

*N ap #Mache Pou La Vi (Marchons pour la vie)*

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**Comparative Analysis of Proposals for Ending the Crisis and Prospects for a Unique Proposal**

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*Analyse comparée des propositions de sortie de crise et perspective pour une proposition unique*

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## **I. By way of introduction**

Actors from the civil society, political parties and groups, the de facto government, led by Mr. Ariel Henry, and the remaining third of the Senate, designating its president, Mr. Joseph Lambert, as President of the transition, all proposed a document to resolve the crisis. However, they fail to come together to make a single proposal, although the positions converge on the issues to be addressed during the transitional period.

Engaged as an independent facilitator since last March in the search for an agreement between the actors, N ap # Mache Pou La Vi (Walk for Life) proposed on Thursday September 2 the creation of an **Inclusive Working Group** ( CTI) made up of six (6) personalities: one (1) representative of the National Memorandum of Understanding (PEN); one (1) representative of the August 30 agreement; one (1) representative of the remaining third of the Senate; one (1) representative of the de facto Prime Minister; one (1) representative of the non-signatories; one (1) representative of N ap #Mache Pou Lavi. Three entities have already expressed their interest in the process. Within eight (8) days at most, the Inclusive Working Group (ITC) must reach the one-stop deal the country so badly needs. This work could be carried out, by consensus, under the gaze of three personalities chosen from the press, the Federation of Haitian Bars and the Louis Joseph Janvier Chair.

N ap # Mache Pou La Vi produces this document entitled “Comparative analysis of proposals for ending the crisis and prospects for a unique proposal.” It presents a summary of the proposals in three axes: Politics; Economy; Justice and Social Security, their convergence and divergence. It suggests what the actors should focus on. However, to get there, they must be in good faith and willing to make sacrifices necessary to get the country out of the deadlock.

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### II. Proposals for a way out of the crisis: Convergence and Divergence

#### A) Selected proposals

- Framework of a Political Agreement for Stable and Peaceful Governance - De facto Government (Ariel Henry);
- National Memorandum of Understanding (PEN) - Political parties and groups supported by part of civil society;
- Agreement of August 30, 2021 - Commission for the Search for a Haitian Solution to the Crisis (Political parties and part of civil society).

#### B) Key points considered in the context of this Analysis

- Political
- Economic
- Justice & Public Safety

#### 1) POLITICAL

Government/ Civil society/ Political pole	SUMMARY OF PROPOSALS
<b>Framework of a Political Agreement for Stable and Peaceful Governance</b>	<ul style="list-style-type: none"> <li>• During the interim period, the functions of executive power are exercised by the government headed by Ariel HENRY;</li> <li>• The Prime Minister, if necessary, will be able to effect changes within the government to make it more inclusive and more consensual;</li> <li>• The members of the government and those who occupy de facto functions at the level of power and who wish to run for an electoral post, must resign within thirty (30) days following the publication of the Political Agreement;</li> <li>• The government led by Ariel HENRY remains in place until new elected officials take office and a government is chosen;</li> <li>• The government undertakes to review the composition of the CEP according to article 289 of the constitution;</li> <li>• With political actors and civil society groups, find the appropriate methodology to revise the constitution;</li> <li>• A consultative body will be created to monitor government action and the implementation of the roadmap. To do this, 23 volunteer personalities from all departments of the country and the diaspora will be attached to the remaining members of the Senate of the Republic,</li> </ul>
<b>National Memorandum of Understanding (PEN)</b>	<ul style="list-style-type: none"> <li>• Establish a two-headed executive power in accordance with the spirit of the 1987 Constitution. A President in the person of the President of the Senate, Senator Joseph Lambert and a head of government in the person of Prime Minister Ariel Henry;</li> <li>• The Prime Minister chooses the members of the government by mutual agreement with the President and the signatory members of the Political Agreement;</li> <li>• Establish a government action monitoring body of 21 members;</li> <li>• The transitional government must initiate constitutional reform;</li> </ul>

