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PEACE AND SECURITY COUNCIL

216TH MEETING

19 FEBRUARY 2010

ADDIS ABABA, ETHIOPIA

PSC/PR/COMM.1(CCXVI)

ORIGINAL: FRENCH

COMMUNIQUE

**COMMUNIQUE OF THE 216TH MEETING OF
THE PEACE AND SECURITY COUNCIL**

The Peace and Security Council of the African Union (AU), at its 216th meeting held on 19 February 2010, adopted the following decision on the situation in the Republic of Madagascar:

Council,

1. **Takes note** of the Report of the Chairperson of the Commission on the situation in Madagascar [PSC/PR/2(CCXVI)], as well as the briefings provided by President Joaquim Chissano, Head of the SADC Mediation Team, representatives of SADC, the United Nations, the International Organization of *La Francophonie* and the European Union;
2. **Recalls its previous** decisions and statements on the situation in Madagascar, as well as the decisions adopted by the 14th Ordinary Session of the Assembly of the Union held in Addis Ababa from 31 January to 2 February 2010, and its commitment to the Maputo Agreements of 8 and 9 August 2009 and the Addis Ababa Additional Act of 6 November 2009, which provide the appropriate framework to restore constitutional order and achieve a comprehensive solution to the crisis in Madagascar. Council **notes** the communiqué of the 5th meeting of the International Contact Group on Madagascar (ICG-M), held in Addis Ababa on 18 February 2010;
3. **Expresses its full support** to the proposals for compromise solutions submitted to the Malagasy parties by the Chairperson of the Commission during his visit to Antananarivo, on 21 and 22 January 2010, with a view to facilitating the resumption of the implementation process of the Maputo Agreements of 8 and 9 August 2009 and the Addis Ababa Additional Act of 6 November 2009;
4. **Notes** that the Ratsiraka, Ravalomanana and Zafy camps have expressed their general agreement with the proposed compromise solutions submitted by the Chairperson of the Commission, while the reaction of the Rajoelina camp does not conform to these proposals. Council **also notes with concern** the adoption, in December 2009, by the *de facto* authorities borne out of the unconstitutional change, of a series of unilateral measures relating to the conduct of the Transition, including the repeal of the Transition Charter, which was unanimously agreed to in Maputo, and the dismissal of the consensus Prime Minister, Eugène Mangalaza, appointed pursuant to the Maputo Agreements and reconfirmed in his post by the Addis Ababa Additional Act;
5. **Encourages** the Chairperson of the Commission, in close collaboration with the Head of the SADC Mediation Team, to pursue, in the most appropriate manner and in the shortest time, the efforts already undertaken to overcome the current impasse on the basis of the compromise solutions that he has submitted;
6. **Strongly demands** the *de facto* authorities borne out of the unconstitutional change of Government to formally accept, by 16 March 2010, the Maputo Agreements of 8 and 9 August 2009 and the Addis Ababa Additional Act of 6 November 2009, and to revoke any domestic legal instrument which contains contrary stipulations;
7. **Recalls** paragraph 12 of decision Assembly/AU/Dec.279 (XIV) on the situation in Madagascar adopted by the 14th Ordinary Session of the Assembly, requesting Council to meet in due course to review the situation and take the required decisions in light of the relevant AU instruments;

8. **Decides**, in light of the relevant instruments of the AU, including the Lomé Declaration of July 2000 and decision Assembly/AU/Dec.269 (XIV) Rev. 1 on Unconstitutional Changes of Government and the Strengthening of the Capacity of the AU to Manage such Situations, adopted by the 14th Ordinary Session of the AU Assembly, as well as the Conclusions of the Peace and Security Council Retreat held in Ezulwini, Swaziland, from 17 to 19 December 2009, as adopted by the 213th meeting of Council held on 22 December 2009, that, if by 16 March 2010, the *de facto* authorities borne out of the unconstitutional change do not comply with the full and timely implementation of Maputo Agreements and the Addis Ababa Additional Act, the following sanctions shall be applied, starting from 17 March 2010:

- (i) travel ban against all members of the institutions set up by the *de facto* authorities borne out of the unconstitutional change and all other individuals members of the Rajoelina camp whose actions impede the AU and SADC efforts to restore constitutional order. In this respect, Council **decides** that these measures shall be without prejudice to exemptions that it may decide to grant, on a case-by-case basis, at its own initiative or upon request, on humanitarian grounds or for requirements linked to the negotiations for a way out of the crisis, as determined by Council on the basis of the Ezulwini Framework for the Enhancement of the Implementation of Measures of the African Union in Situations of Unconstitutional Changes of Governments in Africa;
- (ii) the freezing of funds, other financial assets and economic resources of all individuals and entities contributing, in one way or another, to the maintenance of the unconstitutional *status quo* and impeding the AU and SADC efforts to restore constitutional order. In this respect, Council **decides** that these measures shall be without prejudice to exemptions that it may grant, at its own initiative or upon request, to facilitate basic needs and expenses, as determined by Council on the basis of the Ezulwini Framework for the Enhancement of the Implementation of Measures of the African Union in Situations of Unconstitutional Changes of Governments in Africa;
- (iii) the diplomatic isolation of the *de facto* authorities borne out of unconstitutional change, through concerted action by Member States to challenge the participation of the representatives of these *de facto* authorities in the activities of non-African international organizations, including the United Nations and its agencies and other concerned bodies;

9. **Requests** the Commission to establish, in close collaboration with SADC, the list of the individuals and entities referred to in paragraph 8 (i and ii) of this decision, for communication, if necessary, to AU Member States and partners, and to take all other necessary steps for the implementation of sanctions imposed in paragraph 8 of this decision, including the diplomatic isolation of the *de facto* authorities borne out of the unconstitutional change in international forums, and **emphasizes**, in this regard, the crucial role of African Groups, including those in New York and Geneva;

10. **Calls upon** all Member States to extend their full cooperation towards the implementation, if necessary, of the sanctions imposed in paragraph 8 of this decision and **recalls**, in this respect, the

obligations of all Member States in accordance with Article 7 (2, 3 and 4) of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;

11. **Urges** all multilateral AU partners, especially the United Nations, the European Union and other international organizations, as well as bilateral partners, including the permanent members of the United Nations Security Council, to fully and unreservedly support the present decision. Council **underlines** the high importance the AU attaches to this issue and the need for the AU partners to refrain from any action which could undermine the efforts of the African Union and send different signals to the authors of the unconstitutional change in Madagascar, thereby undermining the democratization processes in which AU Member States have embarked upon. Council **requests** the Commission to monitor this issue and to report on any developments relating thereto;

12. **Further requests** the Chairperson of the Commission, in close collaboration with the Head of the SADC Mediation Team, to monitor and to ensure the implementation of all aspects of this decision, in accordance with the timetable provided in the Maputo Transition Charter, which provides for the completion of the transition by November 2010, and to report on the evolution of the situation;

13. **Decides** to remain seized of the matter.