

# **HAITI: THE STAKES OF THE POST-QUAKE ELECTIONS**

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## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY AND RECOMMENDATIONS</b> .....	<b>i</b>
<b>I. THE ELECTIONS PROBLEMATIC</b> .....	<b>1</b>
<b>II. THE CONTENDERS: WHO WILL RUN RECONSTRUCTION?</b> .....	<b>5</b>
A. THE PRÉVAL CAMP .....	5
B. THE OPPOSITION .....	6
<b>III. THE CHALLENGING ENVIRONMENT</b> .....	<b>10</b>
A. ENCOURAGING NEUTRALITY IN THE CEP .....	10
B. OVERCOMING TECHNICAL PROBLEMS .....	11
C. MAINTAINING SECURITY .....	14
D. ENHANCING INTERNATIONAL SUPPORT.....	16
<b>IV. TASKS FOR THE RECONSTRUCTION GOVERNMENT</b> .....	<b>18</b>
A. STRENGTHENING INSTITUTIONS .....	18
B. AMENDING THE CONSTITUTION .....	19
C. MANAGING THE RECONSTRUCTION TRANSITION.....	20
<b>V. CONCLUSION</b> .....	<b>21</b>
<b>APPENDICES</b>	
A. MAP OF HAITI.....	22
B. ABOUT THE INTERNATIONAL CRISIS GROUP .....	23
C. CRISIS GROUP REPORTS AND BRIEFINGS ON LATIN AMERICA SINCE 2007 .....	24
D. CRISIS GROUP BOARD OF TRUSTEES .....	25

## HAITI: THE STAKES OF THE POST-QUAKE ELECTIONS

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Haiti votes in a month's time – on 28 November 2010 – for a new president and nearly an entire legislature in perhaps the most important elections in its history. The government that emerges will need to manage a major part of the decade of recovery from the worst disaster ever in the Western Hemisphere. To do so, it requires the legitimacy that can only come from credible elections. But the historical obstacles – such as low turnout, suspicion of fraud and campaign violence – not only persist but have been greatly exacerbated by the 12 January earthquake that killed a quarter million people and left the capital in ruins and its government in disarray, as well as by the current outbreak of cholera. Polarising politics and a body organising the balloting that lacks full public confidence in its integrity add to the challenge. If the electoral process is to be as transparent, non-violent and widely participated in as it needs to be, the government must meet a higher standard than ever before, and the UN, regional organisations and donors like the U.S., Canada, the EU and Brazil must urgently press for this and expand support.

The task was daunting even before the earthquake destroyed infrastructure and created 1.5 million internally displaced persons (IDPs). Three quarters of the population lived in poverty, most urban income earners relied on the informal economy, and the inequalities of the elite-dominated society were the most glaring in the hemisphere. The weak institutional infrastructure was reflected in the protracted makeshift status of the Provisional Electoral Council (Conseil Electoral Provisoire, CEP); a ramshackle political system featuring scores of parties unable to generate coherent policy choices for voters; an often corrupt judiciary and limited public security. Unresolved discord between the executive and opposition parties over the CEP's composition and perceived bias in favour of outgoing President René Préval adds to the credibility challenge. All this lies at the root of a perpetual crisis of confidence in the electoral process. The tragic earthquake produced neither the change in the "all or nothing" style of politics nor the broad national consensus on reconstruction that would have eased the way to elections.

The parties and candidates, with international technical and financial assistance, are struggling to energise and

enable 4.5 million citizens to vote, some who have lost their identification cards, and many of whom are among the IDPs living in spontaneous and insecure camps. Recovery has stalled at the relief stage, donors have been slow to make good many of their pledges, and what achievements there have been have not been well communicated to the victims, who have little confidence about what comes next. The threat of social unrest is thus real. While the UN peacekeeping mission (MINUSTAH), is a barrier to any major national disorder or direct attack on the electoral machinery, violent crime, including kidnapping, has risen in recent months, as gangs, some of whose members escaped jail during the quake, have reappeared. The fear of violence against candidates and campaign activities is palpable in parts of the country.

To boost confidence in the process, a great deal must be done in a very short time. The CEP's actions need to be more open and those actions to be explained better to the parties and the electorate. The parties should commit to a peaceful campaign and to acceptance of the eventual results, and they and their candidates should begin to articulate substantive platforms that address national problems. To stimulate turnout, voter and civic education about the process and the stakes should be intensified, particularly among IDPs. The government and its international partners should accelerate the deployment of observers in far larger numbers than currently envisaged. And, of course, a climate of security must be maintained.

Once the elections are over and parallel to the new government's priority task of pushing reconstruction and sustainable development, a national consensus will be needed on electoral and political party reforms. Donor financial and technical support will continue to be essential to carry these out. But the urgent requirement is to succeed with the November elections.

Reconstruction and political stability are mutually reinforcing, but the failure of either undermines the other. Haiti's population needs to see significant steps in the next month, so that all eligible citizens can vote, their ballots are counted, and their choice of the next government accelerates a reconstruction that improves their lives and

their families' future. If the elections fail on these fronts, it is all too likely that stability will suffer, the investments the economy needs will dry up, and the humanitarian crisis will deepen. The government, the political parties and the international community must do all in their power to ensure such a scenario does not come to pass.

## RECOMMENDATIONS

### To the Haitian authorities:

1. Meet the tight electoral timetable by:
  - a) ensuring that the CEP and the National Identification Office (Office national d'identification, ONI) have the resources to issue eligible voters their National Identification Cards (Carte d'identification nationale, CIN); to post the voters list on time at each communal electoral office as required by law; to provide the lists to political parties for revision; and to make certain voters know where they vote;
  - b) accelerating the production and distribution of National Identification Cards, so all eligible voters have the required ID on election day; and
  - c) cooperating fully with the Organisation of American States (OAS)/Caribbean Community (CARICOM) joint election observation mission as well as domestic observers.
2. Provide adequate training to poll workers and ensure supervisory measures are in place to enforce strict adherence to procedures during the vote and the post-electoral period to reduce irregularities and limit opportunity for fraud.
3. Make electoral activities fully transparent and more efficient, including by naming a distinguished ninth CEP member, guaranteeing increased party, candidate and national and international observer access to CEP operations and by encouraging the CEP to take full advantage of international expert technical assistance from now through the post-voting period.
4. Launch the voter and civic education campaigns immediately to instruct citizens on their political rights, assist them in making informed choices at the polls and reduce opportunity for manipulation by political spoilers.
5. Enforce constitutional restrictions on the use of government resources in the electoral campaign and sanction all violators.
6. Halt the carrying of private arms in public by individuals during the electoral period, investigate charges of weapons trafficking and take appropriate measures against those who violate the laws.
7. Recognise the link between political stability and reconstruction and, with the support of the Interim Haiti Recovery Commission (IHRC), the UN and humanitarian partners, report regularly by radio and at information sessions in the IDP camps on progress in reducing crime in the camps and relocating families to more secure transitional housing; and declare a moratorium on forced removals from camps without alternative shelter.
8. Urge all candidates to agree to participate, win or lose, in an effort to reach a national consensus in support of post-quake stabilisation and reconstruction, including, with respect to the political system:
  - a) completion of the constitutional amendment process in the shortest time possible to reduce the frequency and thus cost of elections and rationalise local government structures; and enact local governance legislation to enable the appointment of the Permanent Electoral Council;
  - b) commitment to designing and implementing an electoral institution plan, with technical support from the UN, the OAS and other international and civil society partners, so as to strengthen civil service and non-partisan appointments to an elections management body that can organise timely and credible elections, educate voters, implement party legislation and ensure accountability;
  - c) completion, in order to facilitate the continuous updates essential for a valid electoral registry, of the civil registry modernisation begun by the OAS, to include creation of a single office for all institutions involved in citizen identity and registration; and
  - d) passage of legislation reforming political party structures, financing and functioning, so as to increase internal democracy and financial transparency under the control of the elections management body.
9. Ensure that the new Haitian government is prepared to carry out a smooth transition and assume new responsibilities when the mandate of the IHRC expires.

### To the political parties:

10. Build public confidence in the current electoral process by:
  - a) inviting all parties and candidates to commit to non-violence and non-interference in opposition campaigning;
  - b) refraining from verbal or other provocation that could increase political tensions, cause intimidation or stir social unrest; and

- c) pursuing challenges to election results only through legal means.

**To the Haitian National Police and MINUSTAH:**

11. Ensure a climate of security for peaceful elections by:
  - a) increasing presence and visible cooperation in the largest IDP camps; and
  - b) working nationwide to assure security for candidates and their followers throughout the electoral period and providing special hotlines for the population to alert authorities to violence or potential violence.

**To donors and other international partners:**

12. Ensure funding is available for the full-strength deployment of the Joint OAS-CARICOM Electoral Observation Mission at the earliest possible date, provide sufficient resources and adequate training to civil society and community-based organisations to observe the elections and provide technical support where necessary to the CEP through the dispute resolution period.
13. Give financial assistance to extend National Democratic Institute (NDI) political help for parties to include training a group of lawyers to assist them in resolving disputes on election day and during the vote tabulation period.
14. Press the Haitian authorities and political actors to adhere to internationally acceptable election standards and support imposition of the sanctions set out in the 2008 electoral law on those resorting to fraud or violence to influence the results of the elections.
15. Ensure the incoming government has the necessary financial and technical support to address urgent reconstruction tasks, including relocation of the IDPs to their homes or sturdier shelters in order to improve their living conditions and close the camps.

**Port-au-Prince/Brussels, 27 October 2010**

## HAITI: THE STAKES OF THE POST-QUAKE ELECTIONS

### I. THE ELECTIONS PROBLEMATIC

On 28 November 2010, Haitians will vote for the president to replace René Préal, plus eleven members of the 30-member Senate and all 99 members of the Chamber of Deputies to complete the 49th legislature.<sup>1</sup> If successful, these elections will produce the third peaceful transfer of power from an elected head of state to another under the 1987 constitution, and a government with the kind of domestic and international legitimacy needed to lead the urgent task of post-quake reconstruction.<sup>2</sup>

Instead of consolidating democratic stability, however, elections in Haiti have tended to exacerbate deep distrust and antagonism between a small wealthy elite and the vast numbers of the country's poor, politically motivated civil unrest and criminal violence.<sup>3</sup> Holding a free, fair

and credible vote within a month poses a challenge once again to the country's weak political institutions. The stormy political season has already produced personal and political attacks that threaten stability and, combined with structural, institutional and post-disaster logistical problems, suggest a positive outcome is far from assured.

Underlying problems include the makeshift status of the body charged with organising the process, the Provisional Electoral Council (CEP), the frequency with which Haitians have been asked to vote in a country with weak institutional and physical infrastructure,<sup>4</sup> and a weak, fragmented party system that has not generated an opposition capable of developing and sustaining substantive platforms. These institutional weaknesses, added to the issues of poverty, unemployment, inequality, weak justice and public security sectors and lack of dialogue between government and parties and of transparency in government

<sup>1</sup> Crisis Group Latin America/Caribbean Report N°32, *Haiti: Stabilisation and Reconstruction after the Quake*, 31 March 2010. The parliamentary elections are to fill out the 49th legislature. The 48th legislature ended on 10 May 2010, when the terms of all 99 deputies expired. Only nineteen senators are currently seated, as the terms of ten also expired on 10 May, and one seat remained vacant after the April 2009 elections.

<sup>2</sup> Crisis Group interview, senior government officials, Pétienville, 10 May 2010. President Jean-Bertrand Aristide handed power over to Préal in 1996, who returned it to him in 2001 following the widely contested 2000 elections. Crisis Group Latin America/Caribbean Report N°10, *A New Chance for Haiti?*, 18 November 2004.

<sup>3</sup> *Ibid.* Haiti has held thirteen elections since the 1987 constitution, the majority of which have been marred by delays, suspensions, widespread irregularities, fraud or accusations of fraud, boycotts, unrest, violence and post-electoral instability leading to international aid reductions and suspensions. The first, on 28 November 1987, was aborted due to the killing of 34 persons at polling stations; the very first president elected, Leslie Manigat, was overthrown after four months. Landmark 1990 elections took place in a climate of violence. The first smooth handover followed the 1995 elections. Contested elections in 1997 deepened polarisation, paved the way to disputes over the 2000 elections and set the stage for turmoil that culminated in 2004 with the forced departure of former President Aristide. The 2006 elections were postponed several times and marred by disagreements over the vote tabulation and massive violent protests. Electoral violence has since been reduced, but the April 2009 Senate elections were suspended in the Centre constituency due

to violence and were criticised for the CEP's rejection of Aristide's Fanmi Lavalas, the party with the largest political base. Crisis Group interview, Haitian political science professor, Delmas, 17 June 2010; "The 1990 General Elections in Haiti", National Democratic Institute for International Affairs (NDI), 1991; "Élections et insécurité en Haïti", Forum Libre 6, Friedrich Ebert Stiftung et Centre Pétienville-Bolivar, Port-au-Prince, 1991; Crisis Group Latin America/Caribbean Briefing N°10, *Haiti after the elections: Challenges for Préal's first 100 days*, 11 May 2006; "Report of the Secretary General on the United Nations Stabilisation Mission in Haiti", S/2009/439, Security Council, 1 September 2009.

