing an encroachment upon Haiti's sovereignty. However, there is an acknowledgement that MINUSTAH's presence is necessary and that international involvement is critical for reform.

The level of criticisms of MINUSTAH's inaction has risen dramatically since the increase in the kidnapping of wealthier Haitians. When the violence was contained in areas such as Cité Soleil and Bel Air, objections were less vocal. However, kidnapping has an often-overlooked impact upon the poor, for example, raids on neighbourhoods by police, and humanitarian organisations pulling out of the area.³⁷

These poor, disaffected, urban communities bear the brunt of the consequences of gang violence with high levels of casualties resulting from gangs fighting for control over urban territory,

³⁶ Draft study on armed gangs and violence conducted by ActionAid Haiti, May 2006.

³⁷ Forthcoming Oxfam impact study, June 2006.

individual gang members trying to sustain control over the gangs, and an increasing number of rapes in gang-held territory. Fear of these consequences limits people's ability to go about their lives in a normal manner.

The key factors hindering progress in meeting the objectives of the mission in relation to DDR and rule of law reform were a combination of:

- the slow deployment of the mission
- the fact that it was designed for a post-conflict situation, but which turned into urban violence
- the absence of political will of the interim government
- a shift from focusing on reform to conducting elections.

Nevertheless, in the past two years, MINUSTAH should have done more to address the increasing violence, the prevalence of arms and heightened number of kidnappings. Alternative means of violence reduction should have begun at an earlier stage.

After the presidential elections in February 2006 there was a self-imposed truce by the armed gangs and levels of kidnappings and violence were reduced significantly. But since June 2006 the number of kidnappings started to rise yet again. One explanation could be that the armed gangs expected President Préval to grant an amnesty, and because he has not done so the violence is resurging. In this context the objective of the HNP reform become a fundamental need for a country that now faces the challenge of pacification and development.

ANNEX: HAITIAN NATIONAL POLICE REFORM PLAN

I. General considerations

Public security is a key area requiring immediate attention and vigorous efforts, as it affects the political and democratic institutionalization process and the establishment of economic recovery programmes. The current situation is alarming in that a mere 7,000 badly equipped and poorly trained police officers are responsible for the maintenance of public security. Large numbers of police facilities have been damaged or destroyed. Most of the police stations (about 200) must be repaired, built or rebuilt, only 400 Haitian National Police (HNP) vehicles are operational countrywide.

This dire situation is compounded by problems that affect relations between the HNP and the public. The only security institution in the country is perceived as being corrupt and a violator of human rights.

The problem of armed gangs aggravates the insecurity and political and social instability in the country. The lack of effective coordination between the police and justice undermines efforts to seek an effective solution to this thorny issue, which seems to threaten the social fabric itself.

Security will be approached in the context of the reforms and of strengthening all the institutions that are involved in the conception and execution of public security policy. Many of the efforts and recommendations already achieved in this area by the international community will be utilized.

With regard to the police force, Government policy, will focus on reconstruction through the approval of the HNP Reform Plan comprising short, medium and long term activities.

To this end, priority is being placed on training, quality of command, recruitment, actual troop strength, resource management, the discipline essential to an armed force, intelligence, both judicial and institutional, and development of community policing. All this will entail a reorganization of the basis of work within the HNP, with particular emphasis on the Office of the Inspector General of the HNP (IGPNH) and the Central Directorate of Judicial Police (DCPJ). As a result, the current staff will be vetted and those who do not meet the standards and criteria appropriate to a democratic police service will be removed.

Emphasis must therefore be placed on the material and financial means for such an operation which is crucial to the realization of the reform plan for the plan requires significant outlays if objectives are to be achieved. It involves making police facilities and other service buildings operational (construction and rehabilitation) and providing the officers with suitable equipment. Therefore, the means must be mobilized immediately.

At the same time, the authorities are endeavouring to reinforce and optimize coordination between the HNP and MINUSTAH in order to maintain law and order and prevent violations as effectively as possible until the HNP is able to do so alone. Maintaining peace on the streets and guaranteeing security for all are dependent on good organization and on cooperation of the security forces present on the ground. The Government will work tirelessly to achieve this goal. It will endeavour to find urgent solutions to the violence wreaked by armed gangs.

