

Haiti's Elections: The Case for a Short Delay

I. OVERVIEW

The transitional Haitian government's postponement of presidential and parliamentary elections to 27 December leaves it still unlikely that a new and legitimate government can be installed by the constitutionally mandated target of 7 February 2006. Rather than rush the elections over the Christmas holidays – risking low turnout, insufficient international observation, and not enough time to fix serious organisational and security problems – the government and the international community should ensure a credible procedure by delaying the process one month, with the transfer of power taking place in March 2006.

Nearly 75 per cent of the eligible voters have been brought on to voter rolls, presidential and parliamentary campaigns are in motion, and a strong manager finally has been appointed to orchestrate the election. Unfortunately, a convergence of other factors has offset those gains. Few of those registered voters have received their voter ID cards, and violence and insecurity are daily concerns in many areas. In addition, last minute qualifying of presidential and parliamentary candidates has added to public confusion, civic education has been minimal and almost no one has been hired yet to count ballots. Those failures have led to two postponements already.

Delays and uncertainties have hindered campaigning. A final decision on qualified presidential candidates was made only on 11 November. Two contenders were disallowed because of dual citizenship, while the delays (some intentional) largely resulted from power struggles among elements of the transitional government, opposition by criminal and political gangs, and bureaucratic snags. The international community has been too slow in finding the right mix of carrots and sticks to force not merely timely but, far more importantly, credible elections.

Once the first, essential step of a month's postponement is taken, action is needed on three fronts for successful elections:

- **Electoral restructuring.** Immediate, meaningful pressure is required from the international community, primarily the UN, the U.S., France, Canada and the Latin American governments forming the UN Mission for the Stabilisation of

Haiti (MINUSTAH), to end the internal Haitian disputes and delaying tactics. Not only presidential but also parliamentary and local candidates have to be finally confirmed, voting centres set up, ballots printed, voting officials hired and trained, and international observers enlisted for the entire process from campaign through the inevitable appeal of the results.

If the process falters again, options begin with a new Security Council resolution mandating a virtual international takeover of the election process. This should authorise – in the event that electoral misconduct involves corrupt practices, criminal links or support for violence – targeted sanctions against those responsible, including review of their travel visas, assets and financial holdings in all countries. Given the many influential Haitians with dual citizenship in the U.S., France and Canada, the threat of that action might well encourage the kind of cooperation that has been lacking in the transition to date.

- **Security.** MINUSTAH needs to begin implementing the existing Security Council mandate for disarmament and demobilisation of armed groups, starting in carefully selected towns in the countryside and in urban neighbourhoods. At the same time, the UN Police (UNPOL) should exercise their vetting authority under that mandate and direct the Haitian National Police (HNP) to suspend and detain all officers identified by UNPOL as responsible for criminal violence. If the transitional government continues to block that action, the Security Council will need to respond by giving MINUSTAH full control of the police.

To strike a direct blow at the spoilers involved in smuggling and customs evasion, at least one port should be placed in international hands. That also might cut suspected financing of some political candidates by criminal networks. To demonstrate that MINUSTAH has the muscle for these actions, the U.S. should announce it has designated an “over the horizon” force of ship-based Marines to assist if necessary.

- **Political accords.** If the elections are to be seen as opening a new chapter of political opportunity,

efforts should be renewed to pursue a national governance pact. Reconciliation has been sorely missing from the transition process. Building on the election code of conduct the parties already have signed with MINUSTAH's support, a focus on the post-election government could send a message that the old political stalemate has been broken. One option would be to pursue agreement among the key surviving candidates after the first round of voting on a few priorities, such as public education, a physical infrastructure element like roads and tackling corruption.

II. BACKGROUND

The current crisis began in 2000 when Jean Bertrand Aristide was elected president for a second time through what was widely seen as a seriously flawed process. The boycott by the opposition, which refused to accept the parliament until several constituencies held election reruns, as recommended by the Organization of American States (OAS), was paralleled by increasing international isolation of the regime.¹ As increasingly believable charges of corruption and human rights violations were levelled, resistance from the political and business elite and broader civil society spread to include a rebellion by former members of the disbanded army (many coming across the border from the Dominican Republic), joined by street gangs in the cities, some formerly loyal to the government.

Although the Caribbean Community (CARICOM) urged patience, international demands mounted, and Aristide armed his supporters. Following failed diplomatic attempts at compromise, Aristide was pressured to leave the country on 29 February 2004. He was replaced by an interim government sanctioned by the Security Council and headed by then Supreme Court Chief Justice Boniface Alexandre as president and Gerald Latortue as prime minister.²

A largely U.S./French/Canadian multinational military force was sent to pacify the country under a Security Council resolution.³ It failed, however, to disarm either the rebels and ex-army or urban gangs (most linked to Aristide), and was replaced on 1 June 2004 by the Brazilian-led MINUSTAH. With troops also from Peru, Argentina, Uruguay and Jordan, it has 7,273 military personnel, headed by a Brazilian general, and is stationed

in Port-au-Prince, other cities and several rural trouble spots. It is complemented by 1,594 international police, approximately 15 per cent under authorised level and commanded by an experienced Canadian Royal Mounted Police commissioner.⁴ Both elements serve under the Special Representative of the UN Secretary General (UNSRSG), a former Chilean foreign minister and highly respected diplomat, Juan Gabriel Valdés, who also oversees UN development and election assistance activities. An experienced Latin American democracy advocate, Gerardo LeChevallier, leads the UN election unit.

