

Issue Brief: What Army for Haiti?

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This Issue Brief was drafted by Arthur Boutellis, IPI Senior Policy Analyst. It provides a background to the security sector in Haiti and explores the shape that a new Haitian army might take. It addresses the political context in which the army will be reinstated, financial considerations for the government of Haiti, and the role that the international community could play to support Haitian efforts to build an accountable security sector.

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President Michel Martelly of Haiti was widely expected to make the creation of a new Haitian army official on November 18, 2011, on the anniversary of the last major battle for Haitian Independence in 1803. Instead, he announced the creation of a civilian-led commission that will have forty days to finalize a plan for the creation of the new army, which should be presented by January 1, 2012.¹ The newly elected president has made reinstating the army, which was disbanded in 1995, a priority. A draft of the “Martelly plan,” dated August 2011, called for building an army of 3,500 troops that would be operational within three years and progressively take over as the UN peacekeeping force MINUSTAH withdraws.

The debate over the reestablishment of the armed forces in Haiti is not a new one. It was brought up by different candidates during last year’s presidential campaign, and Haitian presidential commissions had already recommended the creation of a second security force beyond the Haitian National Police back in 2006 and 2008. Many in the international community and in what is now the political opposition have opposed the idea on the grounds that the country does not face external threats and could not afford a second security force, while maintaining that efforts should continue to focus on the national police and postearthquake reconstruction.² However, many ordinary Haitians seem to support the idea on the basis that it would restore a sense of national pride and create jobs.

The issue is also an emotional one, but with over 50 percent of the population below the age of eighteen, the majority of Haitians may not recall the repressive rule of the former Haitian Armed Forces, which were associated both with the Duvalier family’s twenty-nine-year dictatorial rule until 1986 and with the subsequent military coups, including the September 1991 deposing of Haiti’s first democratically-elected president, Jean-Bertrand Aristide. After he was restored to power, President Aristide disbanded the army in 1995. The international community’s efforts to support security-sector reform in Haiti have since focused primarily on building an effective Haitian National Police. But the fact that the armed forces were never constitutionally abolished means that there will be no major legal hurdle to President Martelly’s reinstating the army by decree.

Under these conditions, the question is no longer whether Haiti will have an army again, but rather what kind of army it will have. This issue brief examines the project of building a new Haitian army in light of past experiences, the

1 “Haiti’s President Launches Plans to Restore Army,” *BBC News*, November 18, 2011, available at www.bbc.co.uk/news/world-latin-america-15787855.

2 “A New Army Is Not What Haiti Needs,” *Washington Post* (Editorial), October 16, 2011.

evolving political and security context, and the willingness and ability of both donors and the United Nations to support Haiti in this endeavor. It suggests that the issue of reinstating the army should not be looked at in isolation; rather it should be considered as part of a broader and inclusive national dialogue on the security sector in Haiti. The Martelly plan could provide the basis for this dialogue, which could be facilitated by the commission appointed by the president. Indeed, the process by which the Haitian army will be reestablished will largely determine its character.

Background on the Security Sector in Haiti (1915-2004)

While the origins of the Haitian army date back to the Haitian revolution, it was disbanded during the United States occupation (1915–1934) and replaced by a gendarmerie force, which became the *Garde d'Haïti* in 1928 and then the *Forces Armées d'Haïti* (FAd'H) in 1958. The FAd'H was primarily an internal security force, as the country did not face major external threats. Until 1994, Haitian police and prisons were under the authority of the FAd'H, which were assisted in their repressive rule by the *chefs de section*—who functioned as police chiefs for rural security—and the right-wing paramilitary forces known as the *Tonton Macoutes*.

The 1987 Haitian constitution proposed the establishment of a police force separate from the armed forces, stating that the security forces of Haiti are composed of two distinct bodies, the Armed Forces of Haiti and the Police Forces.³ However, political developments precluded the creation of the new police force at the time, and it was only after a UN Security Council-authorized, 20,000-strong multinational force facilitated the return of democratically-elected President Jean-Bertrand Aristide to Haiti in July 1994 that the Haitian government passed a directive to create the new Haitian National Police (HNP). The 7,500-troop FAd'H was disbanded shortly thereafter in 1995.

