



The Government of National Unity as a Transitional Power-Sharing Institution in Madagascar

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Abstract

The Government of National Unity in Madagascar was part of the transitional plan negotiated in Maputo and later also adopted in the SADC Roadmap. No explicit arguments were used in the negotiations to justify such a government but it was possibly influenced by the precedents set by several other African countries. The unity government in Madagascar, the same as most similar governments, cannot be expected to be a general 'success' or without periodic crises. In Madagascar it was arguably also used to disguise SADC's acceptance of the coup leader, Andry Rajoelina, as the transitional president though it was against the African approach to unconstitutional changes of government. Seven phases or cycles were identified during the GNU rule in Madagascar: they ranged from the initial negotiations to establish the government to Rajoelina's unilateral actions, amendments of the Roadmap, suspension of participation by some opposition groups and ultimately focus on the elections.

Introduction

The concept of a government of national unity is not new. It is most of the time associated with the ideal of power-sharing in the form of an over-sized coalition. In deeply-divided ethnic societies it is sometimes used as one of the elements of a consociational democracy, like the one in Switzerland and earlier in Cyprus, Lebanon, the Netherlands and Belgium. In the context of post-conflict and transitional situations it is often utilized as an instrument of confidence-building and stabilization of a political situation. Madagascar serves as an example of the latter use of a GNU.

The consociational form of a GNU is normally constitutionally entrenched and therefore designed to be used for the long-term. The transitional use of it, on the other hand, is normally temporary in duration, and often part of a peace agreement but not necessarily constitutionally codified.

The International Institute for Democracy and Electoral Assistance (IDEA) also distinguishes between a group-building approach and an integrative approach to power-sharing. The former is consociational in nature and is premised on ethnically homogenous parties as participants, while the latter seeks to build political coalitions of any nature, to create incentives for political leaders to be moderate and to allow for minority influence in decision-making (Harris 1998, 140-141). Arguably, the unity government in Madagascar was expected to follow the integrative approach.

Power-Sharing, Transitions and Post-Conflict Reconstruction

Power-sharing in unity governments as a constitutional framework for ethnically-diverse societies are well-researched (Lijphart, Horowitz). Yet less attention has been given to power-

sharing in such societies *as part of a peace process*. Timothy D. Sisk (1997) is an exception in this regard and he concentrated on the motivation for such arrangements. In brief, he emphasized the structure and operation of incentives for political leaders in periods of rapid political change as well as realization of a common or shared destiny (Sisk 1997, 78-79) as the main motivations.

The use of unity governments and power-sharing institutions less defined by overtly ethnic identities and more by other identities is much less researched and theorized. Madagascar falls into this category. No source is available that explicitly explains the arguments used in the negotiations pertaining to why the parties decided to include a unity government in the Malagasy transition. Former Pres. Ravalomanana (personal interview, 1 February 2013, Hartebeespoort Dam) also could not recall a specific discussion during the negotiations about a rationale for its inclusion. The precedent set by South Africa, Sudan, Zimbabwe, Kenya, Côte d'Ivoire and others was possibly sufficient as a motivation for the Malagasy political movements to embrace it without much debate.

Conceptually, a unity government is designed to incorporate diverse political interests, including the main antagonists in the preceding conflict. In this sense it is meant to compel them into political cooperation. For the public at large it is meant to serve as a practical and symbolic form of reconciliation. For the antagonists it is designed as a period during which they can learn to know each other better, to reduce the negative stereotypes about each other and to increase the level of trust in each other (i.e trust and confidence-building). It is not realistic to expect that they will become allies during the transitional period but rather that the minimum level of trust necessary for any functioning political system should emerge. A unity government should also include the potential spoilers – a concept developed by Stephen Stedman and others. Inclusion in government is expected to reduce their potential to spoil or sabotage the transition. Furthermore, a unity government should include smaller but significant political formations. One of the purposes of a transition is to cultivate a broad consensus about the future direction of political and constitutional development in a country. Politics should not be conducted as a zero-sum competition and therefore small political formations should not feel marginalized during the transition.

An important consociational principle often incorporated also in a transitional unity government is proportionality. It is potentially problematic if one participant or an alliance of participants enjoys an absolute majority of support and therefore has a majority of seats in government. The essential requirement of sharing of power in a unity government is then under pressure. Related to this, the required majorities for decision-making are often contested between efforts to entrench consensual decision-making in power-sharing and the perceived threat of unilateral actions. Power-sharing is an exceptionally difficult principle to implement, because it does not only affect decision-making procedures and sharing of seats in government, but also sharing of appointments of senior government officials and determining which ministerial portfolio should go to which party.

