



**STATEMENT OF THE NDI PRE-ELECTION DELEGATION TO  
THE DECEMBER 3, 2006 MADAGASCAR PRESIDENTIAL ELECTION  
ANTANANARIVO, MADAGASCAR  
NOVEMBER 16, 2006**

**I. INTRODUCTION**

This statement is presented by an international pre-election delegation organized by the National Democratic Institute (NDI), a nonpartisan, non-profit organization. From November 11-16, 2006 the delegation assessed the electoral environment in Madagascar in advance of the December 3 presidential election. The delegation conducted meetings in the capital city of Antananarivo with presidential candidates and their party representatives, election authorities, members of the High Constitutional Court (HCC), and representatives from the media, civil society organizations and the international community. The delegation expresses its deep appreciation to everyone with whom it met for welcoming the mission and for freely sharing their views on the electoral process.

The objectives of this delegation are to offer an impartial assessment of the electoral environment and to demonstrate the support of the international community for a transparent and fair process. NDI recognizes that ultimately the Malagasy people will determine the legitimacy of this election and any changes to the electoral process in the future.

The delegation acknowledges that measures have been taken to improve the electoral process that demonstrate Madagascar's commitment to a more organized and transparent election. However, there are additional steps that could be taken to further increase transparency and build voter confidence in this election. The delegation believes that further measures could be taken over the long-term to strengthen Madagascar's democratic process.

**II. ELECTORAL CONTEXT**

Since the reintroduction of multiparty democracy in 1992, Madagascar has held three presidential elections, resulting in three different presidents. The last presidential election, contested in 2001, resulted in a dispute over whether the challenger, Marc Ravalomanana, secured more than 50 percent of the vote and thus whether a runoff against incumbent Didier Ratsiraka was necessary. This dispute led to months of public strikes and protests in the capital and around the country. As the country drifted toward civil conflict, Ravalomanana declared himself the victor and held an inauguration on February 22, 2002. He was inaugurated for a second time in May after a newly reconstituted HCC announced that he had won just over 51 percent of the vote.

Madagascar's complicated legal framework for the organization and oversight of elections was a contributing factor in the controversy surrounding the 2001 presidential election. Since that time, the administrative structures and laws governing elections remain largely unchanged. The responsibilities for election administration and oversight are divided among three governmental institutions: the Ministry of

Interior and Administrative Reform (MIRA), the National Electoral Council (CNE) and the HCC. The MIRA is responsible for organizing elections. The CNE is charged with supervision and oversight of the electoral process, while the HCC is responsible for the final verification and announcement of results. While it is not uncommon for a government ministry to administer elections, international and SADC standards encourage the establishment of an independent electoral body with the capacity to enforce laws governing elections.

Since 2002, President Ravalomanana has made economic reform central to his mandate. Economic growth has been substantial, though slow to trickle down to average citizens. Political reform has progressed at a much slower pace and has been principally focused on decentralization efforts and the creation of new government structures at the regional level. Despite Ravalomanana's early promise to make reform of Madagascar's electoral system a priority, only minimal changes have been made. .

Fourteen candidates representing five of Madagascar's six provinces are contesting the December election. The campaign began on November 12 and will end on December 1. On December 3, Madagascar's estimated seven million registered voters will be eligible to cast their ballots in more than 17,000 polling stations. According to the constitution, the HCC has 20 days from receipt of the last poll results from district-level tabulation centers to announce the official result.

### **III. SUMMARY OF OBSERVATIONS**

The delegation offers the following observations in the spirit of international cooperation and in recognition of the sustained efforts of Malagasy citizens to advance the democratic process in their country.

#### *Legal Framework*

The current electoral code dates from 2000 and remains unchanged, despite promises by the existing government, and recommendations by Malagasy political and civic organizations, as well as the international community, to consider and implement reforms. There are areas in the electoral code that could be strengthened to further build confidence in the electoral process including three fundamental issues: the adoption of a single ballot system; the establishment of an independent electoral commission; and strengthening transparency and accountability in the tabulation and verification process.

