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POST-DISASTER ASSESSMENT ON THE FEASIBILITY OF ORGANIZING FREE AND FAIR ELECTIONS IN HAITI



March – April 2010

By Sophie Lagueny & Rudolf Dérose

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ACRONYMS

ASEC	Assembly of the Communal Section
BEC	Communal Electoral Office
BED	Departmental Electoral Office
CASEC	Council of the Communal Section
CEP	Provisional Electoral Council
CEPPS	Consortium for Electoral and Political Processes
CIDA	Canadian International Development Agency
CIN	National Identification Card
COP	Chief of Party
IDP	Internally-Displaced Person
IFES	International Foundation for Electoral Systems
MINUSTAH	United Nations Stabilization Mission in Haiti
NDI	National Democratic Institute
OAS	Organization of American States
ONI	National Identification Office
PDNA	Post-Disaster Needs Assessment
PNH	Haitian National Police
RPC	Reallocation and Polling Centers
UN	United Nations
UNDP	United Nations Development Programme
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

During the months of March and April 2010, the International Foundation for Electoral Systems (IFES) carried out a technical assessment, including an evaluation on the current state of the electoral registry in light of the massive changes in the population, the enfranchisement of Internally-Displaced Persons (IDP), and security environment. IFES also evaluated the needs and challenges facing the Haitian Provisional Electoral Council (CEP), and its decentralized Departmental and Communal Electoral Offices (BEDs and BECs) in the future organization of elections, including but not limited to out-of-country voting, identification cards and voter lists, infrastructure, communications, resources, the overall political environment and the role of civil society. This assessment includes an analysis of the Constitution with regards to scheduling future elections, as well as their sequencing and the legal implications for extending mandates.

The IFES team was comprised of the Chief of Party, one national consultant and one international legal expert who spent a period of two weeks in country. The team's strategy was to meet as many stakeholders as possible during the first month and a half of the mission, both in Port-au-Prince and in the field, to gather all the necessary information, and then spend the last two weeks drafting the final report.

Interviews were led in a similar fashion with each of the 99 individuals the team met with. Those individuals represented civil society, including the private sector, governmental authorities and decentralized offices of the CEP. The interviews were based on the following questions:

- 1) Do you know about the upcoming institutional vacuum and its impact on governance?
- 2) Do you recommend that elections be held? Do you think they are possible? Will the electorate be interested in going to the poll?
- 3) If yes, what are the minimal requirements/crucial issues to be addressed to have good elections; if not, what do you propose?

Except for a small number of civil society representatives in Port-au-Prince, all other interviewees were very adamant that elections should take place so that "elected officials replace elected officials". However they were all equally forceful in voicing their opinion against "elections for the sake of elections". The main concerns they believed had to be addressed and solved before elections could take place included the following:

- 1) Lack of credibility and trust in the CEP
- 2) Political parties' poor representation and representativeness
- 3) Lack of understanding and information of the electorate in governance in general and the electoral process in particular
- 4) Organization of general elections (presidential, legislative, and local at the same time) considering the electorate's high level of illiteracy
- 5) The need to assist the population in improving their current humanitarian situation to increase their motivation and avoid manipulation

6) The disenfranchisement of displaced people and the replacement of lost National Identification Cards (CINs)

According to the Post-Disaster Needs Assessment's (PDNA) sub-group on the democratic process, and representatives of the National Democratic Institute (NDI), the political parties, mainly from the opposition, were against elections under President Préval and with the current CEP. However, they also believed that their stance was more posturing than conviction and that they would register and run if and when elections were announced.

The few individuals representing civil society who were against elections due to their lack of confidence in the current government and CEP promoted the idea of a "Government of National Unity" but had no concrete proposal on how to achieve it.

According to the Constitution, there are no provisions for the extension of the term of any of the elected posts. In the present situation, the term of office of the President expires on February 7, 2011, the local officials' term in early 2011, and those of the members of the House of Representatives, and the Senators elected for 4 years expire on May 8, 2010. Therefore, the CEP faces the daunting task of organizing elections for all elected posts before the end of the year.

IFES developed three possible scenarios that are deemed technically possible:

Scenario A: National and local elections at the same time before the end of the year.

Scenario B: Presidential, legislative, Municipal Council (1 Mayor and 2 deputy Mayors) and town delegate elections together before the end of the year, and Assembly of the Communal Section (ASEC) and Council of the Communal Section (CASEC) elections as soon as possible in 2011;

OR

Presidential, legislative and Municipal Council elections together before the end of the year, with town delegate, ASEC and CASEC elections as soon as possible in 2011.

Scenario C: Presidential and legislative elections together before the end of the year, then Municipal Council, town delegate, ASEC and CASEC elections as soon as possible in 2011.

Each scenario presents various advantages and disadvantages, **but IFES believes that scenario C is the most reasonable, feasible and logical** for the following reasons:

- It would ensure the participation of the electorate in both elections
- It would separate the two-round national elections from the one-round local elections
- It would also give more time for the displaced people to decide whether they will stay permanently in their new location or go back to their place of origin

- It would allow for the possible adoption of amendments to the Constitution at the 1st session of the 49th legislature, thus possibly simplifying the organization of the local elections

IFES believes the **operational branch of the CEP** is technically capable of organizing any of the three scenarios mentioned above; assuming their preparations are not delayed any longer, and the following problems and issues are addressed and solved:

1. The lack of credibility and trust in the current Provisional Electoral Council: Giving the mandate of organizing the upcoming elections to the current CEP would mean that the electoral process would be considered flawed and questionable from the start.
2. Financial resources: It is highly anticipated that the next electoral process, as well as the activities that must take place before the beginning of the electoral calendar, will be fully financed by the international community. Therefore, one of the international community's priorities must be to make at least a portion of these funds available as soon as possible so that both the CEP and the National Identification Office (ONI) can begin the necessary preparations for the replacement of lost identification cards and the reallocation of displaced persons to the polling center closest to their current place of residence, no later than May 2010.
3. Production and distribution of National Identification Cards (CINs): The production and distribution of CINs is the legal responsibility of the ONI. It includes the production and distribution of CINs to new registrants as well as to already-registered citizens who have lost theirs. Given the ONI's past difficulties in producing and distributing CINs on time, the CEP is proposing a joint operation for the implementation of this activity and that of updating the electoral lists.
4. Electoral Lists: The two major problems with the Civil Registry, and therefore the electoral lists, are: (1) the removal of the deceased and (2) the reallocation of the people displaced after the earthquake to polling centers. While it will not be possible to remove the names of the deceased from the lists in the near future due to administrative and legal difficulties, it is important to note that there are very effective mechanisms in place to prevent another person from using a deceased's identity to vote, mainly the photo on the CIN and on the electoral lists, and the use of the indelible ink.

All displaced people will have to be located and their names put in the polling centers closest to their new location. The CEP proposes to open "Reallocation and Polling Centers" (RPCs) to allow for all voters to choose the center where they will want to vote on polling day. This operation will also include ONI agents who would be responsible for addressing changes to and the replacement of lost CINs, while the registration of new citizens will continue to be done in the ONI's communal offices. This solution was discussed with the Director General of the ONI who agreed to this plan in principle. One other option could be that the ONI delivers temporary documents to citizens who lost their CINs and new registrants on the very same day they come to the reallocation and polling center. This would resolve the CIN production and distribution

problem. This temporary document would have to be recognized by the Ministry of Justice as equivalent to the CIN for the purpose of these elections only. The only cards that would still need to be distributed would then be the ones already printed or in the process of being printed, for which an operation that is similar to but smaller than the one described above could be organized.

