

Haiti

Election Observation Report

April 6, 1997

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IRI DELEGATION

Haiti Elections

April 6, 1997

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DELEGATION

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I. Executive Summary

On April 6, 1997, Haitian voters had the opportunity to elect one-third of the 27-member Senate as well as 565 Communal Section Assemblies, the most local level representative body in Haiti's complex governmental structure. They also voted for 133 Town Delegations (*Delegues de Ville*). The Senate, in addition to extensive legislative responsibilities, is charged with nominating Supreme Court Justices, confirming ambassadors, and fulfilling other duties. The Communal Section Assemblies represent a new level of government in Haiti. Motivated by a desire to decentralize the country, the establishment of these Assemblies and several other levels of local government are required by the 1987 Constitution. For a variety of reasons, however, Haitians have not voted for these local representatives until now. The Assemblies have a pervasive influence upward throughout Haiti's governmental structure, including eventually nominating a permanent electoral council.

Unfortunately for the Haitian people, the April 6 elections continued Haiti's lamentable pattern of severe electoral deficiencies and highlighted the profound challenges to the country's broader democratization process. In this report, IRI evaluates the electoral administration and environment surrounding the voting and assesses its implications for Haiti's democratic development.

Election Administration

- Electoral fraud and the habitual recourse to violating laws now have become institutionalized practices in the administration of Haitian elections.
- Procedural deficiencies continue to plague the electoral process. As in past elections, there was a virtually complete system-wide breakdown at the communal (BEC) level. This is the single most deficient aspect in the *technical administration* of Haiti's elections.
- Initiated late and half-heartedly, the civic education effort was inadequate. The political parties and candidates participating in the elections, as well as the Haitian government, failed to motivate the electorate to take part in this important electoral process.
- Inexplicably, electoral authorities restricted voter registration to four categories of citizens, denying eligible voters who had not participated in previous elections the opportunity to register. Electoral authorities never explained why it excluded a potentially sizable group of prospective voters.
- Candidate registration and the adjudication of challenges to those registrations was similarly arbitrary. The registration and adjudication processes was tarnished by electoral authorities, apparently without legal or constitutional basis, overriding a parliamentary judgement disqualifying a high-profile Senate candidate.

- At the voting station or BIV level, workers generally performed their duties according to established procedures, although it is clear they would have benefitted from additional training.

Electoral Environment

- Overall, the electoral environment was and continues to be muddled, characterized by popular apathy and the lack of competition outside the Lavalas movement. Non-Lavalas democratic parties continue their boycott of Haiti's elections based on their belief that the electoral apparatus and process is designed by and for the benefit only of the Lavalas movement.
- Although election day was relatively free of violence, the overall electoral period and its aftermath have been characterized by political and social instability, attributable at least in part to the intra-Lavalas power struggles in certain regions of the country.
- Although serious divisions exist within the governing Lavalas coalition, these divisions continue to resemble a power struggle more than a genuinely pluralistic competition. Outside of Lavalas, the electoral environment is not competitive. The democratic opposition parties continue boycotting Haitian elections. Even OPL, the parliamentary majority party and major component of the Lavalas movement, and PLB, also part of the movement, have stated they will not participate in second round Senate elections that are based on fraudulent first round results.
- The extremely low voter turnout, estimated at no more than five percent, continues a worrisome trend in Haitian elections. Since 1990, when an estimated 67 percent turned out, citizen participation has declined precipitously in each subsequent election, sounding warning bells for the state of Haitian democracy. Without political competition or popular participation, there is no meaningful claim to being considered a functioning democracy.

II. Introduction

The elections of April 6, 1997 represent the completion of the cycle of electoral contests to implement Haiti's 1987 Constitution. Clearly, Haitian democracy remains a work in progress. But declining participation rates and continuing administrative irregularities suggest a troublesome environment. While the Haitian people are searching to build a partnership with the country's governing institutions, the country's leaders appear undisciplined in their response. Haiti's voters deserve better, and their increasing ambivalence underscores their frustration.

The uncertainties of the April 6 process compound the frustrations of each election since the June 1995 parliamentary and local contests. Voter registration confusion, unfocused civic education, colossal vote-counting problems, a milieu of intimidation, a narrowing of the political spectrum participating in elections, and a politicized management of the electoral machinery have remained constants. While each election has been a crucial marker in the country's road to democratic governance and an improved socio-economic outlook, the outcome at each step has represented a lost opportunity. This does not bode well for Haiti's democratic future. The international community bears some responsibility in letting the Haitian electoral process slip, but the burden of resolve in pursuing corrective action cannot escape Haiti's authorities.

At issue in the April 6 electoral exercise was the opportunity it provided for grassroots involvement in the political process. Specifically, it gave communities the chance to influence the selection of local judicial bodies and provided a mechanism through which a permanent election council could be chosen. The high stakes implied by these issues were left surprisingly ill-defined by the country's political leaders. In turn, the low voter turnout has raised questions regarding the credibility of the institutional mechanisms that will ensue from this process. Credibility is also at issue regarding the other element of the April 6 exercise: the election of nine new Senators.

Civic disengagement from Haiti's electoral process raises fundamental questions. IRI raised the most important of these in its observation mission's preliminary statement issued on April 7 and amplifies on them in this report. To say that Haiti has lost another opportunity is no longer adequate. In fact, an abyss has opened between concerns over the technical quality or process of the elections versus the content and substantive character of Haitian democratic governance. The reality is that the relative improvement in form since June 1995 remains shallow and inconsistent. Worse, the discredited process has severely undermined the spirit of democracy in Haiti. What has become most dramatic in 1997 is the degree to which even the process itself appears almost to have evaporated in the minds of most Haitians.

The important conclusion one can draw from this is not that Haitians reject democracy, but that they refuse to participate in an unresponsive and fraudulent process. Haitians and their leaders as well as the international community should be asking themselves whether the recent elections really provide a sound basis for the creation of new electoral and judicial institutions designed to strengthen the country's democratic infrastructure. In turn, this suggests four

questions. With the inherent uncertainties of the Haitian environment:

- 1) Can the new electoral and judicial institutions genuinely represent the people's interests at the local level?
- 2) Can these institutions produce a nonpartisan electoral council;
- 3) Can they lead to a functioning judicial system?
- 4) Can they promote political pluralism?

In addressing these and other questions, it is important to remember that Haiti is not an experiment in nation-building; rather, it is a nation, but one uniquely ill-served by many of its leaders and among the international community. To the extent that the seeds of democracy have been sown in recent years, it is only through the continued cooperation of the international community with Haitian institutions and individuals that wider margins of success will be achieved.

III. Recommendations

In observing every Haitian election since December 1990, IRI has developed a broad and deep body of knowledge and experience with the country's electoral systems, institutions, and practices. Despite massive international aid and assistance, the April 6 elections confirmed what IRI warned against after the December 1995 presidential election: that electoral fraud and the habitual recourse to violating the laws could become institutionalized. The experiences of the April 6 elections clearly show this is now the case. Although pervasive, IRI believes Haiti's profound and systemic electoral deficiencies can be improved if Haitian authorities and international assistance providers truly are serious about the effort. IRI believes the following recommendations, if implemented, will contribute to the critical effort of rectifying many of Haiti's electoral defects.

At all levels of the electoral process, many procedures, rules, and regulations are generally well established. An enduring problem in Haitian elections is that these procedures often are not followed. *IRI believes that electoral authorities at all levels could dramatically improve the technical process simply by following the rules.*

BIV LEVEL

Although flawed, electoral practices at the BIV or voting station level were generally adequate, particularly given the exceedingly low voter turnout. It is uncertain, however, if the system would have held up under the pressures of a higher turnout.

1. BIV workers must adhere to the proper operating procedures for station opening, voting, closing, vote counting, transferring results from the BIV to the BEC, and other processes. Such procedures are generally well established, but not always well followed.
2. The CEP should provide clear guidelines and specific training to BIV workers on the rights and duties of party pollwatchers.
3. The recruitment of BIV workers should be done in a transparent and timely fashion. The names of BIV workers should be posted for public view prior to the elections.
4. The CEP should ensure that voters cast their ballots only in their designated polling station, with the exception that pollworkers, pollwatchers, and security officials be allowed to vote where they are working, which is currently the case. Other voters must vote only at their designated polling stations.
5. Consideration should be given to rendering invalid all unused ballots prior to transporting them from the BIVs. This could be done perhaps simply by marking a large "X" through the ballot. This would complicate potential attempts to fraudulently mark these ballots after voting has closed.

BEC LEVEL

The BECs or communal electoral offices are responsible for administering the offices where voters register prior to an election as well as the BIVs on election day. Significantly, BECs also are responsible for collecting, consolidating, and transferring ballots, tally sheets, and other electoral materials to the departmental electoral offices. Consistently since the 1990 election, there have been substantial problems at the BEC level. Particularly in June 1995, and to a lesser but still notable extent in December 1995, the technical electoral process collapsed at the BECs. Notwithstanding clearly documented evidence of this vast problem, nothing appears to have been done to rectify it. The April 6, 1997 election revealed a near-complete system-wide breakdown at the BEC level. The duties and responsibilities at this level are clear and relatively simple. Yet electoral authorities have failed to ensure adherence to proper procedures.

1. Proper procedures for operating the BECs must be followed. These procedures include collecting and securing the tally sheets; marked, unmarked, voided, and unused ballots; BIV opening and closing certifications; and other materials.
2. The CEP should develop and implement a management plan and structure for managing the flow of materials and information into and out of the BECs. Many of the problems observed since 1990 could be alleviated simply by implementing such a plan.
3. Under no circumstances should BEC workers correct, amend, mark, change, or alter tally sheets received from the BIVs.
4. All electoral materials must be securely stored in a manner that would permit a recount should one be required. Current practices at the BECs preclude any possibility of recounts or *ex post facto* reviews.
5. The CEP should review the function of the 565 "*delegates*," who have been assigned vague coordination functions, including transferring information and materials, between BIVs, BECs, BEDs, and the CEP. Appointed by the CEP upon recommendations from the BECs, they receive no formal training for their mission, yet appear to operate with considerable authority. In this context, the oversight of the *delegates'* activities in the BIV vote counts and their role in transferring the electoral materials from one electoral level to the next needs closer attention. This transfer function apparently includes the *delegates'* sometimes keeping voting materials overnight in their homes. This last leg of the information transfer process frequently is cited as one that lends itself to abuse and fraud.