On 1 June 2004, the OAS passed Resolution 2058, establishing a program to assist the Provisional Electoral Council (CEP) "in preparing, organising and overseeing the elections and the proclamation of the results, in cooperation with MINUSTAH".⁵ After fits and starts, voter registration began slowly in April 2005.

Originally voters were to fill nearly 10,000 positions nationally and locally, including president, 99 deputies, 30 senators, 420 municipal officials (a mayor and two deputies) and 9,000 community officials.⁶ However, due to bureaucratic inertia and technical problems, the municipal and local elections which were to take place on 9 October have been postponed until the second round of national elections. Since local elections also are essential for producing a permanent electoral commission under Haitian law, they should not be delayed any longer.

Candidates for president and parliament must poll more than 50 per cent. If no one has a first-round majority, a second round must be held between the two top candidates. A second round is a certainty for president and for many parliamentary seats.

Ostensibly, the elections are under the auspices of the CEP, although the OAS controlled registration, and financing comes largely from donors, especially Canada (\$22 million), the European Union (\$25 million) and the U.S. (\$17.4 million). An estimated \$10 million shortfall is expected to be made up by increased donations and no longer seems to be a major problem. In addition, the U.S. designated \$14 million to assist with other aspects of the process, including support for domestic monitors and

¹ See Crisis Group Latin America/Caribbean Report N°10, *A New Chance for Haiti?*, 18 November 2004, pp. 3-7.

² UN Security Council Resolution 1529, 29 February 2004.

³ *Ibid.*

⁴ General Urano Teixeira Da Matta Bacellar is force commander; R. Graham Muir is police commissioner. The annual budget is approximately \$500 million. www.un.org/Depts/dpko/missions/minustah/facts.html.

⁵ OAS Resolution 2058, 1 June 2004.

⁶ In the 2000 election the Chamber of Deputies had 73 seats, the Senate 27. The president serves for five years, senators for six years (one third elected every two years) and deputies for four years.

international observers, political parties, and media.⁷ Canada announced an additional \$6.25 million for international observers. The EU sent an advance team in early November and plans a substantial election delegation.⁸ However, if the 27 December date holds, it is doubtful that anywhere near the numbers of international observers required and originally contemplated will actually be available.

The CEP's role has been ambivalent at best.⁹ Made up of nine members representing parties, churches and other sectors, it is mandated to organise, oversee and "assure a transparent electoral process."¹⁰ It was installed in June 2004 even though Fanmi Lavalas (FL), Aristide's organisation and still a major political group, refused to participate in selecting its members.

From the start, the CEP has been plagued by rivalry, bureaucratic ineptitude, technical shortcomings and charges of partisanship and corruption.¹¹ Perhaps the most damaging decision was to permit each counsellor also to manage a department of choice – from communications to electoral affairs and information technology – including the details of hiring and budget. The result has been a breakdown in the process and a series of postponements, with the Security Council and UN Haiti Core Group expressing deep concern.¹² The question is when does the

Security Council react if its concerns are not heeded. Jacques Bernard, a prominent and respected banker, was appointed director general on 18 October with instructions to put the process in order. Unfortunately, his authority was not defined and he faces some resistance from CEP members.¹³

III. RECENT DEVELOPMENTS

A. CALENDAR

Since Crisis Group last reported,¹⁴ the national elections were postponed first from 6 November to 20 November 2005, then tentatively again to mid-December, and most recently to 27 December, with run-offs on 31 January. This would allow almost no time for anticipated appeals before the proposed 7 February inauguration of the new president.

The initial postponements were essential since registration was woefully slow, with barely 20 per cent of eligible voters registered in late July (and almost none in the Port-au-Prince slums), virtually no electoral community offices established, and not even a tentative list of candidates. Mid-December first round was seen as the latest possible date for the first round if the 7 February inauguration was to be kept.¹⁵ Many Haitians and internationals believe any further delay is unacceptable, partly because they have a vested interest in maintaining the 7 February target as a sign of the "success" of the transition.

But while all acknowledge it would be desirable to maintain the calendar, many in the international community, inside Haiti and out, argue that for the elections to be credible and the outcome legitimate, a first round at Christmas poses too many risks. Something of this can be read into the Security Council president's call on 18 October for a "feasible electoral calendar" rather than one tied to the inauguration date. With the 27 December proposal producing second thoughts, a "plan B" is being discussed in some quarters – a mid-January first round followed by a second round a month later and inauguration by early March.¹⁶

⁷ Nearly \$2 million has been designated for international observation. Nearly all the usual U.S. Agency for International Development (USAID) democracy partners are involved, including the National Democratic Institute (NDI), International Republican Institute (IRI) and International Foundation for Election Systems (IFES). NDI is to assist domestic monitors and, with IRI, work with parties; IFES will do international observation. The bulk of direct support is for the UN and OAS. USAID fact sheet, 20 October 2005.

