

*Komisyon pou Cheche yon Solisyon Ayisyen nan Kriz la*  
*Commission pour la Recherche d'une Solution Haitienne a la Crise*

**Citizen Conference for a Haitian Solution to the Crisis**  
Accord du 30 aout 2021, dit Montana Agreement

**Declaration of Principle**

For two centuries, **the protesting Haitian people have not ceased to resist against an anti-national state** placed, in fact, under the tutelage of various international powers. Through its many struggles, the Haitian people has not stopped expressing its will for the existence of a new form of state to be at the service of the general interest. Today, the fracture between this anti-national state and the nation can no longer be repaired through superficial institutional arrangements. **The time for the breakup has come.** The Haitian people wants to redefine its future outside of this state administered essentially in the complicity of local and foreign actors.

On the strength of these considerations, **we, Haitians, hold for non-transferable, the rights to life, freedom, equal access to opportunities, co-ownership of national wealth,** fruits of unity in our struggles and our historic political victories. We also undeniably believe that the protection of these rights and transparency in democratic governance must be established on the basis of citizen participation in the construction of state institutions and in the control of their functioning.

Finally, in accordance with the Haiti Independence Act of January 1st 1804, with the Charter of the United Nations of 1945 and the Covenant on Civil and Political Rights of 1966, which enshrine the right of peoples to self-determination, we consider as inalienable the right of the Haitian people to determine, in a sovereign manner, the form of its political regime, as enshrined in the Haitian Constitution, based on fundamental freedoms and respect for human rights, social peace, economic equity, consultation and participation of the entire population in major decisions involving national life.

**Citizens, custodians of national sovereignty, responsible men and women politicians, we are accountable to the Nation for the search of a just and lasting solution to the current crisis.** Against the specter of the collapse of the state, we must preserve the democratic advances won with so many struggles. We must secure our collective destiny by preventing any democratic regression and any relapse into arbitrariness.

**Standing up, all together, against barbarism, for life, for the regeneration of the nation and for a better life together.**

**Preamble**

We, representatives of multiple civil society organizations and political organizations, signatories to this Agreement, hereinafter referred to as the Parties;

Gathered in Port-au-Prince, on Monday August 30<sup>th</sup> 2021, following a process of inter-Haitian negotiations within the framework of a **Citizen Conference for a Haitian Solution to the Crisis**, with a view to

reaching an agreement to resolve the current political impasse;

Having carried out an in-depth analysis of the situation in the country and having considered the nature of the crises which periodically affect the functioning of the political system;

Determined to work to eliminate the root causes of the current situation and to promote a genuine national solution based on the re-appropriation of our sovereignty through a national unity respectful of the general interest;

Aware that the measures taken by de facto governments since the nullity of Parliament on January 13, 2020 have led to worsening the crisis, making democratic normalization more difficult in the short term;

Rejecting, therefore, the numerous decrees and unconstitutional acts taken by de facto governments;

Desiring to prevent a situation of chaos and violence prejudicial to the entire population and thereby prevent any infringement of national sovereignty;

Recognizing that the provisions of the current constitution are not applicable to the situation born of the disappearance of the former President;

Considering that since the invalidity of the Parliament and the vacancy of the Presidency, no state institution holds the national sovereignty;

Desiring the restoration of democratic order through the holding of honest elections and the re-establishment of the constitutional norm;

Noting that the electoral system in place promotes voter suppression and discourages the population from exercising its right to vote;

Seeking, to this end, to restore the confidence of the population in the elections and in its elected leaders through an appropriate redevelopment of the electoral system, the establishment of a climate of security for lasting political stability;

Recognizing the urgent need to restore lasting stability in our country and to translate into reality the rules of good governance, transparency in management, respect for human rights, justice, and the fight against impunity;

Reiterating, in this case, our commitment to relevant national and international instruments;

Informed by the contribution of previous Agreements and aware of the difficulties encountered in their implementation and monitoring;

Conscious of the contribution of previous Agreements and knowledgeable of the difficulties encountered in their implementation and their monitoring;

Convinced that resorting to the vital social sectors is the only way to have a sustainable solution to the crisis, since the organized sectors of society are the only ones capable of thwarting the action of a state torn apart by contradictions between the economic and political forces that control it.

**Let us agree as follows:**

## **TITLE I: GENERAL PROVISIONS**

**Article 1.** - The purpose of this Agreement is to create the conditions for national stability with a view to a return to constitutional normality and the restoration of democratic order. It solemnly enshrines the elements of an essential consensus for a concerted settlement of the crisis.

