

THE AUGUST 30TH, 2021 AGREEMENT/ MONTANA ACCORD

ESTABLISHING A TRANSITIONAL EXECUTIVE THROUGH CONSENSUAL AND PEACEFUL MEANS: *THE FORMATION OF A GOVERNMENT OF NATIONAL UNITY/RESCUE*¹

Preamble

- After squandering precious time meant for national recovery and plunging the state, the nation, and society into a seemingly irreversible collapse, the heirs of the July 7, 2021, bloody coup d'état are resolute in jeopardizing any prospects for even a minimal political normalization through the means of credible elections. It is evident that the group that has clung to power for personal gain for over two years lacks the essential legitimacy and trust necessary for such an undertaking.
- All the signs indicate we are heading towards a worsening catastrophe. This will happen when the current team decides to select new leaders to carry on the same policies, aimed at securing impunity for the crimes against humanity that have scarred our nation's history.
- Lacking any credibility, installed at the helm of the country despite the opposition of the overwhelming majority of Haitians, only his international backers continue to believe in his ability to hold uncontested elections.
- The current Prime Minister, Dr. Ariel Henry, who has been in power since July 2021, has disregarded the terms of the agreements he himself initiated with his allies and international backers. These agreements, dated September 11, 2021, and December 21, 2022, include provisions for creating a body to oversee government actions and a timeline for organizing general elections. To this day, none of these obligations have been even minimally fulfilled. Instead, these agreements have been used to keep Dr. Ariel Henry in power, disregarding the will of the majority of the country's social and political groups and the people's demands. Dr. Ariel Henry and his government have maintained an autocratic rule by consolidating control over all three branches of the state, effectively holding the powers of the presidency, the prime ministry, the Ministry of the Interior and Territorial Communities (a critical department), and the presidency of the Higher Council of the National Police, all without oversight or accountability. This has resulted in a multifaceted crisis for the country.
- Dr. Ariel Henry has consistently taken a negotiation stance, invoking Article 149² of the amended 1987 Constitution to justify his exercise of all powers without a specific mandate, roadmap, or defined duration. He has systematically declined meaningful negotiations with other parties to establish a governance system that would put an end to impunity and uphold the rule of law while respecting the balance of power among the three branches. Dr. Henry and his allies have shown no urgency in addressing the conditions that enable armed groups and their backers to extend their control over an expanding portion of the territory. The result has been a surge of horrific crimes such as murder, rape (especially targeting women and girls), looting, arson, and kidnapping and the exodus of hundreds of thousands of internally displaced persons, forced to survive in subhuman conditions, under the cruelty

¹ A national rescue government is formed with the sole purpose of addressing a nation's multidimensional crisis, encompassing security, political, economic, social, and cultural issues. This government is temporary and concentrates on stabilizing the country and introducing transitional reforms. Its ultimate goal is to pave the way for democratic, credible, and participatory elections, ultimately restoring constitutional order and establishing a stable government. To fulfill its mission effectively, the national rescue government must be inclusive, representing a broad spectrum of opinions and interests, while remaining non-partisan.

²Article 149 provides the Prime Minister, in this case, with a "minimum of sixty (60) days and a maximum of one hundred twenty (120) days from the commencement of the vacancy" to organize the election for the new President of the Republic.

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indifferent gaze of the authorities. Since the beginning of 2023, this insecurity has escalated to the point where it can be characterized as genocide against the populations residing in the urban neighborhoods and rural areas under the control of armed criminals.

- Faced with a track record of failure and pressured by public demands for its resignation, the de facto illegitimate regime, as of October 7, 2022, has resorted to military intervention in an attempt to conceal its inability to address security issues, impunity, violence, and to hold onto power. The suffering of the population has intensified due to the rapid deterioration of living conditions since this government took office, marked by administrative, financial, and legal mismanagement by its leaders, leading to a full-blown humanitarian catastrophe.
- Upon the request of the de facto government, bolstered by its national and international allies, for the "the immediate deployment of specialized armed forces throughout the country, in sufficient quantity," the UN Security Council, through Resolution 2699 on October 4, 2023, sanctioned a multinational security support mission in Haiti. This resolution, expressed in an unprecedented manner in the history of the United Nations, is the result of laborious negotiations and compromises among international powers. It embodies the reservations held by certain state actors and heeds the cautions voiced by representative civil society organizations.
- The Montana Accord, based on the search for a Haitian solution to the multidimensional crisis facing the country, has consistently denounced the intentions of certain local and international actors to block this process of reclaiming our sovereignty and dignity as a people. Montana has continually demonstrated that the ruling team, which has done nothing to halt the country's descent into chaos, lacks credibility to shape the future of the nation.
- The compounding of these facts and events, threaten the existence and wellbeing of the Haitian population and the future of the nation. It undeniably indicates the imperative and urgent need for the immediate resignation of the de facto Prime Minister and his government. In their place, it is crucial to establish a legitimate democratic transition that can foster the conditions for a return to republican order, lay the groundwork for national recovery, and guide the country towards conducting free, fair, transparent, and democratic elections.

