

**TOWARD A DECENTRALIZED HAITIAN STATE:
THE PROMISES AND SHORTCOMINGS
OF THE POST-DUVALIER CONSTITUTION OF 1987**

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Abstract: The post-Duvalier Haitian Constitution of 1987 was an appeal for decentralization to reorganize the Haitian state after the fall of the twenty-nine-year Duvalier dictatorship in 1986. However, Haiti today is no closer to realizing this objective than it was then. The partial implementation of the Constitution's decentralizing framework has created a political quagmire of critical administrative gaps that continue to stifle Haiti's progress. Rather than moving toward intergovernmental power-sharing and greater inclusivity, as the document intended, these apertures have instead reinforced an autocratic governance system despite Jean-Claude Duvalier's departure. This paper is the first to conduct a comprehensive analysis of post-Duvalier efforts to decentralize Haiti. Using in-depth semistructured expert interviews and content analysis, the paper presents several institutional impediments that curtail Haiti's advancement in terms of improved public service delivery and unadulterated citizen engagement. The paper also unveils how and why key central government actors consistently impede the extent to which decentralization could facilitate widespread improvements in local development and subnational governance throughout Haiti.

Rezime: Konstitisyon 1987 la se te yon apèl pou desantralize peyi a, e se te yon fason pou reyòganize leta ayisyen an apre diktati Duvalier yo te tonbe (1986). Sepandan, Ayiti jodi a pa pi pre pou realyize objektif sa pase jan li te ye lè sa a. Lwa ki nan Konstitisyon 1987 la ki gen rapò ak pwojè desantralizasyon an pa te aplike vre pou sa fèt. Tou sa vin kreye yon dilèm politik ki lakòz gwo twou vid administratif nan leta a, e sa tou kontinye anpeche Ayiti fè pwogrè. Olye ke peyi a pran wout enklizyon kote chak branch pouvwa yo pa anpyete sou dwa lòt la, jan dokiman an deklare sa, ouvèti sa yo ranfòse yon sistèm gouvènans otokrat, malgre Jean-Claude Duvalier te kite peyi a. Papyè sa se premye travay ki chita sou yon analiz konplè sou jefò ki fèt pou desantralize Ayiti apre rejim Duvalier a. Papyè a prezante plizyè antrav enstitisyonèl ki diminye avansman Ayiti akòz pa gen bon jan sèvis piblik tout kote nan peyi a, epi ki jan

mank sa yo dekouraje sitwayen yo viv angajman politik yo tou. Papye a revele tou ki jan ak pou ki sa otorite kle nan gouvènman santral la anpeche desantralizasyon an ateri pou fasilite devlopman lokal ak gouvènans rejyonal tout kote ann Ayiti.

INTRODUCTION

Since 1986, which marked the end of the nearly three-decade father-son Duvalier dictatorship in Haiti, decentralization as a development tool has been part of the political discourse. The bottom-up local governance structure enshrined in the Constitution of 1987 was an attempt to establish an inclusive and participatory democracy with the goal of promoting local and regional development throughout the country. This framework, however, has never been fully implemented. Although decentralizing the Haitian state was the crux of the post-Duvalier Constitution, Haiti today has not capitalized on this turning point to provide for its average citizens' wellbeing, though the theme of decentralization did gain a resurgence in the aftermath of the 2010 earthquake (Casséus, 2016). Further, any measure of progress that has been made—particularly in terms of decentralizing public service delivery—has been largely spearheaded by the international development community rather than by the Haitian state itself (Joseph, 2018).

To comprehensively account for the ongoing impediments to achieving the constitutional aspiration of decentralizing the country, this paper undertakes two systematic processes. An assessment of the political and socioeconomic dynamics that have characterized the Haitian state since its inception is followed by an analysis of decentralization's utility as a vehicle for participatory democracy and local development in the aftermath of the Duvalier regime (Lundahl, 1997). This approach reveals two key findings. First, it identifies a gap between how decentralization is understood in the Haitian context and what is commonly accepted in the literature, given the sociopolitical and spatial organization of the country. Secondly, the article unveils exactly how and why critical central government actors have consistently impeded the extent to which decentralization could facilitate widespread improvements in local development and subnational governance throughout Haiti over the past thirty years.

With Haiti's declaration of independence from France in 1804, the postcolonial legacy of racial and social stratification created a newly independent but problematically classist society (Fatton, 2002; Lundahl, 1989). Within this system, the state's façade existed only so that a light-skinned elite minority could garner wealth and power through patronage,

leaving predominately darker-skinned Haitians to fend for themselves. The inequality of wealth distribution in this postcolonial capitalist society allowed short-term gains for some individuals to prevail over long-term societal development (Fatton, 2006). This is best illustrated through the socio-spatial zoning of Haiti's population, based on historical class and racial structures. For example, the poor Black masses (*moun andeyò*) were relegated to rural areas, while wealthy elites (*moun lavil*) largely resided in Haiti's capital city of Port-au-Prince (Cross, 1979; Trouillot, 2000). Furthermore, the political elite often left roads in ruins in order to intentionally isolate rural populations from the capital and the outside world as a form of social and political control (Yarrington, 2015). Haiti's rural population was effectively sequestered, therefore, from decision-making processes in the capital and not allotted full recognition as Haitian citizens, even though their agricultural production remained an essential part of the Haitian economy.

Moreover, it was not until the early 1990s that all Haitians began receiving the same birth certificate. Preceding that, individuals were stratified at birth: those born in rural areas had the word *paysan* (peasant) stamped on their birth certificates to distinguish them as *moun andeyò*—in effect, second-class citizens.¹ Essentially, *moun andeyò* existed as a country within a country, finding ways to self-govern, as they engaged with the central state on a severely limited, individual basis, if at all. Another example is that until the 1970s or 1980s, schools located in urban areas operated under the Ministry of Education, whereas the Ministry of Agriculture oversaw rural schools. This point illuminates the extent to which hierarchical division has characterized and continues to highlight the Haitian state's disparate engagement with its citizens. The question of how to reconcile these deep and persistent intergroup divisions in Haiti's postcolonial order has yet to be addressed.

