



ROADMAP FOR ENDING THE CRISIS IN MADAGASCAR

Commitment by Malagasy Political Stakeholders

Preamble

The Malagasy Political stakeholders to this Roadmap agree on making the commitments listed hereunder;

I. Transition Institutions

1. Continuation of the inter-Malagasy dialogue among Malagasy political stakeholders for the formation of a National Union Transitional Government and the enlargement of the composition of the Transitional Congress (CT), the High Transitional Council (CST) and the National Independent Electoral Commission (CENI);
2. The neutral, inclusive and consensual transition process should lead to the holding of credible, free and transparent elections in Madagascar;
3. Mr Andry Rajoelina shall be the President of the Transition. In this capacity, he shall exercise the functions of a Head of State;
4. Appointment of a consensus Prime Minister, who shall lead a National Union Transitional Government.
5. The Prime Minister shall be appointed by the President of the Transition from a list of persons nominated by the Malagasy political stakeholders who are signatory parties to the Road Map. It is understood that the consensus Prime Minister can originate neither from the same province as the President of the Transition, nor from the political platform supporting the President of the Transition;
6. The Malagasy Political Stakeholders shall be invited to submit a list of public figures, from which the President of the Transition, acting on the proposal of the consensus Prime Minister, shall appoint the members of the Transitional Government. In the formation of the Transitional Government, the President of the Transition and the consensus Prime Minister shall ensure a fair and equitable distribution of portfolios, whilst adhering to the criteria of political affiliation, gender representation and regional balance. In case any member of the Government is

removed, he shall be replaced by another member of his political group in accordance with the same appointment procedure rules;

7. For the enlargement of the composition of other transitional institutions, like the Transitional Congress (CT), the High Transitional Council (CST) and the National Independent Electoral Commission (CENI), Malagasy political stakeholders who are parties to this Roadmap shall be invited to submit a list of public figures, from which the President of the Transition shall appoint the members of these institutions. In appointing the members of these institutions, the President of the Transition undertakes to ensure a fair and equitable distribution of positions, whilst adhering to the criteria of political affiliation, gender representation, regional balance and balanced sharing among the Malagasy political stakeholders who are signatories to this Roadmap so as to ensure the smooth running of the Transition;

8. The Transitional Government shall be responsible for administering the day-to-day affairs of the country and creating the necessary conditions for credible, fair and transparent elections in conjunction with the international community. It shall refrain from making new long-term commitments as such commitments fall within the competence of the future government which shall emerge from the elections;

9. The Transitional Parliament shall oversee the work of the Transitional Government. It shall also ratify the orders passed during the Transition, especially those pertaining to the electoral process, and propose and adopt relevant legislation.

II. Electoral Framework

10. Development and implementation, with the support of United Nations experts, of a credible, neutral, transparent and independent electoral framework based on the respect of human rights and international standards, including:

- (a) The enlargement of CENI composition and the review of its core functions to ensure a balanced representation of all the Malagasy political stakeholders who are parties to this Roadmap. The CENI shall organize all elections, including presidential and municipal elections. Endowed with full powers to manage the entire electoral process, the CENI shall ensure that elections are conducted freely, fairly and transparently. The said full powers of the CENI shall come to an end upon the publication of provisional election results;
- (b) Review of the Electoral Code;
- (c) Promotion of the adoption of and adherence to, a Code of Ethics and Good Electoral Conduct by the Malagasy political stakeholders;
- (d) Use of a single ballot system;
- (e) Voter education;
- (f) The systematic review of electoral registers;

(g) The electoral calendar shall be determined jointly by the CENI and the United Nations representatives on the basis of the electoral needs assessment report from the regional and international expert Mission so as to organise credible, fair and transparent elections as soon as possible in Madagascar.

(h) The dissemination of data and the distribution of data and equipment of regional computer centres at the level of the 119 districts as soon as possible.

