

TRANSCRIPT OF INTERVIEWS ON HAITI: THE STRUGGLE CONTINUES Broadcast on
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PROGRAM OF DECEMBER 9, 2006

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>From Port-au-Prince, an interview with PATRICK FÉQUIERE, a member of
>Haiti's
Provisional Electoral Council (CEP), and BRIAN CONCANNON, JR., director
of the Institute for Justice and Democracy in Haiti, and in Port-au-
Prince.

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KIM IVES: Haiti held municipal elections last Sunday to elect mayors
and other local officials. Although the elections caused little fanfare
in Haiti and received scant attention in the Haitian and foreign press,
they were historic. As lawyer Brian Concannon pointed out in an article
last week, "the elections will establish, for the first time in
nineteen years, the radically democratic and decentralized foundation
of Haiti's 1987 Constitution." Haitian voters chose candidates for
local councils which will, through a pyramid structure, choose the
nominees for the Permanent Electoral Council, which will run Haiti's
future elections.

MARGARETH DOMINIQUE: Reports are now coming in from around Haiti about
cases of intimidation, corruption violence and other irregularities in
the elections. One outspoken member of the Provisional Electoral
Council, which ran the election, is Patrick Féquiere, who charged that
his colleagues on the Council are nothing more than "gangsters in ties"
and that they organized the elections in violation of electoral laws.

ROGER LEDUC: We have with us by phone from Oregon, Brian Concannon,
Jr., director of the Institute for Justice and Democracy in Haiti, and
in Port-au-Prince, Patrick Féquiere, a member of the Provisional
Electoral Council. Welcome to you both.

PATRICK FEQUIERE: Thank you, it's a pleasure for me to be with you this
afternoon.

KIM IVES: Brian, are you there? Brian? [connection lost]...

ROGER LEDUC: OK, so let's ask Patrick Féquiere. You have been very
outspoken and critical of the Provisional Electoral Council. You have
even accused them of corruption and violation of electoral law. Can you
briefly outline for us the problems you see with the council and with
Sunday's elections, Mr. Féquiere?

PATRICK FÉQUIERE: I can tell you that I'm looking at the... if you go
to the Electoral Council website right now, which is www.cep-ht.org,
you will find that there is absolutely nothing on the site regarding
the results. This is in stark contrast with the first two elections
that were held this year, the first term, in which Mr. Préval became

president, and the next were the legislative elections, where they were giving the results as they came in, and they were being compiled. So what we have here.... we have nothing.

This afternoon, or this morning around... 10 [a.m.], I was called by the Prime Minister and he wanted me to attend a meeting that Mr. Max Mathurin and Mr. Jacques Bernard wanted to have with him. He declined to meet those two officials alone, and he requested that the meeting be held with all CEP members.

So I went there with Mr. Duchemin. The only Council member who wasn't there was Mr. Richmé, and when we went there, we found out that those guys keep on saying the same thing. In fact, there are some predictions that we had, that we've seen, that are coming true. Because they claimed that there is participation with the ASECs, communal section assembly members, and the CASECs, and the representatives of the cities, they call them "delegués de ville" [town representatives], and all those guys are claiming 41% and 42% participation, but you don't know where that percentage is actually appearing.

They are claiming for the rest of the legislative [elections] - like the congressmen and the senators who were not elected [in the first two rounds] - they are claiming about 49% participation.

We were told beforehand that they were going to try to increase the participation... [call cut off]...

KIM IVES: As we were discussing before, we have on the line with us Brian Concannon, director of the Institute for Justice and Democracy in Haiti, and in Port-au-Prince, Patrick Féquiere, a member of the Provisional Electoral Council, and we're talking about the elections which took place this past Sunday - the municipal elections. Patrick, we were talking with you before you were cut-off, you were explaining some of the problems with the election and with the Council. Can you pick up where you left off?

PATRICK FÉQUIERE: What I was saying is that if you go to the Council's website right now, you're not going to find any indication of results. This is in stark contrast with the two former elections where you had results being compiled as they came in. You have the feeling that maybe they are trying to treat these results before they actually post them. We don't know if the treatment itself is actually something, you know, that is legal or whatever...

Because, I can tell you, I was at the Prime Minister's office at 11:30 this morning with my colleagues, and first they tried to have the meeting without us, without myself and [fellow CEP member] Mr. Duchemin. Jacques Bernard and Max Mathurin tried to have the meeting with the Prime Minister...

KIM IVES: And they are.... Can you explain who Max Mathurin and Jacques Bernard are Patrick?

PATRICK FÉQUIERE: [Mathurin] is the president of the Council and Bernard is general director. So when they requested the meeting, the Prime Minister said that he would not meet with them alone, that he wanted all the CEP members to be there. When he asked for Mr. Duchemin,

Mr. Mathurin said that Mr. Duchemin was sick - you know, he had an accident a couple of months earlier - and so he would not be able to attend.

