

International
Republican Institute

Haiti
Election Observation Report
December 17, 1995

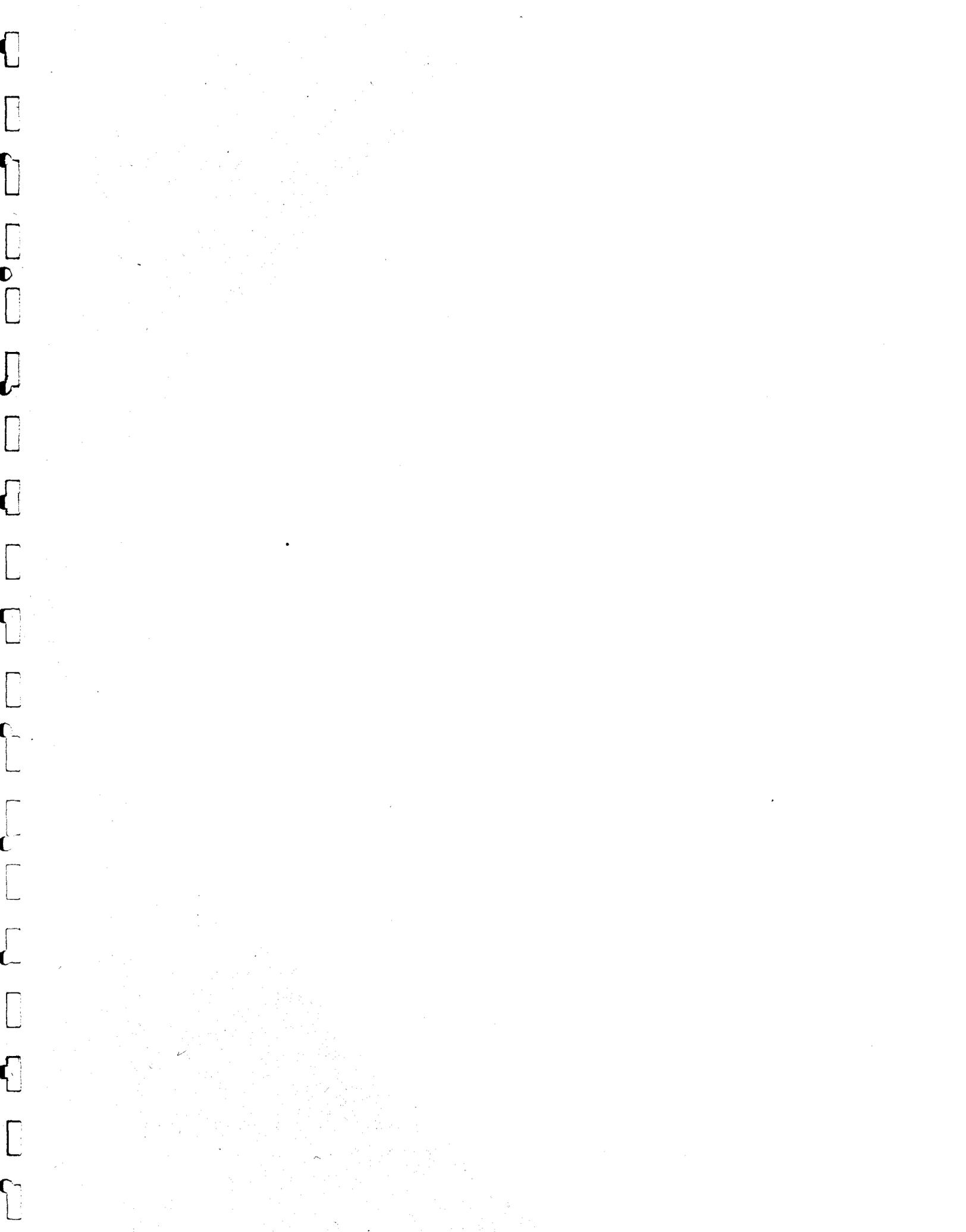
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Table of Contents

(Abbreviated Version)

1. Executive Summary
Introduction
2. Recommendations
3. Conclusions



Executive Summary

On December 17, 1995, René Préval was elected to succeed Jean Bertrand Aristide as President of Haiti. The election occurred at a pivotal time for Haiti as it struggles to join the family of democratic nations and offer renewed hope of stability for its people.

Although there were several significant administrative problems in the conduct of this election, it was clearly much better organized and administered than the June 1995 legislative and municipal elections. As IRI noted in its December Pre-Electoral Assessment, however, the quality and credibility of an election depends on more than the procedural aspects of election day itself. They depend as well on the degree to which the electoral environment fairly allows competing views of a country's future to be presented, enabling voters to make an informed decision on election day. In this report, IRI evaluates the electoral process and environment surrounding Haiti's 1995 presidential election.