⁸ Crisis Group interview, Brussels, 8 November 2005.

⁹ Crisis Group interviews, Port-au-Prince, October 2005.

¹⁰ Decree for Elections of the year 2005, issued 11 February 2005.

¹¹ Crisis Group interviews Port-au-Prince, October 2005.

¹² Ministerial meeting of the Core Group on Haiti, New York, 17 September 2005, Summary of the Chair: "They...expressed its concern regarding its tight schedule, and underlined the need to avoid delays". Statement of the president of the Security Council, 18 October 2005: "The Security Council notes with concern that important challenges to the preparations of the elections remain yet to be overcome...calls for effective and prompt decision making...and urges the Haitian authorities to make full use of MINUSTAH's advice and assistance...to finalising a feasible electoral calendar". The Core Group was established by the Secretary General at the request of members of the Security Council to bring together several advisory groups within the UN dealing with Haiti, including the "Friends of Haiti" made up of the U.S., France, Canada, Brazil, Chile and other Security Council members, along with the OAS, the

World Bank, and the International Development Bank (IDB). It has met three times.

¹³ Crisis Group interviews, Port-au-Prince, 19 October and 26 October 2005.

¹⁴ Crisis Group Latin American/Caribbean Briefing N°8, *Can Haiti Hold Elections in 2005?*, 3 August 2005.

¹⁵ Crisis Group interviews, Port-au-Prince, October 2005.

¹⁶ Crisis Group interviews, Port-au-Prince, Washington, New York City, November 2005. Most elections in Haiti have been held on a Sunday; the Tuesday date between Christmas and

B. SECURITY

The security situation is no better than mixed. The rise in violence has been checked recently, at least as far as direct attacks on MINUSTAH and the HNP. During the late spring and summer, an epidemic of kidnappings and killings had virtually produced a state of siege, with many embassies ordering departure of dependents and much of the Haitian elite doing the same. Gang activity and serious crime spilled out of the slums into relatively peaceful neighbourhoods and the countryside. Kidnappings still continue at about two a day, street crime is high and organised crime and drug trafficking operate with little interference. There are unconfirmed reports that some candidates may be receiving money from drug traffickers and smugglers and that some of those benefiting from the current provisional situation would be happy to see the elections postponed indefinitely.¹⁷

More aggressive tactics by MINUSTAH and UNPOL forces and a tacit truce by various gangs in the urban slums and the countryside have reduced the level of violence since early October.¹⁸ The de facto truce resulted from a dialogue between MINUSTAH and local Lavalas party leaders, who had decided to participate in the elections and requested MINUSTAH/OAS to open registration sites in the centre of Cité Soleil. Those party representatives apparently contacted gang leaders who agreed to halt attacks on international and Haitian officials.¹⁹ Still, insecurity remains. UN armoured personnel carriers, bullet-proof vests and helmets, and armed troops are required to visit registration centres in some urban shantytowns.²⁰ Attacks by gangs still occur in the city and country, and none of the illegal armed groups have been fully disarmed.

The HNP already have had two changes of their police chief since the international intervention. The current head, Mario Andrésol, is credited with major steps, starting with the arrests of more than a dozen officers for the killings in Martissant of at least nine spectators at a

soccer match. However, he is hampered by the lack of internal control. UNPOL has been slow to implement its plans to register and vet all police, identify where they are and the weapons they possess. Andrésol says some 25 per cent of the force is corrupt. He is not even certain who is working for him: more than 2,000 pay checks go each month to “ghost” officers. UNPOL identified two dozen officers with criminal backgrounds and possible involvement in kidnappings and killings. They have not been suspended because they have support in the transitional government, and there is concern for Andrésol’s safety.²¹

Much of Port-au-Prince, particularly downtown and along the seaside roads in and out of the city, is off-limits to UN and U.S. personnel, especially at night. The roads to Gonaives and Cap Haitien as well as through the Artibonite, Northwest and Centre departments are also considered very dangerous. This was demonstrated in late October when independent presidential candidate Simeus tried to stage a rally in Bel Air, a Lavalas stronghold in a large Port-au-Prince slum. He and his convoy were stoned and forced to flee.²² Recent fire fights in Cité Militaire brought a rapid and significant MINUSTAH response that left four assailants killed, 33 arrested.²³

The inability of the international community, particularly MINUSTAH and CIVPOL, to obtain the transitional government’s agreement for an effective program to disarm and demobilise both urban and rural illegal armed groups presents the potential for intimidation during the campaign. The critical need is to demobilise those groups, rather than trying to collect weapons from each individual group member. Even though most agree that fixed security can be provided on election day, there are concerns about the campaign itself. Already, several local and parliamentary candidates reported having been attacked when visiting insecure areas.²⁴

C. RETOOLING ELECTORAL STRUCTURES

This continuing insecurity has been accompanied by events aimed at streamlining and advancing the electoral process. U.S. Secretary of State Condoleezza Rice visited on 27 September to make clear that Washington demanded

New Year’s could present a serious problem since many people will be travelling to be with relatives and thus away from their voting precincts. As discussed below, it would also likely present difficulties for obtaining sufficient numbers of international observers.

