HAITI I-Trade

Technical Assistance to the Investment Facilitation Center

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By: Gerald E. Meyerman, Consultant

Table of Contents

Objectives as extracted from the SOW……. page 3

1. **Mission Overview**
   1.1 Indiviual Preporatory Meetings……. Page 3
   1.2 Work Sessions with CFI Management and Staff … Page 4
   1.3 The First Board Meeting …….. …….. Page 5
   1.4 The Second Board Meeting ……. Page 6
   1.5 Follow up Meeting to verify Status of "How to.." Deliverable……. Page 6
   1.6 In Conclusion …….. Page 7
   1.7 Follow Up ……. Page 8

2. **Doing Business –**
   2.1 A Changing Environment – Getting Ready for "Doing Business 2010"…… page 8
   2.2 Incorporating a firm and Doing Business …… page 10
   2.3 Obtaininmg Investment Code Incentives and Dealing with the Inter-Ministerial Comission …… page 13

3. **Background Material on Doing Business and the Inter-Ministerial Commission**
   3.1 Doing Business Details and Background ……. page 15
   3.2 The New "Doing Business" Infrastructure Indicators…... page 18
   3.3 Adding Measures of Policies on Foreign Direct Investment to the "Doing Business" Indicators …… Page 19
   3.4 The FDI Indicators for "Doing Business" …….. Page 19
   3.5 The Evolution of "Doing Business" and other Surveys and Indexes ……. page 20

4. **Inter-Ministerial Commission**
   4.1 Examination of Submitted Files ……. Page 21

ANNEXES:

Annex I : Statement of Work for the Consultant ……. page 23
Annex II : Statement of Work Revised ……. Page 27
Annex III: Presentation to CFI Board by I-Trade Consultant.. page 29
Annex IV: Presentation to the Board by CFI Management ….. page 31

Objectives as extracted from the SOW.

The SOW foresaw Mission a 14 day Mission together with 2 travel days May 24 to June 11, 2009, including preparation, travel and reporting. The original SOW is attached as Annex I. During the initial discussion with the Chief of Party immediately upon arrival, the SOW was amended in recognition that the work which was to have been undertaken in parallel by Haitian Consultants had not as yet been contracted. It was agreed that Meyerman would simply pick up the initial functions and that we would not further delay implementation. This revision is documented in an email, the text of which is attached as Annex II. This work builds on the finding of previous Missions reported on in a Final Report dated December, 2008. That Report made it clear that, greater emphasis needed to be placed on making the CFI operational and assist it to focus on a limited number of key objectives with the limited resources available.

To achieve this objective, CFI Management, the Board of Directors and ideally the Consultative Council will need to be engaged to correct the approved Work Plan for the CFI with a budget that represents about 30% of the inituially proposed capital and operations budget on which the approved Work Plan was based. It is difficult to hold CFI management and staff responsible for not achieving the objectives initially established. The objective of this Mission was therefore for the Consultant to act as facilitator to encourage CFI management and staff to recognize that they should proactively engage the Board of Directors, recognize that even with an inadequate budget, key results need to be achieved. It was important to bring the Board of Directors to realize that the issue is not “CFI Management failure” but rather what the Board could contribute to allow CFI Management to achieve success, even if more limited than a fully funded and staffed CFI might have delivered.

Section 1 - MISSION OVERVIEW

1.1 Individual preparatory meetings:

Initial meetings were held with CFI management and staff to make them fully aware of the approach proposed and gaining its understanding and support. The previous, “Final Report” had caused some resentment since it was considered “very negative” about CFI “achievements”. The Consultant indicated that the objective was not to look back but rather focus on the future and that if the Final Report contained factual errors that they should be brought to his attention. In any case, the prior Final Report was fair and, if anything supported the view that CFI had achieved about as much as could have been expected without adequate Board support and with the resources promised.

The Consultant then met with Mr. Jakie Lumarque of Capital Consult to coordinate approaches and form a unified action plan. We agreed that that we have to work together and focus on strengthening the CFI as an institution – independent of limitations or budget, situation, management capacity or shortcomings. Following our private meeting we were joined by Mr. Lamothe, the Director General of CFI. It was agreed that CFI would mobilize its' professional staff and that Meyerman and Lumarque would support them in developing a Strategic Work Plan and budgets for the remainder of this fiscal year and next after deciding on the best approach. This preliminary document would then be presented to key elements of the Board informally to obtain their buy-in and support and then presented to the CFI Board.

The Consultant also discussed the approach with Mr. Reginald Boulos - President of the Chamber and VP of the CFI Board. He was supportive of the approach. He also sought greater technical support from I-Trade for the Chamber of Commerce.

The Consultant then met with the Minister of Commerce and Industry to make her fully aware of the findings in the prior Final Report and seek her understanding and support for the approach to be taken. Surprisingly she had detailed notes of the last meeting the Consultant had with her – the first day she was in office, and was extremely supportive of the approach. She cancelled several meetings and dedicated more than two hours dealing with specific ideas and options. She then immediately proceeded to call a meeting of the Board of Directors and, two days thereafter, the Consultative Council. She indicated she would arrange a follow up meeting with the Primature and perhaps the Presidency after the CFI Board adapted the new strategy and prior to the Consultant's departure.

1.2 Work Sessions with CFI Management and Staff.

A full day meeting was held, led and facilitated by the Consultant. Mr. Guy Lamothe and CFI professional staff worked for over 10 hours at the Villa Creole Hotel. It should be noted that neither Mr. Lumarque nor anyone else from Capital Consult was present.

The initial "work planning" session was attended by a Consultant for the Chamber of Commerce on behalf of Mr. Reginald Boulos (unable to attend because he was called to the Presidency on issues related to the minimum wage debate) and the Secretary of States for Agriculture. During this session the I-Trade Consultant made an introductory statement and presentation (attached as Annex III). The presentation was focused on setting the stage and having the CFI Management and Staff make initial policy choices and agree on the strategic approach. The Secretary of State for Agriculture was extremely helpful in outlining extremely "unattractive" options for CFI if the re-

focusing failed. Both he and the Consultant for the Chamber of Commerce were very supportive of the approach proposed and helped set the stage for intense but cordial work sessions with CFI staff and Management.

It was clear that the CFI Management and Staff was strengthened by a clearer understanding of the approach and objectives and enthusiastically worked over the weekend to prepare the initial CFI Presentations. These efforts were carefully reviewed by the Consultant and recommendations made on how to further narrow and focus the presentations. It was difficult to convince CFI that by focusing on narrower objectives that they might reasonably be expected to achieve more.

1.3 The First Board Meeting:

A private meeting between the CFI Director General, the I-Trade Consultant and the Minister of Commerce and Industry preceded the Board meeting. The Minister was fully briefed on the presentations to be made by the I-Trade Consultant and CFI Management. She indicated her agreement and support.

After waiting for 30 minutes after the appointed time for the meeting, the Minister decided that even in default of a quorum (5 Board Members present, 6 required) that we would proceed as an “information meeting” and that she would call a further meeting two days hence. It was clear that a meeting called (at the last minute) by the Presidency for the same hour to discuss the minimum wage issue, made a quorum difficult to achieve. It should be noted that during the meeting large groups of students and other protesters supporting the increase in minimum wages stormed the Ministry and gained entry to the parking area but were pushed back by police.

During the Meeting debate was frank and opens about the problems faced by the CFI, its Management and the Board. The I-Trade Consultant/Facilitator assisted the Minister in keeping the focus on the future and starting to prepare Board support for the Management Work Plan to be presented by the CFI Director General. After two hours, the Minister ended the meeting with a positive statement summing up that “the clock has been reset for CFI, now we can plan how to move forward” and confirmed that the next Board Meeting would be scheduled two days later. She also regretfully cancelled the Consultative Council meeting that had been set for that same time slot until such time as the Board had adapted the Strategic Work Plan proposed.

Based on the lessons learned from the meeting, the CFI Presentation (Annex IV) was further adjusted to address specific concerns expressed.

1.4 The Second Board Meeting.

The second Board Meeting was called for Friday morning at 10 am. Just prior

to the meeting, police broke up rioting outside the Ministry of Commerce and Industry, including firing several shots to disperse demonstrators. The President of the Chambre of Commerce called to indicate that he once more had been called to the Presidency to discuss the minimum wage issue and would not be able to attend. Perhaps because of the demonstrations, other than the Minister and the CFI Director General, only one other Public Sector Board Member attended. Again, 5 Board Members attended and a quorum was not reached. The Minister, as CFI Chairman decided to proceed with the CFI Presentation.

CFI Management indicated that a HGT 45 million budget had been presented. The Minister re-iterated that a "hard ceiling" of HGT 12 million was imposed by the Primature on the CFI budget. This clearly underlined that it was essential to align the Work Plan with resources available for this and future years.

There was a clear recognition that modifying the Work plan was essential and that the strategic approach presented was the only logical way forward. This approach called for a severely reduced but tightly focused Work plan for CFI. The CFI Presentation led to many questions, especially about the interaction between the CFI, IDB Projects as well as a MOU signed with I-Trade. The consensus of the Board was that CFI did not have the resources to become involved in activities outside its Work plan unless such activities were closely related and fully funded allowing CFI to contract such additional professional staff as required to implement the project and cover additional overhead costs.

The Meeting lasted almost three hours and, when adjourned, there was general agreement among the Board Members present on how to proceed and the shape the CFI Work Plan should take. The Minister promised to follow up as soon as possible to bring the Board together again and formalize the consensus reached.

1.5 Follow Up Meeting to Verify Status of "How to..." Deliverable.

As part of the December 2008 Final Report delivered by the I-Trade Consultant several "How to…" DRAFTS were presented. The intention was that these DRAFTS would be the starting point for stakeholder discussions designed to assure that the content was factually accurate and to obtain stakeholder participation in the work of CFI. Instead the DRAFTS were delivered by CFI to the Legal Department of the Ministry of Commerce and Industry where they have languished for several months. The Director General of CFI indicated that he had no authority to "direct" the Legal Department to attend to this matter. The I-Trade Consultant wrote to the Minister who set up a meeting to meet with the Head of the Legal

Department. At the appointed time, the Director was not there since he had a death in the family. The I-Trade Consultant informed both the Minister and CFI and requested they follow up. It is recommended that if action is not taken immediately that I-Trade work with the Chambers of Commerce and a private law firm to confirm that the approach taken in the DRAFT "How to.." is based on a correct interpretation of Haitian law and then proceed with the Consultative process in close collaboration with CFI.