I - The Primary Mission of the New Transitional Government

- The foremost mission of the incoming transitional government must be to restore the institutional order through a consensus-driven, inclusive approach in line with the spirit of the 1987 Constitution. This entails:
 - Rehabilitating the Judicial System: Restoring the proper functioning of the judicial system.
 - Establishing Transitional Oversight: Creating a supervisory body to guide the transition in the absence of the parliament.
 - Reverting to a Bicameral Executive Power: Returning to a system of executive power with two legislative chambers.

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- In order to pull the country out of the current institutional, security, economic, and social crisis, it is imperative to form a national rescue government that garners broad consensus. This government should implement a non-partisan policy designed to inspire confidence among all stakeholders in the promise of equitable electoral competition that is acceptable to all.
- The primary objectives of the Government during the transition period are as follows:
 - Negotiate with the international community to establish effective support for Haitian security forces, while respecting national sovereignty strictly. The goal is to prevent the country from descending into a new military intervention crisis;
 - Restore and revamp the collapsed state institutions and implement essential transitional reforms to ensure the proper functioning of republican institutions and uphold the fundamental rights of the population;
 - Reestablish public security conditions to allow for the resumption of daily life and the unrestricted movement of people and goods across the national territory;
 - Prioritize the constitutional question and the political party system in a National Conference's agenda;
 - Create a Provisional Electoral Council, oversee the revision of the electoral system, and orchestrate general elections to rejuvenate the political leadership;
 - Strengthen state institutions to combat corruption and impunity and pave the way for trials against individuals involved in financial crimes and crimes against humanity;
 - Implement extraordinary measures to rejuvenate the economy, combat food insecurity, address epidemics, and arrange for the catch-up education of children who have missed schooling over the past three years. Additionally, efforts will be made to revitalize social and cultural life, with these measures outlined in a detailed roadmap;
 - Establish a Justice and Truth Commission to serve the purpose of preserving memory and providing reparations.
- From the political dialogue initiated for over two years between Haitian parties regarding the resolution of the crisis, it is clear that a bicameral executive is needed at the head of the state, and the installation of an inclusive National Rescue Governance, composed of non-partisan, honest, and competent individuals chosen consensually by the stakeholders of the political consensus agreement in consultation with other civil society entities, according to objective criteria related to the validated roadmap.

This governance will consist of:

- A Transitional Council with the constitutional powers of the Presidency;
- A new Prime Minister;
- An inclusive, non-partisan government of national rescue;
- A Body for the Control of Government Actions (BCGA) composed of x members (number to be determined consensually);
- A functional judiciary with organs mandated for the duration of the Transition.

II - Mechanisms for Establishing the New Transitional Government

- The stakeholders who witness the resignation of the incumbent government will sign a national political consensus agreement. This agreement will outline the procedures for

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replacing the outgoing government and establishing the new governance of the country, complete with a clear roadmap and a defined timeline for the transition.

- The departing de facto Prime Minister and their team will collaborate with the transitional team to facilitate the transfer of power.
- A National Transitional Council, consisting of a collegial presidency of five members, will be established through consensus. This council's composition will adhere to the selection criteria and operating procedures outlined in the National Political Consensus. It will consist of individuals designated as follows:
 1. One member from the institutional private sector.
 2. One member from the Haitian Diaspora.
 3. One member from the December 21 Agreement.
 4. One member from the political forces that signed the Kingston Declaration.
 5. One member from the Montana Agreement.
- The members of this council will choose one individual from among themselves to serve as the President of the Transition.
- In order to ensure the formation of a non-partisan, ethically sound, and inclusive government for national recovery, the stakeholders in the National Political Consensus will establish an Impartial Pre-Selection Committee (CIPS) consisting of no more than seven civil society members. The CIPS will be responsible for selecting the members of other transitional bodies, including the Prime Minister, the ministerial cabinet, and the Body for the Control of Government Actions. The members of the CIPS will primarily come from the following sectors:
 - Anti-corruption organizations;
 - Human rights organizations;
 - Women's rights organizations;
 - Peasant organizations;
 - The State University of Haiti (UEH);
 - The Federation of Haitian Bars (FBH);
 - The Order of Certified Public Accountants of Haiti (OCPAH);
- In the process of coordination, the stakeholders involved in the National Political Consensus compile a roster of technical and political professionals based on criteria linked to the objectives of the new government.
- The Committee for the Impartial Pre-Selection (CIPS) confirms adherence to these criteria, reviews the backgrounds of candidates proposed by stakeholders for the role of Prime Minister, and finalizes a list of three individuals. This committee then publishes the selected names for a three-day period before submitting the uncontested list to the National Transitional Council for the official appointment of the Prime Minister.
- Upon the Prime Minister's appointment, the impartial committee forwards to both the National Transitional Council and the newly appointed Prime Minister a pre-selected list of individuals who will form the ministerial cabinet, following a similar procedure, and in consultation with both entities.
- The Impartial Pre-Selection Committee applies the same procedure to select members of the Body for the Oversight of Government Actions.

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III. - Duration of the Transition

The transition period concludes within 18 to 24 months with the establishment of a President, a parliament, and local government bodies elected through free, fair, transparent, and democratic elections.

Proposal from the Montana Agreement, October 10, 2023

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