

# Feature

## Democratic Transition in Haiti: An Unfinished Agenda

Marc L. Bazin

### *The 1988 Benigno S. Aquino, Jr. Memorial Lecture*

*In April 1983, Yale Law School's Allard K. Lowenstein International Human Rights Project sponsored one of the last public addresses of the late Benigno Aquino. In his memory, the Lowenstein Project—named for the Congressman, U.S. representative to the United Nations, and Yale Law School graduate, who was a vigorous advocate for human rights in the United States and abroad—established an annual lecture to be given by a prominent figure in the international human rights movement. Previous speakers have included Kim Dae Jung of Korea and Amos Sawyer of Liberia.*

*Marc L. Bazin delivered these remarks as the Benigno S. Aquino Memorial Lecture at the Yale Law School on April 27, 1988. Mr. Bazin, the founder and current president of the Movement for the Installation of Democracy in Haiti, is a leader of Haiti's democratic opposition. He has served his country and the cause of human rights with distinction. Between 1968 and 1986 he held a number of positions with the World Bank in Washington, D.C., Abidjan (Ivory Coast), and Ouagadougou (Burkina Faso, formerly Upper Volta). During that time he served on a number of negotiating teams in Europe and Africa. While at the World Bank he worked for the inclusion of human rights criteria in World Bank lending policies. In Haiti, he was appointed Minister of Finance and Economic Affairs under Jean-Claude ("Baby Doc") Duvalier in an effort to respond to international pressure to "modernize" the Haitian economy. He was dismissed by Duvalier five months after taking office for attempting to tackle the epidemic corruption in the government.*

*Following the February 1987 departure of Duvalier, Mr. Bazin emerged as a principled advocate of democracy and a serious candidate for President. These hopes were shattered on November 29, 1987, when Haiti's first free elections in over thirty years were brutally interrupted by allies of the deposed Duvalier dictatorship, who shot and hacked to death at least two dozen Haitian voters and one foreign journalist. The disruption was used as an excuse by the government to abolish the independent election council that had been formed to oversee the transition to democracy, and to establish a council that better reflected the interests of the military. New elections were called for January 17, 1988. Mr. Bazin and three other prominent opposition leaders,*

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*who together were expected to share eighty percent of the presidential vote, led a boycott of these elections to protest the government's manipulation of the electoral process.*

It is for me a great pleasure to be invited to deliver the 1988 Benigno S. Aquino Memorial Lecture within the framework of the Lowenstein International Human Rights Project at Yale Law School. Allard K. Lowenstein passionately believed that one person can make a difference in the world. So did Benigno S. Aquino, Jr., a man of deep compassion and humanity whose life was an example for all true democrats, and whose tragic death is a lasting legacy to the cause of freedom, justice, and equality. I therefore consider it a privilege to be associated with Benigno S. Aquino and with other prominent figures in the international human rights movement. But, most importantly, I regard your invitation as a tribute to the struggle of the Haitian people and of the emerging coalition of human rights advocates, youth, labor, women, and political organizations, who have demonstrated, particularly over the last two years, their peaceful determination to end a political system that represses liberties and frustrates the quest for economic justice.

Benigno Aquino once said, "I would never be able to forgive myself if I had to live with the knowledge that I could have done something and I did not do anything." This, my friends, is exactly the sentiment of an increasing number of Haitians today, whether intellectuals, technocrats, industrialists, church leaders, political activists, or Haitians living abroad. In my own case, the fear that I might one day look back and realize that I could have made a difference but did not try hard enough has been an inspiring force.

In discussing Haiti's unfinished struggle for democracy tonight, I will make essentially three points. First, Haiti needs democracy. Second, Haitians want and deserve democracy. They have been fighting hard for it, but their efforts suffered a serious setback on November 29, 1987. Third, Haiti is now at a crossroads. Haitians and their neighbors, especially the United States, must have faith, and act on that faith, in seeking to return to the democratic path that appeared so open and bright less than a year ago.

### I. Haiti Needs Democracy

To most of you, who have always held as self-evident that all men are created equal and who have been raised in the sacred commitment that government of the people, by the people, and for the people shall not perish, the question of whether a country needs democracy may sound

odd. In fact, however, this question is highly relevant to Haiti today. As you know, over the last twenty-five years the idea that men are by nature equally free and independent, and have certain natural and inherent rights, has not always been equally shared by those in economic decision-making circles, particularly a number of development planners and financial aid-oriented institutions of the Western democracies.

