

Assessment Mission to Haiti

The Carter Center

January 1995

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divisions; (b) weak institutions; (c) the lack of consensus among the political elite on basic democratic principles; (d) the failure of political leaders to build national parties; and (e) the country's lack of experience in democratic governance.

Due to these factors, administering Parliamentary elections will be very difficult, and indeed, the process of establishing an Elections Commission (EC) was dangerously slow. Much of the mission's time was spent with political leaders trying to overcome mutual suspicions and stimulate a consensus that would facilitate the establishment of an EC. While many opposition leaders are increasingly fearful of President Aristide's popular support, they were willing to accept elections for the Parliament as soon as possible. The mission discussed the need to establish the EC with President Aristide, and he understood the urgency. Within five days of the mission's departure, he established the EC, and the nine members were named. The EC will decide the date for the election based on the amount of time needed to prepare for it. We estimate that elections are unlikely before early April.

A major political challenge during the campaign period will be to work with party leaders to help them to understand that irregularities and delays are more likely due to administrative inadequacies than to government conspiracies. The U. N., which is helping the government organize the elections, is eager for the Council to play a role in keeping the administrative and political process moving and on track.

President Aristide informed the mission that he would establish a Truth Commission (he did so on December 17) to investigate human rights crimes that occurred between the military coup on September 29, 1991 and his return on October 15th.

1. Background, Terms of Reference, and Schedule 1

In November 1986, at a Conference at the Carter Center on "Reinforcing Democracy in the Americas," co-chaired by former U.S. Presidents Carter and Ford, a group of 12 former and current Presidents and Prime Ministers decided to form a group to lend its individual and collective support to the democratic process in the Americas. Today, twenty-five leaders, including Aristide, are members of the Council, which has mediated elections in eight countries in the

Michael Manley, attended. Carter informed President Aristide that the Council would be prepared to be helpful if asked. Such a request was not made. After the military coup on September 29, 1991, President Aristide went into exile in Caracas and later in Washington, D. C. He visited the Carter Center often and consulted Carter and the Council as he tried to rally the international community to assist in the restoration of constitutional government in Haiti. In December 1992, Carter invited to Atlanta UN Secretary General Boutros-Boutros Ghali and Michael Manley, who was then the OAS Special Envoy on Haiti. Carter and Manley impressed on Boutros Ghali the importance of a collaborative and strong mission from the OAS and the UN. Carter also advised President-elect Bill Clinton. During the next three years, however, UN/OAS negotiations failed to achieve a peaceful return to power by President Aristide.

During this time, President Aristide, General Raoul Cedras, and numerous U.N., U.S., and other country's officials remained in contact with the Council/Carter Center on the range of Haitian issues. In June 1993, for example, before the Governor's Island negotiations, both Aristide and Cedras got in contact with the Carter Center. Discussions continued sporadically during the next year. In September 1994, Cedras contacted Carter, who informed President Clinton. On Friday, September 16, 1994, President Clinton asked Carter, Senator Sam Nunn, and General Colin Powell to undertake a mission to Haiti to negotiate the departure of the military leadership, the arrival of President Aristide, and a new cooperative U.S.-Haitian military arrangement to assure both goals. They succeeded. Dr. Pastor advised the group. (See Appendix 1)

Shortly before his return to Haiti, President Aristide spoke with Carter, who offered assistance on the electoral process, a Truth Commission, and University-to-University mechanisms for promoting development. Carter described the ideas in a letter to Aristide, who subsequently responded positively and requested a preliminary visit by Prime Minister Manley and Dr. Pastor to describe the

proposals in more detail and assess whether the Council could play a constructive role. (See Appendix 2)

Dr. Pastor arrived on December 11, and Prime Minister Manley arrived the next day. The mission was assisted by Dennis King of the Carter Center and Ambassador Matthew Beaubrun of Jamaica. (See Appendix 3 for their schedule). They saw leaders from the Haitian government, including the President, the Prime Minister, the Presi

led by General Fisher. U.S. forces will gradually be reduced to about 2,800 by March when the MNF will be replaced by the U.N. mission (UNMIH), which will be commanded by U.S. General Kinzer. A total of about 6,000 troops will remain under UN Resolution 940 until the inauguration of the new President on February 7, 1996.