As far as myself, Mathurin said to the Prime Minister that I was no longer working in the Council. So the Prime Minister himself contacted us and requested our presence.

When we went there, what we heard was about the same kind of figures that nobody can actually confirm, where you have a higher participation of the ASECs - the communal assembly representatives - the CASECs, and the representatives of the city, they call them délégués de ville. So they put 41% [voter participation] for the ASECs, 42% for the CASECs, and 20% for the délégués de ville. As for the congressmen that are still racing, the ones that did not have their elections completed [in February 2006], they attributed 49% participation.

So we don't really know where those figures are coming from, because, as I told you, there is nothing being compiled. I have my computer on my table right now, and it's hooked to the Internet and there is nothing there that I can use as a reference to figure out where those guys pulled out those numbers, in what communes [counties], in what communal sections, what [geographic] departments. It's averaged with respect to what? So we are still in the dark as to what's happening. I must tell you, as I told local radio stations, the tabulation center worked from Monday morning at 1 a.m. to Wednesday morning around 6 a.m..

That's a total of about 60 hours, and I don't really understand how they could have compiled so many results in 60 hours, because it took them 22 days to take care of the first round of the elections [on Feb. 7, 2006] - the presidential and legislative [elections]. The second round was quicker because they had less candidates because, among the Senators, there were only six running for three seats, and for the congressmen there were only two.

First they had the results on one proces verbal [affidavit]. What that means... you know it's easier to capture the data in one pass. So I really don't understand how those guys can claim to give the results that fast, considering that most PC [computer] operators stopped working around 6 a.m.

on Wednesday. I estimate that it would probably take between 240 hours and double that time to treat this data, so it would probably be between 10 and 20 days to actually process these numbers.

So when you consider that in Pétionville you have, like, 23 cartels, and of that 23 you have a group of people running for mayor in the city of Pétionville, so this is a very obscure process, not very transparent, and the whole thing is happening at Bernard's discretion so he's controlling the tabulation center. And I may say that the other council members are reduced to being, ah...

KIM IVES: Rubberstamps of some sort?

PATRICK FÉQUIERE: They don't play any significant role. They just make money, traveling, and getting paid a per diem - I don't know how they call that in English...

KIM IVES: Per diem, yes. We're speaking with Patrick Féquiere, a member of Haiti's Provisional Electoral Council. Patrick, let me bring Brian Concannon into the discussion here. As we said in the introduction, Brian Concannon wrote an article this week in which he said that these elections will establish for the first time in 19 years the radically democratic and decentralized foundation of Haiti's 1987 Constitution. Brian, your article is entitled "Haiti's Stealth Elections, What's At Stake?" Can you answer that question for us? What is at stake?

BRIAN CONCANNON: Mr. Féquiere brought up a great point when he mentioned Jacques Bernard, who is basically the person who is running these elections.

He's the director general of the Electoral Council. And you can look through all the electoral laws, all of the Constitution of Haiti, and you'll never find [mentioned] the director general of the Electoral Council.

The problem is that, for the last 19 years through several election cycles, it's always been run by a provisional council, and there's a process set up by the 1987 Constitution - so Haiti's constitution is now 19 years old - and it set up a process for determining a permanent electoral council, which would have broad public representation.

Another problem that Mr. Féquiere alluded to is that there's really only a couple of people on the council right now - he and Mr. Duchemin - who are really looking out for the people. The rest of the people that now run the electoral council were appointed by political parties, or other institutions, and they're there to look out for the institutions or for their own pocket book. That's obviously creating some problems, and it's going to create a situation where the elections can be contested.

The way the ASEC system is supposed to end those kinds of controversies is to have a much more representative electoral council and also have a more representative judiciary in Haiti. The way it works, as Mr. Féquiere was mentioning, is that you have these ASECs, which are local communal assemblies.

Haiti is divided into departments; each department is divided into municipalities or communes and then these communes are then subdivided into communal sections. With the ASECs, each communal section has an assembly, and so they're elected - there are between four and six members - and they are elected basically by their neighbors. It is a very decentralized system.

The ASECs form the foundation of a kind of parallel electoral, parallel governance system. The ASECs themselves don't have a lot of power. What the ASECs do is choose someone to go to what is called the municipal council, and each municipal council chooses someone who goes to a departmental council, and each departmental council chooses someone who goes to an interdepartmental council.

As you go further up the pyramid, you have much more power. For instance, at the departmental councils, they choose a list of people for the electoral council. They also, at the departmental level and also the municipal level, help choose the judges. This is so radically decentralized because any one particular ASEC candidate has a very small chance of being on the departmental council or on the inter-

departmental council. If you're a government or someone with a lot of money who wants to influence this election, you have to either finance thousands of candidates or take a guess on one or two with a very small chance of it working.