**Article 2.**- Civil society organizations and political organizations, parties to the Agreement, reiterate their adherence on the following principles:

1. respect for the sovereignty of the state and its republican form and democratic character;
2. rejection of violence as a means of political expression and recourse to dialogue and reliance on dialogue and consultation for the settlement of disputes;
3. respect for human rights, human dignity, gender equality and fundamental freedoms;
4. combating corruption and impunity;
5. transparency and accountability.

**Article 3.**- The Parties undertake to implement, in full, the provisions of this Agreement. They agree to respect the results of the sovereign Citizen Conference.

**Article 4.**- The Parties recognize that the first guarantee of the success of the Agreement lies in their sincerity, their good faith and their responsibility to own the content of the Agreement and to work for the implementation of all its provisions in the general interest of the Haitian population and in particular of those most affected by the crisis. It is understood that the Haitian population, particularly through its organizations, should stay actively engaged in respecting the content of this Agreement.

**Article 5.**- With a view to ensuring political governance, the Parties agree to establish a two-headed governmental system modelled by the 1987 Constitution constitutional regime.

## **TITLE II: POLITICAL GOVERNANCE AND THE TRANSITIONAL BODIES**

**Article 6.**- This Agreement is the reference for the Transitional Government. The provisions of the 1987 Constitution not relevant to this Agreement shall continue to apply.

**Article 7.**- To guarantee a smooth transition, fill in the institutional vacancies in the branches of the executive, the legislative and the judiciary and facilitate the good completion of their missions, the following specific bodies are created:

- a) The Monitoring Office for the implementation of the Accord (Annex 1);
- b) The National Transition Council (CNT) for the choice of the President of the Transition and the Prime Minister head of government (Annex 2);
- c) The Control Unit of the Transition (OCT) to control the Executive Branch (Annex3).

The Annexes 1, 2, and 3 state the missions, functions and obligations of each of these bodies, as well as their composition and their operating modes.

**Article 8.**- A National Transitional Council (NTC) is created. It is composed of representatives of different social and political sectors. The representatives of the social sectors and the political organizations will be in a joint assembly.

The representation of social sectors will be coordinated by a known organization that will work with the other recognized organizations of that sector. The repartition by social sector follows:

| <b>Social Sectors</b>  |    |   |
|--|----|---|
| Les organisations paysannes                                      | 2  | 4 G Kontre  |
| Les organisations de défense des droits des femmes               | 2  | Plateforme des Organisations Féministes                                       |
| Les organisations de défense des droits humains                  | 2  | Plateforme des Organisations Haïtiennes de Défense des Droits Humains (POHDH) |
| Les organisations socioprofessionnelles                          | 2  | Fowòm Sosyopwofesyonèl Ayisyen (FPSPA)  |
| Le secteur privé institutionnel                                  | 2  | Chambre des Métiers et de l'Artisanat (CHMA)                                  |
| L'Université   | 2  | L'Université d'Etat d'Haïti   |
| Les organisations du secteur culturel                            | 2  | Kolektif Atis Angaje (KATAN)  |
| L'Eglise Catholique  | 1  | La Conférence Episcopale  |
| L'Eglise Protestante   | 1  | FEDERATION PROTESTANTE D'HAITI  |
| L'Eglise Épiscopale  | 1  | Le Conseil de l'Eglise Episcopale   |
| La Communauté Vodou  | 1  | Alovi Dahomey   |
| Les organisations syndicales                                     | 2  | COSHARCO  |
| Les organisations sociocommunitaires                             | 1  | FONSOC  |
| Les organisations populaires                                     | 2  | MOLEGHAF / ESCLAVES REVOLTES  |
| Les Petrochallengers   | 1  | NOU PAP DOMI  |
| Les organisations d'Haïtiennes et d'Haïtiens vivant à l'étranger | 3  | Forum Haïtien pour la Paix et le Développement Durable (FOHDD)                |
|  | 27 |   |

The repartition by political parties, groups or poles follows:

| Political parties, groups or poles                               |   |
|--|---|
| OPL  | 1 |
| RSD  | 1 |
| MOPOD  | 1 |
| Négociation en cours   | 1 |
| Front Patriotique Populaire FPP (RASIN KAN PÈP, AKAO, KONTRAPEP) | 2 |
| Négociation en cours   | 1 |
| Négociation en cours   | 1 |
| PEN (négociation en cours)                                       | 2 |
| ANFOS - MOLHA (négociation en cours)                             | 1 |
| Négociation en cours   | 1 |
| TIERS SENAT (négociation en cours)                               | 2 |
| FANMI LAVALAS  | 2 |
| Négociation en cours   | 1 |
| IPAM - MTC   | 1 |
| KONBIT   | 1 |
| MATRIS LIBERASYON - CONACOM DU RENOUVEAU                         | 1 |
| ANTANT POU TRANZISYON KOUPE FACHE                                | 1 |
| ASO / PPRN   | 1 |
| RPH  | 1 |

| Political parties, groups or poles |    |
|------------------------------------|----|
| PADEM                              | 1  |
| Négociation en cours               | 1  |
|                                    | 25 |

