

**Review of *An Encounter with Haiti: Notes of a Special Adviser*, by
Reginald Dumas**

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Reginald Dumas has written a fascinating, highly readable, well documented account of his experience as U.N. Secretary-General Kofi Annan's Special Adviser on Haiti, at a crucial stage of that country's troubled history – the period immediately following President Aristide's resignation from power, which was disingenuously described as voluntary by certain foreign interests. In carrying out his difficult assignment, Dumas clearly benefited from his extensive knowledge and deep understanding of post-colonial societies and their problematic relations with former colonial or tutelary powers, gained from his broad diplomatic experience. His penetrating insight into the dynamics of big power, small country, and international organization politics illuminated his observations and analysis throughout the book.

The duplicity of certain Security Council powers, as exemplified by the false translation of Aristide's "resignation" letter and their deliberate choice of language in the drafting of Security Council resolutions, with the apparent intention to deceive; their hidden agendas as suggested by the authorization of the peace-keeping mission under Chapter 7 rather than Chapter 6, and the surprising immediate availability of the Special Representative of La Francophonie in the Ivory Coast to assume the post of Secretary General's Special Representative in Haiti; the irrelevance of the UN's proposals to Haiti's developmental needs; the political manoeuvrings of America's ambassador in Haiti; the dismissive way developed countries, especially the big powers, treat small developing countries' opinions and interests; Caricom's failings – its dissension and contradictions, its political shortsightedness, the inefficiency, ineffectiveness, and incoherence of its diplomacy; were all chronicled and analyzed by Dumas with remarkable lucidity and laudable objectivity.

Dumas chronicled and described, with wry humour, the many shortcomings of the U.N. bureaucracy, the cultural blindness of senior U.N. officials charged with managing the U.N. Haitian peace-keeping effort, their prickly egos, their constant turf fighting, and their inability or unwillingness to depart from a pre-determined formula for dealing with post-conflict situations in developing countries – one that had apparently been cast in iron since the model seemed impervious to change, even in the light of actual experience. Thus, the UN's standard peace-keeping model could be retrieved from the organization's

computer archives and applied to a conflict situation in any country simply by replacing the name of the country where it was last applied with that of the country currently in need of UN assistance. That "one-size-fits-all" mentality, as Dumas aptly described it, produced a comedy of errors which would have made the audience in a burlesque show split their sides laughing. Alas, it was no laughing matter, for the real victims of such UN incompetence were the Haitian people, as Dumas pointedly observed.

The first line of a UN peace-keeping memorandum on Haiti read *"Please find the draft of the training concept with regards (sic) the pre-deployment activities for Haiti"*, but the title of that same document read *"Draft of the training concept for Burundi."* Either the UN had learnt no lessons from the Burundi experience, which could have been used to improve upon its standard model, or it was a genuine case of mistaken (country) identity. Perhaps, in the eyes of UN Caucasian staff members or in those from the South who fit Frantz Fanon's scathing description in the title of his book, Black Skin White Masks, all black countries look alike. Dumas was laconic in his comment: *"Sierra Leone was Liberia was Ivory coast was East Timor was Haiti."*

Dumas correctly maintained that sustained economic and social development was not possible in a climate of insecurity. Consequently, throughout his assignment he emphasized the importance of peace-building in Haiti, as distinct from peace-keeping which appeared to be the principal, if not the exclusive, objective of the UN's standard model. But the UN was not listening. It knew best. After all, its peace-keeping model had been successfully applied in East Timor and several African countries. But how successful was that model actually? As Dumas stated in respect of its application in Haiti, the standard UN peace-keeping model did not address the underlying causes of the problem which, consequently, remains unresolved. For that very reason, one is left to conclude that although the model might have helped to temporarily maintain a fragile peace in the four countries cited by Dumas, violent civil conflict could resume at any time. That could also happen in Haiti.

Classic conflict resolution methods and procedures, which were originally developed in the North to deal with international conflicts, have proved of little value in resolving conflicts in countries with deeply divided societies. Such methods might succeed in ending an armed conflict but they seldom produce a lasting peace. Several African peoples possess traditional conflict resolution methods which proved capable of bringing about a durable peace in the past. The Arusha people of East Africa, for example, developed a system of conflict management which Kenneth Carlston, an American law professor and expert on international arbitration, considered so ingenious and sophisticated that he suggested it be used as a model for resolving national and international conflicts: *"They....developed the mediation process to a*

degree that capital and labor groups in national societies and states in international society might well envy and emulate today....The experience of the Arusha points to a possible new model of an international society of peace." (Social Theory and African Tribal Organization: The Development of Socio-Legal Theory, 1968).