BED LEVEL

There are nine departmental electoral bureaus or BEDs, one for each department. Each BED is responsible for overseeing and administering the BECs and BIVs in the department.

1. The CEP should develop and implement improved management and administrative structures and operating procedures of the BEDs and ensure they are followed.
2. Working closely with the BECs, the BEDs should develop a longer term and permanent plan for the distribution, collection, and processing of electoral materials.
3. The BEDs should develop a system for filing, storing, and retrieving electoral information so that it can be traced and verified for future reference.
4. The BEDs should develop and implement additional and improved training programs for the BECs and BIVs in their respective departments.
5. The BEDs should develop and implement civic education programs that complement those implemented at the national level.

PERSONNEL

1. The CEP should develop and implement clear criteria, procedures, and mechanisms for recruiting, hiring, and firing electoral personnel, including certain minimum standards, at all levels of the electoral apparatus. The CEP should ensure these processes are depoliticized.
2. In recruiting and hiring particularly at the BIV level, special efforts should be made to engender an interest and sense of responsibility for the democratic process among young people of voting age.

ELECTORAL WORKER TRAINING

1. Thorough and sufficient training should be provided to workers throughout the electoral apparatus to reinforce their knowledge of their duties, responsibilities, and rights under the electoral law. Penalties for violating the electoral and other relevant laws should be clearly detailed for workers and conscientiously applied.
2. The CEP should undertake appropriate measures to ensure the integrity of the registration process, including developing security measures to ensure that unused voter registration cards are safeguarded, do not disappear, or otherwise be fraudulently obtained.
3. To the extent possible, workers throughout the electoral apparatus should be trained in an ongoing manner to reinforce their skills and knowledge of existing procedures. Particularly at the national level, attention should be given to transferring computer and software skills from international technical advisors to electoral workers.

4. The incoming Permanent Electoral Council should use established criteria (see above in PERSONNEL section) to evaluate current CEP employees they are considering hiring.
5. Equipment maintenance training should be provided to workers at all levels. Better maintenance would contribute to more efficient and cost-effective operations. Poorly maintained equipment often goes unrepaired for lack of simple parts or the capacity to repair it.
6. Pollwatcher training should be provided for members of the USCE (Electoral Surveillance and Control Unit), political parties, civic and other organizations wishing to observe the elections. Such training could be provided with the assistance and cooperation of experienced international organizations.

CIVIC EDUCATION

1. The government should develop and execute a nationwide civic education and voter mobilization program, with particular attention given to youth and women, perhaps enlisting the support of grassroots organizations that focus on these constituencies.
2. A concentrated civics program should be introduced at the high school level designed for students approaching voting age.
3. The government should significantly expand the use of state radio and television to conduct nonpartisan civic education campaigns. At present, state media are underutilized.
4. The government should ensure that the CEP has access to state media outlets. Similarly, access to these outlets should be provided to political parties and candidates to facilitate their efforts to educate and motivate their supporters.
5. Funds budgeted for civic education should be spent on civic education.
6. The civic education assistance provided by the international community to the future Permanent Electoral Council should be shared with other governmental and nongovernmental organizations in an effort to coordinate and expand programming.
7. Past civic education programs should be reviewed, analyzed, and evaluated to aid in future program development.
8. The CEP should conduct a complete inventory of all materials related to civic education (posters, banners, audio cassettes, video cassettes, megaphones, batteries for megaphones, etc.). The inventory list produced should be provided to the Permanent Electoral Council.

CONTESTATION PROCESS

Over a period of several election cycles, IRI has observed inconsistent and often arbitrary adjudication of challenges to candidate registration and vote tabulations.

1. The CEP should develop a transparent method to adjudicate challenges during the different stages of the electoral process -- candidate and voter registration, vote counting, vote tabulation, etc.
2. The CEP should develop and adhere to uniform procedures for responding to challenges. IRI would suggest these procedures include timely written explanations of decisions.
3. The CEP should provide guidelines and instructions for political parties, candidates, and observers for filing complaints and challenges at the BIV, BEC, BED, and CEP levels. According to the CEP, many of the complaints and challenges it received were inadequately presented and documented. Making this process simpler would contribute to expediting the adjudication of disputes.
4. Whenever feasible, electoral authorities should adjudicate disputes publicly, perhaps via open hearings.

VOTER REGISTRATION

1. All eligible voters who wish to register should be permitted to do so. Eligible voters who did not register to vote in previous elections should not be arbitrarily excluded, as was the case in this election.
2. Consideration should be given to using the existing multi-purpose national identification card for voter registration as well. Authorities should ensure any such card is durable and tamper-proof.
3. The voter registration system should be computerized. This will facilitate timely and regular updates and publication of accurate voter lists and avoid the need to repeat the entire registration process before each election.
4. Electoral authorities should consider allowing voter registration on a continual basis, with a registration deadline sufficiently in advance of a given election to permit authorities to update and publish accurate voter lists.
5. Once revised and updated, the CEP should transfer this information to the Permanent Electoral Council. Information and other technical know-how provided to the CEP by IFES and the UNDP should accompany this information transfer.
6. The government should conduct a new census, the last one having been done in 1982.

FINANCES

Since 1990, the financial accounting system at the CEP has been mired in controversy. Much of the CEP's finances and accounting lack transparency and accountability. International donors were reluctant to disburse funds to support the April 6 elections because there has yet to be a proper accounting for the 1995 election support funds. The United Nations Technical Assistance program brought in an outside specialist to help address this lack of accounting transparency, although it does not appear to have had much discernible impact.

1. Prior to the CEP's dissolution, a complete and final financial audit should be conducted and published. This audit should be made available to the Superior Court of Accounts, the Government of Haiti, Parliament, the public, and international donors.
2. Prior to the CEP's dissolution, a complete material inventory should be conducted and published. The inventory should include items such as vehicles, motorcycles, computers, furniture, real property, and other durable items. The audit and inventory should be transferred to the incoming Permanent Electoral Council.
3. The CEP/Permanent Electoral Council should establish and follow proper accounting and administrative procedures. There should be a standard separation of duties between the person/office keeping the books and the person/office verifying or auditing them (for example, the accountant should not have check-signing authority).
4. BED and BEC members should receive training in basic accounting principles and procedures.
5. The CEP/Permanent Electoral Council should establish a robust procedure for accounting for all funds disbursed to the BEDs and BECs.
6. The CEP/Permanent Electoral Council members should comply with all regulations regarding financial disclosure to ensure compliance with Article 128 of the Constitution, which states that all officials are required to declare the status of their net worth within 30 days of entering public service.

ELECTION OBSERVATION

1. National and international election observation must focus substantially greater attention on the post-BIV processes, particularly at the BEC level where the electoral system completely breaks down.
2. Local organizations should participate more extensively in election observation efforts. National and international assistance providers could supply training and resources to facilitate broader participation.

INTERNATIONAL TECHNICAL ASSISTANCE

1. Given the substantial amount of international technical assistance, attention should be given to ensuring that technical know-how, skills, and experience to the greatest extent possible are transferred to local institutions and authorities.

IV. Election Administration

In the following sections, IRI summarizes its main observations regarding the administration of the election. With so few voters actually participating in the process, there was relatively little to observe on election day.

1. Adequacy at the BIV Level

The overall implementation of the elections at the voting station level (BIV) can be described as adequate. BIV workers generally performed their duties according to established procedures, although almost all the BIVs that IRI observed opened late and experienced at least some difficulties. Most BIV workers appeared to take their duties seriously, but it is clear they would have benefitted from additional training.

Voter registration lists, which were supposed to be posted at all BIVs, were missing in many locations or improperly modified. When updated, most lists were handwritten, with no controls on their accuracy. Ballot boxes often were improperly sealed or not sealed at all. Perhaps because so few citizens voted, IRI observed very few disputes or problems involving the voter lists or the ballot boxes. It is difficult to determine what challenges might have occurred at the BIV level had Haitians voted in more significant numbers.

2. Breakdown at the BEC Level

In simple terms, BECs are way stations where electoral materials are collected, logged, consolidated, and transferred to the BED. Article 113 of the electoral law clearly states that, "At the end of the counting of the votes, BIV Presidents and the representatives of the two political parties or recognized political groups or candidates who have received the most votes in the elections of the senator or deputy, give the results of the balloting and the related documents to the BEC which will transmit them to the BED immediately."¹

The situation at the communal level has not improved over past elections. As in the past, there appears to have been a near system-wide breakdown in the collection and consolidation of electoral materials at the BEC level.

IRI observed tally sheets being falsified; ballots and other materials strewn about; bags and boxes of marked and unmarked ballots left unsecured, unlogged, and separated from their tally sheets; and a chaotic overall atmosphere.

For several days following the vote, IRI returned to a number of BECs to find that the situation had deteriorated still further. Used materials, tally sheets, marked and unmarked ballots were strewn about even more than on the first day. These important electoral materials should have been stored in an organized and secure manner. The situation at the BECs would make a

¹1995 Electoral Law of the Provisional Electoral Council of Haiti. Translated by the NDI-Haiti Office.

recount or any other attempt to reconstruct what happened on election day impossible. In observing past elections, IRI warned that unless significant reforms were made, Haitian electoral authorities risked institutionalizing fraudulent practices. IRI concludes that fraud now has become institutionalized at the BEC level.

3. Controversy at the BED/CEP Levels

The consolidation and counting of results at the CEP level endured its own controversies. Prior to the elections, it was expected that the International Foundation for Election Systems (IFES) would assist the CEP in tabulating and computerizing the results. On April 12, however, the CEP informed IFES that it would not be involved in computerizing the results. The unanticipated and last-minute manner in which the CEP made this decision undermined already weakened confidence in the process and further contributed to the perception that the CEP was trying to manipulate the results and keep it out of the public view.

4. Planning, Coordination, and Communication within the CEP and throughout the Electoral Apparatus

As noted in several of IRI's pre-election reports, the CEP and electoral apparatus would have benefitted from better planning, coordination, communication, and implementation of its myriad duties. Communications between the CEP and BEDs often proved deficient, with BED presidents reporting having received conflicting guidance and instructions from the CEP. CEP members often made public and contradictory statements and occasionally aired disputes in the media. For example, Alix Ambroise, one of the nine CEP magistrates, issued a press release stating that the "President, Secretary General, and Treasurer (have acted) in flagrant violation of the Election Law and internal regulations of this institution." This public controversy coupled with the lack of coordination, generated extensive confusion throughout the electoral process.

