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Richard R. Marcus / Paul Razafindrakoto

Participation and the poverty of electoral democracy in Madagascar¹

Abstract

On December 16, 2001 Marc Ravalomanana, took the lead over incumbent Didier Ratsiraka in the first round of presidential elections in Madagascar. The vote count brought an electoral crisis. The Ministry of the Interior argued that Ravalomanana won 46% of the vote, while an independent commission saw Ravalomanana as having won 50.5% of the vote, and thus the presidency, in the first round. Hundreds of thousands of Malagasy citizens took to the streets in support of Ravalomanana, leading to a violent five-month conflagration. This paper asks: If a challenger is faced with a highly flawed electoral process and a dearth of constitutional options for rectifying the outcome then is he justified in taking extra-constitutional measures? Where electoral democracy focuses on process to the exclusion of more liberal democratic measures, that process must ultimately produce an indisputable outcome or else the democratization process is in jeopardy.

Keywords

Madagascar, democratization, election/ballot, head of state, Didier Ratsiraka, Marc Ravalomanana, change of government, legitimation of rule, electoral fraude, domestic political conflict, mass movement

On December 16, 2001 a political newcomer, Marc Ravalomanana, outpaced the incumbent in the presidential election. This was a critical moment in Malagasy history because it not only marked the decline of President Didier Ratsiraka's 27-year old patronage network, but the rise of the prodigal son of the country's new business elite. The vote count brought an electoral crisis. The National Electoral Commission (CNE) and the Ministry of the Interior argued that Ravalomanana won 46.6% of the vote, the Consortium of Election Observers (consisting of international representatives and members of Malagasy civil society) saw Ravalomanana as having won 50.5% of the vote, and Ravalomanana himself declared that he

1 An earlier and shorter version of this paper appeared as "Madagascar: A New Democracy" in *Current History* Vol. 102, No. 664 (May 2003)

had won 52.2%. The differences are key as, following from the French system, an absolute majority is necessary in order to avoid a second round of balloting.

The 1992 Malagasy constitution mandates that disputed electoral results are reviewed by the High Constitutional Court (HCC). This Court responded with unabashedly partisan response in favor of the incumbent. In its January 16, 2002 ruling, it did call for a recount of the vote but insisted that the quasi-governmental CNE conduct the recount without oversight from the Court, the independent National Consortium of Election Observers (CNOE), or representatives from either leading candidate. Ravalomanana's concern was the Court's unwillingness to support a transparent vote count; he responded: "The HCC has responded to our demand, but it is not enough. We want it to do the comparisons itself and not to give the job to the CNE, which is not entitled to do it... and which is not credible." (Agence France Press, January 16, 2002) The Court's ruling, undertaken in secrecy, outside of the capital in the small town of Mantasoa, stood.

Ravalomanana's constitutional options were exhausted. His only legal option was to accept the results of the elections as proffered by a CNE led by people long entangled in the presidential web of patronage, upheld by a Court displaying at best a lack of judicial responsibility and at worst questionable independence. His only other options were extra-constitutional measures. Ravalomanana asked the people of Madagascar to support "democracy." In an unprecedented show of support, hundreds of thousands of Malagasy citizens from all parts of society took to the streets of Antananarivo for weeks on end. In an echo of the social movement that acted as catalyst for democracy a decade ago, the economy came to a grinding halt. Only this time Ratsiraka did not compromise, he dug in and refused any evaluation of power or electoral transparency. Ravalomanana, short of fresh options, used his popularity to declare himself president, appoint government ministers, and effectively force Ratsiraka's government into exile in the coastal city of Toamasina.

At the heart of the matter is the question: *If a challenger is faced with a highly flawed electoral process and a dearth of constitutional options for rectifying the outcome then does that give him license to undertake extra-constitutional measures in the name of a more democratic end?* This paper argues that as electoral democracy focuses on process to the exclusion of more liberal democratic measures and the reliance on a vital civil society, that process must ultimately produce an indisputable outcome. If it fails at this one primary task then even this most minimal form of democracy loses its meaning and jeopardizes the democratization process. In this case the process failed to offer the vote as a primary expression of popular will. This is not merely a Rousseauian treatise on the virtues of a social contract acting as guarantor that the will of the people will be heard. People in Madagascar fundamentally desire the same outcomes from their democracy – freedom, voice in government, security – as people in Western countries do. (Marcus et. al 2001; CNOE 2000; Roubaud 2000) Since democracy in Madagascar is not deep enough to allow for other forms of participation (contestation by civil society, political party pressure, media scrutiny, etc.) to under-gird government legitimacy, civic action was not only an acceptable option but the only

option for saving the country from a significant backslide towards an opaque political system led by a self-serving autocrat. A social movement that ultimately brought over half of the population of the capital into the streets may have been a sign of muted revolutionary tendency and political instability, but it also served as an important participation mechanism protecting basic liberties from a predatory state. Where there is such an immediate threat to the meaning of democracy such action form a Madisonian institutional argument that liberty must be protected at all costs because it is essential to political life. (Federalist 10 in Hamilton et. al. 2001) The conclusion drawn from Madagascar's recent experience is that the institutions of electoral democracy are easily subverted and offer few protections for a citizenry anxious to express its will. The broadening and deepening of liberal democracy is thus not a luxury of rich countries seeking the expansion of personal freedoms, but rather an important part of ensuring the success of the democratization process and, ultimately, political stability.

Madagascar's institutional environment: a background

Electoral cycles are commonly counted by ballots cast for the highest leadership. By this measure Madagascar's founding elections were held in November 1992, with a second round in February 1993. At this pivotal moment in Malagasy history the failed regime of Didier Ratsiraka, in place from 1975, was replaced by the voice of the "new democrat," Albert Zafy . Albert Zafy was a highly charismatic leader. He formed a vibrant opposition coalition, the *Hery Velona* (Living Forces) and was in large part responsible for the civil servants strike and subsequent social movement that forced Ratsiraka to agree to a transitional government in October 1991. Unfortunately, he was a terrible president. He used his time in office to centralize power under his office. He won a landmark constitutional referendum in September 1995 effectively shifting the country from a parliamentary system back to a presidential system, beginning a series of constitutional shifts that undermine the value of the document, and he tightened the purse strings of the decentralized regional authorities. Self-seeking behavior and poor governance are not sufficient grounds for removal from office, but corruption is. Ultimately, the High Court found President Zafy to have acted fraudulently and upheld the National Assembly's decision to impeach him in September 1996. This was certainly a positive sign for institutional strength. The President of the High Court, Norbert Ratsirahonana,, became interim President of the Republic until elections could be held in December 1996.

