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Mike Leffert

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Haiti Has A President, But Not Necessarily A Democracy

by Mike Leffert

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The international community ganged up on reluctant Haitian officials Feb. 16 to award the delay-plagued presidential election to Rene Preval. Vote counting was halted Feb. 15, after leading candidate Preval alleged fraud and called for an inquiry. The count had been 90% completed, and Preval held an insurmountable lead, 48%, against his nearest rival, Leslie Manigat, whose tally did not surpass 11.8%.

Both candidates are ex-presidents. Preval's term (1996-2001) was sandwiched between the terms of Jean-Bertrand Aristide (1991, 1994-1996, 2001-2004). Manigat ruled briefly in 1988. At stake was a first-round victory for Preval. If his total did not reach at least 50% plus one, the Constitution mandates a runoff.

Early in the counting process, Preval was ahead by a very wide margin, but his percentages began to drop suspiciously, people began to protest in the streets, and signs of crisis emerged. On Feb. 11, two members of the Conceil Electoral Provisoire (CEP), Patrick Fequiere and Pierre Richard Duchemin, charged there had been manipulations to force a second round. This accusation brought on a massive demonstration by Preval supporters, mostly the very poor, and partisans of Fanmi Lavalas.

Preval ran on his own party ticket, Lespwa, but fell heir to the Lavalas vote partly because of his association with Aristide and partly because of his past performance as president. The protest was peaceful, although clashes with security forces resulted in one death. Martin Landi, in charge of the Electoral Tabulation Center of the UN Stabilization Mission in Haiti (MINUSTAH), discounted the killing as an "isolated incident." "It was intended merely to show their presence and to make it clear that they do not want to vote in a second round," said Landi. But historically, there is more to the citizen outrage than simple reluctance to walk miles and line up for hours to vote again.

Haitians recall that Manigat came to power in 1988 under patently fraudulent circumstances. He entered that election unlikely to win, but the army stopped the voting, killing 34 people in the process. Two months later, the army ran new elections, which were boycotted by other candidates and their supporters. The army then declared Manigat the winner.

In the present election, interference by the interim government and others resulted in Lavalas not being able to field a candidate, after their front-runner, Gerard Jean-Juste, was jailed on trumped-up charges and prevented from registering (see NotiCen, 2005-10-06). The interim government has also been charged with systematically discouraging the poor, urban and rural, from participating.

For the 2000 election, there were more than 10,000 registration centers, but in 2006, scarcely 500, many of these strategically placed to make it inconvenient for the poor, but relatively easy in areas where support for the interim government was high. Only after protests did the government open

additional facilities and extend the registration period three times. During the campaigning period, the government repeatedly suppressed Lavalas and Preval campaigning, with the result that several of Preval's campaign events were cancelled.

On election day, Feb. 7, voting stations opened late and lacked ballots or other essential materials. Some stations had been moved without notification, and, at others, voters were told that they could not vote because their names were not on the lists. In Cite Soleil, the poorest of neighborhoods where support for Preval was high, there were only two voting centers. One of these was moved at the last minute to a single building where 32,000 voters had to find the right line with no instructions posted, no lists of names, and no information facilities. In the pro-government neighborhoods like Petionville, the stations were organized and functional. About 3.5 million people endured the registration process, and 2.2 million voted.

They are in no mood to see their efforts thwarted. Said Robert Antoine, from the poor district of Bel Air, "If they steal the elections from Preval, it's not going to be gentle. The people voted overwhelmingly for Preval, and it appears the electoral council is playing with the results." Antoine's sentiments were echoed throughout the country. Fraud denied, fingers pointed Landi denied fraud. "This accusation was a sort of internal settling of scores in the CEP. It was unfounded because this is the first election in which the ballots and the ballot boxes have been kept. This means that a recount is possible, and there is a transparent central tabulation facility in which all of the materials are being kept for a possible audit," he told Telam news agency in Buenos Aires by phone.

But that did not rule out fraud at the local level, as CEP president Max Mathurin said elsewhere. Landi's statement came on Feb. 14, a day before thousands of ballots were found in a garbage dump in Port-au-Prince. A local television channel showed scenes of the election materials in the dump, panning without sound or commentary. CEP secretary-general Rosemond Pradel quickly absolved his organization. "The CEP was not handling the ballots," he said. Securing the ballots was the responsibility of the UN peacekeeping force.

David Wimhurst, UN spokesman, said the ballots could have come from any of nine voting stations across the country that were ransacked on election day by political factions, or, in one case, by people tired of waiting in line. An estimated 35,000 votes were thrown out. The spokesman also conjectured that the ballots could have been dumped to give the appearance of fraud. But Associated Press reporters said they saw hundreds of empty ballot boxes, at least one vote-tally sheet, and several empty bags numbered and signed by the heads of polling stations. They also saw thousands of ballots, many of them marked, strewn across the dump.