At the time of the entry of the MNF, the FAD'H (Haitian Armed Forces) reportedly had 7,100 troops, but a more accurate number is 6,400 soldiers. A count of the FAD'H after the MNF entry revealed only 5,800 soldiers. The others either disappeared or existed only on paper with their salaries going to some officers. Popular hostility to the FAD'H is due to its long history of repression. Its officers also controlled the police and the "attaches."

President Aristide said he would preserve the army but reduce it to 1,500. The police would be separated as mandated by the Constitution (1987), and a new force of 4,000 would be trained. Since the arrival of the MNF, human rights violations have declined significantly. Although reports of crime have increased, this is because most of these refer to crimes that occurred years ago. According to the MNF, crime in Port-au-Prince, as compared to Detroit, a city of comparable size and population, is quite low.

The government and MNF set up Screening Committees to deselect those soldiers who had been engaged in human rights violations. Another committee has selected trainees for the Interim Public Security Force (IPSC). This vetting process has been criticized for not including human rights non-governmental organizations. (See the report by the Lawyers Committee for Human Rights, *Warning Signs in Haiti: The Multinational Force and Prospects for the Rule of Law*, New York, December 1994.) Thus far, 2,500 interim police have been trained in Haiti in six-day courses and another 500-1500 Haitians have been

defending just the other. Thus, the period before the departure of UN forces is critical for establishing as neutral and apolitical a police force as possible.

The international community needs to keep its focus on that

For example, on Monday, December 12, the Council mission learned that confusing instructions were passed from the Minister of Defense General Larison to Generals Beaubrun and Poisson to "demobilize" the FAD'H (Armed Forces of Haiti) to a total of 1,500 personnel within 24 hours. This caused serious concerns among officers and enlisted men. The officers refused to implement the instructions, and rumors of a coup were rampant. Subsequently, the instructions were clarified so that the force would be reduced more gradually to 3,000 officers and troops, and those who had not been retained would be assured employment in domestic ministries.

Another issue is the security of the rural areas. It will take time before a judicial system can be instituted, but in the short-term, the FAD'H as an instrument of repression has been replaced by the benign and neutral MNF throughout the country. Dr. Pastor travelled to Mirebalais, about 45 miles northwest of Port-au-Prince, and met with the Special Forces detachment of about 12 that is providing security, justice and much else to the town and the wider community of about 80,000. The Special Forces group was extremely impressive. They have cleaned up the army barracks, rounded up the FAD'H, and helped the Interim Police get established and welcomed by the community. Their civic education activities are equally important. The group's leader has a weekly radio show where he explains the decisions of the government and MNF and answers questions through a Creole interpreter. He has promoted dialogue among disparate groups, even between Lavalas, Aristide's movement, and FRAPH, the paramilitary political group set up in 1993 by leaders in the Cedras government to attack Lavalas. What is missing in the rural areas to complement the Special Forces is a local political and administrative dimension and an intensive development program. The first steps toward addressing the political and administrative problems will be in the elections and the decentralization of the federal ministries. The Agency for International Development (A.I.D.) has developed the Office of Transition Initiatives, which will place teams of 4-6 civilian technicians in 15 locations by

mid-January to work with the local community to identify and build small projects. Whether these teams have the needed resources to do the job remains to be seen.

3. *The Political Climate*

Setting.

object to candidates, three more weeks to organize political parties and re-register, 40 days for campaigning, and additional time for run-off elections. In addition, the purchasing of voting materials requires at least 2 weeks, and the printing of almost 12 million ballots for all the elections (800 different ballots for roughly 2.5 million voters) will take another two weeks.

A new electoral law can reduce the amount of time required by each step to as low as 10 weeks, although 14 weeks would be far more realistic. (It is useful to recall that the date for the 1990 election had to be postponed - from November 4th to December 16th because of administrative delays.)

Since November, government and political leaders have worked on a number of elections issues, including: (1) whether the Elections Commission (EC) should be permanent or Provisional; (2) whether the current Parliament should govern after their constitutional mandate expires, or whether the President should rule by Executive Decree; (3) the method for selecting EC members; and (4) whether to have the new electoral law by Parliament or by Executive Decree (as was done in 1990). The President consulted Parliamentary leaders, but a consensus did not readily emerge.