It is equally important to act decisively to disarm all groups and individuals in possession of illegal firearms, threatening the security of the people. In this sense, the programme of Disarmament, Demobilization and Reintegration must be re-evaluated to adapt it to Haitian realities.

The steps involved (approval of the HNP Reform Plan, detailed plans for its implementation, effective coordination to develop a plan for maintaining public order and the definition of a disarmament strategy...) are part of a process. The establishment of a non-political and impartial police institution functioning in the strict framework of democratic rules and respect for human rights, and enjoying the people's respect and trust, requires in-depth reform and the harmonious development of the HNP. Achieving the most effective solutions and making the best use of all available resources, requires a participatory process, particularly with MINUSTAH and the various bilateral partners.

In this context, the contribution of MINUSTAH is a necessary one. Therefore, it is desirable for MINUSTAH to have a mandate and the appropriate means in the framework of Government policy and the HNP Reform. It is also desirable for MINUSTAH forces to have a more sustained engagement.

II. Executive summary

The strong desire of the elected authorities of Haiti to combat insecurity by setting up a professional police force and a functioning, equitable justice system is backed up by Security Council resolution 1608 (2005). This resolution requested the Secretary-General to share with the Security Council the reform plan for the HNP, formulated by MINUSTAH and the Haitian authorities that included the anticipated size, standards, implementation timetable, and resources.

The attached plan was prepared based on findings made by the Interim Cooperation Framework (ICF) 2004-2006 of July 2004 and includes the elements required by the Security Council. Key findings are as follows:

Anticipated size: Essential policing functions in Haiti can be discharged by a service of 14,000 well trained and -equipped officers, and this target would be achievable in the next five years, without prejudice to quality, at a rate of 1,500 new officers per year (9,000 by 2008 and 14,000 by 2011). At the same time, the Plan reflects a

general consensus that 18,000 to 20,000 police and other security officers would be required to cover the full range of security needs in Haiti. In this regard, the Plan provides for a supplementary strategy for the development of specific capabilities such as a Coast Guard, border control and surveillance, fire brigades, and penal system.

Review of current HNP staff: The target figure of 14,000 police officers for the HNP will be attained through the recruitment of new personnel, together with a review of the officers currently employed. A review of the current personnel, leading to final certification, will remain a priority and will target the disciplinary and training record of each officer. While the purpose of the disciplinary check and certification will be aimed at dismissing personnel unfit for police service, training deficiencies will be remedied through additional training. This review process is expected to be completed within two years.

Budget: According to the estimate for personnel expenditures, the budget could support the HNP staffing increase. The budget allocation for capital investments, however, is largely insufficient, indicating that the development of the HNP will rely heavily on funding from external sources. In this regard, the Bretton Woods institutions, United Nations agencies and other parties to the ICF have indicated their readiness to support the reform of the HNP.

Introduction

1. The need to re-establish law and order in Haiti is a matter of concern for the Haitian people and authorities. To achieve that end it is now urgent that an accessible and fair justice system and a professional police force be established. To this end, Security Council resolution 1608 (2005) of 22 June 2005 requested the Secretary-General to share with the Council the reform plan for the HNP, formulated by MINUSTAH and the Haitian authorities, that included the anticipated size, standards, implementation timetable, and resources. The resolution also requested that MINUSTAH and the Haitian authorities take all necessary steps to achieve optimal coordination between MINUSTAH Police and the HNP. In resolution 1658 (2006) of 14 February 2006, the Security Council called upon MINUSTAH to enhance coordination and to cooperate with other international stakeholders to effect the reform of the HNP and to finalize the overall reform plan requested in its resolution 1608 (2005) as soon as possible.

2. The HNP must be a sustainable and effective police force, which respects democratic values. Using a ratio of one police officer per 500 inhabitants, Haiti should have a police force of some 20,000. However, the proposed structure will be the result of a compromise between ideal staffing levels and national resources. The desired model for the HNP is that of a professional police force staffed with officers recruited on the basis of defined criteria, and who are, consequently, well trained; a well-structured police force that has resources adequate to accomplish its mission, without external interference, and with respect for the law, regulations and human

rights. Furthermore, the force will require the institutional competencies to fulfil all the roles and responsibilities as assigned to police in the Constitution of Haiti and the Law governing National Police. Should a lack of resources limit the size of the service, a proportional reduction in staffing would be necessary in all the main functions. At the same time, enhanced training would be necessary to increase staff quality to compensate for the reduction in the number of officers.

