

Commission for a Haitian Solution to the Crisis Agreement of August 30, 2021, “Montana Accord”

Statement of principle

Translation by Tom Luce with assistance from ImTranslator v.16.7

For two centuries, the unrelenting people of Haiti have continued to resist against an anti-national state placed, in fact, under the tutelage of various international powers. Through its many struggles, this people has not stopped demonstrating its will to the existence of a new form of state 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 break has come. The Haitian people want to redefine its future outside this state administered essentially by local and foreign actors.

On the strength of these considerations, we, Haitian women and Haitian men, hold as non-transferable, the rights to life, liberty, equal access to opportunities, co-ownership of national wealth, fruits of unity in our armed struggles and our historical political victories. We also hold as indisputable that the protection of these rights and the transparency in democratic governance must be instituted on the basis of the inclusive citizen participation in the construction of state institutions and control of their operation.

Finally, in accordance with the Act of Independence of Haiti of January 1, 1804, the Charter of the United Nations of 1945 and the International Covenant of 1966 on Civil and policies that enshrine the right of peoples to self-determination, we believe intangible the right of the Haitian people to determine, in a sovereign manner, the form of their 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 citizens in major decisions involving the national life.

Citizens, women and men, original guardians of national sovereignty, responsible politicians, we are accountable before the Nation in the search for a just and lasting solution to the current political crisis. Against the specter of state collapse, we must hold on to the advances of hard-won democracy. We have to ensure our collective destiny by protecting us against any democratic regression and any relapse into arbitrariness.

Standing up, all together, against barbarism, for life, for regeneration of the Nation and for better living together.

WE AGREE TO WHAT FOLLOWS:

TITLE I: GENERAL PROVISIONS

Article 1. - This Accord aims to create the conditions for national stability with a view to the return to constitutional normality and the restoration of the democratic order. It commits solemnly the elements of a consensus essential for a concerted settlement of the political crisis.

Article 2.- Civil society organizations and political organizations, parties to the Accord, reiterate their attachment to:

1. respect for the sovereignty of the state as well as its republican form and democratic and secular character;
2. the rejection of violence as a means of political expression and the use of dialogue and consultation for the settlement of disputes;
3. to the principles of equality, freedom, dignity of the human person and the inalienable character fundamental freedoms and rights;
4. the fight against corruption and impunity;
5. transparency and accountability.

Article 3.- The Parties undertake to implement, in full, the provisions of this Accord. They undertake to respect the results of the work of the National Sovereign Conference.

Article 4.- The Parties acknowledge that the first guarantee of the outcome of the Accord lies in their sincerity, good faith and responsibility to assume the content of the Agreement and work to implement all of its provisions in the general interest of the Haitian population and in particular those most affected by the crisis. It is understood that the Haitian population, as a whole, and particularly through its organizations, must remain actively committed to respecting the content of this Agreement.

Article 5.- With a view to ensuring political governance, the Parties agree to put in place a two-head governmental system modeled on the constitutional regime defined in the Constitution of 1987.

TITLE II: POLITICAL GOVERNANCE AND TRANSITION BODIES

Article 6.- This agreement serves as a frame of reference for the Transitional Government. The articles of the Constitution of 1987 not affected by this Agreement shall continue to apply.

Article 7.- To ensure the smooth running of the transition, fill the institutional gaps in the level of the executive, legislative and judicial powers and allow the proper fulfillment of their permanent and continuous missions, the following specific bodies are created:

- a) the Monitoring Office (BS) for the implementation of the Agreement (Annex 1;
- b) the National Transitional Council (CNT) for the choice of the President of the Transition and Head of Government (Annex 2);
- c) the Transition Control Body (OCT) for the control of the Executive Power (appendix 3).

Annexes 1, 2 and 3 specify the missions, functions and obligations of each of these organs, as well as their composition and mode of operation.

Article 8.- A National Transitional Council (CNT) is created. It is made up of members appointed by social sectors and political parties and poles. The representation of social sectors and political organizations will be equal.