Astonishingly, that model was never considered by the UN for the African conflicts Dumas mentioned, Suitably adapted, that model could surely be applied in Haiti, especially since Haitian society and culture have retained many African features. That would be the kind of innovative approach which Dumas considered necessary for Haiti. But the tragedy is that the UN is most unlikely to adopt it. Not only is the organization too wedded to its own ineffective model but, more importantly, it would never admit that it had anything to learn from Black Africa. Dumas noted attitudes towards Blacks in the UN which could be considered racist, although he is too much of a diplomat to mention the "R" word.

The post-independence civil war in Mozambique was a traumatizing national experience which caused a million deaths in a population of only fifteen million. Traditional conflict resolution methods were applied immediately after hostilities ended. Those methods were so effective that the deep social wounds caused by the civil war were not only healed in less than five years, but they were healed so completely that it no longer mattered on which side a community or an individual had fought during the war. Such a rapid, successful national reconciliation following upon a traumatic civil war can be compared with the many generations it took to heal the deep social wounds caused by the American civil war. The social wounds inflicted by the Spanish civil war are still not healed, as recent incidents have shown. Mozambique is perhaps the only African country to have succeeded not only in establishing a durable peace after a prolonged civil war but also in dealing effectively with post-civil war trauma, a success that convinced UNDP of the great value and effectiveness of traditional African conflict-resolution methods. The organization considers such methods a near-ideal model for dealing with communal conflict: *"This traditional conflict resolution process through dialogue, sanctions, purification rituals, and celebration is a model that is almost ideal for dealing with conflict at the community level. It is a functional series of principles for solving problems for the group."* (National Human Development Report, Mozambique, 1998). The UN Department of Peacekeeping Operations would be wise to draw upon its sister agency's experience in Mozambique. But that seems highly unlikely, given the intense rivalry and turf fighting that exists within the UN, which hobbled the Haiti mission, as Dumas duly noted.

Dumas underlined the inadequacy and inappropriateness of key institutional aspects of Western democracy when introduced into a poverty stricken country like Haiti, afflicted as it is by sharp class/colour divisions

and significant illiteracy. To consider elections the only criterion of political legitimacy, even when it is impossible to establish an accurate voter-registration list, as Dumas tellingly points out, because many voters had no legal existence – their births never registered or their names misspelt on their birth certificate – is most unrealistic. The international community's inflexibility in imposing a political model with an electoral system that was neither feasible or appropriate produced unintended consequences, such as the proliferation of political parties, which elicited a terse comment from Dumas: "*Every Haitian was a political agglomeration in waiting.*" The international community tends to turn a blind eye to any evidence which shows that its culturally-determined models of governance, if unadapted to local socio-cultural values and traditions, are ineffective as well as inapplicable. Similar unintended consequences were produced in a number of African countries when those models were applied. Alas, like the UN's application of its standard peace-keeping model in Africa and East Timor, no lessons were learnt from that experience.

In his encyclopaedic *Study of History*, Arnold Toynbee noted how certain elements of culture, which may be beneficial or harmless in their native environment, can create great disruption when uprooted from their native cultural context and transplanted to a different one. The removal of such "culture-elements" (as Toynbee calls them) from their native environment deprives them of their *raison d'être* and releases them from the checks and balances that had controlled them in their native cultural context. The Western multi-party system is one such "culture-element". Introduced to Africa just before independence, that "culture-element" produced sixty political parties in Somalia and one hundred and twenty in the Belgian Congo, in only a few months. As in Africa, political parties in Haiti were released from the checks and balances that had insured against their multiplication in their native cultural context.

A citizen group complained to Dumas about the failings of Haiti's justice system – its incomprehensibility, its remoteness from the citizenry, its inaccessibility to ordinary Haitians since it made no provision for legal assistance, its corrupt character, its inability to ensure security, and its deficient case enquiry procedures – complaints he considered cogent. That is not surprising because Haiti's laws, as well as its legal and judicial system were a virtual carbon copy of the French system. Perhaps the only change Haiti made in adopting the French Civil Code wholesale was getting rid of the abhorrent *Code Noir*, which had been integrated into French law when Napoleon re-established slavery in 1802, eight years after its abolition by the French Revolutionary Assembly in 1794. The *Code Noir* was a compilation of laws that applied to slaves and free blacks and which also governed the relations between slave masters and their slaves. Article 44 of the *Code Noir* baldly stated that: "*Slaves are furniture*". A country's laws normally originate in the customs and the taboos of the society concerned and thus necessarily reflect its values, traditions, and social norms. When the laws of a country's do not reflect the society's fundamental values and social norms they cannot

possibly possess the moral authority, or the legitimacy, required to ensure unenforced compliance with them. In those circumstances, they tend to remain "paper" laws, ignored, resisted, or obeyed only with coercion. The cultural values, traditions, and social norms of the vast majority of Haitians were certainly not the same as those of France. Hence the cogency of the citizen group's complaints.