Any expectation that a GNU will be a general 'success' or will operate without periodic crises is unrealistic. A unity government's main objectives are normally limited to containing the levels of political violence and conflict, to stabilize the political situation, to prepare for an election and quite often also to draft a new constitution that is finalized by a general referendum.

The case of Madagascar added an additional objective for the use of a GNU, which is relatively unique. When the Ravalomanana administration was overtaken by the military and Rajoelina regime in March 2009, the African Union and the Southern African Development Community (SADC) immediately responded by declaring it an unconstitutional change of government in

terms of the African Charter on Democracy, Elections and Governance (2007), and suspending its membership from the two organizations (SADC 2009) (Africa News 2009) (SouthAfrica.info 2009). The unconstitutional nature of the events was, arguably, premeditated because already before the coup Andry Rajoelina presented himself as an alternative transitional authority. After the military handed him the presidential powers, that authority was formalized and he became known as “la Président de la Haute Autorité de la Transition” (HAT). This Authority did not enjoy any international recognition or legitimacy, yet SADC responded with a mediation process in 2009 which included the Mouvance Rajoelina as one of the four main participants. Arguably, the only means of hiding its ostensible embarrassment for granting official participatory status to the coup leaders was to devise a unity government in which Rajoelina would be counterbalanced by the other political stakeholders. It did not take into account the possibility that Rajoelina could continue indefinitely as transitional President and dominate the situation in the absence of Marc Ravalomanana, who was kept in exile in South Africa. In spite of the agreements’ formulations, in which a unity government was agreed upon, it is suggested that SADC’s primary intention was not to incorporate the main antagonists, to build trust amongst them or to promote cooperation between them. Instead, the unity government was an enlarged government, incorporating (or even coopting) other political movements as a means to reduce the obvious illegitimacy of the Rajoelina regime. This suggestion of the GNU’s rationale in Madagascar has not been articulated by anyone in public and therefore it is a matter of interpretation here. Later it will be mentioned that the Mouvance Ravalomanana decided to suspend participation by its members in the GNU and other transitional institutions in May 2012, partly on the basis of its perceived cooptation into a Rajoelina-dominated dispensation and exploitation of their implied legitimisation function. The Malagasy examples presents one of the most difficult problems for any unity government: it has to be inclusive and has to build bridges between the antagonists, but how does it avoid rewarding forces involved in unconstitutional activities like rebels or military coup leaders for their activities by including them in the government?

In conclusion, a unity government has become one of the standard elements in most of the peace processes mediated by the AU or its regional organisations. If it is not assessed in over-ambitious terms it can make an important contribution to a transition and the early stages of post-conflict reconstruction. It should be assessed as a temporary measure and as a political anachronism that cannot be expected to function as a conventional coalition government.

Government Cycles in Madagascar Since 2009

The Malagasy executive system is semi-presidential in nature, resembling the French dispensation. A directly-elected executive President is assisted by a Prime Minister whose constituency is based on parliamentary support and who acts as the leader of government. The President appoints the Prime Minister, who in turn identifies the ministers although they are appointed by the President. Theoretically the possibility of cohabitation does exist when the President’s party and the majority party in parliament differ. This executive system was also the basis of the different versions of a unity government applied in Madagascar since 2009.

One of the most important features of the Malagasy unity government is that it went through different phases or cycles, which is unusual. The first phase was not by design a unity government, but started in March 2009 when Rajoelina became the President of the HAT while he continued with Ravalomanana’s Prime Minister, Eugène Mangalaza.

The second phase was the SADC-led mediation that produced the Maputo Accords in August 2009 and the Addis Ababa Additional Act in November 2009. The Maputo agreement on a

“National Government of Unity of the Transition” is found in two documents: the “Accord politique de Maputo” and the “Charte de la Transition”. In these agreements a distinction was made between the President and Vice-President on the one hand, and the GNU consisting of a Prime Minister of Consensus, three Vice Prime Ministers and 28 Ministers (Accord politique de Maputo, le 8 août 2009 , Article 4) (Charte de la Transition, le 9 août 2009, Article 3.1). In Addis Ababa the agreement on Vice-Presidents was replaced by two Co-Presidents (Acte Additionnel d’Addis Abeba a la Charte de la Transition Malgache, le 6 novembre 2007 , Article 3).