The second elections of Madagascar's new democracy offered the Malagasy citizenry three viable options. They could choose the impeached and discredited Albert Zafy, the uncharismatic technocrat of the High Court, Norbert Ratsirahonana, or the former dictator Didier Ratsiraka. They chose the latter. Despite charges of electoral malfeasance from the

opposition, the 51 percent victory was upheld by the High Constitutional Court and led to the rapid swearing in of President Ratsiraka. The elections of 1996 showed three important emerging patterns. First, they showed a high polarization of candidate popularity by region. Second, they marked an alarmingly high degree of abstentionism, itself marked by polarization by region. Whereas abstentions were only 25.6% for the first round and 31.6% for the second round in 1992/3, in 1996/7 abstentionism was 41.6% and 50.3% (Roubaud 2000). Clearly the energy of the 1991 movement and the excitement of new democracy had begun to be replaced with the realities of a political sphere reticent to change in the eyes of the populace. The CNOE has gone so far as to call this a “crisis of citizenship.” (CNOE 2000) Third, it showed how politicians, and in particular Didier Ratsiraka, learned to manipulate the electorate. Madagascar has a free press as evidenced in particular by the *Midi Madagasikara*. However, with this leading daily having a circulation of only 50,000, and televisions few and far between, radio is the primary conduit of information. Absent sufficient channels of information, Ratsiraka successfully used his control of the radio to “condition” the voting populace. (Roubaud 2001).

If second elections showed that Ratsiraka learned to manipulate the electorate, third elections showed he learned to legally manipulate political institutions. Madagascar’s third elections did not begin with the presidential balloting of December 16, 2001. The cycle really began with the constitutional referendum of March 15, 1998. At this critical juncture President Ratsiraka campaigned to devolve the political system to resemble the spirit, if not the flavor, of the Second Republic (1975-1992). It was a clever proposition in that it mimicked cries for decentralization by international donors and thus won the support of international actors and the domestic intelligencia. Yet at root it was really an attempt to remove power from the capital, notably the National Assembly, (Roubaud 2001) and place it in the provinces where the president has greater support. Under this measure the provinces would have great fiscal responsibility for spending funds distributed directly from the ministries. While the provinces had increased fiscal responsibilities they didn’t receive all of the money entitled to them to carry out their new tasks. The broader Malagasy population likely didn’t even realize that the amendment was about fiscal divestiture or the creation of autonomous provinces at all. Ratsiraka campaigned that it was a development measure and the voting populace saw it as a referendum on the president. It passed 51 percent to 49 percent. The subsequent election for the National Assembly on May 17, 1998 led to the president’s AREMA party winning 63 of the chamber’s 150 seats. With the close Leader Fanilo party winning 16 seats and mostly pro-Ratsiraka independents winning 32 seats, the president could count on absolute support.

In December 2000 Madagascar held its first local elections for provincial councils under the 1998 constitutional revision. In a sign of a continued crisis of abstentionism and lack of public knowledge of the process, only an estimated 10 percent of voters turned out at the polls. Those that did vote did so at the behest of the president. Ratsiraka’s AREMA party won approximately 95 percent of the vote.

Following the constitutional change, a senate, mandated in 1992, was finally formed. Elections were held in March 2001. As the provincial councils chose the senators in indirect elections, AREMA won 49 of the 60 contested seats; under Article 77.1 of the Malagasy Constitution the president appoints the remaining 30 senators. Ratsiraka thus controlled 79 seats in the senate. This was critical as not only did it become the higher chamber, but the president of the senate became the first in presidential succession.

Constitutional Law 98-001 implementing the constitutional changes of 1998 states that governors are chosen by the provincial councils in indirect elections. Not surprisingly in the June 2001 balloting, AREMA governors, and in fact notable colleagues of the president, were elected in 5 of the 6 provinces. That Ratsiraka did not win Anatananarivo province would end up proving important in the aftermath of the 2001 elections.

On November 22, 2001 President Ratsiraka approved Decree N° 2001-1081. This law ratified the High Constitutional Court's appointment of Georges T Indrianjafy as President of the High Constitutional Court as per its right granted by Article 107 of the constitution. This should be seen as an indication of the leanings of the Court as Indrianjafy had held close relations to Ratsiraka since he became Justice Minister in 1976. He was a member of Ratsiraka's *Conseil Suprême de la Révolution* and was appointed to the High Constitutional Court by Ratsiraka. At the same time Ratsiraka appointed another close associate, Benjamin Rakotomandimby, to the court. At the time, *Indian Ocean Newsletter* went so far as to comment that "Intervening as it does right before the campaign for the presidential election of December 16 begins, the nomination of a former Ratsiraka minister to the head of the HCC illustrates the incumbent's determination to keep a sharp eye on the institution that will be in charge of validating the electoral results and of verifying cases of electoral fraud, should any arise." (*Indian Ocean Newsletter*, December 1, 2001) In short, the High Constitutional Court was well stacked.

Heading into the December 2001 elections there clearly was no balance of power. Indeed, with the president nominally controlling both houses of the legislature, the judiciary, the provincial councils, and the governorships, there was little room for challenges to his authority. What is notable here is that legally Didier Ratsiraka does not appear to have done anything wrong. He came back into office via a popular vote, he won a constitutional change by popular referendum, and he solidified his power base in the other instruments of governance through decidedly constitutional processes. The problem is that the constitution, never a stellar document, has been so manipulated over the past decade that it no longer acts as a guarantor of institutional independence. Indirectly or directly, the powers of the state ultimately reside in the hands of the executive who can act legally virtually without impunity.

