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Ad hoc Delegation to observe the elections in Madagascar

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REPORT

on the mission to observe the parliamentary elections held in Madagascar on
15 December 2002

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1. EUROPEAN PARLIAMENT DELEGATION

At its meeting of 4 September 2002 the Conference of Presidents agreed to send a five-member delegation to observe the parliamentary elections in Madagascar on 15 December 2002.

As two members were unable to take part, the delegation was finally composed as follows:

- Mr John Alexander Corrie (PPE-DE, UK), Honorary President of the ACP-EU Joint Parliamentary Assembly, PPE-DE Group Coordinator for the Committee on Development and Cooperation
- Mrs Marie-Arlette Carlotti (PSE, F), Vice-President of the ACP-EU Joint Parliamentary Assembly, Member of the Committee on Development and Cooperation
- Mr Jean-Pierre Bebear (PPE-DE, F), member of the Committee on Development and Cooperation.

The delegation worked in close cooperation with the European Union Election Observation Mission, chaired by Mrs Tana de Zulueta, member of the Italian Senate, and with Mr Pierre Protar, EU Ambassador, and the Ambassadors of France (which held the Presidency) and Germany.

2. INTRODUCTION

The crisis

The parliamentary elections of 15 December 2002 must be seen in the context of the political crisis which shook Madagascar after the controversial December 2001 presidential election. The political crisis began with both candidates (D. Ratsiraka, outgoing president, and M. Ravalomanana, opposition candidate) challenging the results of the presidential election of 16 December 2001. The High Constitutional Court had declared that neither of them had obtained a majority and that a second ballot would therefore be necessary. Marc Ravalomanana, however, claimed that he had obtained a majority. Peaceful demonstrations and a general strike were organised by his supporters.

On 22 February 2002 Ravalomanana proclaimed himself President of the Republic and formed a new government. In response to this, Ratsiraka imposed martial law, established his government on the coast and set up roadblocks on the main roads leading to the capital. Several attempts at mediation were undertaken by the OAU, the United Nations and African Heads of State, but these failed to find a solution and achieve reconciliation.

On 21 March the ACP-EU Joint Parliamentary Assembly unanimously adopted a resolution in Cape Town calling on the people of Madagascar to engage in dialogue, including direct dialogue between the two main protagonists.

On 18 April, the two rivals finally met in Dakar and signed an agreement (Dakar I), providing for a recount to be held and, should neither candidate obtain a majority, for a Higher Council of

Transition to be set up and new presidential elections to be held. However, when the High Constitutional Court declared on 29 April, following the recount, that Mr Ravalomanana had won with 51.46% of the vote against 35.9%, Mr Ratsiraka refused to accept the result, continued to lead his parallel government and maintained the roadblocks.

Mr Ravalomanana was sworn in as President on 6 May and formed a new government on 14 May.

What had started off as a peaceful dispute developed into an increasingly violent conflict and plunged the country into the most serious crisis in its history, causing more than 100 deaths in clashes and at least 1000 deaths as a result of deteriorating living conditions. Further mediation steps were undertaken by the OAU, the United Nations and the African Heads of State, notably at the Dakar II meetings on 8 and 9 June, but came to nothing.

A solution to the crisis was finally reached at the beginning of July when:

- Mr Ravalomanana initiated a process of national reconciliation and formed a government of reconciliation;
- he took control of almost the whole country;
- he agreed to the principle of early parliamentary elections;
- the international community recognised him as President (the EU on 11 July);
- former President Ratsiraka left the country.

However, the African Union has still not recognised Mr Ravalomanana as President.

The recovery plan presented by the government to donors in Paris on 26 July won their support, with funding of USD 2.3 bn being granted (including EUR 577 million from the EC).

3. LEGAL FRAMEWORK OF THE EARLY PARLIAMENETARY ELECTIONS

All the legal and regulatory provisions relating to the electoral process were drawn up after July 2002 and adopted in October 2002 with a view to the elections being held on 15 December (organic law 2002-004 of 30 September 2002 on the election of members to the National Assembly and all the implementing decrees). Within this very tight schedule, two major problems appeared:

- there were shortcomings in the administrative procedures for drawing up electoral lists which were liable to lead to disputes as the related procedure for issuing court orders in lieu of birth certificates was not sufficiently well defined;
- the forwarding of election results was another weak point in the process. The design and reliability of voting records was not enhanced by this unduly hurried legislative reform.