In Maputo, agreement was reached about a list of other transitional institutions, all meant to incorporate the principles of neutrality, inclusivity, peace and consensus (Charte de la Transition, le 9 août 2009, Article 1). They were not directly part of the GNU but rather directly related to it. The most relevant ones were the two houses of parliament: “Le Conseil supérieur de la Transition” (65 members) and “Le Congrès de la Transition” (258 members), “La Haute Cour de la Transition”, “La Commission électorale nationale indépendante” and “La Conseil économique et social de la Transition”. The composition of all these institutions was based on equality and not proportionality. For example, the ministerial portfolios were allocated equally (i.e. six seats each) to the four mouvances (i.e. Rajoelina, Ratsiraka, Ravalomanana, Zafy) and seven to the “autres sensibilities”, referring to organisations of the Mouvance Rajoelina (Acte Additionnel d’Addis Abeba a la Charte de la Transition Malgache, le 6 novembre 2007 , Article 10).

The significance of this phase was that it introduced a new transitional structure beyond the existing Constitution and it incorporated a high level of power-sharing amongst the four mouvances of former and incumbents Presidents. At Addis Ababa they identified the office-bearers of the new positions, namely President (Rajoelina), Co-Presidents (from the Mouvance Zafy and Ravalomanana), President of the Congress of the Transition (Mamy Rakotoarivelo of Mouvance Ravalomanana), President of the Upper Council of the Transition (Mouvance Rajoelina) and the Prime Minister (Mangalaza) (Acte Additionnel Article 9). It established a fine balance between the different stakeholders. But one characteristic dominated it: Rajoelina’s acceptance as transitional President thereby effectively condoned the coup while Ravalomanana remained in exile. Rakotoarivelo assumed the *de facto* internal leadership of the Mouvance Ravalomanana but only in the capacity of president of the lower house. The fundamental requirement of a GNU that all the main political players must be included was therefore not met.

The next phase commenced with Rajoelina’s presidential decree on 18 December 2009 in which he dismissed Mangalaza as Prime Minister and replaced him with Col. Albert Camille Vital. He also annulled his decree that ratified the Maputo and Addis Ababa agreements and called for a parliamentary election on 20 March 2010 (SABC News 2009) (BBC News 2009). It signaled the end of the first initiative to establish a unity government; it also introduced a unilateral style of government that characterized most of the transition, and it reintroduced the HAT.

A period of stasis followed. The SADC mediator, former President Joaquim Chissano, convened a meeting on 28-30 April 2010 in Pretoria of all four mouvances. In the communique afterwards an attempt was made to revive the first initiative: “In the course of the consultations, the movement leaders strongly expressed the view that the Maputo Agreements and the Additional Act of Addis Ababa, negotiated and signed by all the parties constitute, despite challenges faced in the implementation, a decisive gain in the process to end the crisis and an essential foundation for leading an inclusive, consensual transition, in the shortest time possible” (Pretoria communique on the Madagascar mediation initiative, 30 April 2010, Paragraph 7). Two weeks later the mediator reaffirmed the call when he issued a statement emphasizing that

“unilateralism is unacceptable” and that a “consensual and inclusive process” should be followed (Chissano, Statement by the Mediator [Joaquim Chissano] on the recent developments in Madagascar 2010).

At the same time, suggestions were made that a new “French roadmap” for the transition was in the pipeline. Rajoelina presented some elements of it already at the Pretoria consultation (personal interview with Marc Ravalomanana, 1 May 2010, Sandton) and therefore it emerged as the antithesis of the Maputo agreements. Most significant was the restriction on Ravalomanana’s return to Madagascar to only when the political and security situations would be conducive for it – therefore a conditional return or an indefinite delay.

The next phase was the emergence of the internal Malgacho-Malgache dialogue process, preparation of a new constitution and a referendum on 17 November 2010. This phase was characterized by excluding the mouvances from any negotiations or dialogue; structuring of a dialogue inside Madagascar amongst Rajoelina-aligned groups and unilaterally drafting a new constitution.

