

109TH CONGRESS }
2d Session

COMMITTEE PRINT

{ S. PRT.
109-54

HAITIAN ELECTIONS: SETTING THE FOUNDATION FOR DEMOCRACY

STAFF TRIP REPORT TO THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS
SECOND SESSION

FEBRUARY 2006



Printed for the use of the Committee on Foreign Relations

Available via World Wide Web: <http://www.access.gpo.gov/congress/senate>

U.S. GOVERNMENT PRINTING OFFICE

26-002 PDF

WASHINGTON : 2006

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LETTER OF TRANSMITTAL

February 10 2006.

Dear Colleagues:

The Senate Foreign Relations Committee recently sent Mr. Carl Meacham of the senior professional staff and Ms. Caroline Tess, Foreign Policy Advisor to Senator Bill Nelson to Port-au-Prince, Haiti to observe the first round of Haitian elections on February 7, 2006. They were joined in Haiti by Mr. Ted Brennan of the House Committee on International Relations, Subcommittee on the Western Hemisphere and Mr. Paul Oostburg-Sanz, Democratic Chief Counsel, House Committee on International Relations. This report reflects the views of the Senate delegation.

The delegation's priority was to observe Haiti's electoral process and to assess whether a free, fair, and inclusive election took place. The presence of a bipartisan and bicameral delegation from the U.S. Congress helped emphasize the importance of transparent elections and demonstrate our enduring commitment to the process, as well as provided the U.S. Congress' moral support to the people of Haiti.

I hope you find this report helpful as the U.S. Congress considers how to support the building of a strong and long-lasting democracy in Haiti.

We look forward to continuing to work with you on these issues and welcome any comments you may have on this report.

Sincerely,

RICHARD G. LUGAR,
Chairman.

BILL NELSON,
Senator.

HAITIAN ELECTIONS: SETTING THE FOUNDATION FOR DEMOCRACY

From February 5–8, 2006, a staff delegation from the Senate Foreign Relations Committee (SFRC) traveled to Port au Prince, Haiti to observe the first round of Haitian elections. Haitians voted for a new President as well as Senators and Deputies who will form Haiti's new Parliament. On February 7th, Election Day, the delegation deployed to approximately 6 voting centers in Port-au-Prince. The delegation also visited the Vote Tabulation Center on February 6th and 8th. (*See Appendix I for detailed list of election centers visited.*)

During this trip, the delegation visited with Haiti's interim Prime Minister, Gerard LaTortue, and with the Special Representative of the United Nations Secretary General, Juan Gabriel Valdes. Staff also met with Organization of American States (OAS) Secretary General, Jose Miguel Insulza. (*See Appendix II for complete list of meetings.*)

PRIMARY CONCLUSION

The delegation finds the voting process of the Haitian elections observed on February 7, to be satisfactory as the majority of registered Haitians were able to vote in a relatively orderly and secure fashion. However, the election was marked by serious challenges including: Haitians voting by candlelight, spending hours in long lines at some polling stations just to find that their names did not appear on the electoral rolls, and many polling centers opening hours late because they lacked the necessary workers, security, ballots, and organization. As of this writing, the count is not yet complete; this report in no way reflects on the Haitian electoral process beyond Election Day. (*See Appendix III for scenes from Haiti's Election Day.*)

ELECTION OBSERVATIONS

The willingness, enthusiasm and overwhelming interest of the Haitian electorate was evident during the elections. It is estimated that over 60 per cent of the Haitian electorate came out to vote.¹ However, sufficient preparation and organization at the polling centers was lacking.

These elections will not be the solution to Haiti's problems, but they are an obligatory passage to lay the foundation for democracy.

¹ 2.2 million Registered voters.

Voting Conditions

In general, voting was characterized by delayed openings, early and eager voters, shorter lines and waiting times in the afternoon, the presence of many other national and international election observers, and protracted closing procedures and ballot counting. Haiti's Provisional Electoral Council's (CEP) efforts to inform the public regarding changes in the locations of voting centers seemed to have limited impact: sizable numbers of voters were frustrated to learn the locations indicated on the back of their ID cards were incorrect. As a result, later in the day, the CEP opened voting bureaus to all voters, regardless of where one's name appeared on the official registration lists. The most prominent irregularity was that poll workers selectively checked names against the official registration lists after voters were allowed to vote at any voting bureau.

