

TOWARD A DEMOCRATIC HAITI

**A REPORT ON THE CONSTITUTIONAL REFERENDUM
OF MARCH 29, 1987 AND THE ELECTORAL PROCESS IN HAITI**

Vivian Lowery Derryck
Vice President for Programs
NDI

Robert E. Henderson
Program Director
NRIIA

Randy H. Grodman
Program Officer
NDI

Margaret G. Thompson
Deputy Program Director
NRIIA

Larry Garber
Acting Director
International Human Rights Law Group

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The National Democratic Institute for International Affairs (NDI) and the National Republican Institute for International Affairs (NRIIA) conduct political development programs overseas. By working with political parties and other institutions, NDI and NRIIA seek to strengthen democratic institutions and pluralistic values in new and emerging democracies.

The two institutes received bipartisan acclaim in 1986 for organizing the international observer delegation to the Philippine presidential election. The two institutes have also singly and/or jointly conducted a series of democratic development programs in nearly 40 countries, including Argentina, Barbados, Bolivia, Brazil, Chile, Costa Rica, Grenada, Jamaica, Northern Ireland, Senegal, South Korea, Taiwan and Uruguay.

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PREFACE

This report is the result of a bipartisan effort of the International Affairs Institutes of the Republican and Democratic Parties of the United States to observe the March 29, 1987 Constitutional Referendum in Haiti. The observer mission was an expression of bipartisan interest in the democratic development of Haiti and expresses our support for those seeking to consolidate in law the gains towards a free society which the people of Haiti have made.

The NDI and NRIIA would like to express their gratitude to those officials in the Ministries of Education, Interior, Information and Justice for their cooperation, without which this mission could not have been successful. We would also like to express our appreciation to the leaders of the political parties, business associations, labor unions, church and civic groups whose time and insights provided the context and frame of reference for our work.

We hope that this report will contribute to the development of a strong independent electoral process as the people of Haiti move forward in their quest for a just and democratic society.

Vivian Lowery Derryck
NDI

Robert E. Henderson
NRIIA

Washington, D.C.
May 15, 1987

INTRODUCTION

For modern Haiti, March 29, 1987 will be a day of historic significance. On that day, Haitians overwhelmingly voted to ratify a new constitution designed to mark the end of the Duvalier era. The euphoria felt by the Haitians over their participation in the referendum was apparent. The transitional Council of National Government (CNG) and the people of Haiti deserve credit for ensuring that the exercise occurred in a peaceful environment.

To observe the historic occasion, the National Democratic Institute for International Affairs (NDI) and the National Republican Institute for International Affairs (NRIIA) sent a five person delegation to Haiti from March 24 to March 31. In addition to observing the referendum, the mission assessed the organizational development of various political parties in Haiti. The delegation sought to analyze how the Institutes could further assist Haiti in its transition to democracy and the feasibility of organizing an international observer delegation for the local and national elections, scheduled for July and November, respectively.

Despite the euphoria observed in the streets during the referendum, many Haitians recognize that significant challenges lie ahead. The new constitution calls for revisions in Haiti's governmental structure and for a government which is more responsive to the needs of the citizenry. In the near term, this will entail the completion of the transition, including the election of local and national officials in July and November of this year. In the long run, it means more than respect for and implementation of the letter of the constitution. It also implies a commitment to build a society in which the inalienable freedoms of the individual are also enshrined in spirit.

The next steps to be taken in Haiti are procedural in nature, but critical to the continuation of the current democratic momentum. Pursuant to Article 289 of the new constitution, the Provisional Electoral Council (PEC), to be established by the beginning of May, will bear the major responsibility for the upcoming elections. It must develop an electoral law that is consistent with the constitution and yet is not overly complicated, given the constraints on time and resources. It should ensure that for the next round of elections the fundamental right to cast a secret ballot is understood, respected and practicable. To create these conditions will require an education program for voters and an intensive training program for election officials. Given the limited time remaining before the July elections, these efforts must begin as soon as possible.

Both Institutes have previous experience in international elections observation. The Institutes have worked together in the past to organize observer groups when a bipartisan effort by the political parties in the United States could be important for democratic development. Most notably this occurred in the Philippines with the sponsorship of a 44-person international delegation representing 19 countries to observe the February 7, 1986 snap presidential election.

In addition to NDI/NRIIA's joint election observation experience, NDI has been working with Haitian leaders on other political development projects. Active in the country since the February 1986 departure of Jean-Claude Duvalier, NDI's three part program has included a seminar on party-building, an analysis of the electoral process and a proposal for civic education.

For the March 29, 1987 constitutional referendum, the two Institutes joined forces to organize a five person observer delegation. The members of the delegation were Ms. Vivian Derryck, Vice President for Programs, NDI; Mr. Robert Henderson, Director of Programs, NRIIA, Mr. Randy Grodman, Program Officer, NDI; Ms. Margaret Thompson, Deputy Director of Programs, NRIIA; and Mr. Larry Garber, Acting Director of the International Human Rights Law Group.

Members of the Constitutional Referendum Observer Mission to Haiti arrived March 24 and remained until March 31. During their visit they met with various officials of the CNG, as well as the Ministers of Education and Justice; the Secretary of State for Information; a number of political party leaders; the Papal Nuncio; other representatives of the Catholic church; representatives of the business community, labor unions, and human rights groups; the United States Ambassador to Haiti and other U.S. Embassy officials. (See Appendix 1 for a list of individuals with whom the delegation met.)

For the referendum itself, the delegation divided into three teams: Ms. Derryck and Mr. Henderson observed polling in Port-au-Prince and Gonaives; Ms. Thompson and Mr. Garber observed polling in Cap Haitien and the surrounding areas; and Mr. Grodman observed the polling in Jeremie and the surrounding areas. The Ministry of Information provided members of the delegation with identification cards giving official authorization to enter polling places. The members of the delegation, however, travelled at all times without being accompanied by any government officials.

This report is divided into four sections. The first describes significant developments between December 1986 and the end of March 1987. The second section contains the delegation's observations of the referendum. The third section discusses some of the issues which need to be addressed if a credible electoral process is to be established before the July

elections and discusses the need for and feasibility of organizing an international observer delegation for the July and/or November elections. The fourth section sets forth the delegation's conclusions.

I. Developments in Haiti Since December 1986

Since December there have been a number of important developments in Haiti. These include the drafting of a new constitution, the public debate over that constitution, the beginnings of a realignment among the institutions of influence in Haitian society, and the emergence of new and increasingly important actors on the political scene, including the political parties themselves, civic associations, human rights groups, labor unions and business associations. Of course, the Catholic Church remains a principal component of any analysis of the current political scene in Haiti in its role as a staunch supporter of the country's democratic development.

Since the fall of Jean-Claude Duvalier in February of 1986, NDI has been active in Haiti in efforts to build democratic institutions. Prior to the March 29 Constitutional Referendum, NDI had organized two major projects. First, a workshop was convened in August 1986 in Puerto Rico which was attended by 17 Haitian political party, civic and labor leaders, as well as political party leaders from six other countries and a representative of the NRIIA. The seminar played a role in focusing attention on parties' roles in the transition to full democratic government. After the seminar, Haitian participants called for the establishment of an independent election commission, a demand ultimately presented to the CNG.