The Constitution of the 4th Republic created an Executive composed of the President (Article 44) while the Government consists of a Prime Minister and Ministers (Article 63). No reference is made to a unity government or a transition, except that the HAT will continue until the new President has been inaugurated (Madagascar-Tribune.com 2010, Pojet de constitution de la quatrième République, Article 166). The three opposition mouvances boycotted the referendum, which was interpreted as undermining the legitimacy Rajoelina sought for his regime (Guardian 2010). Pres. Ravalomanana issued a statement on 13 November 2010 in which he did not directly call for a boycott but appealed to the military and mayors to protect that country and urged them “to restore back [sic] the legal government respecting human rights, so that the People will trust you again. ... For that, you should preserve the unity and respect the army and the republican values” (M. Ravalomanana, Statement of President Marc Ravalomanana, November 13, 2010)

The AU, SADC and international community did not accept the referendum which meant that the intention to conduct new presidential and parliamentary elections could not materialize. It also means that the Constitution as an alternative and unilateral initiative by Rajoelina to impose a new dispensation that ignored the transitional arrangements largely failed. In reality the HAT without a unity government continued but within a transitional lacuna.

The next phase was an alternative for the constitutional approach and produced the first Roadmap. It was signed on 9 March 2011 by eight parties, mainly Rajoelina’s TGV and others that constituted the “Rajoelina Platform”. Not one of the mouvances accepted it. A new Executive and Government were agreed upon in the Malgacho-Malgache dialogue: Andry Rajoelina as President of the Transition, a Prime Minister of Consensus appointed by the President from a list proposed by the Malagasy “Political Actors” who signed the Roadmap (paragraph 5) while the Political Actors were to nominate a list of personalities to the Prime Minister who would then propose the Government members to the President (paragraph 6) – in other words, a unity government was envisaged consisting only of the parties that signed the agreement, and thereby excluding the mouvances. It is informative that the Roadmap specified criteria for the unity government: the Prime Minister was not supposed to come from the same party or region as the President, allocation of portfolios must be just and equitable, it must respect their political origin, gender representation and regional presence. Very significant was paragraph 20, stating that Pres. Ravalomanana could not return to Madagascar before a favourable political and security environment was established (Feuille de Route la Sortie de

Crise à Madagascar – Engagements des Acteurs Politiques Malgaches, 9 mars 2011, Par. 20). This roadmap was in essence based on the French one formulated about a year earlier. By implication it accepted that the new Constitution lacked legitimacy or general acceptance and that a transitional government had to be established as an alternative. The mouvances' opposition to a Rajoelina-dominated dispensation, however, worsened the legitimacy deficit and therefore the AU, SADC and international community did not amend their attitude towards Rajoelina – Madagascar remained suspended and sanctions continued.

The SADC Organ Troika on Politics, Defence and Security Cooperation met on 31 March 2011 in Livingstone, Zambia, and received a report from the official mediator, former Pres. Chissano. His report recommended that the Troika summit should endorse the Roadmap and that the UN, AU and wider international community should be requested to endorse it also (Chissano, Draft Report of the SADC Mediator [Joaquim Chissano] on the Madagascar Crisis – Rev. 3 – 29 March 2011, Par. 93).

The summit's response did not support the Chissano sentiment but paragraph 15 in the SADC Communiqué stated instead: "The Extraordinary Summit decided not to recognize Mr. Rajoelina as President of Madagascar as his appointment did not only violate the Constitution of Madagascar and democratic principles, but also violated the core principles and values of the SADC Treaty, the African Union Constitutive Act and the United Nations Charter". While the summit "endorsed the report of the SADC Facilitation on Zimbabwe" it did not endorse the Chissano report and the Roadmap was merely "noted" (Personal letter, Pres. Marc Ravalomanana to Pres. Hifikepunye Pohamba of Namibia, April 28, 2011, 2). The mediation and transition were therefore effectively in a stalemate: the SADC Organ and its mediator maintained different sentiments about Rajoelina and his unilateral initiatives while the international community did not want to endorse the proposed transitional framework and instead condoned the mouvances' opposition to it.