Each voting bureau was run by four Haitian poll workers who were then "observed" by multiple political party observers, national observers, and international observers. Because of the large number of parties (over 40), the presence of up to 10 political party observers at each individual voting bureau slowed the process and also constrained the voter's ability to cast their vote in secret. In other cases, the political party monitors provided assistance to those in line, explaining the voting procedure or helping voters to find the correct voting bureau.

It was also evident that tabulating the results of the election would take longer than the original 48 hours anticipated by the CEP and the OAS. Tally sheets were hand written—making them difficult to read, inconsistent, and in some cases calling into question their validity. The need to re-open ballot boxes or verify tallies could lead to even more significant delays.

Political Attitudes and Their Implications

Unfortunately, supporters of the various political parties made statements that sought to claim victory for their party and candidate. There were also isolated acts of violence and impatience which led to approximately four deaths, including two by natural causes, and multiple injuries.

Inside polling centers, some voters engaged in campaign activities directed at other individuals waiting to vote. Some voters expressed an aggressive and discourteous public discourse about the political parties.

In terms of the Haitian attitudes, political polarization constituted a central element of the electoral contest. This attitude may lead to violence, instability, and claims of fraud from the election's losers once the official results are known. Instability, in the long term could lead to disruptive intrusions into Haitian politics by other countries in the region, including Cuba and Venezuela. This could negatively impact Haitians, the neighboring Dominican Republic, and United States interests in the region.

RECOMMENDATIONS

Country Conditions

Haiti is the poorest country in the Western Hemisphere and one of the poorest countries in the developing world. Its annual per

capita income—US\$390—is considerably less the Latin American average.² Approximately 80 per cent of the Haitian population lives in abject poverty.

- In its fiscal year 2007 budget the administration slashed Child Survival and Health Programs Funds for Haiti by approximately 20 per cent, and Development Assistance by approximately 22 per cent. We strongly encourage increases in these accounts.³
- We particularly support and encourage the continuation of the Inter-American Development Bank's (IDB) projects which focus on the improvement of access to basic services, particularly regarding water and sanitation, health and nutrition, and education, youth and sports, and local development.

Narco-trafficking is an ongoing problem in Haiti, primarily in marijuana and cocaine but also some heroin, from Venezuela, Colombia and to a lesser extent Jamaica. Drugs are brought by fast boats or planes to the southern area of the island then transported by truck and plane to the northern part (Port-de-Paix), then through the Bahamas by sail freighter or straight to Miami by fast boat. At varying times, anywhere from 5–10 percent to 15–20 percent of cocaine destined for the United States passes through Haiti.⁴

- The United States Government (USG) should expand engagement with Haiti, in areas where feasible, focusing on cooperation with U.S law enforcement officials and the Drug Enforcement Administration (DEA).

Security and Economic Growth

The success of Haitian democracy and government ultimately lies with its government and the international community's ability to work together to provide long term security and development for the Haitian people. The long-term solution to insecurity, particularly in Port-au-Prince, is by providing Haitians with jobs—either in agriculture, tourism or light manufacturing.

- We urge the administration to support the passage of the Haitian Economic Recovery Opportunity Act (HERO) (S. 1937/H.R. 4211) to foster job creation.⁵

On February 29, 2004, shortly after former President Aristide departed Haiti, the United Nations Security Council adopted UNSCR 1529, authorizing the deployment of a Multinational Interim Force (MIF) to restore order and to prevent civil unrest. The Security Council established the “Maintenance of the Expanded United Na-

²World Bank Operational Manual, July 2005.

³Child Survival and Health Programs Fund: actual fiscal year 2005 = \$19,969; fiscal year 2006 estimate = \$19,801; fiscal year 2007 administration request = \$15,812. Development Assistance: actual fiscal year 2005 = \$24,281; fiscal year 2006 estimate = \$29,700; fiscal year 2007 administration request = \$23,143 (all amounts, thousands of dollars).