3. Extensive preliminary work has been done, providing a basis for the development of the required reform plan. Among other priorities, the ICF has suggested that the transition strategy for the HNP should pursue the following goals:

- Strengthen the organization and administrative capacities of the HNP;
- Strengthen the operational capacity of the HNP through increased staffing levels; and
- Professionalize the HNP by providing the HNP General Inspectorate with human and material resources.

4. In February 2005, the “Haiti National Police Strategic Development Plan 2004-2008” provided a detailed account of the operational and administrative processes for the HNP and provided options for subsequent phases of implementation.

Reform plan for the HNP

5. The Reform Plan for the HNP builds on earlier work to provide a comprehensive strategic management plan for the reform and development of the HNP while responding to the requests from the Security Council, including:

- the anticipated size of the HNP;
- the standards of quality which HNP officers are to meet;
- an implementation timetable; and
- specification of the resources required for its implementation.

6. The Reform Plan is structured to ensure the establishment of an effective, efficient and accountable HNP force based on:

- Democratic policing standards and democratic values;
- respect for human rights and the rule of law;
- an impartial and non-partisan approach to the exercise of its duties;
- the repudiation of corruption;
- the people’s respect and trust; and
- the maintenance and promotion of respect for the rule of law, public safety, law and order, security and stability in Haiti.

Considerations relating to the development of the HNP

7. Legal considerations. Article 263 (b) of the Constitution of Haiti (1987) establishes the Haitian National Police. Articles 269-274 of the Constitution set forth the basic structures and organs of the HNP, including an Academy, a Police School and specialized sections, such as the Prison Administration, the Fire Marshall, the Traffic Police, the Highway Police, Criminal Investigations, the Narcotics Service and the Anti-Smuggling Service (article 272). An Academy and a Police School have been established under article 271.

8. This plan, prepared in response to Security Council resolution 1608 (2005), focuses on the reform and development of the police within the framework of principles defined by the Constitution. It should be noted that the Constitution provides for a second armed force responsible for police-related security functions. These are surveillance of land, sea and air borders, operational support to police and assistance to the nation in case of serious events or natural disasters. As of this writing, political consensus on the establishment of this new public force separate from the HNP has yet to be achieved.

9. The tasks and responsibilities of the HNP, as defined by the Law governing the establishment, organization and duties of the Police, are to:

- ensure the protection and respect of freedom, life and property;
- guarantee the safety of Government institutions;
- maintain order, peace, security, harmony and public health;
- prevent security breaches and actively pursue transgressors for prosecution before competent courts within the timeframes set by law;
- control the ownership and possession of weapons in the national territory;
- conduct arrests in compliance with the law;
- prevent, detect and counter violations of social legislation;
- oversee all activities conducted by private security services;
- control all transit routes (land, sea, port and air);
- execute provisions related to the protection and conservation of the environment;
- provide members of the judiciary with the necessary means to attain their goals;
- provide the ombudsman responsible for the defence of human rights with the necessary support to fulfil his mandate;
- provide data for the elaboration of national crime statistics;
- participate in social, civic, cultural and educational programmes implemented by the Government of the Republic;
- carry out all other actions or activities stipulated by law.

10. Financial considerations. The decisive factor in determining the size of the HNP is the capacity of the budget to provide for the police force. Actual funding for HNP is potentially lower than the indicated budget and depends to a great extent on Government revenue, priorities in each fiscal year, and the capacity of the HNP to disburse funds. The annual budget allocation for capital investment is very limited. For the current year, the investment component of the HNP budget is US\$ 655 million. Current budgetary availability indicates that the reform of the HNP will require a large external non-budgetary source or budget supplementation during this period.
11. The provisional budget, based on an overall strength of 8,000 members for the budget year 2006-2007, is approximately US\$ 60 million for wages, and US\$ 133 million for the budget year 2010-2011 (with a staffing level of 14,000 members).
12. The overall cost of the HNP reform, including the sectors of training, transportation, infrastructure, non-lethal police equipment, weapons and ammunition and communications is about US\$ 700 million.
13. There is a general consensus on the importance of placing the initial emphasis on strengthening the management of human, material and physical resources. Officials serving at the Ministry of Finance have also identified as urgent the need to develop the budget, finance and procurement capacities of the HNP.

