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Post-Election Haiti: What Happens Next?

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Democracy is always a work in process, and for Haiti, with its many enduring problems exacerbated by last year's earthquake, a cholera epidemic and problematic elections, that is very much the case.

Elections are of course essential to democracy but not an end to themselves. They are only part of the process of constructing democratic governance – democratic culture, rule of law, the responsiveness, transparency and accountability of government and elected leaders. Those are the challenges President Martelly and the next Haitian government and parliament must take on if they are to succeed.

Before I turn to specific governance challenges, it's important to assess the elections process that is set to conclude today. The successes and the shortcomings of this electoral process set the framework for the next stage of politics in Haiti.

First, let me quickly outline NDI's activities in Haiti, since those necessarily inform my assessment. NDI has worked in Haiti since the fall of the Duvalier family dictatorship to support the efforts of Haitians to build democracy in a variety of ways—through the Civic Forum community organizing program which helped grassroots organizations identify and resolve their community's needs; providing training to parties across the political spectrum; and promoting transparent and issue-based elections. After the earthquake, NDI concentrated on supporting efforts by Haitian community action groups to increase the effectiveness of relief and reconstruction efforts by increasing citizen input, transparency and oversight.

When elections were scheduled last fall, NDI undertook a number of activities, with funding from USAID and the Norwegian Ministry of Foreign Affairs.

These included: supporting first and second round presidential and legislative debates, a presidential candidate code of conduct, voter education, violence prevention mechanisms, training party poll watchers and assisting Haitian election observers. We also

collaborated with USIP on training civil society activists in conflict prevention techniques, which led to several violence mitigation initiatives.

### Problem-ridden Elections by any Measuring Stick

But, with the relatively orderly and peaceful conduct of the second round on March 20, followed by the announcement by the losing candidate, Madame Manigat that she did not intend to dispute the preliminary results, the elections certainly concluded on a more positive note than they began.

Given the pressing unmet challenges from the earthquake, the very holding of elections was questioned by a number of Haitian political actors from the start, even as there was also widespread recognition of the need to move forward with a process to overcome the climate of political uncertainty, exacerbated by the absence of a quorum in a legislature where all the deputies and one third of the senators had completed their mandate.

There was controversy over the decree law extending President Preval's term to May. In that regard, many believed that proceeding with constitutionally-mandated elections was essential in order to ensure that there is in place a president, government and parliament capable of leading reconstruction efforts and working with international donors to meet their pledges for assistance.

Protracted disputes over the composition of the Provisional Electoral Council (CEP), the CEP's questionable exclusion from the process of long established parties like Fanmi Lavalas and UNION, and perceived selective application of qualification criteria for presidential candidates greatly contributed to a widespread lack of confidence in the impartiality of the election authorities as the election campaign began.

The first round on Nov. 28 was, as we all know, marred by intimidation, fraud, disenfranchisement of voters and, following the announcement of the results, violence and civil unrest. International observers and Haitian domestic observers pointed out numerous irregularities on election day and afterwards and most candidates denounced the process.

What then happened was no less controversial.

President Preval invited technical experts under the authority of the CARICOM-OAS international observation mission – as Assistant Secretary General Ramdin has described – to assist in the electoral verification and legal challenges processes.

Many of their recommendations were accepted by the CEP, among these were the exclusion of many suspect tally sheets. This resulted in Martelly entering the run-off election instead of Inite candidate Jude Celestin.

While some ugly incidents of violence took place as the campaign for the second round drew to a close, the March 20 run off, by contrast, took place in a generally calm and

peaceful atmosphere. CARICOM-OAS international observers and the Haitian observer groups that NDI assisted all confirmed the substantial improvement over the first round. For example, the National Observation Council, the CNO, which deployed the largest number of observers in the country concluded:

“Apart from certain logistical and administrative problems, and some acts of violence in certain areas of the country, the second round of the presidential and legislative elections unfolded in much better conditions than those of the first round.”

