



General Assembly

Distr.: General
16 May 2013

English and French only

Human Rights Council

Twenty-third session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Europe-Third World Centre (CETIM), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 May 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Violations of human rights in Madagascar

Since independence in 1960, political life in Madagascar has been disrupted by several attempted coups. On 17 March 2009, the then mayor of the capital, Andry Rajoelina (1974), took power by force, plunging the country into an endless political crisis. Although the African Union tried to find a consensual and inclusive political agreement to end the crisis, a transitional regime, strongly dominated by the coup leaders and their allies, was established in 2010.

The period that followed was marked by chaotic management of the country. Corruption, insecurity, intimidation and poverty are the daily lot of the Malagasy. There is large-scale looting of public property and natural resources and this despite repeated calls from international bodies, including the ACP-EU Parliamentary Assembly¹, to protect natural resources from misuse.

Repression in southern Madagascar

Southern Madagascar consists of five administrative regions: Androy (476,000 inhabitants – main town: Ambovombé), Anosy (544,000 inhabitants – main town: Taolagnaro), Ihorombe (190,000 inhabitants – main town: Ihosy), Atsimo-Atsinanana (621,000 inhabitants – main town: Farafangana) and Atsimo-Andrefana (1,100,000 inhabitants – main town: Toliara). The population density is below the national average and more than 70% live in rural areas. Zebus are raised as a sign of wealth and prestige and are used during traditional ceremonies. Poverty affects children more severely in southern Madagascar, where over 65% of them are in a situation of extreme poverty.² These children are deprived of their basic rights such as food, health, education, housing and security.

Since June 2012, the south of Madagascar, mainly the population of the Androy and Anosy regions, has been repeatedly targeted by police and armed militia. Indeed, under the official pretext of fighting against the custom of dahalo³, law enforcement and security forces conduct military operations using heavy weapons (assault rifles, rocket launchers etc.) and helicopters. In addition, a special force, with substantial manpower and material, has been specially created to carry out an operation named “Tandroka” (zebu horns) whose stated goal is to capture Remenabila, the dahalo chief. Colonel Rene Lylison, head of Rajoelina's political police, has been put in charge.

During three “Tandroka” operations from September 2012 to April 2013, the security forces committed massacres in the Amboasary-South region, causing hundreds of casualties, including women and children killed by bullets. Suspected dahalo were

¹ ACP-EU Joint Parliamentary Assembly Resolution, December 2009, point 9, ACP-UE/100.624/09/fin.

² UNICEF data as of 13 November 2012

³ This is a traditional practice of the Bara ethnic group that goes back many generations. It consists in proving their virility by stealing Zebus from the villages. The armed militia, with the complicity of the police, have abused this tradition to terrorize the population (see inter alia <http://mada7sur7.com/index.php/derniers-actus-de-madagascar-2/derniers-actus-sociaux-madagascar/133-ce-sont-des-dahalo-occasionnels-qui-terrorisent-le-sud-de-madagascar>; <http://www.amnesty.org/fr/news/madagascar-must-end-mass-killings-and-investigate-security-forces-2012-11-20>; <http://www.lexpressmada.com/betroka-madagascar/41141-des-dahalo-chassees-avec-un-helicoptere.html>; <http://alainrajaonarivony.over-blog.com/article-madagascar-guerre-des-dahalo-et-minerais-strategiques-109938927.html>).

summarily executed⁴. Young people, including minors, were accused of being thieves and were mutilated or tortured to death with the encouragement of the police. The police burned down twenty villages⁵. Following these operations, more than 3,000 people, completely terrified, fled either to the major towns or to the forest. Most of them are totally destitute – homeless and without food.

Despite these operations and the resources mobilized, the alleged leader of the “dahalo”, the famous Remenabila (of whose existence there is no proof), is still elusive.