Current situation

14. The situation today is alarming: more than 7,000 Police officers, ill equipped and poorly trained, are assigned to maintain public security. Major infrastructure and police facilities are non-existent, inadequate or have been destroyed. The majority of these police stations (about 200) must be restored, built or rebuilt. Nationwide there are only about 400 HNP vehicles that are operational.
15. The HNP Strategic Plan presented and approved in March 2005 characterized the situation of HNP as follows:

A preliminary estimate indicates that there were approximately 6,300 police officers, counting all ranks, in 2003, whereas there were in fact barely 4,000 officers in late 2004. Most of the infrastructure was vandalized or destroyed during the crisis of 2004. In June 2004, an estimated one hundred and twenty-five (125) police stations needed to be restored and seventy-five (75) needed to be built or rebuilt. Ninety per cent radio-communications facilities were destroyed or pillaged and the network operated only in the metropolitan area. The number of motor vehicles was at the bare minimum. From 300 vehicles distributed to departmental directorates in November 2003, only half were still available. Only 91 were operational in the metropolitan area. Office supplies were scarce to non-existent.
16. These conditions highlight the capital and resource difficulties and the need to remedy them upstream, as an integral part of the HNP Reform Plan. As regards facilities, in addition to the rebuilding and

rehabilitation of the police stations, the current Division Headquarters in Port-au-Prince offers no suitable facilities for any of the five principal HNP organizations. This must be addressed as a matter of priority.

17. Police confidence in the HNP has been shaken by allegations of political interference, criminal behavior and police brutality. Hence a major training and weeding-out process will be essential to strengthen capacity, professionalism and respect for human rights within the HNP to regain public trust. In general, the human resource asset of the HNP suffers from the absence of training and development plans appropriate to the exercise of its police functions. In the early years of the HNP, officers were trained without defined training standards and this has never been corrected. Overall there is now a lack of discipline and respect for the command structure and, at times, unwillingness, at some levels, to accept the responsibilities of management and command. The HNP has yet to establish a sense of self-esteem, which is essential to the consolidation of a democratic police force. In addition there is an urgent need to improve the HNP officers' conditions of employment and benefits.

18. The HNP high command has noted that the current institutional difficulties are in part the result of a system that was created by the international community in the past when it took over the management of this system, in particular the recruitment and selection of candidates, design of training programs and handbooks and the assignment and reassignment of personnel.

19. The structure envisaged in the law establishing the HNP is one based on minimum policing needs and international norms in force and appears in general to be adequate. However, the structure, the level of training of the staff and the number of specialized units will require review as the number of officers increases, and certain directorates and divisions will need to be strengthened and/or established.

20. The following Directorates within the Central Division of Police Administration have not yet been established:

- Directorate of Security for High-level Officials;
- Directorate of Maritime, Air, Border, Migration and Forests and Port and Airport Police and Border Immigration and Environmental Police;
- Directorate of Civil Defense, Fire Management and Natural and Man-made Disasters;
- Directorate of Territorial Services.

21. The HNP has very limited capacity within its Central Division of Administrative and General Services to manage its administrative and support affairs. The Government administration procedures are clearly defined, but the internal HNP systems for these processes and procedures require in-depth review. Also, this Division has yet to establish a Directorate of Legal Affairs.

22. The HNP's ability to implement the necessary changes will depend upon full involvement of the highest levels of State and the

HNP Command staff. However, their capacity to be involved in this change will be hampered by the demands on their time imposed by ongoing HNP activity.

