



**REPORT OF
THE
ELECTORAL NEEDS ASSESSMENT
MISSION
TO**

MADAGASCAR

**Mission Dates:
22 April – 8 May 2012**



Mission Report

TABLE OF CONTENTS

1.	Mission Background	Page 3
2.	Political environment and electoral framework	Page 4
3.	Capacity and needs of election stakeholders	Page 9
4.	UN capacity for electoral assistance and coordination mechanisms	Page 11
5.	Current and planned electoral assistance by other organizations	Page 11
6.	Sustainability and cost-effectiveness of requested or proposed electoral assistance	Page 12
7.	Potential risks and benefits in the UN providing electoral assistance	Page 12
8.	Potential for election-related violence	Page 12
9.	Recommendations	Page 13



I – MISSION BACKGROUND

1. On 2 April 2012, the Chair of the Transitional Independent National Electoral Commission (CENIT), Ms. Béatrice Atallah, wrote to the United Nations Secretary-General through the UN Resident Coordinator and UNDP Resident Representative in Madagascar. In the letter, she requested the UN's assistance for the preparation and conduct of elections, under the 17 September 2011 Roadmap signed by various Malagasy parties. Quoting from the said Roadmap, she made particular reference to the provision which calls on the UN to assist the CENIT in preparing a calendar for the electoral process. Prior to the CENIT request and during the 2011 UN General Assembly, the Secretary-General had met the President of the Transition Andry Rajoelina, and reiterated UN support for a peaceful solution of the Malagasy crisis. He indicated that the UN would be ready to deploy a needs assessment mission (NAM) after the formation of the transitional government and the electoral commission, in accordance with the Roadmap. Consequently, the Under Secretary General for Political Affairs and Focal Point for Electoral Assistance Activities authorized the deployment of a seven-person needs assessment mission (NAM) to Madagascar.
2. The mission, led by Akinyemi Adegbola, Senior Electoral/Political Affairs Officer and Team Leader of the Electoral Assistance Division's Country Support Cluster, also included the respective Desk Officers for Madagascar (Alejandro Phillion and Charlotte Larbuisson) in the Electoral Assistance and Africa I Divisions, as well as the following area specialists: Flavien Misoni (consultant, Legal/Elections Administration) Amidou Barka Bah (consultant, Voter Registration/IT), Said Bacar Housseine (Electoral Operations – kindly released on loan from the UN Mission in Côte d'Ivoire). Simon-Pierre Nanitelamio, a consultant and experienced electoral assistance project manager, represented UNDP, and was tasked with gathering elements for eventually drafting a project document for possible UN support.
3. The mission, deployed from 22 April to 8 May 2012, held several meetings with both national and international stakeholders in Antananarivo. The mission was further extended by a week to allow upcountry travel by the area specialists – both to confirm some of the operational assumptions used in projecting the electoral timeline, and to enable them to analyse elements for the preparation of a budget for an electoral assistance project. The mission's interlocutors included the President of the Transition, several members of the Transition Government, the CENIT, civil society organisations (CSO) involved in elections-related work, women activists (both party and CSO), the diplomatic community represented in Antananarivo (individually and within the framework of the International Contact Group, GIC), the Liaison Office of the Southern African Development community (SADC, sponsors and facilitators of the Roadmap), as well as the UN country team. The mission's stay coincided with a workshop on women's participation in electoral processes, organized by UNDP for women active in political parties as well as civil society women activists. Interactions took place between the mission and the workshop facilitator, aimed at ensuring that elements of the joint plan of action worked out by participants could inform gender aspects of an eventual UN electoral assistance project. Thanks are due to the UNDP country office, which facilitated the Mission's work on the ground.



