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## THE FEASIBILITY OF ELECTIONS

Determining the date for the postponed legislative elections and the presidential elections was not, however, a purely legal exercise. It required an assessment of the capacity of the relevant Haitian institutions and the political environment in the country. An April 2010 feasibility study commissioned by the US Agency for International Development (USAID) and carried out by the International Foundation for Electoral Systems (IFES) did just that and identified eight issues that needed to be addressed and solved (Laguenny and Dérose 2010). Some of these issues had materialized out of the earthquake or were pre-existing and exacerbated by it. (Given the natural-hazard focus of this case study, those issues which fall outside these two categories and are less closely related to the earthquake will be addressed more superficially.)

One of the most pressing issues identified in the study was the production and distribution of identity cards to two categories of voters: those who had lost them as a result of the earthquake and new registrants. UN assessments indicated that 'a very large number' of identity cards had been lost in the earthquake while Haiti's National Identification Office (ONI) figures suggested that between January and 28 September 2010 (the registration cut-off date) an additional 315,000 identity cards would be needed for new registrants (ICG 2010). Related to this was the need for timely international funds to finance the production and distribution of these identity cards—and other electoral activities. The earthquake also posed a set of further registration challenges. The estimated 250,000 deceased voters would have to be removed from the voters' roll and displaced voters would have to be reallocated to accessible polling stations—although the fact that the majority of displaced voters continued to live near to their former residences and polling stations reduced the scale of the reallocation challenge (Laguenny and Dérose 2010; Taft-Morales 2011). The study recognized that the removal of deceased voters from the roll could not realistically be achieved before election day, but that the implementation of additional measures such as photographic identification (ID) and indelible ink could protect the integrity of the election.

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Finally, the study noted that the earthquake made Haiti's long-standing security problems even more threatening, having destroyed police stations; caused the death or disappearance of over 500 police officers (out of 9,000 in the Haitian National Police Force, PNH); and made possible the escape of 4,000 prisoners from one of Port-au-Prince's prisons. The shortage of police officers would later undermine the PNH's capacity to provide electoral security. Other issues that IFES identified were: a lack of credibility and trust in the CEP; the related need for civil society involvement in the public information and observation processes; the general population's lack of understanding of governance issues; and weak political parties (Laguery and Dérose 2010).

The IFES feasibility study stated that if these issues were addressed and solved, it believed the elections could be held before the end of 2010. A UN feasibility study published in May 2010, and commissioned by President Préval, reached a similar conclusion (ICG 2010). On 30 June, the President signed a decree calling both parliamentary and presidential elections for 28 November (IPU 2013). As detailed below, the arrival and rapid spread of cholera on Haiti in October and November 2010 caused some to suggest that the context had changed to such an extent as to render the elections no longer feasible. Before examining these concerns, however, this case study will first address the measures that were taken to tackle the issues raised in the IFES feasibility study.

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## VOTER REGISTRATION

Under Haitian law, responsibility for voter registration is shared between the CEP and the ONI (OAS/CARICOM 2011). The CEP produces the register of voters on the basis of data supplied by the ONI from the civil registry it maintains (*Haiti Libre* 2012; ONI n.d.). The ONI also has responsibility for issuing national identity cards to Haitian citizens when they turn 18 (*Haiti Libre* 2012; OAS/CARICOM 2011). These national identity cards are the only accepted form of voter ID and are a mandatory part of the polling process. The UN's initial forecasts of very large numbers of missing ID cards were not borne out in the number of applications for replacement cards (see ICG 2010: the ONI disputed the UN's assessments, stating that citizens tended to carry their ID cards on their person or could retrieve them from damaged structures. They referred to the fact that in the wake of 2008 floods in Gonaives, Artibonite Department, only 10,000 requests for replacement cards were made—well short of the 200,000 estimated by an OAS-USAID project). Nevertheless, between January and September 2010, the 28,857 applications received represented a significant increase in the card production and distribution workload.

