AFRICAN UNION ELECTION OBSERVATION MISSION TO
THE 29 MAY 2024 LEGISLATIVE ELECTIONS IN
THE REPUBLIC OF MADAGASCAR

PRELIMINARY STATEMENT

Antananarivo, 31st May 2024
I – INTRODUCTION

Following the invitation by the Government of the Republic of Madagascar, the Chairperson of the African Union Commission (AUC) His Excellency Moussa Faki MAHAMAT, on the proposal of His Excellency Ambassador Bankole ADEOYE Commissioner for Political Affairs, Peace and Security of the African Union, deployed an African Union Short Term Election Observation Mission (AUEOM) with the mandate to observe and report on the legislative elections of 29 May 2024. The Mission arrived Madagascar on 22nd May and will stay in the country till 2nd June 2024.

The Mission is coordinated by Mrs Karine KAKASI SIABA, Ag Head of the Democracy and Electoral Unit (DEU) of the African Union. It is made up of nine (09) Short Term Observers (STO) drawn from AU Member States reflecting the regional geographical diversity of the continent which are: Benin, Cameroon, Democratic Republic of Congo, Ethiopia, Libya, Mauritania, Rwanda, Seychelles and Zimbabwe.

The mandate of the Mission is inscribed within the framework of international standards, in line with international, continental and regional instruments relating to democratic elections as well as to the national legal framework. These include:

- the Universal Declaration of Human Rights (UDHR);
- the International Covenant on Civil and Political Rights (ICCPR);
- the Declaration of Principles for International Election Observation;
- the African Charter on Democracy, Elections and Governance (ACDEG);
- the OUA/AU Declaration on the principles governing democratic elections in Africa;
- the AU Directives for Election observation and monitoring Missions;
- the Aspiration N° 3 of Agenda 2063;
- the African Peer Review Mechanism (APRM);
- the Revised SADC Principles and Guidelines Governing Democratic Elections;
- the Principles for Election Management, Monitoring and Observation (PEMMO) and COMESA Elections Observation Guidelines; as well as
- the Constitution, laws and regulations of the Republic of Madagascar.

II – OBJECTIVES AND METHODOLOGY OF THE MISSION

The objective of the Mission was to conduct an impartial, just and independent observation of the legislative elections and to formulate pertinent recommendations to contribute to the improvement of future electoral processes. The methodology adopted for this election is the short term observation.

To attain these objectives, the Mission held a series of meetings with the principal stakeholders of the electoral process notably the State Authorities, High Constitutional Court (HCC), the National Independent Electoral Commission (CENI), the National Commission for Human Rights (CNDH), the candidates, the Dean of the Diplomatic Corps of African Ambassadors accredited
to the country, the Resident Coordinator of the United Nations System, the Representative of the United Nations Development Program (UNDP), the Country Director of the Electoral Institute for Sustainable Democracy in Africa (EISA), Civil Society Organizations as well as the other Election Observation Missions (EOM) deployed to observe the vote.

Prior to deployment, the Mission organized training and information sessions on: the sociopolitical context, the national legal framework as well as on the tools and methods of observation, collection and transmission of data on election day. The Mission also observed part of the election campaign and the day of silence.

On election day, the Mission deployed observers in four (4) teams to the six (6) districts of Antananarivo, Atsimond and Ambohidratrimo of the region of Analamanga as well as to the the district of Arivonimamo of the region of Itasy, all in the province of Antananarivo.

This Preliminary Statement presents observations on the pre-electoral phase and preliminary observations conducted on the voting and counting operations. The Mission continues to observe the compilation of results till the proclamation of the final results of this legislative elections. It shall publish a detailed final report covering also the post-electoral phase and the national sociopolitical dynamics relating to the elections.

III – PRELIMINARY FINDINGS

The Mission made the following preliminary findings prior to the day of the vote:

A) POLITICAL CONTEXT OF THE ELECTION

The legislative elections of 29 May 2024 were organized within a calm and serene political atmosphere, six (6) months after the Presidential election of November 2023.