Against this backdrop, the post-Duvalier Constitution of 1987 was a bold, multipronged document that sought to promote better resource allocation throughout the country, emphasizing improving public services especially for *moun andeyò*. Relatedly, the hyper-urbanization of Port-au-Prince today is continually reinforced by the centralization of political institutions and resources in the capital. This ongoing institutional dynamic fuels patterns of uncontrolled urbanization, compelling poor, rural Haitians to attempt to make their livings at the margins of Port-au-Prince (Fatton, 2006). Thus, the call for a decentralized Haitian state in the Constitution of 1987 also endeavors to address the over-urbanization of Haiti's primate city² as well (Cantave et al., 2000; Kasarda and Crenshaw, 1991).

The next section provides a brief literature review prior to evaluating Haiti's experience with decentralization from 1987 to the present.

DECENTRALIZATION: A THEORETICAL FRAMEWORK

Decentralization as a concept broadly refers to any transfer of authority from the central government to subnational governments or entities, with the ultimate goal of improving resource allocation and making the central government more responsive to local needs (Bardhan, 2002; Casséus, 2016; Conyers, 1984; Oates, 2006; Ramirez et al., 2006). In addition, several scholars, including Rondinelli et al. (1989), Prud'homme (1995), and Ramirez et al. (2006), have asserted that all forms of decentralization—whether political, administrative, or fiscal—have fiscal responsibility at their core. Azfar et al. (1999) suggest that the traditional economic rationale for decentralization is based on the premise that decentralization policies can

- increase local autonomy;
- enhance governments' ability to respond to local needs;
- promote greater efficiency;
- increase the performance of neighboring jurisdictions relative to one another; and
- encourage innovations in public policy and service.

Essentially, decentralization redefines the roles and responsibilities of various government actors to promote widespread improvements in public service delivery. Decentralization also requires a simultaneous approach to evaluating the organizational arrangements, capacity, and commitment for institutional development within the decentralization process itself in order for its gains to be realized (Rondinelli, 1989).

Although decentralization can play a significant role in facilitating a country's ongoing development process, it is not a panacea. Just as importantly, public officials cannot be assumed to be benevolent social planners who are primarily concerned with maximizing the social welfare of citizens. For example, public officials are driven by not only the goal to maximize the wellbeing of their constituents but also the political arrangements that require them to focus on their re-election prospects. In this sense, the extent to which their decisions serve citizens depends on how viable this would make them for re-election, among other considerations (Weingast, 2009). Even when a decentralization program is adopted, the government can use the delivery of public goods as a tool to manipulate elections and control the behavior of the public—a phenomenon that has

been described as “tragic brilliance” by Weingast (2006), Diaz-Cayeros et al. (2008), and Golosov (2016), among others. Citizens who support a particular candidate or party can be rewarded with local financing for public goods, while jurisdictions that support an opposing party can see a withdrawal of goods. In this way, citizens are not necessarily given an opportunity to show their true preferences at the polls and instead are controlled by their vote (Weingast, 2006).

The second-generation theory of fiscal federalism therefore makes explicit the “various political impediments to the efficient assignment and production of public goods” (Weingast, 2014, p. 14) that undergird decentralizing principles, an analysis intended to inform the design of decentralization policies. Second-generation fiscal federalism also “explores how various institutions align—or fail to align—the incentives of political officials with those of citizens” (Weingast, 2009, p. 280) as a way of better understanding whether or how decentralization gets adopted or undermined in the context of a particular country. Evaluating whether or how Haiti’s post-Duvalier political, economic, and social realities have obstructed the realization of a decentralized and inclusive state is then critical in assessing the promises and shortcomings of the 1987 Constitution. Thus, the second-generation theory of fiscal federalism serves as the framework for this study’s methodological approach.

METHODS

In-depth semistructured interviews and content analysis were the main research techniques used for data collection. Together, these approaches allowed me to comprehensively evaluate how decentralization is understood in Haiti as compared to how the concept is defined and applied, broadly speaking, based on the literature. Bird (1993) puts it this way: “What we seem to need at the moment is less imaginative sketches of what may (or should) exist than more careful reporting and analysis of what does exist and how it works” (p. 222). This statement underscores the importance of understanding the local governance framework outlined in the 1987 Constitution as well as how Haitian nationals and Haiti-based interview subjects defined the word “decentralization” to assess the application of this concept specifically in a Haitian context.

To this end, I interviewed eight Haiti-based decentralization experts and practitioners in person between April 2017 and July 2018 (Table 1). These interviewees were selected based on their contributions in support of decentralization, local governance, and local capacity building in Haiti from the 1990s through the present day. One of these individuals was a former parliamentarian who proposed legislation in 1996 regarding financing

TABLE 1. PROFESSIONAL BACKGROUND AND AREA OF EXPERTISE OF INTERVIEWEES

Code	Interview Held	Professional Background	Area of Expertise
INT 1	April 2017	Civil society leader; served in the “Decentralization and Territorial Collectivities Unit” of the CNRA.	Decentralization; state reform; territorial collectivities.
INT 2	April 2017	Served in the “Decentralization and Territorial Collectivities Unit” of the CNRA.	Decentralization; state reform; territorial collectivities.
INT 3	April 2017	Former parliamentarian.	Fiscal decentralization; local development.
INT 4	April 2017	International development consultant.	Local land-use management; decentralization.
INT 5	April 2018	Former international development consultant.	Local governance; community engagement.
INT 6	April 2018	Central government official.	Central and local governance; local capacity building.
INT 7	April 2018	Scholar; civil society leader.	Local capacity building; local development.
INT 8	July 2018	Scholar; served in the “Decentralization and Territorial Collectivities Unit” of the CNRA.	Decentralization; state reform; territorial collectivities.

local development. Three interviewees were members of the Commission Nationale a la Reforme Administrative (CNRA),³ which produced over a dozen in-depth analyses between 1997 and 2002 pertaining to the role of decentralization in reforming the Haitian state. Another interviewee was a

Haitian national who worked as an international development consultant throughout the 1990s, primarily supporting local capacity building among newly elected mayors in northern Haiti.⁴ A current international development consultant, who specializes in local land-use management, was also interviewed. The remaining two interviewees were a central government official responsible for local governance nationwide and a scholar/civil society leader whose work addresses issues of local governance and institutional development in Haiti (Table 1). The interviews were tape-recorded, anonymized, transcribed, and coded using the NVivo 11 qualitative data analysis software package. Weingast's (2009) second-generation theory of fiscal federalism provided the basis from which theory-generated codes were generated for analysis, and additional codes emerged from observation.

