



06.05.2011

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on the situation in Madagascar

by Louis Michel, Charles Goerens, Marielle De Sarnez, Marietje Schaake and Izaskun Bilbao Barandica, , Kristiina Ojuland on behalf of the ALDE Group

European Parliament resolution on the situation in Madagascar

The European Parliament,

- having regard to Articles 8 and 9 of the Cotonou Agreement, concerning political dialogue and respect for human rights respectively,
 - having regard to its previous resolutions on Madagascar, particularly those of 7 May 2009 and of 11 February 2010, **and the ACP-EU joint parliamentary assembly fact-finding mission to Madagascar of 10 - 11 July 2010 (Amendment by Marietje Schaake),**
 - having regard to the EU High Representative Catherine Ashton statement of 19 November 2010, **(Amendment by Marietje Schaake),**
 - having regard to the Swaziland Communiqué of 30 March 2009 and to the Livingstone decision of 31 March 2011 which, in paragraph 6, states that the solution in Madagascar needs to be democratic, consensual, inclusive and transparent,
 - having regard to the Maputo Accords of 8 and 9 August 2009 and the Addis Ababa Additional Act of 6 November 2009, signed by the four leaders of the political groupings in Madagascar, **these Accords having constitutional value as expressly agreed by the stakeholders and recognized by the international community,**
 - having regard to the suspension of Madagascar from the Southern African Development Community (SADC) and the African Union (AU),
 - **having regard to the sanctions decided by the African Union on 17 March 2010 and confirmed on 31 January 2011 against M. Rajoelina and more than a hundred of his fellows,**
 - having regard to the recent roadmap proposed by the mediation team of the SADC,
 - having regard to the report made by President Ravalomanana to the Extraordinary Summit of the SADC;
 - having regard to the SADC Extraordinary Summit on Madagascar of 20 May 2011;
 - having regard to Rule 122(5) of its Rules of Procedure
- A. whereas the persistent political instability which has prevailed since the coup d'état has placed Madagascar in a precarious position from the socioeconomic, humanitarian and human rights point of view,
- B. **whereas the unconstitutional authorities suddenly and unilaterally breached the above mentioned Maputo Accords and Addis Ababa Additional Act which caused a serious deadlock of all processes for a neutral, inclusive and consensual Transition**

and worsening of the political and socio-economic situation of Madagascar to the detriment of its population,

- C. whereas the actual regime disrespects constitutional, democratic and fundamental rights enshrined in Cotonou and international agreements,
 - D. whereas the present illegal regime is monopolising executive, legislative and judicial powers and the media,
 - E. whereas there is still no agreement on how to achieve a peaceful **and neutral** transition,
 - F. whereas the current process of negotiations under international mediation led by President Joaquim Chissano **must continue in a more inclusive manner**, as decided by the SADC Troika on March 31 last,
 - G. whereas on 17 November 2010, the de facto authority **unilaterally** organised **an unfair** constitutional referendum **duly** boycotted by the opposition and generally ignored by the international community which led to the adoption of a **so-called** new fundamental law,
 - H. whereas on Monday, 6 July 2009, the European Union initiated a consultation process with Madagascar pursuant to Article 96 of the Cotonou Agreement, thus launching a dialogue intended to find appropriate solutions to the country's political problems,
 - I. whereas on 7 June 2010, the European Union decided to close the consultations with the Republic of Madagascar and adopted appropriate measures under article 96 of the Cotonou Agreement - in this case suspension of aid;
 - J. whereas the Co-Chairs of the Joint Parliamentary Assembly ACP-EU called on May 17 2011, for instalment of a neutral, consensual and inclusive transitional government with a mission to launch a transparent and independent electoral process leading towards democratic elections under the monitoring of the international community, first step for a sustainable return to constitutional order;
1. Reiterates its strong condemnation of the process by which Mr. Rajoelina seized power **and is maintaining his illegal and illegitimate regime**, and remains concerned about the current situation in Madagascar;
 2. Condemns the many violations and abuses by current Malagasy security forces against its own population and calls for **the dissolution of all political militia**, for full respect of civic, political, **social and economic** rights of all citizens and the restoration of the rule of law in Madagascar; calls for the immediate release of all political prisoners; calls for a safe return of exile and political leaders; (*Amendment by Marietje Schaake*)
 3. Expresses its deep concern about the looting of precious woods and the illegal exploitation of mineral resources; supports the conservation groups in their struggle to stop illegal rosewood trade from National parks;
 4. Stresses the urgent need for a **return to constitutional order which is a condition for the return to institutional normality in Madagascar and urges to move rapidly towards free, open** and transparent elections by democratic standards under the supervision of the international community;

5. Stresses that credibility, including the lawfulness of the electoral process, implies that all political movements **and leaders** can take part in these elections freely and unconditionally and have an impaired access to the media;
6. Stresses the need and capacity of the Madagascan people to choose their future and exercise self-determination **without any condition**.
7. Calls for a satisfying exit strategy of current deadlock situation in order to install **a truly** neutral, consensual and inclusive transitional government and takes note of the observations and recommendations made **in the report to the** Extraordinary Summit of **the SADC**; urges next SADC Summit in **June** to definitely put an end to the political deadlock in Madagascar;
8. Stresses that the neutrality of the transition is crucial for the credibility of the electoral process and that continuing without international support can only lead to the isolation of Madagascar and will keep the country in its actual precarious financial situation;
9. Stresses that the transition and free and transparent election will allow the country to set in motion the necessary reforms and re-establish the constitutional order indispensable for radical change, **including respect for human rights and the rule of law; (Amendment by Marietje Schaake)**
10. Stresses that the African Union has confirmed, at its Summit on January 31, 2011, individual and selective sanctions agreed at the summit on 17 March 2010, against Mr. Rajoelina and over a hundred other people who support the High Authority of the Transitional Government ;
11. Stresses that M. Rajoelina's government is not recognized by either the EU or by any member country of the International Contact Group-Madagascar;
12. Supports the efforts of the former President of the Republic of Mozambique, Mr Joaquim Chissano, the SADC mediator in this process and calls on the AU, the SADC and the international contact group to bring the transition process to a satisfactory conclusion;
13. Fully supports EU's appropriate measures taken on 7 June 2010 after the conclusion of the consultation procedure under Article 96 of the Cotonou Agreement;
14. Urges the international community to continue to impose and extend sanctions on the regime until the political crisis is resolved **according to the above considerations**;
15. **Recalls the strict necessity that any agreement that solves this Malagasy crisis cannot be breached again by M. Rajoelina and his fellows without this resulting in his automatic exclusion from the Transition and the application of appropriate targeted sanctions**;
16. Stresses that the return to the constitutional order will permit to EU to renew its cooperation with Madagascar after an interruption of more than 2 years;
17. Instructs its President to forward this resolution to the Vice-President/High Representative of the EU for Foreign Affairs and Security Policy, the Commission, the

Council of the European Union, the ACP-EU Council, the Secretary-General of the United Nations, the SADC, President Joaquim Chissano and the Commission of the African Union.