

## Can Haiti Hold Elections in 2005?

### I. OVERVIEW

Massive technical, political and security obstacles must be overcome very quickly or Haiti's elections -- municipal and local in October, parliamentary and presidential in November -- will have to be postponed. In particular the UN mission (MINUSTAH), other international actors and the transitional government need to move faster at registering voters, persuading the failed state's citizens that the exercise is meaningful, and disarming both urban gangs and former military. Otherwise, turnout is likely to be unsatisfactory, credibility of the outcome will suffer, and the government's legitimacy will be in question.

Eighteen months after former President Aristide was forced out of the country, Haiti remains insecure and volatile. Equally disturbing is the disenchantment, apathy and ignorance about the electoral process of much of the population, a reflection of the failure of the transition to produce new jobs, better services and greater security.

Credible elections are an essential stage in a successful transition, not the definition of its completion. However, the votes will mark progress toward democratic stability only if citizens understand the institutions they are to produce, the electoral process permits expression of the popular will, the electoral mechanisms from registration to vote counting and monitoring are properly managed, and security allows candidates who want to run and citizens who want to cast ballots the opportunity to do so without high risk.

MINUSTAH, the Organisation of American States (OAS), major donors, and Haiti's political forces must recognise that those conditions are largely absent today. Only urgent measures to create them can possibly produce elections accepted by the majority of Haitians and by the international community. MINUSTAH and the OAS believe that those measures will be taken, and adequate elections held. The legitimacy of the next government and not necessarily adherence to an ambitious calendar set months ago by the country Provisional Electoral Council (CEP), however, is the beacon that needs to be pursued.

The critical pre-electoral conditions essentially will have to be in place by the date the CEP sets for the start of the actual campaign -- likely the end of August. Otherwise, a new calendar should be set, initially postponing local

elections in a way that still permits the new government to take office, as planned on 7 February 2006. However, even that date should not be considered absolute if conditions are so poor that elections would be forced and badly flawed.

**Security.** Sufficient security must exist to permit the political process to unfold in relative safety throughout the country. Criminal but also political kidnappings by urban armed gangs have reached historic highs. There have been almost 800 killings, including the victims of political, drug-inspired, and turf-related battles, since September 2004. Citizens do not feel safe in most neighbourhoods of Port-au-Prince, which contains almost a third of all voters.

MINUSTAH should continue its recent more active tactics to counter and confront -- but in a more targeted fashion -- the armed gangs in the vast slums that are home to the majority of the capital's inhabitants. That requires more troops, particularly the rapid reaction force the Security Council approved in June. Time is running out, and the U.S., France and Canada -- the major participants in the multi-national interim force that undertook the initial phase of peacekeeping in 2004 -- should offer mobile forces to bolster MINUSTAH and expand its civilian police (CIVPOL) component now.

By the start of the campaign, MINUSTAH and its CIVPOL also will have to enforce the Security Council mandate to vet the Haitian National Police, whose bad elements both stain that force and tarnish the UN image in the country.

Disarmament, demobilisation and reintegration (DDR) of the former Haitian military is needed nationwide, even if they are now only small disconnected bands, and a similar process should be instituted for the urban gangs, most of whose members are young, desperate and being used by others. Both processes should involve benefits for compliance and the full force of law for defiance.

**Political Participation.** Civic education has not explained to many citizens the rationale for elections; nor has the on-again, off-again national dialogue produced a common agenda for the future. The absence of compromise has been underscored by the transitional government's use of its power to persecute former Lavalas leaders and supporters, such as Yvon Neptune, mostly without charge or trial.

Remedying denial of due process is vital if Lavalas moderates are to be encouraged to break with the party's hardliners and participate in the elections.

**Electoral Process.** UN and OAS support for holding the elections was slow to develop, largely because of the political manoeuvres of the CEP itself, which has not yet issued rules on party financing, defined the procedures for appeals, or picked the date when campaigning is to begin. The electoral law was not passed until 3 February 2005, registration began in April but at the end of July many registration centres were not yet open. By 28 July and with registration scheduled to end on 9 August, some 870,000 voters, one fifth of the estimated total, had registered, and none had yet received the new national identity card required to vote. Nor have any parties yet fully met the requirements to field candidates; the CEP will have to extend the registration deadline or otherwise amend its requirements for any parties to participate.

Funding, planning for and training national and international monitors as well as organising their safety are other parts of the electoral process which remain up in the air, though Recent pledges appear to have reduced the shortfall in the \$60.7 million election budget to less than \$4 million.

Elections in Haiti must not be seen as a box to be ticked off, regardless of their credibility -- the concluding chapter of the transition permitting peacekeepers to exit and donors to shift priorities. The country requires a long-term international commitment. If the current timetable cannot be respected, however, a temporary postponement, initially of the local elections and not only extension of the registration process, will be required. The constitutionally designated date of 7 February 2006, when the new president and parliament are to be sworn-in, could also be postponed if necessary. In a country that is slipping every day towards permanent failed state status and whose constitution has been largely ignored for years, keeping a symbolic date must not be the first priority.