The representation of the social sectors will be coordinated by an emblematic organization which will strive to work with other recognized organizations in the sector. The breakdown by social sector is as follows:

Social Sectors		
Peasant groups	2	4G
Organizations for the defense of the rights of women	2	Plateforme des Organisations Féministes
Organizations for the defense of human rights	2	Plateforme des Organisations Haïtiens en Défense des Droits Humains (POHDDH)
Socio-professional Organizations	2	Ordre des Comptables Professionnels Agréés d'Haïti (OCPAH) - Fowòm Sosyopwofesyonèl
Private Institutional Sector	2	La Chambre de Commerce et d'Industrie d'Haïti (CCIH- Chambre des Métiers et de l'Artisanat
University	2	L'Université d'État d'Haïti
Catholic Church	1	La Conférence Episcopale
Protestant Church	1	Federation Protestante d'Haïti
Episcopal Church	1	Episcopal Church Council
Vodou Community	1	KNVA - Wayom Vodou Dayiti - Alovi Dahomey
Union Organizations	2	COSHARCO
Socio-Communitarian organizations	1	FONSOC
People Organizations	2	MOLEGHAF / ESCLAVES REVOLTES
Petrochallengers	1	NOU PAP DOMI
Organizations of Haitian women and men living outside the country	3	Forum Haitien pour la Paix et le Développement Durable (FOHDD)
	27	

The representation of parties, groups and political organizations is as follows

Parties, Groupings and Political organizations	
OPL	1
OPERASYON TET ANSAMN - FND/RSD	1
MOPD	1
RDNP	1
FPP (RASIN KAN PEP, AKAO, KONTRAPEP	1
PITIT DESSALINES	1
SDP	1
PEN	2
ANFOS-MOLHA	1
UNIR - LOD DEMOKRATICK	1
TIERS SENAT	2
FANMI LAVALAS	2
PHTK et ALLIES	1
IPAM- MTC	1
KONBIT	1
MATRIS LIBERASYON - CONACOM DU RENOUEAU	1
ANTANT POU TRANZISYON KOUPE FACHE	1

ASO / PPRN	1
RPH	1
PADEM	1
INIFOS	1
	25

Article 9.- Within thirty (30) days of its installation, the Transitional Government creates and installs independent bodies, attached to the Transition Presidency, responsible for dealing with these major priority issues of the transition, in particular:

- The Bureau of the National Sovereign Conference. The constitutional question and the political party system will be given priority on the agenda of the Sovereign National Conference;
- A commission responsible for the issue relating to the identification of female citizens and male citizens and the electoral system;
- A Justice and Truth commission.

Within sixty (60) days of the establishment of the National Sovereign Conference, the question of constitutional amendments or the establishment of a constituent assembly will be processed.

The Government undertakes the evaluation of the electoral system and initiates the relevant reforms with a view to the adequate exercise of the right to vote by citizens

TITLE III: MISSIONS, ATTRIBUTIONS AND DURATION OF THE TRANSITIONAL GOVERNMENT

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

To this end, it exercises the following powers:

- Apply the roadmap which is an integral part of this Accord;
- Conduct public policies and ensure the proper functioning of the public administration;
- Organize the recruitment and appointment of civil servants and state clerks and particular of local elected officials whose terms of office have expired in local authorities;
- Form the independent offices and commissions provided for in the Accord and provide them with the means necessary for the proper accomplishment of their mandate;
- Evaluate the electoral system and proceed with the reforms that should allow the realization of transparent and inclusive elections.

Article 11.- The transition period will last twenty-four (24) months, from the date of installation of the Transitional Government

Article 12.- The ten (10) senators still in office will continue to sit until the end of their term as mandated. They will formulate their proposals, opinions, and recommendations on all subjects or legislative texts, the treatment of which generally falls within the remit of the Senate of the Republic, however their resolutions shall not be legally binding.

Article 13.- The Government appoints, on the proposal of local organizations, the interim executive agents in the communes and communal sections of the country. They will stay in office until the installation of the local authorities elected from the next elections.

Article 14.- The attributions, organization, allocation of resources and functioning of the local authorities during the transition will be stopped by the Control Body of the Transition, on the proposal of the Executive Power, after evaluation of their situation, no later than three (3) months after the installation of the Transition President and the Head of Government.

Article 15.- The administrative acts of the authorities (budget of the Republic, electoral framework, etc.) will be the subject of an agreement with the OCT which will have the force of law.

Article 16.- The decrees taken after the end of the Parliament's functioning are immediately reported and eventually reassessed, as well as illegal and arbitrary appointments.

