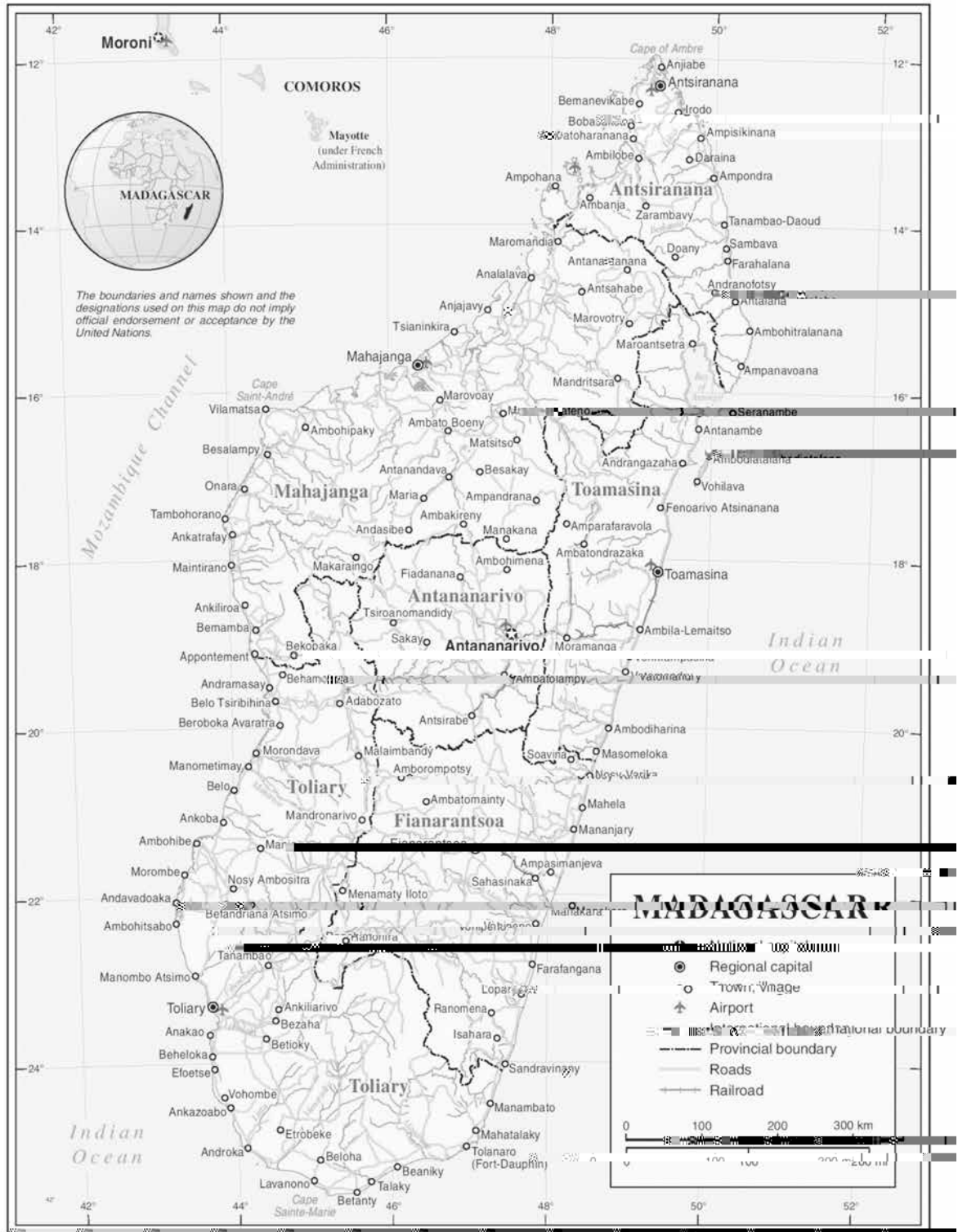


The Carter Center strives to relieve suffering by advancing peace and health worldwide; it seeks to prevent and resolve conflicts, enhance freedom and democracy, and protect and promote human rights worldwide.



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

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organizations deployed more than 10,000 mobile and stationary observers throughout Madagascar on election day. The strong citizen and international observer presence during the election period contributed to the overall transparency and success of the electoral procedures.

Madagascar's independent electoral institutions, along with the presence of citizen and international observers, were vital to successful democratic elections. The recent elections in Madagascar were successfully implemented by the National Independent Electoral Commission for the Transition (CENI-T), the first independent electoral commission in Madagascar's history. CENI-T should be commended for its orderly and timely execution of electoral procedures. The Special Elections Court should also be commended for its management of the electoral dispute process and the announcement of election results.

Although this forward progress is positive, stability is fragile. The international community should continue to press Madagascar's government to foster and strengthen its democratic institutions. The elections were a necessary step to putting Madagascar back on the path to democracy, but Madagascar's political leaders need to provide genuine leadership and to demonstrate their commitment to inclusive democratic governance. Doing so would be a crucial step in

breaking the cycle of winner-take-all elections that have bred repression and economic deprivation in Madagascar. To advance democracy, the government should establish a comprehensive national reconciliation process that can bridge the bitter divides of previous years.

To advance democracy, the government should establish a comprehensive national reconciliation process that can bridge the bitter divides of previous years.

For the international community, the message is clear: These elections are only the beginning of what is likely to be a long and difficult transition in which sustainable engagement with ample moral and material support will be essential.

*Dr. John Strelau
Vice President for Peace Programs
The Carter Center*

Madagascar held the first round of presidential elections on Oct. 25, 2013, and the second round runoff presidential and legislative elections on Dec. 20, 2013. The Carter Center’s observations and findings summarized in this report relate only to the second round of presidential elections and legislative elections.

Observers from the integrated EISA/Carter Center mission reported that voting and counting processes were peaceful, orderly, and in general accordance with Madagascar’s legal framework and obligations for democratic elections.

These elections marked a pivotal point for Madagascar as its leadership sought a return to genuine democratic government and normalized relations with the international community. Madagascar has been in international political isolation since a 2009 coup d’état prompted its foreign partners to sever ties and eliminate critical financial support. The coup and the subsequent isolation it provoked created a devastating political crisis that lasted nearly five years.

The road to elections was rocky, but they took place after years of negotiations and international pressure. As a result, Madagascar now has an opportunity to rejoin the community of nations

and the foundation to forge a solution to the prolonged humanitarian crisis.

The Carter Center met with critical stakeholders, including the leadership of CENI-T, during a pre-election assessment in February 2013. During the course of that visit, CENI-T formally invited The Carter Center to observe the elections. Upon accepting CENI-T’s invitation, in mid-October the Center deployed a core team to set up a field office in the capital, Antananarivo. The following month, six international long-term observers arrived in Madagascar and were deployed across the country. During the month leading up to the elections, they observed electoral preparations, met with various stakeholders, and monitored important political developments in their respective areas of responsibility. As the election date neared, Carter Center staff from the Atlanta office deployed to Antananarivo to assist the mission. With our partner, the Electoral Institute for Sustainable Democracy in Africa, The Carter Center deployed 26 observers to a total of 85 polling stations in six different regions of Madagascar.

Observers from the integrated EISA/Carter Center mission reported that voting and counting processes were peaceful, orderly, and in general accordance with Madagascar’s legal framework and obligations for democratic elections. In polling stations that Carter Center and EISA members observed, voter turnout was moderate at only about 50 percent.

The Center commends the CENI-T for its efforts to ensure that all eligible voters had an



opportunity to cast their ballots freely. Although Carter Center and EISA observers noted several shortcomings in the process — including inconsistent use of separate voter lists for the presidential and legislative elections, delays in delivery of materials to some polling stations, and inconsistent inking procedures — these shortcomings were not systematic and did not appear to have significantly influenced the outcome of the elections. Carter Center observers also reported that the polling process was good or excellent in 82 percent of stations observed.

K F S L F

To the government of Madagascar: Introduce campaign finance regulations, modify framework for dispute resolution, and improve women’s representation

The legal framework for the 2013 Malagasy presidential and legislative elections was established by the constitution of Dec. 11, 2010, the roadmap of Sept. 16, 2011, and the laws and regulations of the

Republic of Madagascar. In this report, The Carter Center recommends areas in which aspects of the legal framework could be strengthened, including the introduction of campaign finance reforms, modifications of the framework for electoral dispute resolution, and adjustments to enhance women’s participation in politics.

E A S

To the government of Madagascar: Continue to support the independence of the commission and develop its capacity

For the first time in Madagascar’s history, elections were organized and managed by an independent electoral authority, the National Independent Electoral Commission for the Transition. International obligations for democratic elections indicate that an independent, professional, transparent, and impartial election authority is fundamental to ensuring that citizens are able to participate in genuine democratic elections. The formation of CENI-T marked an important step forward, and its independence should continue to be strengthened.

The integrated EISA/Carter Center initiative of 2016-2019 conducted the

process. Observers also reported that the voting process was relatively efficient and that standard operating procedures were usually followed. Isolated irregularities occurred in various polling stations, including the late arrival of ballots and confusion over voter identification, but they did not undermine the fundamental integrity of the electoral process nor prevent registered voters from participating in that process. In future elections, CENI-T should strive to reduce opening delays and improve delivery of materials.

C s C

To the government of Madagascar: Review the electoral law to strengthen counting procedures
Accurate and fair vote counting plays an indis-

restrictions weaken the Malagasy citizens' right to an effective remedy against improper action, a right that is recognized in international standards for democratic elections.

The Center commends the Malagasy people for participating in a peaceful and orderly process and for the successful democratic elections of 2013.

C s s

In summary, the Center found the electoral process to be generally orderly and transparent and in accordance with international obligations

for democratic elections. The Carter Center urges Madagascar to use these elections as a foundation on which to foster both democratic development and national reconciliation. The Center commends the Malagasy people for participating in a peaceful and orderly process and for the successful democratic elections of 2013. There is, however, room for improvement. To continue its progress toward democratic governance, the government of Madagascar should make efforts to make campaign finance significantly more transparent, ensure greater representation of women in future elections, empower civil society organizations to educate the Malagasy people on voting procedures, and focus on national reconciliation and cooperation.

Since 1989, The Carter Center has observed 96 elections in 38 countries. The Center played a central role in the development of the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observation adopted at

mid-November. After their arrival, observers were briefed in the capital and deployed to the field on Nov. 18. In the field, they assessed the campaign period and electoral preparations in six regions,

crushed a rebellion, the first major challenge to his power. The following year, farmer and student protests broke out. Although these, too, were crushed, Tsiranana recognized that his regime was intensely unpopular. Trying to save his presidency, Tsiranana dissolved his government and appointed Gen. Gabriel Ramanantsoa as prime minister. This move failed to stem the tide of discontent, and Tsiranana reluctantly handed over the reins of presidential power to Gen. Ramanantsoa in October 1972.

The transfer of power to Gen. Ramanantsoa set a precedent of military involvement in politics that would endure for decades and provoke instability in Madagascar's politics. Having been trained in the French army, Ramanantsoa ruled for three years, maintaining a close relationship with France in Tsiranana's mold. His attempts to sew Madagascar's fraying social and political fabric back together were unsuccessful, and he, too, was forced to resign due to protests and political instability. His successor, another military officer, Col. Richard Ratsimandrava, was in power for six days before he was assassinated. Ratsimandrava's successor, Gen. Gilles Andriamahazo, served as president for just five months before being pushed aside by another military officer, Vice Admiral Didier Ratsiraka.

Therefore, Madagascar's first 15 years of independence were marked by regime volatility, single-party authoritarianism, military rule, and a continued close alliance with France, the former colonial power.

- **D**
A 's **B** **F**

Vice Admiral Didier Ratsiraka took power in June 1975. Ratsiraka and his political party, the Vanguard of the Malagasy Revolution, instituted a Marxist–Socialist system of government that began Madagascar's Second Republic. During Ratsiraka's rule, Madagascar severed its ties with France and other Western allies. Ratsiraka nationalized a number of Malagasy industries and proclaimed a national goal of economic self-sufficiency. While officially declaring a nonalignment foreign policy, Madagascar shifted

Population 22,599,098 (July 2013 estimate)

Ethnic Groups

toward a political alignment with Eastern Bloc countries. This political and economic reorientation came shortly after the global oil crisis of 1973. The global economic downturn and the shock to domestic industry from a split with France were too much for the fragile Malagasy economy to absorb. The economy collapsed, and the country was bankrupt by 1979. Ratsiraka was forced to abandon his ideological commitments and accepted bailouts from the International Monetary Fund and World Bank, which, in turn, pushed the administration to adopt a free-market economic policy and combat government corruption. Despite Ratsiraka's pragmatic change of heart and his attempts to reinvigorate the economy with more liberal policies, economic growth remained stagnant and his popularity dwindled. Public support for Ratsiraka plummeted after presidential guards opened fire on unarmed protesters in 1991. Shortly after, Ratsiraka was removed from office, and a transitional government was established under the leadership of Albert Zafy, who called for multi-party democracy. By the end of Ratsiraka's time in office, Madagascar had experimented with new ideologies and breaking ties with France but had largely failed — both in terms of forging sustained growth and in creating a stable and inclusive political system.

democracy. For example, he purchased a new presidential plane but registered it to Tiko rather than to the state —prompting public outcry. This was further fueled by Ravalomanana’s announcement that he had signed a deal with Daewoo, a South Korean firm, providing a 99-year lease to large tracts of Madagascar, representing roughly half of all arable land in the country. By late 2008, Ravalomanana—who had won a resounding electoral victory just two years previously—was becoming vulnerable and unpopular.

s

M
(2009 2012)

Ravalomanana’s successor as mayor of Antananarivo, Andry Rajoelina, harnessed the growing opposition to Ravalomanana. Rajoelina, who had previously made a living as a radio disc jockey, utilized the airwaves and television to stoke a nascent opposition movement. He called upon disgruntled Malagasy citizens to take to the streets under the umbrella of his Tanora malagasy Vonona (TGV) party. (TGV translates to “determined Malagasy youth” but is also a play on words about the TGV bullet train in France and Rajoelina’s speedy rise in Malagasy politics.) In response to the opposition movement’s growing support, Ravalomanana closed Rajoelina’s television station in December 2008, which triggered widespread protests in the capital. These quickly turned violent, and dozens died when a burning building that was being looted collapsed.

Nonetheless, Malagasy citizens continued to heed Rajoelina’s call to take to the streets. On Feb. 7, 2009, an estimated 20,000 protesters gathered in the center of the capital, and a contingent of them crossed the “red line” of the security perimeter around the presidential palace. The military fired live rounds at the protesters, killing at least 28 (though unconfirmed estimates frequently cite a death toll above 50) and injuring hundreds. The incident both cemented popular anger toward Ravalomanana’s regime and prompted several key elements of the military to question their allegiance toward the government.

Rajoelina’s support for the military was a key factor in his rise to power.

“determined Malagasy youth”

remained in international limbo, with no elections in sight.

After the new constitution was in place, the international community (led by the Southern African Development Community, or SADC) renewed pressure on Madagascar's past and former leaders to reach agreement and set a timetable for elections. This pressure was successful, producing a roadmap in 2011 that was intended to pave the way for a vote. The roadmap was signed by both Rajoelina and Ravalomanana and was intended to usher in a swift return to elections and an end to the crisis. However, the text of the document called for "blanket amnesty for all political events that 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." Article 20 confirmed that the transitional government would

"allow all Malagasy citizens in exile for political reasons to return to the country unconditionally, including Mr. Marc Ravalomanana."

Seemingly, these provisions were intended to pave the way for Ravalomanana's return to Madagascar without the threat of immediate arrest. However, because Rajoelina interpreted Ravalomanana's actions during the lead-up to the coup d'état as "war crimes" and "crimes against humanity," the roadmap did not resolve the prolonged political deadlock surrounding Ravalomanana's return to Madagascar. The debate over this provision of the roadmap would be the lynchpin of blocked dialogue, prompting repeated delays to successive electoral calendars.

N ... N 2013 E

With Ravalomanana remaining in forced exile in South Africa, the international community made clear that they would not support, fund, or acknowledge elections that involved Rajoelina but not Ravalomanana. Stagnation continued and humanitarian conditions worsened, as development remained stalled by the political impasse. This deadlock was finally broken as the international community coalesced around the so-called "ni...ni" (neither/nor) solution, which would allow elections to proceed without Ravalomanana or Rajoelina's participation. On Dec. 12, 2012, Ravalomanana announced that he would abide by the proposed solution and withdrew himself from future consideration in elections. This put pressure on Rajoelina, and he eventually followed suit — taking himself out of the running with an announcement on Jan. 16, 2013.

For a brief period, it appeared that the road was clear for elections. That optimism dissipated when Ravalomanana announced on April 15, 2013, that his wife, Lalao, would stand as the candidate for his political *mouvance*. Although this may have adhered technically to the ni...ni solution, most analysts interpreted Lalao Ravalomanana's candidacy as a violation of the spirit of the ni...ni agreement. Rajoelina's reaction was swift, arguing that because Ravalomanana had reneged on his commitment, he, too, was free to do so. On May

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Thomas Cox

4, 2013, one day after the close of the candidate nomination period, Rajoelina announced that he would stand as a candidate in elections, rescinding his previous pledge.

This reversal of progress prompted the international community

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Effective electoral institutions and a sound legal framework are essential to the administration of democratic elections and to ensuring that a country upholds its international obligations. The legal framework includes constitutional provisions, domestic laws, and regulations regarding the electoral process. Based on its international commitments, Madagascar is obligated to take measures to promote the principles of the rule of law, recognizing that laws must be consistent with international principles of human rights.¹

Madagascar's electoral law includes positive measures for transparency and fair campaigning. Its robust judicial avenues to contest and appeal election results were an important contribution to democratic institutions.

L F

The regulatory framework for Madagascar's presidential and legislative elections is provided by the constitution of Dec. 11, 2010; the roadmap of Sept. 16, 2011, incorporated into the Malagasy legal system by the law of Dec. 28, 2011; and the laws and regulations of the Republic of Madagascar. In addition, Madagascar has ratified a series of international and regional human and political rights instruments that are relevant to the electoral process. These treaties include the

International Covenant on Civil and Political Rights; the African Charter on Human and Peoples' Rights; the African Union Convention on Preventing and Combating Corruption; International Convention on the Elimination of All Forms of Racial Discrimination; International Convention on Economic, Social, and Cultural Rights; Convention on the Elimination of Discrimination Against Women; Convention on the Political Rights of Women; Convention on the Rights of the Child; and the United Nations Convention Against Corruption. It has also signed the protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

Madagascar's electoral law includes positive measures for transparency and fair campaigning. Its robust judicial avenues to contest and appeal election results were an important contribution to democratic institutions.² Also, Article 46 of Madagascar's Constitution, which invalidates any candidate who uses public assets to campaign, could be a positive deterrent to corruption, if enforced.

The Carter Center commends CENI-T for its work in compiling a comprehensive set of legal texts governing the elections and making the legal framework more accessible to stakeholders.

¹ U.N., International Covenant on Civil and Political Rights, Article 2; AU, ACHPR, Article 1; UDHR, Article 21(3); ICCPR, Article 25(b)

² Organic Law No. 2012-005, March 15, 2012, Article 23

However, there is room for improvement. The legal framework sometimes lacks coherence and should be reviewed for grammatical and spelling errors.

D S N

Madagascar's electoral law and the roadmap require that members of the government exercise neutrality during the time of elections.³ In its preliminary statement released on Dec. 22, The Carter Center noted that the enactment of two decrees on April 16 and Aug. 6, 2013, contradicted this sentiment of neutrality, removing the provision of the roadmap that insisted on the neutrality of the current heads of Malagasy political institutions during the legislative and presidential campaigns. The second decree was annulled by the Special Election Court but, unfortunately, this annulment came on the final day of the campaign period, making its enforcement irrelevant. Heads of institutions— notably Rajoelina— were able to campaign throughout the campaign period in support of Hery Rajaonarimampianina, who was perceived to be Rajoelina's proxy candidate. The decree also benefited the Robinson camp, as influential heads of Malagasy institutions, including the president of the Congress of the Transition, Mamy Rakotoarivelo, participated in his campaign.

Thomas Cox



E S

The essence of any electoral system should be to translate the will of the people into a representative government.⁴

Madagascar is divided into 119 constituencies, with 87 single-member constituencies and 32 two-member constituencies.⁵ The difference in these two types of constituencies is related to population, with constituencies of more than 250,000 inhabitants (urban areas) being two-member constituencies and those with fewer than 250,000 inhabitants (the more rural areas) being the single-member constituencies.

Legislative elections in the single-seat constituencies are conducted with the first-past-the-post system, while two-member constituencies use a closed-list system of proportional representation. Although political parties are able to nominate two candidates in these two-member constituencies, only one candidate for each party appears on the ballots, despite it being a two-member constituency where a party has nominated two candidates. In two-member constituencies, this mismatch between the electoral system and ballot design should be rectified before future elections.

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Electoral Institute for Sustainable Democracy in Africa



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3 Organic Law No. 2012-005, March 15, 2012, Articles 45 and 115; Roadmap For Ending the Crisis in Madagascar, Dec. 28, 2011, Article 15

4 U.N., International Covenant on Civil and Political Rights, Article 25(b); International IDEA Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 28

5 Organic Law No. 2013-083

A mix of majoritarian and proportional representation systems is used jointly in 13.8 percent of countries worldwide.⁶ Although it adds complexity, this parallel representation system used in the Malagasy legislative elections supports a comprehensive representation of the will of the voters. In past elections, these systems ensured a satisfactory level of representation for the Malagasy population.

The president of Madagascar is elected in a two-round system in a single nationwide constituency. Candidates can be elected outright in the first round if they receive more than 50 percent of the vote. If no candidate reaches this threshold, a second round is organized between the two candidates who garnered the highest numbers of votes in the first round. This second round of elections must be held within 30 days of the official release of the first-round results.⁷

B D

To ensure that the right of equal suffrage is respected, the delimitation of boundaries should seek to ensure that elected representatives represent reasonably equal numbers of constituencies.⁸ Boundary delimitation should be managed by an independent and impartial body representative of the society as a whole so electoral boundaries do not favor any particular social group or political interest.⁹

The current boundary delimitation creates considerable variance between districts and, therefore, undermines the principle of equal suffrage. The current system is based on older administrative divisions and results in significant differences in the number of inhabitants represented for different legislators, meaning that the votes of citizens in districts with fewer inhabitants per seat

have a greater impact on election results than the vote of a citizen in a larger district.

Constituent representation per legislative seat in Madagascar ranges from as low as 5,219 inhabitants per seat in Ampanihy to as high as 143,036 inhabitants per seat in Anjozorobe. (See Appendix G.) While the use of pre-existing administrative divisions as a basis to draw constituencies may have had some financial and logistical advantages, future designs of the electoral system should include a revised boundary delimitation process that creates a more equitable population distribution in Madagascar's parliamentary seats.

E M

An independent and impartial election management body that functions transparently and professionally is recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic process and that other international obligations related to the democratic process can be met.¹⁰ In Madagascar, an independent electoral system can be

were primarily conducted through the Ministry of Interior.

The constitution of the Fourth Republic of Madagascar provides for an “independent national structure” that is responsible for the conduct of elections,¹² and the roadmap¹³ established a temporary election administration structure, the National Independent Election Commission (CENI). The election commission’s mandate was later domestically established by Organic Law No. 2012–004,¹⁴ which expresses the institutional and financial independency of the collegial body, the National Independent Election Commission for the Transition or CENI-T.

CENI-T is governed by its General Assembly, composed of 24 members, supported by a secretariat, and headed by a collegial executive

secretary-general. Twenty-one of the 24 General Assembly members represent a broad spectrum of civil society organizations and branches of government. The Carter Center is pleased to note that the spirit of inclusiveness of the CENI-T continued down to the lowest levels of election administration.

While the decision-making process is central-

CENI-T and local administration bodies recruited 140,007 polling staff in order to conduct the election in 20,001 polling stations across the island. At the local level, representatives of civil administration (*chefs du fokontany*) played a major role in recruiting polling staff. In its preliminary statement released on Dec. 22, The Carter Center also noted that its long-term observers reported that due to limited resources, district-level election administration often depended on municipal-level civil administration to conduct the elections. In future elections, CENI-T should re-evaluate its structure, strive to continue to enhance its independence, and reduce the need to rely on government elements at the local level.

Brett Lacy



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CENI-T conducted electoral operations with a satisfying level of independence and collaborated with its national and international partners.

Although the CENI-T is authorized to release election results, these results are not binding. Only the Special Electoral Court has the power to release final certified results. As a result, the decision-making power of CENI-T as the only authority mandated by the constitution to organize the elections is greatly diminished compared to that of the court. While the CENI-T's budget allows for a thorough tabulation and results

process, the court has a much more limited financial and technical capacity to perform the same tasks. In future elections, the full authority for the counting, tabulation, and announcement of results should rest with an independent electoral authority.

CENI-T conducted electoral operations with a satisfying level of independence and collaborated with its national and international partners. However, at times the presence of high-level government officials during CENI-T meetings and deliberation presented a possible avenue for conflicts of interest. Despite this presence, there is no evidence that electoral operations or results were influenced.

Additionally, although the voter card was not required to vote, it is an important source of information and indicates the designated polling location for each voter. Voters without voter cards did not have access to information about their polling location. In some areas, Carter Center observers witnessed the distribution of voter cards as late as election day.

s F L s

Ultimately, the voter list included 7,823,305 eligible citizens. Although the Center did not directly observe the registration process, and while accurate demographic data is unavailable, analysis suggests that the register likely underrepresented the voting-age population. In addition, it is extremely likely that many people were not registered properly in the first place. U.N. projections, based in part on Madagascar's last census (conducted in 1993), indicate that at least 10,500,000 citizens of Madagascar should be eligible to vote. If that figure is correct, only 74.5 percent of eligible Malagasy citizens registered to vote in the 2013 elections. Moreover, according to official, national-level statistics, more than 3 million adult citizens do not have a national identity card. Lacking this card would prevent them from registering.

The increase in the size of the voter roll between 2006 and 2013 was extremely low (a 2.7 percent increase), another indicator that demographic growth was not being captured by voter registration.¹⁹ In six of the country's 22 regions, the number of registered voters decreased from the elections in 2006 to the recent elections

¹⁹ Analysis of the electronic voter list of the presidential elections of Dec

same presidential election were conducted with different electorates.



manner. While the campaign period was peaceful, regrettably there was a grenade attack in the capital during Rajaonarimampianina's inauguration on Jan. 25, which killed one child and injured 37 others. No other major violent events occurred during the electoral process.³⁰

The peaceful campaign period is a major improvement from previous elections and an important milestone for Malagasy democracy.

Approximately one month before the presidential runoff elections, one-third of Madagascar's regional governors were replaced with military personnel, a move that was seen as unnecessarily inflammatory given Madagascar's history of postelection coups. In its Dec. 22 statement, the Center noted regret for this decision to replace governors with military personnel, which created unnecessary uncertainty about the role of the military within key government posts during Madagascar's first postcoup election.

Freedom of assembly is recognized as an essential part of democratic elections; however, this right may be restricted under circumstances prescribed by law.³¹ During the campaign period, candidates were free to organize meetings after fulfilling conditions dictated by electoral code, which required the prior notification of administrative authorities. The Carter Center believes that despite this requirement, no candidates reported difficulty with enjoying their freedom of assembly.

C D S

CENI-T and the Friedrich Ebert Foundation organized three presidential debates between the two second-round finalists, Dr. Jean-Louis Robinson and Hery Rajaonarimampianina. Though at times pointed, the debates were largely conducted in a respectful manner that allowed Malagasy citizens to hear directly from the candidates on live television and radio as they discussed important issues about Madagascar's future. The continuation of these debates in future elections is encouraged for presidential and legislative races.

S

Political parties play a critical role in democratic societies to connect citizens to government. In a

healthy democracy, competition among political parties provides citizens a meaningful choice in governance, outlets for participation in politics, and ways to mobilize citizens around issues that affect their lives.

Although the abundance of over 200 political parties in Madagascar is indicative of competition, The Carter Center regrets that most parties are weak and lack internal organization and institutions, and most are inactive outside the capital city. Few parties in Madagascar put forward a coherent slate of candidates. Some parties are empty shells, with a membership that does not extend beyond a single candidate.

Madagascar's democracy would be better served if parties extended their outreach and built membership. Moreover, parties should devote more effort to constructing platforms and policy statements beyond the personality of their featured candidate.

Approximately one month before the presidential runoff elections, one-third of Madagascar's regional governors were replaced with military personnel, a move that was seen as unnecessarily inflammatory given Madagascar's history of postelection coups.

Similarly, The Carter Center is disappointed by the lack of an oversight body for the code of conduct of candidates and political parties. Electoral rules and regulations exist to ensure fairness and that elections accurately reflect the will of the people. Without oversight and enforcement, it is difficult to ensure that a campaign is conducted appropriately. This is an important flaw that should be addressed in advance of future elections.

³⁰ Legislative candidate Victorio Antonio Rakotobe was killed on Nov. 16 at his home in Antananarivo. His death was reportedly not politically motivated but rather linked to the high level of criminality that prevails in the island.

³¹ ICCPR, Article 21; AfCHPR, Article 11; CISCHRFF, Article 12

C F

Madagascar is obligated to take measures to prevent corruption, particularly in the context of campaign financing.³² Campaign finance regulations should enforce a transparent process in which all political parties and candidates are treated equally.

While Article 47 of Madagascar's electoral law references regulating campaign finance, the political parties' law makes no reference to campaign finance regulation. Regardless of the legal foundation for campaign finance oversight, no scrutiny or regulation of money used in campaigns was conducted during the 2013 Malagasy elections.

The lack of campaign finance regulation and oversight was one of the largest shortcomings of these elections, particularly in the politically charged context in which these elections was conducted and in the spirit of the roadmap that sought to protect a neutral environment.

Greater oversight of campaign expenditure and public disclosure of candidate assets would have provided greater financial transparency throughout the process while strengthening voter confidence in the electoral process.

The overall absence of transparency in campaigns—coupled with the refusal of both presidential candidates to publish the details of their campaign spending—contributed to an opacity of the 2013 presidential and legislative campaigns, undermining Madagascar's obligations for democratic elections.³³

With no campaign finance regulations in place, it was difficult for observers, parties, and citizens to assess how much money was spent or whether financial resources were improperly used to secure an electoral edge. The Center regrets that Madagascar lacks a clear legal framework to regulate campaign finances and that attempts by civil society organizations to compel candidates

to publicize their assets were ignored. Greater oversight of campaign expenditure and public disclosure of candidate assets would have provided greater financial transparency throughout the process while strengthening voter confidence in the electoral process.

M G, M S,

Gender equality is an important goal of democratic elections. Article 5 of the Malagasy Constitution provides for gender equality in voter eligibility. Article 6 of the constitution mandates equality between men and women and forbids all forms of discriminations based on gender. International and regional obligations also protect women's rights and ensure their democratic right to participation.³⁴ Madagascar has committed to taking measures to ensure that:

- Women participate without any discrimination in all elections.
- Women are represented equally at all levels in all electoral processes.
- Women are equal partners with men at all levels of development and implementation of state policies and development programs.³⁵

According to the latest comparative reports³⁶ aimed at monitoring gender equality in SADC countries, Madagascar is situated at the bottom of the list in achieving the objectives of its regional commitments.³⁷ The current representation of Malagasy women in decision-making positions is exceptionally low. While in the previous

32 U.N. Convention Against Corruption, Articles 18 and 37; African Union Convention on Corruption, Article 7; UNCAC, Article 7

33 African Charter on Democracy, Elections, and Governance, Article 2, para. 10; ICCPR general comments on Article 25, para. 19

34 ICCPR, Convention on the Political Rights of Women

35 AU, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 9(1); SADC Protocol on Gender and Development, Article 12

36 The SADC Gender Protocol Barometer (Baromètre du Protocole de la SADC sur le Genre et Développement) (Last Barometer 2012) indicates that Madagascar falls short of achieving the protocol's objectives.

37 SADC Protocol on Gender and Development: <http://www.sadc.int/documents-publications/show/803>

parliamentary mandate 11 percent of parliamentarians were women, only 4.7 percent of the country's mayors are female and only 2.6 percent of *chefs du fokontany* are women.

The Carter Center regrets that in spite of Madagascar's national and international obligations regarding gender equality, the meaningful participation of women as candidates in these elections was low. Just two of the 33 candidates in the first-round presidential election were women, and none advanced to the runoff elections.³⁸

In the legislative elections, female candidates represented only 15 percent of the total number of candidates, and only 10 percent of female candidates were ranked at the "head of the list" of candidates, making it distinctly unlikely that they would be elected.

During the presidential and legislative election campaign, civil society organizations reported isolated cases of intimidation toward female candidates and their supporters. In future elections, additional measures should be put in place to ensure the security of female participants of the electoral process.

The Carter Center recommends implementing legal and systematic measures that will ensure accurate representation of women in the democratic life of Madagascar and likewise recommends implementation of the goal of gender equality in terms of representation in public life as stipulated in Article 12 of the SADC Protocol on Gender and Development.³⁹

Financial incentives could be put in place to encourage more women to run in future legislative elections. These could include the allocation of funding specifically for the campaigns of female candidates, waiving candidate fees for women who run for office, or providing tax incentives to



Jules Lalancette

F e P e i d e t f M a t i C a a U e e a d C a t e C e t e V i c e P e i d e t
f P e a c e P o g a J h S e l a e a k t h t h e e e l e c t i o n d a t a h a e
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political parties who nominate female candidates. These measures could increase gender parity both in the number of candidates and in the number of people of each gender elected in Madagascar.

M

The media play an indispensable role during democratic elections by educating voters and political parties about major issues, thus giving them access to information so they can make a truly informed decision.⁴⁰

The Malagasy Constitution guarantees the freedoms of opinion, expression, communication, and press. The constitution guarantees freedom of the press with the caveat that press freedom may not violate the rights of others and is within

38 In the first round of presidential elections, Saraha Georget Rabeharisoa received 4.5 percent of votes while Brigitte Ihantanirina Rabemanantsoa received 1.38 percent.

39 SADC Protocol on Gender and Development, Article 12: "States' parties shall endeavor that, by 2015, at least 50 percent of decision-making positions in the public and private sectors are held by women."

40 OSCE, Election Observation Handbook (Fifth Edition), p. 48

the boundaries of preservation of public order, national dignity, and state security. It also reaffirms the right to information for all individuals and forbids all forms of censorship.

Madagascar's national legislation provides for an equitable distribution of airtime on public radio and television between candidates and parties, which is monitored and regulated by CENI-T.⁴¹ However, there is no similar regulation of private media. This absence of regulation and independent enforcement of private airtime greatly benefits the wealthiest candidates, providing

additional technical, financial, and organizational capacity to strengthen their ability to be a voice in Madagascar's public affairs.

The election process was observed by a large number of domestic observers. The three main groups of civil society organizations deployed an

estimated 10,000 mobile and stationary observers throughout Madagascar on Dec. 20, according to accreditation numbers from CENI-T. However, Carter Center and EISA observers noted that domestic observers were only present at about 40 percent of polling stations observed.

The quality of voting operations on election day is crucial to determining whether an election lives up to its democratic obligations. According to Madagascar's international and regional commitments, all citizens should enjoy the right to universal and equal suffrage,⁴⁶ and all citizens have the right to vote,⁴⁷ subject only to reasonable and objective limitations. A core obligation under international law is that elections shall be held by secret ballot, which is recognized as a means of ensuring that the will of the people is expressed freely and that a cast ballot cannot be connected with a voter to avoid intimidation and political

retribution.⁴⁸ Madagascar largely met these important requirements in the Dec. 20 polls.

SS

Carter Center and EISA observers visited a total of 85 polling stations in six districts on election day where they observed poll opening, polling, closing, and counting in an atmosphere that was primarily calm and peaceful. Overall, observers reported modest voter turnout and polling staff that generally performed according to procedures. The presence of Carter Center and EISA observers was welcomed across the country without exception. The Center shared its findings in a preliminary statement released on Dec. 22, shortly after election day, to congratulate Madagascar on a calm and transparent polling process.⁴⁹

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Electoral Institute for Sustainable Democracy in Africa

46 U.N., ICCPR, Article 25; ACHR, Article 23; U.N., UDHR, Article 21

47 ICCPR, Article 25; AU, AfCHPR, Article 13; ACHR, Article 23

48 U.N., ICCPR, Article 25; ACHR, Article 23; U.N., UDHR, Article 23. EISA and Electoral Commission Forum of SADC Countries, Principles for Election Management, Monitoring, and Observation in the SADC Region, p. 24

49 The Carter Center. "Carter Center Congratulates Madagascar on a Calm and Transparent Polling Process; Encourages Renewed Commitment to National Reconciliation," Dec. 22, 2013

s

Observer teams noted opening delays across the country. The delays were minimal, often between five and 15 minutes, and did not impact the opportunity for citizens to vote. In some areas observed, polling stations opened as much as an hour late.

Observers reported that in most cases, delays in opening were due to a late start in setting up the polling stations and the late arrival of election materials, including voting booths and ballot papers. Observer teams evaluated the opening processes as average, poor, or very poor in 63 percent of stations observed.

Voters were able to vote in a relatively efficient manner in most polling locations, with few queues. Carter Center and EISA observers reported that the polling process was good or excellent in 82 percent of stations observed. Election day was largely calm and peaceful, with no reported incidents of election-related violence.

Carter Center and EISA observers reported modest participation, with about 50 percent turnout at polling locations visited. Official statistics put overall national turnout at 50.72 percent. This figure represents a sharp reduction of more than 10 percent from the more than 61 percent turnout reported in the Oct. 25 first-round presidential vote and is regrettable.

The Carter Center and EISA observer teams reported a few shortcomings in the process, including inconsistent use of the separate voter list and inconsistent inking procedures.⁵⁰

Although voting procedures were conducted relatively smoothly, observers reported challenges with the voter identification process. In a number of cases, there was confusion about which identification documents were necessary to vote, with officials in some cases accepting voter cards rather than the required national identification cards.

that votes be counted by an independent and impartial electoral management body. The counting process must be public, transparent, and free of corruption.

C s C

Accurate and fair vote counting plays an indispensable role in ensuring the electoral process is democratic and reflects the will of the voters. International and regional commitments require

In its Dec. 22 statement, The Carter Center noted that 80 percent of polling stations observed did not close on time, but procedures were followed to allow all those in line at the time of closing to cast their ballots. Center and EISA observers noted that the closing process was conducted poorly in 60 percent of stations observed. However, administrative and procedural challenges in the closing process were not significant enough to question the outcome of the elections at these polling stations.

Counting took place at the polling-station level immediately following the closure of polls on election day. The counting process took place peacefully and without significant incident.

Future elections would benefit from a review of the electoral law to strengthen counting procedures to ensure an accurate count and provide stronger guidance to polling staff. In particular, Article 106 of Malagasy electoral law stipulates

that whenever the number of ballots in the ballot box is greater than the number of people who signed in to vote, the polling staff must randomly withdraw a matching number of ballots from the ballot box and declare them invalid.



Lake Andohahelo in the capital of Antananarivo created in the 19th century to provide a local water supply.

In some cases, Carter Center observers noted that prospective voters were turned away at polling stations due to not being on the voter list or not having a national identification card.

For future elections, The Carter Center recommends that Malagasy electoral law be revised to stipulate a maximum number of voters per polling station and put the appropriate framework in place to implement this threshold. Doing so will make a number of areas of the electoral process smoother and more efficient, including procurement, the

delivery of voting materials, security, and efficient processing of voters on election day to ensure that all voters are able to cast their ballot within an appropriate time frame.

The Center also recommends an appropriate procedure for the effective distribution of voter cards and an alternative method to orient voters to their assigned polling station. Further discussion on these points can be found in the voter registration section of this report.

P D

In the postelection period, The Carter Center deployed six long-term observer teams to six regions of Madagascar. During this deployment, the observer teams based their reporting on meeting with 240 interlocutors in 19 constituencies (districts) of the country.

Carter Center observers generally reported a calm atmosphere in the days following the elections, with the population patiently awaiting results of the second round of presidential elections and legislative elections.



Thomas Cox

The Carter Center deployed six long-term observer teams to six regions of Madagascar. During this deployment, the observer teams based their reporting on meeting with 240 interlocutors in 19 constituencies (districts) of the country.

Carter Center observers generally reported a calm atmosphere in the days following the elections, with the population patiently awaiting results of the second round of presidential elections and legislative elections. In a press release on Jan. 18, 2014, The Carter Center commended the people of Madagascar, political parties, CENI-T, and other key stakeholders who urged for calm and respect for the peaceful resolution of disputes.⁵³

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S SS C S

Following the counting process at the polling-station level, the presiding officer, a representative of the CENI-T, representatives of civil administration, or a nominated representative of the transmission center was required to deliver the certified copy of the results—along with supporting materials outlined in the electoral code—to the corresponding transmission center in each district by the fastest method available.⁵⁴

The Carter Center observed that the delivery of material to the transmission center was usually conducted by the person legally assigned to do so. In the majority of cases, Carter Center observers found that the transfer of material was properly conducted, in accordance with procedures.

⁵³ The Carter Center, "Carter Center Commends Peaceful Release of Madagascar Final Election Results: Urges Commitment to Reconciliation," Jan. 18, 2014

⁵⁴ Organic Law No. 2012-005, March 15, 2012, Article 113

However, the transfer of results was delayed in some districts due to the lack of adequate transport and miscommunication regarding the handover of material.

A clearly outlined collection plan for electoral material was notably absent from the electoral code. In future elections, the Center recommends that a material collection plan be developed in advance to ensure that the transport of material leads to a timely publication of results.

Despite these challenges relating to the timely transfer of materials, in its Jan. 18 statement The Carter Center reported that the conduct within transmission centers was acceptable in 87 percent of the transmission centers visited and that the overall process was sufficient. In the remaining 13 percent of transmission centers visited, observers noted that returning material was not properly recorded. In general, teams reported that

Despite these statements, the

Tabulation of results is an integral and important phase of the electoral process that ensures the will of voters is accurately and comprehensively reflected in the final results.⁵⁵ Overall, the tabulation process in Madagascar was open

violations of fundamental rights related to the electoral process.⁶³ Voters and other electoral

dispute resolution mechanism and contributed to the Special Electoral Court's ability to act with neutrality. However, moving forward, Madagascar should strive to separate electoral dispute resolution mechanisms from politics and avoid political appointments.

s C s

In total, 70 complaints were filed in relation to the presidential election, the majority of which were submitted on the last day of the complaint period. A total of 580 complaints were submitted related to the legislative elections. Of these complaints, two significant submissions called for a cancellation of the election results and disputed the preliminary results.

The Carter Center applauds the Jan. 14 decision of the Special Electoral Court to recount

votes and compare the voter lists from the first and second round in nine regions, as requested by the Robinson camp. Also, it was commendable that lawyers from both opposing camps were present to witness this action. This transparency was not only an effective means of assessing allegations of electoral fraud made by the Robinson camp but also in building trust for the dispute resolution mechanism during judicial review of the election result.

In its Jan. 18 statement, the Center noted that in advance of the announcement of results, the Special Electoral Court released nine key decisions in early January 2014. The most important of these was the decision that the court would not disqualify any candidate or detract votes from any candidate on the basis of its annulment of the decree of Aug. 6, 2013, authorizing heads of institutions to participate in the campaign.



The Dec. 20, 2013, elections in Madagascar marked a pivotal turning point in Malagasy history, both as an important step toward democracy and as a foundation for renewed growth and development.

governance, the government of Madagascar should make efforts to make campaign finance significantly more transparent, ensure greater representation of women in future elections, empower civil society organizations to educate the Malagasy people on voting procedures, and focus on national reconciliation and cooperation.

S

For future elections, The Carter Center makes the following recommendations in the spirit of mutual respect and support:

Overall, the Center found the process to be orderly, transparent, and in accordance with international obligations for democratic elections. The Carter Center urges Madagascar to use these elections as a foundation on which to foster both democratic development and national reconciliation. These are critical steps to creating a lasting end to the crisis and fully emerging from its ongoing political transition.

The Center commends the Malagasy people for participating in a peaceful and orderly process and for the successful democratic elections of 2013. There is, however, room for improvement. To continue its progress toward democratic

Campaign Finance

- Campaign finance regulation should be put in place before the next election. The law should include limits on campaign spending and a mechanism for transparent publication of all money spent on campaign activities. An enforcement mechanism should also be put in place to sanction those that violate those new campaign finance rules.

Legal Framework for Electoral Dispute Resolution

- Legislators should modify Article 132 of the Electoral Law in order to allow appeals and complaints *after* the release of provisional results by CENI-T. In the article's current wording, the deadline to file a complaint occurs before the release of provisional results by CENI-T, thereby prohibiting any complaints of election results. In the same spirit, the overly restrictive criteria for filing complaints should be broadened. The criteria for the plaintiff to file a complaint are 1) to be a registered voter, 2) to have participated in the election, 3) to limit complaints to activities in the polling station where the voter is registered, 4) to limit the subject of complaints only to the regularity of voting operations. These restrictions damage the Malagasy citizens' right to an effective remedy against improper action, a right that is recognized in international standards for democratic elections.

Authority for Tabulation and Announcement of Results

- Further consideration should be given to the process of tabulating and announcing official results. In future elections, the authority for the counting, tabulation, and announcement of results should rest with an independent electoral authority. If this responsibility continues to be divided across two institutions, the division of responsibility should be done in a way that preserves the efficiency and transparency of the tabulation process.

Ballots for Two-Member Constituencies

- Although parties were able to nominate two candidates in two-member constituencies, only one candidate for each party appeared on the ballots. This mismatch between the electoral

system and ballot design should be rectified in advance of future elections.

Advancing the Participation of Women in Politics

- The Carter Center recommends implementing legal and systematic measures that will ensure accurate representation of women in the democratic life of Madagascar and that steps are taken to ensure full implementation of Article 12 of the SADC Protocol on Gender and Development. Specific measures to increase the representation of women in the Malagasy political system should be considered, including

Appendix A

A

The Carter Center's election observation mission in Madagascar would not have been possible without the support of a number of individuals and organizations.

The Center is primarily grateful to the government of Madagascar and the National Independent Electoral Commission for the Transition (CENI-T) for inviting the Center to observe the elections.

The Center is further grateful for financial support from the U.S. State Department as well as Stefan Findel and Susan Cummings-Findel. Their generous contributions allowed the Center to observe the Dec. 20 presidential runoff and legislative elections in Madagascar.

The Center is deeply appreciative of the leadership of former President of Mauritius Cassam Uteem, EISA Executive Director Denis Kadima, and Carter Center Vice President of Peace Programs Dr. John Stremlau for their key roles. Their insight during the observation process was invaluable to the success of the mission.

The Center benefited greatly from the efforts of the skilled and talented Antananarivo staff. Field office operations were supervised by Field Office Director Stephane Mondon. Electoral analyst and observer coordinator Bartosz Lech oversaw the coordination of international election observers and contributed to political reports throughout the electoral process. Security Manager Jules Lalancette coordinated the arrival and departure of the Center's delegation to Madagascar and provided important information to the mission regarding the security situation throughout the

country and in the capital. Country expert Brian Klaas provided the mission with in-depth political analysis and contributed to public statements released by the Center. The Center would also like to thank the office staff in Antananarivo, including Domoina Rajaonarivony, Mialy Raveloarison, and Achille Rabesihanaka.

The Center greatly appreciates its partnership with the Electoral Institute for Sustainable Democracy in Africa. In particular, the Center would like to thank Olufunto Akinduro, Cecile Bassomo, Hama Munyikwa, and Ange Marie Nijimbere. These individuals contributed to the planning of the mission, training of observers and staff, and the execution of the successful observation of the Dec. 20 elections.

The Center recognizes the efforts of all the international observation organizations in supporting Madagascar's electoral process. The organizations include the Southern African

Anzou, Monique Nobs, Charlotte Ramble, Taboh Gideon, Gaston Kalombo, and Laura Erizi. We would also like to thank the EISA observers who worked with The Carter Center during the election period. These observers included Gisele Pana, Lucianne Sophola, Immaculee Murangwa, Jean Jacques Cornish, Andre Kabunda, Sailifa Nzwalo, Aichatou Fall, and Marie Clemence Nodjan.

The Center's efforts were supported by a team of hard-working staff in Atlanta, including Chloe Bordewich, Thomas Cox, William Hassall, and Alden Mahler Levine, assistant program

coordinators. Tynesha Green and Traci Boyd provided administrative and budgetary support, while Mercedes Sprouse-Mickevicius helped raise the funds to make the mission possible. Christelle Lorin and Travis Linger served as the project's interns. Ramiro Martinez provided f-

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Appendix B



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Executive Director, Electoral
Institute for the Sustainability of Democracy
in Africa

Vice President, Peace
Programs, The Carter Center

Former President
of Mauritius

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South Africa

United States

Senegal

Canada

Rwanda

Cote d'Ivoire

Mozambique

Central African Republic

Seychelles

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Cote d'Ivoire

Italy

Cameroon

South Africa

Switzerland

France

C C M s

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Country Expert, United States

Security Manager, Canada

Electoral Analyst/Observer
Coordinator, Belgium

Field Office Director, France

M s N

C C A

Assistant Program Coordinator,
Democracy Program

Assistant Director,
Democracy Program


EI A J s


Head of Department,
Elections and Political Processes

Program Officer, Elections and
Political Processes


Program Officer,
Elections and Political Processes


Finance and
Administration Officer


 National Independent
Electoral Commission
(Commission Électorale
Nationale Indépendante)


 National Independent
Electoral Commission
for the Transition
(Commission Électorale
Nationale Indépendante
pour la Transition)

T

 Electoral Institute for
Sustainable Democracy
in Africa

 Haute Autorité de
Transition

 Groupe International
de Contact

 Together With President
Andry Rajoelina (Miaraka
amin'i Prezida Andry
Rajoelina)

 Organisation Internationale
de la Francophonie

NEWS

THE
CARTER CENTER



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- x All political actors should insist on maintaining a peaceful environment while respecting the constitution and the laws of Madagascar. We urge all political parties and leaders to maintain the current environment of calm as the tabulation process continues, materials are returned, and the results are processed.
 - x Candidates, leaders, and international actors should work together to advance genuine messages of national reconciliation and respect for the democratic process. Madagascar must leave behind its history of winner-take-all politics, isolation of losers, and extraconstitutional actions that undermined democratic processes.
 - x The military should continue to play a neutral role in providing security, and avoid playing a role in the political process.

Statement of Preliminary Findings and Conclusions

The Carter Center did not observe the first round of voting for the presidential elections held on Oct. 25; the Center's election observation is focused on the second round of presidential elections and legislative elections that took place on Dec. 20. The Center's election observation mission in Madagascar is conducted in partnership with the Electoral Institute for Sustainable Democracy in Africa (EISA). Following an invitation from the Independent National Electoral Commission for the Transition (CENI-T), the Center's core team of experts arrived in Madagascar in mid-October, and six long-term observers deployed across the country on Nov. 18, 2013.

The integrated EISA/TCC short-term observation mission around the Dec. 20 polls was co-led by former president of Mauritius Cassam Uteem, executive director of EISA Denis Kadima, and vice-president of the Carter Center's peace programs, Dr. John Stremlau. The EISA/Carter Center team consists of 26 observers from 19 countries who visited 85 polling stations. Carter Center observers continue to observe the aggregation of results in the transmission center (SRMV) and will stay in the country during the post-election period. The Carter Center thanks CENI-T and all Malagasy stakeholders who welcomed the observers from our mission and took the time to meet with them.

The Carter Center observation mission in Madagascar is carried out in accordance with the Declaration of Principles for International Elections Observation and its Code of Conduct which were adopted at the United Nations in 2005 and endorsed by more than 40 election observation organizations. The Center assesses the electoral process based on the national legal framework of Madagascar and its commitment to holding democratic elections as presented in regional and international agreements.

This is a preliminary statement; a final report will be published in the months following the end of the electoral process.

BACKGROUND

Madagascar held the second round of its presidential election along with legislative elections on Dec. 20, 2013. These elections are an important step for Madagascar as the country seeks a return to legitimate democracy and normalized relations with the international community

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of the candidates and suggest that they are simply proxies for a past rivalry that has been brewing for nearly five years- at a time when Madagascar needs to focus on its future.

Nonetheless the recent elections are an essential step towards ending the current crisis in Madagascar. Originally scheduled for May 8, 2013, the first round of presidential elections were postponed to July 24 and again to Oct. 25, when the first round of the presidential elections finally took place. The second round took place on Dec. 20, coupled with the legislative elections.

The international community provided critical technical and financial support for the election, but Madagascar's government still bore 50 percent of the costs. Moreover, the employees of CENIT should be commended for their efforts to end the crisis and return Madagascar to a path conducive to democracy and development.

LEGAL FRAMEWORK

A strong legal framework is essential for the effective administration of democratic elections. This framework must be consistent with the commitments of the government regarding human rights and simultaneously coherent with its obligations to democratic standards including the obligation that the will of the people shall form the basis of the authority of government.¹ The Carter Center mission has engaged in an objective evaluation of Madagascar's election, determining whether Madagascar has fulfilled its international commitments and obligations to providing genuine democratic elections.

Madagascar's legal framework for elections calls for single national constituency for the presidential election. The presidential system uses an absolute majority system in the first round, where a candidate must receive more than 50 percent of the vote to win. If no candidate wins the first round, the two candidates with the highest number of votes proceed to a runoff round to determine the winner.

For legislative elections, Madagascar is divided into 119 constituencies, which correspond to the administrative division of the country (119 districts). While 77 districts are single member constituencies, 32 are two-member constituencies. Elections in the single seat constituencies are conducted with the first past the post (FPTP) system, while two member constituencies use a closed list system of proportional representation. Although parties were able to nominate two candidates in these two member constituencies, only one candidate for each party appeared on the ballots. In future elections, the ballot design should be reconsidered to ensure that ballots better reflect the electoral system in place.

The regulatory framework for the presidential and legislative elections is based upon a series of commitments: the Constitution of Dec. 11, 2010, the roadmap of Sept. 16, 2011, incorporated into the Malagasy legal system by the Law of Dec. 28, 2011, and the laws and regulations of the Republic of Madagascar. In addition, Madagascar has ratified a series of international and regional human and political rights instruments that are relevant to the

(ECOSOC), Convention on the Elimination of Discrimination against Women (CEDAW),
Convention on the Political Rights of Women (CPRW), Convention on the Rights of the





Madagascar is committed to several important international obligations in relation to candidates, parties, and the campaign environment including ensuring that every citizen has the right to be elected¹⁹ and freedom of assembly.²⁰

Political pluralism and genuine choice for voters are critical to democracy. Madagascar is obligated due to its international commitments to ensure “a real political pluralism, an ideological variety and a multi-party system that are exercised through functioning of political parties...”²¹ In

In spite of such positive aspects, The Carter Center is concerned about several aspects of the electoral process related to candidates parties, and the campaign environment. The main findings include that:

- x Although the abundance of over 200 political parties is indicative of competition, The Carter Center regrets that most parties have not created robust internal institutions. Political parties play a critical role in democratic societies to connect citizens to government. Few parties in Madagascar have put forward a coherent slate of candidates. Some parties are empty shells, with a membership that does not extend beyond a single candidate. Madagascar's democracy would be better served if parties continue to build their membership. Moreover, parties should devote more effort to constructing platforms and policy statements beyond the personality of their featured candidate.
- x The Center strongly believes that more needs to be done in terms of monitoring campaign finance, and being transparent about the source of election finance and campaign spending. This opaqueness and lack of national oversight makes it difficult to assess campaign fairness, as those allied to major national level parties may enjoy an unfair advantage relative to independent candidates- particularly given the importance of private media in the Madagascar campaign environment.
- x Similarly, The Carter Center also is disappointed by the lack of oversight over the code of conduct of candidates and political parties. Electoral rules and regulations exist to ensure fairness and that elections accurately reflect the will of the people. Without oversight and enforcement, there is no way to determine whether the campaign was conducted appropriately.
- x The low proportion of female candidates is among the most significant weaknesses of the elections. Even though 46 percent of registered voters are women, only two of the 33 presidential candidates in the first round were women. In the legislative elections, 15 percent of the candidates were women, but only ten percent were ranked at the "head of the list," making it less likely that they will be elected. This does not reflect Madagascar's international commitment to ensure that "women are represented equally at all levels with men in all electoral processes."²⁵
- x The Center recommends implementing legal and systematic measures that will ensure accurate representation of women in the democratic life of Madagascar and likewise recommends implementation of the goal of gender equality in terms of representation in public life as stipulated in Article 12 of the SADC Protocol on Gender and Development.²⁶
- x Finally, The Carter Center regrets the decision by President of the Transition Rajoelina to replace one-third of Madagascar's regional governors with military personnel between the first and second round of the presidential elections. This act on Nov. 21 created uncertainty about the role of the military within key government posts during Madagascar's first post-coupe election.

²⁵ AU, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, art. 9(1).

²⁶ SADC Protocol on Gender and Development Art. 12: "States Parties shall endeavor that, by 2015, at least fifty percent of decision-making positions in the public and private sectors are held by women".

Despite these failings, the peacefulness and prevailing calm during the campaign period, along with the high level of candidate registration and competition are laudable.

MEDIA ENVIRONMENT

Carter Center observers assessed that while media diversity is prevalent, the press is far too often tainted by biases and overly opinionated delivery of news. Despite this failing, it is worth noting that local media remained open about pricing for political advertising creating at least some level of transparency in a critical realm of campaign finance. A limited number of media outlets also conducted voter education.

The ownership of the significant number of media outlets by politicians and their use in the campaign should be regulated to ensure a level playing field for all candidates in the legislative and presidential race.²⁷

CIVIL SOCIETY AND DOMESTIC OBSERVATION

According to the International Covenant on Civil and Political Rights, of which Madagascar is a signatory to, all persons have the right to participate in the public affairs of their country.²⁸ This includes the right of citizens to participate in non-governmental organizations.

rights.³² In the instance of a

political retribution.⁴⁰ Except in cases where a voter, such as an illiterate or disabled voter, is being lawfully assisted a voter cannot waive their right to secrecy of the ballot.⁴¹

Malagasy law does not ensure that only a manageable and equitable number of voters are assigned to each polling station. While the CENI-T initially introduced an internal benchmark aim of having fewer than 1,000 voters per polling location, that number later increased to 1,200. However, in spite of their efforts, in some cases more than double this number of voters were assigned to a single polling location. For future elections, The Carter Center recommends that Malagasy electoral law be revised to stipulate a maximum number of voters per polling station.

Due to the increase of the number of voters in some areas, polling stations were added or moved to new locations. The delays of distribution of voter cards that serve as an important element of voter information on the location of their polling station seemed to have caused some confusion of the voters during the election days. In some cases Carter Center observers noted that prospective voters were turned away at polling stations observed due to either not being on the voters list or not having a national identification card.

There were many praiseworthy aspects of the Dec. 20 election. Carter Center and EISA observers visited 85 polling stations and reported that election day proceeded in an atmosphere that was primarily calm and peaceful. There were no reported incidents of election-related violence. The observer teams reported that in most stations observed they had good access to adequately observe polling procedures.

Additionally, though most observer teams noted delays to opening times at polling locations, the delays were minimal, often between five and fifteen minutes, and did not impact the opportunity for citizens to vote. In some areas observed, delays in opening reached one hour. Observers reported that in most cases delays in opening were due to a late start in setting up the polling stations and late arrival of election materials including voting booths and in some areas ballot papers. Opening procedures were generally followed, but observer teams evaluated the opening processes as average, poor, or very poor in 63 percent of stations observed.

Once voting began, voters were able to vote in a relatively efficient manner in most polling locations, with few queues. Observers reported that the polling process was good or excellent in 82 percent of stations observed.

Carter Center and EISA observers reported moderate participation, with about 50 percent

simply hold a legislative election during that time, allowing people to vote for one half of election but not the other. Others were worrying, including one report of roughly a dozen armed guards inside the polling station. Furthermore, there was considerable confusion about which identification documents were necessary to vote, with officials in some cases accepting voter cards rather than the required national identification cards.

Eighty percent of polling stations observed did not close on time where they followed the procedure to allow all those in line at the time of closing to cast their ballots. Carter Center and EISA observers noted that the closing process was conducted poorly in 60 percent of stations observed.

Generally speaking, however, Carter Center and EISA observers did not report any widespread evidence of intimidation, active campaigning around polling stations, or outright attempts at electoral fraud.

COUNTING

The accurate and fair counting of votes plays an indispensable role in ensuring the electoral process is democratic and reflects the will of the voters. International and regional commitments indicate that votes be counted by an independent and impartial electoral

The Carter Center also calls on all candidates and their supporters to abstain from disrupting the ongoing tabulation and respect the process.

The Carter Center has observed 96 elections in 38 countries. The Center conducts election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct for International Election Observation adopted at the United Nations in 2005 and revised in 2012. The Center assesses electoral processes based on states' obligations for democratic elections contained in their regional and international commitments and in their domestic legal framework.

"Waging Peace. Fighting Disease. Building Hope." A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases and improving mental health care. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. Visit: www.cartercenter.org to learn more about The Carter Center.

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observers remained deployed to observe the counting and tabulation process in Analanjirofo, Atsimo-Andrefana, Atsinanana, Boeny, Haute Matsiatra, and Vakinankaratra.

Post-election Period

The Carter Center deployed six long-term observer teams to six regions of Madagascar. During deployment time, these observers based their reporting on meetings with 240 interlocutors in 19 constituencies (districts) of the country.

Carter Center observers generally reported a calm atmosphere in the days following the elections, with the population patiently awaiting results of the second round of presidential elections. The tabulation process was open to observation and was generally performed in a

developed in advance to ensure that the transport of material ensures a timely publication of results⁴

Despite these challenges relating to the timely transfer of materials, The Carter Center assessed that the conduct within SRMV's was acceptable in 87 percent of the transmission centers visited and that the overall process was sufficient. In the remaining 13 percent of SRMVs visited, observers noted that returning material was not properly recorded. In general, teams reported that increasing the number of staff in SRMVs in the future would increase the efficiency of the work of these institutions. Observers largely evaluated conduct of the SRMV operations as peaceful.

Following the count and transfer of preliminary results, the centralized tabulation process for the legislative elections and the second round of presidential elections took place between Dec. 20, 2013, and Jan. 10, 2014. The Carter Center has found the counting and tabulation processes to be peaceful, with all observers reporting free access to the counting and tabulation processes.

As stated in the Center's preliminary statement on Dec 22, Madagascar electoral law dictates that in a circumstance where the number of ballots in the ballot box is greater than the number of people who signed the voter's list, polling staff must randomly withdraw a matching number of ballots from the ballot box and declare them blank and invalid⁵. This procedure does not provide for a possibility to register separately invalidated ballots and genuinely blank ballots. The Carter Center notes that the absence of such information from the CENI-T resulting from the use of this procedure makes it impossible to distinguish between the total of invalid and blank votes. Providing such information in future elections will help ensure greater integrity and transparency of the process.

Declaration of Provisional Results

According to the law⁶, CENI-T has 10 days after the reception of the certified copy of results to declare provisional national electoral results. These certified results were received by CENI-T on Dec. 31, 2013, giving the body until Jan. 10, 2014, to announce national provisional results. In compliance with its legal obligation, CENI-T announced preliminary results for the second round of presidential elections on Jan. 3 and preliminary results for the legislative elections on Jan. 10. Although CENI-T has complied with this legal calendar, The Carter Center notes that further

⁴ Commonwealth Secretariat, Dimensions of Free and Fair Elections: Frameworks, Integrity, Transparency, Attributes, Monitoring, 47, "The timely announcement of election results enhances the transparency of the electoral process. The promptness or otherwise with which the results of an election are made known may depend on the electoral system that is in place. The first-past-the-post system has the ability to produce early results, particularly when the counting of the ballots is done at the polling stations."

⁵ Guide a l'usage des membres du Bureau de Vote, page. 24.

⁶ Organic Law n°2012-015, Art. 26 (for presidential elections); Organic Law n°2012-016, Art. 53 (for legislative elections).

improvements should be made regarding the collection of materials to expedite the process in the future.

The CES conducted a parallel process of tabulation that has been the basis for the final declaration of result, which is the only one that is legally binding. On Jan. 17, the CES released the final results of the presidential elections, officially declaring Hery Rajaonarimampianina Rakotoarimanana winner of the second round with 2.060.124 votes (53.49 percent) against Jean Louis Robinson with 1.791.336 votes (46.51 percent). These results are very similar to those released by the CENI-T. While it is unfortunate that voter turnout was lower than in the first round of elections at about 50 percent, an important decrease in the number of invalid ballots between the first and second rounds was positive.

For the legislative elections, CENI-T declared that results from 13 polling stations were considered cancelled due to the failure to complete electoral operations on the election day. Most of cases concerned non-delivery of electoral material to SRMVs, in two cases due to insecurity in the area concerned. In three cases voting operations did not take place due to attack on polling staff. In one case, a polling staff was arrested during election day and not replaced, which stopped the vote in this polling station. For an additional 40 polling stations, the certified copies of the result were unreadable.

For presidential elections, there were a small number of polling stations in which presidential



Appendix E



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1				Ma	ie Cle e ce N dja (R t a i g Me be) Cecile Ba Ha a M ik a	At a a a i
2				Gat	Kal b Gi ele Pa a	T a a i a/Ta a e
3				M	i e N b L cia e S h la	Fe a i
4				Cha	tt e Ra ble l ac lee M a g a	At i abe
5				Gide	Tab h Jea Jac e C i h	Fia a a t a
6				La	a E i i A d e Kab da	T lia a
7				K	ffi Ab A Th a C	T lia a
8				Sailifa	N al Aicht Fall	At i a a a/Dieg
9				De	i Kadi a (R t a i g Me be) Willia Ha all J le Lala c t e B ia Klaa	At a a a i
10				H.E.	Ca a Utee J h S e la	At a a a i



REPOBLIKAN'I MADAGASCARA
Fitiavana-Tanindrazana-Fandrosoana



Antananarivo, le 15 février 2013

Monsieur Jimmy CARTER
Ancien Président des Etats Unis

Objet : Sollicitation d'envoi d'observateurs électoraux

Monsieur le Président,

Faisant suite à la visite exploratoire de vos délégués à la CENI-IT lors de votre récent voyage à Madagascar, a été évoquée la possibilité d'envoyer des observateurs américains pour les prochaines élections à Madagascar.

Aussi, nous confirmons que nous sommes disposés à recevoir favorablement vos observations.

Comptant sur votre collaboration, veuillez recevoir, Monsieur le Président, nos remerciements anticipés.



ATALLAH Béatrice Jeanine
Président de la Commission
Electorale Nationale Indépendante
pour la Transition

Commission Electorale Nationale Indépendante pour la Transition

Endriantany : 11, rue de la République, Antananarivo 101, Madagascar. Téléphone : 020 24 71 634

Cette lettre vous est adressée par e-mail : cenit@cenit.madagascar.mg

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Fi t R d P e ide t ial	O t . 25, 2013
Sec d R d P e ide t ial (R ff)	Dec. 20, 2013
Legi l a i e	Dec. 20, 2013

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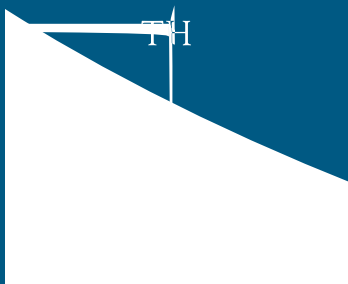
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C	N	F s	s	E	s s(F C	s)⁵
Jea	L	i	R	bi			955,534 (21.10%)
					(AVANA)		
He	Raja	a	i	a	ia	i	a (He Va a h a 'l Madaga ika a)
							721,206 (15.93%)
Haj	He	i	el	a	A	d	ia ai a i el (MMM)
							476,153 (10.51%)
R	la	d	Ra	i	aka		(MTS)
							407,732 (9.00%)
Albet	Ca	ille	Vt	al			(Hia aka l ika)
							310,253 (6.85%)

C	N	s	E	s s⁶
He	Raja	a	i	a ia i a (He Va a h a 'l Madaga ika a)
				2,060,124 (53.49%)
Jea	L	i	R	bi (AVANA)
				1,791,336 (46.51%)

5 AU, African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, Article 2(i); U.N., United Nations Human Rights Committee, General Comment No. 32, para. 27

6 The ability to challenge election results should be provided for by law (SADC, Principles and Guidelines, para 2.1.10).



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