Second, NDI organized a 13-member international survey mission to Haiti in December 1986. Composed of nationals from Costa Rica, Canada, Jamaica, the Philippines and the U.S., the delegation travelled around the country to investigate technical aspects of the electoral process. Conclusions from that delegation's report, The Electoral Process in Haiti: A Path to Full Democracy, are included in Appendix 2.

A. The Drafting of a New Constitution

Two draft constitutions, one prepared by nine experts appointed by the CNG and the other by the Ministry of Interior, were submitted to the 61-person Constituent Assembly which began meeting in December 1986. Contrary to the fears expressed by many, however, the Constituent Assembly chose not to rubber-stamp either of these draft constitutions. Instead, it embarked on the arduous task of preparing a new constitution for Haiti, one which bore little relation to either the drafts or to previous Haitian constitutions.

Among the significant provisions of the new constitution are the following: 1) a reduction in the President's constitutional powers, achieved by increasing the powers of the legislature and

by providing for a prime minister with significant administrative and decision-making power responsible to the two houses of the legislature (articles 83-172); 2) decentralized authority made possible by establishing elected departmental and local councils (articles 61-87); 3) separation of the army and the police, with the latter placed under the jurisdiction of the Ministry of Justice (articles 264-274); 4) subordination of the military to civilian courts in all cases involving civilians (articles 267-273); 5) establishment of a Permanent Election Council (articles 191-194) and a Provisional Electoral Council which will administer the local and national elections scheduled for 1987 (article 289); and 6) a provision barring three categories of individuals associated with the previous regime from holding any public office for ten years (article 291). According to many of the Haitians with whom the delegation spoke, it was the last provision which created popular support for the constitution because it demonstrated a clear intention to break from the Duvalier era. As one political candidate noted triumphantly, "Article 291 accomplished with ink what was not accomplished by blood on February 7, 1986."

The constitution also contains provisions reflecting Haitian desires for a clear break with the past and to forge a new path for their society. For examples, see the articles on: protection of individual rights (articles 19-51, 207); civil service (articles 234-244); economics and agriculture (articles 245-252); the university and culture (articles 208-210); the environment (articles 253-256); and the family (articles 259-262).

B. Public Discussion of the Constitution

Considerable public attention was paid to the constitution during the drafting process. When the process began in earnest, many of the debates over various articles of the constitution were broadcast over the radio. The Constituent Assembly also received letters from individuals around the country commenting on particular provisions of the constitution. These letters were read in open session to the Assembly. Some Haitians expressed the view that the constitution contains too many specific details. Others, however, were proud of the vision set forth by the constitution.

By mid-February, it was clear that the Assembly would not be able to complete its work in time to permit a referendum during that month, as had been scheduled. Thus, the Assembly requested an extension in time to finish its work. Given the impressive nature of the Assembly's work to that date, no one objected to the extension.

The draft was officially presented to the CNG on March 10, 1987. A Creole version was published on March 16, 1987. Although some complained about the limited time available for the public debate and education, the referendum date was set for March 29, 1987.

By the time of the referendum, most of the political actors in Haiti had publicly endorsed the constitution. The Bishops' Conference, which in December had threatened to urge its followers to vote "no", was satisfied with the changes in the document, particularly with the provision barring Duvalierists from holding public office, and encouraged a "yes" vote. (Indeed, the Catholic Church played an active role in encouraging participation in election bureaus, urging citizens to vote, and in formal and informal poll watching). Leaders of other religious denominations also called for a "yes" vote.

The presidential candidates affiliated with the democratic center, with the exception of Hubert de Ronceray, urged ratification of the constitution, as did the Communist party.

Hubert de Ronceray refused to endorse the constitution on the ground that its provisions concerning decentralization and other matters made the document impractical for Haiti. Because he supported the individual rights and protections guaranteed by the constitution, de Ronceray chose not to oppose the constitution publicly. Instead, he urged his followers "to vote their conscience."

The CONACOM, a coalition of human rights and civic groups representing the democratic left, announced its support in early March and urged its followers to participate in the referendum.

The constitution was opposed by extremists at both ends of the political spectrum. Some objected to the provisions which would prevent many of their leaders from holding public office and because the constitution foreshadowed a major restructuring of society to their detriment. To others, the constitution was objectionable because it acknowledged the CNG as a legitimate interim government.

Although the Ministry of Information helped publicize the Constitution, the CNG was initially neutral, supporting the process, but not commenting on the substantive aspects of the constitution. Some suggested that the CNG objected to the constitution because of its provisions concerning the army. In the end, however, the President of the CNG, General Henri Namphy, endorsed the constitution and the Government provided the machinery necessary to conduct the referendum.

Information concerning the constitution reached the general public through a variety of means: newspapers, television, public meetings, and in informal public debate. Radio broadcasts, as expected, played a dominant role. At the local level, the church played a key role in stimulating informal public debate.

C. New Developments Within Political Parties

Many of the political parties are still in the process of organizing. According to the Ministry of Justice, only 11 parties have been officially recognized as having completed the registration process established by the Political Party Law promulgated in July 1986. See Appendix 3 for a list of the registered parties. Many of the leading parties, however, had deliberately chosen not to register, apparently choosing to wait until the constitution was approved.

Organized, structured political parties independent of the government and competing for political office are a new phenomenon in Haiti. Several candidates have taken their organizational efforts to the countryside and have sought to build popular support at the grass roots. While awaiting a definitive electoral law, the candidates have had, with some exceptions, difficulty in establishing solid organizations with fully articulated programs and fully mobilized memberships. Political meetings and erecting skeletal organizations appear to be the focus of most political organizing activity.

Traditions of political leadership pose a serious challenge to current political party organizational efforts. Among some parties, it is unclear whether key preliminary steps are being taken to form membership lists, to establish regular communication from party headquarters to the membership, to train local party organizers and to conduct other rudimentary party-building activities. Development of party platforms and distinctions among nascent competing groups may also lag, emerging only under the pressure of the campaign.

As an outgrowth of NDI's party-building workshop and other efforts, approximately ten of the political party leaders associated with the political center continue to consult on a variety of issues where they share a common interest. However, the pressure of a competitive campaign which will build in the period to the July local elections will be a testing period for the parties. It will also clarify which parties have a national reach and which will be only sectoral or regional in their appeal. Presidential candidates face difficult financial, organizational, and policy challenges in the coming months, as the local elections will play an important role in defining the parties and their national strategies.

The Haitian American Chamber of Commerce and a number of other business associations, including the tourist, hoteliers and agricultural groups, have begun to explore ways of engaging the emerging political system. Some professional associations have initiated civic education programs to inform and mobilize a largely illiterate electorate. For example, vans equipped with audio-visual equipment are being used to educate voters in rural areas about the rights and responsibilities of citizens in a democratic society, and particularly about the process of voting.

II. The Referendum Process

As noted above, the Constituent Assembly presented the draft constitution to the CNG on March 10, 1987. At that time, administrative preparations for the referendum began in earnest. As has been traditional in Haiti, the Ministry of Interior assumed the primary responsibility for administering the referendum. The Ministry of Information was assigned the task of disseminating copies of the constitution, and the Ministries of Education and Justice assumed advisory roles.

A. Procedures for the Referendum

The procedures for the referendum were issued on February 3, 1987, as a decree by the CNG based on a report by the Ministers of Interior, Justice, Information and Finance. The decree called for the establishment of four-person bureaus to administer each polling place. The bureaus were to be chosen by lottery, a week before the referendum; various individuals were nominated by residents of a particular geographic area and then four names were to be chosen at random from among those nominated.