Administrative framework

Three institutions are essentially in charge of the conduct of elections:

- the Ministry of the Interior, responsible for organising the elections
- the National Electoral Council (Conseil national électoral - CNE), responsible for supervising elections
- the High Constitutional Court (HCC), responsible for registering candidates, processing complaints and officially announcing results.

Political context

During 2002, newly elected President Ravalomanana formed a new political party, the TIM. Former President Ratsiraka's party, the AREMA, was divided. One faction, the 'Front du Refus', decided to boycott the election, while the other wished to take part. A large number of 'independent' candidates stood in the election.

According to the HCC's list, 1 318 candidates stood for 160 seats. The TIM party was represented by 134 candidates and the AREMA party by 95.

Talks held by the European Parliament delegation

In order to obtain as clear a picture as possible of the political and legal context, the delegation held many meetings prior to the elections, with:

- institutions
- political parties
- civil society

On 12 and 13 December, it met the President of the Republic, the Minister of the Interior, the Foreign Ministry, the Senate, the Ambassadors of Member States (France and Germany), the MOE, the national observers, the FFKM, Mr Rajerison Gervais (Justice and Peace), Mr Ramaholimihaso (CNOE), the Leader Fanilo, Mr Raharijaona, AREMA deputy National Secretary, Mr Randrezason, chairman of the CNE, representatives of the coalition (TIM, AVI and RPSD), Mr Rajaonarivony (HCC), Mr Ratovonelinjafy, Mr Ralaidovy and Mr Vaovao (AREMA Front du Refus).

4. REPORT BY Mr JOHN CORRIE ON THE VISIT TO DIEGO SUAREZ

Mr Corrie flew up to Diego Suarez in the north east corner of the island. This flight went via Nosy-Be which is the area being developed for tourism. It was interesting to note that the airport building was peppered with bullet holes – there had obviously been some fighting on this island.

Diego Suarez has a very different climate from Antananarivo, and it was hot and humid with a temperature nearing 45°C. It is a huge rural area with many small villages – some with a voting population of only 70.

Mr Corrie had an excellent meeting with the two long-term observers who briefed him on the current situation. They had made a thorough reconnoitre of the area. They were bemused by the fact that it had been suggested they visit a particular village – designated to give a broad spectrum of the region. This must have been chosen off a map by someone in Brussels as it was 17 kilometres' walking distance from the nearest road, and would have taken a day to reach!

There were two areas – Diego 1 and Diego 2. Diego 1 covered the main city, and Diego 2 the countryside. Mr Corrie opted to cover the rural area, as most of the other observers were going to stay in the city. However, due to the distance and the roads, Mr Corrie opted to open a polling station in town in Diego 1 east district before setting off to the country areas. This went smoothly with no problems. In the event the polling station that was chosen had 3 polling stations and was named Lycee mixte.

Moving out into Diego 2 Mr Corrie was lucky enough to meet the area advisor, and was able to follow him to the polling stations as most of these were in the mountains on unmarked dirt track roads. It would have been quite impossible to find, had there not been a guide.

The first polling station had no locks on the ballot box, as they had constructed the plastic box incorrectly, and the lid would not fit. After being shown the correct method the box was sealed satisfactorily.

In all, 14 polling stations were visited throughout the day, and in almost every case there were no problems that would have made any difference to the result. The main issue was whether voters who arrived with only their identity card should be allowed to vote. The rules made it clear that either the voting card or identity card could be used, but in many places people were not allowed to vote unless they had their voting card. In others they had blank voting cards available which were filled in as required, if the voter could prove his or her identity.

Mr Corrie watched the closure and count at Mahagaga. This was carried out by candlelight. The count was slow and meticulous, but worked out exactly correct according to the numbers voted, with the TIM having a massive majority.

Mr Corrie returned to Diego and visited the central collection point. By 10 p.m. a queue was forming to deliver the sealed envelopes from all the polling stations. This whole process was very slow and laborious, and Mr Corrie received a very frosty reception from the Chief Préfet on his first visit. (It has to be remembered that this area was the stronghold of the previous President.) It was clear they were nervous about the close attention of European Union observers and the representative from the United States Embassy.

The counting centre had no computers, calculators or typewriters, and virtually no paper. All the calculations were being written by hand.

The central station worked late into the night then opened the following morning where there was a queue of over 40 agents waiting to deliver their results.