Contrary to the presidential election of last year which was marked by a call for boycott by the Group of ten (10) opposition candidates, the legislative elections of 2024 witnesses the mobilization of all the Malagasy political class. This led to the participation of 473 candidates from political platforms and parties in power, those of the opposition and independent candidates. All competing for the 163 seats of the National Assembly.

The stakes of these legislative elections on the configuration of the national political landscape attest to the interest demonstrated by the Malagasy political actors towards the vote.

B) LEGAL FRAMEWORK

The legislative elections in the Republic are principally governed by the Constitution of 2010, the Organic Law relating to the High Constitutional Court of 2001, and those relating to general regime of elections and the election of Deputies into the National Assembly of 2018.

The legislative elections of 29 may 2024 were specifically regulated by Decrees of 13 February and 13 March 2024 respectively convoking the voters to the polls and fixing the amount of the
electoral caution to be paid at 20 million Ariary (about 4500 USD) and the modalities for its reimbursement, and raising the number of Deputies to 163, the distribution of seats and the delimitation of the electoral constituencies.

In addition, we have the Decree of 14 March 2024 fixing the modalities for the organization of the legislative elections which specifies notably, the deadline to deposit candidature files and the period for the election campaign.

**C) ELECTION ADMINISTRATION**

By virtue of Article 3 of Law N° 2015-020 of 16 October 2015, the CENI is a moral personality endowed with administrative and financial autonomy. It is organized into two structures one being permanent and the other non-permanent made up of local structures only put in place during election periods. The CENI has an Executive Secretariat with technical personnel required for the realization of its multiple tasks.

Being the principal organ charged with the material organization of the legislative elections, CENI held election sensitization campaigns of the citizens in collaboration with the civil society and also trained the delegates of candidates.

From 1\textsuperscript{st} December 2023 to 15 May 2024, CENI proceeded with the annual revision of the electoral lists. This operation generated a revised Voters roll with 11 631 156 voters amongst which 51.53% are male and 48.47% are female and these voters were distributed within 28 124 polling stations.

However, the distribution of voter cards continues and was visible at voting centers on election day.

Meanwhile, CENI was involved in ensuring the respect of the law during the election campaign period for the legislative period both on the field and on the use of the media.

**D) ELECTION FINANCING**

The Mission was informed of the contribution by the State of Madagascar to the financing of the organization of the legislative elections of 2024 through the Basket Fund supported by the international community through the project for the Reinforcement of the Electoral and Democratic Process in Madagascar (RPEDEM). This Fund which is managed by the UNDP equally saw the contribution of European Union (EU) and Australia.

However, it appears that contributions to the budgetary estimates for the three electoral cycles (the presidential, legislatives and local elections) are far from being attained.

**E) REGISTRATION OF CANDIDATES**

In accordance with Decree N° 2024-645 of 14 March 2024, the procedure for the submission of candidatures for the legislative elections took place from 27 March to 18 April 2024 in three (3)
phases: The submission of files of candidatures before the Organ for the Verification and Registration of Candidatures (OVEC), followed by the seizing of CENI in the case where the candidature is refused by OVEC and finally a petition to the HCC when not satisfied with the decision of the CENI.

Following the Decision of the HCC of 14 April 2024 over the different petitions received, the CENI through its Declaration N° 056 of 16 April established the final list of candidates for the 29 May 2024 legislative elections. This list contained 473 candidates amongst which 227 (47%) came from Political parties and platforms while 246 (52.1%) were independent candidates.

The Mission noted that the HCC carried out sensitization sessions at the headquarters of the provinces. This initiative focused on its competences and the procedures to seize the Court, destined notably to candidates, which reinforces the confidence of the litigants towards this key State institution.

F) PARTICIPATION OF WOMEN, YOUTH AND PERSONS WITH DISABILITIES

According to statistics of CENI, for the 2024 legislative elections, 5 637 464 women make up 48. 47% of the Malagasy electorate, while 5 490 766 constituting 47. 21% are youth below 35 years of age. Also, only 17% of the 473 candidates are women and less that 3% are youth.

Women are represented in appointed position such as four (04) of the Heads of Provinces and 37% of the members of Government.