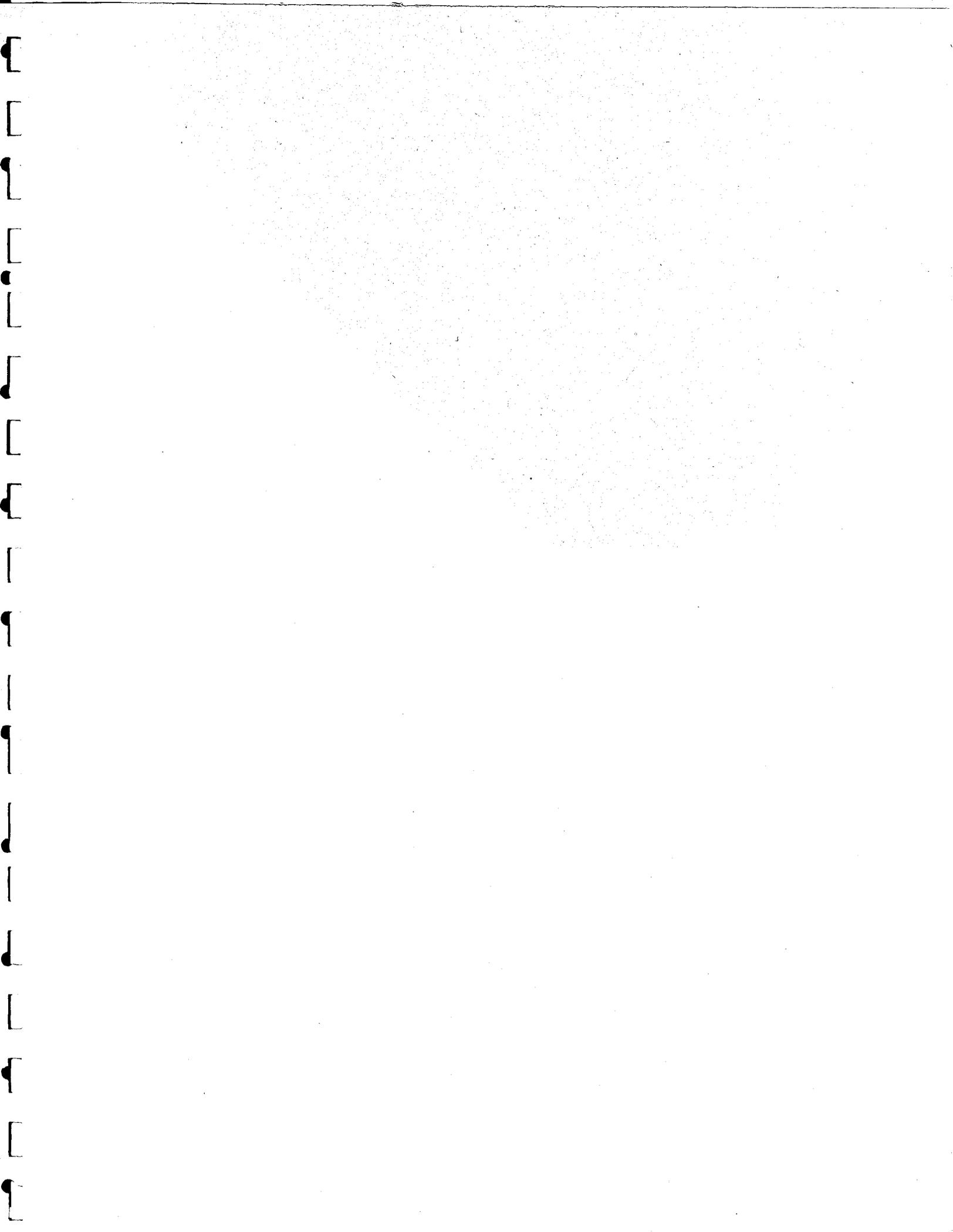
Electoral Process

- Procedural aspects of the presidential election were significantly improved over the legislative and municipal elections earlier in 1995.
- Civic education efforts, to inform the populace about the importance of and reasons for voting, were much more extensive than in the period leading up to the June elections.
- Training and education for voting station (BIV) officials was greatly improved over the June elections. Workers demonstrated a uniform attention to detail and prescribed procedures at most BIVs observed, enabling a smoother voting process for those Haitians who turned out to cast ballots.
- The most pervasive procedural aberration was faulty electoral registration lists. Extensive discrepancies existed between the electoral lists and the voting location assignments on voters' registration cards in all observed departments. The Provisional Election Commission's (CEP) midday effort to correct this predictable problem, probably the most practical response, was also a violation of Article 14 of the Electoral Law.
- Disorganization at the communal electoral (BEC) level was endemic. The roles and functions of the BEC are not uniformly understood, and the resulting procedural behavior is predictably idiosyncratic. Each BEC appears to operate in a unique way according to a unique set of rules.

A failure to end such consistent patterns of discarding the law to rectify predictable procedural problems undermines the establishment of respect for the rule of law, and eases any effort to commit fraud or manipulation.