II – POLITICAL ENVIRONMENT AND ELECTORAL FRAMEWORK

Social and Political environment

4. The Roadmap for a Resolution of the Malagasy Crisis was signed on September 17 2012, after a long process of mediation that had initially culminated in the initialling of its first draft. Arrangements for its implementation were further outlined in an Implementation Framework, prepared by the SADC Authorities, represented principally by the Deputy Foreign Minister of South Africa.
5. On 28 October 2011, the President of the High Authority of the Transition appointed Mr. Omer Beriziky as the consensus Prime Minister. On 21 November, Mr. Beriziky formed a transitional Government of National Unity. Following the adoption of Law no. 2012-004 and the nomination of its members, president and executive bureau, the CENIT was finally installed on 28 March 2012. The Department of Political Affairs (DPA) through the Africa I Division has been engaged in supporting the negotiations to end the crisis from the onset, in the latter phase through support to the SADC mediation. The Electoral Assistance Division (EAD) has, in close collaboration with UNDP, undertaken five different missions to Madagascar between 2009 and the end of 2011 to support key moments in the talks and, later, in the implementation of the Roadmap. The conceptualisation and drafting of the mentioned Law 2012-004 was done with active UN assistance.

Outlook for the Transition Elections – designing a calendar for the electoral process

The mission's central dilemma

6. At the very outset, the mission became aware not only of the malaise described above, but also of a desire on the part of many interlocutors, including the President of the Transition, to hold elections “as soon as possible, preferably within 2012”. Those among national interlocutors who expressed a different view told the mission it was important to “not mistake speed for precipitation”. Given the social backdrop to the mission, as described above, the “urgency imperative” could not be ignored. The other principal factor that needed to be taken into account was the state of the existing register of voters – a register that symbolises the extent of preparatory activities that need to be undertaken in order to reach a state of readiness to conduct any elections.
7. The UN had conducted two previous missions that had, as part of their mandates, given (essentially identical) estimates of the timeline towards the conduct of elections. The last such mission, in March 2011 had estimated the time required at eleven months. In the view of the NAM, therefore, the main challenge before it was: to identify all essential tasks to be undertaken in order to attain a state of readiness to conduct credible, transparent elections that would not fuel a resumption of the cycle of post-election crises – while at the same time taking into account the urgency to hold elections, due to the fragility of the environment.



8. The approach adopted in a series of working sessions with the senior operational staff of the CENIT was to closely examine the existing timelines with the objective of identifying areas in which they could be cut down, while respecting all legal precepts, remaining realistic on the requirements for operational activities (especially at the field level) – and above all without endangering the integrity of the process. For the NAM, “taking into account the urgency to hold elections” did not necessarily mean “holding at least one election this year”.

The register of voters

9. The existing register of voters presents several defects that have been discussed in various mission reports, both of the UN and other organisations (La Francophonie). It has been through several annual revisions (as prescribed in the law) in the past few years, and was used in the 2010 constitutional referendum, which was rejected by the political opposition, and was not recognized by the international community.
10. Senior CENIT staff themselves acknowledge many of these problems. Out of a register of less than 7 million voters, there are 1,874,996 cases of people with matching national identity card numbers. Of these, 223,308 are cases of people who, in addition to sharing the same national ID number, also have the same first name and last name. The larger set would include some cases of multiple registrations, but also points to the likelihood of a consistent pattern of errors in the national ID office, with multiple citizens being issued identical national ID numbers. The smaller figure is more likely to comprise multiple registrations alone.
11. CENIT staff also acknowledge that data from hundreds of far-flung locations were never processed (*arretâge*) at the district level nor centralized for addition to the national database (in part due to logistical difficulties, but also due to non-payment of temporary staff and village chiefs). It is quite likely that much of those data are no longer recoverable. This suggests, apart from the fact that thousands of supposedly “registered” citizens are actually not on the central database, that the number of multiple registrations could be much higher. Habitually, most people who have moved residence simply register again whenever the opportunity arises (the procedures for transferring voters are not systematically applied). Since the voters’ databases are not fully consolidated into a central database, many multiple registrants would go undetected. It is possible to conclude from these factors that there is a higher proportion of unregistered Malagasy citizens than generally cited, since the number of voters currently on the central register is actually artificially high.
12. The latter assertion is sustained by the observations on the ground, in the course of a field visit by NAM members to one of the regions on the south-east coast of the country. In a randomly chosen district with approximately 123,000 registered voters, 23 out of 27 villages reported no cases requiring deletion from the list, the district capital (with 25,505 registered voters) being one of them. One village with 4,963 voters was found to have requested 80 deletions – a clear demographic incongruence.



Is a shortened timeline truly possible?

