

**FRAMEWORK AGREEMENT FOR BILATERAL CO-OPERATION**  
**BETWEEN**  
**THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS**  
**AND**  
**THE GOVERNMENT OF THE REPUBLIC OF HAITI**

**July 2014**

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The Government of the Commonwealth of The Bahamas and the Government of the Republic of Haiti, hereinafter "the Parties";

*Desiring to strengthen the bonds of friendship and co-operation between the two Parties and their peoples, on the basis of mutual respect and observance of international law, in particular, the principles contained in the United Nations Charter;*

*Recalling the contents and objectives of multilateral treaties signed by the two Parties, notably, the Treaty of Chaguaramas establishing the Caribbean Community (CARICOM), prior bilateral agreements including the agreement on illegal immigration concluded 2<sup>nd</sup> September, 1985, the additional Diplomatic Note of 8<sup>th</sup> November, 1985, and the exchange of Diplomatic Notes of 1995;*

*Recognising the right of states to control the flow of migrants across their borders, and that the regulation of illegal migration between neighbouring states must be a shared responsibility;*

*Declaring their intention to create a framework for ongoing dialogue and co-operation between the two governments on matters of mutual concern;*

*Acknowledging the desirability for both Parties to cooperate in the development of joint responses to common security problems, such as drug and human trafficking and human smuggling;*

*Desiring to promote and support cooperatively the development and expansion of trade and investment between the two countries;*

*Recognising the contribution that research can make towards effective programme development and implementation;*

*Noting the importance of cultural and sporting links for fostering greater understanding and friendship between the societies and peoples of the two countries; and*

*Wishing to explore other opportunities to strengthen bilateral co-operation in areas of mutual concern;*

HAVE AGREED AS FOLLOWS:

ARTICLE I  
Control of Migratory Flows

The Parties shall take appropriate measures, in conformity with international law, to ensure the control of illegal migratory flows, within their respective Territories.

**ARTICLE II**  
**Repatriation**

1. Each Party shall repatriate all nationals found illegally in their Territory and agree to accept its nationals without undue or unreasonable delay. Each Party shall be subject to their respective obligations under relevant international instruments to which they are State Party.
2. The Parties agree that where illegal migrants of one Party are found on vessels illegally in the territorial waters of the other Party, those migrants shall be subject to immediate repatriation to their country of origin.
3. Each of the Parties shall designate a Competent Authority to be responsible for repatriation procedures. Information on persons to be repatriated and details of the proposed repatriation exercise shall be submitted to the Competent Authority. The request for repatriation shall be processed within a period of seventy-two (72) hours, excluding weekends and public holidays, except in cases of emergency including direct repatriation.
4. For The Bahamas, the Competent Authority shall be the Minister of Foreign Affairs. For the Republic of Haiti, the Competent Authority shall be the Minister of Foreign Affairs.

**ARTICLE III**  
**Transitional Provisions**

1. The Government of the Commonwealth of The Bahamas agrees to continue reviewing the status of Haitian nationals resident in The Bahamas with no legal status and without criminal records who:

- (i) arrived in The Bahamas on or before 12<sup>th</sup> January, 1985;
- (ii) resided continuously in The Bahamas and can provide satisfactory evidence to this effect:

Provided that any application to the Immigration Department under this Article must be made within 180 days (6 months) of the entry into force of this Agreement.

2. Haitian nationals who are not legally resident in The Bahamas and did not present their petition in time may be subject to repatriation; and those persons who are repatriated will be entitled to the assets that they lawfully acquired in The Bahamas. Notwithstanding the date established in the previous paragraph, the Government of the Commonwealth of The Bahamas reserves the right to exercise its discretion to review the case of any Haitian national who has no legal status, in conformity with the laws, procedures and practices in The Bahamas.

3. Where the individual subject to repatriation notifies the Government of The Bahamas that he has acquired assets within the jurisdiction of The Bahamas, it shall be the duty of the Government of The Bahamas to inform the Embassy of the Republic of Haiti in The Bahamas. It shall be the responsibility of the Embassy of the Republic of Haiti and the individual (or his self-appointed Trustee) to make the necessary arrangements to



secure those assets. However, the individual shall be allowed to collect certain personal effects.