Beyond the institutions: the look and feel of personal rule

Ratsiraka used his second political life, and AREMA's omnipresence, as an opportunity to retrench his neopatrimonial network. During this period there were a litany of AREMA benefactors that considered themselves friends of Didier Ratsiraka. Family members in the private sector have benefited perhaps even more greatly: Elyse Ratsiraka became a board member of Galana in Toamasina, the country's largest refinery. (This relationship proved important following the December 2001 elections as President Ratsiraka strangled distribution of petroleum to the capital.) Ratsiraka's daughter, Annick Ratsiraka, was charged with organizing the Francophonie in Antananarivo in 1997, and was named to the administration council of Air Madagascar presided over by Ratsiraka's close counselor Nirina Andriamanerasoa. His daughter Sophie, whose husband Mamy Ranaivo became Director General of the Society of Exploitation of Minerals, KRAOMA, became a powerful advocate for her father, sitting on the board of the Banque de Solidarité Malgache (BSM), Global Madagascar (telecommunications), and the like, receiving significant funding for the creation of non-profit organizations in the name of AREMA. His son Xavier, a pilot, became Director General of the Society of Malagasy Air Navigation (Sonavam) at the age of 23. Roland Ratsiraka, his nephew, became Mayor of Toamasina (the president's native city). Daniele Ratsiraka, his niece, was appointed to the Malagasy embassy in Paris in 1999. The list goes on.

Even more critical to Ratsiraka's successes during his Third Republic reign was his political patrimony via AREMA. For instance, Samuel Lahady was President of the Executive Committee of Toamasina when Ratsiraka took power in 1975. A close colleague of the president, he held a series of important posts. He was ousted by Albert Zafy in 1991 just to return as a senator appointed by Ratsiraka in 2001 and Governor of Toamasina shortly thereafter. Other governors, including Governor Emilson of Fianarantsoa, Governor Jean-Robert Gara of Antsiranana, and Governor Jean de Dieu Benjamin Maharante of Toliara, had longstanding political and economic relationships with the president and his family members.

It should therefore be of no surprise that in February 2002 when the country began to bifurcate between Ratsiraka and Ravalomanana supporters the administrations of five of the "independent" provinces sided with Ratsiraka despite, in all but Toamasina, strong support for Ravalomanana by their constituents. Thus while legally-bound institutional control concentrated in the hands of Ratsiraka was vital to his authority and the viability of his candidacy for reelection, his reconstituted neopatrimonial network was his last and only hope for maintaining power in a post-election environment bent on steering him from office.

The rise of Marc Ravalomanana

When Ratsiraka's hold on the diverse instruments of power was complete in June 2001 it appeared as if there was no contender that could stand to challenge his leadership let alone take on his dominance over the diverse institutional political power or his neopatrimonial network. Malagasy news analysis appeared more concerned with the health of the president and whether he would try to postpone elections in order to groom a successor rather than serve a full five years. At his disposal was a (98-001 enacted) constitutional mechanism (Articles 139-140) that affords the president the right to initiate a constitutional change and the National Assembly and Senate to pass the change by two-thirds majority in lieu of a popular referendum. His sway over the legislature made this a real possibility.

Then came Marc Ravalomanana. The sum of Ravalomanana's political experience was that he was mayor of Antananarivo from 1999 to 2001. The running joke is that Ravalomanana decided to enter politics in 1999 by running for mayor of Antananarivo because there was too much red tape for him to conduct his business unfettered. His stated reason was that "people are ready for big change. But the barrier is the old system, the old politics." The change he referred to was corruption, mismanagement, unmotivated and underpaid municipal employees, crime, and pollution in Antananarivo. His success in Antananarivo led to his decision to run for president. In his own view, (Tiako-i-Madagasikara web site) "over the past two years, his result-oriented style of governance has given Antananarivo a dramatically needed face lifting. One prowess to be credited to the new mayor's team in their ongoing efforts to clean the capital off its garbage-strewn streets and implementation of an efficient system to collect the city most unsightly, disease-prone refuse." Much of the city's population seemed to agree with him. As one man in Antananarivo put it (September 2001): "I will vote for Marc Ravalomanana. I see that he has been a very competent person as mayor of Tana... He has done a good job with Tana and he is a good politician too".² Before holding political office Ravalomanana was the founder and CEO of Tiko, SA, Madagascar's leading dairy products company. When Ravalomanana founded Tiko he made and delivered yogurt himself in his home town of Imerinikasina. When the Bretton Woods institutions came to Madagascar in the early 1980s he was clever enough to win a small business development grant and it was from there that the company went national. That he is a self-made millionaire is certainly of allure in a county of people who dream of economic change.

Ravalomanana brought to his candidacy a number of other important attributes that made him different from other politicians. He is a practicing Christian, and his spiritual life has had a strong interplay with both his private and public sector success. All Tiko employees are required to go to church, though not necessarily a Protestant church per his own faith. As he was Vice President of Madagascar's most important religious association,

2 This response was from a respondent in Antananarivo September 22, 2001. The survey was designed and conducted by the authors.

the Church of Jesus Christ in Madagascar (FIKM), he won support for his candidacy for both Mayor of Antananarivo and President of Madagascar from the important church sector of Malagasy civil society. He is unabashedly Anglophone, drawing a strong distinction from the Francophone Ratsiraka. He is also Merina. The Merina (ethnic group) came to dominate the island in the late 18th and 19th century. Under a *politique des races*, the French showed preference for Merina who held a position of privilege in the colonial administration. As a result, historically the strongest political divide in Madagascar has been between the Merina and the seventeen other ethnic groups. No Merina had ever been able to overcome the animosity held toward the Merina to become president. Finally, and most importantly, when he announced his candidacy from his home town on August 3, 2001 most of the country outside of the capital had no idea who he was. This actually proved a benefit in a country yearning for a political outsider.

Ravalomanana speaks Malagasy with a decidedly provincial flavor. In contrast to the linguistically refined Ratsiraka, he is not confident enough in either his French or his English language skills to give interviews to the international press without an interpreter. He is not a brilliant orator, but he is charismatic and markedly good-looking. He has successfully used that winning combination to become a brilliant networker, and enviable personality. So much so that the people of Madagascar rapidly came to feel that he was one of “them” despite his ethnicity and personal wealth.

The eve of the 2001 Elections

Marc Ravalomanana sy ny vahoaka be (Marc Ravalomanana and the many citizens)
Firaisam-pirenena (For national unity)
Ho an'ny Fiovana! (For Change!)
Ho Filohal (For President!)