⁴U.S. Embassy, Port-au-Prince, Haiti.

⁵HERO would:

Provide duty free entry to apparel articles assembled in Haiti contingent upon Presidential certification that the new government is making significant reforms; and

Cap the duty free treatment to ensure that Haiti's current apparel exports, which amount to less than one half of one percent of total U.S. apparel imports, cannot increase to a level that could cause injury.

tions Stabilization Mission in Haiti” (MINUSTAH) by resolution 1542 on April 30, 2004, to replace the U.S.-led MIF. By resolution 1576 of November 29, 2004, the Council extended MINUSTAH’s Chapter VII mandate for an additional period of six months until June 1, 2005, to maintain peace and security and to continue to ensure a stable environment to facilitate the constitutional and political process in Haiti. On June 22, 2005, the UN Security Council adopted resolution 1609 extending MINUSTAH’s mandate and approving temporary force increases for approximately eight months, through February 14, 2006.⁶

The interim Haitian Government has come under increasing pressure to improve security, protect human rights, and to build the economy. The main security threat continues to come from various criminal armed groups, some of which in recent months have displayed an increasing willingness to defy MINUSTAH. Despite some improvement, the security situation remains a daunting challenge, particularly in the slum districts of Port-au-Prince, as armed criminal elements torment the population with violence and use the slums as a base for kidnapping.

The interim Haitian Government’s authority remains weak in many parts of Haiti. Although the interim Haitian Government has appointed all 140 municipal commissions and taken steps to reorganize central structures, local state institutions remain weak, in part due to lack of resources, particularly in rural areas, and also because of a lack of communication in Port-au-Prince. Poor command and control in the Haitian National Police (HNP) and the lack of adequately trained and vetted HNP officers have also contributed to the violence.⁷

Finally, the lack of economic opportunity, poor infrastructure, and deficient education and health care systems also contribute to the cycle of instability in Haiti.

- We support the administration’s vote in favor of a resolution renewing the mandate of the “Maintenance of the Expanded United Nations Stabilization Mission in Haiti” (MINUSTAH), extending personnel levels for a further six-month period covering the electoral period and subsequent political transition.
- We strongly support the continued participation of troop contributing countries with particular recognition of the Brazilians, Canadians, and Chileans. And, we strongly encourage the USG to ensure they remain in Haiti.

Building Democracy

Democratic political coexistence will be possible only through explicit efforts by the winning candidates to reach across party lines to accommodate concerns of losing parties into the political agenda.

It would be highly beneficial for Haitian democracy if government authorities, political parties, citizens and non-governmental

⁶At the time this report was written, the United Nations Security Council had scheduled a vote to renew MINUSTAH’s mandate and extend increased personnel levels on the 14th of February 2006 (with a ceiling of 9,397 for troops and police).

⁷January 30, 2006 background paper from the U.S. Department of State notifying the chairman of the Committee on Foreign Relations that the United States intends to support a resolution in the United Nations Security Council to extend for an additional six months previously approved temporary increases in the authorized force strength of the United Nations Stabilization Mission in Haiti (MUNSTAH).

officials could, in the near future, reach a new democratic consensus. The agenda for this dialogue could include such items as: the development of a political party system with transparent financing formulas, the maturing of the parliamentary election system to ensure that the interests of minorities are respected, and the strengthening of the principle of separation, independence and balance of powers.

- We strongly encourage the winners of these elections to build respect and mutual recognition through a frank, inclusive and good-faith dialogue, and the empowerment of a political opposition in conjunction with the new government. The role of the International Republican Institute (IRI) and the National Democratic Institute (NDI) can facilitate this process. We encourage both NDI and IRI to work with all political parties in an open and transparent manner.
- In the short term the USG should encourage the new Haitian Government to work with other Caribbean Community (Caricom) member nations to learn from their experiences, with special attention to Jamaica. We also encourage the OAS to foster excursions and exchanges among Caribbean legislators and government officials to facilitate the consolidation of democracy in Haiti.

