

ADDIS ABABA ADDITIONAL ACT TO THE MALAGASY TRANSITIONAL CHARTER

The leaders of the Madagascar political parties, meeting in Addis Ababa from November 3 to 6, 2009, have solemnly reaffirmed their complete adherence to the Political Agreement, the Transitional Charter, and the subsequent agreements signed at Maputo in Mozambique on August 9, 2009.

They have undertaken to implement the Maputo agreements, in particular the Political Agreement and the Transitional Charter, which they consider to be the only framework for resolution of the Malagasy political crisis.

I. TRANSITIONAL INSTITUTIONS

The party leaders agree that:

Article 1

In addition to the Transitional President, who shall exercise the functions of Head of State, designated by the Rajoelina Party, in the person of Mr Andry Rajoelina, a Presidential Council shall be established, made up of two Transitional Co-Presidents designated respectively by:

- the Zafy Party, in the person of Dr Emmanuel Rakotovahiny and;
- the Ravalomanana Party, in the person of Mr Fetison Rakoto Andrianirina.

Article 2

The remit of the Transitional President shall be as foreseen in the Transitional Charter. It shall be carried out by the Transitional President, assisted by the two Co-Presidents of the Presidential Council.

Article 3

The Transitional President and the two Co-Presidents shall meet weekly to evaluate the national situation, and implement any necessary measures, or have these implemented by the Council of Ministers.

Article 4

The two Transitional Co-Presidents shall countersign the acts of the Transitional President.

II. TRANSITION OBJECTIVES

Article 5

The Party Leaders have reaffirmed their attachment to the Transition objectives as defined in the Transitional Charter, without prejudicing the possibility of revision of national and international agreements by the Transitional Congress or the National Transitional Council

III. ORGANISATION OF AND PARTICIPATION IN ELECTIONS

Article 6

- The political party leaders of Madagascar have reaffirmed that the principal objective of the Transition is to organise proper, transparent and credible elections for purposes of establishing the institutions of the Fourth Republic.
- They shall take all necessary measures, with the mobilisation and support of the international community, to organise presidential and legislative elections as soon as possible, and within the timescale established by the Transitional Charter.

Article 7

- Wishing to ensure neutrality in the forthcoming elections, the political party leaders of Madagascar reaffirm their commitment to Article 5 of the Maputo Political Agreement, which states that:

“The members of the Transitional Government shall not contest a presidential election organised by the Transition.”

- In addition, they state that if the President and the Co-Presidents shall choose to participate in the next presidential election, they shall resign their functions, 60 days before the date of the presidential election.
- In the event of the situation described in line 2 of the present article, the older of the two Co-Presidents shall act as President.

Article 8

- To speed up preparations for the elections, party leaders request that the International Community organises as soon as possible the expert electoral advisory mission foreseen in article 6 of the Maputo Political Agreement and article 33 of the Transitional Charter.

IV. NOMINAITONS TO THE TRANSITIONAL INSITUTIONS

Article 9

- The Malagasy political leaders shall nominate the following persons to the Transitional Institutions:
 - President of the Transition, proposed by the Rajoelina Party, Andry Rajoelina;
 - Co-President of the Transitional Presidential Council, proposed by the Ravalomanana Party, Fetison Rakoto Andrianirina;
 - President of the Transitional Congress proposed by the Ravalomanana Party, Mamy Rakotoarivelo;
 - President of the Transitional Superior Council, proposed by the Rajoelina Party...?;
 - President of the National Reconciliation Committee proposed by the Zafy party, Dr Albert Zafy.
- Transitional Government:
 - Prime Minister, Head of the National Unity Government, Mr Eugène Mangalaza
 - Deputy Prime Minister, Mr/Mrs....
 - Deputy Prime Minister, Mr/Mrs....

- Deputy Prime Minister proposed by the Ravalomanana Party.

Article 10

- Responsibilities within the Transitional institutions shall be allocated as follows:

1. The Government

- The 31 ministerial portfolios shall be distributed as follows:
 - Rajoelina Party: 6 portfolios
 - Ravalomanana Party: 6 portfolios
 - Ratsiraka Party: 6 portfolios
 - Zafy party: 6 portfolios
 - Other movements*: 7 portfolios

2. Other institutions

a. TRANSITIONAL SUPERIOR COUNCIL

- The 65 senators shall be distributed as follows:
 - Rajoelina Party: 13 senators
 - Ravalomanana Party: 13 senators
 - Ratsiraka party: 13 senators
 - Zafy party: 13 senators
 - Other movements*: 13 senators

b. TRANSITIONAL CONGRESS

- The 258 deputies shall be distributed as follows:
 - Rajoelina Party: 52 deputies
 - Ravalomanana Party: 52 deputies
 - Ratsiraka party: 52 deputies
 - Zafy party: 52 deputies

- Other movements*: 52 deputies

Other movements: These responsibilities shall be given to Rajoelina Party organisations. President Rajoelina shall decide the distribution in consultation with the co-Presidents of the Presidential Council and the Prime Minister.

c. NATIONAL RECONCILIATION COMMITTEE

The 9 members of the National Reconciliation Committee shall be designated as follows:

- 2 by the Rajoelina Party
- 2 by the Ravalomanana Party
- 2 by the Ratsiraka Party
- 3 by the Zafy party

d. ECONOMIC AND SOCIAL COUNCIL

The President of the Economic and Social Council shall be designated by civil society. The 72 members of the Economic and Social Council shall be designated as follows:

- Rajoelina Party: 10 members
- Ravalomanana Party: 10 members
- Ratsiraka party: 10 members
- Zafy party: 10 members
- Organisations of civil society: 32 members

e. TRANSITIONAL HIGH COURT

For a total of 11 members:

- One member designated by the Transitional President;
- One member designated by the Transitional Superior Council;

- One member designated by the Transitional Congress;
- One member designated by the National Reconciliation Committee;
- Three members designate by the Magistracy Superior Council; and
- Four members designated by the political parties (one member per party).

The President of the Transitional High court shall be elected by his peers.

f. INDEPENDENT NATIONAL ELECTORAL COMMISSION

CENI shall be made up of experienced, credible, competent persons of substantial integrity. It shall be set up by the national conference during its first session, no later than December 2009.

g. COMMITTEE FOR REFLECTION ON DEFENCE AND NATIONAL SECURITY

The Committee for Reflection on Defence and National Security shall be made up of 8 members designated by the political parties as follows:

- 2 by the Rajoelina Party
- 2 by the Ravalomanana Party
- 2 by the Ratsiraka Party
- 3 by the Zafy party

V. IMPLEMENTATION OF THE AGREEMENTS AND THE MONITORING MECHANISM

Article 11

The leaders of the Madagascar political parties shall undertake to implement fully all the terms of each of the agreements signed at Maputo (Political Agreement, Transitional Charter and subsequent agreements), as well as the contents of this additional act.

Article 12

They shall ask the UA, to together with SADC, OIF and the UN to set up a mechanism to monitor implementation of the Transitional Charter, the agreements and the present additional act.

Article 13

- In accordance with articles 20 and 21 of the Maputo Political Agreement, and articles 36 and 37 of the Transitional Charter, the institutions represented by the members of the Joint Mediation Team are the guarantors of the effective implementation of the agreements.
- The institutions represented in the monitoring mechanism shall make appropriate provisions for evaluating the implementation of the agreements and managing any disputes which may arise.

Done at Addis Ababa, November 6, 2009

Signatures

