

The International Community Should Support Prompt and Fair Elections in Haiti¹

The Haitian government has announced that presidential and parliamentary elections will be held November 28, 2010. These elections are particularly important to re-establish an effective legislature, establish political accountability for the expenditure of large amounts of money, and resolve Haiti's current societal disputes in a peaceful and democratic manner.

Given the widely-criticized efforts of the Provisional Electoral Council (CEP) to exclude opposition parties from recent elections and the logistical challenges posed by the earthquake, achieving this goal will require significant, principled assistance from the international community. If fair, credible elections are not held as scheduled this year, Haiti risks widespread civil unrest that would imperil all foreign investment in Haiti.

Current Challenges to the Electoral Process

Haiti currently faces three principle problems relating to elections:

1. the closing of Parliament when most members' terms expired in May 2010;
2. a credibility crisis for the Provisional Electoral Council (CEP); and
3. a looming crisis for the Executive when its Constitutional term expires on February 7, 2011.

Haiti has had no functioning legislature since May. The Constitution scheduled elections for the House of Deputies and 1/3 of the Senate for November 2009, but President Préval did not appoint an electoral council for those elections until October 2009. The Council scheduled elections for February 2010, but they were postponed after the earthquake. In the meantime, the seats scheduled for the elections became vacant when the legislators' terms expired in May 2010, leaving Haiti with no Deputies and only 2/3 of its Senators.

The CEP suffers a credibility crisis because a) the CEP was established through a process not recognized by the Haitian Constitution; b) a predecessor CEP, including a majority of the current members, improperly excluded all candidates presented by Haiti's largest political party, *Fanmi Lavalas*, from 2009 Senatorial elections; and c) before the elections scheduled for February 2009 were postponed, the CEP announced the exclusion of 14 political parties from the elections. The current CEP is also involved in corruption scandals, with one member facing criminal charges.

Haitian voters from across the political spectrum and others in the international community are insisting on a new CEP, because the Council's past actions and current controversies demonstrate

¹ This document is taken from a lengthier policy brief by the Institute for Justice & Democracy in Haiti (IJDH) and the *Bureau des Avocats Internationaux* (BAI), "The International Community Should Pressure the Haitian Government for Prompt and Fair Elections," June 30, 2010, available at <http://ijdh.org/archives/13138>.

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an unwillingness and inability to conduct fair, inclusive elections. President Préval has insisted that the current CEP run the scheduled elections.

President Préval's term expires, according to the Constitution, on February 7, 2011. Before its members' terms expired in May, Parliament passed a highly controversial law allowing the President to extend his term until May 14, 2011 if elections are not held before February 7.

Elections are Possible and Necessary

If elections are not held as scheduled this fall, Haiti's extraordinary difficulties will be compounded by the lack of a credible, democratic government in place. But, elections are possible:

- *President Préval has issued decrees announcing elections will be held this year:* Préval has authorized the CEP to begin preparing for elections and decreed that presidential and parliamentary elections will take place November 28, 2010.
- *UN Secretary General Ban Ki-Moon says it is possible to hold elections this year:* "The UN mission in Haiti has said it is possible to organize elections before the end of the year even if the country has not fully recovered from the earthquake's devastation."
- *USAID/International Foundation for Electoral Systems (IFES) report that elections can be held this year:* "IFES believes the operational branch of the CEP is technically capable of organizing [elections] assuming their preparations are not delayed any longer."

Recommendations

The international community has an interest in: a) promoting Haitian voters' rights to fair elections guaranteed by Haitian and international law, and b) protecting its \$11 billion pledged investment in Haiti's reconstruction. In order to protect these interests, the United States and other members of the international community should immediately take the following actions:

1. Inform President Préval that there will be no financial support for elections until the current CEP has been dissolved and replaced by a new Council chosen through a process that ensures neutrality, competence and credibility with Haiti's voters;
2. Promise adequate funding and technical assistance for a fairly-chosen CEP to prepare elections. This support must cover the following:
 - a. Production and distribution of the estimated 550,000 **National Identification Cards (CINs)** lost or destroyed in the earthquake that are a legal requirement for voting.
 - b. Updating of the **electoral list** immediately. Photographs on the CIN and indelible ink can also be used to combat multiple voting.
 - c. Placing of **polling stations** in areas allowing internally displaced, poor, and disabled Haitians to participate.
 - d. Provision of extensive **voter education** through media campaigns and meetings.
3. Condition the distribution of long-term reconstruction assistance on Haiti having a government with the political legitimacy to effectively manage that assistance.

Fair, inclusive elections are essential for establishing a Haitian government with the legitimacy and capacity to effectively manage the country's reconstruction. Accepting elections that are less than fair and inclusive will ensure civil strife and political controversy, and will leave Haiti vulnerable to the next natural, economic or political disaster.

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