The multinational force authorized by the Security Council was followed by a number of

successive UN peacekeeping missions from 1994 to 2000, tasked with maintaining a secure and stable environment and promoting the rule of law. In 1996, President Aristide became the first elected civilian to see another elected civilian—René Préval—succeed him (the constitution does not allow presidents to serve consecutive terms). Aristide then created the political party *Fanmi Lavalas*, under whose banner he was reelected in 2000. Despite promising early efforts and international investments to recruit, vet, and train a police force, these did not take hold by the time the UN mission withdrew in 2000.

President Aristide's second term in office (2001–2004) was marked by the combination of external pressure (in great part financial) from the US and France and internal pressure from the opposition *Groupe des 184*—comprising political parties, civil society actors, and the private sector. An armed rebellion composed in part of former FAd'H officers, and which started to target the police, eventually led to President Aristide's ouster in 2004. During the same period, security- and justice-sector institutions had become increasingly politicized with judges and senior police officers promoted on the basis of their loyalty to the *Lavalas* party. Aristide had also formed his own armed gangs, known as the *Chimères*, which sometimes operated in concert with the police and created a climate of lawlessness and impunity.⁴

A Security-Sector Reform Strategy Focused on Police Reform (2005-2011)

When a second US-led multinational force returned to Haiti and a new UN Peacekeeping force, MINUSTAH, took over in June 2004, the Haitian police was in a state of disarray and the security situation dire, partly due to international forces having failed to disarm the rebels or the *Chimères*, many of whom were turning to criminal gang activities. The UN stabilization mission was mandated to “assist the Transitional Government in ensuring a secure and stable environment” and “in monitoring, restructuring, and reforming the

3 1987 Constitution of the Republic of Haiti, March 10, 1987, Article 263.

4 Paul Farmer, “Who Removed Aristide?,” *London Review of Books* 26, No. 8, April 15, 2004, pp. 28-31.

Haitian National Police, including through the vetting and certification of its personnel.⁵ With little left from the internationally-supported efforts started a decade earlier, the challenge was to set police reform on a different trajectory.

From the start, security-sector reform (SSR) efforts focused on building an effective police force, and most donor resources for SSR went to that force, sometimes to the detriment of justice and corrections institutions. By September 2005, a preliminary corps of 1,546 officers had graduated from the police academy, which included 148 former FAd'H members.⁶ The chief of the new HNP, Mario Andresol, was himself an ex-FAd'H, but he has been perceived as being the choice of the US and as at times responding more to donors than to the Haitian minister of justice and public security.

A Haitian National Police reform plan for 2006–2011 was developed by the newly-elected government of René Préal with support from donors and MINUSTAH, setting the goal of having a fully-equipped, 14,000 strong police force by the end of 2011. Parallel to this, the Préal government released a national strategy for SSR in its 2007 “Growth and Poverty Reduction Strategy Paper.”⁷ Both processes, however, were largely perceived as being externally driven rather than Haitian-led, and there was a sense that civil society, political elites, private sector, the media, and the larger public had not been widely consulted.⁸

In its February 2006 report, a commission that had been set up in September 2004 under the interim government⁹ recommended the reinstatement of a military force, without police functions, to replace the former FAd'H. Following the 2006 election, President Préal appointed another presidential commission in October 2007 to broadly look at security issues facing Haiti.¹⁰ One of the recommendations of the commission's

November 2008 report was the creation of a second public force of 4,000–5,000 troops alongside the police. President Préal, however, was known to be opposed to the reinstatement of the army and the commissions' recommendations were never acted upon.