The SADC Roadmap

SADC initiated a major intervention to address the stalemate in the form of an extraordinary summit in Sandton, Johannesburg, on 11 and 12 June 2011. A number of important decisions were taken that amounted to amendments to the Roadmap. In the Summit Communiqué the following was recorded:

14. Summit endorsed the Roadmap to bring Madagascar into constitutional normalcy presented by the SADC Mediator on Madagascar after affecting necessary amendments.
15. Summit urged the leaders of the Mouvances Ratsiraka, Ravalomanana and Zafy to initial the Roadmap expeditiously as soon as the necessary amendments are affected.
16. Summit also urged the High Transition Authority (HTA) to allow Malagasy people in exile for political reasons, to be allowed to return to the country unconditionally including Mr Marc Ravalomanana" (Extraordinary summit of the heads of state and government of the Southern African Development Community, 11 and 12 June, 2011, 2-3).

These amendments did not refer directly to a unity government but their implications were that if the three mouvances were to accept the amendments and initial the Roadmap the government had to be recomposed. The SADC Executive Secretary, Dr Tomaz Augusto Salomão, said in a letter to Pres. Ravalomanana on 17 June 2011 that the Summit urged the three mouvances "to initial the roadmap as soon as possible in order to join the institutions of the transition, that must

still be restructured, and to participate in an inclusive transitional process” (Salomão 2011, 1, translated from the original French formulation).

Pres. Chissano’s mediation assistant and former Mozambican Foreign Minister, Leonardo Simão, did not share the same sentiment about a new government and felt that the transitional government in existence at the time must also become the new Government of National Unity – thereby excluding the three oppositional movements. He also described the incumbent Prime Minister as the “Prime Minister of Consensus” envisaged by the amended Roadmap (M. Ravalomanana, Report on Madagascar to the Peace and Security Council of the AU and the International Contact Group in Addis Ababa, 4 July 2011, 3-4). The Mozambican presence in SADC’s relationship with Madagascar (i.e. the Executive Secretary Salomão, Pres. Chissano and Simão) complicated the matter at that stage. As a result the Ravalomanana group complained about them and stated: “The SADC mediation team, in particular Leonardo Simao, is biased towards the illegal regime. It is making public statements about the process and the decisions taken by SADC that are not in line with the communicated decisions of the SADC Heads of State” (M. Ravalomanana, Report on Madagascar to the Peace and Security Council of the AU and the International Contact Group in Addis Ababa, 4 July 2011, 3).

An example of Salomão’s interference was with regard to the Roadmap amendment of paragraph 20 dealing with Ravalomanana’s return to Madagascar. While paragraph 16 in the Summit Communiqué used the phrase “return to his country unconditionally”, Salomão provided an extended interpretation of the resolution in a letter to Ravalomanana (Salomão 2011, 2) by adding the formulation: “Mr. Marc Ravalomanana can return to Madagascar only after creation of favourable political and security conditions”. Thereby he tried to reintroduce the original conditional formulation of the ‘French’ and ‘TGV’ Roadmaps. The Rajoelina-led government immediately realized the opportunity created by the Salomão formulation and on 23 August 2011 the Council of Government decided to “reiterate our firm commitment to conform with the arrangements of the amended Roadmap as it was presented by the Executive Secretary of SADC in his letter dated 17 June 2011” (Conseil de Gouvernement 2011, 2, translated from the original French formulation).

Given the negative response to Salomão’s formulation, he was forced to withdraw it in a letter to the “Leaders of all Malagasy Political Stakeholders” on 14 September 2011: “Unfortunately I regret to inform that my letter was not an accurate representation of the Summit Decision as quoted above. ... With the above clarification, I hereby withdraw the amendment I prepared through the letter of 17 June, 2011” (Letter, Tomaz Augusto Salomão to Leaders of all Malagasy Political Stakeholders, 14 September 2011: 1-2).

After the formulations of the amendments were accepted by all the stakeholders the Rajoelina Platform and the movements of Ravalomanana and Zafy signed the amended Roadmap on 17 September 2011. Ratsiraka was the only stakeholder that refused to sign it. Immediately after its acceptance, the focus shifted to implementation of the agreement. Pres. Ravalomanana wrote to Deputy Minister Marius Fransman, Pres. Zuma’s envoy as Chairperson of the SADC Organ (M. Ravalomanana, Personal letter, Marc Ravalomanana to Marius Fransman, 19 September 2011) about it:

I ordered our delegation to sign the Roadmap after they explained to me in some detail that our signature would be followed by a meeting at high level with the SADC Organ Troika to discuss the “modalities” for the implementation of the Roadmap. Amongst the issues are the balance of power between the parties, particularly the position of the Prime Minister, and the creation of a new

transitional government in terms of the Roadmap. A critical issue will be my early return to Madagascar and my role in the country upon my return.