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that translated into long queues of frustrated citizens at collection centres (Beaubien 2010). The distribution operation that ran up to the day before the election ended with boxes of undistributed cards (Miroff 2010). These distribution difficulties occurred in spite of the expansion of the ONI's ID card workforce (OAS/CARICOM 2011) and the assistance it received from a voter ID campaign—supported by the Organization of American States (OAS) and bilaterally by Canada—which provided a mobile ID card distribution service, among others (*Haiti Libre* 2010; OAS 2010).

As mentioned, the task of updating the voters' roll consisted of two parts: the reallocation of voters to accessible polling stations and the purging of deceased voters from the register. To address the first part, the CEP launched a two-month Operation and Verification Centre (OVC) campaign, which began on 19 August (OAS/CARICOM 2011). The campaign established 1,480 such centres throughout Haiti (ICG 2010) where voters could make polling reallocation requests; 42 of these were mobile centres serving the West Department's 14 IDP camps (OAS/CARICOM 2011). Those who did not request to change their polling station had to vote at the one they had used in the 2009 elections. It should be noted that between the 2006 and the 2009 elections changes had been made to the polling stations to which voters had been assigned and because the turnout in 2009 had been very low (10–11 per cent), many voters would have been unaware that they had been moved to a different polling station (IFES 2010).

The OVC campaign was conducted in parallel to the regular civil registration activities carried out by the ONI, which included entering new voters onto its civil registry and processing address changes on the same registry (ICG 2010). At the conclusion of the OVC campaign, the data compiled by the OVC was entered into a database alongside the data provided by the ONI, which was then used to draw up the voters' roll. The roll, including voters' full names and polling stations, was published on 28 October and displayed in all Communal Election Bureaus for inspection by the electorate. From 19 November, voters were also able to check the location of their polling station by contacting a 24-hour call centre (OAS/CARICOM 2011; IFES 2010).

The voter reallocation process was hampered by a number of impediments. Of particular concern to observers was the late deployment of the mobile OVC serving the IDP camps, as was the tardy and inadequate voter education campaign which failed to sufficiently explain the OVC campaign and clarify how it related to the work being carried out by the ONI. Also noted was the rain damage to publicly displayed copies of the voters' roll and the short operational period of the call centre, which impaired voters' ability to verify their polling station. In relation to these challenges, the Organization of American States-Caribbean Community Electoral Observation Mission concluded 'this situation is understandable in light of Haiti's infrastructural deficiencies, which were aggravated by the damage caused by the earthquake' (OAS/CARICOM 2011).

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As the IFES feasibility study had predicted, the purging of Haiti's voters' roll of deceased voters was not possible to achieve in the period before election day and was deferred to after the election. The principal reason for this was Haiti's antiquated civil registry system, which required the issuance of a death certificate before a name could be removed from the civil register on which the voters' roll was drawn—something beyond the mandate of the CEP and ONI at the time. Efficiently removing the names of the 250,000 voters who died in the earthquake (as well as the backlog of deceased voters whose deaths had pre-dated the earthquake) required a systematic modernization, something the OAS was facilitating at the time (ICG 2010).

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## **ELECTORAL SECURITY**

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**The task of supporting the depleted PNH in guaranteeing security and stability fell to the United Nations Stabilization Mission in Haiti (MINUSTAH).**

The task of supporting the depleted PNH in guaranteeing security and stability fell to the United Nations Stabilization Mission in Haiti (MINUSTAH). The mission, which had been established by the UN Security Council in April 2004 to restore security and stability in Haiti (UN Security Council 2004) following a February 2004 coup d'état that had removed President Bertrand Aristide, had had a peacekeeper presence in the country since June that year (UN 2004). While the Security Council Resolution establishing MINUSTAH had restricted its police component to 1,622 civilian police and its military component to 6,700 troops (UN Security Council 2004), in the immediate wake of the earthquake an additional 1,500 police and 2,000 additional military personnel were authorized. Among other purposes, this reinforcement was intended to serve as a reserve force in the event of a deterioration of the security situation (UN 2010a). MINUSTAH's work was focused on protecting the civilian population. This included 'joint community policing in [IDP] camps ... strengthening mechanisms to address sexual and gender-based violence... [and] tackling the risk of a resurgence of gang violence, organized crime, drug trafficking and the trafficking of children' (UN 2010b).