The Council mission discussed these issues in every meeting, and encouraged political leaders to move quickly to establish an Elections Commission and hold an election. Both the government and its opposition attributed the delay to the other, but both sides eventually accepted the essential elements of a consensus that the Council team outlined (Appendix 4), especially on the urgency of selecting a Provisional Elections Commission and submitting an electoral law that would reduce the time needed to conduct an election. Still, Parliamentary leaders preferred the President to choose his three representatives first, while President Aristide insisted that the other two branches go first.

On December 12 and 13, there were rumors that the President had signed an Executive Decree on the Elections Commission, but no one - not even the Prime Minister - could verify it. Two hours after our meeting with the PM, the President informed us that he had signed the decree the previous Thursday, and that it set a deadline of December 14, for the nomination of three candidates by each of the branches of government (Appendix 5). He would not comment on what would happen if a Branch failed to nominate three members, except to say he would not appoint all nine members.

The Council mission responded that there was not much time for the other two branches to decide, particularly as the Parliament seemed unaware of the decree, and it had not been published. President Aristide agreed to extend the deadline until the end of Friday, December 16, and he told Dr. Pastor that he would call the Parliament into a special session late on Friday if it failed to deliver the names. On that day, all nine members were appointed, and the President issued a decree naming them. (Appendix 6) The members of the Provisional Electoral Council (CEP) met and elected a president, Anselme Remy, a Vice President, Leon Manus, and a Secretary General, Jocelyn Lasseque. They met again on January 4th to prepare a draft electoral law.

The confusion over the Elections Commission and the Executive Decree illustrates the kinds of problems that exist in a transitional country and foreshadows the difficulties that can be expected as Haiti moves to its 1995 elections. Each side was certain that the other was not serious: the President thought his opposition was stalling because they were likely to lose the election; the opposition thought the President wanted to delay a decision on the CEP in order to be able to rule by Executive Decree when the constitutional mandate expires. By eliciting a consensus on the need for rapid decisions, international interlocutors helped both sides to see that the issue could be resolved. The good

news is that the democratic process is working and moving forward, albeit slowly and awkwardly.

Truth Commission. In June 1992, the Carter Center hosted a conference to study the ways that new democratic governments dealt with the human rights violations of their authoritarian past. The conclusion was that every country had to find its own formula for balancing the pursuit of justice against past crimes with the need for reconciliation and forgiveness in order to move the country forward. In several cases, a "truth commission" had been est

always poor; now, its worse. A few wealthy families have virtual monopolies on the importation of certain products.

He acknowledged that the hardest challenge of all was to implement a policy without a competent civil service. For example, he thought it unlikely that tax revenues could be increased because there are too few government accountants to identify the violators and no judicial system to try them. We noted that a few well-targeted arrests and trials - as occurred under President Salinas of Mexico - could have a profound demonstration effect.

In response to our questions over the extent of President Aristide's support for his program, Delatour said that his views were well-kn

enthusiastically, for the Council playing a continuous role in assisting the electoral process. As Lakdar Brahimi, the U.N. Special Envoy on Haiti, described it: "We are all parts of an orchestra." Everyone has a role to play to make sure that the music of democracy can be heard.

Given the mutual suspicions in society and the administrative weakness, the conduct of the elections is likely to be problematic. Moreover, in a non-presidential election, the ballots and the choices might prove to be difficult for voters to understand and even harder for international observers to detect a pattern of problems. "Quick counts" - occurred under President Salinas of Mexico - or parallel voter tabulations - are important techniques for ensuring that the outcome of the vote count reflects the preference of the electorate. Such "quick counts" are generally conducted for Presidential elections, and indeed, the one conducted by the UN/OAS for the 1990 election in Haiti was crucial for determining the winner early. It will be far more difficult to do such a survey for a Parliamentary election.