**Article 9.** - Within thirty (30) days of its installation, the Transitional Government will form and install independent bodies, associated with the President of the Transition, with the responsibility of treating the major priority areas of the transition, in particular:

- The Office of the National Sovereign Conference. The Constitutional issue and the regulating system of political parties will be treated on a priority basis in the agenda of the National Sovereign Conference.
- A commission with the responsibility of dealing with the electoral system and the identification of citizens.
- A Truth and Justice commission.

Within 60 days following the establishment of the National Sovereign Conference, the question of constitutional modifications and of the establishment of a constitutional assembly will be treated.

The government initiates the evaluation of the electoral system and leads the necessary reforms relevant to the adequate exercise of the right to vote by citizens.

### **TITLE III: MISSION, ATTRIBUTIONS AND DURATION OF THE TRANSITIONAL GOVERNMENT**

**Article 10.-** The Transitional Government has for mission to restore the regular functioning of the state, to reinforce public administration, to guarantee the functioning of the judicial institutions and establish a climate of social peace conducive to the holding of the national conference and the organization of elections.

Towards this end, it exercises the following attributions:

- Apply the road map which is an integral part of this present Agreement;
- Apply the public policies and ensure the regular functioning of public administration;
- Organize the recruitment and nomination of state employees and civil servants and in particular the local elected officials whose mandate expired in the local government instances;
- Install the bureaus and independent commissions as part of this Agreement, and provide them with the necessary means to properly carry out their tasks;
- Evaluate the electoral system and initiates the relevant reforms with a view to an adequate exercise of the right to vote by citizens.

**Article 11.-** The Transition will last twenty-four (24) months, beginning with the date of the installation of the Transitional Government.

**Article 12.-** The ten (10) senators still in function will continue to exercise their posts until the end of their mandate. They will formulate their propositions, advice and recommendations on all subjects or legislative texts which would generally be part of the attributions of the Senate, however, their resolutions will not have be binding.

**Article 13.-** The Government appoints the interim executive agents in the communes and rural sections of the country, based on propositions of local organizations. They will remain in office until the installation of the municipal councils resulting from the next elections.

**Article 14.-** The attributions, organization, resource allocation and functioning of the territorial collectivities during the transition will be agreed upon with the Transitional Monitoring Body (OCT), based on the proposition of the Executive Power, after evaluation of their situation, no later than three months after the installation of the President of the Transition and the Prime Minister, Head of government.

**Article 15.-** The administrative acts of the authorities (The country's budget, electoral framework, etc.) will be agreed with the OCT, which will have the force of law.

**Article 16. -** All decrees issued after Parliament lapsed are immediately nullified, as are all illegal and arbitrary appointments to government posts.

#### **TITLE IV - THE PROGRAMMATIC AXES**

**Article 17. -** It remains understood by the Parties that **the programmatic axes mentioned below are intended as an indication of the general policy orientation of the Government.** They will be completed, broken down into a detailed roadmap, with a corresponding timetable and budget. To this end, members of the socio-professional sectors will be called upon for the technical layout of this roadmap.

**Article 18. -** The Parties agree to contribute to the development of the transition roadmap which will provide short-term responses to the dramatic situation lived on a daily basis by the majority of the population. This roadmap will fix the major priorities of government as well as the other strategic bodies put in place to implement the transition. A timetable to implement each of the priorities will be elaborated. The road map will be elaborated around the following major programmatic axes:

- The electoral system, citizen participation, and decentralization
- Public Safety
- Justice and human rights
- Corruption and impunity
- Economic emergencies
- Health and COVID-19 Emergency Management
- The Sovereign National Conference
- Agriculture and Food security
- Social protection
- Education
- Culture
- Environment and Risk and Disaster Management
- International Cooperation and Haitian Diplomacy

The road map does not exempt the Transitional Government from the general obligations defined by the Constitutional articles in application and by the laws of the Republic. Rather it is a tool facilitating the

orientation and evaluation of the transition period based on the main expectations expressed by the majority of the population.