TITLE IV - PROGRAMMATIC GROUPS

Article 17.- It is understood between the parties that the following programmatic groups mentioned are indicative of the general direction of Government policy.

They will be completed, organized with a detailed roadmap, with a timetable and a corresponding budget. To this end, members of the socio-professional sectors will be called upon for the technical breakdown of this roadmap.

Article 18.- The Parties agree to contribute to the development of a roadmap for the transition which should make it possible to provide short-term responses to the dramatic situation experienced by a majority of the population on a daily basis. This roadmap should set the major priorities of government action as well as that of the other strategic bodies put in place to drive the transition. An implementation schedule for each of the priorities selected will be supplied. The roadmap will be developed around the following programmatic groups:

The mechanism of electoral processes, of citizen participation in politics
management and decentralized management of state affairs

- Public security
- Justice and human rights
- Corruption and impunity
- Economic emergencies
- Health and management of the COVID-19 emergency
- The Sovereign National Conference
- Agriculture and food sovereignty
- Social Protection
- Education
- Culture
- The environment and the management of risks and disasters
- International cooperation and diplomacy

The roadmap does not exempt the transitional government from general obligations defined by the articles in force of the Constitution and the laws of the Republic. It constitutes mainly a tool to orient and evaluate the transition period according to the main expectations expressed by the vast majority of the population.

Organization of the electoral system

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

In order to maintain confidence in the electoral process, neither the Transitional President nor the Head of Government can be candidates for the next presidential and legislative elections.

Public safety

Article 20.- The minimum objective of the transitional government will be to guarantee the free movement of people and property throughout the national territory. To this end, the action of armed gangs which currently paralyzes the connections between the different regions of the country as well as the access to areas with high population density must be contained. The first element of the roadmap on this subject will be the evaluation produced by the CSPN of the real capacity of the various institutions involved in the security chain both at the leadership level and at the resource level made available to them. The list of institutions includes in a non-exhaustive way:

- The PNH;
- The specialized bodies of the Ministry of Justice and Public Security.

An identical approach will be requested from the CSPJ concerning the functioning of the courts in especially those operating in security sensitive areas.

In general, a multisectoral and multidimensional approach will be adopted with a view to prevent marginalization and provide concrete responses to the problems that promote delinquency; exceptional measures with visible results will be studied to create jobs, improve material living conditions in areas with high population density.

Justice and Human Rights

Article 21.- In terms of justice and respect for human rights, the objective of the Government of transition will be to bring peace to the cities, to restore the confidence of citizens in the institutions. Security measures will be taken to allow the regular operation of the courts in the eighteen jurisdictions of the country.

Article 22.- Public action will be set in motion, as soon as the Transition is in power against individuals presumed accomplices in the various acts of spoliation of funds, squandering of funds, especially from Petro Caribe, FNE, Dermalog, rape, kidnappings and assassinations, massacres, in particular those of La Saline, Belair de Delmas 32, Martissant.

Article 23.- A compensation fund shall be set up. Populations that are victims of massacres and displacements will be rescued urgently and restored to their rights. Measures will be taken for the reunification of displaced persons, in particular those of Martissant, Belair, La Saline and Delmas.

Article 25.- The Transitional Government will restore the CSPJ in its composition for the duration of the transition. Once it has become functional again and re-established in its missions, the CSPJ in accordance the law, proposes the new judges who will have to be named, after certification of their skills and moral integrity. The CSPJ prepares a report on the functioning of the Haitian Justice, presents an inventory, a diagnosis and a series of measures aimed at strengthening its independence and functioning. The transitional government will bring back the judges put into retirement, in defiance of the principle of irremovability, certain judges of the Superior Court (Cassation), The government will complete the Superior Court (Cassation) for the duration of the Transition in order to make it functional.

Corruption and impunity

Article 26.- Any judgment of debit pronounced by the Superior Court of Accounts and Litigation (CSCCA) resulting from the audit of Petro Caribe will have to cause a referral to the judges of instruction on this emblematic file. The latter will benefit from technical support, logistical, financial and security necessary for the accomplishment of their mission.