U.S. A.I.D. has given much of its support in the area of democratic governance to the U.N. and the O.A.S., with the former helping to conduct the election, and the latter, working to observe it. **The Council should work with the UN and OAS and assess whether it should undertake a formal observation of the election or concentrate on the pre- and post-election period.** The mission also met with Dr. Allen Weinstein of the Center for Democracy, which has done a good deal of important work with the Haitian Parliament. We should continue to coordinate our work with the Center.

Several people recommended that the Council undertake to train a Haitian election observer group. A team from the National Democratic Institute for International Affairs (NDI) recently discussed this issue and concluded that it was not a good idea because of the country's polarization, and a better use of time and resources would be to train party poll-watchers. [NDI, *Report of the NDI Survey Mission to Haiti: October 30- November 5, 1994*] NDI has that experience, and their activities in this area would be critical. We agree that establishing a local monitoring group might prove very difficult, perhaps impossible at this time, but nonetheless, it could also provide a foundation for developing a civic, democratic culture. For that reason, **we think it would be worthwhile to send a small team to assess whether such a local observer group would be feasible and, if so, how it could most contribute to the building of a democracy.**

The Council should also continue to monitor the progress of the Truth Commission and help all sides to understand that Haiti's exit from its tragic past will require that it finds the right balance between reconciliation and justice.

areas of education, reforestation, and agriculture. Dr. Pastor spoke with the President, the Prime Minister, U.S. AID officials, and the UNDP about finding new linkages that could help the University of Port-au-Prince. A survey team from UGA is expected to visit Haiti by late January to assess the possibilities of such collaboration.

In addition, President Aristide expressed great interest in working with Prime Minister Manley and President Carter in a massive, nation-wide drive to plant trees. A.I.D. is already funding a major reforestation effort through the Pan American Development Foundation. Carter Center staff discussed this idea with AID officials and with Auburn University advisors, who already have substantial experience, to assess whether this is an idea worth exploring.

Appendix 1

September 18, 1994

AN AGREEMENT REACHED IN PORT-AU-PRINCE, HAITI

1. The purpose of this agreement is to foster peace in Haiti, to avoid violence and bloodshed, to promote freedom and democracy, and to forge a sustained and mutually beneficial relationship between the Governments, people, and institutions of Haiti and the United States.
2. To implement this agreement, the Haitian military and police forces will work in close cooperation with the U.S. military Mission. This cooperation, conducted with mutual respect, will last during the transitional period required for insuring vital institutions of the country.
3. In order to personally contribute to the success of this agreement, certain military officers of the Haitian Armed Forces are willing to consent to an early and honorable retirement in accordance with UN Resolutions 917 and 940 when a general amnesty will be voted into law by the Haitian Parliament, or October 15, 1994, whichever is earlier. The parties to this agreement pledge to work with the Haitian Parliament to expedite this action, their successors will be named according to the Haitian Constitution and existing military law.
4. The military activities of the U.S. Military Mission will be coordinated with the Haitian military high command.

5. The economic embargo and the economic sanctions will be lifted without delay in accordance with relevant U.N. Resolutions and the need of the Haitian people will be met as quickly as possible.
6. The forthcoming legislative elections will be held in a free and

hopes of millions of your people for democracy and justice. No one in history has touched so many of your people as you have, nor enjoyed so much international support as you.

In the past three years, you have spoken many times with me and your other fellow members of the Council of Freely-Elected Heads of Government, which monitored the elections that you won in

University of Georgia, Dr. Charles Knapp, who worked in my Administration, regarding a possible role for the University System of Georgia (including 6 universities and 13 senior colleges) in assisting you in rebuilding the educational infrastructure in Haiti. If you are interested, I would ask Dr. Knapp to organize a small team from the University of Georgia to go to Haiti to work with your educators to prepare a strategy for rebuilding Haiti's institutions of higher education, increasing student and faculty exchanges between Haiti and the United States, and developing a training program to improve and update the skills of administrators, teachers, and professors.

3. *Reconciliation and Justice.* We had a meeting at The Carter Center to discuss the problem of how to balance the need for justice with the need for reconciliation. I know that you have spent a good deal of time working on this issue as well. The amnesty law goes part of the way to meet some of the concerns. We would be pleased to share with you the findings from our conference on the subject and to provide whatever assistance you believe would be helpful to assure both justice and reconciliation.