For too long, we have heard—or, more accurately, it has been delicately suggested—that representative democracy, which takes the will of the people as the basis of authority of government, is a luxury that only advanced, rich, industrialized countries can afford. One by-product of this assumption is the rather extravagant distinction between so-called “economic” and political refugees. Another is the belief that calls for democracy in poor, illiterate countries cannot come from any quarter other than the Western-oriented elites. Calls for democracy, it is presumed, do not reflect the true aspirations of the masses, who are thought to be more concerned with food and health care than with political liberty. Every democrat and every person of true compassion should have serious reservations about such a theory. Every human being should be entitled, under all circumstances, to exercise all the rights and opportunities that will enable him or her to reach their full potential.

Yet, I do appreciate the fact that basic needs can be met and have been met by a wide variety of political regimes. The governments of Japan, Israel, Costa Rica, South Korea, Singapore, Taiwan, Yugoslavia, and Sri Lanka are neither equally open and respectful of human rights, nor carbon copies of Western democracies, yet they do provide a level of basic human needs to their clients. In the case of Haiti, however, there is no point wasting time looking for what system or combination of systems, or what degree of protection of human rights, will most adequately meet the minimum standards required for the basic needs of all. What Haiti needs, in any case, is democracy—total democracy, and nothing but democracy. Why?

There is probably no other country in the developing world in which the absence of democratic rule has led to such a systematic pattern of brutal violation of human rights. To invert a famous quotation, Haiti for too long has been a nation of men, not laws. On any given day, under the traditional system, the law in Haiti is what the rulers say it is. Arbitrariness is the rule. Social, economic, and political oppression are deeply rooted in the system and they are closely interrelated.

Let's have a look at the facts. Haiti is a small, densely populated and predominately rural country. Our 5.4 million people occupy 28,000 square kilometers on the western end of the island of Hispaniola, forty

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miles from Cuba. Haiti is the poorest among the poor. Of the eleven socio-economic indicators of absolute poverty as defined by the United Nations, Haiti ranks worst in nine. Our annual income per capita is \$300. The next poorest country in Latin America is Bolivia. Yet Bolivia's income per capita is twice that of Haiti.

The health picture is distressing. Eighty percent of children under six have malaria, and large numbers suffer from diarrhea and tuberculosis. Few Haitians have access to doctors, a fact perhaps best reflected in a life expectancy of fifty-two years, compared to seventy and seventy-two in Jamaica and the Dominican Republic, respectively.

Approximately eighty percent of the adult population is unemployed or under-employed. The illiteracy rate is the highest in the hemisphere: eighty-three percent nationally, and reaching as high as ninety percent in the rural areas. Finally, according to the World Bank, less than one percent of the population receives more than fifty percent of national income. This partly explains the massive migration of boat people and *braceros* to Miami and the Dominican Republic under the most abominable conditions.

Given these facts, even under the best possible scenario of government leadership and democratic institutions, opportunity for development and growth will have to be carefully managed, and expectations for optimum living conditions kept at a reasonable level for all. The point I would like to emphasize, however, is that when confronted with the most human and pressing problems of hunger, disease, and illiteracy, the traditional Haitian political system has offered little but active neglect. Even worse, the system has exacerbated Haiti's problems through land seizure, arbitrary arrests, political killings, forced exile, and massive corruption that has siphoned off meager public funds and much foreign assistance for personal gain.

From this one can draw at least three conclusions. First, there is a striking relationship between systematic and continuing violation of human rights and the disastrous economic conditions. Second, the concentration of power and wealth in the hands of a few in Port-au-Prince, the capital city, contributes strongly to the underdevelopment of the rural areas where the vast majority lives. Finally, what little redistribution has taken place over the years has mainly benefited a tiny fraction of the urban middle class, leaving poverty untouched and widening the gap between the haves and the have-nots.

All this seems to me to make a reasonably strong case for democracy in Haiti. This case is strengthened when one considers the need to tap private entrepreneurship, self-help, and community participation, with-

out which no development effort is likely to succeed. These are all incompatible with the absence of the rule of law and democracy. I therefore see no escape from the conclusion that, in light of the way our system has traditionally worked, democracy is not only a desirable virtue, but a necessity. I strongly believe that democracy for the sake of democracy has become part of the basic needs package in Haiti. Democracy is the minimum that must be achieved before the poorest segments of the population can get sufficiently organized to compete, with a fair chance, for all other basic needs, such as food, health, education, and jobs.

## II. Haitians Want and Deserve the Democracy They Have Fought For

No events better illustrate the painful struggle of the Haitian people to peacefully build a new society based on individual freedom than those that took place between February 7, 1986, and Black Sunday (November 29, 1987). Most importantly, during this period Haitians drafted and approved a new constitution, and prepared and campaigned for municipal, legislative, and presidential elections.