Article 27.- The mission of non-independent structures for the fight against corruption shall include two components: general audit of the public administration and administrative investigations on the activities undertaken by previous governments on the one hand, control of those of the government of transition, on the other hand. The work carried out by these bodies should 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 thirty days of the entry into office of the transitional government, the officials of the DGI and the AGD will have to present an inventory of these institutions, as well as a plan to strengthen their control, perception and verification capacities. From technological means will be used to, at the same time, improve the service to the population, fight against corruption and increase transparency on taxes, duties and fees collected.

Article 29.- The Boards of Directors of social security entities, public companies and autonomous organizations will be installed.

Article 30.- The Government, from the first days of its installation, concentrates on the preparation and/or revision of the 2021-2022 budget, which must be validated by the OCT.

Article 31.- The agricultural policy will be reviewed with a view to ensuring the rehabilitation and protection of peasant family farming. Means will be implemented to develop a policy of revalorization of the peasantry, through its various sectors of production (agriculture, agro-forestry, livestock, fishing, handicrafts) in pursuit of food sovereignty.

Article 32.- The Government will pursue with the unions of the public and private sectors a frank and constructive social dialogue. The functioning of the Higher Wage Council will be reviewed to promote the revaluation of the salaries of the civil service, the personnel teachers and hospital staff, in particular.

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

Health, public hygiene and management of the COVID-19 emergency and post earthquake

Article 34.- The Government will make every effort to initiate the vaccination campaign that will give priority to people at risk, according to the capacity to acquire vaccines, and this on a voluntary basis.

Article 35.- Particular attention will be paid to the responses to be provided to the problems related to women's health, particularly in terms of preventive and reproductive health. Children, disabilities, all vulnerable people in general will receive attention priority.

Article 36.- The Government shall take all necessary measures for the reunification of the families from the southern peninsula of the country affected by the earthquake of August 14, 2021, their accommodation, food, health care and other basic needs as soon as possible and with respect for humanitarian accountability.

Article 37.- Concomitantly with the emergency operations, the Government will establish a post-earthquake rehabilitation and development of investments for the southern peninsula from the end of the emergency phase.

Of the Sovereign National Conference

Article 38.- Within 30 days of its installation, the Government creates the Office in charge of organizing the National Sovereign Conference demanded by many sectors. The National Conference is a framework for dialogues, debates intended to allow Haitian women and Haitian men to lay the foundations and rules of a new social pact.

The Office, once installed, has a maximum of four (4) months to carry out the national consultations and a deadline of one (1) month to submit its final report and its conclusions to the nation via the transitional government which will be responsible for enforcing them. It will be appropriately provided by the government to carry out this mission within the prescribed time.

Education

Article 39.- The Transitional Government will open the construction site for the reform of the Public Education based on the values of equality, integration, solidarity and promoting language, history, culture of the country and making them capable of taking up the challenges of economic transformation and social responsibility of the Republic and of responsible citizen participation in the affairs of the State.

The Transitional Government has set itself the following objective:

- The restoration of normal operating conditions for all public schools, in particular those of the departments hit by the earthquake of August 14, 2021 and Storm Grace
- The revival and extension of school inspection in all private and public schools in the republic
- The realization of an inventory of the professorial situation of the fundamental school in sight to assess teacher needs as well as that of teacher training colleges (ENI)
- The extension of the school canteen program with the use of local products in sight, on the one hand, to relieve the families of students and teachers and, on the other hand, to offer opportunities for local producers

Culture

Article 40.- The Government initiates a bold and generous cultural policy which will irrigate all fields of public intervention. A policy which in the field of education will aim to introduce our children to our arts, traditions, mores and religion while opening the window to them on the arts of the world. In the same way that Christianity is taught at school, Voodoo will also be part of the teachings in matters of religion.

Article 41.- Within the limits of available funds, a support fund for artists will be set up. The terms of access to this fund will be worked out in consultation with associations and other organized groups in the cultural sector and specified in a roadmap for the sector.

Article 42.- The State, while reaffirming its secular character, will promote coexisting harmony between the different religious denominations present on the territory, with respect to each other's beliefs. The Government will take care to prevent any movement leading to stigma 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 meetings on The environment, climate change and risk and disaster management with main objectives the identification of needs and the mobilization of resources for taking urgent consideration of this issue.

International cooperation and Haitian diplomacy

Article 44.- The Government will undertake to develop an adequate and effective strategy with a view to identify and mobilize the financial resources necessary to meet the challenges of Transition.