While the devastating January 12, 2010, earthquake drastically reduced the operational capacity of the HNP and temporarily sidetracked some of the police reform efforts (e.g., the 14,000 target will not be met by the end of 2011), recruitment has resumed and the police force has now reached 10,100 elements. However, security experts estimate that 20,000 trained officers may be required to safeguard Haiti's population of ten million.¹¹

As a new HNP development plan for 2012–2016 is now being finalized, many challenges remain beyond numbers, including the necessity to bolster mid-level management and build public confidence in the police. The latest UN report concluded, “Although the performance of the HNP is slowly improving, the institution is not yet in a position to assume full responsibility for the provision of internal security...Critical capabilities, particularly in the areas of border management and crowd control, remain severely underdeveloped. The presence of the HNP in the regions remains inadequate, requiring continued MINUSTAH support.”¹²

What Kind of Army, and for What Purpose?

President Martelly was widely expected to make the creation of a new Haitian army official on November 18, 2011. Instead, in an apparent slowing down of the plan, he announced the creation of a civilian-led commission.¹³ The commission has forty days to finalize a plan for the creation of the

5 UN Security Council Resolution 1542 (April 30, 2004), UN Doc. S/RES/1542.

6 United Nations, “Report of the Secretary-General on the United Nations Stabilization Mission in Haiti,” October 6, 2005, UN Doc. S/2005/631.

7 Republic of Haiti, “Document de Stratégie Nationale pour la Croissance et pour la Réduction de la Pauvreté (DSNCRP) 2008-2010,” November 2007.

8 Centre for International Governance Innovation (CIGI), “Security Sector Reform Monitor: Haiti,” May 2009.

9 The *Commission Citoyenne Nationale de Réflexion sur les Forces Armées d'Haiti* was set up under the interim government of President Boniface Alexandre and Prime Minister Gérard Latortue.

10 The *Commission Présidentielle de Réflexion pour le Renforcement de la Sécurité* was headed by Patrick Elie, former secretary of state for defense in the first Aristide/Préal government, and composed of five leading figures, including three former FAd'H senior officers.

11 International Crisis Group, “Keeping Haiti Safe: Police Reform,” Briefing No. 26, September 8, 2011.

12 United Nations, “Report of the UN Secretary-General on the UN Stabilization Mission in Haiti,” August 25, 2011, UN Doc. S/2011/540.

13 Lemoine Bonneau, “Edito: Une commission civile pour ressusciter l'armée d'Haiti,” *Le Nouvelliste*, November 21, 2011. At the time of going to press, the members of the commission had not yet been appointed.

new army. While the broad consultations—with civil society, the private sector, political elites, religious groups, and the larger public sphere—that this commission is tasked with should be welcomed, it should also be clear that, contrary to the 2006 and 2008 commissions, the question is no longer whether Haiti will have an army again, but rather what kind of army it will have, and for what purpose. In that regard, the recently circulated draft Martelly plan provides a basis for a broader and inclusive national dialogue on the security sector in Haiti, which the new commission could facilitate in the limited time frame it has been granted.

President Martelly's cabinet recently circulated a project document, dated August 2011 among donors, entitled "Defense and National Security Policy: The Main Axes."¹⁴ Little is known of who actually drafted the plan¹⁵ and at what level it was signed off, but this "Martelly plan" lays out a timeline for the creation of a new army of 3,500 troops over three years, which would progressively take over as the UN peacekeeping force MINUSTAH withdraws. Departing from the former FAd'H hybrid model of an army with police duties, the new force would stick to the prerogatives included in the 1987 Haitian constitution; namely, defense and border control, assistance to the police when the latter are unable to handle a situation, disaster response, and development work.¹⁶ The document also insists on some role for the army in supporting civic education and training for the youth.

The Martelly plan contains many similarities to the November 2008 report of the presidential commission, including its proposal to establish a National Council of Defense and Security (CNDS)¹⁷ that would oversee the major institutions responsible for the implementation of national defense and security policy—including the HNP, the new army, and the National Intelligence Service (SIN), which the plan proposes to revitalize. Interestingly,

the November 2008 report had recommended the creation of a second public force alongside the police, as a way to both complement its work and to break its monopoly on public force. Edmond Mulet, formerly head of MINUSTAH, expressed similar views prior to his May 2011 departure, saying that a single force in a country faced by so many challenges was not a healthy situation.¹⁸ While the monopoly situation may indeed not be ideal, Haiti also has a history of political tensions between security sector and justice institutions, and ensuring a proper division of labor and coordination between the army and the police will be a major challenge.

AN INTERNAL SECURITY ROLE

There had been much debate since the publication of the November 2008 report on whether a second security force would take the form of an army, a national guard, or a gendarmerie, as some international donors seemed to favor.¹⁹ President Préval publicly endorsed the idea of a gendarmerie in 2009. The Martelly plan, however, leaves little room for speculation over the nature of the new force, with the rationale put forward that it will need to take over functions previously covered by MINUSTAH. This is in accordance with the 1987 Haitian constitution, which clearly envisages an internal security role for the armed forces, "at the well-founded request of the Executive," when the police is unable to handle a situation.²⁰

The issue of the restoration of the army has periodically resurfaced when the perception of insecurity increases, as the HNP continues to have some deficiencies both in terms of territorial coverage and ability to carry out certain tasks. Police directorates for "Sea, Air, Borders, Migration, and Forests," "Civil Protection, Fire, and Other Disasters," and "Security for High-Level Officials" appear in the organizational structure of the HNP, but these are not yet operational, and only

14 The document, a project of the National Defense and Security Committee and entitled "Politique de défense et de sécurité nationale - Les Grands axes," was initially circulated to donors before being leaked to the press. It can be read here: www.haiti-info.com/IMG/pdf/66618941-POLITIQUE-DE-DEFENSE-ET-DE-SECURITE-NATIONALES-AOUT-2011.pdf.

15 Former members of General Raoul Cedras's regime reportedly advised President Martelly on security matters.

16 1987 Constitution of the Republic of Haiti, Article 266.

17 Presided by the president and composed of the prime minister, minister for defense, minister for justice, minister of the interior, minister of foreign affairs, minister of economy and finance, or any other person designated by the president.

18 International Crisis Group, "Keeping Haiti Safe."

19 France and Canada in particular could contribute their experience with national gendarmeries as military forces charged with police duties among civilian populations in rural areas.

20 1987 Constitution of the Republic of Haiti, Article 266.

a few HNP staff have so far been trained and assigned to coast guard and airport services. Such tasks as border control and the coast guard's maritime patrol could therefore be transferred to the new army, which could also supplement the HNP in robust anti-gang and anti-trafficking operations, which have until now required the support of MINUSTAH troops.

PROFESSIONAL VERSUS CONSCRIPTED ARMY

Much of the rhetoric used by President Martelly around the reinstating of the army, including in his inaugural address on May 14, 2011, was about rebuilding a “civic army.” Although this may have been directed at wary donors, the Martelly plan highlights the “need to apply Article 52.3 of the Haitian Constitution of 1987 to the ‘mandatory mixed civilian service’” in order to “provide young Haitians with the opportunity to receive a civic education and military discipline with an openness to vocational training and university studies” and engage them in the development of local communities.²¹ This very much resembles the concept of an “army for development,” which some countries in Africa have adopted to occupy excess troops no longer needed due to the lack of external threats.²²

An important question is whether the new army will be a professional army, as the Martelly plan seems to suggest, or a conscripted army, as per the 1987 constitution. Article 268 of the constitution stipulates that “military service is compulsory for all Haitians who have attained eighteen years of age” and that “within the framework of compulsory civilian national services for both sexes, provided for by article 52-3 of the Constitution, the Armed Forces participate in organizing and supervising that service.”²³ If one of the new army's key objectives is to contribute to the building of a nation, there may be value in limiting the number of officers serving permanently, and indeed in

using some sort of conscription or civilian service as an opportunity for the youth to acquire civic education and skills. While the 2008 presidential commission report makes reference to the Swiss reserve army model,²⁴ there are various models and time commitments to draw from. With approximately 200,000 Haitians attaining eighteen years of age every year,²⁵ more thinking needs to happen on the financial, logistical, and bureaucratic implications of such a model.

THE POLITICS OF AN ARMY

Because of the history of the FAd'H, the Martelly plan's reiteration of the apolitical nature of the armed forces, as stipulated in the constitution, is probably not superfluous.²⁶ The constitution also makes the president of the Republic “the nominal head of the armed forces, but he never commands them in person,” and “with the approval of the Senate, the President appoints...the Commander-in-Chief of the armed forces...and the Commander-in-Chief of the police.”²⁷

The tense political context in which the new Haitian army is being reinstated is a major source of concern. Although President Martelly was elected with 67 percent of the vote, his *Reypons Peysan* party only has three seats out of ninety-nine in the House and no seats in Senate. This, and his initial unwillingness to compromise much on ministerial posts, may explain why the *Inité*-dominated Parliament rejected the first two nominees for prime minister before settling on Garry Conille. While the Haitian parliamentarians, including those close to the *Lavalas* party, may not have initially been opposed, in principle, to reinstating the army, the authoritarian tendencies displayed by President Martelly since coming into office may have made them increasingly suspicious of the plan. Earlier this year, the media had reported that President Martelly attempted—without success—to push current Chief of Police Mario Andresol out

21 National Defense and Security Committee, “Politique de défense,” pp. 10-11, my translation.

22 Egypt, Tunisia, and Tanzania provide examples of so-called armies for development that some postconflict countries have looked to when reforming their own to facilitate their transition to peacetime armies.

23 1987 Constitution of the Republic of Haiti, Article 268.

24 Swiss male citizens are required to receive basic military training for eighteen to twenty-one weeks or choose the long service option and fulfill their entire military obligation in a continuous 300-day service, after which they are incorporated in the reserve for the following ten years. Alternatively, they can opt for a civilian service that lasts 340 days, 50 percent longer than a soldier's regular army service. Professional soldiers constitute only about 5 percent of military personnel.

25 This figure is estimated on the basis of the current rate of 24.4 births per 1,000 people for an overall Haitian population of 10 million, controlling for under-five mortality.

26 See the 1987 Constitution of the Republic of Haiti, Article 265.

27 Ibid., Articles 143 and 141.

before the end of his term in June 2012, and to appoint loyalists in senior police positions.²⁸ He also recently created unease in Parliament by ordering the detention of elected deputy Arnel Belizaire in spite of his immunity.²⁹

President Martelly's perception that both the Parliament and the national police are on the side of the now opposition party *Initié* (with Aristide's *Lavalas* party in the background) may indeed tempt him to create his own power base in an army loyal to him that could act as a counterpower. If this is the case, only a few hundred loyal elements would suffice, and the new army may never reach the planned 3,500 troops. This fear is reinforced by the fact that many of those that have encouraged Martelly to reinstate the army are associated with Duvalier's militia, the *Tonton Macoutes*—who were banned by Article 291 of the 1987 constitution from participating in political life for ten years. The Martelly plan envisages the remobilization of 650 former FAd'H members (150 officers and 500 noncommissioned officers) within the first few weeks of the official announcement and that of some so-called organizations of the demobilized,³⁰ who supported Martelly's presidential campaign and have high expectations of integrating into the new army.³¹

Those who will be appointed to lead the new army and the process by which it is established will have a critical impact on how the new institution is perceived and functions. As the internal process of reconciliation among the Haitian political class and within the larger society has not yet taken place,³² President Martelly would be well advised to drop the part of the plan that envisages remobilizing 650 former FAd'H and instead design a transparent recruitment and vetting process and put in place adequate civilian oversight and accountability mechanisms for the army.

