

The construction of public policies in Haiti

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PREFACE

This research report was prepared as part of the ‘research’ component of the catalytic ‘Support for land policy formulation’ project, which was funded by the French Development Agency and implemented under the auspices of the French Cooperation’s ‘Land Tenure and Development’ Technical Committee.

The aim of this research component is to deepen knowledge in this field through empirical work on two themes undertaken by research teams in the Northern and Southern Hemispheres:

- land dynamics and transactions: the different forms of transaction, the actors concerned, modes of regulation, economic and social impacts.
- formal and informal lobbying and negotiations, the role of research and expertise, etc.

The reports generated by this research can be found on the ‘Land tenure and development’ portal: <http://www.foncier-developpement.org/vie-des-reseaux/le-projet-appui-a-lelaboration-des-politiques-foncieres/volet-recherche> 6

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Acronyms

ANDAH	Association nationale des agronomes haïtiens (National Association of Haitian Agronomists)
APPNE	Association des petits planteurs du Nord-Est (Northeast Small Planters' Association)
APWOLIM	<i>Asosyasyon Pwodiktè Lèt Limonad</i> (Limonade Milk Producers' Association)
ASEC	Assemblée de section communale (Communal Section Assembly)
AVSF	Agronomes et Vétérinaires Sans Frontières (Agronomists and Veterinarians without Borders)
CASEC	Conseil d'administration de section communale (Communal Section Administrative Council)
DGI	Direction générale des impôts (Tax Department)
DSNCRP	National Growth and Poverty Reduction Strategy Paper (2008-2011)
EPA	Economic Partnership Agreement with the European Union
GREF	Groupe de recherches et d'études foncières (Land Tenure Study and Research Group, Port-au-Prince)
ICF	Interim Cooperation Framework (2004-2006)
INARA	Institut national de la réforme agraire (National Institute of Agrarian Reform)
MARNDR	Ministry of Agriculture, Natural Resources and Rural Development
MPP	<i>Mouvman Peyizan Papay</i> (Papaya Farmers' Movement)
ODVA	Office de développement de la vallée de l'Artibonite (Artibonite Valley Development Office)
ONACA	Office national du cadastre (National Cadastre Office)
PAPDA	Plate-forme haïtienne de plaidoyer pour un développement alternatif (Haitian Platform to Advocate Alternative Development)

SUMMARY

Haiti is a mainly agricultural country whose agro-land structure is marked by the prevalence of smallholder farming. While the proportion of farmers in the active population is tending to decline, this sector—despite the difficulties it encounters—is the main source of income for the inhabitants of the country.

Starting from an analysis of very different modalities for implementing the agrarian reform in two regions of Haiti—the Artibonite Plain between 1999 and 2000, and the North-East Department in 1999-2000—and relying on a new field survey in these two areas a decade after the interventions, the aim of this research was to reflect on the more general question of the political management of land tenure in the country.

An Agro-Land Imbroglio

Farms, even small ones, are usually made up of a group of minuscule plots to which farmers have access through diverse modalities (ownership, undivided inheritance, various contracts, etc.), and land tenure security is low on a large proportion of this land. In practice, one of the difficulties unique to Haiti is the constant uncertainty of the line between agrarian issues and land tenure equally for actors who refer to tradition and actors who refer to legal provisions.

Two problems arise in particular.

- The first is the existence of large agricultural properties whose aim is not capitalistic farming but rather to generate rents (mainly through agrarian tenancy or sharecropping contracts), to the detriment of both productivity and farmers' real incomes.
- The second is government institutions' lack of knowledge of the quantity and location of land really controlled by the State, especially given that the presumption of state ownership is constantly invoked and the means to establish titles, although real, are little used.

Agro-land reform was a justified option under such conditions with the aim of advancing on the issues present both in regard to legal modalities covering land use (“agrarian”) and rights to land and natural resources (“tenure”). Intervention was needed on both legal provisions (designate land recipients) and exploitation modalities.

Haiti's Agrarian Reform

The reform undertaken in Haiti between 1995 and 2000 aimed to attempt to modify the existing system:

- by limiting or preventing modes of farming that are reputed to be little productive—notably sharecropping on land held by large landowners or state farmers; and
- by creating the conditions for better agricultural land development, and especially irrigated plots for rice cropping in the Artibonite region, reputed to be the country's rice granary.

The reform also aimed to put an end to recurrent land conflicts in this rice-growing region by improving the distribution of land among farmers.

To do this, the National Institute for Agrarian Reform (INARA), created in 1995, had the role of first taking temporary possession of land over which there was a conflict, and then, with local farmers' organizations, organizing its distribution among small landless farmers in the region. Financial and technical support was also provided to recipients of the reform.

In regard to land tenure, this reform, under cover of addressing “agrarian” issues, had the concrete result of re-integrating into the State's private property:

- productive land, over which there was a conflict, whose land tenure status was not clear; and
- land that was reputed to belong, legally, to the state but was in fact occupied by the local population, and for which peasant memory claimed the status of private land.

However, INARA was not able to make this new land distribution lasting. Indeed, taking advantage of national political events, some of the large farmers that had been expropriated in the rice-growing zone recovered possession of the land they occupied in 2004, and their protégés have since replaced the “beneficiaries” of the reform. In practice, it has been impossible for the National Institute for Agrarian Reform (INARA) to punish these illegal occupants who imposed themselves and stayed, often by force. What is more, the difficulties finding the human means for institutional intervention by the national police and justice system have been compounded by the fact that the farmers who were the recipients of the reform have become less pressing in their demands to have their rights re-established as the technical and economic difficulties they encounter have increased.

From the agrarian standpoint, this reform has not had the hoped-for results.

- The redistribution of a certain amount of irrigated land in the Artibonite region aimed to re-balance access to land in favor of the poorest farming households, but it did not prevent the exclusion of other equally poor households.
- Furthermore, as this intervention was not accompanied by sustained technical and economic support, it was unable to fulfill its second objective—reviving rice production.

Following this first failure, the second stage of the agrarian reform sought to improve the security of a certain number of farmers' groups occupying areas of abandoned State land in the North-East Department. For this, the reform hoped to rely on pre-existing farmers' organizations. In fact, it was not fully implemented, stopping after the preliminary field survey stage, because the political project behind it was quite simply abandoned with the political shift in 2004.

A Public Policy Problem

The lack of debate on the allocation of agricultural land to an industrial free trade zone in 2000, and the government's later silence on the question also indicate the problematic lack of coherent policies.

The INARA now finds itself in a position of retreat, and the agrarian reform is, because of this, no longer on the agenda and has never been evoked by President Préval since his return to power in 2006.

On the institutional level, recent experiences (2007) with the INARA's powerlessness in the face of the fiscal administration in its attempt to improve the security of stock farmers requesting land in the northern plain illustrate the tricky position of this institution vis-à-vis the other institutions in charge of land tenure and/or management of State land.

In this context, it now seems necessary to start from the existing limitations in order to elaborate appropriate solutions to the problems that have arisen.

On the institutional level, human resources are limited; and the multiplicity of institutions, the frequent overlap between their respective assignments, and the lack of coordination among institutions harm the efficiency of the actions undertaken. To limit reversals linked to political events, the need to completely validate, on the legal level, the existence of institutions created and decisions taken is illustrated by the precariousness of the access of the beneficiaries of the agrarian reform to the plots that were attributed to them, and by the pitfalls encountered by INARA in all of its interventions.

In any case, land issues are still extremely complex in Haiti, and localized interventions, either by region or on a case-by-case basis, defined in consultation with the sectors concerned– as the agrarian reform had what is more envisaged– would probably have a better chance of succeeding today than national reforms that the State does not have the political means to implement (fundamental decisions not having been validated on the national level), no more than it has the financial, institutional or human resources to implement.

Before questions of budget, appropriateness and even the problem of building the State's capacity to operate existing institutions, it is above all, however, a short-, medium- and long-term political vision that is needed.

Reflection is needed on land issues in general and in particular on the allocation of land from the State's private property. While the choice of the principle of relying on smallholder farming for agricultural production seems clear for the current government, the need to provide salaried jobs in both cities and rural towns is also undeniable, and State land is a resource that makes it possible to negotiate the establishment of domestic and/or foreign industrial or agro-industrial companies.

The elaboration of a joint agro-land policy relying on existing institutions consolidating these institutions and giving them the resources to fulfill their functions should be a mandatory step both among Haitian decision-makers and donors.

INTRODUCTION

1. The Situation in Haiti: Disaster or Transition?

According to the criteria used by international development agencies, the socio-economic situation in Haiti is alarming in every way: in 2004, Haiti was ranked 146th on the Human Development Index, and an estimated two thirds of the 8.5 million Haitians were living under the monetary poverty line.¹

On the political level, according to the Failed States Index (FSI) established by Foreign Policy and the Fund for Peace, Haiti was ranked the most unstable country on the American continent and as one of the most unstable countries in the world in 2007.²

In 2007, the World Bank estimated that the Haitian government, facing a serious internal conflict, was at risk of “disintegration”; and the OECD had for its part classified Haiti as a “fragile” state.³ Haiti was ranked in last place by the Corruption Perceptions Index in 2006,⁴ in conjunction with the disintegration of rule of law institutions and a sharp rise in urban violence.

1.1 Geographic and Demographic Data

Located on the western part of the island of Hispaniola, the Republic of Haiti occupies a total surface area of slightly less than 28,000 sq. km., only a quarter of which at an altitude of less than 200 meters. Farmland, most of which in the plains, accounts for less than 30% of the country’s surface area, while steep mountain slopes (slope greater than 40%) account for more than half.⁵ Pastoral land is estimated to cover 15% of the territory.⁶

In addition, the country contains a multitude of micro-climates due to the alternation between plains and mountains and the regional variations in rainfall patterns. This allows Haitian farmers to grow more varied species and harvest them over a longer period during the year

¹ Cited by the *Interim Cooperation Framework 2004-2006* summary paper (United Nations, European Commission, World Bank, Inter-American Development Bank), Republic of Haiti, July 2004, 87 pgs., page ix.

² Along with Iraq and African states in conflict. The criteria for this ranking include the loss of physical control of its territory or a monopoly on the legitimate use of force; the inability to provide reasonable public services; extensive corruption; extensive criminal behavior; the suspension of the rule of law and the violation of human rights; rising demographic pressures; uneven economic development; factionalized elites; and the intervention of external actors.

³ These states are, according to the OECD, those facing the difficulties associated with poor governance, limited administrative capacity, chronic humanitarian crises, and persistent social tensions, in a context of violence or the aftermath of a civil war.

⁴ Corruption Perceptions Index 2006 by Transparency International, quoted in “Haïti ne saurait être désigné « champion du monde de la corruption »”, *Le Nouvelliste*, Port-au-Prince, November 10, 2006.

⁵ UNDP, 1992: 15, quoted by Yves-Andre Cribb, 1997, Editions Areytos

⁶ The rest—i.e. half of the country—consists of land classified as “fit only for forest,” “unfit for seasonal tilled crops,” or “reserved for parks and nature reserves” (5%). See André-Yves Cribb, 1997, Table 01 “Estimate of the Land’s Natural Vocation,” Source: Adapted from MARNDR Soil Conservation Service data.

than they would be able to if the climate was more uniform. For this reason, Haitian farmers, who usually work several very small plots of land, have come to rather good terms with a diversity that allows them to have different exposure, land or rainfall from one plot to the next, thereby allowing them to minimize their risks while diversifying and spreading out production.⁷

In regard to demographics, the population is continuing to grow despite a still high rate of infant mortality and a low life expectancy. The country's population density,⁸ which was close to 200 inhabitants per square kilometer in 1996, is currently estimated to be approximately 300 inhabitants per square kilometer on average. It varies by region, of course, attaining very high densities in the departments where the two metropolises, Port-au-Prince and Cap-Haitien, are located.

In the two departments where the field surveys for this research were conducted, Artibonite and Nord-Est, average density in 1995 was estimated at just over 200 people per square kilometer in Artibonite and 137 people per square kilometer in Nord-Est.⁹ In both departments, there is considerable local variation in function of land development possibilities.

Generally speaking, land pressure is high and rising in this country that cannot increase its available farmland. However, it must be emphasized that the nature of this land pressure has changed. Overpopulation in the countryside, dropping agricultural yields,¹⁰ the lack of non-agricultural opportunities in provincial towns, and the rural economic decline have contributed to the rapid migration of hundreds of thousands of rural people to towns and cities in search of a better life. The city-dwelling population therefore accounts for a growing proportion of the country's population. It rose from 25% in 1982 to 40% in 2003.¹¹

Housing needs and the real estate investments by expatriate Haitians on their family farmland are generating the "splintering" of peri-urban agricultural areas through construction. The lack of government control over land occupation is all the more problematic as this phenomenon of

⁷ However, this requires considerable travel between often minuscule plots, which helps limit the possibility of mechanizing agricultural labor.

⁸ In recent times, the country's total population was determined by three censuses conducted during the second half of the 20th century: in 1950 the population was approximately three million people. It had increased by nearly 50% in 1971, and exceeded five million in 1982. Two decades later, it is estimated to be more than 8.5 million people, most of whom young. The Université de Sherbrooke's website estimates the current population density to be on the order of 350 people per square kilometer. <http://perspective.usherbrooke.ca/bilan/servlet/BMTendanceStatPays?langue=fr&codePays=HTI&codeTheme=1&codeStat=EN.POP.DNST>

⁹ MPCE, Direction Départementale de l'Artibonite, "Eléments de la problématique départementale", *Projet d'appui institutionnel en aménagement du territoire* (HAI-94-016), UNDP, UNCED-Habitat, February 1998, pg. 32.

¹⁰ According to the National Growth and Poverty Reduction Strategy Paper (DSNCRP), paragraph 165, agricultural productivity is said to have fallen by 0.5% to 1.2% per year since 1997 because of deforestation and its effects on the state of catchment areas.

¹¹ *Interim Cooperation Framework 2004-2006* summary paper. In Haiti, urbanization is taking place against a backdrop of persistent economic decline, and a majority of "urban" residents now live in insalubrious housing with uncertain land tenure status and limited access to essential services or in shantytowns. The local authorities rarely have the means to respond to rapid population growth in cities or to meet the demand for services. The situation worsened when the structural adjustment reforms were adopted as they brought large cuts to local budgets which were passed on in the services provided to the urban population.

competition between construction for housing and agriculture is spreading most strongly in the coastal plains¹² that have the best land, and is therefore working against still profitable crops.

2. Agriculture and the Population

Today, the general feeling about Haiti is that even if this country had perhaps for a few decades had a chance of making the agrarian transition successfully,¹³ the population growth in this island context combined with the country's relative lack of non-agricultural job opportunities now tend to show that the proponents of Malthusian interpretations (such as Murray (1977) in regard to Haiti) who believe that, above a certain demographic weight, over-exploitation of the milieu is followed by inevitable ecological degradation may be right.

Deforestation (forest cover has fallen from 60% of the territory in 1923, to approximately 2% today)¹⁴ and the resulting erosion have worsened the impact of tropical storms and cyclones, the frequency of which has clearly accelerated in recent decades.¹⁵

In return, it must be emphasized that although the agrarian crisis in Haiti has been evoked since the 1950s, this country with limited resources has somehow or other managed to withstand extremely strong and rapid population growth for half a century. Still today, alternatives to farming are invented from day to day by farmers who expatriate themselves part of the time, start parallel activities such as small local shops, crafts, etc., which allows them to hang on despite shrinking plots of land.

Faced with this creativity and because of their own limits, government and international initiatives seem to have until now had very insufficient impact despite their ambitions. The agrarian reform must be examined in light of this.

¹² This is notably the case in the Cul-de-Sac plain immediately north of Port-au-Prince, a fertile and irrigated plain suitable for growing bananas, a very profitable crop.

¹³ Jouve (2007) uses the expression "agrarian transition" to illustrate the fact that some agrarian societies show a capacity to react to the degradation of their environment and manage to regenerate the productive capacities of their milieu by investing in labor. Elisabeth Boserup went further by affirming that, in subsistence agriculture, intensification could only come from a population increase, stimulating in some cases better exploitation of the milieu. As proof, she cited a few very specific examples—whose unique contexts must be explored—of the positive and effective reaction of a certain number of developing country societies to very rapid and consequential population growth.

¹⁴ Ministry of Planning and External Cooperation (MPCE), *National Growth and Poverty Reduction Strategy Paper*, "Pour réussir le saut qualitatif", Port-au-Prince, Imprimerie Deschamps, Republic of Haiti, November 2007, paragraph 165. www.mpce.gouv.ht/dsnrcpfinal.pdf

¹⁵ The Natural Disasters Risk Index (NDRI) is extremely high for Haiti, between the risks of earthquakes and cyclones; 44% of the storms over the past century have happened in the last fifteen years. See DSNCRP paragraph 77, citing the global report "Reducing Disaster Risk" (UNDP, 2004).

2.1 Agriculture's Role in the Haitian Economy

According to the criteria in the World Bank's 2008 report, Haiti was one of the "agriculture-based countries"¹⁶ in need of a revolution in the productivity of small farms that dominate this sector.

While still believing that the agricultural sector was fundamental for such countries, if only because of the proportion of the population living in rural areas and the proportion earning a living from farming, donors generally felt in 2007 that the future was to accompany increasingly pervasive urbanization. Development hypotheses therefore seemed to view an irreversible decline in national agriculture as a certainty.¹⁷ In fact, agriculture's proportional contribution to the country's food needs has been dropping over time and, while it still employs a very large percentage of workers, it is no longer enough to feed them. Rural households' incomes now come in large part from other activities.¹⁸ Since 1986, competition from imported foodstuffs has had an extremely negative impact on certain sectors. This is particularly the case for rice production in the Artibonite, a crop that was one of the essential stakes in the agrarian reform in a region that had been the object of considerable public investment at various periods of time.

Compared with the country's economy, agricultural resources are the most exploited. Along with the resource that local labor potentially represents, they make up the primary foundation of the economy.

Following the country's trajectory since its independence in 1804, Haiti's agro-land structure is marked by the prevalence of small farms.¹⁹ The country currently counts approximately 600,000 small family farms averaging 1.8 hectares in size, of which 400,000 in rural zones subject to drought or other weather hazards.²⁰

During the 1970s, agriculture provided three fourths of the country's jobs. Currently, the proportion of farmers in the active population is tending to drop, but farmers still account for approximately 45% to 60% of the workforce, depending on the source and counting methods. Therefore, a sector that still today and despite the difficulties it is facing, makes up the primary source of revenue supporting 70% of the country's population directly or indirectly cannot be seen as marginal.

Haiti is one of the countries on the American continent whose natural resources have been subjected to the strongest pressure over the past half-century. The country's population has doubled, whereas the agricultural crisis had already started and available farmland and overall production have dropped.

¹⁶ "Agriculture-based countries are defined as countries where a high share of overall growth originates in agriculture and where the poor are concentrated in rural areas." (World Bank, 2008)

¹⁷ Even though agricultural growth is acknowledged as having a vital role to play in poverty alleviation and feeding cities. See Chauveau, 2007.

¹⁸ "80% of these farms cannot meet the food needs of their families, and it is said that most farmers now depend on their farms for less than half their household income." *Interim Cooperation Framework 2004-2006* summary paper, July 2004, pg. 62.

¹⁹ Unlike the plantation economies that prevailed in most of the Caribbean until the 1980s (see Deverre ed., 1987). The only time that agro-industrial farming was really attempted again in the country, by foreign companies holding concessions on private government land, was during the American occupation.

²⁰ These figures were taken from the report produced for the Interim Cooperation Framework for 2004-2006.

2.2 Smallholder Farming or Agro-Industrial Agriculture?

The colonial history (particularly in the 17th and 18th centuries) was a history of agro-industrial farming of indigo then sugar on all the country's plains, and coffee in the hills.

The Republic of Haiti's agrarian policy, in force since independence in 1804, is usually described as having always hesitated throughout history between two radically opposed but always coexisting tendencies, the first favoring large planters who are said to have perpetuated since the colonial days the production of export commodities over large tracts of land, and the second aiming to protect small farmers growing mixed food crops on their family "gardens" with these small farmers often presented as being the descendants and heirs of the slaves in the 18th century.

This question of the choice, on the national level, between large and small farms was already raised at the country's independence, when two very different social projects clashed. The first, aiming to maintain large-scale farming, took the form, for example, of regulations²¹ banning the plots of land smaller than 50 *carreaux* (approximately 60 hectares).²² Inversely, very shortly after independence, policies were implemented that aimed to favor small farmers; at stake in these policies was optimal agricultural use of the land against a backdrop of rejection of any form of salaried farm labor.²³

2.3 Foodstuffs or Commodities? Agriculture and Food Self-Sufficiency

Until the 1980s, coffee, the country's main export commodity, was produced by small farmers. The other export crops were usually the work of foreign companies that had invested in the country. In the 20th century, this struggle between the two tendencies was the most radical during the American occupation (1915-1934). Large plantations triumphed at this time and, with the support of the government in power, large companies moved in, often to the detriment of the small farmers who occupied the land they coveted.²⁴ These companies ran successful large-scale export-oriented sisal, rubber and banana plantations, but when they left, the often sizeable investments they had made were not valued by the Haitian government.

In Haiti, the current large landowners, called "*grandon*" because historically they received large national grants,²⁵ have nothing in common with the foreign entrepreneurs of that time. More or less legitimate owners of plots that can be up to hundreds of hectares in size, and often living in urban areas and therefore usually "absentee" owners, they are more rentiers

²¹ See for example Sonthonax's (1794) and de Toussaint Louverture's (1801) regulations at the end of the colonial period.

²² A *carreau* is equal to 1.29 hectares. This is the unit of measurement used by Haitian farmers, while the representatives of government institutions measure land in hectares.

²³ President Boyer granted concessions of five *carreaux* of land to "good growers." In 1870 and 1883, the government granted concessions of three to five *carreaux* of land, and in 1934, the homesteading law (*Bien Rural de Famille*) stated that the plots allocated under this status could not be larger than five hectares.

²⁴ In 1926, the government granted the company that created the Dauphin plantation 8,000 hectares of land in the plain located between Trou du Nord and Fort Liberté, but the exact location of this land was not specified and land occupation in the plain was not surveyed beforehand. The general idea was that small farmers, who were asked to prove the legality of their occupation, were under-farming the land and agro-industrial companies would do a better job of developing it.

²⁵ Repeatedly throughout Haiti's history, the men in power have secured their followers and/or remunerated their armies with individual grants of land from the state's private property. These "grants" could range from a few *carreaux* for a simple soldier to several hundred *carreaux*—an immense amount given the size of the country.

than entrepreneurs and in most cases content themselves with renting their land to small farmers through the intermediary of a manager. Their income comes from the rent (in cash or kind) that they obtain for the farmland they control ; and the rent they charge is often exorbitant, given that they invested nothing. Because of these costs, the precariousness that the contracts create for farmers, and the tiny revenue that this land can provide in these conditions, Haitian farmers who do not own their own land are reduced to subsistence farming.

In addition, for the past twenty or so years, the country has been caught between two contradictory tendencies. First, the discourse on food self-sufficiency was a crucial argument for legitimizing the farmers' associations that emerged after the fall of Jean-Claude Duvalier. Inversely, starting in 1986, the goal of feeding the cities, against a backdrop of unpredictable production and growing rural exodus, encouraged the successive governments to abandon the protectionist policy that had been favored until then and allow rice to be imported from the United States at prices considerably lower than those on the domestic market. Local staples were therefore faced with sharp competition from imported products. Reciprocally, the goods that could be exported were not supported and therefore ran up against foreign competition, often subsidized, better organized and therefore less expensive and more profitable.²⁶

This situation, which was not taken into account in policy decisions, aggravated the problems encountered by farmers who were no longer able to sell their crops profitably. Previously the pearl of the Antilles for its sugar production, exporter of foodstuffs and sisal during the Second World War and then coffee exporter, Haiti now imports the vast majority of its rice and a large proportion of the sugar, eggs and chicken that are eaten there. The trading middle class, that had monopolized agricultural commodities exports when they were viable, has now shifted its focus to food imports.

Faced with the intensification of these trends, today the decision seems to have been made, in regard to food policy, to abandon the goal of self-sufficiency that had been carried by farmers' organizations at the end of the 1980s. Having no choice but to follow the policies encouraged from the outside, these organizations themselves have turned to the idea of "food security" more than "self-sufficiency" in which no one believes any more.

3. Haiti: An Atypical Land Tenure History

On the agrarian level, in most of Latin America and the Caribbean, independence led to the preservation and renovation of former colonial structures to the benefit of the new dominant classes that had run the wars for independence or other national liberation processes. The colonial haciendas or *fazendas* were the basis on which the agrarian system was (re)built founded on the triptych of minifundia, latifundia, and agrarian capitalism. Haiti's agrarian history has been marked, however, by the formidable resistance of small farmers, former slaves and their descendents, to the re-establishment of a large plantation economy. Haitian farmers obstinately fought the development projects defended by the revolutionary leaders of

²⁶ The country's few export food crops also faced marketing difficulties. In August 2007, for example, large quantities of the mangos produced in Haiti for sale on the American market were sent back to the exporters because they did not meet the demanded criteria perfectly. The producers near Cabaret (north of Port-au-Prince), who only had in hand receipts showing the quantities provided to exporters, claim that the exporters never paid them for the rejected mangos.

the new state. It was out of the question for them to return—even with the status of free men—to the sugar plantations. Thus, the “only successful slave revolt in history”²⁷ led to the destruction of a large plantation system based on the export of agricultural commodities and to the consolidation of smallholder food cropping. The peasant class successfully imposed an “anti-plantation” system²⁸ in Haiti during the 19th century.

For its part, the issue of land tenure still occupies a unique place in the history and conception of national policies. Overall, the main distinction is between private land and state land. On the legal level, all land, whether farmed or not, for which an individual cannot present a valid property deed is considered to be vacant and ownerless, and therefore part of the state’s private property.

In Haiti, there is a constant overlapping of the agrarian and land tenure fields precisely because of this struggle between small-scale food cropping and large-scale agro-export farming. In practice, while distributing the land has always been seen as a prerogative of the authorities, the attempts to manage agricultural production on the national level, such as reviving the plantation economy by attaching the farmer to the land, have always run up against the perseverance of small farmers fighting to preserve their direct access to land and their small farms. The past and the still preponderant role of agriculture in the country’s activity jointly explain the still crucial role of small farmers in national ideas even though these small farmers are no longer able to feed the country or even feed themselves. Nevertheless, the lack of coherent management, the degradation of the land, and the resulting drop in production have reduced agriculture’s share in the GDP. Today, the lack of protection for farmland and the lack of urbanism policies, along with non-compliance with existing laws, have repercussions that further intensify the problems evoked. This state of affairs has long been decried, and one can but note that it persists despite - or perhaps because of - the political changes, and above all despite the impressive sums spent on the country at certain times in the name of development.

The hesitant government position on the use of the state’s private property (leading to an absence of decisions so as to maintain potential control over land) has led the successive governments to conduct, for the past twenty years, an erratic land policy that has, since the return to office of the president who previously supported agrarian reform, been one of “de facto” management, a policy of non-intervention...

It is crucial to take into account this unique history punctuated by upheavals and ruptures in order to understand and account for all the elements present in the current situation. We therefore would agree with the geographer Paul Moral when he wrote that “historical factors appear to have primordial importance in an introduction to the study of peasant life as it can be seen today in Haiti,” and “the legacy of the past [is] as decisive as the nature of the land.”²⁹

²⁷ C.L.R. JAMES, *The Black Jacobins: Toussaint Louverture and the San Domingo Revolution*, New York: Random House, 1963 [1938].

²⁸ Jean CASIMIR, *La cultura oprimida*. Mexico: Editorial Nueva Imagen, 1980.

²⁹ Paul MORAL, *Le paysan haïtien: Etude sur la vie rurale en Haïti*. Port-au-Prince: Les Editions Fardin, 1978 [1961], pg. 11.

3.1 The Two Regions Chosen for this Research

Our research proposal was to start from an analysis of the very different modalities used to implement the agrarian reform in two regions of Haiti, the Artibonite plain between 1996 and 2000, and the Dauphin plantation zone in the Nord-Est Department in 1999-2000.

Our objective was, by examining this attempt at agrarian reform and observing the possible fall-out from the law on decentralization promulgated in Haiti (also in 1996) in regard to the management of state land, to reflect on the more general question of the political management of land tenure in this country.

Prior to this, we must emphasize that, although the prevalence of smallholder farms is, as we have mentioned, one of the main characteristics of the Haitian land tenure structure, one of the specificities of the two regions studied is, on the contrary, that they are areas in which, for specific historical reasons, large properties have re-formed.

Because of this, these vast coastal plains had already, long before the National Institute for Agrarian Reform took an interest in them, been the subject of public and/or private investments of considerable magnitude. What is more, the political upheaval in 1986 had considerable consequences there.

The Artibonite Plain

The Artibonite plain, the first area chosen for the agrarian reform, has been the site of major transformations over the past sixty years. The massive public investments in this region, notably large-scale irrigation schemes in the 1950s, greatly enhanced previously arid land. In the years prior to these developments, several “absentee” owners of a few *carreaux* of land began to attempt to extend their influence in the plain through various methods. Land was bought from farmers, with a complete lack of equality of information on the transactions. Some remembered that they had property in the region, others thought it was a good time to begin speculating and acquired plots. Farmers, who “had” land without being its legal owners, as is often the case for farmers who work state land, were arbitrarily dispossessed. Finally, corruption in the legal system and the venality of many surveyors and notaries enabled the falsification of property deeds. During this time, what happened was in fact what is known in French law as “insider trading”. People close to the authorities, often well-informed city-dwellers, took advantage of their position to acquire land from which they would turn a huge profit. Indeed, the irrigation developments significantly modified land stakes by generating, because of demographic pressure, an ongoing rise in land prices and rents.

The “large properties” that re-formed starting in the 1950s in the Artibonite are “large” in the context of Haiti (a few hundred hectares at most), and cannot be compared to the latifundia in Brazil, for example. Furthermore, most of the time the land in question was not fallow land or land devoted to extensive stock farming but rather farmed, cultivated land. Despite all this, these large properties are not managed like large farms; on the contrary, through tenancy and sharecropping, these large plots have been split into multiple small peasant farms.³⁰

³⁰ According to Larose and Voltaire, for the most part large properties have never successfully been turned into large capitalistic farms, and sharecropping and tenancy are still the predominant forms of farming. LAROSE Serge, VOLTAIRE Frantz, “Structure agraire et tenure foncière en Haïti” in *Anthropologie et Sociétés*, Montréal, Vol. 8, No. 2, 1984, pp. 65-85.