Because of the slow pace of registration, it was decided that all Haitians over the age of 18 who were in Haiti at the time of the referendum would be eligible to vote. An indelible ink would be used to prevent double voting.

Polls were to open at 6:00 a.m. and to close at 6:00 p.m. Voters would have a choice of casting one of two pre-printed ballots: a white ballot, which would signify support for the constitution; and a yellow ballot which would signify opposition. See Appendix 4. The ballots were to be placed in an envelope which would then be deposited by the voter in a locked ballot box.

Counting was to be conducted by the polling bureau immediately after the closing of the polls. All members of the bureau would then sign an official tally sheet, which would then be sent to the department prefect. One week after the referendum, a special committee, consisting of a judge, district attorney and "leading figure" of the community would cumulate the individual tally sheets. This process would be followed in all nine departments. The Department totals would then be transmitted to Port-au-Prince, where the final results would be announced two weeks after the referendum. See Appendix 5 for a more detailed description of the process.

The two week delay in the count was the most controversial provision of the decree. Some feared that such a delay would allow for manipulation of the results by the Government. However, others pointed out that the two week process was traditional and predicted that unofficial results would be available soon after the referendum.

B. Conduct of the Referendum

The observations of the three teams are included as Appendix 6. As the attached reports indicate, several issues are worth highlighting regarding the conduct of the referendum.

First, the prevailing atmosphere throughout the country on the day of the referendum was one of calm. Prior to the referendum, the delegation had been told that during the Duvalier era, Haitians would spend election days inside their homes and the streets would be deserted. For the referendum, however, the streets were full throughout the day.

Second, despite some small administrative hitches, the Government conducted a referendum which permitted voters throughout the country to participate. Voter turnout has been reported at over 40 percent. Given the experience in October 1986, when less than 5% of the population participated in elections for a Constituent Assembly, this in itself is a major accomplishment.

Third, the results of the referendum reflect the popular will of the people. Support for the constitution throughout the country appeared genuine, even if many people were not knowledgeable as to its specific provisions.

On the negative side, the lack of secrecy stands out. Certainly, this lack of secrecy did not affect the final result of the referendum (i.e., general approval of the Constitution). On the other hand, it may have discouraged some voters from casting a "no" vote. As is true with regard to other fundamental rights, respect for the right to dissent must be safeguarded in a democracy. The American Convention on Human Rights, to which Haiti is a party, explicitly recognizes the right of an individual to vote "by secret ballot that guarantees the free expression of the will of the people." A secret ballot helps guarantee that right to those who might otherwise be physically or socially intimidated.

The lack of uniformity in procedures is also troubling. For the most part, this was due to inadequate voting materials and the inexperience of polling officials, many of whom had never voted in, much less administered, an election. While the lack of uniformity did not have much effect on the referendum, in an election in which there are competing political parties, such irregularities would detract from the legitimacy of the process.

III. The Upcoming Elections in July and November

Although the delegation left Haiti before the official vote count was released, it appeared that the constitution had been approved in almost unanimous fashion by those who participated in the referendum. However, given that no up-to-date population census or voter registration lists exist in Haiti and that

voters were not required to vote at a pre-assigned polling place, it is difficult to determine with precision actual percentage of voter turnout for the referendum.

The constitution became effective once the results were announced and the document was published in Haiti's official gazette, Le Moniteur. Approval of the constitution establishes the juridical legitimacy of the CNG and its authority to issue decrees until February 7, 1988, when the new President and members of Congress assume office.

A. Administration of Upcoming Elections

A key provision of the constitution is its establishment of a nine person Provisional Electoral Council which will administer the local elections scheduled for July and the national elections set for November. The Council also is assigned the responsibility of determining which candidates are barred from public office by the terms of Articles 291 and 292.

The following organizations are each authorized to designate one member to the council: 1) the executive branch (but not a government official); 2) the Episcopal Conference of the Catholic Church; 3) the Consultative Council established by the CNG in September 1986; 4) the Supreme Court; 5) human rights organizations; 6) the Council of the University; 7) the journalists' association; 8) the Protestant religious groups; and 9) the council of cooperatives. Under the terms of the constitution, the Council should have been in place by April 29 (article 289-1).

Many Haitians viewed establishment of the Provisional Council as a key provision of the constitution. However, to effectively carry out its mandate, the Council members should be well-respected and should understand election administration.

The Council also must develop a working relationship with the CNG. Despite its constitutional authority, the Council is not assigned a budget or a staff by the constitution. Thus, it appears that the Council will be obliged to rely on those in the Government and especially in the Ministry of Interior to provide the necessary resources to the Council if it is to fulfill its constitutional mandate. The possibility of tension between the Council and the Ministry, however, cannot be ignored.

Clearly, the task facing the Council is enormous. If the electoral timetable is to be met, the Council must fashion an electoral law and prepare the necessary materials for the July elections in less than three months. The number of officials to be elected in July (approximately 2000) highlights the enormity of the task. To assist it in preparing for the next elections, the Council may wish to seek technical advice and/or election-related materials from non-Haitian multilateral or bilateral organizations.

B. Specific Electoral Issues

This section discusses some of the specific issues the Provisional Electoral Council will confront during the next few months. Decisions concerning these matters depend on a variety of factors.

1. Voter Eligibility

Voter registration has proceeded very slowly and it is highly unlikely that most Haitians will register prior to July. Thus, it would be impractical to rely exclusively on lists to determine voter eligibility. This issue takes on heightened importance because the July elections are for local offices, and, theoretically, only those living within a prescribed geographic area should be eligible to vote in that area.

One solution would be to have the local election officials question prospective voters as to their place of residence and, assuming the voter lives in the particular geographic area, to write the voter's name and residence on the list compiled by the bureau on election day. Given that in many districts, especially within the rural areas, the local official will know the voters, this should prove to be at least a minimal safeguard. Further, the list compiled in July will assist in creating a list of eligible voters for the November elections. Finally, the use of indelible ink should serve to prevent multiple voting.

Two other issues which were highlighted in the December NDI delegation's report must be addressed by the PEC. First, should Haitians living abroad be permitted to vote? Given the lack of pre-registration, installing an absentee balloting system appears impractical and subject to manipulation. Whether Haitians living abroad who return to Haiti on election day should be permitted to vote should be decided in the context of preparing Haiti's new electoral law.

The second issue concerns voting by the military. The constitution explicitly recognizes the military's right to participate in elections. However, to realize this mandate, the electoral law must provide for the situation of a soldier who is assigned on election day to an area away from his place of residence.

2. Registration of Candidates

The electoral law will have to provide for the registration of candidates eligible to compete in the various elections. Several options are available. First, parties recognized by the Ministry of Justice can be given the right to designate candidates for any office. Second, individuals can become candidates by submitting a pre-determined number of signatures by a date in advance of the elections. [However, this can create problems if the signatures are challenged. Mechanisms

must be established for resolving such challenges.] Third, prospective candidates can be required to pay a filing fee, which would be refundable only if the candidate receives more than a pre-determined number of votes in the election. A point worth noting is the possibility that in some localities there may only be one candidate for a given office.

3. Types of Ballots

Because of the number of officials to be elected and the unevenness of nationwide party organizations, a major problem facing the Provisional Electoral Council will be deciding the type of ballots to be used in the July local elections. It does not appear logistically possible that the Council could print individual ballots, with all the names of the candidates for a particular locality, in the months before July. Even if they were printed, ensuring their proper distribution would be a monumental task.