These are just three ideas that we would be prepared to pursue as you assume the burdens of office. I would be pleased to discuss these ideas with you, or if it would be more convenient, I could send Dr. Pastor to meet with you.

Michael Manley and other members of the Council have struggled along with you during these difficult years. We all wish you well in the future.

Sincerely,

His Excellency Jean-Bertrand Aristide
President of the Republic of Haiti
Port-au-Prince
c/o Embassy of Haiti
Washington, D.C.

cc: Michael Manley

PRH/LF/042

Port-au-Prince, November 10, 1994

Dear President Carter:

I take this opportunity to thank you once again for all your efforts to support Haitian democracy.

In your letter of October 12, which I received just before leaving Washington, you outlined some areas of interest of the Carter Center in regards to Haiti's future. I write to you now to assure you whatever participation you offer will be welcome.

The restoration of democracy to Haiti could not have been achieved without both the determination of the Haitian people, and the assistance of the international community. In the days and weeks ahead we know Haiti will continue to need support and assistance from abroad as we seek to deepen the roots of our democracy and to build the institutions that will sustain it.

Given the tremendous challenges that Haiti faces after three devastating years, I and my government stand ready to welcome the participation of international groups.

Appendix 3

Schedule of Meetings

**December 1994 Delegation to Port-au-Prince
Council of Freely Elected Heads of Government**

SUNDAY, 11 DECEMBER 94

6:00 - 7:45p -

Briefing by U.S. Charge Vicki Huddleston at Kenam Hotel.

7:15 - 7:45p -

Reception for New Orleans Mayor and Allan Weinstein at Montana Hotel. Talk with Port-au-Prince Mayor Evans Paul.

8:00 - 9:45p -

Dinner at residence of Marc Bazin with Minister of Environment, Tony Verdier, and others from MIDH, Bazin's party

10:00 - 11:00p -

Meeting with President of Chamber of Deputies Frantz-Robert Monde, former Chamber President Autoine Joseph, Deputy Micha Gaillard, and Allan Weinstein at Creole Villa Hotel.

MONDAY, 12 DECEMBER 94

9:00 - 10:00a -

Briefing for Dr. Pastor by country team at U.S. Embassy and with Mr. Raymond Kelly, Chief of International Police Monitors

9:15 -

Michael Manley and Matthew Beaubrum arrive Port-au-Prince.

10:30 - 10:30a -

Briefing by Multinational Force commander, General Meade at MNF headquarters, light industrial complex.

12:30 - 1:45p -

Lunch with Leslie Delatour, Governor of the Central Bank-designate and Raymond Lafontant, Director of the Haitian Manufacturers Association at Kenam Hotel.

2:00 - 3:00p -

Meeting with chief, UN electoral advisory unit Nguyen Dong, elections consultant Marc Antoine Noel, and colleague at Kenam Hotel.

3:15 - 4:15p -

Meeting with Senate President Firmin Jean-Louis, and Senators Julio Laroissiere and Leonard Dejois (PAIN) at senate office.

4:30 - 6:30p -

Meeting with representatives of four political parties at Kenam Hotel.
Serge Gilles PANPRA

Philippe Stephenson PANPRA
Micha Gaillard KONAKOM
Dunois Eric Contole KONAKOM
Gerard Pierre-Charles LAVOLAS
Louis DeJoire II PAIN
Charles Millerif PAIN
Pierre Simon George PAIN
Paul Duchuteflier Jr PAIN

6:45 - 8:30p -

Reception at residence of DCM Vicki Huddleston. Meet with General Bernard Poisson.

9:00 - 9:45p -

Meeting with commander of CARICOM forces, General Graham at Kenam Hotel.

TUESDAY, 13 DECEMBER 94

8:30 - 11:00

Flight to Cap Haitien by Manley, Pastor, and Beaubrun to review the changing of the Guard for the CARICOM contingent

11:30 - 12:30

Manley meeting with Marc Bazin

12:45 - 1:45p -

Meeting with Prime Minister Smark Michel at PM's office.

2:00 - 3:00p -

Meeting with Port-au-Prince Mayor Evans Paul at mayor's office.