Reform strategy

23. Drawing on discussions with Haitian interlocutors, the following approach to meet these requirements has been developed:

- Enhance the capacity of the Office of the General Inspectorate by providing technical and material resources;
- Determine the standards to apply to the HNP personnel and assess all police officers against those standards. Where the standards are not met, take appropriate disciplinary and/or training actions;
- Initiate a development planning mechanism within HNP using the technical expertise and support of MINUSTAH and international partners;
- Develop HNP training plans and build HNP capacity to expedite the basic training (including field training) of as many cadets as possible and meet the anticipated staffing targets (to be confirmed);
- Develop HNP administrative and management capacity to implement the development of HNP, once that has been defined;
- Establish an institutional support program for HNP to achieve the target skills, capacities and standards.

24. The HNP does not have the managerial capacity to undertake these various development phases. The Haitian Government requires technical and material assistance from MINUSTAH, the Bretton Woods institutions, the regional multilateral institutions and international bilateral cooperation partners.

Support from the international community

25. International assistance must be given in the understanding that the Haitian State is to be the primary leader of these reforms. This process must benefit from the support of the Haitian leadership and people. Bearing this factor in mind, the international assistance partners will provide development planning assistance and institutional support at the Department and Central levels. The size of the team for each Division will be determined in consultation with the Government and Police authorities, taking account of needs in terms of specialized functions. Depending on the approach adopted by the above-mentioned authorities, technical assistance will take either the form of a partnership or a team of experts attached to the various police authorities. A technical advisor for planning and development will assist the HNP Director General in managing the programs in accordance with the reform and in coordinating international assistance.

Needs

26. The proposal regarding size of the HNP will be decided by the Government but could be reviewed according to budgetary constraints and other factors related to international assistance. However, increased capacity and performance of the HNP is a national priority. The HNP should reach strength of 9,000 within the next two years and then continue to increase at the same rate for another three years, for a maximum strength of 14,000 not counting administrative staff. Thus the Government will be able to review and adjust its goals based on available options. The anticipated HNP police force increase is as follows:

<i>Department/Division</i>	<i>HNP projected staff levels — 2008</i>
General Directorate (DGPNH)	225
Office of the Inspector General (IGPNH)	110
Central Division of Administration and General Services	525
Central Division of Police Administration	2 400
Central Division of Judicial Police	350
Artibonite Department	300
Central Department	260
Grande Anse Department	205
Nord Department	510
Nord-Est Department	170
Nippes Department	125
Nord-Ouest Department	240
Ouest Department	3 000
Sud Department	320
Sud-Est Department	260
Total	9 000

27. A target of 20,000 officers for optimum security has been discussed by the Government. However, this figure is subject to the parameters referred to above. For the purposes of this plan, the staffing milestones are to increase from the current strength of 7,600 to 9,000 by 2008 and then to 14,000 by 2011 (after a weeding-out process).

Standards

28. The development of a democratic police force in Haiti depends heavily on setting and maintaining high quality standards. In principle, the HNP standards must be compatible with international norms in the profession in effect in democratic countries, taking into account Haitian sociocultural realities.

29. Since the mid-1990s, HNP compliance with professional and training standards has suffered. It is therefore important to establish new standards, in the area of recruitment, training and career development, as well as the mechanisms to ensure compliance with these standards as quickly as possible. In this regard, the HNP has decided to find, by means of conferences, lectures, seminars, etc., the answer to the crucial question of what police and what type of police Haiti should have. All sectors of Haitian society will be involved in this effort, supported by MINUSTAH and other international institutions and partners.

30. **Recruitment standards.** The present recruitment standards have been reviewed by the HNP and deemed acceptable for now, pending the outcome of the workshop with the exception of the need to add a psychological testing component. In this regard, it would be appropriate for a series of tests to be introduced with the next intake of recruits. This would require expert support to ensure that the testing is conducted professionally.

31. The conduct of background checks of HNP applicants requires some improvement. Establishment of an HNP criminal intelligence database is not only crucial for effective functioning of the police force, but would also be a valuable tool for the background check process. International technical expertise is necessary to establish this system and its related aspects. The plan includes strengthening the organizational capacity to conduct background checks. One option to achieve this could be to add a unit to the General Inspectorate to take on these functions.

32. HNP representatives have advocated using a human resource management model that provides for three grade levels, officer, inspector and commissioner. The principal difference in recruitment standard between levels would be educational prerequisites.