<sup>4</sup> The constitution stipulates renewal of a third of the 30-member Senate every other year. 99 lower house deputies as well as 420 mayoral council members and some 9,000 rural communal section council members, town delegates and rural communal section assembly members are elected every four years; the presidential term is five years. This poses two main problems: financial constraints and shortfalls in technical and political capacity to guarantee free, fair and credible elections within the constitutional deadlines. Crisis Group Latin America/Caribbean Briefing N°8, *Can Haiti Hold Elections in 2005?*, 3 August 2005. It took the Boniface/Latortue interim administration two years to get to the 2006 presidential and legislative elections. In 2010, in addition to presidential elections and the tardy legislative polls, municipal and local authority elections are due but are likely to be put off to early 2011. In late 2011, elections to renew a third of the Senate will be due. Crisis Group interview, senior Haitian constitutional expert, Pétienville, 11 May 2010.

actions, complicate electoral organisation. The 1,300 settlements that sprang up after the quake hold 1.5 million internally displaced persons (IDPs), who are frustrated with conditions, sceptical that elections will improve their lives and pose a potential source of major social unrest.<sup>5</sup> That situation has been exacerbated by the outbreak of cholera, which by 25 October had killed 259, and concerns remain about the potential to spread to the capital with its crowded IDP camps barely a month prior to the scheduled elections.<sup>6</sup>

Political parties – small, disjointed and focused on individuals rather than coherent programs – are ill-equipped to mitigate the instability generated by elections.<sup>7</sup> Like many Haitian institutions, they frequently lack adequate legal framework, internal democratic structure and resources.<sup>8</sup> Many attract candidates seeking personal gain in

the absence of other viable socio-economic opportunities and lacking commitment to a political philosophy or platform.<sup>9</sup> Regulation of campaign financing is weak and oversight slipshod, leaving the overall electoral process vulnerable to manipulation.<sup>10</sup>

Spoilers are of three types. The first is made up of a small percentage of business interest groups that seek to elect a government easier to influence and control. The second is formed by drug trafficking and criminal networks that prefer instability, unaccountable government and institutions that can be intimidated. The third includes political actors who have excluded themselves from the electoral process, or whose political group has been rejected by the CEP, and seek appointment of a transitional government to replace Préval. Given Haiti's fragile political status, they all pose serious concerns. The government and the Haitian National Police (HNP), supported by the UN mission (MINUSTAH), must take the necessary steps to apply the rule of law to those who attempt to disrupt the process.<sup>11</sup>

In 23 years, no government has established the independent Permanent Electoral Council foreseen by the 1987 constitution.<sup>12</sup> Instead, every other year, when elections recur, a CEP based on loose political consensus is hastily formed. The political basis for this action is rarely satisfactory to most parties, and heavy involvement of the executive generally leads to discord. Members are mostly inexperienced and have insufficient opportunity to develop cohesive working relations and instil confidence in either the parties or the electorate. While they are selected from a broad cross-section of political, social and cultural life, such support for the body as there was rapidly unrav-

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<sup>5</sup> Bad weather is another potential problem. While thus far the U.S. National Oceanic and Atmospheric Administration (NOAA) 2010 Atlantic Hurricane Season Outlook prediction of an 85 per cent chance of above normal hurricane activity has not been borne out, the season is not over, [www.cpc.noaa.gov/products/outlooks/hurricane.html](http://www.cpc.noaa.gov/products/outlooks/hurricane.html), 27 May 2010. At least six persons were killed, 67 injured and 11,000 families and 162 settlements affected in Port-au-Prince as a result of 30 minutes of heavy rain and high winds on 24 September. "After the Storm, Shelter for the Homeless", International Organisation for Migration (IOM), press briefing notes, 27 September 2010, [www.iom.int/entryId=28404](http://www.iom.int/entryId=28404).

<sup>6</sup> Dr Gabriel Timothee, director general, Ministry of Public Health and Population, 10:00 a.m. Bulletin, Television Nationale d'Haiti (TNH), 25 October 2010; Claude Bernard Serant, "Le cholera a perdu sa force de frappe en Haiti", *Le nouveliste*, 25 October 2010.

<sup>7</sup> Crisis Group interviews, Haitian political party trainer, Pétion-Ville, 10 September 2010; and Haitian political science professor, Delmas, 17 June 2010. Close to 100 parties are registered with the justice and public security ministry; 66 of these are registered for elections. For discussion see, Daniel P. Erikson, "Countries at the Crossroads 2010: Haiti", Freedom House; Jean-Claude Bajoux, in "Démocratie interne des partis politiques et institutionnalisation de la démocratie en Haïti", Forum Libre 31, Friedrich Ebert Stiftung and Centre Pétion-Bolivar, Port-au-Prince, 2005.

<sup>8</sup> The 1946 constitution provided for the formation of political parties, but little has been done to institutionalise the system since. The 1985 law on parties was transformed into a decree by the military-led National Governing Council after Jean Claude Duvalier's departure. Parliament has not yet passed a 2009 draft on party functioning and financing. Crisis Group interview, Haitian political science professor, Delmas, 17 June 2010. See also Guy-Michel Vincent, "Haïti: Les élections: un casse-tête haïtien", *Le nouveliste*, 10 June 2010. Recruitment in 2009 of members from traditional parties such as OPL (Organisation du peuple en lutte) and Union, by the new presidential party Inité, illustrates the weaknesses of the system. Crisis Group interviews, political party leader, Delmas, 6 July 2010; Haitian political science professor, Delmas, 17 June 2010.

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<sup>9</sup> Félix Ulloa, in the Introduction of "Haïti: Les partis politiques et la représentativité au niveau de l'état", by Eduardo Colindres, NDI, September 2007.

<sup>10</sup> Crisis Group interviews, opposition party leader, Delmas, 6 July 2010; Haitian political analyst, Tabarre, 16 July 2010. The UN recently warned of the risk dirty money, including from the drug trade, could taint the campaign. "Report of the Secretary-General", op. cit.

<sup>11</sup> Crisis Group interviews, Port-au-Prince and Washington, June-September 2010.

<sup>12</sup> The constitution requires each departmental assembly to propose three names for a list of candidates from which the executive, the legislative and the judiciary must each select three to form the nine-member Permanent Electoral Council. The indirect elections for this bottom-up nomination process have never been fully completed. "Constitution de la République d'Haïti", Title VI, Chapter 1, *Le Moniteur*, Port-au-Prince, 29 March 1987; and "Compilation de documents de support a la formation des BCEC", Conseil Électoral Provisoire (CEP), Port-au-Prince, September 2006.

els in a climate of distrust and political intolerance, resulting in disputes over its neutrality and independence.<sup>13</sup>

While the focus has been on the nine-member CEP, insufficient effort has been made to build a solid, permanent civil service electoral management body to keep voter lists up to date, educate the electorate and train non-partisan poll workers.<sup>14</sup> The CEP responsible for organising the November elections is the third since 2004. None has kept to the constitutional schedule; all have been challenged on credibility and fairness.<sup>15</sup>

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<sup>13</sup>The constitution also provided for the formation of a CEP to organise the first post-Duvalier election in 1987, while awaiting creation of the Permanent Council. Representatives were to be drawn from the Episcopal Conference, Consultative Council, Supreme Court, human rights organisations (not participating in the elections), University Board, Association of Journalists, cults and the National Council of Cooperatives. “Constitution de la République d’Haïti”, Title XIV. Politicians have moved away from that model, and elections since 1990 have been organised by consensus-based CEPs. Those of 2009 and 2010 have included representatives from the National Council of Haitian Political Parties, Convention of Haitian Political Parties/Federation of local government councils (CASEC) and assemblies (ASEC), federation of Protestant churches, the Episcopal Church, Catholic Church, popular organisations/voodoo sector, the disabled, women and labour unions. Crisis Group interviews, senior government official, Delmas, 25 May 2010; senior officials, CEP, April and July 2010; and various party leaders, March, May, June, July and September 2010.

<sup>14</sup>Crisis Group interview, Haitian political science professor, Delmas, 17 June 2010. The CEP normally faces a range of difficulties – logistical, technical and financial. Logistics rely heavily on MINUSTAH. The absence of middle management staff to take charge of training, mentoring and supervision is a serious technical handicap to electoral preparations as well as operations on election day. The lack of communications equipment, as well as of established channels of communication between the CEP’s central office and its decentralised structures and of vehicles poses enormous difficulties at every stage. In 2006 and 2009 employees were forced to use personal cell phones to communicate. Workers in the Communal Electoral Offices (Bureaux Electoraux Communaux, BEC) pay for transport out of their own pockets and may go months before receiving their salaries. Venezuela has promised to provide equipment and vehicles to help the decentralised structures improve communication and operations for the 28 November elections. “Final Report: The Election Observation Mission for the Legislative, Municipal and Local Elections February to July 2000”, OAS Permanent Council, CP/doc.3383/00, 13 December 2000; Sophie Laguény and Rudolf Dérose, “Post-disaster Assessment on the Feasibility of Organising Free and Fair Elections in Haiti”, IFES, March–April 2010; Presentation on the advancement of election preparations, Pierre-Louis Opont, Director General, CEP, meeting with political parties, Karibe Convention Centre, Juvenat, 7 October 2010.

<sup>15</sup>The CEP that organised the post-rebellion elections in 2006 and 2007 was dismissed by the Préval administration in 2007.

The current body has been the centre of escalating criticisms since the 2009 partial senate elections, despite some changes President Préval made in October 2009, when parties called for a new council to organise the legislative elections originally envisaged for 28 February 2010.<sup>16</sup> Complaints intensified, and parties threatened boycott when it became evident in early 2010 that the presidential vote would be added to the CEP’s mandate. There is widespread belief among opposition parties and some civil society groups that Préval is using the body to organise unfair elections that will allow him to retain his influence after leaving office.<sup>17</sup> They cite CEP decisions they deem arbitrary and advantageous to the president, such as the rejection of fourteen parties that sought to register in November 2009;<sup>18</sup> acceptance of a favourable report from

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A new CEP was put in place in December 2007, but elections only took place in April 2009, with a run-off in June. On 16 October 2009, at party request, that CEP was changed by presidential decree to organise legislative elections in February 2010. These were postponed due to the earthquake. It was given the mandate on 24 June 2010 to organise the 28 November 2010 presidential elections. Crisis Group interviews, executive coordinator, civil society organisation, executive director, national electoral observation group, Port-au-Prince, 11 December 2009; senior government officials, Pétion-Ville, 10 May 2010.

<sup>16</sup>Préval asked the contributing institutions/sectors to reconfirm their representative or propose two new nominees from which one would be chosen. Five reconfirmed: the Protestant churches; the disabled; women; labour unions; and the Anglican Church. The Catholic Church and the National Council of Haitian Political Parties proposed new nominees. The seat previously held by a representative of popular organisations, the executive’s nominee, was replaced by a representative of the voodoo sector. The Convention of Haitian Political Parties withdrew its representative and was reportedly replaced by the Federation of local councils (CASEC) and assemblies (ASEC), which is said to be part of the presidential party *Inité* that registered to contest the (postponed) February elections. Crisis Group Report, *Haiti: Stabilisation and Reconstruction after the Quake*, op. cit. Crisis Group interviews, political party leaders, Port-au-Prince, March, May, and July 2010; senior government official, Delmas, 25 May 2010.

<sup>17</sup>Crisis Group interviews, political party leaders, Port-au-Prince, March, May, June, July, September 2010; Haitian constitutional expert, Pétion-Ville, 11 May 2010.

<sup>18</sup>Among the rejected parties was former President Aristide’s *Fanmi Lavalas*, which raised objections nationally and internationally, though some Haitian analysts and the visiting UN independent human rights expert Michel Forst supported the CEP’s view that its documents were not authentic. Crisis Group interview, former senior Aristide government official, Pétion-Ville, 18 May 2010. See “UN human rights expert ‘wants to believe’ CEP election decision is legitimate”, 1 December 2010, [www.canadahaitiaction.ca/node/68](http://www.canadahaitiaction.ca/node/68); “La mise à l’écart de *Fanmi Lavalas* est justifiée, selon un expert onusien”, *Radio Vision* 2000, 30 November 2010, <http://radiovision2000haiti.net/home/?p=2165>. Other international observers believed the CEP could have found a way to permit its participation. The party’s continued divisions apparently were also linked to its



the audit court in lieu of the discharge certificate that the constitution requires be issued by parliament; and the reported meeting between the CEP and the president just before the final list of candidates was published.<sup>19</sup>

President Préval has denied any wrongdoing, but he reached out to opponents only several months after the presidential candidate list was made official.<sup>20</sup> The CEP registered 66 parties, as well as nineteen presidential, 120 Senate and 900 Chamber of Deputies candidates. Only three traditional parties continue to boycott the electoral process,<sup>21</sup>

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decision not to present a presidential candidate. The outcome still results in the country's largest party not formally engaged in its own name in a crucial election and continued concerns by high-profile international partners. See letter from 45 members of the U.S. Congress critical of the CEP decision. The letter does not distinguish between that decision and the party's, and it criticises the lack of full written disclosure by the CEP of its reasoning. <http://waters.house.gov/News/DocumentSingle.aspx?DocumentID=211192>. It also urged the Secretary of State to "make a clear statement that elections must include all eligible political parties and ready access to voting for all Haitians, including the displaced" and to withhold U.S. funding if those conditions are not met.

<sup>19</sup>The 1987 constitution requires parliament to issue discharge certificates to ministers and other public officials responsible for the direct management of public funds on completion of their duties and, along with the 2008 electoral law, further requires candidates for elected public posts to present the discharge certificate as part of the registration process. In the absence of parliament to issue the required papers to former public officials who filed candidacies, the CEP decided to accept a favourable report from the audit and administrative dispute court (Cours supérieur des comptes et du contentieux administratif). When the CEP refused to bend the rules for presidential hopefuls from the diaspora, including Wyclef Jean, and rejected their candidacies, presumably on the five-year in-country constitutional residency requirement, some analysts found its decision-making too subjective. Crisis Group interviews, Haitian political experts, Pétiion-Ville, 23 August and 10 September 2010; Alice Speri, "Haiti election commission under scrutiny for ties to President René Préval", *Christian Science Monitor*, 16 September 2010, [www.csmonitor.com/World/Americas/2010/0916/](http://www.csmonitor.com/World/Americas/2010/0916/). The terms of all 99 parliamentary deputies and eleven senators expired on 10 May 2010 before the vote to replace them could be held. Some observers felt the CEP was obliged to decide on the discharge certificate requirement so as not to deprive citizens of their political rights due to a state institutional vacuum. Crisis Group interview, senior officials, OAS-CARICOM Electoral Observation Mission, Pétiion-Ville, 18 August 2010.

<sup>20</sup>Préval initiated one-on-one discussions with official presidential candidates in late August. Most candidates met with him and reiterated calls for change in the CEP. At least two, Jean Henry Céant (Renmen Ayiti) and Josette Bijoux (Independent) have refused to meet. Crisis Group interview, Haitian political analyst, Pétiion-Ville, 10 September 2010.

<sup>21</sup>The parties are Fusion, Alyans and OPL, which form the Alternative platform. Along with Liberation, Uccade, Rasanble

but year-long opposition by the majority of registered parties, as well as by some civil society groups<sup>22</sup> has raised serious questions about their credibility.<sup>23</sup>

Extensive election monitoring, commitment by political actors to a peaceful campaign, better articulation of platforms, intensification of voter and civic education campaigns and a well-tailored security plan to safeguard the process are all needed.<sup>24</sup> Moreover, the CEP must lead a technically sound and transparent process if the elections are to meet acceptable standards and install a government that can address development needs that the earthquake has made more pressing. Credible elections should create the context for successful reconstruction, which in turn is required to bolster the democratic process.<sup>25</sup> With only weeks remaining before the vote, however, none of the above is certain of delivery.