**ARTICLE IV**  
**Temporary Worker Programme**

1. The Parties shall consider the establishment of a Temporary Worker programme that would provide manpower resources not sufficiently available in their respective labour markets, and that would ensure, in particular, a process of safe, orderly and legal migration.
2. The Temporary Worker Programme shall be the subject of a separate agreement between the Parties.

**ARTICLE V**  
**Law Enforcement Co-operation**

The Parties shall develop effective mechanisms for the exchange of information between their law enforcement agencies to combat illicit drug trafficking, human trafficking, illegal migration, human smuggling and other transnational criminal activity.

**ARTICLE VI**  
**Public Safety Campaigns**

The Parties shall initiate sustained public safety/information campaigns, particularly in regions in which there is potential for persons to migrate illegally, to inform them, in particular, of the dangers inherent in taking perilous voyages at sea to foreign countries.

**ARTICLE VII**  
**Economic and Trade Co-operation**

1. The Parties will encourage the expansion of economic, trade and investment opportunities between the private sectors in both countries, particularly in regions from which there are significant illegal migratory flows.
2. The Parties shall foster exchanges of information and analysis on the general economic situation in their respective countries, including government policies in respect of trade and investment, market opportunities and prospects for joint ventures between their respective private sectors.
3. The Parties shall support regular private sector consultations on issues relating to economic relations, trade and investment in both countries, including through business contacts and trade missions.



4. The Parties shall assess the obstacles to investment in their respective countries and shall consider the modalities for protecting investment in their respective countries, including through an investment protection agreement.

**ARTICLE VIII**  
**Cultural and Sporting Co-operation**

1. The Parties shall develop and implement such programmes in the cultural and sporting fields as they jointly decide are necessary and desirable to broaden the cultural and sporting relations between the societies and peoples of both countries.

2. The Parties shall encourage in their respective countries the establishment of links between cultural, academic, sports and other institutions, promoting knowledge of each other's culture through exchanges in the areas of exhibitions, music, dance and other cultural and art forms.

**ARTICLE IX**  
**Technical Co-operation**

The Parties shall identify suitable areas for technical co-operation between The Bahamas and Haiti, particularly in the areas of capacity building.

**ARTICLE X**  
**Research**

The Parties shall develop co-ordinated programmes of academic research, to foster understanding of issues important to The Bahamas-Haiti relations. The findings of such research shall be submitted for the consideration of the Commission set out in Article XI.

**ARTICLE XI**  
**Joint Commission**

1. In order to ensure compliance with the goals and objectives of this Agreement, the Parties shall establish a Bahamian-Haitian Joint Commission (hereinafter "Joint Commission") comprising representatives of both Governments and of the private sector of their respective countries.

2. The Minister of Foreign Affairs of The Bahamas and the Minister of Foreign Affairs of the Republic of Haiti will be co-chairs of the Joint Commission.

3. The details of the composition, organisation and functioning of the Joint Commission are annexed to and form part of this Agreement.



**ARTICLE XII**  
**Meeting of Foreign Ministers**

1. The Foreign Ministers of the Parties shall meet annually, to review and make recommendations in respect of the report of the Joint Commission, including to the Summit meeting of the Prime Minister of The Bahamas and the President of Haiti.
2. The Foreign Ministers of the Parties shall be responsible for proposing the Agenda for the biennial Summit meeting between the Prime Minister of The Bahamas and the President of Haiti.

**ARTICLE XIII**  
**Summit Meeting**

The Prime Minister of The Bahamas and the President of Haiti shall meet in Summit every two years, alternating between The Bahamas and Haiti, or any other agreed location.

**ARTICLE XIV**  
**Amendment**

This Agreement may be amended by consent of the Parties. Amendments shall be confirmed by exchange of diplomatic notes between the Parties, which shall specify the effective date of each amendment. Amendments shall be taken into account in the work of the Joint Commission.

**ARTICLE XV**  
**Entry into Force**

This Agreement shall be signed by both parties, and shall enter into force when each of the parties has informed the other that the legal requirements of their respective countries have been met.

**ARTICLE XVI**  
**Duration and Termination**

1. This Agreement shall be valid for a period of five (5) years, and thereafter shall continue in force for successive periods of two (2) years, unless terminated by either of the Parties giving notice in writing through diplomatic channels that it intends to terminate the



Agreement. Such notice of termination shall become effective ninety (90) days following the receipt of the notification by the other Party.


