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### **The United States Should Support Fair and Inclusive Elections in Haiti**

As the Haitian government takes a tentative step forward towards planning long-overdue elections, the U.S. government is encouraged to insist that those elections be fair and inclusive. Last month, the Haitian government reached an agreement to hold elections on October 26, 2014, for all 99 members of the house of deputies, 20 of 30 senate seats, and over 1200 mayoral and other local posts. While encouraging, the agreement has spawned controversy among members of parliament and political opposition as being unconstitutional and an abuse of the electoral process by the President Michel Martelly administration to reinforce its political party.

Moreover, even if the elections on October 24 occur as planned, President Martelly will have succeeded in completing four of his five years in office with vacant seats in the senate and very little parliamentary oversight.

#### **Haiti's history of election difficulties leading to political crisis**

The Provisional Electoral Council (CEP) that conducted Haiti's 2009 senatorial elections and the 2010/11 presidential and parliamentary elections excluded candidates and parties, including Haiti's largest party, *Fanmi Lavalas*, without providing a cognizable legal justification.<sup>1</sup> The U.S. State Department initially protested the 2009 exclusions, but later withdrew the objections and provided the lion's share of the election funding. When the CEP repeated its unjustified exclusions in 2010, 45 House members warned Secretary of State Clinton that the exclusions would "*undermine both Haitians' right to vote and the resulting government's ability to govern.*" Senator Richard Lugar added that "[*the*] absence of democratically elected successors could potentially plunge the country into chaos."<sup>2</sup> Again, the U.S. government provided the lion's share of the funding (\$15 million), almost half the total budget.

The 2010 first-round voting was so chaotic- replete with large-scale, unabashed ballot-stuffing, logistical delays, and registration problems that almost all of the presidential candidates called for the voting to be cancelled on Election Day.<sup>3</sup> The election was also largely boycotted by the voters - less than a quarter voted, in what was the lowest turnout for a presidential election in the Americas since 1947.<sup>4</sup>

In response, the Congressional Black Caucus issued a statement urging "*the United States and the international community to uphold the ideals of fairness and support a new Haiti election process that is free and fair, respecting the rights of the Haitian people.*"<sup>5</sup> This warning was ignored, and the second round voting was held after the U.S. government directed the CEP to reverse the order of the second and third place finishers in the official results based on an arbitrary recount by an Organization of American States mission.<sup>6</sup> This decision set Haiti on its way to its current political crisis.

#### **Current electoral crisis in Haiti**

While Haiti has historically struggled to hold regular and timely elections, the current situation has resulted from a game of politics by the Martelly administration. Two election cycles are overdue, leading to a Senate with one-third of its seats open since 2012 and struggling to obtain a quorum. Some 130 "municipal agents" were appointed by President Michel Martelly to replace elected mayors whose terms also expired in 2012.<sup>7</sup> The terms of another one-third of the Senate and all 99 members of the House of Deputies could expire in early 2015 without elections this year.

After almost three years of one political delay after another, and just in time for his meeting with President Barack Obama, President Martelly vowed to establish a new CEP and hold elections by the end of 2014. A series of “inter-Haitian dialogues,” led by the Episcopal Conference of Haiti, Cardinal Chibly Langlois, political parties, parliamentarians, and members of civil society have taken place this year, resulting in an agreement on March 14, 2014, to hold elections on October 26, 2014.

Article 12 of the agreement provides for a 10-day parliamentary comment period to the new election law, after which neither the senate nor the house of deputies will have any oversight over the electoral council. Six of the 20 sitting senators denounced the agreement, including the lack of oversight, as unconstitutional.<sup>8</sup> Approval of only 14 of 30 senators calls into question whether the agreement is valid if not properly ratified by the Senate. Much of the political opposition also denounced the agreement, calling it an electoral *coup d'état*.

Without or without elections this year, President Martelly has already won the political game while the international community stood by and watched. The senate and local majors will not be seated until January 2015, the earliest, giving the President most of his term with control of all the local mayors he appointed and without a quorum in the senate needed for effective parliamentary oversight.