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and some Fanmi Lavalas factions, they call for the dismissal of the CEP and Préval as conditions for participation. Crisis Group interviews, senior UN officials, Port-au-Prince, 15 September 2010; Haitian political analyst, Pétiion-Ville, 10 September 2010; senior CEP official, Pétiion-Ville, 21 July 2010; registration numbers from CEP documents.

<sup>22</sup>Between January and August 2010, close to 370 demonstrations have been held, 37 per cent of which have had some violence and 49 per cent of which have been against elections or government. Crisis Group email correspondence, senior MINUSTAH official, 1 September 2010.

<sup>23</sup>Crisis Group interviews, political party leaders, Port-au-Prince, 16 June and 6 July 2010.

<sup>24</sup>Turnout for the 2009 Senate election was 11 per cent. "Haiti/Elections: 11% de participation aux sénatoriales partielles du 19 avril, selon le CEP", *Alterpresse*, 24 April 2009. Many political leaders, citing 2006, when participation was 60 per cent, believe a high turnout would reduce opportunity for fraud. Crisis Group interviews, political leaders, 7 July, 25 September 2010; Crisis Group Briefing, *Haiti after the Elections*, op. cit.

<sup>25</sup>Crisis Group interview, senior UN official, Tabarre, 14 September 2010.

## II. THE CONTENDERS: WHO WILL RUN RECONSTRUCTION?

There is general agreement that the official list of candidates reflects nearly the full spectrum of Haitian opinion – more so than in previous years. This has helped to partially reduce objections to the elections. A younger generation of candidates has some appeal to young people, who are half the population. Five candidates from the diaspora filed for the presidency, but none were approved for the ballot.<sup>26</sup>

In the middle stage of a campaign that officially began on 27 September, there is no clear favourite for the presidency. Unlike in 2006, when Préval was generally viewed as capable of dealing with the problem of armed gangs and building national consensus, no one is yet widely considered as clearly best at uniting the skills and experience required to address the many pressing tasks of reconstruction, not least among them building a consensus around the process and speeding the delivery of pledged aid. For the first time in two decades, no candidate is likely to win in the initial round. The tally is anticipated to be close, which could lead to new tensions, challenges and an extended dispute resolution process that might delay the second round, provisionally scheduled for 16 January 2011.<sup>27</sup>

### A. THE PRÉVAL CAMP

Préval won in 2006 on the ticket of Lespwa, a more moderate wing of former President Aristide's now divided Lavalas movement. He drew support from traditional and hardline Lavalas groups as well as from the business elite that had helped overthrow Aristide. Like most political movements, Lespwa's platform was vague, but Préval's call for a 25-year governance and development pact was attractive both nationally and internationally.<sup>28</sup> He kept politics stable in the early part of his term by forming a multiparty government and multisector commissions to debate key issues, such as constitutional amendment, justice and public security.

<sup>26</sup> The 1987 constitution stipulates a five-year in-country residency for presidential candidates and bars a Haitian who has taken a second citizenship from standing.

<sup>27</sup> Both presidential and parliamentary contests require a winner to receive at least 50 per cent of the valid votes cast plus one. In the absence of such a majority, the contest goes to a second round between the two highest vote getters.

<sup>28</sup> It seemed another crucial opportunity to move beyond political polarisation, promote national dialogue and consensus and garner international support for development. See Crisis Group Report, *A New Chance for Haiti*, and Briefing, *Haiti after the Elections*, both op. cit.

But though Préval is widely regarded as concerned about poverty and rural development, and his government was hit by four hurricanes in 2008 and the 2010 earthquake, he is widely criticised by political leaders and civil society, including community-based organisations, for achieving no visible improvement in the lives of the poor. He also disappointed Lavalas by not facilitating Aristide's return from exile.<sup>29</sup> When the CEP refused its participation in the 2009 Senate elections and then the postponed February 2010 legislative elections, its opposition to Préval increased. There are no official opinion polls, but his popularity is believed to have begun to decline with the 2008 cost-of-living riots and to have reached a low in the aftermath of the earthquake.<sup>30</sup>

Préval has served two terms as president, and the constitution bars him from a third.<sup>31</sup> The Inité party, which he created, is widely perceived as a tool to control his succession.<sup>32</sup> It attracted several senior members from traditional parties, such as the Organisation of the People's Struggle (Organisation du peuple en lutte, OPL) and the National Christian Union for the Reconstruction of Haiti (UNCRH), and smaller, local-level parties,<sup>33</sup> as well as a large cross-section of ministers, and parliamentarians.<sup>34</sup> However, it has been plagued with problems, which in-

<sup>29</sup> Préval stated publicly that no Haitian could be constitutionally denied a return to the country. Privately his aides made it clear he had no intention of encouraging Aristide's return. "Haiti's leader says Aristide can end exile", *The New York Times*, 23 February 2006; Crisis Group interviews, Port-au-Prince, September 2006.

<sup>30</sup> The Préval administration faced at least three major crises in four years: massive and violent living-cost riots in 2008; four deadly storms in the same year; and the January 2010 earthquake. Crisis Group interviews, party leaders and political analysts, Port-au-Prince, March-September 2010.

<sup>31</sup> The 1987 constitution allows two non-consecutive terms (Article 134.3). Préval served 1995-2000 and 2006-2011.

<sup>32</sup> Crisis Group interviews, Haitian political analysts, 17 June and 10 September 2010.

<sup>33</sup> Inité also includes Kombit Sidès (South East), Rassemblement des Forces Politiques (Grande Anse) and Parti Louvri Baryé (PLB) among others. Crisis Group interview, senior government official, Delmas, 25 May 2010. PLB withdrew from Inité in late September. "Dissidence au sein de INITE: le PLB annonce son départ", Radio Kiskeya, 23 September 2010, <http://radiokiskeya.com/spip.php?article7075>.

<sup>34</sup> Those included Paul Denis, justice and public security minister (OPL); Gerald Germain, environment minister (UNCHR); Joseph Jasmin, parliamentary relations minister; the speaker of the Senate, Dr Kély Bastien; the speaker of the lower house, Levaillant Louis Jeune; former Senate speaker, Joseph Lambert, (Kombit Sidès); and most CPP (Concertation des parlementaires progressistes) deputies from the lower house bloc that opposed Jacques-Edouard Alexis's 2008 dismissal by the Senate. Crisis Group interviews, senior government official, Delmas, 25 May 2010; political party leader, Delmas, 7 July 2010.

creased in the lead-up to selection of a presidential candidate.<sup>35</sup> The last-minute choice of **Jude Celestin**, director general of the National Equipment Centre (Centre national des équipements, CNE), over Jacques-Edouard Alexis, a two-time prime minister, created further divisions, and the withdrawal of the Open Barriers Party (PLB, Parti Louvri Baryè) from the Inité coalition on 23 September has raised questions about its ability to stand behind its candidate.<sup>36</sup> Nevertheless, many analysts consider Celestin the front runner, due to Préval's endorsement.<sup>37</sup>

## B. THE OPPOSITION

The political landscape is as divided as it was a decade ago, with no single official opposition.<sup>38</sup> Two distinct, splintered groupings can be identified. The first is very critical of the Préval administration, particularly its post-quake response, but has been unable to form a unified bloc to force improvements<sup>39</sup> and is divided over the elections. It includes traditional politicians, such as Charles H. Baker, Mirlande Manigat and Chavannes Jeune, as well as Michel Martelly, a musician and relative newcomer to politics. It is eager to bring change after two decades of Aristide and Préval and is contesting the elections despite lack of confidence in the CEP. The other more radical segment of this grouping calls for a boycott, Préval's res-

ignation and formation of a transitional government to organise new elections.<sup>40</sup> It consists of four organisations – Alternativ, Liberasyon, Rasanble and UCADDE – and is largely led by Lavalas dissidents who were instrumental in Aristide's 2004 ouster but then failed to formulate an effective alternative.

The second opposition group includes Aristide's severely fragmented Fanmi Lavalas party itself, some parts of which appeal for the ex-president's return and have joined the calls for Préval's premature departure and dismissal of the CEP. Refused registration by the CEP for consecutive parliamentary elections, it did not file to contest the presidential elections, but a number of its senior figures are standing for president under different political banners, among them Leslie Voltaire, Yves Cristalin, Yvon Neptune, Jean Henry Céant and Jacques-Edouard Alexis. They are likely to split the Lavalas vote, which in the past guaranteed first-round wins first to Aristide, then to Préval.<sup>41</sup>

**Alexis** generally is perceived as Celestin's strongest challenger. He was widely seen as Préval's successor when he became prime minister in 2006 and has been campaigning since the Senate dismissed him in 2008 over the living-cost riots.<sup>42</sup> When Inité backed Celestin days before the list closed, he registered on the ticket of Mobilisation for the Progress of Haiti (Mobilisation pour le progrès d'Haïti, MPH), a small party led by Samir Mourra, a Haitian-American and a banned 2006 presidential candidate.<sup>43</sup> He created the National Centre for Research and Training (CENAREF)<sup>44</sup> in 2009, which works with youth and com-

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<sup>35</sup> Inité members reportedly agreed on a presidential candidate profile but had not proposed names, as several members allegedly sought the post. Anecdotes indicate that Alexis was Préval's choice but was opposed by several high-profile members, including Justice and Public Security Minister Paul Denis, former Senate speaker Senator Joseph Lambert (Lespwa, South East) and the current speaker, Dr Kély Bastien (Lespwa, North). Crisis Group interviews, political leaders and analysts, Pétion-Ville, 23 August, 10, 14 September 2010. See Jonathan Katz, "Fanfare, intrigue at sign ups for Haiti election", 7 August 2010, [www.boston.com/news/world/latinamerica/articles/2010/08/07/fanfare\\_intrigue\\_at\\_sign\\_ups\\_for\\_haiti\\_election/](http://www.boston.com/news/world/latinamerica/articles/2010/08/07/fanfare_intrigue_at_sign_ups_for_haiti_election/).

<sup>36</sup> "Dissidence au sein de INITE: le PLB annonce son départ", Radio Kiskeya, 23 September 2010, <http://radiokiskeya.com/spip.php?article7075>.

<sup>37</sup> Crisis Group interviews, Haitian political analysts, Pétion-Ville, 10 and 25 September 2010.

<sup>38</sup> 33 of 45 parties that contested the 2006-2007 cycle of elections won seats. Eight parties were represented in the Senate, eighteen in the chamber of deputies, 21 on mayoral/municipal councils, 26 on CASECs, 33 on ASECs and 24 among town delegates. Edouardo Colindres, "Haïti", op. cit.

<sup>39</sup> They failed to stop the parliamentary votes on extending the state of emergency to eighteen months, including creation of the Interim Haiti Recovery Commission (IHRC) in the amended emergency law and amending the 2008 electoral law to extend Préval's term to May 2011 if necessary. They sought to leverage the frustrations of the displaced to mobilise protests and social unrest but failed, though demonstrations were held for several months across the country. Crisis Group interview, Haitian political analysts, May, July and September 2010.

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<sup>40</sup> The four groups held a forum from 13 to 16 September to design and agree on unified opposition to the elections and the Préval administration. Among the agreements reached was a call for formation of a transitional government at the end of Préval's term to organise elections. "L'opposition radicale devenue 'force unitaire' prône une nouvelle transition démocratique", 16 September 2010, Radio Kiskeya, <http://radiokiskeya.com/spip.php?article7055>.

<sup>41</sup> Crisis Group interviews, Haitian political leaders, Pétion-Ville, 14 and 25 September 2010.

<sup>42</sup> Many have suggested Alexis was not selected by Inité because of opposition from some of the same senators who voted him out of office. Other reasons given were that he had an unresolved qualification issue and that Préval would have less influence over him than over Celestin. Crisis Group interviews, Haitian political analyst and leader, Pétion-Ville, 10 and 14 September 2010, and Washington, September 2010.

<sup>43</sup> Mourra, who is related to the Duvalier family of former dictators, was banned from the 2006 presidential race for dual nationality. Crisis Group Latin America/Caribbean Briefing N°9, *Haiti's elections: The Case for a Short Delay*, 25 November 2005. See also Jonathan Katz, "Fanfare", op. cit.

<sup>44</sup> CENAREF was created shortly after Alexis left the prime minister's office. It trains youth and civil society, including community-based organisations and receives funding from Taiwan, Spain, the diaspora and some local sources. Crisis Group phone

munity organisations, and much of his support is expected to come from rural areas. He has reached out to the diaspora, organising an October 2009 international conference, and visited the Dominican Republic in September 2010 at the invitation of President Léonel Fernández.<sup>45</sup> He is an agronomist and experienced in government (ex-education minister as well as twice prime minister), but the ease with which he changed parties to secure a place on the ballot has fanned a debate about political expediency.

Other strong candidates are a heterogeneous group. **Mirlande Manigat** withdrew from the Platform of Patriotic Haitians (PLAPH) and registered under the Coalition of National Progressive Democrats (RDNP), of which she is secretary general. A familiar political figure for a quarter century, she became a senator and first lady in the initial elections under the 1987 constitution,<sup>46</sup> but she and her husband were forced into exile following a military coup four months into his term. Vice-rector and professor of constitutional law at Quisqueya University, she regards education as a basic right and calls for involving youth and the diaspora in developing the country. She urges constitutional changes, including removing the restrictions on dual nationality that have limited diaspora participation in politics and governance.

In her 2006 Senate race, Manigat received more votes than her husband did as a presidential candidate but dropped out of the second round, an action that could hurt her presidential candidacy.<sup>47</sup> Nevertheless, two recent private-sector polls have shown her leading the contest.<sup>48</sup> A recently

formed group of some 100 current and former parliamentarians (Collectif pour le renouveau haïtien, COREH), led by Senator Youri Latortue (AAA, Artibonite) and Steven Benoit (Pétion-Ville, elected under Lespwa in 2006 and now running under Alternatif), gave her campaign a significant boost with a public endorsement. Reports also indicate that she was endorsed by well-to-do business man Eric Jean-Baptiste of Carrefour.<sup>49</sup>

**Charles H. Baker**, a rich businessman, was thought to be Préval's prime opponent in 2006 but finished third, with 8 per cent of the votes.<sup>50</sup> He protested the decision to award Préval a first-round win but largely kept from interfering in his government, though he and his Respe party have been campaigning for the past four years, mostly in rural areas. In an effort to attract the largely black, poor and peasant electorate, he works closely with the Coalition to Build Haiti (KOMBAH) of agronomist Chavannes Jean-Baptiste, who leads the Peasant Movement of Papaye in the Centre department. His campaign centres on job creation by improving agriculture and strengthening rule of law and tax collection.<sup>51</sup> He supported Aristide's return in 1994 but was part of the "Group of 184" that forced his departure a decade later.