5. Security: Like all other institutions, the Haitian National Police (PNH) was crippled by the earthquake (destruction of police stations, 279 officers confirmed dead/around 250 missing, out of a total of 9,000). Many of its members are in the same humanitarian situation like the general population, even if they do have employment. In addition, 4,000 prisoners are on the loose due to the destruction of the main jail in Port-au-Prince, and only 450 have been recaptured to date. Moreover, none of the people alleged to have been involved in the violence in the Center Department during the 2009 senatorial elections have been prosecuted. Certain political leaders were banned from running in the legislative elections, and it is assumed that this will also be the case for the next elections. However, it will not prevent these individuals from creating tension or promoting violence again. Finally, although forces from the United Nations Stabilization Mission in Haiti (MINUSTAH) will be deployed nationwide, it is important to remember that their mandate is mostly to observe and support the PNH in its task, not to handle the situation directly.
6. Public Information/Voter Education: Given the general population's lack of understanding of governance issues, they must be given the necessary knowledge and adequate information to make educated choices. The only way to achieve such a goal is through a well-conceived, nationwide civic education campaign. Apart from the regular voter education/motivation campaign (when and where to vote and how to cast a ballot) that must be organized before the elections, it is absolutely crucial to also organize a longer-term campaign aimed at informing voters about the criteria on which to base their choices, why exercise their right to vote, the role of each institution, what to expect of their elected officials and how to make them accountable, and what the electoral process means. In addition to radio and TV programs and spots, there must be field-based events such as debates and town hall meetings organized in every communal section in the country with the participation of grassroots organizations that are an integral part of the community. Sketches, flipcharts and video projections should be utilized to help disseminate information and knowledge, as well as to generate discussions and questions during those events.
7. Political parties: The vast majority of the interviewees pointed out that most of the political parties are even weaker than they were before the earthquake, that there are too many of them, that most have only a small number of members, no vision or platform to speak of, and little resources to run a campaign. It is also true that most candidates get little support from the political parties who very seldom redistribute the funds they received from the State. However, for truly inclusive and competitive elections, this team believes that one of the donors' priorities should be to provide funds for technical assistance projects that will help promote and develop truly representative and well structured political parties.

8. Civil Society/Observation: As previously mentioned, some of the representatives of civil society in Port-au-Prince are against elections due to their lack of confidence in the government and in the CEP. Their concern is that elections can be easily manipulated by the ruling party who is, according to them, the only one with the resources at this time. However, it is very likely that they, along with the organizations who support the elections, will want to participate if and when elections are announced. Given the current situation, it is of the utmost importance that they be given assistance so that they can be involved in the public information and observation process “en masse”.

IFES was able to meet with representatives of the United States Agency for International Development (USAID) and the Canadian International Development Agency (CIDA) during this assessment. Although both have clearly expressed interest in funding the electoral process, no decisions have been made as to who would do what when the time comes. CIDA has confirmed the availability of the funds that were to be transferred to the UNDP Trust Fund for the legislative elections of February 2010, and their readiness to allocate them to the preparation and organization of the next elections, if and when they are announced. IFES tried to contact the European Commission’s representatives on several occasions but was not successful.

Based on meetings and discussions held with international partners, there appears to be a general consensus on each organization continuing to work in the same areas as before: MINUSTAH will support the CEP in logistics and security, Organization of American States (OAS) will continue working with the ONI and the United Nations Democracy Programme (UNDP) will manage the Trust Fund. Both UNDP and MINUSTAH are currently involved in the preparation of the budget and the electoral calendar, and a UN expert has recently arrived in country to help with the electoral lists.



POST-DISASTER ASSESSMENT ON THE FEASIBILITY OF ORGANIZING FREE AND FAIR ELECTIONS

I. MANDATE

The International Foundation for Electoral Systems (IFES) was asked to carry out a technical assessment to provide the United States Agency for International Development (USAID) with a comprehensive analysis of Haiti's political processes in a post-quake environment. This assessment includes an analysis of the Constitution with regards to scheduling future elections as well as their sequencing and the legal implications for extending mandates.

In addition, IFES was to assess the current state of the electoral registry in light of the massive changes in the population, the enfranchisement of Internally-Displaced Persons (IDPs) and the security environment, and then develop a scenario-based options paper for addressing these issues.

Within the new post-quake environment, IFES was also to evaluate the needs and challenges facing the Haitian Provisional Electoral Council (CEP) and its Departmental and Communal Electoral Offices (BEDs and BECs) in the organization of future elections, including but not limited to out-of-country voting, identification cards and voter lists, infrastructure, communications, resources, the overall political environment and the role of civil society.

II. BACKGROUND

Legislative elections for the replacement of the entire House of Representatives and one third of the Senate were scheduled to take place on February 28, 2010 in nine provinces and March 3, 2010 in the Center Department. The second round was tentatively scheduled for April 11 and 14, 2010, respectively. Presidential and local elections were then expected to take place at the end of the same year.

On January 12, 2010, a devastating earthquake hit Haiti, rendering elections impossible according to the existing timetable. The capital city of Port-au-Prince and other towns in the West and the Southeastern departments sustained major damage, and countless lives were lost. A number of government officials are reported either dead or missing and many government buildings are either completely destroyed or severely damaged.

One day before the electoral campaign was set to begin on January 28, 2010, the CEP announced that the legislative elections were postponed indefinitely. Three days later President Préval announced that he would not extend his term in office beyond its scheduled conclusion on February 7, 2011. This statement implied that the current government had just over one year to begin rebuilding the country before handing over the massive task to the new leadership.

The extension of current terms of office and delays in future electoral processes must be assessed in terms of its legality, impact on a very dissatisfied electorate, and options for setting future electoral processes as well as their sequencing. As dissatisfaction with elected officials increases and the electorate starts to demand change, the government of Haiti will have to disseminate accurate information about the next electoral process. Information to the electorate regarding Haiti's future political processes will be crucial in supporting peace and stability in the post-quake environment.

At some point in the not-so-distant future, elections will be necessary to both fulfill constitutional obligations as well as fill the now empty seats of those officials who perished in the quake. However, it is first essential to evaluate the legal framework and institutional capacity of the government institutions, as well as the political environment, before any technical assistance plan can be put in place.

III. STRATEGY

Following the earthquake, USAID requested that remaining funds under the CEPPS/IFES project be reprogrammed to conduct an assessment of the situation and what would be the minimal conditions and requirements for organizing credible and inclusive elections.

The IFES/Haiti Chief of Party (COP) Sophie Lagueny—who was evacuated on January 22, 2010—returned to Haiti on March 2, 2010. She proceeded to recruit a national consultant on March 3, 2010, while IFES Washington contracted the international legal expert that was to conduct the analysis of the Constitution. The Legal Expert worked mostly from home but spent 12 days in country, from March 15 to 27. This short stay facilitated his comprehension of the situation on the ground, and enabled him to meet with national experts and other stakeholders involved in the reform of the Constitution.

The team's strategy was to meet as many people as possible during the first month and a half of the mission, both in Port-au-Prince and in the field, to gather all the necessary information and then spend the last two weeks drafting the final report.