Additionally, I conducted content analysis of seven legislative and technical documents. These documents were chosen because they collectively provided an overview of Haiti's experience with decentralized local governance from the 1990s through 2018 along with the temporal, spatial, and social dynamics that have characterized Haiti's attempt at decentralization since the 1987 Constitution. They included the decentralization framework of the Haitian Constitution of 1987, a report produced by the "Decentralization and Territorial Collectivities Unit" of the CNRA, a technical training document by the Centre de Recherche et de Formation Économique et Sociale pour le Développement,⁵ two Haiti decentralization summary reports, and two programmatic final reports from the United States Agency for International Development (USAID).⁶ Reading and rereading these texts in their entirety, as well as assessing them with the theory-generated codes, allowed me to draw inferences from the data in order to contribute new insights and knowledge that help explain why decentralized governance has yet to take hold in Haiti despite over 30 years of documented attempts to facilitate improved local governance throughout the country (Elo and Kyngäs, 2008). Overall, the findings from the semistructured interviews, in conjunction with these documents, provided a depth to understanding the complex topic of post-Duvalier decentralization in Haiti that either technique on its own would not have sufficiently afforded.

THE LOCAL GOVERNANCE FRAMEWORK OF THE HAITIAN CONSTITUTION OF 1987

The preamble of the Haitian Constitution of 1987 underscores decentralization's promise of "ensur[ing] the separation and the harmonious distribution of the powers of the State at the service of the fundamental interests and priorities of the Nation" (Republic of Haiti,

1987). In fact, Title V, Chapter 1 of the 1987 Constitution includes over 35 articles explicitly pertaining to decentralization (Republic of Haiti, 1987; Brinkerhoff and Goldsmith, 1988). According to Articles 71 and 84.4, decentralization in Haiti is defined as:

- the central government sharing its powers with local and regional authorities as well as providing them with the technical and financial resources necessary to effectively participate in the state's decision-making processes;
- the creation of local and regional assemblies and councils to be headed by leaders for which the population has the unobstructed and legitimate right to vote;
- the ability of local and regional leaders to actively engage in formulating and executing development plans for their territories to better facilitate the delivery of public services;
- localities having the autonomy to generate their own sources of revenue (e.g., local tax collection) in support of the development and execution of communal development plans;
- the central government providing financial and technical support to subnational local and regional authorities in support of these subnational development efforts;
- a comprehensive reform of the Haitian state that fundamentally changes the relationship between the government and the governed, leading to the full participation of all Haitian citizens in every aspect of Haitian life (Cantave et al., 2000; Republic of Haiti, 1987).

The spatial, social, and political separation between *moun andeyò*, who constitute the majority of Haiti's population, and *moun lavil*, located in the city center of Port-au-Prince, was the impetus for this effort to establish an actual framework for local and regional governance throughout the country. Prior to this post-Duvalier constitution, there had never been a concerted effort on the part of the Haitian state to deliver public services more efficiently to every citizen, regardless of where in the country they are located. These reforms were to occur through the creation of *kolektivite terityoral* and their related administrative bodies (Republic of Haiti, 1987, Article 61; Cantave et al., 2000), which would facilitate the state's delivery of public services nationwide. They would also provide a mechanism by which rural populations, normally relegated to the outskirts of Haitian political life, could more directly engage with elected officials at every level of government, up through the central government itself.

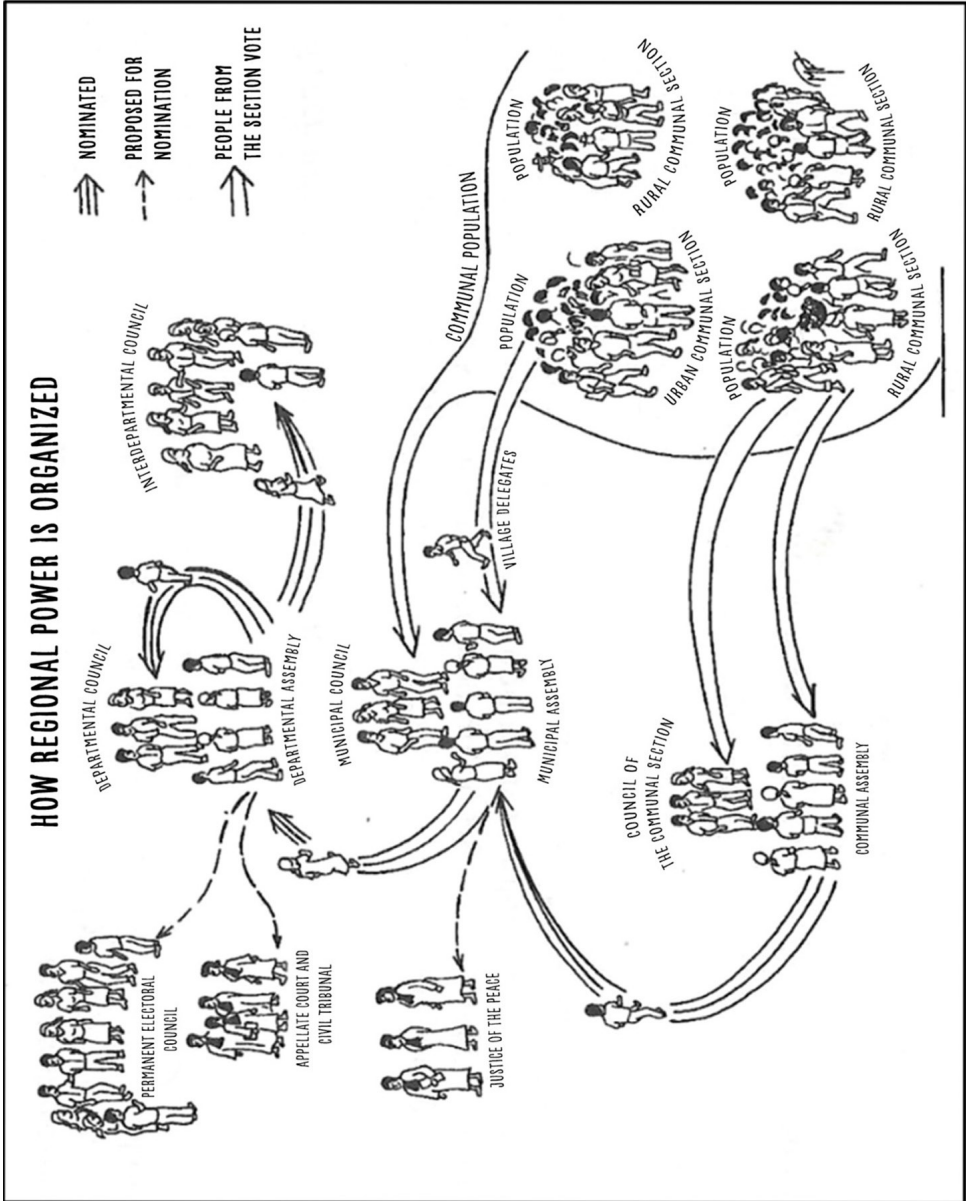


FIGURE 1. HOW REGIONAL POWER IS ORGANIZED. (TRANSLATED FROM CANTAVE ET AL., 2000. REPRODUCED WITH PERMISSION.)