¹⁷ Ibid.

¹⁸ Crisis Group interview Port-au-Prince, 18 October 2005. The U.S. embassy reportedly decided to allow some of the employees it had ordered to leave due to security concerns to come back into the country.

¹⁹ Crisis Group interview with local Lavalas party leaders, 18 October 2005.

²⁰ Crisis Group interviews with UN and U.S. officials, and trip to Cité Soleil with UN team, Port-au-Prince, 20 October 2005.

²¹ Crisis Group interviews Port-au-Prince, 18 October, New York and Washington, November 2005.

²² *The New York Times* and local media, 27 October 2005.

²³ UN press reports, 17 November 2005, www.un.org/french/peace/peace/cu_mission/minustah/pr196.pdf. At least one submachine gun and ammunition were seized.

²⁴ Crisis Group interviews with candidates and campaign workers, 26, 27 October 2005; “A bitterly divided Haiti...”, *The New York Times*, 30 October 2005.

timely and honest elections. She was followed by Under Secretary of State Nicholas Burns, who publicly told Haitian officials, "they need to work with much greater speed and much greater efficiency in organising these elections". The 18 October Security Council statement, its third, expressed "concern" about the delayed decisions.²⁵

The initial Haitian response was ambiguous. Latortue returned from a donor conference in Brussels to say that "for those who think that the election will not take place, I am telling them once and for all, loudly and strongly, the elections will take place".²⁶ The prime minister's assertion followed his naming of Bernard as director general of the CEP. Relying on those forceful statements, Bernard immediately moved to reorganise the agency and assume control over hiring, firing and finances. He ordered an end to delays in printing and distribution of voter registration cards.²⁷

However, his orders were either largely ignored or met unforeseen obstacles. By 1 November, the 18 December date was described "as only a target" and soon slipped to 27 December, while Bernard threatened to resign if his counsellors did not cease meddling.²⁸ The target for the runoff was set back "toward the end of January," most likely the last week of the month,²⁹ and more woes followed.

The special nationalities commission set up by the prime minister on 13 October to vet candidate eligibility delayed its findings until 11 November, making campaigning difficult as rumours spread that as many as ten presidential candidates would be eliminated for not meeting citizenship requirements, including Haitian-American businessman Dumarsais Simeus, a reported billionaire favoured by some moderates. In the end, only Simeus and Samir Mourra were excluded, for holding U.S. passports. José Nicholas was disqualified for an "incomplete dossier".

Whether this ends the eligibility issue is uncertain. The nationalities commission had been established largely in response to the ruling of the Supreme Court on 11 October that Simeus was qualified; two days later, the transitional government decided that the Court no longer had jurisdiction and came up with the commission. Questions remain as to the constitutionality of this action.

Members of the Support Committee (Comité d'Appui), named by Latortue to facilitate organisation of the elections after complaints about CEP performance, resigned in the

first week of November. A member, Danielle Magloire, was quoted in local media as complaining it had no political support and was not even recognised by the government.³⁰ A separate Election Guarantees Committee was named on 27 October as an additional watchdog on the process. It includes three representatives each from civil society and political parties, and one each from the government, the Catholic, Protestant, and Voodoo churches and the National Council of Election Observation (CNO).³¹

Delay in delivering voter registration cards has followed delay in printing them³² and the CEP's failure to finalise the number and location of voting centres. Once in full operation, the OAS-managed process has given Haiti its first secure national identification card and permanent voting registration list. However, the OAS initially underestimated the time needed to organise registration offices, train staff and carry out a nationwide effort given the public infrastructure and security deficits.³³ Fortunately, MINUSTAH stepped in to help complete the registration sites by mid-summer, the original date for registration itself to end. By keeping sites open in Cité Soleil well into November, the OAS registered 3,417,500 of the 4.25 million estimated eligible voters.³⁴

Although substantial numbers are unlikely to have their cards by 27 December, according to CEP officials, they will be able to vote if they have valid receipts issued when they registered at the centres.³⁵ However, procedures have not been formalised, public education has not been undertaken and voting workers have not been trained. Paper receipts also could slow an already complicated process, open the system to fraud charges and discourage voting.

Given Haiti's history, electoral observation remains vital if there is to be confidence in the process. There is a decade of experience with electoral observation and there are currently seven domestic groups under an umbrella

²⁵ UN Security Council Statement, New York, 18 October 2005.

²⁶ Haitian media, Port-au-Prince, 29 October 2005.