That really makes sure that the people who get into the system on the ground floor are really there because their neighbors trust them, not because they have access to money or especially, in Haiti's case, to foreign assistance - and that's just going to make a huge difference because, as we seen for every election since 1987 and even in some before that, the international community played a strong role in supporting candidates. Almost every time the Haitian voters have chosen not to follow that lead, but the influence of foreign money and foreign influence is very important.

ROGER LEDUC: I wanted to go back to Mr. Féquiere and ask him a question about the upcoming election of the Permanent Electoral Council. Mr. Féquiere, it's my feeling that it's because of whistle blowers like you and Mr. Duchemin that worse disasters have been avoided in the previous elections. What are the chances when that Permanent Council is established that we will have honest people to look after the people's business and try to cry foul when it's necessary?

PATRICK FEQUIERE: Well, first let me make a point before we go into that. I just want point out to Mr. Concannon that I requested, maybe two months ago, I think it was in September, that they review the registration for the ASECs because there's a contradiction between the electoral decree and the law that governs the formation of the local entities or the "collectivités territoriales" as they call them in French, and those ASECs, CASECs, etc.

The problem is there is a modification in the electoral decree of 2005 that reduces the number of ASEC members. If you have a communal section which is divided into seven parts - they call them "habitations" - and each part is supposed to be represented by an ASEC, so you have seven ASECs in the assembly.

Now in order to avoid that this communal assembly falls into one party's hand, they introduced the rule [in 2005] that would force the people that would go in the ASECs, that would go in the elections, instead of having, of presenting seven representatives, they would present the absolute majority, which is four. The cartel that would win more votes, would win four seats in the assembly. The next cartel, the second, would win two seats, and the last cartel would win one.

This was a very interesting approach; however it doesn't work, because they haven't been able to formulate a procedure that would keep the 1st, 2nd, and 3rd from representing the same part of the communal section, because communal sections with 5,000 inhabitants are divided into seven parts, so each ASEC has to come from a different part or habitation.

So the way this thing is written, it leaves a hole where you can have cartel #1, #2 and #3 representing the same habitation, the same part, and then you have habitations that are not represented.

This problem is compounded by the fact that during the [candidate] inscription [registration], the electoral council did not make sure

that it would write a procedure that would request that each ASEC member identify which part of the communal section he represents.

What you have here today is ASEC cartels that could have, for a communal section of 5,000 people or less, four members coming from the same part of the communal section.

So the communal section, in effect, would not be really represented. Despite the fact that I introduced this problem to the council members, they systematically ignored it because they did want to go back and reopen the "inscription" [registration] because they feared that "Lavalas" and "Lespwa" and other organizations would be able to produce more cartels for these elections. So they blocked the process.

I actually presented my papers to the parliament and to the executive - the prime minister and the president - but nobody seemed to care about this problem. So when they say that this thing [the election] is important, the fact is nobody knows who those guys [the ASECs] are going to represent, whether they really represent the communal section at all, or part of it, and what part. There's nowhere in the council, in the branch they call operations in the actual council, where they can tell you what region within the communal section a given candidate represents.

So this whole thing is a scam. It is a scam to have Bernard, etc... Those guys are making money. They're saying this thing cost \$16 million -- this is an important point -- where did the \$16 million go? I will leave that for later but it's very important that we understand that this thing is not whatever they're trying to sell it as, that's not what it is. There's a lot of approximations. They're not made in accordance with the law. The law on the "collectivités" has not been respected in this case. It has been completely ignored and so we have today... We don't really know what those results are going to mean.

KIM IVES: We're speaking with Patrick Féquiere, a member of Haiti's Provisional Electoral Council, which ran the election this past Sunday in Haiti, as well as with Brian Concannon, the director of the Institute for Justice and Democracy in Haiti.

MARGARETH DOMINIQUE: Yes, Patrick, I have a question for you in trying to help our listeners understand what each ASEC member represents. I know that when we're talking about these small regional areas in Haiti, it's much smaller than talking about the United States. Can you make some kind of comparison as to what ASEC members would be comparable to.... the Congress of the United States having people from different states?

PATRICK FEQUIERE: Within the communal sections, each commune is divided into communal sections. Each communal section is divided into "habitations," it's a small subdivision. It's like ... I really don't know how to put it. It's like New York City is divided into...

KIM IVES: It would be a little like county commissioners and so forth...

ROGER LEDUC: We're talking about municipal elections here... We're not talking about Senate or Congress.

BRIAN CONCANNON: The ASEC is probably closest to a neighborhood council. It's at a very small level.

