

Secretary Hillary R. Clinton
Secretary of State
U.S. State Department
2201 C Street NW
Washington DC 20520

September 13, 2010

Dear Madame Secretary,

We, the undersigned organizations and individuals, are writing to urge the U.S. government to work with the Haitian government and international partners to ensure that Haiti's upcoming elections are free, fair and inclusive.

Haiti's Provisional Electoral Council (CEP) has scheduled parliamentary and presidential elections for November 28th of this year, elections postponed due to the devastating January 12 earthquake. We are deeply concerned that the CEP has barred more than a dozen political parties from presenting candidates in the elections without serious justification. We are also dismayed to note that, as yet, no serious measures appear to have been taken to guarantee that the over one million Haitians that have been displaced by the earthquake will be able to vote. The United States government has committed important funding to these elections and is playing a key role within the OAS Group of Friends of Haiti to assist with the electoral process; it therefore has a real responsibility to make certain that these elections serve to strengthen Haiti's fragile democracy rather than further undermine it.

Current Challenges to the Electoral Process

Haiti currently faces three major challenges relating to the upcoming elections: a legitimacy crisis for the Provisional Electoral Council (CEP); the exclusion of a number of political parties from the electoral process; and the ability to provide voter identity cards and access to the polls for all eligible voters, particularly those displaced by the earthquake

The CEP – the state authority in charge of organizing and controlling electoral processes – currently has limited constitutional legitimacy or credibility in Haiti because: a) the CEP was established through a process not recognized by the Haitian Constitution; b) it has announced the unjustified exclusion of more than a dozen parties from the November 28, 2010 elections; c) the current CEP is rocked by scandals, with one member resigning this month in the face of corruption charges.

The International Foundation for Electoral Systems (IFES) reported in April 2010 that, "giving the mandate of organizing the upcoming elections to the current CEP would mean that the electoral process will be considered flawed and questionable from the beginning." Haitian voters and political organizations from across the political spectrum as well as important actors in the international community, including Senator Richard Lugar of the Senate Foreign Relations Committee and IFES, consider that a new CEP should be established as they consider that the Council's actions and current controversies demonstrate an inability to conduct fair, inclusive elections. Nevertheless, President Préval continues to insist that the current CEP run the scheduled elections.

A second major concern is the exclusion of more than a dozen parties from the electoral process, including Haiti's most popular party Fanmi Lavalas (FL). As was the case in April of 2009, in which fewer

than 10% of the electorate turned out to vote, the continued exclusion of electoral candidates will undermine the legitimacy of the upcoming November elections and could lead to political and social unrest that could greatly hinder Haiti's reconstruction and development plans, and imperil U.S. investments in Haiti.

Representatives of the United Nations and the Organization of American States objected to the CEP's exclusions of political parties from the elections in April 2009 and the U.S. Embassy in Haiti stated that "under the law, elections should involve all major parties... An election based on the exclusion... will inevitably question the credibility of elections in Haiti among donors and friends of Haiti." However, despite this strong criticism, the US government provided significant funding for the electoral process and chose to recognize the election outcome.

We are also concerned by the lack of effective measures underway to guarantee that the hundreds of thousands of eligible voters among the over 1.5 million people displaced by the earthquake are assured the identification cards (*Cartes d'identité nationale* – CINs) required for voting as well as reliable and uncomplicated access to the polls on election day. We are encouraged to learn that the OAS committed to providing 850,000 CINs to new voters and the many Haitians who lost their cards in the earthquake. However, we note with dismay that no plan has yet been implemented for the enormous and complex task of providing CINs to the hundreds of thousands of Haitians who need them. It is imperative that in the coming weeks mobile teams be dispatched to IDP camps and remote rural areas so as to distribute these cards effectively in time for the November elections.

Furthermore, there is no indication that plans are underway to make voting centers genuinely accessible to those in IDP camps. As the IFES has stated, polling centers need to be located near IDP camps and transportation must be provided for those who cannot easily access the centers. Notwithstanding these measures, many of those most affected by the earthquake will suffer the additional injustice of being disenfranchised in one of the most important electoral processes of their lives.

Recommendations

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

1. Withhold financial support for elections until the CEP is replaced by a new Council chosen through a process that ensures neutrality, competence and credibility with Haiti's voters.
2. Adopt a clear, firm position on the need for the upcoming elections to be free, fair and open to all of Haiti's political parties.
3. Promise adequate funding and technical assistance for a fairly-chosen CEP to prepare elections. This support should cover the following:
 - a. Production and distribution of the **National Identification Cards (CINs)** lost or destroyed in the earthquake that are a legal requirement for voting.
 - b. Updating of the **electoral list**. 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 community meetings.

We urge the U.S. Administration to carry out the aforementioned actions in the most expedient manner possible. The upcoming elections will set the stage for long-term reconstruction efforts and if they are to unfold successfully urgent action is required.

We thank you in advance for your prompt attention to the concerns raised in this letter, and we look forward to your response.

Sincere regards,

Action Aid USA
AUMOHD (Association des Universitaires Motives pour une Haiti de Droits)
Center for Constitutional Rights
Church of the Brethren
Evangelical Lutheran Church in America (ELCA)
Global Exchange
Grassroots International
Haiti 2015
Haiti Reborn/Kobit Pou Ayiti (KONPAY)
Honor and Respect Foundation
Human Rights Advocates
Institute for Justice & Democracy in Haiti
Institute for Research in Socioeconomic and Public Policy
International Action Ties
Maryknoll Office for Global Concerns
National Council of Churches in Christ
National Lawyers Guild International Committee
Organisation Haïtienne pour le Développement Durable (OHDD)
Rights Action
Rights Respect
TransAfrica Forum
United Methodist Church, General Board of Church and Society
United Electrical, Radio and Machine Workers of America (UE)
Washington Office on Latin America
Bill Fletcher, Jr., Editor, BlackCommentator.com
Melinda Miles, Let Haiti Live
Mark Weisbrot, Co-Director of Center for Economic and Policy Research

CC: Paul Farmer, Deputy Special Envoy to Haiti, United Nations
Cheryl Mills, Chief of Staff, Secretary of State Hillary Clinton
Michael Posner, Assistant Secretary, Bureau of Democracy, Human Rights and Labor, US Department of State
Julissa Reynoso, Deputy Assistant Secretary for Central American and Caribbean Affairs, US Department of State
Paul Weisenfeld, Haiti Task Team Coordinator, USAID