11. A Special Electoral Court shall be exceptionally and provisionally established. This Court shall be responsible for electoral disputes and the proclamation of the final results of the presidential and legislative elections. Its operation, composition and jurisdiction shall be prescribed by a law to be adopted by the Transitional Parliament.

12. In order to moralise Malagasy politics, the Transitional Parliament should adopt new laws on political parties and the status of the Opposition.

13. The Malagasy Civil Society shall be invited to monitor the legislative and presidential elections and challenge the Malagasy political stakeholders who violate the Electoral Code of Ethics and Good Electoral Conduct. The international community shall be called upon to support civil society capacity building;

14. The President of the Transition, the consensus Prime Minister and Government Members shall resign from office sixty (60) days before the election date, should they decide to run for the legislative and presidential elections. However, to prevent any legislative possible gap, the Transitional Parliament shall adopt a law setting out the conditions of implementation thereof;

III. Confidence-Building Measures and National Reconciliation

15. The President, the Government, the Heads of institutions and the entire administrative machinery of the Transition shall remain neutral during the transition period, particularly in the electoral process;

16. The President, the Government, the entire administrative machinery of the Transition and all the transitional institutions shall commit themselves to adopting security and confidence-building measures in order to create a serene and peaceful environment by terminating the ongoing legal proceedings against members of the opposition that would appear to be politically motivated, and by adhering to the rule of law and the principle of equal treatment. These confidence-building measures should not cover judicial proceedings related to crimes against humanity, war crimes, genocide and gross violations of human rights and fundamental freedoms;

17. The President, the Transitional Government, the entire administrative machinery of the Transition and all the transitional institutions shall undertake to protect and promote human rights in Madagascar and to respect fundamental freedoms, namely freedom of expression, opinion, association and demonstration, as well as press freedom. These rights shall be exercised in accordance with the laws of the country;

18. The granting of a blanket amnesty for all political events which happened between 2002 and 2009, except for crimes against humanity, war crimes, crimes of genocide and other serious violations of human rights and fundamental freedoms. The amnesty law shall be ratified by the Transitional Parliament, and no election shall take place prior to the ratification;

19. The Transitional Parliament shall adopt a law on the status of former Heads of State as one of the key measures to ensure social peace and a peaceful climate in the country. The status of former Head of State shall be reserved to former Heads of State who have decided to end their involvement in partisan political action, taking into account the consideration due their past status and the need to preserve and guarantee their dignity and security.

20. *The High Transition Authorities (HTA) shall allow all Malagasy citizens in exile for political reasons to return to the country unconditionally, including Mr Marc Ravalomanana. The HTA shall provide security and safety to all Malagasy returnees. The HTA shall urgently develop and enact the necessary legal instruments, including an amnesty law, to ensure the political freedom of all Malagasy citizens in the inclusive process of the transition, towards free, fair and credible elections.*

21. The Malagasy Political Stakeholders who are parties to this Roadmap undertake to promptly adopt a Code of Ethics and Good Political Conduct to regulate political activities in Madagascar during the transitional period. They also undertake to abide by this Code;

22. All the Malagasy political stakeholders who are parties to this Roadmap shall be invited to participate in the transition process in good faith. They also undertake to create an atmosphere of peace and security for all the Malagasy people, to avoid impeding the transition process and to maintain a constructive and patriotic attitude with a view to advancing the transition;

23. No Malagasy political stakeholder, whether a party or not to this Roadmap, shall arrogate the right to veto the implementation of this Roadmap during the transitional period;

24. All the Malagasy political stakeholders who are parties to this Roadmap shall refuse to use or threaten to use violence during the transitional period. They shall also refrain from stirring hatred and undertaking any destabilising action during the Transition;

25. A national reconciliation process led by a national institution called the Filankevitry ny Fampihavanana Malagasy (Malagasy Reconciliation Council) and facilitated by the international community shall be initiated in order to begin healing past individual and collective wounds and lay down a sound foundation for the future of Madagascar. The composition, operation, management and competence of the said Committee shall be prescribed by a law to be adopted by the Transitional Parliament;

26. Any person who was a victim of the political events that took place between 2002 and the signature date of this Roadmap and who suffered any kind of serious prejudice shall be entitled to redress and compensation by the State under terms and conditions that shall be determined by the Filankevitry ny Fampihavanana Malagasy (Malagasy Reconciliation Council).