Similar failings have been identified with the legal and judicial systems inherited by much of the South which, nonetheless, were maintained by most, if not all, post-colonial regimes. In Africa, they have by and large proven ineffective in establishing public order, ensuring security, or controlling criminal behaviour. But Haiti can learn from Mozambique's post-conflict experience. Following its independence after a prolonged war of liberation, Mozambique established a new national judicial system to replace the Portuguese colonial legal system, considered alien to the society's values. The new judicial system was inspired by the broad principles of popular justice which the victorious revolutionary movement, FRELIMO, had first applied in the zones it liberated during the prolonged war of independence. People's tribunals were established at the village, district, and provincial level.

At the village level, the tribunals were composed entirely of lay judges elected by their neighbours and fellow workers while, at the district and provincial levels, the presiding judge had to be legally qualified. The judicial system thus actively involved the community while dispensing a form of justice that was not derived from foreign legal concepts and practices but which was based instead on the traditions and customs of the society and the principles of natural justice. The active involvement of the community in the administration of justice, and the fact that the laws applied reflected the values, and had the moral sanction, of the community not only ensured wide compliance but also resulted in a very low incidence of recidivism. Subsequently, yielding to international pressure, the FRELIMO government modernized the judicial system along Western lines. There is evidence which shows that there was a much higher level of compliance with the law and a much lower rate of recidivism during the period of the people's tribunals than under the modern Westernized judicial system.

Dumas noted that the citizen group made no mention of customary law and he wondered whether such law existed. There appears to have been no formal law in Haiti during the period between the country's liberation from French rule in 1804 and its gradual adoption of France's legal system in the period 1825-1835. Haitian reluctance, immediately after winning their freedom from France, to adopt the French Civil Code with its detested Code Noir was quite understandable. But Haitians would have needed to abide by some informal system of law in order to avoid chaos and possible disintegration of their society. Their oral tradition would have preserved, for the former slaves and free Blacks, some memory of the customary rules

which had regulated their ancestral tribal societies. It is not unlikely that Haiti took that route. Moreover, although Haitian creole elites might have been very content to recover their "mother" country's system of laws since they probably reflected the values with which the elites would have liked to be associated, that was unlikely to be the case with the recently emancipated Black majority who might well have continued to apply informal rules to intra-communal and inter-personal relations.

In the intervening centuries, the customary rules governing relations among the black majority might have developed into an informal system of customary law. If that hypothesis is correct, Haiti could blend that informal system with its formal French-derived legal system, thereby creating a system more compatible with Haitian values. Such a hybrid system is likely to be more effective and, as such, would go a long way to meet the problems which the citizen group raised with Dumas. If such an informal system does indeed exist, the fact that it was not mentioned by the group might be related to their members' social status in the society and the extent to which they identify with the Black underclass and its aspirations. Alternatively, during the period it would take to develop a legal and judicial system better adapted to Haitian social and cultural values, Haiti could begin by adopting an informal system based on natural rules of justice and Haitian traditions and customs— the informal system Mozambique's post-revolution government utilized. Mozambique's post-revolution judicial system involved considerable citizen participation, which was a factor that assured its effectiveness. Adopting a similar course of action would thus, to some extent, respond to Dumas' expressed concern about the absence of modalities for citizen participation in Haiti.

Dumas reports that the US had asked several Caricom countries, during Aristide's presidency, whether they would accept Haitian refugees. None said yes. *"Was this how the US was proposing to 'solve' its 'problem' of such persons?"*, Dumas enquired rhetorically. The American request recalls a similar British request to Trinidad and Tobago (presumably also addressed to other Commonwealth Caribbean countries), in 1973, to accept Ugandan Indians expelled by Idi Amin, who were British nationals. The response was a diplomatic no. An identical rhetorical query could have been made about the British request. *"Was this how the UK was proposing to 'solve' its 'problem' of such persons?"*. Having helped to create the "problem" in its Ugandan colony by applying the classic divide and rule policy of giving the Indian population preferential treatment over black Ugandans, the British government did not want them to settle in Britain, despite their British nationality. They were not white. White Rhodesians and South Africans, whose families had lived in Africa for several generations, experienced no difficulty in resettling in Britain if they had the slightest claim to British nationality. It is difficult to believe that similar considerations did not play a part in the refusal of the US to accept Haitian refugees fleeing from a regime it had condemned on political grounds. Cuban refugees were treated differently. There were black Cubans, of course but, unlike

