



PRELIMINARY STATEMENT

BY

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TO

THE 2018 PRESIDENTIAL ELECTION RUN-OFF

IN

THE REPUBLIC OF MADAGASCAR

ANTANANARIVO, 21 DECEMBER 2018

Your Excellences, Distinguished Guests; Ladies and Gentlemen.

I. INTRODUCTION

On behalf of the Southern African Development Community (SADC) and as mandated by His Excellency Mr. Edgar Chagwa Lungu, President of the Republic of Zambia and the Chairperson of the SADC Organ on Politics, Defense and Security Cooperation it is my honour to welcome you to this event of issuing the SADC Electoral Observation Mission (SEOM) Preliminary Statement for the second round of the Presidential Election in the Republic of Madagascar. The Mission observed the December 2018 Presidential run-off Election, with a total composition of fifty-one (51) observers who were deployed to ten regions of the country, the Mission engaged key political stakeholders in Madagascar.

Allow me to refer you to our Preliminary Statement which we issued on 9 November 2018 following the first round of the 2018 Presidential Election in which we presented in greater detail, the good practices and the areas requiring improvement with respect to the electoral system in Madagascar. I hereby present to you a summary of the SEOM's key findings regarding the second round of the 2018 Presidential Election.

II. SUMMARY OF KEY FINDINGS

The SEOM observed the following aspects of good practice:

(i) The Political and Security Environment

The political and security environment before, during, and immediately after polling day was generally peaceful. Campaign events were mostly well attended, and concluded peacefully.

(ii) Management of the Electoral Process

The Mission noted that the Independent National Electoral Commission (CENI) and the relevant Government Departments were able to implement several positive measures to facilitate the conduct of the election notwithstanding the limited time between the first and second rounds of the election. These measures include:

- Printing of 10,300,000 ballots, and other electoral documents and their delivery to the six (6) main hubs in accordance with the timetable defined by the CENI;
- Increased and improved security in the transportation of election materials and around polling stations in all the regions of the country to prevent acts of sabotage as experienced at one polling station in the first round where voting was cancelled at that polling station;
- Action taken by CENI in collaboration with the public broadcaster through various media, including radio and television, to increase voter turn-out by disseminating information regarding the election and by facilitating live broadcasts of public political debates;
- Successful completion of the training and deployment of over 120,000 polling officials to facilitate the management of the election process.

To address concerns following the November 2018 Presidential Election on non-registration of some voters, subsequent to the December 2018 Presidential Election run-off, CENI complied with regulatory requirements which call for the opening of the electoral list for revisions between December and May every year.

The Mission commends CENI for their professional and impartial management of the election process.

(iii) Role of the High Constitutional Court (HCC) and Security Services

The Mission observed that the election was highly contested, and at certain occasions of the campaign period, the candidates regrettably resorted to the use of inappropriate language which had the potential to inflame tempers or incite their supporters to breach the peace. In this context, the Mission commended the interventions of the HCC which sought to caution and remind the candidates and their supporters of their civic responsibilities.

The Mission also commended the role played by the security services throughout the country to encourage candidates and their supporters to observe the peace during and after the election period.

III. OBSERVATIONS ON ELECTION DAY

On polling day the Mission observed the following at the Polling Stations that the Mission visited:

- (i) The atmosphere was general orderly, calm and peaceful at all Polling Stations, and opening and closing procedures were followed at most polling stations;
- (ii) 70% of the polling stations observed opened on time, the remainder opened 30 minutes or more late due to the late arrival of polling officials. This did not negatively affect the voting;
- (iii) 100% of the polling stations observed closed on time;
- (iv) Voters exercised their right to a secret vote, the disabled, elderly and expectant mothers were given priority and assistance. However, some polling stations were located upstairs or on uneven ground thereby posing challenges for the disabled, elderly, and the infirm (e.g. at Anjanamasina Fokontany, EPP Ampanomahitsy, CEG Ambohidratrimo, EPP Loharanombato);
- (v) A significant number of women were employed as polling staff and polling agents;
- (vi) Local observers were present at some of the polling stations;
- (vii) Uniformed Police Officers were present at most polling stations, and they conducted themselves in a professional manner which did not interfere with the process both within and around the polling stations; and
- (viii) After the close of polling, the process of counting of votes began immediately at all polling stations, and results were duly displayed at the polling stations.