BUDGET CONSIDERATIONS

The Haitian National Police currently represents 85 percent of the budgetary allocations to the Justice and Security Sector. While the HNP annual budget has grown from approximately \$60 million in 2005 to \$120 million annually since 2008, partly due to salary and staffing increases,³³ it is dominated by recurrent expenditures largely supported by donors and supplemented by various in-kind donations, particularly for logistics and equipment.³⁴ The most recent public expenditure review conducted in Haiti concluded that with less than 9 percent of the total 2006-2007 budget allocated to the justice and security sector—and this percentage figure has remained relatively constant since then—this sector receives little budgetary support when compared to other postconflict and fragile states, where it often accounts for 20-30 percent of the national budget.³⁵

The Martelly plan's request for \$95 million—of which \$50 million would go to the creation of the army³⁶—would roughly double the share of the annual budget going to the security sector, but it would keep it under the 20 percent mark, far from the former FAd'H, which consumed about 40 percent of the national budget. One concern is that the creation of an army would require an expensive duplication of administrative, management, procurement, and logistics functions, which are already some of the HNP's weaker capacities.³⁷ Because the 2008 presidential commission only looked at the budget issue superficially, a new public expenditure review looking at the whole security sector and assessing its strategic coherence and financial sustainability may be needed in order to help the government and partners plan and decide on how to phase the recurring costs of a new army into the national budget.

28 Eddy Laguette, "Mario Andréol pressé de démissionner," *Le Matin*, October 25, 2011.

29 "Haitian Lawmaker Released from Jail amid Protests," *Associated Press*, October 28, 2011.

30 Randal C. Archibold, "Haitians Train for a Future With a Military," *New York Times*, October 26, 2011.

31 "Pro-Army Group in Haiti Accuses President of Breaking Campaign Pledge to Restore Military," *Associated Press/Washington Post*, November 9, 2011.

32 Johanna Mendelson-Forman, "Security Sector Reform in Haiti," *International Peacekeeping* 13, No.1 (2006): 14-27.

33 In accordance with the estimated \$700 million over five years presented in the HNP reform plan for 2006-2011.

34 In 2010, for instance, the US supplied the uniforms to police cadet classes graduating from the academy, and France and Germany donated police vehicles to the HNP.

35 World Bank, Inter-American Development Bank, and Government of Haiti, "Republic of Haiti Public Expenditure Management and Financial Accountability Review (PEMFAR)," March 2008.

36 Broken down into \$50 million for the creation of the new force, \$15 million in compensation for the demobilized, and another \$30 million for the mandatory civilian service.

37 Some donors have argued that, unlike an army, a gendarmerie-type force could have usefully complemented the police in rural and border areas without necessarily requiring duplication of support functions.

Is There a Role for the International Community?

UNITED NATIONS

With over 10,000 UN uniformed personnel, troops, and police deployed all over the country under a Chapter VII mandate³⁸ and an annual budget of around \$800 million, MINUSTAH continues to play a key role in ensuring a safe and secure environment in Haiti, as well as in supporting the implementation of the HNP reform process. MINUSTAH does not, however, have a mandate to build a Haitian army, and should the army be reinstated, the UN Security Council would have to review MINUSTAH's mandate.³⁹ The Haitian government's expectations are clearly that MINUSTAH would at least contribute to the training of recruits and the progressive handing over of military camps (and possibly of some equipment⁴⁰) as the new Haitian army progressively takes over from the UN force.

The UN is relatively new to defense reform and has only very recently in 2011 finalized its UN policy on defense-sector reform, which indicates that the UN is best placed to engage at the strategic level to advise on designing the defense forces, policy, and legislation as part of the larger security sector. The implementation of defense-sector reform is, however, generally left to bilateral donors, which have the means and expertise. Once a detailed plan and timeline exists, a lead donor may be in the best position to support the Haitian authorities, although it would need to coordinate closely with the MINUSTAH troops on the ground.

At the request of the government of Haiti, the UN could support the refinement of the "Defense and National Security Policy," or the Martelly plan, and support the civilian-led commission in facilitating a much-needed national dialogue and confidence building on these issues. The UN could also

provide support to the newly-created National Council on Defense and Security (CNDS) in undertaking a comprehensive review of the security sector (which typically includes a threat assessment, identification of remaining gaps, and a public expenditure review as referred to above). Further down the road, should a more comprehensive plan for the restoration of the army be developed and agreed upon between the government of Haiti and its international partners, the UN could also contribute to the training of uniformed defense personnel (in defensive skills, civilian protection, human rights, etc.) and to the provision of nonlethal equipment.⁴¹ This support should, however, be informed by past UN experience in supporting national security forces⁴² and be strictly conditioned on respect for human rights.