## II. RECENT ELECTORAL HISTORY

Haiti's elections have historically exacerbated, not alleviated, its political and social divisions. The first democratic elections in December 1990 produced a landslide victory for Jean-Bertrand Aristide, who led the now defunct FNCD party coalition.<sup>1</sup> That was the last

time results have been widely accepted as legitimate.<sup>2</sup> Beginning with the parliamentary contest in June 1995, recent elections have been marked by controversy and allegations of undue governmental interference. The June 1995 vote was generally free of intimidation and violence but there were problems with distribution of materials and late opening of some voting stations, as well as charges of fraud in several key areas including west of Port-au-Prince. The vote was accepted by the U.S., the Organisation of American States (OAS) and others but criticised by Carter Centre observers as "disastrous technically".<sup>3</sup> Most opposition parties also objected and subsequently boycotted the December 1995 presidential contest.<sup>4</sup>

The April 1997 parliamentary elections, in which Aristide's Fanmi Lavalas (Lavalas Family, FL) party ran candidates for the first time since his return, were more problematic. The party was founded earlier that year following a split within the Organisation Politique Lavalas (OPL).<sup>5</sup> While the dissidents eventually renamed themselves the Organisation du Peuple en Lutte (Organisation of Struggling People) and retained the OPL designation, the FL became the springboard for Aristide's successful bid to regain the presidency in November 2000.

Fraught as they were with charges of intimidation and fraud, particularly outside Port-au-Prince, the 1997 elections were the first warning that something was seriously amiss in Haiti since Aristide's return. They set the political class on a path to the poisonous stalemate that resulted from the legislative elections of May 2000.

That year, despite a violent campaign that included several high-profile assassinations, the voting, monitored by international observers, went off relatively smoothly. By the time a sweeping Lavalas victory was announced, however, it was apparent that only ballots for the top four contenders had been counted, thus producing a false absolute majority for Lavalas candidates in the first

<sup>1</sup> The 1990 elections were unanimously judged free and fair, although a final, accurate count was not carried out. See Crisis Group Latin America/Caribbean Report N°10, *A New Chance for Haiti?*, 18 November 2004, p. 3.

<sup>2</sup> The 1991 military coup against Aristide dealt a serious blow to the democratic process in the country, the effects of which have been felt in all subsequent elections, *ibid.*, p. 4.

<sup>3</sup> Mission to Haiti #3, <http://www.cartercenter.org/documents/1248.pdf>.

<sup>4</sup> The presidency of René Préval, who succeeded Aristide in 1995, was marked by constant tensions between the two, which culminated with Aristide founding the Fanmi Lavalas party to run against the Organisation Politique Lavalas (OPL) that had brought Préval to power. See Crisis Group Report, *A New Chance for Haiti?*, *op. cit.*, p. 5, and Section IV C below.

<sup>5</sup> The OPL, headed by intellectual and author Gérard Pierre-Charles, favoured privatisation and economic liberalisation measures which Aristide had previously agreed to but was hesitating to implement. See Carter Center report, *op.cit.*, p. 6.

round. OAS and other observers insisted in vain that the elections be re-run.

On the threshold of Aristide's re-election in November 2000, opposition parties banded together as the Convergence Démocratique (Democratic Convergence, CD) and vowed to oppose what they charged was increasing authoritarianism. As the Aristide government faltered over the next three years amid allegations of corruption and human rights abuse, the CD held to a "zero option" position that all elections, including the presidential one that had returned Aristide to office, needed to be repeated.

The CD itself had essentially disintegrated by the time Aristide was ousted in a February 2004 rebellion spearheaded by street gangs formerly loyal to his government, ex-military, and street protests. It was replaced by the Group of 184, a movement of civil society organisations, student and peasant groups, labour unions, business and other pressure groups. With Supreme Court Chief Justice Boniface Alexandre named interim president, a tripartite commission -- one representative each from the opposition, Fanmi Lavalas and the international community -- chose a seven-person Council of Eminent Persons. On 9 March 2004 that body selected Gerard Latortue, a former UN official long resident in the U.S., as interim prime minister.

The landscape today is at least as divided as in May 2000, but with roles reversed. The remnants of Fanmi Lavalas in Haiti and abroad are divided between those who favour competing in the electoral process and those who favour Aristide's return as president. Most CD parties -- based in the capital and lacking broad popular support -- have reverted to their factional, isolated nature.

### III. ELECTORAL PREPARATIONS

After the turnover of security duties from the U.S.-led multinational force to the Brazilian-led UN Mission to Stabilise Haiti (MINUSTAH) on 1 June 2004, the OAS General Assembly passed Resolution 2058. It called on the OAS Special Mission for Strengthening Democracy in Haiti "to assist the country's Provisional Electoral Council [known by its French initials CEP<sup>6</sup>] in preparing, organising and overseeing the elections and the proclamation of the results, in cooperation with MINUSTAH".<sup>7</sup>

<sup>6</sup> The CEP (Conseil Electoral Provisoire) was installed in June 2004 without Lavalas participation. See Crisis Group Report, *A New Chance for Haiti?*, op. cit., p. 12.