5. Tabulation and Announcement of Results

The post-election period also has been marked by uncoordinated and confused CEP communications as well as major discrepancies, most notably in the areas of vote counting, announcement of results, and the disposition of challenges. These defects in the system have placed the CEP in direct conflict with other government institutions, such as the office of the Prime Minister and Parliament.

For example, on April 17, CEP Vice President Arol Julien unilaterally released preliminary Senate results without substantiating documentation or the approval of other CEP magistrates. On April 28, Julien, serving as acting CEP President, and CEP General Secretary Alexandre Lavaud wrote to the director of the Results Consolidation Center (CCR) to instruct her not to count blank ballots as part of the total valid vote (Appendix, Document #1).

The CCR director, Mrs. Francoise Boursiquot, responded in writing that she would follow the instructions and modify the results accordingly. She reminded the CEP magistrates, however, that Articles 108, 109, and 116 of the electoral law require that blank ballots be included in the total number of ballots cast when calculating the percentages won by each

candidate (Appendix, Docs. #2, 3). The counting of blank ballots is significant in determining whether a given candidate has won an outright majority of the vote, thereby avoiding a run-off with the second-place finisher.

On April 29, the Prime Minister met with CEP representatives to discuss the issue of counting the blank ballots. Following that meeting, the Prime Minister wrote to the CEP insisting the CEP enforce all laws governing the elections and respect Articles 108, 109, and 116 of the electoral law (Appendix, Doc. #4). Notwithstanding these efforts, the CEP on April 30 published its provisional results without including the blank ballots.

On May 2, the Prime Minister wrote a second letter to the CEP restating his concern over the CEP's flagrant violation of Articles 108, 109, and 116 of the electoral law. The letter concluded by asserting that "this government would do everything to preserve the democratic gains (made in Haiti) and would do everything to make sure that the rule of law prevailed" (Appendix, Doc. #5).

The Chamber of Deputies, acknowledging the dispute over the interpretation of the law, asserted the National Assembly's rights under the Constitution to interpret the laws of the country by passing a resolution on May 8. The resolution called on the CEP to refrain from publishing final results until the Chamber could pass a law to definitively decide the issue.

Notwithstanding opposition from Parliament, the Prime Minister, political parties and candidates, and other segments of Haitian society, the CEP released its official results for the local assembly elections on May 9 without counting the blank votes. The CEP affirmed its right to interpret the electoral law under Article 157, seeing itself as the final arbiter in all matters relating to the electoral process. Although the Organization of American States Electoral Observation Mission wrote to the CEP expressing its hope that the law will prevail on this issue, other important sectors of the international community apparently did not comment publicly on these developments (Appendix, Doc. #6).

On August 5, the Chamber of Deputies passed the so-called "interpretive law," which reaffirms the legal requirement to include the blank ballots. Continuing its pattern of violating the law, the CEP on August 18 published official results for two of the nine Senate seats without counting the blank ballots. Additionally, publishing information in the official state gazette requires the Prime Minister's approval. The Prime Minister, who resigned in part because of electoral fraud but still serves nominally, refused to grant such authorization for publication of both the partial Senate and local assembly results (Appendix, Docs. #7, 8, 9).

On August 19, the United Nations suspended its technical assistance to the CEP "until the transparency and credibility of the recent electoral process is reestablished. All future assistance will depend on the independence and credibility of the Electoral Council..." (Appendix, Doc. #10).

As in past elections, the CEP remains a symbol of Haiti's fragmented and polarized political environment and failed electoral practices.

6. Voter Registration

Inexplicably, the CEP restricted voter registration to only four categories, excluding eligible voters who had not registered for previous elections. The CEP allowed to register only those citizens who met at least one of the following four criteria:

- a. those who reached 18 years of age prior to the April 16 elections;
- b. those returning from abroad who had resided in Haiti for three months prior to the elections;
- c. those with lost or damaged voter identification cards; and
- d. those who previously had registered but had changed address.

The CEP never explained why it excluded a potentially sizable group of prospective voters.

As has been the case in past elections, the voter registration lists remain problematic. The lists are often updated by hand, with few evident controls in place to ensure its integrity. In many BIVs that IRI observed, voter lists were not posted, complicating voters' efforts to identify their correct voting station. In some cases, posted voter lists had been modified by hand.

7. Candidate Registration

In 1995, the CEP excluded from the elections a large number of candidates from the democratic opposition on arbitrary grounds. During the 1997 election process, in which the primary competition has been among various factions of the Lavalas movement, the CEP permitted numerous candidacies notwithstanding substantial deficiencies in their applications for registration. The most notable case involved West Department Senate candidate Marie Laurence Lassegue of the PLB/Lavalas platform. In this case, the CEP overruled a parliamentary decision that rejected her candidacy based on clearly established legal criteria.

Haitian law requires that former high-level government officials receive a "discharge," approved by both National Assembly chambers, which affirms that the former officials undertook no actions while in government that would infringe on their eligibility to run for elected office and that no other legal obstacle to their candidacy exists. Marie Laurence Lassegue, former Minister of Information and CEP member under President Aristide, registered for the Senate race in the West Department, which includes Port-au-Prince. The Constitution bars former CEP members from elective office for three years following their CEP service. On February 25, the Chamber of Deputies voted against the report granting a discharge to Lassegue, who left the CEP in 1996. Nevertheless, the CEP overruled that vote and allowed her candidacy. It is not clear what legal or constitutional authority the CEP had to overrule such parliamentary actions.

8. Electoral Worker Training

The CEP conducted electoral worker training with technical assistance from the International Foundation for Election Systems (IFES). Although pollworkers adequately performed their administrative duties and many indicated they had worked in previous elections, they would have benefitted from additional training and coordination.

As discussed above, at the BEC level, there was a virtually complete administrative breakdown in processing the electoral materials. It is difficult to determine whether the breakdown resulted from inadequate worker preparation and training, deficient administrative and management structures, or from intentional malfeasance. In any case, it is clear that BEC workers IRI observed did not perform their duties properly. Although many factors contribute to popular perceptions that Haitian elections lack credibility, the profound and persistent problems at the BEC level could be redressed with relative ease, provided government authorities have the will to do so.

Additional training, particularly if conducted on a regular, ongoing basis, could help create a pool of skilled workers with better abilities. Electoral authorities also should consider creating a cadre of permanent trainers, which would help give a measure of sustainability to training efforts.

9. Civic Education

Initiated late and half-heartedly, civic education efforts for these elections clearly were inadequate. Political parties and candidates participating in the April 6 elections failed to motivate the electorate to participate. Although parties and candidates participating in an election have a major responsibility to help educate the electorate, national electoral authorities share that responsibility. The CEP appears to have understood the importance of civic education because they budgeted substantial resources for such purposes. Curiously, the CEP apparently disbursed few of the budgeted resources. In any election, civic education and voter mobilization efforts play important roles. Although numerous factors contributed to the low turnout, it is reasonable to suggest that a more effective civic education campaign could have encouraged more Haitians to vote.

10. Contestation Process

The CEP skipped the formal period to contest candidate registrations and dealt with various matters in an *ad hoc* manner. As noted in the Candidate Registration section of this report, there were several problems with the process.

The contestation of results also has been an opaque process. IRI has not been able to determine the process by which the CEP adjudicates challenges, nor to receive information from the CEP regarding the number or nature of challenges. In meetings with the international observer and donor communities, the CEP emphasizes that many of the challenges it received were poorly presented, lacked supporting documentation, and amounted to little more than allegations.

Nevertheless, a transparent contestation process is critical for public confidence in the electoral process. In a functioning democracy, the electorate and candidates generally demand that in adjudicating disputes, be they perceived or real, the rule of law must quickly prevail. These disputes should be adjudicated according to a pre-established and universally known set of criteria.

V. Electoral Environment

Throughout, the electoral environment has remained muddled, characterized by popular apathy and the lack of competition outside the Lavalas movement. The democratic opposition parties have continued their boycott of the country's elections, the fundamental reason for which has remained constant since June 1995: their belief that the flawed composition of the CEP and the electoral machinery compromises the integrity of the electoral process. Opposition party representatives consistently expressed their view that the electoral apparatus is controlled by elements of the governing Lavalas coalition and that the process is designed by and for the benefit of that coalition. Participating under such circumstances, they believe, would legitimize a fundamentally flawed process and amount to acceptance of it.

1. Formation of BEDs and BECs

Since the inception of the most recent electoral period, the formation of departmental and communal level electoral authorities has been mired in the struggle for dominance among competing factions of the Lavalas movement and the so-called "popular organizations" associated with them. The process of removing and appointing electoral officials has been characterized by an extraordinary degree of arbitrariness. In several departments, IRI encountered instances of personnel changes based on demands of Lavalas-affiliated "popular organizations" that alleged (often without substantiation) malfeasance by sitting authorities. In Cap-Haitien, IRI met with newly installed electoral authorities, who said their mandate was "to carry out the will of the popular organizations."

In the Grand Anse Department, the Corega faction of Lavalas appears to exercise dominant influence. Allegations abounded in the department that Corega manipulates electoral and other governmental institutions and services, including the police. The widespread perception of Corega control in the region alienated many citizens and created the perception that political activity that does not support Corega could be dangerous. In the Center Department, the MPP organization, which also is affiliated with Lavalas and OPL in particular, appears to exercise similar preeminence. Absent the participation of other parties, MPP/OPL's control in the region tends to transform the electoral process into an intra-Lavalas power struggle between MPP/OPL and former President Aristide's Lavalas Family.

In Gonaives, IRI met with the leadership of a local "popular organization," which says it has no political affiliation but claims Aristide as its only leader. According to the leadership, they demanded and demonstrated unsuccessfully for the removal of BED authorities in their department because of the authorities' affiliation with rival faction OPL.

2. Competition among Factions of Lavalas Governing Coalition

While it is clear that serious divisions exist within the governing Lavalas coalition, they resemble a power struggle more than a genuinely pluralistic competition. Preeminence within the coalition, control of the electoral apparatus and other official entities, and the fruits of electoral victories seem to be the driving forces rather than significant ideological differences

among the competing factions. There may be differences on some national policy matters, but these do not appear to be the focal points around which the intra-coalition competition centers.

