

## Haiti

### *Self-rule*

#### INSTITUTIONAL DEPTH AND POLICY SCOPE

Haiti, a unitary state, is currently divided into ten *départements* (departments), forty-two *arrondissements* (called districts in the 1950 and 1957 constitutions), and 133 *quartiers* and *communes* (called rural sections in the 1950 and 1957 constitutions) as the smallest administrative territorial entity (C 1987, Art. 9). The average population of *départements* was just under one million in 2010 (C 1987, Art. 76). *Arrondissements* are primarily statistical categories.

The 1950 constitution recognized communal autonomy but *départements* were deconcentrated. The 1987 constitution grants administrative autonomy to the *départements* and the *communes*.<sup>1</sup>

Haiti had a longstanding history of limited statehood, racial exploitation, and urban–rural conflict, which “laid the foundations for a repressive, kleptocratic predatory state, which culminated in the Duvalier dictatorship” (Silvia 2009: 20; Fatton 2007). Riding on feelings of racially based exclusion Duvalier came to power in 1957, and his family ran a personalist dictatorship (Papa Doc until 1971 and Baby Doc until 1986). New constitutions were enacted in 1957 and 1964, neither of which increased the authority of *départements*. The Duvalier family fled in 1986, but this did not spur durable democratization. A new constitution was ratified in 1987, suspended in June 1988, and reinstated in March 1989. In 1992 a military coup ousted the regime but claimed that it would continue to observe the constitution. Since 1994 constitutional rule has returned—albeit punctuated by episodes of disorder and autocratic government. The 1987 constitution is in effect. It was amended in 2011, but the amendments did not alter territorial organization (Le Moniteur 167, no. 96).

Until 1986, the Haitian regime was dictatorial and power was centralized, and roughly 95 percent of the territory and 75 percent of the population had no functioning government other than state repression (Downs 1989: 140).

In the early 1980s, domestic and international criticism led to a re-evaluation of the territorial organization of the state. The US government and other donor agencies were considering cutting the central government off from development aid and working directly through voluntary and local organizations (Downs 1989: 140–1). One outcome was the Regionalization Law of 1982, which created four development regions presided by a regional delegate, assisted by a regional policy staff, and advised by a regional planning council composed of government agency directors, departmental prefects and legislators, a regional

---

<sup>1</sup> Florén-Romero (2008). “Researching Haitian Law.” <https://www.nyulawglobal.org/globalex/Haiti.html>. Accessed August 10, 2019.

development social and economic council, and a communal consultative council. However, the initiative never got off the ground: the regional delegates were never appointed and, though various consultative bodies were set up, regional development and investment remained centralized (Downs 1989).<sup>a</sup>

The 1987 constitution took the first significant steps towards decentralization. The constitution creates four tiers of territorial governance—*sections communales* (communal sectors), *communes* (municipalities), *arrondissements*, and *départements*, and decentralizes authority to the first two tiers and to *départements*. The communal sectors have directly elected councils and assemblies, and the other two levels are indirectly elected. Communal sector assembly members elect representatives for the municipal assembly, which in turn elects representatives for the departmental assembly. However, to date decentralization laws have at best been partially implemented (Cali 2010: 5; Lamp for Haiti Foundation 2010: 6; Reesor 2010: 12). The one exception is a brief period after the 1997 elections when free and fair communal elections were held. Soon after, however, all elected officials were suspended and replaced by appointed officials (Cali 2010: 5; Ramirez, Lafontant, and Enders 2006: 8). This period is too short to be picked up by annual scoring.<sup>b</sup> Free and fair communal elections were held in 2006, but the subsequent indirect elections for departmental assemblies mandated by the constitution do not appear to have ever taken place.<sup>a</sup> The next communal elections took place in 2015 after several postponements,<sup>2</sup> but indirect elections for departmental assemblies had not taken place as of 2019.<sup>3</sup> *Départements* score 1 on institutional depth and 0 on policy scope for the entire period.

#### FISCAL AUTONOMY

Under the 1983 constitution, *départements* acquire some tax autonomy, but until these provisions are implemented departments score 0.

#### BORROWING AUTONOMY

*Départements* do not have the authority to borrow.

#### REPRESENTATION

The 1950 constitution created the position of prefect for *départements*, and “where needed” for *arrondissements* (C 1950, Art. 127). The prefect was

---

<sup>2</sup> Freedom House, “Freedom in the World 2016: Haiti,” <https://freedomhouse.org/report/freedom-world/2016/haiti>. Accessed August 10, 2019.

<sup>3</sup> “Lien des Résultats,” *Conseil Electoral Provisoire – Haiti*, [https://www.cephaiti.ht/Lien-des-resultats\\_2.html](https://www.cephaiti.ht/Lien-des-resultats_2.html). Accessed August 10, 2019.

appointed by the national executive and was its representative in the region. The prefect was assisted by a non-elected council consisting of government officials including local magistrates, judges, government *commissaires*, school inspectors, and officials dealing with agricultural, public health, public works, and customs (C 1950, Art. 128). The position was preserved under the 1957 constitution, but became directly accountable to the president (C 1957, Art. 133; C 1964, Art. 137).