2. Termination of this Agreement shall not affect any activities underway unless the Parties agree otherwise.

**ARTICLE XVII**  
**Dispute Settlement**

All disputes relative to the interpretation and application of this Agreement will be resolved through bilateral negotiations.

IN WITNESS WHEREOF the undersigned representatives, duly authorised by their respective Governments, have signed this Agreement.

Done in duplicate at Nassau in the English and French languages, both versions being equally authentic this 29<sup>th</sup> day of July in the year 2014.



For the Government  
of the Commonwealth of The Bahamas



For the Government  
of the Republic of Haiti





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**THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS**  
**AND**  
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**Annex**  
**Joint Commission**

**July 2014**





**ARTICLE I**  
**Joint Commission**

1. The Contracting Parties shall each establish in their respective countries a National Commission for The Bahamas-Haiti Co-operation, to comprise Government officials responsible for ensuring compliance with the objectives of the Agreement and such private sector representatives as may be designated by each Contracting Party.
2. The National Commission of the Commonwealth of The Bahamas and the National Commission of the Republic of Haiti shall jointly form The Bahamas-Haiti Joint Commission (hereinafter called "the Commission") established under Article XI of the *Framework Agreement for Bilateral Co-operation between the Government of the Commonwealth of The Bahamas and the Government of the Republic of Haiti* (hereinafter "the Agreement").

**ARTICLE II**  
**Objectives**

1. The objectives of the Commission shall be to:
  - (a) advance implementation of the Agreement, in respect of illegal migration, economic, trade and investment, health, tourism, education, sports, agriculture, climate change, national security, labour issues, and other areas of mutual interests; and
  - (b) consistent with the provision of the Agreement; make recommendations that the Parties may consider, for national and/or joint implementation, to give effect to the provisions of the Agreement.

**ARTICLE III**  
**Functions**

1. In implementing the objectives set out in Article II, the Commission shall:
  - (a) monitor and evaluate progress made and obstacles encountered in the implementation of the Agreement;
  - (b) assist in the planning and co-ordination of joint initiatives to implement the Agreement;
  - (c) facilitate co-operation between the Contracting Parties entities concerned with the issues set out in the Agreement, to strengthen and improve co-ordination and promote regular exchanges and sharing of information; and
  - (d) prepare and submit to the Contracting Parties an annual report and such other reports as may be necessary, on the implementation of the Agreement and related



activities.

2. The Joint Commission may make further recommendations to the Contracting Parties for the further strengthening of The Bahamas-Haiti relations.

#### **ARTICLE IV** **Organisational and Administrative Matters**

1. The Minister of Foreign Affairs of the Commonwealth of The Bahamas and the Minister of Foreign Affairs of the Republic of Haiti will Co-Chair the Commission.
2. The Commission may establish such subsidiary bodies, engage such experts, regional and international institutions, or invite other representatives as necessary to assist in the implementation of its mandate.
3. The Commission shall adopt and submit to the Meeting of Foreign Ministers set out in Article XII of the Agreement an Annual Report on the implementation of the Agreement and on the work of the Commission.
4. The report in paragraph (3) of this Article will form the basis for the Agenda of the Summit Meeting of the Prime Minister of The Bahamas and the President of Haiti.
5. The Commission shall determine its rules of procedure, programme of work, format and content of its reports or other documents, and other organisation and administrative matters concerning the implementation of its mandate.

#### **ARTICLE V** **Meetings**

1. The Commission shall meet annually.
2. The meetings of the Commission will be convened alternately in The Bahamas and Haiti, or in a place agreed by both Contracting Parties.
3. Subject to the agreement of the Contracting Parties, the Commission may call emergency meetings to address matters arising out of the implementation of this Agreement that require immediate action.
4. All expenses incurred by the participants for meetings of the Commission or any subsidiary body established by the Commission, with the exception of local transportation, shall be borne by the respective participating Governments.
5. The host Government for each meeting shall be responsible for the organization and administrative arrangements, including secretarial and other services related to the meeting, and for local transportation.



**ARTICLE VI**

Any other business of the Commission shall be completed by mutual consent of the Contracting Parties.

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