3. Absence of Competition outside Lavalas Grouping

As noted above, the electoral environment has become increasingly uncompetitive outside the Lavalas coalition. Democratic opposition parties continue to oppose participation in a process widely perceived to be designed and implemented by and for the benefit of one political movement.

In the aftermath of the April 6 election, even OPL, the parliamentary majority party, has come to the same conclusion. OPL Prime Minister Rosny Smarth resigned on June 9 in large measure because of electoral fraud committed by the CEP (Appendix, Doc. #11). In explaining the resignation, OPL Senator Paul Denis said the Prime Minister stepped down because he believes the CEP violated the law and manipulated the elections for the benefit of former President Aristide's Lavalas Family. Curiously, President Preval has made few public statements or actions to ensure respect for the law by agencies of his government. Although no date has been set for the second round of Senate elections, OPL and Lavalas partner PLB have stated they will not participate, which could leave only Lavalas Family in the running.

The local council (ASEC) elections, which begin the process of constituting the Permanent Electoral Council, were characterized by a comparable lack of competition outside the Lavalas coalition. The majority of the *cartels*, or slates, registered as independents, although in interviews with IRI, it became apparent that many ASEC candidates were affiliated with Lavalas Family or OPL. Frequently, candidates who registered as independents explained they had done so because the CEP had not delivered the required forms for stating party affiliation. Based on these observations, it seems there were considerably fewer true independents than the registrations would otherwise suggest.

4. Electoral Campaign

Interestingly, throughout the country, IRI pre-election assessors and election observers were told of "official" candidates. These candidates rarely campaigned, the popular perception being that their victory was guaranteed. In some areas, other candidates who did not seem predetermined to win, did in fact campaign, albeit in all cases in relatively muted and understated terms. This was true in the departments of the South, Southeast, Grande Anse, Center, L'Artibonite, North, and Northeast. The West Department, which contains Port-au-Prince, provided somewhat of an exception to this general rule.

5. Security Environment

Although election day was relatively free of violence, the overall electoral period and its aftermath have been characterized by political and social instability. In pre-election reports, IRI described numerous security-related concerns in several departments, particularly the North, Grand Anse, Center, and L'Artibonite. In many cases, the violence and instability could be directly attributed to the intra-Lavalas struggle for control and preeminence in a given region. In

the West Department, PLB Senate candidate Marie Laurence Lassegue received threats and was attacked once during a Cite Soleil campaign appearance. In the North, IRI heard numerous reports and observed the results of a disturbing degree of lawlessness and mob violence. In the Grand Anse, the Corega faction of Lavalas has gained control of virtually all organs of state authority, including the police and the regional electoral authorities.

The Grand Anse department in particular seemed to experience an unsettling degree of partisan police activity on behalf of Corega. For example, interviewees consistently reported to IRI that the Departmental Police Director was a member of Corega and that Corega partisans and activists receive special police protection. Two local policemen told IRI that the Police Director's predecessor had been transferred because he refused to provide special protection. Others expressed their concern that opposition or even failure to support Corega would result in harassment and pressure from Corega and its affiliated organizations.

On April 17, the Haitian Senate held a hearing to address its concern about police involvement in the electoral process. Senators questioned the Minister of Justice, Under Secretary for Public Safety, and the Director General of the Haitian National Police (HNP) on these matters, including allegations the HNP influenced the outcome of the elections in at least four departments (Southeast, South, L'Artibonite, and Center). Senators also expressed concerns about the overall politicization of the HNP and requested that the Police leadership provide the Senate a report on police involvement in the elections. As of mid-August, the Senate has not received the requested report. OPL Senator Paul Denis told IRI, "It is dangerous that the Police can be in a position to decide who can or cannot be elected. It is also dangerous that one political party, Lavalas Family, exerts control over certain elements of the HNP."

6. Turnout and Participation Levels

Accurate nationwide turnout figures are impossible to determine, in part because of the electoral authorities' chaotic, disorganized, and arbitrary means of managing electoral information. Fraud and manipulation of election returns also contribute to the impossibility of accurately determining turnout. The CEP officially reports an 18 percent turnout. IRI and other international observers report a more realistic maximum of five percent. In many polling stations in Port-au-Prince, not a single citizen voted, not even pollworkers assigned to a given station. In many polling stations in other parts of the country, IRI observed only a handful of voters, in some cases four or five per station.

There are numerous factors that contribute to such a low turnout. Consistently, Haitians expressed to IRI observers their high level of disillusionment with the political system and electoral process. They indicated their belief that participating in elections has no relevance, that their votes would not be counted, and that in many cases, the outcome is determined by the governing political establishment rather than the electorate. The inability of the country's political leadership, including the parties and candidates participating in the process, to define for the electorate the stakes involved in the outcome of the April 6 exercise also contributed to the low turnout. An inadequate civic education and voter mobilization effort surely played a role as well. Other factors no doubt also were at play.

What is certain, however, is that in each election since December 1990, the number of Haitians voting has declined precipitously. Voter turnout dropped from an estimated high of 67 percent in 1990 to approximately 30 percent in June 1995, continuing its decline to 15-20 percent in December 1995 and to perhaps five percent in April. This dramatic decline in turnout should sound warning bells for the state of Haitian democracy. Without political competition or popular participation, there is no meaningful claim to being considered a functioning democracy.

VI. Conclusions

Elections are a lens through which to focus on the deeper, underlying challenges and deficiencies in Haiti's democratic development. Present at each election since 1990, IRI has documented every step of Haiti's electoral process and provided recommendations to the nation's electoral leaders and institutions. This report on the April 6, 1997 process continues this record. Sadly, it also reiterates numerous observations regarding Haiti's electoral and democratic deficiencies made in earlier years and repeats many basic recommendations.

These recommendations and other observations point toward two sets of interconnected conclusions. At one level, the April 6 process underscores ongoing basic problems:

- continuing procedural breakdowns;
- a dramatic narrowing of political participation both by voters and parties; and
- the erosion of voter confidence.

Additionally, the most recent electoral process highlights the cumulative and corrosive impact of these problems on the substance of Haitian democracy:

- the failures of vote counting and ballot security, annulling any possibility of verifiable counts and recounts, and adjudication of challenges;
- the institutionalization of these past failures; and
- a less than good faith effort on the part of the CEP and electoral apparatus in managing the electoral process and responding to exigencies.

Many opportunities for genuine democratic development in Haiti have been lost. Cosmetic and incomplete corrections of Haiti's electoral process, particularly since 1995, have degenerated into a dysfunctional political environment favoring an increasingly narrow political leadership. Even if the latter purports to represent a significant Haitian popular constituency, the reality of the present situation is such that there are now too many segments of the country's political community questioning the credibility of the process.

In the wake of the April 6 process, it is therefore no exaggeration to suggest that Haiti is at a crossroads. Haitian democratization not only is burdened by deficiencies, but by the unavoidable conclusion that these deficiencies have become the norm of successive elections. The accusation that election results were manipulated by the CEP when it modified the rules on the blank ballot count is a serious one. This has triggered a government crisis and seriously handicapped Haitian democratic development efforts. It is not credible to explain away non-performing portions of the democratic process because of Haiti's poverty, demanding socio-economic situation, or other extraneous factors. In fact, recent electoral experience suggests that voters understand very well the dysfunctional character of that process and, by staying away from the polls, have issued a warning by refusing to participate in a flawed process.

In conclusion, IRI would highlight what it considers to be systemic problems. First, is the fact that there is now a continuum of problems dating at least back to the June 1995

parliamentary elections. Second, the imperfect routine instituted since 1995 has devalued the meaning of democracy for the Haitian people. Although much was at stake in the April 1997 voting, including ultimately the formation of a permanent election council, the message provided through the nation's electoral leadership has been increasingly ambivalent. And third, the badly flawed April 1997 process emphasizes the impact of the low voter turnout and a narrowing political party involvement. Without competition, there is no measurable base for democracy. Without participation, there is no process to speak of.

Following the elections, Haiti's democratization efforts were further burdened by public statements made by U.S. Department of State spokesman Nicholas Burns, in which the U.S. government characterized the April 6 elections as being "an important step in the process of consolidating democracy in Haiti." These elections were nothing of the sort. Haitian democrats tell IRI that this statement severely undermined their efforts to promote real rather than imaginary democracy in Haiti. Several weeks elapsed before other elements of the international community began expressing concerns about the April 6 process. In seeking ways to bring closure to the process, there are indications that some elements of the international community are focusing on essentially cosmetic second round changes -- more civic education, pollworker and pollwatcher training, parallel vote counts, and computerizing results -- that would fail to address the underlying political, legal, constitutional, and institutional impasses.

The April 1997 process therefore represents a step backward. The electoral and political crisis that has ensued is the most serious one since former president Aristide's return to Haiti in 1994. The recurrence of problems, the institutionalization of deficient and fraudulent practices, and the tendency for an excessive focus on the minutiae of electoral reforms while avoiding substantive changes has seriously harmed Haiti's democratic development. This has pushed to the limits the viability of Haiti's already weak public institutions. In concert with the international community, Haiti's electoral and national political leadership still have an opportunity to take corrective measures. But these will have to be implemented more quickly, seriously, and decisively than has so far been the case.



Conseil Electoral Provisoire


Port-au-Prince, le 28 avril 1997

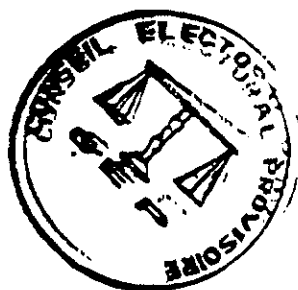
Madame Françoise BOURSIQUOT
Responsable du CCR
En ses bureaux.-

Madame,

Le Conseil Electoral Provisoire s'empresse de vous informer qu'il a été décidé au cours de la réunion du Conseil en date du 28 avril 1997 que seuls les votes marqués d'une croix sont considérés comme votes valides. En conséquence, le Conseil Electoral Provisoire vous prie de ne pas comptabiliser les votes blancs.

Le Conseil Electoral Provisoire saisit l'occasion pour vous transmettre, Madame, l'expression de sa considération distinguée.


Arold JULIEN
Vice-Président




Joseph Alexandre LAVAUD
Secrétaire Général

Appendix, Document #1

Provisional Electoral Council

Port-au Prince, April 28, 1997

Madame Françoise Boursiquot
Center for the Consolidation of Results

Dear Madame,

The Provisional Electoral Council wishes to inform you that during a meeting of the Council on April 28, it was decided that only the ballots marked with a cross should be considered valid. Consequently, the Provisional Electoral Council asks you not to count blank ballots.