3:30 - 5:15p -

Meeting with President Jean Bertrand

Meeting with Ross Mountain, UNDP resident representative de

THE COUNCIL OF FREELY ELECTED HEADS OF GOVERNMENT

The Council of Freely Elected Heads of Government is an informal group of 25 current and former heads of government from throughout the Americas. The Council was established in November 1986 at a meeting chaired by former U.S. Presidents Jimmy Carter and Gerald Ford on "Reinforcing Democracy in the Americas" at the Carter Center. The Council's goals are to reinforce democracy in the Americas, promote multilateral efforts to resolve conflict in the hemisphere, and to advance regional economic cooperation.

The Council has been a pioneer in mediating and observing elections. The Council or its representatives have observed elections in Panama (1989, 1994), Nicaragua (1989-1990), the Dominican Republic (1990), Haiti (1987,1990), Guyana (1990-1992), Suriname (1991), the United States (1992), Paraguay (1993), and Mexico (1992, 1994). The elections in Nicaragua and Haiti were the first free elections accepted by all parties in the two nations' histories, and in Guyana, the first such elections in 28 years. The Council has worked since the elections to help consolidate democracy in Guyana, Nicaragua, and Panama. After the agreement negotiated by Jimmy Carter, Senator Sam Nunn, and General Colin Powell in September 1994 in Haiti, and the return the next month of President Jean-Bertrand Aristide, the Council sent a mission led by former Prime Minister Michael Manley and Dr. Robert Pastor to assess whether the Council could be helpful there. President Aristide and other political leaders invited the Council to be "partners" in building democracy there.

The Council is based at the Latin American and Caribbean Program of the Carter Center of Emory University. Dr. Robert Pastor, Fellow at the Center, is Executive Secretary of the Council; Dr. David Carroll is Associate Director; Dr. Jennifer McCoy, Senior Research Associate; and Ms. Harriette Martin, Administrative Assistant.

Council of Freely Elected Heads of Government

- ! Jimmy Carter, former U.S. President, Chairman of the Council
- ! George Price, former Prime Minister of Belize, Vice-Chairman
- ! Jean-Bertrand Aristide, President of Haiti (1991-present)
- ! Rafael Caldera, President of Venezuela (1969-1974, 1994-present)
- ! John Compton, Prime Minister of St. Lucia (1987-present)
- ! Luis Alberto Lacalle, President of Uruguay (1989-present)
- ! P.J. Patterson, Prime Minister of Jamaica (1992-present)
- ! Raúl Alfonsín, former Argentine President (1983-1989)
- ! Nicholas Ardito-Barletta, former Panamanian President (1984-1985)
- ! Oscar Arias Sánchez, former Costa Rican President (1986-1990)
- ! Patricio Aylwin Azocar, former President of Chile (1990-1994)
- ! Fernando Belaunde Terry, former Peruvian President (1963-1968, 1980-1985)
- ! Belisario Betancur, former Colombian President (1982-1986)
- ! Rodrigo Carazo, former Costa Rican President (1978-1982)
- ! Vinicio Cerezo, former Guatemalan President (1986-1990)
- ! Joseph Clark, former Canadian Prime Minister (1979-1980)
- ! Gerald Ford, former U.S. President (1974-1977)
- ! Osvaldo Hurtado, former Ecuadoran President (1981-1984)
- ! Alfonso López Michelsen, former Colombian President (1974-1978)
- ! Michael Manley, former Jamaican Prime Minister (1972-1980, 1988-1992)
- ! Carlos Andrés Pérez, former Venezuelan President (1974-1979, 1989-1993)
- ! Erskine Sandiford, former Prime Minister of Barbados (1987-1994)
- ! Julio Maria Sanguinetti, former Uruguayan President (1985-1989)
- ! Edward Seaga, former Jamaican Prime Minister (1980-1988)
- ! Pierre Trudeau, former Canadian Prime Minister (1968-1979)

Notes

Note 1: The report represents the shared analysis and recommendations of Hon. Michael Manley and Robert Pastor. It was drafted by Dr. Pastor in mid-December, edited by Mr. Manley, and then revised by Pastor in early January, after receiving helpful comments from Dennis King, Jennifer McCoy, and David Carroll. [Back.](#)