1.7 In Conclusions.

The I-Trade Consultant achieved the Mission Objectives of facilitating an understanding between the CFI Management and the Board of Directors on the "way forward". Unfortunately, this consensus could not be formalized during the Mission due to the lack of quorum for the two Board Meetings the Minister called. A new spirit of cooperation between the Board, the Minister and CFI Management was evident.

Attention was re-focused on the "How to..." deliverables but at the end of the Mission, the Legal Department had not delivered. The I-Trade Consultant believes that a different approach must be taken to assure that the "How to..." series becomes a major product for both the CFI as well as I-Trade. That requires that "How to.." not be perceived as a "deliverable" but rather as a process – a process designed to bring in stakeholders and demonstrate that progress is being made in several critical policy areas.

A consensus was reached with the Minister, informally with the Board and CFI Management and staff that a narrower focus will be required to demonstrate that CFI can deliver. An examination of the CFI Management presentation demonstrates that:

- CFI will present a Work Plan that CAN be delivered with the limited budget available.
- The Minister and Board urged CFI Management to assure that the Work Plan "could and would" be delivered and that CFI Management would be held responsible if it was not.
- The Board made it clear that no "unfunded mandates" can be accepted from Donors since CFI does not have resources to deliver such work. CFI Management was directed to write to I-Trade to clarify how activities foreseen in the MOU signed with CFI will be funded.
- The Board instructed CFI to focus on "Doing Business" and other business environment measures in order to signal to investors that Haiti takes investment serious and is committed to improving the Business Environment.
- The Board invited the I-Trade Consultant to outline the most viable approach for making progress in this regard. The Consultant recommended, and the Board agreed, that:

- Small steps forward on a regular basis have a greater chance of succeeding and creating a “virtuous cycle” rather than hoping for one great “leap forward”.
- That wherever possible administrative actions should be used to simplify processes and that Parliament should be asked for amendments to laws sparingly and only if no administrative measures can succeed.
- That simplifying the incorporation of Companies is the easiest “quick win” since the Minister of Commerce and Industry controls most of the Agencies and Departments involved.
- The CFI becoming the Secretary of the Inter-Ministerial Commission presents a second opportunity to simplify, speed up and make more predictable the process for obtaining Investment Incentives as outlined in the Investment Code.
- That the reform of the Legal System must proceed with small steps. The Consolidation of Laws could start with the Investment Code and the residual legislation still in force from previous legislation granting incentives. That process also is almost entirely within the ambit of the Ministry of Commerce and Trade.

1.7 Follow Up

Although the current SOW was entirely focused on “facilitating” agreement between the CFI Management and the Board, the De-Briefing meeting with USAID/Haiti during the last day of the Mission, made it clear that the current approach must not continue. I-Trade must take advantage of the newly created consensus to make short term progress along the lines outlined in point 6 above. For that reason, the I-Trade Consultant has included a brief suggested approach on how to proceed with the “Doing Business” and “Inter-Ministerial Commission” aspects of the Strategic Work Plan currently awaiting Board approval. For clarity, some aspects of the December 2008 Final Report have been restated here to provide the content and background required.

Section 2 - Doing Business

2.1 A Changing Environment - Getting Ready for “Doing Business 2010”

The Methodology utilized by the IFC/World Bank Team is known and clearly understood. It relies on a specific survey instrument and uses a limited sample of lawyers, accountants and private sector individuals to gather

specific, concrete data. This methodology has been widely criticized by a number of agencies and countries. There is no need to restate these criticisms here. The Methodology creates a valuable guideline in terms of how to address the ranking of Haiti in the "Doing Business" and indeed other Indexes and Surveys, including Freedom House and Transparency International. Methodological weaknesses should be identified and exploited to assure steady progress in Haiti's rankings and create the image that "Haiti is open for business – not perfect but getting better." These steps include:

a. Keep it simple; use administrative power to smooth implementation of existing laws – no matter how antiquated or inadequate – more smoothly and effectively. Always search how things can be achieved rather than why things cannot be done. Create a "we can" approach in selected Agencies in Government. The CFI and Ministry of Commerce and Industry are an excellent place to start and I-Trade can provide the focus and support needed to make this happen.

b. Governments and stakeholders should "drill down" on the data forming the basis for the ranking, understand them and identify areas where "quick wins" can be achieved. Immediate and definitive steps need to be taken to implement these changes and care has to be taken that all stakeholders are made clearly aware of the changes made, the reason why and how these changes set the stage for future improvements. Identified, the "opinion leaders", likely to be consulted by those doing surveys and studies must, be individually addressed and informed and made part of the process.

c. Document the changes and do not wait for the next Survey. Forward information about changes directly to international agencies – specifically the Teams working on Haiti and the index/survey instruments.

d. Gather empirical evidence documenting that the change is actually being implemented and the impact on specific areas of concern. Develop and provide comparative data over time. If necessary use external survey consultants to give credibility to the results reported.

e. Appoint a "Vocal Point" for Agencies to address the Government regarding these issues. It is suggested that CFI is ideally located to perform this service. CFI is (we understand) the only Government Agency to have an institutional Management Team that combines the Public and Private Sectors through its' Board of Directors and Advisory Board, an ideal vehicle for the purposes stated.

f. A specific Committee, including senior Government and Private Sector representatives should be established to spearhead this effort.

g. The GOH must not be afraid to aggressively point out “errors” and put and keep the Teams on their toes and to “get it right” the next time.

h. A logical starting point is addressing the time it takes to incorporate firms under Haitian laws and regulations and, secondarily, the time it takes to obtain confirmation of Investment Code incentives from the Inter-Ministerial Commission. Both of these areas are largely under the jurisdiction of the CFI and the Minister of Commerce and Trade. Both areas can also be VERY SIGNIFICANTLY improved without the need for Parliamentary approval, new laws or other externalities that cannot readily be controlled. Below follows two brief sections on how each area should be addressed.

2.2 Incorporating a firm and Doing Business

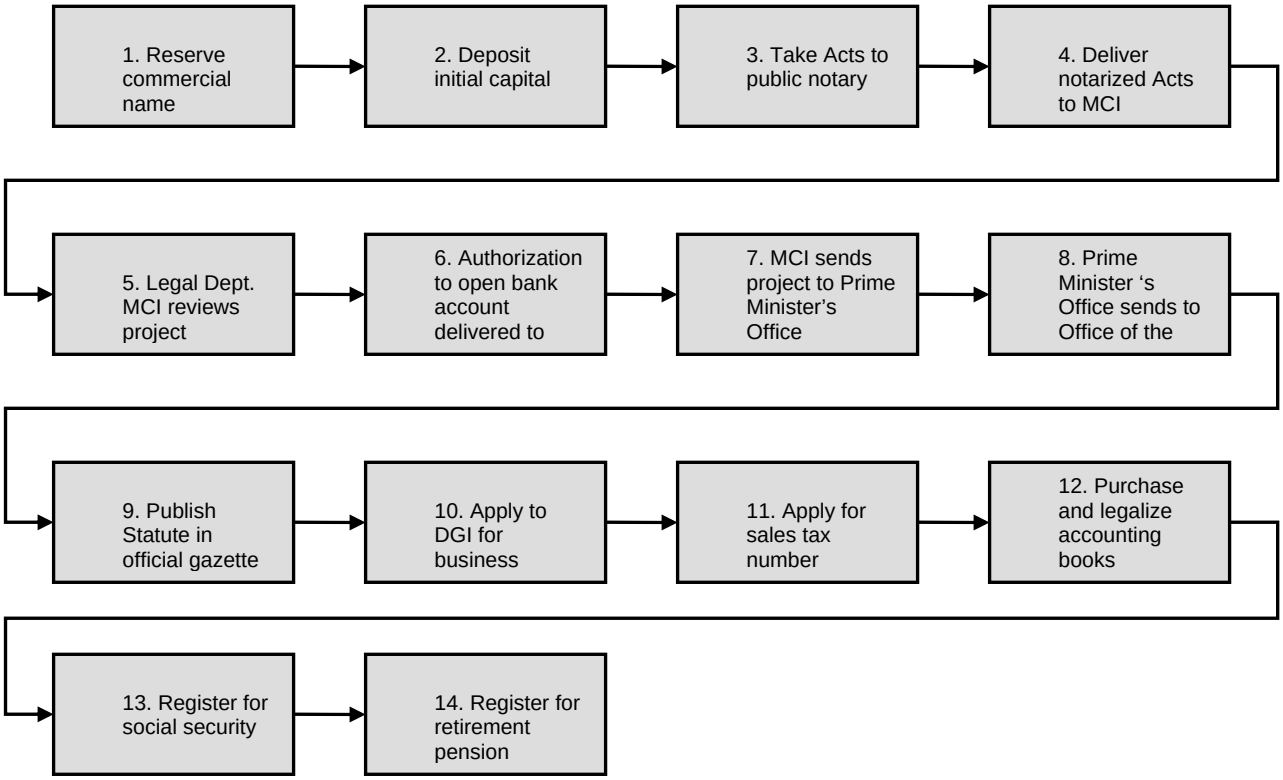
The 2009 “Doing Business” shows little or no progress in reducing the number of days it takes to bring a new business entity to the point where it has complied with the myriad laws and regulations in force in Haiti and it can proceed to make application to the Inter-Ministerial Commission for final confirmation which incentives under the Investment Code will be made available to the potential investor and for what length of time. Every process is fraught with uncertainty, administrative discretion and is entire “linear” in a manner where delay in one or more areas will delay the start of each subsequent step and the eventual outcome.

