



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION

on the opening of consultations with Haiti under article 366a of the Lomé Convention

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Since the resignation of Rosny Smarth's government in June 1997, Haiti has been in a state of institutional crisis that could only be remedied by holding democratic elections.

Following several postponements, the first round of the general election was eventually held on 21 May 2000, with the goal of choosing 19 senators, 83 members of parliament, 133 mayors and 7124 local assembly members.

The international community, with the agreement of the Haitian authorities, called in the Organisation of American States (OAS) to observe the elections. OAS observers were backed up by other observers from various countries and international organisations (the US, Canada, Spain and the countries of the *Francophonie*), and a network of Haitian observers was set up (the *Conseil national d'observation des élections (CNO)*).

The first round was calm (bar a few isolated incidents) and the turnout was high. The partial and provisional results released by the *Conseil Electoral Provisoire* (Provisional Electoral Council - CEP) on 29 May indicated an overall victory for former president Jean-Bertrand Aristide's *La Fanmi Lavalas*, particularly in the Senate, where it appeared to have won 16 of the 17 posts.

An OAS communiqué of 24 May stated "*overall, the vote has gone well, (despite) a number of serious irregularities..... in most cases they will not have a significant influence over the outcome of the vote.*"

The opposition parties lodged a number of appeals with the CEP on grounds of fraud.

On 2 June, the head of the OAS Electoral Observation Mission, Orlando Marville, wrote to the chairman of the CEP to draw his attention to the fact that the method used to calculate the vote percentages for Senate candidates violated both the Electoral Law and the Constitution. The Haitian authorities interpreted this as "interference". On 14 June, the United Nations Secretary-General called on the CEP to adhere to the OAS's recommendations and to the Electoral Law.

On 18 June, following the resignation of two of the CEP's nine members, its chairman, Léon Manus, fled to the US and condemned the pressure and threats aimed at him for publishing the results as they stood, even without taking account of the OAS's comments. He asserted that only five (and not 16) Fanmi Lavalas senators had been selected directly in the first round under the terms of the Electoral Law. The remaining six members of the CEP still officially announced the results, unchanged.

The international community (the US, Canada, France and the EU) roundly condemned the method used, and demanded a recount (the results would only be considered official when published in the official gazette). The various organisations representing Haitian society (the *Réseau Civique National - RCN*, the conference of bishops, the protestant federation and the association of Haitian industrialists) took the same view.

The opposition parties, having formed a "convergence group", confirmed that they would not be taking part in the second round, although some sources reported that a number of candidates might stand on their own. At a meeting with the diplomatic corps on 26 June, President Préval said that he was adhering to his decision not to alter the results of the first round and to proceed with the second round on 9 July.

On 7 July, the OAS Electoral Observation Mission published a communiqué stating that the OAS would not be observing the second round because the results announced by the CEP were *incorrect*. The OAS considered that *"the results are biased and had a major impact on the number of senatorial candidates elected in the first round, and thus cannot be the basis for a credible and fair electoral process."*

Despite the withdrawal of the OAS and Haitian observers (RCNO), the second round was held on 9 July, with reports of a low turnout.

In a statement published on 12 March, the EU had expressed its misgivings at the postponement of the elections, stressing that only if elections took place and maintained credibility could *"European aid continue to be provided in full"*. In a resolution issued at its meeting on 20-23 March, the ACP-EU Joint Assembly also expressed its concern at the delay to the elections and emphasised the importance of setting up democratic institutions.

These fears were confirmed by the lack of credibility of the electoral process and the failure to comply with the democratic principles and the rule of law, as set out in Article 5 of the Lomé Convention.

In the light of the above, and pursuant to Articles 5 and 366a of the Lomé Convention, the Commission is proposing to the Council that the ACP country involved be invited to take part in consultations, in accordance with the terms of the attached letter, to assess the situation in detail and, if necessary, remedy it.

The aim of the consultations is to underline the importance attached by the European Union to respecting the essential elements referred to in Article 5 of the Lomé Convention and to ascertain Haiti's intentions regarding compliance with these provisions.

ANNEX

Brussels,

Sir,

In an announcement made on 7 July, the OAS Electoral Observation Mission condemned the violation of Haiti's Electoral Law during the calculation of the results of the first round of the country's general election, and took the view that those results could not be the basis for a credible and fair electoral process. The European Union regrets the Provisional Electoral Council's refusal to acknowledge this error, which will threaten the legitimacy of the institutions the elections are intended to set up.

In the light of the provisions on respecting the rule of law and democratic principles contained in Article 5 of the Lomé Convention, and pursuant to Article 366a of the Convention, we have the honour to invite Haiti to enter into consultations with a view to assessing the situation in detail and, if necessary, remedying it.

We suggest that these consultations take place on in Brussels at the premises of the Council of the European Union.

Please accept, Sir, the assurance of our highest consideration.

for the Council

for the Commission

Copies : the Chairman of the ACP Committee of Ambassadors
 the Ambassador of Haiti to the European Union
 the Secretary-General of the ACP Group of States