Under the 1987 constitution the *département* structure is intended to be dual. A self-governing component consists of the departmental assembly composed of municipal representatives who elect a three-member executive council for four years (C 1987, Art. 78). The executive council draws up the departmental development plan in negotiation with the central government, manages financial resources, and submits the accounts to the departmental assembly, which in turn reports to the central government. The organization and operation of the departmental council and assembly are to be regulated by law. The deconcentrated component consists of a delegate and two vice-delegates, appointed by the president (C 1987, Art. 85), to “ensure coordination and control of public services and exercise no repressive police function” (C 1987, Art. 86). The structure is topped by an interdepartmental council (CID), with one representative from each departmental council, to advise the central government. As with other components of this reform, the inter-departmental council awaits implementation (Cali 2010: 5, note 20). Departmental councils and assemblies have not yet been created (Reesor 2010).<sup>a</sup>

### *Shared rule*

#### LAW MAKING

From 1950–56 there were two chambers and the senate was elected every six years by the *assemblées primaires* organized at the communal level in each *département* (C 1950, Art. 40). The *assemblées primaires* refer jointly to the general electorate, so the twenty-one members of the senate were “directly elected.” The number of seats for each *département* varied by population and economic weight, ranging from three in several smaller *départements* to six in the *département* Ouest, and so the composition was not primarily based on the territorial principle. The senate was not a territorial body in this period.

From 1957–86 (C 1957, Art. 48; C 1964, Art. 49) the parliament was unicameral. Since 1987 the senate is directly elected for a six-year term (C 1987, Art. 94) and there are three senators per *département*. In principle, a third of senators are elected every two years, though in the context of frequent electoral

irregularities that rule has not always been followed.<sup>a</sup> The senate has equal authority to the lower chamber.

#### EXECUTIVE CONTROL

The 1987 constitution sets up an interdepartmental council which consists of one member per *département* designated by the departmental assemblies. This council is intended to advise the national executive on planning economic, social, commercial, agricultural, and industrial development (C 1987, Art. 87–2). In concrete terms: “It attends working meetings of the Council of Ministers, when they discuss subjects mentioned in the preceding paragraph and has the right to vote” (C 1987, Art. 87–3). The frequency of the meetings, as well as their organization, will be determined by law (C 1987, Art. 87–5). This council has not yet been set up, but once it has, *départements* would score 1 on executive control.<sup>a</sup>

#### FISCAL CONTROL

The interdepartmental council would be able to provide non-binding advice on taxation and the allocation of the budget for the *collectivités territoriales* (Art. 217).

#### BORROWING CONTROL

*Départements* do not co-determine borrowing constraints.

#### CONSTITUTIONAL REFORM

Under the 1950 constitution, constitutional reform could be initiated with the consent of two-thirds of each house. The reform required a two-thirds majority in the joint chambers provided that two-thirds of each house was present (C 1950, Title X). Since the senate was not a territorial chamber, *départements* score zero. During the Duvalier reign (1957–86) the senate was abolished.

The post-Duvalier constitution lays down that a declaration to reform the constitution must be supported by two-thirds of each house, and the revisions require final approval of at least two-thirds of the national assembly (C 1987, Art. 281-1). The ratio of senators to deputies has changed over time. Until 2000, senators made up more than one-third of the national assembly, and hence could block constitutional change. As of 2001 this is no longer the case (thirty *versus* ninety-nine members), but since the senate still must consent to initiating constitutional reform we code it as having veto power.<sup>b</sup> Amendments come in effect after the next presidential election (C 1987, Art. 284–2). Constitutional change by referendum is forbidden (C 1987, Art. 284–3).

## Primary Sources: Haiti

- Haiti. (1950). "Constitution de la Republique D'Haiti 1950." October 8, 1950.  
Published online at <https://archive.org/details/constitutiondela02hait>.
- Haiti. (1957). "Constitution de la Republique D'Haiti 1957." December 19, 1957. Published online at <https://archive.org/details/constitutiondela01hait>.
- Haiti. (1964). "Constitution de la Republique D'Haiti 1964." January 14, 1971.  
Published online at <https://archive.org/details/constitutiondela07hait>.
- Haiti. (1987). "Constitution de la République d'Haïti 1987." March 10, 1987.  
Published online at  
<http://pdba.georgetown.edu/constitutions/haiti/haiti1987.html>.
- Haiti. (2012). "Arrêté annulant l'Arrêté du 3 juin 2011 publié au Journal Le Moniteur No. 72 du lundi 6 juin 2011, rapportant la Loi Constitutionnelle votée en Asssemblée Nationale le 9 mai 2011 et publiée au No. 58 du vendredi 13 mai 2011," *Le Moniteur: Journal officiel de la Republique d'Haiti*, June 19, 2012,  
[https://oig.cepal.org/sites/default/files/2012\\_amendconst1987\\_hti.pdf](https://oig.cepal.org/sites/default/files/2012_amendconst1987_hti.pdf).

**Self-rule in Haiti**

		Institutional Depth	Policy Scope	Fiscal Autonomy	Borrowing Autonomy	Representation		Self-Rule
						Assembly	Executive	
Départements	1950–2018	1	0	0	0	0	0	1

### Shared Rule in Haiti

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule	
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B		
Départements	1950–1986	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1987–2018	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	4	

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

@version, Nov 2020 – author: Sara Niedzwiecki & Juan Diego Pietro