Article 45.- The reform of the diplomatic function will be carried out on the basis of a reassessment of the diplomatic representation of Haiti abroad and the mission of this diplomacy as defined in the Roadmap.

TITLE V: FINAL PROVISIONS

Article 46.- The implementing regulations, once signed by the Monitoring Office, will be considered an appendix to the agreement.

Article 47.- The provisions of this Agreement and its annexes cannot be modified only with the express consent of the Parties.

Article 48.- The annexes form an integral part of the Accord and have the same value as the other provisions of the body of the text, the preamble and the statement of principle.

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

Done in Port-au-Prince on August 30, two thousand and twenty-one (2021).

Following signatures :

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APPENDIX 1

OF THE AGREEMENT IMPLEMENTATION MONITORING OFFICE

Article 1.- This Annex specifies the missions, functions, attributions and obligations of the Follow-up Bureau created in the context of the need for a transition to implement the Agreement for a Haitian Solution to the Crisis.

Article 2.- Decisions within the Monitoring Office are taken by consensus.

Article 3.- A Monitoring Office is constituted as soon as the Agreement is signed.

The monitoring office is made up of:

- a. The Commission for the Search for a Haitian Solution to the Crisis (CRSHC)
- b. Three (3) representatives of civil society organizations not already part of the Commission;
- c. Three (3) representatives of political organizations;
- d. Two (1) representatives of the popular sector.

In the event that a sector does not arrive, within 72 hours of receipt of the letter from the CRSHC, to communicate its choices for the composition of the Monitoring Office, another sector will be solicited by the latter.

The Monitoring Office draws up its internal regulations and determines in particular the terms of the decision-making within it.

Article 4.- The Monitoring Office is responsible for ensuring compliance with the provisions of the Accord concerning the installation of the organs of the Transition. In particular, it must:

- a) define the procedures for implementing the agreement (selection criteria, roadmap)
Dissemination and promotion of the Agreement in order to obtain the widest possible adherence and popular support ;
- b) Proceed with the formation and installation of the National Transitional Council and the Organ of Transition Control;

- c) negotiate and organize, with a committee representative of civil society actors and political parties signatory to the agreement, the transfer of power with the government in square;
- d) ensure the technical secretariat and the coordination of the National Transitional Council, without deliberative vote;
- e) observe and comment on the electoral process for the appointment of the President of the Transition and the Head of Government. The Research Commission of a Haitian Solution to the Crisis (CRSHC) decides, in consultation with the organizations and sectors concerned, the composition of the Monitoring Office.

The Monitoring Office draws up its internal regulations and determines in particular the terms of the decision-making within it.

The members of the Monitoring Office are not remunerated for their services. Office functions follow-up ends with the installation of all the organs of the Transition.

APPENDIX 2 OF THE NATIONAL TRANSITIONAL COUNCIL

Article 1.- This APPENDIX specifies the missions, functions, attributions and obligations of the National Board of Transition created in the context of the need for a transition to fill the institutional gaps at the level of legislative and executive powers.

Article 2.- In general, for the sake of transparency, the list of sectors having participated in the choice members of a body as well as the names of these members must be published at least one (1) week before the installation and the official entry into function of this body.

Article 3.- The body responsible for determining the lists of members proceeds to arbitration in the event of contestation. If necessary, it provides for the replacement of the member(s) deemed unsuitable after arbitration.

Article 4.- To be a member of the CNT, it is necessary:

- 1) be Haitian of Haitian origin and have never renounced their nationality;
- 2) be over thirty (30) years old;
- 3) enjoy his civil and political rights and have never been sentenced to a severe or Infamous penalty for a common law crime;
- 4) never having been sanctioned for fraud or corruption by any body or competent jurisdiction
- 5) comply with legal requirements vis-a-vis the tax authorities for the last five (5) years
- 6) not to have been associated with blood crimes and financial crimes

Article 5.- In case a sector does not arrive, within 72 hours after the invitation of the Follow-up office, to propose its representative(s) in the CNT another sector can be requested by the Bureau.

In all cases, regional representation should be taken into account. The parity as well as the participation of young people will be sought.

Article 6. - The mission of the CNT is to elect the bi-head executive of the transition and to validate the composition of the government as well as the roadmap.

