



Updated January 6, 2017

Haiti Declares Winner of Presidential Election After Delays

On January 3, 2017, Haiti's electoral council declared political novice Jovenel Moise the winner of its November 2016 presidential elections. Elections had been delayed repeatedly, leaving Haiti without an elected president for almost a year. The inauguration will probably be held on the constitutionally mandated date of February 7.

Final results show Moise of the Bald Head Party (PHTK, former President Michel Martelly's party), an agricultural exporter, won with almost 56% of the vote. Voter turnout was 21%. Jude Célestin received about 20% of the valid vote; Moise Jean-Charles won 11%; and Maryse Narcysse, of former President Jean-Bertrand Aristide's Fanmi Lavalas party, garnered 9%. Those three candidates filed complaints; after a formal appeals process, the provisional electoral council (CEP) announced final results on January 3. Because Moise still has more than 50% of the vote and/or 25% more than the next candidate, no run-off vote will be necessary. Run-off elections for some parliamentary and local elections will be held on January 29, 2017.

Contested positions in November included the presidency, with 27 candidates; 10 Senate seats, with 116 candidates; and some disputed seats in both chambers from earlier elections. One legislator is sure to cause particular concern for the United States. Guy Philippe, a former coup leader, was elected to the Senate for a six-year term. He is wanted by the U.S. Drug Enforcement Administration for alleged drug trafficking and money laundering. Philippe is reportedly allied with president-elect Moise's PHTK.

The new president will take over the poorest country in the hemisphere, plagued by high political tensions, security concerns, low economic growth, a cholera epidemic, and greatly reduced foreign aid.

Prolonged Lack of Elected President

Haiti has been without an elected president since February 2016. After the Haitian government failed to complete a cycle of elections, including a second round of presidential voting at the end of 2015, former President Michel Martelly ended his term without an elected successor. The legislature named Senate President Jocelerme Privert interim president, to ensure that second-round presidential elections took place in April 2016 and a new president was installed in May. Privert established a verification commission to investigate opposition-party charges of electoral fraud; the commission called for the first round of the presidential election to be re-held. Some international observers disagreed with the need to re-hold the presidential election but acknowledged a potential political need to re-hold the election due to public perceptions of its legitimacy.

Meanwhile, Privert's term expired on June 14, 2016, and the Haitian legislature has repeatedly failed to vote on extending his mandate or appointing another provisional

president. The Obama Administration has said it will continue to recognize Privert until another official is named. Violent attacks against candidates, a police station, and businesses have added to concerns over stability.

U.S. Special Coordinator for Haiti Kenneth Merten said in October that the United States hoped Haiti would hold credible elections so that there would be a "democratically elected government from top to bottom to deal with ... on things like recovering from [Hurricane Matthew], and the recovery work that still needs to be done" after the devastating 2010 earthquake.

The Obama Administration welcomed the holding of the November elections and issuance of the results as important steps toward returning Haiti to full constitutional rule.

Troubled Electoral Processes Threaten Stability

Haiti has been slowly transitioning from centuries of authoritarian rule to a democratic government over the past 30 years. Progress has been made in developing democratic institutions, but—as evident in the electoral delays—these institutions remain weak. During this period, elections have been sources of increased political tensions and instability in the short term. Haiti's current electoral problems are part of a troubled process extending back for years, due to the failures of previous governments to hold a series of presidential and legislative elections for prolonged periods.

We congratulate President-elect Jovenel Moise on his first-round victory and look forward to working closely with him as we strengthen our longstanding partnership with Haiti. We urge all actors to accept the final results, refrain from violence, and work together to build a stable and prosperous Haiti.
U.S. Department of State Spokesperson, January 3, 2017

In the long term, elected governments in Haiti have contributed to the gradual strengthening of government capacity and transparency. Still, in the present circumstances, the international community has expressed concern that continual delays have hampered the Haitian government's ability to function, decreased the public's faith in public institutions, exacerbated political polarization, and threatened stability.

A key problem has been the lack of a permanent electoral council, which the 1987 Haitian constitution established as the body responsible for setting dates for and organizing new elections. There has never been a permanent council, only provisional ones. Nine elements of the Haitian government and civil society were supposed to propose the council members. Delayed elections contributed to the problem; without a full government in place, some of those entities were not able to name their nominees, so temporary councils were formed. The formation of each electoral council involved political disputes, and each council was

inexperienced at running elections. In 2012, constitutional amendments went into effect that included a streamlined process for creating a permanent electoral council. Despite that new process, forming an electoral council continues to be fraught with political disputes and a key reason why organizing elections in Haiti remains difficult.