In an ideal world, Haiti would recognize that:

- The creation of a corporation is merely its’ recognition as a “legal person” (a “birth certificate”) which should not involve traditional complexities which for historical reasons included hundreds of pages of “boiler plate” Memorandums of Incorporation, minimum capital requirements, etc. which in reality mean nothing and provide no protection to the public nor the Government. Many countries, including Canada, South Africa and many others have gone to a system of “Certificates of Incorporation” typically confirming only that the chosen name is available and does not cause confusion and brief details about the location, names of directors and founding shareholders of the firm. The process is typically completed, on line, in 24-48 hours.
- That Investment Incentives should be granted as a matter of RIGHT and that Incentives can be claimed by any and all qualified investors. Qualification for the Incentive and continued compliance with the requisite actions will be controlled and, if needed audited by the Revenue Agency as part of its regular Tax Declaration and audit programs.
- Such an approach means that an Investor would be able to Incorporate and receive written confirmation of Incentives available within 2-3 days

of arriving in Haiti and/or deciding to invest. It should be noted that BOTH such actions will require further and continued compliance with Haiti's laws and regulations of general application and specifically applicable to the industry or sector to be exploited. That is how it should be but this is not an "obstacle" but rather good government.

Until Haiti has evolved to such a position, we must work with the current laws regulations and structures. That does not however mean that significant progress cannot be made. Currently the process for incorporating a business is as follows:



As pointed out previously, the process is entirely linear. Each step allows "technical errors" by the investor, the lawyer, notary, accountants at each step. A detailed review of a sample of 2006 incorporation files examined by the Consultant previously indicated clearly that an inordinate amount of time is lost in repeatedly, at each step, "correcting" small or major errors by returning the file to the professionals working for the investors, corrections being made, resubmitted and the file then continuing its lumbering progress until, potentially, another error is discovered and the revision process – and delay – starts anew. Such a "ping-pong" game is expensive and damaging to the image of Haiti – including in "Doing Business".

Detailed discussions with the Minister of Commerce and Industry and CFI Management have indicated that this process can be significantly speeded up and the length of time required by some of the following ADMINSTRATIVE actions:

1. The Minister issues a “Ciculaire” or obtains a Decree by which the CFI establishes a “Facilitation Desk” to assure that company formations go swiftly and smoothly. The MCI Legal Department will no longer receive requests until the CFI Facilitation Desk has indicated that the file is complete and all required fees have been paid.
2. The MCI Legal Department detaches a lawyer to work with CFI in the “Facilitation Desk”. Those wishing to incorporate, must call and make an appointment to meet the CFI Facilitator at the CFI Office in PAP or at such decentralized locations as the Circulaire establish. Such decentralized locations could be established in close coordination with the Regional Chambers of Commerce.
3. Those seeking incorporation must present a full, complete and accurate dossier containing all required documents, completely and correctly signed, legalized and translated. The “Draft Advertisement” for the Monitor must also be presented at the same time as well as evidence that the selected name is available.
4. The CFI Facilitator will, in the presence of the professional for the investor, or the investor, undertake a detailed review of the entire file presented, using a detailed “Check List”. If errors are discovered, the file is not “accepted” and remains with the investor or his representative until corrected. If the file is complete and *prima facie* complete and correct, the CFI Facilitator provides an acceptance form for presentation the “Unified Cashier” in the MCI building for payment of ALL fees due to Government, including the cost of publication in the Monitor. When this is completed then AND ONLY THEN, is the file, check list and payment receipt transferred to the Ministry of Commerce and Industry. Only at that time is the application received and does the “time for incorporation” start to run. By eliminating “visits from the public” from the Legal Department, it should also become much more efficient.
5. As progress is made other steps can be simplified, reduced, done concurrently or eliminated. The Minister informed that such is the case with Steps 7 and 8 – the requirements that all incorporations be cleared by the Prime Minister’s Office and the Presidency will now been eliminated. These steps were added in the Nineties, nobody remembers why; this is an example of future simplifications to follow.

6. By redesigning the process for starting a business, significant and measurable progress can be reported in the next and subsequent "Doing Business" editions. The same approach can be used in many other areas of concern, including:
    a. Application for the Business License (*carte d'identité professionelle*)
    b. SalesTax Registry for a sales tax number (*taxe sur chiffres d'affaires*)
    c. Purchase and legalization of accounting books
    d. Notification to the Labor Ministry
    e. Registration for Social Security (OFATMA)
    f. Registration for retirement insurance (ONA)
    g. Other Sector-specific permits and registrations.

2.3 Obtaining Investment Code Incentives and dealing with the Inter-Ministerial Commission

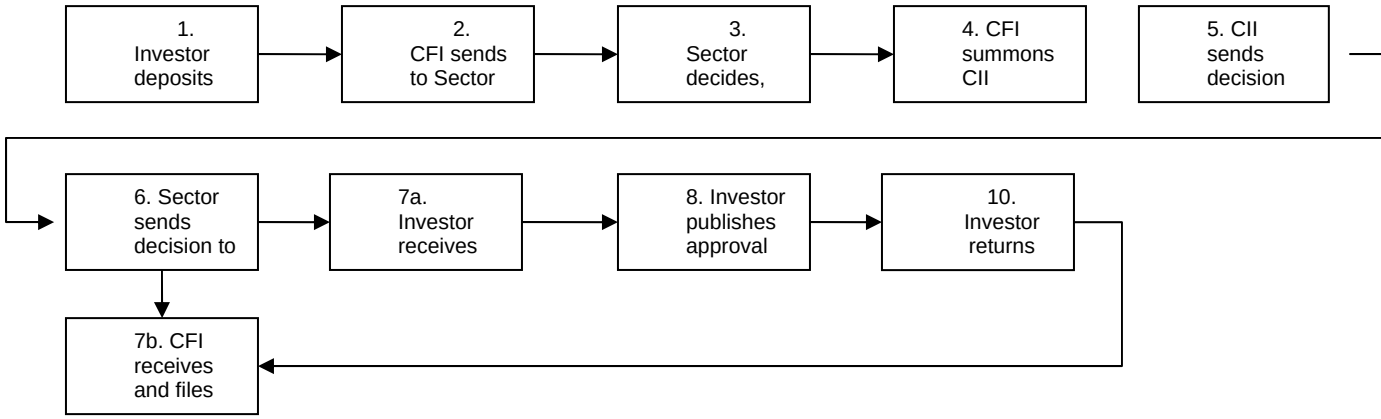
The process established for the operation of the Inter-Ministerial Commission is tainted by changes in the Investment Code (2002). The Code establishes that Incentives are "up-to" certain levels and creates administrative uncertainty and discretion. Such discretion and uncertainties should eventually be removed but should, meantime, be dealt with by clear and firm "Guidelines" published by the Inter-Ministerial Commission. Each investor should know that if they ACTUALLY MEET AND IMPLEMENT within the terms specifically stated that they WILL be entitled to the stated benefits. No "permission" should be required to invest and create employment, subject to the laws of general application being respected, the welcome mat should be out and the benefits conferred under the Investment Code, absolute. The CFI, as the newly appointed "Secretariat for the Inter-Ministerial Commission, is in an ideal place to draft and present such Guidelines.

If such discretion is removed, the DG of the CFI would be in a position to extend immediate letters of "invitation" to potential investors and give them clarity in terms of what incentives can be expected if the stated investments and objectives are in fact implemented.

Removal of this discretion should also be accompanied by a simplified and speedier Application process and the elimination of unnecessary information. This would make Haiti more competitive with competing jurisdictions. The current process requires details regarding forms and documentary submissions, only when one steps has been completed can the next begin. It is an overly complicated and slow procedure, similar in complexity to the registration of the business but, can only begin when THAT process has been completed.

The flow chart below demonstrates that real authority to approve or deny fiscal benefits to an investor lies within the sector Ministry concerned: tourism, commerce, agriculture, and so forth. The fact that the ministers of these institutions sit on the CII, the inter-ministerial committee for investment, appears not to have accelerated the screening process but rather has simply added a step. Any experienced investor, reviewing this procedure, will question the value of going through the CFI or even investing in Haiti at all.

The current process is as follows[1]:



The I-Trade Consultant on previous Missions examined a small cross section of Inter-Ministerial Commission files. Summaries are included below in Section 4.2 and provide clear indications that the "Incentive Definition and Granting" process takes months. Until now, the secretariat was the Ministry of Finance who took an overly legalistic and strict approach attempting to "identify" all future risks and limit the incentives based on the anticipated profitability of the proposed enterprise in the documents presented. An optimistic business plan may reduce Incentives granted to 10 years whereas an enterprise forecasting failure or little profit is granted the full incentives! Wealth creation and its link to employment creation is not well understood. No "permission" should be required to invest and create employment, subject to the laws of general application being respected, the welcome mat should be out and the benefits conferred under the Investment Code, should be absolute.

This is especially important considering that Incentive requests may currently be introduced by virtually anyone[2] in a position of power and not limited to a transparent process through the CFI. The Inter-Ministerial Commission should, in accordance with the law, have CFI act as the Secretariat and should insist that no request for Incentives be presented without the CFI

[1] Based on study by Mr. Donald Hart, I-Trade Consultant
[2] Incentive files are introduced by the CFI, sector Ministries, individual consultants and well connected power brokers.

certifying that the request is fully documented, appropriately presented, within the terms of the law and transparent.

It should be noted that NO GOH AGENCY appears to follow up whether the conditions under which the Incentives were granted are in fact implemented. In other jurisdictions studies have demonstrated that incentives are frequently used without the requisite investment being made. That is a role the Ministry of Finance could exercise as part of its ongoing tax collection and audit functions.

The Code should be modernized and meantime ADMINISTRATIVE GUIDELINES, applying modern concepts of process re-engineering should be introduced to create clarity, certainty and speed. Under this approach, the Investors would provide data at a single point – the CFI - and the appropriate information should then be electronically distributed to all Agencies of Government involved, requiring a reply within a limited period of time. This time period should progressively be reduced and, if no reply is made, approval can be implied and the process not be held up. In such cases the CFI should simply notify the relevant Minister that "Approval has been given considering no reply was received from your Ministry within the period specified". Such notification allows Ministers to insist that their staff apply appropriately in subsequent matters coming before them or, if needed, replace the individuals involved.

Section 3 – Background Material on Doing Business and the Inter-Ministerial Commission

3.1 Doing Business Details and Background

One of the recurring themes of both CFI and the broader cross section of Haitians interviewed, is that neither Haiti nor the CFI have the resources to mount a major, national and international campaign to offset the generally held perception of Haiti as an unstable, post conflict country with serious structural problems and poor personal security. It is clear that some countries in the Balkans and even a country such as Jamaica, have undertaken major international "image" campaigns, generally in relation with tourism promotion. The very fact that such a country could "get it together" to create an environment conducive to tourism and "prime the pump" for economic growth

through tourism growth – even in special protection zones – demonstrates that the capacity and will exist to not only create the image but rather, address issues. There is little empirical evidence that "public relations" alone has any lasting impact on the level of incoming investment. One area that is directly aimed at the "target group" of international and national investors, are the various "indexes" ranking countries, including the Transparency International Index, the Freedom House index and, increasingly key, the World Bank "Doing Business Index".