All interviews were conducted in the same manner with each individual interviewed. It started with a presentation of the mission and its mandate. The conversation was then based on the following questions:

- 1) Do you know about the up-coming institutional vacuum and its impact on governance?
- 2) Do you recommend that elections be held? Do you think they are possible? Will the electorate be interested in going to the poll?
- 3) If yes, what are the minimal requirements/crucial issues to be addressed to have good elections; if not, what do you propose?

IFES met with 37 people in Port-au-Prince and Arcahaie in the West Province, 12 in Miragoane, Nippes Province, 13 in Les Cayes, South Province, 11 in Jacmel, South-East Province, 9 in Mirebalais and Hinche, Center Province, 11 in Saint Marc, Artibonite Province, and finally, 6 in Cap Haitien, North Province. Those 99 people (Appendix 1) represented civil society, governmental authorities, decentralized offices of the CEP and the private sector.

IV. RESULTS OF INTERVIEWS

Except for a small number of civil society representatives in Port-au-Prince, all other interviewees were very adamant that elections should take place so that “elected officials replace elected officials”. Given Haiti’s history and failed experiences, they did not believe that a government of transition or any other form of provisional governance mechanism would work or last. However they were all equally forceful in voicing their opinion against “elections for the sake of elections”.

The Post-Disaster Needs Assessment’s (PDNA) subgroup on the democratic process had already met with a significant number of political party representatives, mainly from the opposition, and did not hesitate to share their findings and conclusions. Therefore, IFES chose to concentrate on meeting with stakeholders and representatives of other sectors of society. However, in order to get a second opinion as to the situation regarding the political parties, the team met with both the Chief of Party and the head of the political party assistance project of NDI, whose extensive network and knowledge would allow for a more in-depth analysis of the situation, and certainly help confirm or contradict the PDNA’s findings.

The mission’s meetings regarding political parties determined that a majority of those interviewed were against elections under President Préval and with the current CEP. They promoted the use of article 149 of the Constitution, i.e. wait for the vacancy of the presidency so that the Vice President (since there is no President) of the Supreme Court can take office, and conduct elections “at least forty-five (45) and no more than ninety (90) days after the vacancy occurs”. The analysis of article 149 can be found on pages 7 and 8 of this report.

The PDNA sub-group as well as NDI’s representatives seemed to believe, however, that the political parties’ current stance was more posturing than conviction, and that they would register and run when and if elections were announced.

The few individuals representing civil society who were against elections, due to their lack of confidence in the current government and CEP, promoted the idea of a “Government of National Unity”. However, when asked how to arrive at such a government, who would lead the process, what would be the mechanism, what mandate and for how long, they had obviously not thought that hard about this suggestion and had no concrete proposal to offer. Given the profile of those individuals, it is worth taking into consideration that they might have been driven by personal interest. A government of national unity would mean that they would be part of it or its satellite institutions, and thus gain access to the decision-making process and other prospects, which would be much more difficult if elections were held.

Those in favor of elections were very specific in what they thought was needed in order to ensure that those elections would be free, fair and inclusive. The main concerns that they believed had to be addressed and solved before elections could take place included the following:

- 1) Lack of credibility and trust in the CEP
- 2) Political parties’ poor representation and representativeness

- 3) The electorate’s lack of understanding of and information about governance in general, and the electoral process in particular
- 4) The organization of general elections (presidential, legislative, and local at the same time) considering the electorate’s high level of illiteracy
- 5) The need to assist the population in improving their current humanitarian situation to increase their motivation and avoid manipulation
- 6) The disenfranchisement of displaced people and the replacement of lost National Identification Cards (CINs)

It is important to note that, except for the West (Port-au-Prince, Gressier, Léogane, Petit Goave and Grand Goave) and the South-East (Jacmel), the situation in the other eight departments seemed nearly unchanged, apart from having been indirectly affected due to the exodus that took place following the earthquake. Those displaced people—although some are said to have already gone back to their original locations—represent an additional burden on departments that were already in a difficult socio-economic situation. (See table below for distribution.)

In addition, it is also important to mention that this mission felt very strongly that the North Department—and, most probably by extension, the other two departments (Northeast and Northwest) that comprise the northern part of the country—are being affected in an abstract but very serious manner: they live in constant fear that they might themselves be hit by an earthquake in the not-so-distant future, with an equally high probability that it be followed by a tsunami; while national and local authorities are doing absolutely nothing to prepare for them.

Department	Deceased	Missing	Injured	Affected	In Shelters	Displaced
Artibonite	N/A	N/A	N/A	N/A	N/A	162509
Center	N/A	N/A	N/A	N/A	N/A	90997
Grand’Anse	9	N/A	19	3970	N/A	120000
Nippes	12	N/A	96	45260	N/A	20250
North	N/A	N/A	N/A	N/A	N/A	33045
North-East	N/A	N/A	N/A	N/A	N/A	8500
North-West	N/A	N/A	N/A	N/A	N/A	48062
West	222108	855	310102	1268985	1280249	32253
South	N/A	N/A	N/A	N/A	N/A	88599
South-East	441	14	711	196670	21242	N/A
	222570	869	310928	1514885	1301491	604215

Source: Information Center, Prime Minister’s Office - Translation: IFES COP

V. ANALYSIS AND POSSIBLE SCENARIOS

This section analyzes the situation based on the concerns and opinions gathered and presented above, as well as extensive technical discussions with representatives of the CEP, the ONI and the Electoral Unit of MINUSTAH. It first presents the situation within the context of the Constitution. It then proposes several scenarios for the timing and sequencing of elections, with both their advantages and disadvantages. Finally, it details the conditions and requirements to be addressed and solved before elections can take place, regardless of which scenario is selected.

1) *The terms of office of the elected officials according to the Constitution of 1987 and its provisions:*

A detailed analysis of the sequencing and timing of elections, the possible extension of mandates and the impact and consequences of the vacancy of the House of Representatives on the functioning of the State within the framework of the Constitution is annexed to this report.

However, to allow for a better understanding, the articles relevant to this section have been included.

LOCAL AUTHORITIES:

Articles 63, 63-1, 66, 68, and 85 of the Constitution govern the structure of the local authorities, their terms of office, and their replacement. Local authorities include the municipal councils (1 mayor and 2 Deputy Mayors), the town delegates and vice-delegates, the Assemblies of the Communal Sections (ASEC), and the Councils of the Communal Sections (CASEC).

These articles read as follows:

“ARTICLE 63: Each Communal Section is administered by a council of three (3) members elected by universal suffrage for four (4) years. They may be re-elected an indefinite number of times.

[...]

ARTICLE 63-1: The Administrative Council of the Communal Section is assisted in its work by an Assembly of the Communal Section.

ARTICLE 66: The Communes have administrative and financial autonomy. Each Commune of the Republic is administered by a Council, known as the Municipal Council, of three (3) members elected by universal suffrage.

ARTICLE 68: The Municipal term is four (4) years, and its members may be re-elected for an indefinite number of terms.