INTERNATIONAL DONORS

With 66 percent of Haiti's annual budget depending on international aid,⁴³ it is unlikely that a new Haitian army could be set up and kept operational without donor support, even if it has been suggested that the government may in the short term try to shave off various ministries' budgets to finance the army's start-up.⁴⁴ While bilateral donors recognize that reinstating the Haitian army is first and foremost a national decision that they cannot oppose politically, they have so far been extremely cautious in their response. The International Contact Group for Haiti, which includes all the major donors, met and produced a nonpaper expressing their common position—in response to the Martelly plan—that the focus of international assistance to the government of Haiti in the security sector must be on the Haitian National Police, and that any decision towards the creation of a new institution must avoid taking human, financial, and administrative resources away from critical areas currently funded by the international community. This is probably one of the key reasons behind Martelly's decision to slow down and announce the

38 UN Security Council Resolution 2012 (October 14, 2011), UN Doc. S/RES/2012.

39 MINUSTAH, "Clarification à l'attention des media," Press Communiqué, October 25, 2011, PIO/CL/251011.

40 Here the distinction will be made between contingent-owned equipment, which belongs to the troop-contributing countries, and some UN-owned equipment, which may be handed over to the government as the mission withdraws under strict rules and procedures.

41 The UN is precluded from providing national security forces with lethal equipment, but bilateral donors can. The US had imposed an arms embargo on Haiti after the 1991 military coup, but it was later eased in 2006 and Haiti's government has been allowed to apply for licenses to buy arms and other equipment for the police.

42 Including the experience of support provided by the UN mission to the armed forces of the Democratic Republic of Congo, and the challenges faced in implementing the so-called conditionality policy.

43 Rosny Desroches, "Le Budget 2010-2011, dépend à 66% de l'aide internationale," *Haiti Libre*, November 11, 2010.

44 "Official: Haiti to Restore Army Despite Resistance," *Associated Press*, November 11, 2011.

creation of the commission and not the new army on November 18, 2011.

While donors—including the US and Canada as lead donors in security-sector and justice reform in Haiti—clearly indicated that they would not support the plan financially, this leaves useful ambiguity as to the possibility of donors providing advice and nonfinancial support to the new army in the future. Some donors and the UN may ultimately decide that it is better to work with the Haitian army than against it. Brazil would be an ideal candidate for this kind of cooperation as the main troop contributor to MINUSTAH that is also widely popular with the Haitians and has extensive domestic experience in coordinated army-police operations. The Brazilian government may also see this as an opportunity, as it has publicly expressed its desire to progressively withdraw its troops from the UN mission.⁴⁵ Colombia—which has been training Haitian counternarcotics police officers—could also get involved, but likely not without explicit US backing for the plan. The Haitians would also likely turn to the US, which has been involved—through private contractors—in rebuilding an army of 2,000 troops in Liberia.⁴⁶

Conclusion

As a presidential candidate, Martelly made his intention to reinstate the Haitian army clear. But the release of a twenty-two-page plan for the creation of a new army of 3,500 troops over three years seems to have caught some observers by surprise. Although the November 18, 2011, announcement of the creation of a civilian-led commission was perceived as a retreat from the widely expected reinstating of the army on that date, the debate has now shifted from whether Haiti will have an army again, to what kind of army the country will have. This commission only has forty days to organize broad national consultations and finalize a plan and a timeline for the creation of the new army, which should be presented by January 1, 2012.

While there are many political, financial, and

coordination risks associated with the creation of this second force in the current context, the international community should welcome the fact that the Haitian government has taken the lead in producing a “Defense and National Security Policy” document, which looks at the security sector as a whole and highlights concrete steps for Haitian security-institutions-in-the-making to progressively take over from of an increasingly unpopular MINUSTAH.⁴⁷ Most security-sector reform efforts in Haiti to date have indeed been externally driven—even when supported by Haitian politicians—and focused almost exclusively on the police. Furthermore, the plan presented by Martelly largely builds on previous efforts by a Préval-appointed 2007-2008 presidential commission, which had already recommended the creation of a second public force. The idea of reinstating the army also seems to enjoy broad support among the Haitian people (but so did President Aristide’s decision to disband the abusive army back in 1995).

