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The U.S. Should Support Fair and Inclusive Elections in Haiti

The U.S. government should support prompt elections in Haiti, but also insist that those elections be fair and inclusive. Elections in 2009 and 2010 excluded many qualified candidates and parties without legal justification, leading to fundamental governance problems that were not only predictable, but were anticipated by members of U.S. Congress on both sides of the aisle. President Barak Obama rightly acknowledged the difficulties with elections and the “political roadblocks that stalled some progress in [Haiti]” in his meeting in Washington this month with President Martelly.¹ Today, long-overdue local and parliamentary elections have concentrated political power in the executive branch. 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.

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.² 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.*”³ 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.⁴ 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 1947.⁵

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.*”⁶ 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.⁷ 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 lack of political will. 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 2012.⁸ 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.

Since 2012, each CEP appointment has been fraught with controversy. Without one-third of the Senate, the

legislature was not able to appoint their three members. As a result the CEP was nonfunctional and unable to hold elections. To remedy the CEP crisis, President Martelly appointed a bicameral commission in October 2012, the *Collège Transitoire du Conseil Électoral Permanent* (CTCEP) to prepare a new electoral law to govern the elections.⁹

After more than a year of one political delay after another, President Martelly finally approved the new electoral law in December 2013. The President made empty promises to hold election in 2013 and January 2014. Just in time for his meeting with President 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 took place in January and February 2014. This initiative has unfortunately already collapsed. The President of the Senate refuses to sign the final document from the meeting until President Martelly honors his promise to publish a list of the ten members of the Court of Auditors - an independent oversight body for the judiciary, parliament and executive branch that symbolizes an end to government corruption in Haiti. The President’s renege calls into question whether the government intends to implement the group outcome or whether the meetings were just for show.

Recommendations

The U.S. government must support timely, organized, fair, and free elections in Haiti. 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.¹⁰

¹ The White House, Office of the Press Secretary, *Remarks by President Obama and President Martelly of Haiti before Bilateral Meeting*, February 6, 2014, <http://www.whitehouse.gov/the-press-office/2014/02/06/remarks-president-obama-and-president-martelly-haiti-bilateral-meeting>.

² Institute for Justice & Democracy in Haiti, *Haiti’s November 28 Elections: Trying to Legitimize the Illegitimate*, November 22, 2011, http://www.ijdh.org/haiti-s-november-28-elections-trying-to-legitimize-the-illegitimate-ijdh/#.UjoNJBb_5Rc.

³ Brian Concannon, Jr., *Haiti’s Flawed Elections: They Told Us So*, Boston Haitian Reporter, November 2, 2010, available at <http://www.bostonhaitian.com/node/253>.

⁴ Jason Beaubien, *Wary, And Wary, Haitians Prepare For Elections*, NPR, October 7, 2010, <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>.

⁵ Dan Beeton, *CEPR Examines OAS Report on Haiti’s Election, Finds it “Inconclusive, Statistically Flawed, and Indefensible”*, Center for Economic and Policy Research, January 11, 2011, <http://www.cepr.net/index.php/press-releases/press-releases/cepr-examines-oas-report-on-haitis-election-finds-it-qinconclusive-statistically-flawed-and-indefensibleq>.

⁶ Mark Weisbrot, *Haiti’s Growing momentum towards democracy*, The Guardian, February 2, 2011, <http://www.theguardian.com/commentisfree/cifamerica/2011/feb/02/haiti-usforeignpolicy>.

⁷ *Supra* note 5.

⁸ *Haiti must break political impasse to achieve progress, UN envoy tells Security Council*, UN News Centre, March 2, 2013, <http://www.un.org/apps/news/story.asp?NewsID=44435>.

⁹ *Haiti- Elections : Swearing in, installation, and élection of members of the Bureau of CTCP*, HaitiLibre.com, April 30, 2013, <http://www.haitilibre.com/en/news-8385-haiti-elections-swearing-in-installation-and-election-of-members-of-the-bureau-of-ctcep.html>. See also *To rebuild Haiti, Restoring Democracy is a Must*, Bloomberg, April 7, 2013, <http://www.bloomberg.com/news/2013-04-07/to-rebuild-haiti-restoring-democracy-is-a-must.html>.

¹⁰ The White House, Office of the Press Secretary, *Readout of Vice President Biden’s Call with President Michel Martelly of Haiti*, June 20, 2013, <http://www.whitehouse.gov/the-press-office/2013/06/20/readout-vice-president-biden-s-call-president-michel-martelly-haiti>.