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	<ul style="list-style-type: none"> <li>• Second-degree ratification of the new constitution through the establishment of an Extraordinary Constituent Assembly made up of at least 300 members from the Association of Notaries, the Louis Joseph Janvier Chair, local meetings organized in the 43 districts, the electoral body, the National Constituent Commission, associations of local authorities;</li> <li>• Hold general elections at the end of 2022 under a new constitution.</li> </ul>
<p><b>Commission for the Search for a Haitian Solution to the Crisis</b></p>	<ul style="list-style-type: none"> <li>• Establish a two-headed government system modeled on the regime defined in the 1987 constitution;</li> <li>• To ensure the smooth running of the transition, the following will be created: (i) The Monitoring Office (BS) for the implementation of the Agreement; (ii) The National Transitional Council for the choice of the interim President and the Head of Government; (iii) The Transition Control Body for the control of executive power;</li> <li>• The Executive Power will set up from the first thirty (30) days of its installation, the Bureau of the Sovereign National Conference which will deal with the constitutional question and the system of political parties, a commission responsible for the question relating to the identification of citizens and the electoral system, a justice and security commission;</li> <li>• The transition period will last twenty-four (24) months.</li> </ul>
<p><b>POINTS OF CONVERGENCE</b></p>	
<ul style="list-style-type: none"> <li>• Establishment of a transitional government</li> <li>• Establishment of a government action control body</li> <li>• Revision of the Constitution</li> </ul>	
<p><b>POINTS OF DIVERGENCE</b></p>	
<ul style="list-style-type: none"> <li>• <b>Executive power headed by a Prime Minister versus a two-headed executive power according to the prescriptions of the constitution of 1987</b></li> <li>• <b>Mechanisms to achieve the establishment of oversight bodies during the transition period</b></li> <li>• <b>The duration of the transition</b></li> </ul>	

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### 2) ECONOMIC

Government/ Civil society/ Political pole	PROPOSITIONS
<b>Framework of a Political Agreement for Stable and Peaceful Governance</b>	<ul style="list-style-type: none"> <li>• Fight against extreme poverty and the high cost of living;</li> <li>• Relaunch agricultural production with the objective of achieving food self-sufficiency in the medium term, by devoting substantial public investments to rural areas;</li> <li>• Continue the road and energy infrastructure projects initiated by the previous government;</li> <li>• Negotiate with the private sector the adjustment and maintenance of the purchasing power of workers;</li> <li>• Initiate initial reforms with a view to re-establishing a climate likely to attract massive investment and create sustainable and well-paid jobs;</li> <li>• Rigorous budget management;</li> <li>• Restore the confidence of multilateral, bilateral and private donors;</li> <li>• Work towards the achievement of sustainable development goals.</li> </ul>
<b>National Memorandum of Understanding (PEN)</b>	<ul style="list-style-type: none"> <li>• No Proposition</li> </ul>
<b>Commission for the Search for a Haitian Solution to the Crisis</b>	<ul style="list-style-type: none"> <li>• Present an inventory of the DGI and AGD as well as a plan to strengthen their control, verification and collection capacities;</li> <li>• Preparation or revision of the 2021-2022 budget which must be validated by the OCT;</li> <li>• Revise the agricultural policy with a view to ensuring the rehabilitation and protection of peasant family agriculture;</li> <li>• Organize a frank and constructive dialogue with the various unions with a view to promoting the revaluation of the salaries of the civil service employees, teaching staff and hospital staff through the Superior Council of Salaries;</li> <li>• The government will be responsible for developing an international cooperation strategy with a view to identifying and mobilizing the financial resources necessary to face the demands and challenges of the transition.</li> </ul>
<b>POINTS OF CONVERGENCE</b>	
<ul style="list-style-type: none"> <li>• <b>Rigorous management of public finances</b></li> <li>• <b>Mobilization of financial resources from international cooperation</b></li> </ul>	
<b>POINT OF DIVERGENCE</b>	

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- Continuation of the energy projects of the previous government