As background, *seksyon kominal*, or communal sections, are the most local geographical unit in Haiti, while communes are composed of multiple communal sections. Haiti's ten departments, or regional districts, are made up of a number of communes. Each locality (communal section, commune, or department) was designed to operate independently but in collaboration with the others (Figure 1). The Constitution of 1987 therefore created accompanying administrative bodies to coincide with these historic geographical units in hopes that this approach would cultivate greater public participation and inclusion in the affairs of the state. At the level of the *seksyon kominal*, for example, the Constitution created a council of the communal section (*konsèy seksyon kominal*, KASEK or CASEC) and an assembly of the communal section (*asanble seksyon kominal*, ASEK or ASEC). Representatives for these councils and assemblies are to be elected during general elections. For communes, there was to be a municipal council or *konsèy minisipal*. The *konsèy minisipal* was also to participate in general elections. The municipal assemblies (*asanble minisipal*),⁷ however, were to encompass representatives indirectly selected from each ASEC as well as all the village delegates (*delege vil yo*).⁸ The departmental assembly (*asanble depatmantal*) was to be composed of members nominated from the communal assemblies of each department, and the departmental assembly⁹ would elect one of its members to serve on the departmental council (*konsèy depatmantal*) (Cantave et al., 2000; Republic of Haiti, 1987, Article 87.2; Ramirez et al., 2006). Lastly, the departmental council would send one of its members to become part of the interdepartmental council (*konsèy entèdepatmantal*). Article 87.2 upholds this spatial and administrative dimension of decentralization by ordering the interdepartmental council to collaborate with the executive branch of government to develop studies, plans, and projects that would enhance the “decentralization and development of the country from a social, economic, commercial, agricultural and industrial standpoint” (Republic of Haiti, 1987).

While this institutional framework establishes how decentralization was meant to be implemented throughout Haiti, the next section evaluates how decentralization as a concept is understood in Haiti as compared to the theoretical definitions found in the literature. Following is an assessment of several administrative gaps in this institutional framework that have inhibited the full realization of a decentralized Haitian state to this day.

EXAMINING DECENTRALIZATION AS A CONCEPT IN A HAITIAN MILIEU

Conventionally in the literature, deconcentration and devolution are understood to exist along a spectrum of decentralized powers, resources, and responsibilities (Table 2). For example, deconcentration is generally

TABLE 2. THEORETICAL DEFINITIONS OF DECENTRALIZATION, DECONCENTRATION, AND DEVOLUTION

Concept	Definition in the Literature	References
<i>decentralization</i>	Any transfer of authority from central government to subnational levels with the ultimate goal of improving resource allocation and making government more responsive to local needs along a spectrum ranging from deconcentration to devolution.	Conyers, 1984; Rondinelli et al., 1989.
<i>deconcentration</i>	The establishment of central government administrative entities at subnational levels of governments to advance national policies; often regarded as the most limited approach to decentralization.	Conyers, 1983; Rondinelli et al., 1989.
<i>devolution</i>	The greatest promotion of local autonomy through clear divisions of power, responsibilities, and decision-making authority between central and “semi-autonomous local governments.”	Conyers, 1983.

defined as a type of decentralization, located along a span of power-sharing that can occur between central and subnational governments, rather than as a separate concept (Rondinelli, 1989; Rondinelli et al., 1989). From this perspective, deconcentration is the smallest possible transfer of power, since it serves more or less to represent central government entities or dictates at subnational levels without augmenting local autonomy. Rondinelli (1990) therefore argues that deconcentration can facilitate an even more powerful central state bureaucracy by allowing for more entrenched control at subnational levels. On the other hand, devolution¹⁰ is the type of decentralization that holds the most potential to increase the capacity, resources, and autonomy of subnational territories independent of central government whims or influence (Rondinelli, 1989; Rondinelli et al., 1989). Understanding whether the interpretation of these terms in Haiti was consistent with the literature was a crucial first step in establishing a baseline for my analysis.

One of the most salient themes that emerged among the experts interviewed was the idea that decentralization overall is a matter of reorganizing the state, where deconcentration would have to occur first, followed by the type of decentralization the literature refers to as

devolution (INT 1; INT 4; INT 5; INT 7). Thus, in the Haitian context, rather than existing along a spectrum, deconcentration is understood to be closely related to but separate from the concept of decentralization. An interviewee described deconcentration as “increasing the reach of the central government to the provinces. . . . [D]ecentralization is about the decision-making of services” (INT 4). This individual went on to say, “Deconcentration refers to institutionally moving the central government ministries into the ten departments rather than all of them being entirely concentrated within Port-au-Prince . . . whereas decentralization has to do with decision-making. Decision-making over the services and the budgets and appointments” (INT 4). Casséus (2016) also affirms that there is a difference between decentralization and deconcentration in that the latter refers to an administrative process of shifting executive functions throughout a country’s territories so as to foster greater internal (or organizational) development.¹¹ As previously mentioned, Rondinelli (1990) characterizes deconcentration as the least preferred type of decentralization since it has the potential to strengthen central government directives rather than bolster the independence of local governments. As a result, it was surprising to hear half of the interviewees reference deconcentration as a critical starting point for decentralization in Haiti (INT 1; INT 4; INT 5; INT 7).