In the lead up to the election, however, MINUSTAH also played an important role in providing security for campaigning activities and at polling stations on election day. Alongside the PNH, whose capacity had been diminished by the earthquake (see above), MINUSTAH police played a role in organizing and policing meetings and debates among candidates and political parties, assessing security risks in all voting areas and developing a comprehensive security plan (OAS/CARICOM 2011). Anticipating the additional resources that this election security work would require, on 4 June the Security Council authorized the deployment of an additional 680 police, which took the total MINUSTAH security force to 4,391 police and 8,940 military troops (UN Security Council 2010). The effectiveness of this enhanced security presence was tested during the campaign period.



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## CAMPAIGNING DURING A CHOLERA EPIDEMIC

The campaign period was split into two phases. During the first (the ‘silent’ phase), which ran from 27 September to 15 October, candidates were only permitted to campaign through visual material such as posters and banners. Then from 15 October to 26 November, candidates could campaign through the media and public events (OAS/CARICOM 2011). It was mid-way through this second phase that a relatively calm atmosphere was shattered by several incidents of serious violence perpetrated by protestors against UN peacekeepers and by candidates and their supporters against rivals. Connected to this violence was the worsening cholera epidemic, which by 20 November had prompted calls for the elections to be postponed (ABC/AFP 2010). Understanding the dynamics of the tumultuous second campaign requires a closer look at the impact of the epidemic.

From the death of the first victim in the town of Mirebalais on 12 October, cholera spread very rapidly (McNeil 2012). By 10 November the disease had claimed 582 more victims and reached Port-au-Prince (BBC 2010b). By 26 November the death toll had reached 1,600 and there were 70,000 more infections (Al Jazeera 2010). Because cholera had not been present in Haiti for decades (Sidder 2016), local knowledge of it—including how it is spread—was very limited (Carroll 2010a). This gave rise to widespread fear and suspicion, with many Haitians believing that it was not a natural or preventable disease (Grimaud and Legagneur 2011). To counter these misconceptions, Haiti’s Ministry of Health launched a public health campaign through messaging in the mass media and education materials which promoted hand washing, safe food handling and prompt treatment (PAHO 2010).

Fears relating to cholera were nonetheless widespread as polling approached and, while campaigning went on as usual, the cholera epidemic became a highly charged theme on the campaign trail (Katz 2010). Its politicization was fuelled by reports that the epidemic might have been brought to Haiti by a contingent of Nepalese peacekeepers and, some commentators suggested, the UN’s slow and dismissive response to the rumours (Fox and Katz 2010) which were widely believed—and subsequently shown to be true. (Experts later determined that the source of the cholera epidemic was indeed a UN peacekeeping camp and the UN accepted it played some role in the outbreak. See: Domonoske 2016.) Tensions reached a peak on 15 November, when anti-UN protests broke out in a number of cities, including Haiti’s second largest, Cap-Haitien. The protestors, who the UN claimed had been manipulated by political and criminal ‘spoilers’, burned cars, stoned UN bases and demanded the soldiers leave the country (Guylor Delva 2010a).

The anti-UN demonstrations were not the only instances of violence during the election campaign. Unverified complaints were made to OAS-CARICOM observers of intimidation and aggression between rival candidates and their supporters. Reported, too, were an ambush of a bus carrying journalists to a public meeting featuring one of the presidential candidates; an attack on the home of an executive director of one of the parties; and the ransacking of a

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government minister's car (Al Jazeera 2010). It should be noted, however, that electoral violence had been a feature of previous Haitian elections and on 26 November Edmond Mulet, the Head of MINUSTAH, assessed the situation to be 'calm, peaceful, serene and without violence' by comparison (Al Jazeera 2010).

