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Madagascar's Haute Cour Constitutionnelle (HCC) (high constitutional court) rejects parliament's impeachment of President Hery Rajaonarimampianina (2014- present). Rajaonarimampianina is now looking to form a stable parliamentary majority. During the impeachment saga, security forces promise to stay out of the political fray and respect the court's decision. Madagascar Oil submits an environmental impact assessment for its onshore Tsimiroro concession. The International Monetary Fund (IMF) completes its staff visit, noting current economic challenges and the need for further reform.

Constitutional court rejects parliament's impeachment of Rajaonarimampianina

Madagascar's **Haute Cour Constitutionnelle (HCC)** (high constitutional court) on 12 June rejected¹ parliament's vote on 26 May² to impeach President **Hery Rajaonarimampianina** (2014 – present).³ The rejection of the impeachment vote has allowed Madagascar to avoid political turbulence and has given the new government more opportunity to refocus its efforts on creating political stability and broad-based economic growth through policy and regulatory reform.

The HCC dismissed the impeachment application as having no legal foundation,⁴ and stated that the accusations of treason, violation of the constitution and disregard of presidential duties were unfounded and the impeachment was therefore inadmissible.⁵ The HCC also rejected the way the parliamentary vote was handled, noting it was held in secret and conducted in a manner that violated parliamentary procedures.⁶

The HCC's rejection of parliament's impeachment of Rajaonarimampianina avoided returning Madagascar to political paralysis but tensions remain. **Sahondra Randriamorasata**, one of Rajaonarimampianina's lawyers, described parliament's impeachment vote as an "*institutional coup d'état*".⁷ **Pierre Houlder**, a spokesperson for the opposition **Miaraka amin'ny Prezida Andry Rajoelina (Mapar)** allied to former president **Andry Nirina Rajoelina** (2009-2013), called the HCC's decision "*ridiculous*".⁸ **Camille Vital**, a former prime minister under Rajoelina said,

*"An early presidential election is the solution the country needs regardless of the decision of the High Constitutional Court. It belongs to the National Assembly to decide the next step."*⁹

Member of parliament (MP) **Jean Jacques Rabenirina**, a spokesman for the MPs that supported the impeachment, said the MPs would file a complaint against HCC president **Jean Eric Rakotoarisoa** and his colleagues.¹⁰

¹ No. 24-HCC / D3: La Gazette, 16 Jun 2015.

² News24.com, 27 May 2015

³ AFP, 13 Jun 2015.

⁴ www.bbc.co.uk

⁵ AFP, 13 Jun 2015.

⁶ No. 24-HCC/D3

⁷ Zeenews.india.com

⁸ AFP, 13 Jun 2015.

⁹ Reuters, 14 Jun 2015.

¹⁰ Madagascar Tribune, 17 Jun 2015.

Rivo Rakotovo, president of Rajaonarimampianina's **Hery Vaovao ho an'i Madagasikara (HVM)** party, supported the HCC decision and called on all politicians to accept the outcome.¹¹ In a televised speech after the HCC decision, Rajaonarimampianina said,

*"We must fight to ensure that the crisis will not return to our country. Each of us has learned from what happened ... I call on the Malagasy population, including opponents, to take account of the best interests of the nation, to join hands, to dialogue, to work together and enhance development."*¹²

The international community has focused its response on calling for political unity. **France**, Madagascar's former colonial power, called for stability. French foreign ministry spokesperson **Romain Nadal** said,

*"France ... calls on all sides to respect the decision of constitutional court ... We also call on all parties to undertake a frank and constructive dialogue and push for a climate of appeasement and stability in the greater interest of the Malagasy people."*¹³

Parliament voted on 26 May to impeach Rajaonarimampianina for alleged constitutional violations and general incompetence.¹⁴ Rajaonarimampianina's opponents claim he has failed to deliver on his economic promises and accuse him of violating the constitutionally mandated twelve-month implementation period for the full establishment of the **Haute Cour de Justice (HCJ)**.¹⁵ There is some speculation that parliament moved against Rajaonarimampianina after his refusal to hand over gifts to MPs such as four-wheel drive vehicles.¹⁶

Rajaonarimampianina was inaugurated in January 2014. The Malagasy people and the international community hoped his election as president would bring political stability to Madagascar after five years of political and economic stagnation under immediate past president **Andry Nirina Rajoelina** (2009-2014), but the parliamentary impeachment vote appears to indicate continued potential for future political conflict.