ARTICLE 85: In each Departmental Capital, the Executive Branch appoints a Representative, who bears the title of Delegate. A Vice-Delegate placed under the authority of the Delegate is also appointed in each Arrondissement Capital.¹”

Article 63 describes the Council of the Communal Section (CASEC) as a body of 3 members with a mandate of four years, but it is worth noting that article 63-1 only mentions the Assembly of the Communal Section (ASEC) as a body assisting the CASEC in its work. Nowhere does it mention that it must be elected or what the length of its term is. We can only assume that it lasts as long as the CASEC.

Article 66 and 68 governs the Municipal Council, a body of 3 members with a term of office of 4 years.

¹ Unofficial translation by IFES COP

Article 85 governs the “appointment” by the executive branch of a delegate for each of the departmental capitals, and of a delegate and vice-delegate for each of the arrondissement capitals. Nowhere does it mention terms of office or elections for those posts. On the contrary, it uses the verb “nommer” (to appoint), which would logically mean that no elections are required, and even goes as far as mentioning which authority is responsible for nominating them.

There are no provisions for the extension of the term of the elected local authorities. Once their term has expired they cannot be extended, so elections must take place before their vacancy occurs.

THE HOUSE OF REPRESENTATIVES:

Article 92 and 92.1 of the Constitution cited below govern the House of Representatives’ term of office, its length, and starting date, and by extension those of the legislature.

“ARTICLE 92: Representatives are elected for four (4) years and may be reelected an indefinite number of times.

ARTICLE 92-1: They take office on the second Monday of January, and sit in two (2) annual meetings. The duration of their term comprises a legislature.”²

There are no provisions for the extension of the members of the House of Representatives’ term of office. Elections must take place before their term of 4 years has expired so that the newly elected representatives can take office on the second Monday of January following their elections.

THE SENATE:

Articles 95 and 95.3 govern the length of the term and the manner in which the Senate must be replaced:

“ARTICLE 95: Senators are elected for six (6) years and may be reelected an indefinite number of times.

ARTICLE 95-3: One-third (1/3) of the Senate is replaced every two (2) years.”

Given the fact that it has never been possible to regularize the elections of the first Senate elected in 1991 under this Constitution so the members of all future Senates could be in office for 6 years, article 288 has yet to become obsolete. It therefore continues to apply for the Senate elected in 2005. Article 288 reads as follows:

“ARTICLE 288: For the purpose of the next elections, the term of the three (3) Senators elected for each Department shall be established as follows:

- a. The Senator who has received the largest number of votes shall have a term of six (6) years;*
- b. The Senator receiving the second largest number of votes shall have a term of four (4) years;*
- c. The Senator in third place shall be elected for two (2) years.*

² Unofficial translation by IFES CoP

Thereafter, each elected Senator shall have a term of six (6) years.”³

There are no provisions for the extension of the senators’ term of office.

THE PRESIDENCY:

There are no provisions for the extension of the President’s mandate, as specifically expressed in article 134-3 of the Constitution.

“ARTICLE 134-1: The duration of the President’s term of office is five (5) years. This term begins and ends on the 7th of February following the date of the elections.

ARTICLE 134-2: The Presidential elections shall take place on the last Sunday of November of the fifth year of the President’s term.

ARTICLE 134-3: The President of the Republic’s term may not be extended. He may serve another term only after an interval of five (5) years. He may in no case run for a third term.⁴”

The individuals who are against organizing elections in the near future mention article 149 as the legal grounds on which they base their argument.

“ARTICLE 149: In case the office of the President of the Republic becomes vacant for any reason whatsoever, the President of the Supreme Court of the Republic, or in his absence, the Vice President of that Court, or in his absence, the most senior judge and so on by order of seniority, shall be invested temporarily in the office of the President of the Republic by the National Assembly duly convened by the Prime Minister. The election of a new President for a new term of five (5) years shall be held at least forty-five (45) and no more than ninety (90) days after the vacancy has occurred, in accordance with the Constitution and the Electoral Law.⁵”

However, they do not seem to have taken the following into consideration:

- 1) “**...for any reason whatsoever...**”: it is impossible to believe that the founders of the Constitution considered “not respecting it” as one of the “reasons” that would lead to the vacancy of the presidency. Therefore, it cannot include it becoming vacant due to elections not being held on time.
- 2) “**...invested temporarily with the duties of the President of the Republic by the National Assembly...**” : There will be no National Assembly and therefore no mechanism for the investiture of the interim president as of May 8, 2010.

³ Unofficial translation by IFES COP

⁴ Unofficial translation by IFES COP

⁵ Unofficial translation by IFES COP

Therefore, this article can only be applicable in case the president dies, resigns, becomes physically or mentally incapacitated or is impeached, and in the current situation, only if the presidency had become vacant before the end of this legislature on May 8, 2010.

2) The current status of the elected officials' terms of office

Haiti's recent history has been so tumultuous and difficult that its Constitution has yet to be respected and applied fully—this includes the timely organization of elections. Thus, it has never been possible to regularize the term of office of the Senate elected in 1991 according to article 288 of the Constitution and those that came after.

This state of affairs has prompted the drafting and adoption of the Haitian Elections Law of 2008 including transitory provisions without which regularizing such situation would be impossible. Those transitory provisions are as follows:

“ARTICLE 232: The length of the term of the officials elected in 2006 is fixed as follows:

- a) The President of the Republic is in office until February 7, 2011;*
- b) The Senators elected for 6 years are in office until the second Monday of January 2012, in case the elections will take place no later than December 2011. In a different case, they stay in office until the end of their term of 6 years, on May 8, 2012;*
- c) The Senators elected for 4 years are in office until the second Monday of January 2010, in case the elections will take place no later than December 2009. In a different case, they stay in office until the end of their term of 4 years, the second Monday of May 2010;*
- d) The Representatives are in office until the second Monday of January 2010 in case the elections will take place no later than December 2009. In a different case, they stay in office until the end of their term of 4 years, the second Monday of May 2010;*
- e) The Members of the Councils and Assemblies of the Territorial Communities are in office until January 2010 on the dates fixed for their successors to take office.⁶”*

The Elections Law of 2008 provides details for the eligibility and elections of each of the official posts to be elected as per the Constitution: the Presidency, the Senate and the House of Representatives, the Municipal Councils (Mayors and Deputy Mayors), and the Councils of the Communal Sections (CASEC). In addition, it also includes elections for the town delegates and vice-delegates, and the Assemblies of the Communal Sections (ASEC) that are not required by the Constitution.

Incidentally, it is worth mentioning, although outside of the scope of this report, that indirect elections need to be organized as well: to this day, elections for the Departmental and Municipal Assemblies, the Interdepartmental Council, and the Departmental Councils have never taken place. The elections of the Departmental Assemblies would then allow for the nomination of the Permanent Electoral Council in accordance with article 192 of the Constitution.

The last national and local elections were held as follows:

⁶ Unofficial translation by IFES CoP

- Presidency: November 2005 (no second round)
- National Assembly: November 2005/April 2006
- Municipal Councils, Town Delegates, ASEC and CASEC: December 2006 and re-runs in early 2007

Therefore, the de facto status of the elected officials' terms is as follows:

LOCAL AUTHORITIES:

Article 232 (e) of the Elections Law states that the terms of office of all territorial community officials will last until January 2010. However it was amended on May 12, 2009 to take into account that those officials had taken office as late as June 2007 due to the fact that the local elections were held in December 2006 and re-runs in early 2007.