### **Recommendations**

Progress in earthquake reconstruction, stabilizing Haiti’s democracy and ending poverty will only be possible if the international community works with Haitians to support prompt, fair and inclusive elections. These elections must not be rushed and should account for the problems of the last elections, including creating an independent electoral council, permitting all eligible political parties to participate, updating voter registration lists, and making ID cards available to all eligible voters. The U.S. House of Representatives can support these efforts by making clear to the U.S. Administration and the Haitian government that it considers fair and inclusive elections necessary for continued aid to Haiti to be a wise and efficient use of U.S. taxpayers’ funds. As Vice President Biden told President Martelly in June 2013, the importance of elections in solidifying Haiti’s democratic foundation must be underscored.<sup>9</sup>

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<sup>1</sup> Institute for Justice & Democracy in Haiti, *Haiti’s November 28 Elections: Trying to Legitimize the Illegitimate* (Nov. 22, 2010), available at [http://www.ijdh.org/haiti/s-november-28-elections-trying-to-legitimize-the-illegitimate-ijdh/#.UjoNJBb\\_5Rc](http://www.ijdh.org/haiti/s-november-28-elections-trying-to-legitimize-the-illegitimate-ijdh/#.UjoNJBb_5Rc).

<sup>2</sup> Brian Concannon, Jr., *Haiti’s Flawed Elections: They Told Us So*, Boston Haitian Reporter (Nov. 2, 2010), available at <http://www.bostonhaitian.com/node/253>.

<sup>3</sup> Jason Beaubien, *Wary, And Wary, Haitians Prepare For Elections*, NPR (Oct. 7, 2010), available at <http://www.npr.org/templates/story/story.php?storyId=130402973>; see also *Elections that Do Not Reflect the Will of the People*, <http://www.ijdh.org/on-the-violation-of-voting-right-in-haiti-elections-that-do-not-reflect-the-will-of-the-people-bureau-des-avocats-internationaux-canada-haiti-action-network-transafrica-forum-louisiana-justice-in/#.Ujje3dJQGuj>.

<sup>4</sup> Dan Beeton, *CEPR Examines OAS Report on Haiti’s Election, Finds it “Inconclusive, Statistically Flawed, and Indefensible”*, Center for Economic and Policy Research (Jan. 11, 2011), available at <http://www.cepr.net/index.php/press-releases/press-releases/cepr-examines-oas-report-on-haitis-election-finds-it-qinconclusive-statistically-flawed-and-indefensibleq>.

<sup>5</sup> Mark Weisbrot, *Haiti’s Growing momentum towards democracy*, The Guardian (Feb. 2, 2011), available at <http://www.theguardian.com/commentisfree/cifamerica/2011/feb/02/haiti-usforeignpolicy>.

<sup>6</sup> Dan Beeton and Georgianne Nienaber, *Haiti’s Doctored Elections, Seen from the Inside: An Interview with Ricardo Seitenfus*, Dissent Magazine (Feb. 24, 2014), available at [http://www.dissentmagazine.org/online\\_articles/haitis-doctored-elections-seen-from-the-inside-an-interview-with-ricardo-seitenfus](http://www.dissentmagazine.org/online_articles/haitis-doctored-elections-seen-from-the-inside-an-interview-with-ricardo-seitenfus).

<sup>7</sup> *Haiti must break political impasse to achieve progress*, UN envoy tells Security Council, UN News Centre (Mar. 2, 2013), available at <http://www.un.org/apps/news/story.asp?NewsID=44435>.

<sup>8</sup> *Haiti-Politique: Réviser si nécessaire l’accord d’El Rancho*, AlterPresse (Mar. 25, 2014), available at [http://www.alterpresse.org/spip.php?article16200#.UzXpF\\_ldVDB](http://www.alterpresse.org/spip.php?article16200#.UzXpF_ldVDB).

<sup>9</sup> The White House, Office of the Press Secretary, *Readout of Vice President Biden’s Call with President Michel Martelly of Haiti* (Jun. 20, 2013), available at <http://www.whitehouse.gov/the-press-office/2013/06/20/readout-vice-president-biden-s-call-president-michel-martelly-haiti>.