The results were meticulously counted, and there was no cause for concern. The same can be said for Diego 1, which Mr Corrie checked on a number of occasions, as it was only 100 metres from his hotel.

The central team had compiled once again the form to be completed at each polling station. Mr Corrie had numerous criticisms of this form, as many of the questions could not be answered with a simple “yes or no”– and had to be answered with “non-applicable”.

The observation team in Brussels should look at the structure of this form to construct a basic pro-forma which can be used in most circumstances. Primarily separate forms should be available for the opening and closing of polling stations.

Mr Corrie was perfectly satisfied with everything which he observed in this region, and thanks his interpreters most sincerely for their help.

5. REPORT BY Mrs MARIE-ARLETTE CARLOTTI AND Mr JEAN-PIERRE BEBEAR ON THE CONDUCT OF POLLING IN TAMATAVE

On 14 December the two MEPs travelled by road (six hours) from the capital to Tamatave, provincial capital of Taomasnia, on the east coast of Madagascar. In Brikaville they saw the bridges which had been brought down during the events following the presidential election. They decided not to fly as there was no guarantee that they could return by Monday, 16 December.

The Members were accompanied by Gero Friedel, Jean-François Vallin and a Madagascan interpreter.

Two long-term observers (LTO) gave the Members a briefing on arrival. Two 'Francophonie' observers (from Niger and Canada) joined the European team. An American observer was also contacted during the observation visit.

The town of Tamatave (101 216 registered voters) was divided into two constituencies: 127 (15 candidates) and 127bis (13 candidates), with 140 polling stations. The same applied to the suburban and rural region around Tamatave (62 748 registered voters): constituencies 132 (10 candidates) and 132bis (12 candidates), with 91 polling stations.

The European Parliament delegation had, from the outset, chosen to observe the elections in this province because the region is known as the stronghold of former President Ratsiraka (generally 62.5% of the vote, and up to 90% in certain Betsimisaraka areas at the presidential election) and complaints of intimidation had been submitted against the outgoing AREMA member of parliament, Mr Eric Lemalade, and former Minister Foulgence Fanony.

The two MEPs separated to form two observation teams. They visited some 30 polling stations, mostly in the four abovementioned constituencies and only two (because of difficult access by road) in the 132nd constituency (on the Foulpointe road).

The Members began their observation at 7 a.m., with the opening of a polling station. The general atmosphere in the town and around the polling stations was calm: no crowds and a very disciplined population. Inside the polling stations, the chairman, the polling station staff (a vice-

chairman, a secretary and four assessors), the candidates' representatives and the national observers were present, all wearing badges.

In the polling station visited by the observation team, voting began ten minutes late because some ballot papers (each candidate is responsible for printing his own ballot papers) had not been sent in sufficient numbers to the administration and then to the polling station. Once this problem had been solved, voting went ahead without problems.

The delegation visited around 12 polling stations between 7.30 a.m. and 5 p.m. (30 minutes per polling station; in some cases, several polling stations had been grouped together in the same school), splitting up into two groups.

Mrs Carlotti visited a number of coastal villages, in particular President Ratsiraka's native village. Voting operations went smoothly everywhere, with people having to wait in some cases before they could vote. Any voters who had not received their voting cards at home could claim them at the entrance to the polling station. Unfortunately, there seemed to be very little supervision of this last-minute issuing of voting cards.

Mrs Carlotti had to abandon the idea of visiting a number of extremely remote polling stations, which could not be reached by car and would have required several hours' walk. However, many voters had no hesitation in making the journey.

The parliamentarians used the standard EU questionnaire.

Practical voting arrangements

People could vote if their name appeared on the electoral list and they could prove their identity by showing their national identity card. These were the only conditions governing the exercise of the right to vote on election day. Voting cards (without photograph) provided evidence of registration on the electoral list but were not required for voting.

In order to vote, one was required to place one of the ballot papers in an official envelope supplied by the administration. Transparent ballot boxes were used. After putting his envelope in the ballot box, each voter threw unused ballot papers into a bin (or kept them as souvenirs) and signed the attendance list, with indelible ink on his left thumb.

Voting was secret and personal. There was no possibility of proxy or postal votes.

Subject to a number of conditions, people who had been omitted from the electoral register could vote, provided they presented an electoral order issued by a court. In Tamatave, very few such orders were actually used.

Vote count

At 6 p.m., the delegation took part in the vote count in a pre-selected polling station. Counting was carried out in public and took place immediately after polling had closed.