The CNT chooses a President of the Transition and a Head of Government, on the base of

- experience and competence criteria;
- ethics, commitment to the principles of good governance (transparency, accountability, participation, inclusion, effectiveness, rule of law);
- and compliance with legal requirements vis- -vis the tax authorities for the past five years. The candidates must meet the criteria and conditions provided for in article 135 of the Constitution of 1987.

The functions of the National Transitional Council come to an end with the installation of the President of Transition and the Prime Minister of the Transition. The National Transitional Council, once its mission accomplished, joins the Transition Control Body.

The National Transitional Council (CNT) elects the President of the Transition and a Head of Government, and, on the basis of the criteria and according to the terms set forth in this Agreement.

Article 7.- The CNT is composed of fifty-two (52) members appointed by the various social and political sectors.

The Monitoring Office decides on the composition of the CNT based on the applications submitted by the above sectors.

Article 9.- The functions of the National Transitional Council end with the installation of the President or the Transitional President and the Head or Head of Government.

APPENDIX 3

THE TRANSITION CONTROL BODY

Article 1.- An executive control body called the Transition Control Body (OCT) will be created with the mission to:

- ensure the execution of the mandate entrusted to the CNT;
- control the action of the Government;
- ensure compliance with laws and ethics in the management of public affairs;
- ensure that popular demands are taken into account by the executive power.

Article 2.- During the transition period, the executive power reports to the Control Body of the Transition (OCT). The Monitoring Office collects the names of the members of the OCT. The mandate of members of the OCT ends with the installation of elected parliamentarians.

The OCT is composed of 73 members

- a) the fifty-two (52) members of the National Transitional Council;
- b) twenty-one (21) members including two (2) appointed by the Tables de Concertation, in consultation with broad local civil society organizations in each of the 9 geographical departments, except the West, and three (3) by the organized sectors of the Haitian diaspora. The organized sectors appoint OCT members in a transparent manner and participatory.

Article 3.- To be a member of the OCT, it is necessary:

- 1) be Haitian of Haitian origin and have never renounced their nationality;
- 2) be over thirty (30) years old;
- 3) enjoy their civil and political rights and have never been sentenced to punishment or infamous sentence for a common law crime;
- 4) never having been sanctioned for fraud or corruption by a competent body or jurisdiction
- 5) not to have been associated with blood crimes and financial crimes

Article 4.- The OCT occupies part of the premises reserved for Parliament elected and paid, in a reasonable proportion of part of the administrative and logistical support allocated to it.

The operating budget of the OCT is included in the budget of the Republic. No extra budgetary funds privileges will be granted to OCT members.

Article 5.- The OCT sits permanently. However, it may adjourn, in which case it leaves a permanent committee in charge of expediting day-to-day business. This committee cannot make any judgment, except for the convening of the OCT.

In urgent cases, the Executive may also convene the CTO before the end of the adjournment.

Article 6.- The Transition Control Body exercises the following powers:

- 1) to ratify the decrees issued by the Executive Power;

- 2) contribute to the formation of the Electoral Council in accordance with the relevant article in this Agreement
- 3) receive at the beginning of each quarter the report on the activities of the Government for the previous quarter

Article 7.- The Transition Control Body appoints at its head a President, a Vice-President, a First and Second Secretaries. The Control Body is chaired by its Chairman, assisted by the Vice-President and the First Secretary.

Article 8.- In the event of impediment of the President, the Control Body is chaired by the Vice-President assisted by the Secretaries

Article 9.- OCT meetings are public. Nevertheless, they may take place behind closed doors on the request of ten (10) members and it will then be decided by an absolute majority whether the session should be resumed in public.

Article 10.- In case of emergency, when the OCT is not in session, the Executive Power may convene it in the extraordinary.

Article 11.- The OCT cannot sit or take decisions and resolutions without the presence in its bosom of the majority of its members.

Article 12.- The OCT has its headquarters in Port-au-Prince. Nevertheless, depending on the circumstances, this seat will be transferred elsewhere to the same place and at the same time as that of the Executive Power.

EXERCISE OF THE POWERS OF THE TRANSITION CONTROL BODY

Article 13.- In the case of extraordinary convocation of the OCT, it cannot decide on any object foreign to the reason for the summons. However, any member of the OCT can talk to him about of general interest.