### A. *Drafting and Approving the Constitution*

Upon the departure of Jean Claude Duvalier on February 7, 1986, power to govern Haiti was transferred to a six-member Council of National Government (the "Governing Council"), which was granted authority to act as a transitional government by the departing president. In June the Governing Council announced an electoral timetable which set forth dates for Constituent Assembly, municipal, legislative, and presidential elections, and for a referendum to adopt a new constitution. Elections for forty-one of the sixty-one Constituent Assembly seats were held on October 19, 1986. The remaining members were chosen by the Governing Council.

Two preliminary draft constitutions were prepared, one by a Governing Council team and the other by the Ministry of the Interior. These drafts were submitted to the Constituent Assembly, which had begun to meet in December 1986. Contrary to the fears of many, the Assembly chose not to rubber-stamp either of the drafts. Instead, it embarked on the arduous task of preparing a totally new constitution for Haiti, one that bore little resemblance to either draft or to previous Haitian constitutions. Among the significant provisions of the new constitution were the following:

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1) The reduction of the president's constitutional powers through an increase in the powers of the legislature and provision for a prime minister with significant administrative power responsible to the two houses of the legislature;

2) The decentralization of authority through the establishment of elected departmental and local councils;

3) The separation of the army and the police, with the latter placed under the jurisdiction of the Ministry of Justice;

4) The subordination of the military to civilian courts in all cases involving civilians;

5) The establishment of a Permanent Election Council and a Provisional Electoral Council (the "Electoral Council") to administer the elections scheduled for 1987; and

6) A provision barring certain individuals associated with the previous regime from holding public office for ten years. Articles covering the protection of individual rights, civil service, the economy, the agricultural system, the environment, and the family further signaled a clean break with the past.

On March 29, 1987, Haitians overwhelmingly ratified the new constitution, marking the end, it was hoped, of the Duvalier era's worst excesses. By mid-May, the Electoral Council had been established, composed of nine members, each appointed by a different sector of Haitian society. More than seventy political parties emerged during the twenty-one months following Duvalier's departure. The parties' major activity during the period prior to the campaign was to designate candidates. Some of the better organized parties were able to designate candidates for many of the 105 positions—the presidency plus twenty-seven senate and seventy-seven congressional seats—being contested on November 29th. In addition, several well-known individuals preferred to run as independents.

### B. *The Preparation and Campaign for Municipal, Legislative, and Presidential Elections*

From the beginning tension developed between the Governing Council and the Electoral Council. In June 1987 the Governing Council attempted to usurp the Electoral Council's constitutional function by refusing to promulgate the duly drafted election law and instead promulgating its own version, which greatly reduced the Electoral Council's authority. In the face of protests from most sectors of society, the Governing Council finally revoked its election law in August and accepted the Electoral Council's draft substantially unchanged.

In the months that followed, however, military forces and paramilitary death squads retaliated with a widespread terror campaign against the population. In the northwest region of the country, 320 members of a cooperative religious group were killed in a land dispute. In August, four prominent Catholic priests and their driver were badly beaten by a paramilitary group about 100 meters from an Army checkpoint. In the same month, two presidential candidates were killed, one of them—Yves Volel—at 10:00 A.M. in front of police headquarters and in full view of several Haitian and foreign journalists. The Electoral Council's headquarters were burned, and the transmitter of the Catholic Church's Radio Soleil was destroyed. The homes and offices of leading presidential candidates, including mine, were sprayed with bullets, forcing candidates to campaign in a climate of violence and insecurity. The Governing Council did everything in its power to frustrate the operations of the Electoral Council. It held up international financial assistance that had been donated to the Electoral Council, refused to provide logistical assistance or protection to Electoral Council members or offices, and denied flight clearance to helicopters attempting to distribute ballots.

On election day, fourteen people were massacred at one polling station. One foreign journalist was killed. Faced with this blind violence, the Electoral Council called off the elections. So it was that on Black Sunday—November 29, 1987—Haitians, diplomats, the domestic and foreign media, and international observers all witnessed the ugliness of Macoute terror: acts of cruelty perpetrated against a peaceful people eager for democracy and better living conditions, acts that took place in broad daylight, without fear of police or military intervention, and presumably with the active support of the police and army. Sadly, and yet heroically, in the face of all this, people kept forming lines and holding their ballot papers as they fell under the assassins' bullets and the machetés of the death squads.

On the same day that the elections ended in a stream of innocent blood, the Governing Council dissolved the Electoral Council and appointed a new body through which it would have full control over the electoral process. On January 17, 1988, through fraudulent elections wholly without credibility—the U.S. State Department has stated that the elections were neither free nor honest—and with ninety-five percent of Haitians abstaining, the Governing Council selected Leslie Manigat as President of Haiti. All four front runners, including me, chose not to participate in the farcical elections.

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### III. Haiti at a Crossroads: What is to be Done?