Another observation group, FEKOK, which deployed 300 youth observers to polling stations in and near the displaced person camps in the Port-au-Prince area, said:

“Election personnel seemed to be functioning more technically and more confidently throughout the election. Police were present, monitoring the exterior and interior of the voting centers while MINUSTAH patrols also covered the exterior. Certain police patrols circulated around the camps as well. This may have contributed to the scarcity of violent incidents reported throughout the day, in comparison with the Nov. 28 elections.”

Besides the generally peaceful conduct of the second round and the acceptance of the outcome, which conformed to the code of conduct signed by the two candidates that NDI facilitated, other positive elements took place:

- The CEP acted on CARICOM-OAS recommendations, including to improve training and dismiss first round officials from voting centers where intimidation and fraud was documented in November and take other measures to ensure accountability.
- All the presidential candidates, for first and second rounds, participated in organized debates. The final face off between Mrs. Manigat and Mr. Martelly reached an estimated 71 percent of the Haitian people through radio and television, providing greater discussion of issues and historic side by side comparison of the candidates. Hopefully this will become a norm in future elections.
- For the second round, to help promote transparency, the Haitian business community openly provided funds to support party pollwatchers for both presidential candidates and for parliamentary run-offs. Much more is needed to promote transparency of campaign financing but this was a useful step.

Despite such positive elements, there were serious shortcomings.

- The high number of tally sheets quarantined by counting center attorneys for anomalies in the second round did not affect the outcome of the presidential race, but indicated at a minimum continued weaknesses in the training of polling station officials, if not persistent high levels of irregularities.
- The CEP’s decision to postpone the announcement of preliminary election results from March 31 to April 4, due to the high level of irregularities, contributed to rumors concerning manipulation.

- Turn-out was greater than during 2009 Senate elections but substantially less than for the previous presidential and legislative elections.

### Considerations affecting Turnout

The question of turn-out needs closer examination, since it reflects both on the quality of the process as well as on the governance challenges ahead.

Estimated turn-out figures themselves vary. International observers said 30 percent, other commentators have suggested considerably less. The CEP figures are due today. But there is no doubt the numbers are lower than in Preval's election.

Why? There are a number of possible explanations:

- Technical. Confusion over voter lists and voting place. Some lack identity cards. Voter registry needs updating for sure.
- Political. Many voters may have decided not to vote because they don't believe their votes make a difference. That could be because their parties or candidates were excluded, or because they don't believe the Haitian political class will represent them. Focus groups conducted by NDI found that Haitians said there is an overall impression that the situation in the country is discouraging and that things are moving in the wrong direction, their expectations that elections will change the status quo are limited.

Mr. Martelly campaigned on a promise for giving everyday citizens a greater voice in the political process – how will this be realized?

- He will face new internal political dynamics and the need for sustaining a close partnership with the international community, at a time when Haitians across the political spectrum exhibit increasing degrees of fatigue with the strong international role in Haiti.
- Internally, the return of ousted dictator Duvalier and former President Aristide could revive old divisions and inject even more volatility to Haitian politics.
- External factors such as the rise in world food prices also may contribute to volatility, as this has led to rioting and instability in the past.

### Governance challenge number one: apathy and disaffection

Apathy and deep rooted disaffection with Haiti's political system present one of the biggest governance challenges for Haiti's new leaders.

While Martelly appears to have scored an overwhelming victory with 68 percent (716,986) of votes to 32 percent (336,747) for Manigat, this victory represents just 15 percent of the registered 4.7 million voters which begs the question: where do the 70 percent or so of eligible Haitian voters who did not vote stand?

Will those excluded from the last election process act as spoilers and seek to undermine the legitimacy of Mr. Martelly? If recent Haitian history is a guide, the answer looks like yes.

If so, what steps will the next president take to bring these Haitians, “outsiders” or “bystanders,” into the political process, through dialogue, consultations, positions in a new government, or ensuring their ability to participate in future elections?

How will those excluded from the process position themselves – by opting out entirely or participating selectively?