Opinion is divided over **Michel Martelly**, best known as one of the country's finest kompa musicians and entertainers.<sup>52</sup> Some traditional political leaders believe his past stage eccentricities preclude a bid for any public office, let alone head of state,<sup>53</sup> but he is popular, particu-

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interview, Alexis's campaign manager, Port-au-Prince, 1 October 2010. See also <http://cenaref.org/index.html>.

<sup>45</sup> Ibid.

<sup>46</sup> She is the wife of former President Leslie Manigat (1988) and was a senator during his term.

<sup>47</sup> Some voters regretted Manigat's decisions to withdraw and believed she did so to protest the CEP's decision to review the method of calculating blank votes, thus giving Préval a first-round win and leaving her husband, a distant second in the first round, no opportunity to form a second-round alliance with defeated candidates. Manigat said she withdrew because she believed votes had been tampered with to deny her own first-round victory. Crisis Group interview, Haitian political analyst, Pétion-Ville, 10 September 2010. See also, "Mieux connaître nos candidates ... Mirlande Manigat, une femme de tête", 31 August 2010, <http://haitirectoverso.blogspot.com/2010/08/mieux-connaître-nos-candidatsmirlande.html>.

<sup>48</sup> The Office for Information Technology and Social and Economic Development Research (BRIDES) surveyed 6,000 persons of voting age from across the country, 23.1 per cent of whom said they would vote for Manigat, 17.3 per cent for Charles H. Baker, 17.1 for Michel Martelly, 8.1 for Alexis and 7.8 per cent for Chavannes Jeune and Jude Celestin. "Un premier sondage identifie 6 principaux candidats à la présidence", Radio Métropole, 30 September 2010, [www.metropolehaiti.com/metropole/full\\_un\\_fr.php?id=18291](http://www.metropolehaiti.com/metropole/full_un_fr.php?id=18291).

<sup>49</sup> Crisis Group interview, Haitian political analyst, Pétion-Ville, 10 September 2010. See "Le COREH se décide finalement et endorse Mirlande Manigat", Radio Kiskeya, 18 October 2010, <http://radiokiskeya.com/article7140>.

<sup>50</sup> Colindres, "Haiti", op. cit.

<sup>51</sup> Crisis Group interview, senior political leaders, Respe, Port-au-Prince, 16 June 2010.

<sup>52</sup> Kompa is a blend of Haitian troubadour with some Latin and jazz influence and some African rhythm, mixed with modern instrument sounds and Merengue from the Dominican Republic. It is the most popular Haitian dance music and also serves as popular social commentary. Martelly, among other more modern musicians, introduced a new generation of Kompa, with freer harmony and more electronic support. Crisis Group interview, Haitian musician, Port-au-Prince, 4 October 2010. Jessica Desvarieux, "Meet Haiti's Other Rock-Star Candidate", *Time*, 9 August 2010. He is said to have been a popular entertainer of high-ranking military leaders who overthrew Aristide in 1990. He gave a free concert to oppose U.S. presence in the country and Aristide's return from his second exile in 2004 and was goodwill ambassador for environmental protection under Préval. Crisis Group interviews, national and international political analysts, Port-au-Prince, September 2010.

<sup>53</sup> Crisis Group interview, senior political leader, Pétion-Ville, 25 September 2010. Martelly's stage performances reportedly included cross-dressing, appearances in diapers and public disrobing.

larly among young voters. He is the candidate of Repons Peyizan, though a youth arm of that party has challenged his selection.<sup>54</sup> He admits a lack of political experience but says he wants to inspire change, intends to focus on foreign investments and tourism as boosts for the economy and will seek extensive guidance from international experts.<sup>55</sup>

**Jean Henry Céant**, in October 2009, together with Camille LeBlanc (justice and public security minister in Préval's first term), formed AIMER Haiti, a socio-political movement that says it wants to bring together citizens from various sectors to reflect on and commit to the construction of a new nation based on shared responsibility, social justice, peace and economic improvement for all. He is standing for the party Renmen Ayiti under the motto "Everybody is equal" (*Tou moun se moun*), Aristide's Creole saying that has wide appeal among the poor.<sup>56</sup> He is expected to draw considerable support from that electorate as well as the middle and elite business classes. Céant is a very vocal opponent of Préval, refused his invitation to meet and has publicly implied his involvement in death threats.<sup>57</sup>

In July 2010, at least two parties of the Protestant movement – National Christian Union for the Reconstruction of Haiti (UNCRH) and Luc Mésadiou's Christian Movement for a New Haiti (MOCHRENAH) – formed the Christian and Citizen Alliance for the Reconstruction of Haiti (ACCRAH), with evangelical pastor **Chavannes Jeune** as its presidential candidate.<sup>58</sup> Jeune and Mésadiou stood for the presidency in 2006, placing fourth and fifth respectively, with a combined 8.9 per cent of the votes. Jeune was one of the first candidates to accept Préval's 2006 victory.<sup>59</sup> His UNCRH is part of Préval's multiparty government, and in February 2010 he worked with the president to mobilise over one million Haitians for three days

of national prayer and mourning to mark the one-month anniversary of the earthquake. But he blames Préval for the party's disintegration and for CEP's 2009 refusal to register it for the postponed parliamentary elections.<sup>60</sup> He wants the country's multitude of parties to regroup into four large blocs and promotes active youth inclusion in politics.<sup>61</sup>

Eight of the remaining candidates are former officials, including a prime minister, **Yvon Neptune**;<sup>62</sup> three ministers, **Leslie Voltaire**, **Yves Cristalin** and **Josette Bijou** (the lone independent); a mayor, **Wilson Jeudy**; a senator, **Jean-Hector Anacacis**; an HNP chief and state secretary for public security, **Léon Jeune**; and a customs director general, **Eric Charles**.<sup>63</sup> Not much is said about the final four candidates – **Axan Delson Abellard**, **Gérard Blot**, **Garaudy Laguerre** and **Génard Joseph** – or their parties.

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<sup>60</sup> Jeune holds that in late 2009, when preparations began for the ultimately postponed February 2010 elections, Préval pressed him for a quick response to his request to integrate the UNCRH into Inité. Before he could consult with party members, one such person, Environment Minister Jean-Marie Claude Germain, signed the document. The CEP, a few weeks later rejected the party despite his presentation of the same documents the party used to file for the 2006 and April 2009 elections. Crisis Group interview, political leader, UNCHR, Delmas, 7 July 2010. See also [www.haitielections2010.com/details.php?id=372](http://www.haitielections2010.com/details.php?id=372).

<sup>61</sup> See [www.haitielections2010.com/details.php?id=372](http://www.haitielections2010.com/details.php?id=372).

<sup>62</sup> Neptune reportedly declared for the first time in an early October 2010 interview with Radio Kiskeya that Aristide did resign on 29 February 2004 before departing the country, a statement, that some Haitians believe may affect the willingness of the Fanmi Lavalas base to vote for him. Many Lavalas supporters still refer to Aristide's departure as a kidnapping. Crisis Group interviews, potential voters, Port-au-Prince, 18 October 2010.

<sup>63</sup> Neptune was prime minister in Aristide's 2000-2004 government and was imprisoned under the Alexandre-Latortue interim government for alleged involvement in a massacre in La Scierie, a small town in the Lower Artibonite region; Voltaire was education minister and minister for Haitians living abroad under Aristide, a close adviser in both Préval administrations and recently special envoy to the UN and a point person for the government's reconstruction plan; Cristalin, was social affairs minister under Préval. Jeune led the HNP under Aristide and was involved in 1994 in disbanding the Haitian army. He was twice arrested and imprisoned, in 1997 on charges of conspiracy against state security and 2007 on charges of fraud. He was released in 1997 after three months and in 2007 after eleven months. Both arrests took place during the terms of President Préval, to whom he lost the 1995 presidential contest. Bijou was health and population minister, 2004-2006, and one of the few candidates to refuse Préval's invitation to meet individually on the elections. Crisis Group's interviews, Haitian political analyst, Pétiion-Ville, 10 September 2010. Léon Jeune, "Get to know presidential candidate Léon Jeune", [www.zoelando.com](http://www.zoelando.com).

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<sup>54</sup> Fédrick Jean Pierre, "Martelly n'aurait pas eu l'aval de Repons Peyizan", Haiti Presse Network (HPN), 12 August 2010.

<sup>55</sup> Desvarieux, *Time*, op. cit.

<sup>56</sup> Crisis Group interviews, senior representatives, AIMER Haiti, Pétiion-Ville, November and December 2009 and May 2010. AIMER Haiti is a French acronym: Agir, Ici, Maintenant, Ensemble pour Reconstruire Haïti (Act here now together to Reconstruct Haiti). It is not a political party. Renmen Ayiti is Creole for Aimer Haïti but is a separate entity and the political party under which Céant registered.

<sup>57</sup> Crisis Group interview, senior representative, AIMER Haiti, May 2010. See also "Menacé de mort" le candidat Jean Henry Céant pointe du doigt le chef de l'Etat", Radio Kiskeya, 24 August 2010, <http://radiokiskeya.com/spip.php?article6971>.

<sup>58</sup> Crisis Group interview, political leader, UNCHR, Delmas, 7 July 2010.

<sup>59</sup> Ibid. "Le candidat à la présidence Chavannes Jeune appelle à concéder la victoire à René Préval", Agence Haïtienne de Presse (AHP), 13 February 2006.

Beyond candidates and parties, the focus is on the business elite, who are known to have considerable electoral influence. They have publicly rejected opposition calls for Préval's premature departure but have not publicly endorsed anyone. Unofficial reports indicate that a group of industrialists has made financial pledges to Jude Celestin, though the habitual practice is to spread money among several candidates to ensure business interests are protected regardless of who eventually wins.<sup>64</sup> There is also speculation about possible endorsements by influential individuals, such as the singer, Wyclef Jean, whose attempt to register as a candidate in August brought needed energy to the process, though it was rejected by the CEP.

The campaign, like Haitian politics generally, is personality-driven and punctuated by calls to strengthen national consensus, end corruption, improve justice, create jobs, reform education, revive agriculture and rebuild the economy that are not backed up by coherent platforms.<sup>65</sup> Several candidates, at least five of whom are under 50 and are expected to target youths, have raised the issue of creating a role for marginalised young people in reconstruction, but without articulating a clear strategy. Many political leaders fear that the wrong message was sent to the diaspora, when all five candidates from it who sought to stand were refused registration.<sup>66</sup> The debate on a constitutional amendment respecting dual citizenship and how to complete the procedure begun in 2009 should be part of the campaign, so as to demonstrate to Haitians abroad that their contribution remains essential to reconstruction and development.<sup>67</sup>

The parliamentary campaign has been even less substantive than the presidential, though families and communities are energised around candidates. The 48th legislature was active; the Senate dismissed two of Préval's governments in two years, so it is important for the next president to have a substantial bloc of support in both chambers. Préval's *Inité* party has drawn in a large number of parliamentarians seeking re-election, many of whom an-

icipated Alexis would be the presidential nominee and reportedly are urging their constituents to vote for him, not Celestin. This could lead to local confrontations and possibly some violence, since there are often political motives behind some of the increased crime common during election campaigns. More generally, there is widespread concern that the lack of substantive discussion so far during the campaign raises doubts that the elections will put in place the kind of political leadership that can produce a comprehensive social compact on reconstruction.<sup>68</sup>

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<sup>64</sup> Crisis Group interviews, Port-au-Prince and Washington DC, August and September 2010.

<sup>65</sup> Crisis Group interviews, Haitian political analysts and leader, Pétiion-Ville, 25 August, 10, 14 September 2010. Préval has appealed for a halt to personal attacks and more constructive debate. "Haïti: début des élections et incertitudes", *Le Figaro*, 27 September 2010.

<sup>66</sup> Crisis Group interview, Haitian political lobbyist, Pétiion-Ville, 25 August 2010.

<sup>67</sup> Postponement of the February legislative elections due to the earthquake interrupted the process began by the 48th legislature, which declared the need for constitutional amendments, including to the provision that prevents many Haitians abroad from participating more directly in politics and development. Crisis Group interviews, chief constitutional adviser to the presidency, Pétiion-Ville, 11 May 2010.

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<sup>68</sup> There are attempts by civil society groups to improve the campaign by forcing discussion of pressing national issues. The first of a series of televised presidential debates expected to be aired every Wednesday evening was held on 13 October with the participation of Axan Abelard, Jacques Edouard Alexis and Jean Hector Anacacis. Television Nationale d'Haïti (TNH), 13 October 2010. In a separate event on 18 September organised by OCAPAH (Organisation Citoyenne de l'action es pouvoirs en Haïti), all nineteen candidates were invited but only four appeared: Anacacis, Jeudy, Chavannes Jeune and Blot. See Evens Sanon, "Haiti presidential debates: Vague answers as power goes out twice", *The Huffington Post*, 18 September 2010, [www.huffingtonpost.com](http://www.huffingtonpost.com).

### III. THE CHALLENGING ENVIRONMENT

The road to elections has been strewn with political and technical obstacles that have still not been fully overcome. The physical destruction caused by the earthquake increased the difficulties in an already challenging electoral environment. The resulting humanitarian crisis raised serious questions about financial priorities and the ability to hold a credible vote.

The postponement of the 28 February 2010 legislative elections due to the earthquake created an institutional gap, since the terms of the 48th legislature expired before successors could be chosen, and intensified discontent with the CEP. The government set the end-of-November date in late June, and the 20 August official registration of the nineteen presidential candidates appeared to finally confirm that the elections would be held this year.

#### A. ENCOURAGING NEUTRALITY IN THE CEP

The CEP's ability to organise elections with an "acceptable" level of credibility inside and outside Haiti will be a key determinant of the country's stability, security and reconstruction. Year-long claims by opposition parties and some civil society groups that it has a Préval bias have hurt the body's standing. Some critics may well have hoped that their calls for changes in the CEP's composition would force another delay and require creation of an interim government over which they could have more influence.<sup>69</sup> President Préval resisted strong international pressure to make changes to the body,<sup>70</sup> though he requested international technical experts to assist it and accepted the early presence of an electoral observation mission from

<sup>69</sup> Crisis Group interview, political leaders, Pétion-Ville, 14 and 25 September 2010. "Jacques Edouard Alexis condamne le comportement anti démocratique de l'opposition", Radio Metropole, 11 May 2010, [www.metropolehaiti.com](http://www.metropolehaiti.com).