HAITIAN ELECTION PREPARATIONS

The Haitian presidential elections were delayed four times; they finally occurred on February 7th, 2006 together with parliamentary elections. If none of the candidates running for president receives 50 per cent or more of the electorate; there will be a second round for the two top vote getters. The second round would take place on March 19, 2006.⁸ The presidential inauguration is scheduled to take place on March 29, 2006.

Electoral Aid and Observation

United States Government electoral assistance was \$30 million.⁹ In addition, IFES¹⁰ was awarded \$2 million for election observation with U.S. observers. IFES fielded 12 long-term observers, 30 short-term observers (STOs) for the first round and will field 30 STOs during the second round. The National Democratic Institute (NDI) trained and supported political party observers and domestic civil society observers. The United States Embassy in Port-au-Prince separately fielded 30 observers including Creole-speaking staff.¹¹

Voter Registration and National ID Card Distribution

The OAS reports that over 3.5 million (3,535,025) potential voters registered to receive new National Identity Cards. Wide OAS

⁸At the time this report was written ballot counting for the presidential contest was not conclusive.

⁹The European Union provided approximately \$22 million and the Government of Canada provided approximately \$22.75. Total electoral aid was approximately \$70 million.

¹⁰“IFES” used to stand for the International Foundation for Election Systems when it was dedicated exclusively to elections. In the two decades since their founding, they have come to deliver comprehensive solutions in democracy building and their name is simply IFES.

¹¹The European Community (EC) and Election Canada (150) fielded international observation missions. The Caribbean Community of Nations (Caricom) also sent observers.

distribution of the identity cards began on November 23, 2005. OAS reported that over 3.1 million cards (88 per cent) were distributed by January 30, 2006. On Election Day, there were 808 secure election polling centers; with approximately 50 per cent in communal sections and 50 per cent in urban centers.

Candidate and Party Registration

According to the U.S. Department of State, 35 Presidential candidates were approved to contest the election; 45 political parties were approved by the CEP. According to the CEP, accommodations in the party registration process resulted in all major parties participating. (See Appendix IV for Election Day Procedures)

APPENDIX I

STAFF DISCUSSIONS IN HAITI

Staff held discussions with the following individuals in Haiti:

Chargé d’Affaires Timothy M. Carney (Amb. ret.)

Interim Prime Minister of Haiti, Gerard Latortue

Special Representative of the Secretary General of the United Nations, Juan Gabriel Valdes

Organization of American States (OAS) Secretary General, Jose Miguel Insulza

APPENDIX II

LIST OF VOTING CENTERS IN PORT-AU-PRINCE VISITED BY CONGRESSIONAL DELEGATION, FEBRUARY 7–9, 2006

*Tuesday, February 7, 2006*¹

1. Ecole Freres de l'Instruction Chretienne, Petion-Ville
2. Ecole Nationale Thomas Madio
3. Ecole Nationale de Guatamala, Lycee Petion-Ville
4. Delmas 75—Institut Mixte Evens Dorleans
5. Fermathe—College Mission Baptiste de Fermathe
6. Thomassin—Eglise Saint Vincent de Paul

Wednesday, February 8, 2006

The delegation visited the Vote Tabulation Center.

¹Many of these centers were visited more than once during the course of the day. Movement around Port-au-Prince was restricted due to security concerns.

APPENDIX III

SCENES FROM HAITI'S ELECTION DAY, FEBRUARY 7, 2006



Haitians waiting to vote at Tomassin—Eglise Saint Vincent de Paul



Haitians waiting to vote at an unidentified voting center



Haitians waiting to vote at Ecole Nationale Thomas Madio



Haitians examining a voter list at Ecole Freres de l'Instruction Chretienne, Petion-Ville



A Presidential ballot



Ballot boxes for Deputy, Senate, and Presidential elections



A Haitian woman has her thumb marked to indicate that she has voted



Vote Tabulation Center



Chinese MINUSTAH soldiers guarding the Vote Tabulation Center



A UN tank guards the Vote Tabulation Center

APPENDIX IV

HAITI: ELECTION DAY PROCEDURES

Schedule for Voting Centers

- 5:00 a.m.: 38,000 voting center personnel arrive at voting centers.
- 5:00 a.m.–6:00 a.m.: Personnel set up voting
- 6:00 a.m.: Voting opens
- 4:00 p.m.: Voting closes (any voters already in line at 1600 will be allowed to vote)

Transportation

The Provisional Electoral Council (CEP) and IGOH plan to allow public transportation on Election Day.