33. **Training standards.** The HNP has made progress in the preparation of training curricula incorporating professional standards. However, the HNP needs to continue its efforts in this direction and to manage the matter of training standards effectively. To achieve this, a joint HNP-MINUSTAH board will be established to review and approve all training programmes and material. Instructors will be recruited and trained for this purpose.

34. **Promotion standards.** Over the last 10 years, many different approaches have been used to provide the HNP rank structure. However, this has not been based on a common standard but rather on various emergency situations at the time. HNP has adopted a human resources management model that minimizes the impact on staff and ensures rapid alignment with the identified standards for promotions and appointments. This model will be reviewed and adjusted in accordance with the outcome of the Forum.

35. **Review of current personnel.** A thorough review of staff and posts, leading to final certification of the current HNP personnel, is required. It will involve two main areas:

- Background check;
- Training standards.

36. The background of each HNP officer will be checked in accordance with the HNP Regulation on General Discipline (*Règlement de Discipline Générale*) and other measures determined by the *Conseil supérieure de la police nationale* (SPN) (Superior Police Council). This process will be initiated by the General Inspectorate of the HNP. Based on the results, the strengthened Inspectorate, together with a number of MINUSTAH police officers, will form a joint team that will be responsible for the entire selection process within the organization. Once this team has provided a list of officers deemed capable of being certified, the Director General, after consultation with the *Conseil supérieure de la police nationale*, will issue a new identity card for each officer.

37. A training programme will be put in place for HNP officers who pass the background check in order to fill in the gaps resulting from changes in training programmes during the past 10 years. The DGPNH and the IGPNH must work to ensure that both current and future HNP personnel continue to maintain and apply high standards.

Implementation considerations

38. The implementation timetable depends on many considerations, including:

- The availability of suitable candidates for entry into the HNP;
- The need to review the skills of the current HNP personnel against current HNP entry and training standards;
- The need, when required, to dismiss officers who do not meet background standards;
- The need for supplementary training for officers whose training standards were not met in the past;
- The capacity to provide basic, advanced and specialized training both in terms of facilities and instructors;
- The organizational capacity of the HNP to absorb change;
- The level of logistical support available, including facilities and communications; and
- The rate at which the required capital investments can be provided in order to respond to needs, considering matters such as procurement capacity and delivery lead times.

Implementation sequence

Office of the General Inspectorate of the HNP

39. The immediate enhancement of the capacity and skills capabilities of the Office of the General Inspectorate is key to the successful conduct of the review of the current and incoming HNP personnel. In this regard, the Office of the General Inspectorate should be immediately staffed with additional investigators, support staff and necessary materials (vehicles and equipment) based on its

responsibilities and its organizational chart. Furthermore, the Office of the General Inspectorate will be moving to new facilities by mid-2007.

40. The vetting current process must be fully operational not later than the end of the third quarter of 2006 to allow for a full review of all current HNP officers by the second quarter of 2007.

41. In the initial phase, strong international support will be required to conduct background checks of the current and new personnel who will staff the GI Office. For this, the skills required are those needed to conduct investigations, background checks and audits.

Central Division of Administration and general services (phase one)

42. The enhancement of the administrative and general support functions of the HNP needs to occur in a way that will ensure effective support for the overall development process. The basic personnel management function is an immediate priority, in the context of supporting activities of the General Inspectorate. By the end of the third quarter of 2006, the personnel systems, including the vetted staff, must be in place to maintain full HNP personnel records. During the same period, job vacancies must be entirely staffed with vetted personnel, and all personnel policies and regulations must be updated and approved by the CSPN.

43. By mid-2007, the personnel office must be established and able to submit proposals to the Director General on the assignment, promotion and appointment process. During the period 2007-2008, a review of the conditions of employment and remuneration of HNP officers must be finalized to introduce the necessary changes in the 2007-2008 budget. Other personnel support and welfare functions should be fully operational by the same time.

44. A new Directorate of Legal Affairs is another urgently needed function to provide effective support for the ongoing work of the Office of the Inspector General. Material and technical assistance is required from the United Nations and other international partners to ensure that this Directorate is operational by the end of 2006.

