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From: Miran Hassan (Mercury)
Sent: Wednesday, March 17, 2021 10:32 AM
To: edit.features@wsj.com
Subject: op-ed - H.E Claude Joseph
Attachments: Democracy in Haiti needs to focus on Institutions, not Politicians.docx

Dear James,

I hope this message finds you well.

Attached is an op-ed from H.E. Claude Joseph, Haitian Minister for Foreign Affairs. Considering the recent situation in Haiti and the upcoming election cycle planned for 2021, I would kindly ask that it be considered for publishing.

Thank you in advance your consideration.

Kind regards,

Miran

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Democracy in Haiti needs to focus on Institutions, not Politicians

H.E. Claude Joseph, Haitian Minister for Foreign Affairs

Haiti's **recent** history has been a turbulent one. This has held us back and denied many Haitians the opportunity to meet their ambitions. Changing this pattern is the primary focus of our government during our final year in office. **And no other solution to Haiti's problems make sense unless we're** talking first about fixing our constitution.

The Duvalier dynasty, a brutal father then son dictatorship which lasted nearly three decades, came to an end 35 years ago. The conclusion of this dark chapter was marked by the introduction of democracy and a new constitution, in 1987, which offered new hope for a government that would be accountable to the people and would create the space for our country to develop. But instead, our country has endured a near constant political deadlock ever since.

As it turns out, the constitutional text was littered with clauses either easily ignored or faultily constructed. It failed to provide durable institutional structures to interpret and enforce its own provisions, the resulting ambiguity concerning the authority to resolve disputes has often grinded our politics to a halt. Many provisions themselves, in practice, threaten the democratic system they were designed to serve. For example, while the constitution grants parliament wide powers, including the ability to intervene in criminal trials, arbitrary exercise of these powers can, and often does, produce gridlock that no part of the government has authority or means to resolve. A study by Florida International University once termed the Haitian constitution "a wonderful exercise in theoretical grandiloquence with little relevance to reality."

We need to create a government that serves and is accountable to the people, and one that has working checks and balances. And to do that, we have to overhaul the text that is at its foundation – which forms both the institutions and rules of the road. No significant positive change will be achieved for our country until this first is achieved because without it, we are certain to repeat the cycle of instability that leaves no room for progress and prosperity. Crucially, our democratic institutions and laws must be redesigned to be strong enough to withstand the instincts of politicians.

Revising the constitution isn't a new endeavour, but this time needs to be different. We've had more than 30 constitutions throughout our history, but most were tailored around personalities and drafted at the behest of politicians who sought to expand their powers or remain in office. This constitution needs to be clearly focused on empowering institutions rather than individual offices or office holders. President Jovenel Moise, rightly, also made clear he will not run for re-election, to assuage scepticism over his personal intentions.

It's time to remove the cult of personalities from our politics, **because today's model isn't working.**

Stronger institutions will be better equipped to uphold law and order, on our streets and in our politics. **Violence in Haiti's communities** is a long-time crisis, so is endemic corruption. We need the new constitution to create more space for our judiciary to enforce accountability and uphold justice for all.

There is a Creole proverb, "*Konstitusyon se papyè, bayonet se fe,*" **which translates as, "A** constitution is made of paper, but bayonets are made of steel." Our efforts are not only to reform the constitution, but to build a spirit of constitutionalism in our country, especially among the political class. We all have to start thinking more about the impact on the big picture, and the long run, when choosing our actions.

An independent advisory committee has written a draft text and is ready to deliver it in the coming weeks, with a national referendum on the draft expected in April. According to a recent poll conducted by the Haiti Nou Vle Association, 86% of Haitians agree that a new constitution is needed. That poll followed another one in 2020 by the Bureau de Recherche en Informatique et en Developement Economique et Social which produced even higher results.

If approved, the new constitution will recalibrate the balance of power between the executive, legislative and judicial branches, create new measures for accountability and transparency, and ensure that no one individual is able to stall the political process for personal gain or exploit weak institutional structures. While President Moise has initiated the process, it is up to all to put politics aside to ensure an open, fair and deliberative process. Maintaining the status quo serves only a select few and harms the citizens of this country immeasurably.

Above the political fray, the continued support throughout this process from the United Nations, Organization of American States and the US State Department has meant a great deal, and Haiti will need our partners by our side not just now, but also as we emerge from this process and begin to reconfigure our government and institutions according to the new constitution.

Haiti is at a turning point with an historic opportunity to finally create the democracy that was intended, one that can deliver meaningful change. Forward is the direction of travel for our country now and in the years and decades to come, at last. We look forward to it.

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