Doing Business builds indicators of government regulation of business across 181 countries. The project currently covers 10 areas of regulation -- from starting to closing a business. The "Doing Business" index ranks countries based on 10 indicators of business regulation that track the time and cost to meet government requirements in starting and operating a business, trading across borders, paying taxes, and closing a business. The rankings do not reflect such areas as macroeconomic policy, quality of infrastructure, currency volatility, investor perceptions, or crime rates. These indexes thus allow a ready comparison with regional and income level countries Haiti has to compete with.

In addition, by comparing such indexes year over year, allows potential investors to identify a "trend" – are things stagnant? Are they improving? How rapidly? In what areas? In the case of Haiti therefore, comparison with the Dominican Republic is especially cogent and instructive.

The following Tables are based on the recently released Doing Business 2009 and provide an oversight of Haiti's position vis-à-vis the Dominican Republic and other countries in the Caribbean region where Haiti ranks in last place. Everything remains to be done, yet Doing Business presents a unique opportunity for Haiti as well as I-Trade. A number of "Quick Wins" can be identified and the results documented. Although I-Trade and CFI are both relatively small operations, they have an unusual opportunity to change the perception of Haiti as a destination for investment. That opportunity should not be missed and making measured progress in the "Doing Business" ranking must become the major focus of both I-Trade and CFI.

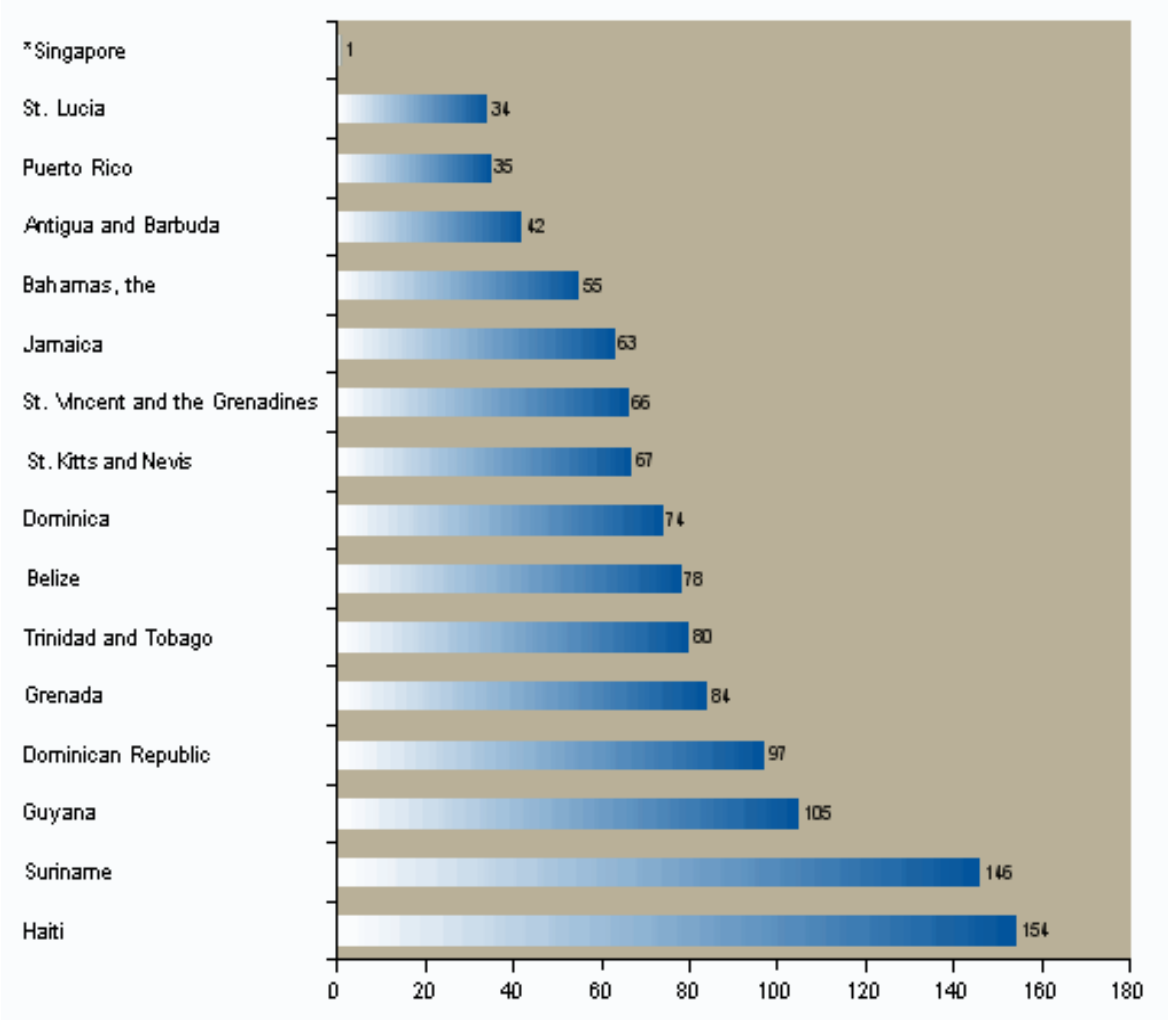
DOING BUSINESS 2009: Haiti – Dominican Republic Comparison

HAITI	Dominican Republic
Ranking 2009 : 154	Ranking 2009 : 97
Ranking 2008 : 148	Ranking 2008 : 99
Ranking 2007 : 154	Ranking 2007 : 97
Areas of Reform in 2007 - 2008: Trading across Borders: **Haiti** reduced the time to export	Areas of Reform in 2007 - 2008: Starting a Business, The **Dominican Republic,** a top global and regional reformer, sped

by a day, by implementing risk-based inspections in customs.	up formalities in several areas by making them electronic. An online system for filing and paying taxes, piloted in 2006, is now fully operational. And entrepreneurs can complete several start-up formalities online, including name verification, and commercial and tax registration. Registering Property, The cost of property registration fell, thanks to a reduction in the transfer tax from 4.3% to 3%. Transferring property now costs 3.8% of the property value, down from 5.1%. Paying Taxes, The Dominican Republic also reduced the corporate income tax rate from 29% to 25%, and abolished several taxes, including the stamp duty. Trading across Borders In addition, authorities reduced the time to export by three days by improving the online portal for customs documentation and payment.

Caribbean Region - Aggregate Regional Rankings in the International Context[3]:

[3] "Doing Business, 2009"



3.2 The new "Doing Business" infrastructure indicators

What a reformer can do is adopt regulation that facilitates expansion in infrastructure services. A reformer can also simplify the process of hooking up to these services for new businesses. These are the two aspects of infrastructure services on which the Doing Business team is constructing new indicators.

The first set of indicators builds on a specific case: an unexpected rise in electricity demand in the country has created opportunities for expansion. The case study documents the process that a private or public utility goes through to procure the components needed to extend the electricity distribution grid.

The second set looks at the process of obtaining a power connection, a water connection and a telephone line for a newly constructed building. The number of procedures for getting these services, and the associated time and cost,

are recorded. The study does not compare prices of these services after the building is connected. That would involve detailed knowledge of subsidy policies, which is beyond the scope of Doing Business.

3.3 Adding Measures of Policies on Foreign Direct Investment to the Doing Business Indicators

The World Bank is currently developing a further extension of "Doing Business". The FDI indicators project measures the ease of establishing and operating a foreign-owned business in countries worldwide, and is designed to supplement the *Doing Business*. The FDI indicators capture selected aspects of the investment climate targeted at foreign direct investment, as well as some aspects of the domestic business environment important to foreign investors, but not currently covered by other *Doing Business* topics. The combination of existing indicators and the proposed FDI indicators will then provide a profile of the investment climate in a country for foreign investors. The FDI indicators capture not only legal provisions and policies, but also their implementation and enforcement in practice. They aim to identify, stimulate, and advise investment policy reforms.

3.4 The FDI Indicators for "Doing Business"

The Doing Business FDI indicators will focus on the following aspects of investment climates:

• foreign ownership restrictions

• investment promotion

• pre-establishment procedures

• access to land

• currency convertibility and repatriation

• expropriation and investment arbitration

The focus of the FDI indicators is strictly on those policies that disproportionately affect cross-border investment. The indicators encompass measures of the quality of laws and regulations, as well as the administrative efficiency and transparency of their application and implementation. Most of the indicators will be measured through a case study approach of a hypothetical investment project representative of a typical investment. It has been designed to allow comparability of responses across respondents and countries. All data will be collected through a questionnaire administered by

local agents. As with all other Doing Business indicators, the questionnaire will be filled out by private sector intermediaries, i.e. consulting or law firms with practical experience in advising foreign investors on the legal and regulatory frameworks.

3.5 The Evolution of "Doing Business" and other Survey's and Indexes:

The sets of indicators for each instrument are readdressed and expanded over time. The teams continue to develop new indicators that help or hinder businesses to invest, create jobs, and grow. Infrastructure is one of two new topics being developed. For some time the "Doing Business" Team has been working at developing a new set of indicators looking closely at the legal, legislative and implementation measures as it relates to investment. This area of measurement is currently being tested in a limited number of countries but is expected to form part of the overall instrument in the next 2 years.

Such a criteria cannot help but hurt Haiti's ranking further and underlines the need to score some early "easy wins. The following is a brief outline of the approach foreseen in the Infrastructure sector:

Infrastructure services matter for private businesses and their absence can represent a significant brake on companies' growth potential. According to data from the World Bank Enterprise Surveys, private businesses in lower and middle income countries worldwide estimate that they lose on average 7.5 percent of their sales due to electricity and telephone outages and insufficient water supply. Including in high income countries, the average is still 3.8 percent.