The impeachment motion won the vote of 121 of 151 MPs, easily clearing the two-thirds majority required.¹⁷ Rajaonarimampianina dismissed the corruption allegations and questioned the vote count.¹⁸ In a radio and television broadcast after the vote, he said Madagascar needed stability and not political wrangling.¹⁹

*"I want to tell the people that I'm still here, your leaders are still working for you ... Many are asking questions about what happened to the national assembly over the impeachment ... I am concerned about due process and respect for transparency. There is a suspicion of corruption."*²⁰

Rajaonarimampianina's supporters also challenged the handling of the vote. MP **Lydia Toto** questioned the tally of 121 votes in favour, saying only 102 MPs were present in parliament at the time.²¹ Madagascar's aid donors called for unity and said the country needed political stability.²² The **United States (US) Embassy** said through its **Facebook** page on 27 May that it backed Rajaonarimampianina's rebuilding work after the 2009 crisis.

¹¹ www.bbc.co.uk

¹² www.lagazette-dgi.com

¹³ Reuters, 15 Jun 2015.

¹⁴ www.bdlive.co.za

¹⁵ www.lexpressmada.com

¹⁶ AFP, 27 May 2015.

¹⁷ www.channelnewsasia.com

¹⁸ www.channelnewsasia.com

¹⁹ Reuters, 27 May 2015.

²⁰ AFP, 27 May 2015.

²¹ Midi Madagaskari, 28 May 2015

²² Reuters, 27 May 2015.

"We urge all stakeholders in positions of leadership to place as their first priority the welfare of the people, and guarantee the stability necessary for the country's future."²³

The HCC is the only government body able to act against the president if his actions violate the constitution. The HCC elected current chairman Jean Eric Rakotoarisoa on 20 October 2014, eight months after Rajaonarimampianina dismissed former head **Jean Michel Rajaonarivony** on 27 February. The HCC elected Rakotoarisoa through a secret vote amongst its members. Previously, the appointment of the HCC chairman was the prerogative of the president. Rakotoarisoa has a reputation for *"being very thorough and honest in the exercise of its different functions"*.²⁴ When he was elected as head of the HCC, he stated publicly that *"there will be concentration of power in the hands of the president"*.²⁵

Former HCC head **Honore Rakotomanana**, who reportedly had close ties to Rajaonarimampianina, said MPs did not have the legal authority to impeach a president, unless the president is incapacitated.²⁶ Hence, the HCC had no role to make a decision on the dismissal of the president. Opponents of Rakotomanana's views claim the HCC's role is only to verify the parliamentary vote.

Rajaonarimampianina looks to form a stable parliamentary majority

After the HCC sided with Rajaonarimampianina with regard to the parliamentary impeachment vote (see above), Rajaonarimampianina sent political emissaries to parliament in the hope of creating a parliamentary majority.²⁷ Rajaonarimampianina hopes to form a stable parliamentary majority before the end of June. A stable parliamentary coalition will allow Rajaonarimampianina's government to focus on much needed economic reform instead of political infighting. The results of his outreach to parliament are not yet known as a formal meeting has not yet taken place.

"We expect the second shoe to drop after the independence day national holiday on 26 June and nothing much to happen before then..."²⁸

Rajaonarimampianina increased his contact with parliament through emissaries such as presidency chief of staff **Henri Rabary Njaka** and education minister **Paul Rabary**. The objective of these emissaries is to invite parliamentarians to engage in dialogue and come to a political solution, which will lead to political stability in parliament.²⁹

Security forces promise to stay out of political fray and respect court decision

During the impeachment series of events, Madagascar's security forces asked politicians not to drag the army and police forces into the political fray and indicated that they would not accept any non-constitutional transfer of political power.³⁰ The announcement is a positive signal that the current political fighting will not lead to another military coup like the one that ousted former president **Marc Ravalomanana** (2002-2009) and brought Rajoelina to power in 2009. Defence minister general **Dominique Rakotozafy** said on 30 May, four days after the impeachment vote,

"We warn and promise that we will not tolerate any attempt at unconstitutional change of power in all forms, civilian or military, that may cause a new crisis."³¹

Police inspector general **Blaise Richard** and head of the army General **Paza Didier** also reiterated their support for *"commitment to respect for republican values and the democratic principle"*.³²

²³ Reuters, 27 May 2015.

²⁴ www.cjca.conf.org

²⁵ Madagascar Tribune, 27 May 2015.

²⁶ MATV, 27 May 2015.