The Provisional Electoral Council takes this opportunity to pass on our expression of distinguished consideration.

Arold JULIEN
Vice-President

Joseph Alexandre LAVAUD
Secretary General



Conseil Electoral Provisoire

Port-au-Prince, le 28 avril 1997

M. Joseph Alexandre LAVAUD
Secrétaire Général
En ses bureaux.

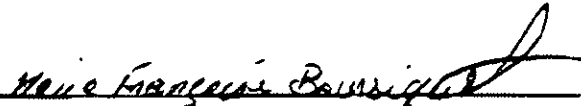
Monsieur,

Le Centre de Consolidation des Résultats (CCR) accuse réception de votre lettre en date du 28 avril 1997 relative à l'élimination des votes blancs. Des mesures sont prises pour modifier le plutôt que possible ces résultats.

Cependant, le CCR vous rappelle que le calcul des votes blancs a été effectué à la lumière des articles 108, 109 et 116 de la Loi Electorale de 1995.

Espérant que cette précision retiendra votre attention, je vous prie de croire, Monsieur, en l'expression d'une franche collaboration.

cc: Membres du CEP
DG
DA


Marie Françoise BOURSIQUOT
Responsable

Appendix, Document #2

Provisional Electoral Council

Port-au Prince, April 28, 1997

Mr. Joseph Alexandre Lavaud
Secretary General

Dear Sir,

The Center of the Consolidation of Results (CCR) acknowledges receipt of your letter dated April 29, 1997, regarding the elimination of blank ballots. The CCR will take measures to modify the results as soon as possible.

However, the CCR would like to remind you that the calculation of the blank ballots is carried out under the guidance of articles 108, 109, and 116 of the Electoral Law of 1995.

Hoping that this detail receives your attention, I urge you to believe in our sincere efforts to collaborate.

Marie Françoise BOURSIQUOT

cc: Members of the CEP
DG
DA

**1995 ELECTORAL LAW
OF THE PROVISIONAL ELECTORAL COUNCIL OF HAITI**

Translated by NDI-Haiti Office
Port-au-Prince, Haiti

Article 106.- After the closing of ballot, the counting of the votes is proceeded without interruption, in presence of the representant of parties or recognized political groups, coalitions and candidates and accredited observers. No one can leave the BIV without a special written authorization from CEP.

Article 107.- BIV's President asks a clerk to count the unused ballot papers for each individual election. Then he opens separately each one of the box after having noticed and made the assistance aware that the boxes were not tampered with.

The President counts and examines the ballot papers of each box to verify if their number corresponds with the number of people who have voted. He starts with the box affected to the election of the deputies, of Municipal Council and eventually of CASEC. The counting of the votes in relation to the election of senators will be done last.

Article 108.- The only valid votes are:

- the blank votes on the ballot paper from CEP;
- The votes with a cross, an X or any other mark which shows in non equivocal way the intention of the elector to vote or his political wish (choice) in the appropriate circle.

Article 109.- The ballot papers on which the President can not recognize the intention or the political choice of the elector will be considered null and void. But the blank notes will be controlled and counted.

Article 110.- One of the clerks arranges the valid votes by candidates and counts them in front of all the people present.

The secretary after the counting of the vote of each box writes the minutes of the counting of the ballot which will comprise:

Article 110-1.- The employees of the BIV, the representatives of the parties or recognized political group, coalition or candidates, as well as the observers, if any, will sign the minutes of the counting of the votes.

If a representative of a party or recognized political group, coalition or candidate refuses to sign the minutes, the fact will be recorded and all its protests will be null and void.

But the refusal to sign the minutes by the representative and observers does not affect in any way the validity of the electoral operations.

Article 111.- The minutes of the counting of the votes is prepared in six (6) original.

One original will be posted by the President at BIV's main entrance, one original will be given to BEC and two (2) original will be delivered to BEC which will send one to CEP.

Each mandated representative of the candidate for Deputy and Senator will receive a copy for the candidate who will have obtained the most votes.

Article 112.- All the ballots and other electoral documents must be returned to BED which counts them officially and sends them to CEP in the following order:

- a) minutes of the opening of the voting process;
- b) minutes of the closing of the voting process;
- c) minutes of the counting of the votes;
- d) the ballot of the valid votes;
- e) the blank ballot papers;
- f) the unused ballot papers;
- g) the registering rosters;

h) the null ballot papers.

Article 113.- At the end of the counting of the votes, BIV's President and the representative of the two (2) parties or recognized political groups or candidates who have received the most votes at the elections of the senator or the deputy, give the results of the ballot and the relating documents to BEC which will transmit them to BED immediately. BED will transmit immediately this information to CEP.

Article 114.- BED verify the counting of each BIV and starts the counting of all the electoral districts, this in presence of the mandated representative of parties or recognized political group or candidate who have run for legislative and presidential elections.

BED will then write the minutes of the results of the ballot of the districts where the pertinent data contained in the minutes will be consigned as well as all the protests of the representant mentioned above.

Five (5) original of those minutes signed by BED's members and the above mentioned representative, will be distributed as follow:

One (1) original will be sent immediately to CEP

One (1) will be posted at BED's main door.

One (1) for each representant of the two (2) parties or recognized political

group or candidate who have obtained the most notes at the elections the last one for BED.

BED will transmit along with the original meant for CEP, the file containing the protests and the raised objections to be ruled over.

Article 115.- BED verifies the counting of each BIV and starts the counting of all the electoral districts, in presence of the mandated representative of parties or recognized political group or candidate who have run for legislative and presidential elections.

Article 116.- CEP after reception of BED's minutes of the counting of the votes and after having ruled over the differences, announces the final results of the elections on the basis of percentage of the strictly valid votes.

Article 117.- In case of second round, CEP will publish a new calendar.

Article 118.- Any verbal and written act of violence against a CEP's member in the exercise of his duties which tends to damage its honor, will be punished from one (1) to three (3) years of prison in accordance with the articles 183 and 184 of the Penal Law.

Article 119.- Any act of violence, by gestures of threats to a CEP's member in the exercise of his duties, will result in the imprisonment from one (1) to



REPUBLIQUE D'HAÏTI

Le Premier Ministre

PM/RS/sd/4511

Le 29 avril 1997

Monsieur le Président,

Suite à ma dernière rencontre avec les Membres du CEP et en vertu des prérogatives qui me sont conférées par l'article 159 de la Constitution, je tiens à vous réaffirmer la position du Gouvernement à savoir que:

- o le mode de dépouillement du scrutin des élections du 6 avril écoulé doit être fait en stricte conformité avec les articles 108, 109 et 116 de la Loi Electorale;
- o l'article 112 de ladite Loi se réfère uniquement à la procédure de transmission des documents électoraux aux BED et au CEP. De plus, l'alinéa "e" du même article ne fait que reprendre en partie l'alinéa "d"; il est donc superfétatoire. En conséquence, cet article ne peut, en aucun cas, justifier l'annulation des votes en blanc dans la comptabilité des voix exprimées.

Souhaitant voir le CEP tenir compte de la provision des articles 108 et 109 de la Loi Electorale, je vous prie d'agréer, Monsieur le Président, mes salutations distinguées.

A handwritten signature in black ink, appearing to read 'Rosny SMARTH'.

Rosny SMARTH

Monsieur Gérard TOUSSAINT
Président du CEP
En ses bureaux

cc: Son Excellence René PREVAL
Président de la République d'Haïti

20/04/97

Appendix, Document #4

Republic of Haiti

Office of the Prime Minister

April 29, 1997

Mr. President,

Following my last meeting with members of the CEP and in virtue of the prerogatives that are accorded to me by article 159 of the Constitution, I urge you to reaffirm the government's position, knowing that:

- The manner of analysis of the ballots of the April 6 Elections should strictly conform to articles 108, 109, and 116 of the Electoral Law.
- Article 112 of the aforementioned law refers only to the procedure of transmitting the electoral documents from the BED to the CEP. In addition, paragraph 'e' of the same article is reiterated in paragraph 'd,' rendering it superfluous. Consequently, this article can not, in any case, be used to justify the annulment of the blank ballots in the capacity which you expressed.

Wishing to see the CEP adhere to the provision of articles 108 and 109 of the Electoral Law, I urge you to accept, Mr. President, my distinguished regards.

Rosny SMARTH

Mr. Gérard TOUSSAINT
President of the CEP

cc: His Excellency Rene PREVAL
President of the Republic of Haiti

Appendix, Document #5



REPUBLIQUE D'HAÏTI

Le Premier Ministre

PM/RS/lh/4517

Port-au-Prince, le 2 mai 1997

Monsieur le Président,

En dépit de nos discussions et de mes propositions de rectification lors de notre rencontre du 29 avril 1997 j'ai eu la désagréable surprise de constater que l'organisme que vous présidez a publié les premiers résultats des élections du 6 avril 1997 qui ne semblent tenir aucun compte des votes valides exprimés en blanc.

Ma lettre de mise en garde qui vous est parvenue un peu tard précise formellement le point de vue du Gouvernement. Je vous réitère qu'il s'agit là d'une violation flagrante des articles 108, 109 et 116 de la Loi Electorale.

J'en appelle à la sagesse, au sens des responsabilités et à l'esprit démocratique des membres du Conseil Electoral Provisoire. Il est encore temps de rectifier le tir dans le sens du respect scrupuleux des textes. Il y va de la crédibilité de nos institutions, de la stabilité politique et de l'avenir démocratique de notre patrie commune.

Le gouvernement que j'ai l'honneur de diriger mettra tout en oeuvre pour préserver nos acquis démocratiques et fera en sorte que force demeure à la loi.

Veuillez agréer, Monsieur le Président, mes salutations patriotiques.

A handwritten signature in black ink, appearing to read 'Rosny SMARTH'.

Rosny SMARTH

Monsieur Gérard TOUSSAINT
Président du Conseil Electoral
Provisoire (CEP)
En ses bureaux.-

c.c.: Son Excellence René PREVAL
Président de la République

Appendix, Document #5

Republic of Haiti

Office of the Prime Minister

Port-au-Prince, May 2, 1997

Mr. President,

Despite our discussions and my proposals to rectify the issue of counting the blank ballots during our meeting of April 29, 1997, I had the disagreeable surprise of discovering that the CEP, the organization over which you preside, published the first results of the April 6 elections without including the blank ballots.