13. The NAM was able to identify two principal areas in which to adjust the existing timelines with a view to saving time along the critical path. The first relates to the revision of the register of voters (depending on the methodology/technology, it could take longer or shorter – the last UN mission report that had looked at the time line had assumed a biometric update). The other is linked to the point in the register update at which the CENIT accepts nominations of candidates. The legal requirement is for all candidates to be registered voters. A very strict reading of this might suggest that nominations can only be received after the final register is ready. However, the CENIT is comfortable with receiving nominations within the period of the update of the register, as long as the concerned candidates have been processed and obtained a temporary receipt as proof of registration. The NAM considers this reading to be acceptable, and is aware that “exhibition and challenges” period in most countries is hardly ever used to challenge the registration of others, rather to verify, in the case of each individual, that they have been duly included on the provisional register. As Madagascar does not share direct land borders with any neighbouring country, there is a somewhat diminished probability of unqualified people getting themselves registered – and any such individuals would not want to risk detection by putting themselves forth as candidates.

The product of this reconsideration of the election timeline, with some other minor readjustments, undertaken jointly by members of the NAM and the senior staff of the CENIT technical secretariat was a minimum 239-day timeline: **further verification, in the regions, of some of the logistical assumptions was to bring the timeline much closer to the 11-month timeline that was the original point of departure.** An 8-month timeline would lead to an election date in the middle of the cyclone period. There is a constitutional injunction against elections being conducted in this period. Though the Constitution allows the CENIT to request a waiver of this rule from a court of law, **it is not advisable to consider this option**, due to the known impact of the rains on road access (many parts of the country are entirely cut off). **It is preferable, in the view of the mission, to hold the elections after the cyclone period – maximising preparation times before and during the rainy season.**

14. The fact that the mission concluded without a consensus with the CENIT on the election timeline, despite an extension, is a cause for some concern. The Road Map recognizes a clear role for the UN mission in determining the electoral calendar. The international community has expressed support for that role in different forms. Should the CENIT reject the advice coming from the NAM, this may have serious implications for the implementation of the Road Map.

The sequence of elections

15. According to the proponents of “elections as soon as possible, preferably this year” the elections that should be held this year are either the municipal and local elections. They further add that such elections would be an important test for the CENIT, before it goes on to handle the more sensitive presidential election.



16. It is true that the combination of a malaise in the national government and popular discontent is cause for concern. It is less true that the conduct of any particular set of elections would necessary resolve either of the problems. In particular, conducting local elections would hardly address any part of the malaise in the functioning of the national state structures, nor, would it necessarily placate popular discontent. On the other hand, as has been stated, elections perceived to have been poorly organised could in fact be the fuse that would light up the existing popular discontent (additionally, relations between elected municipal and local structures and unelected national powers could be extremely fraught, even if elections at that level are not necessarily conducted on a political party basis).
17. Conducting legislative elections ahead of the rest raises problems of its own, as it would force a cohabitation between an elected legislature and an unelected Transition President – a situation for which neither the Constitution (2010 or earlier) nor the Road Map have made any provisions. Questions that could arise include the composition of the government (cabinet) to reflect the results of the election, and not the provisions of the Road Map. What happens in the event that the Transition President does not obtain a majority of legislators in his favour - can the hostile legislature try to impeach him, creating another legal-political crisis?
18. In the view of the mission, **the preferred option is to hold simultaneous presidential and legislative elections as soon as is feasible in 2013 (May / June) and thereby symbolically mark the end of the transition with the inauguration of new institutions of state at the national level.**
19. These considerations were shared with the GIC in Antananarivo as part of the NAM debriefing. On all points (timing of elections, sequence of elections) the GIC gave the mission its unanimous endorsement.

III – CAPACITY AND NEEDS OF ELECTION STAKEHOLDERS

20. The CENIT is a recently established body, under a law passed by the Transitional Parliament. The Chair is a Magistrate. A few of its members were members of the old CENI, and two are former Ministers of Interior, having, in that capacity, supervised the organisation of elections.
21. In its very conception, CENIT is designed as a structure with a different kind of mandate and ethos from the former CENI. It has taken on functions formerly assigned to the Ministry of Interior, and there is a distinction between the functions and mandate of the Bureau (executive board), the General Assembly (plenary) and the technical secretariat. CENIT has reappointed the senior staff of the former CENI, following a recruitment process that was open to the public. Members of the commission appeared to have been quite satisfied with the transparent manner in which recruitment decisions were reached. The Commission members work well together, despite many of them being designated by political entities.