KIM IVES: Brian, let me ask you... In your article you note that many popular candidates were not running, because Haiti's largest party, former President Aristide's Fanmi Lavalas party did not participate. The National Popular Party, or PPN, also had no candidates. This is because both parties had boycotted the organization of the elections by the defacto coup authorities operating under a foreign military occupation. Do you think that the absence of candidates from parties like the Lavalas Family, PPN and others had an effect on the election?

BRIAN CONCANNON: I'm certain it did in terms of turnout. It will, obviously, in terms of who has the power as a result of these elections.

It is important to note that although Haiti did have a democratic transition - and there is an elected legislature and an elected president in office since May and June - the interim government still controls Haiti in large measure through the police, through the judges it put in place, and they're still there. But also through the electoral council.

The [provisional] electoral council was appointed by the provisional government. They're all still there, and there are a couple of people that are willing to stand up for the people as opposed to standing up for the interim government. ...

The rules, as Mr. Féquiere mentioned, are still the rules that were set in place by the Latortue dictatorship. And the people who registered were people who were able to register under the Latortue dictatorship, So there is certainly a big cloud over these elections because of that.

That cloud will be minimized to some extent by the ability of the Haitian people to find their way around that, as they did for the presidential election. They can find out good candidates from parties that aren't officially Lavalas or PPN or some of the other parties that refused to participate. So you certainly will have a more conservative overall governance picture than you would have had if it was a completely open and fair election, or if they had reopened the candidate registration, but they [the people] will find ways to make it not completely conservative.

ROGER LEDUC: But Brian, we also know that the results of the elections will definitely, directly affect the elections of the Permanent Council and also will affect nominations of the judiciary members in Haiti. This can loom very huge when we are talking about not only the next legislative elections but definitely the next presidential elections in 2011. So that's where my concern goes. When you have an election like this that is so fraught with irregularities, and whose legitimacy is being questioned by someone as important as Mr. Féquiere, the consequences for the democratic process in Haiti for the next few years at least is unbelievable.

BRIAN CONCANNON: I completely agree with that. I think it is the best chance that the ASEC system has to actually get implemented because in all the other elections - and there have been several elections since 1987 - the ASEC system has never been implemented because the international community did not want it to, the Haitian elite did not want it to, because they knew they couldn't control that process. And this current election that has been run by the interim government's electoral council, with their appointed general director, that is being run by their rules, with basically their candidates, might be the closest that the U.S. and the Haitian elite might get, the closest chance they will ever get to being able to control the ASEC process. I agree that it is something that we have to look out for to make sure that the results are basically fair and do represent the will of the Haitian people.

KIM IVES: And we are speaking with Brian Concannon, director of the Institute for Justice and Democracy in Haiti as well as with Patrick Féquiere, a member of Haiti's Provisional Electoral Council of Haiti....

Patrick Féquiere, just to turn back to you in the last minute that we have here. What is the next step for the electoral council going forward? Do you see some form of protest that you can lodge due to the problems you've seen with the process?

PATRICK FEQUIERE: I don't think so... I agree with Mr. Concannon that this is probably the best chance we've had to have the ASEC thing be put in place. However, like I said, we have to be careful. Who are these people representing? Were they able to vote for them? Because that's another problem...The people went to vote, they were supposed to find, to vote for the "delegués de ville" [town delegates]. They are the ones that [represent] the neighborhoods of the city as compared to the communal sections that are more located in the countryside...

Either you have "delegués de ville" or you have ASECs or CASECs. So, where they were supposed to have ASECs or CASECs, they could not find them. They found "delegués de ville" in their place. That didn't correspond really; that's another problem with the representation. I am really worried....

ROGER LEDUC: Patrick, those delegates, they are appointed by the executive?

PATRICK FEQUIERE: No, no, no,... They are the counterparts of the ASECs in the city. What you have originally, if you go back to the law, you'll see that there is a difference between the city neighborhoods and the rural sections, where you have people raising crops and farmers and things like that.

So the ASECs are supposed to be more in the rural sections... Well, it does not make any sense in Port-au-Prince, for instance. You have the rural sections and within the... communes you have the city and the rural sections. The representative for the city is called the "delegué de ville"; the representative for the communal section, or you could say the rural sections, is called the ASEC or CASEC. What happened...

KIM IVES: Patrick, we are going to have to leave it there. Brian Concannon, 30 seconds for a final word too.

BRIAN CONCANNON: First of all, I'd like to thank Mr. Féquiere for his very courageous stand in terms of defending these elections, and I urge everybody to follow what he is doing with what happens with the electoral council. We really need to keep an eye out on this to make sure the elections really do represent the will of the Haitian people.

KIM IVES: And this is "Haiti The Struggle Continues." We have been talking with Brian Concannon, director of the Institute for Justice and Democracy in Haiti as well as Patrick Féquiere, a member of the Provisional Electoral Council. We thank you both for joining us on the show.