A variety of indicators on infrastructure services are currently available. But these typically measure outcomes: kilometers of paved roads, number of telephone lines, and percentage of households connected to running water. Indicators like these have two limits. First, since building infrastructure is expensive, the cross-country comparisons show an obvious pattern: rich countries have good infrastructure, and poor countries don't. Second, if a reformist government wants to make its mark by improving infrastructure services, it can do little to change these indicators in a short time. Heavy investment is needed.

Such is not the case for the FDI measures currently being developed. The Work Plan for CFI virtually addresses each of the measures currently under consideration. This ups the importance of adequately funding CFI to implant the Work Plans already approved and in place. CFI should carefully review the criteria for the new FDI "Doing Business" indicators and immediately take steps to address these issues in its outreach and training programs –

especially for Haitian professionals who may be consulted regarding these matters.

4.1 Inter- Ministerial Commission

4.2 Examination of Submitted Files

It was difficult to obtain documents and, especially given the limited number of files transacted, only 3 files were actually completed and received prior to the Consultant departure. The following 3 files are in hand and more are expected. For that reason, the Consultant does not as yet have sufficient material to write a comprehensive appreciation of the process and conduct of these files. It is hoped that this will be completed as part of Mission 3.

We should note that full files are available and that each file has been altered to preserve the confidentiality of the Applicant. That is particularly important since the file includes full financial information.

Tourism Sector	(pending receipt)
Industrial Sector **Production of Vitamin Reinforced Milk** **(**Full set of Documents Available)	Inscription Date - July 18, 2007 Authorization to Function (MCI) July 24, 2007 Transmission to National Press August 8 , 2007 Date Le Moniteur was paid August 18, 2007 Publication in Le Moniteur #79 August 30, 2007 Date File Received by CFI & MCI September 3, 2007 Transmitted to Technical Sector July 20, 2007 Analytical report Submitted August 1, 2007 Date File Completed November 21, 2007 Date of Transmittal to CII November 28, 2007 Date Incentives Authorized December 18, 2007
Agriculture/ Aqua Culture Sector Fish Farming Firm **(**Full set of Documents Available)	Inscription Date - September 19, 2007 Authorization to Function (MCI) October 3, 2007 Transmission to National Press October 16, 2007 Date Le Moniteur was paid n/a Publication in Le Moniteur #4 January 10, 2008 Date File Received by CFI & MCI September 20, 2007

	Transmitted to Technical Sector September 21, 2007 Analytical report Submitted October 24,2007 Date File Completed November 5, 2007 Date of Transmittal to CII November 28, 2007 Date Incentives Authorized November 16, 2007
Textile Export Sector **Confection Textile Enterprise** (Full set of Documents Available)	Inscription Date - July 18, 2007 Authorization to Function (MCI) July 27, 2007 Transmission to National Press July 16, 2007 Date Le Moniteur was paid November 12, 2007 Publication in Le Moniteur #87 September 24, 2007 Date File Received by CFI July 20, 2007 Transmitted to Technical Sector July 20, 2007 Analytical report Submitted August 1, 2007 Date File Completed August 13, 2007 Date of Transmittal to CII August 13, 2007 Date Incentives Authorized August 30, 2007

ANNEX I

Haiti I-TRADE
CFI Work Plan Facilitator

Scope of Work

A. Background

The purpose of the Haiti Investment-Trade and Association Development project (I-TRADE Haiti) is to address the underlying public and private sector enabling environment which will allow Haitian enterprises to invest and trade efficiently and effectively by: 1) giving the Government of Haiti the capacity to negotiate effectively in the competitive global market; 2) building public sector institutional and ministerial capacity in areas related to investment and trade policy; and 3) addressing weaknesses at the level of private sector institutions. As a result of this activity, USAID expects to see increased incomes and wage employment, increased trade and investment, and increased sustainable livelihood options.

Haiti's private sector has faced a host of challenges for the past few decades that have made its capacity to act as a true engine for growth more difficult. The I-TRADE project will tackle some of the underlying obstacles to private sector competitiveness and job-producing business growth by addressing public and private institutional deficiencies, market access issues, and the lack of access to business support that impedes the progress of the productive and export sectors.

The Investment Facilitation Center was created in December 2006 to promote international and national investment in Haiti. The CFI is a public-private partnership with the Ministry of Commerce and Industry (MCI) and exists as an autonomous administrative organization. The CFI seeks to help potential investors navigate Haitian investment procedures. To facilitate this process, the CFI works to reduce transaction costs for investors, streamline investment procedures to reduce unnecessary administrative steps, and minimize the opportunities for corruption through a more transparent process.

B. Objectives

In 2007, the CFI worked with Capital Consult to develop a work plan for 2007-2010. Subsequently, the expected budget did not materialize and CFI has been unable to accomplish as much as was originally planned. To prioritize activities and align activities with the available budget, our objective is to conduct a work planning session with the CFI and relevant stakeholders to produce a detailed one-year work plan that will help the CFI to reach the next level of operations within the available resources.

C. Specific Duties and Responsibilities:

To accomplish this objective, we are looking for a facilitator who can work with I-TRADE, the CFI, and stakeholders to develop a one-year work plan. This will include the following tasks:

Meet with relevant parties to discuss CFI operations/work, including: their interactions to date with the CFI, support provided, challenges and opportunities, successes achieved, obstacles encountered, and what each party would anticipate accomplishing through a work planning process. These parties include, but are not limited to:

USAID and the I-TRADE team
CFI General Manager, Guy Lamothe
CFI Board Members
Capital Consult, who completed the strategic five-year work plan (to get additional information on the previous process)
Other stakeholders (MCI, the HOPE Commission, etc.)

Taking into consideration the feedback obtained through the above meetings, and the three-year work plan developed through Capital Consult's facilitation, collaborate with I-TRADE and M. Lamothe to develop a detailed and structured agenda for work planning sessions. As appropriate, these sessions can include:
Smaller sessions with internal CFI members;
Sessions that include the Board;
Larger sessions that include the CFI, Board, and other key stakeholders.

As appropriate, the sessions should address:
the easily attainable activities that can be accomplished in the short-term,
what can be done in the short-term to work toward achieving longer-term objectives,
what the priority tasks or activities are given limited resources,

what activities or roles may need to be dropped until further resources are obtained,
how other resources can be leveraged to achieve greater impact,
the relational aspects of the work and
how to reinforce key relationships (including how the Board can play a more productive role),
how current obstacles/challenges will be overcome,
the gaps in resources/knowledge/skills that exist and need to be addressed in the short-term in order to achieve short- and mid-term objectives, and
the timing of and responsibility for the activities that are to be accomplished over the next year.

The facilitator should focus on moving the discussion forward and keeping participants on track without becoming too involved in the substantive discussions or the actual decisions made. S/he should be able to draw out the essence of long conversations, summarize key points, ask probing questions to better define ideas, and elicit responses and feedback from other participants.

At the end of the work planning sessions, create a detailed work planning document,

including a narrative of activities,
milestones to achieve,
a timeline of when activities will take place,
an outline of who will be responsible for each activity,
the resources necessary for each task/activity,
a summary of the constraints encountered to date
how the CFI will overcome them moving forward, and
recommendations on how the CFI should proceed toward implementing the work plan.

Disseminate the draft document to I-TRADE, the CFI, CFI's Board, and other actors as relevant for comment. If possible, hold another session with key actors to discuss the work plan and the revisions that will need to be made. This may entail further discussions on the tasks to be accomplished and/or the resources available. Revise the work plan document to integrate in comments and finalize.

D. Related Requirements:

Extensive experience conducting/facilitating work planning processes
Knowledge of trade/investment, business environment, and/or private sector development projects highly desirable
Language capabilities in French required
Ability to work in a professional and cordial manner with fellow Haiti I-TRADE

staff, implementing and cooperating partners, and relevant NGOs and government agencies
Ability to work independently with minimal supervision, to be able to accept and discharge substantial responsibilities, to prioritize tasks, to meet deadlines, and to exercise professional judgment
Knowledge of USAID rules, regulations, and procedures preferred

E. Deliverables

Upon completion of this assignment, the consultant will provide the following deliverables:

Prior to departure from Haiti, the consultant will provide a final draft work plan document that is being reviewed by relevant actors.
Within a week of leaving Haiti, the consultant will provide a final CFI work plan document.
Within 12 days of leaving Haiti, the consultant will provide a trip report outlining, at a minimum, the work performed, people met with, successes, issues/delays/problems encountered, and recommended next steps.

F. Reporting Responsibility:

The Consultant will work under the direction of, and report to the designated Chief of Party, M. Thierry Bungener, who will be responsible for monitoring the specialist's performance. Day to day work in the field will be conducted in consultation and coordination with the Chief of Party and other team members as appropriate.

G. Level of Effort

The total LOE for this assignment is estimated at 16 days, approximately broken out as follows:

2 days travel
4 days meetings & agenda development
3 days work planning sessions
2.5 days work plan development in Haiti
2 day work plan discussion and revision with key actors
2.5 days work plan revision and finalization

Actual days worked will be invoiced based on the actual work conducted. The assignment will begin on or about xxx and conclude on or about xxx.

ANNEX II – E-Mail Clarification of the Statement of Work for the I-Trade Consultant

Based on our discussion, a couple of points of clarification on the SOW:

1. I am disappointed we have not (as yet) got Jackie Lamarque on board but - again - I suggest we do not wait or depend and simply push on. Even if he/CC do not work with us I can contact him and get his input/support.

2. To avoid paralysis by depending on CFI I suggest my mission be seen as a support to GJ Com focused on strengthening CFI/business environment. Let me know who would be the best person in I-Trade to assist in dealing with identifying/setting up meetings, etc

3. My immediate focus will be on "Quick Wins" to see if we can provide an "uptick" in the next "Doing Business". The material is due end May but we have a few days.

3. In all we do (including the outline you circulated this morning) I suggest we always state and repeat the ultimate objective of CFI and competitiveness. Both "processes" are interesting but the creation of employment, economic growth leading to greater economic and political stabity and ultimately poverty reduction are words we cannot repeat often enough - certainly in any Press Release.

4. The SOW is designed for 14 working days plus 2 travel days and my current Mission allows for that period except that my travel day - Sunday - is not billable and thus gives us an additional work day in Haiti. No LOE is provided for post-Mission Reporting so I will try to substantially complete my Reports prior to my departure. If possible we should schedule a de-briefing with I-Trade Team and USAID prior to leaving.