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## **CALLS FOR FURTHER POSTPONEMENT DENIED**

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Eight days before the election, in a joint statement 4 of the 19 presidential candidates (none of whom were frontrunners) called for the election to be further postponed, citing the spiralling cholera epidemic (ABC/AFP 2010). The international organizations supporting the election made clear their opinion that it should proceed as scheduled and, according to Edmond Mulet, no postponement discussions were held with the Haitian Government and electoral authorities (Guyler Delva 2010b). In explaining the UN's position, Mulet stated that the technical and security preparations had been completed and that postponing the elections would create a political vacuum which would further destabilize the country (Guyler Delva 2010b). The Pan American Health Organization (PAHO) pointed out that 'the kind of movement and congregating you see with people going to vote is not the kind of movement that creates an increased risk of cholera transmission', which is generally transmitted through contaminated water and food (Al Jazeera 2010). Both of these messages were echoed by the European Union, whose electoral experts had been deployed (Gaestel 2010). UN data show a moderate increase in the number of observed cases in the three days following election day, but this cannot be directly attributed to the conduct of electoral processes (UN 2011).

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## **ELECTION DAY**

On election day, Haitian voters cast their ballots at over 11,000 polling stations across the country, including makeshift booths in the IDP camps (Al Jazeera 2010). To limit the spread of cholera, hand sanitizers were made available to voters at polling stations, which also displayed PAHO and World Health Organization posters describing how to prevent and treat the disease (Carroll 2010a).

Polling was observed by over 100 observers from the OAS-CARICOM Election Observation Mission and approximately 6,000 domestic election observers (OAS/CARICOM 2011).

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## ELECTION OBSERVATION MISSION FINDINGS

The report of the joint observation mission found that ‘the day of elections was marred by disorganization, dysfunction, various types of irregularities, ballot stuffing and incidents of intimidation, vandalism of polling stations and violence’ (OAS/CARICOM 2011a). Between them, election observers and the media described late opening of polling stations (one, in the Delma neighbourhood of Port-au-Prince had not opened ‘hours’ after the official 06:00 start time—see: Guylér Delva 2010c); voters experiencing difficulties in finding their polling station and their names on the voters’ list (a voter list for a polling centre serving one of the IDP camps contained only 39 names—see: Johnston and Weisbrot 2011); voters finding the names of deceased voters on the voters’ list (Carroll 2010b); a saturated call centre; voters still missing ID cards; and polling station officials unwilling to allow voters to cast their ballots on the basis of an affidavit (OAS/CARICOM 2011).

Many voters, including those in the IDP camps, therefore found themselves unable to vote (Johnston and Weisbrot 2011; Guylér Delva and Fletcher 2010). The frustration that this engendered, combined with the low levels of trust in the CEP, led voters to quickly interpret the chaos as the manifestation of widely anticipated fraud. By late morning, tensions in Port-au-Prince began to boil over into violence, with increasing incidents of polling stations being ransacked. These tensions were further fuelled when a majority of presidential candidates released a joint statement alleging fraud and calling for the cancellation or suspension of polling. In response to the ‘downward spiral’, the OAS-CARICOM mission withdrew its observers from the West Department and later from the North Department, the areas where the violence was most prevalent. Voting nonetheless continued until the scheduled closure of polling stations at 16:00. Despite identifying ‘serious irregularities’ the observation mission reported on 29 November that these were insufficient to invalidate the election (OAS/CARICOM 2011).

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## RESULTS

The preliminary presidential election result published on 7 December put Mirlande Manigat in first place with 31.37 per cent of the vote, Jude Célestin (the candidate backed by President Préval) in second place with 22.48 per cent, and Michel Martelly in a close third with 21.84 per cent. None of the presidential candidates won an absolute majority and as such a run-off was required between the two highest placed candidates (Georgetown University 2011). Placing Martelly out of qualification for the run-off, the publication of the results triggered violent demonstrations from his supporters in Port-au-Prince, Les Cayes, Cap-Haitien and elsewhere, in which five people were killed (see Guylér Delva 2010c; IPU 2013). In a bid to resolve the post-election crisis, President Préval invited the OAS to verify the tabulation of the presidential election results and postponed their publication until this had been completed (OAS 2011). On 13 January 2011 the OAS submitted a report which determined

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that Michel Martelly and not Jude Célestin had won the second highest number of votes, and he eventually went on to contest and win a run-off election against Mirlande Manigat (on 20 March 2011). In the legislative elections, 22 candidates for the Chamber of Deputies and 4 candidates for the Senate secured the absolute majorities required; the remainder of the contested seats in both houses went to a second round of elections, also held on 20 March (Johnston and Weisbrot 2011).