<sup>7</sup> OAS Resolution 2058, 1 June 2004. The UN force had originally been dispatched with a directive "to support

After nearly six months of debate chiefly concerning their roles, the UN and OAS signed a Memorandum of Understanding on 2 November 2004 outlining and assigning tasks. Essentially, it specified that the OAS would be responsible for voter registration, while MINUSTAH would provide technical aid to the CEP, and its troops would help provide a secure environment for elections. Balloting for local government officials is envisioned for 9 October, with legislative and presidential elections on 13 November and, if a run-off is needed, 18 December.

The electoral law prepared by the CEP was discussed with political parties and civil society before being presented to the transitional government. However, the 11 February presidential decree that adopted it did not include key provisions on party financing. Another important issue still pending is a decree on the new national identity card. The international community, including MINUSTAH,

expressed concern about the constitutionality of certain provisions of the electoral law, like the right to appeal to the Supreme Court, the requirements for independent candidates and the introduction of a simple majority rule for declaring the winner at a second round of presidential and legislative elections.<sup>8</sup>

On 11 July 2005, the CEP began the registration process for parties. According to the electoral law, each must produce signatures of 5,000 members. Of 135 parties on record with the Ministry of Justice, only 56 had applied to the CEP by 23 July; of those, only eleven had submitted documentation, and none had satisfied the signature requirement. The CEP will have to extend the date for parties to complete registration, "grandfather in" those who participated in the 2000 elections, or lower the requirements if parties are to be able to field candidates.<sup>9</sup> No date has yet been announced for the start of the electoral campaign.

The electoral process is complicated. Some 4.25 million citizens are entitled to vote, with nearly 10,000 positions to be filled, including:<sup>10</sup>

- President of the Republic;

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continuation of a peaceful and constitutional political process and the maintenance of a secure and stable environment", UN Security Council Resolution 1529 (29 February 2004).

<sup>8</sup> UN, "Report of the Secretary-General on the United Nations Stabilisation Mission in Haiti", S/2005/313, para. 9, p. 3.

<sup>9</sup> Briefing by international elections experts to diplomats, Port-au-Prince, and Crisis Group interviews, July 2005.

<sup>10</sup> Independent candidates will also be permitted to run but their numbers are not yet known.

- ❑ 99 deputies and 30 senators (three senators for each department);
- ❑ 420 municipal officials: (each municipality elects a mayor and two deputies); and
- ❑ 9,000 community officials.<sup>11</sup>

As is customary in Haitian elections, turnover is expected to be high, with 90 per cent of the positions likely to be occupied by inexperienced politicians. The international community will be challenged to train these newcomers.

Initially, the CEP presented a \$112 million electoral budget, much of which was to pay for thousands of short-term workers in the electoral bureaus. After donors refused to accept this figure, a revised \$60.7 million budget was presented to them on 18 March 2005 at the Cayenne summit and discussed at the Montreal conference on 17 June 2005. The three largest donors committed for some \$38.4 million: Canada \$17 million, the European Union \$12 million and the U.S. \$9.4 million.<sup>12</sup>

MINUSTAH officials in charge of overseeing the elections say they are confident the approximately \$22 million shortfall is "on its way to being resolved", and indeed recent additional pledges appear to have reduced this to less than \$4 million.<sup>13</sup> Further attention is required, however, if this is not to add to the problem of holding elections in an already difficult environment.

## II. THE ROLES OF THE STAKEHOLDERS

### A. COORDINATION PROBLEMS

The chief international actors -- the UN, the OAS, the U.S., France and Canada, along with Brazil, Chile, Argentina, Uruguay and Peru who provide the lion's share of MINUSTAH's troops and police -- clearly want the elections held on schedule in October and November. Though MINUSTAH says the UN and OAS are now "working well" together, coordination is inevitably a challenge given the range of governments and

organisations with a say on some aspect of funding, training, civic education, logistics and security. The UN Secretariat has proposed to combine all international actors into a permanent task force, mirroring in New York the coordination provided on the ground by the Secretary-General's Special Representative (UNSRSG), so that "all will be playing from the same sheet music".<sup>14</sup>

Most difficulties are not international, however. The commitment to the electoral process of some Haitian players, within and without the country, is sceptical at best and often hostile. Rather than take initiatives, CEP members often blame the internationals or each other for difficulties. Secretary General Rosemond Pradel told reporters in Port-au-Prince on 24 June that he blamed registration delays on "international operators" and "weakness in coordination" among the institutions charged with carrying out the elections.<sup>15</sup> Moreover, the CEP is hampered by severe organisational shortcomings. After dismissing some 60 staff members in December 2004,<sup>16</sup> it has still not appointed its entire national or regional staff. The failure, despite MINUSTAH's help, to establish a centralised technical secretariat or operational capacity in rural departments has led to a fragmented, disorganised performance.