Electoral Environment

- The preemptive security blanket provided by the United Nations military forces, in conjunction with Haitian police, again enabled citizens wanting to vote to do so without significant personal risk.
- Nevertheless, a pattern of pre-election violence against public figures fueled a pervasive perception of risk in the months leading up to the election. The "disarmament campaign," initiated in President Aristide's November 11 funeral oration, and the "three more years" campaign, designed to promote the extension of Aristide's term to recover the time lost in exile, cast a veil of confusion and ambiguity over the electoral process. The two "campaigns" encouraged Haitians to take the law into their own hands, contributing to an volatile security environment.
- Ranging from 15-28 percent, the extremely low voter turnout represents a worrying trend in Haitian elections. Each successive election since 1990 has seen a declining turnout. René Préval received 88 percent of the votes cast, but in a country that desperately requires national reconciliation, one can only speculate about the will of the 75 percent of Haitians who declined to cast ballots.
- René Préval's victory continues the trend of the growing concentration of votes cast for a single political movement. Given the continued marginalization of dissenting points of view, and the absence of a needed national dialog, Lavalas' consolidation of power over the three branches of government raises serious questions about the future of democratic governance in Haiti. In addition, the prospect of a vanguard party, consisting of hard-core political activists disregardful of dissenting sentiment (even within its own movement) cannot be dismissed.
- Opposition allegations of Lavalas use of state resources for explicitly partisan political purposes, reported in IRI's December Pre-Electoral Assessment, were confirmed to IRI to a limited extent by a senior Lavalas official following the election. Such practices, whether pervasive or isolated, contravene Article 127 of the Electoral Law, which states that if such activities are "devised by a recognized political party, this party will not be able to participate in electoral races for a period of 10 years."



Introduction

Haiti has undergone a turbulent decade. Although the collapse of the Duvalier regime in 1986 appeared to be an auspicious beginning, what followed until 1990 failed to meet expectations. However, the election that brought President Jean Bertrand Aristide to office in early 1991 was a turning point. It established the marker from which the 1995 presidential elections drew its terms of reference. Because a military coup interrupted the constitutional process in late 1991 and led to three years of violent repression, the 1995 elections acquired an even more salient character. This explains the domestic and international pressures brought to bear to ensure that the process begun in 1990 was sustained. That the marker has been reached at all is a commendable achievement, but the institutional base, let alone socioeconomic foundations of the Haitian nation, remain extremely vulnerable.

The 21 men and women comprising the IRI Election Observer Delegation fanned out across Haiti and provided the substantive basis for this report. The report is also backed-up by IRI's on-the-ground reporting of the electoral process every step of the way since May 1995.

Three characteristics frame the December 17 elections. First, there was relative security for those who participated in election-day activities. This was a significant achievement, but it was marred by a series of violent incidents in the pre-election period. Second, the level of voter participation was extremely low, ranging in most estimates from 15 to 28 percent and representing a continuously declining turnout for each successive election since 1990. And third, the severely limited competition present in this election arguably prejudices the political foundations of a democratic electoral process. In this regard, the unresolved dispute regarding the composition of the Provisional Electoral Council (CEP) remains a symbol of Haiti's fragmented and polarized political environment. This report concludes that, although more competently administered than the June parliamentary and municipal elections, serious flaws in the voter registration and ballot processing procedures, particularly at the communal (BEC) level, continued to undermine the credibility of the election process and its results.

If there is a note of disappointment in these observations, it relates to the historic opportunity represented by events in Haiti over the last 12 months. The efforts of President Aristide and a broad range of other Haitians working in tandem with an extraordinary international coalition held out hopes for the emergence of a constructive political dialog and a modicum of socioeconomic revival. As it turns out, the burden for the failure of these hopes to materialize has fallen not so much on what the outside world attempted, but on the performance of the Haitian political community. The problems the latter faces are manifold and cannot be underestimated. Yet even a technically successful electoral process, had one existed, might disguise the failure of democratic institutions and culture to take hold in a country badly in need of them. It appears that the substance of a democratic environment may be eluding Haiti. In this context, the judgement of Haitians themselves, exemplified by

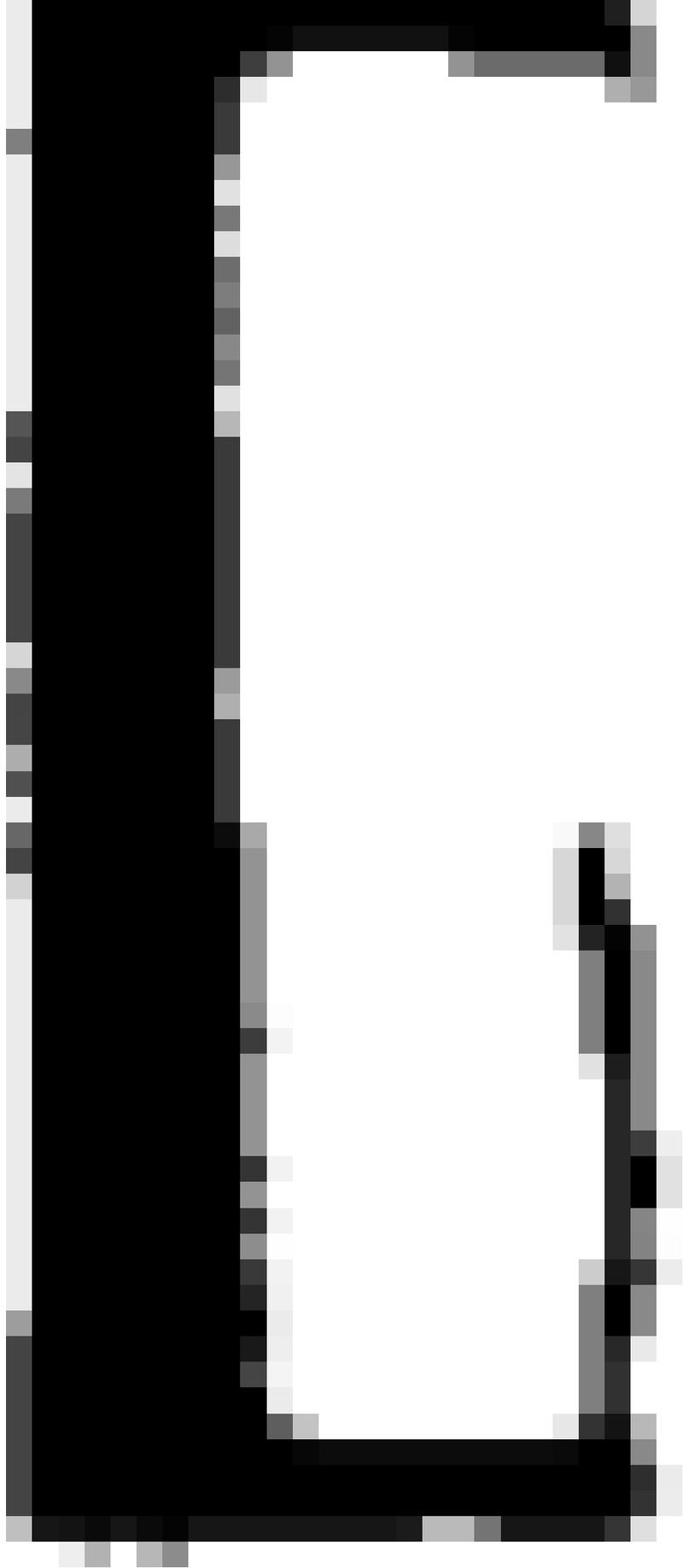
a massive abstention rate in December, is more critical than the opinions of international observers.