### **The organization of the electoral system**

**Article 19.** - The Transitional Government will ensure the transparency and credibility of the upcoming general elections in order to allow all Haitians to enjoy their right to express their votes freely and fairly. General presidential, legislative, and local elections will be held throughout the national territory.

In order to maintain confidence in the electoral process, neither the interim President nor the Prime Minister can be a candidate in the upcoming presidential and legislative elections.

### **Security/ Public Safety**

**Article 20.** – The minimum objective of the Transitional Government will be to guarantee the free movement of people and property throughout the homeland. Towards that end, the actions of armed gangs that actually paralyze liaisons between different regions of the country as well as the access to high-density populated areas must be contained. The first element of the security road map will be the evaluation carried out by the CSPN of the objective capacity of different institutions involved in the security chain, both in terms of leadership and in resources allocated to them. The list of the institutions includes among others:

- The Haitian National Police (PNH)
- The specialized bodies of the Ministry of Justice and of Public Security.

An identical exercise will be asked of the Superior Judicial Council (CSPJ) concerning the functioning of tribunals particularly those operating in sensitive areas as far as security is concerned.

A multi-sectoral and multi-dimensional approach will be adopted to provide concrete responses to problems that promote delinquency, preventing the marginalization that offers gangs their recruits; exceptional measures with visible results will be studied in order to create jobs and improve material living conditions in areas with a high population density.

### **Justice and human rights**

**Article 21.** – In the matter of justice and respect for human rights, the objective of the Transitional Government will be to bring back peace in the cities, to restore the trust of the population in its institutions. Security measures will be taken to allow the regular functioning of the courts in the eighteen different jurisdictions of the country.

**Article 22.** - Public action will be put in motion, as soon as the transitional power comes into effect, against individuals presumed to be complicit in the various acts of mismanagement of public funds, the squandering of Petro Caribe funds, FNE, Dermalog, rape, kidnapping and murder, massacres, particularly those of La Saline, Bel Air, Delmas 32 and Martissant.

**Article 23.** - A reparation fund will be set up for the victims. The victims of massacres and displacement will be provided assistance urgently and restored to their rights. Measures will be taken to reunite displaced population, particularly those from Martissant, Belair, La Saline and Delmas.

**Article 24.** - The Transitional Government will ensure that the transition period is not an opportunity for abuses nor acts of revenge detrimental to the cohesion of the Nation.

**Article 25.** - The Transitional Government will reestablish the Superior Judicial Council (CSPJ), for the duration of the transition. After its return to function, the Superior Judicial Council, in accordance with the



law, will propose the new judges who must be appointed, after certification of their competence and moral integrity. The CSPJ prepares a report on the functioning of the Haitian justice, presenting an inventory, a diagnosis, and a package of measures to strengthen its independence and its functioning. The Transitional Government will void the decrees retiring, in contempt of their life terms, certain judges of the Supreme court, it will also fill the vacancies for the duration of the transition so as to make it operational.

### **Corruption and impunity**

**Article 26.** - Any judgment given by the Superior Court of Auditors and Administrative Disputes (CSCCA) resulting from the audit of Petro Caribe must involve the referral to examining magistrates on this matter. They will benefit from the technical, logistical, financial and security support necessary to carry out their mission.

**Article 27.** - The task of the non-independent anti-corruption structures will be twofold: administrative investigations into the activities undertaken by previous governments, on the one hand, and monitoring of those of the transitional government, on the other. The work carried out by these bodies will have to be presented periodically to the nation, which will help to strengthen the image and legitimacy of the transitional power. The CSCCA, an independent institution, will also have to publicize its reports.

### **Economic emergencies and social protection**

**Article 28.** - Within 30 days of the start of the transition government, the Tax Authority (DGI) and AGD officials will have to present an inventory of these institutions, as well as a plan to strengthen their control, perception, and verification capacities. Technological means will be used to improve service to the population, fight corruption and increase transparency on taxes and duties collected.

**Article 29.**- The Board of Directors of the bodies of Social security, of public enterprises and state autonomous organizations will be installed.

**Article 30.** The Government, from the first days of its installation will focus on the preparation and or the revision of the 2021-2022 budget, to be validated by the OCT.

**Article 31. – The agricultural policy will be revised to ensure the rehabilitation and protection of peasant rural farming.** Resources will be used to develop a policy to upgrade the impoverished, rural citizens through its different production lines (agriculture, agro-forestry, livestock, fisheries, crafts) in the pursuit of food sovereignty.