Haitians, they were not *"irretrievably black"* – an expression Dumas attributes to Naipaul, the Nobel Laureate, who apparently used it in another context. However, the earliest recorded use of that expression is in a remark Bishop Spiridon of Trimethus (Cyprus) made at the Eucumenical Council of Nicaea in 325 A.D.: *"The truth is not far to find, my brothers. None of us is all white in innocence and worth, nor, equally, are any of us utterly and irretrievably black."*

Dumas observed that Haitians were *"The black butt of condescension everywhere. But they nonetheless had pride in themselves. They were a nation."* Furthermore, Haitians *"retained a sense of being Haitian, a resilience, a dignity..."* Thus, despite its divided society, nation-building was not required in Haiti, nor was the country lacking in national pride – a crucially important element in national empowerment. What Haiti needed was security, political stability, and sufficient development assistance to enable it to escape its dire poverty. The international community failed Haiti on all three counts. Haitians must realize that they will not receive disinterested foreign assistance to overcome their problems. To do so, they have no alternative but to take their future into their own hands and not allow it to be determined by foreign forces and interests. Haitians do require international development assistance but that need is less essential to forging a future of which they can be proud than the very important advantages they already possess – their sense of being a nation, their resilience, and their dignity – all essential ingredients of the cultural confidence that is so necessary for any people who wish to determine their own future.

Dumas pointedly commented on the non-existence of traditions of compromise and reconciliation in Haitian culture and, also, on the absence of dialogue in the current political situation which, taken together, he justifiably considered a major obstacle to Haitian progress. He cited an observation by the author of a book on Haiti that, where South Africa had established a Truth and Reconciliation Commission Haiti had established a Commission for Truth and *Justice*, the decree for which explicitly excluded judicial impunity in exchange for confessions. But every society must possess some dispute-settling traditions or mechanisms otherwise it would have lapsed into a state of unmanageable chaos, or even disintegrated completely – self-destructed as a result of incessant internecine conflict. That has not happened in Haiti. The fact that Haiti is a nation, as Dumas insisted on more than one occasion, suggests the existence of such traditions. Sociologists define a nation as "the largest effective community". Every society that exists within national boundaries is not a nation. To be a nation, a society must have been welded into an effective national one and, for that to occur, not only would such dispute-settling traditions have been necessary but it would also have required the existence of a sense of national purpose and national pride. Haiti possesses both.

Emphasizing that culture is pivotal, Dumas rightly underlined the need for those who intervene in Haiti to acquire some knowledge of Haitian history and culture if they wish to understand the country. *"Haiti displays characteristics unique in the Caribbean region, perhaps in the western hemisphere. Its language and traditions set it apart from other states. Its people are at once welcoming and wary, creative and resourceful and untrained, cautious and hopeful, proud and fearful of loss, or diminution in, hard-earned sovereignty. The pillars of its state have largely crumbled, mostly collapsed, yet it remains a nation. Fractious and flammable, yes, unmindful of the art of compromise, yes, economically and socially indigent, yes – legacies again of its uneven history – but all the same a nation."* Haitian history and culture hold the key to the reason why, despite such redoubtable obstacles, Haiti has remained a nation instead of degenerating into chaos. To paraphrase the title Dumas chose for his book. Haitians need to *encounter* their history, for it is in their own history, their culture, and their traditions that they will eventually discover the solutions to their current problems. The longer they put off doing so, in the forlorn hope that the international community will ride altruistically to their rescue, the longer it will take for Haitians to escape their present difficult predicament.

Haitian culture and traditions are deeply rooted in African culture. Its indigenous religion, voodoo, is Haiti's version of *Vodún* - a syncretic religion that blended traditional Yoruba (Nigeria) cults and deities with those of the Fon and Ewe peoples of Ghana, Togo, and Dahomey - which African slaves took with them to Haiti. A number of writers have noted the durable nature of African cultural and structural forms and their persistence in African diaspora communities, weathering the effects of long separation in time and distance from the ancestral culture. The vibrant character of Haitian Voodoo, after more than two hundred years of separation from its cultural home, is compelling evidence of that durability. There is another characteristic of African culture, specifically Yoruba culture, which might explain the apparent absence of a tradition of reconciliation and compromise in Haitian culture although such traditions are an important feature of most African cultures.