45. The procurement and contracting capacity, enabling the HNP to conduct effective and timely public procurement, is another immediate priority. Within six months, HNP procurement staff must be capable of fulfilling all the conditions resulting from the reform activities. Procedures and practices are to be compliant with procurement and financial laws and auditable by that time. HNP internal procedures and instructions for logistical support processes are to be updated and then issued. Throughout the 2006-2007 fiscal year the procurement staff is to put in place long-term contracts for all routine supplies and services. The supply aspects of logistics, asset recording and the related receipt and inspection aspect must be developed in conjunction with procurement capacity to ensure that that aspect of the management process is complete.

46. The budget and finance systems must be integrated with the new personnel and procurement systems to provide effective and sound accounting and payments systems. The first stage should be in place

by the start of the 2006-2007 fiscal year and the complete system should be ready for operation by the start of the 2007-2008 fiscal year. This should happen in full compliance with the financial legislation currently in effect. The system of linkage between personnel records and salary payments must be auditable. The linkage to the logistics asset management system should be in place by early 2008.

47. For a reform or development plan to succeed, priority must be given to the creation of adequate and appropriate buildings (either by constructing them or renovating them).

The construction requirements, by financial year, are as follows:

FY 2006-2007	Building for Office of the Director General Building for Office of the Inspector General Facility for Police Academy Construction of three police stations Refurbishment of 20 police stations
FY 2007-2008	Building for Centre for Intelligence Operations Building for Central Division of Administration and General Services Construction of an additional police school for 500 cadets in the region
FY 2009-2010	Construction of three regional Judicial Police Offices Construction of five police stations Refurbishment of 30 police stations

Regional departments

48. The delivery of democratic policing at the sub-station, station and department levels must be fully implemented, within staffing constraints, by 2011. A detailed implementation timetable is to be prepared for the start of FY 2006-2007 that establishes the phases for making all sub-stations, stations, and departments fully operational. The success of this programme will be determined principally by the refurbishment and reconstruction capacity available, the level of logistic support from project start to finish, and the number of trained mid-level and upper-level officers. This programme will be carried out according to the “model station” approach, but with standards defined by the HNP for the staffing and equipment entitlements of each unit, operating and reporting procedures, and mechanisms established to foster police/community relations. Procedures for reporting incidents will by necessity be “hard copy” until a database for police information is established and the data are available. This Department-level programme should be completed by the end of FY 2010-2011.

49. The building refurbishment and rebuild schedule involves the building of nine new station facilities and the refurbishment of 50 stations each FY. Initially a radio communications system will be used for each of these units. A radio communications system with nationwide coverage for HNP should be installed by the end of 2007. This network will be augmented with a telephone and data system to connect Departments, Divisions and HNP headquarters by the end of

2009. Until FY 2008-2009, the servicing and maintenance of vehicles and equipment will depend to a great extent on whether capital equipments and vehicles provided before that time come with servicing and warranty support.

Central Directorate of Judicial Police

50. The enhancement of the judicial police function within HNP depends on other sectors such as the judicial system and the penal management systems. The training lead time needed to build professional and technical capacity is much longer than what is required to build up general policing skills. Thus, a long-term view will be taken for this division. A new space will be required to accommodate the Central Directorate of Judicial Police in Port-au-Prince by the end of 2008. Then by 2011 facilities will be required to house regional units of the judicial police.

51. The enhancement of institutional support for the Bureaus of Criminal Affairs and Trafficking and Drug Control within the Directorate of Judicial Police should build upon the technical assistance projects already established by the United Nations and other international partners. Reestablishment of the Forensics Laboratory needs specific support, including both technical equipment and training for the forensic technicians and personnel management. Particular attention will be given to the firearms, toxicology and fingerprint capabilities. The milestone for completion of these functions is the end of 2009, to coincide with the planned date for the data links with the Department level that will provide the communications needed for the fingerprint system. The criminal intelligence system must convert from a manual system to a computerized system by the end of 2009, and by the end of 2011 it should be moved to a searchable database linked to all users via HNP data links.