The amended paragraph reads as follows:

“ARTICLE 232: (e) The Members of the Councils and Assemblies of the Territorial Communities are elected for four (4) years and are in office until their successors elected during the elections planned for the end of the year 2010 are installed. In a different case, they stay in office until the end of their term of four (4) years.”

The CEP must therefore organize local elections before the end of 2010.

THE NATIONAL ASSEMBLY:

The replacement of the ten 2-year senators should have taken place at the end of 2007, but instead occurred in April/June 2009. They are in office until January 13, 2014.

The ten 4-year senators' term should have expired in January 2010, if elections had taken place before the end of 2009. However, the elections were scheduled for February/April 2010 but cancelled following the January 12 earthquake. Their term of office expires on May 8, 2010.

The ten 6-year senators are in office until January 9, 2012 if elections are held before the end of 2011. If not, they will stay in office until May 8, 2012.

The terms of the members of the House of Representatives expire on May 8, 2010. Subsequently, there will be no legislative power in Haiti as of that date and until elections are organized.

There will only be 18 senators remaining in office. Even in the absence of the House of Representatives, they can exercise the following limited powers for which a quorum exists: 1) The right to investigate (article 118); 2) The right to question a member of the government or the entire government on facts and actions of the administration (article 129.2); 3) The right to approve the commander-in-chief of the armed forces, the commander-in-chief of the police, the ambassadors and consuls general (article 141).

⁷ Unofficial translation by IFES CoP

Legislative elections for the House of Representatives, the 4-year Senators and the posts of two of the senators who died in the earthquake must be organized as soon as possible.

THE PRESIDENCY:

President Préval was elected on the first round of the Presidential and Legislative Elections held in November 2005 but took office in May 2006. It is worth mentioning again that article 134-3 of the Constitution specifically prohibits the extension of his term. It expires on February 7, 2011 as provided in article 134-1 of the Constitution.

The CEP must organize presidential elections before the end of the year, and specifically on November 28, 2010 as provided in article 134-2 of the Constitution which reads as follows:

“ARTICLE 134-2: Presidential election shall take place the last Sunday of November in the fifth year of the President's term.⁸”

The mandate of the CEP is to organize elections to replace elected officials as soon as required.

Given the current situation, it is now faced with the daunting task of organizing national and local elections to ensure the replacement of the entire House of Representatives, the one-third of the Senate elected for 4 years, the posts of the two senators who perished in the earthquake, the president and all local officials, theoretically before the end of the year.

3) Three possible scenarios

Given the above, IFES envisages three possible scenarios for the sequencing and timing of all required elections. Only the scenarios that are deemed technically possible have been taken into consideration.

SCENARIO A – National and local elections at the same time before the end of the year

The organization of such elections might be technically possible (although it has never been done in Haiti before), and would certainly not be as expensive as organizing separate elections, particularly in terms of logistics and polling staff.

Such elections would also be as close to respecting the Constitution as possible given the circumstances, since the only vacancy would be that of the House of Representatives and one-third of the Senate.

This scenario's main problem is the length of time it would require for each voter to cast seven ballots in one day, considering the actual number of voters per polling station (450), and keeping in mind that a large majority of the population does not know how to read or write.

In order to remedy this problem, it would be necessary to either increase the number of polling stations so that the number of voters per station is lower, or organize those elections over a 2-day

⁸ Unofficial translation by IFES CoP

period: for example, legislative and presidential one day, then local the following day or all both days. Again, this might be confusing to the voters who are mostly illiterate.

A different and better option would be for the local elections—requiring only one round—to take place with the second round of the national elections. The ballots for the House of Representatives, the Senate and the President would then be comprised of only two candidates each, which would make voting easier for the electorate. There is also the possibility that some of the candidates running for the House of Representatives, the third of the Senate or the Presidency win 50% + 1 of the votes, thus not requiring a second round.

Either option would increase security risks for the sensitive materials, present major difficulties in terms of voter education and training of polling staff, complicate the packaging of polling kits and increase logistical and human resources needed.

SCENARIO B - Presidential, legislative, mayoral and town delegates elections together before the end of the year, ASEC and CASEC elections as soon as possible in 2011

OR

Presidential, legislative and mayoral elections together before the end of the year, town delegates, ASEC and CASEC elections as soon as possible in 2011

In both cases, each election would require a slightly smaller number of ballots (5 and 2, and 4 and 3 respectively) for each voter to cast, and might present less difficulties for the largely illiterate electorate.

Although having two separate elections would not double the cost in comparison to having all elections at the same time, it would certainly be more expensive. In addition, one of the main disadvantages of such option is related to the electorate's interest and motivation. Because the electorate has shown much more interest in presidential and mayoral elections in the past, and will most likely continue to do so, it is entirely possible that only a small percentage would participate in ASEC and CASEC or town delegates, ASEC and CASEC elections organized separately.

The other disadvantage of organizing ASEC and CASEC (or including town delegates) elections separately in 2011 is that those posts would have become vacant so communal sections (and departmental and arrondissement capitals) would be without official leadership until the elections are held. It would require either an extension of their terms of office (which is unconstitutional), the creation of some type of provisional local authorities, or they could be managed temporarily by the municipal councils elected during the elections held at the end of 2010.

SCENARIO C - Presidential and legislative elections together before the end of the year, then mayoral, town delegates, ASEC and CASEC elections as soon as possible in 2011

At first glance, this scenario seems to be the most logical, reasonable and feasible, although it would mean that the terms of the local authorities would have expired before the elections are held. It would therefore require an extension of their terms—which is unconstitutional—or the creation of

provisional municipal commissions as was done by the Ministry of Interior in 2005. Those provisional municipal commissions could be given the additional mandate of running the communal sections in their area.

It would ensure the participation of the electorate who is usually more interested in the elections of the president and the mayors, which means that there will be a post of interest to them in each election.

It would separate the two-round national elections from the one-round local elections, thus simplifying all electoral preparations for the CEP and its partners and decreasing the number of ballots (3 and 4 respectively) to be cast by each voter in one day.

It would also give more time for displaced people to decide whether they will stay permanently in their new location or go back to their place of origin. This is particularly important for all local elections where even a small difference in number of voters and votes in one constituency can change the outcome of an election.

Finally, it would allow for the possible adoption of amendments to the Constitution at the 1st session of the 49th legislature. If those amendments included one mayor instead of a Municipal Council comprised of three members, and the disappearance of ASECs, as was proposed by the Constitutional Commission to the 8th session of the 48th legislature, it would significantly simplify the organization of the local elections. Of course, those amendments would have to be adopted under President Préal and before the end of his term in order to be effective under the next president. If such is not the case, those amendments would be effective in early 2016, and the local elections to be organized in 2011 would then remain as-is.

Incidentally, it is worth mentioning here that article 284.3 of the Constitution specifically prohibits the use of a referendum to amend it:

“ARTICLE 284-3: Any popular consultation tending to modify the Constitution by referendum is strictly forbidden.”⁹

VI. CONDITIONS AND REQUIREMENTS FOR FREE AND FAIR ELECTIONS

IFES believes the operational branch of the CEP is technically capable of organizing any of the three scenarios mentioned above, assuming their preparations are not delayed any longer and the following problems and issues are addressed and solved:

1) The current Provisional Electoral Council:

If there is one issue where there is consensus, it is the lack of credibility and trust in the current CEP. Every individual interviewed has mentioned that one of the most crucial issues to be addressed first and foremost is the replacement of all members of the current CEP. As previously mentioned, the Permanent Electoral Council was never nominated as provided in article 192 of the

⁹ Unofficial translation by IFES COP

Constitution, due to the fact that indirect elections of the Departmental Assemblies have never taken place.