The polling station staff counted and announced the number of voters on the attendance list. They counted and announced the number of envelopes found in the ballot box, which was equal to the number of names on the attendance list. The tellers began the count using pencils and the classroom blackboard. Lighting was from an electric lamp and a dozen candles placed on the tables.

At the end of the operations, the chairman of the polling station immediately announced the results of the count and drew up the voting record, of which seven copies were established, each for a specific addressee. One of these copies was immediately posted outside the polling station.

The voting lists, spoilt ballot papers, envelopes and ballot papers open to dispute, attendance lists signed by the tellers and removed envelopes were annexed to the voting record and sent to the chairman of the vote counting committee (commission de recensement matériel des votes – CRMV).

Each representative and authorised observer present at the time of the vote count was given a copy of the voting record, which was to be signed by at least three of the polling station staff. The seven copies of the voting record, plus these copies, represented a large amount of paper, which gave rise to some confusion. However, all the personnel present abided by the rules and were extremely devoted to their duty, and all the spectators standing in front of the class rooms remained calm, without any sign of aggressiveness.

6. OFFICIAL RESULTS

The following results were officially announced by the High Constitutional Court on 10 January 2003:

PARTY	NUMBER OF ELECTED CANDIDATES
TIM	102
FIRAIKINAM-PERENENA	20
INDEPENDENT	23
RPSD	4
AREMA	3
MFM	2
LEADER FANILO	1
HBM	1
TOTAL	156*

* 4 constituencies annulled

7. CONCLUSIONS

In technical terms

- (a) the first-past-the-post system tended to encourage a large number of candidates to come forward and gave independent candidates with a local base an advantage, thereby preventing the establishment of political platforms of genuine substance;
- (b) the electoral lists and the system of transfer and consolidation of results, using seven original voting records, could be improved on;
- (c) the absence of any code on election and party funding and the absence of access to media coverage meant that conditions were not equal for all candidates.

Despite the general problems mentioned above, the European Parliament delegation did not note any cases of fraud or irregularities in the sample of polling stations visited. On the contrary, the delegation was impressed by the seriousness, professionalism and dedication of the personnel, who included a large number of women.

The delegation therefore wishes to confirm the overall positive assessment expressed in the final statement of the European Union Observation Mission of 13 January 2003.

In political terms

- (a) the result of these parliamentary elections has provided the new President, Mr Ravalommana, with an obvious basis of political legitimacy, both at national and international level;
- (b) the African Union should therefore recognise the new President and his regime;
- (c) the large number of newly elected members of parliament, the weakness of parliamentary democracy in the country and the absence of political and party programmes should encourage donors, and in particular the European Union, to provide massive support for institutional, especially democratic and parliamentary, capacity building so as to maintain what has been achieved in terms of democratisation¹.

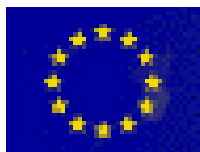
In organisational terms, with respect to the European Union

- (a) the European Union (Council, Commission and European Parliament) should strengthen its election observation methodology to ensure that:
 - the EP delegation and the local ambassador of the country exercising the EU Presidency are appropriately consulted prior to any joint political statement², which was not the case;

¹ Following a request from the President of the Republic, the European Parliament delegation supported the Commission delegation in rapidly setting up training seminars for new members of parliament.

² The European Parliament considers it vital, for the success of any EU election observation mission, that close coordination take place between the Commission, the Council Presidency, the diplomatic missions of the Member States in third countries, the EU Electoral Unit and the EP delegation (European Parliament resolution of 15 March 2001, adopted following the Fava report on the Commission communication on EU election assistance and observation ((COM(2000)191 - C5-0259/2000 - 2000/2137(COS))

- joint statements leave sufficient leeway for the EP Head of Delegation to make a political statement, including at the press conferences, and to reply to questions (which was not possible in this specific case).



European Union
Election Observation Mission
Madagascar 2002 Parliamentary Elections

Preliminary statement

Antananarivo, 18 December 2002

The European Union Election Observation Mission (EOM) commenced its duties on 6 November 2002 in Antananarivo. Led by Mrs Tana de Zulueta, member of the Italian Senate, the mission comprised a total of 89 observers deployed throughout the country. A delegation of three Members of the European Parliament, led by Mr John Alexander Corrie, Honorary President of the ACP-EU Joint Parliamentary Assembly and coordinator in the European Parliament's Committee on Development and Cooperation, was also deployed with the mission.