<sup>70</sup> Crisis Group interviews, senior government officials, Port-au-Prince, 10-13 May 2010. Préval maintained that the situation surrounding the CEP was politics as usual and that all CEPs faced similar criticisms. Some members had even been constrained to resign or flee the country into exile. He insisted that he had made changes to the council at the request of parties and after consultation with the contributing institutions. See: "Haiti at a Crossroads", a report by the majority staff of the U.S. Senate Foreign Relations Committee, 21 June 2010, <http://foreign.senate.gov/press/chair/release/?id=e440e177-f319-4f0b-80d6-76ad4c299561>; and a similar report by the minority staff, "Haiti – No Leadership; No Elections", <http://lugar.senate.gov/issues/foreign/lac/haiti/pdf/report.pdf>; also Jacqueline Charles, "Préval closes door on elections panel revamp", *The Miami Herald*, 1 July 2010.

the Organisation of American States and the Caribbean Community (OAS/CARICOM).<sup>71</sup>

Criticism has somewhat subsided since the electoral process officially began on 15 July, most parties indicated they would participate, and a number of technical steps have been completed. Nevertheless, the CEP's image has not improved. There is concern that its reputation increases the prospect the results will not be widely accepted,<sup>72</sup> and some parties and candidates continue to question its intent to conduct a non-partisan process.<sup>73</sup>

The CEP has the obligation to guarantee transparency by giving political leaders access to the technical process, permitting direct party observation and encouraging frequent consultation. The launch with participation of parties, civil society representatives and technical assistance donors was a good beginning. A 7 October meeting to update parties was another positive initiative, but many issues still remain. For example, that briefing did not address some of the concerns regarding the voters list, particularly the purging of names of the deceased by the CEP and the National Identification Office.<sup>74</sup> Some 30 press releases have been issued to keep the public informed, but a clear account has not yet been given of the process for resolving disputes over candidate registration, particularly high-profile cases, such as those of Wyclef Jean and the Pétion-Ville mayor, Claire-Lydie Parent.<sup>75</sup> This gap needlessly undercuts the CEP's credibility.

<sup>71</sup> Crisis Group interview, senior officials, Joint Electoral Observation Mission (JEOM), OAS-CARICOM, Pétion-Ville, 18 August 2010. To minimally accomplish its mandate, the mission believes it must be fully deployed – 150 observers – by election day. It began observation on 3 August 2010 with the deployment of three to five observers and presently has some 30 in place. To date it has received only half the \$5 million requested, however, and it needs to receive further funding quickly to exceed that minimum goal and have a substantial deployment on the ground during the crucial campaign period. Crisis Group interview, senior official, OAS, Washington DC, 14 October 2010.

<sup>72</sup> Crisis Group interview, senior official, national electoral observation, July 2010.

<sup>73</sup> Several parties have publicly said CEP members are too close to Préval. Crisis Group interviews, party leaders, Port-au-Prince, March, May, June, July and September 2010. "Report of the Electoral Feasibility Mission to Haiti", UN, Electoral Assistance Division, May 2010; also, "Haiti at a Crossroads" and "Haiti – No Leadership; No Elections", both op. cit.

<sup>74</sup> The National Identification Office (ONI) was created by decree in 2006 to take charge of citizen registration and national ID cards, continuing work done by the OAS. It is responsible for providing the data from which the voters list is drawn.

<sup>75</sup> See Alice Speri, "Haiti election commission under scrutiny", op. cit.

On the other hand, the controversial candidate “discharge” certification decision was handled somewhat professionally and communicated in a clear and timely fashion, and the OAS-CARICOM electoral mission praised the poll worker selection process for transparency and inclusion of the political parties.<sup>76</sup> But procedures for including candidates of registered parties that now plan to boycott the elections in the selection of poll workers were not uniform nationally.<sup>77</sup> Unexplained last-minute changes in poll workers and the presentation of two different lists of workers for a single polling station are irregularities that have repeatedly tainted earlier elections.<sup>78</sup> The CEP needs to ensure, therefore, that this time deviations will not be tolerated and that those selected are both trained and work on election day.<sup>79</sup>

The immediate post-electoral period is another area that requires careful attention in order to avoid a lengthy and possibly violent dispute resolution process. Donors should consider funding the training through an international partner, such as the National Democratic Institute (NDI) or the International Foundation for Electoral Systems (IFES), of a group of at least ten lawyers to represent the parties at the vote tabulation centre (VTC) and provide them counsel and assistance in the filing of appeals or challenges during the electoral dispute resolution process.<sup>80</sup> The CEP should also consider granting accredited party poll watchers greater access to the VTC. Party agents have in the past been allowed a presence there, including invitations to make a prior tour and to observe the start of tabulation on election day. These practices need to

be continued and expanded as part of the process of reassuring parties that the rules are being followed.

Lastly, the CEP has functioned with eight members since May, when its vice president and Catholic Church representative, Enel Désir, was accused of fraud for cashing the pay checks of two office aides. His resignation in August<sup>81</sup> created an opportunity to add a new member who can inspire confidence of the suspicious parties. The authorities have dragged their feet but should do this promptly. Another way to increase confidence would be for the body to identify, after consultation, a party liaison agent, who would have an office at the CEP and access to all procedures and so be able to provide daily updates to parties and candidates.

## B. OVERCOMING TECHNICAL PROBLEMS

On 10 May, the UN presented the results of an elections feasibility assessment commissioned by President Préval. It concluded that year-end elections were technically possible provided that the political, financial, technical and logistical obstacles were immediately addressed.<sup>82</sup> Six weeks later Préval partly resolved some issues by extending the CEP’s mandate to include organisation of the presidential vote and setting the 28 November date.<sup>83</sup> The CEP says that elections can normally be organised in 120 days, but to give itself a little additional time to cope with technical difficulties resulting from the earthquake, it launched the official process 135 days before the target date. With considerable support from MINUSTAH, the UN Development Programme (UNDP), NDI, IFES and Elections Canada,<sup>84</sup> it has generally managed to keep to the tight calendar.<sup>85</sup>

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<sup>76</sup> Crisis Group email correspondence, senior official, OAS-CARICOM, 1 October 2010.

<sup>77</sup> These candidates were allowed to participate in the draw only in some departments. Crisis Group interview, senior international analyst, Port-au-Prince, 11 October 2010.

<sup>78</sup> Crisis Group interviews, political party leaders, Port-au-Prince, June and July 2010.

<sup>79</sup> Crisis Group interview, senior officials, CEP, Pétion-Ville, May and July 2010.

<sup>80</sup> The electoral law requires parties or candidates to file an appeal or a challenge within 72 hours of the elections. In a presidential election, this must be done with the BCED (Departmental Electoral Dispute Office) of the electoral division West 1. A candidate dissatisfied with the BCED decision can file an appeal with the BCEN (National Electoral Dispute Resolution Office). The BCED consists of the three members of the BED (Departmental Electoral Office), assisted by one or two lawyers; the BCEN comprises three CEP members assisted by one or two lawyers. A challenge to a legislative contest is filed with the BCED of the relevant constituency and can be appealed to the BCEN. There are eleven BCEDs across the country (one per department, except for West, which has two). BCEN decisions are final. Sessions are public. Electoral Law, July 2008. See also “Compilation de documents de support a la formation des BCEC”, CEP, Port-au-Prince, September 2006.

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<sup>81</sup> Lima Soirélus, “Jean Enel Désir jette l’éponge”, *Le nouvel-iste*, 16 August 2010.

<sup>82</sup> Report presented on 10 May 2010 by the Special Representative of the UN Secretary-General (SRSG) at an Electoral Task Force Meeting convened by Préval at MINUSTAH headquarters in Tabarre. Participants included the government, the main donors – the U.S., EU, Canada and Brazil – the OAS and CARICOM. Crisis Group was an observer.

<sup>83</sup> Préval issued three presidential decrees on 24 and 29 June to expand the mandate of the CEP to organise not only legislative but also presidential, municipal and local elections, as well as the indirect elections to put in place the full local governance structure. Crisis Group interview, senior official, CEP, Pétion-Ville, 21 July 2010.

<sup>84</sup> MINUSTAH provides logistics and security support, coordinates electoral technical aid and works closely with the CEP on planning. UNDP is responsible for the election fund, including donor contributions, and procurement of electoral material. Since 2006 Elections Canada has provided the CEP logistics and operations supervision expertise. IFES supports public information and voter and civic education. NDI trains domestic



Complete destruction of the electoral operations building, damage to CEP headquarters and departmental and communal electoral offices and, not least, the unavailability of some 40 per cent of public space used as polling sites in the departments affected by the earthquake posed initial logistical difficulties.<sup>86</sup> These were most challenging in the West department, where 40 per cent of the electorate lived and that was hardest-hit by the earthquake.<sup>87</sup> The CEP relocated its headquarters in March to Pétion-Ville, a less-affected area.<sup>88</sup> With MINUSTAH support, space for 96 per cent of the polling sites was identified and assessed by late September.<sup>89</sup>

The most urgent technical difficulties that remain are to add eighteen-year-olds to the voters list; give National Identification Cards – the sole document required to vote – to the newly registered as well as citizens reporting lost cards; to re-allocate voters wishing to change their polling site, particularly those among the 1.5 million IDPs; and to purge the list of those who have died since 2005, including the 250,000 earthquake fatalities. These are activities that require action from both the CEP, which manages the electoral registry, and the National Identification Office (ONI), which manages the general citizen database.

Through a 60-day process to verify the voters list begun on 16 August, the CEP re-allocated citizens to new polling sites based on requests filed at 1,480 verification centres (Centres d'opération de vérification, COV) across the country,<sup>90</sup> but the operation lacked an efficient public in-

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observers and political party agents. Crisis Group interviews, senior officials, CEP, April and July 2010.

<sup>85</sup> Changes in the calendar have been in publication of the official list of presidential candidates, originally planned for 17 August but moved back three days, according to the CEP to resolve all the electoral disputes and challenges regarding presidential candidacies. Crisis Group telephone interview, senior staff, CEP, 17 August 2010. See also Jacqueline Charles and Trenton Daniel, "Delayed Haiti candidate list increases anxiety", *The Miami Herald*, 19 August 2010.

<sup>86</sup> See post-quake interview with Ginette Chérubin, CEP member responsible for public information, [www.haitielections2010.com/interview-ginette-cherubin.php](http://www.haitielections2010.com/interview-ginette-cherubin.php).

<sup>87</sup> 43 per cent of the polling stations there were damaged or destroyed. Crisis Group interviews, senior officials, CEP, Pétion-Ville, April and July 2010. See also Ginette Chérubin interview, op. cit.

<sup>88</sup> The CEP now occupies a former Gold's Gym building confiscated by the justice and public security ministry from an owner arrested in 2009 for drug trafficking.

<sup>89</sup> Crisis Group correspondence, senior UN official, 20 September 2010.

<sup>90</sup> Presentation on the advancement of elections preparations, Pierre-Louis Opont, Director General, CEP, meeting with political parties, Karibe Convention Centre, Juvenat, 7 October 2010. Just over one million voters visited the centres. As of 11 October, 332,878 had been relocated to a polling site of their

formation campaign. Parallel ONI efforts to register new voters and handle requests for address changes and re-issue of identification cards caused some confusion.<sup>91</sup> Additionally, the CEP was late in explaining the verification centres and how requests for polling-site changes would be reconciled with the address changes requested at the ONI.<sup>92</sup> But of most concern is the late deployment of mobile posts in fifteen of the largest camps in the earthquake-affected areas sheltering 415,605 IDPs. The two-week delay, together with the ONI's tardy submission of the database to the CEP, casts doubt on whether the voters list will be published on time. That raises in turn the impact late publication could have on both politics and the electoral calendar.<sup>93</sup>

The OAS, which provides technical support to the ONI, estimated that on 27 September, the cut-off date, some 4.7 million citizens would be registered, 4.45 million of whom had already been registered and referred to the CEP in December 2009 in preparation for the postponed 28 February 2010 elections.<sup>94</sup> ONI estimates that at least 35,000 citizens turn eighteen monthly, which implies a need to have registered approximately 315,000 new voters be-

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choice at a data-processing centre set up by the CEP at the industrial park SONAPI in Port-au-Prince. CEP progress report of 11 October provided by international partner.

<sup>91</sup> Crisis Group interviews, COV personnel and displaced camp residents, Pétion-Ville and Port-au-Prince, 21, 28, and 29 September 2010. Crisis Group visited the Pétion-Ville Club, Jean-Marie Vincent and Champs de Mars camps.

<sup>92</sup> The National Human Rights Defence Network (RNDDH) published a report in September strongly critical of confusion between ONI and CEP operations. Senior Electoral Registry staff later met with RNDDH to explain the process, but the report had already been published and widely covered by the media leaving doubts about the process. Crisis Group exchange, senior electoral registry staff, CEP, Pétion-Ville, 7 October 2010. See [www.rnddh.org](http://www.rnddh.org) for report.

<sup>93</sup> The camps included Jean-Marie Vincent, Pétion-Ville Club, Champs de Mars, Tabarre Issa and Coarail Cesselesse. The CEP worked closely with an association of camp coordinators (Fédération Camps des Sinistrés) to launch the operation. Opont presentation, op. cit. The operations were scheduled to begin in camps on 27 September but only did so on 9, 10 and 11 October. Crisis Group interviews, national and international political analysts, Port-au-Prince, 11 October 2010.