Consequently, the true struggle—which triggered many land conflicts in the region—is the fight for access to land and for land rents. The paradox between the extreme poverty in which the vast majority of farmers in the Artibonite live and the great fertility of the irrigated land they farm, is explained by the chain of levies applied to the farmers, from those taken by managers to those taken by the *grandon* and then to those taken by the central authorities. The land over which there is a conflict sometimes covers tracts of several hundred hectares and, ceded in plots of a few hectares or less, generates extraordinary rents in a poor country like Haiti, rents that the *grandon* can obtain without the need to invest.

This explains the fierce conflicts over land and the “patience” of the *grandon* who would rather risk losing one or several harvests to confrontation and violence than lose control of the land. These conflicts, which sometimes became true rural wars between entire locations, have over time resulted in considerable loss of life, and the destruction of houses, cattle and harvests.

Their complexity and recurrent nature are partially due to the fact that they never oppose only small farmers and large landowners, but involve and generate competition between diverse group of farmers, some of whom receive “favours” from various groups of landowners. In this type of conflict, the farmers in one location demand their rights to access land by declaring the land to be government land, while those in the rival location believe that their rights are better preserved if they fall in line behind the *grandon*’ claims.

In any case, the conflicts are always fought through the intermediary of peasants, and re-establishing the chronology of these conflicts shows that spikes in violence coincide with political changes, reflecting Haiti’s history of oscillation between long periods of closure and repression followed by shorter moments of political openness that are rapidly inundated by popular mobilization and people’s demands.

The Dauphin Plantation

The second area targeted by the INARA was the land still referred to today as the “Dauphin plantation” located in the coastal plain in the Nord-Est Department. Unlike the Artibonite whose land has been private property since the 1950s, the land in the Nord and Nord-Est plain is thought of as state property because of a long local agro-industrial history that is still very present in people’s minds.

Indeed, this region contained the largest sisal plantation in the Caribbean during most of the 20th century. The Dauphin Company was founded by an American entrepreneur who had been granted a long-term lease on 8,000 hectares of unspecified land in the plain during the American occupation (1915-1934). The company moved in starting in 1927 and, in so doing, expelled a large number of small farmers who lived and worked there but did not have proper official property deeds.³¹ For those who were able to prove the legality of their possession of their plots, the land was purchased at terms that were often not clear. As the holders of long-term government leases to entire zones over which peasants had not been able to prove their rights, the various successive agro-industrial companies progressively found themselves at the

³¹ See Union Nationaliste (L’), 1930, *Dépossessions*.

head of thousands of hectares,³² some of which was rented from the state and some of which they owned.

While some peasants persisted in planting food crops between the lines of sisal in specific areas seen as having been bought by the company under very shady conditions,³³ the plantation managers systematically flushed them out and these attempts at peasant re-occupation never managed to swell. The vast majority of peasants in the region had given up on the land, falling back to the hills further to the south or resigning themselves to increasing the ranks of farm laborers employed on the plantation.

After forty-five years of agro-industrial operations and expansion, during which the need for sisal fiber triggered by the Second World War caused a large increase in production, the sharp drop in demand during the 1960s with the appearance of nylon brought about the progressive decline of the plantation. Recovered in the 1970s after the last foreign entrepreneurs had left by a Haitian businessman close to the Duvalier family, the land where sisal had been grown, the factories and the buildings were definitively abandoned in 1984; and the people from the town of Terrier Rouge and the housing estates created nearby saw the jobs - as farmhands, mechanics, workers, etc - that had been the source of the region's relative prosperity disappear. The remainder of the plantation, land and industrial equipment was seen as returning to the state's private property and entrusted to the Ministry of Agriculture.

This nearly constant agro-industrial occupation for more than a half century of all of the coastal plain therefore had the effect that this land, arid and difficult to develop, was neither re-occupied by small farmers nor appropriated by *grandon*. Unlike the Artibonite, at the time of the political upheaval of 1986, this region was, from the land tenure standpoint, a sort of blank page consisting of vast quantities of temporarily "unoccupied" land in the state's private property.

In February 1986, with the new situation opened by the end of the Duvalier dictatorship, small and medium peasants and local organizations positioned themselves as the legitimate farmers of this land, and one of these organizations, the Association des petits planteurs du Nord-Est (APPNE, Nord-Est Small Planters' Association), submitted a request for a lease to the appropriate administrative office immediately after the departure of Jean-Claude Duvalier. The support that this association received from a certain number of foreign organizations, including notably Oxfam, led the administration to view the association with a degree of benevolence, at least at first, and the Minister of Agriculture at the time promised to give the APPNE access to 6,000 hectares of land "2,000 for agriculture, 2,000 for stock farming, and 2,000 for reforestation."

From this standpoint, it seems that administrative errors were made from the start. Indeed, after some time, it became apparent to the farmers concerned that the Ministry of Agriculture was not in the legal position to manage state land and that this right was the prerogative of the Direction générale des impôts (DGI, Tax Department). Thus, in 1988, the question became whether the local DGI office, located in the town of Terrier Rouge, had the authority to make such a decision or if one needed to go to the department's administrative center, or if one

³² 16,000 hectares in total if one includes the other part of the plain, located in the Nord Department, that was the subject of similar use.

³³ We shall see that this zone was targeted by the second phase of the attempted agrarian reform launched in 1999.

needed to go all the way to Port-au-Prince... This back-and-forth lasted until the political situation, which had become too dangerous because of the coups in 1988, forced the association to stop its proceedings.³⁴

In 1991, when the democratically elected president took office, the tension eased for a few months, during which a certain number of meetings were held to reflect on agrarian reform. Representatives of the APPNE participated in these meetings, requesting that the state grant the association “legal occupation rights” to “develop its agricultural activities, stock farming and reforestation in the best conditions” on the land.³⁵

Following the coup in September 1991, new actors took an interest in the region, notably the military, large traders and industrialists with large-scale port and tourism projects. These projects were not implemented but, during the politically troubled years that followed, a few prominent figures managed to obtain more or less valid leases directly from the Direction générale des impôts in Fort Liberté.

The political changes in 1994-1995, which were marked by the return of President Aristide and then the election of René Préval as president, revived the occupation movement that took, according to some observers, a “much more markedly clientelistic” turn.³⁶ In this context, shortly after his return in September 1994, President Aristide made an oral promise to the head of the farmers’ association, which had become the Coopérative des petits planteurs du Nord-Est, to grant the association 7,000 hectares of land on the former Dauphin plantation. This promise was not followed by the hoped-for title to the land.

Thus, despite the proposals to allocate land made as early as 1987 by the Minister of Agriculture, when the National Institute of Agrarian Reform (INARA) took an interest in the region a decade later, no decision had been made, and the farmers working the plain (food crops and free-range stock farming) were seen as “squatters.”

The “agrarian reform” activities in the Artibonite between 1997 and 2000 altered the production relations in certain specific zones while simultaneously attempting to support agricultural production. There was not, however, any re-allocation of private land inasmuch as the INARA’s “freezing” of land over which there was a conflict mainly consisted of the state taking—or re-taking—control of this land, followed by a redistribution among small farmers under very strict conditions but without either compensation to the presumed owners or definitive cession to the recipients. In the Nord-Est Department, we shall see that the INARA’s actions did not in the end result in improved tenure security for the occupants of state land...

In this way, the question of the state’s private property and its potential use in relation to private property remains a crucial issue to understanding the government’s logic and the policies conducted in this area by governments that, what is more, are caught in the crossfire

³⁴ See SAINT-DIC Roosevelt, “Association des petits planteurs du Nord’est. Diagnostic préliminaire et perspectives”. SOE, Port au Prince, October 1988, 28 pgs., pg. 14.

³⁵ *Asosyasyon Ti Plantè Nodès (APPNE), Pozisyon ak reflèksyon Asosyasyon Ti Plantè Nodès (APPNE) sou reform agrè* Rankont Danyen, August 29, 1991, 3 pgs.

³⁶ Alex BELLANDE and Nicolas DAUPHIN, *Lèt Agogo : Modes de mise en valeur du milieu et possibilités d’intensification de l’élevage laitier dans le cadre de la réforme agraire dans le Nord et le Nord-Est d’Haïti*, Stockfarming Support Program for the Nord and Nord-Est Departments in Haiti, Vétérinèd, Port-au-Prince, December 2000, pg. 26.

between public opinion and popular demands, very strong notably in the rural world, with their legitimacy hinging on satisfying these demands, and the constraints arising from the country's dependency on international aid.

To shed light on all of these questions, we decided to study what became of Haiti's "agrarian reform," the latest large-scale national project in the agro-land field, having taken ten years to move from idea to implementation, and what remains of the reform a decade after its launch.

With the aim of framing the specificities of the Haitian context, the first section will provide an overview of the land tenure situation in the country, a rapid description of the institutions in charge of these issues, and changes to the context that have occurred since 1986. We shall also at this time underscore the consequences of the constant entanglement of land tenure and agrarian issues in the structuring of agriculture in Haiti.

Part two shall discuss in greater depth various aspects of Haiti's agrarian reform, the political conditions of its conception, the legal framework in which it was situated, and finally, through examination of various stages of its implementation, the limits and constraints it encountered until it failed and was abandoned.

Finally, in part three, examples illustrating the National Institute of Agrarian Reform's current position of withdrawal will provide a rapid description of the concrete consequences of a lack of coordination between the institutions in charge of these issues, the lack of a coherent agro-land policy, and the repercussions of the resulting blockages and *laissez-faireism*.

II. THE NEED FOR AND CHALLENGES OF AGRO-LAND REFORM IN HAITI

First, after a presentation of the mindset in regard to land tenure and community land tenure management practices, existing agrarian practices, and the legal aspect of land tenure issues, we shall discuss the political evolution that led the country, after the fall of the Duvalier dictatorship, to envisage agrarian reform.

Let us emphasize, to start, that from the formal, legal standpoint, land ownership in Haiti seems to follow the Western model. Indeed, ownership is individual and land, materialized by its division into specifically defined plots, is alienable and may be inherited.³⁷ Having full ownership of land, which is therefore assignable, is seen as highly desirable by farmers. Furthermore, it is undeniable that in Haiti farming is also an individual affair and land, even in the rare cases where the land is under strict joint ownership (indivision), is never collectively farmed.³⁸

Based on these observations, the anthropologist Gérald Murray concluded that control of the land was highly individualized in the country, which according to him was very consistent with formal Haitian laws on private property, laws that were themselves derived from the Napoleonic Code.

However, behind this apparent simplicity, the complexity of practices and the scope, severity and recurrence of conflicts means that land tenure in Haiti is usually spoken of more as an imbroglio and “problem” than as an organized and enforced system.

1. Land Tenure and Agrarian Issues: Tools, Practices and Difficulties

In Haiti, one of the main difficulties in reflections on agricultural sector intervention modalities comes from the constant uncertainty of the line between tenure issues and agrarian issues, equally as regards tradition, “community” aspects, and legal provisions.

These uncertainties in land law are amplified by the problems caused by land pressure. What is more, the focus on peasant farming, understood as a group of plots farmed by one farmer, also increases the difficulty of distinguishing between tenure and agrarian issues. Indeed, there is no overlap between farming and ownership. Because of this, if on one hand there is not

³⁷ MURRAY Gérald, *The Evolution of Haitian Peasant Land Tenure: A Case Study in the Agrarian Adaptation to Population Growth*. Ph.D. dissertation, Columbia University, New York, 1977.

³⁸ The few rare plots for which “strict” joint family ownership (indivision) applies are reputed to be farmed in turn or possibly used as pasture. Today, some farmers’ organizations, notably those tied to the Mouvmman Peyizan Papay (MPP, Papaya Farmers’ Movement) and, sometimes, groups formed by certain Catholic parishes, promote collective plots where vegetables or other particularly profitable crops are grown. That said, these experiments are local affairs, on the small scale, and participating in such groups does not prevent the farmers concerned from also growing crops on other individual plots directly or indirectly, the income from which is their own.

farming by a single tenant or a grouping of only plots held as property or under the same type of contract (tenancy, sharecropping, etc.), then reciprocally a given plot can be viewed:

- either according to the agrarian contract that was signed in regard to it,
- or according to the owner's land tenure status.

In practice, this uncertainty is extremely frequent in writings on the subject, with situations described in terms of “modes of tenure” usually mixing the farmer's land tenure status (owner, right holder under joint inheritance, etc.) and the type of agrarian contract signed (farmer, sharecropper, manager, etc.).

1.1 The “Connection to the Land”

On the deep level, all of the mental images and the practices that they generate come from a Haitian popular identity based on attitudes of peasant origin in which the “connection to the land” holds a vital role, simultaneously containing a national and a family dimension, through heritage—dimensions publicized in large part by Voodoo. Reflecting this concept of identity through a right to the nation's land, the idea that a Haitian does not have at least “rights and claims” to a plot of land somewhere in the country is almost unimaginable.³⁹

One should note that in the countryside and rural towns it is, furthermore, frequent that, in inherited land, some plots remain indivisible and inalienable for religious reasons⁴⁰ (the presence of a tree or stone that is the “*reposoir* of the *lwa*” (Voodoo spirits), cemetery or family *houmfò* and *kay mistè* (places of worship), etc.).

In this way, whether the land from which the farmer and his descendents earns their living originally came from a “national grant” or is property that was patiently built up by a shared ancestor,⁴¹ it is through the land and specifically the plot that is held in strict indivision on which the family site of worship (sometimes manifest simply by a tree or basin...) is found that produces the concrete link between all the members of a given lineage. Each ceremony simultaneously reactivates the entire history, connection to the land, and connection to ancestors and therefore the community of all those attending the ceremony. Let us emphasize that this link to the family *abitasyon*⁴² and national land does not imply a relationship of

³⁹ Testimony of Jean-Marie Théodat, geographer. We shall see that these rights and claims enable current use of a plot at the same time as they form a promise of ownership. Simply possessing these rights and claims, while it does not totally preclude alienation, makes alienation impossible outside the lineage.

⁴⁰ See Alfred Métraux, “Droit et coutume en matière successorale dans la paysannerie haïtienne” Brussels-Antwerpen in *Zaire*, Vol. 5, No. 4, April 1951, pp. 339-349; Rémy Bastien, *Le paysan haïtien et sa famille*. Paris: Editions Karthala, 1985; etc. In the Nord-Est Department, farmers nevertheless mentioned, in the private land that was expropriated by the Dauphin company, examples of voodoo services conducted on “sacred” sites and even the possibility of having a lineage's *lwa* “move” in the case of sale (forced sales in the cases mentioned) of a plot containing their *reposoirs*.

⁴¹ That André Marcel d'Ans portrays as being the one that “laid down his *ras*”, that to say his name or more exactly his “lineage”, whose land legacy is perpetuated through his shared heirs to the land that he left. In “Le sens de la race. Terminologie parentale, transmission du nom et organisation lignagère dans la campagne haïtienne”, *Conjonction*, Franco-Haitian journal, No. 163, October 1984, Institut Français d'Haïti, Port-au-Prince. pp. 67-76.

⁴² *Abitasyon* (or *bitasyon*) is a Creole term derived directly from the one used during the colonial period when the word “habitation” designated a plantation and all it contained. The names of the colonial habitations, which are often the names of the colonists who held them, is the main source of current

ownership in priority. It is much more a right of access to or use of a plot in all of the land transmitted via inheritance from the farm formed by the shared ancestor of the lineage (or the group currently recognizing itself as such).

1.2 An Extremely Active Land Market

Approximately twenty years ago, the land tenure studies examining Haiti had shown that at any given time the vast majority of farmers were involved in land transactions.⁴³

The increasing complexity of farm fragmentation and the scope of informal management are the two main tendencies identified by more recent work on land tenure in Haiti.⁴⁴ The ethnologist Michèle Oriol showed, however, in his dissertation (1992) that a certain number of peasant land management mechanisms had the effect of limiting fragmentation. This was confirmed by a study conducted in 2005.⁴⁵ This study concluded that, while the tendencies evoked persist, they do not seem to be intensifying in response to the population explosion as one might have expected. The author explained this fact by the impact of the rural exodus and emigration, which reduce land pressure and thereby help limit fragmentation. Furthermore, while the magnitude of informal land tenure management—in particular family indivision—is growing (or perhaps is simply becoming better known), these land tenure management techniques also seem to have adapted to the changes, in a context where normative intervention by the state is lacking.

Reputed to be the source of interminable conflicts, limiting productive investments and soil conservation, the small degree of formalization of peasant ownership and the resulting tenure insecurity are said to be the major causes of the country's ills.

1.3 Indirect Access to Land and “Tenure” Problems

Beyond ownership and inheritance, the essential issue for Haitian farmers is, more broadly, that of access to land. This is obviously not limited to ownership, and Haitian peasants farm plots with very diverse statuses, notably in regard to indirect farming, with its very high diversity of types of possible contracts and regional arrangements. Two problems arise in particular in this area.

toponyms throughout all of Haiti. In Creole, the term has itself taken on a very unique connotation of “family land.” In the Nord-Est Department, this term designates the inherited plots of a farm (*tè bitasyon*) as well as land in strict indivision where family sites of worship are found. It would seem that the term “locality” is its equivalent in the Artibonite area.

⁴³ “The literature suggests that an extremely active land market and the extreme fragmentation of landholdings in Haiti are the most important contributing factors to tenure instability. [...] Through a continual series of land transactions, both the number of plots farmed and the type of tenure associated with any particular plot vary considerably from year to year.” Bloch, Lambert, Singer, 1988: 20.

⁴⁴ While real, its scope was less than the researchers who worked on the FAO-IDB report expected to find; in their observatories, they discovered a smaller proportion of indivision than expected. The size of the plots in indivision surveyed was greater than the amount of land owned in only nine of the observatories set up. (FAO, *Appui à la définition d'une politique de réforme agro-foncière*, FAO, Technical Cooperation Program, December 1997, Chap. 8 “Choisir un scénario : réforme agraire, réforme foncière ou réforme agro-foncière ?” pg. 25.)

⁴⁵ Olivier Delahaye, *Les contraintes liées au foncier* Ministry of Agriculture, Natural Resources and Rural Development, IDB – Regional Operations Department II - Identification of potential niches in rural commodity chains in Haiti (HA-T1008/ATN-FC-9052), n.p., 2005, 28 pgs.

The first is often evoked to decry the very disadvantageous terms offered to sharecroppers in the country and the consequences of this situation on soil conservation and investments.⁴⁶

Furthermore, in regard to tenancy, while contracts between private individuals are more balanced, the dysfunctions in the Direction générale des impôts (DGI, Tax Department) make it nearly impossible for peasants who want to be tenant farmers on small plots of land and for farmers' organizations requesting collective leases to have legal access to state land.⁴⁷

2. Haitian Institutions and Land Issues

The Haitian Civil Code was modeled in 1825 on the Napoleonic Code, which led to the doubling of the community functions set up during the Haitian Revolution with a set of formal laws imported after independence.

2.1 Land Tenure: Individual Private Property and “Deeds”

In principle, for individuals, the formal land titling system in force today implies three stages:

- an official land survey that outlines the plot, conducted in the presence of the plot's neighbors, and giving rise to a formal report;
- the drafting of a deed by a notary that describes the transaction and the new boundaries; and
- the registration of the deed with the Direction générale des impôts.⁴⁸

In addition to the public institutions such as the communal and departmental tax offices, the land tenure administration contains private surveyors and notaries commissioned by the state officiating in rural towns.

Private surveyors and notaries already existed during the colonial period. Today, these professionals must be commissioned by the state and their main role in regard to land tenure is to help establish property deeds to private land.

These deeds must then be registered with the local Direction générale des impôts (DGI) office, whose role is to collect taxes and levies. In regard to land tenure, its role is to validate changes by recording new property deeds.

⁴⁶ The various drafts of the agrarian reform bill that were consulted envisaged banning sharecropping within a very short period of time because it was seen as a socially unacceptable form of labor exploitation that was harmful to the optimal use of land. This radical position seems to ignore the lack of alternatives for landless farmers who do not have the resources to pay the land rental fees demanded in tenancy contracts upfront. This position was criticized by Duret and Taillefer's 1998 report on the reform.

⁴⁷ We did not find any clear information on the possible minimum size of plots offered for tenant farming by the government. The only certainty is that the surveying of a plot of land from the state's private property that is larger than five hectares must necessarily be done by the offices of the Direction générale des impôts in order to be valid. Since the DGI can only use surveys conducted by its own staff surveyors (there are twelve for the entire country), these formal procedures take an extremely long time and, because of this, it is nearly impossible for small farmers to obtain leases.

⁴⁸ And transcribed by the service of the “Conservation foncière”.

Looking at this schema, one can see that all the structures necessary to establish proper deeds exist. However, one can but note that all of these procedures are rarely completed in Haiti whether for land sales or succession.

One of the frequently given explanations is that the high fees charged by notaries and surveyors are extremely dissuasive, particularly when the transactions involve small plots of land.⁴⁹ In addition, it would seem that surveyors only rarely follow the regulatory fee scale that they are in principle required to follow. As for notaries, “the ethical abuses in certain notarial communities”⁵⁰ are frequently decried, and their consequences on the emergence of land conflicts are far from negligible.

Strengthening this tendency to informality, the solidity of a rural society where inter-knowledge still plays a large role in validating transactions encourages many farmers to try to save on the amount needed for full formal validation of a new property deed. In this way, a large proportion -perhaps even the majority- of farmers content themselves with *papyes* (papers), more or less sufficient in the eyes of the law: either the survey report or a simple notarial receipt showing the sum paid for the purchase of a plot of land... Such documents, legally representing only one step in the establishment of a deed, are usually seen as valid, and it seems therefore to be generally accepted that the sale of a plot between individuals be simply formalized by the notary’s receipt without a new deed being written. The writing of this receipt is, however, seen by farmers as a vital element of the transaction, and the sale can be challenged afterward if this document is lacking.⁵¹

The state itself has begun taking into account some of these practices. The survey report has, thus, taken on the status of an act under private seal,⁵² sufficient to establish rural property rights. More broadly, the number of institutions able to deliver property titles seen as valid has multiplied over time.

For instance, we were able to identify seven types of enforceable property titles that may conflict with each other and come from different sources, all of which are legally acknowledged:⁵³

- Act under private seal, drafted by an individual (Art. 327 of the Rural Code of 1962).
- Survey report established by a surveyor (*Idem.*).
- authentic deed transferring property rights drafted by a notary (Art. 1 of the Decree of November 27, 1969).

⁴⁹ The cost of formalizing the inheritance is frequently greater than the value of the plot involved.

⁵⁰ Louis Joinet, *Situation des droits de l’homme en Haïti*, Independent Expert’s Report, Economic and Social Council, Consulting Services and Technical Cooperation in the field of Human Rights, Gen. Distr. E/CN.4/2006/115, January 26, 2006.

⁵¹ Gérald Murray, *The Evolution of Haitian Peasant Land Tenure: A Case Study in the Agrarian Adaptation to Population Growth*. Ph.D. dissertation, Columbia University, New York, 1977, pp. 139-140.

⁵² The Rural Code states that all the enunciations regarding an amicable division of a construction between farmers who have reached the age of majority, all enunciations of the sale of a construction contained in a rural fund survey report to a farmer, will be proof of this sale or division and have the probative force of an act under private seal (Rural Code of 1962, cited by INARA-FAO, 1996: 36).

⁵³ In *Appui à la définition d’une politique de réforme agro-foncière*, FAO, Technical Cooperation Program, December 1997, main text, pg. 37. The FAO document mentioned five types of property titles in 1997, to which we have added the “agrarian reform recipient” title set up by the INARA.

- Court decision (judgment and decision), adjudication, award, sale pronounced by a Court (Civil Code).
- National grant, given by the executive power and the subject of a deed and survey report.
- The grant of a rural family property, given by the executive power (Art. 318 of the Rural Code of 1962).
- The Office national du cadastre (ONACA, National Cadastral Office) certificate (Art. 38 of the Decree of November 29, 1984).

The agrarian reform recipient titles delivered by the INARA starting in 1997 are not, however, property deeds. They could become property deeds over time, as rural family property titles did. Indeed, this last type of title that initially only gave their recipients⁵⁴ conditional ownership has been considered to be a property deed since the Rural Code of 1962.

Lack of up-to-date titles on one hand, a multiplicity of documents serving as titles on the other. A certain number of old land conflicts remain unresolved because the legal documents presented by the protagonists fighting over a plot of land are of comparable validity. It also sometimes happens that the so-called *papye* contain imprecisions or mismatches on plot borders or other things and, finally, that legal professionals encounter difficulties with the interested parties' ability to prove their filiations or even their own identities.

Haitian land tenure therefore deserves its reputation for complexity. Tangle, imbroglio, overlapping rights, arrangements and distortions of legal provisions, etc.—all these expressions can be found in writings on Haitian land tenure and in the reality in the field.

The debate on the legal decisions to be made remains open, however, because there is no proof that greater formalization of ownership would be enough to improve the situation, notably given the reality of farmers' practices, political practices, and the failings of Haitian registration systems and the Haitian courts.

2.2 Administrations Traditionally Intervening in Land Tenure Management

If we look at all the institutions involved in land tenure management, it appears that the distribution of roles between these institutions is complex and somewhat uncoordinated.

This is even more obvious, if possible, when it comes to the institutions in charge of managing private state property. The administrative offices only have, in fact, very limited knowledge of the state's private property and its management is affected by this, in terms of territorial control and in terms of lost income as the rent for state land is collected very irregularly.

Currently, these various institutions are as follows (listed in order of age):

Direction générale des impôts (DGI, Tax Department)

Since of the Law of September 22, 1964, the Administration générale des contributions (the Tax Department) is in charge of administrating the state's private property. In practice, this currently involves mainly formalizing tenancies on private state property, based on surveys

⁵⁴ The 'rural family property' formula was mainly used for plots of land in the agricultural colonies created by President Vincent for the survivors of the 1937 massacres in the Dominican Republic.

that must be done by its own offices. To do so, it uses its own staff surveyors, currently twelve in number for the entire Republic.

According to the size of the requested plots and interlocutors, the departmental offices may be required to refer to the Central office in Port-au-Prince.

Office national du cadastre (ONACA, National Cadastral Office)

The plans to establish a cadastral registry for all the land in the country date back to 1805. However, it was only in 1984 that the Office national du cadastre (ONACA) was created. These cadastral offices are currently located in only two departments (countrywide, only the communal land in Delmas and Saint Marc have been registered) and, when it comes to private land, the ONACA encounters difficulties with the traditional actors—surveyors and notaries.⁵⁵

In fact, no bridges between the ONACA and these professions that predated it have been established. Therefore, they operate separately and do not pool or share their information and attributions.

The near absence of the cadastral registry in the country is claimed to raise numerous problems and “the need to establish a cadastral registry of each habitation” evoked by the INARA’s director has numerous advocates in Haiti and among foreign observers,⁵⁶ who have simply seemed to forget that it is above all a fiscal tool and in no way necessary for tenure security, extremely difficult to set up systematically in a situation as confused as the current situation and, above all, that must be maintained and updated constantly, making it all the more costly, particularly over the long term.

Legal and Inter-Institutional Problems

This observation does not preclude the fact that the very multiplicity of property titles raises other problems. It can be explained by noting that the various institutions in charge of these issues were designed as a pile of overlapping structures without creating bridges or links between them. Four examples of the problems caused by this situation, to mention only a few, are:

- There are not, as we just mentioned, any bridges planned between the ONACA and the notaries’ or surveyors’ records. This means that the ONACA cannot use these vital tools validating private ownership.
- There are several units of measurement in use: the older property deeds use the *carreau* and fractions of *carreaux* as the surface area unit of measurement, and the *carreau* is still the unit that farmers use when thinking about farmland.

⁵⁵ “It seems that the ONACA’s existence is not known to all, which would explain why people speak of a committee of notaries and surveyors to establish the outlines of the redistributed land.” [Bernard Ethéart, 1995: 2], “The managers met complain of the frequent lack of cooperation from some surveyors and notaries who seem to fear that a reliable cadastral registry would put an end to some of their lucrative practices.” in *Situation des droits de l’homme en Haïti*, report by the independent expert Louis Joinet, Economic and Social Council, Consultative Services and Technical Cooperation in the field of Human Rights, Gen. Distribution E/CN.4/2006/115, January 26, 2006.

⁵⁶ However, not everyone agrees, and the idea of a cadastral registry for “habitations” is confusing given the notion’s lack of precision and the difficulties encountered by those who have attempted to define “habitations” in one or another zone in the country (see the FAO report *Appui à la définition d’une politique de réforme agro-foncière*, FAO, Technical Cooperation Program, December 1997).

- Leases to state land have, however, been established in hectares, ares and centiares for a very long time.
- In addition, the technical systems are not the same from one institution to the next: the Direction générale des impôts (DGI), which in principle is the only institution authorized to survey private state land to attribute it in the form of leases, grants or other, only has twelve surveyors commissioned to do so, and its equipment is obsolete. As a result, the time it takes for the DGI to intervene is extremely long and incompatible with the proper management of state property in light of small farmers' needs. Reciprocally, while the ONACA and the INARA have technicians trained in the most modern geodetic, topographic and cartographic techniques, it would seem that the output of their work cannot be used by the DGI's offices.
- INARA has only very recently established ties with the ONACA when it comes to the cadastral registry of consolidated state land even though the decree of April 29, 1995, mandated it to "participate in cooperation with the other specialized state institutions in establishing and updating the cadastral registry of the Republic."⁵⁷

All of these mismatches lead these various organizations to encroach, often involuntarily, upon the prerogatives of other institutions, generating at the very least blockages but also, more generally, a lack of effectiveness in the management of state lands. The whole often causes greater tenure insecurity, which is harmful for both national production and the lives of the farmers concerned. The example of the land in the Nord Department attributed by INARA to farmers' and small stock farmers' organizations shows that it was very difficult for this institution to collaborate with other government institutions even though the Ministers concerned sit on its Board of Directors...⁵⁸

The proposed solutions are diverse. While the World Bank⁵⁹ stated that updating and expanding the cadastral registry was urgent, the FAO-IDB's 1997 report recommended, for its part, a complete overhaul of the system with the aim of proposing, after analyzing the issues, mechanisms that would make it possible to register land progressively in response to the needs linked to the sale of private land or the establishment of tenancies on state land.

Its authors emphasized the complexity of the system in place in Haiti and notably the problems raised by the mismatch between the type of cadastral registry chosen, produced with the support of German cooperation and inspired by the system in the German land register on the one hand and, on the other, a tenure security system based on notaries and the Conservation foncière⁶⁰ whose other elements follow the French model.

The experts who emphasized this point believed that any agro-land reform must necessarily be preceded by an in-depth reform of the institutions that would implement it at all levels.⁶¹

⁵⁷ INARA, "Vers une remise en ordre de la gestion des terres de l'Etat", Pétionville, Mimeo, November 22, 2006, 5 pgs.