Relatedly, one of the eight interviewees from this category said decentralization is a response to the way the country has been run, and all these individuals essentially defined decentralization as “a change with the political system” (INT 3). Four of the eight individuals interviewed described themselves as being part of the 1986 and 1987 wave of optimism that believed Haiti was on the brink of change because the dictatorship had fallen, which they hoped would give way to a more democratic rule (INT 1; INT 2; INT 3; INT 8). As a reminder, decentralization entered the Haitian political discourse most prominently during this era by way of the Constitution of 1987. The quotation below, which has been translated to English from Kreyòl, reflects the exhilaration shown by these four interviewees when talking about this period:

This is why you see that with decentralization, in the mobilization that we had in '86 [and] '87, decentralization was a big reclamation.¹² It was a big tool. And it is for this that the Constitution of 1987 is an expression of this democratic movement, this popular movement. Thus, the Constitution of 1987 gave decentralization a great ROLE¹³ in the new state that we said we were forming. So much so that in those years, we said we had to change the state. And one of the elements of changing the state is to put it in service to

the nation. And decentralization, it was a fundamental point. In fact, you can recall that the preamble of the Constitution situates decentralization in a good spot. So, for me? I would say I am a product of this period, of this movement. It's something that—well. A lot of us participated in it so it is something that keeps me centered. (INT 8)

In essence, the belief was that decentralization would mark a departure from Haiti's long legacy of authoritarian rule, epitomized most recently by the Duvalier dictatorship (Denizé, 2002¹⁴). Moreover, this demand to put the state “in service to the nation” was predicated on deconcentrating central government services, followed by decentralization (in effect, what the literature defines as devolution), which would fully integrate the people and territories outside Port-au-Prince into the affairs of the state.

The sociopolitical and historical differences between *moun lavil* and *moun andeyò* help explain why the call for deconcentration, in the Haitian case, is a resounding cry for a more uniform or pronounced presence of central government entities and public services across the entire geographic landscape of the country. This perspective is corroborated by Article 87.4 of the Constitution of 1987, which states, “Decentralization must be accompanied by deconcentration of public services with delegation of power . . . for the benefit of the departments.” Against this backdrop, the Haitian state would first need to establish a baseline relationship with the majority of the country's rural communal sections, through deconcentrated central government services, before arriving at a point of transferring central government resources and responsibilities to these localities. In this context, deconcentration in Haiti is such an imperative that a former local governance consultant said with conviction:

If decentralization cannot work at the same time with a serious deconcentration, I don't think it will be able to work in Haiti specifically. Meaning, if the central government itself, the state, cannot organize itself across the terrain to have all the deconcentrated organs of the state functioning, decentralization will stay a dream—a utopia! One must work with the other. (INT 5)

Any attempt at decentralization in Haiti therefore must demonstrate a clear and intentional departure from the country's segregationist history of urban and rural locales, distinguished by how the state delivers essential public services. In sum, deconcentration is understood as a way of redefining the state's relationship with *moun andeyò* and their territories in order to begin rectifying these longstanding spatial and sociopolitical dynamics.

ADMINISTRATIVE GAPS IN THE HAITIAN CONSTITUTION OF 1987

Despite its intended outcomes, particularly with the establishment of the territorial collectivities, one of the most significant shortcomings of the 1987 Constitution is its failure to define the responsibilities and functions of the newly created administrative bodies for these subnational territories, and to delineate the tools they would have at their disposal to achieve their development plans. The document, as it stands, provided only the general framework for decentralization and left it to the executive branch to decide the system's rules and regulations (Ramirez et al., 2006). This is particularly problematic given the Constitution's reliance on the installation of local assemblies to facilitate decentralized governance as well as to temper executive power at the central government level (Smucker et al., 2000). Accordingly, minimal effort has been expended by central government stakeholders to implement the decentralization process that the Constitution outlines. To date, the complete local governance structure has never existed, and the crucial democratic elements outlined in Figure 1 either have never been established or have been so disempowered that they are unable to function effectively (Ramirez et al., 2006). For this reason, elected officials at both the national and local level often assume their posts without a clear understanding of what their new responsibilities are or how to execute them.

For example, consider that Ramirez et al. (2006) state that the aforementioned interdepartmental council is

one of the most feared institutions of the decentralization framework, because of its impact in both the executive and legislative branches of the government. . . . [T]he [interdepartmental council] has direct access to the executive and the national cabinet without going through Parliament. (p. 9)

The real and perceived challenges that the interdepartmental council would present to the authority of the executive and legislative branches are the main reasons that central government officials have not made a concerted effort to support decentralization in Haiti. The lack of interest in promoting additional decentralizing mechanisms since the 1987 Constitution further indicates the central government's unwillingness to redefine the Haitian state's governance structure.

Notwithstanding, three decentralization laws emerged in 1996, during the 46th legislature, as the first good-faith attempt to address the gaps created by the 1987 Constitution. However, the proposed interventions

were hampered by the crippling political crises of the late 1990s in addition to their own limitations (Ramirez et al., 2006; Smucker et al., 2000). The first of these laws, the Law of April 4, 1996, pertained to the organization of communal sections, seeking to implement the constitutional requirements for local representation and improved local governance. The law's major flaw was a reliance on the passage of additional pieces of legislation, which effectively made it incomplete. These future laws included one on the responsibilities and capacity of local government, one on local government finance, and one detailing the function of each local government entity (see Figure 1) (Smucker et al., 2000).¹⁵ The April 4, 1996, law also included a requirement that instead of one individual, a cartel of three mayors led by a principal mayor had to be elected in each commune. As Smucker et al. (2000) describe, this mandate often undermines principles of localism and representation in that external factors such as national political affiliation take precedence in how cartels come together, as opposed to mayoral alliances naturally arising from shared local interests. Consequently, elected cartels are often fraught with infighting and disagreements, curtailing their ability to govern effectively (INT 1; INT 2; Smucker et al., 2000; USAID 2012).

The second and most pivotal decentralization law of this era was the Fils-Aimé Law of 1996, which led to the creation of Fonds de Gestion et Développement de Collectivités Territoriales (FGDCT), Haiti's first and only intergovernmental transfer (Ramirez et al., 2006; USAID, 2018).¹⁶ Bear in mind that an intergovernmental transfer is a funding arrangement where the central government allocates money to subnational governments to help alleviate fiscal pressure while also supporting them to improve efficiency, minimize costs, and exercise fiscal responsibility (Bird, 2003). Introduced by Alix Fils-Aimé, then the *depité* (parliamentarian) of the Port-au-Prince communes of Kenscoff and Pétionville,¹⁷ the legislation, as initially proposed, had three primary components. First, the law redefined administrative processes and functions throughout Haiti with transparent corresponding budgets and salaries. Next, it increased local funding for planning studies that could stimulate development throughout each of Haiti's ten geographic departments once the studies' findings were analyzed and implemented as appropriate. Finally, it facilitated investment opportunities based on economic partnerships with Haiti's populations in diaspora. The law sought to do this by forming hometown associations, executing local projects, and utilizing the steady remittances in a more coordinated way.