### B. THE AMBIGUOUS STRATEGY OF LAVALAS

Former President Aristide's party has fractured badly since his flight into exile a year and a half ago. Many officials who accompanied him, including the former Secretary of State for Communication Mario Dupuy and former party spokesman Jonas Petit, appear to have maintained close links with Aristide and have been at the forefront of promoting a strategy that includes refusing to register for national identity cards or taking part in the election until he physically returns to Haiti. Their position has been backed on the ground by the hardline party commission created in December 2004,<sup>17</sup> armed gangs in the capital's slums and, to a lesser extent, some armed groups in the countryside.

During Aristide's tenure, the urban gangs received money, logistical support and weapons from the National Police because the government saw them as a bulwark against a coup. They began a violent campaign against the

<sup>11</sup> These include members of the Conseil d'Administration de la Section Communale (CASEC), the Assemblées de Sections Communales (ASEC), and Délégués de Ville.

<sup>12</sup> The U.S. contribution has been disbursed by the UN Development Programme (UNDP) to the OAS to cover registration activities, such as acquisition of data processing equipment, registration kits/materials and staff salaries.

<sup>13</sup> These include from Japan and, particularly, additional pledges from the European Union (€10 million) and the U.S. (\$8 million). Crisis Group interviews with MINUSTAH officials, May and August 2005.

<sup>14</sup> Crisis Group interview, New York, July 2005.

<sup>15</sup> CEP Secretary General Rosemond Pradel, Radio Metropole, 25 June 2005.

<sup>16</sup> This followed the resignation of its previous president after bitter internal disputes. Crisis Group Latin America/Caribbean Briefing N°7, *Haiti's Transition: Hanging in the Balance*, 8 February 2005, p. 10.

<sup>17</sup> *Ibid.*, p. 3.

transitional government and the UN presence on 30 September 2004 -- the thirteenth anniversary of the 1991 coup that ousted Aristide. Since then nearly 800 have died in political violence, including police and Aristide opponents, but also Aristide supporters killed by the police and anti-Lavalas armed groups.<sup>18</sup>

MINUSTAH's response was largely ineffective until recently. The National Police have reacted in their time-honoured tradition of targeting all who live in poor neighbourhoods as potential gang members or fellow travellers, opening fire in crowded areas with little regard for civilian casualties and executing those they suspect of involvement in violence.

With nearly a million residents essentially held hostage by the violence, registration in the capital's poorest neighbourhoods will be extremely difficult until MINUSTAH can stabilise the security situation. The disenfranchisement of that part of the population could put the legitimacy of the entire election in jeopardy. A May 2005 declaration by South Africa's ruling African National Congress party that Aristide should be returned to Haiti and the "constitutional order" restored was viewed by most international and local actors working to prepare the elections as unhelpful. Similarly counterproductive was the 16 July call by the Council of Eminent Persons for the transitional government to make a "highly political and profitable decision for the country by disqualifying the Fanmi Lavalas Party from the electoral race".<sup>19</sup>

An extremist wing of Fanmi Lavalas is in confrontation with more moderate elements of the party favouring greater engagement with MINUSTAH, registration for new national identity cards, and participation in the elections. This latter group includes former Lavalas Senators Dany Toussaint and Prince Pierre Sonson (who have formed a new political party, *Le Mouvement Démocratique Réformateur Haïtien, MODEREH*) and former Senators Gerard Gilles, Yvon Feuillé and former Deputy Rudy Hériveaux. It is paralleled in the countryside by such former elected Lavalas officials as Moïse Jean-Charles, who served two terms as mayor of Milot, near Haiti's second-largest city, Cap-Haïtien.<sup>20</sup> All these individuals have advocated registration for the national identity card -- "our right to vote," as a former official said. Many, including some former Lavalas leaders in rural departments, favour participation in the elections.

It is important to support these elements within the fractured Lavalas movement as a balance to the unrest created by the gangs in the capital. If the moderates are serious about participating in the electoral process, however, they will need forcefully and unequivocally to denounce the violence being committed purportedly in their name.

### C. THE OTHER MAJOR PARTIES

The Port-au-Prince-based political class wants on-schedule elections, though the declared presidential candidates have little popular support and some not even name recognition. They include former President Leslie Manigat of the *Rassemblement des Démocrates Nationaux Progressistes (RDNP)*; Hubert de Ronceray, head of *Mobilisation pour le Développement National (MDN)* running as the candidate for the *Le Grand Front du Centre Droit (GFCD)* coalition; and former army officer Himmler Rebu. Another declared candidate, former Port-au-Prince Mayor Evans Paul of the *Konvansyon Inite Demokratik (KID)*, has done more grassroots organising during years in political opposition to Aristide, but he is a polarising figure, viewed as a traitor by Lavalas loyalists and a potential populist in the Aristide mode by some elements of the elite. Another political movement, the *Fusion des Partis Sociaux Démocrates*, is a merger of old social democratic parties.<sup>21</sup> Its slogan, "Haiti will not perish", says something about the country's dire state.<sup>22</sup>

Haiti's economic elite, a driving force behind the Group of 184 movement that helped force Aristide from power, looks on elections with little enthusiasm and occasionally outright hostility. Talk is rife of delaying the vote and possibly replacing Latortue as interim prime minister so a new government could take "tougher" action against the Aristide-aligned gangs. This should be cause for concern by MINUSTAH. This elite has shown itself a capable pressure group in the past, and could join with Lavalas radicals to create enough instability to delay elections indefinitely.