⁵⁸ The board of directors has not yet met. We shall examine this example in greater depth later (Chap. III, 2.2.1).

⁵⁹ According to the work of Hernando de Soto, *Le mystère du capital. Pourquoi le capitalisme triomphe en Occident et échoue partout ailleurs ?* Flammarion, Paris, 2005 [2000], 302 pgs.

⁶⁰ *Appui à la définition d'une politique de réforme agro-foncière*, FAO, Technical Cooperation Program, December 1997, main text, pg. 35.

⁶¹ *Ibid.* pg. 38.

The reform that they proposed was supposed to take place on three levels: institutions (reform of the notarial system and cadastral registry by separating the identification of constructions, which would be the main role of the ONACA, and their demarcation by surveyors), training (create a school for notaries and a school for surveyors and cadastral workers), and finally laws and regulations.

In short, it was an in-depth reform that would most probably be useful but only on one condition, a condition that represents the most acute problem today: the authors of these recommendations clearly warned that for such an institutional, legal or developmental undertaking to pay for itself, it was, and still fundamentally is necessary that agriculture itself be “profitable,” that is to say be “a source of revenue for farmers”.⁶²

Is this because of the magnitude of the issue examined from this angle? Despite recurrent emphasis on this question, no donors seem to have yet taken an interest in it, nor has any Haitian government attempted to undertake the adventure to date.

2.3 The Institutions Created by the 1987 Constitution

On the scale of the country, the very marked determination to put Duvalierism firmly in the past took the form of the drafting of a new constitution, in the post-dictatorship effervescence of 1987, that was adopted in a national referendum by a very large majority of voters.⁶³

The Haitian Constitution of 1987 is unavoidable in the framework of our study. Indeed, with the first attempts to apply its articles on agrarian reform and the ones on decentralization, other actors assumed a definite place in the management of the state’s private property and land over which there was conflicts (whether private or state land). They were:

- the National Institute of Agrarian Reform (INARA), the legal framework for which we shall discuss rapidly below; and
- the new local governments, specifically the “Communes” and “Communal Sections” that were assigned considerable prerogatives when it came to managing state land.

The INARA and the Management of Land in Conflict

The INARA’s mission is defined in Article 248 of the Constitution: “*A special agency to be known as the National Institute of Agrarian Reform shall be established to organize the revision of real property structures and to implement an agrarian reform to benefit those who actually work the land. This Institute shall draw up an agrarian policy geared to optimizing productivity by constructing infrastructure aimed at the protection and management of the land.*”

Seen as the application decree for Article 248 of the Constitution, the Decree of April 29, 1995, regulates the National Institute of Agrarian Reform’s organization and operation.

⁶² *Ibid.* pg. 40.

⁶³ A large degree of this Constitution’s success was due to what appeared as its principal article: “Makout pa laddann” (or “out with the Macoutes!”), an article that banned, in particular, candidates that were “macoutes” or tied to the Duvalier regime from elections for a period of ten years. But this “de-Macoutization” of Haitian society was very superficial in nature inasmuch as the section heads in particular and the Haitian armed forces remained in place for nearly a decade and were present to such an extent that one was able to speak of a period of “Duvalierism without Duvalier” (Gérard Barthélemy, *Les duvaliéristes après Duvalier*, Paris, L’Harmattan, 1992).

Finally, the Order of October 23, 1996, which was to remain in force until the Law on Agrarian Reform was promulgated, authorized the INARA to take temporary possession of all land under litigation located in the Republic and reputed to be or have been originally vacant and/or state property (Art. 1) and decide on the management of the portions of land that it has taken possession of as well as the installations and/or crops found on it (Art. 3).

In this way, the National Institute of Agrarian Reform may manage all land over which there is a conflict (whether a private plot or a plot of state land).

We shall see how this Institute used the legal framework, first in 1996-1997 in the Artibonite plain and then in 1999-2000 in the Dauphin plain in the Nord-Est Department, and finally its current positions in the context of a clear abandonment of the agrarian reform that is, in principle, its main role.

What is more, the INARA finds itself in an awkward position in relation to several administrations that existed before it was created, and more specifically in relation to the DGI that was clearly assigned to administer the state's private property in the Law of September 22, 1964, and the ONACA with whom the first steps of collaboration are nevertheless being taken.

As far as the local governments go, a certain number of questions are also raised by the texts. Indeed, the INARA is in principle in charge of "giving an agreement with the Municipal Assembly concerned, a substantiated opinion for all operations relating to state land throughout the national territory" (Decree of April 29, 1995, Article 4-j). No collaboration with this aim was mentioned by our interlocutors during our field study.

The Establishment of Local Governments

Let us discuss in slightly more depth here the characteristics of decentralization in Haiti, despite the obvious delay of its effective implementation until now. Indeed, the 1987 Constitution provides for, first, countrywide decentralization by creating new local centers of power with the aim of building democracy.

This program involves the establishment of three levels of local government:

- the departments (9 in 1996, 10 currently);
- the communes (133 in number), with the country relying on a very old and constant tradition of communes;⁶⁴
- and the communal sections (561 in 1987, and 564 in 1997), whose administrative councils pre-dated the 1987 Constitution.⁶⁵

⁶⁴ The former parishes during the colonial period became communes in 1843. See Louis C. Thomas, *Les communes de la République d'Haiti à l'épreuve des mutations du XXe siècle*, Port-au-Prince, Imprimerie M. Rodriguez, 1986, pg. 25.

⁶⁵ The Rural Section Administration Boards (CASER, Conseils d'administration des sections rurales, renamed CASEC when the phrase "communal section" replaced "rural section") were created under François Duvalier, with the Rural Code of 1962 being "the first attempt [...] to grant the rural sections a civil administration." That said, while they formally existed, the CASECs took a very long time to take concrete form in the field, and Gérald Murray (*Ibid.*) affirmed in 1977 that he saw no trace of them in the area where he was working.

In principle, each of these local governments must be led by a council (the Departmental Councils, Communal Councils, and Communal Section Administrative Councils–CASECs), with each of these councils assisted by an assembly (respectively the Departmental Assemblies, Municipal Assemblies, and Communal Section Assemblies–ASECs). While the councils have an executive and managing role, the assemblies are supposed to discuss proposals, assist the councils with planning projects, and oversee all of the councils’ actions.⁶⁶ The assemblies are, in fact, designed as a sort of local parliament, and are supposed to be the link between the government and civil society.

It was only in 1996 that the first elections⁶⁷ were held to effectively set up those assemblies and councils that did not yet exist and renew the CASECs.⁶⁸ Financing for these various local governments was, in principle, provided for by the “Law on the Modernization of Public Enterprises.” In practice, a report produced for the European Union in June 2008⁶⁹ indicated, however, that nothing was yet in place in the area of decentralization, and that there was no real financing as no application decree had yet been voted.⁷⁰ While in 1996 and afterward, we saw the establishment of a certain number of decentralized structures, during the local, communal and departmental elections, these structures did not cover the entire country and their responsibilities and resources are still not clearly defined. Let us emphasize, however, that a certain degree of administrative deconcentration in the various technical services had long been in effect and that, for example, the agricultural and health districts existed before 1987 and had, for their part, been granted a degree of power.

Concretely, the consequence of this rollout of the first stages of decentralization was, above all and as far as we can determine today, the appearance of new local (elected) actors in the countryside. Today, some of them fulfill functions that are not explicitly provided for and do so in ways that have not entirely been formalized.⁷¹

Local Governments and the Management of State Land

When it comes to land tenure, a very important point, the Haitian Constitution planned, unlike many other countries, a real decentralization of state land management. The responsibilities of the local governments—the Communes and Communal Sections—in regard to land are explicitly mentioned in the Constitution, as follows:

⁶⁶ In compliance with the overall strategy set up under the name of “*Veye yo*” (“watch them”) that aims to have each structure likely to take power be under the control of a “people’s” structure.

⁶⁷ We can emphasize the fact that the first electoral bill drafted in 1991, which planned to base everything on the communal sections, was the subject of a number of debates that led to considerable modifications in the electoral law actually voted in 1996. This law contained the first reference to “habitations” as territorial and social units to take into account, despite the difficulties identifying such “habitations.”

⁶⁸ These elections took place over a period of more than six months covering most of 1997, and there was a great deal of tension surrounding the results.

⁶⁹ Ousmane Sy, task force report, *Une feuille de route pour faire « atterrir » la décentralisation en Haïti*, Republic of Haiti, Delegation of the European Commission, June 2008, 24 pgs.

⁷⁰ But on January 20, 2009, the Interior Commission and Local Governments of the Haitian Chamber of Deputies circulated a “pre-proposal” of a law providing the framework for the organization and operation of local governments.

⁷¹ For instance, it is well-known that the CASECs have filled the space left empty by the disappearance of the Section Chiefs, and now play the role of something of a first level of rural police—a role that they regularly demand be recognized and for which they demand the right to be armed.

For the Communes, it states that: “*The Municipal Council has priority in management of the State’s real property in the private domain located within the limits of its Commune. They may not be subject to any transaction without the prior consent of the Municipal Assembly.*” (Art. 74, Constitution of 1987).

The Communal Sections for their part are mentioned in two ways: first, “*The inhabitants of the Communal Sections have the right of pre-emption for the exploitation of the State’s land in the private domain located in their locality.*” (Article 39, Constitution of 1987); and second, Article 24 of the Law of March 28, 1996, stipulates that the CASECs are to administer the state’s property in the private domain located in their Section under the supervision of the Municipal Council.

In practice, the communal magistrates (mayors) have not seemed particularly eager to use these new prerogatives—at least if one believes, for example, the speech given by the mayor of the town of Terrier Rouge, the commune in which the former Dauphin plantation is found. The possibility afforded to the Municipal Council of managing the state’s real property is said, however, according to the INARA and other observers, to have led numerous mayors to, under cover of this law, conduct “sweet deals involving the state’s land in their communes for their individual profit.”⁷²

What effect has the constitutional article giving the inhabitants of the communal sections the right of pre-emption on the state’s land in their sections had? To date, it does not seem to have opened any possible actions for the interested parties. However, this possibility raises a certain number of problems that we shall address in Chapter 3 when we cover the interminable discussions on land tenancies requested from the state since 2005 by a stock farmers’ association in the Nord Department and the land allocated to a large farmers’ organization in the Plateau Central and recovered by the Mayor of the nearby commune.

⁷² INARA, “Vers une remise en ordre de la gestion des terres de l’Etat”, Mimeo, Pétionville, November 22, 2006, pg. 2.

Local Governments' Responsibilities according to the 1987 Constitution

		Council	Assembly	Other Structures	Land-Related Prerogatives
Department made up of Arrondissements (administrative divisions that may comprise several Communes) (75 and 76)	It has legal personality and is autonomous. (Art. 77)	Council of 3 members elected by the Departmental Assembly. (Art. 78) It manages its financial resources for the exclusive benefit of the Department and renders its accounts to the Departmental Assembly. (Art. 83)	Departmental Assembly made up of one representative from each Municipal Assembly. (Art. 80) It submits the minutes of the Departmental Council meetings to the Central Government.	The Departmental Council draws up the Department's development plan in cooperation with the Central Government. (Art. 81)	
Commune Art. 66 to 74	Communes have administrative and financial autonomy. (Art. 66)	Municipal Council 3 members elected by universal suffrage : a Mayor assisted by Deputy Mayors. (Art. 66) It manages its resources and renders its accounts to the Municipal Assembly. (Art. 73)	Municipal Assembly containing a representative of each of its Communal Sections. It assists the Municipal Council (Art. 67) and renders its accounts to the Departmental Council. (Art. 73)	Each Municipal Council is assisted on its request by a Technical Council furnished by the Central Government. (Art. 71)	The Municipal Council has priority in management of the state's real property in the private domain located within the limits of its Commune. It may not be subject to any transaction without the prior consent of the Municipal Assembly. (Art. 74)
Communal Section Art. 62 to 65		Communal Section Administrative Council (CASEC) : 3 members elected by universal suffrage. (Art. 63)	A Communal Section Assembly (ASEC) assists each CASEC. (Art. 63.1) Composed of elected members representing the "habitations" on a proportional basis according to the number of inhabitants in the section. (Law of March 28, 1996)		The inhabitants of the Communal Sections have the right of preemption for the exploitation of the state's land in the private domain located in their locality. (Art. 39) The CASECs administer the state's real property in the private domain located in their Section under the supervision of the Municipal Council. (Art. 24 of the Law of March 28, 1996)

This table is based on the work done by Michèle Oriol on the same subject, and completed by the author for the present report.

In fact, such examples seem to show that the planned right of pre-emption has remained very theoretical. We shall see notably in the case of the Limonade conflict, in the Nord Department, that at no time did the “inhabitants” concerned—the association’s stock farmers—attempt to assert this right even though it is in principle guaranteed under the Constitution.

Finally, when it comes to each Communal Section’s Administration Council’s power to manage state land, it seems that no attempts to do so have been made. This can perhaps be explained by the fact that this ability contradicts the respective powers of both the Direction générale des impôts (DGI) and the INARA.⁷³

2.4 The Judicial System

The Haitian judicial system is split between the Tribunal de paix (“Peace Court”), present in the communes, and the Tribunal civil (“Civil Court”), located in the departmental capitals. The first, the Tribunal de paix, only intervenes in possessory suits, whereas the Tribunal civil, located in each of the departmental capitals in the country, judges petitory suits.

The Law of December 7, 1949, attempted to establish a Tribunal Terrien (Land Court) and a cadastral office in each arrondissement in the country. The first—and only—Tribunal Terrien set up was the one in the Artibonite.⁷⁴ Cadastral arrondissement offices do not exist. Thus, as Jean-André Victor emphasized, “*the national vision progressively disappeared, replaced by an approach centered on land conflicts.*”⁷⁵

Overall, despite the presence of Tribunaux de paix in all communes in the country, one can but note the Haitian judicial system’s “lack of penetration.”⁷⁶ Indeed, this institution is not present in the smallest territorial unit, the Communal Sections, even though each commune may contain up to several tens of thousands of farmers, all sections combined. In this way, formal justice structurally ignores more than two-thirds of the population.

Nevertheless, the institution’s lack of penetration is also tied to other, social and economic dimensions. In regard to the economic dimension, it should be specified that most legal acts are costly. For instance, when farmers speak of corruption and *jistis lajan* (“money justice”), they do not differentiate between the embezzlement actually committed by some legal professionals and the fact that the government and judicial system privatize their services by

⁷³ We have seen that, in regard to the DGI, the Law of September 22, 1964 clearly designates the central tax administration as being in charge of managing the state’s real property in the private domain. As for the INARA, we shall see that this institution is in principle in charge of “giving an agreement with the Municipal Assembly concerned, a substantiated opinion for all operations relating to state land throughout the national territory” (Decree of April 29, 1995, Article 4-j).

⁷⁴ In 1961, it ceded its place to the Tribunal Terrien (land court) set up in Port-au-Prince, which itself was replaced, with the Decree of July 30, 1986, by the land sections of the Tribunaux civils (Civil Courts) of Gonaïves and Saint-Marc (in the Artibonite Department).

⁷⁵ He specifies that “*There is no specialization in agrarian issues, and judges in regular courts who are called on to rule on agrarian cases do not receive any specific training. These judges’ jobs are made more complicated in the absence of supports such as the cadastral registry, vital records, land conservation and territorial development services. The dysfunctions seen in these institutions paralyze the dispensing of agrarian justice.*” (Victor J.A., 2004: 251)

⁷⁶ Here, we use the terminology employed by Karst and Rosenn (1975). This notion covers both the geographic limitations of the modern judicial system and the fact that in reality it only works for the elite and part of the middle class. These characteristics are easily found in the operation of the Haitian judicial system.

selling them. In addition to the high cost of justice, one must also add the linguistic divide between Creole, spoken by everyone, and French, the language of the courts, spoken almost exclusively by the elite, as well as the wide gap between two parallel modes of expression, written and spoken language.

Finally, in regard to the situation in the Artibonite for the past twenty or so years, one must also point out that judges and judicial staff are afraid to visit the field as they often see it as extremely dangerous.⁷⁷

More fundamentally in Haiti's land history, the overlap between formal and informal aspects, the country's political and legislative history, and the piling up of texts and laws have made the task of "unraveling the tangle" of land tenure using rights and laws extremely difficult.⁷⁸

Finally, to illustrate the complexity of the formalization issue, a former director of the Artibonite Valley Development Office (ODVA) drew our attention to the fact that, in the Artibonite, some conflicts between farmers are feigned with the aim of generating rights and *papyes*.⁷⁹ Indeed, in this case, the interest of legal proceedings, even a trial, is that the courts will rule in favor of one or the other of the protagonists and thereby produce a decision on the letterhead of the land section of the Tribunal Civil of Saint-Marc or Gonaïves. While not equivalent to a true property deed, this document could in the future be used as an argument against other claims to the land.

Overall, Haitian farmers' attitude toward the judicial system is therefore fairly paradoxical. On one hand, there is this mistrust or repeatedly expressed denunciation, while on the other there is also frequent recourse to communal institutions (Tribunal de paix and the military post, now the police station). People easily complain to the authorities about conjugal disputes or the damage caused to their own crops by someone else's livestock. However, when it comes to cases involving the land, people attempt to resolve issues involving family lands within the family.

At the other extreme, when a land conflict is brought before the Tribunal civil, a great deal is demanded of the institution and the expectation, when going to court, is that it provides justice and resolves the problem once and for all. In fact, it seems above all that people turn to the courts only when the "community-based" institutions (clan authorities for conflicts over family lands, etc.) show their limits. In this way, calling on government justice is, rather, a more serious stage of conflict or the use, by some protagonists, of means normally avoidable in a community that functions properly. Indeed, it must be emphasized that farmers often show themselves to be capable of supporting high levels of tension or even unfair amicable

⁷⁷ In Terrier Rouge, however, since the Nord-Est Department is much less conflictual, the judge from the Tribunal de paix that had been on the bench since the 1990s believed that it was preferable that farmers avoid requiring him to travel, given the cost of him intervening in the field compared to the not very severe nature of court cases that usually involved damage to harvests caused by animals allowed to run free.

⁷⁸ Expression borrowed from the American anthropologist Gerald Murray in an article on land tenure issues in Haiti, "Unravelling the Tangle".

⁷⁹ For instance, the story of two farmers who, complicit and in full agreement, decide to go to court pretending to fight over a plot of land. Neither of the two farmers have a property title or any legal papers concerning the land that they farm although they do not own it—a fairly common situation in Haiti, particularly in regard to state land. The two accomplices then reach an amicable agreement to take turns with the land or farm it together splitting the harvests. The problem is that the situation can easily go sour afterwards if the heirs were not informed of the deception or simply do not feel bound by their parents' word.

arrangements to avoid bringing conflicts within the extended family or the neighborhood before the courts.

Finally, it is important to consider that it is certainly not neutral to have several types of recourse possible in a given conflict: for example, the possibility of first calling on the authority of the family head, or the person whose dependent one is, the parish priest (or pastor or *houngan*), possibly use sorcery, or, finally, bring the conflict before the formal courts, etc.

The tolerance that we ultimately see, in the face of the justice provided by a government always able to go back on its decisions, with the swinging of the political pendulum, leads us rather to wonder if, here too, one of the implicit objectives of this mode of operation could, ultimately, be to always leave the door open for future negotiations in situations that, with time, may also evolve themselves.

Arenas and Institutions: Recapitulative Table

	Ministry of the Interior and Local Governments	Ministry of Justice	Ministry of Finances – Direction générale des impôts	Ministry of Agriculture – INARA
	Police		(manages the state's real property in the private domain)	
Department made up of Arrondissements	Delegate (coordinates and monitors public services, does not fulfill the function of repressive police)	Court of Appeals	Financial District	Agricultural District (and, depending on the period, the INARA Departmental Office that is not necessarily located in the departmental capitals)
Arrondissement (administrative divisions that may contain several Communes)	Vice-Delegate (same functions as the Delegate)	Tribunal civil May settle land tenure issues in the strict sense (petitory suits)		
Commune		Tribunal de paix (judges possessory suits)	Percepteur (tax inspector)	Communal Agricultural Agent
Neighborhood (near-commune)		Tribunal de paix (judges possessory suits)		
Communal Section	(The elected members of the CASECs play a role in improving tenure security and resolving conflicts.)			

This table is based on the work done by Michèle Oriol on the same subject, and completed by the author for the present report.

3. Situations Reputed to Be Sources of Conflict

While, on paper, land is either private property or government property, and the institutions in charge of producing property titles and the cadastral registry for state land exist, the reality of the situation is much more complex.

Indeed, a large number of problems exist involving the knowledge and formalization of land ownership. Titling of private land is very partial, as we have seen, and we must emphasize that public institutions' knowledge of the state's private property is still very imprecise.

Of course, this lack of clarity on the situation fosters illegitimate procedures and helps perpetuate land conflicts. The longer ago it was that a conflict started, the more complex is the accumulation of stages, partial resolutions and half-solutions, usually accompanied by social and physical violence and exorbitant spending, etc. In this way, this complexity combined with the weight of politics and regular reversals in this field (an issue we shall illustrate with the regional examples studied) create real land tenure insecurity, with all the possible consequences of this on agricultural production and soil conservation.

“In the current chaos, it is not a matter of legality but of ‘in fact’: we are not in a political situation in which the government is strong and able to regulate this. [...] Given the overall insecurity, there are people who will not invest in agriculture, especially in areas close to urban centers.”⁸⁰

This situation of widespread abandon does, however, have “beneficiaries,” between the political powers that in this way preserve a great deal of latitude to satisfy their clienteles, and a peasant society whose principle objective, including in the most serious land conflicts, seems to be to maintain the possibility of resolutions nuanced by adjustments made over time.

One can but note that, to date, the government authorities have not attempted to tackle this issue concretely on the national scale and that the issue has not given rise to consistent policy decisions despite the studies and reflections that have come one after another in this field for the past two decades.

3.1 Occupation of State Land

Due to the political circumstances, the lack of reaction from the government authorities, and the strong limitations on the possibility of obtaining tenancies on state land, a large number of farmers use land in the state's private property without having signed contracts and without paying rent. This practice, while not new, has become very widespread since 1986, notably in the plains in the Nord and Nord-Est Departments where land had remained very largely under-exploited after being abandoned by the local agro-industry.

⁸⁰ GREF Interview, September 2007.

3.2 Family Indivision: Lineage-Based Land Management

When it comes to inheritance, Haitian law is entirely egalitarian and “sharing”—children are supposed to divide the land of their ascendants equally amongst themselves, with no favoritism given to sibling birth order or gender.⁸¹

In practice, when a landowner parent dies, his or her heirs may reach an agreement among themselves as to when it is the right time to divide the parental property. Then, they contact a surveyor and present the surveyor with their deceased parent’s deed to the land. The surveyor then divides the land into as many equal plots as there are heirs of equal degree. A notary is then contacted to establish, for each heir, a new deed to the inherited plot.

In practice, the custom among farmers is very different. Land inherited within a family is much more frequently divided without calling on the representatives of the government who are in principle authorized to settle the estate. It is generally the heirs themselves that divide the land, usually with the help of a simple rope, in front of witnesses chosen from the local “community.” After this division, each heir acts as if he or she owned the plot that he or she received. Let us emphasize the fact that, despite this lack of formalization, a property title usually exists in such situations. In this case, it covers a single plot of land presented as belonging to a shared ancestor, the “first” owner who has often long been gone. This informally divided land may sometimes be divided several times with each successive inheritance. The original property title, generally held by the oldest heir or by the heir with the most respected social position, “covers” all the co-heirs. It is often referred to as a *gran pyès* (“large piece”) or *manman papyè* (“mother paper”) by Haitian peasants.

The plots thus divided are therefore, legally speaking, in indivision. This formal indivision may be maintained over three or four generations. In this case, there may be a dissociation of rights to the land, with each party able to build a home on his or her plot, bury his or her family members, and farm cultivable land as if he or she owned the land individually. However, any member of the family can allow his or her animals to graze the land when harvest is finished. Furthermore, when a plot to be shared is too small in size to be divided, it can remain in strict indivision, as is usually the case with family places of worship; and if, for example, fruit trees are planted on the land, everyone can gather the fruit.

While the question of the cost of the necessary legal procedures is often given to justify these practices, one can wonder if this is really the main motive for remaining in the informal register. Indeed, this way of doing things has been noted for a long time, including back when the property to be divided was still reasonably sized and the surveyor could be paid with a plot taken from the inheritance.

What is more, the farmers questioned on this subject stated that, even if in many cases formalizing the division would seem desirable, asking for such formalization would be equivalent to challenging the legitimacy of the elder that divided the land and would call into question family unity and harmony.⁸²

⁸¹ There is, however, some complexity linked to the frequent failure of fathers to acknowledge some of their children. A child not acknowledged by his or her father will inherit from his or her mother. For legitimate or acknowledged children, each inherits in principle from both of his or her parents, on equal footing with the siblings on both sides.

⁸² Interviews conducted in the commune of Cabaret, September 2007.

In fact, according to Michèle Oriol who researched this issue in the 1980s and 1990s, avoiding legal division makes it possible, among other things, to discretely push aside some heirs in favor of others (notably disadvantaging those who have left the family land, for example women who followed their husbands or partners to another home and, now more than ever, migrants). Observers confirm that this also makes it possible to consequently limit to some extent the division of farmed land into even smaller plots.

When it comes to farming, one can see that Haitian farmers manage their land held in indivision, called *tè minè* (“minor land”) in practically the same way as the land they own outright. Indeed, unlike during more prosperous times when farmers were favored in investment decisions, today small farmers usually do not have the means to invest and will give equal importance to the various plots that they cultivate in rotation, with no major management differences between *tè tit* (“titled land”) and “minor land”, even if the latter is less well-regarded in the absolute because it is difficultly alienable in practice.

Often presented as the main source of rural conflicts and as the main barrier to productive investments, customary practices regarding indivision management therefore have a very large role in farming society. In fact, it would seem that it is not so much these practices themselves as the co-existence of two systems—the customary system and the official system—that is the source of tension. Formal rights, which are virtual in this system, are therefore not completely denied but relegated to the background, and land conflicts often arise from this contradiction between farmers’ attempts to restrict egalitarian division and the legal necessity of sharing equally among all heirs, regardless of when this division is demanded—often up to three or four generations after the land was acquired by the ancestor.

Thus, regardless of the proclaimed principles of family harmony, it is indeed within the family that the largest number of problems arise in regard to sharing land, and family is potentially even more “dangerous” in this area than the protégés of the authorities,

“Most land litigation arises out of indivision, the opposition between the customary rule that favors possession over the virtual rights of heirs that do not exploit the inheritance, and the provisions of formal law that state the imprescriptible nature of the division and equal division.”⁸³

One of the most frequent problems arises when the members of a family decide to sell land held in indivision without having obtained the agreement of some of their co-heirs (with whom they are out of contact or sometimes do not even suspect exist), notably migrants or their descendants. This happens all the more often since, from the moral standpoint, most Haitian farmers believe that a relative who has left the area or the country is, a priori, in a better financial situation than they are and that he or she, because he or she left and supposedly has an enviable situation, or because of the time that has passed without news, has implicitly lost his or her rights to family land. These beliefs are often not to the liking of the

⁸³ Michèle Oriol, 1992. Gerald Murray (1977) for his part describes the situation as being one in which the largest threat to ownership does not come from aggressive “outsiders” without rights to the land but, rather, from distant and dangerous family members that the farmer knows has the legal (if not moral) right to demand his or her share of the inheritance (cited in the FAO, 1997, *Appui à la définition d’une politique de réforme agro-foncière*, Technical Cooperation Program, main text).

migrants concerned who, for their part, dream of returning to the country to build a home, and feel they are Haitian also specifically through this link that they believe they have kept to their land of origin. The moral considerations evoked are often even further from the preoccupations of their children who, although they were raised abroad and have never visited Haiti, have often heard a great deal about the family “inheritance”...

On his return, a migrant thus wronged could demand that the plot to which he or she has a right be given back and, if no agreement to his or her liking can be reached, it is often this relative, who is relatively financially well-off and more experienced with practices further from the rural world, who will turn to the courts to resolve the family dispute.

“Five carreaux of dry land in the Cabrit hills, one wouldn’t fight over that, the lawyer would cost more than it’s worth... However, in all the slightly urban areas, an emigrant who wants to build a house for his retirement, if he learns that the land has been sold while he was away, he won’t be happy. The family sold the land because it needed money, including to pay for someone else’s migration”⁸⁴... And him, he’s thought to be out of it... It is an equitable way to share, to find a balance.”⁸⁵

Inversely, and much more often, it is possible from the community standpoint, despite the informality of these practices, to alienate a plot legally held in indivision—“minor land”—as long as it is for the benefit of a member of the family. Legally, from the formal standpoint, a simple right holder to land in indivision should not be able to conduct transactions involving the plot he holds. Yet, in practice in rural Haiti, he could sell, not the land strictly speaking because he does not have his own deed, but “rights and claims” to the plot to be asserted during the later division of the inheritance. Since the purchaser in this case is usually a relative,⁸⁶ the vast majority of these situations are resolved without conflict.

Nevertheless, while overall this approximate formalization, through the status of indivision, of a customary right to family land is still managed, come what may, by farming communities, one must not underestimate the transformations underway. Rural society is in fact increasingly individualized, and a shift towards increasingly “ownerized” land is plausible. Farmers who are attempting to establish themselves and who are encountering increasing difficulties with the agricultural development of their land, at a time when—especially near urban zones—the speculative value of the land is rising, may be tempted to sell the land.

⁸⁴ For the past twenty years, land sales have been speeding up in some regions to finance migration. This increasing vitality of the land market has, it seems, been particularly marked in zones with some potential, either for small-scale entrepreneurial farming or to build near cities, where the diaspora may be interested in land and where prices are attractive.

⁸⁵ Interview with Gilles Damais, September 2007. Even more, such sales have been canceled to the detriment of the buyers, in line with the Haitian principle that “land is never poorly sold, it is the buyer that made a bad purchase”. Furthermore, according to some of our interlocutors, it would seem that cancelling sales because of a co-heir that was supposedly not informed of the sale is a growing practice, with this situation creating all sorts of possibilities for dishonest families (interviews with Daniel Henrys, December 2006).

⁸⁶ However, an outsider to the family would not be offered minor land, and therefore most of the transactions identified concerned land bought “titled” (*tè tit*), if only partially...