During a May 2017 interview with the author,¹⁸ Fils-Aimé shared that he meant for his proposal to provide the initial financial means to

stimulate local development. Before this point, local governments had not been empowered to know their funding sources or how much they were to expect from the central government from year to year. By laying this groundwork, he intended to grapple more directly with decentralizing the state *after*¹⁹ the creation of the departmental development plans. Fils-Aimé's proposed law was thus the first explicit attempt to increase the autonomy and development of Haiti's localities since the Constitution of 1987. This law was also the first in Haiti's history to have been proposed by a parliamentarian.

Despite his original proposal, what was actually published in *Le Moniteur* on July 18, 1996—as Fils-Aimé's FGDCT law—was a general-purpose intergovernmental transfer to support administrative management training programs and the administration of loosely defined development plans. In the policy-making process, an executive decision moved Fils-Aimé's proposal into the budgeting process rather than evaluating it as a standalone law. The rationale provided was that Haiti's fiscal responsibility lay exclusively with the executive branch of the government and not with Parliament. As a result, Fils-Aimé was denied an opportunity to build a case and obtain support for his proposal in Parliament; instead, only components of what he proposed—components decided on by the executives—were what became law.

Lastly, the third of the 1996 laws, published that September, outlined specific details about how the FGDCT would be financed and how those funds would be disbursed (Ramirez et al., 2006; Smucker et al., 2000). A percentage (or in some instances, a specific monetary amount) of revenue from sources such as the cigarette tax, customs tax, income tax, tax on insurance policies, and others is the funding mechanism established for the FGDCT based on this September 1996 law (Ramirez et al., 2006).

Returning to the July 1996 law creating the FGDCT, note that it also called for an eleven-member commission to manage it. This component of the law was terminated by executive decree on January 11, 1999, and the management of the intergovernmental transfer was moved to the Ministry of the Interior (Smucker et al., 2000). Ramirez et al. (2006) find that the FGDCT is ineffective in meeting the needs of local governments since the Interior Ministry does not have any clear criteria for allocating FGDCT funds. The Interior Ministry has also never distributed the total amount of allotted resources to the respective communes throughout the country (INT 3; INT 4). Unfortunately, instead of bolstering local development as intended, FGDCT has become a line item in the central government, subject to the whim of decision-makers at the expense of the communes it

was initially intended to support (Denizé, 2002; USAID, 2012; USAID, 2018). As the three 1996 laws demonstrate, any existing political will to promote decentralization has been hampered by the often contradictory and sometimes incomplete nature of the local government laws passed since the 1987 Constitution, in addition to observed actions on the part of executive officials to undermine the prospect of improved local governance (USAID, 2018).

ONGOING IMPEDIMENTS TO ESTABLISHING A DECENTRALIZED HAITIAN STATE

The eight experts interviewed resolutely declared that the primary reason the constitutional aspiration of 1987 has yet to be fully realized is due to a *mank volonté politik*, or a lack of political will, for decentralization among the central government actors most responsible for executing it (Brinkerhoff and Goldsmith, 1988; INT 1–8; Smucker et al., 2000). More specifically, Interviewee 5 asserted that the weakness of the Haitian state was the biggest impediment to decentralizing of the country, and then went on to explain how *depite yo* infringe on the local autonomy that mayors are supposed to have:

[For] Parliament itself, [decentralization is] not a priority in its agenda. So that creates a situation where for the most important actors, I am not entirely sure that decentralization is something that is good for them . . . because when you look at what has occurred now, the *depite yo* have become a type of competitor for the mayors. There are a series of funds that should reach the mayors, a series of actions that should reach the communal councils. It is the *depite yo* themselves who hold onto the funds and who are doing projects [that the mayors should be doing]. Well, this is WEAKENING the [decentralization] process.

This statement is in keeping with Haiti's long history of authoritarianism, where central government actors are resistant, or blatantly unwilling, to delineate the roles of those at the level of local government. Moreover, central actors such as Parliament—and specifically the Chamber of Deputies—also have the most to lose, in terms of their political and material interests, when it comes to the promises of decentralization (INT 2; INT 4; INT 5; Joseph, 2018). For example, three of the experts interviewed explained that in the absence of a well-defined job description, the *depite* has historically positioned himself²⁰ as an intermediary between the constituents and the central government, purposely undercutting the

authority of the principal mayor (INT 2; INT 4; INT 5). One reason to constrain the mayor in this way is to make him look incompetent to the populace, diminishing the likelihood that he would be elected to higher political office, namely the coveted position of *depite*. Most *depite yo* also enjoy some freedom to engage in illicit activities that typically result in a few highly visible community-based projects, giving local citizens the impression that they are doing a more efficient job than the mayor in bringing resources into the community. Since Haiti's "political culture is deeply marked by old patterns of centralized authority, personalism, and patron-client relations" (Smucker et al., 2000, p. 4), dubious project bidding and contractual agreements often enable a *depite* to benefit from lucrative kickbacks. This thwarts project delivery rather than substantively improving the overall delivery of public services, while also enabling the *depite* to maintain a monopoly over limited state resources to enhance his own political and material gains (INT 2; INT 4; INT 5; INT 7). Hence, *depite yo* tend to maintain or buy voter loyalty²¹ during election season through a mere semblance of public service delivery—a classic case of tragic brilliance (Weingast, 2006)—all the while significantly curtailing the influence of the average Haitian mayor. Joseph (2018) therefore writes: "Thus, seen from the angle of the legal framework for decentralization, there has been very little progress because of the political crisis and the lack of political will of parliamentarians."²²

It is in this sense that the gaps in the post-Duvalier Constitution of 1987, and the opacity of some of its main provisions, continue to pose enduring institutional challenges to governance in Haiti. Furthermore, Haiti's troublesome experience with decentralization directly reflects an argument of Weingast (2006) that fearful central governments move to "reverse or compromise any and all of the benefits of decentralization" (p. 41). Additionally, "a central government that is not committed to decentralization has numerous tools to undermine subnational government performance, including inadequate revenue, unfunded mandates, and direct threats to political officials who deviate from a preferred policy" (Weingast, 2006, p. 10). Although the Haitian Senate passed a decentralization framework bill in 2013, "the bill languished in the Chamber of Deputies for the rest of the year and all of 2014" (USAID 2014). In 2015, Parliament was dissolved because of delays in national and local elections (which were eventually held in late 2016). Though the bill was added to Parliament's legislative agenda in May 2017, it still had not been voted on as of November 2018 (USAID, 2018). To my knowledge, the issue of decentralization in Haiti has not been taken up by Parliament since.