Guy Philippe, a former police official who led the military rebellion against Aristide, has formed the *Front de Reconstruction Nationale (FRN)*, which has made clear its intention to field candidates. He has drawn some support from the demobilised army, but foreign actors,

<sup>18</sup> See Crisis Group Latin America/Caribbean Report N°13, *Spoiling Security in Haiti*, 31 May 2005, p. 6.

<sup>19</sup> Communiqué du Conseil des Sages, 16 July 2005.

<sup>20</sup> Crisis Group interview with Moïse Jean-Charles, Milot, May 2005.

<sup>21</sup> The *Parti National Progressiste Révolutionnaire (PANPRA)*, *Komite Nasyonal Kongre Mouvmman Demokratik (KONAKOM)* and *Ayiti Kapab*.

<sup>22</sup> *Fusion des Partis Sociaux Démocrates* billboards, Port-au-Prince.

especially the U.S., are known to oppose his ambitions.<sup>23</sup> According to several sources, U.S. officials are convinced he was heavily involved in the drug trade while police chief of Cap-Haitien five years ago.<sup>24</sup>

One potential presidential candidate who is described by some observers as capable of energising the electorate to vote in November, is René Préval, who held that office from 1996 until 2001. With a reputation for being able to work with international institutions and possibly some appeal to Haiti's peasant majority and even some city dwellers, he might have the broadest base of the candidates. It is possible he also could undercut the "zero option" strategy of the Aristide hardliners. Though Préval comes from Aristide's political milieu (he was his first prime minister, in 1990-1991), their relations grew chillier for a variety of reasons, chief among them, the Aristide government's obstruction of the investigation into the murder of prominent journalist Jean Leopold Dominique, a long time friend and adviser. Préval is reportedly leaning toward participation and may announce this as early as next week.<sup>25</sup>

Other possible Lavalas candidates include former Prime Minister Cherestal and former Minister Leslie Voltaire, both of whom have worked with international organisations and have technical governance skills. Whether they can generate a response in the electorate without a lengthy opportunity to campaign nationally is less likely.

### III. THE CHALLENGES

#### A. TECHNICAL

Several logistical challenges must be overcome if Haiti is to hold elections that will truly represent the views of the majority of its citizens.

Coordination between the OAS and MINUSTAH, on the one hand, and CEP on the other remains less than optimal. After many delays, voter registration, which was to have started on 1 April, got under way almost three weeks late. The project envisages 424 registration centres around the country to provide citizens with a national identity card that confirms their right to vote. There has been an important increase of these OAS-run centres, especially in the countryside, since the end of June, mainly due to help from MINUSTAH, including

helicopters, planes and armed convoys. However, the shortage of electoral centres in the rural areas continues to pose a serious problem for an inclusive registration process. As of 28 July, a total of 327 centres were operating, plus 24 mobile units which are used principally on weekends,<sup>26</sup> but this is still nearly 100 shy of the full complement just ten days before registration is scheduled to end.

In the northern city of Fort Liberté, the registration office was closed when local officials could not pay the rent, while in other northern cities, Port-de-Paix and Cap-Haitien, registration is said to be going smoothly. OAS officials report a sizeable number of Port-au-Prince's some 2.8 million residents are trying to register but there are not enough centres, including none at all in the Cite Soleil district.<sup>27</sup> The rural population on the whole seems more eager to register, with citizens in the community of Maissade reportedly even offering an electrical generator to the centre.<sup>28</sup>

By 28 July, some 870,000 had been registered to receive a card. That card is to be the chief form of identification in an impoverished country where there are few other types of ID. Obtaining one, therefore, while a prerequisite for voting, does not necessarily mean an individual will go to the polls.

It is virtually certain that the 9 August deadline to apply for the card and register to vote will be extended to the end of September but this would almost surely mean late registrants would not have their cards by the 9 October date of the local elections.<sup>29</sup> That alone would likely require either delay of the election or adjustment of procedures to allow those who have registered but not yet received a card to vote based on a paper receipt.

The California-based firm Cogent Inc. has been awarded a \$2.5 million contract by the OAS to develop a

<sup>23</sup> Philippe announced his candidacy for the presidency in July 2005.

<sup>24</sup> Crisis Group interviews, Port-au-Prince, May 2005.

<sup>25</sup> Crisis Group interview, July 2005.

<sup>26</sup> Crisis Group interview with OAS officials, Port-au-Prince, July 2005.

<sup>27</sup> Crisis Group interview with OAS officials, Haiti, May 2005.

<sup>28</sup> Crisis Group interview with MINUSTAH staff members, June 2005.