The alternatives to government assuming the task are also problematic. Requiring voters to write in the name of the candidates for local offices would be difficult given Haiti's high rate of illiteracy. Permitting local candidates to prepare and distribute ballots might open the process to manipulation. The use of color-coded ballots or ballots with symbols will be difficult given the lack of national party organizations. Nevertheless, a decision to follow one of the above described methods must be taken soon.

4. Ensuring a Secret Ballot

As noted above, the lack of secrecy during the referendum was a major concern of the delegation. Ensuring a secret ballot for the July and November elections will require several steps. First, the importance of guaranteeing a secret ballot must be stressed in training election officials and during civic education programs.

Second, election officials should be instructed to organize the polling place in such a way so that an area is provided for a voter to make his or her choices in secret. In many of the polling places visited during the referendum, the site or layout of the polling place precluded a secret ballot. The polling officials should be instructed to give this issue more thought in preparing for the upcoming elections.

Finally, in addition to stressing the importance of a secret ballot as part of a pre-election civic education program, polling officials should be instructed to inform voters as to the availability of a private place where ballots are to be marked. The delegation observed several cases of election officials neglecting to instruct voters to cast their ballots in secret, even where the necessary privacy was available.

5. Preventing Fraud

To encourage the conduct of a fair election, interested parties should be permitted to observe all aspects of the electoral process, from distribution of ballots and related materials to the counting of the ballots and announcement of results. Alternatively, a non-partisan organization could be formed which would assume the responsibility of training and designating observers. As is true with respect to other matters, time is short and cooperation among actors is necessary. The delegation observed the presence of "brigades" and church officials operating in a non-partisan manner at some polling places during the referendum. These groups may perform a similar function in July and November.

IV. Conclusions

Credible elections are necessary for Haiti's peaceful transition to democracy. Certain aspects of the situation in the country and the processes involved in elections must be considered carefully during the next few months as Haiti offers its people the chance to participate in the first democratic elections held in the country in recent memory.

Secrecy

As noted earlier in this report, secrecy was not stressed in voting for the constitutional referendum. For the July and November elections, however, a secret ballot must be guaranteed in order to maintain the integrity of the elections. The need for secrecy and the methods of guaranteeing it for the voters must be stressed in the training of election officials and during civic education programs.

Procedures

The full registration of voters with identity cards is not possible by the July elections. The registration efforts should continue, but it should be recognized that for July and perhaps November, identification cards should not be the sole requirement for voting. A system such as that used for the March referendum will need to be implemented. Lists of voters such as those compiled by the polling officials in March should be organized again in July and can be used to create a provisional voter registration list for the November elections.

Since a complete registration is not practical at this time, voters will need to use ink again to prevent any opportunity for multiple voting. The ink should be truly indelible and not one that can be wiped or washed off before it dries. Contact should be made with Guatemalan or Salvadoran election officials to ascertain the name of the specific indelible ink used in those countries, for the ink was very effective.

Provisional Electoral Council

The Provisional Electoral Council (PEC) has a complicated task before it and a limited time period in which to accomplish its work. The PEC will need to have the support of all sectors of the community and will need to actively engage the various sectors of society in creating a process for the elections that will allow them to be democratic, fair, secret, and credible.

Given that the Provisional Electoral Council has yet to be formed and that the Electoral Law governing the upcoming elections has yet to be promulgated, the delegation recommends that the activities of the Provisional Electoral Council be closely monitored. Assuming that the electoral procedures adopted contain adequate safeguards to permit the conduct of free and fair elections and that a broad spectrum of the Haitian political actors would welcome observers, it would be appropriate to organize an international delegation for the July and/or November elections.

International Election Observers: Prospects and Challenges

Assuming international observers are invited and welcomed in Haiti for the upcoming elections, they could serve several useful purposes. Their mere presence would demonstrate continued support for Haiti's transition to democracy and would encourage participation in the political process. International observers would be able to report to the international community on the integrity and efficacy or lack thereof the electoral process in Haiti.

An international delegation's ability to evaluate an election depends on there being adequate prescribed procedures in place against which the conduct of the election can be judged. Otherwise, an international observer delegation may serve merely to legitimize questionable electoral practices.

The uncertainty of many parties and institutions about the political intentions of others was heightened by the approach of the referendum. It was clear that many rumors about the referendum and its conduct, especially those involving the intentions of the CNG, were based on fear and uncertainty.

In fact, the referendum was a cathartic event. The large turnout was estimated at over 40 percent by most observers. The overwhelming affirmation of the process dispelled the fear of the unknown, and euphoria replaced earlier concerns. However, under the pressures of a competitive campaign, the rumors and uncertainties marking the period before the referendum are likely to be repeated prior to the July and November elections.

Hopefully this unease about the process will be alleviated as the voting population becomes more familiar with the various routines of a free election. As people understand the process of balloting, the counting of the votes, the announcement of the results, and the other aspects of an orderly procession of events under a Constitutional transition to democratic government, their enthusiasm should provide a bulwark for the efforts underway to make that transition. Hopefully, by the time of the presidential elections in November, the potential for unrest and violence will be significantly reduced. Disorder will benefit only those who seek a non-democratic outcome in Haiti.

The institutions, political parties, civic groups, church, business, and labor unions have an important if not critical role in securing the confidence of the Haitian people in the democratic process. As these institutions fully engage in the democratic transition, a key responsibility and strategic objective should be to provide the leadership required to consolidate the confidence of the Haitian people in the process. It is clear that the enthusiasm of the Haitian people for a democratic society must be channeled into establishing an understanding of the principles underlying democratic elections and societies. The upcoming elections provide an opportunity to establish the principle of free and fair elections which will be the next major step toward democracy.

APPENDIX 1

Persons NDI/NRIIA Delegation Met With

Minister of Education - Patrice Dalencourt
Minister of Justice - Francois St. Fleur
Secretary of State for Information - Pierre Robert Auguste
U.S. Ambassador - Brunson McKinley
U.S. Agency for International Development - Jerry Zarr
Papal Nuncio
Marc Bazin
Louis Dejoie Fils
Gregoire Eugene
Reverend Sylvio Claude
Hubert de Ronceray
Jean-Claude Bajoux
Joseph Senat
Leopold Berlinger

Mrs. Gladys Coupet, President
Haitian-American Chamber of Commerce and Industry

Mrs. Joanne Elie, Executive Director
Haitian-American Chamber of Commerce and Industry

Mr. Michael Hamilton, Program Officer
Haitian-American Chamber of Commerce and Industry

Mr. Jean Eduoard Baker, President
Association of Industry of Haiti

Mr. Reynold Bonnefil, President
Agricultural Producers Association

Mr. Joelle Coupeaud, Executive Director
Hotel and Tourist Association of Haiti

Mr. Joel Thebaud, Executive Director
Prominex-Haiti

Mr. Edmond Dupuy, Vice President
Haitian Chamber of Commerce

Mr. M. Churchill, President
Haitian Manufacturers Association

APPENDIX 2

THE ELECTORAL PROCESS IN HAITI: A PATH TO FULL DEMOCRACY

Summary and Conclusions

A sixteen person delegation, with individuals from five countries, visited Haiti from December 8-13, 1986. The primary purpose of the visit was to gather basic information on the Haitian electoral process. Meetings were held with, among others, key government officials, political party leaders, and representatives of various institutions across the Haitian political spectrum.