Thus, nowhere is the stalemate over the decentralization question more acute than in the Chamber of Deputies, the lower house of Parliament, where *depite yo* are not interested in passing any legislative measures that would delineate powers among the constitutionally defined levels of government. Given the zero-sum nature of politics in Haiti, described by Fatton (2006) and Lundahl (1997) as a predatory state, a *depite's* chief commitment is to safeguard his own political, economic, and social interests, usually at the expense of the populations he was elected to represent. The same can be said of the executive branch. By January 2020, both chambers of Parliament were once again defunct, along with every mayoral post throughout the country. The Jovenel Moïse administration refused to hold local elections, and the country was in a state of de facto rule once more²³ before his assassination in July 2021 (Sanon and Coto, 2021; Wilentz, 2021). Moïse's legitimacy as president had been called into question,²⁴ and despite this, he was seeking to push through changes to the Constitution that would strengthen his executive powers. Without the participation of the Haitian people at large, such a move would further undermine the prospect of a decentralized Haitian state (Abi-Habib, 2021; Isaac et al., 2021).

Further, the recent proliferation of political parties has also curtailed Parliament's ability to arrive at any consensus, broadly speaking, much less on the issue of decentralization. Article 8 of a law published by the Martelly administration in *Le Moniteur* on January 16, 2014, allows for the creation of political parties with just 20 members. By contrast, a 1986 decree required 20 signatories and 5,000 members for the formation of a political party (Celiné, 2020). Consequently, 166 parties were certified in the 2016 elections, and more have emerged since then as parliamentarians broke with their previous parties to form their own after being elected (Celiné, 2020). Rather than forming based on specific visions for Haitian people and society, Haitian political parties are now regularly created around a few individuals vying for political and financial advancement and control. This reality further destabilizes Haiti's institutional development, complicating issues such as selecting a prime minister from the party with the majority, for example, or agreeing on the balance of power between central authorities and local governments. This ongoing challenge with the increase of political parties therefore highlights Weingast's (2009) point that the institutional alignment between political actors and local citizens must be explored when evaluating whether or not decentralization is pursued in a particular country's context.

Complicating the tensions between central and local interests is the conflict that sometimes exists between local-level actors, including infighting within mayoral cartels and between mayors and members of

communal assemblies and councils.²⁵ Without going into great detail, Ramirez et al. (2006) mention that in addition to the opposition that exists to decentralization at the national level, some mayors are also opposed, since they find it more advantageous to not have to deal with a communal assembly. In addition, the members of CASECs and ASECs²⁶—the lowest tiers of political office and those closest to the population—remain the most underfunded and devalued public positions in Haiti.²⁷ Developing their capacity and establishing them as critical stakeholders within Haiti's local governance framework could potentially better situate them as first-line intermediaries between the population and the mayors. This reinforcement and recognition could also offer a much-needed conduit for everyday citizens to voice their grievances and concerns with the possibility that their elected officials will work collaboratively to improve things.

Joseph (2018) similarly calls for “a tripartite dialogue [among] mayors, CASECs [and] local civil society/community-based organizations in order to restore confidence in the people” and describes a “need to promote exchanges between CASECs and mayors regarding the development of municipalities.” Critical to Haiti's institutional development is the operationalization of the departmental assemblies and councils as called for by the Constitution of 1987. These departmental entities could be responsible for producing regional development plans that are coordinated with a broader national development strategy for the country. As the departmental assemblies and councils are meant to be composed of CASEC and ASEC members, regular reporting back to local communities about regional and national development activities would go a long way toward promoting the participation of the populace.

Ramirez et al. (2006) conclude that since the Constitution of 1987, “decentralization has been a love-hate affair” (p. 9). A civil society interviewee also said:

There is something that's interesting that has happened since the Constitution. Decentralization has become an inescapable part of the political discourse. I would say, to make an American comparison, [it has] become as sacred as [the concept of] unalienable rights . . . so every politician, to be taken seriously, has to convey his strong support for decentralization. [However,] the reality is just about everybody is absolutely against it! It's not that they are kind of against it. They are absolutely against it. (INT 2)

For such reasons, more recent theories on decentralization speak of the need to make explicit the political, economic, and social realities of a country prior to engaging in any assessment of decentralization efforts,

as initiatives are not implemented in a vacuum.²⁸ Without understanding Haiti's deeply entrenched politics, it is impossible to accurately determine how the potential gains from decentralization would be obtained, moving forward.

Finally, there is no shortage of studies, technical reports, and Haitian practitioners and scholars to guide how central government actors might strengthen the legislative framework for decentralization. In fact, the over one dozen reports that the Decentralization and Territorial Collectivities Unit of the CNRA produced focus precisely on this matter, and many CNRA members remain engaged and willing to advise more recent administrations. Ultimately, the functioning of local governance depends on the willingness of central government actors to establish and support these institutional structures, and this is the key conundrum that continues to prevent decentralization from playing a more prominent role in improving the lives of Haitian citizens.

CONCLUSION

This paper sought to highlight the rationale behind the post-Duvalier appeal to decentralization in Haiti while also providing a novel and comprehensive on-the-ground analysis of how and why the failure to implement decentralizing mechanisms has directly contributed to some of the stalemates around Haiti's social, economic, and regional development prospects. As a departure from the longest-standing dictatorial regime in Haitian history, decentralization was a much-heralded development tool enshrined in the Constitution of 1987. The grassroots political structure that this document outlines was intended to promote participatory governance throughout every aspect of the country's affairs. It aimed to redefine how the state delivers essential public services to all its citizens, regardless of where they are located on the socioeconomic spectrum or geographically throughout the country. Over 30 years later, however, this aspirational vision of the Haitian state remains elusive.