²⁷ Crisis Group interview, Port-au-Prince, 19 October 2005.

²⁸ Crisis Group interview, 11 November 2005.

²⁹ Crisis Group interview, Port-au-Prince, 28 October 2005.

³⁰ BBC report, Port-au-Prince, 8 November 2005.

³¹ Crisis Group interview, 10 November 2005.

³² The OAS awarded the contract for the Haiti voter identification cards to Digimarc Corporation, which produces two thirds of the drivers licenses in the U.S. and IDs in some twenty countries, including similar secure IDs which are produced by its Mexican plants for Mexican, Costa Rica, Honduras, Brazil, Colombia and Puerto Rico. <http://www.tmcnet.com/usubmit/-digimarc-provide-secure-voter-ids-upcoming-elections-haiti-/2005/aug/1173382.htm>.

³³ See Crisis Group Briefing, *Can Haiti Hold Elections in 2005?*, op. cit.

³⁴ Figures provided by the CEP and the OAS as of 8 November 2005.

³⁵ Crisis Group interview, Port-au-Prince, 28 October 2005.

organisation, the National Observation Network (RON),³⁶ which is advised by the National Democratic Institute (NDI) and plans to cover the estimated 8,883 voting tables. There also is the National Council of Election Observation, which operates under the transitional government and intends national observation.

International observation includes European Union and Canadian teams, whose numbers are still uncertain. International Foundation for Election Systems (IFES) plans to bring in 30 additional observers for the election days but started its work in July with twelve long-term international observers covering different regions of the country. While there is information exchange and some coordination planned between national and international observers, the absence of CEP regulations and a clear security plan – and the proposed election date during the Christmas holidays – are obstacles to effective missions.³⁷

D. CAUSES FOR DELAY

There are several major reasons for the electoral delays. UNSRSG Valdés on 17 September listed for the Core Group and the Security Council ten things that needed to be in place by 30 September for elections to occur in 2005.³⁸ None were.

The first failures were by the CEP, to issue the electoral law, select voting sites and establish the procedure for validating candidates, particularly for president. The new nationalities commission compounded these by not vetting the presidential candidates until mid-November, then suggesting that it could issue its own list of candidates, raising the possibility of competing “official” lists, since the CEP formally is charged with issuing that document.³⁹ All that uncertainty has held up the printing of ballots.

The CEP also was dilatory in determining the exact number of voting centres and publicising their locations. Until the centres were identified and physically established, the cards for the 3.4 million registered voters could not be distributed, since they were to carry the location at which they were to be valid. (Now stickers are to be added to the cards.) The public

controversy was over whether to expand the projected 809 centres to at least 1,200, as in the past. There were suspicions that the lower number might be intended to disenfranchise thousands of rural voters but officials insisted it was the most that MINUSTAH could service and protect.⁴⁰

Even so, the estimated 40,000 poll workers that will be needed to operate those 809 centres, as well as 142 Communal Electoral Bureaus (BECs) and ten Departmental Electoral Bureaus (BEDs) have not been hired.⁴¹ The BECs particularly are a crucial link in the chain. If they are not well manned by trained personnel and supplemented with sufficient international observers, tallies could be delayed and the chances for a miscount or fraud would increase. The appeals process has yet to be finalised and lawyers and officials at community and departmental appeals offices hired or trained.

Despite considerable international attention to these issues, the U.S., other Core Group members and the UN have not applied enough credible pressure to convince the interim government, the CEP and the political interests that continued obstructionism, delays, and opposition would be meaningfully punished.

IV. CANDIDATES, PARTIES, MOVEMENTS

With the official list now public, it is possible to identify the most serious presidential candidates and the organisations behind them.

René Préal, president from 1995 to 2000, is widely seen as the presidential favourite. He split bitterly from Aristide, privately accusing his one-time friend and mentor of subverting his administration and then reversing his accomplishments when he regained power in 2001. Préal refused to stand as a Lavalas candidate, although he was asked, or to seek Aristide's support, and is running as the candidate of the “Lespwa” (“Hope”) coalition. In effect he heads a more moderate wing of

³⁶ RON are the initials for the creole name “Rezo Obsevaté Natyonal”.

³⁷ Crisis Group interviews, Port-au-Prince, 19 October, 16 November, 2005.

³⁸ See “10 Key Points to Keep the Electoral Process in Haiti on Track”, distributed at the UN Haiti Core Group, 17 September 2005.

³⁹ Crisis Group interview, Port-au-Prince, 28 October 2005.

⁴⁰ Crisis Group interviews, Port-au-Prince, 19 and 28 October 2005.

⁴¹ BED is the French acronym for Departmental Election Bureaus, which are established to administer the electoral process in eleven departments. BEC stands for Communal Electoral Bureau, of which there are 142 BECs. Once votes are counted at each voting table within the voting centres, they are transported to the appropriate BEC, where they are tallied and sent on to the BEDs.