<sup>29</sup> Secretary General of the OAS Jose Miguel Insulza, after a three-day electoral assessment visit, indicated he favoured extending registration until September, if the CEP proposed it. Many political leaders welcomed this. He added that the CEP lacked capacity to meet the established deadline and asked for opening of more registration centres. Eric Green, "Inter-American body open to extending Haiti voter registration", Washington File, 11 July 2005. As noted, the CEP Secretary General has blamed relatively light early voter registration on lack of international coordination, without mentioning the CEP's own responsibility. "Haitian electoral official assesses progress, problems of voter registration", BBC, 26 June 2005.

fingerprint-identification system for the CEP to prevent duplicate registration. Though the contract specifies that Cogent will install and run the necessary equipment in addition to training system operators, the mechanics of how this will be done raises many questions. Little electricity, poor telephone and internet connections and a crumbling road system could all present serious challenges to registering the rural majority of the country's 4.25 million potential voters.<sup>30</sup> On election day, voters will need to be checked on digital fingerprint machines that require constant power. In a country where even the capital has days in which there are only four hours of electricity, all registration sites and 600 estimated voting sites will have to have portable generators and fuel. UN and OAS officials appear to have underestimated the technical difficulties of such a high-cost, high-tech system, and how Cogent copes remains to be seen.

## B. POLITICAL

From early on, elections were presented by both the international community and the transitional government as an objective in themselves, indeed virtually the only goal of the transition. In retrospect, that appears to have been a serious mistake, given the country's economic inequalities and corrupt political system. It will be hard to resolve the political crisis as long as a majority of Haitians feel disenfranchised, that nothing is to be gained from involvement in the democratic process, and there is no evidence of economic progress. As Crisis Group has argued, a broad and inclusive dialogue was needed to set priorities, objectives and timetables for the transition. This should have been linked with a reconciliation process encompassing all social, economic and regional groups.<sup>31</sup> Allowing the transitional government to call the shots on when and how has meant almost nothing of the sort has happened.

A key factor not yet addressed in a concrete way by any of those organising the elections is the electorate's pervasive disillusionment and exhaustion. Travelling

around the country, one finds little faith or interest in the process among the poor majority. There is a real danger that most citizens, understandably alienated from the political class, will put little faith in the outcome regardless of who wins. The feeling was summed up by a worker in Cap-Haitien: "You vote for a senator, you vote for a deputy, and they go to Port-au-Prince and get a big car and forget all about you".<sup>32</sup> One reason Aristide, a former slum priest, had such fervent support during his first campaign in 1990 was that he was seen as coming from outside the capital's political class. However, his conduct in the last years of his presidency produced even more frustration. MINUSTAH electoral officials and the international community also generally still appear to have too little ground-based intelligence on the political affiliations, motivations and logistical capacities of Haiti's criminals. Though some do recognise the danger, this could mean underestimating the conflicts that may arise as the vote nears.

Moreover, elections are not an end in themselves, and more efforts need to be focused on what comes next. A senior UN civilian police official urged a "five or ten-year political plan" to complement the massive commitment of resources being put into the electoral mission and address the feeling of disenfranchisement of the majority of Haiti's voters. The international community, he said, must be willing to "be here with the resources necessary to get that done and stay here long enough to make sure it's a sustainable program, unlike last time".<sup>33</sup>

## C. SECURITY

Security is one of the primary concerns in the run-up to the elections. Armed political pressure groups, operating chiefly though not exclusively in the capital, will likely continue to attempt to disrupt the process through brazen violence such as the 31 May attack on a Port-au-Prince market, which killed seven people and saw a large part of the market, which served a poor district, burned to ashes.<sup>34</sup>

In the capital, Aristide-aligned gangs have been expanding their territory over the last two months and now essentially control Route National 1, which runs directly in front of the Cité Soleil shantytown. It is used as a base by several of the gangs who operate between the zone that once housed the Haitian-American Sugar Company (HASCO) and the airport road. Those gangs had also been making increasing forays into the surrounding Pele and Cité Militaire areas but after being

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<sup>30</sup> The 4.25 million figure used by Haitian, OAS and UN officials from the start of the electoral process is based on the most recent analysis of census and other data. In 2000, some 4.05 voters were eligible to vote, about 300,000 more than in 1995, not counting a substantial number of unregistered Haitians out of the country, either as migrant workers in the Dominican Republic or refugees (legal or illegal) in Canada, the U.S. and elsewhere. The same situation undoubtedly exists today, and there will be continuing disputes about the "real" number of eligible voters. Crisis Group participation in electoral discussions and interviews in Port-au-Prince, New York and Washington.

<sup>31</sup> Crisis Group Report, *A New Chance for Haiti?*, op. cit., p. 25

<sup>32</sup> Crisis Group interview, Cap-Haitien, May 2005.

<sup>33</sup> Crisis Group interview, May 2005.

<sup>34</sup> Crisis Group interviews and radio reports, Haiti.

bloodied in a 6 July MINUSTAH operation, they have largely confined themselves to Cité Soleil.<sup>35</sup>

On 22 June 2005, the UN Security Council voted unanimously to send an additional 750 troops for a rapid reaction force in and around the capital, as well as another 275 civilian police and 50 military personnel to coordinate operations at headquarters.<sup>36</sup> This is a welcome, though insufficient, step. Until very recently, lack of respect for and confidence in MINUSTAH has been widespread, especially in the capital, and the troops will need to tackle the gangs more aggressively if they are to open up the poorest areas for voting.