Haiti is not an "experiment" in nation-building; rather, it is a nation made up of citizens who have been ill-served by many in and outside their country. Haiti is a broken-down nation in need of enlightened leadership and measured international support. It is also a fact, however, that this leadership and support exists in limited quantities; and Haiti runs the danger of becoming a wasteland of the best intentions.

In his forward to IRI's report on the 1990 presidential elections, St. Lucia Prime Minister John Compton expressed a hope shared by many: he was convinced "that Haiti was ready to join the community of democratic nations in this region." This was a first step in a democracy and was to determine to a large degree the next step, what Mr. Compton described as the development of the country for the good of all in the context of the enjoyment of human rights. The events and developments that ensued since then -- including a catastrophic three-year interlude of military-led government and international economic embargo, and a series of lost opportunities since President Aristide's return to power -- derailed those noble objectives.

In 1995, Haitians went to the polls five times to elect a new legislature and municipal governments, and in December, a new President. These were crucial markers in the nation's road to a constitutionally mandated transfer of power in 1996. Haitians should be commended for their perseverance, ingenuity, and remarkable patience. Yet the emergence of Haiti's democratic process remains very fragile. Growing voter apathy and diminishing political competition since 1990 must be addressed. This ambiguity of the electorate mirrors the perplexity of Haiti's political and economic leadership. All of this underscores the burdens now placed on President Aristide's successor and will frame the international community's response.

Haiti is a nation in search of a future. This can be positive because it focuses on the hopes of the future rather than failures of the past. Haiti is not a democratic society in the modern sense of the term, but there is ample evidence to suggest that most Haitians aspire to an open and fair society. These sentiments explain in a broad sense the commitment of the United States to the political and democratic development of Haiti. Yet, to some Americans, policy toward Haiti is to be measured by how quickly our commitment can end. On this score, frustrations have mounted. A Haitian society that has difficulty defining its goals and a government that cannot manage its needs should not expect the international community to sustain an open-ended commitment. But to the extent that the seeds of democratic governance have been sown in Haiti in recent years, it is in part through the sustained presence of the international community that the narrow margins of success at least can be contemplated. The report that follows contains the findings and analyses of the observation team and outlines recommendations for the challenges ahead.



Recommendations

The recent elections in Haiti received substantial support from the international community. On the administrative and technical level, the support was enormous. Today, as the majority of international institutions involved in the elections are leaving Haiti, it is appropriate to make recommendations that, if adopted, will help leave in place a permanent and effective electoral apparatus and develop a more open and pluralistic electoral environment. While the recommendations offered by IRI since its report on the June 1995 elections remain relevant and valid, certain refinements and additions to these recommendations are appropriate.

Legal and Legislative

1. The Haitian Parliament should pass a law on "Territorial Collectivity," which would establish the Territorial Assemblies.

(This law is essential for putting in place the Assemblies that alone are authorized to nominate members to the permanent electoral council, and should include the organization of the territorial assemblies and the manner of their selection -- Constitution, Article 192).

2. The Parliament should pass a law governing the establishment of the permanent electoral council.

3. The Parliament should pass a permanent electoral law, taking into account recommendations from a wide range of sources, including Haitian political leaders, international experts, the private sector, and the Provisional Electoral Council.

(This law should clarify *inter alia*: legal recourse for candidate applicants rejected by the CEP and criteria for reimbursement of candidate campaign costs, such as percentage of vote received).

4. The number of signatures required of independent presidential candidates for registration of candidacy should be increased in order to reduce the number of frivolous candidacies.
(Electoral Law, Article 69.i).