Based on the Delegation's meetings and observations while in Haiti, the Delegation is convinced that virtually all sectors of Haitian society view the establishment of a democratic polity within Haiti as the most appropriate mechanism for dealing with Haiti's broad range of problems. Responsibility for the establishment of such a polity lies in the first instance, with the CNG (Council of National Government - which assumed power upon Duvalier's departure), with Haiti's political and other leaders and with the general population.

Within this context, the role of outsiders is limited. Nonetheless, given our shared commitment to democratic values, the NDI sponsored Delegation offers the following conclusions and recommendations, for consideration by the various political actors in Haiti:

I. Need for Dialogue - Many Haitians expressed concern over the lack of communication among the different sectors of Haitian society, including the CNG, the recognized political leaders and the church. Consultations, whether formal or informal, need to be initiated among these sectors regarding various political issues as well as regarding Haiti's pressing economic and social needs. Among the political issues where consultations would be appropriate are the drafting of the constitution, the preparations for the constitutional referendum and the municipal and national upcoming elections, and development of civic education programs. Discussion between the CNG and representatives of 10 political parties relating to a proposed election decree and the establishment of an independent election commission were a welcomed first step. However, the implementation of new policies should be the goal of such discussions if they are to play a constructive role during the transition period.

II. The CNG - The Delegation believes that the CNG remains committed to a transition to civilian rule through an electoral process. The Delegation, however, recognizes that until the transition is completed, questions concerning the CNG's legitimacy will remain. Political parties and other organizations should be asked to work with the CNG to ensure that the process is credible and meaningful. At the same time, the CNG should realize that the Catholic Church, in particular, represents legitimate aspirations that would otherwise find expression through other means.

III. The Constitutional Debate - All sectors of Haitian society should use the period designated for the approval of a new constitution to encourage public debate over its terms and to educate the public as to the significance of a constitution. Participation in the referendum on the constitution should be encouraged, as a means of educating the public in the mechanisms and significance of an electoral process and of incorporating as many Haitian's as possible into the democratic process.

IV. The Constitutional Referendum - The mechanisms utilized for the referendum must be credible otherwise the confidence of the Haitian people in the concept of fair elections will be seriously undermined. A plan should be devised and implemented immediately if a credible electoral mechanism is to be ready before late February/early March when the referendum is scheduled. A decision to postpone further the referendum (either because the draft constitution will not be completed in time or because the necessary electoral mechanisms will not be in place), should be made only after there have been consultations between the CNG and representatives of all sectors of Haitian society.

V. Election Management - The Delegation believes that the immediate establishment of an independent interim independent election commission immediately would be a sign of the CNG's good faith and would help facilitate a credible referendum and electoral process. Appointments to the interim election commission should be made only after there have been consultations with the recognized political and other leaders. The commission should be given full responsibility for acquiring the necessary electoral paraphernalia and appointing and training local election officials. The commission also should be authorized to address several important issues concerning the conduct of the elections, including: registration of voters; voting by members of the military; developing a mechanism for preventing multiple voting; and developing a mechanism to ensure an accurate count and reporting of results. Appropriate resources should be allocated to the commission to ensure that it can fulfill its responsibilities.

The transfer of these election related responsibilities from the Ministry of Interior to such a commission should begin as soon as possible.

VI. Registration - While the Delegation is impressed with the plan for nationwide voter registration, it is concerned that the plan may be achievable at least in the short-term. A contingency plan should be developed for use in case the registration program falls behind schedule. In any event, the population must be informed about the mechanics as well as the purpose and importance of registration. The CNG, the political parties and the church all have a role to play in encouraging registration and ensuring it is conducted in a credible fashion. If needed, vehicles and generators should be sought from abroad to ensure that the voter registration program extends beyond urban areas.

VII. Maintain Conditions for Credible Elections - The Delegation believes that a credible election process requires continued respect for such rights as freedom of expression, freedom of organization, and freedom of association. In particular, the mass media must be permitted to operate without restrictions. The environment currently existing should be maintained throughout the entire period leading to the elections.

The political party law decreed by the CNG appears reasonable and is consistent with similar laws in established democracies. Further, to the extent that the law encourages the consolidation of political organizations, the electoral process should be more manageable.

VIII. Encouraging Participation - The legitimacy of the referendum and subsequent elections will depend in large measure on the extent of participation by the population. Forms of participation include: registering to vote, voting; working as an election administrator or observer; campaigning for a particular political party; and running for political office. All the major actors bear a responsibility in educating the public about the nature and significance of political participation. The radio stations should be invited to play a major role in this endeavor.

IX. Political Leadership - In a democracy, there are many positions of responsibility in the various branches of Government that must be filled with competent and respected individuals. By focusing exclusive attention on the presidency, the general population receives a distorted impression of the nature of democratic rule. The civic education effort should be directed, in part, at highlighting the importance of the legislature and the

local elected officials. Further, which attention is now on the elections scheduled for July and November, political leaders and the civic education programs should emphasize that a democracy is not established through a single election; rather, a democracy requires that such critical institutions as loyal opposition parties, an independent judiciary and a free press be maintained over a period of time.

X. Outside Assistance - While the Government has acknowledged its need for technical election assistance, to date only limited requests have been made to foreign governments and international organizations capable of providing such assistance. Given the limited amount of time and resources available to the CNG, the Delegation recommends that the Government take advantage immediately of the technical assistance offered on a bilateral basis or by regional technical assistance organizations. This assistance could include: working with Haitian institutions to develop a civic education program; providing election paraphernalia; and evaluating issues such as absentee voting, campaign financing and media access.

XI. Election Observers - While recognizing that the primary responsibility for ensuring that the integrity of the electoral process rests with the various actors within Haiti, the Delegation believes that the credibility of the election process will be enhanced if international observers are invited for the constitutional referendum and for subsequent elections. The observation process should include: monitoring the campaign period; the conduct of the election; and the counting of the votes. Government officials have already extended such invitations, but only on an informal basis.

Prognosis

A. Short Term

Everyone with whom the Delegation spoke agreed that the next three months are of crucial importance to Haiti. First, there is the debate over the constitution. It remains to be seen to what extent the Constituent Assembly will modify the initial draft presented to it, and whether the modifications will satisfy political leaders and the church.

While increased participation in the formulation of the new constitution should serve to improve the likelihood that the final draft will be more acceptable to more people, the Assembly's debates over the various articles will make it more difficult to meet the established timetable. Even if the Assembly should complete its deliberations expeditiously, it is questionable whether there will be adequate time to inform the electorate of the contents of the proposed constitution. This, however, concerned members of the Delegation more than any of the government officials interviewed. One Prefect stated that he thought there would be at least sixty days to educate the people, despite the fact the referendum was originally only 60 days from when the Delegation was in Haiti. Others pointed to the fact that the debates of the Constituent Assembly are being reported in the press, obviating the need for an extended period between the completion of the Assembly's work and the referendum.

Also, no one with whom the Delegation spoke appears to have considered the consequences if the proposed constitution is rejected in the referendum. While it is generally assumed that this will result in another constitution being drafted, it is unclear who would draft it and according to what timetable. The effect of a defeat on the current timetable is also unclear, since subsequent events—the election decree, the independent election commission, and presidential/legislative elections, are, at present, contingent on the approval of the draft constitution.