“ARTICLE 192: The Permanent Electoral Council consists of (9) nine members chosen from a list of three (3) names proposed by each of the Departmental Assemblies:

- 3 are chosen by the Executive Branch;*
- 3 are chosen by the Supreme Court;*
- 3 are chosen by the National Assembly.*

The above-mentioned institutions ensure, as much as possible, that each of the Departments are represented.¹⁰”

It is therefore article 289 in the transitory provisions of the Constitution that applies:

“ARTICLE 289: While awaiting the establishment of the Permanent Electoral Council as provided in this Constitution, the Provisional Electoral Council of nine (9) members, responsible for enforcing and drafting the Electoral Law that will govern the next elections, is nominated as follows:

- 1. One by the Executive Branch, not a civil servant;*
- 2. One by the Episcopal Conference;*
- 3. One by the Advisory Council;*
- 4. One by the Supreme Court;*
- 5. One by agencies for the protection of Human Rights that do not participate in the electoral competitions;*
- 6. One by the Council of the University;*
- 7. One by the Reporters Association;*
- 8. One by the Protestant religions;*
- 9. One by the National Council of Cooperatives.¹¹”*

It is important to note that all interviewees also question the application of article 289 by the current authorities. **Therefore, IFES strongly believes that giving the mandate of organizing the upcoming elections to the current CEP would mean that the electoral process will be considered flawed and questionable from the beginning, but it is equally important that the process for the nomination of a new CEP be strictly adhered-to and that each sector mentioned in the article be allowed to choose and appoint their representative without interference or pressure. The impartiality and credibility of the CEP will have a direct impact on the next electoral process.**

Visits to some of the decentralized offices of the CEP (BEC of Arcahaie, Mirebalais, Saint Marc, and BED of South-East, South, Center, Nippes, and North departments) drew this team’s attention to their very difficult situation. The BEDs have a vehicle but no funds for repairs and maintenance or fuel. If they have computers they do not work, usually due to not having electricity to operate them. There rarely is municipal power, inverters do not work and generators are either broken or without fuel. BECs do not have transportation at all, no computers or equipment and supplies of any type and no funds either. If requested to perform a task by the CEP, the BEDs fill the vehicle and the BECs use public transport using their own funds, although they have not been paid since

¹⁰ Unofficial translation by IFES COP

¹¹ Unofficial translation by IFES COP

October 2009, and a few of them since they took office. They all report that the situation is the same country-wide.

Although this situation is appalling and should be remedied in the long-term through capacity-building assistance projects, it is important to point out that it has had no incidence on the preparations and organization of past electoral processes. This situation has existed since well before the earthquake, yet it has not prevented the CEP from organizing elections. This is mainly due to the fact that most field activities are, in reality, carried out by MINUSTAH.

2) Financial resources :

Given the current situation, it is most likely that all activities, including the necessary preparations that must take place before the beginning of the electoral calendar, will be financed in full by the international community. Therefore, one of the international community's priorities must be to make at least a portion of these funds available to the CEP and the ONI so that both institutions can begin the necessary preparations for the activities described in (3) and (4) below, no later than May 2010, if elections are to be held before the end of the year.

While the CEP is currently preparing its regular electoral budget and calendar, IFES has proposed to assist them and the ONI in preparing a joint plan of action and budget for the implementation of the activities mentioned below.

3) Production and distribution of National Identification Cards (CIN) :

This activity is the legal responsibility of the ONI. It includes the production and distribution of CINs to new registrants as well as already-registered citizens who have lost theirs. The total number of those cards is estimated at 550,000 (including those not distributed before the earthquake).

Given the past difficulties of the ONI in printing and distributing cards in a "reasonable" period of time, the CEP is proposing a joint operation described in (4) below.

4) Electoral Lists:

The two major problems with the Civil Registry—and therefore the electoral lists—are the removal of the deceased and the localization of the people displaced after the earthquake.

It is estimated that there are approximately 350,000 deceased people on the Civil Registry. This number includes people who have died since 2005 as along with those who perished during the earthquake; many of them are believed to have been less than 18 years old. Since there has never been a link between the ONI/Civil Registry and the institution in charge of issuing death certificates, the removal of the deceased has never been done. Although it will not be possible to do it in the near future due to administrative and legal difficulties mentioned above, it is important to note that this issue does not represent a problem for the elections: there are very effective mechanisms in place to prevent another person from using a deceased's identity to vote, mainly the photo on the CIN and on the electoral lists and the use of the indelible ink.

Displaced people will have to be located and their names put in the polling centers closest to their new location. However, it is important here to point out the difference between the estimated 600,000 “displaced” people who have left Port-au-Prince, and now live with relatives in other towns and/or departments (although many are said to have returned); and the estimated 1,300,000 who are in shelters but still in or close to the towns where they lived before the earthquake. While the former will have to be reallocated to a polling center close to where they now live, it is not necessarily true of the latter in its entirety.

In order to do so, the CEP proposes to open “Relocalization and Polling Centers” (RPCs) to allow for all voters to choose the center where they will want to vote on polling day. In accordance with the Electoral Law, this operation must be completed on time for the electoral lists to be closed two months and published one month before polling day, and it is estimated that it will take a minimum of three months, including preparations, to complete.

IFES and the Electoral Registry Director of the CEP have met on several occasions to discuss the issue and propose a solution. The following plan of action has been developed:

- Open 1,500 RPCs corresponding to the number of polling centers in the country and including the camps, with two CEP agents and one ONI agent
- Open 50 mobile RPCs with one agent from each of the institutions to reach the most remote areas in the country
- In each RPC, the ONI agent will be responsible for address changes and replacement of lost CINs
- In each RPC, the CEP agents will be responsible for relocating voters to the polling center closest to his/her new place of residence

The needs in equipment, materials and human resources are as follows:

- 1,550 laptops equipped with the secured electoral list for the CEP—one per RPC
- 300 laptops for the communal offices of the ONI who will be responsible for registering new citizens (not possible in the RPC because would require additional equipment—i.e., cameras and scanners—and increase the total cost significantly) and entering the data transferred from the RPCs in their area of responsibility
- Recruitment, training and salaries for 3,050 CEP agents and 1,550 ONI agents for the RPCs and 300 ONI agents in the communal offices
- Transportation for the 50 mobile RPCs (motorcycles or MINUSTAH?)
- Transportation stipend to ONI agents for daily (or every two days) transfer of data from RPCs to ONI Communal Offices
- Weekly transfer of data from Communal Offices and RPCs to ONI/CEP HQs by MINUSTAH
- Consumables for ONI (registration forms for the PRCs, and blank cards, ink and others for the HQ)

IFES also discussed this plan with the Director General of the ONI who agreed in principle to the operation. According to the Director General, the current capacity of the ONI is the production of

approximately 100,000 cards per month (800 cards per hour, six hours per day). Using the machine more than six hours per day would stretch its capacity and create the risk of breakdown which would be catastrophic for the whole operation since there is only one machine. While the printing of CINs have been outsourced to the DELARUE Printing House in the past, a better solution would be to fund the purchase of additional printing machines of lesser capacity but cheaper than the one already at the ONI.