5. The CEP should investigate and prosecute all violations of the prohibition on use of state resources for campaign purposes.
(Electoral Law, Articles 98.2 and 127).

6. The CEP should investigate and prosecute all willful violations of the integrity of the electoral process and its results.
(Electoral Law, Articles 123.1, 126, 130.1, and 131, *inter alia*).

Institutional

7. The election to establish the territorial assemblies should be held as soon as practicable following the passage of the law on "territorial collectivity" recommended above.
8. A Permanent Electoral Council should be established as soon as possible in accordance with constitutional and other legal requirements. Because this is intended to be an apolitical body, every effort should be made to ensure that its membership is non-partisan.
9. The budget of the Permanent Electoral Council should be included as part of the national budget, and made as independent as possible of international support.

(Over 90 percent of the cost of the presidential election was underwritten by the international community, an amount not sustainable in the future. The electoral authorities, along with the Haitian government and parliament, therefore must begin to rely on existing national resources and to operate on a greatly reduced cost basis.)

10. Measures should be taken to inventory all materials, including vehicles, computers, and other non-expendable resources designated for use by the CEP, and any other relevant resources that might be left by the international community for its use, for transfer to the Permanent Electoral Council.
11. Ongoing training for all electoral officials should be provided in order to remedy the various procedural irregularities reported in the recent election, such as improper ballot packing and BIV closing procedures, improper sealing of ballot boxes, removal of campaign propaganda from polling sites, improper use of indelible ink, etc.

(Training needs should be assessed, and modalities of cooperation with such training institutions as IFES, IRI, NDI, or the International Institute for Democracy and Electoral Assistance should be explored. Specialized programs of six to 12 months should be developed for prospective staff members of the Permanent Electoral Council.)

12. In collaboration with national and municipal authorities, the electoral authorities should identify and inventory sites both public and private that are suitable and available for the operations of the BIVs, BECs, and BEDs. A permanent registry of such sites should be maintained.
13. The CEP should assume primary responsibility for civic education, working in conjunction with non-national agencies as appropriate.

(The cost of printing civic education materials, as well as radio and TV spots, is prohibitive. In the past, it has been underwritten by the international community. For the future, it will be advantageous for the CEP to have its own press for printing

such material, as well as a mini-studio for production of cassettes and a documentation center for polls and statistics.)

14. The Government of Haiti should conduct a census to create a new Civil Registry. This would become the source of a permanent electoral list/data base.
15. Close and ongoing cooperation and information sharing between civil/municipal and electoral authorities should be encouraged in order to keep the voter registry updated.
16. The existing voter registry and all existing voter cards should be annulled.
17. The Electoral Surveillance and Control Unit (USCE) should be further developed and strengthened.

(This mechanism includes within a single structure representatives from all candidates and political parties, and gives them observation and corrective capacity. When fully functional, it will encourage participation and constitute a source of credibility for future elections.)

Procedural

18. An appropriate mechanism should be defined for the use of state-owned vehicles for election material distribution, transport, and collection for future elections.

(The recent election showed that transportation is a major challenge even with the considerable logistical support of the United Nations military forces in distributing and collecting election materials.)
19. A simple and consistent numbering system for polling sites should be instituted nationwide, and that numbering system applied for clear identification of voting kits, ballot boxes, tally sheets, and other election materials.
20. Standard, uniform procedures for BIV closing should be devised and clarified in all procedures manuals and training materials.
21. Procedures for collection and processing in-coming election materials at the BEC level should be clarified and standardized in order to ensure the accuracy of information passed to the BED and to allow for credible recounts. These procedures must be enforced.
22. Certified copies of BIV tally sheets should be kept available for inspection at all BECs until publication of final results.
23. Election materials, including original used ballots and tally sheets, must remain sealed at the BEC and transferred to the BED without being unsealed.

24. Payment procedures and schedules for BIV workers should be clearly established, and BIV workers must be informed of these procedures and schedules in a timely fashion before the election.

(The practice of payment following delivery of election materials, instituted by the CEP in recent elections, appears to have been successful. This practice should be refined so that it encourages orderly delivery of election materials to the BEC and avoids crowds of BIV workers seeking payment on the evening of the election.)

25. A roundtable of representatives of the CEP, IRI, NDI, IFES, OAS and U.N. Elections Assistance Unit, and others as appropriate, should be convened to discuss the election from a procedural viewpoint and to make substantive recommendations for the benefit of the in-coming Permanent Electoral Council.

Campaign and Political

26. A reporting mechanism for all funds received and spent by political parties and independent candidates should be created. The information should be made available to the public. Penalties should be imposed for failure to comply.
27. The government should establish permanent and standard regulations and requirements for equal access to state media for all candidates during the campaign periods in order to avoid facing this issue prior to each election.

(Because private media is extremely expensive in Haiti, the electoral authorities could possibly negotiate free programming time for candidate debates and affordable rates for candidates campaign programming.)

28. A national reconciliation effort should be mounted to bring back within the political system members of the boycotting political parties and other sectors not adequately engaged in the political process.
29. The government should draft a national plan for civic education in the schools in order to prepare youth for a new democratic political culture.