5. Based on SOW I will:

a) Immediately meet with relevant parties to discuss CFI operations/work, including their interactions to date with the CFI, support provided, challenges and opportunities, successes achieved, obstacles encountered, most of this has been done previously so it
will be more by way of "updating".

b) develop a clear understanding of the CFI work planning process, define objectives and establish what each party would anticipate accomplishing through a work planning process.

c) I request that I-Trade as quickly as possible set up meetings with the I-TRADE team; USAID; CFI Board Members (as a Group), Jackie Lamarque,

Capital Consult and MCI, the HOPE Commission, etc.

d) if Jackie Lamarque/Capital Consult are not on Board, I will do my best to kick start the CFI three-year work plan facilitation, and collaborate with I-TRADE and M. Lamothe to develop a detailed and structured agenda for work planning sessions. Again, I-Trade should assist to set up sessions with CFI board members and employees; the
Board; larger sessions including the CFI Board, GJ Com and other key stakeholders. I will prepare Agendas for each meeting to be distributed with the invitation.

e) in the absence of Jackie/CC I am prepared to act as facilitator and focus on moving the discussion forward and keeping participants on track without becoming too involved in the substantive discussions or the actual decisions made. I will draw out the essence of long conversations, summarize key points, ask probing questions to better
define ideas, and elicit responses and feedback from other participants, draw conclusions.

f) I will work with CFI/I-Trade to create a detailed work planning document including a narrative of activities, milestones, a timeline, who will be responsible for each , the resources required for CFI base operations , additional resources required for each task/activity, a summary of the constraints, how the CFI plans to overcome them moving
forward, and recommendations on how the CFI should proceed toward implementing the work plan. A CLEAR statement will be included that the Work Plan is a dead letter without the requisite resources – this should be clearly communicated through GJ Com to the Prime Minister/Presidency and the Ministers involved.

g) Disseminate the draft document to I-TRADE, the CFI, CFI's Board, and other actors as relevant for comment. If possible, hold another session with key actors to discuss the work plan and the revisions that will need to be made. This may entail further discussions on the tasks to be accomplished and/or the resources available. Revise the
work plan document to integrate in comments and finalize.

h) in the absence of Jackie Lamarque/CC I doubt I will be able to complete all these tasks before june 11, 2009. The problem is NOT getting the work done - it is being able to mobilize our Haitian counterparts fast enough and often enough to achieve this. When I meet with Guy Lamothe, I will try to develop a Calendar.

i) I also need to follow up some issues related to the I-Trade Work Plan and make sure Project needs are addressed and delivered.

Annex III

Annex IV – CFI/ M. Guy Lamothe Board Presentation

CENTRE DE FACILITATION
DES INVESTISSEMENTS

PLAN D'ACTION REMANIE
2009-2010
2010-2012

Juin 2009

Contexte

Dans l'étude pour la mise en place du CFI, la *Capital Consult* avait prévu un budget d'un peu plus d'un million cinq quatre cent quarante neuf mille (1,449,000) dollars américains à répartir sur 3 ans. Le budget de fonctionnement absorberait près de 92 % de l'allocation et le reste serait alloué au budget d'investissement.

Pour la première année, le CFI aurait besoin de $ 575,889 US pour réaliser ses activités. Cependant le budget de démarrage a été de de 10 millions de Gourdes de fonctionnement, soit $ 277,777.78 US pour l'exercice 206-2007. Le CFI a bénéficié dans le même temps de l'apport en mobilier et matériel roulant provenant de l'USAID, au titre du budget d'investissement, évalué à $ 150,000 US. Ce qui fait un total, de **$ 427,777 US** pour la première année, soit 74% des prévisions de la *Capital Consult*.

Le CFI a dépensé 8,947,871 Gourdes ($ 248,551 US) durant cette période. Les dépenses de fonctionnement (salaires, frais généraux et les dépenses pour l'entretien du local et du matériel) ont représenté 65% de cette somme, soit 5,880,858 Gourdes ($ 163,357 US).

Durant cette période, le CFI était en *staffing* progressif. En ce qui a trait au plan d'action, l'essentiel des activités se focalisait sur la facilitation administrative. Certaines activités liées à la promotion de l'investissement étaient également réalisées. Simultanément de timides activités en relation au montage du système d'informations économiques et commerciales ont été réalisées. Quant au 4ème objectif du plan d'action, à savoir l'amélioration du cadre légal des affaires, celle-ci a été laissée en veilleuse.

Pour l'exercice 2007-2008, le CFI a obtenu du Trésor public la subvention de 12,254,999 Gourdes **($ 322,499 US**). A titre de comparaison, l'étude de la *Capital Consult* prévoyait pour la deuxième année une allocation de l'ordre de $ 458,390 US. La subvention reçue par le CFI représente donc 70% du montant prévu.

Le budget de fonctionnement a compté pour près de 90% des dépenses effectuées à partir de ladite allocation.
a)Les salaires (uniquement), tous types confondus, ont occupé un peu plus de 60% du budget de fonctionnement.
b) il convient de mentionner le paiement de l'allocation pour la rentrée des classes dite « 14ème mois » et du boni 2007. la réalisation d'une étude sur la promotion des IDE dans le cadre d'une coopération de l'Etat haïtien
c) le CFI a également assumé l'augmentation entre 20 et 35% des salaires dans la fonction publique.
En résumé, un ensemble d'obligations qui ont augmenté les dépenses de manière imprévisible et réduit sensiblement la marge de manœuvre du

Centre. Il s'était aussi engagé dans un ensemble d'activités, entre autres, la collaboration à la préparation d'un guide des affaires, la publication d'articles sur les façons d'investir en Haïti, la préparation et la diffusion de dépliants d'informations destinés aux investisseurs, la construction (inadéquate et inachevée) d'un guichet pour accueillir la DGI.

Il faut aussi noter les déplacements à l'étranger du personnel soit pour des périodes de formation ou des séminaires et conférences sur la facilitation des investissements, l'*after care* et les échanges de bonnes pratiques avec les Centres homologues de la région.

Le CFI a accumulé des dettes héritées depuis son inauguration et du renvoi de celle-ci. Certaines ont été constituées en raison de ses activités durant l'exercice 2007-2008 et ont influence ses finances pour l'exercice suivant.

Pour l'exercice en cours 2008-2009, le CFI s'est vu alloué la somme de 11, 544,094 Gourdes, soit une réduction de 6% par rapport au budget antérieur. En comparaison avec l'étude de la *Capital Consult*, le CFI a obtenu du Trésor public **$ 288,602 US** des $ 546,530 US prévus. Durant cet exercice fiscal, les salaires représentent également 60 à 65% du budget du Centre.

Fort de cette analyse du rapport budget et plan de travail, il est à constater que le plan de travail préparé par la firme Capital Consult prévoyait un ensemble de moyens que le Trésor public traîne à mettre à la disposition du CFI. Par conséquent, il apparaît une inadéquation entre le budget et le plan de travail.

Afin de continuer à faire son boulot tel indiqué dans le décret portant à sa création le CFI présente ce nouveau plan de travail qui suit. Il est en fait est un plan remanié beaucoup plus conforme à la réalité et en adéquation aux moyens mis en œuvre.

Ce plan remanié est bâti autour des quatre objectifs stratégiques à partir desquels seront déclinées les activités qui permettent de les atteindre. Ces objectifs prolongent les quatre fonctions de base sur lesquelles se fonde le montage du Centre, à savoir, la facilitation de l'investissement, la mise en place d'un système d'informations économiques et commerciales adapté aux besoins des usagers, la conduite d'une série de travaux d'études et d'analyse visant à moderniser le cadre légal des affaires.

Les quatre objectifs stratégiques retenus dans le Plan d'action divisés en des actions à court terme et des actions à long terme.

Les actions retenues à court terme pourront être réalisées avec la dotation budgétaire actuelle et un délai ne dépassant pas 16 mois est nécessaire pour

leur matérialisation. En ce qui à trait aux actions à mener à moyen et long terme, le CFI pourrait chercher les financements à travers les institutions internationales.

Activités à court terme

Activités en rapport avec l'objectif de facilitation des investissements

Les activités en rapport avec cet objectif que le CFI peut exécuter dans les trois (3) prochains mois de l'exercice sont les suivantes :

Activité 1 : Simplification de la procédure administrative relative à la formation des sociétés
Cette simplification peut se faire en éliminant toutes les étapes qui n'ajoutent pas une valeur au traitement du dossier. Dans le but de raccourcir les délais et de donner une meilleure visibilité dans le classement de Doing Business, la requête peut être reçue par un fonctionnaire avisé (de préférence un juriste) .IL vérifie sur place les pièces fournies par l'entrepreneur avant de les acheminer directement au service concerné (Direction des Affaires Juridiques). Le dossier est également remis au client dans l'éventualité de non conformité.

Un formulaire standard de soumission de dossiers pour chaque type de cas est requis. Cela permettra au client de fournir exactement le type d'informations requises pour le traitement de son dossier. Le formulaire standard facilitera également la vérification et le traitement de chaque requête à partir de la date de sa conformité aux exigences administratives. Ceci aura pour effet de ne pas introduire une requête incomplète dans le circuit et évitera un retard injustifié.

Activité 2 : Renforcement des capacités institutionnelles de la direction des Affaires juridiques
L'efficacité du CFI en tant qu'organe transversal dépend de celle d'autres services connexes. En particulier la Direction des Affaires juridiques du MCI qui a la responsabilité des processus ayant trait avec la formation et l'enregistrement des sociétés. Une bonne partie de cette activité a été déjà réalisée à 75 %. Le pre screening aura pour effet de rendre plus opérationnelle le suivi, vu que la structure d'analyse ne sera pas en contact avec le client. Une procédure de suivi des dossiers soumis sera également opérationnelle dès le mois de juillet étant donné que le renforcement de la DAJ a pu être matérialisé.

Activité 3 : Simplification de la procédure relative au traitement d'une requête d'avantages incitatifs au titre du Code des investissements
Cette simplification est rendue possible par la décision de faire du CFI le

secrétariat technique de la Commission interministérielle des investissements (CII). Le CFI est saisi de la requête, instruit le dossier, assure le contact avec le secteur concerné, soumet le dossier à la CII et assure le suivi de la décision adoptée par la CII jusqu'à la concrétisation des mesures incitatives octroyées. L'expérience a été vérifiée dans l'accompagnement personnalisé offert aux entreprises coréennes.