3.3 Finding Loopholes in the Mandatory Conditions

According to the work of Olivier Delahaye, the “conditional grants without alienation rights provided for in the corresponding legal texts were assimilated with proper private ownership by the Rural Code of 1962.”⁸⁷ Even though they have been private property since that date, the formalization of the sale of plots of land from the “agricultural colonies” that are an example of such conditional grants does not seem possible outside acts under private seal, and the presence of a technical agent from the Ministry of Agriculture is required as a guarantee in some areas. In Grand Bassin in the Nord-Est Department, this system extends to the exclusive control of mutations by the colonists: “To manage this specific property and place it on the land market, the inhabitants of Colonie have created a specific word: they ‘transceed’.”⁸⁸

Generally speaking, this shows that the legal creativity of farmers has made it possible to find an “informal” response to all the limitations on the transmission of land imposed by special statuses such as “rural family property,” informal occupation, etc. The difficulty of any government undertaking to counter to such strong trends must therefore be taken into account.

4. The Factors of Change

4.1 The Political Context in Haiti After 1986 and the Consequences for Land Conflicts

Throughout the country, the five-year period following the fall of Jean-Claude Duvalier in 1986 was marked by the creation of countless “people’s” organizations and farmers’ organizations, heavy in demands.⁸⁹ This period of social and political instability continued with the emergence, in cities and the countryside, of a new activist generation mobilized around the aspirations of democracy and respect for human rights, and stimulated by a desire to make a radical break with the past.

The Emergence of New Land Conflicts in the Regions Studied

In Terrier Rouge, a rural commune in the Nord-Est Department that had been neglected since the Dauphin Plantation’s farmers left, the agronomist who was the departmental executive in charge of managing it fled sometime after the departure of Jean-Claude Duvalier. The former plantation was left without “supervision” and some prominent people immediately undertook to create a farmers’ organization with the goal of officially obtaining access to this land that had in essence been abandoned to free range stock farming for several years.⁹⁰ The same month, this association, which called itself the Northeast Small Planters’ Association,

⁸⁷ Olivier Delahaye, 2005, *Ibid.*, pg. 17-18.

⁸⁸ See FAO-IDB, 1997. Let us emphasize that this term, “transceed” is also used currently in the nearby commune of Terrier Rouge to designate the “informal formalization” of the transmission from one squatter to another of plots of state land occupied without leases in the region. In exchange for an agreed-upon sum supposed to cover the costs of the first occupant (notably to fence the land), the transmission of the land to a new occupant is seen as valid in the eyes of the inhabitants of the region (whereas both parties are seen by the government as squatters without any rights).

⁸⁹ See for example Michel Hector, 1992, *Sou Travayè Agrikol yo nan peyi a*, Fondation Ulrick Joly, Port-au-Prince, 70 pgs.

⁹⁰ As the agronomist placed in charge of the region by the Ministry of Agriculture had fled.

submitted a request for a collective lease to the Ministry of Agriculture in Port-au-Prince while simultaneously organizing the occupation of the best areas of the abandoned plantation.

Some foreign NGOs, including Oxfam and the German NGO Brot für die Welt took an interest in this initiative, contacted through the intermediary of a local NGO which was itself supported in France by Cimade. For the government's part, in 1987, the Ministry of Agriculture, which was very interested, elaborated plans to allocate a lease covering 6,000 hectares: 2,000 for farming, 2,000 for stock farming, and 2,000 for reforestation. The fundamental idea was to simultaneously meet the demands of these "organized" farmers and involve them in preserving and rehabilitating the region.⁹¹

In the Artibonite, land distribution underwent a reversal. Indeed, fairly rapidly after he took power in 1987, General Namphy had issued a decree authorizing the former landowners who had been pushed out by the Duvalier regime to recover their land. The state tenant farmers that farmed this land were therefore chased away and replaced by other farmers employed as sharecroppers by the reinstated former owners. In this context, the nature of the land conflicts shifted away from that of a quarrel or fight for survival, taking on a clearly political dimension.

Land tenure insecurity rose in the region from this point on. Indeed, the status of state tenant farmer under the ODVA's management,⁹² a status that the farmers lost all at once, had represented, for small farmers, greater security than they had as sharecroppers (*de mwatye*) for landowners.⁹³

Most of the leaders of the farmers' organizations that we met in this region date their entry into "activism" to 1986. Often influenced by the work of the Catholic Church, in the framework of Caritas or *Ti Kominote Legliz*⁹⁴ (TKL), and by a broader discourse on democracy and human rights, they moved to the head of the struggles against the *grandon*, for small farmers' right to land, and against impunity for those who violate human rights. They were also, of course, active in the *Lavalas* movement, somewhat vague in its outlines, that led to the election of Jean-Bertrand Aristide as president in December 1990.⁹⁵

⁹¹ Indeed, the entire area had become arid following the systematic deforestation at the start of the twentieth century with the installation of the first agro-industrial company, and was kept in this state since it had ceased being farmed by the over-grazing and uncontrolled stock farming that took over there starting in the last two years of the land's management by the Ministry of Agriculture's representative.

⁹² The Artibonite Valley Development Office had long been the main institution set up to provide technical supervision for the rice cropping proactively launched in the region that, prior to the 1930s, had been a dry plain like others in the country. An acknowledged and very powerful institution (it was said that the director of the ODVA had more weight than the Minister of Agriculture), this institution lost its glory.

⁹³ In this region where large landowners were numerous, sharecroppers were frequently at the mercy of a manager hired by the owner. From the financial standpoint, the terms offered to Haitian sharecroppers are, what is more, notoriously poor.

⁹⁴ Also called "Basic Ecclesial Communities" (BECs), formed around Catholic parishes, run by priests who have chosen to align themselves with a people's church and are often inspired by Liberation Theology.

⁹⁵ Even though this movement initially relied mainly on poor urban populations.

The Farmers' Movement from 1987 to 1994

In various other regions of the country, local farmers' mobilization movements became increasingly visible and present. The two large organizations Tèt Kole Ti Peyizan Ayisiyen (called Tèt Kole for short, or "solidarity with small Haitian farmers") and the Mouvman Peyizan Papay (MPP, papaya farmers' movement) became stronger at this time by supporting and bringing together the diverse demands of local farmers in the movement.⁹⁶ In other regions, such as Grande Anse, the Nord and the Nord-Est, for example, professional groups and local or foreign NGOs supported and guided emerging farmers' groups.

During the summer of 1987, the farmers' movement turned a corner and gained visibility nationally and with international organizations because of the extremely violent events that revealed the severity of potential conflicts. As far as land tenure was concerned, the central issue in the Nord-Ouest Department, as in many other regions, was that of the control and occupation of state land in the private domain by a certain number of large state tenant farmers acting as rent-holding owners, not farming their land themselves but sub-contracting to landless farmers as tenants or sharecroppers. In July 1987, an attempt to occupy the land of these *grandon* was made in the commune of Jean Rabel—an attempt that led to one of the most serious conflicts during this period. The farmers supported by Tèt Kole found themselves in a face-off with, on the side of self-proclaimed "owners," other farmers, indebted to and sharecroppers for these *grandon*, parties to the conflict because they were threatened with the loss of access to plots that they had only because of their protection. For their part, the large local landowners were certain of their political advantage and the implicit support of the military servicemen at the head of the CNG. There was a real massacre;⁹⁷ the traumatism was considerable and it marked people's minds for a long time and strengthened farmers' feelings of struggling against a class of *grandon* allied with the political leaders who had always made decisions to the farmers' disadvantage.

This example of the massacre of Jean Rabel farmers, and more generally the long history of land conflicts, shows that the conflicts cannot be reduced to a simple opposition between "small" and "large" farmers, between "Lavalas" and "macoutes", or between "exploited" and "exploiters."

In the Artibonite, the testimony collected from the oldest farmers clearly show that the sides in conflicts have always been very diverse and that small farmers have often fought alongside their large landowners against other farmers who were also defending the interests of the landowners for whom they worked as sharecroppers or to whom they were in one way or another obliged.

Thus, a comprehensive analysis of the violence and conflicts should reject two symmetrical types of interpretations: that proposed by some left-leaning intellectuals and activists in Haiti that is based on class determinism and a simplified vision of land struggles; and the analyses

⁹⁶ The mobilization was particularly strong in regard to renewing the pig population following the systematic slaughter, in 1985, of Haitian pigs, *kochon planch*, a rustic race native to the island and the pillar of peasant farms.

⁹⁷ Estimates speak of approximately 300 dead, but years later, many farmers from the region, who hid in other areas, had still never returned.

of certain American or Haitian anthropologists who, inversely, under-estimate the existence of large property and a dominant class of landowners who exploit small farmers.

Land tenure insecurity and the violence that is one of its manifestations can only be grasped by understanding all their intertwined dimensions: the complexity of Haitian land structures as resulting from an aggregation of both legal and traditional land management, demographic pressure, and the scarcity (relative, and variable from one region to the next) of irrigation water and land resources. One must also take into account the reconstitution of large properties and the existence of a large landowner class, as well as the complexity of social relations in the countryside, notably as concerns allegiance, protection and clientelism. How political power is structured on the local and national level and the methods used to supervise farmers must also be taken into consideration.

The Political Events from 1987 to 1994

Although the Constitution was voted in a calm atmosphere under the CNG, it took several years for credible presidential elections to be held. Between an attempt drowned in blood in November 1987, the election of a president by a minority of voters (January 1988), the successive military coups (June 1988, September 1988), and the general flight of the authorities (January 1990), it took until early 1991 for a president to take office with the legitimacy of acknowledged elections. Charismatic, carried by an immense hope for change in favor of the poor majority of the population, President Aristide was overthrown after seven months by a new military coup at the end of September 1991.

Made uncomfortable by some of the positions he took and by the personality of the president-in-exile, international support for the legitimate government was mixed and, between September 1991 and September 1994, the country found itself in a situation of serious troubles accompanied by pressure and violence targeting the people's movements and farmers' organizations in priority with the apparent aim of eradicating these movements, both in cities and in the countryside. On the local level, in many regions, the stock farming, storage, etc. infrastructures that had been built by NGOs or farmers' organizations were destroyed.

“All the activist farmers’ organizations, those that were visible on the national political scene, were systematically targeted with repression. Every strategy was employed to cut off the heads of these organizations and movements... in particular the MMP and Tèt Kole.”⁹⁸

In this way, farmers' organizations that were politically acknowledged on the national scale grew much weaker during this period, particularly since, in addition to the destruction and pressure a certain number of their leaders obtained emigration visas in 1993-1994.⁹⁹ The only ones who avoided the pressure were those that kept a low profile and managed, like the Northeast Small Planters' Association, to make their actions look strictly “technical.”

⁹⁸ Interview with a former Tèt Kole leader, Port-au-Prince, September 2007.

⁹⁹ Above all to the United States whose embassy had opened a special office, and to France. According to one of our interlocutors, “It was a calculated hemorrhage with the aim of beheading them. There is not one organization in this country, Tèt Kole, MMP, that did not lose at least fifty or so members, including mainly its leaders... And most of these people did not come back.” (September 2007 interview).

On the international level, an embargo against Haiti was ultimately decided by the international community with the aim of forcing the military figures in power to yield. All the major international aid programs were interrupted, affecting in particular agricultural services and food production. The embargo had disastrous effects on the country's economy but did not have much real impact on the putschists.¹⁰⁰

In 1994, the return to office of President Aristide with the help of the American army—acting with a mandate from the UN to do so—gave the international community a degree of legitimacy for its interventions in Haiti. The country then became one of the most assisted in the world in relation to population size.¹⁰¹

While enthusiasm in the country was not as high as it had been three years earlier, the end of the de facto government, the departure of the military figures, and the President's return from exile did nevertheless revive hope and aspirations of change for a while.

4.2 The International Macro-Economic Context and its Local Consequences

Simultaneously with these political events, after the fall of Jean-Claude Duvalier, and in response to the economic crisis that was affecting the country, the Haitian government had negotiated a structural adjustment plan with the international financial institutions in 1986-1987.¹⁰² It contained, in addition to the preservation of parity between the Haitian gourde and the US dollar, the almost complete disappearance of customs barriers.¹⁰³

Until 1991, these measures were only partially applied because of the ongoing political crisis. In the years that followed, the first Aristide-Préval government resisted the IMF's injunctions fairly well until the political context in the three years that followed the military putsch ushered in a new phase. However, after October 14, 1994, the date of President Aristide's return under North American protection, the pressure to liberalize all of the Haitian economy started up again with more force. The application of this new structural adjustment program (SAP) contributed to President Aristide's loss of national legitimacy. Fritzner Gaspard evokes the blockage of the executive branch because of the airing "in public" of "profound ideological differences that the SAP triggered within the government."¹⁰⁴

¹⁰⁰ Between 1992 and 1994, emergency relief from the FAO nevertheless made it possible to strengthen the network of cooperatives and support a local seed production policy. It was in this context that, in 1992, the Northeast Small Planters' Association obtained the status of agricultural cooperative, with the support of a Canadian organization, the Société de Développement International Desjardins (SDID). This strategy protected it from attacks and allowed it to spend these three years in rather favorable conditions in regard to agricultural activities, as the agronomist that had been assigned there by SDID to support the activities took a certain number of initiatives (marketing cooperative, agricultural input store) that turned out to be very profitable as long as supervision he provided lasted.

¹⁰¹ If one compares aid amounts in average dollars per capita. This first massive intervention by the international community ended in a failure. See *Haïti : Fondements de la crise et bilan de l'action de la communauté internationale*, Emergency and Post-Crisis Commission, "Endemic Crises" working group, High Council for International Cooperation, June 2007, pg. 19.

¹⁰² The first structural adjustment program in Haiti dates back to the mid-1980s. It had been negotiated with the IMF, under Jean-Claude Duvalier, in the context of serious economic crisis. A first agreement was signed in 1982-1983, and then a second in 1983-1985.

¹⁰³ And the promotion of exports and privatization of public companies.

¹⁰⁴ Fritzner Gaspard, *Haïti : ajustement structurel et problèmes politiques*, Paris, L'Harmattan, pg. 123.

During President Préval's first term of office, Prime Minister Rony Smarth's government found itself in turn caught between a rock and a hard place when he was forced, in 1996, to continue these measures while launching an agricultural revival policy that partially contradicted them. The same year, Haiti's adhesion to the World Trade Organization completed the picture of near total abandonment of customs barriers on local food products.

The social cost of applying these economic liberalization measures therefore also had a high political cost in terms of the government's loss of legitimacy. Afterward, the opening of the Haitian market had other important consequences, notably more recently at the start of 2008 when the country was struck full on with the repercussions of the hike in cereal prices on the international market.

Demands for Protection of Peasant Farming

In the new situation created by the fall of the dictatorship, the farming movement had, in 1986-1987, taken a new form. The near disappearance of customs barriers favored the entry of basic foodstuffs such as rice, flour and sugar, and the farmers who were subjected to the consequences of this uncontrolled competition protested strongly. In this context, the rice farmers in the Artibonite valley found themselves on the front lines. There were large demonstrations and roads were blocked in response to rice imports from the United States. These initiatives by rural farmers, grouped in communal or local associations, found support among the large farmers' movements. All of these actions were widely relayed by the written press and Haitian radio stations, and this movement was thus seen as a true "speaking up of farmers on the political scene." This period, "quintessentially demanding,"¹⁰⁵ was marked by a certain number of successes such as the temporary modification of the system for nominating section heads.¹⁰⁶ Such successes gave farmers confidence and bolstered the movement.

New International Policies in Regard to Land

Simultaneously with these events, this period saw, as far as Western aid was concerned, the launch of new international policies in the agro-land field. As a whole, these policies were part of a general economic shift that had begun in the 1980s. In this period, the earlier development model, which targeted domestic markets and industrialization via import substitution, was abandoned. It gave way to a new model based on trade liberalization, the privatization of more of the economy, the search for competitiveness and improbable "comparative advantages" in international competition, and aimed at economies that were export-oriented and open to the world market.

In regard to land distribution, international agencies' new land policies broke with the land redistribution policies that had characterized the previous waves of agrarian reform in Latin America.¹⁰⁷ The privatization of land, the granting of individual titles and unrestricted individual ownership became the cornerstones of this neo-liberal concept of access to land. The economic objectives behind this emphasis on land ownership were to improve the

¹⁰⁵ Interview with a former Tèt Kole executive, September 2007.

¹⁰⁶ Auxiliaries of the Haitian army, representatives of the "state" in the countryside, who were, at this time and for some time, replaced by officials elected by the population in certain communal sections.

¹⁰⁷ In the Caribbean, however, it would seem that land policy had, rather, focused on securing farmers' rights over their plots of land.

operation of land markets and facilitate the transfer of land to the most efficient and most productive users.

The development of a free land market and ownership of land were now seen as powerful instruments to reduce rural and urban poverty, stimulate economic growth through the optimal use of land resources, increase public savings notably through export taxes, and help safeguard the environment.

On the agrarian level, the idea of relying on entrepreneur-owners and agricultural wage labor seemed to follow logically from such choices, and was the exact opposite of the reality experienced by both land owners and peasants in Haiti.

The new factors we see today include an increase in land prices due to emigration and the urbanization caused by the rural exodus.

This situation alters land issues in the areas it affects in various ways; and the emigration movement has had other types of serious consequences on land tenure due to the new problems it causes for farmers notably because land sales are stimulated due to the cash requirements imposed by migration and the need to find ways to care for family lands belonging to the emigrants. Inversely, the buying of land by members of the “diaspora”¹⁰⁸ in order to build homes for their retirement has considerably pushed up prices in some communes. In this way, the rural exodus linked to the unpromising future offered by farming combines, in sometimes coherent and sometimes contradictory ways, strategies to speed up land transfers and, sometimes, a collapse of “community-based” modes of land management in conjunction with individual “save your own skin” strategies.

Depending on the region and period, other factors of potential change (building irrigation systems, roads, urban road systems, etc.) bring about changes in the relative weight of different land variables and are therefore likely to disrupt land prices.

As we have mentioned, in every period, the various irrigation projects have caused such upheavals. If, today, new projects were set up—whether in tourism or mining, the creation of free zones, irrigation schemes or any other investment opening new agricultural opportunities—rising land values, job opportunities or comparable consequences would inevitably ensue.

After this overview of the institutional environment in Haiti, the practices that characterize land tenure in Haiti and the national and international political context, the following chapter shall examine the history of the agrarian reform itself as it was designed in the mid-1990s by the government set up during President Préval’s first term of office, and as it was implemented during its first phase before being abandoned in practice after the resignation of the government that had carried it.

¹⁰⁸ Haitians who have migrated to the United States, France or elsewhere and have kept often close links with their families back home and the funding they provide. The number of Haitians living abroad is estimated to be more than one million, which is considerable given the country’s population of 8.5 million people.

III. HAITI'S "AGRARIAN REFORM"

Haiti's "agrarian reform," as it was called and thought of from 1986 to 1996, aimed to provide a solution, first, to recurrent land conflicts, which were often very violent and had an undeniable political dimension. The goal was to settle, as quickly and completely as possible, issues related to conflicts over the ownership of farmland in order to modify, at the same time, the production relations in a potentially very productive region of the country, the Artibonite, Haiti's "rice bowl."

1. The Legal Framework for the Agrarian Reform

The agrarian reform was planned by the 1987 Constitution in the national political context of a post-dictatorship period and the activist promotion of the potential of Haitian agriculture and the rural world itself. At the same time, international economic policies were the opposite of the choices made in Haiti, and the reform itself was attempted a decade later in this contradictory context.

It is essential to identify the key elements of this context to understand how the reform was implemented and its limitations, notably those affecting its legal formalization.

1.1 The 1987 Constitution and the Agrarian Reform

The 1987 Constitution, still in force today, is marked by these choices. In regard to agriculture, it clearly states that this sector is "the main source of the Nation's wealth," and "a guarantee of the well-being of the people and the socio-economic progress of the Nation" (Article 247). However the text goes into, surprisingly, many details. Encouraging the development of agricultural associations and cooperatives for production and processing (Art. 246), the Constitution also provides guidance on the necessary agrarian and land measures.

A number of articles thus set priorities in the right to allocate state lands, the opportunity for the government to define a range of acceptable surfaces for farm units (Art 248-1) and set conditions for land division and aggregation (Art. 37). Article 249 furthermore states that the government has an obligation to "*establish the structures necessary to ensure maximum productivity of the land and domestic marketing of foodstuffs*" and establish "*technical and financial management units [...] to assist farmers at the level of each Communal section*" (Art. 249).

The inclusion of such elements in such a fundamental text, and in particular the article of the Constitution on the creation of the National Institute of Agrarian Reform (INARA)—an issue that is more in the domain of practical arrangements for implementing agrarian reform than a major principle of government for the country—can be explained in a variety of ways. One noteworthy explanation is the hypothesis that this was done, among other things, to take into account Haiti's long rural history and respond to the general preoccupations of farmers,

mainly the agrarian issue, the lack of public services despite taxes, the question of better relations between producers and supervision, and finally the frequent spoliation by land owners.¹⁰⁹

1.2 The Creation of the INARA: Preliminary Studies and Legal Aspects

When President Aristide returned to office in late 1994, the issue of land reform was revived. Given the seriousness of the conflicts and the urgent need to revive agriculture, the issue of government intervention in rural production was indeed put back on the agenda. Several projects were implemented at the end of the Jean-Bertrand Aristide's first term of office, during 1995, and then more systematically after René Préval took office in February 1996.

First, on January 13, 1995, President Aristide issued a decree giving the Artibonite Valley Development Office (ODVA) special powers. This decree used the same terms as the emergency law of 1975, this time authorizing the ODVA to temporarily take possession of "land over which there was a conflict and that was deemed to be or have been state land in the Artibonite Valley".¹¹⁰ It had no effect since the ODVA did not have the resources to fulfill this mission.

About this time, during a visit by the Director-General of the FAO, President Aristide requested aid from the FAO to conduct the agrarian reform. The response was a proposal of funding for a preliminary investigation, an investigation that began in 1996 with a budget shared between the FAO, the IDB and the French Embassy's Cooperation Mission (SCAC). A vast study was thus launched and conducted by a team of Haitian experts and consultants; its focus was to define a possible agro-land reform policy.

A project to elaborate a framework-law on agrarian reform was launched in parallel. It generated many meetings and much work between 1997 and 1999, and obtained the support of a legal expert commissioned by the French Cooperation Mission. However, at the same time, the government took various initiatives that were fairly contradictory as part of the implementation of the structural adjustment program.

First, in February 1995, the maximum rate of taxes on imported agricultural products was cut from 40%-50% to 15%, with specific rates of 0%-3% on some commodities including rice and sugar (although they were produced locally).¹¹¹

Then, on April 29, 1995, he promulgated a decree regulating how the National Institute of Agrarian Reform (INARA) would be organized and operate. This text was seen as the implementing decree for Article 248 of the Constitution.

Simultaneously, on April 30, 1995, during the agricultural fair, the President made an oral promise to the representative of the Northeast Small Planters' Cooperative, which occupied land on the Dauphin plantation, to grant it property deeds to 7,000 hectares. At the same time, property deeds to 2,000 hectares of land were also promised to the Papaya Farmers' Movement. In the Nord-Est Department, the Direction générale des impôts (DGI) actually

¹⁰⁹ At a 1997 symposium on subject of the 1987 Constitution, Jean Dominique evoked seven key points for change, one of which was agrarian reform (MICIVIH, 1997: 130-131).

¹¹⁰ Bernard Ethéart, 2005 "La définition des droits" in *Haiti en Marche*, Vol. XIX, No. 45, of 07-13/12/05.

¹¹¹ And these new tariffs were reported to the World Trade Organization, which Haiti joined in late January 1996, in the last days of President Jean-Bertrand Aristide's term of office.

began the survey, but rapidly abandoned it without completing it. According to the Director General of the INARA when he was questioned about this a few years later,¹¹² the surveys of the MPP's land were ultimately completed only because the farmers in the movement forced the surveyors from the Central Plateau DGI to the finish the job. Those in the Nord-Est Department were apparently not successful in convincing the state employees responsible for the operation to do the job that they had been assigned to do. However, while the MPP was indeed able to ensure that the surveys were completed, it still did not receive valid property titles as this type of grant needed to be ratified by Parliament, which never happened.

Thus, President Aristide's promises of tenure security to two farmers' organizations that were acknowledged nationally and by international partners were never actually kept.

Following the decree of April 29, 1995, the INARA took over from the ODVA for the management of conflicts in the Artibonite. The only legal text authorizing it to act was Paragraph h of Section 4 of the decree establishing the Institute, a paragraph that stated that it was the Institute of Agrarian Reform's responsibility to:

- monitor and verify the validity of property deeds,
- find common ground between the parties in contentious cases, and
- make a decision when no agreement was possible.

The entire text had the major drawback of being challenged a great deal because it was not ratified by the assemblies since it was issued during a period of parliamentary recess.¹¹³ The need for a real law establishing the framework for and terms of the agrarian reform was also strongly emphasized.

The Director General of the INARA therefore urged the Minister of Agriculture to ensure that, "pending ratification of the decree of April 29, 1995 or, better yet, the vote of a legal framework for agrarian reform," he "convince the President"¹¹⁴ to use the terminology of the decree of January 13, 1995 (on the ODVA) to allow the INARA to intervene.

The response came a year and a half later in the form of President Préval's decree of October 23, 1996, a decree that would remain in effect until Agrarian Reform Law was promulgated. Article 1 of this decree authorized the National Institute of Agrarian Reform (INARA) to:

"[...] temporarily take possession without any prior formalities of all land under litigation located in the Republic and reputed to be or have been originally vacant and/or state property" (Art. 1), and determine "the management of the portions of land that it has taken possession of as well as the installations and/or crops found on it" (Art. 3).

This text, upon which the subsequent agrarian reform operations relied, while giving the INARA very broad jurisdiction—since it henceforth involved all the lands of the Republic—

¹¹² Interview in Port-au-Prince, August 2000.

¹¹³ After three years of de facto government, the legislative and senatorial elections had not been held normally and the parliament was therefore unable to ratify decisions.

¹¹⁴ Interview with Bernard Ethéart, August 2000.

came, as we have seen, in context that had already undergone considerable changes with respect to the prerogatives of the newly created local governments.

Furthermore, the plans to resolve conflicts in the Artibonite that this decree was in principle to support were almost instantly supplanted by the decision to start the agrarian reform. Indeed, the agrarian reform was officially launched by President Préval only ten days after publication of the decree,¹¹⁵ without waiting for the outcome of the investigation by the FAO-IDB team and the team's remarks.

1.3 The Failure of Plans for the Legal Oversight of the Agrarian Reform

The early work reflecting on an agrarian reform law was launched by Prime Minister Rony Smarth, who had formed a group within his cabinet to define its general outline.¹¹⁶ The French Cooperation Mission began providing the INARA with technical support in the person of Mr. Giltard who made three visits to the country between March 1997 and March 1999.

Two documents arising from this work, the first being a rough draft and the second proposal of a framework law for agrarian reform, were able to be consulted. The first dates from April or May 1997,¹¹⁷ and seems to have been kept fairly confidential. The second, which was later placed online by the INARA,¹¹⁸ is closer, in formal terms, to a legal text.

The chosen objectives were economic, social and ecological. They targeted the effective development and optimal use of farmland; the “modernization” of modes of tenure and production relations were seen as priorities with this aim.

The 1997 text stated that agrarian reform “is a multifaceted process” requiring the intervention of various public organizations and must notably be accompanied by technical and financial support (under the ministries concerned) and an improvement in the living conditions of the populations concerned (the role of the local governments).

These notions were dropped from the subsequent text, as were the ideas of progressive cadastral registry of consolidated land, encouraging the creation of groups for production and for marketing, and participating, in this way, in the objective, clearly stated in the first text, of the sale of consolidated land to the recipients over a maximum period of fifteen years until entry into private land (with later verification of mutations by the INARA), subject to a certain number of restrictions on transmission of land before the purchase was complete¹¹⁹ (see Part IV, Articles 16 to 25).

¹¹⁵ On November 2, 1996, during an official ceremony presided by President René Préval and conducted by the Minister of Agriculture, Gérald Mathurin.

¹¹⁶ It would seem that this group met only a few times and its work remained unfinished. One should note that some of the people approached to participate in this work desisted, saying the project was unfeasible in the context of the time and that such a law would in any case be unenforceable.

¹¹⁷ Anonymous, n.d. *Proposition d'une loi cadre de réforme agraire*. Mimeo document (written after an April 22, 1997, meeting and taking into account the suggestions contained in Mr. Giltard's first report...), 11 pgs.

¹¹⁸ National Institute for Agrarian Reform (INARA), *Projet de loi-cadre de réforme agraire*, 4 pgs. <http://cayenne.websitewelcome.com/~inarah>

¹¹⁹ Provisions that copied relatively broadly the ODVA's prior mode of operation.

In place of the possibility of purchasing consolidated land, which was no longer mentioned, the proposed draft of the framework law envisaged, for its part, that the recipients pay a fee to the INARA. This second text furthermore contains different points that the first did not plan for, including a farm size range (between 1/2 and a maximum of 2 *carreaux*, except for justified exceptions), and insists more explicitly on the necessary involvement of the municipal authorities in decisions, in conjunction with the INARA.

However, both texts provided for three agrarian measures raising different types of issues: the rapid disappearance of sharecropping contracts, a maximal tariff (“not to exceed one third of the harvest”) and a minimal duration (ten years, reduced to five years) for tenant farming contracts. In addition, the text also provided for giving priority to farmers already on site in the case of the sale of a private plot of land, or granting the status of beneficiary in the case of the plot’s inclusion in the consolidated sector. We shall see that the INARA’s interventions addressed the issues in a different manner.

The possibility for a beneficiary of the agrarian reform or the tenant farmer of a private owner to transmit the land via inheritance—but to only one descendent, contrary to the provisions in the Civil Code—was also planned.

Thus, the coherence of a plan to secure small farmers and reconcile a position aiming to ban certain production relations such as various forms of agricultural wage labor—although they were traditionally very frequent—with a respect for other customs—such as family transmission of land, as long as one heir was favored in order to avoid any division of consolidated plots or any situations of indivision on such plots—was clearly affirmed. Indivision, while regularly decried, including by some consultants who worked on the FAO project,¹²⁰ was not mentioned in either of the two texts that envisaged, more simply, to bypass it and did not seem to address the issue of private land.

Following his visits for the French Cooperation Mission, Mr. Giltard proposed a set of legal texts for the INARA: a draft framework law,¹²¹ drafts of application laws (one on expropriation with the aim of constituting the consolidated sector and the other on the INARA’s right of preemption), and a draft presidential decree implementing the agrarian reform.¹²²

The weight of the political movement was such that it became apparent to the government that no one could oppose the reform and it would be possible to undertake it with a simple decree as legal support.