Campaign Slogan for Marc Ravalomanana

In interviews conducted in the capital in August 2001, Ravalomanana’s name hardly ever came up. The political landscape continued to appear opaque and fragmented. By September, the common view in the capital could be summed up by the following statement:

“Our life is now just guided by one person; that means only AREMA with its friends lead the power of the country. Those who have their houses demolished, have no any roof to cover them, those who have nothing to eat remaining, those who are punished, remain punished. The leaders become more and more rich -- that is one of many reasons we complained about our country. Democracy is just written on paper but not followed by any in our country. I think that is time to

change. I like Marc Ravalomanana so much. He needs to replace Ratsiraka as it is time for his dismissal.”³

Marc Ravalomanana was seen as young, successful at the helm of Tiko and at the helm of Antananarivo. He squared off against weak city institutions and attempted to seek a better application of the governance process. Most of the country was yearning for this sort of political change (CNOE 2000) and Ravalomanana had it to offer. His victory in the capital was assured from the outset, so his focus was immediately on the provinces. The difficulties he faced were three-fold. First, people in the countryside did not know who he is. Second, he had to overcome the immense institutional challenges posed by Ratsiraka. Third, he would have to overcome Ratsiraka’s neopatrimonial network to ensure that the mechanisms of popular voice would not be overshadowed by entrenched provincial elites.

To overcome the first challenge Ravalomanana began an intensive campaign, circulating not only to provincial capitals, but to rural areas. For the first time in Malagasy history a candidate was in a position to use his own financial resources to travel by helicopter. Ravalomanana hired eight South African helicopters to ferry him and his colleagues from village to village spreading the message that he can develop Madagascar just as he developed Tiko.

Ravalomanana has used Tiko distribution channels to enhance his political presence in the countryside and he has used the network of Tiko employees to help run his campaign. Tiko has 14 stores in the country. There is a large distribution center in the Antananarivo quarter of Akorondrano, strategically opened next to the original location of Madagascar’s premier supermarket, *Géant Score*. Yet, while *Géant Score* is owned by a Réunionnais concern (*Sucreries de Bourbon*), Tiko is decidedly Malagasy. Management is Malagasy and product inputs are Malagasy. As the distribution has increased throughout the island, so inputs have come from diverse parts of the island. This has allowed Ravalomanana the opportunity to demonstrate his nationalist tendencies.

The expansion of Tiko’s interests across the island, and use of goods from across the island, is consistent with Ravalomanana’s own brand of nationalism. Many Tiko products are inscribed with “Vita Malagasy” (Made in Madagascar). He himself has said that this is to “counterbalance the undesirable influences brought by foreigners.” (Africa Intelligence, 2002) This nationalistic sentiment manifested itself in his campaign slogan for mayor of Antananarivo: “Tiako Iarivo” (I love Antananarivo), and his campaign for the presidency, “Tiako-i-Madagasikara” (I love Madagascar). Further, he cleverly evaded the electoral code ban (put in place by Ratsiraka) on using consumer goods for campaigning through the use of parallel distribution channels (eg. passing out shirts for Ravalomanana TIM and hats with the

3 This response was from a respondent in Antananarivo September 22, 2001. The survey was designed and undertaken by the authors. This seeking someone “new” dates back to the 1996 elections. There is evidence gathered by the author in 1997-98 (Marcus 2000) and by the CNOE in 2000 that a majority of respondents use “a new person” as a criteria for selecting a candidate.

Tiko logo together), and through word play (workers wearing *Tiako i Madagasikara* T-shirts selling yogurt with the new slogan *Tia Tiko* [Love Tiko]).

The second problem Ravalomanana had to overcome were the institutional challenges posed by the dominance of Ratsiraka. The challenges were sizeable given the influence of the diverse political body, but made significantly greater by electoral rules pronounced by presidential decree late in the electoral season: First, candidates had to fix their candidature by October 27. While sensible in light of the limited time before the electoral contest, this was met by a significant, and unexpected, rise in the candidate registration fee. Many independents and candidates of smaller parties were not able to raise the money that rapidly. Second, and more critical for Ravalomanana, candidates were only allowed to campaign between November 25th and December 15th, thereby significantly limiting the exposure of lesser known rivals outside the capital. Third, the only news allowed to directly cover the electoral process was comprised of journalists chosen by the president. And, fourth, no posters were allowed to be affixed to public buildings or structures and no political advertisements could be associated with purchasable goods. This last edict was directly aimed at the candidacy of Marc Ravalomanana.

The resolve Ravalomanana came up with for the last edict is described in the Tiko distribution channels above and he confronted the time factor, as mentioned, by employing helicopters. But in order to succeed in overcoming institutional inertia, and separate himself from the pack of unviable challengers to the throne, he needed to campaign as a populist. There was reason to believe this would work. Most people in Madagascar vote on a candidate's personality as opposed to their principles, programs, or party. (CNOE 2000) Moreover, people are wholly dissatisfied with their political system, believing that politicians are out to fill their pockets not act for the betterment of the people. (CNOE 2000)

The other common institutional factor that challengers generally face is political party identification. With AREMA so dominant and Ravalomanana running without a political party this would seem almost insurmountable. However, in Madagascar party identification is weak. While AREMA is well known it is thought of – not incorrectly – as a vehicle for Ratsiraka not an independent institution. (Marcus and Ratsimbaharison, Forthcoming) As such, where people were more likely to consider political party they were likely to vote against AREMA than for it. The established opposition parties were relatively quick to realize that there was finally a viable challenger to Ratsiraka and threw their support behind Ravalomanana.

The single most important relationship Ravalomanana had to establish to unify the opposition behind him was Norbert Ratsirahonana and his party, AVI. As of August 2001 Ratsirahonana was running for the presidency once again. Before Ravalomanana, he was the likely distant second candidate behind Ratsiraka. His candidacy was fundamentally flawed by his technocratic image, his role in the Zafy impeachment, and his uncharismatic speechmaking. The early relationship between Ratsirahonana and Ravalomanana is murky. However, Ratsirahonana did ultimately pull out of the race and publicly support Ravalomanana at the end of October 2001 and become a close associate one the new

administration was formed.