On polling day, the Mission coordinated the largest group of international observers present in the country.

Summary

- **The Mission wishes to congratulate the people of Madagascar on the peaceful climate in which the election was held, and the administration officials for the considerable effort made to ensure that voting went smoothly. Following the serious crisis which had temporarily afflicted the country, a peaceful climate was particularly important during these elections. The election campaign as a whole was characterised by the absence of violence, which is a positive aspect.**
- **The presence of 89 European Union observers, deployed throughout the country in rural and urban regions, was aimed at boosting voters' confidence and ensuring the election's transparency.**
- **Besides its overall positive assessment of polling day, the Mission wishes to draw attention to the following points:**
 - **as regards preparations for the election, the Mission noted that the revision of the electoral register and the distribution of voting cards were still inadequate on the eve of the election; This may have led to uncertainty and confusion among voters and polling station officials, Moreover, the inadequacies of the revision of the electoral register may have been the reason for many court order decisions being issued and given rise to controversy;**
 - **the decision taken by some of the political class not to take part was aimed at limiting voters' options and may have affected some voters' confidence in the process;**
 - **isolated cases of pressure or intimidation of voters and candidates were reported and confirmed by the Mission, in particular in Tamatave, Tuléar and Mahajanga;**
 - **voters were provided with insufficient information through the media and the election campaign for a proper understanding of the various proposals made by the parties and the electoral procedures.**

Campaign and pre-electoral climate

The election campaign was generally very calm. It nevertheless highlighted the considerable disparities in the resources available to candidates. The TIM party candidates, in particular, enjoyed easier access to transport and publicity materials. Isolated cases of use of public funds, in particular vehicles, by TIM candidates were reported to the Mission observers.

The contradictory statements made by the AREMA party before and during the election campaign as to its participation in the elections led to a degree of confusion about the choice which voters would have. The creation of a 'Front du refus' rejecting the elections, made up of various parties, associations and a few independent candidates, also contributed to the uncertainty.

Various cases of intimidation and pressure were reported to the Mission. Investigations confirmed the validity of such reports in a number of cases involving representatives of the TIM party. Furthermore, the judicial proceedings – or threat of such proceedings – against certain candidates during the weeks preceding the election affected the general climate of the campaign and may have caused some of them to withdraw.

Preparations for the elections

The processing of candidatures by the administrative and judicial authorities responsible was generally conducted fairly and in compliance with the relevant rules. However, the extension of the deadline for submitting candidatures and the differing information provided by the various CAVEC (bodies responsible for the verification of candidatures) led to confusion. Moreover, to a certain extent, the delays in drawing up the final list of candidates affected their ability to carry out subsequent preparatory tasks with due care and attention.

Compliance with procedures, transparency and voter information are elements which should be improved in the conduct of the various stages of the process, namely the establishment of electoral lists, the distribution of voting cards, delivery of ballot papers and the issuing of court orders.

As regards the drawing up of the electoral register, the revision of lists was not conducted consistently throughout the country. While the revision was generally carried out in a satisfactory manner in the major towns, the lack of resources and the very short deadline meant that most constituencies were unable to carry out the revision as it had been planned and announced by the Ministry of the Interior. The original idea that voters should have an opportunity to review the lists did not always materialise. The inaccuracy of electoral lists therefore had a direct impact on requests for court orders and may have disrupted the smooth conduct of the election. The mission was concerned at this aspect and believes that it should be thoroughly examined.

The National Electoral Council was able to establish a local presence within a short time and with limited resources. Nevertheless the limited independence it enjoys under the relevant legal texts, the slowness of the complaints procedure and the timid measures taken to correct the process tend to undermine confidence in this institution.

Polling day

On 15 December the Mission observed voting operations in 465 polling stations in all the provinces of Madagascar. According to our information, voting and the count were generally conducted in a regular and transparent manner. The massive presence of candidates' representatives in most polling stations was undoubtedly a positive aspect of the election. This presence confirms the political classes' interest in these elections and, in itself, constitutes a domestic monitoring mechanism which complies with procedures and to enhance the election's credibility.

On the whole, the material organisation of polling day was efficient, the bulk of the material having been delivered to polling stations according to schedule and thus allowing voting to take place at the appointed time.