The referendum will pose a major test for the CNG, particularly if some political leaders and church urge a "no" vote or, alternatively discourage participation. Assuming participation is urged, it remains to be seen whether the populace will be sufficiently engaged in the constitutional debate so as to ensure a large turnout in the referendum.

The referendum also will provide a test for Haiti's electoral machinery. Whoever administers the referendum - whether the Ministry of Interior or an interim election commission - will be hard-pressed to establish a credible

system in the period before the referendum. On the other hand, a failure to establish such a system could will have serious long-term consequences for Haiti. Decisions need to be made in the near future concerning the type of ballot that will be used in the referendum, how voters will be identified, who will be counting the ballots and other related matters.

Also during the next few months, voters are expected to register throughout Haiti. The administration of this process and the willingness of voters to register also will have long-term consequences. To ensure that voters are informed about the need to register, and the significance of participating in an electoral process, a major information effort will be required of the CNG. The political parties and the church also must contribute to this effort, by intensive use of the media and by personal contact in both urban and rural areas.

B. Long Term

Once the referendum process is complete, attention will turn to the series of rural and municipal elections now scheduled for July 1987. Some express the view that these elections will provide further opportunity for initiating civic education programs and for the organization of political parties at local levels. Others feared that the CASER elections would allow for the establishment of a political machine "by the state" (i.e. the CNG), which could be used to influence the November elections. These conflicting attitudes toward the CASER's suggest that the CASER elections should be monitored closely.

Following the July elections, the campaign will begin in earnest for the presidential and legislative elections scheduled for November. During this period, Haitian political leaders expect there to be a reduction in the number of political parties, with only the four or five best organized able to compete effectively in the November elections. While the primary focus will be on the presidential race, if Haiti is to establish a stable democracy it will need a strong and effective legislature. Such a legislature will develop only if those who compete for seats in it are well-respected by the citizenry.

The Delegation feels very strongly that during the entire period, from now until the inauguration of an elected civilian president and beyond, Haiti's very real economic and social problems cannot be ignored. There is the fear that the population will lack patience. As one clergyman stated "An empty stomach does not have ears." In a similar vein, another Haitian remarked: "I heard a hungry man in the street curse democracy. The people want food." Involvement of the citizenry in the political process is essential in order for the Haitian people to realize the potential of democracy as a means to help solve their country's political, economic and social problems.

APPENDIX 3

Political Parties Registered As of March 27, 1987

Hubert de Ronceray
Mouvement Democratique Nationale (MDN)

Michel Lamartiniere Honorat
Union Nationale des Forces Democratique (UNDF)

Greger Jean-Louis
Mouvement d'Organisation du Pays (MOP)

Gregoire Eugene
Parti Social Chretien d' Haiti (PSCH)

Serge Beaulieu
Parti Authentique Haitien (PAN)

Edouard Francisque
Union pour le Renouveau Haitien (URH)

Louis Eugene Athis
Parti Revolutionnaire Democrate Haitien (PRDH)

Julien Dorcey
Parti Union Democratique Nationale (FUDN)

Reverend Dumas J. Arnold
Parti National de Defense des Travailleurs (PNDT)

Alex Dominique
Alliance pour la Renaissance d' Haiti (ARH)

Reverend Vladimir Jeanty
Parti Haitien de Dieu (PARADIS)

APPENDIX 4

SAMPLE BALLOTS FOR THE MARCH 29, 1987 REFERENDUM

**REPUBLIQUE D'HAITI
REFERENDUM POUR LA RATIFICATION
DE LA CONSTITUTION DE 1987**

Du 10 décembre 1986 au 10 mars 1987 l'Assemblée Constituante convoquée par décret du Conseil National de Gouvernement en date du 10 septembre 1986, a voté à Port-au-Prince, la nouvelle Constitution de la République d'Haïti.

La ratifiez-vous ?

OUI

**REPUBLIQUE D'HAITI
REFERENDUM POUR LA RATIFICATION
DE LA CONSTITUTION DE 1987**

Du 10 décembre 1986 au 10 mars 1987 l'Assemblée Constituante convoquée par décret du Conseil National de Gouvernement en date du 10 septembre 1986, a voté à Port-au-Prince, la nouvelle Constitution de la République d'Haïti.

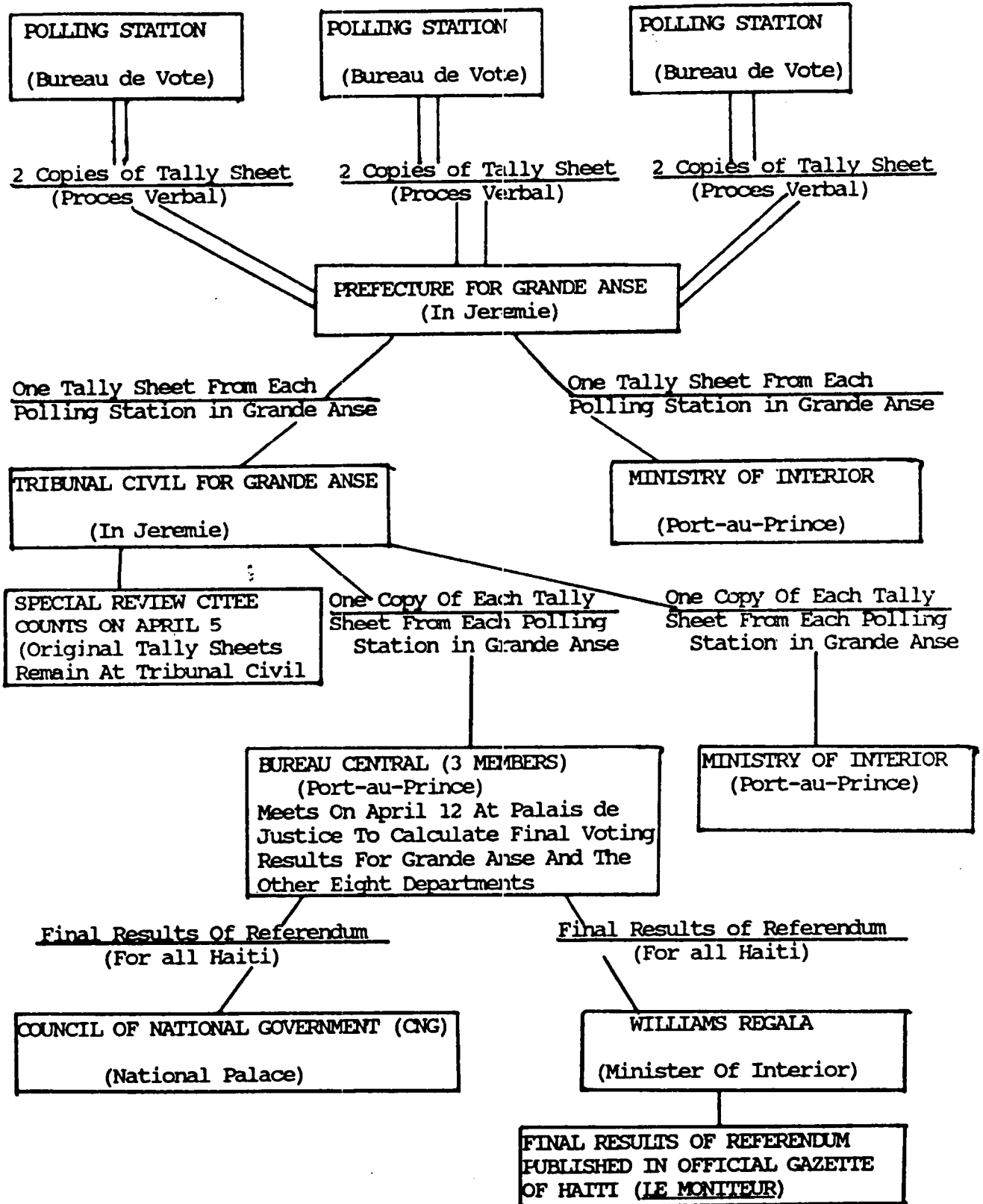
La ratifiez-vous ?