Security

30. The role of the Haitian National Police on election day should continue to be defined, particularly with respect to its relationship to the USCE and election officials. Parameters for police intervention and limits must be carefully set. HNP members must be aware of their legal limits and obligations and must conform to laws governing their own voting rights, such as location at which they are entitled to vote and the carrying of a firearm into a BIV.
(Electoral Law, Article 26 and 128).



Conclusions

Whether the presidential election of December 17 constituted a genuine step toward democracy in Haiti is open to debate. The election must be considered within its social, economic, and political context--part of a process--rather than an isolated event. Relative security, limited participation, and minimal competition characterized the December 17 process. Although more competently administered than the June and subsequent legislative and municipal elections, serious flaws remain in the process itself. The tendency to concentrate on the formal apparatus and mechanical aspects of democracy, at the expense of the true substance of democracy, leads to lost opportunities.

IRI cannot share the optimism of the U.S. Presidential Delegation, which stated, "The election of a new president marks another important achievement in establishing a fully functioning democracy." Even less can IRI agree with the statement of the White House Office of the Press Secretary that, "The practice of democracy is becoming a part of Haiti's day-to-day life." On the contrary, the massive abstention and lopsided vote raise deeply disturbing questions concerning the future of democratic institutions, processes, and culture in Haiti today.

Elections without Violence

It is certainly significant that in a country where presidential elections are popularly associated with bloodshed, this election was held without disruption or violence. To conclude from the lack of violence on election day, however, that the will of the people was expressed by this election appears facile. As discussed above, the sequence of attacks on public figures that began with the assassination of Mireille Durocher Bertin cast a pall on the electoral environment. Of the 846 respondents queried in the November Gallup Poll sponsored by USAID, three of four Haitians expressed "concern about the assassinations which are taking place in their country." Despite skepticism from members of the international community, eight of 10 Haitians believe that these attacks are politically motivated. A U.N. Security Council report, dated November 6, reported 129 "vigilante murders" between March 1 and October 15, 1995.

The "disarmament campaign," discussed at length in the IRI Pre-Electoral Assessment, complicated the security situation significantly. This campaign of mob vigilante justice was sparked by President Aristide's November 11 speech in which he effectively encouraged people to take justice into their own hands. Despite calls for restraint from the international community and his own Prime Minister, the President never unequivocally disavowed or discouraged mob vigilante actions. In addition to adding to the burden of insecurity on common people, this campaign posed a threat to all potential candidates. In Haiti, where political violence and assassination have scarred the country's history, candidates have no choice but to take the threat to their lives very seriously. This naturally affected their ability to campaign freely and to hold rallies; it also posed a real threat to campaign workers throughout the country.

Security for the election was so dependent on the presence of the international peacekeeping forces that it is difficult to be optimistic about the security environment following their departure in February. IRI was informed by a senior military officer of internal estimates that the HNP could fall apart within three months of the departure of U.N. forces for lack of an effective leadership structure. The 5,000 members of the HNP that will have been trained by the conclusion of the program are still relatively inexperienced. This is certainly a local concern, with 70 percent of Haitians expressing a preference for the continued presence of the U.N. military force (according to the November poll sponsored by USAID). With the departure of the international forces, the HNP will be left without a natural command hierarchy because no pattern of seniority has emerged. Moreover, serious concerns have been expressed that the HNP is not yet sufficiently experienced to offer effective security. Finally, some have expressed concern that without the supervision of the international forces, the HNP will fall into the same patterns of brutality that have characterized security forces throughout Haiti's past.

Elections without Participation

How should one interpret the fact that three of four eligible voters abstained from voting in the first election in Haiti's history in which one elected president was to be replaced by another? The purpose of this section is not to offer explanations for the massive abstention in the presidential election; a range of plausible explanations has been discussed above. It is rather to draw broader conclusions about what this means for democracy in Haiti. It is widely accepted that for an election to be considered democratic, it must be characterized by competition and participation.

The question has been asked, and has already been answered confidently by some, "Has the true will of the people been expressed?" Based on its observations and numerous discussions and interviews both before and after the presidential election, IRI estimates voter turnout to have been between 20-25 percent at most. Therefore the will of 75 percent of the eligible voters of Haiti is unknown, and can only be a matter of speculation. In the November public opinion poll sponsored by USAID, over 95 percent expressed negative opinions concerning one-party states. Yet as a result of the presidential election, as well as the legislative elections, all three branches of government in Haiti are now entirely dominated by a single party, to the exclusion of virtually all others. It is difficult to reconcile this result with the apparently negative opinion most Haitians have of one-party states; therefore, the current situation cannot be assumed to be reflective of the "will of the people," at least in this respect.

Haitians have consistently shown a normative disposition to vote. Two-thirds of Haitians polled in November expressed their intention to vote in the presidential election. In a December survey by the same organization three-fourths of those questioned described the likelihood of voting as "somewhat probable" or "very probable." Based on these findings, the CID Gallop organization, which conducted the two polls, "believes that as many as half of all Haitians could vote on December 17." A USIA-sponsored "Opinion Analysis" that polled 1,210 adult Haitians in October reported that fully 80 percent of the population

believed it is "very important" that people vote in elections. According to a poll conducted December 12-13 by the Haitian news organizations La Nouvelliste (newspaper) and Radio Metropole (radio), of 800 Haitians of "diverse categories," 72 percent of registered voters expressed their intention to vote. From the results of these various polls, we can assume that Haitians believe that voting is a correct and positive form of political behavior. Nevertheless, Haitians abandoned this commitment to voting in massive numbers on election day.