Mr. Martelly campaigned as the candidate of change and sought to convey a connection with the “street” – Haiti’s popular sectors. Delivering on positive change could do a great deal to help overcome voter apathy and disaffection with Haiti’s political class. But the new president has limited constitutional powers.

How to enlist the new parliament in a positive agenda is a second major governance challenge.

Presidents with strong majorities often have political machinery or institutions to rely on. Martelly’s party, Repons Peyizan, is a new party and had few of its own candidates in the legislative elections. Mr. Martelly is expected to have only three of 99 deputies and no Senate seats.

The legislature is set at least initially to be dominated by President Preval’s INITE.

Mr. Martelly will need the support of deputies elected under other parties to build a government. He is holding his cards close as to whether he will bring in opposing political forces into his government as President Preval did

The new parliament will contain many more re-elected legislators than previously, providing hopefully some useful experience.

At the same time, it’s not clear to what end that experience will be used. Although the new legislators have party affiliations, these are very weak.

Indeed, candidates broke with their party's boycott of the elections to run and now win. Who will they listen to? Votes on constitutional reform and prime minister will be interesting barometers of how parliament will break down on political lines.

While INITE leaders (Joseph Jasmin) stated last Thursday that the party will stand with Martelly and the interests of the Haitian people, the dynamics of this cohabitation are just beginning to unfold.

Over the short term, Mr. Martelly needs to get parliament’s approval for a government, a budget and legislation.

Over the long run, the president and the parliament need to strengthen the institutional base for Haiti's democracy. Democratic governance depends on that.

What incentive structure is used to forge alliances and sustain loyalties is critical.

To be successful, Mr. Martelly will need to thrive in Haiti's real world of relational politics and weak institutions. If Mr. Martelly does so in a way that promotes rather than weakens the construction of intermediary institutions, such as parties, he can also advance democratic governance and all Haitians will be better off.

A third governance challenge for the next Haitian government is to do more to engage Haiti's citizens.

Part of NDI's work with community action groups after the earthquake has been to support dialogues with government and local officials on reconstruction plans. For the most part, this is the first time any of these citizens have heard anything regarding plans for development or reconstruction. These dialogues have taken place in all 10 of Haiti's departments.

Mr. Martelly and the new parliament can set a new tone by reaching out to citizens from across the country, not just in Port-au-Prince, to solicit input and commit to a transparent process.

A fourth governance challenge is institutional reform. Constitutional reform is set to be the first major issue the new parliament will have to address.

Proposed constitutional amendments were adopted in May 2010 and according to constitutional rules must now be adopted again by the new 49th legislature once convened, at its first session, and if done so immediately, could enter into effect during this next presidency.

Among the reforms are dual nationality, reinstatement of the army, synchronizing elections to reduce their frequency and administrative burdens, and revising local government structures.

Many Haitians strongly support these changes, as did President Preval. Will Mr. Martelly make their enactment a priority?

Election reform should also remain on the national agenda while the problems of this year's elections remain fresh. Changes that Haitians may wish to consider include:

- Addressing the overall allegations of political bias of the CEP. Establishing a permanent election council is overdue.
- Changing the practice of having political parties provide election day pollworkers.
- Streamlining the process of accrediting Haitian election observers. Too many were effectively prevented from playing a much needed role in safeguarding the

elections because they could not get election day credentials from the CEP in time.

### Conclusion

To return to where I began, in Haiti as elsewhere, elections are no panacea – they are a vital part of what is a broader process of building democracy. Now that the elections have concluded, Haiti's newly elected leaders must turn to fixing various vexing problems.

Meeting these challenges involves both strengthening the capacity of the Haitian state and strengthening its exercise of democratic governance through reaching out to disaffected citizens, building constructive executive-legislative cooperation, engaging citizen in dialogue on reconstruction priorities and securing institutional reforms.

As they grapple with these challenges, the new Haitian leaders and the Haitian people deserve the strong support of the international community.