The latter matter was complicated by the fact that on 17 September 2011 – the day that the Roadmap was signed – the HAT's Minister of Justice authorized a warrant for Ravalomanana's arrest as well as another Notice to Airmen (NOTAM) preventing the Ravalomanana family from boarding any aircraft bound for Madagascar (Rakotoarivelo 2011, 2). It was directly in conflict with the letter and spirit of the new Roadmap.

One of the most serious shortcomings in the Malagasy Roadmap is that it did not include a multi-stakeholder monitoring and verification commission similar to the one provided by the Zimbabwean Global Political Agreement (2008) and by the Sudanese Comprehensive Peace Agreement (2005). The SADC Organ tried to perform the tasks on their own and therefore the Ministerial Committee of the Organ Troika went to Madagascar from 13 to 14 October 2011 to formalize the implementation framework.

The expectations of the Mouvance Ravalomanana regarding a new unity government were presented to the Ministerial Committee in the following terms:

- Creating a new, inclusive and consensual transitional government of national unity and attendant institutions of transition to govern Madagascar and to oversee the holding of internationally supervised, free –and–fair elections within a year;
- Creating a balance of power between the contesting parties in Madagascar which can be defined as the eight (8) “mouvances” supporting the leader of the current illegal regime; and the three major political mouvances of President Ravalomanana and those of former presidents Didier Ratsiraka and Albert Zafy (M. Ravalomanana, Concerns ahead of the implementation of the SADC Roadmap to end the crisis in Madagascar, 11 October 2011, 3).

Rajoelina and his supporters did not articulate in public their views or expectations of a unity government. In view of their stance and actions before and after adoption of the amended Roadmap it was apparent that political power had to remain concentrated with Rajoelina even though the number of participants in government could be extended thereby preventing distribution of power or power-sharing. Inclusion of the oppositional mouvances was therefore more intended as legitimization of Rajoelina rule than as establishing a new power balance. Such a visualization of the unity government was premised on the assumption that support by the Malagasy military and France for Rajoelina would be guaranteed and that they would be able to convince the SADC mediators of Rajoelina's merits and that Ravalomanana is guilty of crimes against humanity. Rajoelina also accepted the unity government on the understanding that Ravalomanana will be isolated from it despite the Roadmap's amended paragraph 20.

The main test of the GNU was in the first instance not its conceptualization in the Roadmap but its practical implementation. The Roadmap was vague on implementation and could be interpreted as allowing Rajoelina and the Malagasy political stakeholders sole responsibility for the implementation. Paragraph 45 as an interpretation of the implementation of amended paragraph 20, certainly claimed that Malagasy sovereignty cannot be challenged by the implementation process, especially regarding amnesty. However, the South Africans in the SADC Organ decided to take the initiative and Deputy Minister Fransman led the Ministerial Committee to Madagascar to formalize the implementation process. During their visit in October 2011 the stakeholders agreed on the Implementation Framework of the Roadmap (Cadre de mise en œuvre – Projet 4, 15 October 2011). It identified three implementation dates: 1 November

2011 for appointment of the Prime Minister of Consensus, 17 November 2011 for appointment of the members of the transitional government and transitional parliament, and 30 November 2011 for the First Act of Parliament to ratify the Roadmap (Organ Troika Mission Antananarivo 2011, 2) (Cadre de mise en œuvre – Projet 4, 15 October 2011, 2-3). An observation is that this first implementation phase was never followed by other formal phases to implement also the other outstanding Roadmap items, such as the amnesty legislation, human rights instruments or Ravalomanana's return.

The first critical appointment in the GNU was the Prime Minister of Consensus. According to the Implementation Framework all the Roadmap signatories could submit a nomination but the candidates must not be from the same political affiliation or province as Rajoelina (Cadre de mise en œuvre – Projet 4, 15 October 2011, 2). In the end the three main candidates were nominated by the Mouvanse Ravalomanana, a senior military officer by the Rajoelina Platform and Omer Beriziky by the Mouvanse Zafy, although he was an official of the Leader Fanilo party which was part of the Union of Democrats and Republicans for Change (UDC-C) (Xinhua 2011). Pres. Ravalomanana is still today categorical in his view that his mouvanse's acceptance of the amended Roadmap was partly motivated by the understanding that the Prime Minister will come from his mouvanse. However, Rajoelina's choice was Beriziky while he also decided to appoint two Vice Prime Ministers, one from the Mouvanse Ravalomanana and one from his own group.