Although late, my warning letter serves to inform you of the Government's point of view on this matter and reiterates that this is a serious violation of articles 108, 109, and 116 of the Electoral Law.

I call upon the wisdom, the sense of responsibility and the democratic spirit of the members of the Provisional Electoral Council to rectify this problem while there is still time. This decision will affect the credibility of our institutions, our political stability and the democratic future of our fatherland.

The Government, which I have the honor of directing, will do everything to safeguard our democratic gains and to see that the law prevails.

Please accept, Mr. President, my patriotic salutations.

Rosny SMARTH

Mr. Gérard Toussaint
President of the Provisional Electoral Council

cc: His Excellency Rene PREVAL
President of the Republic

OGANIZASYON ETA AMERIKEN
ORGANISATION DES ETATS AMERICAINS
MISION OBSEVASYON ELEKTORAL
MISSION D'OBSERVATION ELECTORALE



Port-au-Prince, le 7 mai 1997

Monsieur le Président,

Au moment où le Conseil Electoral Provisoire (CEP) s'apprête à annoncer officiellement les résultats du premier tour des élections pour un tiers du Senat et pour les Assemblées des Sections Communales et les Délégués de Ville, la Mission d'Observation Electorale (MOE) de l'Organisation des Etats Américains souhaite vous faire part de certaines observations concernant les élections du 6 et du 27 avril 1997. De cette façon, la Mission d'Observation Electorale espère pouvoir appuyer les efforts entrepris par le CEP pour améliorer le fonctionnement des mécanismes électoraux.

La Mission d'Observation Electorale de l'OEA a constaté les faits suivants

- I) Dans l'ensemble, les officiels des bureaux de vote ont témoigné d'une bonne connaissance des procédures de vote. L'irrégularité la plus fréquemment observée concernait les scellés qui étaient souvent mal placés sur les parois des urnes, ne permettant pas de garantir l'inviolabilité des urnes.
- II) Dans l'ensemble des bureaux visités, les listes électorales incomplètes ou qui n'avaient pas été mises à jour ont créé des problèmes. A maintes reprises, les observateurs ont également constaté que des membres des BIVs utilisaient des listes manuscrites sur des feuilles de cahier et non pas les listes officielles.
- III) D'après nos observations, les procédures de dépouillement et de comptage des votes n'ont pas été suivies avec suffisamment de rigueur, ce qui a conduit à des erreurs. Sans aucun doute, le comptage représente un point faible qu'une formation plus poussée pourrait rectifier.
- IV) La Mission d'Observation Electorale a eu l'occasion d'attirer l'attention du CEP sur le fait que des BECs ont outrepassé les instructions qu'ils avaient reçues et ont manipulé les résultats. Un respect plus scrupuleux des consignes du CEP devrait être imposé afin d'éviter les risques de fraudes.
- V) Des taux de participation avoisinant ou excédant les 100% affichés par certains BIVs, laissent planer le doute sur la bonne foi de certains officiels. Ainsi, il est peu crédible que certains bureaux qui, à 16h00, ne comptaient qu'une centaine de votants (comme c'était le cas dans certains BIVs à Pestel), aient pu recueillir près de 300 votes supplémentaires dans les deux heures qui ont précédé la fermeture des bureaux. Ce phénomène troublant a été constaté dans la Grande Anse en particulier.

Afin d'ajouter à la transparence et à la rigueur du processus, le CEP pourrait faire en sorte que lors du second tour, les mandataires des deux candidats en lice reçoivent des procès-verbaux après le dépouillement dans le BIV où ils se trouvent,

La Mission d'Observation Electorale de l'OEA se doit également d'exprimer ses inquiétudes au sujet des controverses et des contestations qui ont surgi autour des votes exprimés en Élane et qui ont amené le Premier Ministre à prendre position. La loi électorale publiée dans le Moniteur du 14 février 1995, en ses articles 108 et notamment 109 dans sa dernière phrase, est très claire à ce sujet. La Mission d'Observation Electorale espère que force restera à la Loi.

La Mission d'Observation Electorale souhaite réitérer tous ses encouragements au CEP dans ses efforts pour lutter contre les irrégularités et les risques de fraude et pour faire triompher la rigueur et la transparence, ce qui contribuera à mieux rodier le mécanisme électoral.

Je vous prie d'agréer, Monsieur le Président, l'expression de ma haute considération.



Colin Granderson
Directeur
MOI-OEA

M. Toussaint
Président du CEP
En ses bureaux

cc. M. Lavaud
Secrétaire Général du CEP

Appendix, Document #6

Organization of American States
Electoral Observation Mission

Port-au-Prince, May 7, 1997

Dear Mr. President,

As the Provisional Electoral Council prepares to announce the results of the first round of elections for; one third of the Senate; the communal section assemblies (ASECs), and town delegates (DV), the Electoral Observation Mission of the Organization of American States (EOM) would like to share certain observations concerning the April 6 and 27 elections. In this way the electoral observation hopes to support the Provisional Electoral Council's (CEP) efforts in improving the implementation of the electoral mechanism. The EOM has noted the following facts:

1. On the whole, polling station officials demonstrated a good grasp of voting procedures. The most frequently observed irregularity involved seals that were poorly placed on ballot boxes and failed to guarantee that the boxes would be tamper resistant.
2. In most of the polling stations visited problems arose because the electoral list was incomplete or had not been updated. Observers also noted that polling station officials frequently used hand written lists in note pads, as opposed to the official lists.
3. Based on our observations, the counting and the consolidation procedures were not followed with rigor and led to errors. The counting process undoubtedly represents a weak point which further training could rectify.
4. Previously, the EOM drew the CEP's attention to the fact that the communal electoral bureaus (BECs) had gone beyond their instructions and manipulated the results. In order to avoid fraud the CEP should rigorously impose directives on electoral workers.
5. The posted rates of participation that approached or exceeded 100 percent at certain polling stations creates doubt as to the credibility of certain officials. It is implausible that polling stations that had received only a total of 100 voters by 4:00 p.m. received an additional 300 voters within the two hours before closing time. This troubling phenomenon was observed particularly in the Grande-Anse Department.

In order to increase the transparency and rigor of the process, the CEP should ensure that during the second round the pollwatchers of the two qualified candidates receive copies of the tally sheets after the count in their respective polling stations.

The EOM must also express its concern regarding the challenges surrounding the issue of the blank ballots, a controversy which forced the involvement of the Prime Minister. Articles 108 and 109 of the Electoral Law, published on February 14, 1995, are clear in this regard. The EOM hopes that the law will prevail.

The EOM would like to encourage the CEP in its efforts to fight against irregularities and potential fraud, and ensure that rigor and transparency triumph in such a way as to improve the electoral system.

I urge you, Mr. President, to accept the expression of my highest regards.

Colin Granderson, EOM-OAS Director

ORGANISATION DES ETATS AMERICAINS



MISSION D'OBSERVATION ELECTORALE

Port-au-Prince, le 27 mai 1997

Communiqué de Presse

La Mission d'Observation Electorale de l'OEA a pris note de la décision du CEP de reporter le deuxième tour des élections au 15 Juin 1997. Cette décision survient dans un contexte de protestation et de contestations des résultats suite aux nombreuses irrégularités, défaillances procédurales, et controverses qui ont entaché l'intégrité du processus lors du premier tour. La situation s'est aggravée avec les risques d'un conflit institutionnel au sujet de l'application de la loi électorale par le CEP en ce qui concerne la comptabilisation des votes exprimés en blanc, et la décision de l'OPL de mettre des conditions à sa participation au deuxième tour.

Préoccupés par cette situation, des membres de la communauté internationale ont encouragé le CEP à prendre des mesures pour corriger les irrégularités du premier tour et améliorer le déroulement et la crédibilité des élections. En outre, ils ont multiplié les contacts avec le CEP et l'OPL afin de faciliter une rencontre entre eux en vue de résoudre le conflit qui les oppose.

En réponse à la lettre de la MOE-OEA du 7 mai 1997, le CEP s'est engagé à mettre en oeuvre des mesures correctives pour redresser les défaillances signalées au premier tour, et faciliter le déroulement du second tour des élections. Le CEP devrait également s'engager à apporter des correctifs là où des irrégularités graves ont pu modifier les résultats du scrutin lors du premier tour. La MOE-OEA encourage le CEP à entreprendre cet effort de rectification et de redressement en vue de rétablir la crédibilité du processus électoral, et de permettre la participation de tous les candidats. Il y va de l'image et de l'intégrité du processus démocratique en Haïti, dont des élections libres et impartiales constituent un élément incontournable.

(Ref.CP/MOE/97/04) ➡

Appendix, Document #6-1

Organization of American States
Electoral Observation Mission

Port-au-Prince, May 27, 1997

PRESS RELEASE

The Election Observation Mission of the OAS has taken note of the decision of the CEP to postpone the second round of elections until June 15, 1997. This decision took place within a context of protests and disputes of the results following a number of irregularities, procedural faults, and controversies which have tainted the integrity of the process of the first round. The situation has worsened with the risks of an institutional conflict regarding the application of the electoral law by the CEP in what concerns the count of blank ballots, and the decision by the OPL to place conditions on its participation during the second round.

Preoccupied by this situation, members of the international community have encouraged the CEP to take measures to correct the irregularities of the first round and improve the development and credibility of the elections. In addition, they have multiplied their communication with the CEP and the OPL hoping to facilitate a meeting between them in order to resolve the conflict.

In response to the EOM-OAS letter of May 7, 1997, the CEP has pledged the use of corrective measures to right the weaknesses highlighted in the first round and facilitate the development of the second round of elections. The CEP should equally engage in using these corrective measures where serious irregularities could have modified the results of the ballots during the first round. The EOM-OAS encourages the CEP to undertake these measures of rectification and redress in order to reestablish the credibility of the electoral process and to permit the participation of all candidates. At stake is the image and the integrity of the democratic process in Haiti, of which free and impartial elections constitute an essential element.