Areas rich in natural resources

Communities affected by these massacres are located in areas where there are much-coveted and exceptionally rich subsoil resources. In fact, this part of the country has considerable potential. In addition to cattle raising, mineral resources are significant and varied: they include industrial minerals (uranium, mercury, rare earths, mica, coal, ilmenite), precious and semi-precious stones (sapphire, emerald, rock crystal...), gold and also very high quality diamonds. There is also oil. According to the testimonies of some local leaders, certain political and economic lobbies would like “to 'get rid of' a good part of the South's population to facilitate the exploitation of the land and subsoil resources in this part of Island”.⁶ Given the people's attachment to the ancestral lands that constitute their environment, it is obvious they will not give up easily unless they are up against very large-scale violent attacks. We are thus witnessing forced displacement and land confiscation. Land thus grabbed from its traditional owners is then often granted to transnational corporations (TNCs) for mining or agribusiness with the complicity of the national authorities.

Indeed, the current leaders have increased land grants and contracts with large TNCs and with other states, thus leading to large scale land-grabbing. This is forbidden during the transition period under the covenants contained in the Roadmap signed by A. Rajoelina and his entourage.⁷

Historically, the Malagasy land system has been based on two principles: first, land belongs to the person who farms it and, second, the right to land is established and recognized by the public authorities. Law 2005-19, adopted in 2005 under the presidency of Marc Ravalomanana, reformed land laws by abolishing the presumption of state ownership in force since the colonial era, a principle which had had the effect of excluding customary rights or other land control. In other words, now the state is no longer the presumed owner of unregistered land. The law recognizes that attested long-standing occupation of land is a presumption of ownership and entrusts the allocation and management of land titles to local authorities.

⁴ According to MadOnline magazine, 12 November 2012.

⁵ Those of the districts of Betroka, Manombo, Mahatsinjo, Agnezandava, Ambaroatety, Ambatomazaka, Morafeno, Egn'omby, Amboadelaky, Abetsizaray, Ambaibo, Ambalaso.

⁶ La Nation daily newspaper, 30 October 2012.

⁷ Government in Transition Roadmap, Point 8, preparation for elections and the prohibition on long-term commitments.

Problems with active TNCs in Madagascar

In Madagascar, the exploitation of natural resources is generally carried out by TNCs. The problems caused by TNCs operating in this country⁸ can be summarized as follows: disrespect of the law and corruption, lack of consultation with the populations concerned and the deprivation of their livelihoods; hence wide spread human rights violations.

As already pointed out, most of the recently installed TNCs in Madagascar obtained their operating licenses either from the coup leaders or those in power during the transition period. Therefore, they have no legal base nor legitimacy to operate in this country.

⁸ The following are some of the most important TNCs to which operating licenses have been granted since the 2009 coup:

- Malagasy Minerals (Mauritius) has had a concession license since 2012 to mine graphite in Fotodrevo (south) with Energizer resources;
- Toliara Sands (Australia) mines ilmenite, production of which will reach 600,000 metric tons per year; in the southern region, at Ranobe, Ankililaoka, Basibasy and Morombe. a 40-year renewable license was granted in 2012, with World Titanium Resources;
- Asia Thai Mining (China) mines coal from Sakoa; license granted in 2012;
- Varun Energy Corp group (India) has held exploration permits, licenses and leases for mining gold, platinum and precious stones, principally in the south (Fort Dauphin) since 2009;
- Petrochina (China) acquired from the Indian Varun Group 51% of the Da Qing Oil Field Company's Madagascar Unit N° 3101, which includes the areas of Besalampy, Barevo and Tambohorano, in the region of Morondava (south-west), with a land area of 6,884 km²; the 2009 grant of this unit caused strong opposition from the local population, which was forced to leave the region;
- Tantalus Rare Earths (Germany) since 2011 has held a 300-km² concession for the extraction of rare earths in the north-west, including several villages and 20 km² of primeval forest; it plans to extract 15 million metric tons and is the exclusive supplier of the French chemical company Rhodia; the contract specifies a production of 15,000 tons per year.
- Pan African Mining (subsidiary of the Thai group, Italian Thai Development) since 2009 has held a 10,000-km² concession; it mines uranium (Pan Atomics) on the site of Maromby and has substantial infrastructure, including an airfield; it also extracts mica, citrine, crystal and coal at Sakoa; the group belongs to the Thai Premchai Karnasuta (the world's 35th richest person according to Forbes magazine);
- Mainland Mining (China) has obtained a concession of more than two million hectares for the extraction of ilmenite and zircon with an estimated annual production of 900,000 metric tons of pure ilmenite, 35,000 metric tons of zircon and 1,000 tons of rutile; further, the group is said to work with one of Rajoelina's right-hand men, Mamy Ravatomanga, on precious wood trafficking (according to Malango Actualités N° 582, 14 November 2012, http://www.malango-actualite.fr/imprime_article.php?id_article=9173);
- Aziana Ltd (Australia) has held a permit since 2011 to explore an area of 219 km² for supposed bauxite reserves, at Manantenina, in the south;
- Tozzi Green (Italy), specialized in the agricultural and biofuel (Jatropha) sectors, will in due course have a long-term lease for 100,000 hectares in the region of Ihorombé; very recently, the vice-minister in charge of town and country planning, Hajo Andrianainarivelo, visited the region in person to facilitate the demarcation of 7,000 hectares of land, without regard for the small farmers who, in April 2013, were powerless to protect their land.
- Other TNCs which have been active for a longer period in mining in Madagascar are also accused of polluting the land and the seafloor in the South of the country. They are: Total, a French petroleum group holding 60% of the Bemolanga oilfields (west, south-west), one of the biggest known world reserves of heavy oil; Sheritt Intl, a Canadian company, extracting nickel and cobalt; Rio Tinto/QMM, an Anglo-Australian company, extracting ilmenite in the Taolagnaro region.

Moreover, these licenses have been obtained through extensive corruption of these political leaders.⁹

Besides the lack of consultation of the affected populations regarding mining development projects, pollution of farmers' and livestock raisers' living environment deprives them of their means of subsistence. In a country where more than one third of the population is already suffering from food insecurity (68% in the south), deforestation continues at a breathtaking pace.¹⁰ Environmental degradation has become a major issue.

Conclusion

In view of the foregoing, we request that:

- European states immediately stop weapons deliveries to Madagascar, a country in a state of political instability, increasing violence and wide scale human rights violations;¹¹
- the home states of the TNCs take necessary measures to stop illegal looting of resources in this country;
- the United Nations support the efforts of the African Union to ensure security and the respect of human rights in Madagascar; together, these institutions should support this country's move toward democratic transition and the construction of social peace;
- the Special Rapporteurs on summary executions, torture and internally displaced people travel to Madagascar in order to investigate human rights violations there;
- the Human Rights Council investigate the situation of human rights in Madagascar.

⁹ See, inter alia, La Gazette de la Grande Ile, online issue of 15 February 2013, http://www.lagazette-dgi.com/index.php?option=com_content&view=article&id=29293:suspension-de-delivrance-de-permis-miniers-entre-corruption-et-conformite-a-la-feuille-de-route&catid=45:newsflash&Itemid=58,

¹⁰ See report on the mission to Madagascar undertaken by the Special Rapporteur on the Right to Food, A/HRC/59/49/Add.4, 26 December 2011, §§ 6 and 12. It should also be noted that for many years there has been trafficking from North to South in precious native wood, such as rosewood, involving in particular major French and Chinese companies as well as foreign political leaders, especially Mauritians. (http://ecc-platform.org/index.php?option=com_content&view=article&id=1967:illegal-malagasy-timber-trade-worth-up-to-460000-a-day&catid=100:General-News&Itemid=161, <http://www.linfo.re/372-Faits-divers/485985-Trafic-de-bois-de-rose-un-ex-ministre-mauricien-implique>, <http://www.eia-global.org/PDF/report--Madagascar--EIA--GW--forests--oct10FR>).

¹¹ The most recent reports of the EU reveal during the past four years a colossal exporting of armaments to Madagascar from the United Kingdom, Germany and Italy. (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:386:0001:0431:EN:PDF> and <http://tsimokagasikara.wordpress.com/2013/01/30/les-preoccupations-concernant-les-exportations-darmes-britanniques-a-madagascar/>