Central Directorate of the Police Administration

52. The Division of Police Administration will consist of four new Directorates:

- Directorate of Security for High-level Officials
- Directorate of Maritime, Air, Border, Ports and Airports, Migration and Forest Police
- Directorate of Civil Defence, Fire Management and Natural and Manmade Disasters
- Directorate of Territorial Services

53. Given the institutional development time necessary to create these organizations and the associated resource needs, the Directorate of Security for High-level Officials is expected to be established during 2006 and 2007, becoming operational in stages. For organizational integrity and operational effectiveness it is vital for all close protection elements to be under one Directorate and for their operational tactics and procedures to be standardized. The formation of this Directorate should be completed by early 2008. However, the Directorate will require suitable premises.

54. The current HNP responsibility under the Law governing the Police with regard to border management is to control all transit routes (land, sea, port and air). Elements of these control forces are currently in place but require strengthening in terms of institutional support and organizational development to meet this border responsibility. There are other matters which the Government must decide regarding integrated border management mechanisms. This category includes Customs Service, Quarantine, Forestry and border security and surveillance. These developments within the HNP will take place during the period 2006-2008 for the border entry point and immigration control function. This will also involve a review of the roles and organization of the HNP for this overall function once the related organizational and responsibility issues are resolved.

55. The role of the HNP in terms of civil defence and natural disaster management is to coordinate police support for the Civil Defence Office in the preparation of contingency plans, warning communities of approaching storms and maintaining order when providing emergency assistance. This Directorate could be established in 2006 or 2007 if international partners provide the technical assistance, as was done for the establishment of the Civil Defence Office in Port-au-Prince.

The Central Directorate of Administration and general services (phase two)

56. As the HNP reform proceeds, the nature of the administrative and general service support has to develop as well. In 2008 the service and maintenance support for the HNP must move from a warranty system to one whereby equipment provided to HNP is managed either by long-term service contracts organized under the Government procurement procedures or by developing in-house capacity. The logistical support facility will need to be constructed in 2007 to be operational by mid-2008. At that time the inventory system will have to develop into a system that links to both the receipt and inspection role on one hand and capital expenditure on the other.

57. The second phase of installation of the HNP communications network must be in place by the end of 2009. This data link will provide the essential communications between the regional Departments, the divisions and Headquarters. At the same time, the personnel management and logistics databases need to be complete and brought on line to permit better management and flow of policing information.

Training

58. The reform and development of the HNP are clearly based on training. Achieving the target quality and rate of expansion of the HNP will require providing basic training to at least 1,400 cadets per year, plus an additional number to allow for personnel attrition. For this process to be in keeping with professional standards, the duration of the basic training programme for HNP officers should be 10 months, including seven months of course work and three months of field training. The immediate consequence of this is that the current

training capacity is inadequate for both the period of the HNP reform and development, and beyond.

59. The HNP has determined that to achieve the needed training capacity the following goals must be met:

- Construction of a new Academy near the site of the current HNP School with an initial capacity of 100 students;
- Eventual construction of a new school in one of the regions, to cater to 500 officer students;
- Construction of an additional school for 500 officer students within Port-au-Prince.

60. Once operational, this infrastructure would make it possible to provide the essential basic, advanced and specialized training to achieve a growth rate of about 1,400 students per year. Ongoing requirements including re-certification and in-service training would thus be met as well.

61. The priority for the Police Academy is to deal with the mid-level management deficiency as quickly as possible to provide competent and effective officers at the stations and other police facilities.

Human resources requirements

62. The number of trainers, technical specialists and advisers to support the implementation of the HNP reform and development programme is expected to range between 150 and 200. This number includes technical assistance in all areas.

63. For the development of HNP, the national budget is expected to support the salary and essential operating costs for the HNP. The national budget, however, does not have the capacity to meet the capital investment requirements (such as infrastructure, transport, communications, weapons and training) which must come from donor contributions or budget supplementation. The initial estimate of the direct costs of these minimum capital requirements for infrastructure for the next five-year development period is as follows:

FY 2006-2007	US\$ 18.4 million
FY 2007-2008	US\$ 26.0 million
FY 2008-2009	US\$ 29.5 million
FY 2009-2010	US\$ 21.0 million
FY 2010-2011	US\$ 13.5 million

However, it is important to determine the investment projections for other sectors such as transportation, training, communications and weapons.

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