<sup>94</sup> The 4.7 million total includes registered voters who died between 2005, when the ONI database was created, and 27 September 2010, the cut-off date. This figure includes an undetermined percentage of the adults killed during the earthquake. Crisis Group interviews, senior officials, OAS and ONI, Port-au-Prince, June and September 2010; senior official, OAS, Washington DC, 14 October 2010. "Haïti/Elections: 'Impossible de faire voter les morts', dixit Ginette Chérubin", Radio Vision 2000, 15 October 2010, <http://radiovision2000haiti.net/home/?p=5519#more-5519>.

tween January and September 2010.<sup>95</sup> Up to 27 September, it had registered during that period 283,073, approximately 90 per cent of the anticipated total.<sup>96</sup>

During that same period, the ONI received 28,857 requests for reissued identity cards, a figure that contrasts sharply with earlier UN assessments that a very large number of identity cards were lost during the earthquake and would need to be replaced before the elections. The ONI disputed those UN assessments, arguing that citizens normally carry the cards or could have retrieved them from damaged structures after the quake. It noted that after the 2008 floods in Gonaïves, an OAS-U.S. Agency for International Development project estimated that 200,000 identity cards would have to be replaced, but only 10,000 requests were received.<sup>97</sup>

While the CEP and ONI admit a need to purge the voters list, that process requires administrative and legal action outside their current mandates. To remove a name from the citizen database from which the voters list is drawn, the civil registry must first issue a death certificate.<sup>98</sup> The relationship that should exist between the ONI and the civil registry to facilitate database updates has not been established.<sup>99</sup> In addition, a death certificate normally lacks specific information that clearly confirms to the ONI the identity of the deceased person. The OAS is giving the justice and public security ministry (responsible for citizen registration and registries), technical help to modernise the civil registry system and the relevant information flow, which should help resolve the problem in the long-term.<sup>100</sup> For these elections, this is not an issue that can be

addressed but the CEP and the ONI with support from the OAS should assess its potential impact on the validity of the list and sensitise the voting public as well as political leaders.<sup>101</sup>

OAS estimates that some 6 per cent of the names in the database and consequently on the voters list could be of persons deceased since 2005, not counting those who died in the exceptional circumstances of the earthquake.<sup>102</sup> This irregularity concerns parties and candidates, but mechanisms exist that can limit opportunity for fraudulent voting if consistently applied. Voters are required to present their photo identity card at the polling station; the electoral law requires poll workers to enter the number of each card of each voter on the voters list, which also includes a photo, and the thumb of each voter is to be stained with indelible ink to avoid duplicate voting.<sup>103</sup> To reduce irregularities and increase confidence in the process, polling station workers need to be well trained in these procedures and closely supervised on election day, which has not always been the case in the past.<sup>104</sup> Bal-

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<sup>95</sup> Crisis Group interviews, senior official, ONI, Port-au-Prince, June 2010.

<sup>96</sup> Crisis Group interview, senior official, OAS, Washington DC, 14 October 2010.

<sup>97</sup> Crisis Group interview, senior official, ONI, Port-au-Prince, 23 June 2010.

<sup>98</sup> The civil registry is a decentralised state structure under the justice and public security ministry which keeps a manual record of all civil acts of citizens. It is extremely under-resourced, with several offices functioning in the registrar's private home. The OAS provides technical support to modernise it by digitalising records, but there are no known plans to improve its resources and link it with the ONI, though the OAS deems this necessary if citizen registration is to be improved and statistics made more reliable. Crisis Group interviews, senior officials, OAS and ONI, June and September 2010.

<sup>99</sup> Crisis Group interviews, international electoral technical assistance program director, Pétion-Ville, 22 May 2010; senior official, ONI, Port-au-Prince, 23 June 2010; senior official, OAS, Pétion-Ville, 28 September 2010. See also Sophie Lagueny and Rudolf Dérose, "Post-disaster Assessment on the Feasibility of Organising Free and Fair Elections in Haiti", IFES, March-April 2010.

<sup>100</sup> Crisis Group interview, senior official, ONI, Port-au-Prince, 23 June 2010.

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<sup>101</sup> On 15 October local radio reported on an interview with CEP member Ginette Chérubin on the issue of the deceased. While the report listed other mechanisms in the voting system that could limit fraudulent use of the names of the deceased on the list, the information regarding the estimated number of the deceased may need further explanation or revision. "Haiti/Elections", Radio Vision 2000, op. cit.

<sup>102</sup> Crisis Group interview, senior official, OAS, Pétion-Ville, 28 September 2010. OAS said estimates are partly based on yearly death rates established by the Pan-American Health Organisation (PAHO) and relate to the number of deaths that could have occurred between 2005, when the registration database was created, and December 2009 (a month before the earthquake). OAS estimates that at least a further 80,000 persons of voting age could be among the 220,000 government-estimated earthquake deaths. UN data on Haiti estimates a yearly death rate of 9.1 per 1000 adults between 2005 and 2010. This translates into an estimated 409,500-455,000 for a population of nine to ten million. See <http://data.un.org/Data.aspx?q=death+rate&d=PopDiv&f=variableID%3a65>. The Pan-American Health Organisation (PAHO) estimates a 2005 death rate of 9.4 per 1000 adults for a population of 9,410,000 and a 2010 rate of 9.0 per 1000 for a population of 10,188,000. See [www.paho.org/English/SHA/coredata/tabulator/newsq1Tabulador.asp](http://www.paho.org/English/SHA/coredata/tabulator/newsq1Tabulador.asp).

<sup>103</sup> Crisis Group interviews, international electoral technical assistance program director, Pétion-Ville, 22 May 2010; senior official, ONI, Port-au-Prince, 23 June 2010; senior official, OAS, Pétion-Ville, 28 September 2010; also Lagueny and Dérose, op. cit.

<sup>104</sup> Crisis Group interviews, political leader, Port-au-Prince, 16 June 2010; senior staff, CEP, Pétion-Ville, 16 April 2010; international electoral technical assistance program director, Pétion-Ville, 22 May 2010. Political leaders complained that while one verifiable measure to control voting at a polling station is to enter the identity card number on the voters list, poll workers consistently neglected to do so in the April 2009 par-

anced party representation among workers at the polling stations and admission of accredited party poll watchers would also boost confidence.

Nationwide voter and civic education, weak in past electoral processes, is needed to encourage turnout and assist voters in making educated choices. President Préval anticipates relatively low turnout due to voter apathy linked to the difficulties particularly IDPs continue to face.<sup>105</sup> Massive participation would be the most effective way to counteract attempts at fraud, as well as to give elected officials needed legitimacy.<sup>106</sup>

The findings of an internationally financed poll on voter participation have not been released publicly but should help the CEP and its partners in their voter and civic education efforts. They indicate 77 per cent of voting age respondents considered the elections important or somewhat important; 57 per cent intended to vote for president, though when asked differently 45 per cent said they were likely and 38 per cent unlikely to vote; respondents divided 38 per cent to 38 per cent over whether the elections were likely to be free and fair, and a significant percentage viewed the CEP as corrupt.<sup>107</sup>

The CEP should immediately launch its voter and civic education campaign, which involves utilising help from a network of local NGOs across the country to sensitise voters in some 600 community meetings on the criteria for choosing candidates and the roles of the executive and the legislative, as well as how and where to cast ballots.<sup>108</sup> The meetings need to include the largest camps and should

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tial Senate election. CEP staff and an international assistance partner said this was addressed in refresher training for the second round in June 2009, but there were indications that some poll workers entered numbers randomly. The UN elections feasibility report found that many irregularities in the decentralised communal electoral offices and polling stations was because training of poll workers and electoral officials has been too short, late or non-existent in the past. It also noted that the electoral security agents received security training from UN police but no specific electoral training. "Report of the Electoral Feasibility Mission", op. cit.

<sup>105</sup> Clarens Renois, "First post-quake election campaign opens in Haiti," Agence France-Presse, 27 September 2010. Visiting French Foreign Minister Bernard Kouchner and former Prime Minister Lionel Jospin in September joined the calls of some candidates and other political leaders, as well as UN SRSG Edmond Mulet for a massive turnout. Mulet, "Le vote: Arme secrète du peuple", document provided to Crisis Group. See also "Haiti-France: Kouchner appelle à une grande participation électorale", AlterPresse, 27 September 2010.

<sup>106</sup> Crisis Group interviews, political analyst, Haitian political analyst, Pétion-Ville, 10 and 25 September 2010 respectively.  
<sup>107</sup> International sources that request anonymity.

<sup>108</sup> Crisis Group interviews, senior international CEP partners, Port-au-Prince, 11 October 2010.

perhaps make use of some of the technical equipment MINUSTAH employed when it presented soap opera and football World Cup broadcasts there.<sup>109</sup>

IFES believes that at least a four-month campaign would have had better impact, but funding was only made available in September.<sup>110</sup> The campaign should run for the full remaining month and include outreach through radio, the medium to which the majority of voters have access. Word-of-mouth (*telejol*), remains Haiti's fastest and most effective public information means, however, and is essential for getting citizens to understand why it is important for them to vote despite their challenging situation. Authorities must get the message out to teachers, nurses, pastors and other community leaders who can spread the word.

### C. MAINTAINING SECURITY

Though Haiti does not currently face the security challenges of the 2006 elections, when well-organised armed gangs limited access to certain zones, such as Cité Soleil, the post-quake context, with large, inadequately patrolled IDP camps, an uncertain recovery and a wounded HNP, is fragile and requires close monitoring.<sup>111</sup> Overall stability is precarious due to the slow pace of IDP relocation and deteriorating conditions in camps in the midst of the hurricane season; the tensions surrounding the elections; delays in getting reconstruction off the ground; and increasing crime and armed gang activity, even if not yet at 2006-2007 proportions.

The negative impact of the earthquake on stability was expected, but the efforts to prevent regression and return crime control to pre-quake levels have been slow and chaotic.<sup>112</sup> The earthquake left 77 HNP officers dead and 253 injured, while 45 stations and substations collapsed or suffered major damage, and vehicles, communications equipment and records were lost, all of which further weakened an already challenged force.<sup>113</sup>

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<sup>109</sup> According to CEP reports, camp residents were included in the voters list verification centre operations. Camp leaders could also be trained to help lead voter and civic education campaigns.

<sup>110</sup> Crisis Group interviews, senior international CEP partners, Port-au-Prince, 11 October 2010.

<sup>111</sup> Crisis Group interviews, senior official, MINUSTAH, Tabarre, 24 September 2010; senior advisor, HNP, Pétion-Ville, 10 September 2010. Also Edmond Mulet, SRSG Haiti, presentation to the UN Security Council, NY, 13 September 2010.

<sup>112</sup> Crisis Group interview, international security expert, Pétion-Ville, 10 September 2010.

<sup>113</sup> Crisis Group Report, *Haiti: Stabilisation and Reconstruction after the Quake*, op. cit. Crisis Group interviews, senior official, MINUSTAH, Tabarre, 24 September 2010; international security expert, Pétion-Ville, 10 September 2010.

Some 5,000 prisoners, including an unknown number of armed gang leaders and members, fled the national penitentiary and eight other prisons in connection with the January earthquake. 1,000 have been re-arrested, and some gang leaders have been killed in turf fights, police operations or confrontations with the population. Most gangs have regrouped and resumed criminal activities in their former strongholds in Cité Soleil, Martissant and other areas. The proliferation of IDP camps, some with over 50,000 residents, coupled with weak camp policing, facilitates gang movement and provides safe locations from which some members operate freely.<sup>114</sup> The director of judicial police, Frantz Thermilus, recently acknowledged that drug dealers and other criminals have infiltrated the HNP; some police have already been arrested for such ties.<sup>115</sup>

In September 2010, the HNP reported a surge in organised crime linked to drug trafficking and other illicit activities.<sup>116</sup> A report on MINUSTAH to the Security Council in September warned of potential security problems linked to drugs and arms trafficking that could influence the electoral campaign.<sup>117</sup> Kidnappings have risen, averaging eleven monthly compared to six in 2009, as have murders and break-ins.<sup>118</sup> Port-au-Prince has generally been the principal zone for kidnappings, but since February several incidents have been recorded elsewhere, such as in Cap-Haïtien.<sup>119</sup> Twelve of eighteen cases in the Pétion-Ville area are said to have involved a gang led by prison

escapee Peter Gascoy (“Bobo”),<sup>120</sup> who was re-arrested on 13 September close to Cité Soleil. One of the most wanted gang leaders, Willy Etienne, allegedly responsible for several kidnappings in the north, was arrested on 6 September.<sup>121</sup>

The variety of victims indicates that no specific group is targeted, but 2010 statistics show an increase in kidnapping of females, who generally suffer multiple rapes. Among those taken have been two ex-deputies standing for re-election, two international aid workers and several diaspora Haitians. Most victims are released on payment of a ransom between \$7,500 and \$50,000, but at least one payment reportedly was higher.<sup>122</sup> President Préval himself has been a crime victim; his private residence in Pétiion-Ville was fired at in the early hours of 28 May 2010, though no one was harmed.<sup>123</sup> Since the earthquake a number of on-duty HNP officers have been shot dead.<sup>124</sup> The wife of the HNP West Department chief, Ralph Stanley Brice, was fatally shot by unidentified assailants in September.<sup>125</sup>

The combination of increasing criminality and declining police effectiveness is a serious threat to stability. If the trends continue during the final weeks of campaigning, it will not be enough to have a “fail-safe” security plan for election day. As Crisis Group pointed out shortly after the earthquake, speeding up efforts to ensure the HNP’s institutional recovery, vetting and training prison officers and stepping up community policing in the camps to curb sexual and other violence are essential to maintaining a secure environment for both elections and reconstruction.

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<sup>114</sup> At the Jean-Marie Vincent IDP camp near Cité Soleil, in the early hours of 18 June 2010, HNP with the support of MINUSTAH arrested some 30 escaped prisoners. “UN Peacekeepers help to arrest 30”, 18 June 2010, [www.reliefweb.int](http://www.reliefweb.int).

<sup>115</sup> Crisis Group interviews, senior official, MINUSTAH, Tabarre, 24 September 2010; senior adviser, HNP, Pétion-Ville, 10 September 2010. HNP reported that between 1 and 12 September there were 43 assassination attempts, nine murders by gunshots, three beheadings, four kidnappings and fifteen rapes. Frantz Lerebours, HNP spokesperson, monthly security assessment, September 2010.

<sup>116</sup> 90 persons were detained for serious crimes, including fourteen escaped prisoners and four persons involved in drug trafficking. Frantz Lerebours, monthly security assessment, September 2010.

<sup>117</sup> “Report of the Secretary-General”, op. cit. See also Jacqueline Charles, “In Haiti where money is scarce, campaigns a costly endeavour”, *The Miami Herald*, 3 September 2010.

<sup>118</sup> Crisis Group interviews, senior advisor to HNP, Pétion-Ville, 10 September 2010; senior official, MINUSTAH, Tabarre, 24 September 2010.

<sup>119</sup> 32 per cent of the 87 reported cases of kidnapping across the country at the end August took place in the north, including Cap-Haïtien; and Pétion-Ville registered 37 per cent of the 49 in the metropolitan area of the capital. Crisis Group email correspondence, senior official, MINUSTAH, 3 September 2010.

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<sup>120</sup> Bobo was arrested in 2008 for kidnapping but escaped from the National Penitentiary during the January earthquake. Ibid.