In a relatively new phenomenon, armed individuals claiming to be the *Armée Dessalinienne de Libération Nationale* (Dessaline National Liberation Army, named after a Haitian revolutionary hero) stormed a police garrison in the northern town of Le Borgne on the morning of 2 June. They briefly drove the local officers out of town and seized a dozen weapons from the commissariat before ceding the town back to UN and Haitian police.<sup>37</sup> This seems more likely an isolated incident than the start of an insurgency in the countryside, which has been relatively calm. Determining who was behind this incident and whether they received help from political actors in Haiti or abroad, however, should be a MINUSTAH priority.

MINUSTAH civilian police (CIVPOL), while a presence in all major cities, have been gradually branching out to smaller towns, in a deployment that is to be coordinated with election security needs. CIVPOL is still at only 80 per cent of authorised strength under the initial Security Council resolution and has yet to receive any of the reinforcements authorised in June. Only 35 per cent of those on hand speak French, and CIVPOL officials complain they receive virtually no interpreter support.

As mandated,<sup>38</sup> MINUSTAH is working on a plan for election security which defines the respective roles of the UN police and military and the Haitian National Police, as well as some 3,600 Haitian electoral guards. CIVPOL will need to vet all these guards carefully to build public confidence. In addition and for the same reason, CIVPOL needs to register and identify every officer of the Haitian National Police so it can carry out its mandate aggressively to vet those officers and control abuses by that body. When CIVPOL finds individuals

who fail to meet standards, the Haitian authorities must demonstrate their commitment to the rule of law by suspending them. If they do not, the existing mandate should be modified to give the UN full executive authority over all police and security forces until the end of the transition, which would require a considerable expansion -- ideally a doubling -- of CIVPOL forces.

While the immediate threat of violence comes from the urban gangs, many, but not all, disarmament, demobilisation and reintegration (DDR) programs are being offered only to the former army and those who were paid to spearhead the cross-border attacks that helped bring about the ouster of Aristide in 2004. Even this process is moving far too slowly. The election campaign cannot begin with any confidence while these forces remain in unknown numbers of rural towns and villages. They need to be given a deadline to disarm, help in demobilising and, after vetting for serious crimes, be reintegrated into society with appropriate benefits. The numbers are relatively small -- perhaps only 2,000 still remaining in any organised bands -- but they will be a threat to the election and the future government as long as they bear arms.

The urban gangs, mostly young outcasts without jobs or education, also need to be shown they have a different future. MINUSTAH is beginning to work with the youngest and to take some of those in greatest need out of the violent communities but something akin to a DDR program should encompass these gangs as well. If they refuse to cooperate, the alternative should be energetic MINUSTAH and CIVPOL efforts to capture them and the application of Haitian law for serious crimes committed.

#### IV. PROS AND CONS OF POSTPONEMENT

If all the conditions described above of security, political participation, and technical norms are achieved there will be no need for a postponement. However, on the assumption of some shortcomings, arguments are being made both ways about the best course.<sup>39</sup>

Those who would prefer to proceed with the elections assert that postponement would be unlikely to lead to improvement in the key conditions. They suggest it would merely embolden the spoilers who do not want elections and a stable outcome, whether criminals, drug dealers or hard-line political elements who seek Aristide's return.

<sup>35</sup> See Section VI below.

<sup>36</sup> UN Security Council Resolution 1608 (2005). The resolution also extended the mandate of MINUSTAH until 15 February 2006.

<sup>37</sup> Crisis Group interviews with MINUSTAH officials, Port-au-Prince, June 2005.

<sup>38</sup> UN Security Council Resolution 1608 (2005).

<sup>39</sup> Crisis Group participation in discussions and interviews with UN officials in New York and Port-au-Prince and with U.S. officials in Washington, July 2005.



They also say postponement would remove the basic rationale for the transitional government and lead to more pressure for its replacement, resulting in yet greater instability.

Those who prefer postponement if the critical conditions are not met say they would seek a specific delay of perhaps three months, not indefinite suspension. That would leave the transitional government with its mandate to prepare elections. They assert that an electoral process judged not fair and not free would undermine, not strengthen democracy. As in the past, such elections would be rejected not only by the losers but also by a broad band of citizens and the international community. The subsequent government, which would in any case face a Herculean task of governance, would be considered illegitimate and stand on shaky foundations from the beginning. It would only be a matter of time before Haiti again faced conflict, and the Security Council was confronted with a humanitarian and security crisis.

## V. CONCLUSION

Adequate security, public understanding of the elections, and broad participation by those who want to register and vote are essential if there are to be fair and free elections. Grave doubts exist that such conditions can be established in the next few months without extraordinary efforts by Haitians, the UN, the OAS and the major donors.