IV. AREAS OF THE ELECTORAL PROCESS THAT REQUIRE IMPROVEMENT

Our Mission also observed the following areas of the electoral process and system that require improvement:

(a) Voter identification cards

The CENI faced challenges with the distribution of voters' identification cards, such that two days before election day a number of the cards had not yet been collected by voters from the respective local administration offices. This non-collection of the voter identification cards coincided with the printing of national identification cards, which caused some suspicions that there may be electoral fraud through the illegal use of the uncollected voter cards. The Mission however found as follows:

- (i) The General Law for Elections and Referenda makes provision for voter identification and verification before a vote is cast. In terms of s154 thereof, a person who is on the voters' list can vote with or without a voter card or a national identity card provided that the person can produce a valid driving licence or passport.
- (ii) The same provision mandates a polling officer to verify the identity of the person wishing to vote. The agents of the candidates in the election are also permitted to verify the identity of the potential voter against the information on the voters' list, whether the person presents a voter card, national identity card, a valid driver's licence or a passport; and
- (iii) On election day, some of our teams observed cases where CENI officials brought uncollected voter cards to polling stations to assist those voters who had not managed to collect them in advance of election day. This reduced the possibility of such cards falling into the wrong hands.

The Mission found that the suspicions regarding the uncollected voter cards are based on perceptions which need to be addressed through improved voter education and communication with candidates.

(b) Transparency in processing of ballot papers at CENI

The Mission observed that the process of counting votes at the polling station is a public event where voters witness the entire open process. The public had a direct view of the counting and tallying process in all polling stations. However, some stakeholders informed the Mission that the highly public and open polling station-based counting process is not

replicated at the CENI Headquarters when results from all polling stations are verified and announced.

The Mission engaged the CENI management and were assured that candidates and their agents are permitted to witness the processing of election results at the national level.

Candidates and their agents are also permitted to put in place their own results monitoring and verification measures from polling station to the national results processing centre.

(c) Absence of an Electoral Code of Conduct

The Mission noted that a binding Electoral Code of Conduct sets behavioural standards breach of which can attract legal penalties. The Mission observed that both candidates were prone to making statements claiming victory ahead of the election and insinuating that an election loss would have been as a result of fraud. Such statements have the potential of inciting political unrest, and the absence of a binding Electoral Code of Conduct prohibiting such statements is a challenge that needs to be addressed.

V. RECOMMENDATIONS

In light of the above observations, and considering the issues highlighted by the various stakeholders, the SEOM proposes the following recommendations for the improvement of the electoral process in the Republic of Madagascar:

- (i) **Results processing at CENI Headquarters:** CENI is urged to sensitise candidates, agents and the public on how the election results are processed at the national level.
- (ii) **Voter identification cards:** CENI is urged to review the system of distributing voter identification cards, including the security features of the cards. This includes considering the adoption of the Biometric Voter Registrations System.
- (iii) **Accessibility of polling stations:** CENI and the Government are urged to review the locations of the polling stations throughout the country for the purposes of facilitating access by the disabled, elderly, expectant mothers and infirm voters.

The above recommendations are to be considered together with the recommendations by the Mission in the Preliminary Statement issued on 9 November 2018, following the first round of the 2018 Presidential Election.

VI. CONCLUSION

In conclusion, as a Preliminary Statement, the SEOM observed that the 2018 Presidential Election was conducted in a peaceful, orderly and professional manner in line with the Constitution, electoral laws and other relevant laws of the Republic of Madagascar.

The Mission commends the people of Madagascar for their exemplary conduct before and on election day, and urge them to maintain this in the post-election period.

SADC calls upon all stakeholders to remain calm and patient whilst the CENI and the High Constitutional Court carry out their duties as the institutions mandated to officially announce the provisional and final results, respectively. The two candidates and their supporters are urged to accept the official results and if aggrieved, they should channel their grievances through the appropriate legal processes.

In accordance with the revised *SADC Principles and Guidelines Governing Democratic Elections* (2015) our Final Report will be issued within ninety (90) days of this Preliminary Statement.

Thank you very much

Merci beaucoup

Muito Obrigado

Misaotra tompoko