In addition, it appears that one of the bottlenecks in their system is the limited capacity of the software used to compare the digital prints of the new registrants to avoid double entries. In order to remedy this problem, additional servers will be necessary to increase the capacity of the software, which will be useful for the long term as well. There would also need to be a temporary increase in human resources at ONI headquarters in the section in charge of processing the information received from the communal offices.

The other main problem is the distribution of cards once printed. There are approximately 250,000 cards from before the earthquake that still need to be distributed. While the ONI cannot be blamed for the citizens' lack of interest in claiming their cards, there is no doubt that it will need to be much more proactive if all cards, including those to be replaced, are to be distributed before the next elections. It has been proposed that the RPCs, both fixed and mobile, remain open once the electoral lists are closed so that they can be used by the ONI for the distribution of CINs. Citizens would be told when requesting a new CIN to return to the same RPC to claim their card starting at a date and time to be determined. Distribution of cards to new registrants will be done in the communal offices of the ONI.

To avoid the ONI's many bottlenecks and problems, one other option could be that the ONI delivers temporary documents to citizens who lost their CINs on the very same day they come to the RPC. This would require additional equipment such as one laptop per RPC for the ONI agent—i.e., printers, ink, paper—but would resolve the CIN production and distribution problem. This temporary document would have to be recognized by the Ministry of Justice as equivalent to the CIN for the purpose of these elections only. The only cards that would still need to be distributed would then be the ones already printed or in the process of being printed, for which an operation similar but smaller to the one described above could be organized.

Further discussions are in progress to decide which of the two options is the most applicable, feasible and appropriate. A final plan of action and budget will then be prepared for presentation to the donors. This budget will include the costs of the media campaign that will need to be organized to inform the people about this operation.

5) Security:

Like all other institutions, the Haitian National Police (PNH) was crippled by the earthquake (destruction of police stations, 279 officers confirmed dead with around 250 missing out of a total of 9,000). Many of its members are in the same humanitarian situation than the general population, even if they do have employment.

In addition, 4,000 prisoners are on the loose due to the destruction of the main jail in Port-au-Prince. Only 450 have been recaptured to date.

None of the people alleged to have been involved in the violence in the Center Department during the 2009 senatorial elections have been prosecuted. Certain political leaders were banned from running in the legislative elections and it is assumed that it will also be the case for the next elections. However, it will not prevent them from creating tension or promoting violence again.

Finally, although MINUSTAH forces will be deployed nationwide, it is important to remember that their mandate is mostly to observe and support the PNH in its task, not to handle the situation directly.

6) Public Information/Voter Education:

Given the general population's lack of understanding about governance issues, the citizenry must be given the necessary knowledge and adequate information to make educated choices. The only way to achieve such a goal is through a well-conceived, nation-wide civic education campaign.

Apart from the regular voter education/motivation campaign (when and where to vote and how to cast a ballot) that will have to be organized before the elections, it is absolutely crucial to also organize a pre-election, longer-term campaign aimed at informing the voters on what criteria to use to base their choices, why exercise their right to vote, the role of each institution, what to expect of the people they elect and how to make them accountable, and what the electoral process means.

In addition to radio and TV shows and spots, there must be field-based events organized in every communal section in the country with the participation of grassroots organizations that are an integral part of the community. Interactive tools such as flipcharts and video projections should be used to promote understanding and generate debate on key issues.

7) Political parties:

The vast majority of the interviewees pointed out that most of the political parties are even weaker than they were before the earthquake and that there are too many of them—most with a small number of members, no vision or platform to speak of and little resources to run a campaign. It is also true that most candidates get little support from the political parties who very seldom redistribute the funds they received from the State.

However, for truly inclusive and competitive elections, IFES believes that one of the donors' priorities should be to provide funds for technical assistance projects that will help promote and develop truly representative and well structured political parties.

8) Civil Society/Observation:

As previously mentioned, some of the representatives of the civil society in Port-au-Prince are against elections due to their lack of confidence in the government and in the CEP. Their concern is that elections can be easily manipulated by the ruling party who is, according to them, the only one with the resources at this time.

However, it is very likely that they, along with the organizations who do support the elections, will want to participate if and when elections are announced. Given the current situation, it is of the utmost importance that they be given assistance so that they can be involved in the public information and observation process “en masse”, as local observation is, at this time, the only means available to counterbalance the presence of political party representatives and their actions on polling day.

VII. DONOR FUNDING AND COORDINATION

IFES was able to meet with representatives of USAID and the Canadian International Development Agency (CIDA). Although both have made their interest in funding the electoral process very clear, no decisions have been made as to who would do what when the time comes.

CIDA has confirmed the availability of the funds that were to be transferred to the United Nations Development Programme (UNDP) Trust Fund for the legislative elections of February 2010, as well as their readiness to allocate them to the preparation and organization of the next elections, if and when they are announced.

IFES tried to contact the European Commission’s representatives on several occasions but was not successful.

Given the uncertainty as to if and when elections will take place, the donor community does not seem to be in a position to make decisions at this time. They not only await an official decision and announcement from the Haitian Government, but will also need the electoral budget and calendar which the CEP is currently preparing.

Based on meetings and discussions held with international partners, it seems that the general consensus is that each will be doing what they have been doing in the past: MINUSTAH will support the CEP in logistics and security, the Organization of American States (OAS) will continue working with the ONI, and UNDP will manage the Trust Fund. Both UNDP and MINUSTAH are currently involved in the preparation of the budget and the electoral calendar, and a United Nations (UN) expert has recently arrived in country to help with the electoral lists.

VIII. CONCLUSIONS AND RECOMMENDATIONS

As previously indicated, IFES believes the operational arm of the CEP has the capacity to organize elections before the end of the year, whichever scenario is selected. However, IFES recommends that national elections (presidential and legislative) be held before the end of 2010, and local (municipal councils, town delegates, ASEC and CASEC) elections held no later than mid-2011. As far as the electoral process is concerned, there is no doubt that the main difficulty will be the updating of the electoral lists and the replacement of lost cards. The donor community must make this the absolute priority.

The other crucial issues to be addressed and given special attention are: (1) the implementation of an effective nation-wide public information campaign and (2) support to political parties. IFES believes that these two areas, coupled with support to the CEP, are the main pillars for organizing

free, fair and transparent elections; however, they each require time and resources. As time goes by, they will become more and more difficult to complete before the end of the year.

The deficit in trust and confidence the CEP faces must be addressed and reversed. While replacing the nine members would be a first step, the CEP as a whole must recognize its weakness in communications and transparency that fosters mistrust and suspicions. It must make the necessary changes and take action to restore confidence and trust in their ability to run free and fair elections.

In parallel to the election-related activities, the one major concern is the humanitarian situation the population is currently facing. All interviewees insisted that, for the population to be interested in elections and to avoid their possible manipulation, the citizens must see some changes in their situation in the months to come. The Haitian Government, with the support of the international community, must clearly communicate their plan of action to assure the electorate that it is doing everything in its power to begin the process of change and reconstruction, and to improve living conditions in Haiti.

Haiti needs a legitimate government chosen through free and fair elections. The first widely accepted elections in Haiti would be the first building block towards the reconstruction of a sustainable society.