It is clear that the usefulness of the legal formalization of these decisions was completely under-estimated by the government. The final drafts of these proposed texts, which made up a “pre-draft containing mutual concessions,”¹²³ were never presented to Parliament. In fact, they were finalized at a time when the Prime Minister himself and the majority of ministers in his

¹²⁰ See d’Ans (1996): The best angle of attack seemed to him to be promoting a set of legal and fiscal provisions leaning towards eliminating sharecropping, curbing indivision, and land taxation aiming to increase actors’ accountability while providing the State with funds. The interest of such a display was, for him, to play on both modernization and social progress.

¹²¹ In all likelihood this was the one placed online by the INARA, a few of the major characteristics of which we have just discussed.

¹²² Bernard Ethéart, 2005 “La définition des droits” in *Haïti en marche*, Vol. XIX, No. 45, of 07-13/12/05.

¹²³ *Ibid.*

government, including the Minister of Agriculture, had resigned and had not been replaced for more than a year, and when, in practice, the agrarian reform in the Artibonite had already practically been abandoned.

2. Elaboration and Implementation of the Agrarian Reform

2.1 The Context and Local Experience with Land Conflict Resolution in the Artibonite

In 1994-1995, conflicts had once again taken sometimes extremely violent forms in the Artibonite, causing numerous deaths, the loss of cattle, and burned houses.

A Farmers' Initiative: the Creation of the "Pont-Sondé Group"

The activists in farmers' organizations, with those of Saint-Marc's 5th section pulling along those in the other communes in the Lower-Artibonite Valley, decided, in response to this situation, to create a farmers' forum for the peaceful resolution of the main land conflicts. The creation of this forum was truly necessary given that the situation was marked by both the recrudescence of violence and the lack of adequate institutional intervention. In this context, "farmers had no choice but to begin to take charge of their own affairs" believes one of the group's founders. For more than a year, this forum brought together the principal members of the farmers' organizations in the region. It intervened in three of the most intense land conflicts in the Lower-Artibonite area—three cases in which the political savvy and know-how of the main leaders of the forum, called the "Pont-Sondé Group" or "Peace Commission," made it possible to have the farmers involved in the conflicts sign agreements on the distribution of the land. In the three cases, the activists in the farmers' organizations were concerned with carefully distinguishing between the interests of the farmers involved in the conflicts and the interests of the self-proclaimed owners or their managers.

An important point is that the Director General of the INARA, Mr. Bernard Ethéart, when informed by the members of the group of their efforts and activities, had given them "free rein" to encourage amicable solutions to land conflicts.

The group obtained the signature of an agreement between the farmers in Gervais and Guiton, calming a conflict that had been building between them for several years (and that had, in 1991, provoked the massacre of farmers in Gervais by a group of farmers from Guiton and members of the Haitian armed forces). Since the political shift brought about by the return of President Aristide at the end of 1994, the farmers in Guiton had been deprived of land and, fearing for their food security, some of them had been threatening to retaliate against the farmers in Gervais.

The agreement on the distribution of the land concerned was signed by the farmers from the two locations in the presence of the Deputy Delegate¹²⁴ who co-signed the agreement, giving the document a semi-official nature. The Ministry of Agriculture was pleased with the signature of this agreement, and Radio Haïti Inter broadcast news of the event.

A second conflict, between the farmers in the locality of Brizard and the farmers in the surrounding localities, had been unable to find a lasting solution through the court system. On

¹²⁴ The equivalent of the sous-préfet in France.

December 4, 1995, five people were killed. When the Pont-Sondé Group began its activities, communication had ceased between Brizard and the surrounding localities. The Pont-Sondé Group organized several meetings¹²⁵ between the protagonists. The outcome of these meetings was that the farmers used a rope to divide the disputed land under the supervision of the Peace Commission. Even though the distribution agreement was apparently not always respected afterward, the general climate was calmed and, above all, the isolation of the Brizard farmers that had lasted for several years was ended.

The third large conflict in which the Pont-Sondé Group intervened was between the small farmers in Bocozelle, close to the farmers' organizations in Saint-Marc's 5th section, and the "colonists" placed on the land by the manager of the "Bertrand Saint-Ouen" habitation, who was himself a member of a Duvalierist group, on behalf of the *grandon*, Édouard Vieux.

In the relatively euphoric atmosphere that had followed President Aristide's return in 1994, the farmer activists in the people's organizations of Saint-Marc's 5th section had begun to mobilize all their available resources with the aim of launching legal proceedings against the manager. This legal battle combined two issues: the fight against impunity and the fight against tenure insecurity. The obstinacy and tenacity of the farmer activists, assisted by the Justice and Peace Commission and accompanied in their efforts by the UN-OAS human rights observation mission, had managed to give this affair a degree of national press coverage and to have the manager jailed for a few days.

For this conflict, the Pont-Sondé Group tackled the establishment of a new distribution of the land concerned. It was the most original experiment conducted by the group. In the two other conflicts in which it intervened, the negotiations had led to the sharing of land between inhabitants of different localities. The negotiations had consisted solely of dividing the land in two parts, with each locality responsible for dividing the land it had been granted among those concerned.

In Bocozelle, however, the group led a real plot distribution process, the first before the INARA's arrival. Indeed, it was not a conflict between two localities, but rather a conflict between farmers who had worked the land as tenant farmers for the state prior to 1986 and those who had replaced them when the manager returned, first with General Namphy's decree (1986) and then during the coup (1991-1994). The original method that was proposed consisted of forming pairs composed of one farmer that had worked for the manager and the farmer that had been pushed out by the former. Also taken into consideration was the fact that there were several categories of farmers on this land: those who had always worked there, those who were pushed out by the manager, those who had been placed there by the manager, and finally those who had bought plots of differing sizes from the *grandon*. Pairs of farmers competing for the same plot that they had farmed in turn had to go to the plot together and divide it into two equal shares. This method made it possible for plots, even small ones, to be attributed to all of the protagonists in the Bocozelle conflict.

In all, there were 378 recipients of plots of land of different sizes, and the agreement was kept until the arrival of the INARA because it had obtained a wide consensus among the farmers.

¹²⁵ For this, assurances needed to be given to overcome the strong reluctance of the people who did not dare pass through the surrounding localities.

It is interesting to note that the Pont-Sondé Group asked itself, during this extralegal process of conflict resolution and amicable land distribution, the same types of questions as those the INARA later tried to answer while implementing the agrarian reform. We shall see that the issues of plot attribution criteria and the many attempts to press for exemptions to the publically announced criteria were, in the following years, at the heart of the controversies around and criticisms of the INARA's actions.

The State and the Pont-Sondé Group

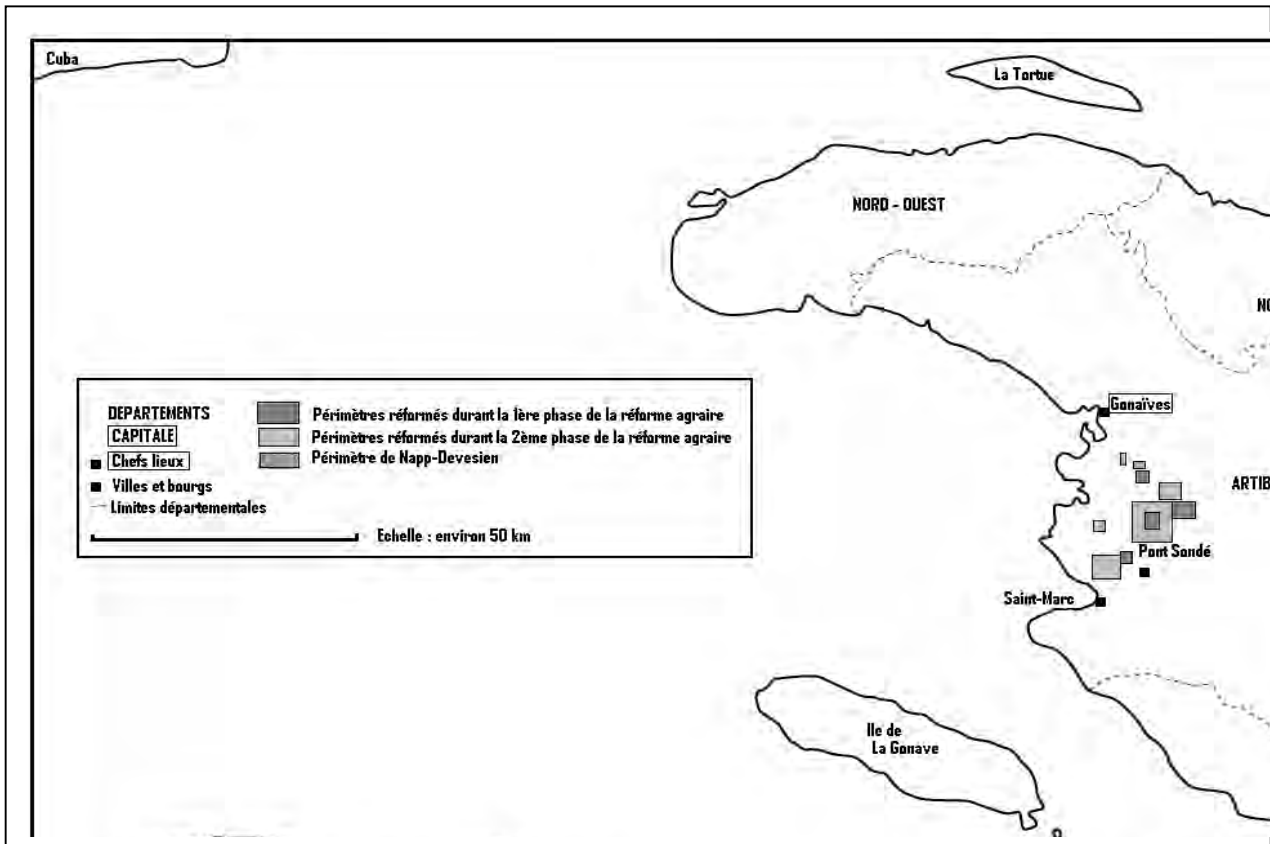
The Pont-Sondé Group's action took place in a context of almost total passivity by the local and national authorities: judges from the land courts were refusing to visit areas in conflict claiming it was too dangerous; and the ODVA did not want to take on the functions assigned to it in the 1995 decree on land conflicts, arguing that its mission was strictly technical or agronomic and not political or repressive. As for the INARA, that was launched with only one member, its Director General, it had not yet opened the Artibonite office and was inoperative.

The Pont-Sondé Group did not, however, want to act as a land court and begin examining papers and property deeds to determine their legality and authenticity. The aim was more modest: take preventive, temporary measures in response to emergency situations, "*until the state fulfills its responsibilities.*"

The Group stopped meeting after just over a year, in the month of September 1996, since the installation of the INARA office in the Artibonite had lessened the political arena available to this informal group. Several of its members obtained at the time, and as an extension of their work, jobs as mediators or agents with the INARA in recognition of their experience and know-how.¹²⁶

¹²⁶ This inevitably had negative side effects on the farmers' organizations from which these activists had come. See Michaël Lévy, 2006.

Republic of Haiti - INARA's Zones of Intervention 1997-2007



2.2 The Policy Choices Guiding the INARA's Intervention in the Artibonite

Conflict Resolution in the Artibonite

On the national level, the INARA decided to begin work by collecting information, organizing public consultations, and formulating the policies to implement. For its Director General, the aim was to take advantage of this period to “provide a different vision of the government: a government that was not corrupt, a government that listened to the people.” According to him, “the country had entered a period of its history in which the majority of the population, which had until then been marginalized, intended to participate in public life and do so by doing more than merely voting from time to time. This was the biggest opportunity we had had to bring about the necessary reforms in a lasting manner.”¹²⁷

To do so, the goal was notably to rely on farmers' organizations rather than on public force. Furthermore, according to the Minister of Agriculture at the time, Gérald Mathurin, the decision had been made to run the INARA exclusively with the Haitian government's own

¹²⁷ INARA “Gestion des conflits” pg. 2. http://cayenne.websitewelcome.com/~inarah/index.php?option=com_content&task=view&id=42&Itemid=34.

funds. In regard to the conflicts in the Artibonite, the methods already used previously by the ODVA were used again, notably the setting aside of disputed land.

To do so, the INARA took its inspiration from the proposals that came out of the work of various observers and operators. Two of them were explicitly mentioned by its Director General: the proposal developed in a research paper by Ronald Desormes,¹²⁸ which suggested the land in the valley be nationalized for a period set in function of the circumstances, and the proposal by the Gonaïves Justice and Peace Commission (part of the Pont-Sondé Group) that believed that land over which there was a conflict should be placed under the temporary control of the government so as to have time to launch true agrarian reform.

The common point was the proposed leveling of the situation to give the INARA time to find a definitive solution to the problems, either by a decision of the courts (if it was even possible, in some cases, to reach a final decision), or in the framework of agrarian reform, implying the government's taking possession of all land over which there was a conflict (compensating owners who could prove the legitimacy of their claims) and more equitably redistributing it. This last proposal was the one recommended by the Justice and Peace Commission.

The INARA noted, however, the reluctance of the successive Haitian governments to take "definitive" measures. What is more, while such approaches had already been attempted during other periods of time in the Artibonite,¹²⁹ the process had never been completed.

The Land Distribution Option and its Accompanying Technical Package

The distribution of plots of land was supposed to be the essential measure in the agrarian reform. Each beneficiary would be attributed, by lottery,¹³⁰ a half-hectare plot as conditional property, with a beneficiary title defining the conditions for the use of the land and the beneficiary's rights and obligations. For instance, they would be obliged to farm the plot entirely themselves, contribute to maintaining the irrigation and drainage network, and pay, at the end of the second crop year, a fee to the management committee. On these conditions, "the beneficiaries [would have] the right to use their plots until the law [was able to] determine the plots' definitive status."¹³¹ If he complied with the imposed conditions, the beneficiary could

¹²⁸ Ronald Desormes: *Irrigation et conflit terrien dans la vallée de l'Artibonite. Comment aborder ce drame ?* Research paper in pursuit of a bachelor's degree in law, École de droit et des sciences économiques des Gonaïves, n.d. [cited by the document placed online by the INARA "Gestion des conflits", *Ibid.*].

¹²⁹ Particularly with the Law of July 28, 1975, authorizing the Administration générale des contributions (Tax Department) to take temporary possession of all of the land in the Artibonite region "over which there was a conflict and that was reputed to have been state land," and the 1987 Constitution that, following on from the declarations of General Namphy in 1986 authorizing "wronged owners" to recover their land, repealed, in Article 297, all laws and decrees that "arbitrarily restricted the fundamental rights and liberties of citizens, notably the Law of July 28, 1975 subjecting the land in the Artibonite valley to emergency status." (See Ethéart, 2005 "La définition des droits" in *Haïti en marche*, Vol. XIX, No. 45, of 07-13/12/05.

¹³⁰ Given that the beneficiary farmers should in principle have been—and the majority were in fact—formerly farmers on the redistributed land, and therefore often people that thought of themselves as the owners of more or less large plots of land that had been taken from them by the agrarian reform, this method of allocating plots by lottery could only cause problems. Indeed, the disadvantage of this method was that it completely ignored the history of the farmers with the plots that they farmed before, and redistributed all the cards more or less randomly even though only the inhabitants of localities close to the consolidated tracts of land could receive plots. See Michèle Oriol "Commentaires autour de la distribution de terres faite par l'INARA sur l'habitation Déseaux, commune de Dessalines, en 1997", n.p. [Port-au-Prince], September 2, 1998, 17 pgs.

¹³¹ INARA, March 1997.

work the plot that he was given until the end of his days, with the INARA deciding on his death, after discussion with the members of his family, which of his heirs should inherit the plot. Failure to comply with the conditions, however, would break the contract.

Various support measures were also supposed to help make it viable to farm a single irrigated plot of such small size: a credit in the amount of 1,000 Haitian dollars (5,000 gourdes) would be granted to each beneficiary farmer for a period of two years; and fertilizer and seeds would be subsidized (and accessible to all farmers in the region, whether or not they were reform beneficiaries).

Finally, the government of Taiwan provided technical support and additional credits for the purchase of fertilizer and seeds on a number of pilot farms; it also provided two-wheeled tractors. Technical training was also supposed to be provided for farmers. Other two-wheeled tractors, purchased by the Haitian government, were supposed to be sold on credit to groups of farmers who were not beneficiaries of the reform, and the construction of 150 rice mills was also planned in the medium term to create sources of income for the farmers that had not had access to the redistributed plots.

2.3 Implementation of the Agrarian Reform in the Artibonite

It was therefore at the end of 1996, after President René Préval took office and one and a half years after the INARA was created by decree, that the agrarian reform really began in the Lower Artibonite.

It was launched on November 2, 1996, very officially and with considerable media coverage, by President Préval himself, assisted notably by the famous agronomist and radio personality Jean Dominique. On the institutional level, however, things happened in a relatively “informal” fashion. As we have mentioned, the agrarian reform was launched before the results of the FAO study were available, and no legal text had stabilized the INARA’s position or formally validated its action. What is more, no pre-existing public institution had been truly involved or mobilized other than by purely formal representation on the INARA’s board of directors, a board of directors that the Institute’s Director General never called to a meeting.

This overall way of doing things may simply be explained by the new government leaders’ poor knowledge of the workings of government since their professional experience was mainly non-institutional because a large number of them came from the NGO sector. We shall see that this nevertheless had concrete consequences that were entirely the opposite of the objectives targeted in principle.

In substance, the choice of the initial region and the objectives of this “reform” were very clear. The Artibonite produced 66% of the country’s rice at the time, and production stakes were considerable.¹³² What is more, while increasing national food production, the aim was also to achieve greater equity in the distribution of land resources to support smallholder farming, which supplied foodstuffs and jobs.

¹³² In 2007, 60% of Haitian rice was produced in the Artibonite, with the remaining 40% in other irrigation schemes, but less than two thirds of the rice-growing land was used for this purpose, notably because of a lack of canal and drainage system maintenance.

Finally, it seemed possible to attempt, through state intervention, to calm the recurrent conflicts—which were old and recognized—over this land.¹³³

Haiti's "agrarian reform" was therefore justified by economic and social reasons equally, with the major social challenge being to create a tenable place in the economy and in national production for small peasantry even if it would evolve little by little as the possibility of alternate employment would emerge for those excluded from farming (because of the increasing scarcity of land as a result of strong population growth).

On the political level, the main argument for the reform was social peace: there was a need to put an end to the land conflicts and the violence that they regularly sparked. To do so, the aim was also to cut short the "predatory system that took more than 7 million US dollars from the valley every year" as the money thus taken by "absentee landowners" was not reinvested in agriculture. This "continuous transfer mechanism" was accused of decapitalizing production units, penalizing small farmers, and generating a process of impoverishment that crucially needed to end.¹³⁴

While this discourse was criticized,¹³⁵ it must be viewed in the context of the country's history and the general situation at the time, notably in regard to the importance that the peasantry's perception of a change in attitude by the government in regard to peasants, had taken on for Haitian politicians since the mid-1980s.

In the field, the tracts of land to be consolidated were outlined on land over which there was a conflict or land that was reputed to have once belonged to the state. The owners or supposed owners of this land were not compensated and had no right of recourse.

The redistribution itself took place in two stages. During the first phase, the total consolidated surface consisted of four tracts of land totaling 1,028 ha that were distributed to 1,610 beneficiaries.¹³⁶ During the second phase, fifteen tracts totaling 2,024 ha of irrigated land were redistributed to 4,058 farmers in the same communes as the first phase (Saint-Marc, Marchand, Desdunes, l'Estère) and in Grande Saline.¹³⁷

Each head of household with a contract with the INARA therefore received, as planned, half a hectare of land and 5,000 gourdes in credit.

¹³³ The MICIVIH (the UN mission in charge of intervening in human rights violations during the period of the putschist government and afterwards) may have played a role in revealing land conflicts that had for several years been under the eyes of international observers.

¹³⁴ Paul Duret and Bernard Taillefer "Diagnostic général : politiques, stratégies, activités et institutions" in Paul Duret and Bernard Taillefer, *Politiques et réformes agraires dans la Vallée de l'Artibonite. Haïti 1998*. Vol. 1: 79, MDF-Haiti, Port-au-Prince, October 1998.

¹³⁵ Notably by d'Ans (1996) who criticized this emphasis in official discourse as part of the launch of the agrarian reform: "the very strong manifestations of hostility to 'absentee landowners' [seemed] to ignore the need of fostering investment in a export agriculture sector, in which normally the owner is not obliged to live on his farm" (pgs. 5-6). Nevertheless, it must be emphasized that in practice Haitian *grands* have traditionally functioned as "rentiers" and only rarely invest in improving the land that they control.

¹³⁶ DDRAA *Présentation succincte de la réforme agraire dans l'Artibonite*, n.p. [Port-au-Prince], July 1998, pg. 15.

¹³⁷ Paul Duret and Bernard Taillefer, *Politiques et réformes agraires dans la vallée de l'Artibonite. Haïti*, Port-au-Prince, Management Finances Développement MFD-Haiti, 1998, Vol. I, pg. 11.

Even though it granted land only to some of the farmers that had worked for the expropriated *grandon*, the first phase of the reform was globally well-viewed because it presented itself as a first step, that the promised supervision was there, and that there was hope for later rebalancing.

Despite this, many contradictions were visible in this first phase. First, the *grandon* were never compensated, as we have mentioned, and the affair was never fully wrapped up from their standpoint. Next, beyond the recovery of the *grandon* land, in some areas many small farmers that previously farmed plots as owners, tenant farmers or sharecroppers were pushed off their land and received nothing in exchange in the framework of the reform.¹³⁸ In addition, the method chosen to redistribute the consolidated land did not take into account farmers' prior links to the redistributed land (family history, proximity to their homes, etc.). The lottery that was held thus caused resentment, not only among the farmers excluded from the process but sometimes also among those who received a plot that was less interesting in their eyes than the one that they had lost.

More deeply, on the regional scale, the contradictions in the government's economic choices were the most harmful to the plans to revive local rice cropping. The fact that the country had not yet recovered from the three-year economic embargo under the de facto government and the policy of opening borders rolled out at the end of 1994 by President Aristide and continued by President Préval in the context of the country's adhesion to the WTO worked in concert to destroy local agriculture's ability to remain competitive without very proactive support from the government, which rapidly disappeared as the aid planned for farmers was discontinued...

Financing of the INARA and its Activities

The agrarian reform process was therefore launched in the Artibonite area with very few financial resources, taken mainly from public funds. The 1995 decree provided for a mechanism that would "eventually protect the INARA from economic fluctuations" by creating an Agrarian Reform Fund, managed by the INARA.¹³⁹

In the opinion of the Minister of Agriculture at the time, Gérald Mathurin, one of the challenges of this approach to things was above all political: the primary aim was to keep control of the reform.

*"The aim was therefore to not spend much money, find arenas for ongoing negotiation to advance while fundamentally cutting spending. In these conditions, outside financing was not needed, and this is also what constituted the strength of the process, which was domestic and controlled by the government."*¹⁴⁰

¹³⁸ Others who were titled owners exchanged this status for the vague status of "agrarian reform beneficiary" that, even with the proposed supervision, was in a number of cases clearly much less advantageous for them. See on this point Michèle ORIOL, "Commentaires autour de la distribution de terres faite par l'INARA sur l'habitation Désaux, commune de Dessalines, en 1997", Mimeo, n.p. [Port-au-Prince], September 2, 1998, 17 pgs.

¹³⁹ Document "Relance", INARA: 5. It could have been financed with leases to state land, for example, but the decision to do so was never made.

¹⁴⁰ Gérald Mathurin, former Minister of Agriculture (1996-1997), interviewed in September 2007.

In fact, among donors, the idea of agrarian reform was diversely perceived. The FAO displayed interest, while recommending a prior in-depth survey of the situation.¹⁴¹ The French Cooperation expert took “relatively nuanced” positions in the current opinion of a former INARA executive. Others, however, leaned rather in favor of the status quo in regard to the *grandon*: for example, the IDB did not approve of the government’s position as it was a priori opposed to any expropriation of private property and, according to this institution, the government should at the very least “*survey the land to compensate people if their plots were taken...*”¹⁴²

Despite these divergences, multilateral and bilateral donors invested in the reform even before the INARA was created, as can be seen in the FAO’s and IDB’s involvement in financing the reflections on which policy to conduct. For its part, the French Cooperation Mission participated, as we have seen, in the support for the legal formalization of activities. In regard to technical guidance for small farmers, Taiwanese cooperation provided financial aid that was invested in equipment, and Japan financed some of the cost of the fertilizer required by intensification.

The Constraints on the Interventions in the Artibonite from 1996 to 1998

■ Expectations

The extremely complex situation in which the Haitian government was placed at the time explains the difficulties that the INARA needed to overcome to implement the agrarian reform. The reform announced by the government was most anticipated in the Artibonite area, and that is where the problems making the reform’s implementation all the more difficult were concentrated.

According to a member of the Minister of Agriculture’s cabinet in 1996, when the first phase was launched, there were 6,000 candidates for plots, and 628 hectares to distribute.¹⁴³

“*This meant that many people made a living from a few hundredths of a carreau of land... The process set up enabled families to have half a hectare of land and was therefore a process that improved the average! Obviously, this meant that some were in danger of being pushed out of farming.*”¹⁴⁴

In fact, the operators were caught between two contradictory constraints: first, they needed to satisfy a maximum of farmers, but at the same time, each plot attributed needed to be at least large enough to ensure its viability as a farm.

¹⁴¹ President Préval did not wait for this report to be finalized to launch the agrarian reform, and the document was never formally finalized.

¹⁴² September 2007 interview with a former INARA executive. This position was reflected in all the framework law proposals and seems to have been the position of the Director General himself... However, no one has yet been compensated.

¹⁴³ At the time, a family of six or seven people had access on average to 0.20 to 0.25 *carreaux* (i.e. between 0.25 and 0.32 hectares). See Michaël Lévy, 2006: 372.

¹⁴⁴ September 2007 interview with the Minister of Agriculture at the time.

The criticism thus sharply denounced an unpardonable technical error in allocating half-hectare plots to farmers who were supposed not to have access to other plots of land. Indeed, everyone—including those who promoted the reform—believed that a rice farm of that size was at the extreme limits of economic survival.

The government leaders' response was to affirm a pragmatic position: "*You want to put everyone out, you want to eliminate the peasantry, but what are you going to do with these people?*"¹⁴⁵

■ The Challenge of Promoting Peasant Participation

By choosing the Artibonite Plain, the government and directors of the INARA intended to show their determination to conduct a pilot experiment in a region characterized by both high soil fertility and recurrent land-related violence. It was also a region in which numerous investments—in particular for irrigation—had been made for decades, and attempting to ensure a return from these investments¹⁴⁶ was seen as necessary. Finally, the mobilization of various local farmers' organizations, as we have seen, played a large role in the selection of this region as the starting point for the reform. Indeed, the INARA had very rapidly placed the issue of farmer participation at the heart of its discourse. This position was held on two fronts: in the field first and then on the national scale. In this last area, between November 1997 and April 1998, the INARA organized nine departmental debates on the agrarian policy, eight workshop-debates with the various components of Haitian civil society, and a large summary meeting on April 28-29, 1998.¹⁴⁷

In the field, the farmers and their organizations had very rapidly been solicited to implement the agrarian reform themselves, and the INARA proclaimed loud and clear its intent to establish permanent dialogue with them and rely on farmer participation. Its director, Bernard Ethéart, defended, for instance, during each of his television and radio appearances, the idea that "the agrarian reform is an issue that concerns seven million people and it cannot be carried out by six or seven people in the INARA's offices."

All the problems encountered during the implementation of the reform were supposed to be addressed, according to the INARA, through negotiation and dialogue. The *chita pale*¹⁴⁸ was therefore the true ideology behind the agrarian reform at the time it was launched. All of these structures, in charge of this or that aspect of implementing the reform, were formed of committees elected by the grassroots or, at the least, that were supposed to contain representatives of the farmers in the various zones.

Gérald Mathurin, Minister of Agriculture in 1996 and main initiator of the reform, had directed government farms in the Artibonite in 1975. As a young agronomist, he held this position as an employee of the Artibonite Valley Development Office (ODVA) after the vote of July 28, 1975, that gave the ODVA responsibility for land over which there was a conflict.

¹⁴⁵ *Ibid.*

¹⁴⁶ The investments over the prior ten years came to more than 30 million US dollars, according to the report by Paul Duret and Bernard Taillefer (1998, Vol. 2: 78).

¹⁴⁷ Pierre Harrison, October 1998, "Réforme agraire: Vue d'ensemble", draft version in Paul Duret and Bernard Taillefer (1998, Vol. 1: 71).

¹⁴⁸ A Creole expression, from *chita*, to sit; and *pale*, to speak. Nevertheless, it seems that this method was not always seen as efficient enough, and the INARA police also used force at times.

This experience convinced him that responsibility for managing farms should not be entrusted to government civil servants. The farmers were at the mercy of these civil servants who negotiated the farmers' access to the farms and the size of the plots, and who gave themselves permission to take much of the farmers' income, keeping them in a precarious situation that government management was supposed to eliminate. As Minister, Mathurin therefore later fought for the consolidated land to be managed by self-organized farmers' structures.

Nevertheless, this choice did not resolve all the problems and, despite these efforts, the experience of the first two phases of the agrarian reform in the Artibonite showed that corruption can sneak into structures based on farmer organization and participation as easily as it can into government structures.

■ Organization of the Allocation and Monitoring of Consolidated Plots

Several farmers' structures were set up when the agrarian reform was launched. The first, and most criticized, was the Artibonite Valley Development Office (ODVA). The ODVA, still in place today, was created in 1949, when the irrigation networks were installed, to control water levels in the Artibonite, distribute irrigation water, and drain the residual water. From the start, it also had a role in providing technical guidance for farmers. It was notably entrusted with promoting the dissemination of improved cropping methods and new varieties, acquiring agricultural inputs, and facilitating the obtention of agricultural loans for farmers.

Highly criticized for not having properly fulfilled the tasks it was assigned and for having gotten itself entangled with the Duvalier regime, the ODVA was "*dechouke*" (uprooted)¹⁴⁹ by farmers' groups on January 30, 1986.

In 1996, when the agrarian reform was launched, President Préval decided to revitalize the ODVA by creating an oversight committee, composed of representatives of city halls, CASECs and the main farmers' organizations in the area. This committee's objectives were poorly defined and it very rapidly came to be seen as involved in everything: irrigation, plot distribution, the launch and organization of infrastructure projects. From then, it came to be seen as a political structure, practicing a clientelistic policy—handing out jobs to those close to it—and as President Préval's instrument in the Artibonite. While formally it did not have any role in implementing the agrarian reform, the ODVA oversight committee had a major influence on every stage of the process: deciding which areas of land to consolidate, what beneficiary selection and identification criteria to use, what plot allocation mechanisms to set up. Most of its legitimacy was derived from its relations with and easy access to the President of the Republic, and its operation very rapidly became entirely autonomous and independent of the structures from which it was supposed to emanate.