NON

APPENDIX 5

PROCEDURES FOR TRANSMITTING VOTING RESULTS OF
THE MARCH 29, 1987 CONSTITUTIONAL REFERENDUM

Diagram Explains Process for Department of Grande Anse



APPENDIX 6

Port-au-Prince/Gonaives Report

I. Introduction

Vivian Derryck and Rob Henderson visited eleven polling stations during the day of the Constitutional Referendum. Four of the sites were visited twice, including the station where the day of observation began.

II. Observations

Polling sites were centrally located and accessible to the local populations. Only using main roads between large population centers revealed little about the conditions in more rural locales, but reports from bureau officials and municipal authorities, for instance, the Mayor of Caberet, allowed the general conclusion that conditions in more rural areas were similar. Undoubtedly, logistical difficulties imposed some complexity on voting in the more rural areas.

The situation around the majority of polling stations on the day of the referendum was calm and orderly. Crowds were enthusiastic and often noisy, but only in Cite Soleil and Caberet were police required to actively maintain line discipline. There were one or two soldiers present at each site, but they sat to the side or the rear of the area and appeared bored.

At each polling station all four members of the bureau were present as well as "brigadistas" from the Conacom, an association of civic organizations and human rights groups observing the referendum.

The voting procedures varied from location to location. Generally, voters approached the table, were asked for their name, if appropriate were queried on their age, and were given two ballots, an envelope, and explanation of the procedure. In only one site, the Office de General des Impots, was strict secrecy of the ballot maintained. Voters were sent twenty feet to behind a truck inside the motor pool to stuff the envelope and destroy the uncast ballot before returning to the table to deposit the envelope and to dip their right index finger into the indelible ink.

The question of voters' age was handled in a uniform fashion throughout the observation. Children trying to vote were simply shooed away. Those about whom there was a question were quickly asked their year of birth and pressured for a quick answer. Lacking other methods of identification, this appeared an appropriate method of disposing of the age problem.

Paraphernalia was a problem in some areas. Insufficient ballot boxes and the lack of envelopes were noted. However, the

lack of envelopes only underscored the lack of secrecy of the voting noted earlier and did not appear to hamper the process.

The opening of the post-referendum counting was observed at the Hotel de Ville in Petion-ville, where this team began its observations. The rush to expedite the balloting as the poll closed required the listing of names to follow the voting and finger dipping rather than before. Separate lines were established for those who had voted and several volunteers "pitched in" to take down names. Everyone in line at 6:00 p.m. was allowed to vote and a careful rectification of the official voting list was witnessed by all present before the counting began. The unlocking of the box was witnessed by the bureau, observers and press, including a television camera crew.

III. Preliminary Conclusions

Given the conditions, level of experience in democratic practices, and the universal enthusiasm of the voters for the process and the constitution, the Constitutional referendum was a successful expression of the will of the people of Haiti. A number of procedural problems were noted. Among the most serious for a competitive election was the lack of secrecy of the ballot. Truly competitive voting will bring pressures to bear which could disrupt the procedure and undoubtedly result in challenges to the final tally. The conclusion of the Derryck/Henderson team was that for this referendum the lack of ballot secrecy did not detract from the validity of the process because those interested in casting "no" votes simply boycotted.

The lack of a "no" vote, or any expression in the ballot process of a dissenting opinion, is troubling. However, there was no evidence of intimidation of voters who sought to cast a "no" vote. Nonetheless, it would without question have been difficult for a voter in those sites where ballot secrecy was not enforced to cast a "no" vote without comment and peer pressure coming to bear. The general enthusiasm was captured by a voter at the Ecole Professionnelle in Gonaives who, as he tore the "no" ballot in half declared in a loud voice "Death to Duvalierists," and as he cast his affirmative vote proclaimed in an equally loud voice, "Long live democracy."

The logistical shortcomings were not serious, with the exception of the lack of envelopes, and according to some reports were quickly overcome. When ballot boxes were filled, cardboard boxes were procured, the ballots transferred, the boxes sealed and kept at the table to await counting, and the voting continued. Strict observance of the sanctity of the ballot was observed in these instances as the sealing of the boxes was witnessed by the bureau members present and the observers. There was even a report in Petion-ville which included the signing of the tape on the cardboard boxes to effect a formal seal.

In those instances where ballots were in short supply, assistants were sent to a central distribution point to retrieve more. This created some delays in the voting, but did not disrupt the process. What was in ample evidence was a fundamental commitment to the process which, combined with pragmatism, was effective in keeping the process moving.

No doubt there will be similar difficulties in the July elections, but hopefully they will also be met with a similar resourcefulness. This will not lessen the difficulties engendered by a competitive election. Still, it appears that experience gained by the referendum, increased familiarity of the population with the procedures, and a greater participation by the political parties will keep the process moving.

Cap Haitien Report

Larry Garber and Magaret Thompson arrived in Cap Haitien on Saturday, March 28 in the evening and remained until Monday morning, March 30. On Sunday, the day of the referendum, over 8 polling sites in Cap Haitien and the surrounding areas were visited.

Background

The situation in Cap Haitien was calm and peaceful. No reports regarding restrictions on political activity or of persistent human rights violations were heard by the team. Presidential candidates have visited the area, although few of the voters could name any of the candidates or their political parties.

The Church is the dominant organization with whom most people have contact. Its support for the constitution appears to have helped create momentum for the relatively large participation in the referendum.

Approximately a week before the referendum, the four person electoral bureaus were selected by the local magistrate or through a lottery process. It is unclear to what extent members of the bureaus were trained other than providing them with a manual prepared by the Ministry of Interior.

The Referendum

In general, the polls opened at 6:00 a.m. At all polling places visited, the four members of the bureau were present. However, neither representatives of the presidential candidates nor unofficial observers at the polls visited were noticeable. In most stations there was a soldier sitting outside the polling site, although at some crowded polling sites soldiers helped in maintaining control of the crowd.

Procedures at the polling sites varied. Despite this lack of uniformity, the following polling site "profile" is typical. The four members of the bureau would sit behind a table on which would be a ballot box and two piles of ballots, one white and the other yellow. The voter would approach the polling place and be asked his or her name which would be copied into a notebook. A polling official would then explain the procedures being utilized and the voter, following the instructions, would place his or her ballot into the designated box. The voter would then dip his or her finger into a jar containing indelible red ink.

In all but one of the polling places visited, voters were not afforded an opportunity to cast a secret ballot. In many cases, this was the direct result of the fact that envelopes had not been received by the electoral officials. Thus, a voter would be given the two ballots and instructed to deposit one in the ballot box and to discard the other. The deposit of the ballot into the ballot box took place in full view of the polling officials and of those waiting in line.