<sup>121</sup> Willy Etienne was arrested on 6 September at the economy and finance ministry. Crisis Group interview, senior official MINUSTAH, Tabarre, 24 September 2010.

<sup>122</sup> Crisis Group interview, senior official, MINUSTAH, Tabarre, 24 September 2010. Of 121 victims from January to August 2010, only one is known to have been killed, but seven, including five children have never been heard from. Analysts believe the children have been victims of child trafficking.

<sup>123</sup> Crisis Group phone interview, adviser to the president and Haitian security expert, 28 May 2010.

<sup>124</sup> Crisis Group interviews, senior command, HNP, Tabarre, 17 March and 11 May 2010; senior advisor, HNP, Pétion-Ville, 10 September 2010.

<sup>125</sup> Other prominent criminal incidents in recent months include the 3 August assassination of Dr Jean-Ronald Joseph, a political leader (KID, now allied with Fusion and OPL to form Alternatif) and well-known professional; the double murders of a well-known couple in Thomassin; the kidnapping of the wife of a prominent architect; two former deputies of the 48th legislature from the North department, both parliamentary candidates in the 28 November elections. Crisis Group interview, senior official, MINUSTAH, Tabarre, 24 September 2010.

The overall situation needs to be addressed immediately to prevent further deterioration.<sup>126</sup>

The U.S., Canada, Norway and France have provided vehicles and other material to strengthen police operations, but much of this aid came months after the earthquake, when the crime increase was already underway. A MINUSTAH campaign to curb gender-based violence in camps as well the deployment of permanent UN police (UNPOL)-HNP posts in a number of the capital's big camps have helped to protect residents, while the authorities seek sustainable resettlement solutions. MINUSTAH should also seek to restore its mentoring relationships with the HNP to their pre-quake state. Cooperation between HNP, UNPOL and the UN military to improve maritime and land patrols is still lacking. Training of police cadets, including officers, for key areas such as border control and prisons resumed on 6 September, but the government and police need to act on the results of HNP vetting to cope with continuing reports of connections to criminal activities.

The HNP and MINUSTAH have completed their election security assessment and approved their Integrated Security and Logistics Plan, including an evaluation of polling sites and their classification into red, amber and green zones to help guide election day deployment and incident response. Lessons need to be drawn from the situation that developed rapidly in Centre department and forced suspension of the April 2009 Senate elections. No one involved in that violence has been prosecuted. Some have been barred from the 28 November elections, but this will not prevent them from stirring up trouble again.<sup>127</sup> MINUSTAH plans to deploy nationwide, but its mandate limits it to supporting the HNP and forbids direct action to control a situation, such as making arrests.<sup>128</sup>

Since the visibility campaign began on 27 September, no major incidents have been reported,<sup>129</sup> but historically most confrontations come at public gatherings during the

last month of campaigning. Most analysts foresee some minor violence among partisans but no incidents big enough to affect the holding of the elections. However, there is a widespread perception that more people, among them many candidates, are carrying weapons in public.<sup>130</sup> At the 7 October CEP session with parties, representatives from the South and South East departments complained about the increased presence of arms, which, they said, was raising serious security concerns about the elections.

Another concern is that social unrest might be triggered because too little has been done to improve living conditions in camps or because of a hurricane. It is important to improve security now so as to avoid restrictive measures on election day that would hurt turnout, such as suspension of public transport.<sup>131</sup> The period just before election day and between the first and second rounds are times when rising tension can be anticipated, and very visible MINUSTAH and HNP presence is desirable.

#### D. ENHANCING INTERNATIONAL SUPPORT

The international community has often seen elections as an indication it can begin to wind down involvement. In post-quake Haiti, however, they are a condition for full international engagement. Once it was clear that no trusteeship was acceptable to Haitians or feasible for the international community, they became essential not only because they are constitutionally required but because they are seen as the way to provide a minimum guarantee of a Haitian government that can assume accountable management of reconstruction. Donors, the UN and the

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<sup>126</sup> Crisis Group Report, *Haiti: Stabilisation and Reconstruction after the Quake*, op. cit. Crisis Group interviews, Haitian security expert, Pétion-Ville, 25 September 2010; senior advisor, HNP, Pétion-Ville, 10 September 2010.

<sup>127</sup> Lagueny and Dérose, op. cit.

<sup>128</sup> Ibid; Crisis Group interviews, senior official, MINUSTAH, Tabarre, 24 September 2010; senior advisor, HNP, Pétion-Ville, 10 September 2010. Préval has also expressed concern that election security will depend on less than 10,000 national police for a population of eight million and UN forces who cannot speak Creole or French. Renois, op. cit.

<sup>129</sup> The electoral campaign is divided into two parts. The first began on 27 September and includes only the posting of photos, billboards, banderols and posters. The second will run from 15 October to 26 November and include public meetings and rallies. Opont, presentation, op. cit.

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<sup>130</sup> Crisis Group interviews, senior adviser, HNP, Port-au-Prince, 8 October 2010; political leaders, Pétion-Ville, 8 October 2010. One incident in Aquin, South department, involving the presence but not use of firearms has been reported. On 4 October, a few legislative candidates and community and political leaders met at the Ecole Renovateur there to consider a possible alliance to support a single candidate. Six persons, reportedly carrying pistols, entered and pressured the participants to end the meeting. Crisis Group interview, candidate, Port-au-Prince, 8 October 2010. The ONI office in Les Cayes was also reportedly attacked in early October and an unknown number of identity cards stolen.

<sup>131</sup> Public transport was suspended for the April 2009 elections due to security concerns and limited police capacity. Some analysts fear worsening security could again result in that step or even a declaration of a state of emergency by President Préval, which might affect campaigning and trigger further opposition to elections. Crisis Group interviews, international security expert, Port-au-Prince, 24 September 2010; Haitian security expert, Pétion-Ville, 25 September 2010. Low turnout facilitates ballot-stuffing, which some say occurred in the April 2009 elections, which had very low participation. Crisis Group interviews, Haitian political analyst, Haitian security expert, Pétion-Ville, 10 and 25 September 2010 respectively.

OAS fully supported President Préval's call for elections at the March pledging conference and have accompanied the process in the belief that it essential he hand power over to a credible successor government. U.S. Secretary of State Hillary Rodham Clinton declared that elections would ensure continued political stability and legitimacy.<sup>132</sup>

Ostensibly, Haitians have greater ownership of the organisation of these elections than in 2006, when MINUSTAH Civil Affairs and Electoral Sections were virtual extensions of the CEP.<sup>133</sup> But international aid continues to be important in financing and planning, preparations and logistics, security and observation. The international community will be held accountable, virtually as much as the government and the CEP, for the quality of the process.<sup>134</sup> Controversy could endanger MINUSTAH's in-country standing and its broader mission to bring stability, as well as cast doubt on the reconstruction process, which relies on donor financial and technical support.

The UN elections feasibility assessment commissioned by Préval officially opened the election discussions in May. Security Council Resolution 1927 (4 June 2010) requested MINUSTAH to coordinate international electoral assistance in cooperation with other stakeholders, including the OAS.<sup>135</sup> MINUSTAH, UNDP, the OAS,<sup>136</sup> NDI, IFES and Elections Canada all give technical help; the U.S., Canada, Brazil and the EU are the main donors; and the OAS and CARICOM have joined to lead international electoral observation. However, the focus must be on not only the outcome of the elections but also the process. To prevent further decline in public confidence, inside and outside Haiti, the international community should press harder for transparency and be prepared to provide mediation and further technical assistance to resolve electoral disputes if negotiations among the parties fail.

The stakes are high because these are not just any elections. They are to choose the executive and legislative authorities to lead reconstruction after the biggest disaster in Western Hemisphere history. Donors and the UN should refrain from treating the process as an item on a stability checklist. Emphasis on fair procedures is required.<sup>137</sup> In the final weeks, the OAS-CARICOM mission, headed by

a respected diplomat well-acquainted with Haiti,<sup>138</sup> must step up its work and, with donors and the UN, define clear standards for acceptable elections. Ballot stuffing; deliberate non-adherence to procedures by poll workers; voting by non-registered persons; restricted access of accredited watchers to polling stations; creation of disorder to discourage participation; intimidation of voters, poll workers or campaigners; and use of drug money for campaigns are among the red lines that must not be crossed. The international community must encourage Haitian authorities to apply the law to those who do cross them and make clear that it will review its relationship with a government that is not properly elected.

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<sup>132</sup> "Report of the Electoral Feasibility Mission to Haiti", op. cit.

<sup>133</sup> Charles T. Call, "UN Peace Operations and State-building: A Case Study of Haiti". U.S. Institute of Peace, April 2009.

<sup>134</sup> Crisis Group interviews, Haitian political leaders, Port-au-Prince, March, May, June, July and September 2010.

<sup>135</sup> See UN Security Council document S/RES/1927 (2010).

<sup>136</sup> The OAS provides technical assistance through its support to the ONI, which began in 2006. As an observer, it has refrained from assuming a greater role in technical aid. Crisis Group interview, senior official, OAS, Pétion-Ville, 28 September 2010.

<sup>137</sup> U.S. Congress letter to Secretary Clinton; Senate Foreign Relations Committee staff reports, op. cit.

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<sup>138</sup> Colin Granderson, who was head of the 1993-1997 UN-OAS International Civilian Mission in Haiti (MICIVIH) and head of the electoral observation mission for the December 1995 presidential elections. See MINUSTAH Annual Report Haitian National Police Reform Plan, 18 August 2007-17 August 2008, Annex 1; also [www.un.org/Depts/dpko/dpko](http://www.un.org/Depts/dpko/dpko).

## IV. TASKS FOR THE RECONSTRUCTION GOVERNMENT

The most urgent task for the new government will be to continue and accelerate initiatives to improve the living conditions of the vast majority of Haitians, particularly those displaced by the earthquake, who are living in precarious, spontaneous settlements. But there is an absolute need to strengthen the capacity of certain institutions so as to provide the political support successful and sustainable reconstruction requires. Once the elections are over, it will be imperative to assess the effects of the weaknesses in the CEP and parties, which together undermine efficient, timely elections and consequently democratic functioning. Cooperation between institutions such as the National Identification Office and the civil registry to support the CEP in maintaining a continuously updated, valid electoral registry must also be addressed. It will be crucial to hold municipal and local elections that put legitimate local authorities in place to support the decentralisation process envisioned for reconstruction and important to complete the 2009 constitutional amendment process and so strengthen the CEP, parliament and local government.

### A. STRENGTHENING INSTITUTIONS

The constitution assigns the CEP responsibility to administer elections independently. This puts it at the heart of democratic life, so its credibility with the electorate and political stakeholders, as well as the international community, is critical.<sup>139</sup> The organisation of the November elections has exposed shortcomings and highlighted the need for greater focus on the institution that controls the electoral mechanisms.

The executive and political parties are too heavily involved in nominating CEP members. This stimulates distrust, which creates additional tension in an already polarised political environment. Authorities should, in accordance with the constitution, establish the Permanent Electoral Council as soon as possible. But strengthening the electoral institution does not end with forming that nine-member body. The legislative division of responsibilities between its several elements should be clearly outlined. Council members should be responsible for setting rules and policies and evaluating the work of the body's opera-

tional arm.<sup>140</sup> They might meet part-time outside of electoral periods and be available full-time in the three to five months before elections. A permanent professional staff should handle the mechanics of maintaining the electoral registry; educating the electorate on democratic values and the political system; and training non-partisan poll workers, who should form the decentralised departmental and communal electoral offices and supervise polling sites.<sup>141</sup>

These operational and administrative aspects should be a director general's responsibility, and the permanent structure to manage them will need to be built up so it can routinely organise timely, free, fair and credible elections and thus help create conditions for sustainable reconstruction and development. This will require reviewing the old CEP structure, identifying the parts and the kind of staff needed and creating a career plan that gives electoral workers the benefits and security necessary for morale, motivation and confidence to act impartially. This reorganisation should also address technical difficulties observed in preparation for the November elections particularly related to the voters list, public information and civic education, key aspects that can directly affect participation and credibility of the process.

Local and municipal elections need to be held soon. They are formally due by year's end, but no date has been set.<sup>142</sup> As explained earlier, these elections should lead to the indirect elections for forming the municipal and departmental assemblies needed for the bottom-up nomination of the Permanent Council.<sup>143</sup> Crisis Group reported in 2007 that the legal framework for local governance and development did not match practice. While several laws to regulate local governance exist, none have been implemented, and the mandates of the councils and assemblies have not been clearly specified.<sup>144</sup> A draft law submitted to parliament in May 2009 sought to establish the framework for the organisation and functioning of local governance structures and to unify those texts and define

<sup>139</sup> Crisis Group interviews, political and civil society leaders, Port-au-Prince, March, May, June, July and September 2010. See also Jean-Pierre Kingsley, "Preliminary Statement of Canadian Mission for Accompanying Haitian Elections (CMAHE)", Port-au-Prince, 3 December 2006, [www.mieeh-immhe.ca/media\\_dec1406\\_e.html](http://www.mieeh-immhe.ca/media_dec1406_e.html).

<sup>140</sup> Crisis Group interview, elections adviser, Pétiion-Ville, 22 May 2010. See also Kingsley, op. cit.

<sup>141</sup> Crisis Group interview, Haitian political science professor, Delmas, 17 June 2010; Kingsley, op. cit.; Félix Ulloa, "Haiti: Cost of Registration and Elections", IFES-UNDP Cost of Registration and Elections (CORE) Project, 2005, <http://aceproject.org>.

<sup>142</sup> CEP and its international partners were considering holding local and municipal elections on the same date as the anticipated second round of elections, now proposed to be on 16 January 2011, if necessary. Crisis Group interviews, senior CEP officials, April and July 2010. Opont, presentation, op. cit.

<sup>143</sup> See fn. 12 above and Constitution of 1987, Title V, Chapter I, Articles 61-84.