In the National Institute of Agrarian Reform, a team of field agents was tasked with vitalizing the activities of local structures, notably by taking part in the running of people's information meetings held by the support committees, which were themselves composed of representatives of different blocks,¹⁵⁰ elected by the farmers in each perimeter to consolidate.

¹⁴⁹ In Creole, *dechouke* means rip out or uproot a tree. In 1986, when the Duvalier regime fell, there were numerous violent incidents of "*dechoukaj*" against people or institutions connected with the macoute regime.

¹⁵⁰ The INARA distinguishes between: the half-hectare plot, the block (a group of plots), and the perimeter (a group of blocks).

These support committees' main task was to prepare a list of plot beneficiaries for each given perimeter. These lists were to be submitted to the INARA for approval. They were also supposed to participate in the land survey process, establish regular contact with the population to inform it of the reform's progress, and collect people's opinions of the process underway. Finally, they were supposed to conduct research on the amount of land owned by the state in the perimeters in question and prepare dossiers on the land conflicts with the aim of finding an equitable solution.

It is clear that the ability to establish a list of beneficiaries was, given the very strong demographic pressure, an extremely coveted position of power, as can be seen with the large number of candidates and the massive popular turnout for the elections for these structures. The support committees were, of course, the target of much criticism.¹⁵¹

In the blocks, elected management committees were set up with the remit of conducting all the necessary verifications to ensure that the consolidated plots were really farmed by the designated beneficiaries. Representing the communities to the INARA and the ODVA for all technical aspects of production (irrigation, fertilizer, farm equipment, etc.), they played the role of order-giver, work planner and mediator between the government and farmers. They were supposed to maintain the irrigation system, clean out the canals and drains in the concerned irrigation schemes, and harmonize production and management of collective structures, playing a role in collecting fees from the beneficiaries to maintain these infrastructures.

Furthermore, agents in charge of complaints received farmers' complaints and arbitrated certain land conflicts in the areas that had not yet been reached by the agrarian reform (in compliance with the powers granted to the INARA by the presidential decrees of 1995 and 1996). They received visits from farmers that had not obtained plots and those that had become involved in neighborhood conflicts in the consolidated zones.¹⁵²

■ The Beneficiaries' Status

It had been decided that the land seized by the INARA would be redistributed in the form of individual plots of half a hectare, allocated according to precise criteria. The plot allocation criteria were as follows: recipients needed to have worked the land at one time or another and show proof of real need. Furthermore, the allocated plots could not be rented, sold or ceded to sharecroppers, and on the death of the "agrarian reform beneficiary" the plot would be attributed to a member of his or her family.

¹⁵¹ In certain localities, they were accused of having excluded people that met the INARA's criteria from the list and including others that did not meet the criteria. Places on the lists of beneficiaries were said to have been sold, and people were said to have been the victims of forms of blackmail or harassment (corruption, sexual harassment, favoritism)...

¹⁵² To do so, they organized mediation sessions, attempting to reach an agreement between the parties. It should be noted that one of the main people in charge of this work at the INARA had been part of the Pont-Sondé Group.

*“No final decision had been made as to the future status of the beneficiaries. Plot recipients did not receive property deeds. They were given a usage right, that did not preclude giving them deeds later. The ultimate decision had not yet been made. The reform needed to move ahead.”*¹⁵³

It was therefore not full ownership, and this initial stage of the agrarian reform in Haiti was not in line—in either concept or practical application—with the new land policy recommended by international organizations advocating the creation of free and competitive land markets and the allocation of proper formal deeds. It aimed primarily to pacify very violent conflicts and as visibly as possible satisfy the small farmers who were involved in these conflicts.

By choosing to distribute individual plots, the INARA also moved away from the plans to form farm cooperatives, which had been implemented in some Latin American countries in the 1960s and 1970s, and away from the plans to create more mechanized and capital-intensive agriculture based on medium-sized farm businesses and relative land concentration. The option proclaimed by the INARA was the defense and promotion of agriculture based on smallholder farming. It was both an economic decision to maintain a poor peasantry in the countryside to fight a rural exodus that the lack of urban jobs could not (and still cannot) absorb, a political decision to build a social peasant base for the government, and an ideological choice in reference to the fight of the Saint-Domingue slaves to obtain the right to “cultivate their own gardens” outside the sugar plantations.¹⁵⁴

Nevertheless, it was also out of the question to definitively grant the consolidated land to the beneficiary farmers:

*“In agrarian reforms, there is always a government tendency not to give land to farmers. Reforms are usually ‘communitarist’ and land collectivization processes. What is more, the left saw individual allocation with an unfavorable eye. There were disagreements on the idea of assigning land to farmers.”*¹⁵⁵

In any case, the first phase of plot distribution, at the end of 1996, was generally well received by farmers. The INARA’s taking control of land, a police deployment in the areas where there were conflicts, and above all, the expectations raised by the agrarian reform had put a stop to violence in the plain. The “blood has stopped flowing” repeated at will those in charge at the INARA and the farmers in favor of the agrarian reform.

The distribution of half a hectare of land, the provision of subsidized fertilizer, the five thousand gourde loans granted to beneficiaries, and the hopes spread by the government, particularly the President at the time, René Préval, placed the agrarian reform—and thereby the small farmers in the Artibonite—at the heart of their concerns, and worked together to create a feeling of satisfaction in the area.

¹⁵³ Interview with the Groupe de Recherche et d’Etudes Foncières, in Port-au-Prince, September 2007.

¹⁵⁴ It is interesting to note in this regard that the INARA wrote the following on all its documents: “*Pour travailler en maîtres les esclaves ont embrassé, corps à corps, le trépas*”! (To work as masters the slaves embraced, fully, death).

¹⁵⁵ September 2007 interview with the Groupe de Recherche et d’Etudes Foncières.

2.4 Failure and Abandoning of the Agrarian Reform in the Artibonite

The Difficulties Applying Measures

The second phase of plot distribution in the Artibonite was inaugurated in November 1997. Ten new support committees had been created, bringing the total number of consolidated perimeters to fourteen.

This second phase went much less smoothly than the first, and was strongly affected by the political crisis that was beginning to take over the country, the result of the split in the Lavalas movement between the partisans and adversaries of Jean Bertrand Aristide.¹⁵⁶ This crisis brought about the resignation of the Prime Minister and, with him, most of the Ministers including the Minister of Agriculture, Gérald Mathurin, the main initiator of the agrarian reform.

Mr. Mathurin's resignation shook the farmers' trust in the process underway and, echoing the political conflicts and divisions on the national scale, the practices of the structures in charge of implementing the agrarian reform locally fell apart. The initiators of the agrarian reform, particularly the INARA and the Minister of Agriculture, had wanted to protect the process from bureaucratic and authoritarian drift by fostering the organization of the agrarian reform by the farmers and their organizations themselves. But they had underestimated the possibility that the practices often attributed to government institutions in Haiti—corruption, nepotism, clientelism—could slip into elected peasant structures.

Indeed, even in the first phase, despite the decision to satisfy the largest number of people possible, and in priority the poorest, it is generally believed that “extended family, affiliation with a *lakou* (close to those establishing the lists of beneficiaries) were the basis for the formation of these lists.” In practice, according to the study conducted by the FAO and the IDB in the Déseaux zone in 1996-1997, 139 “minifundists” were pushed aside during this phase even though the reform's declared objective was to protect and help them.¹⁵⁷

In some sectors, the INARA was accused of having allocated plots on an ideological basis: groups of farmers close to the Lavalas authorities are alleged to have been favored over farmers that met the plot allocation criteria. A certain number of irregularities were also denounced in the framework of the second phase of the agrarian reform. We shall not discuss them in detail here,¹⁵⁸ but the interviews with farmers in the area show a significant rise in discontent and frustration with the INARA's decisions.

Nevertheless, one must distinguish between the true injustices and abuses committed, and the frustrations of farmers who were disappointed that they did not receive plots as part of the agrarian reform whose main challenge was to manage the contradiction between scarcity of land and an abundant population. The enormous demographic pressure of course greatly

¹⁵⁶ Who was not in office but continued to play a large political role.

¹⁵⁷ Paul Duret and Bernard Taillefer, *Politiques et réformes agraires dans la vallée de l'Artibonite, Haïti 1998*, Vol. 2 “Diagnostic général: politiques, stratégies, activités et institutions.” Port-au-Prince, MFD Haiti, provisional version, Mimeo, October 15, 1998, pg. 51.

¹⁵⁸ See Michaël Lévy, 2006.

facilitated the missteps and injustices committed by the various structures in charge of implementing the agrarian reform.

The opinions of the farmers encountered during this period reveal the general mindset in the zone in 1998, at the end of the second phase of plot distribution. The majority of them expressed great satisfaction that the government took an interest in their situation and was present, embodied by both the INARA and President Préval himself who visited the Artibonite plain many times. They were attentive to promises and had a positive opinion of the first measures: granting plots, loans, the sale of fertilizers at preferential rates, and the performance of maintenance on the irrigation network. They were in favor of this reform and interested in its development. In addition, the cessation of violence had been welcomed with considerable relief. Nevertheless, one could clearly see at the time the first hints of recrimination, complaints and suspicion of corruption or favoritism in how the measures were applied. The slowness or negligence of INARA executives were criticized unabashedly, but the agrarian reform was not challenged as a whole.

In all, from 1997 to 2001, more than three thousand hectares of land in the Artibonite were allocated by the INARA to more than five thousand five hundred small farmers in the form of plots of approximately one half hectare.¹⁵⁹

Beyond dispositions and farmers' perceptions, the assessment report¹⁶⁰ commissioned by the Minister of the Economy and Finances provided data shedding light on the social composition of the beneficiaries of these measures.

This report shows that the beneficiaries, as a whole, really were poor farmers. Indeed, 22% of them sold their labor, the poorest social group in rural Haiti. 25% traded labor, that is to say small farmers obliged to barter workdays because they did not have the capital necessary to buy labor, generally "minifundists" who did not have extra-agricultural revenue. Finally, 40% of the beneficiaries were small farmers who bought labor but had only limited means of production. Most of them had never been able to buy land, and had inherited the land they owned.

Also according to this report, only 1% of the agrarian reform beneficiaries came from departments other than the Artibonite, which tends to disprove the rumor that circulated in the region that alleged that most of the beneficiaries came from other departments. However, 30% of the beneficiaries are said to have been related to members of the committees making selection decisions. This figure would tend to confirm the testimony of numerous farmers stating that the members of the structures set up to apply the agrarian reform abused their power and followed clientelistic logics. However, given social reality in Haiti, it could difficultly have been otherwise. This does not mean that these beneficiaries, close relatives of influential people at some level of the land distribution, did not meet the INARA's criteria (farmers who did not own land and who had farmed a plot in the perimeter prior to the reform, etc.).

¹⁵⁹ Groupe de recherche et d'études foncières (GREF) *L'observatoire du foncier* No. 3, July-September 2005: 5.

¹⁶⁰ Paul Duret and Bernard Taillefer, *Politiques et réformes agraires dans la vallée de l'Artibonite. Haïti 1998*, MDF-Haiti, Port-au-Prince, October 1998.

The Legal Limits of the Actions Undertaken

When it came to land tenure security in the Artibonite,¹⁶¹ the INARA had encountered new difficulties since the mid-1997s, both because of the political context (resignation of the Prime Minister and part of the government, including the Minister of Agriculture, with government action being limited to managing day-to-day affairs) and because of the lack of a solid legal and institutional framework for its action. A few fundamental elements, whose relevance the current situation confirms after the fact, were already visible.

Insisting that “nothing is irreversible in the field of land tenure if the measures taken are not based on solid legal and judicial formalization,” the authors of the aforementioned report¹⁶² believed it was vital to integrate the actions taken in the existing formal framework to stabilize the situation of the beneficiaries of the first and second phases of the reform.

The aim was notably to review the definition of the respective statuses of the land in the consolidated perimeters (private or state-owned) so as to turn the “beneficiaries” of the agrarian reform either into:

- owners, by purchasing the disputed land that had been consolidated and reallocated by the INARA, in agreement with the former owners whose legitimacy had been proven, or,
- in the case of consolidated state land, government tenant farmers or donees (granting land from the state’s private property was legally possible).

Ecological Vulnerability

In September 1998, the Artibonite plain was the area most strongly affected by cyclone Georges. The torrential rain destroyed nearly three quarters of the September rice harvest and seriously threatened the next harvest by leaving the irrigation system in a serious state of disrepair. A few months after the cyclone, the farmers in the Artibonite were also hit by the appearance of “black straw” disease that infected one of the best varieties of Haitian rice, La Crête, and destroyed all of the following harvest.

The precarious positive impacts of the first two phases of the agrarian reform were in this way seriously compromised, and the farmers questioned during a visit in 2000 all expressed the feeling that they had been abandoned by the authorities after these two disasters. Instead of relying on the spontaneous and widespread mobilization of the rural population following these events to revive the agrarian reform and agricultural production and restore farmers’ confidence and thus solidify the process underway, the authorities in Port-au-Prince seemed, on the contrary, to lose interest in the process after the cyclone had passed. In this sense, cyclone George in 1998 literally “demolished the reform,” to use words of a farmer in the region, less perhaps by the damage it caused than because it revealed the government’s lack of a political will to see the reform through successfully.

¹⁶¹ Paul Duret et Olivier Delahaye, “Sécurité foncière et réforme agraire dans l’Artibonite” in Paul Duret and Bernard Taillefer, *Politiques et réformes agraires dans la vallée de l’Artibonite. Haïti 1998*. Vol. 4, MDF-Haïti, Port-au-Prince, October 1998.

¹⁶² *Idem*.

Shortly after this episode, most of the INARA leaders in the Artibonite resigned; the INARA has not distributed any plots since then because the third phase planned in the Artibonite was never implemented.

Asked what could have led the Haitian government to abandon the agrarian reform, farmers mentioned, or acknowledged, the country's economic difficulties and the Haitian government's lack of funds. But most believed that the reform was abandoned for mainly political reasons. A large number believed that the government had shown its lack of political will and determination to really change the situation of farmers in the region. Others insisted on political divisions, all in Port-au-Prince, between the governing party and the opposition, or formulated differently between the supporters and adversaries of the no-longer and not-yet President of the Republic, Jean-Bertrand Aristide. "Before, there was only one path; now, there are several and guess who pay, the farmers", said a farmer for instance.

In regard to the project itself, the farmers complained of the state of disrepair in which the authorities left the irrigation network, and the plot recipients from the second phase explained that they did not have access to the planned loans. The subsidized fertilizer was once again unavailable on the market. At the same time, certain farmers expressed a form of nostalgia for the *grandon* era in which, all things considered, the *grandon* seemed, from their standpoint to have taken more of an interest in them than the INARA. The opinion that, despite everything, the agrarian reform brought a slight improvement by lessening hunger and ending sharecropping on the consolidated land was no longer defended by more than a few.

It must nevertheless be stressed that, following these actions that the government had needed to take urgently to calm violent social conflicts, outside observers noted, in 1998, a clear pacification of the region, pacification that they attributed to land distribution and the dissuasive role of the agrarian police and the work by the INARA's Conciliation and Complaints Division. One can not help but note, however, that the overall worsening of the situation, notably with the failure of the irrigation system and the confrontation with the world rice market, had considerably lowered the stakes of access to this land for small farmers.

Furthermore, with hindsight, some of those who initiated these actions now believe that at the time the term "reform" had been misused. According to the former Minister of Agriculture, "The aim was above all conflict resolution to open real paths to conduct an agrarian reform. In the Artibonite, an attempt was made to provide a solution to the real, concrete problems of bloody land conflicts."

Nevertheless, he claims that he still believes that the way things were done and how problems were resolved "led directly to an agrarian reform process."¹⁶³

2.5 Stage Two of the Agrarian Reform: The Attempt to Improve Tenure Security for Small Farmers Occupying Private State Land

While in 1996 the launch of the first phase of the agrarian reform had represented a "euphoric" time full of optimism, three years later, the difficulties encountered had considerably dampened spirits. With the failure of the Artibonite experiment becoming apparent, the Nord-Est Department, well-known by some INARA executives, was an

¹⁶³ *Ibid.*

opportunity to test another form of government intervention in what a priori seemed to be easier conditions: launching the reform on the “state’s private land.”¹⁶⁴

Farmers’ Occupation of the Plantation Lands in the Nord and Nord-Est Departments

As we have mentioned, the coastal plain in the Nord-Est Department had been in a very unique situation since the first weeks after the fall of Jean-Claude Duvalier. The open occupation of hundreds of *carreaux* of land in Terrier Rouge by organized farmers demanding a legal lease to farm the land was an unprecedented situation that rapidly drew the attention of a number of NGOs, and that forced a certain number of Ministers and policy makers in the successive governments to take a position. Various studies had also been conducted to assess the region’s potential.¹⁶⁵

In fact, things had evolved over the dozen years since 1986, and the farmers’ organization behind the movement had prospered, bringing together farmers from a broad area of the region.¹⁶⁶ In addition, cases of illegal occupation of state land had increased and become more diverse in the plain on the former Dauphin plantation, along the lines of the APPNE example. The opportunities for corruption and the “laissez-faireism” due to political events had also fostered the occupation of the land and a degree of competition for the most fertile land had begun to be felt.

In 1999, when, after consulting the farmers’ organizations in the zone and several visits from President Préval, the INARA decided to intervene in the region, nearly all the farmers working state land had no tenure security and were still seen as illegal occupants of the plots they farmed on the former plantation. Because of this, the most widespread practice was extensive free-range stock farming, in season, and scattered rain-fed crops on fenced plots. In this way, the normal ratio of farmers to stock farmers was reversed in the region, and caused numerous temporary conflicts.¹⁶⁷ In regard to equipment, irrigation was almost inexistent with the exception of two rainwater reservoirs, one dug by the Small Planters’ Cooperative and the

¹⁶⁴ Harrison, Vol. 1, “Réforme agraire : Vue d’ensemble” by Pierre Harrison in Paul Duret and Bernand Taillefer (eds.), provisional version, October 1998. The author already warned readers that despite the abundance of state land in the Nord-Est and elsewhere, the land was not “people-free” and that any measure granting land to some would mean displacing others, which would cause resentment and a desire to turn the tables in the case of a change of government (pg. 72).

¹⁶⁵ Notably, in 1987, an inter-ministerial study: Ministry of Agriculture, Natural Resources and Rural Development (MARNDR)-MEF-MCI-CPNAP, *Zonage de la plantation Dauphin et propositions de projets pour sa mise en valeur.*, Republic of Haiti, December 1987; and shortly thereafter, a lengthy report produced in 1988-1989 by the Belgian consultancy firm AGRER in collaboration with the Nord Department Development Office: *Colonisation des terres de l’État. Installation contrôlée de producteurs agricoles sur les terres de l’État dans la zone d’intervention de l’ODN*, definitive final report, Nord Department Development Office (ODN).

¹⁶⁶ Groups of former farmhands or workers from the sisal farm company, who had remained in the abandoned barracks on the former plantation; hill farmers located further to the south, interested in the possibility of growing off-season crops; farmers’ groups formed around parishes or the local leaders of neighboring communes...

¹⁶⁷ Free-range stock farming is normally forbidden throughout the Republic. It is the stock farmer’s responsibility to ensure that his animals do not destroy crops and, when they do, he owes the wronged farmers compensation under both customary and formal law. In 1992, when Marc Bazin reasserted the ban on allowing livestock to roam freely, no one paid attention to it in the zone. While the arguments put forth focused primarily on this “de facto” government’s lack of legitimacy, it is clear that without a rural police force it would be very difficult to enforce such a ban today.

other by a prominent local figure. Only the plots occupied collectively by farmers who had joined together in associations or cooperatives and who were therefore more confident in the possibility of future formal recognition, sometimes had silos, warehouses or other buildings, or trees planted on them.

Legally speaking, the occupations were in the vast majority of cases *de facto* occupations. Only one organization had real usage rights to this state land, the Kooperativ Elvè Terye Wouj (KOET, Terrier Rouge stock farmers' cooperative) that had been formed by roughly twenty stock farmers from Terrier Rouge and the surrounding areas and had obtained a legal lease to 200 hectares near the town in 1987.¹⁶⁸

Because of these conditions, these immense tracts of land in the plain, clearly recognized by all, including the "squatters," as private state land, seemed to be the ideal place for fully controlled projects.

It was not a new idea. Indeed, in 1987, the Nord Department Development Office, which has since closed, had produced a zoning map of the entire plain and envisaged the possible zone assignments for the various zones in function of their respective characteristics, both natural and in regard to agricultural potential.¹⁶⁹ The aim was to act from an integrated perspective, notably by advancing on the issue of irrigation in this dry plain (an Israeli-Syrian task force project was planned on this subject) and by studying the different types of possible crops to promote (sorghum, peanut, etc.). Beyond agriculture, the aim was also to reflect on the possibility of elaborating tourism projects, creating job opportunities in the plain to provide a demographic pressure valve for the overpopulated hills in the southern part of the department, and making the region accessible by building a road connecting the Nord-Est and Plateau Central Departments.

In this way, two challenges were crucial. First, this region was seen as the most suited to integrated, rational farming to ease the congestion in the Nord-Est and Plateau Central Departments. Furthermore, the proponents of state intervention in the region also wanted to take into account the probable increase in interaction with the Dominican Republic, which bordered the eastern edge of the plain.

For its part, the INARA argued, to authorize its intervention, that there was a risk of conflict between the numerous local farmers' organizations, notably in regard to access to certain more fertile parts of the former plantation that were the subject of competing desires.

In any case, the aim was especially for the INARA to make the best use of the supposed blank page open there, available for all possible projects and, to do so, the corresponding resources needed to be found. The Director General of INARA therefore did his best to interest President Préval in the region and come up with formulas to draw the attention of the vital ministries on these issues so as to make consultation possible and find the necessary funds.

¹⁶⁸ The amount of land was more recently increased to 300 hectares with the support of the Haitian NGO Vétérinèd, which was itself supported by Veterinarians Without Borders.

¹⁶⁹ AGRER, *Colonisation des terres de l'Etat. Installation contrôlée de producteurs agricoles sur les terres de l'Etat dans la zone d'intervention de l'ODN*. final report, Organisme de développement du Nord (ODN), February 1989, 222 pgs. and appendices.

The INARA in the Nord-Est Department

After several visits by President Préval to the region, the INARA opened a departmental office in Terrier Rouge in December 1998, following the President's request in March of the same year to progressively open branch offices in the various departments throughout the country. It was therefore in a context of institutional development that the INARA attempted to continue the agrarian reform in the Nord-Est Department.¹⁷⁰

However, given the controversial results of the Institution's actions in the Artibonite valley, its leaders had decided to act prudently. The main goal in the Nord-Est Department was to examine in priority the current situation and conduct a land diagnostic so that adequate measures to improve the tenure security of the farmers already working state land could then be taken. Unlike the actions in the Artibonite, the aim was not to recover or redistribute any land. The project to improve tenure security for occupants without titles on this state land was, in the Nord-Est Department, a priori supposed to involve a survey of the land and the establishment of titles on a case by case basis for declared farmers' associations that would be in charge of distributing plots to their members.

Consultation meetings were organized with all the identified interlocutors in the region. Yet, at the end of 1998, when the representative of the Coopérative des petits planteurs du Nord-Est, the main farmers' organization in the department, had the opportunity to take part in the preliminary discussions, the INARA found itself facing an unexpected strategy by this organization that was attempting to impose itself as an inescapable part of any project of any type proposed in the region. "There was an air of megalomania, [...] a sort of appropriation"¹⁷¹ that contrasted sharply with the presidential discourse on promoting farmers' participation, and revealed certain flaws that were already present even before operations were launched.

The INARA, for whom the region represented a real exception to the country's history and landscape—a vast tract of land, acknowledged as belonging to the state and on which farmer occupation was relatively lax—found itself facing an unexpected competitor: a farmers' organization relying on its age and primacy to claim control of all of the land and all projects to develop the former plantation.

Nevertheless, beyond the small planters' cooperative, the very existence of plans for state intervention, which raised hopes of land distribution, had been enough to complicate the situation. For a large number of farmers in the region, the main stake became to get a foothold on the land in time. This therefore rapidly led to the complete occupation of two "habitations" targeted by the reform in Terrier Rouge, zones that had until then been farmed in a fairly relaxed fashion by farmers who had longstanding family connections to the land there and found themselves fully invested despite a long period of drought (very unfavorable to the rain-fed farming practiced in the region).¹⁷²

¹⁷⁰ There had been talk of simultaneous intervention in the Nord-Ouest Department, which did not happen.

¹⁷¹ October 2000 interview with a former INARA manager.

¹⁷² The same phenomenon happened more recently, as we shall discuss, in the Madrasse plain in the Nord Department, where issues were very comparable to those in the former Dauphin plantation.

■ The Support Provided to Agricultural Associations in the Nord-Est Department

The land concerned by the INARA's intervention consisted of non-irrigated plain in an area with little rainfall. Two types of technical support were provided: first, tractors were provided to farmers' organizations, agricultural schools and other associations likely to make them available to farmers in the plain; and second, the decision was made to dig twenty-two catchment ponds in the hills to store water during the rainy season.

Approximately ten tractors, provided by Taiwan, were thus attributed as "gifts"¹⁷³ to local associations, making it possible there to have one's plot tilled in exchange for a relatively uniform per-hectare fee. The associations' repayments for the tractors were, however, very small and irregular and, while seeing that tractors were useful led some of them to acquire others, the machines provided by the state were fairly rapidly abandoned because of a certain number of flaws and the unsuitableness of some elements...¹⁷⁴

In this way, with a few exceptions,¹⁷⁵ most of the recipients did not pay off the tractors, illustrating the particular vision of the relationship with the government that still prevails.¹⁷⁶

The plans to dig catchment ponds in the hills were inspired by the experiment conducted in another region of Haiti, Pandiassou in the Plateau Central Department. There, a technique to recover and store rainwater using the slope, even slight, of the land was elaborated. The fifty or so ponds planned, were dug progressively by the government. While some INARA documents criticize the way that their locations were selected (the criticisms focused both on technical aspects—locations selected—and sociological aspects—no prior study of occupation in the selected locations, generating a number of later conflicts), these ponds are nevertheless now the only remaining visible trace of the agrarian reform's intervention in the region.

From farmers' standpoint, the impact of these projects when it came to irrigation was very small given the lack of useable pumps. However, the users admit that these catchment ponds were very useful in this arid region for watering the livestock roaming freely on the plain and for the day-to-day life of the inhabitants (who would use the ponds closest to inhabited areas to bathe and wash laundry, etc.).

■ The INARA and the Issue of Tenure Security for the Occupants of State Land in the Nord-Est Department

Within the INARA, very complete farm surveys were conducted over the space of six months in 2000 in the two "habitations" evoked in the town of Terrier Rouge, all the occupants of which were identified. The information had circulated that the farmers' organizations located on this land were going to be given developed plots as part of the agrarian reform. In a situation where, in addition, the government was digging catchment ponds in all of the dry

¹⁷³ According to farmers, but in fact according to hire-purchase modalities, a type of leasing. Critics believed that this formula was not beneficial to the recipient farmers' organizations inasmuch as they would ultimately only own a used machine.

¹⁷⁴ Particularly the harrows that, according to the farmers, did not match the model of tractors provided.

¹⁷⁵ Notably the Barnabas Center providing agricultural technician training in the region.

¹⁷⁶ Since 1986, when the real weight of the peasantry and "popular masses" in the country began to be acknowledged, a sort of clientelistic relationship grew up little by little and took over from the disdain that had prevailed for decades. In this vision, the government would have a kind of indefinite debt to the rural world in particular...

areas of the commune, a multitude of local farming organizations emerged and very rapidly took over the zone targeted by the INARA completely. The result was a number of land conflicts between competing associations in a region that had until then contained only a very few such associations.

The INARA published a detailed report on these surveys of farmers working plots of land in the area in 2001. The report merely identified the farmers present and classified the farms according to their main characteristics. It did not contain any concrete proposals on improving tenure security. Despite this detailed study of the situation in a very limited zone, chosen for its fertility and containing several catchment ponds, making it more susceptible to later conflicts, the INARA did not continue the action begun, and neither the farmers nor the farmers' associations really working this land were granted any titles securing their occupation of the land.

The Coopérative des petits planteurs du Nord-Est, for its part, was not the subject of any plans to legalize its occupation of the land it had occupied for more than a dozen years. Not a priority because it was seen as "untouchable" by the INARA's General Director due to its supposed solidity and its national and international image, there were no plans to attribute land to this association. This de facto abandonment of an organization that had nevertheless been an important factor in the INARA's choice of the region was most probably partially motivated by errors committed by its president in positioning the association and the non-replacement of its leaders... Whatever the case, when we visited the field in 2007, it seemed that the association had lost energy and momentum, and its future did not appear promising.

The Abandonment of Attempts at Agrarian Reform in the Nord-Est Department

In the fall of 2000, when the INARA was in the process of finalizing its surveys around the Napp and Devezien "habitations" near Terrier Rouge and the entire region was painfully emerging from nine months of drought that had decimated the gardens and livestock roaming on the land of the former plantation, the repercussions of the national political tensions were felt very strongly locally. They notably took the form, in this pre-electoral period, of attempts to intimidate the opponents of the former President Aristide, once again running for president, by his supporters. There was also an obvious clash between farmers' organizations that saw themselves as politically opposed to each other. It notably became clear that the Petits Planteurs, after having been carried by their independence for years, had become, since President Aristide's promise in 1995 and the later frequent visits by President Préval, the accomplices of the authorities and were little inclined to distance themselves from a political system that they hoped would benefit them greatly. They were in for a surprise. Indeed, immediately after returning to office, President Aristide abandoned the agrarian reform and made public his new priority: the "alpha-economy." According to him, the aim was to increase the country's economic capacities by raising its average cultural level, beginning with a vast literacy campaign targeting adults. Formulated this generally, there could be no real opposition to this goal but it became clear that the emphasis placed on this new presidential project officialized the abandonment of the agrarian reform.

Within the INARA, with the elections at the end of 2000 that put President Aristide back in office, the plans to regularize the tenure situation of farmers in the region were put on a back burner. Its local team was very involved in the growing conflict between the differing political

expressions of what had been the people's movement, and the Institute's management's hands were tied by a new balance of power in the government that was clearly not in its favor.¹⁷⁷ There was no follow-up to the studies conducted, no attempts were made to regularize the situation of the occupants on the plantation and, in the events that followed, no comments were made.