²⁷ La Gazette, 24 Jun 2015.

²⁸ Source, political analyst, Maputo

²⁹ La Gazette, 24 Jun 2015.

³⁰ www.channelnewsasia.com

³¹ www.channelnewsasia.com

³² Midi Madagasikara, 1 Jun 2015.

However, the security forces also stated that they will continue to maintain law and order, in line with their legal mandates, and have called on the Malagasy people to refrain from acts of destabilisation and allow the political course to come to completion.³³

Madagascar Oil submits environmental impact assessment

Alternative Investment Market (AIM)-listed **Madagascar Oil** has submitted an environmental impact assessment (EIA) to the **Office Nationale de l'Environnement (ONE)** for the initial phase of the **Tsimiroro** field development. An EIA is a government requirement for commercial production to take place. The ONE still has to review Madagascar Oil's EIA as part of the approval process. The ONE is expected to make a decision in the second half of 2015. Madagascar Oil CEO **Robert Ellis** said,

*"We are looking forward to continuing the open dialogue with the National Environment Office and public institutions in their consideration of the document."*³⁴

Tsimiroro is an onshore heavy oil concession located 125km from the west coast of Madagascar. The 2011 contingent best estimate is 1.7 billion barrels and the prospective best estimate exceeds 2.1 billion barrels. Madagascar Oil is currently exploring various financing options to secure the funds required to develop Tsimiroro.³⁵ The company announced on 22 June that it had hired investment bank **Jefferies International** to assist an ongoing search for a strategic partner to fund the development of the Tsimiroro field.³⁶ The initial investment will require between \$200m and \$400m, which could come from a mix of equity, oil sales, a farm-in or some other financial agreement.³⁷

The Tsimiroro concession requires significant infrastructure investment to become viable, such as hundreds of kilometres of insulated pipeline from the concession site to storage facilities – near a reportedly environmentally sensitive area on the coast – and upgraded port infrastructure, and possibly a refinery to get the heavy oil sands to market.³⁸

IMF completes staff visit

The **International Monetary Fund (IMF)** completed a staff visit to Madagascar on 4 June. The IMF held discussions with senior government officials on the near-term economic situation and reforms to accelerate growth and improve development over the medium term in line with the government's **National Development Plan (NDP)**.³⁹ **David Robinson**, the IMF's Madagascar team leader and deputy director of its Africa department, described the current economic situation in Madagascar as challenging.

*"Weak global commodity prices and severe weather—the cyclone, floods, and droughts that hit large parts of Madagascar earlier this year—have adversely impacted growth prospects for 2015. Weaker economic activity impacts revenue mobilization, constraining the ability of the government to deliver public services at the level envisaged in the 2015 budget."*⁴⁰

The IMF said the new government has taken important steps to address budgetary pressures, particularly with regard to transparency, but still needs to address the issue of increasing domestic revenue collection and the problems with state-owned enterprises such as **Air Madagascar** and power and water utility **Jiro sy Rano Malagasy (Jirama)**.⁴¹

³³ Midi Madagasikara, 1 Jun 2015.

³⁴ www.proactiveinvestors.co.uk

³⁵ Multiple sources: British Daily Stock Report, 9 May 2014; www.madagascaroil.com

³⁶ www.proactiveinvestors.co.uk

³⁷ www.proactiveinvestors.co.uk

³⁸ Source, business analyst, Madagascar

³⁹ www.imf.org

⁴⁰ www.imf.org

⁴¹ www.imf.org

The IMF will return to Madagascar in August to finalise an agreement on reforms that the IMF could support with a lending arrangement.⁴²

Implications

The HCC's rejection of parliament's impeachment vote has allowed Madagascar to avoid a return to political instability. Despite the HCC decision, the impeachment vote has created a political crisis in the run up to local elections in July.

Rajaonarimampianina can now refocus his government's reform efforts on boosting much needed economic growth. The IMF has noted the challenges that face Madagascar's economic recovery and the extensive reforms that are necessary. However, the success of Rajaonarimampianina's reform efforts is dependent on his ability to create a stable parliamentary majority. Public announcements during the impeachment events that the security forces would remain politically neutral were a positive sign for Madagascar's political stability and reducing the risk of a military coup.

Madagascar Oil's submission of its EIA to the ONE is a positive step and signals that Tsimiroro is on track towards commercial development, which will help diversify Madagascar's extractive sector and attract much needed foreign investment.

⁴² www.imf.org

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