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## VOTER TURNOUT

Voter turnout for the presidential and legislative elections was 22.9 per cent overall, but just 12.8 per cent in Port-au-Prince and as low as 6 per cent in other areas (Johnston and Weisbrot 2011). This was down by 37 per cent from the 2006 presidential election, when turnout was 59 per cent, while turnout in the legislative elections (20 per cent) was down by 8 per cent (International IDEA n.d.). Some commentators have suggested that the low turnout was attributable to voters' fear of violence and cholera (CBS/AP 2011). Analysis conducted by the Center for Economic and Policy Research states that shortcomings in efforts to register and provide polling stations for IDPs likely contributed to 'the extremely low participation rate in the capital, Port-au-Prince and surrounding areas where the number of IDPs is the greatest' (Johnston and Weisbrot 2011, p.6).

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## LESSONS LEARNED

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**The challenges faced by electoral administrators in holding Haiti's 2010 elections were extreme.**

The challenges faced by electoral administrators in holding Haiti's 2010 elections were extreme. Even before the country was confronted with the effects of the compound disasters addressed in this case study, it was dealing with long-term societal and institutional problems that severely impeded electoral administration. Haiti's EMB was distrusted by stakeholders, voter turnout was declining, the country suffered from chronic security problems, and the electoral provisions of its Constitution had not been complied with—including the timely organization of elections (Laguëny and Dérose 2010). What little institutional capacity existed at the end of 2009 was largely eviscerated during the course of the next 11 months as Haiti was hit by an earthquake, a hurricane and a cholera outbreak (OAS/CARICOM 2011). The extent of these capacity limitations, the severity of the natural hazards and the scale of international assistance mean that Haiti's experience of managing its 2010 elections is in many ways exceptional. There are, however, a number of lessons from these elections that are likely to be applicable to other contexts:

- When setting election dates, countries vulnerable to natural hazards need to consider the annual patterns of these phenomena (where such patterns exist). This is particularly important when the election date is to be enshrined in law. The fact that Haiti's constitutionally prescribed

presidential election date fell within the regular hurricane season increased the risk that the 2010 presidential elections would be hurricane-affected.

- Where natural hazards result in fatalities, efficiently purging the voters' roll of deceased voters is important to the perceived integrity of an election, even where additional safeguards have been implemented. An inefficient correction process, which may require considerable inter-agency cooperation, can undermine voters' confidence in a post-hazard election.
- The rapid physical damage inflicted by many natural hazards can result in the loss or destruction of voter ID cards. In countries where voter ID cards are mandatory, a failure to replace such cards before election day can lead to the disenfranchisement of affected voters. The Haitian experience shows that even with significant international and domestic assistance, the distribution of ID cards in the aftermath of natural hazards can present a significant logistical challenge.
- The task of registering internally displaced voters at accessible polling stations (and the degree of disruption it causes to local electorates) is shaped by the distance of displacement as much as by the numbers of IDPs involved. The fact that the majority of voters displaced by Haiti's 2010 earthquake continued to reside near their former residences and polling stations limited the dislocation.
- Natural hazards may necessitate significant changes to electoral processes. Communicating these changes to the electorate through a clear and timely voter education campaign is essential to the functioning of the voting process, and to voter trust.
- How voters interpret dysfunctions in electoral processes (which are more likely in a hazard-affected election) is strongly shaped by their confidence in electoral administrators. Where voter trust in an EMB is low, as was the case during Haiti's 2010 elections, problems such as undistributed voter ID cards and names missing from voter rolls can quickly be interpreted as electoral fraud and increase the risk of violence.
- Natural hazards may fuel political polarization. In such circumstances, the involvement of international actors in electoral assistance can also become politicized, placing them at risk of violence. The ability of international actors to fend off such politicization is likely to be undermined where they do not communicate on their activities in a responsive and transparent manner.

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