The Mission is of the opinion that it will be plausible to envisage policies targeting the stimulation of feminine and juvenile representation in the electoral process, notably the legislative elections.

After the pilot phase of the use of the braille voting carton for persons with visual impairment, during the presidential election, the Mission commends the continuation of this reform which renders the electoral process more inclusive.

G) ELECTION CAMPAIGN AND THE MEDIA

Decree N° 2024-645 of 14 March 2024 specifies the modalities for the organization of the electoral campaign for the legislative elections. The campaigns lasted from 8 to 27 June at midnight.

Notwithstanding certain cases of intimidations reported to the Mission, the candidates were able to carry out their campaign activities in their respective constituencies. Most of the candidates adopted campaigns of proximity, the use of social media, sound systems and the organization of meetings as well as the use of traditional media to canvas for votes.

With respect to established provisions in the law, CENI continues to act in the place of the National Authority for the Regulation of Media Communication (ANRCM). CENI ensured the distribution of access time to the media for the candidates on the public media notably: Malgasy
National Television (TVM) and the National Radio (RNM) which diffused the campaign activities of the candidates.

However, the Mission observed a certain disequilibrium in the campaign means displayed by the different candidates. It would be judicious to reflect on integrating in the law governing election campaign, provisions imposing a ceiling amount on campaign expenses. This would create a balance in the means engaged by all the candidates for campaigning.

**H) CIVIL SOCIETY**

The participation of the Malagasy civil society was observed in civic and voter education campaigns targeting the population in collaboration with CENI and the CNDH, notably through the organization of information and discussion workshops and through the use of the social media. Civil society organizations like SAFIDY, in partnership with EISA, deployed national observers over the national territory on election day.

**I) SECURITY**

According to CENI, the deployment of election materials to the different branches was organized with the assistance of the security forces in collaboration with the territorial officials. The Mission noted that the distribution of voting materials in the different voting centers was done under the surveillance of the forces of law and order.

**IV – ELECTION DAY OBSERVATION**

On 29 May 2024, the Observers of the AUEOM were deployed in four teams to the regions of Analamanga and Itasy of the province of Antananarivo. They observed the procedures of opening, voting and counting in 104 polling stations amongst which 76 (73%) were in the urban areas and 28 (27%) were in the rural areas.

a) **Opening of polling stations**

The polling stations opened on time (6:00 a. m.) in 75% of the polling stations observed and the procedures for opening were scrupulously followed by the election personnel. The case of delay ranging from 16 – 30 minutes was due to the late distribution of election material by the Fokontany.

Queues were visible and orderly in 50% of the polling stations observed. The observers and delegates of candidates were able to freely dispatch their duties in all the polling stations visited.
b) Electoral participation

The Mission noted that the presence of voters was timid in most of the polling centres visited during the early hours of the day. Turnout relatively improved in due course from midday in the respective polling stations.

c) Voting process and electoral materials

The polling stations were well laid out and the ballot boxes sealed in ninety-eight percent (80%) of the cases, which facilitated fluidity in electoral operations, as well as the in situ mobility of voters and respect for order. This was not the case for 20% of the polling stations visited, owing to the narrow nature of the polling stations with cases of 2 or even 3 polling stations operating in the same room.

The application of indelible ink to the fingers after voting was systematic in all the polling stations observed as well as the identification of voters on the electoral list and their signing of the said list after voting.

All electoral materials were present and in sufficient quantities in the polling stations observed by the AUEOM.

d) Secrecy of the vote

Secrecy was guaranteed in almost all of the polling stations visited. The voting booths were placed at a good distance from the windows.

e) Electoral staff

The 5 members of the polling station were present in behaved professionally in the quasi-totality of polling stations visited.

f) Participation of women and youths

The Mission noted a participation of over seventy-five percent (75%) of women among the electoral staff of the polling stations observed compared to twenty-five percent (25%) of men. For delegates of candidates, the Mission noted that 60.41% of them were female. Most of the national observers were equally women.

g) Accessibility of polling stations

Eighty-eight percent (88%) of polling stations covered by STOs were accessible to people living with disabilities compared to twelve percent (12%) noted as inaccessible because they were located either upstairs or they had stairs without access ramps to facilitate the mobility of all voters. Though these people were assisted in one way or the other, this constitutes a challenge of the inclusion in the election deserving particular attention from stakeholders in the location of polling stations.
h) Voter assistance

The Mission observed that priority was given to voters who needed it. They were assisted by a member of the electoral staff or a person of their choice.

i) Candidate representatives and observers

The delegates of candidates were present in all the polling stations visited. The observers and delegates of candidates were able to perform their duties without restriction.