Last minute changes in the members of the local administration responsible for the conduct of elections is a source of concern. These sudden changes not only caused further technical difficulties at local level but also led to accusations of lack of impartiality on the part of the administration, which were reported to us.

One aspect which ought to be improved is the failure to post results in polling stations following the count. The posting of results is required by law and was called for by various political leaders prior to the elections. The forwarding of the polling stations' voting records to the vote counting committees (commissions de recensement matériel de vote – CRMV) was satisfactory in most of the cases observed. The problems noted by the Mission were caused by special circumstances (rain, poor lighting, etc.) which made this process difficult. Work in the CRMV was, in most cases, carried out satisfactorily. The Mission noted that, in some cases, the CRMV had not begun their work on the day after polling day, probably because they were waiting for the arrival of all the polling stations' voting records.

Inconsistencies in the application of legal texts on polling day seem to confirm that voters lacked proper information and that electoral officers at various levels lack training.

The media

On 15 November the Mission set up a radio, television and press monitoring procedure. On the basis of the information thus obtained, the mission noted that, during the election campaign, the state media ('Television de Madagascar' and 'Radio National Madagascar') did not provide any significant opportunities, outside publicity time, whether free of charge or against payment, for a presentation of the parties' manifestos. The same applies to the main private electronic media, which were characterised by a lack of debate between candidates. On the other hand, the broadcasting time devoted to the activities of the President of the Republic and government ministers by the state media was over 80% of the total time for political broadcasts on RNM and 90% on TVM.

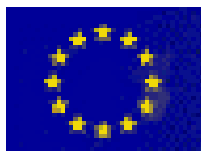
Overall, voters did not receive sufficient information through the media to obtain a clear picture of the parties various proposals.

The written press, though not widely distributed in the country, provided a more thorough analysis of the campaign. However, it only reaches a very limited proportion of voters.

The absence of any laws setting limits on candidates' expenditure or imposing standard rates for publicity in the private media is responsible for the unequal nature of the publicity campaigns. Moreover, the free publicity slots made available by the state media were only very partially used by candidates.

Conclusions

The observers noted that there were a number of shortcomings and grey areas in the implementation of applicable legal provisions and procedures which, in some cases, left the administration too much freedom and opened the way for possible abuses by some of those involved in the process. Steps should be taken systematically to identify these weaknesses with a view to engaging in open discussion of the problems and encouraging an appropriate reform. This reform should deal, in particular, with the drawing up of electoral lists and be accompanied by a debate on the voter identification system. Consideration could be given to the format of ballot papers, their funding and their means of distribution. It would also be useful to give consideration to the role and exclusive competences of each of the electoral authorities.



European Union
Election Observation Mission
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Final Statement

Antananarivo, 13 January 2003

The European Union Election Observation Mission (EOM) arrived in Madagascar on 6 November 2002. Led by Mrs Tana de Zulueta, member of the Italian Senate, the mission made a preliminary statement on 18 December 2002, in which it made known its comments on the electoral process up to the consolidation of results by the vote-counting committees. The mission remained in Madagascar until the proclamation of the official results by the High Constitutional Court (HCC). The present statement concerns the final stage of the electoral process.

The Mission wishes to confirm its overall positive assessment of the electoral process. It welcomes the fact that complaints about the conduct of voting were submitted in the framework of the existing institutions and through the channels provided by the relevant legal provisions. It notes that the political climate during the consolidation of results in these elections contrasts sharply with the serious crisis which marked the period following the presidential election one year ago. This is undoubtedly a positive development in terms of the consolidation of the country's democratic institutions.

The post-electoral period was generally calm. There were nevertheless isolated demonstrations by supporters of certain candidates who, according to the provisional results published by the Ministry of the Interior on 23 December 2002, had lost the election. These demonstrations protested, in particular, against the considerable disparities in the resources available to candidates, the way in which electoral lists and voters' cards had been established, the issuing of court orders and a number of cases of pressure and intimidation against voters and candidates. These aspects of the process were already mentioned in the preliminary statement.

The Mission noted that the inconsistencies and uncertainties reported earlier as regards the number of registered voters still exist. This problem, which may be due to a lack of adequate

communication between the various levels of administration, leaves the way open for speculation about the accuracy and possible manipulation of the electoral lists.

One positive aspect which should be highlighted is the speed with which the vote-counting committees' results were forwarded to the High Constitutional Court. Complaints were dealt with professionally. The mission appreciated the opportunity it was given to monitor these activities.