Steps to Casting a Vote

Voting site (BV) First Secretary checks voter IDs at the door to the BV and directs them to the president of the BV.

BV President examines both of the voter's hands to make sure there is no mark indicating they have already voted.

BV President finds voter's name, photo (identical to the ID card photo) and ID number on j the partial electoral list (LEP).

Voter signs next to their name on the LEP.

BV Vice President (VP) gives the voter a ballot for presidential, senatorial and deputy races.

BV VP explains that the voter can choose one president, three senators, and one deputy.

BV VP explains that voter should fold ballot as soon as he votes to keep his decision private.

Voter casts vote at table divided in four by a cardboard divider.

BV Second Secretary helps voter place ballots in correct box, but does not touch ballots.

BV Second Secretary marks voter's thumb nail with indelible marker.

Counting the Votes

Vote count begins at 4 p.m. or after all voters in line at 4 p.m. have voted.

Candidate, party, national, and international observers monitor counting. They will keep a separate count to verify the official count before the BV president records the official results.

Beginning with the presidential race, the BV president will remove ballots from the ballot box one by one, calling out who the vote is for, if the ballot is blank, or if the ballot is undecipherable.

BV President will show the ballot to all observers so they can confirm his assessment.

BV Secretaries will sort the ballots by candidate.

Once all the ballots are removed from the box and sorted, the BV secretaries will count the votes for each candidate.

The votes will be counted again if any of the observers in the room disagree with the count.

Once, all the observers agree on the results, the BV president will fill out the tally sheet and place clear tape over the results on every carbon copy of the tally sheet.

BV Secretaries will seal all of the ballots in one of the ballot boxes.

BV President seals three tally sheets in envelopes, one for the communal electoral bureau (BEC), one for the departmental electoral bureau (BED), and one for the CEP as required by the electoral law.

BV President seals the tally sheet for the CEP as well as the time and attendance sheets for the poll workers in a tamper-proof plastic bag for delivery to Port-au-Prince,

A tally sheet is given to each of the two political parties with the most votes, and one is displayed publicly on the wall of the BV.

CEP staff accompanies the results throughout the process; only Haitian elections workers are allowed to handle the results.

UN vehicles and in some cases rented animals carry the sealed results to UN departmental bases co-located with or close to the BEDs.

The UN will provide space in all vehicles carrying results (trucks and helicopters) for observers.

Ballots Stored, Tally Sheets Transferred

CEP staff unloads the ballots and tally sheets at MINUSTAH departmental bases.

Ballots are locked in secure storage.

One copy of each tally sheet is sent to the relevant BEC, the BED, and the tabulation center in Port-au-Prince

Elections officials hope to transport tally sheets to the tabulation center in Port-au-Prince quickly. However, results transportation from some remote areas may be slow—some roads are nearly impassable in foul weather. It could take 3 - 5 days to finalize the count from outlying areas.

Tabulating and Releasing the Results

CEP workers log in each tally sheet by their unique identification number as they arrive at the tabulation center.

Each tally sheet is randomly assigned to an OAS/CEP-trained operator who enters the results into a computer.

The sheet is then passed to another randomly selected operator who enters the results a second time.

If the two entries do not match, the sheet is sent to a committee that examines the entered results and the tally sheet to verify the results.

The CEP will release results from the USAID-funded media center, but has not yet decided when they will begin to release results.

Members of the press, elections observers, and members of the diplomatic community will have access to the tabulation center throughout the counting process. However, the tabulation center is divided into sections to prevent results from leaking before they are officially release by the CEP.

The technical process for voting and tabulation is complete. This year's Election Day process will make fraud significantly more difficult than in past elections and should lead to a more credible result.

Source: U.S. Department of State.