22. CENIT will need a international technical assistance, in planning its operations and rolling out field activities, **if it is to deliver credible elections in a charged political environment.**
23. The leadership of the Technical Secretariat worked closely with the NAM, in considering options for the timeline. However, by the end of the mission, what had been understood to be the product of a consensus (a 239-day timeline) was called into question.
24. The local branches of CENIT (regional, district) had yet to be established as of the time of the mission's departure. In the view of the mission, there was a worrisome underestimation of the challenges involved in getting such bodies established and functional.

The Media

25. The mission noted, both through their coverage of the NAM itself and other political and elections-related developments in the country, as well as through its discussions with interlocutors, both the great enthusiasm for the subject and some professional weaknesses in the Malagasy media. Some of the media outlets displayed a high level of professionalism and balance; however others often provided a somewhat distorted version of events. In the lead up to the elections, this could prove problematic for a sharply divided society going through a difficult transition.
26. Specific elections-related training can contribute to raising standards of professional ethics among journalists.

Civil Society Organizations

27. Many of the mission's interlocutors indicated that civil society organisations are highly politicized. The mission met with some NGOs/networks that demonstrated expertise in monitoring political and electoral processes in a reasonably non-partisan manner. Such organisations deserve to be encouraged and supported in carrying out their plans for the upcoming electoral process, including both sensitisation and non-partisan process monitoring.
28. Sensitisation is likely to be one of the major challenges facing the electoral process in Madagascar, coming out of a tradition in which elections were substantially the responsibility of a government department. New approaches will need to be developed and new partnerships built between the CENIT and CSOs in this regard.

IV - UN CAPACITY FOR ELECTORAL ASSISTANCE AND COORDINATION MECHANISMS

29. The electoral process in Madagascar is bound to remain very sensitive and politically charged. The reality that political facilitation for the implementation of the Road Map is handled by a sub-regional organisation (SADC) while the UN is conceded the lead



in electoral assistance may prove to be a challenge, to which the UN Secretariat will need to find creative solutions, through high-level articulation with the SADC authorities, as well as close monitoring of project implementation, such that electoral assistance does not become insensitive or unresponsive to the context of a delicate political transition. It is also essential to use such consultations to avoid creating the perception of a divided international community.

30. UNDP Madagascar is well positioned to anchor the delivery of international assistance to CENIT and other stakeholders, through establishment and management of a project. The relatively low level of interest manifested by the donor community in funding the process is a risk for the country office, as local diplomatic representation is limited. Headquarters level support for resource mobilisation may be necessary.
31. Close coordination of international assistance will be a key requirement, as there are other actors interested in playing a role (La Francophonie). There has been a pattern in the past (including during the NAM) of overlapping initiatives creating perceptions of institutional rivalry. The existence of the local GIC could be of value in this regard, as a means of building international community consensus.

V – CURRENT AND PLANNED ELECTORAL ASSISTANCE BY OTHER ORGANIZATIONS

32. The UN NAM was considered by many interlocutors as the trigger for them to initiate consideration of any support to the electoral process. Only the European Union has elaborated a clear prospective plan to provide electoral assistance, within the framework of the resumption of full cooperation with Madagascar. Support to the electoral process is tied to a positive evaluation of the outcome of the NAM. There is the probability of financial contribution of 10,000,000 Euros, through a basket fund mechanism. Disbursement is not likely to take place prior to November. The EU deployed a mission designed to kick into action the process that could lead to the release of funding. The NAM had useful exchanges with this mission, which arrived as it was leaving.
33. The mission seized the opportunity of its meetings with other international partners to discuss the issue of resource mobilisation, indicating what other forms of support could help to bridge what is likely to remain a significant funding gap over the next few months. No commitments were made, though the South African Embassy was keen to look into the possibility of providing logistical support, given the challenges described by the mission. The SADC Liaison Office also agreed to refer the matter to its authorities at the ministerial level (Troika).