Wimhurst responded to the news, saying, "That's extraordinary." Also denying fraud was Organization of American States (OAS) Secretary-General Jose Miguel Insulza, who flew into Haiti on Feb. 15 to respond to the impasse. "I don't believe that there was fraud, although there were errors in the process," he said. Amid calls for investigations, Mathurin confirmed that thousands of ballots had been found at the dump. "This thing could discredit the elections," he said.

Further doubts about the transparency of these elections came from Duchemin in a radio interview with Signal FM in Port-au-Prince. Duchemin accused CEP director-general Jacques Bernard of

blocking other CEP members' access to the results during the count. Duchemin told the radio interviewer that results were to be posted on an Internet site, but they were not, so, "as a member of the CEP, I went there, and I was told that the director-general said the results should not be communicated to me."

During the broadcast in Creole, Duchemin pointed out a number of discrepancies. He said that tally sheets were filled out improperly, that they took a long time to get to the tabulation center, and that in some cases tally sheets were missing. Some reports indicated the number of missing tally sheets was large, 254 of them were destroyed. Another 504 lacked the codes needed to enter them officially.

The missing sheets might represent as many as 190,000 votes, more than 9% of the total cast. Most of those, the UN reportedly said, affected the poor areas that supported Preval. By Feb. 15, as angry Haitians took once again to the streets, it appeared that the international community was convinced that it would be best if Preval were awarded his first-round victory. "Considering the existing climate in the country, that would be the best solution," said Marco Aurelio Garcia, chief foreign affairs advisor to Brazil's President Luis Inacio Lula da Silva, from Brasilia.

Unrigging an election

The question then became how to do that. One proposal was to remove blank ballots from the count. Blanks amounted to 4.7% of the total, and, with their removal, Preval's share of valid votes would exceed 50%. In some countries, blanks count as a protest vote, a "none of the above," but it is doubtful that, in Haiti, people would have endured the long walks, the long waits, the harassment, delays, and bloodshed to fire a blank.

The problem with that proposal, according to other diplomats, was that it was illegal to throw out the blanks. Landi said, "If the blank votes are not counted, Preval would have approximately 51%, but that would mean changing the electoral law, and that does not seem appropriate since it could be seen as being done to favor one candidate over another."

Perhaps the only other solution would have been an agreement between Preval and Manigat, under which Manigat would consent not to take part in a second round. Manigat had given no indication of a willingness to make any such agreement. Meanwhile, the Caribbean Community (Caricom) said that it would not recognize these elections if they were not credible.

If Haiti were not readmitted to Caricom, it would mean isolation from its neighbors. Caricom foreign relations official Colin Granderson said, "We are very worried by the reports reaching us from Haiti." The organization will be voting on Haiti's readmission at its 15-nation summit in July. Eager to avoid the prospect of more disorder and bloodshed ending in another government lacking the recognition of its neighbors, the internationals acted.

Government officials, foreign diplomats, including the ambassadors of the US, France, Canada, Brazil, and Chile, international observers, and Insulza negotiated with Preval and Lespwa leaders. The result, according to an unnamed "high-ranking" OAS official, was the discovery of loopholes in

the electoral law that indeed allowed the exclusion of the blank votes. It had also become apparent that unused ballots had been counted as blanks.

Preval got his first-round margin with more than a percentage point to spare. Added to that, said a Preval advisor, CEP officials discovered a large number of votes, equal to an estimated 8% of the total ballots cast, that were overwhelmingly for Preval. It remained only to clear up a few loose ends. "Considering the fact that the remaining tally sheets will not influence the outcome of the result," announced CEP president Mathurin, "Rene Preval has been declared president of the republic."

If there was hope that the fraud charges would be forgotten in the ensuing euphoria, that hope was dashed. Fritz Jean, a Preval supporter and former central bank president, told the media, "This is a political solution to a political problem that was necessary because of the widespread fraud that threatened to undermine the election and the will of the people." If there was hope that the solution would be seen as a victory for democracy, that too was in doubt.

Long-time Haitian human rights advocate Jean-Claude Bajeux noted, "All the efforts we made for a democratic transition could be lost. We are going right back to where we have always been, where the crowds on the street, not elections, have the last say. We are close to losing an historic opportunity."

In anticipation of continued turmoil, the UN on Feb. 14 extended the MINUSTAH mandate for another six months, until Aug. 15, "with the intention to renew it again." The vote in the Security Council was unanimous.

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