It cannot be disputed that the campaign mounted by the popular organizations to restore "three more years" to Aristide's presidency had important and deleterious effects on the election environment. That campaign, and President Aristide's encouragement of it, sent extremely confusing signals to voters not deeply experienced in democratic processes. Candidates were severely handicapped in their efforts to campaign by the "three more years" effort. As has been discussed elsewhere, contributions and campaign activities in general were not enthusiastic under the specter of the possible scuttling of the election itself. In short, the Haitian government, at the level of Head of State, did not show in the months leading up to the election the kind of commitment to democratic institutions and electoral environment that would allow honest observers to conclude that the presidential elections represented a significant step forward on Haiti's long road to becoming a full-fledged democracy.

It is especially interesting to note the declining voter turnout in successive elections since 1990. The election that brought President Aristide to power in 1990 had a probable turnout of 67 percent, according to the U.N. Secretary General's February 22, 1991 report to the General Assembly. For the legislative elections of June 1995, approximately 35 percent of registered voters turned out. The second round of legislative elections held in September 1995 had a 30 percent turnout. This trend of declining turnout in major elections over the last five years suggests significant problems in the establishment of democracy in Haiti, not the optimistic conclusion that democracy "is becoming part of Haiti's day-to-day life."

Elections without Competition

According to the official election results, Lavalas candidate René Préval won the election with 87.9 percent of the vote. In the context of declining voter turnout, this represents another worrying trend in Haiti's short electoral history: the growing concentration of votes for a single political platform. Aristide was elected in 1990 with a majority of 66 percent. In the June 1995 elections, Lavalas consolidated its hold on the legislative branch of government and municipal governments. Lavalas won 102 of 133 mayorships, or 78 percent of the mayoral contests. It won 100 percent of the senatorial races and a large majority of the deputy races. In the September 17 elections, Lavalas won 91 percent of the deputy seats contested, giving them a majority in the lower chamber of 80 percent (66 of 83 seats). Lavalas' sweep of the four senatorial races in September gives them a large majority in the upper chamber as well.

Given the Lavalas movement's uncertain commitment to democracy, its consolidation of power over the three branches of government does not inspire confidence in the future of democratic governance in Haiti. The prospect of a vanguard party, consisting of hard-core political activists disregarding dissenting sentiment (even within its own movement) cannot be dismissed.

Allegations that the Préval campaign used state resources and monies for explicitly political purposes are also worrying. The acknowledgement of this practice by a senior Lavalas official could well be a warning of its acceptance and justification by Lavalas in the future. Unique access to the resources of the state will certainly accentuate and increase the advantages of incumbency and risk the establishment of a permanent dominant party such as those ruling in Mexico or Zimbabwe.

Procedural Breakdowns

Although undoubtedly a vastly more competent effort than the June legislative elections, which are by now agreed to have been chaotic at best by most reasonable observers, the Haitian electoral authorities have not yet eliminated all causes of serious concern. In particular the two problems previously discussed, the faulty electoral lists and the chaotic practices at the BEC level, a) provide ample opportunities for fraud and manipulation; b) risk the permanent institutionalization of systemic vulnerabilities and inefficiencies; and c) preclude the possibility of conducting an accurate recount (a critical guarantor of electoral credibility).

IRI observers throughout Haiti witnessed perhaps a good faith effort to enable the electorate to vote in spite of the faulty electoral lists. The resulting situation, however, was that the parallel lists, handwritten by poll workers to accommodate voters not on the official lists, directly contravened one of the principal safeguards of the electoral law, i.e., that a voter must be both in possession of a valid voting card, and be on the electoral list of the BIV where he is assigned to vote. IRI observers reported numerous instances where the parallel lists, over which there was minimal control, exceeded by 100 percent the number of voters on the official lists.

Although the actual disposition of the one million voter cards claimed by former CEP president Remy to be missing is still unclear, and IRI has no evidence that the cards in question were used in this election, it does not require a great imagination to see how without the safeguard of the official electoral list, they could have been used. Once again, the credibility of an important election was cast into doubt by a procedural breakdown. The uncontrolled use of parallel lists, their non-uniform processing, occasional destruction or discard and easy falsification would also make a re-count virtually impossible and ultimately meaningless. Furthermore, the habitual resort to discarding the law in order to rectify procedural problems threatens to become the preferred and accepted problem-solving mechanism at the risk of flouting any true establishment of the rule of law.

Disorganization verging on chaos at the BECs was endemic according to IRI observer reports from throughout Haiti. The BECs are intended to function as assembly points for election materials and storage for the ballots themselves. The other materials are meant to be collected at the BEC, but not disturbed or otherwise processed, for transfer to the BED. No counting or tallying is to be done at the BEC. As reported above, the roles and functions of the BEC are not uniformly understood, and the resulting procedural behavior is predictably idiosyncratic. Each BEC appears to operate in a unique way according to a unique set of rules. IRI observers reported that sealed envelopes were opened at the BEC in direct violation of instructions from the CEP. Boxes, envelopes and piles of ballots were stored randomly in many cases, often mixed with blank ballots, miscellaneous material and even garbage. Although physical security of the BEC sites was ensured by UNMIH/HNP fixed-site deployments, access appeared unrestricted and uncontrolled, allowing anyone to disrupt the integrity of the electoral process at that point.