The decisions taken by the High Constitutional Court nevertheless showed, in several cases, that the plaintiffs were not adequately informed of the formal requirements for submitting a complaint and the specific competences of the High Constitutional Court.

The National Electoral Council's supervisory work was fairly limited. However, it was more active in the post-electoral phase. The NEC's weak representation on the ground became apparent in a number of cases. The lessons learned during this election as regards the NEC's structure, organisation and operation should be looked at more closely before the next elections.

The Mission hopes that any criminal law cases will be brought before the relevant courts and dealt with appropriately, including the isolated cases of pressure and intimidation which took place in Madagascar during the pre-electoral period. The Mission also hopes that any situations in which there was a clear lack of impartiality on the part of local administrations will be properly examined and that, where appropriate, those responsible will be duly punished.

The Mission regrets the fact that national observers have so far failed to make any statements following the vote. A provisional statement on their part could make a valuable contribution to discussions on the conduct of the voting. This role has been confined to the written press, which has fuelled public debate during the post-electoral period.

The Mission will publish a final report in the coming weeks, including all its remarks and recommendations with a view to improving the conduct of elections in Madagascar.

The Mission wishes to take this opportunity to thank all its national and international correspondents for their support during its stay in Madagascar and their contribution to the smooth running of the observation mission.

Summary of the work of the European Parliament Election Observation Mission

From 12 to 18 December 2002 the European Parliament delegation observed the early elections for the Madagascan National Assembly, which took place on 15 December 2002. This concerned the election, on a first-past-the-post basis, of 160 Members of the National Assembly, who form the legislature together with the Senate.

The European Parliament delegation comprised three MEPs: Mr John Alexander Corrie, head of the delegation, Honorary President of the ACP-EU Joint Parliamentary Assembly, coordinator in the European Parliament's Committee on Development and Cooperation (PPE, British), Mrs Marie-Arlette Carlotti, Vice-President of the ACP-EU Joint Parliamentary Assembly and member of the European Parliament's Committee on Development and Cooperation (PSE, French) and Mr Jean-Pierre Bebear, member of the Committee on Development and Cooperation (PPE, French).

The Members of the European Parliament were accompanied by four officials: Mr Gero Friedel, Mr Jean-François Vallin, Mrs Dominique de Geoffroy and Mrs Linda Fitchett.

The European Parliament has always considered election observation in ACP countries to be an important means of encouraging the democratic process. In this spirit the European Parliament delegation cooperated closely with the European Union Election Observation Mission, led by Mrs Tana de Zulueta, Head of Mission, and the head of the European Commission delegation in Madagascar, Mr Pierre Protar.

The delegation wishes to thank the Madagascan authorities for their support and excellent cooperation at all levels.

Prior to the elections, the delegation held a series of in-depth meetings on 12 and 13 December 2002 with Madagascan political parties, the Madagascan authorities, civil society, other observers and the diplomatic corps. It had talks with the TIM-AVI-RPSD coalition, the two wings of the AREMA Party and the FANILO leader.

It was received by the chairman of the National Electoral Council, Mr Radrezason, and the President of the High Constitutional Court, Mr Rajaonarivony.

It also interviewed the national observer organisations, KMF, CNOE, FFKM and Justice and Peace.

It was received on 12 December by the Foreign Minister, and this was followed on 13 December by an audience with the Head of State, President Marc Ravalomanana.

The meetings were preceded and followed by briefings with the diplomatic corps and the European Union observer mission.

A team of European Parliament observers then travelled to Diégo-Suarez and another to Tamatave to observe the general climate of the elections in those two provincial towns and to

monitor the conduct of elections, the vote count in polling stations and the compiling of final results at the CRMV.

The two teams visited more than 30 polling stations. Overall, the teams were impressed by the professionalism, discipline and devotion to duty of the personnel working in the polling stations, which included a large number of women.

The report drawn up by the European Union election observation mission will look in greater detail at the problems noted.

The delegation expresses the wish that improvements will be made to the relevant legislation and regulations before the next election so as to enhance the reliability of electoral lists and simplify procedures in relation to voting records (planning and transmission).

The European Parliament delegation wishes to congratulate the people of Madagascar on the peaceful conduct of these elections and wishes the elected members a successful term of office, serving the country's development.

The delegation endorses the European Union election observation mission's preliminary statement, which was issued to the press on 18 December 2002.

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