- **Ballot System.** Under the existing system, candidates must pay for and produce their own, individual ballots. Candidates are not obliged, however, to provide ballots for every polling station. In practice, candidates with more limited resources do not produce sufficient ballots to compete in all regions of the country, creating the perception of unequal competition. In addition, concerns were raised that the multiple ballot paper system can be easily manipulated to facilitate fraudulent activities such as vote buying. The delegation acknowledges that the government has assumed responsibility for the delivery of the ballots of all candidates to the polling stations. However, the deadline for candidates to submit their ballots to MIRA appears unnecessarily short and restrictive.
- **Election Administration.** As noted above, the responsibilities for election administration and oversight are divided among three governmental institutions. The government-appointed CNE is charged with supervision and oversight of the election process and has made efforts to assert its role in this election. Unfortunately, the CNE has no enforcement authority and lacks the ability to resolve matters of transparency and accountability in the electoral process.
- **Tabulation and Verification of Results.** In past elections, the tabulation and verification process has been contentious. The delegation recognizes that there are efforts underway to improve transparency in the counting and tabulation process through the district-level tabulation centers

(CRMV), which will be presided over by administrative judges. These improvements will allow voters and candidates alike to monitor election results at the district level. However, the final stage of tabulation and verification occurs at the HCC and is closed to scrutiny by candidates and the public. The lack of transparency at this crucial stage, and consequent delays in the announcement of the final result, contributed to post-election tensions in the past.

In addition to these three critical issues, opposition candidates and the media have raised concerns regarding the legality of the December 3 election date. The delegation cannot presume to render an opinion on sovereign constitutional issues. Nevertheless, 14 candidates have registered and are campaigning in anticipation of the December 3 election date, which should ensure a competitive presidential election.

#### *Voter Registration*

Voter registration has previously been identified as a weakness in Madagascar's electoral process. However, efforts are being made to improve the accuracy of voter lists and to encourage eligible voters to register. With the assistance of the international community, the list is in the process of being computerized and has already been reviewed at the district level. The delegation understands that copies of the lists will be available for review at the regional level, but it is unclear if this is widely known by concerned parties and individuals. The delegation acknowledges the positive steps taken to strengthen the integrity of the voter list, however, the fact that a census has not been conducted in the past decade reduces the overall quality of the registration process. There is a legal provision which allows citizens to seek a permit granting them the right to vote as late as election day. This is an issue of continued concern as it increases the potential for fraud.

The delegation understands that current procedures require citizens to possess a national identification card in order to register to vote. The delegation acknowledges concerns regarding the issuance of these cards and fears that those citizens that do not receive them will be disenfranchised.

#### *Access to Media*

The constitution stipulates that all candidates will be provided with an equal amount of coverage on state-sponsored media during the campaign period. This constitutional provision does not extend to privately owned media. In Madagascar, numerous privately owned media outlets are owned or controlled by presidential candidates or their supporters. There have been allegations from opposition candidates and domestic observers that access to state-owned media in past elections has not been equitable.

#### *Voter and Civic Education*

Election authorities and civic organizations have had limited success in their efforts to provide adequate civic and voter education in advance of the presidential election. The delegation is particularly concerned about the apparent lack of information available to citizens in remote parts of the country where literacy rates are low and communication is difficult.

### **IV. RECOMMENDATIONS**

With these factors in mind, the delegation respectfully offers the following recommendations, which it believes could help increase transparency and improve voter confidence in advance of the current election. These recommendations are based on both international and SADC principles governing democratic elections.