Other than remarks on the political position taken by a certain number of local INARA staff¹⁷⁸ and the obvious impossibility of relying on more or less phantom or discredited associations, there is nothing to really explain the abandoning of the planned reform in the region, which was never explained by the INARA. The concrete situation of the Institute that, in Fall 2000 when the survey was conducted, did not have the funds to even pay its permanent staff, was probably another factor. The only other possible explanation what we were able to identify was that it would seem that the INARA's desire to improve tenure security for farmers ran up against the refusal, or inertia, of the Direction générale des impôts, an institution whose approval was required for the issuance of all property titles.

The Departmental Director for the Nord-Est left the country in October 2001, illustrating the flight of executives and the brain drain from a country that was falling apart. In 2004, the Institute's offices in Terrier Rouge were vandalized in the events that led to the departure of President Jean-Bertrand Aristide. At the time of our study, they had not yet been reopened, and the Director General had seized this opportunity to completely abandon a region where the INARA had been inactive for three years.

Questioned after the fact on the outcome of the INARA's local action, the elected Mayor of Terrier Rouge ironically commented in 2007 that the Institute had helped "lower unemployment in the region by hiring two or three agents for a few years" but stated that he believed that its intervention had no effect on the situation of farmers in the region.¹⁷⁹

¹⁷⁷ Interview with an observer, September 2007.

¹⁷⁸ Seen by some as "chimera" (pro-Aristide agitators) at a time when he was increasingly discredited, between 2001 and 2004.

¹⁷⁹ Interview in Terrier Rouge, September 2007.

IV. THE INARA AND AGRO-LAND POLICIES SINCE 2000

The year 2000 saw the departure of President Préval, who was still seen as promoting an agrarian reform that had nevertheless already been completely abandoned in practice. The re-election of President Aristide would profoundly upset the country's equilibrium, leading to his forced departure before the end of his term of office.

The agrarian reform was consigned to oblivion and economic liberalization, although already largely accomplished, became the main objective of the successive governments, in contradiction with an official discourse that was increasingly populist.

1. The De Facto Abandonment of the Reform

1.1 The Return of Insecurity in the Artibonite

In 2000, against a backdrop of political divides and when the agrarian reform had already been abandoned for some time in the Artibonite area, the surveys conducted in the Nord-Est Department already no longer seemed to have to lead to much. On the political level, the assassination of the journalist Jean Dominique, one of the last defenders of the process, had started a period of increased uncertainty as to the objectives of President Aristide, who was nevertheless re-elected at the end of the year.

When he returned to power for a second term of office, and during the three years until his departure in 2004, President Aristide showed no interest in the INARA, even though he had created it, and the agrarian reform clearly seemed to no longer be one of his concerns. When it came to the country's finances, in a political context marked by growing doubt among the population and highly contested senatorial elections, Haiti's usual donors withdrew. The amount allocated to the Institute during the 2003-2004 tax years was less than 20% of the planned budget¹⁸⁰ and the INARA's leaders adopted a position of withdrawal.

Furthermore, adding to the widespread confusion, some politicians promised, for electoral reasons, that the farmers who had benefited from the reform would not have to repay the 5,000 gourde loans that they had been granted. A very large number of farmers took advantage of this to not repay their loans.

Reelected, President Aristide placed literacy on the front burner and, barely one year after his return to office, the interviews with farmers and the INARA's departmental managers in the Artibonite drew a picture of an agrarian reform consigned to oblivion.

The farmers expressed their distress and bitterness, evoking the government's abdication and the worsening poverty in the region. At the time, the irrigation network was already in poor condition and the profitability of plots had declined. Collective discipline in work had also

¹⁸⁰ From the standpoint of international institutions' political priorities, the fact that the disparity between the election budget and the INARA's budget (the latter amounting to barely one quarter of the former) was not noted is also significant. See Institut national de la réforme Agricole (INARA), *Relance*, April 2006, page 5, http://cayenne.websitewelcome.com/~inarah/index.php?option=com_content&task=view&id=56&Itemid=34

dropped off. The beneficiaries of the reform were more and more numerous in renting out their plots, and this practice seems likely to have involved 20% of the consolidated plots. In some areas of the Artibonite, meetings were held among *grandon*¹⁸¹ who wanted to take advantage of the fact that the agrarian reform had been abandoned to chase off the recipients and recover their land. Threats circulated and tenure insecurity once again became a topical issue for the recipients. According to an INARA executive, some *grandon* paid canvassers to buy plots that had been distributed and reconstituted large properties in this way.

1.2 The Creation of Free Zones Launched in the Nord-Est Department

Other reversals in the agro-land policy also took shape. Since 1986, many projects had been proposed for the plain in the Nord-Est Department, but none had been implemented.¹⁸² In 1992, the farmers in the Nord-Est Department had been informed, albeit in a very vague way, of the fact that President Aristide, then in exile, had studied new plans for a free zone “to see if they were acceptable.” They knew that the Marc Bazin’s “de facto” government was willing to speak with potentially interested companies. A large number of inhabitants in the region were, in fact, former workers who had a real interest in industrial or agro-industrial projects. Some young people would not have rejected the installation of such companies, hoping for easy jobs for natives of the region and irrigation for farming.

For instance, when the agreement allowing textile assembly plants to be installed near the border city of Ouanaminthe on April 8, 2002, the population of the area around Terrier Rouge was not concerned by the zoning change for the land that was turned into a free zone but showed considerable concern for the hoped-for future jobs.

On the Haitian side, the creation of the free zone was accomplished by expropriating fertile farmland in the Upper Maribaroux.¹⁸³ The evicted farmers protested sharply, supported mainly by a union organization relayed by the PAPDA,¹⁸⁴ that covered the news heavily in the Haitian press.¹⁸⁵

The selection of irrigated farmland for the installation of assembly plants is perplexing given the immensity of the arid, nearly empty plain along the region’s coast. It seems to have been motivated by the fact that, among the considerable investments around the Dominican city of Puerto Plata to facilitate exports, a highway stopping at the Haitian border at the Maribaroux area in Haiti was built. The apparently unquestioning acceptance of this Dominican selection by President Aristide and his government raises questions. The failure to consult the occupants

¹⁸¹ In Desdunes, for example.

¹⁸² In 1989, plans for a free zone covering 5,000 hectares of the Dauphin plantation in the workers’ village occupied by former plantation employees were evoked. Like other projects, the plans were never carried out as the inhabitants who were threatened with being dislodged were initially strongly opposed to the plans, and the contract was ultimately dropped with the fall of General Avril.

¹⁸³ The forty-five irrigated hectares taken for its installation were farmed by 172 peasant families.

¹⁸⁴ The Plate-forme haïtienne de plaidoyer pour un développement alternatif (PAPDA, Haitian platform to advocate alternative development) circulated information on the situation very widely.

¹⁸⁵ According to articles from the Agence haïtienne de presse (AHP, Haitian press agency) and AlterPresse, April 8, 2002, *The New West Indian* No. 18, July 2002, while many Dominican journalists covered the official event, their Haitian colleagues were conspicuously absent, having been alerted at the last minute and the president’s office having simply announced a visit by the head of state to the Nord Department without alluding to the scheduled meeting with the President of the Dominican Republic. The Haitian population was therefore informed of the event by the Dominican press.

of the land ceded also contradicts the very strongly populist discourse,¹⁸⁶ and one should note that the INARA did not comment at the time. One must also note the lack of reaction and intervention by the region's elected officials, "magistrates" (mayors), senators and deputies even though they were fully informed of the site's characteristics. This silence can be explained by the local magnitude of the need to create jobs to find new employment for the increasingly numerous people pushed out of farming.¹⁸⁷

Presented from the angle of its symbolic effect on Haitian-Dominican relations during the launch ceremony, President Aristide described the project as "the first offspring" of a "marriage with no plans for divorce" between the two countries.¹⁸⁸ The reality of this way of doing things seriously undermined the President's "pro-farmer" image:

*"Summarizing the clear flip-flop of the Lavalas authorities, a farmer in the region said, 'In 1990, we were taught to repeat that the land must belong to farmers, but today they want to take our land to give it to free zones'."*¹⁸⁹

Following demonstrations protesting the project, the Haitian head of state made it known that measures would be taken to compensate the inhabitants who were deprived of some of their land. We shall see below that, despite these promises, nothing was set up to compensate them, and it would take five years for their situation to be taken into account.

1.3 The Interim Government's Positions on Land Tenure (2004-2006)

In 2004, a symbolic year celebrating the bicentennial of Haitian independence, President Aristide was forced out following domestic movements ultimately relayed by a political and military operation conducted by Canada, the United States and France. President Aristide therefore left the country before the end of his term of office, in February 2004, and was replaced by an interim government whose mission was to manage the country until new elections could be held.

Regardless of the growing opposition to the President, this foreign intervention was seen by the population as an intrusion in national affairs. Thus, aid returned massively in 2004, but since the international community's intervention was seen as illegitimate, this complicated the activities of development organizations.

¹⁸⁶ According to the AlterPresse agency, the steps taken to create the industrial park took place "practically in secret." "No discussions were organized with the sectors concerned, and the agreement was not examined by the Parliament as provided for under the 1987 Constitution."

¹⁸⁷ Financed by the IDB, a World Bank loan, and other development organizations as well as by Dominican investments (according to the Dominican press), the industrial park was supposed to generate 1,500 immediate jobs starting in the first quarter of 2003. The longer-term job prospects were 8,000 jobs. The first two plants opened in August 2003. One, Codevi, produced Levis 505 and 555 jeans and the MD plant produced t-shirts, all of which were exported via the Dominican Republic. See *Le Monde diplomatique*, Maurice Lemoine, September 2004.

¹⁸⁸ Similar projects were at the time planned in all the cities along the 300 kilometer border between the two republics.

¹⁸⁹ Dominique Balaou "Haïti-Saint-Domingue: une zone frontalière pas très franche" in *The New West Indian*, No. 18, July 2002.

“Ten years later, in 2004, we found ourselves in a situation similar to that of 1994 before the international community’s intervention. We can question the international community’s means to act in a fragile state with poor governance such as Haiti and the suitability of these resources to the reality in Haiti. To what extent did donors’ programs address the structural foundations of the crisis or were they limited to providing support for a population living through a crisis? How could aid effectiveness be improved based on the observation of the failure of the 1994 intervention and the first difficulties facing the intervention that began in 2004?”¹⁹⁰

In the Nord-Est Department, the INARA’s offices in Terrier Rouge had been wrecked during the political events. The Director General of the Institute used this as an argument to close definitively the department’s branch office that had been inactive for some time as nothing had been undertaken since the publication of the farm survey report in 2001. This decision marked, locally, the definitive burial of this aborted stage of the agrarian reform.

In the Artibonite, later events seem to have born out the opinions of a certain number of farmers encountered on site before the events of 2004, who thought that the former landowners were simply waiting for the end of the “Lavalas regime” to take back their land: President Aristide had barely left when conflicts over some of the consolidated perimeters began anew.¹⁹¹

However, the strongest signal seems to have been the one sent by Prime Minister Latortue’s words at the Agriculture Fair on May 1, 2004, when he declared that the agrarian reform was responsible for the drop in rice production in the Artibonite.¹⁹² The message was understood perfectly by the former large landowners who had been dispossessed of their land by the INARA. In the days that followed, the former owner took back the Bocozele land.¹⁹³

Several other consolidated perimeters—notably Hattre Chevaux—changed hands, and the “beneficiaries” of the agrarian reform found themselves neatly dislodged from their plots and unable to get to them.

These events did not trigger any serious violence or any clashes such as the ones that the Artibonite plain had seen in the past, and this relative lack of a reaction in a context where one group of farmers chased off another group from the land it legitimately farmed called into question the agrarian reform itself. In this, one could already see the peasantry’s awareness that the reform had lost its momentum and that the consolidated plots no longer offered rice growers the hope of improving their lives because of numerous technical difficulties, rising fertilizer prices and the visible abandonment of the agrarian reform.

¹⁹⁰ In *Haïti : Fondements de la crise et bilan de l’action de la communauté internationale*, Emergency and Post-Crisis Commission, “Endemic Crises” working group, High Council for International Cooperation, June 2007 - 53 pgs., pg. 19.

¹⁹¹ The first was triggered by the “Tétard hiers” who ran off the beneficiaries of the Hattre Chevaux perimeter near the commune of L’Estère.

¹⁹² Gérard Latortue was himself from the Artibonite, and the *grandons* understood his speech as an even clearer message to them. What is more, their taking back land was never officially condemned.

¹⁹³ To do so, Edouard Vieux used the farmers who had had access to land when it was under his management and who had been frustrated by the INARA’s plot distribution process.

In fact, even before the events of 2004, INARA managers had noted dissatisfaction with the plots distributed to the reform beneficiaries. Numerous infractions had been seen between 1996 and 2004, as some beneficiaries, finding themselves facing very difficult production and distribution conditions, marked mainly by hopeless competition with imported American rice,¹⁹⁴ had long made the decision—clearly forced—to sell or rent out their plots. The beneficiaries that had continued to farm their land had, in addition, suffered from the authorities’ progressive loss of interest in small farmers and the agrarian reform.

This new change of hands affecting some of the consolidated land, which neither the INARA nor any government body was able to prevent, raised two types of problems.

The first was related to the economic viability conditions for an agrarian reform based on the distribution of half-hectare plots. In fact, without accompanying support,¹⁹⁵ the compromises that had been at the root of the decision to grant minimal plots to the largest number of beneficiaries had lost their meaning.

This is most probably one of the limitations of the process triggered in 1996. Preserving the agrarian reform’s sustainability would, what is more, have required both a radical challenge to the policy of opening Haiti to the world market, which had been pursued since 1986, and probably a policy keeping the value of the Haiti’s currency very high.¹⁹⁶ Vitalizing and preserving the agrarian reform process would also have required constant financial efforts in favor of small farmers in Haiti. Given the riots in Port-au-Prince and the main cities in the country that followed the sharp hike in food prices in April 2008, one can easily understand the difficulties that would have faced the Haitian government both internationally and from the majority of city-dwellers, dependent on imported food products, if the pro-agrarian reform option had been maintained and fully embraced.

The second problem dealt with the very close link between legitimacy, legality and local land tenure security on the one hand and national political struggles and challenges on the other hand. For many Haitian farmers, access to land is still greatly dependent on the hazards of the political situation and configurations. The plans to improve tenure security by deepening democracy supported by the project’s initiative fizzled out, and the two processes failed simultaneously.

While in principle the interim government had, for the agricultural sector, the goals of conducting a rapid census of farms, rehabilitating “some” of the Ministry of Agriculture (MARNDP), sustainably intensifying agricultural production, “improving” the legal and institutional framework, and harmonizing interventions, neither the INARA nor the agricultural reform were even mentioned in the document setting the ICF. The interim government’s Minister of Agriculture, someone known for taking positions in favor of small farmers, does not seem to have been able to prevent the reform from being completely abandoned.

¹⁹⁴ Notably because the high cost of fertilizer and the chronic problems with the irrigation and drainage system.

¹⁹⁵ Support in the form of a policy promoting domestic rice production through the establishment of customs protections, a policy of maintaining rice prices at a reasonably high level, regular maintenance of the irrigation system, and the provision of a sufficient quantity of subsidized fertilizer to the beneficiaries.

¹⁹⁶ Indeed, the current value of the Haitian gourde is a powerful factor facilitating imports.

When it came to the INARA's budgets, it did not receive a single gourde for 2004-2005, although the budget contained more than 15 million gourdes and, for the 2005-2006 period, the Ministry of Finances did not establish an investment budget.

2. INARA, an Institution in Retreat

After the bitter experiences over the previous ten years, farmers' organizations were no longer as mobilized as they had been to defend small farming. The ongoing worsening of the situation caused more and more young people to doubt that situation was tenable. In addition, the INARA's inability to enforce its decisions undoubtedly also helps explain why the small farmers did not object when, for example, Édouard Vieux, a *grandon* from Saint Marc's 5th section in the Artibonite, returned to the land that the INARA had taken despite his claims to ownership.

They let it happen out of discouragement in the face of the difficulties farming in good conditions that they faced, and because they knew from experience that this type of conflict could be deadly and that the "INARA police," which had shrunk and was inoperative, would not protect them. Indeed, when the INARA's General Director and departmental managers visited Bocoizelle on November 23, 2006, to try to hold a meeting on the issue, they were welcomed with thrown stones and the police were not able to protect them...¹⁹⁷ INARA reports denounced this, but all the efforts to return the Agrarian Reform Security Unit to an operational state had no effect.

The observations and interviews conducted in August and September 2007, during meetings in both Port-au-Prince and the Artibonite Department (notably Pont-Sondé and the surrounding area) and those in the Nord (Limonade) and Nord-Est (Terrier Rouge) departments raised different issues and clearly illustrate the INARA's current powerlessness in a widespread context of incoherence in the operation of public administrations.

Here, we shall discuss some of the points that, in our view, shed relevant light on these problems and the difficult position of an agrarian reform institution that continues to exist but is not supported by a proactive policy justifying its existence.

2.1 The INARA and the "Agricultural Intensification Program"

Decided on at the end of 2003 and having received additional funding in December 2007,¹⁹⁸ the Agricultural Intensification Program (AIP) is a large project financed by the IDB in the Artibonite. Its primary objective was to protect, rehabilitate, repair and extend irrigation and drainage infrastructures.¹⁹⁹ Another set of interventions consists of an institution-building project, support for water users' organizations with the establishment of self-management of

¹⁹⁷ INARA members were also unable to visit other areas in the Artibonite because of how dangerous it was for them. The police force in charge of enforcing the decisions made as part of the agrarian reform had shrunk from forty-five members in 1996 to only about fifteen in 2007, and this remaining force was under-equipped and little motivated.

¹⁹⁸ 176.9 million dollars in soft loans at first, followed by 12.5 million dollars in "non-repayable loans," in financing planned until 2010.

¹⁹⁹ The AIP was supposed to rationalize and redefine the primary canals, which would have the effect of blocking all irrigation for a while—officially a few months, but the farmers encountered in the summer of 2007 were expecting two years of work.

irrigation schemes by management committees on tertiary canals, and finally support for agricultural intensification and market coordination, notably through the production of improved seeds. Beyond these actions targeting agriculture, the program also aimed to conduct an inventory of land tenure throughout the zone, including physical plot outlines, and a census of current plot holders and the status under which they occupied the plots.

The goal of this work was to “*identify and secure plot occupants with an eye to their participation in the irrigation users’ associations that the AIP intends to set up in its intervention zone.*”²⁰⁰ This land tenure component was to result in the verification of titles to 5,400 hectares of land to update the cadastral register and the registration of 12,000 additional hectares. INARA was involved in this component updating the plot survey records. The verifications conducted were to lead to the validation of the titles held by farmers and the cadastral registration of land; the Office National du Cadastre’s (ONACA) role was to register ownership.

In this way, in August 2007, in the framework of its collaboration with the AIP, the INARA revived some activities around its Pont-Sondé office. We had an opportunity to attend a meeting organized by the INARA’s legal team in Pont Sondé. This meeting was attended by the surveyors, notaries and magistrates (mayors) of the communes concerned by the intervention; its aim was to identify the problems they encountered in their work and provide them with technical information on elaborating property titles (the need for protagonists to prove their identity, the need for witnesses to be present for certain acts).

We were also able to attend a number of meetings with representatives of farmers’ groups, local elected members of the Communal Section Administrative Councils (CASECs) and the Communal Section Assemblies (ASECs),²⁰¹ and inhabitants farming irrigated land.

Regardless of the activity undertaken—meetings with local elected officials, meetings with farmers’ organizations, meetings with surveyors or judicial system professionals, or massive meetings with the inhabitants of a consolidated zone—it opened with a speech by an INARA manager covering the history of the agrarian reform in the Artibonite area, from the bloody land conflicts that have punctuated the history of the plain to the Interim Prime Minister’s speech blaming the drop in rice production on the agrarian reform, and opening the door to the recovery of some of the consolidated land by the *grandon* and their accomplices.

The INARA’s plot distribution efforts, the successes obtained in reducing insecurity and conflicts, the various accomplishments of the agrarian reform were recalled, and the determination to preserve and strengthen the agrarian reform against all these enemies were proclaimed loud and clear. Faced with these realities, the INARA, in its discourse and in several documents signed by its Director General, positioned itself as the only government body in Haiti still focused on defending small farmers.

²⁰⁰ INARA, “Relance”, April 2006, pg. 9.

²⁰¹ These Councils and Assemblies are elected in municipal elections. The CASECs are boards composed of three elected members representing a communal section; the ASECs, which were set up with the 1996 decentralization law, are composed of representatives of the various localities (*abitasyon*) in each communal section. Today, we can see that the ASEC members have to a certain extent taken over from the section chiefs and their deputies when it comes to resolving disputes and on matters pertaining to tenure security in the countryside.

However, in practice, with the obvious abandonment of the agrarian reform that was its main mission, the INARA found itself in the position of sub-contractor for part of an international program.

2.2 Land Tenure and Conflicts Between Public Institutions

The discussions on Haitian land tenure generally lead to virulent criticism of a situation in which one seems trapped between two opposing prospects: large-scale farming “of which the Haitian elite is incapable,” and splintered smallholder farming “that is running out of breath and is accused of helping destroy the environment.”²⁰² In practice, while this debate forms the ideological backdrop for all discussions, the public policies in this domain seem to have been emptied of all concrete application. Unless one takes into consideration the fact that the absence of an administration ready to enforce often opportunistic choices and decisions and the penury of resources to implement them is a way of constituting agro-land policy by letting the major trends grow and spread, by default.

While the decentralization law had set forth the communes’ responsibility for managing the state’s private property in their territories, in practice no initiatives in this direction can be seen in the regions studied. On the national scale, initiatives taken by local elected officials are still few and far between. The local offices of the Direction des Impôts and the INARA seem, in practice, to be seen as the primary bodies with decision-making power in this field, in conjunction with their respective General Directorates but without any connection or consultation between the institutions concerned.

Three recent examples of conflicts over the use of farmland seem, in our view, to illustrate some of the current blockages and the INARA’s position of retreat over the past ten or so years. They also shed light on the concrete operations of government and decentralized institutions in the country. We shall therefore examine in turn:

- the destiny of the land allocated by the INARA to an association of stock farmers that began dairy production in 2005;²⁰³
- then the adventures of the farmers dislodged from their land in Maribaroux in 2002 to create the border free zone mentioned above;
- and finally, the recent conflicts around some of the land “given” in 1995 by President Aristide to two large farmers’ associations at the time, the Petits Planteurs du Nord-Est and the MPP. This example illustrates a specific type of dysfunction possible in the newly established local governments.²⁰⁴

²⁰² September 2007 interview with a Vétérinèd executive.

²⁰³ the *Asosyasyon Pwodiktè Lèt Limonade*, or the Limonade Milk Producers’ Association (Limonade is a commune in the Nord Department)

²⁰⁴ The attempt by the mayor of the city of Hinche to recover land allocated to the MPP can only be understood in this way; and, in Terrier Rouge, the magistrate, despite being very personally interested in the access to state land in the zone, did not take any initiatives involving the land on behalf of city hall.

Inter-Institution Negotiations and Conflicts over State Land Occupied by the APWOLIM

Our first example concerns the movement launched around a farmers' organization in the Nord Department that was created with the support of a Haitian NGO specialized in animal production and health, Vétérimèd.²⁰⁵ During the field study, we had the opportunity to meet some of the parties involved.²⁰⁶ The section of the Nord plain to the east of Cap-Haitien is currently in a situation similar to that of the former Dauphin plantation. There, large tracts of state land were, for decades, contractually leased to agro-industrial companies.²⁰⁷ On the closure of the Welch sugar plant, the land was occupied by small farmers practicing rain-fed farming and stock farming.

It was in this context that small stock farmers' organizations in the region, with the support of Vétérimèd, launched a small-scale food-processing industry producing milk, based on smallholder farming and stock farming. Based on a land tenure study in the zone, this Haitian NGO supported the creation of a dairy production and distribution cooperative around a farmers' organization, the Asosyasyon Pwodiktè Lèt Limonad (APWOLIM, or Limonade milk producers' association), created on March 16, 2002, and acting as a cooperative with other groups of stock farmers. The aim was, first, to resolve the problems encountered by its 130 initial members, who worked primarily on state land and therefore did not have any "guarantees," or in other words, no certainty that they would be able to maintain their access to the land over the long term.

During the month of January 2004, the Vétérimèd association contacted the INARA to attempt to legalize possession of the plots occupied by the stock farmers. The following year, when the INARA intervened to regularize the families that were there, its motivations were clear: it was farmland, and the National Institute of Agrarian Reform's mandate was therefore to intervene and its role was to supervise and improve the tenure security of the farmers working the land. The aim was therefore to help these farmers obtain legal recognition of their access to the land so that they could make their activities sustainable.

Yet, unlike in the Artibonite plain, it was not a question of undertaking a plot distribution or development project, areas in which the INARA felt it did not have a mandate to act at the time. The goal was simply to create the conditions for the granting of "tenancies" to the state land that they already occupied to these small farmers.

The Institute's position was explained to the farmers as follows:

*"We are only going to note the current situation, and propose to legalize your situation. Those who had taken half a hectare will have half a hectare, and those who had taken ten hectares will have ten hectares. We will conduct a survey and submit it to the proper authorities so that you can buy your tenancy."*²⁰⁸

²⁰⁵ Vétérimèd is supported by Agronomes et Vétérinaires Sans Frontières (AVSF).

²⁰⁶ Specifically, INARA's Director General, three of Vétérimèd's national and local managers, and members of the APWOLIM association. We were also able to ascertain the viewpoints of several observers. However, we were not able to address the questions raised by this situation with the DGI.

²⁰⁷ First sisal, processed in a plant in Madrasse, in the commune of Caracol, then sugar cane, ground by the Welch plant in the commune of Limonade.

²⁰⁸ As reported by an observer intervening in support of the APWOLIM, September 2007.

Simultaneously, the INARA hinted to the farmers' organizations concerned that "if, while the regularization is underway, you take advantage of the situation to occupy other pieces of land, well, then we will be forced to note that you are also on that land as well."²⁰⁹ Five to six hundred hectares were already occupied, and there were approximately four hundred hectares still free in the perimeter, which were of course very rapidly occupied by the farmers in the region. The APWOLIM's membership doubled,²¹⁰ and the association found itself ahead of other, older local associations that also benefited from the operation, as did a certain number of farmers in the immediate vicinity who also took advantage of the opportunity to do the same individually.

The government surveyors working for the INARA therefore conducted a plot-by-plot inventory of 688 plots covering 1,077 hectares.²¹¹ The Minister of Agriculture at the time, the agronomist Philippe Mathieu, drafted a memorandum on January 19, 2006, in which he announced to the beneficiaries that the INARA was authorized to sign occupation contracts with them, and individual contracts were then established for each, referring to the registration number. Each farmer thus received a document from the INARA indicating the position and contents of the plot he or she occupied.²¹²

Since the Direction générale des impôts (DGI) was a mandatory party to everything dealing with state land,²¹³ the dossier was submitted to it at the same time by the National Institute of Agrarian Reform. But the DGI did not follow through and, in the summer of 2007, the farmers supported by the INARA had still not received tenancy papers.

■ The Interests in Play and Conflicts

With hindsight, the DGI's attitude can be explained by the fact that there were numerous designs on the land in the former Madrasse plantation. Indeed, this area had the double advantage of being close to the regional capital of Cap-Haitien (albeit at the limit of the distance for smallholder dairy production in good conditions)²¹⁴ and still having traces of former irrigation systems.

In July 2007, prominent figures in the region—who we learned had signed contracts directly with the DGI—got a foothold on plots already surveyed by the INARA and occupied 157 *carreaux* of land that the farmers worked. These farmers' crops were destroyed on the pretext that there were plans to plant citrus trees and bitter oranges on the land, and the new arrivals dangled jobs "paying \$60 a day" in front of the farmers.

²⁰⁹ *Idem*.

²¹⁰ "120 women and 160 men" as the managers spontaneously specified, indicating their knowledge of donors' expectations (August 2007 interview).

²¹¹ According to an article by Jean Max St. Fleur in the Haitian newspaper *Le Nouvelliste*, "Stockfarmers Fear a New Land Conflict", on January 22, 2007.

²¹² In 2006, the INARA wrote, "We have begun the process of signing contracts with the occupants, and work has begun in the northern part of the perimeter. The map and database have been transmitted to the DGI so that the occupants can be registered as government tenant farmers." (See "Relance", pg. 11, document placed online by the INARA.)

²¹³ The Decree of September 22, 1964, states that the Administration générale des contributions (the Tax Department) is in charge of administering the state's private property (Art. 4).

²¹⁴ In the future, this will probably change because of the construction of a road in the region.

■ Institutional Road Blocks

In the summer of 2007, the APWOLIM and the organizations supporting it attempted to intervene a second time, contacting Minister of Agriculture René Préal directly. After having interceded with the Prime Minister and President, Mr. Préal scheduled a meeting for early September, after the Director of Land was dismissed. However, the efforts made very slow progress.

A number of other road blocks, which the farmers and NGOs supporting them felt were pretexts, had been raised:

- First, the land office could not grant more than five hectares without going through the Minister of Finance. *“But 99% of the plots are smaller than five hectares, so what’s the problem?”*²¹⁵
- Second, according to the DGI, the survey report needed to have been produced by its own surveyors (whereas it had been produced by the INARA). *“The INARA used more modern methods, GPS, etc., that the DGI did not have. A survey like that will take them ten years while the INARA completed theirs in three days... We asked them what the problem was, INARA surveyors or DGI surveyors, they’re all government surveyors. They replied that according to the law, it was the DGI and not the INARA. We said that the plans are there, perform spot checks and then validate it, that’s it!”*²¹⁶ The DGI finally agreed to this.
- The third reason invoked was that the INARA had submitted the dossier directly to the DGI without going through its supervisory ministry that would have needed to transmit it itself to the DGI via the Ministry of Finance. This reason was, of course, understood by the farmers as being a delaying tactic, a pretext to slow down the process,²¹⁷ even though it is clear that the hierarchical operation of Haitian administrations is not set up in a way that would simplify such undertakings.

Finally, a meeting was scheduled for early September 2007, between the representatives of the APWOLIM and representatives of the Ministry of Finance in Port-au-Prince. The outcome of the discussions was that the INARA needed to submit the dossier again through official channels, via the Ministry of Finance, and that the Minister concerned, a member of the INARA’s board of directors, would officially ask the DGI to respond, in particular as there were some plots of more than five hectares and the DGI’s surveyors still needed to validate the INARA’s work.