The disorganized conditions of the BECs would make fraud or manipulation extremely easy. Insufficient controls were applied to limit access to ballots, tally sheets, *proces verbales*, etc. In many BECs observed by IRI teams, tally sheets could have been doctored, ballots destroyed or added, or faulty numbers sent onward to the BED. A possible example may have occurred in the Terrier Rouge BEC (Fort-Liberté area), where IRI observers reported a significant incongruity between election day activity and the final results of polling posted at the BEC the following day. On December 18, results were posted at the BEC showing over 60 percent turnout for 19 BIVs (1-19), despite the apparently consistent sparsity of voters on election day itself. While IRI witnessed no fraud per se, it is clear that the abandonment of order at the BEC level throughout the country poses a considerable threat to the integrity and credibility of elections and the electoral process, in a country where they are already not held in high esteem. If the problem of roles and procedures at the BEC is not addressed and rectified, these vulnerabilities will become permanent and even institutionalized. It is certainly the case with respect to the recent election that confusion at the BEC would vastly complicate, if not render impossible, the holding of a credible recount.

There are those who will argue that these procedural problems are minor, perhaps inevitable in a developing country, and did not alter the outcome of the election. Some will make excuses that it is after all, "only Haiti," implying that competence, integrity and honesty cannot be expected in such an underdeveloped country. Fortunately the senior officials of the CEP are not among those who hold such sanguine views. The President of the CEP himself has recognized and acknowledged the gravity of these procedural breakdowns, and has elevated them to the highest order of priority for the CEP's future work. The President of the CEP described the physical conditions of the BECs as "scandalous" in many cases and completely unsuited to the work that is supposed to be performed there. His team is also fully aware of the need for a civil registry to ameliorate the problems of the faulty electoral lists.

Form and Substance

The IRI Pre-Electoral Assessment warned of the possibility that the presidential election might represent "the triumph of democratic form at the expense of democratic substance." As has been acknowledged throughout this report, the presidential election demonstrated a degree of efficiency and competence far beyond that of previous elections. Although flawed, there was an effort to achieve procedural regularity that was credible. A violence-free election is a valuable experience on its own merits, and at certain levels, form merges with substance. At other levels, however, form and substance diverge.

This report has discussed the nature of René Prével's electoral mandate. Elected by 22 percent of Haiti's registered voters, the President-elect cannot be said to enjoy a popular mandate. As noted above, the will of 75 percent of Haiti's registered voters is unknown and can only be the subject of speculation. It is clear and widely acknowledged that the popular choice would have been Aristide's staying in office regardless of constitutional limitations or the benefits of alternation. The popular commitment to constitutional government and the electoral process is apparently not sufficiently developed to motivate people to make the political choices characteristic of democratic government. Further, the complete marginalization of all dissenting points of view and opposition parties or candidates is symptomatic of the absence of a true dialog or competition of ideas in Haiti.

As the Presidential Delegation noted in its departing statement, "The commitment to the rule of law is critical for the consolidation of the democratic process." With this IRI can emphatically agree, but notes with regret the consistent pattern of departure from the law, both constitutional and electoral, as noted previously in this report. The importance of each individual departure can undoubtedly be minimized: the failure to hold the presidential election on the last Sunday in November as required by the constitution, perhaps a minor detail; the failure to re-constitute the CEP according to the procedures set forth in the constitution, a temporary situation; the CEP's call for elections prior to the government's announcement as required by the electoral law, perhaps a misunderstanding; authorization of voting regardless of whether or not the voter is on the official electoral roll in violation of the electoral law, a pragmatic choice; the use of state resources for political purposes in violation of the electoral law, only isolated cases.

However, the consistent pattern of disregarding laws in order to remedy practical problems, whether inadvertent or pre-meditated, is precisely the formula for the failure of the rule of law to take hold. The consolidation of the democratic process, as called for in the statement of the Presidential Delegation, requires discipline, commitment and occasional sacrifice in order to uphold principles sometimes over the exigencies of pragmatism.

We can only conclude that the substance of democracy has once again eluded Haiti. A meretriciously successful election process has disguised the failure of democratic institutions or democratic culture to take hold in a country badly in need of them.

Lost Opportunities

The experience of the presidential election of December 17 is especially disappointing in contrast to what might have been accomplished. A genuinely democratic electoral process and event could have helped build popular faith in democratic government. It might have contributed to the emergence of a true political dialog, competition of ideas, and the spirit of compromise that distinguish democratic governments throughout the world. It could have given Haiti a leader with legitimacy and a popular mandate to govern. A genuinely democratic electoral process would have been transparent and predictable, a process in which the various steps were clearly understandable and predictable from the point of view of the electorate, the political parties, and other participants in the process. For these benefits of a genuinely democratic electoral process, however, Haiti will have to wait.

Haiti's 1995 elections have been characterized not by transparency, but by opaqueness and ambiguity, rendering the Haitian people still uncertain of the benefits of elections and democratic government. One can only hope that the opportunities again lost on December 17, 1995, are not lost permanently.

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