Of course, the Martelly plan in its current draft form has many shortcomings, some of which this paper highlights. It was prepared within the secrecy of the presidential cabinet, and would require much further thinking in many areas, including the division of labor and coordination with the Haitian National Police, the type of army required (professional versus conscripted), recruitment and vetting, civilian oversight and accountability mechanisms, strategic coherence, and financial sustainability. At the ministerial level, the National Council of Defense and Security (CNDS), which the Martelly plan says will be established, could and should play a critical role in designing an effective and legitimate security sector and indeed in refining a more comprehensive plan for restoring the army, which President Martelly has alluded to.⁴⁸ The civilian-led commission should complement the work of the CNDS. It should help to show transparency and build national unity around the plan by facilitating an inclusive national dialogue around the issue and by engaging with international partners. It should also help to avoid the tendency to feed different messages about the future army to different

45 “Brazil Plans Haiti Peacekeeping Withdrawal, Says Amorim,” *BBC News*, September 6, 2011.

46 The new Liberian army consists of two infantry battalions and a small coast guard. The Liberian government has requested that a Nigerian army officer serve as head of the military during the transitional period.

47 “Protesters in Haiti Demand Ouster of UN Troops,” *Associated Press*, September 14, 2011.

48 “President Martelly Talks About Recruiting Thousands of Young Police Officers,” *Haiti Libre*, November 8, 2011.

domestic and international constituencies, as seems to have been the case since the beginning of the year.

Indeed, while the Martelly plan puts the issues on the table and establishes a good basis for discussion with Haitians—through civil society, political elites, the private sector, the media, and the larger public sphere—and with international donors, that discussion has yet to take place. SSR is always a very political process, which requires political will, yet risks altering the established political, economic, and social power vested in the security sector.⁴⁹ The process by which this national security-sector unifying vision will be achieved is therefore where the focus should be. This process and the security sector that will result from it will also be integral to rebuilding much-needed legitimacy for the Haitian state, and could be part of a broader national conversation towards achieving some kind of governance compact between the new Haitian government and its people. This would also likely encourage donors to support the plan. On the contrary, if President Martelly cuts this consultative process short and tries to force ahead a plan for reinstating an army loyal to him in a divided and tense political context, there are real risks of the new army becoming a private presidential militia of a few hundred elements, which would set back efforts to build an accountable security sector in Haiti.

Recommendations

- Given the history of tension among security and justice institutions in Haiti, it will be vital to ensure a proper division of labor and coordination between the future army and the police.
- Border control and the coast guard's maritime patrol could be transferred to the future army, which could also supplement the police in robust anti-gang and anti-trafficking operations.
- The number of officers serving permanently in the new army should be limited, and some sort of conscription (as per the 1987 constitution) should be considered in conjunction with civilian service, as an opportunity for the youth to acquire civic education and skills.
- A transparent recruitment and vetting process as well as adequate civilian oversight and accountability mechanisms will need to be put in place for the new army.
- A public expenditure review looking at the whole security sector and assessing its strategic coherence and financial sustainability may also be needed.
- The UN should support the newly created National Council on Defense and Security (CNDS) and assist the civilian-led commission in finalizing a comprehensive plan for reinstating the army, if the government of Haiti requests UN assistance. In particular, the UN could facilitate an inclusive national dialogue on security-sector reform and Haitian engagement with international partners.
- The implementation of a more comprehensive plan for reinstating the army will require support from bilateral donors. The UN could complement these efforts with training and the provision of nonlethal equipment, strictly conditioned on respect for human rights.

⁴⁹ Center on International Cooperation, "Increasing UN Support for Defense Sector Reform? An Experts Discussion," Meeting Note, December 2010.

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