The third obstacle Ravalomanana had to overcome was the dominant neopatrimonial system of Ratsiraka. He fairly successfully answered this call by using his Tiko network as a neopatrimonial system of his own. He also used Madagascar's relatively free press effectively. *Midi Madagasikara*, the country's leading newspaper, was behind him. Ravalomanana himself owns Radio MBS (Malagasy Broadcasting System). He successfully made rebroadcast deals with local stations around the country to ensure his message would get out despite efforts at the provincial level to limit airtime. With few campaign finance laws in place, there was little the provincial governors could do to limit the promulgation of his name. He was free to fixate on associating his (unknown) name with the (well known) name of the Tiko product.

By the eve of the elections it was clear that short of electoral malfeasance all the institutional bending, electoral code revising, and regional payoffs would not secure a victory for Ratsiraka. Ravalomanana would see votes siphoned off by the three remaining opposition candidates, but win a plurality of votes bringing about a second round of elections or perhaps even an absolute majority avoiding it.

The Aftermath January – May 2002

There were challenges leading up to the election that the Ratsiraka camp intentionally created electoral card problems, ensuring that many people in pro-Ravalomanana-areas would receive a card with the wrong name on it, wrong birth date or the like. Such problems abound in Madagascar's recent electoral history and generally have been largely to Ratsiraka's benefit. (Marcus, Forthcoming) The most noticeable electoral violation was that Ratsiraka gave a speech on election day indicating that if he wasn't re-elected there would upheaval. This violated his own rule that all candidate remarks must end the day before the election. Yet, relative to the circumstances the balloting went well. There were minor infractions reported by the CNOE, but no major irregularities. Ballot boxes were turned in and ballot papers did not wash up down river. According to the CNOE, 67 percent of registered voters turned out at the polls, belying the abstentionist trend and demonstrating the renewed vigor Ravalomanana added to Malagasy politics.

The real problem was not so much the voting process as the vote counting process. It is the CNE's results that are official. However, the CNOE announced before the elections that it would be counting as well in order to ensure that there were not irregularities. Marc Ravalomanana's own Committee (KMMR) also announced that it would count the votes. Not surprisingly, they did not come to the same conclusion.

Table 1: Percentage of Vote Total Compared: CNE, CNOE, and KMMR

	CNE	CNOE	KMMR
Didier Ratsiraka	40.4	37.7	35.7
Marc Ravalomanana	46.6	50.5	52.2

Source: Committee to Elect Marc Ravalomanana (KMMR; <http://www.tiako-i-madagasikara.org/Resultats.htm>), Consortium of National Elections Observers (CNOE; <http://www.geocities.com/consortiumobservateurs/>), and the Malagasy National Electoral Commission (CNE)/Ministry of the Interior, Madagascar (<http://www.dts.mg.presidentielles>)

By any count, Ravalomanana won. But while the difference between the CNOE and the Ravalomanana count holds little consequence, the difference from the official CNE count is critical as it would indicate, following Article 47 of the Malagasy constitution, that an absolute majority was not achieved and a second round was necessary.

As discussed, the initial ruling of the court – that a recount was to take place but solely under the auspices of the CNE – appeared strongly biased towards Ratsiraka. Few institutions would overturn their own count and even fewer would do so while operating under an executive that dominates the political sphere. The High Constitutional Court decided in January that the CNE count stood and there would be a second round of elections.

Ravalomanana wanted no part of it. He argued that without a transparent process in the first round, how can a satisfactory result be guaranteed in a second round. Only if the votes were counted by the High Court with all interested parties from the candidates and the international community looking on would he accept the result of the vote count. With this ruled out, Ravalomanana called for a general strike on January 26, 2002.

Throughout January the "Place de 13 mai" in Antananarivo, an historic flashpoint for political activism, was filled with greater than 100,000 people filling the Analakely district. Ravalomanana would make a speech to the crowd every day at noon and then tell them to go back to work. But with the strike declared, estimates ranging from 500,000 to one million people swelled the streets protesting the vote count. Notably, the protestors represented a cross-section of urban Madagascar in social, class, and caste. Even the Merina-*cô tier* divide that for the first time in independent Malagasy history appeared irrelevant to the election, managed to remain an unimportant issue. (Marcus and Ratsimbaharison, Forthcoming) Ravalomanana championed the people repeating: "You have rights, don't let yourselves be intimidated, don't let yourselves be bought, trust in God." Demonstration, he argued, is the right of the people under democracy so people should choose democracy over the oppression of Ratsiraka's manipulations.

At first the demonstrations remained non-violent. Even once violence began to step up, it remained fairly isolated. There was no police presence in the streets, no military presence. Just that many people could gather to protest with only minor skirmishes was in itself an early victory. Indeed, well into February the ambiance in Place 13 mai was one of dancing, and singing – a folksy happening of peaceful protest, a carnival atmosphere. People sold balloons and food while Tiko products were distributed for free or subsidized prices.

In February Ravalomanana took one last approach announcing that he would accept a second round of elections under four conditions: 1) there are international observers (barred by Ratsiraka in the first round) 2) the CNE would be rearranged with representation from other groups 3) assurance that sanctions would be levied against the demonstrators and 4) a change in the process of scrutinizing the ballots (effectively marginalizing the High Constitutional Court). His request was more ignored than rejected by the prime minister's office and the Ratsiraka administration. On February 22, 2002 Marc Ravalomanana declared himself president. This created a significant disjuncture with the international community and significantly escalated the crisis. The Secretary General of the Organization of African Unity (OAU), Amara Essy, took perhaps the strongest stance after which he stated "I made it clear to Ravalomanana's supporters that if their candidate was inaugurated contrary to constitutional provisions, the OAU would neither tolerate nor accept that unconstitutional change of Government, by virtue of the Algiers Decision of July 1999 and the Lomé Declaration of July 2000. I therefore encouraged him to accept the second round to confirm the choice of voters." Ravalomanana countered that Ratsiraka was merely using the time to mobilize his cronies to ensure a proper second round could not be successful. Further OAU efforts proved futile.