Sandra Barnes has shown how, once established, African social relations tend to acquire an enduring functional autonomy of their own. A study she conducted in Lagos revealed how established political relationships and networks have endured in modern Nigerian politics even when their substantive nature had altered as a result of changed political circumstances. Once established, a ritual alliance could be converted into a political one under a given regime, and if party politics are forbidden under another regime the political alliance could be transformed into an economic one. (Patrons and Power: Creating a Political Community in Metropolitan Lagos, 1986.) *"These ideas illuminate the widespread African pattern of maintaining a continuity amid a break - most easily, by confining the break to some contexts but keeping*

the relationship itself alive by maintaining it, often in token ways. Strategically, the relationship was held in a kind of reserve out of which it could be resurrected when circumstances demanded it." (Igor Kopytoff, The Internal African Frontier: The Making of African Political Cultures, in Kopytoff (ed), The African Frontier: The Reproduction of Traditional African Societies, 1987).

That capacity to maintain continuity within a break, even though it might only be a token one, and to restore it when circumstances permit or require it, is an African cultural element of great potential. It implies that the cultural capacity of African societies to revive traditions, which were characteristic features of pre-colonial African societies, might not have been irremediably destroyed during the colonial and post-colonial interregna but might simply be in abeyance, and thus capable of being restored. Haiti has retained so much of its African culture that it is not unlikely that the African culture of compromise and reconciliation, which appears to be absent from contemporary Haitian society but which may have helped Haitian society weld itself into a nation earlier in its history, might be in abeyance, waiting to be resurrected when needed, as it now undoubtedly is.

In that very respect, it is noteworthy that Haiti has shown itself capable of making a remarkable break with the past by employing an unprecedented consultative process in choosing the Latortue Cabinet (an achievement Dumas considered merited celebration) and by Latortue's inclusive policy and bridge-building efforts, in defiance of Haiti's culture of rejecting compromise and reconciliation. Extensive consultation of the people, by chiefs and village elders, prior to decision-making was a fundamental feature of village society in Africa. Such consultation took the form of the palaver - a hallowed African institution. Perhaps Haiti has already begun to resurrect, albeit hesitatingly, its ancestral traditions of consultation and compromise because *"circumstances demanded it"*. Dumas himself, referring to the consultative process, made the following significant comment: *"Admittedly, circumstances had dictated it, but the effect of those circumstances could well have taken a destructive path."*

Dumas insisted that the Haitian people (minus the elites, no doubt) are the real victims of the present situation. Although there was no mention of it in his book, in a television interview in connection with its launching, Dumas emphasized the need for Haitians to rid themselves of their "victim syndrome". That is crucially important advice, for Haitians will not surmount their redoubtable problems as long as they continue to harbour feelings of victimization and to wallow in self-pity. Maltreatment or misfortune does not necessarily produce victims. The sense of victimization is a state of mind – a psychological condition – one that has the unfortunate effect of depriving those who succumb to it of their will to escape their desperate condition and their confidence in their capacity to do so. A people, like an individual, become

victims only if they decide to do so. Haitians can decide not to be victims. It is a choice they must make for themselves, no one else can make it for them

If they wish to surmount their current problems, Haitians must recover the confidence and the revolutionary zeal which, two hundred years ago, enabled them to prevail against the domestic forces of reaction and the foreign forces of domination and servitude to give birth to their nation. Haitians did not benefit from any foreign assistance in accomplishing that historic achievement. They had to rely on their own resources. Foreign forces tried to prevent the survival of their nation at the time. What Dumas recounts in his book clearly shows that nothing has changed since then, even in respect of the two metropolitan powers which did the most to cripple the young nation when they realized that they could not prevent its birth. Two hundred years on, those same two powers appear determined to influence the course of Haiti's future, not for the latter's benefit but for their own. One power is motivated by an historic sense of vengeance for having been humiliated on the battlefield by Haiti, the other by hegemonic and, possibly, racial considerations.

- Haiti is a veritable microcosm of the South, an epitome of its manifold problems. Indeed, the country could be considered a worse case scenario of the problems that afflict so many countries of the South, and of the disastrous consequences of either leaving them unattended or relying on the ready-made solutions proposed by international agencies and countries of the North. If they decide to cease being victims and to take their future into their own hands, the solutions Haitians might arrive at for their problems, if they are genuinely endogenous ones, would be very useful to other countries in the South faced with similar, albeit less important, problems. In that respect, the following comment by the noted Caribbean intellectual, Lloyd Best, which Dumas cited in his book, is most apposite: *"If [Haiti] is to save itself; if the international community, including its Caribbean neighbours, is to assist in an act of rescue, the beginning of wisdom can only be a rigorous reading of reality describing how contemporary society was established, how it has travelled, where it has reached and what options present themselves in the current conjuncture....."*