**Article 32-** The Government will continue a frank and constructive social dialogue with trade unions in the public and private sectors. The function of the Higher Wages Council will be regularized to encourage the upgrading of salaries of the civil service, teaching staff and hospital staff, in particular.

**Article 33.-** The Government undertakes to make every effort to resolve the problem of salary arrears for the various categories of staff (teachers, hospitals, etc.), and will make the necessary adjustments, in a frank dialogue with the concerned and with regard to the means available in public funds.

### **Health, Public Hygiene, COVID-19 and post-earthquake Emergency Management**

**Article 34.** - The Government will make every effort to launch the vaccination campaign, which will give priority to those at risk, depending on the vaccine acquisition capacities, on a voluntary basis.

**Article 35.** - Particular attention will be paid to the responses to specific women's health problems, in

particular preventive and reproductive health. Children, the disabled, all vulnerable people in general will receive priority attention.

**Article 36.-** The Government will take all necessary measures to reunite families of the southern peninsula affected by the earthquake of August 14 2021, their housing, food, health care and other basic services in an emergency basis and in the respect of humanitarian accountability.

**Article 37.-** Together with the emergency operations, the Government will establish a plan for post-earthquake rehabilitation and investment development for the southern peninsula at the end of the emergency phase.

### **The National Sovereign Conference**

**Article 38. -** Within 30 days of its installation, the Government appoints a committee to organize the National Sovereign Conference called for by many sectors. The National Sovereign Conference is a space for dialogue and debate between Haitians, all aimed at laying the foundation and setting the rules for a new social compact.

The Bureau, once installed, will have a maximum of four (4) months to carry out the national consultations and a delay of one month to submit its final report and conclusions to the nation via the Transitional Government, which will be responsible for their application. The government will allocate adequate resources for it to realize this mission within the deadline set.

### **Education**

**Article 39-** The Transitional Government will open the work of the reform of the Citizen School based on the values of equality, integration, solidarity and promoting language, history, the culture of the country and making them able to learn to meet the challenges of the economic and social transformation of the Republic and of responsible citizen participation in the affairs of the state.

The Transitional Government has the following objectives:

- The restoration of normal functioning of all public schools, in particular the ones in the geographical departments affected by the August 14 2021 earthquake and the tropical storm Grace;
- The relaunch and the extension of the monitoring system of school performance (school inspectorate) for of all public and private schools of the Republic;
- A stock-taking of the situation of teachers in fundamental schools so as to evaluate their needs as well as those of the Teacher's Colleges (ENI);
- The extension of the school canteens Program using local products to, in one hand, give relief to teachers and students' families, and on the other hand, provide opportunities for local food producers.

### **Culture**

**Article 40. -** The Government will initiate a bold and generous cultural policy that will empower all areas of public intervention. A policy that in the field of education will aim to introduce our children to our arts, traditions, morals, and religion while opening them the window on the arts of the world. Just as Christianity is taught in schools, vodou will also be part of religious teachings.

**Article 41. -** A support fund, within the limits of the funds available, for artists will be established. The arrangements for access to this fund will be worked out in consultation with associations and other organized groups in the cultural sector.

**Article 42. -** The State, while reaffirming its secular character, will promote harmonious co-existence among the different religious denominations present in the territory, while respecting the beliefs of each other. The

Government will take care to prevent any drift leading to stigmatization and violence against the voodoo community.

#### **Environment and risk and disaster management**

**Article 43.** - The Government, from the first month of its installation, will convene the Environment Conference, climate change and risk and disaster management with the main objectives of identifying needs and mobilizing resources to address this issue urgently.

#### **International cooperation and Haitian diplomacy**

**Article 44.** - The Government will adopt an adequate and efficient strategy to identify and mobilize financial resources necessary to respond to the challenges of the Transition.

**Article 45.** - The downsizing of the diplomatic corps will be carried out on the basis of a reassessment of the diplomatic representation of Haiti outside and the mission of this representation defined in the Roadmap.

### **TITLE V: FINAL PROVISIONS**

**Article 46.** - The implementing regulations, once signed by the Monitoring Office, shall be considered as an annex to the Agreement.

**Article 47.** - The provisions of this Agreement and its Annexes may be amended only with the express consent of the Parties.

**Article 48.** - The Annexes shall form an integral part of the Agreement and shall have the same force and effect as the other provisions of the body of the text, the Preamble, and the Declaration of Principle.

**Article 49.** - This Agreement shall enter into force upon signature by the Parties and shall be published in the Journal Official Le Moniteur upon the installation of the Transitional Government.

Done at Port-au-Prince on August 30<sup>th</sup> two thousand and twenty-one (2021).

The signatures are as follows: