

African Politics, African Peace

Madagascar Short Brief

I. Activity Summary: The AU and SADC in the Madagascar

Overview

Madagascar, the fourth largest island in the world with population of over 22 million, has faced a series of political crises since its independence from France in 1960, resulting in political instability and frequently disputed elections. [ii] Since the most recent set of crises, beginning in 2008, a series of mediations from the UN, AU, and SADC often competed with one another and led to delays, but were more or less successful at preventing the outbreak of all-out conflict. However, reforms needed to stabilize the nation and lead to a durable political consensus have not been undertaken, which is reflected in the weak and divided position of the current government.

Background

Political rule in Madagascar has followed a familiar path influenced by Cold War politics. The *African Elections Database* characterizes political regimes in Madagascar since independence as the following:[ii]

- 1960-1972 Restricted Democratic Practice
- 1972-1976 Military Regime
- 1976-1989 One Party State (FNDR)
- 1989-1993 Multiparty Transition
- 1993-2009 Democracy
- 2009- Civilian-led, Military-backed Transitional Government

Soviet-leaning socialist regimes ruled state politics until the 1980s when support from the Soviet Union waned. [iii] After the fall of the Berlin Wall, democratization came in fits and starts to Madagascar. After two years of crisis, a democratic transition led to the approval of a new constitution in 1992. In the 1993 presidential elections, leader of the opposition Albert Zafy defeated Didier Ratsiraka, who had ruled Madagascar throughout the Cold War years. [iv] This new government, however, was unable to effectively address the extreme poverty two-thirds of the country faced.

Politics in Madagascar have been characterized by short periods of political and economic reform, but declining quality of life and rule of law as leaders utilize public office in pursuit of factional or personal gain. [v] President Zafy faced impeachment in 1996 due to lackluster economic performance and accusations of corruption. Following Zafy's impeachment, presidential elections were held in 1996, with Ratsiraka returning to power. Ratsiraka's administration was characterized by a further consolidation of central power at the expense of the parliament, and allegations of corruption.

In the 2001 election, President Ratsiraka again faced off against former president Zafy. Zafy placed a distant third in the initial round, behind Ratsiraka and Marc Ravalomanana, the young mayor of Madagascar's capital, Antananarivo. Ravalomanana won the largest vote total in the first round of the election, but announced he would not run in the run-off election, claiming that he had won outright. [vi] Each side's supporters then took control of their respective strongholds. Despite attempts at mediation from the

African Union (AU), the crisis continued until a recount from Madagascar's High Constitutional Court (HCC) found Ravalomanana had won the election. [viii] The United States, France, China the UK and five African governments recognized the HCC decision on Ravalomanana's win, though the AU suspended Madagascar. [viii] Ratsiraka went into exile in France. [ix] Seven months later, Madagascar was readmitted to the AU after Ravalomanana's party won legislative elections—an indication of the regime's legitimacy. [x]

With no record of a smooth transfer of power, and the long shadow of both colonialism and military dictatorship continuing to affect Malagasy politics, the most recent political crisis began in December 2008. Andry Rajoelina, then mayor of the capital, Antananarivo, captured the sentiment amongst opposition groups that Ravalomanana was consolidating power in the presidency and restricting freedoms, while other anti-government protestors were incited by poor economic conditions and allegations of government corruption.[xii] President Marc Ravalomanana responded by closing the TV station owned and controlled by Rajoelina.[xiii] A popular uprising followed involving mass demonstrations, with the government response claiming 70 lives.[xiiii] In late January, Ravalomanana asked the UN to mediate as the crisis continued.[xiv] On January 31, 2009, citing the demands of the Antananarivo demonstrators who had taken over the public spaces of the capital, Mayor Rajoelina declared himself head of state along with a newly created High Transitional Authority (HAT). This had widespread popular support but no constitutional authority. Four days later, Ravalomanana ordered Rajoelina removed from his mayoral office, sparking Rajoelina's supporters to rally against the government.[xv] Government forces opposed the rallies leaving a further 30 demonstrators dead.[xvi]

Until this point, the Madagascar crisis could be characterized as a popular uprising against an authoritarian regime. However, in March 2009, the army stepped in, and staged a coup. Members of the Corps d'Armée des Personnels et des Services Administratif (CAPSAT) mutinied and joined the opposition against President Ravalomanana. This mutiny of key military commanders was the key factor that sparked the transition in power: it made Ravalomanana's position untenable and he resigned under pressure. He handed over power to a group of military leaders on March 17, and along with several political leaders was exiled from Madagascar.

International Intervention

As the political crisis remained unresolved, a variety of international actors became involved in mediation efforts. The primary actors were the AU and the South African Development Community (SADC). Both the AU and SADC suspended Madagascar following the takeover of power in March 2009 and many foreign donors suspended direct assistance to the government. [xviii] The AU's Peace and Security Council (PSC) met three times in one week in March of 2009. After initially calling for the constitution to be upheld, the PSC finally determined that the transition of power was unconstitutional, because of the intervention of the army. According to the Malagasy constitution, following the president's resignation, power should have been turned over to the speaker of parliament and elections held within two months following the resignation of the president. Further complicating the situation, Ravalomanana had been six years too young to be president in Madagascar. [xviii] The United States and the EU condemned the takeover and suspended non-humanitarian aid.

Economic and political sanctions were particularly devastating to Madagascar, which relies on foreign assistance for 70% of its government revenue. [xix] Aid worth 40% of its budget was withheld during the five-year crisis. [xx] The United States also suspended its trade preferences under the African Growth and Opportunity Act (AGOA). [xxi] Moreover, the U.S. House of Representatives passed legislation condemning the coup and illegal extraction of Madagascar's natural resources. [xxii] Following the crisis, unemployment, food insecurity, and crime soared, while significant gains in health outcomes, notably maternal and child mortality, began to erode. [xxiii] Children were particularly affected by restrictions in foreign aid. [xxiv] The country's economy lost \$8 billion as a result of the crisis. [xxv]

Maputo Accords

On April 20, 2009, the AU took over mediation from the UN and the AU PSC established an International Contact Group including representatives of the United Nations (UN), European Union (EU), AU, SADC, Organisation internationale de la Francophonie (OIF), the Indian Ocean Commission, the Common Market for Eastern and Southern Africa, the P5 and African countries with seats on the UN Security Council at the time. [xxvi]

The former President of Mozambique, Joaquim Chissano, took the lead in the initial negotiations on behalf of SADC. [xxviii] Although the AU was technically in charge of the mediation, the highest-ranking official leading the mediation, Chissano, was operating under SADC's auspices. [xxviii] These efforts led to a power-sharing agreement in Maputo on August 9, 2009. [xxix] The Maputo deal outlined a 15-month transition period followed by elections leading to a unity government led by a president and prime minister and two legislative bodies. [xxx] This agreement quickly fell apart as the parties could not agree who would take on the role of president in the transition period.

Both SADC and the AU were constrained by institutional rules requiring they not allow coup leaders to remain in power. [xxxii] SADC threatened the use of force to reinstate Ravalomanana, which was, "a member of the UN mediation team observed... not conducive to mediation, as they left Rajoelina convinced that SADC favored the ousted president." [xxxiii] Seeing SADC's strong anti-coup stance discouraged Ravalomanana from engaging in the negotiations at the same time it convinced Rajoelina the negotiations had nothing to offer him. [xxxiii] The AU was similarly constrained by policy to ban those who perpetrated unconstitutional changes in government, but unlike SADC, its mediators did not put this policy into practice. [xxxiv] For the AU mediators, the prohibition on unconstitutional changes in government was vested in a peace and security architecture that considered many other factors, including stability and popular support, and they were therefore ready to pursue a compromise.

Each party was convinced they were better off without the negotiations. With military and French support for Rajoelina and the HAT, Ravalomanana felt disadvantaged in the negotiations. [xxxv] At the same time, SADC's and the AU's official positions against coup legitimization discouraged Rajoelina from investing in the negotiations. A joint mediation team failed to effectively coordinate the efforts of envoys from the UN, AU, the OIF and SADC.[xxxvi]

Addis Ababa Additional Act

On November 6 2009, the parties signed the Addis Ababa Additional Act making Rajoelina transitional president and putting forward two additional "co-presidents" from two other movements. Chissano organized an additional meeting in Maputo in December 2009 to address the remaining problems. Rajoelina did not participate. [xxxvii] The Addis Ababa Additional Act did not hold as Rajoelina moved to postpone elections, leading the AU and SADC to again place targeted sanctions on both him and members of his administration. Both the Joint Mediation Team and the International Contact Group dissolved by early 2010. Rajoelina had promised elections by October 2010, but instead held a unilateral constitutional referendum in 2010 allowing him to stand for president by lowering the age requirement from 40 years to 30 years. [xxxviii] He promised elections in the future, but refused to set a date. Further, in August 2010, Ravalomanana (in exile in South Africa) was sentenced in absentia by a Malagasy court to life imprisonment with hard labor. [xxxix]

SADC: Roadmap Out of the Crisis

SADC had pushed for a return to the pre-2009 government until June 2011, when softened its position and proposed a power-sharing interim government in the "Roadmap Out of The Crisis," that allowed both for power sharing and recognition of the Rajoelina government.[xl] On September 17, 2011, the parties to the

crisis signed on to the Roadmap, committing to elections within the next 12 months and the free return of exiled politicians. Exiled politicians had fashioned support for themselves into political movements, speaking to the relative weakness of parties in Madagascar. In October 2011, Jean Omer Beriziky, a former Malagasy diplomat and academic was appointed prime minister from a roster of candidates nominated by the roadmap signatories. [xlii] Over the next two months, a cabinet and legislature were appointed in accordance with the Roadmap. [xliii] In April 2012, a controversial political amnesty law went into effect in Madagascar, but did not cover Ravalomanana, continuing an impasse in the negotiations. [xliii] SADC encouraged Rajoelina to allow Ravalomanana to return to Madagascar, but left the door open for him to be tried and arrested upon his return. [xliv]

As part of the Roadmap, in August 2012, a new parliament and the Independent Electoral Commission (CENI) was replaced by a new CENI of Transition (CENIT).[xlv] Continued SADC-led negotiations led to a Roadmap for elections. This move was seen to provide more neutral Commissioners. The UN endorsed the Roadmap and the EU provided financial support for the elections.[xlvi]

In late 2012, President Jakaya Kikwete of Tanzania took over as head mediator for SADC. In December 2012 and January 2013, SADC and the AU convinced Rajoelina and Ravalomanana to accept the "ni-ni" option by which neither could run for office. [xlvii]

Although Ravalomanana announced he would not run in the 2013 election, he then put his wife, Lalao up as a candidate in the presidential race. Rajoelina quickly backed out of his agreement to the ni-ni deal and entered the presidential race as well. Viii Former president Didier Ratsiraka also entered the race despite not meeting the requirement of having lived in the country for the past six months. Rajoelina also missed the deadline for submitting his paperwork for candidacy. The electoral courts accepted all three candidates despite each one missing legal requirements for candidacy. Rajoelina's participation in the election had serious implications for the country's well-being in terms of international legitimacy and lifting political and economic sanctions. Xix

Madagascar held the first round of presidential elections in October 2013 and runoff elections between the top two candidates in December 2013. The top two candidates, Jean Louis Robinson and Hery Rajaonarimampianina, supported by Rajoelina, stood in the runoff. Former Finance Minister Rajaonarimampianina won the election with 54% of the vote. Calls for a recall and complaints of election regularities did not prevent the international community from declaring the elections to be legitimate. Freedom House noted with concern that several governors were replaced with military leaders the month before the election, but nevertheless considered the elections to be relatively free and fair, as did the European Union.[I]

The "End" of the Crisis

Rajaonarimampianina was sworn in as president on January 25, 2014. Two days later, the AU welcomed Madagascar back into the Union. The AU also called on international donors to immediately lift sanctions and restart aid to Madagascar. [li] In 2014, the United States allowed Madagascar to receive trade preferences under the African Growth and Opportunity Act. In March 2014, the International Contact Group on Madagascar (ICG-M) chose to convert the mission to the International Support Group for Madagascar (ISG-M) co-chaired by the AU and Madagascar in recognition of the end of the crisis.

In June 2015, Madagascar's High Constitutional Court overturned a parliamentary vote to impeach President Hery Rajaonarimampianina for introducing religion into the presidency. [lii] Without support from parliament, Rajaonarimampianina's position in Madagascar is weak, and both the president's and the parliament's ability to govern is severely limited. Respect for the Court's ruling, however, is encouraging. Without reconciliation and strategy for transition, the crisis will remain unresolved.

II. Key Issues, Dilemmas, and Lessons From AU and SADC Political Missions in Madagascar

1. Conflicts Among Mediators

Disputes among mediators delayed the process, sent mixed signals to the parties to the conflict and delayed resolution of the crisis. Additional layers of bureaucracy in the form of the Joint Mediation Team could not mitigate the turf war among SADC, the AU and the UN. All felt they were the appropriate mediator and their different approaches to mediation, to responding to coups and relationships with the parties encouraged forum shopping.

2. African Solutions to African Problems?

SADC and the AU both led the mediation efforts and developed a roadmap to return stability and democracy to Madagascar. The drawn-out mediations may have resulted from the choice of mediators. Without "mediators with muscle"—those who have both carrots and sticks to offer to advance the negotiations—mediations can stall. Western donors and western-backed institutions like the World Bank provided the bulk of foreign aid to Madagascar. Without leverage beyond the AU and SADC sanctions, mediators were unable to provide guarantees that may have led to a more lasting peace. Moreover, as described above, multiple mediators, including multiple, competing African mediators encouraged forum shopping. Instead of locking parties into one process, parties had the opportunity to look elsewhere whenever mediators pushed them towards a tough decision.

With a proliferation of mediators, the risks of cheating on any agreement remained high. Outside interests, especially from France or the EU, did not have the weight to either push the mediation forward or to give an out-sized advantage to one party over the other. Despite recent heavy foreign investments in extractive industries, outside interest in the outcome of the Malagasy negotiations remained relatively low.

3. Rewarding Coups?

The SADC's Roadmap Out of The Crisis allowed Rajoelina to remain in power for two years as part of an interim government even though he came to power as part of a military coup. The military remains an important source of power in Madagascar, and can easily check the executive and the legislature, making a future coup likely. The AU/SADC response, though it did institute crushing sanctions, could be seen to reward military coups and the preeminence of military power in Madagascar.

III. Madagascar Literature Review

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