- MIRA should take all necessary measures to ensure expeditious and secure transportation of ballots and electoral materials to and from polling stations before and after election day. This would allay fears of any attempts to interfere with the transport of ballot papers and voting results.
- To ensure that voters have access to all candidate ballots on election day, MIRA should consider extending its deadline for the submission of candidates' ballots and should take responsibility for distributing them to polling stations along with other voting materials.
- The HCC should ensure transparency during the conduct of its final tabulation and verification process by making the final district level tally sheets available to candidate agents and international and domestic observers at the national level, before and after the announcement of the results.
- Provisional election results should be made publicly available at the district level and at the MIRA headquarters.
- Candidates and/or candidate representatives should make every effort to review the voters' list being made available at the regional level.
- Candidates and/or candidate representatives should make every effort to review the vote tallies being made available at the district level.
- Fair and equitable access to media is a key principle governing democratic elections around the world including the SADC region. The government should ensure that access to state-owned media is allocated to all candidates on an equitable basis.

In the longer term, the delegation recommends the following reforms that could enhance Madagascar's democratic process and the conduct of future elections.

To the government:

- Undertake electoral reform – Over the last decade, political parties, civic organizations and presidential candidates have called for a broad range of electoral reforms. The next government should examine past proposals as well as those recommendations referenced below in an effort to build consensus around the legal and regulatory framework for political competition.
- Establish a more independent CNE – Current international and SADC standards encourage the establishment of independent electoral bodies. In order to ensure the impartiality and effectiveness of the election administration, consideration should be given after the December election to revising the CNE's structure. A number of models have proven to be effective in gaining public confidence. In conformity with Article 7.3 of the SADC Principles and Guidelines, the CNE could - over the long term and possibly in advance of legislative and communal elections scheduled for 2007 – become either an independent electoral commission responsible for all aspects of the election process (such as those of Lesotho, Malawi, Namibia, South Africa and Tanzania) or be responsible for the elections with a subordinate body responsible for implementation, as is the case in Mozambique. The CNE's authority should be strengthened to ensure that it can intervene, comment, and mediate during the electoral process independent of other electoral bodies such as MIRA and the HCC.
- Introduce a single ballot paper system – The internationally recommended system, used in the majority of SADC member states, is a single ballot paper with the names and identifying information (i.e., photograph, party affiliation, and logo) of all the candidates. The current multiple ballot paper system is open to abuse and infringes on the right of electors to vote for the candidate of their choice. In conformity with Article 7.5 of the SADC Principles and Guidelines, this system should be dropped in favor of a single ballot.

- Increase transparency in the tabulation and verification process – To encourage greater transparency and confidence in the election results, the HCC should provide access to accredited candidate agents, and international and domestic observers, to the tabulation and verification process at the national level.
- Continue efforts to improve the quality of voter lists – To increase voter confidence in and overall credibility of the electoral process, the delegation recommends the establishment of an absolute voter registration deadline in advance of set election dates. An absolute deadline would help to minimize the potential for duplicate voting currently possible through the issuance of voter permits up to and on election day. Special efforts should be made to conduct civic and voter education for potentially disenfranchised segments of the population, particularly in remote areas with lower levels of literacy. A national census would help identify gaps and strengthen eligibility in the voter registration rolls. Further, provided that a National ID card is a prerequisite of voter registration, improved voter education and distribution of ID cards would strengthen citizen participation in the electoral process.

To political parties and civil society:

- Expand voter and civic education efforts – Along with government authorities, all Malagasy political and civil society organizations bear responsibility for educating and informing the public regarding the democratic process and their rights and responsibilities as citizens. There must be an ongoing and coordinated commitment to such efforts throughout Madagascar, with the goal of increasing citizen participation in the political life of the country.

## **V. THE DELEGATION AND ITS WORK**

The delegation was composed of: Susanne Wood, former President of the New Zealand National Party; Gifarina Djohan, former Member of Parliament, current Parliamentary consultant and chair of the Indonesian Women’s Political Caucus; Roger Winter, former United States Agency for International Development Assistant Administrator; Barrie Hofmann, NDI Senior Advisor; and Kelley Jones, NDI/Madagascar Resident Representative. The delegation conducted its activities in accordance with the *Declaration of Principles for International Election Observation*, which embraces the principles of non-interference, impartiality and professionalism for international election observers. In recognition of Madagascar’s membership, since 2005, in the Southern African Development Community (SADC), the delegation also referred to the SADC Principles and Guidelines Governing Democratic Elections.