A cet effet, une proposition a été déjà approuvée pour le fonctionnement du Secrétariat du CII et son transfert au CFI.

De plus, un programme de suivi permanent (after care) est mis en place pour recueillir les doléances des entreprises déjà installées. Ceci aura pour effet de les fidéliser.

Activité 4 : Simplification de la procédure relative au traitement d'une requête en vue de l'acquisition du statut de zone franche
Cette simplification est rendue possible par la décision de faire du CFI le secrétariat technique du Conseil national des zones franches. Dans la perspective d'une rationalisation de l'utilisation des ressources, il y a lieu d'incorporer le Conseil National des Zones Franches au CFI afin de lui permettre de trouver les ressources et les fonds nécessaires.

Le CFI est saisi de la requête, instruit le dossier, assure le contact avec le secteur concerné, soumet le dossier au Conseil national des zones franches et assure le suivi de la décision adoptée par la CII jusqu'à la concrétisation des avantages incitatifs octroyés.
Les principales taches associées à cette activité sont les suivantes :
Mise en place de la cellule de Secrétariat Technique du CNZF
Elimination des pré requis non prévus par la loi

Activité 5 : Elaboration de guides de procédures sectorielles
Pour accélérer le traitement de chaque requête, le CFI actualisera et améliorera les guides en accord avec les chambres de commerce et l'appui financier de I-Trade. Ainsi, des guides sectoriels seront actualisés et améliorés :
La formation de sociétés ou l'octroi d'une CIP pour des activités commerciales faisant appel à l'autorisation préalable d'une autre agence gouvernementale : agent de change, agent maritime, société bancaire, société d'assurance, compagnie de sécurité etc.
La demande d'avantages incitatifs au titre du Code des investissements
La demande du statut de zone franche.

2.2 Activités en rapport avec la mise en place d'un système d'informations économiques et commerciales

Activité 1 : Document de présentation du CFI
Le document de présentation décrit la mission du CFI, la composition de son Conseil d'administration, son organisation générale et les différents types de service offerts à l'investisseur. Ce document est disponible sur le site web du CFI en Français et aussi en Anglais.

Le CFI va entamer sa troisième année de fonctionnement et les documents méritent d'être actualisés pour mieux répondre aux exigences de la clientèle. A cet effet, un processus de consultation avec tous les acteurs concernés par l'investissement est en cours. USAID-Itrade a déjà élaboré deux documents visant a divulguer la mission du CFI. Ils sont a l'étude et devront être publies fin juin grâce a un financement prévu par l'organisme international

Activité 2 : Publications régulières
Les publications régulières incluent:
Préparation de feuillets, dépliants et guides sectoriels
La majorité des documents à publier existe déjà, il s'agit de les actualiser dans le but de les adapter. Le but d'une telle activité est de mettre à la disposition du public les informations relatives aux procédures existantes. Un nouveau format de publication est à l'étude.

Exemples d'informations :
Informations relatives à la formation d'une société :
Entreprise individuelle
Société en nom collectif
Société en commandite simple
Société en commandite par action
Société anonyme
Succursale de société étrangère
Société coopérative
Informations pour l'enregistrement d'un nom commercial
Informations pour l'obtention de la Carte d'identité professionnelle (CIP)
Informations relatives à l'enregistrement d'une marque de fabrique
Informations relatives à l'octroi d'avantages incitatifs au titre du Code des investissements. Ces informations feront ressortir les situations spécifiques à chacun des six secteurs ciblés par le Code. Dans le cas des secteurs non prévus par le Code, le document indiquera la démarche générale qui sera adoptée pour le traitement de la requête.
Informations relatives à l'octroi du statut de zone franche.

B. Bulletin d'analyse: Il sera trimestriel et prendra en compte le climat général des affaires, les flux d'investissements étrangers directs (IED), les

informations portant sur les marchés internationaux d'intérêt pour l'investisseur opérant en Haïti. Il contient également des entrevues avec des hommes d'affaires (des Coréens en particuliers) et des résultats d'enquêtes auprès des milieux d'affaires sur la situation générale des affaires, les relations avec l'Administration.

Activité 3 : Site web du CFI
Le site web du CFI est bien conçu et offre toutes les informations pertinentes et mises à jour fréquemment. Il est le premier outil d'information et de promotion du CFI. A ce stade, les mesures à prendre seront présentées sous peu, elles comprendront notamment l'animation continue, le « redesign » pour le rendre plus attractif de même que la recherche de publicité et/ou d'alliance avec la des grandes institutions de la place.

2.3 Stratégie générale et Activités en rapport avec la promotion de l'investissement

L'image du pays est associée depuis un certain nombre d'années à des stéréotypes du genre « pays le plus corrompu », « Etat en faillite », « pays de violence », « pays politiquement instable », « pays à haut niveau d'insécurité », « Administration publique inefficace et corrompue », « cadre institutionnel décourageant pour l'investissement », « autorité de l'Etat faible », « pays n'offrant aucune garantie à l'investisseur » etc.
Le CFI doit jouer un rôle direct dans l'information et principalement au niveau de la réhabilitation de l'image du pays.

Activité 1 : Développement des outils de promotion

Le CFI a déjà préparé plusieurs documents ayant rapport avec la promotion de l'investissement (notamment Initiative de promotion des investissements directs étrangers, document de promotion d'Haïti).
Dans le cadre de cette activité, il est prévu d'actualiser ces documents et d'établir un calendrier d'application avec les autres secteurs.

Activité 2 : Accompagnement du secteur privé dans ses démarches de promotion

Pour asseoir son intervention au niveau de la promotion de l'image du pays, le CFI pourra envisager les actions suivantes :
Publication d'articles dans les journaux et des magazines spécialisés mettant en évidence des exemples de succès en matière d'investissement (en particulier d'investissement direct étranger) et en matière du comportement de l'Administration dans la simplification des lois, des règlements et

procédures et dans les dispositifs de facilitation et d'encadrement mis à la disposition de l'investisseur ;
Publication d'articles spécialisés et réalisation d'entrevues mettant en cause la qualité des informations et la méthodologie utilisées par les divers rapports mettant en avant les stéréotypes mentionnés plus haut ;
L'envoi direct de réponses aux organismes producteurs de ces rapports, dénonçant les informations et la méthodologie utilisée et mettant à leur disposition d'autres types d'informations pour les porter à avoir un regard plus rigoureux sur les affaires du pays ;
La mise au point d'un programme d'échanges et de coopération avec l'équipe FIAS impliquée dans la production du rapport *Doing Business* pour le compte de la Banque mondiale. Cette coopération peut amener les rédacteurs de ce rapport à utiliser des informations plus fiables pour la détermination de leur classement de pays.

Pour articuler son action avec le secteur privé en matière de promotion de l'investissement le CFI :
met au point un système d'informations à jour sur les foires commerciales internationales et régionales (types de foires, fréquence, lieux, conditions de participation etc.) ;
accompagne les organisations du secteur privé dans des foires sélectives en fonction des secteurs reconnus comme prioritaires en facilitant les contacts, en mettant à leur disposition les outils promotionnels et en participant à l'organisation des stands de promotion du pays ;
facilite et soutiendra la réalisation de missions commerciales ciblées (missions d'hommes d'affaires haïtiens à l'étranger et missions d'hommes d'affaires étrangers en Haïti) ;
participe ou sert de secrétariat exécutif à l'organisation d'événements promotionnels d'exception.

3. Activité à moyen et long terme

Activités en rapport avec l'objectif de facilitation des investissements

Activité 6 : Elaboration et mise en œuvre d'une stratégie nationale d'investissement
De nos jours, il s'avère nécessaire d'inscrire les actions à mener dans un cadre de référence incluant les priorités du gouvernement et identifiant les obstacles au déploiement de l'investissement privé en Haïti. Le Conseil d'administration du CFI doit donner une plus grande lisibilité aux politiques publiques en matière d'investissement tout en réduisant la marge d'arbitraire de l'Administration lorsqu'il s'agit d'autoriser ou de favoriser tel type d'investissement.

Les taches principales en rapport avec cette activité sont les suivantes :
Définition et adoption par le Conseil d'administration du CFI d'une stratégie nationale d'investissement et d'un schéma d'aménagement territorial.
Elaboration d'une stratégie de divulgation et de mise en application du schéma d'aménagement stratégique.
Concertation avec les différents acteurs tant publics que privés pour la validation de cette stratégie

Le niveau de complexité de cette activité dépasse le cadre des seules ressources internes du CFI qui devrait aller chercher, sous la direction du Conseil d'administration, les expertises nécessaires pour sa mise en œuvre. Pour initier cette activité, le CFI doit élaborer les termes de référence détaillés de cette intervention et rechercher les consultations nécessaires pour sa réalisation.

Activité 7 : Harmonisation des rapports entre les différents services de l'Etat impliqués dans le processus de réalisation d'un investissement
Le Conseil consultatif a été conçu pour permettre au CFI d'aller mobiliser, au sein de l'appareil d'Etat, les alliances nécessaires pour lui permettre d'assurer la fluidité du processus d'investissement, à chacune de ses étapes. Le rôle de ce conseil est de mobiliser les autres agences de l'Administration afin d'en faire des maillons complémentaires dans la chaîne de facilitation de l'investissement.
Pour permettre à ce conseil de jouer le rôle qui lui a été dévolu, il est suggéré l'ensemble des actions suivantes :

a) Forums des directeurs généraux sur l'investissement. Ce forum annuel réunit l'ensemble des directeurs généraux des services de l'Etat ayant un rôle à jouer dans la facilitation du processus d'investissement. A l'occasion de

chaque forum, sur la base des enquêtes menées par le CFI et de la documentation préparée par ce dernier pour la circonstance, les membres seront invités à : (i) analyser les différents types de problèmes répertoriés par le CFI dans le processus de réalisation de l'investissement ; (ii) analyser le rôle de chacun des organes de l'Etat dans les processus étudiés ; (iii) suggérer les améliorations à apporter aux processus analysés.

b) Mise en place d'un dispositif de coordination intergouvernemental de type : réseaux de points focaux. Ces points focaux seraient constitués, à l'intérieur de chaque agence, d'une ou de plusieurs personnes ayant reçu mandat de leur direction générale, pour travailler avec le CFI dans le sens des dispositions agréées d'un accord pour faciliter les processus d'investissement. La mise en œuvre du plan de coopération peut également se faire, selon le cas, sous la forme de guichets intégrés réunissant sous un même toit les services offerts par des administrations différentes. Puisque la DGI a déjà donné son accord pour mettre en place dans le meilleur délai un guichet au MCI pour faciliter les activités en rapport avec la formation des sociétés et la demande d'avantages incitatifs, il est suggéré de commencer tout de suite avec cette première mise en place.
c) Déconcentration des activités du CFI : il s'agit d'établir des bureau et/ou des représentations dans les pôles de croissance identifier dans le DNSCRP soit notamment dans le Nord, le Sud.