For instance, former President Martelly assumed office for a five-year term in May 2011 and fired the CEP responsible for organizing new legislative elections in December 2011. He did not begin to form a new council until June 2012, six months after elections for one-third of the Senate should have been held under Haitian law. It became difficult for the Senate to meet the quorum needed to conduct business, including naming its representatives to the CEP and passing necessary electoral laws. For the next three years, the political process progressed in fits and starts and contributed to heightened political tensions. In January 2015, the legislature was dissolved, as most legislators' terms had expired without elected replacements. Martelly began to rule by decree. The same month, the government established a new CEP—the fifth iteration under Martelly.

Dispute over the 2015 Elections

The Haitian government finally organized elections in 2015. First-round legislative elections were held in August; runoff legislative elections and first-round presidential elections were held simultaneously with municipal elections on October 25. Elections featured 54 presidential candidates, most representing parties organized around personalities more than platforms. The CEP declared that Moïse, the candidate for Martelly's party, and Célestin, who lost to Martelly in 2011, would proceed to a runoff. For both the August and the October elections, the United States, the Organization of American States, the European Union, and other international electoral observers found that irregularities existed but were not sufficient to invalidate the results. The relatively peaceful first-round presidential elections were followed by sometimes violent protests over the contest's validity. A coalition of eight candidates, which included Célestin, alleged fraud, including by the government.

Disputes Voiced Outside the Legal Framework

Another key problem that stalls elections is the failure of political actors to use established legal and constitutional procedures to address or resolve disputes. The opposition has resorted primarily to street protests and demands for actions outside the constitutional framework, such as calling for an independent commission to conduct a recount, to address its allegations of electoral fraud. One Haitian observer group supported by the U.S. Agency for International Development (USAID) expressed concern that “a group of presidential candidates have refused to take the path of formal dispute and preferred to ... demand verification ... by an Independent Commission.” The group called for certain political actors to show “political maturity ... to avoid the political chaos looming on the horizon.” U.S. Haiti Special Coordinator Merten repeatedly urged candidates to file complaints and evidence of fraud through the existing legal framework. Only two candidates, including Narcysse, did so.

The government postponed the runoff presidential elections scheduled for December 27, 2015, just one week before elections were to be held because of the ongoing disputes and fears of violence. Despite pressure from the international community, including the U.N., to transfer power through elections within the constitutional time frame, it became clear that Haiti would not hold elections before the constitutional end of Martelly's term. The Haitian constitution (as amended in 2012) provides for temporary executive powers to complete a president's term but does not address the situation in which a president finishes his or her term but has no elected successor. Martelly and the legislature drew on elements of the constitution to work out an agreement under which the legislature elected a provisional president to serve for 120 days, during which time the provisional president would appoint a prime minister to oversee elections. As mentioned above, Privert was elected provisional president.

Following the release of the verification commission's report, the CEP canceled a runoff in April 2016 and scheduled new presidential elections and some legislative contests for October 9, 2016 instead. That vote was delayed when Hurricane Matthew devastated parts of Haiti on October 3-4. The worst hurricane in a decade left 1.4 million people in need of immediate assistance, according to the United Nations (U.N.). The United States and other donors have responded with aid.

U.S. Elections and Other Assistance

The United States contributed \$33 million for the electoral cycle that began in 2015, assuming three rounds of elections—a legislative first round, simultaneous legislative second round and presidential first round, and presidential final round. Rejecting the CEP's decision to re-hold the 2015 presidential election, the State Department suspended U.S. electoral assistance in July 2015. After Hurricane Matthew, however, the U.S. Embassy provided aid to help rehabilitate voting centers and roads damaged by the storm to facilitate voting. USAID has provided \$48 million in additional humanitarian assistance since the storm hit. Much of this aid will focus on preventing the spread of cholera. The Department of Homeland Security temporarily suspended deportations of certain Haitians on a limited basis following the hurricane but resumed the deportations in early November. The Administration's FY2017 request for aid to Haiti totals \$218 million, a \$25 million decrease from actual FY2015 assistance to the country.

The 114th Congress expressed concern over stalled elections in the FY2016 Consolidated Appropriations Act (P.L. 114-113), which required the State Department to withhold all assistance for the “central government of Haiti” until the Secretary of State certifies that the Haitian government was “taking effective steps” to hold free and fair parliamentary elections, and other steps. The State Department has stated, however, that it does not provide any direct assistance to the Haitian government.

Maureen Taft-Morales, Specialist in Latin American Affairs

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