Article 14.- The members of the OCT take the following oath: "I swear to fulfill my task, to maintain and safeguard the rights of the People and to be faithful to the Constitution."

Article 15.- The initiative of Decrees on the Budget is the responsibility of the Executive Power. However, the budget of the Electoral Council is prepared by the latter, in consultation with the Executive Branch, and submitted to the Supervisory Body. Draft decrees must be voted on by the Control Body.

Article 16.- Under no circumstances may the Transition Control Body be dissolved or adjourned or term of its members extended.

Article 17.- The OCT, in accordance with its regulations, appoints its personnel, determines its discipline and determines the manner in which it exercises its powers.

Article 18.- The OCT may apply to its members, for reprehensible conduct, by decision taken at the majority of 2/3, disciplinary penalties.

Article 19.- Any member of the OCT will be deposed who, during the duration of his term of office, will have been subject to a sentence pronounced by a court of common law that has acquired authority of the matter judged and leads to ineligibility.

Article 20.- The members of the OCT are inviolable from the day of their taking the oath until the expiry of their term of office, subject to the provisions of the article below.

Article 21.- They cannot be prosecuted and attacked at any time for the opinions and votes cast by them in the performance of their duties.

Article 22.- The OCT shall authorize that a member of the OCT may, during his term of office, be arrested in matters criminal, correctional or police for common law offenses. This permission is not necessary in cases of flagrante delicto for acts carrying a severe and infamous penalty. It is then referred to the OCT without delay.

Article 23.- The OCT has the right to investigate matters referred to it.

Article 24.- Any draft decree must be voted Article by Article.

Article 25.- Any draft decree may be withdrawn from discussion as long as it has not been definitively voted .

Article 26.- Any decree voted by the Control Body is immediately addressed to the President of the Transition which, before promulgation, has the right to object to it in whole or in part

Article 27.- If the decree thus amended is voted by the OCT, it will be addressed again to the President of the Republic to be promulgated.

Article 28.- If the objections are rejected by the OCT, the decree is returned to the President of the Republic who is obliged to promulgate it.

Article 29.- The rejection of objections is voted by the OCT by a majority of its members. In this case, The votes will be cast by secret ballot.

Article 30.- The right of objection must be exercised within a period of eight (8) clear days from the date of receipt of the decree by the President of the Republic.

Article 31.- If within the prescribed time, the President of the Republic makes no objection, the decree must be enacted

Article 32.- The decrees and other acts of the Control Body shall be made enforceable by their promulgation and their publication in the Official Gazette of the Republic.

Article 33.- Articles are numbered, inserted in the printed bulletin and numbered with the title.

BULLETIN OF LAWS AND ACTS

Article 34.- The decree takes date from the day of its final adoption by the OCT

Article 35.- No one may in person present petitions at the rostrum of the OCT.

Article 36.- The interpretation of laws and decrees by authority, belongs only to the OCT, it is given in the form of a decree.

Article 37.- Each member of the OCT receives a monthly salary lower than the salaries of former read from his swearing in.

Article 38.- The function of a member of the OCT is incompatible with any other function remunerated by the State, except that of education.

Article 39.- The right to question and interpret a member of the Government or the whole Government on the facts and acts of the Administration is recognized for any member of the OCT.

Article 40.- The request for a charge must be supported by five (5) members of the OCT. It ends in a vote of confidence or censure taken by the majority of this body.

Article 41.- When the request for challenge results in a vote of censure on a question relating to the program or to a statement of general government policy, the Prime Minister Minister must submit to the President of the Republic the resignation of his Government.

Article 42.- The President must accept this resignation and convene the National Transitional Council for the appointment of a new Prime Minister, in accordance with the provisions of the Agreement.

Article 43.- The OCT cannot take more than one vote of censure per year on a question relating to the program or a statement of general government policy

INCOMPATIBILITIES

Article 44.- Cannot be members of the OCT:

- 1) the concessionaire or State contractor for the operation of public services;
- 2) representatives or agents of concessionaires or co-contractors of the State, companies or concessionary or co-contracting companies of the State;
- 3) any person in the other cases of ineligibility provided for in the Agreement.

Article 45.- Members of the Executive Power and Directors General of Public Administration cannot be members of the OCT.