Constitutionally Ratsiraka was in the right. He used this opportunity to try to centralize his power. Article 59 of the Malagasy constitution states that the President may declare Martial Law, effectively wresting power from both the provinces and the other branches of government if "agreement of the Presidents of the National Assembly, the Senate, and the Constitutional Court." Since he successfully manipulated the system in order to control the National Assembly, the Senate, and, to some degree, the High Constitutional Court, he was able to legally implement Martial Law on March 1, 2002. Thus the suspension of the right to protest, the strong armed tactics of the military, and the attempts to control the press that followed were all within Ratsiraka's constitutional rights. This holds even though he used these rights to further his political claim and avoid a transparent counting of the votes. In this case the subversion of the *intent* of constitutional order had more grievous consequences on the outcomes of the electoral process than the overtly extra-constitutional measures of Marc Ravalomanana.

The situation escalated dramatically. The carnival atmosphere in "Place 13 Mai" was gone and in its place was a smaller, more vitriolic crowd. Youth groups of both candidates fought in the streets of Antananarivo. Ratsiraka was forced to flee the capital for his home town, Toamisisina, where he tried to set up a rival capital. Both sides marshaled military

forces. Ratsiraka's forces began attempting to cut off the capital through the use of road blocks, blowing up bridges, and threatening transporters not to operate. Further he began a campaign of violence in which his supporters would both threaten, and in some cases kill, Merina merchants on the coast. In a sign that ethnicity is at the mercy of political entrepreneurs,⁴ he rallied his supporters to pretend they were Merina and threaten *cô tier* groups in the hopes of raising the specter of ethnopolitics against Ravalomanana. Ravalomanana's acting "Prime Minister," Jacques Sylla, reacted saying "We do not accept any terrorist act committed in our territory." So began the reclassification of Ratsiraka's support movement.

Discussions began regarding a possible "third voice." Everyone agreed that neither Ratsiraka nor Ravalomanana were working with administrative efficiency for the betterment of the state. The crisis of legitimacy could jeopardize not just political order but the state itself. Unlikely bedfellows of functionaries and old guard military leaders began discussing whether it was necessary to abrogate the constitution and install a military government to bring about stability (on the presumption that it would hold new civilian elections shortly thereafter). At root was the concern that Ratsiraka was well beyond overturning his blockades and Ravalomanana was well beyond calling people off the streets – perhaps neither man could ultimately gain back the functioning of the country.

The active military appeared to shy away from this option. Most tried to stay out of the conflict without adding significantly to the troops of each of the two "presidents." The moment of truth for the military came in the first week of March as Ravalomanana's "Prime Minister," Jacques Sylla and his ministers, backed by tens of thousands of unarmed supporters, drove Ratsiraka's minister's out of their offices and took over. Security forces refused commands to hold the ministries at any cost (that is, fire on the crowd) and instead stood down. By mid-March it appeared as if the country was balkanizing and fears of civil war began to grow. If the military had split rather than remained mostly on the sidelines then this could have been a possibility.

In a first real attempt to resolve the crisis President Abdoulaye Wade of Senegal invited the two sides to Dakar for a Summit. Ratsiraka and Ravalomanana debated the issues with the guidance of President Mathieu Kérékou of Benin, President Joaquim Chissano of Mozambique and President Laurent Gbagbo of Côte d'Ivoire. The result was the Dakar Agreement of April 18, 2002. The five article Agreement was in sum a compromise in which both sides agreed to a popular referendum if there was no clear victor from the first round of elections. In this event, a transitional government would be established and an Independent Electoral Commission would replace the National Electoral Commission. Unfortunately the timing of the Agreement was unpropitious as on April 16, 2002 the Administrative Chamber of the Supreme Court overturned the January 25, 2002 ruling of the High Constitutional Court

4 For a discussion of ethnicity at the mercy of political entrepreneurs in Madagascar see: Roubaud, Francois (2001)

mandating a second round of elections. The same Chamber also annulled decree No.2001-1080 of November 22, 2001 which stacked the High Constitutional Court in Ratsiraka's favor.

As a result of the Chamber's action, Ratsiraka distanced himself from the Dakar Agreement. On April 29, 2002 the newly constituted High Constitutional Court announced the results of its recount: Ravalomanana 51.46 percent, Ratsiraka: 35.90 percent. Ratsiraka reacted: "three of its nine members, including the president, did not sit in the deliberations and four of the six others who effectively participated in what is referred to as a vote-counting exercise, are in fact close to the Marc Ravalomanana camp." He did not accept the results and the violence escalated further while Ravalomanana was re-inaugurated president, this time in front of the Court and the International Community, on May 6, 2002.

The OAU attempts at shuttle diplomacy throughout May failed. A second Dakar meeting was held June 8-9, 2002. This time Ravalomanana was in a much more favorable position and made sure all in attendance knew it. The unusual agreement that resulted (Dakar II) stated that both sides agreed to early legislative elections. If Ravalomanana's supporters were to win a majority then Ratsiraka would recognize the presidency of Ravalomanana; if Ratsiraka's supporters were to win the legislative majority then Ravalomanana would agree to a presidential referendum. In contrast to Dakar I, this was a poor agreement that not only undermined the Malagasy constitution, but belittled the importance of the separation of powers. Its success would be predicated on the population voting in the same pattern for a legislator as for the president, a significant process violation that made mockery of the importance of popular participation.

The Dakar II Agreement proved no more resilient than the Dakar I Agreement. It did not even bring about a lull in the conflict. At this point, Ratsiraka was in trouble. He had the support of all the governors but that of Antananarivo, but popular protests in favor of Ravalomanana were taking their toll in Fianarantsoa, Mahajanga, and Antsiranana as it did in Antananarivo.

By mid-June Ravalomanana's security forces took control of all key port towns including Toamasina. Ratsiraka fled for France on June 15, 2002. Ravalomanana was president of Madagascar to all major foreign powers save the African Union. Most importantly, he was then the undisputed president of the country.

When is a social movement not a social movement but rather a democratic action?

"No one can govern in a vacuum. The exercise of power is determined by thousands of interactions between the world of the powerful and that of the powerless, all the more so because these worlds are never divided by a sharp line: everyone has a small part of himself in both."

Vaclav Havel (1990: 182)

Vaclav Havel wrote this statement in the context of a nascent Czech transition from authoritarian rule. He says that “[s]omething is happening in the social awareness, though it is still an undercurrent as yet, rather than something visible. And all this brings subtle pressure to bear on the powers that govern society.” The world knows that in the years that followed this 1986 statement Havel became a cardinal element in bringing about a more visible social movement and placing pressure on the powers that govern society.