Le Moniteur

Paraissant
Le Lundi et le Jeudi

JOURNAL OFFICIEL DE LA REPUBLIQUE D'HAÏTI

DIRECTEUR GENERAL
Emile Jean-Baptiste

151^{eme} Année No 86-A

PORT-AU-PRINCE

Jeudi 21 Novembre 1996

SOMMAIRE

- *Délégation de signature accordée à Monsieur Reynold PAUYO, Directeur de Cabinet du Premier Ministre.*
- *Avis d'autorisation de fonctionnement de la société anonyme dénommée: "NEW HOUSE MAKER, S.A." - Statuts et acte constitutif y annexés.*

AVIS

Conformément aux articles 87 et 88 de la loi du 6 septembre 1982 définissant l'Administration Publique Nationale, il est porté à la connaissance du public en général et de la Direction des Presses Nationales d'Haïti en particulier que Monsieur Reynold PAUYO, Directeur de Cabinet du Premier Ministre bénéficie de la délégation de signature pour :

Signer au nom et pour le compte du Premier Ministre, les demandes et autorisations de publication au Journal Officiel de la République " Le Moniteur" de tous actes, arrêtés, règlements, circulaires etc... signés et approuvés par celui-ci.

Cette délégation de signature prend effet à compter de la publication du présent avis et restera valide jusqu'à sa révocation totale ou partielle.

Donné au siège du Gouvernement à Port-au-Prince, le 20 novembre 1996

Rosny SMARTH
Premier Ministre

THE MONITOR

Published
on Monday & Thursday

General Director
Emile Jean-Baptiste

OFFICIAL GAZETTE OF THE REPUBLIC OF HAITI
151st Year No. 86-A Port-au-Prince Thursday, November 21, 1996

SUMMARY

- Delegation of signature accorded to Mr. Reynold PAUYO, Chief of Staff of the Prime Minister.
- Publication of authorization of the operation of the joint-stock company named: "New House Maker S.A." Status and constituent act are attached.

NOTICE

According to articles 87 and 88 of the September 6, 1982 law describing the National Public Administration, let it be known to the general public and the General Director of the Official Gazette in particular, that Mr. Reynold PAUYO, Chief of Staff to the Cabinet of the Prime Minister has been delegated the privilege of:

Signing in the name of and for the account of the Prime Minister, the demands and authorization of publication for the Official Gazette of the Republic "The Monitor," of all acts, by-laws, rules, memos, etc... signed and approved by him.

This delegation of signature will commence with the publication of the present notice and will stay valid until total or partial dismissal.

Given at the Government headquarters in Port-au-Prince, the 20th of November 1996.

Rosny SMARTH
Prime Minister



REPUBLIQUE D'HAÏTI

Bureau du Premier Ministre

COMMUNIQUE DE PRESSE

En date du 20 novembre 1996, un avis paru au Journal Le Moniteur no. 86-A, suite à une décision prise en Conseil des Ministres du 8 octobre 1996, a précisé que Monsieur Reynold PAUYO, Directeur de Cabinet du Premier Ministre est la personnalité habilitée à "signer au nom et pour le compte du Premier Ministre, les demandes et autorisations de publication au Journal Officiel de la République "Le Moniteur" de tous actes, arrêtés, règlements, circulaires etc...signés et approuvés par celui-ci".

La publication de prétendus résultats relatifs aux élections du 6 avril, parus dans le Moniteur, n'a pas suivi cette procédure et constitue donc une violation flagrante de la décision du Conseil des Ministres. Le Conseil Electoral Provisoire (CEP) veut induire en erreur quand il fait semblant de confondre proclamation des résultats qui entre dans ses prérogatives et publication au Journal Officiel qui relève exclusivement de la compétence du Pouvoir Exécutif.

En conséquence, le Chef du Gouvernement condamne de tels agissements qui montrent la détermination du CEP à s'enfoncer chaque fois davantage dans les pratiques d'abus de pouvoir et d'illégalité. Le Premier Ministre réaffirme sa détermination à faire respecter la Loi Electorale dans le comptage des votes et considère inopérante l'actuelle mesure de publication au Journal Officiel prise par le CEP.

Port-au-Prince, le 3 Juillet 1997



July 3, 1997

Office of the Prime Minister

Press Release

On November 20, 1996, following a decision made by the Minister's Council on October 8, 1996, a notice was published in the official gazette, The Monitor, No. 86-A, declaring that Mr. Reynold PAUYO, Chief of Staff of the Prime Minister would be personally able to sign in the name of and for the account of the Prime Minister the demands and authorizations of publication in the Official Gazette of the Republic "The Monitor" of all acts, by-laws, rules, memos, etc...signed and approved by him.

The publication of the pretended or so called results of the April 6 elections published in The Monitor did not follow this procedure and is a flagrant violation of the decision of the Minister's Council. The Provisional Electoral Council (CEP) wants to lead astray when it pretends to confuse the proclamations of the results that fall under its prerogative and publication in the Official Paper which comes under the exclusive competence of the Executive Power.

Consequently, the Chief of the Government condemns such behavior, which demonstrates that the CEP continues to abuse the power of its position and act illegally. The Prime Minister reaffirms his determination to respect the Electoral Law by counting the blank ballots and declares the publication of the CEP's election results void.

Excerpts of Prime Minister's resignation speech, in English
Excerpts of original text, in Creole, available from IRI on request

ELECTORAL PROBLEMS

In March, we celebrated the 10th anniversary of our country's constitution. A constitution our legal institutions have yet to be able to enforce to support our country's democracy.

The election of 1997 was an important step for the government because it became committed to fighting for the establishment of just institutions. The greatest challenge to this election were the decentralization efforts required to enable the people to play a role in the decision making process of the country.

The passage of the territorial collectivity act created a new institution, the assembly; the foundation for local power. The members of these newly established assemblies will participate in the nomination of judges and other officials in the legislative system and in the organization of the Permanent Electoral Council. The assembly represents an important space that allows the citizenry to voice their opinions on various issues. The assemblies will constitute the basis for democracy on the local level. The legislative elections were also important for they constitutionally reinforced the democratic institution that fights to develop its capacity and enabled it to fulfill its duty to the country. I am speaking of the Senate of the Republic.

This is why the government tried to devote all of its support to these elections, so that they might take place under the best conditions with all of the proper procedures in place. The government's efforts allowed the majority of the elections to be financed with state funds. Despite the country's dire economic conditions, the sacrifice made by the government was very important as voting is one of the fundamental rights and duties of a citizen.

Development of the Election

The development of the election was difficult and created many problems. The following two problems are important elements that contributed to the issue.

I. Lack of Citizen Participation

On April 6, 1997 the voting population was absent. Based on the information available, for every 100 voters present, less than 10 chose to vote. The message is very important for all of the political actors in the country; the people of Haiti, who struggled to be free from dictatorship, who fought to establish democracy in the country under the constitution, who stood firm against all of the threats during the elections of 1987 and 1990, decided to sulk during the April elections. Even if we believe that elections are primarily the responsibility of political parties and electoral institutions, the government still has a responsibility to investigate what happened.

The following two reasons attempt to explain why the population refused to participate in the election.

- First, many sectors of the population are living under economic hardship. They cannot see what a democracy could bring them in their everyday fight for survival.
- Second, the confusion and infighting among the political factions of Lavalas prevented people from seeing clearly and caused them to lose faith in Lavalas. I have always said that to establish a democracy it was important to encourage the existence of different parties and politics within the Lavalas movement. However, the way the relationship among these factions has evolved and the way these factions managed their power demands an explanation from those in charge. All of the factions should try to find a way to function ethically and respectfully in an effort to preserve the trust of the people. Today there are 20 sectors that do not abide by these principles and stand ready to play the game to serve their interest before any other.

2. Electoral Irregularities and the Violation of the Electoral Law

The second problem during the elections was the discovery of diverse irregularities within the electoral mechanism.

- The political party "alavonnbade" (all around) denounced numerous forms of corruption all over the country. They denounced the threats and pressures to make people vote for particular candidates. They denounced the corruption at the different voting places (BIVs) in the country. They denounced the ways in which the CEP decided to make contradictory statements in the bulletin. They asked the CEP to tally the vote as prescribed by the law. The CEP chose to ignore all of these claims and demands, as if there was not a single challenge of value. Acknowledging that in every election there will be those that protest, those that will refuse to accept the results does not constitute an excuse to ignore irregularities or violations of the basic principles of an election.
- In my role as Prime Minister, I am obligated to take a position on the issue of blank ballots and am empowered by the constitution to execute the law. Therefore, it was my duty to send a warning when I saw something awry in these elections. The CEP violated the articles of the electoral law that recognize the importance of the blank ballot in calculating the results. I met with the members of the CEP to discuss this issue and to encourage them to obey they law. I also wrote them a respectful letter asking them to be mindful of what the law dictates. The CEP never replied. The CEP ignored me.

Every time I intervened in this issue, I tried to respect the powers that the constitution gave me, and tried to fulfill my duty and responsibility to the other institutions. Over the past few days I have tried to avoid the press so as not to worsen the situation but allow it to resolve itself without problems.

- In the face of such a serious situation, the Chamber of Deputies was obligated to pass a resolution asking the CEP to hold the publication of all results from the April 6 elections. The resolution allowed the parliament to vote on a law to interpret the application of the Electoral Law. The CEP ignored them and decided our future.
- The OAS, tasked with observing the elections, denounced the procedural problems that took place during the elections. They also denounced the problem surrounding the blank ballots.

How has the CEP responded to these challenges? The CEP has ignored each institution and their respective challenge using its authority as an autonomous institution to justify its indifference. On the basis of this autonomy and independence, the CEP chose to act as they saw fit. This is a very serious matter. It shows that the CEP has a lack of respect for the other democratic institutions of the country. The CEP continues to act without fear of consequences.

This is how the CEP came to abuse its power. Even if an institution in a democratic system is independent, it has the responsibility of establishing a good relationship with the other institutions. The other two independent powers, the executive branch and the legislative branch, tried to collaborate in order to facilitate communication thus achieving their goal. Should one of these institutions not understand this idea, it would jeopardize both institutions and affect the country. An institution cannot function independently.

Where is this taking us

The situation is very serious for the country's democratic future. It may lead us directly into a momentous crisis that will shake all of the democratic institutions in the country.

This crisis could obstruct the democratic process by keeping the institutions from functioning properly. It may jeopardize the most fundamental part of the democratic game, the elections.

My position is clear, an election can not be based on the violation of law. It is only through respect for the law that we will achieve democracy. If there was error or violation of the law, we have an obligation to make the proper corrections and change our ways.

This is why I stand firm by my position, so the country will change its traditional ways of carelessly accepting what is not right. I am not trying to be a legislator, it is not my place but should the institutions that have the power interpret the Electoral Law differently than I have, I will raise no objection. Therefore, I ask all Deputies and Senators to assume their responsibility and come to a decision on the question of the interpretation of the law immediately.