LIST OF PERSONS INTERVIEWED

First Name/LAST NAME	Title/Organization /Location	Province
Pierre-Antoine ARCHANGE	Procurement Manager, UNDP	West
Philippe AUGUSTIN	Director, Electoral Register Unit, CEP	West
Pierre-Louis OPONT	Director-General, CEP	West
David LENOTRE	Chief of Operations, Electoral Assistance Section, MINUSTAH	West
Ernesto BOLANO	Electoral Register Technical Advisor to ONI/CEP, OAS	West
Gerard LATULIPPE	Chief of Party, NDI	West
Ronald COVIL	Director-General, ONI	West
Noel LAGUERRE	Executive Director, CNO	West
Rosny DESROCHES	Executive Director, Civil Society Initiative	West
Claude MOISE	Member, Presidential Commission on the reform of the Constitution	West
John BEAUVOIR	Head of Political Party Assistance Project, NDI	West
Sylvain COTE	Program Manager, Canadian Parliamentary Center	West
David PAYNE	Chief of Party, Parliament Assistance Project, SUNY	West
Steven BENOIT	Member of the House of Representatives	West
Mirlande MANIGAT	Constitutionalist and Secretary-General of the RDNP political party	West
Reginald BOULOS	President, Haitian Chambers of Commerce Federation	West
Louis SIEGEL	Chief of Party, ARD LOKAL	West
Natalie PATENAUDE	First Secretary (Cooperation), Canadian Embassy	West
Gary REX	Deputy Political Counselor, US Embassy	West
Dana BEEGUN	Deputy Chief, Governance Office, USAID	West
Carl ANDERSON	Senior Advisor, Governance Office, USAID	West
Alix FILS-AIME	Head of the Presidential Commission on Disarmament and Reintegration (CNDDR)	West
George HENRY	Coordinator, Haitian Chambers of Commerce Federation	West
Leopold BERLANGER	Vice-President/Director-General, Vision 2000 radio station	West
Max-Alex JOSEPH	President, BEC Arcahaie	West
Lodeus JEAN-JULIO	Vice-President, BEC Arcahaie	West
Wilner NEUS	Secretary/Treasurer, BEC Arcahaie	West
Nestor YVON	Mayor, Arcahaie	West
Sully ROGINEAU	Director-General, Townhall, Arcahaie	West
Yannick MEZILE	President, Haitian Federation of Small and Medium Enterprises	West
Sime LOREUS	Member, UTRAC	West
Jean-Pierre ALSINDOR	Secretary-General, FHPME	West
Jacob LAZARE	Deputy Treasurer, Haitian Federation of SMEs/President, AMO	West
Pierre Evans ST JEAN	Member, ANAMDECH	West
Lucien GILLES	Member, Haitian Federation of SMEs	West
Theard FRITZ	Vice-President, Haitian Federation of SMEs/Vice-President, ODEMA	West
William CLERVILLE	Treasurer, Haitian Federation of SMEs/President, ANAMDECH	West

Sergo LOUISSAINT	Coordinator, OSEMAV	West
Joseph DUCKENS	President, BED Miragoane	Nippes
Mezalon JOSSELIN	Secretary/Treasurer, BED Miragoane	Nippes
Marie Carme SINEAS	President, Chamber of Commerce	Nippes
Pierre WILNOR	Mayor, Petit-Trou de Nippes	Nippes
Frederic ENOC	Mayor, Arnaud	Nippes
Helemarque PATRICK	Mayor, Petite Riviere de Nippes	Nippes
Sainteus JEAN-THOMAS	Mayor, Baraderes	Nippes
Telisme DUTELIEU	Mayor, Anse-a-Veau	Nippes
Premier LEMANN	Mayor, L'Asile	Nippes
Arthur ISAAC	Mayor, Grand Boucan	Nippes
Odney EMMANUEL	Mayor, Plaisance du Sud	Nippes
Vincent JAMIL	Town Delegate, Miragoane	Nippes
Amede BONEL	President, BED Les Cayes	South
Anthonyne ELDWIGE	Vice-President, BED Les Cayes	South
Jean DESIR	Secretary/Treasurer, BED Les Cayes	South
Rogavil BOISGUENE	Coordinator, Elections Unit, MINUSTAH	South
Pierre DENNERY	President, Chamber of Commerce	South
Nathan LETANG	President, Citizens Initiative	South
Fritzner CHARLES	Owner Radio/Tele Metropole du Sud	South
John DECIPE	Coordinator, ACTES	South
Roosevelt GUERRIER	Executive Director, CCIPS	South
Michel EVEILLARD	Former Coordinator of South Province for CEP Member Cherubin	South
Jean PERRIN	Former Mayor, Camperrin	South
Maxime GUILLAUME	Coordinator, Community Projects	South
Pierre-Yvon CHERY	Mayor, Les Cayes	South
Eleonor METOR	President, BED Jacmel	South-East
Patrick CORMIER	Secretary/Treasurer, BED Jacmel	South-East
Roland ZENNI	President, Chamber of Commerce	South-East
Jean-Charles LAMOUSNERY	President, Peasants Association	South-East
Claire Marie MASSE	President, CAPROVA	South-East
Patrick CORMIER	Vice-President, CAPROVA	South-East
Lorence MIDI SAINT	Secretary, CAPROVA	South-East
Jeanne-Marie BENOIT	Counselor, CAPROVA	South-East
Ronald ANDRIS	Deputy Mayor, Jacmel	South-East
Dieussaint MARCELIN	Pastor, Jacmel	South-East
Joan RATON	Charge d'Affaires, Ministry of Tourism, Jacmel	South-East
Eliassaint WILKY	President, BEC Mirebalais	Center
Marcellus LUXON	Vice-President, BEC Mirebalais	Center
Noel RAYNOLD	Director-General, Townhall, Mirebalais	Center
Ortella PRUDENT	President, BED Hinche	Center

Donatien RONALD	Vice-President, BED Hinche	Center
Rodwgeze BRIZARD	Secretary/Treasurer, BED Hinche	Center
Michel Ange DESROSIERS	Deputy Mayor, Hinche	Center
Veliton JOSEPH	Legal Counsel, Townhall, Hinche	Center
Eliodor CLERVIL	President, Chamber of Commerce	Center
Jonas NAZAIRE	President, BEC St Marc	Artibonite
Bernard SAMUEL	Vice-President, BEC St Marc	Artibonite
Nerva EXILHOMME	Secretary/Treasurer, BEC St Marc	Artibonite
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Aimable EDOUARD	President, CECI	Artibonite
Jacqueline JEAN-PIERRE	Former Coordinator of Initiative Committee, NDI	Artibonite
Innocent ERNST	President, CJO	Artibonite
Gerda BIEN-AIME	Coordinator, CNO	Artibonite
Paul WISLY	President, MADBA	Artibonite
Marc-Arthur MESIDORT	President, GADH	Artibonite
Baunars CHARLES	Mayor, St Marc	Artibonite
Yvon JEAN-NOEL	President, BED Cap Haitien	North
Daniel Jean MUSSET	Vice-President, BED Cap Haitien	North
Vanissa REMY	Secretary/Treasurer, BED Cap Haitien	North
Fritz JOSEPH	Mayor, Cap Haitien	North
Malherbe DORVIL	President, Chamber of Commerce	North
Elvire EUGENE	President, AFASDA	North