The question for those of us trying to decide if what happened in Madagascar’s post-election period was positive is: Was the social movement a dangerous insurgency or was it a legitimate form of democratic participation in the absence of a viable electoral mechanism and a strong civil society? These two issues are closely wrapped up in one another. The answers too are wrapped up in one another. It is a legitimate form of participation that is rooted in frustration. The popular movement is in fact a legitimate form of democratic participation in this instance because the elections did not provide a valid result. Ravalomanana could not have brought more than half the population of the capital to the streets if people were not frustrated with a patently poor electoral exercise governed by constitutional but wholly unrepresentative institutional leaders. An undercurrent rapidly became an overt pressure on the incumbent regime.

The institutional manipulation described above should make it clear that Madagascar’s democracy has not been one ripe with opportunities for the citizenry. It has suffered from what Joshua Forrest (Forthcoming) calls hybridity – elements of democracy and liberal politics operate in contexts where neopatrimonial and authoritarian tendencies remain. In effect, the people of Antananarivo (then Fianarantsoa, Mahajanga, and Antsiranana) used the freedoms granted by democracy to protest against institutions atrophying under neopatrimonial rule.

This phenomenon is neither original nor new. Democracy came into its own in Europe and the U.S. in the 1830s and 1840s when modern social movements – from labor movements to nationalist movements – gave rise to what became the great ideological debate between communism and liberal democracy.

“In England, it is in these years that the Chartists, the first mass working-class movement in the world, and perhaps the largest mass political activity in any European country during the nineteenth century, came to speak of the Democracy as the movement of the people.”

(Denning 2001)

New social movements in Latin America, have been well broadly discussed and their relevancy to modern democratization significantly probed. A common conclusion, as argued by Arturo Escobar (2001: 322), is that social movements that achieve political goals in fact help undermine clientalism. It gives participants in the movement a sense of efficacy.

In short, if political mobilization is “the process by which a group goes from being a passive collection of individuals to an active participant in public life” (Tilly 1978: 69) then six to eight percent of Malagasy society became active political participants in a truly overt fashion. Considering the level of commitment and sacrifice it demands to take to the streets, this is a remarkable popular expression.

Most importantly, the population of Madagascar wanted Marc Ravalomanana to be its president. As the distribution of votes demonstrates, this holds not just in the capital, but throughout most of the country.

Table 2: Results of the 2001 presidential elections (after recount)

Province	Marc Ravalomanana		Didier Ratsiraka	
Antananarivo	1 027 535	63.88%	481 398	29.93%
Antsiranana	129 489	38.23%	102 668	30.31%
Fianarantsoa	402 393	51.75%	252 506	32.47%
Mahajanga	256 561	53.58%	158 341	33.07%
Toamasina	253 936	34.56%	415 836	56.59%
Toliara	206 557	48.40%	146 456	34.32%
National	2 276 471	51.15%	1 557 205	35.67%

Source: Ministry of the Interior, Madagascar (December 22, 2002) as reported by the daily *L'Express de Madagascar* (December 23, 2002).

What greater violation of the spirit of democratic outcome could there be than if the undisputable choice of the people doesn't win the election because of institutional constraints engineered by his (incumbent) opponent?

There is little doubt that the social movement devolved into violence and, ultimately, thuggery. Yet, before doing so it pushed the recalcitrant system forward. Moreover, if Ravalomanana had tried to quell the masses and accept defeat it appears unlikely that the population would have accepted Ratsiraka's victory. Instead of a well-organized movement with a clear intent for a particular outcome, Madagascar's masses, so embittered by an electoral process that resulted in the return to power of an autocrat for a third decade, may well have opted to destroy the system. At minimum, Ratsiraka would not only have had to rule without a mandate; he would have had to rule without citizen respect for the process or the institutions of governance.

The institutional flaws highlighted by the electoral process appear to have made it abundantly clear that Madagascar would have been unable to move beyond an entrenched hybridity to the realization of popular voice. The social movement may have also proven a not so subtle harbinger for greater social awareness to come. If so, it may well have been the first step towards mending the gap between Madagascar's liberal democratic populace and its minimally democratic government.

Change in leader, yes, but is Ravalomanana any different?

While the social movement may well have brought about more robust political participation and swept out the neopatrimonial regime of Didier Ratsiraka, what is new is not always better. Marc Ravalomanana appears a man of the people but he is a political neophyte. Worse, his background is as a businessman known for running a ship while alone at the helm. Evidence that caution is necessary with Madagascar's new leadership can be found in the creation of his new party, Tiako i Madagasikara (TIM).

On August 3, 2002 the TIM announced its independence from Marc Ravalomanana and its intent to run TIM party candidates in the elections for the December 2002 national assembly. The independence of the party, however, appears as of yet to be a mirage. First to note, it is Marc Ravalomanana who created TIM, not the other way around. To date, it is only as strong as he allows it to be. Second, TIM bares an uncomfortable proximity to Ravalomanana's Tiko.

Ravalomanana has also displayed his pleasure for putting his close associates in office. Ravalomanana forced out the offending governors of the social movement period. He wasted no time removing those 30 senators appointed by Ratsiraka and replacing them with his own. While this did not give him a majority in the senate, he was then able to get Guy Rajemison Rakotomaharo elected President of the Senate. Rakotomaharo was a long time advisor to Ravalomanana when the latter was the CEO of Tiko, and he even occasionally took over in Ravalomanana's absence when the latter was mayor. Similarly, Vice Prime Minister Narisoa Rajaonarivony was formerly a marketing director at Tiko and Secretary of State for Commerce, Eric Beantanana, worked for Tiko and then Ravalomanana's Mayoral campaign. The president of the new TIM, Raharinaivo Andrianantoandro, was a municipal counselor to Marc Ravalomanana as mayor of Antananarivo, and a Tiko official before that. Heriniaina Razafimahefa, Secretary-General of TIM, was Director General of Tiko. TIM B.P National Patrick Ramiamanana was also once Director General of Tiko, and so it goes. As long as there is such a strong confluence between the TIM party and Tiko faithful, it is hard to see how Marc Ravalomanana can forsake personal rule.