UNTMIH  MINUH

UNITED NATIONS TRANSITION MISSION IN HAITI
MISSION DE TRANSITION DES NATIONS UNIES EN HAÏTI

Special Representative of the Secretary-General
Représentant spécial du Secrétaire général


Reference: SR/CO-OTH/97-143/cl

Port-au-Prince, le 19 août 1997

Messieurs,

Je vous adresse cette lettre pour informer le Conseil électoral provisoire que les Nations Unies ont pris la décision de suspendre toute assistance technique au Conseil tant que la transparence et la crédibilité du récent processus électoral ne sont pas restaurées. Toute assistance future dépendra de l'indépendance et de la crédibilité du Conseil électoral appelé à organiser des élections dans l'avenir.

Veuillez agréer, Messieurs, l'assurance de ma considération.


Enriquez de Norzi

M. Gérard Toussaint, Président
M. Joseph Alexandre Lavaud, Secrétaire général
Conseil électoral provisoire
Rue Oscar No 9, Pâcot
Haïti

Appendix, Document #10

UNTMIH - MITNUH

United Nations Transition Mission in Haiti

Port-au-Prince, August 19, 1997

Reference: SR/CO-OTH/97-143/el

Sir,

I address this letter to you to inform the Provisional Electoral Council of the United Nations' decision to suspend all technical assistance to the Council until the transparency and the credibility of the recent electoral processes are reestablished. All future assistance will depend on the independence and credibility of the Electoral Council to organize elections in the future.

Please accept my assured consideration.

Enrique ter Horst

M. Gerard Toussaint, President
M. Joseph Alexandre Lavaud, Secretary General
Provisional Electoral Council

COMITE D'INITIATIVE PATRIOTIQUE DE LA SOCIETE CIVILE

Prenons en main notre destin!

14 août 1997

Prise de Position sur la Crise du Processus Electoral

Suite à la publication de son manifeste du 28 juillet 1997, le "Comité d'Initiative Patriotique de la Société Civile" entend partager avec la nation ses observations, ses conclusions et ses propositions relatives à la crise du processus électoral.

A l'instar de différents secteurs de la vie nationale, le "Comité d'Initiative Patriotique" constate avec inquiétude un déraillement dangereux du processus démocratique. La crise électorale qui en constitue l'une des manifestations les plus graves, met aujourd'hui en cause les acquis du combat du peuple haïtien pour la démocratie, et entrave du même coup la stabilité politique nécessaire à une nouvelle ère de développement et de progrès pour notre pays.

A l'analyse des principales raisons de la crise électorale, nous pouvons retenir les suivantes:

- 1) L'exclusion de plusieurs secteurs politiques dans la mise en place du CEP et l'organisation du processus.
- 2) Un taux de participation particulièrement insignifiant de la population aux élections du 6 avril estimé à environ 5% des électeurs.
- 3) Des irrégularités extrêmement graves constatées lors du déroulement des élections tant par les Missions Internationales d'Observation que par les partis en compétition et la presse.
- 4) La manipulation évidente des résultats à différents échelons de l'appareil électoral. A cet égard, les indications sont multiples:
 - a- Le taux officiel de participation publié par le CEP de 20% environ, est très éloigné des révélations de tous les rapports nationaux et internationaux sur la question.
 - b- Le délai inadmissible de plus d'un mois observé avant l'annonce des premiers résultats par le CEP.
 - c- La question de votes blancs massifs et de nombre de votants dépassant par endroits le nombre d'inscrits, avec des taux de participation de plus de 100% pour certains bureaux de vote, indiquant très clairement un bourrage des urnes dans plusieurs régions du pays.

[Handwritten signatures and initials at the bottom of the page, including the acronym CEP.]

- d- Le non affichage des résultats tel que prévu par la loi électorale, aux portes des bureaux de vote immédiatement après le dépouillement et la signature des procès-verbaux.
- 5) La contestation généralisée des résultats et le retrait de la majorité des partis impliqués dans le processus.

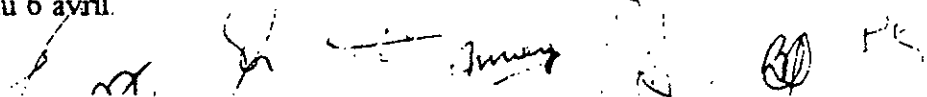
Aussi, la confirmation des élections du 6 avril aura-t-elle des conséquences catastrophiques sur le fonctionnement des institutions nationales et sur le processus démocratique. Au nombre de ces conséquences nous pouvons prévoir les suivantes:

- 1) La "délégitimation" du parlement.
- 2) La "délégitimation" des assemblées territoriales et des institutions prévues dans le cadre de la décentralisation.
- 3) La "délégitimation" des instances issues des assemblées territoriales et du parlement, notamment au niveau du pouvoir judiciaire.
- 4) Le discrédit du Conseil Electoral Permanent forcément illégitime et partisan qui en sortirait et qui aurait à gérer pendant neuf ans les élections à tous les niveaux.
- 5) Le blocage des mécanismes réguliers et institutionnels de l'alternance démocratique au pouvoir, conduisant inévitablement à la confrontation, à la violence et à l'instabilité politique qui feront une fois de plus le malheur de notre pays.

Propositions de solution à la Nation:

Sur la base de ces observations et de ces conclusions, le "Comité d'Initiative Patriotique de la Société Civile", soucieux d'autres possibles conséquences tragiques et incalculables d'une rupture totale du processus démocratique recommande:

- 1) L'annulation intégrale des élections frauduleuses du 6 avril 1997.
- 2) La démission ou dissolution du Conseil Electoral Provisoire
- 3) La formation, après concertation entre les différents secteurs concernés, d'un CEP de consensus composé de citoyens généralement reconnus pour leur intégrité et regroupant ouvertement les grandes tendances de l'échiquier politique haïtien.
- 4) La mise au point par le CEP de consensus, d'un calendrier électoral prévoyant la tenue simultanée d'ici octobre - novembre 1998 des élections annulées du 6 avril 1997 et des élections législatives et municipales prévues pour octobre - novembre 1998. Une telle décision aurait le double avantage d'une part de laisser le temps à une préparation minutieuse des prochaines compétitions électorales et d'autre part de soulager le pays de nouveaux débours considérables après le gaspillage de ses maigres ressources dans les élections du 6 avril.



COMMITTEE OF PATRIOTIC INITIATIVE OF CIVIL SOCIETY

Let us take our destiny in hand!

August 14, 1997

Position Taken on the Crisis of the Electoral Process

Following the publication of its manifesto on July 28, 1997, the Committee of Patriotic Initiative of Civil Society wants to share with the nation its observations, conclusions, and proposals relative to the crisis of the electoral process. Following the example of different sectors of national life, the Patriotic Committee reports with concern a dangerous derailment of the democratic process. The electoral crisis, which constitutes one of the most serious demonstrations, calls into question the Haitian people's fight for democracy and at the same time hinders the political stability necessary for a new era of development and progress for our country.

Analyzing the principal reasons of the electoral crisis, we hold the following:

- 1) The exclusion of many political sectors in the organization and hiring of the CEP and in the organization of the process.
- 2) A particularly insignificant turnout rate for the April 6 elections, with an estimated five percent of potential voters participating.
- 3) Extremely serious irregularities on election day, witnessed by the international observation missions as well as the competing political parties and the press.
- 4) The evident manipulation of the results at different levels of the electoral machinery. In this respect, the indications are several:
 - a. The turnout published by the CEP of about 20 percent is very far from national and international reports.
 - b. The inadmissible delay of one month before the announcement of the first results by the CEP.
 - c. The question of massive blank ballots and the number voters exceeding the number of registered voters, with a turnout exceeding 100 percent for some polling stations indicating very clearly a stuffing of the ballot boxes in several regions of the country.
 - d. The non-display of the results, as requested by the electoral law, at the doors of the polling stations immediately after the count and the signature of the tally sheets.
- 5) The widespread protests of results and the withdrawal of the majority of the political parties implicated in the process.

Also, will the confirmation of the elections of April 6 have a disastrous consequence on the national institutions and on the democratic process. Among the consequences, we can anticipate the following:

- 1) The delegitimization of Parliament.
- 2) The delegitimization of the territorial assemblies and of the institutions expected to implement decentralization.
- 3) The delegitimization of the authority of the resolutions by the territorial assemblies and of Parliament, notably at the level of judicial power.
- 4) The discrediting of the Permanent Electoral Council, inevitably illegitimate and partisan, which will have to manage elections at all levels during nine years.
- 5) The blocking of institutions and regulating mechanisms of the democratic alternation of power, ending inevitably in confrontation, violence, and political instability, which will once again bring misfortune to our country.

Propositions of Solutions to the Nation

On the base of these observations and of these conclusions, the Committee of Patriotic Initiative of Civil Society, concerned about the tragic and incalculable consequences of a total rupture of the democratic process, recommends:

- 1) The complete annulment of the fraudulent elections of April 6, 1997.
- 2) The resignation or dissolution of the Provisional Electoral Council.
- 3) The formation, after negotiation among the different sectors involved, of a CEP composed of citizens known for their integrity and sensibility to all political tendencies.
- 4) The formation of a CEP based on consensus, an electoral calendar where the elections of April 6 can take place simultaneously with legislative and municipal elections scheduled for October-November 1998. Scheduling elections in this way would have the double advantage of leaving a certain amount of time to prepare for the electoral competition and saves the country from considerable expenses after the waste of resources on the April 6 elections.
- 5) The national budget will have to take full charge of the finances and the logistics of the elections. Real democratic elections are a major act of expression of the national sovereignty and the affirmation of citizens' dignity.
- 6) The formation, at the national level through civil society, of an inter-organizational network of vigilant citizens to observe future elections.

Stand up for national salvation!

For the Committee of Patriotic Initiative of Civil Society:

Patrice DUMONT; Gerard BAILLY; Leopold BERLANGER; Pauris JEAN-BAPTISTE; Jean Andre VICTOR; Vernet LAROSE; Gerard GOURGUE; Edouard PAULTRE; Vernon JEAN; Claude EWALD; Rosny DESROCHES; Marc Alex GUERRIER; Elisabeth SILVERA; Bernard Honorat GOUSSE; Rene JULIEN.