27. A National Solidarity Fund (FNS) shall be established, that shall serve to compensate the assignees and the victims for the prejudice suffered during the political events that took place between 2002 and the signature date of this Roadmap. The international community shall be called upon to support this Fund.

28. The Members of the Malagasy civil society, including Raiamandreny Mijoro, FFKM, CNOSC and FINONA, shall monitor and oversee the implementation of this Roadmap across the country until the end of the transitional period. In exercising their functions, they shall be urged to maintain their political neutrality and unity. The international community shall be called upon to assist in building the capacity of this national monitoring and overseeing mechanism responsible for the implementation of this Roadmap;

29. An office of the SADC Mediation shall be established in Madagascar to support the inter-Malagasy dialogue and the transition process with technical support from the United Nations. The mission of the Mediation Office shall come to an end on the day of the inauguration of new President of the Republic, which will mark the end of the Transition;

30. These undertakings nullify and replace all prior undertakings previously made and signed on the Transition in Madagascar.

31. There shall be no impediment or removal procedure against the President of the Transition, no motion of no-confidence against the Transitional Government and no action to dissolve the Transitional Parliament during the Transition.

32. Any dispute arising from the interpretation and implementation of this Roadmap shall be referred to the attention of the SADC Mediation for resolution.

IV. Agreement Implementation and Monitoring Mechanisms

Following the effective establishment of a National Union Transitional Government, a Transitional Parliament and a neutral, inclusive and consensual National Independent Electoral Commission as well as the conclusion of an Agreement on the Roadmap for the Transition Period, SADC and the African Union (AU) urge the international community to undertake the following:

33. The establishment of an office of the SADC Mediation in Madagascar to support the inter-Malagasy dialogue and the transition process. In this regard, the United Nations shall be called upon to provide technical, administrative and financial support to the SADC Mediation;

34. International recognition of the President and the Transitional Government of Madagascar, following the establishment of inclusive and consensual transitional institutions;

35. SADC and the AU call on Madagascar's bilateral and multilateral partners, in line with their respective procedures, to provide multifaceted support to the consensual and inclusive transitional institutions, including the Transitional Government, the Transitional Congress, the High Transitional Council, the National Independent Electoral Commission and the Filankevitry ny Fampihavanana (Malagasy Reconciliation Council);

36. SADC, the AU, the United Nations, the International Organisation of la Francophonie (OIF), the Indian Ocean Commission (COI) and interested partners shall provide political, technical, material, logistical and financial support to the dialogue and transition process with a view to ensuring a smooth transition leading to credible, free, fair and transparent elections;

37. To this end, the United Nations shall establish an office to support the SADC Mediation in its efforts for the continuation of the inter-Malagasy dialogue, the organisation of the elections, national reconciliation and peace consolidation.

38. Granting of financial, technical, material and logistical assistance to the electoral process;

39. Under the aegis of the SADC Mediation Team, supported by the United Nations, the international community shall be responsible for monitoring and overseeing the international implementation of this Roadmap in collaboration with relevant national and international stakeholders;

40. SADC and the AU recommend that the international community undertake to send international observers to the parliamentary and presidential elections;

41. Suspension and gradual and conditional lifting of the sanctions imposed on Madagascar based on the achievement of the milestones outlined in the Roadmap;

42. The partners shall explore the possibility of resuming their assistance and development, humanitarian, financial and economic cooperation;

43. In case of serious violations of this Roadmap, the partners shall explore the possibility of taking sanctions against those who commit such violations, whether or not they are signatories thereof;

44. The Mediator shall continue to closely monitor the situation, provide his support and facilitation to the Parties in Madagascar as and whenever required, and regularly report to SADC, the AU and the international community on new developments in Madagascar.

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