Aristide's now divided Lavalas movement. Nevertheless within Cité Soleil, he has the support of some of the more traditional and hardline Lavalas local groups.

Préval has kept his own counsel, remained relatively quiet and avoided controversy,⁴² refusing, for instance, to take a stand on whether Aristide should be allowed to return. He also has not joined publicly in demands for the release from jail of such Lavalas leaders as former Prime Minister Yvon Neptune and Fr Gérard Jean-Juste, a Catholic priest and onetime presidential hopeful.⁴³ Préval's vague platform is centred on rejecting violence, corruption and drug trafficking, as well as taking advantage of development aid and opening Haiti to investment, domestic, diaspora and foreign. He relies on the perception of relative stability from his previous presidency and some remembered achievements such as roads, schools, and public works. By some accounts, he could top 30 per cent in the first round.

Préval's prime opponent depends on who is talking. One oft-mentioned possibility is **Charles Henri Baker**, a 50 year-old member of an elite family involved in textiles, other commerce and agribusiness. Although some of his family have identified with moderate elements in the past, even supporting Aristide's return from his original, 1994 exile, "Charlito," as he is familiarly called, has taken a hard stance on the slogan, "Order, Discipline, and Work". His light skin and economic status would seem to work against him in Haiti's largely black, poor and peasant society but he quickly gathered more than 100,000 signatures on petitions to qualify as an independent. He denies allegations he paid for them but acknowledges others may have. His platform centres on creating jobs through improving agriculture, strengthening the justice system and collecting taxes. Baker appears most determined to stop Préval or at least prevent him from succeeding if elected.⁴⁴ He has resigned from the "Group of 184" of Aristide opponents and seeks to build a coalition of traditional parties who will support him in a second round against Préval.

All the other promising candidates are figures from Haiti's political past, nearly all with baggage. Former Prime Minister **Marc Bazin** is the Fanmi Lavalas (FL) nominee. A highly regarded economist, who worked for the World Bank in the 1970s and served as a financial

consultant to several African nations, he ran against Aristide in 1990 and was prime minister in the military regime that forced him from office seven months later. He joined the cabinet in Aristide's second term in 2000 and argues for Aristide's right to return without facing charges as well as release and amnesty for Neptune, Jean-Juste and other political prisoners.⁴⁵ Now at least 72, he strongly asserts non-violence and a less populist economic approach. His campaign manager is Leslie Voltaire, a former key Aristide adviser.⁴⁶ Bazin heads his own party, the Movement for the Installation of Democracy in Haiti, (MIDH), which has allied with the FL in the Union for Haiti.

Leslie Manigat is a 75-year-old academic and politician who was elected president in 1987 in a military-dominated election but driven from office in a coup months later. He argues that "the country's current leaders lack the fundamental values that need to be restored; it is my generation that can and should restore those values".⁴⁷ His program is a blurred call for ending hunger and establishing equality and justice.

Former Port-au-Prince Mayor **Evans Paul** is the candidate of Democratic Alliance, a freshly created centre-left alliance between his Convention for Democratic Unity (KID) and the People's Party for Haiti's Rebirth (PPRH), formerly Generation 2004, led by Claude Roumain, another politician who has swung between supporting and opposing Aristide. His main strengths are name recognition, longevity and organisation.

Frequently mentioned but more unlikely possibilities are **Guy Philippe**, ex-national police chief and leader of the quasi-military force that helped force Aristide out in 2004, and **Dany Toussaint**, a strong-armed aide and then senator who turned against Aristide. Philippe's party is the Front for National Reconstruction (FRN); Toussaint's is the Haitian Democratic and Reforming Movement (MODEREH).

Social Democrat **Serge Gilles**, 69, an outside possibility, represents the Fusion of Haitian Social Democratic Parties (FPSDH).⁴⁸ A political activist since he was arrested and tortured by the old dictator, Francois "Papa Doc" Duvalier, he was a senator from 1990 to 1994.

⁴² That did not stop some 20,000 Préval backers from going into Port-au-Prince streets in a 3 November 2005 demonstration condemned by the candidate's opponents as violent. MINUSTAH officials said the rally was peaceful and orderly. There were only isolated incidents, and it is not clear who was behind them. Haitian Press Agency, 7 November 2005.

⁴³ Neptune and Jean-Juste were jailed without charges in the aftermath of Aristide's removal from office.

⁴⁴ Crisis Group interview, Port-au-Prince, 20 October 2005.

⁴⁵ Crisis Group interview, Port-au-Prince, 20 October 2005.

⁴⁶ Voltaire's brother, Franz, is Préval's campaign manager.

⁴⁷ Crisis Group interview, Port-au-Prince, 27 October 2005.

⁴⁸ FUSION is an alliance of three Social Democratic parties: Haiti Can (Ayati Kapab), National Congress of Democratic Movements (KONAKOM) and Nationalist Progressive Party of Haiti (PANPRA).