Activité 8.- Plan d'amélioration continue des services offerts à l'investisseur par les différents organes de service public.
Cette activité est conçue pour permettre la simplification continue des procédures en rapport avec les processus de réalisation d'un investissement. Des enquêtes régulières seront conduites par le CFI auprès des opérateurs du monde des affaires afin de déterminer les obstacles rencontrés dans chaque groupe de processus :
Formation des sociétés
Octroi de licences et d'avantages incitatifs
Implantation/Localisation
Fonctionnement de la société
Pour conduire ce travail d'analyse le CFI pourrait utiliser un « template » voisin des modèles élaborés par la Banque mondiale (Foreign Investment Advisory Service (FIAS)).
L'analyse prendrait en compte divers processus administratifs et diverses contraintes du milieu en rapport avec la création et le fonctionnement d'une société, tels que par exemple : au moment du démarrage de la société, au moment de localiser/implanter la société et au moment d'opérer la société.

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Activités en rapport avec la mise en place d'un système d'informations économiques et commerciales

Activité 4 : Construction des bases de données relationnelles à partir des fichiers de la DGI

Les fichiers de la DGI sont les fichiers les plus complets à partir desquels il est possible de construire plusieurs bases de données relationnelles. On peut envisager une ou plusieurs bases de données avec les types d'informations suivantes :

Fichier des investisseurs étrangers en Haïti décrivant le profil de chaque investisseur étranger (nationalité, type de société, historique d'intervention en Haïti), le secteur d'activité, la valeur des investissements, le montant des investissements des trois dernières années.

Fichier de l'offre exportable de chaque entreprise exportatrice (identification et historique de l'entreprise, description des produits, pays et marchés d'exportation, emballage, capacité de production etc.). Ces informations existent de manière non structurée à la direction du Commerce extérieur du ministère du Commerce et de l'Industrie pour l'artisanat et le secteur de l'assemblage. Un effort parallèle d'encadrement du service producteur de ces données est nécessaire pour permettre au service de traduire les données en informations sur une base régulière. L'encadrement peut inclure une composante de staffing (formation et personnel complémentaire) et moyens de travail (le service ne dispose pas d'ordinateurs et les fichiers des exportations sont préparés manuellement).

Fichier des importations et exportations haïtiennes (en volume et en valeurs, selon les pays). L'organisation de ces informations exigera un plus grand effort de collecte et de vérification auprès de sources éparses (statistiques des pays d'importation et d'exportation), à cause du caractère fragmentaire des informations produites par l'AGD. Une plus grande maîtrise du logiciel SYDONIA devrait permettre à terme de résoudre ce problème.

Activité 5 : Mise en place et animation d'un Centre de documentation multimédia sur le commerce et l'investissement

Il ne s'agit pas de produire des informations nouvelles mais de collecter auprès de différentes sources institutionnelles les informations existantes. Le contenu de ce centre d'informations peut inclure les informations et rapports relatifs aux domaines et sujets suivants:

Statistiques commerciales (import-export, par pays, par produits, en volume et en valeurs)

Etudes sur les filières

Etudes et informations sectorielles

Rapports de mission

Lois, règlements et procédures en rapport avec le commerce et l'investissement

Fichier électronique du Journal Officiel Le Moniteur

Services de type Business Center

Activité 6 : Sensibilisation du public en général- Animation d'une rubrique de journal : Investir en Haïti, la rubrique du CFI

Cette sensibilisation peut se faire sous diverses formes. Le CFI peut poursuivre la série des émissions de télévision et de radio déjà entamée.

Il peut également assurer l'animation d'un encadré publié périodiquement dans un quotidien à grand tirage destiné aux investisseurs. Le contenu de la rubrique peut:
reprendre les informations publiées dans les dépliants ;
rappeler certaines précautions à prendre dans le cas des dossiers à soumettre à l'Administration en se basant sur les erreurs les plus fréquemment observées dans les dossiers reçus au MCI (dossiers incomplets, objet de la société mal formulé, statuts mal rédigés, incohérences dans les montants du capital social etc.) ;
produire des conseils utiles à l'investisseur sur la manière d'accélérer le traitement de son dossier ;
fournir des informations factuelles sur les facteurs de production : coût des facteurs (prix du kw/h d'électricité, prix de la minute de téléphone, coût du mètre carré de location dans un bâtiment industriel), coût du transport (terrestre, aérien, maritime), disponibilité de services de base etc. ;
publier des statistiques sur les nouvelles sociétés créées et les investissements réalisés dans le pays, par secteur d'activité etc.
Diffuser des informations annuellement a travers une revue annuelle traitant des exportations haïtiennes et des investissements effectués en Haïti dans les différents secteurs d'activités:
Exportations: produits, secteurs, marchés et pays destinataires
Investissements: nature, secteurs, origine (IED, nationaux), concentration, tendances etc.

Des catalogues sectoriels (agri business, tourisme, industrie d'assemblage et zones franches, manufactures légères, centres d'appels etc.) présentant des données élaborées sur les entreprises et leurs produits : types d'entreprises, types de produits, volumes produits, types d'emballage, saisonnalité, normes appliquées, certifications etc.)

Stratégie générale et Activités en rapport avec la promotion de l'investissement

Activité 3 : Conscientisation au niveau des régions concernant les conditions d'accueil requises pour l'investissement

Les régions peuvent être des obstacles à la réalisation d'investissements locaux si les élus locaux et les populations locales ne sont pas valablement informés. Pour réduire ces tensions et générer un support local aux initiatives d'investissement, le CFI mettra au point un programme d'information en vue de conscientiser les régions sur les conditions d'accueil de l'investissement. Des conférences et ateliers d'information seront organisés par le CFI en coordination avec les élus locaux dans les régions identifiées pour accueillir de nouveaux investissements.

Activité 4 : Articulation du CFI avec les chambres de commerce et collectivités

Le CFI assurera une présence en région en mettant en place des partenariats avec les chambres de commerce locales et les collectivités territoriales. Ces institutions peuvent rapidement se constituer en antennes du CFI en servant de relais pour l'information à diffuser auprès des investisseurs. Le CFI mettra, dans un premier temps, le matériel d'information à la disposition des collectivités et des chambres de commerce local où les usagers pourront aller chercher l'information, lorsqu'une représentation régionale du MCI n'existe pas.

Le CFI apportera une assistance aux chambres de commerce locales pour les aider à tenir au moins un forum annuel sur l'investissement. Chaque forum sera l'occasion de faire le point sur le stock d'investissements existants dans la région, l'évolution récente des investissements dans la région, les atouts et contraintes de la région.

Activité 5 : Articulation du CFI avec les représentations diplomatiques et consulaires à l'étranger

Les services diplomatiques et consulaires peuvent constituer, sans frais exorbitants pour le CFI, des relais précieux pour la dissémination de l'information auprès des investisseurs potentiels. Pour cela, les agents en place doivent disposer de l'information et du matériel appropriés et recevoir une formation adéquate.

Les taches en rapport avec cette activité sont les suivantes :

Préparation d'une documentation de support en anglais et en espagnol (ce document peut être le Guide de l'investisseur auquel pourront être ajoutés des études sectorielles ou de filières si elles sont disponibles).

Séminaires de formation pour les agents diplomatiques et consulaires pour les familiariser avec les outils d'information développés par le CFI. Des formules de formation en ligne peuvent être envisagées comme moyens complémentaires de formation pour ces agents.

Mettre en lien avec le site web du CFI les différents sites web des représentations diplomatiques et consulaires.

Activités liées à la modernisation du cadre légal des affaires

Activité 1 : Analyse des amendements à apporter au Code des investissements et animation d'un groupe de discussions mixte public-privé en vue de valider les propositions d'amendement. L'identification de ces amendements est déjà faite dans le rapport ; le CFI doit les soumettre à l'appréciation du Conseil d'administration, puis les discuter dans un cercle plus large avec des représentants du monde des affaires, sous la forme d'un atelier préparatoire à la rédaction du projet d'amendement.

Activité 2 : Analyse des amendements à apporter à la loi sur les zones franches et animation d'un groupe de discussions mixte public-privé en vue de valider les propositions d'amendement. L'identification de ces amendements est déjà faite dans le rapport ; le CFI doit les soumettre à l'appréciation du Conseil d'administration, puis les discuter dans un cercle plus large avec des représentants du monde des affaires, sous la forme d'un atelier préparatoire à la rédaction du projet d'amendement..

Activité 3 : Elaboration de propositions en vue du réaménagement du cadre légal et réglementaire existant pour le rendre plus propice aux investissements. Les orientations proposées portent sur les domaines suivants :
Création de nouvelles formes de sociétés
Aménagement du régime de la copropriété
Réorganisation du système de sécurité sociale et de protection contre les risques
Création de marchés de capitaux
Création de magasins généraux.

Activité 4 : Mise en place et animation de groupes de discussion en vue de valider ces propositions. Les éléments techniques pour l'élaboration des nouveaux projets de textes ou la révision des textes existants sont explicités de façon détaillée dans l'annexe I du Rapport. Il est possible pour le CFI de passer à la mise en place d'un groupe de travail spécialisé qui aura pour mandat de préparer les nouvelles législations correspondantes.

Activité 5 : Loi de consolidation des lois à faire passer au niveau du parlement, cette loi aura pour objet de donner au Gouvernement la possibilité de modifier certaines clauses par simples mesures administratives.