Stasis in Government and Focus on Elections

Appointment of the government ministers experienced similar problems: they were effectively identified by the President and not by the Prime Minister, the majority of the most senior portfolios went to the Rajoelina supporters, and the Mouvanse Ravalomanana and Zafy received only five ministers each out of a total of 35, which made the allocations disproportional. Pres. Ravalomanana (personal interview, 1 February 2013, Hartebeespoort Dam) concluded that these actions violated the ideal of power-sharing. At the end of November 2011 the Mouvanse Ravalomanana and Zafy therefore decided to declare a dispute in terms of clause 32 and 43 of the Roadmap and referred it to SADC for resolution. Their main complaints were the following (Ravalomanana Mouvanse & Zafy Mouvanse 2012, 5-6):

- There is no balance in the appointments between the different political stakeholders, because the opposition received only 12 of the 35 ministerial positions in relatively minor portfolios while several of the most controversial and repressive members of the former government were simply reappointed to their positions.
- The final composition was determined by the President (Rajoelina) and not by the Prime Minister (Beriziky).
- The widespread interference and undue influence exerted on the process by the French government.

Despite several reminders by Ravalomanana, SADC never attended to this dispute. The implementation problems were also considered by the AU Peace and Security Council on 8 December 2011. In its resolution it expressed “its intention to lift the measure on the suspension of the participation of Madagascar in the activities of the AU, , and to, accordingly invite the Government of National Union to represent Madagascar in the different AU organs and activities, upon submission by SADC of a report confirming satisfactory progress in the implementation process of the Roadmap, in particular its article 20, as well as the establishment of INEC [electoral commission] and the determination of the electoral calendar” (Peace and

Security Council, 303rd meeting, 8 December 2011, PSC/PR/COMM.1 (CCCIII) 2011, 3). SADC has not yet made such a submission to the PSC and the unity government has not yet been invited by the AU to resume its membership rights.

In order to gain some initiative, Pres. Ravalomanana and his wife made a third attempt on 21 January 2012 to return from South Africa to Madagascar. Both Pres. Zuma and Deputy Min. Fransman were notified about it in advance. While already in Malagasy airspace, they were refused permission to land and had to return to South Africa. It was reported that a party official said afterwards: “Starting from now, the ministers will no longer participate in the Council of Ministers, and the parliamentarians will not participate in the next session” while “nothing but the return of president Ravalomanana will satisfy his supporters” (Berger 2012). Formal suspension of participation followed three months later.

On 2 May 2012 Mamy Rakotoarivelo, the delegation leader of the Mouvanse Ravalomanana and president of the Congress of the Transition (i.e. the lower house), notified Pres. Ravalomanana that their Mouvanse Ravalomanana suspended its activities in the transitional institutions, specifically their ministers in the councils of government and the councils of ministers, in the plenaries and commissions of parliament and in the national electoral commission (CENI). The main motivation for the decision was the “lack of goodwill and the bad faith practiced by the participants of M. Rajoelina by not implementing the arrangements of the Roadmap in relation to political and social improvements, and specifically articles 16, 17 and 20 of the Roadmap” (Rakotoarivelo 2011, translated from the original French formulation).

Deputy Minister Fransman, the South African envoy, responded to Pres. Ravalomanana by claiming success in the Roadmap’s implementation, by threatening him with a situation that might become uncontrollable, by regretting the suspension decision and then by requesting Ravalomanana to suggest a way out of the abyss (Fransman 2012, 3):

In this regard we require you to carefully consider and provide us with your good counsel in seeking a solution to the current impasse between yourself and the interim President of the High Transition. We call upon you not to rehash past options but instead to be innovative and provide practical, realistic and implementable solutions based upon the principles of compromise and consensus. Moreover, we seek your guidance as to how we can create, implement and unpack what would constitute a conducive environment for free and fair elections.

Catherine Ashton, the EU High Representative for Foreign Affairs and Security Policy also expressed her concern on 22 May 2012 about “the difficult cohabitation between the President of the Transition [Rajoelina] and the Prime Minister [Beriziky], the persistent dysfunctions between and within the transitional institutions, the suspension of its participation by the Mouvanse Ravalomanana and the absence of continued participation by the Mouvanse Zafy” (Ashton 2012, 1, translated from the original French formulation).