### 3) JUSTICE & PUBLIC SAFETY

Government/ Civil Society/ Political Pole	PROPOSALS
<b>Framework of a Political Agreement for Stable and Peaceful Governance</b>	<ul style="list-style-type: none"> <li>• Restore the authority of the State and create a climate of security to restore peace and the confidence of the population by carrying out effective actions against armed gangs and traffickers of all kinds;</li> <li>• Create the conditions for carrying out a PetroCaribe trial and recovering the sums embezzled;</li> <li>• Investigate all other crimes and offenses of the same kind and transfer these cases to justice for the necessary actions;</li> <li>• Combat corruption, smuggling and impunity in all their forms;</li> <li>• Work to strengthen our judicial system in order to guarantee respect for human rights and that of private property and legal security for all investors, while ensuring respect for workers' rights;</li> <li>• Open investigations into massacres, extrajudicial executions, crimes that have gone unpunished and submit reports to justice for the necessary consequences;</li> <li>• A commission of experts will be created to analyze each of these decrees and advise the government on whether to maintain some and rescind others.</li> </ul>
<b>National Memorandum of Understanding (PEN)</b>	<ul style="list-style-type: none"> <li>• Establish a climate of security and appeasement throughout the territory;</li> <li>• Strengthen the national security forces, the Haitian National Police and the Haitian Armed Forces;</li> <li>• Review the decrees issued by the former administration;</li> <li>• Initiate trials against blood crimes (Assassination of Me Dorval, assassination of President Jovenel Moise, massacres in working-class neighborhoods) and financial crimes (PetroCaribe, CIRH, etc.) perpetrated under previous administrations;</li> <li>• Guarantee a healthy distribution of justice, ensure a good and healthy distribution of justice, in particular by facilitating the judicial processing of cases of political activists apprehended and imprisoned until this date awaiting trial.</li> </ul>
<b>Commission for the Search for a Haitian Solution to the Crisis</b>	<ul style="list-style-type: none"> <li>• In matters of justice and respect for human rights, the objective of the Transitional Government will be to restore peace in the cities, to restore citizens' confidence in the institutions. Security measures will be taken to allow the regular functioning of the courts in the eighteen jurisdictions of the country;</li> <li>• Public action will be set in motion, as soon as the transitional power takes office, against individuals presumed to be accomplices in the various acts of spoliation of public funds, of squandering of funds, especially of Petro Caribe, FNE,</li> </ul>

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Dermalog, of rapes, of kidnappings and assassinations, of massacres, in particular those of La Saline, Bel-Air, Delmas 32, Martissant;

- A reparation fund will be set up. The populations victims of massacres and displacements will be rescued urgently and restored to their rights. Measures will be taken for the reunification of the displaced, in particular those of Martissant, Bel-Air, La Saline and Delmas;
- The Transitional Government will restore the CSPJ in its composition for the duration of the transition. Once again functional and re-established in its missions, the CSPJ in accordance with the law, proposes the new judges who will have to be appointed, after certification of their competences and their moral integrity. The CSPJ prepares a report on the functioning of Haitian justice, presents an inventory, a diagnosis and a set of measures aimed at strengthening its independence and its functioning. The transitional government will revoke the decrees retiring, in defiance of the principle of irrevocability, certain judges of the Court of Cassation. The government will complete the Court of Cassation for the duration of the Transition in order to make it functional;
- Any unfavorable judgment pronounced by the Superior Court of Accounts and Administrative Disputes (CSCCA) resulting from the Petro Caribe audit must lead to the referral to the examining magistrates on this emblematic case. The latter will benefit from the technical, logistical, financial and security support necessary for the accomplishment of their mission.

### **POINTS DE CONVERGENCE**

- **Resumption of control of the territory by extermination or neutralization of gangs**
- **Initiate trials against financial crimes, massacres in working-class neighborhoods, blood crimes, rapes and kidnappings**
- **Fight corruption**

### **POINT DE DIVERGENCE**

- **None**

### **III. What the actors should work on?**

- i. Type of executive: Prime Minister & President or Prime Minister only
- ii. Duration of transition: 18 months or 24 months
- iii. Upstream consensus on the sharing of responsibilities or use of mechanisms to achieve this: 1. Government; 2. CEP & Justice, 3. Government control; 4. Restoration of public finances