It may still be possible for MINUSTAH to provide security for the vote to take place on or around the scheduled dates. But rapid acceleration of DDR for the former army is needed along with a stepped-up MINUSTAH and CIVPOL presence in the urban poverty zones of the capital, especially Cité Soleil, Belair and Delmas. The urban gangs should be given the same choice as the ex-military: disarm and dissolve in exchange for benefits or face the full weight of the law backed up by international force. Arrival of a rapid reaction force and more international police must not be delayed. Nor can the Haitian National Police be allowed to operate without removing many of its members, who have engaged in criminal activities and repression.

If the elections are to succeed, it is imperative that MINUSTAH increase its street-level intelligence and reconnaissance to identify, assess and respond to security threats that grow out of the disenchantment and disillusionment. Likewise, it needs to take a firm stand to stem the expansion of politically-aligned gangs throughout the capital from their bases in the impoverished neighbourhoods. MINUSTAH has usefully opened two

posts in Bel Air in recent weeks, and it conducted a raid on a gang base in Cité Soleil on 6 July, which resulted in the death of pro-Aristide gang leader Emmanuel "Dread" Wilme in a firefight. Such assertive measures need to be followed up, while at the same time more care is taken to protect innocent civilians.<sup>40</sup>

A fair opportunity for the full spectrum of parties to participate is a prerequisite for general acceptability of the elections. Fanmi Lavalas remains a potent force, and attempts should be made to woo its less intransigent elements to register and take part. Although the party has splintered badly in the wake of Aristide's departure, engaging more moderate party officials so that they have a stake in the process might go a long way to legitimising elections in the eyes of some supporters. Ending the detention without charge or trial of many ex-Lavalas officials or supporters, particularly former Prime Minister Neptune, would remove a barrier to participation. Former Senator Yvon Feuillé recently signed on behalf of Lavalas a "code of ethics" subscribed to by many parties intending to put up candidates.<sup>41</sup> This should be pursued, with efforts to get Lavalas to join other parties in signing also a pact of governance.<sup>42</sup>

CEP political machinations have stalled decisions and complicated the already monumental technical task of voter registration. Unless those roadblocks and CEP/UN/OAS coordination problems can be overcome rapidly, free and fair elections on the current calendar are unlikely.

Several scenarios still appear possible: the most positive would see a legitimate new government enjoying popular support formed following an election with a high turnout; the most negative would see failure of the electoral process, including very low turnout and/or contested results which plunge the country into a bitter stalemate.

To give anything like even the first scenario a chance to reverse Haiti's deep-rooted political crisis, three major changes are also needed after the elections:

- End the winner-takes-all tradition. As Aristide's failure illustrates, no one in Haiti can pretend to rule the country alone. There is a critical need to

<sup>40</sup> The exact circumstances surrounding the operation (especially the number of civilian victims) are still unclear. See "Importante opération de la MINUSTAH dans un bidonville: au moins cinq morts", Agence France-Presse, 6 July 2005.

<sup>41</sup> However, other sectors of the party claimed he was not a legitimate Fanmi Lavalas representative.

<sup>42</sup> Such a pact is under discussion in Haiti between international officials and parties. It might include a number of agreed priorities for a new government and possibly assurances that minority parties will be represented in that government.

build broad coalitions, including the major political parties but also civil society. Political forces must understand that the tragic situation of the country necessitates a fundamental change: the deep-rooted tendency to pursue primarily sectoral and egoistic interests must end. This is the last chance; if the country continues on its way toward permanent failed state status, there will be no other choice than a complete international take-over.

- End predatory manipulation of the institutions of governance for private gain. In a country where economic opportunity is narrowly circumscribed, the government is the primary route to power and wealth, and corrupt leaders have regularly used the "predatory" state as a vehicle for personal enrichment. An independent and accountable public administration needs to be a condition for all assistance.
- Rebuild citizens' faith in democracy after the disenchantment of the Aristide years. There is a serious risk of further disenfranchising the population with another flawed election.

All concerned, including the OAS, the UN, the U.S., Canada, donors and the key Latin American and European countries involved with Haiti, should pursue efforts to consolidate a long-term commitment to support development, democracy and security in partnership with a new, legitimate government chosen in a credible

election. The 17-19 August conference being organised by Chilean President Ricardo Lagos to give countries contributing to MINUSTAH and CIVPOL an opportunity to consider what they are prepared to do now and after a new government takes office is a positive step.

However, for the next several months the most pressing task is to meet the necessary security, political, and technical conditions to allow registration of voters and elections to proceed. It is widely believed that the deadline for electoral registration will be postponed well into September. A plan for postponement of the local and municipal elections and of the whole electoral process if conditions are not in place to permit a fair and free campaign and vote should also be fully elaborated and readied for implementation if needed.

Legitimate, transparent and participatory elections are properly a major goal for all concerned in and with Haiti because they are critical to building a democratic state. Accepting the formality of elections without substance, however, could drive Haiti into permanent failed state status, vulnerable to takeover by drug and criminal networks. That would be unacceptable for both its citizens and the international community -- which is why the actions and decisions of the next few months are so crucial.

**Port-au-Prince/Brussels, 3 August 2005**

### APPENDIX A

### MAP OF HAITI





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