VI – SUSTAINABILITY AND COST-EFFECTIVENESS OF REQUESTED OR PROPOSED ELECTORAL ASSISTANCE

34. The assistance being proposed, based on a multi-disciplinary team, does not, in the view of the mission, raise any notable issues of sustainability or cost-effectiveness. Though it is proposed to review some major operational procedures (voter registration update, for instance), no significant outlays for new technology are involved. It is possible that the management and transmission of results may require new technologies; however, these involve capabilities that are already mostly existent within the country through the commercial cellular network.

VII – POTENTIAL RISKS AND BENEFITS IN THE UN PROVIDING ELECTORAL ASSISTANCE

35. The risk, already mentioned above, of starting off the process with a major funding gap deserves to be highlighted. It is hoped that the importance of resolving Madagascar's long-standing problems after a long, challenging transition will be taken into account by international partners in addressing this issue. As also indicated, headquarters assistance may be necessary in raising the profile of the process and reaching out to additional partners not represented in Antananarivo.
36. If coordination mechanisms in the delivery of assistance are not well managed provision of contradictory advice from different organizations is a distinct possibility. Early agreement on lead arrangements as well as on how to resolve conflicting advice is essential, in the event that other organizations are also providing assistance.

VIII – POTENTIAL FOR ELECTION-RELATED VIOLENCE

37. The political environment in Madagascar and the specific context of the implementation of the Road Map bear some potential for election-related violence. The potential for violence would probably be the highest if the two principal political actors, Presidents Rajoelina and Ravalomanana were both to be candidates. Early resolution of the problems linked to non-implementation of certain provisions of the Road Map could help to minimize this potential. The proposal to reach a political agreement for both principals to withdraw from the race also remains an important option to pursue, in the interest of peaceful elections

IX - RECOMMENDATIONS

38. Subject to agreement on a realistic calendar of operations, the NAM recommends the establishment of a project with a multi-disciplinary technical assistance team to support CENIT, serve as a platform for resource mobilization and management, as



well as open to other electoral-process stakeholder interests, such as civil society, women's participation, training of media practitioners.

39. The technical assistance team should comprise a Chief Technical Adviser supported by expertise in the following areas:
- electoral planning and operations
 - logistics
 - voter registry/ICT,
 - training
 - gender
 - external relations/public information/communications
 - voter education
 - financial management
 - legal
 - data transmission (results management)
 - capacity building (CENIT, media, CSOs)

The distinction between longer term personnel and short term consultancies should be established in the project document. However, it is essential to note that due to the legal issues anticipated relating to the implementation of a process governed by a Road Map that contains some ambiguities, an unclear constitutional regime, and laws and other texts that are yet to be approved the legal adviser should be a long-term member of the technical assistance team.

40. Given the difficulties identified or anticipated in operations at the local level, it is further proposed that small teams of project personnel (UNVs, two or three) should be deployed at the regional level. They should be tasked with supporting on operations/logistics, voter registry, voter education.
41. **The mission strongly advises against the holding of the elections in the rainy season.** It is aware of the legal provision allowing the CENIT to seek a judicial waiver to conduct elections in such period. **The mission proposes that presidential and parliamentary elections should be conducted simultaneously in May / June 2013, to mark the end of the transition,** and the renewal of governance institutions at the national level.
42. The project should have a duration of one year, which is calculated as sufficient for the conduct of the presidential and parliamentary elections. The project should be further reviewed at that point, prior to any possible extensions.
43. The mission fully endorses the integration into a consolidated electoral assistance project of gender-related activities, such as gender-specific voter and civic education and across-the-board promotion of the presentation of women candidates (open to all parties, and designed to avoid any confusion with the sponsoring or political backing of any individual candidates or set of candidates). The action plan prepared by the UNDP-organized workshop on gender and elections provides sufficient material for this purpose.



In regard to the environment

44. Efforts need to be redoubled to make the political environment more conducive to the conduct of elections. The mission is appreciative of SADC's efforts in this regard.
45. The UN should consider supporting SADC's capacity for mediation and facilitation of the process of implementation of the Road Map through an on-the-ground presence or more frequent senior level visits.
46. To alleviate the dire socio-economic situation, consideration should be given to the convening of an ICG meeting with a socio-economic agenda, possibly linked to the achievement of some specific milestone in the political/Road Map process.