However, certain delegates were unable to identify the name of the candidate they were representing in the polling station.

The AUEOM met with other observers from SADC, OIF, as well as diplomatic missions accredited in Madagascar. It also met some national observers: SAFIDY, ADIDY VAO ZO and others.

j) Security agent

Security forces were visible in all voting centers visited. Their presence within the immediate vicinity of the polling stations was evaluated as discreet in 65% and professional in 35% of the cases. The security personnel were more visible in the urban areas compared to the rural areas.

k) Closing and counting of polling stations

In conformity with the law, voting closes at 5 p.m. The majority of polling stations observed closed at the right time. The closure of the polling stations followed laid down procedures with the rearrangement of the room, the counting and the posting of the results.

However, electricity power cut at the beginning of the counting in the polling stations observed in Antananarivo point to the importance of envisaging alternative lighting at the crucial phase of the process.

At the end of the counting, the delegates of candidates signed the results sheets and received copies. The electoral personnel systematically posted the results at the polling stations visited.

V – BEST PRACTICES RELATED TO THE ELECTORAL PROCESS

The key points noted by the Mission are:

a) The continuation of the use of the Braille Carton for voting by persons with visual impairment by CENI with the support of the UNDP;

b) The sensitization campaign organized by the HCC for candidates in the election and litigants which contributed to improve confidence in this State institution involved in the electoral process;
c) The configuration of Result Sheets to specific electoral constituencies constituted an additional factor to reinforce the credibility of the vote;

d) The efforts made by the Government to contribute to the financing of the elections through the Basket Fund.

VI – CONCLUSION AND RECOMMENDATIONS

VI.1. CONCLUSION

The African Union Election Observation Mission (AUEOM) commends the political and democratic engagement of the Malagasy people, translated through the peaceful atmosphere which reigned on the day of the legislative elections of 29 May 2024. The environment inside as well as outside the polling stations visited was generally peaceful.

The AUEOM encourages the candidates, political parties and platforms to remain serene and preserve peace and security in the country till the proclamation of the results. It exhorts the candidates to make recourse to legal means in case of contestation to preserve national unity. The AUEOM thanks the Malagasy authorities for the diligences undertaken to facilitate its deployment on the field.

VI.2. RECOMMENDATIONS

The Mission formulates the following recommendations to ameliorate future electoral processes in Madagascar:

To the Government:

1. Further endow the CENI with sufficient means to enable it fulfil its missions
2. Prioritize the effective operationalization of all the institutions linked to the electoral process in conformity with the respective laws;
3. Proceed with the codification of the texts relating to the electoral process to render them more accessible.

To CENI:

1. Pursue the reinforcement of civic and voter education sensitization in collaboration with the civil society organizations
2. Ensure that Polling stations are accessible to persons with disabilities, the aged and pregnant women through the provision of access ramps.
3. Propose law projects encouraging the participation of women and youth in elective political positions.
To Candidates:

1. Maintain calm during the process of compilation of the results and to resort to legal means in the case of any eventual contestation;
2. Promote female and youth candidatures in the electoral process with the framework of promoting participative and inclusive democracy;
3. Further mobilize the voters to turnout massively to vote on election days.

To CSO:

1. Continue actions targeting legal and major electoral reforms in order to increase the level of citizen participation;
2. Reinforce fundamentally, civic and voter education sensitization campaigns to improve the participation of youth and women in elections.

To the AU and the International Community:

Continue to accompany the Republic of Madagascar in her efforts targeting the consolidation of peace and democracy.

Done at Antananarivo, 31st May 2024

For the Mission,

Mrs Karine Kakasi Siaba
Coordinator of the Mission