Now on the fringes but once a power is the Organisation of People in Struggle (OPL),⁴⁹ Aristide's party until 1996 when he broke away and formed the FL. After the 1995 elections, OPL held fifteen of nineteen senate seats, 64 of 82 seats in the chamber of deputies and 97 of 133 mayoralties. After Aristide left, OPL accused FL of fraud in the 1997 senatorial elections and the second round was not held, thus preserving its plurality in the parliament until 1999 and allowing it to block Préval's choices for prime minister. Its presidential candidate is **Paul Denis**, a one-time Aristide ally and senator elected in 1995.

Three candidates come from the Protestant movement, which has acquired strength in recent years. **Jean Chavannes Jeune**, the candidate of the National Union for the Reconstruction of Haiti (UNCRH) is 51, a pastor and by training a civil engineer, who heads an Evangelical Baptist mission. **Charles-Poisset Romain**, a former parliamentarian and member of the CEP in 1987 who holds a PhD in sociology from the Sorbonne, is the candidate of the Haitian Political Civic Front. **Luc Mesadiou** of the Christian Movement for a New Haiti comes out of the same protestant/evangelical mix and will likely attract support from the international evangelical network.

Beyond the candidates and their parties, several groups have considerable influence. Group 184 was formed in 2002 to negotiate the crisis between Aristide and the opposition but by 2003 was firmly anti-Aristide. It now appears dominated by the bourgeoisie elite represented by Andre Apaid, a wealthy textile businessman. It does not yet support a candidate but appears united in an "anybody but Préval" mood.⁵⁰ Presumably it will back whomever Préval might face in a run-off.

The campaign is personality, not issues, driven. Most platforms contain general calls for ending corruption and violence, establishing democratic procedures and judicial and police reform. Discussion of issues, however, has been sorely lacking. MINUSTAH pushed the candidates to agree on an electoral code of conduct but an effort to extend this to a national dialogue on the country's needs has not moved far. Civil society groups, Haitian and international, including Norwegian supported NGOs, have organised meetings aimed at developing a common national agenda, to be pursued regardless of who won the presidency. The country's polarisation, more visible as the election nears, has been exacerbated by the transitional government, which continues to hold former Lavalas officials in jail, some without charge. Since the parliament

is sure to be seriously fragmented, such a pact would help the new government to function. Efforts continue but have yet to bear fruit.

Several candidates have urged more attention to agriculture and rural development, almost all to rebuilding the physical infrastructure damaged by hurricanes and government corruption and incompetence. A potentially useful if improbable suggestion has been to adopt the kind of parallel auditing of revenues and expenditures, with heavy international community supervision, that the World Bank has negotiated in Liberia and which is designed both to prevent corruption and help manage and rationalise public expenditures.⁵¹

As muddled as the presidential race appears, the contest for the National Assembly is even murkier. Few experts expect any party to win a substantial bloc of seats, let alone a majority, leaving much of the nation's crucial governance to Byzantine and likely paralyzing manoeuvres.⁵² The National Assembly plays a crucial political role: it names a prime minister, develops the budget, oversees organisation of ministries and the operation of the executive. As a new government evolves, it will be faced with crucial decisions on such key issues as privatisation of state-owned industries, police reform and whether to re-establish an army. Equally important will be the tone of debate and the political process.

Throughout Haitian history, its parliament has been the scene of disorder, discord and disarray, often punctuated by violence. Given events over the last twenty years, there is little reason for optimism. In 1997 the Inter-American Development Bank issued an understated report saying, "the Haitian parliament is in a developmental state and is experiencing some difficulties". Pointing to an almost total absence of a working committee structure, technical assets or law-making processes, it added, even "physical deficiencies...are critical".⁵³ Little has changed. Nevertheless, a parliament is essential for the functioning of the political system: when objections arose over fraudulent efforts to manipulate its elections, they became the major initial rationale for challenging the legitimacy of the Aristide government.

The delay in local government elections, including mayors for larger cities and community councils in smaller rural districts, also raises concerns. If these are not joined with

⁴⁹ Organisation du Peuple en Lutte (Organisation of People in Struggle). Originally the Organisation Politique Lavalas, the name was changed after Aristide's breakaway.

⁵⁰ Crisis Group interview, Port-au-Prince, 19 October 2005.

⁵¹ Crisis Group interview, Port-au-Prince, 17 October 2005. For the Liberia experiment, see Crisis Group Africa Report N°98, *Liberia's Elections: Necessary but Not Sufficient*, 7 September 2005.

⁵² Crisis Group interviews, Port-au-Prince, 17-29 October 2005.

⁵³ Inter-American Development Bank, Washington, D.C., 25 March 1997.

the second round of national elections, it would mean a costly additional day of voting with little independent observation likely. Since local elections eventually lead to judicial and permanent electoral council nominations, they are essential for consolidating a democratic structure.

V. CONCLUSION

In a nation with a history of coups, unwieldy constitutions, failed elections and now an unpopular transitional government sanctioned by the outside world, rushing the final electoral steps risks creating a perception that the voting is unfair and thus the resulting institutions of presidency and parliament are not legitimate. "The constitution is already in brackets", a European diplomat says.⁵⁴ Credible elections and a widely accepted government are more important than formally meeting target dates that in themselves have no intrinsic importance.