The results of the December 15, 2002 elections for the National Assembly were as predicted. Ratsiraka's AREMA party won only three seats, and its partner, Leader-Fanilo, two seats. TIM, on the other hand, won 103 of the 150 seats in the National Assembly. The closely aligned Firaisankinam-Pirenena (National Union) won 22 seats, and the other 30 seats went to small parties and independents. This victory came with a high 67.9 percent voter turnout rate. The African Union had, somewhat dubiously, asked Madagascar to use the legislative election as a presidential mandate. It appears Ravalomanana got his mandate.

Just as everyone in Madagascar knows that the fortunes of AREMA rose and fell with Ratsiraka, so everyone today knows that TIM has risen with Ravalomanana. It is yet to be seen if Ravalomanana has the gumption, strength, and selflessness to ultimately shirk the

pattern of the personalized party and work to institutionalize a viable and lasting party system.

Conclusion

Despite the changes of 2002 – the near war, the shift in power, the imminent review of the constitution, the likely change of legislative control, the revisiting of judicial authority in process – Madagascar's attempt at political institutionalization, and thus party formation, is not radical. It is incremental. At no point was there an attempt to fundamentally change the nature of the system or to uproot the *ancien regime* in its entirety *deus ex machina*.⁵ If the new regime is embedded in the *ancien regime* then it is characterized by princely rule. It will take a man of courage to break with this long history and turn power over to the institutions in which they belong.

While there is reason to be cautious about whether Madagascar's new president will prove more Havelian than Machiavellian in character, there is also reason to rejoice over Madagascar's new opportunity. Only six months before the presidential elections it appeared as if Ratsiraka would return to office virtually without contest. Without Marc Ravalomanana the electorate would have continued to feel disenfranchised and the abstentionist trend would not have relented. Further, empowered by a new mandate Ratsiraka would have continued to (legally) dismantle popular access to the political sphere. Madagascar would have continued its backslide towards autocracy.

Had Ravalomanana won without dispute in the first round the likely result would have been a short honeymoon. By January he would have been feeling the pressure to perform. – the pressure to bring about the sorts of changes in political and economic life the populace has been clamoring for. The social movement, however, crowned him the populist he yearned to be. With each passing day come new fears that Ratsiraka's mercenaries will land on Malagasy shores (Liberation, July 12, 2003), and that Ratsiraka's associates still in the country would try to undermine the new leadership. Ravalomanana turns not to his victory at the ballot box, but his victory in the streets to win the support of the populace as a man of action – to demonstrate his legitimacy. He gained the cooperation of African partners to stem the possibility of a *coup* attempt and he launched a campaign, perhaps even a witch-hunt, to route out the last roots of Ratsiraka's neopatrimonial network. Following the legislative elections of December 2002 it is clear that Ravalomanana won the support necessary to embark on his ambitious plan for national reform. Electoral reform is imminent, a new constitutional convention is in the works, and a flow of international capital unlike

5 Bratton, Michael and Nicolas Van de Walle (1994) discuss the challenges to even willing leaders to overcome the vestiges of neopatrimonial rule.

anything seen in decades appears ready to help him with institution-building, social recovery, and economic reform.

While Madagascar's democracy is still nascent, fragile, feeble, and vulnerable to elites, there is finally something new. There is new leadership. There is a new national plan. When electoral participation in Madagascar was trumped by participation through social action the will of the people was able to overcome ossification of not-so-democratic "democratic" institutions and to give renewed hope to a citizenry that had all but given up.

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Zusammenfassung

Am 16. Dezember 2001 erhielt Marc Ravalomanana im ersten Wahlgang der Präsidentschaftswahlen in Madagaskar die Mehrheit vor dem amtierenden Präsidenten Didier Ratsiraka. Die Stimmsä hlung fü hrte zu einer Wahlkrise. Das Innenministerium behauptete, Ravalomanana habe 46% der Stimmen erhalten, wohingegen eine unabhängige Kommission Ravalomanana 50,5% der Stimmen und somit den Sieg im ersten Wahlgang zuerkannte. Hunderttausende Madagassen gingen zur Unterstützung Ravalomananas auf die Straße, was zu einem gewaltsamen, fü nf Monate anhaltenden Aufruhr fü hrte. Diese Studie stellt die Frage: Darf ein Herausforderer zu nicht verfassungsmä ß igen Maßnahmen greifen, wenn er sich in hohem Maße einem betrü gerischen Wahlablauf und einem Mangel an verfassungsmä ß igen Möglichkeiten zur Korrektur des Ergebnisses gegenüber sieht? Wo Demokratisierung sich ganz auf formale Prozesse konzentriert und dabei andere liberale demokratische Maßnahmen ausschließt, muss dieser Prozess letztendlich zu einem unanfechtbaren Ergebnis kommen – andernfalls gerät der Demokratisierungsprozess in Gefahr.

Schlagwörter

Madagaskar, Demokratisierung, Wahl/Abstimmung, Staatsoberhaupt, Didier Ratsiraka, Marc Ravalomanana, Regierungswechsel, Legitimation von Herrschaft, Wahlbetrug, Innenpolitischer Konflikt, Massenbewegung

Résumé

Le 16 décembre 2001, Marc Ravalomanana remporta au premier tour l'élection présidentielle à Madagascar, devant le président sortant Didier Ratsiraka. Le décompte des voix entraîna une crise électorale, le Ministre de l'Intérieur affirmant que Ravalomanana avait obtenu 46 % des suffrages, alors qu'une commission indépendante lui reconnaissait 50,5 % des suffrages et donc la victoire au premier tour. Des centaines de milliers de Malgaches sortirent dans les rues pour manifester leur soutien à Ravalomanana, ce qui aboutit à un climat de violence durant cinq mois. Cette étude pose la question suivante : un candidat a-t-il le droit de recourir à des moyens hors de la Constitution lorsqu'il est confronté à une fraude électorale massive et à un manque de possibilités constitutionnelles pour corriger le résultat proclamé ? Là où la démocratisation se concentre sur des processus formels, tout en excluant d'autres mesures démocratiques plus libérales, ce processus doit absolument aboutir à un résultat incontestable, ou alors la démocratisation est en danger.

Mots-clé

Madagascar, démocratisation, élection/vote, chef de l'Etat, Didier Ratsiraka, Marc Ravalomanana, changement de gouvernement, légitimation du pouvoir, fraude électorale, conflit de politique intérieure, mouvement de masse