<sup>144</sup> Crisis Group Latin America/Caribbean Report N°21, *Consolidating Stability in Haiti*, 18 July 2007; Crisis Group interviews, municipal authorities, Grand Goave and Petit Goave, 15 June 2010.

mandates. It would complete the legal framework for holding these indirect elections as well as for nominating justices of the peace and otherwise consolidating stability and development in rural communities where more than 60 per cent of Haitians live. It should be a priority for the new legislature.<sup>145</sup>

In its post-quake assessment on the feasibility of 2010 elections, IFES found that the great majority of those it consulted believed there were too many political parties, most were weaker than before the disaster, and few had a programmatic vision or adequate resources to run a campaign.<sup>146</sup> It noted that for truly inclusive and competitive elections, donors would have to fund technical assistance projects to promote and develop more genuinely representative, better-structured political parties capable of developing, articulating and sustaining substantive platforms and of playing a more effective role in the country's development. This would in turn enable them to offer candidates able to arouse voter interest and close the gap between expectations and political response.<sup>147</sup> Improved parties would likewise translate into an improved parliament, more inclined to a culture of negotiation and compromise.<sup>148</sup>

Technical aid to the previous legislature, chiefly U.S. and Canadian funded, strengthened its technical and administrative staff;<sup>149</sup> the Senate should now pass the law on organisation and financing of parties submitted in May 2009 and approved by the Chamber of Deputies in July 2009. It should regulate state support for party functions; set rules and limits on private funding and the accounts given to the electoral management body; and give that body mandate, resources and capacity to enforce regulations and ensure party and candidate accountability.<sup>150</sup>

## B. AMENDING THE CONSTITUTION

The 1987 constitution, written in the shadow of three decades of dictatorship, sought to promote democratic practices and guard against a return to tyranny, but certain

provisions have slowed progress on good governance, particularly those related to elections.<sup>151</sup> The frequency and costs of those exercises exceed the capacity of the country's struggling economy and strain international aid as well. The bulk of donor assistance for governance has gone to the organisation of elections. The OAS estimates that in the past two decades donors have contributed over \$230 million for this single element.<sup>152</sup> These repeated investments in elections have not solved Haiti's governance and institutional weaknesses.

The presidential commission Préval created in February 2009 to guide the constitutional debate reported in five months and recommended, among other changes, harmonising the electoral calendar at all levels to reduce the requirement for elections every other year. It proposed to increase the terms of local and municipal authorities as well as parliamentary deputies from four to five years and even out Senate terms to five years.<sup>153</sup> The 48th legislature passed the constitutional amendment bill in 2009, but the process was interrupted when the earthquake forced postponement of the February 2010 elections. It now risks being set back further years, as both ratification by the 49th legislature, still under Préval, and implementation by the government of his successor are required.<sup>154</sup>

There is general consensus in political and civil society sectors that the constitution requires amendment, but views differ on items such as timing and re-constituting the army. Most political leaders acknowledge the need to reduce the number of elections but making all terms five years is controversial.<sup>155</sup> Ratification of amendments by the 49th legislature before Préval departs office on 7 February 2011, so they can immediately enter into force, is still under consideration.<sup>156</sup> Achieving this would require either completing in three weeks the dispute resolution process following the anticipated 16 January 2011 second round of elections for all three contests, if necessary, the swearing in of the 49th legislature and rapid passage of

<sup>145</sup> Crisis Group interviews, elected municipal official, Carrefour, 6 August 2009; senator, Committee on Finance and International Cooperation, Port-au-Prince, 4 August 2009.

<sup>146</sup> See also Laguey and Dérose, *op. cit.*

<sup>147</sup> *Ibid.*; Crisis Group interview, senior official, OAS, Pétiion-Ville, 10 April 2010.

<sup>148</sup> Crisis Group interviews, political leaders and analysts, Port-au-Prince, 17 June 2010 and 10 September 2010.

<sup>149</sup> Crisis Group interview, senator, Committee on Finance and International Cooperation, Port-au-Prince, 4 August 2009.

<sup>150</sup> The IFES assessment mentioned above also found that most candidates received little support from the parties that nominated them and that the parties seldom redistributed the small funding they received from the state.

<sup>151</sup> Crisis Group interviews, Haitian constitutional expert, Pétiion-Ville, 11 May 2010; senior UN officials, Port-au-Prince, May 2010.

<sup>152</sup> Crisis Group interview, senior official, OAS, Pétiion-Ville, 13 April 2010.

<sup>153</sup> "Rapport au Président de la République", Presidential Commission, Working Group on the 1987 Constitution, Port-au-Prince, 10 July 2009. Crisis Group interview, senior official, Presidential Commission, Pétiion-Ville, 11 May 2010.

<sup>154</sup> Crisis Group interviews, senior official, Presidential Commission, Pétiion-Ville, 11 May 2010; political party leaders, Port-au-Prince, March 2010.

<sup>155</sup> Some parties believe that the periodic renewal of Senate terms gives continuity to legislative work. Crisis Group interview, senior official, opposition party leader, February 2010.

<sup>156</sup> Crisis Group interviews, international analysts, Port-au-Prince, September and October 2010.



the amendments, or allowing Préval to stay in office up to 14 May, the date on which the calendar count of his five-year term ends.<sup>157</sup> The former would necessitate a pro-amendment majority in both houses and a high-level of discipline that no parliament has yet exhibited, the latter, broad political consensus that is currently not present.

### C. MANAGING THE RECONSTRUCTION TRANSITION

Getting past the elections would only be a first step toward the political stability needed for accelerated reconstruction and improved help for quake victims. The presidential and parliamentary candidates have yet to issue coherent proposals on management of the reconstruction effort that will dominate their tenure in office. The executive and legislative branches must cooperate to manage the rebuilding of ministries, the parliament and other key government institutions.

Further, the term of the eighteen-month Interim Haiti Recovery Commission (IHRC) that oversees reconstruction and is led jointly by former U.S. President Bill Clinton and Haitian Prime Minister Jean-Max Bellerive will expire less than a year after the new government takes office. The authorities must seek consensus on assessing its progress as well as on managing the transition of its planning structure, including the Haiti Reconstruction Fund (HRF). Options to examine include whether it can be extended; whether the planning mechanism should move, for example, to the prime minister's office or the planning and external cooperation ministry; and whether the HRF should go with that mechanism or separately to the finance and economy ministry or the Central Bank or continue to operate somewhat independently. Solutions must be sought early to ease the transition and ensure it does not further delay rebuilding physical and institutional infrastructure and improving the situation particularly of the IDPs.

The new government must act quickly to complete elaboration of a relocation plan aimed at identifying and implementing, with international financial and technical support, sustainable solutions to IDP resettlement.<sup>158</sup> In

addition to being durable, these must be rights-based and include the participation of IDPs.<sup>159</sup> If there is not clearly visible progress shortly after the government takes office, the frustration that has been building will likely be one of the Préval government's first legacies to its successor.<sup>160</sup>

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<sup>157</sup> Préval took office on 14 May 2006. The Constitution, nonetheless, stipulates that an incoming president should take office on 7 February. Préval's May 2006 installation was due to electoral delays. Crisis Group interviews, national and international analysts and observers, Port-au-Prince, March-October 2010.

<sup>158</sup> With technical assistance from the UN Office for Project Services (UNOPS), the Pan American Development Foundation and Miyamoto International and financial support from the U.S. Agency for International Development (USAID), the EU and the World Bank, the government of Haiti has carried out technical assessments of the structural soundness of some 75 per cent of 350,000 to 400,000 houses in the affected zone. As

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a result, it considers that some 52 per cent are "green" and can be readily reoccupied; 26 per cent are "yellow", needing some repair to improve soundness before they can be reoccupied; and the remainder are "red", needing to be destroyed and rebuilt. Many IDPs, however, do not have money to return to green or yellow houses. There is a need to prepare assistance packages for each case and to determine whether the house's location presents other vulnerabilities, "Haiti-Earthquake Fact Sheet 4", USAID, 22 October 2010. Crisis Group interviews, IDP resident committee representatives, UN officials and donor representatives, Port-au-Prince and Washington DC, May-July and September 2010.

<sup>159</sup> Crisis Group interviews, Michel Forst, UN Independent Expert on Human Rights, Pétion-Ville, 10 September 2010; representatives, international humanitarian and advocacy organisations, June-August 2010.

<sup>160</sup> Crisis Group will examine IDP issues more extensively in a subsequent report.

## V. CONCLUSION

Haiti's elections got off to a rough start and have followed a thorny path toward polling day. A CEP still facing widespread lack of public confidence, the contentious political climate and the persistent rumours about more arms circulating promise a difficult final few weeks. To bring the process to an acceptable conclusion, the campaign must remain peaceful; a reliable voters list must be completed and published in a timely manner; a significant number of National Identification Cards must be distributed; and security maintained. A good voter turnout is essential if the new government is to have the popular legitimacy it needs to lead reconstruction.

While acceptable elections and another peaceful handover of power are essential and would mark some progress, true consolidation of democracy requires more: strengthening key institutions, consolidating rule of law and institutionalising electoral management to increase the impartiality and professionalism of election organisers and administrators. It also means increasing efforts to provide the population basic services and offering civic education that informs voters on the criteria for choosing leaders, the importance of voting not only for president but for all offices, the role of institutions, what to expect of the elected officials and how to ensure they are accountable.

There is strong need for electoral reform, beginning with amendments to the 1987 constitution. It should include developing domestic capacity to hold timely elections, to maintain a viable national identification database that produces a reliable voters list and to build stronger political parties through laws on their functioning, structure and financing. Such reforms would not only strengthen electoral processes but also encourage national ownership of the reconstruction process.

The newly-elected authorities will face numerous challenges. It is essential that the international community give them the financial and other support needed to attend quickly to the most urgent. Haitians are losing hope that their leaders and international partners have the political will to improve their dire socio-economic situation; the new authorities must work to change that by speeding up transitional housing for the displaced, clearing away the rubble and seeking immediate national consensus to address institutional issues such as land registry and management. Recognition is needed among all political actors that the new government requires support to advance toward sustainable reconstruction and transformation of the country's economic, physical and institutional infrastructure.

**Port-au-Prince/Brussels, 27 October 2010**

## APPENDIX A

### MAP OF HAITI



## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in fourteen additional locations (Baku, Bangkok, Beirut, Bujumbura, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria, Sarajevo and Seoul). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh,

Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia and Turkey; in the Middle East and North Africa, Algeria, Egypt, Gulf States, Iran, Iraq, Israel-Palestine, Lebanon, Morocco, Saudi Arabia, Syria and Yemen; and in Latin America and the Caribbean, Bolivia, Colombia, Ecuador, Guatemala, Haiti and Venezuela.

Crisis Group receives financial support from a wide range of governments, institutional foundations, and private sources. The following governmental departments and agencies have provided funding in recent years: Australian Agency for International Development, Australian Department of Foreign Affairs and Trade, Austrian Development Agency, Belgian Ministry of Foreign Affairs, Canadian International Development Agency, Canadian International Development and Research Centre, Foreign Affairs and International Trade Canada, Czech Ministry of Foreign Affairs, Royal Danish Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, European Commission, Finnish Ministry of Foreign Affairs, French Ministry of Foreign Affairs, German Federal Foreign Office, Irish Aid, Japan International Cooperation Agency, Principality of Liechtenstein, Luxembourg Ministry of Foreign Affairs, New Zealand Agency for International Development, Royal Norwegian Ministry of Foreign Affairs, Swedish International Development Agency, Swedish Ministry for Foreign Affairs, Swiss Federal Department of Foreign Affairs, Turkish Ministry of Foreign Affairs, United Arab Emirates Ministry of Foreign Affairs, United Kingdom Department for International Development, United Kingdom Economic and Social Research Council, U.S. Agency for International Development.

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**October 2010**

## APPENDIX C

### CRISIS GROUP REPORTS AND BRIEFINGS ON LATIN AMERICA SINCE 2007

- Bolivia's Reforms: The Danger of New Conflicts*, Latin America Briefing N°13, 8 January 2007 (also available in Spanish).
- Haiti: Justice Reform and the Security Crisis*, Latin America/Caribbean Briefing N°14, 31 January 2007 (also available in French).
- Venezuela: Hugo Chávez's Revolution*, Latin America Report N°19, 22 February 2007 (also available in Spanish).
- Haiti: Prison Reform and the Rule of Law*, Latin America/Caribbean Briefing N°15, 4 May 2007 (also available in French).
- Colombia's New Armed Groups*, Latin America Report N°20, 10 May 2007 (also available in Spanish).
- Consolidating Stability in Haiti*, Latin America Report N°21, 18 July 2007 (also available in French).
- Ecuador: Overcoming Instability?*, Latin America Report N°22, 7 August 2007 (also available in Spanish).
- Bolivia's New Constitution: Avoiding Violent Conflict*, Latin America Report N°23, 31 August 2007 (also available in Spanish).
- Colombia: Moving Forward with the ELN?*, Latin America Briefing N°16, 11 October 2007 (also available in Spanish).
- Peacebuilding in Haiti: Including Haitians from Abroad*, Latin America/Caribbean Report N°24, 14 December 2007 (also available in French).
- Latin American Drugs I: Losing the Fight*, Latin America Report N°25, 14 March 2008 (also available in Spanish).
- Latin American Drugs II: Improving Policy and Reducing Harm*, Latin America Report N°26, 14 March 2008 (also available in Spanish).
- Colombia: Making Military Progress Pay Off*, Latin America Briefing N°17, 29 April 2008 (also available in Spanish).
- Bolivia: Rescuing the New Constitution and Democratic Stability*, Latin America Briefing N°18, 19 June 2008 (also available in Spanish).
- Venezuela: Political Reform or Regime Demise?*, Latin America Report N°27, 23 July 2008 (also available in Spanish).
- Reforming Haiti's Security Sector*, Latin America/Caribbean Report N°28, 18 September 2008.
- Correcting Course: Victims and the Justice and Peace Law in Colombia*, Latin America Report N°29, 30 October 2008 (also available in Spanish).
- Haiti 2009: Stability at Risk*, Latin America/Caribbean Briefing N°19, 3 March 2009.
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- Haiti: Saving the Environment, Preventing Instability and Conflict*, Latin America/Caribbean Briefing N°20, 28 April 2009.
- The Virtuous Twins: Protecting Human Rights and Improving Security in Colombia*, Latin America Briefing N°21, 25 May 2009 (also available in Spanish).
- Venezuela: Accelerating the Bolivarian Revolution*, Latin America Briefing N°22, 5 November 2009 (also available in Spanish).
- Uribe's Possible Third Term and Conflict Resolution in Colombia*, Latin America Report N°31, 18 December 2009 (also available in Spanish).
- Haiti: Stabilisation and Reconstruction after the Quake*, Latin America/Caribbean Report N°32, 31 March 2010.
- Guatemala: Squeezed Between Crime and Impunity*, Latin America Report N°33, 22 June 2010 (also available in Spanish).
- Improving Security Policy in Colombia*, Latin America Briefing N°23, 29 June 2010 (also available in Spanish).
- Colombia: President Santos's Conflict Resolution Opportunity*, Latin America Report N°34, 13 October 2010.

## APPENDIX D

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