Moreover, the widespread protests known as *peyi lòk* (countrywide shutdown), beginning July 6–7, 2018, and continuing through early 2021 with calls for the late President Moïse to step down, reveal a harsh reality: when masses of people lack formal means to make their voices heard regarding their worsening conditions, they will take to the streets (even, occasionally, with violence) in the hopes that their demonstrations will be able to topple the person, people, or entrenched systems they believe benefit unjustly from their oppression. Notwithstanding the absence of specific details pertaining to a mastermind or motivation at the time of this writing, the fact that the president was assassinated in the early morning

between July 6 and 7, 2021—exactly three years after these popular uprisings started—underscores the need for the country to redefine its governance approach at such a critical time in Haiti’s history. To this end, a commission of civil society actors that formed in May 2021 to explore possibilities of a post-Moïse Haiti has been, in the wake of the assassination, advocating for Haitian-led solutions without international intervention (Clesca, 2021; Johnston, 2021).

Ultimately, while the 1987 Constitution is not without its flaws, its principle remains. The interviews with Haitian and Haiti-based stakeholders, along with the content analysis conducted for this study, uncovered a departure between how decentralization is understood in the literature and how it is interpreted in a Haitian context resulting from Haiti’s unique sociopolitical development as a nation. This study also exposes critical blockages at the central government level regarding the pursuit of a decentralized Haitian state. Operationalizing a decentralization framework that reflects the inclusivity and participatory engagement embedded in the 1987 Constitution holds great promise for moving the country beyond seemingly unending and increasingly intensifying episodes of political, social, and economic instability, should central government actors choose to prioritize the wellbeing of the nation and its citizens over their own political and material gains.

Notes

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- ¹ This historical information regarding *moun an deyò* versus *moun lavil* was unexpectedly obtained during the interviews I conducted in 2017 (INT 2 and INT 4). Table 1 in the methodology section provides additional background on the eight individuals interviewed for this study (INT 1–8).
- ² A primate city refers to a city whose population significantly surpasses that of a country’s next largest city and where a sizeable portion of this population consists of people relocating from rural areas in search of better opportunities since economic, educational, recreational, and other activities tend to also be concentrated there (Jefferson, 1989). Moreover, these rural transplants often do not intend to return to their localities of origin and over time end up contributing to the continued population growth of the primate city.

- ³ “Commission Nationale à la Réforme Administrative” (CNRA) translates to the National Commission for Administrative Reform.
- ⁴ The free election of mayors did not emerge in Haiti until the early 1990s, since mayors had been appointed by the central government throughout the Duvalier dictatorship.
- ⁵ “Centre de Recherche et de Formation Économique et Sociale pour le Développement” translates to the Center for Economic and Social Research and Training for Development.
- ⁶ The first final report was from USAID’s LOKAL (Limiyè ak Òganizasyon pou Kolektivite yo Ale Lwen) program, which ran from December 2007 through January 31, 2011, at a total cost of \$13,683,091 USD. The second final report was from the subsequent LOKAL+ program, a five-year, US\$19.8 million endeavor, that built on LOKAL by working with nine municipalities to enhance tax collection, public management, and service delivery while also working with central government agencies to bolster the legal framework for tax collection nationwide.
- ⁷ The municipal assembly is also tasked with nominating judges for the role of Justice of the Peace (*jij de pè*).
- ⁸ Given that the city center does not have an ASEC because it is not a communal section, a village delegate is elected to represent the population living in the more urbanized portion of a commune.
- ⁹ The departmental assembly is also tasked with nominating a member for the permanent electoral council (*konsèy elektoral pèmanan*) as well as judges for the Appellate Court (*jij kou d apèl*) and the Civil Tribunal (*tribunal sivil*).
- ¹⁰ It was observed throughout the course of this research that when interviewees made general references to the merits of decentralization, they were typically referring to devolution.
- ¹¹ Casséus (2016) highlights the utility of decentralization for Haiti primarily in a spatial context along with the socioeconomic implications this would have on people’s overall livelihood. In this sense, her take is consistent with the theoretical interpretation of decentralization regardless of country context. My findings, however, explicitly reveal the unique administrative considerations of decentralization that Haiti would have to concertedly address—because of the country’s entrenched historical divide between *moun andeyò* and *moun lavil*—prior to arriving at the spatial and socioeconomic improvements that may result from decentralization in general.
- ¹² In the Kreyòl response from which this quotation was translated, the word used was *revandikasyon*, meaning a big “demand” or “claim.” It can even mean that decentralization was a major “point of advocacy.”
- ¹³ Capitalization found in quoted texts throughout this analysis is used to convey emphasis placed on particular words by interviewees in the course of their responses.

- ¹⁴ This report, prepared by Robert Denizé, is a synthesis of the CNRA propositions described on p. 43.
- ¹⁵ Smucker et al. (2000, Annex C) provide a list of additional legislation that would be needed.
- ¹⁶ Intergovernmental transfers are one of two forms of fiscal decentralization. The second form of fiscal decentralization is local tax collection.
- ¹⁷ At the time, these two communes were represented by one parliamentarian. Today, they each have their own parliamentarian.
- ¹⁸ Fils-Aimé agreed to be identified in the study, as he is a public figure.
- ¹⁹ Fils-Aimé emphasized this point with an elevated tone during the interview.
- ²⁰ Both historically and presently, *depite yo*, like most Haitian politicians, have almost always been men.
- ²¹ In this manipulation of voters, the *depite yo* are unfortunately not atypical of Haitian politicians in general.
- ²² Translated by Ladonna Sales.
- ²³ Haiti was also under de facto rule from 2011 to 2015.
- ²⁴ Moïse maintained that his term would end on February 7, 2022, given that an interim president was in place for the first year of his five-year term, whereas the opposition's stance was that his term ended on February 7, 2021.
- ²⁵ It is important to note that these dynamics were not observed during this study, though I became aware that such tensions exist during my nearly seven years of experience working in Haiti.
- ²⁶ See Figure 1 and its accompanying discussion.
- ²⁷ I was once driven past what seemed like a makeshift shack on the side of the road only to learn from my driver that this structure was a CASEC bureau.
- ²⁸ See Weingast (2006) for a discussion on second-generation fiscal federalism.

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