Many pro-democratic Haitians doubt that a credible election can be held without one more postponement and say that it is a fallacy to think the process will collapse if the president is not sworn in on 7 February.⁵⁵ There still is a great need for holding elections for the presidency, parliament and local offices as soon as possible but the safest time frame would be first round balloting in mid-January with inauguration in early March.

A longer delay would have negative consequences. An already disillusioned public would see it as another effort by a corrupt government to maintain illegal power. Spoilers, pro- and anti-Aristide, would be emboldened to continue obstructionist tactics, and the informal truces with urban gangs and ex-military could break down. International credibility would certainly weaken if the date were changed by more than one or two months.

However, even to achieve an early March transfer of authority is a big task. A permanent UN election team should be installed at the CEP from now until after the elections to assist Director General Bernard. Any remaining uncertainties about qualifications of candidates, parliamentary or local, need to be resolved, and ballots not only printed but checked closely for accuracy.

The 809 voting centres need to be set up and a full explanation given as to how this number will ensure access to vote on a fair basis to all citizens. The locations then need to be published and manned so that 3.4 million voters can obtain their registration cards. Allowing many

to use registration receipts or other means of identification to vote inevitably has the potential for distortions. If all the cards can be distributed by delaying the elections by a few weeks, it would be wise to do so.

The personnel for the BECs and the voting centres must be appointed on a totally nonpartisan basis and training begun without delay. International observation is crucial for credibility of the elections, and international observers need to be named for each of the 142 BECs as well as for each of the 809 voting centres, which may each have up to twenty voting tables.⁵⁶ MINUSTAH must ensure sufficient protection for the European Union, Canada and IFES, which are organising the observation, including at night when ballot counting – and stuffing – has occurred in the past. One of the most important reasons for pushing back the 27 December date for the first round is that it will be difficult to attract sufficient international observers in the week between Christmas and New Year's.

No matter when the elections are held, MINUSTAH and UNPOL must step up their security efforts, including to limit the practice which sees candidates trailed by cohorts of overly armed and under trained guards. There should be a UN-coordinated security operation for major public events, and MINUSTAH/UNPOL should provide security for the two presidential candidates who come through the first round. More UN troops and police are needed, along with an intensification of aggressive tactics so that all candidates can campaign in all parts of the country. Some part of these tactics should be demobilising gangs in the most likely threat areas of urban slums and rural townships.

The cleansing of the Haitian National Police of corrupt officers needs to be widened and quickened and a concerted effort made to hire and train more personnel. It is intolerable that the head of the police must be guarded by outside forces because he cannot trust his own men.

By any test, 7 March is more reasonable than 7 February for inaugurating a new President, a small but important schedule change that would also permit a more extensive effort at civic education and an attempt to negotiate a national political accord before the new government takes power.

The fallback if even that date begins to recede into implausibility is for the Security Council to be prepared to mandate an international takeover of the electoral process, and desirably of the police function as well. Those Haitians found to be engaged in criminal conduct, particularly linked to obstruction of the election process, should then be faced with targeted sanctions.

⁵⁴ Crisis Group interview, Port-au-Prince, 18 October 2005.

⁵⁵ Crisis Group interview, Port-au-Prince, 29 October 2005.

⁵⁶ Crisis Group interview, Port-au-Prince, 17 October 2005.

Haiti needs a legitimate government that can begin to respond to its vast problems and a long-term commitment by the international community to partner it in meeting that challenge. Credible elections are only the first step, but they are crucial. Too much still needs to be done to rely on the slim chance that everything can

yet be crammed into the few weeks that remain before Christmas. Credibility rather than calendar should determine when the elections are held.

Port-au-Prince/Brussels, 25 November 2005

APPENDIX

GLOSSARY OF ABBREVIATIONS AND ACRONYMS

BEC	Communal Electoral Bureau
BED	Departmental Electoral Bureau
BIV	Voting Registration Bureau
CARICOM	Caribbean Community
CEP	Provisional Electoral Council
CNO	National Council of Electoral Observation
FL	Fanmi Lavalas, the Aristide party
FRN	Front for National Reconstruction
FPSDH	Fusion of Haitian Social Democratic Parties
HNP	Haitian National Police
IFES	International Foundation for Electoral Systems
IRI	International Republican Institute
KID	Convention for Democratic Unity
MIDH	Movement for the Installation of Democracy in Haiti
MINUSTAH	United Nations Mission for the Stabilisation of Haiti
MODEREH	Haitian Democratic and Reforming Movement
NDI	National Democratic Institute
OAS	Organisation of American States
OPL	Organisation of People in Struggle (originally Lavalas Political Organisation)
PPRH	People's Party for Haiti's Rebirth
RON	National Observation Network
UNPOL	UN Police
UNCRH	National Union for the Reconstruction of Haiti



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