The Fransman and Ashton opinions suggested an understanding that the unity government was in crisis, that it depended on the Mouvanse Ravalomanana’s presence in government and that the relationship between the President and Prime Minister was dysfunctional. Ravalomanana was therefore not the only reason for the problematic government. These were the last important developments with respect to the GNU. The Mouvanse Ravalomanana later lifted its suspension of participation and returned to the transitional institutions but it could not substantially change the governmental relations anymore.

Temporary withdrawal from a unity government regularly happens. The NNP ministers did it in South Africa; the SPLM did it in the Sudan; the MDC-T did it also in Zimbabwe and it happened

also in the Northern Irish unity government. It is normally used as a message of objection to a specific issue or conduct of the other partners. In Madagascar it was about the sense of marginalization and lack of genuine power-sharing, as well as the delays of Pres. Ravalomanana's return. One can conclude that they dealt with the very essence of a GNU.

The transition since August 2012 has been dominated by preparations for the elections and also by the Ravalomanana return. The two protagonists met twice in the Seychelles in August 2012 about these issues, followed by the SADC Summit and Tanzania's assumption of the Chair of the SADC Organ. Between December 2012 and January 2013 the Organ chair convinced both protagonists to publicly withdraw from the presidential elections.

Conclusion

The unity government in Madagascar was not a good example of how one should be used in transitions. Though it did not have the same disastrous consequences as the Arusha agreement (1992) in Rwanda and the Libreville agreement (2013) in the Central African Republic, it magnified the fault-lines in the Malagasy situation, instead of promoting transitional confidence-building and interparty cooperation. It illustrated the point that a multiparty government is not necessarily a unity government. The Malagasy example could not deal with the international legal disqualification of forces involved in unconstitutional changes of government; it could not build a national coalition, because it could not resolve the matter of Pres. Ravalomanana's exile; it could not create a power-sharing dispensation broadly acceptable to all the participants, because it could not enforce the principle of proportionality and the prescribed President-Prime Minister relationship; and it could not convince the international community (especially the AU and SADC) that the government operates in a legitimate manner – hence Madagascar's membership of these organisations remains suspended at the time of writing in March 2013.

The Malagasy transition was primarily SADC's responsibility but it developed into a power struggle with Rajoelina (and in all probability supported by the International Francophonie). Given the stalemate of the Maputo/Addis Ababa phase and the risks of unilateralism in the first Roadmap, SADC had to claim the initiative by 'imposing' amendments to the Roadmap (especially regarding Ravalomanana's return) and later to preclude both Rajoelina and Ravalomanana from the presidential election. None of these interventions were the products of multi-party negotiations and therefore SADC assumed the role of guardian of the unity government concept – a situation that is not really desirable.

The Malagasy example will be remembered not so much for its government design but for its implementation problems. Resistance by Rajoelina against its implementation produced a number of 'government cycles' or redesigns. Initial reliance on implementation by the Malagasy political stakeholders themselves failed and therefore SADC responded with its own intervention or 'political peace enforcement'. Arguably one of the main weaknesses of the Malagasy transition is that it did not include an official multi-stakeholder monitoring and verification commission.

Conceptually, the most challenging aspect of the Malagasy GNU was its accommodation of the AU's notion of 'unconstitutional changes of government' articulated in the Lomé Declaration (2002) and the African Charter on Democracy, Elections and Governance (2007). The coup in March 2009 was declared as such a category of regime change by the AU and SADC and Rajoelina personifies that occurrence. While several transitions include rebel movements as part of a unity government (for example in the DRC, Burundi, Sudan, Côte d'Ivoire or CAR), others included only political parties (for example in South Africa, Zimbabwe or Kenya). However, in

none of the cases did the rebel movements dominate the government or did they succeed in changing the government by unconstitutional means – Madagascar was therefore an exception. The Malagasy GNU failed to deal with the illegitimacy of such a situation, reinforced by the fact that Pres. Ravalomanana was entirely excluded from the GNU. It created the paradox that although the amended Roadmap was endorsed by SADC and Rajoelina's presidency is in accordance with it, neither the AU nor SADC lifted their suspension of Madagascar's membership.

Madagascar's transition therefore cannot rely on a legacy cultivated by the unity government but will now have to depend on a credible election.

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Acknowledgement

This work was supported by the JSPS AA Science Platform Program.