Even where there were envelopes, many voters cast their ballots in public. In some cases, this was because the voter wanted to demonstrate publicly his or her support for the constitution. In other cases, voters were simply not informed that they could go off to a corner and place their ballot in the envelope before depositing it in the ballot box.

Under the circumstances, it is not surprising that we observed only "yes" ballots being cast. The team heard of one incident in a cote in Cap-Haitien where a few voters, who allegedly were paid to vote, sought to cast their "no" ballots but changed their minds when the general public reacted negatively to their choice.

The counting of the ballots began immediately following the closing of the polls at 6:00 p.m. The counting process took place in public and although there was little doubt as to the result, many people remained to observe the counting of all the ballots.

Conclusion

Everyone with whom the team spoke viewed the referendum exercise positively. No one criticized the fact that secrecy was not guaranteed. However, the lack of secrecy raises questions concerning the next two rounds of elections which are likely to be contested, on a partisan/party basis, at least in some areas. Failure to install a credible process and to educate the population as to what is required for a fair election raises the risk that the population will quickly become tired of electoral exercises and that other forms of political activity may become more dominant.

Jeremie Report

Introduction

On Saturday afternoon, March 28, Randy Grodman and a Haitian translator flew from Port-au-Prince to the town of Jeremie in the southwest of Haiti. Jeremie is the capital city of the Departement de la Grande Anse, one of the nine departments in Haiti.

About ten percent of Haiti's total population (6 million) lives in Grande Anse. The city of Jeremie has approximately 40-45,000 inhabitants. Historically, Jeremie (and the rest of Grande Anse) has been an isolated community due to the fact that the one road that connects the region with the rest of Haiti is not accessible during three to four months of the year, during and after the rainy season. In addition, in terms of development, the province was ignored and intentionally isolated by the Duvaliers as punishment for the uprisings that occurred there in the early and mid 1960s.

The southwest region is acknowledged to be the second poorest area of Haiti. There are about 50 television sets in Jeremie, and most people receive information from one of the local or national radio stations.

Conduct of the Referendum

The Departement of Grande Anse is divided into 13 communes. This observer visited 3 of the 13 communes (Commune of Jeremie, Commune of Moron, Commune of Chambellon). Six of the 30 polling stations located in the Commune of Jeremie were at various places in the city of Jeremie. According to several people interviewed, the location of polling stations, as well as the four bureau members, was determined by the judge and other members of the administration in each commune.

During the day of the referendum, Mr. Grodman visited four of the six polling stations in the city of Jeremie, and four stations located outside Jeremie. The station visited furthest from Jeremie was in Chambellan, located 20 miles southwest of Jeremie.

Observation of the referendum began at the Town Hall in Jeremie, the largest polling station in Jeremie. The Vice President of the Bureau was a Catholic nun, and she commenced the voting at precisely 6:00 a.m. with three minutes of hymns and spoken prayers. At 6:03 a.m. she explained the voting procedures to the other three bureau members and the 15 people present.

The procedure was fairly consistent in all polling places, including at the Town Hall. Voters waited in an orderly line

outside for 10-15 minutes, and then took their turn to vote. Each voter would approach the table where the bureau members were seated and recite his/her name, which one bureau member would then inscribe in a notebook provided by the Ministry of Interior and National Defense. Another Bureau member then handed the voter a "yes" ballot, a "no" ballot and an empty envelope. The voter would then go to a separate part of the room where a cardboard divider was located on a small table, put the selected ballot in the envelope provided, and then discard the unused ballot in the open trash bin located on or under the table. The voter then returned to the table where the Bureau members sat, and placed the envelope (nearly always unsealed) in the locked ballot box on the table. Finally, a Bureau member would ensure that the voter placed one of his/her fingers in the bottle of ink in front of the Bureau members before exiting the polling station.

The general atmosphere throughout the day was positive. Voting was carried out in an orderly and peaceful manner. Most people participating in the process appeared happy and proud. A large number of people were observed to be walking up to 10-15 miles to vote, especially those living in rural sections at a significant distance from any road. The volume of voting was highest in the morning.

In all eight polling stations visited, this observer met with the President of the Bureau. In six of these eight locations, the President and Bureau members were knowledgeable about all aspects of the voting process. In two places, the Bureau members were not sure where they were to send the two copies of the tally sheet or when the final results of the referendum were due to be announced.

In all polling stations visited there were members of the "Brigades de Surveillance," a group of young persons organized by CONACOM to observe the voting process and provide technical assistance to Bureau members or individuals if necessary. These "Brigades" members were all very knowledgeable about every step of the referendum process.

Polling stations were located in central public buildings in the villages. In two extremely rural locations, they were placed in a small, two-room hut and outside, under the trees, respectively. These were the polling stations where the highest level of "secret balloting" was observed.

A small number of Interior and Information Ministry officials were travelling around the area in jeeps. They appeared to be observing the general situation and spoke to selected individuals, including some Bureau members, at some polling stations.

One soldier was located at each polling station visited, with the exception of Buvette, where soldiers passed by

periodically throughout the day. The soldiers were in every instance seated quietly several meters from the polling areas, and were merely passive, almost disinterested, observers.

The Church has historically been very influential in Jeremie. In two of the eight polling stations observed, Catholic nuns were Bureau members. The Bishop of Jeremie (Monseigneur Romulus) was out of the country during the referendum.

The media had been the primary source of information regarding the referendum during the weeks and months prior to March 29. Many people in Jeremie have access to radios, and listen to one or more of the five radio stations that transmit to Jeremie.

Specific articles and aspects of the constitution were discussed in many radio broadcasts heard by the people of Jeremie. Most people were familiar with the contents of Article 291 (calling for no Tontons Macoutes or Duvalierists to be allowed into government for at least 10 years). Moreover, people consistently cited this article as the reason they wanted the constitution to be ratified and applied.

There were several small problems noted with regard to the voting process. There was a consistent lack of secret balloting. In some cases, voters filled their envelopes at the table in front of the Bureau members. Sometimes third parties actually assisted voters in the placing of ballots in envelopes. In all cases, unused ballots were placed in an open trash bin, and it was easy for voters and observers to see that these trash bins were overflowing with "no" ballots.

In two of the eight polling stations visited, Bureau members mentioned that they had run out of "yes" ballots at least once during the day. In one location, not enough envelopes were provided. Bureau presidents sent people to fetch more materials from a nearby polling station whenever needed.

The notebooks in which Bureau members recorded the names of individual members were apparently supposed to have an official stamp of the Interior Ministry. None of the notebooks had this seal.

The ink put on voters' fingers was designed to prevent multiple voting from occurring. Only in three of the eight polling stations visited was there any checking of fingers. Consequently, several cases of multiple voting were observed in two of the precincts in which no checking occurred.

A small percentage of voters observed appeared to be less than 18 years of age.

In several instances, people complained that the final results for the referendum would not be announced to the nation for 15 days. They felt that less time was required to complete the counting process.

One further incident warrants mention. At 6:30 p.m. on Sunday, a group of "Brigades" members approached this observer to tell him that they had "captured" a man and were holding him in their jeep. They claimed the man had been sent to the area a "Divalierist," with instructions to pay individuals to vote "no" in the referendum. When asked what they intended to do with the "captured" man, they responded vaguely. This incident raises the question whether it is representative of a strain of violence or is a dated incident reflective of an earlier era.