Mr. Manigat has now been in office for more than three months, and the large majority of Haitians continue to regard his government as *de facto* and not representative of the will of the people. While the man in the street so far seems to have a perplexed and critical "wait and see" attitude, the dominant view among most sectors of the organized political structure is that the government enjoys no legitimacy, and that there is a need to return to constitutional legitimacy, the first step of which can only be the appointment of a truly independent Electoral Council and the organization of new national elections.

Haiti faces many impediments to a resumption of progress toward democracy. In addition to the considerable uncertainty as to how supportive the Haitian military may be to a transition to democracy, many other factors are likely, under present circumstances, to make the task of turning yesterday's promises into tomorrow's reality enormously difficult. Most obvious is the condition of our fragile economy, marked by a consistently declining volume and value of agricultural production and exports, an increasing dependence on imported foods, the shifting of output and employment toward urban centers, a weak external position, and virtually zero growth in per capita income over the last five years. In a climate of political uncertainty, very low investment initiative, uncontrolled smuggling, negligible savings, and rising inflation, how and when reasonable economic gains can be achieved to offset the pressures of rapid population growth remains to be assessed.

Other challenges to democracy include the weakness and inadequacy of current institutional structures, particularly the judiciary and the bureaucratic apparatus, the intransigence of the center-right candidates, who deeply resent having been bypassed by the military in favor of Mr. Manigat in the recent rigged elections, and the unpredictability of Haiti's Parliament. Other forces that could exert decisive influence in the restructuring of the political, social, and economic order include the churches, the voluntary associations, the workers' unions, the student organizations, the overseas Haitian communities, and the democratic political organizations of the center. The real issue at this point is whether action by one of these forces, or by any combination of them, in the face of the deteriorating economic situation, insufficient popular support, and a general lack of confidence in the workability of the January 17 political solution, will soon result in an instability of major proportion. This is not altogether clear at the moment. We do know, however, that no single leader, nor any one party, especially when drafted against the will of the

people, will ever be able to pull the country together so that we may put Duvalier behind us and look to the future.

To reach a lasting and satisfactory solution to the post-Duvalier crisis, Haiti needs a strategy framed with ingenuity, generosity, and determination. The single ingredient most vital to such a strategy is *faith*: faith in Haiti's destiny, faith in the Haitians' capacity to overcome insurmountable obstacles for the good of the country, faith in the democratic process itself.

To avoid further polarization, prevent further violence, and stop the erosion of national unity, Haitians have got to talk to each other. What is needed is a global, concerted plan aimed at national reconciliation through the promotion of democracy. The key feature of such a plan would be a National Conference of Haitian political, military, and human rights leaders. Such a Conference would be held under the auspices of our churches along with observers from traditionally friendly countries. The agenda for such a Conference would take into account the worries of some, the resentment of many, and the aspirations of the majority. Such a Conference would require the recognition by all that for Haiti to become a country endowed with political institutions, a sense of shared community, and respect for law, a negotiated solution is an imperative. Perhaps it is the only way.

This is primarily and exclusively a Haitian agenda. But friends can always help, particularly when they come as neighbors and in a constructive spirit. There is a role here for the United States, most importantly in refusing to accept the false results of the rigged January 17 elections and in continuing to encourage the Haitian people in their quest for democracy.

I believe there is no nation in Central or Latin America that more challenges the American values of democracy, economic justice, equal opportunity, and freedom, than Haiti. Haiti was brutally occupied by the United States for more than fifteen years, and the United States did little to help us lay the groundwork needed for democracy to take root. The challenge now is to show that the two countries can surmount this legacy and learn to live in freedom and harmony, based on mutual respect and recognition of each other's interests. This moral imperative is reinforced by practical considerations. Haiti is located on the eastern shore of the Windward Passage. The second most important Haitian city is New York. It would seem that the United States cannot achieve its worldwide foreign policy goals of encouraging democracy and private enterprise against state authoritarianism if it does not strive for them in a country that is so close a neighbor. United States support for democracy

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in Haiti should not be regarded as an act of generosity but as a reflection of the United States' own national interest.

After 200 years of political independence with little economic progress and almost constant systematic violation of our most fundamental rights, we Haitians have learned that big victories do not come without pain, sacrifice, and loss of life. The worst may not yet be over. Yet our peaceful fight for change shall continue. For we want a better future for our country. We want freedom for our people. We want hope for our children. We want pride for our countrymen abroad. We want democracy to succeed. Within our territory, we want to live in peace and harmony with each other. We want friendship with the United States, the neighbor that is always expected to stand for progress, freedom, and equality.

You of this great law school, and you whose day-to-day involvement in the Lowenstein International Human Rights Project shows your faithfulness to the messages of Allard Lowenstein and Benigno Aquino, I'm not kidding you: you sure can help.

Thank you all and God bless you.