Following this decision, our interlocutors showed some slight optimism: “We’re told that it is being resolved, but some people think that the procedures should be delayed as much as possible because this will leave time to get a hold of land.”²¹⁸

²¹⁵ September 2007 interview with a Vétérinèd executive.

²¹⁶ *Idem.*

²¹⁷ Indeed, to hear them speak, the Minister of Agriculture had written to the Minister of Finance to ask him to follow up on the dossier, and the Minister of Finance had issued instructions to this effect.

²¹⁸ Interview with a sociologist from the State University specialized in agrarian issues, September 2007.

■ Other Elements in the Balance of Power

In practice today, the APWOLIM definite certain legitimacy from the fact that it relies on a dairy production project that is consistent with one of the dominant modes of farming in the region, which has been devoted to cattle farming for approximately twenty years. In addition, in November 2005, the project, Lèt Agogo, to which the stock farmers requesting tenure security have adhered, won first prize in the international “Social Innovations” competition organized by ECLAC.²¹⁹ The Lèt Agogo program’s success and the support and sympathy the project receives both in Haiti and among international solidarity with Haiti made a positive solution to this imbroglio plausible, but one year later, in the fall of 2008, the procedures had not yet been completed.

In fact, the unresolved problem then took an unexpected turn. Indeed, feeling like they would not win out over a company such as Grand Marnier, the APWOLIM farmers had decided to cede the land occupied by its new plantations to it while continuing to fight to obtain their own leases on the rest of the surveyed land. In this new context, the DGI found itself facing threats that the Grand Marnier company would delocalize its citrus plantations if the situation was not resolved quickly. In December 2008, a fifteen year renewable contract was able to be signed by the 240 APWOLIM farmers and the Ministry of Finances.²²⁰ Another 300 hectares of land—the survey of which was rapidly completed—was ceded to the Grand Marnier company.²²¹

The difficulties encountered by the stock farmers in this association shed light on the tenure insecurity in which farmers and stock farmers occupying state land find themselves. Indeed, they are at the mercy of decisions involving institutional practices and inertia, administrative red tape, and inter-institutional power relations—for instance, the DGI or sometimes one or another of its territorial civil servants holds the purse strings and appropriates for itself the powers of a state within the state—along with (sometimes personal) interests and economic choices as to the use of farmland.²²²

It is clear that, here, we have the viewpoint of the farmers’ and non-governmental organizations concerned. In response, other observers retort that situations such as this reveal, above all, all these actors’ ignorance of the laws and procedures in force.²²³ Faced with the DGI’s central role, which even the INARA had not taken into account, one is obliged to note its inadequate resources because it is said to have only a dozen surveyors in all, all of whom are based in Port-au-Prince, to fulfill its mission throughout the country.

²¹⁹ The United Nations Economic Commission for Latin America and the Caribbean (ECLAC), in partnership with the Kellogg Foundation. Mentioned notably in *AlterPresse*, Thursday, December 1, 2005.

²²⁰ This contract covers 993 hectares of plantation land and stipulates that some of this land must be reserved for agricultural production and the rest be devoted to dairy farming.

²²¹ See *AlterPresse*, “*Haïti/Limonade : les paysans ont retrouvé leurs terres, et plus encore*”, August 31, 2009.

²²² It seems clear, in fact, that the DGI’s refusal to comply with the farmers’ request was not unrelated to the interest in this land shown by the Grand Marnier company via a few prominent people in Cap-Haitien. The same would probably also apply to its agreement to grant a lease to the stock farmers.

²²³ Laws and procedures that in practice place the DGI at the center of the system... These elements and those concerning the DGI’s concrete resources come from a March 2009 interview with Michèle Oriol, a Haitian ethnologist.

In other words, in the case we have just described, one can see that while the INARA had at its disposal technical means that the DGI did not have, the DGI had the legal mandate to act, which was not the case of the INARA...²²⁴

Ultimately, it would seem that it was these two institutions' inability to find common ground that prevented the situation of the farmers requesting regularization from being resolved for several years even though they produced and had set up a cooperative developing their products, which everyone agreed was effective and exemplary.

The Weakness of the Government and its Failure to Keep its Prior Promises to its Citizens: the Re-Installation of those Expulsed from the Ouanaminthe Free Zone

The 2002 establishment of a free zone on irrigated land in Maribaroux near the Dominican border had, as we have seen, caused the forced displacement of a large number of farming households. Following the opposition expressed by a number of farmers in the region, supported by two national organizations, the Haitian Head of State had made it known at the time that measures would be taken to compensate the inhabitants deprived of some of their land.

In fact, it was only in 2007, that the World Bank, after having financed the installation of CODEVI, took an interest in "reparations," making it possible to provide funds to the INARA so it could re-install the 172 farming households removed from the free zones.²²⁵ The Direction générale des impôts was tasked with identifying forty-five hectares of state land in the Nord-Est Department that could be allocated to the farmers from Maribaroux as compensation. The DGI found land in the Osmont area some ways away that did not seem to be cultivated, and felt that it could be used for this purpose.

However, according to the Director General of the INARA, "Osmont is an agricultural colony created seventy years ago by President Vincent to re-house people that had fled the Dominican massacre by Trujillo."²²⁶

The INARA's Director General attempted to explain his point of view:

"As the INARA, as 'the government,' I am sometimes in the position to give land to people. Therefore, I owe it to myself to respect the land that other previous presidents have given. In addition, you cannot take the land given to refugees of Dominican massacres because you have given other land to Dominicans. That can't work!"²²⁷

²²⁴ Unless one relied on the possibility that the situation would degenerate into a local conflict, a card that the stock farmers seeking institutional support obviously played.

²²⁵ Interview with a PAPDA manager, September 2007.

²²⁶ Interview with the INARA's Director General, September 2007. These agricultural colonies had been established by President Vincent's government in 1937 for the survivors of the massacre of many Haitian workers in the Dominican Republic. Technical assistance was provided to these "colonists" who were given plots varying in size from one to three hectares in the form of "rural family goods," that is to say, according to the 1997 FAO-IDB report, "property that in principle could be the subject of no mutations other than its cession to a single heir" (cited by Olivier Delahaye, 2005: 18).

²²⁷ Interview with the INARA's Director General, September 2007.

In this context, he looked for another area to suggest for the reinstallation of these farmers. At the end of the summer of 2007, the INARA proposed a different site as an alternative; it was located in the Nord-Est Department, along the main road, in an area mostly devoted to free-range stock farming. It is difficult to see how such a proposal could satisfy the demands of the dislodged farmers. Indeed, there was no indication that this distance from the other plots that they had originally farmed would be manageable.

The selection of land known to be arid and—unlike the farmers’ original land—not irrigated as the site for the future “colony” immediately sparked criticism, hinting once more that the ultimate goals of the administrative leaders were not in the interests of the people re-installed.²²⁸ That said, this alternative proposal by the INARA was far from having been accepted at the time of our field study.

Local Elected Officials and Government Decisions: the “Municipal” Attempt to Recover the Land Given to the MPP

The misadventures of the APWOLIM farmers in their attempts to obtain tenure security on the land they worked, and the trials and tribulations of the farming households in Ouanaminthe that were dislodged by the free zone can absolutely be interpreted as new forms of the historic conflict between the defense of smallholder food production for the local market and installations devoted to producing goods or products for export.

Different in its aims but comparable in its means was the attempted recovery, in August 2007, of the farmland “given” by President Aristide to the Mouvman Peyizan Papay (MPP, papaya farmers’ movement). The Mayor of the commune of Hinche had requested a new survey of the land with the aim, according to the scuttlebutt, of building an airport on the land occupied by the farmers who were members of the MPP. The mayor in question quite adroitly managed to involve (against its will) MINUSTAH in the operation,²²⁹ asking it to be present during the survey on the pretext that there was a risk of land conflict.

This conflict, which we did not study directly, is interesting in that it raises two types of problems. The first is the apparently arbitrary power of the President who was able to decide, unilaterally, to “give” private state land away even though this possibility is subject to specific procedures. The flip side of the failure to strictly follow the law was, what is more, the very great fragility of these decisions, which were not formally validated. We saw above that the Petits Planteurs du Nord-Est suffered from this earlier because they were never able to get the DGI to survey the land they were “given.” The second problem is even more fundamental in the current context: the possible use, by elected communal officials, of the prerogatives granted to them by the Constitution although no laws have yet set limits on these prerogatives or clarified the modalities of their intervention.

²²⁸ According to a former Terrier Rouge agent, one of the reasons behind this new selection—far from farming concerns—was improving the safety of a road reputed to be frequented by unsavory characters and dangerous: “They say that they are organizing a village there, which could limit the activities of those people. They have already built a military base there and, since then, the people who go to Ouanaminthe to shop in Saint Domingue have not lost anything...” (September 2007 interview).

²²⁹ In passing, this shows the difficult position of international bodies because of a lack of clarity in their mandates.

In both cases, one can merely note the tendency among political leaders to neglect any form of coordination with the administrative managers and ignore the interest of joint territorial development plans.

Finally, let us emphasize that it would seem that, for the various participants, doubts remain as to how such a gift could be legally validated. While the INARA's Director General believes that it is mandatory to submit the dossier to the Chamber of Deputies, the only body able to legalize the granting of state land,²³⁰ this opinion is not shared by everyone and we were unable to find any text on the subject.

2.3 The INARA's Current Position

In light of these examples, one can merely note that the INARA, not supported by any law, juggling recurrent budget difficulties since its creation, and above all working piecemeal without clear objectives and a clear schedule, is tending to become, in practice, just another operator.

Furthermore, while the agrarian reform's failure was already clear in 1997-1998, the governments that have succeeded each other since 2000 have continuously proven their lack of interest in the subject but have kept the INARA in place. President Aristide buried it once with the launch of a vast literacy campaign that he presented as his main priority when he returned to office in 2001; the interim government's Prime Minister buried it a second time with his May 2004 declaration; and President Préval himself, who had initiated the INARA during his first term of office, has not mentioned it since his return to power.

Nevertheless, the INARA is regularly solicited by farmers' organizations, either with the support of an intermediary NGO, as is the case with APWOLIM, or directly by an association seeking its support with the Ministry of Agriculture or at the request of a federation such as Tèt Kole that called on it to intervene in the Nord-Ouest Department.²³¹

In fact, in the three examples discussed above, one can see that the INARA had adopted a position in defense of farmers, and therefore in defense of agricultural use of the land for smallholder food production. In this way, the Institute often finds itself in an awkward position vis-à-vis other government institutions. While this situation clearly raises the problem of the lack of an overreaching policy on farmland, it also simultaneously illustrates the INARA's adoption of a new position and a clear retreat from its initial mandate.

In practice, given the current political reality and the obvious lack of desire to conduct an agrarian reform that is provided for in the Constitution and demanded by numerous segments of the population, the INARA is rethinking its role: knowing itself to be, despite everything, unavoidable, its goal was, in the fall of 2007, to "reach the appropriate conclusions from this contradiction" and concentrate its efforts on obtaining farm tenure security, particularly for small farms, with operations such as the one in Madrasse with the APWOLIM or the ongoing collaboration with the AIP. In the mind of its director, it was a way of "proving that agricultural production conditions can be improved" given that, in principle, increasing production is one of the government's priorities.

²³⁰ By a vote or by law... our various institutional interlocutors provided varying information on the question. The outcome is a widespread gray area in regard to knowledge of the law and/or the interest in complying with legal formalities.

²³¹ "Relance", INARA, April 2006, pg. 12.

By the Institute's own admission, the fight against tenure insecurity had become an objective for the "short-to-medium term" while the agrarian reform strictly speaking has been relegated to the "medium-to-long term"...

The Institute is therefore currently muddling along with a few interventions of the types described above, its Director General publishing occasional reflections on albeit crucial issues such as the question of protecting farmland and the splintering of farmland through construction, or on jatropha growing and the international pressures to promote it with the aim of providing oil that can be turned into fuel...

2.4 The Agro-Land Debate in Haiti

Thus, beyond the reality of government flip-flops, we find ourselves here with a situation that is more deeply characteristic of constant historical contradictions on the part of Haitian leaders and high civil servants (the "elites") between an official discourse in defense of smallholder farming and implicit choices favoring "large-scale farming" (that Haitian entrepreneurs have never managed to do themselves) and the desired "modernization." This can be seen in institutional decisions on land use that are not fully owned, and in paradoxical attitudes that are incomprehensible for farmers who, since 1990, have wanted to believe that agriculture had become a priority for the authorities.

Haitian observers deplore the fact that, whatever the ethics of the leaders in place, there had not been a clear national land policy and that the implementation of free zone type projects is dictated by circumstances.

*"The government does not have a clear concept of what farmland is. The authorities are in a difficult situation, caught between the imperative need to create jobs and the need to allow the population to feed itself at more or less affordable prices. The issue of how to manage the national territory has always been left in the background. For twenty years, we have not seen an agricultural policy paper giving guidelines for action, intervention, commodity chain support, etc." "There has never been any policy coherence, but rather sometimes clear contradictions."*²³²

2.5 The Transformations in the Farmers' Movement and the Emphasis on Production Commodity Chains

While the scope and violence of land conflicts do not seem to be on the agenda in a country where urban delinquency has grown to the point that it seems to overshadow all other forms of violence, one can also see that the farmers' organizations that were often active parties in these conflicts via the land recovery or occupation movements that they have supported since 1986 have themselves also shrunk to a certain extent.

²³² Interview with GREF managers, September 2007. In regard to such contradictions, things are clearer if one takes into consideration the fact that the priority of Haitian leaders is more and more clearly to find ways to feed the cities. The riots in April 2008 showed that they did not have much of a choice in the matter.

For instance, while the leaders of the Tèt Kole association told us that farmers in the Nord-Ouest Department had “risen” on several thousand *carreaux*, we were unable to find any official elements to confirm or refute this information.

Since the end of 2003, several attempts by groups of farmers’ organizations to join together in various “platforms” have been seen. However, one of the weaknesses of these movements, in principle convergent, has been the lack of political clarity that divides them and makes them vulnerable to pre-electoral pressure.

Other forms of farmers’ organizations are also attempting to establish themselves and seem to be having better results. These are the groups aiming to mobilize small farmers around their immediate economic interests. For instance, several networks of cooperatives have emerged around production commodity chains in the coffee, rice and dairy sectors. These new forms of organization are now beginning work in advocacy and political influence.²³³

Even though for a while one could have imagined that, between the scheduled renegotiation of the economic partnership agreements with the European Union²³⁴ and the shifts in international policy since the April 2008 hunger riots, the positions taken by these organizations would receive more attention, the past twelve months have not confirmed these hopes.

²³³ Notably the APWOLIM in the dairy sector, POKOKARNO, FACN and POKAB in the coffee sector, and RAKPABA and MOREPLA in the rice sector.

²³⁴ The EPAs that were supposed to be negotiated in the fall of 2007 were not signed by Haiti that is still trying to determine how to position itself.

CONCLUSION AND PROSPECTS

The agrarian issue has many dimensions, one of which is food security. Food security depends on many factors, such as the equilibrium between the population and the availability of farmable land, the techniques used (in conjunction with environmental issues), and the availability of farm labor. It also depends on the effects of speculation on international markets, and the two major crises in 2008 have considerably altered the game in these areas. The hike in food prices, triggered among other things by an increased demand for agro-fuels, caused cereal prices to skyrocket at the start of 2008. The awareness triggered by this sharp price hike, bolstered by the financial crises that followed it more recently—along with the search for new investments to be made—provoked a rush on available farmland by a certain number of wealthy countries lacking land for their own food production.²³⁵

The Republic of Haiti has suffered the brunt of the repercussions of this new international context. Indeed, the country is heavily dependent on North American rice imports and was hit very hard by the rising cost of cereal on the international market. This uncontrolled price hike sparked riots in various cities around the country and brought about the resignation of the Head of Government in April 2008, causing an institutional blockage until a new Prime Minister, someone well known and apparently credible to the outside, took office in September 2008.

During the same period, the country also underwent a series of natural disasters caused by planetary climate change.²³⁶

In his inaugural speech, the new Head of Government explicitly intended to revive the agricultural sector that he described as one of the main “pillars of growth” and, to do so, rely on smallholder farming, seen as a basis for both employment and production and the sought-after food security. The budgets²³⁷ allocated to the Ministry of Agriculture (MARNDR) were supposed to reach 12% to 15% of the national budget in 2009, whereas they had not exceeded 5% for decades...²³⁸ While donors for their part recommend, in unison with the government of Haiti, replacing the emphasis on agricultural development, the harmful effects of the

²³⁵ See GRAIN’s report, *Seized! The 2008 land grab for food and financial security*, October 2008. While Haiti does not have tracts of land large enough for the problem to be posed in the terms described by this document, the jatropha plantation projects (for biofuel production) that were submitted to the Ministry of Agriculture in recent years clearly fall into the same register of appropriating farmland for non-food production, in a country with a constant deficit in this area.

²³⁶ Culminating with serious floods at the end of 2007, followed by large-scale human and economic losses due to four successive tropical storms and cyclones in early September 2008.

²³⁷ The Haitian government depends on international donors for most of its budget. Financing issues, while they do not dictate all possible actions, are central in a country where the government budget is negotiated with donors through the National Growth and Poverty Reduction Strategy Paper, elaborated in principle “in a participatory national framework” but nevertheless subject to modification under the pressure of international institutions.

²³⁸ More than six months after these declarations, no concrete progress had been made toward attaining these goals.

international financial crisis are being felt in development aid budgets.²³⁹ Nevertheless, more than budget questions or opportunities, it is, above all, a short-, medium- and long-term political vision that is needed, notably in the agricultural field, as well as building the state's capacity to run its existing institutions.

The challenges of agrarian reforms—and the attempted reform in Haiti was no exception—are often to make progress on the issues that arise both on the agrarian level (i.e. the legal modalities for land use) and on the land tenure level (i.e. rights to land and natural resources).

One of the difficulties unique to Haiti is the constant uncertainty of the line between agrarian issues and land tenure equally for actors who refer to tradition and actors who refer to legal provisions. Two problems arise in particular. The first is the existence of large agricultural properties whose aim is not capitalistic farming but rather to generate rents (mainly through agrarian contracts), to the detriment of both productivity and farmers' real incomes. The second is government institutions' lack of knowledge of the quantity and location of land really controlled by the state. What is more, we are faced with a widespread phenomenon of plot division that is affecting both large and small properties, notably because of the accentuation of land pressure.

An agro-land reform was necessary in such conditions, and it was indispensable to intervene on both legal provisions (designate land beneficiaries) and land use modalities. Indeed, the aim was to attempt to modify the existing system: by preventing modes of use that were reputed to be little productive—notably sharecropping on land held by large landowners and government tenant farming—and by creating the conditions for better use of farmland, especially irrigated plots for rice cropping in the Artibonite Plain.

In practice, in regard to tenure, this reform attempted, under cover of addressing “agrarian” issues, to reintegrate in the state's private property productive land over which there were conflicts or whose tenure status was not clear (in the Artibonite notably), and land reputed to belong to the state legally but that was in fact occupied by the local population and for which peasant memory claimed the status of private land stolen during the expansion of the Dauphin plantation (Nord-Est). The reform's land tenure results were mixed (some of the *grandon* in the Artibonite have returned to the land and their protégés have replaced the “beneficiaries” of the reform), and the reform has not had the hoped-for results on the agrarian level.

The redistribution of a certain amount of irrigated land in the Artibonite aimed to re-balance access to land in favor of the poorest farming households, but it did not prevent the exclusion of other equally poor households. Above all, as this re-balancing was not accompanied by ongoing technical and economic support, it did not achieve the targeted effect of reviving rice production in the medium or long term.²⁴⁰

²³⁹ As in the case of the aid following the cyclones that struck Haiti in September, for which one can see the British Haiti Advocacy Platform's paper on the UN call for Haiti on November 21, 2008. Multilateral aid estimates currently predict a probable budget cut of at least 30%.

²⁴⁰ First, the fertilizer necessary for intensification became unaffordable because of the sharp rise in world prices and the lack of subsidies, and then the recent storms and cyclones destroyed the fall 2008 harvest and a large part of the irrigation system making a large number of plots unusable for the time being.

When it comes to the objectives of improving security and social peace, the situation of the plots recovered since 2004 by the former owners—or would-be owners—that had been dislodged by the reform raises a serious problem still today. In practice, one can see that it has been impossible for the INARA to punish these illegal occupants who imposed themselves and have remained, often by force.²⁴¹

The objective of securing the tenure of a certain number of farmers' groups occupying areas of state land in the Nord-Est Department has not been attained either. In particular, throughout the various stages of the reform, one can only note the failure of the chosen policy of relying on ad hoc farmers' organizations. On the contrary, the experience providing guidance and support to spontaneous groups formed around small processing businesses, for example, seems to have been more solid.²⁴²

Finally, the recent experiences with the INARA's powerlessness in the face of the fiscal administration in its attempt to improve the security of stock farmers' organizations requesting land in the northern plain illustrate the tricky position of this institution vis-à-vis the other institutions in charge of land tenure and/or management of state land. The lack of debate on the allocation of farmland to an industrial free trade zone, and the government's later silence on the question, are also problematic. In fact, the agrarian reform is no longer on the agenda and has never been mentioned by President Préval since his return to power in 2006. The INARA now finds itself in a position of retreat and, while the national and local leaders of this institution see it as the last bastion in the defense of smallholder farming in the country, their attempts at intervention have not been successful to date.

In this context, rather than once again undertaking major projects, it now seems necessary to start from the existing limitations in order to elaborate appropriate solutions to the problems that have arisen.

On the institutional level, human resources are limited; and the multiplicity of institutions, the frequent overlap between their respective assignments, and the lack of coordination among institutions harm the efficiency of the actions undertaken.

The INARA's existence is unstable because of the absence of an agrarian reform law and, although this organization still has a role to play in terms of agrarian reform in the strict sense of the term,²⁴³ and in securing and managing land tenure and agrarian issues, its status should be formalized.

Generally speaking, to limit reversals linked to political events, the need to completely validate, on the legal level, the existence of institutions created and decisions taken is illustrated by the precariousness of the access of the beneficiaries of the agrarian reform to the plots that were attributed to them, and by the pitfalls encountered by INARA in all of its interventions. Thus, the insecurity in which the recipients of consolidated plots in the

²⁴¹ What is more, the difficulties finding the human means for institutional intervention by the national police and justice system have been compounded by the fact that the farmers who were the recipients of the reform have become less pressing in their demands to have their rights re-established as the technical and economic difficulties they encounter have increased.

²⁴² The project bringing together producers' associations such as APWOLIM around the Lèt Agogo label is one example of this. Other small processing businesses, such as cassaveries, processing plants for mango, quality coffee, or jam production are also developing in an interesting way.

²⁴³ One must not forget that the agrarian reform itself was abandoned in practice ten years ago...

Artibonite Plain currently find themselves, is partially linked to the inexistence of the agrarian reform law that was supposed to legalize their status. The plans to give full ownership of the consolidated plots to the beneficiaries who farm them should be completed. The definitive formalization of the allocation of land to the Mouvement Peyizan Papay (Papaye farmers' movement) should also be done to prevent reversals in occupation with each political event.

Coordinated reflection on allocating land from the state's private property should be undertaken. While adopting the principle of relying on smallholder farming for agricultural production seems clear for the current government, the need to provide salaried jobs in both cities and rural towns is also undeniable, and state land is an acknowledged resource that makes it possible to negotiate the establishment of foreign companies for example.²⁴⁴ Gathering existing information on the characteristics and potential of land in the country should speed up the elaboration of a national zoning plan and a land allocation policy. In practice, the pre-existing information on land ownership, collecting dust in the archives of surveyors and abandoned state institutions, should be sought out and systematically examined before any intervention.²⁴⁵ Coordination is urgently needed among institutions in charge of validating ownership, managing state land, and reflecting on the allocation of this state land. Setting up a legal framework to protect farmland is also urgently needed.²⁴⁶

In time, the question of the interest of maintaining private state land should be raised and reflection must be conducted on the possibility of turning some or all state farmland into private property in order to revive an agricultural sector lacking land.

It is crucial that the elected officials in communes and communal sections be consulted on such decisions on the use of state land. That said, formalizing the existence of these bodies and clarifying their role in the management of state land through a law on local governments²⁴⁷ is a mandatory prerequisite.

Beyond this, on the institutional level, a full revision of the texts and prerogatives of institutions in charge of land is necessary so as to resolve problems on a case by case basis and readjust the overall balance between institutions. This proposal has long been made by specialists in Haitian land tenure, who see it as a prerequisite to any land intervention, so as to identify, point by point, the overlaps, bottlenecks, and need to create inter-institutional bridges.²⁴⁸ In addition, while the proper use of existing means requires correct coordination between institutions and among offices within institutions, the affirmation of a political decision, informing civil servants of these choices, combined with verifications of their effectiveness and greater anti-corruption and anti-clientelism efforts, are also essential.

²⁴⁴ The question of allowing foreigners to own land in the country should also be examined in light of the new investment strategies evoked (including agro-fuel crop projects) and the additional risks that they comport for the countries targeted when it comes to their own food security.

²⁴⁵ The cadastral offices in cities such as Saint Marc have archived numerous property and plot records that do not seem to have been used during the elaboration of the agrarian reform. In 1989, the Nord Development Organization had, what is more, done quality work in collaboration with the AGRER consultancy firm on the characteristics of state land in the north and northeastern plain, with an aim to zoning. This work was never showcased and the INARA never saw it. One can assume that the same is true in other regions of the country.

²⁴⁶ The splintering of land by the construction of housing in banana producing plains, in the Cul-de-Sac plain for example, is a frequently evoked problem that is worsening.

²⁴⁷ A bill on local governments is currently being discussed.

²⁴⁸ Interviews with Michèle Oriol, March 2009.

However, without waiting for such decisions that must be based on a well thought out and joint policy, a certain number of local and sector-based actions seem possible in the framework of the overall context, building on the lessons learnt from an analysis of the situation and practices of the real farmers on private and state land.

First, in the technical field, it is clear that the rebuilding and rehabilitation of the infrastructures destroyed by the latest rains and cyclones should take into account the changes in local climates. Any new actions should also take these challenges into account.

On the agrarian level, the provision of guidance on private tenancy and sharecropping contracts, often recommended²⁴⁹ by foreign and national consultants, seems difficult at this time. Indeed, banning within a relatively short timeframe all sharecropping contracts has been proposed several times despite the real land access conditions of the poorest farmers for whom this type of contract is often part of a risk minimization strategy. Thus, such a ban would seem to us to cause more problems than it could solve because it would exclude a large number of farmers from agricultural production.

However, while intervening in contracts between private individuals seems difficult, it is not clear that government bodies need to keep farmers in a situation of insecurity to preserve their latitude for hypothetical large-scale development projects. On the contrary, it would probably be useful to begin by formalizing land occupation wherever it exists and where it is possible in order to have an overall vision of the situation.

For instance, it should be possible to simplify access to tenancy contracts on private state land for small farmers that do not currently have access, or in other words to make the leasing of plots, even tiny plots, on state land by farmers currently occupying the plots or requesting a lease possible. This making the state land that they already often occupy available to small farmers and farmers' groups and securing their access to land could, however, be done on the condition that a specific set of specifications be followed.

In regard to private ownership of land, one of the principal problems, identified and decried for decades, is "indivision". Reflection on the stakes involved in limiting indivision and how to remedy the issues it raises is urgently needed. Before any decision is made or intervention attempted, it seems necessary to clearly understand what concrete problems this practice really poses and what possible positive aspects or practical advantages it has from farmers' standpoint. A few possibilities can be evoked here.

In regard to intra-family land conflicts linked to indivision, it seems necessary to examine the issue of the lack of formal rules on how inheritances are divided, enabling inheritance, in the current state of affairs, to be infinitely challenged. This state of affairs is probably one of the underlying problems in relation to these conflicts.

In regard to the supposed link between individual property formalized by deeds and the possibility of obtaining access to loans,²⁵⁰ a certain number of observers emphasize the fact

²⁴⁹ See *Projet de loi de réforme agraire*, 1999.

²⁵⁰ De Soto's research (2000) on urban land tenure in Haiti at the end of the 1990s, financed by the World Bank. It has have been heavily criticized, but the discourse aiming to turn all occupants into formal

that, without a sufficiently adapted banking system and given the relative low value of the land, this argument is not a priority. On the other hand, it is undeniable that only formally divided and therefore titled plots can be sold freely, and this possibility would be beneficial for many farmers. Indeed, the sale of “rights and claims”, which is currently fairly common, is limited in practice to a small circle, mainly within the family. It is plausible, nevertheless, that indivision and the intra-family management of land that it allows, plays a large role in the day-to-day survival of rural populations by allowing for a wider sharing of access to land in a situation of widespread poverty, a scarcity of farmable land, and the rarity of non-agricultural jobs. In all cases, since the government does not currently have the means to offer alternatives or enforce its decisions, any law bringing a mandatory end to indivision would probably have little effect.²⁵¹ However, imagining incentive measures, and for example a subsidy for the formalization of inheritance division making the process of obtaining titles to new plots free for families that so desire, would probably be a better solution and would at least make it possible to assess the real demand for formalization.²⁵² Beyond this, facilitating the sale of plots among co-heirs could also be envisaged, with the idea of maintaining viable farm plots.

In any case, land issues are still extremely complex in Haiti. Localized interventions, either by region or on a case-by-case basis, defined in consultation with the sectors concerned, as the agrarian reform had, what is more, envisaged, would probably have a better chance of succeeding today than national reforms that the state does not have the political means to implement (fundamental decisions not having been validated on the national level), no more than it has the financial, institutional or human resources to implement. Re-balancing and strengthening institutions (which does not preclude considering reforming these administrations when necessary and monitoring their employees) and simplifying procedures for accessing land and validating ownership are priorities. Providing for the legal validation of all decisions requiring validation is, of course, crucial to making them sustainable and breaking the cycle of constant challenges in function of the political turbulence that has prevailed until now.

Finally, the elaboration of a joint agro-land policy relying on existing institutions, consolidating these institutions and giving them the resources to fulfill their functions,²⁵³ should be a mandatory step for both Haitian decision-makers and donors.

owners with the idea of facilitating their access to credit is still very widespread, usually with an undeniable lack of reflection on the implications.

²⁵¹ It would probably be the same for any vague attempt to forbid sharecropping or logging (a demand from pressure groups in 2008). For instance, a temporary reminder during the summer of 1992 of the ban on free-range stock farming was received with complete indifference by the stock farmers in the Nord-Est Department, even though the rural police system existed and was feared at the time.

²⁵² In a country where, in some regions, approximately 80% of plots are said to have come from the division of a larger titled plot.

²⁵³ Rather than bypassing them, as has often prevailed over the past twenty or so years, creating, until now, only recurrent blockages.

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