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A Constitution to the Rescue? The President of Madagascar in the Context of Recent Political Turmoil and Constitutional Practice

By *Dimitrios Parashu**

Abstract: Madagascar experiences, once more, political unrest and military intervention in its political life. President Rajoelina, a major political figure especially since 2009, lost his power in October 2025, and it is presently still not clear towards which direction Madagascar will move in the upcoming weeks and months. The present, short report aims at analysing the application of Madagascar's Constitution of 2010 in regard to the head of state, as well as the role which said application may have played in the context of current political turmoil. A special section focusses on relevant case law of the Madagascar High Constitutional Court.

Keywords: President of Madagascar; Constitutional Practice; Political Turmoil

A. Introduction

Madagascar's latest Constitution¹ dates back to 2010, and was legitimised through a referendum² that granted the institution of the President of Madagascar increased powers.³ It marked the beginning of the Fourth Republic of Madagascar, following the actions of Andry Rajoelina, the former mayor of the capital city of Antananarivo, who in 2009—backed by military—overthrew the country's president Marc Ravalomanana.⁴

* Private Lecturer, Dr. iur. habil., MLE, Gottfried Wilhelm Leibniz University of Hanover / Substitute Professor, University of Münster (Germany); Email: dimitrios.parashu@jura.uni-hannover.de.

1 The original text of the constitution can be accessed here <https://mjp.univ-perp.fr/constit/mg2010.htm#3> (last accessed on 13 December 2025).

2 BBX Madagascar votes in controversial referendum, 17 November 2010, <https://www.bbc.com/news/world-africa-11773177> (last accessed on 9 December 2025).

3 *Laszlo Trankovits*, Constitutional referendum passes in Madagascar, *Mail & Guardian*, 23 November 2010, <https://mg.co.za/article/2010-11-23-constitutional-referendum-passes-in-madagascar/> (last accessed on 9 December 2025).

4 *Farouk Chothia / Wedaeli Chibelushi / Natasha Booty / Sammy Awami*, As it happened: Madagascar military says it has seized power, *BBC*, 13 October 2025, <https://www.bbc.com/news/live/cqxr3y3788pt> (last accessed on 9 December 2025).

Since then, Rajoelina had been the most powerful and prominent politician in Madagascar, first acceding to the country's presidency on an unelected, mere transitional basis from 2009 to 2014,⁵ and later being elected as Madagascar's President in 2018⁶ and again in 2023⁷. In October 2025, he was overthrown by the military, following several weeks of protest (partly also due to—unproved—allegations of electoral malpractice) by the population.⁸ This followed a period of the population's growing dissatisfaction in regard to various areas of government—among others the serious issue of poverty.

Right now, the situation seems unclear, with the military exercising *de facto* control and Rajoelina apparently having left the country after unsuccessfully attempting to dissolve the lower parliamentary chamber which was about to (and in the end did) impeach him:⁹ This impeachment took place since the President was considered by the vast majority of lawmakers to not having fulfilled his constitutional duties.¹⁰

Was that actually the case? And how was the relevant practice from 2010 onwards? A look into the Constitution might help us to evaluate the situation. The constitutional *status quo* is most probably subject to change, due to the depicted, ongoing developments in Madagascar.

B. General Constitutional Elements about the Presidency

Following Article 44 of the Constitution, the President belongs, together with the government, *expressis verbis* to the executive branch of Madagascar. The President as the head of state,¹¹ guarantees—through his or her consecutive, arbitrating role—not only the general functionality of public authorities but also maintains Madagascar's independence, unity and territorial integrity. The necessity of the general functionality of public authorities, as well

5 Madagascar Tribune, Brève biographie, 23 March 2009, <https://www.madagascar-tribune.com/Breve-biographie,11482.html> (last accessed on 9 December 2025).

6 BBC, Madagascar ex-leader Andry Rajoelina wins presidential run-off vote, 27 December 2018, <https://www.bbc.com/news/world-africa-46694430> (last accessed on 9 December 2025).

7 Gloria Aradi, Andry Rajoelina re-elected as Madagascar president in contested poll, BBC, 25 November 2023, <https://www.bbc.com/news/world-africa-67517143> (last accessed on 9 December 2025).

8 Sammy Awami / Danai Nesta Kupemba, Madagascar military says it has seized power as president moves to 'safe place', BBC, 14 October 2025, <https://www.bbc.com/news/articles/cn8xjdg18vo> (last accessed on 9 December 2025).

9 Nqobile Ntshangase / Brian Inganga / Sarah Tétaud / Gerald Inray, Madagascar's president is ousted in a military coup after weeks of youth-led protests, AP, 14 October 2025, <https://apnews.com/article/madagascar-protests-rajoelina-ab1e1eb1aca45fe7e80e81314ebdb0c6> (last accessed on 9 December 2025).

10 Reuters, Madagascar President Rajoelina impeached by lawmakers - Reuters witness, 14 October 2025, <https://www.reuters.com/world/africa/madagascar-president-rajoelina-impeached-by-lawmakers-reuters-witness-2025-10-14/> (last accessed on 9 December 2025).

11 Art. 45 of the Constitution.

as the country's unity, seemed to be in question for quite an amount of time now, and accelerated current developments.¹²

The President's duties are incompatible with any elected public office, any other professional activity, even with any possible activity within a political party.¹³ The latter element appears to have been handled quite questionably in the case of President Rajoelina though. He has been—for quite a long time—a leading figure of the social democratic Tanora Malagasy Vonona (TGV) party, which since 2023 appeared in an even more personalised form as “Isika Rehetra Miaraka Amin'i Andry Rajoelina” (IRMAR).¹⁴ That political party has also enjoyed an increasing share of votes since the general elections of 2013, securing first place in all three general elections under the *aegis* of the 2010 Constitution (2013, 2019, 2024).¹⁵

C. The Constitution and Presidential Elections

The President's election—temporary incapacities to fulfil such duties or respective vacancies of such office aside¹⁶, is conducted by direct universal suffrage for a five-year term, which may be renewed once.¹⁷ It must take place at least thirty days and at most sixty days before the expiration of the term of office of an incumbent president.¹⁸

As Rajoelina had already served as a transitional unelected, merely *de facto* President between 2009 and 2014¹⁹ and was elected to the presidency in 2018,²⁰ it seemed questionable whether he would have been constitutionally allowed to run again for the office in 2023.²¹ Due to this, the opposition in Madagascar boycotted that election heavily,²² and the absence of his major opponents obviously helped him to be re-elected.

Any successful presidential election in Madagascar requires an absolute majority of the votes cast in the first round. If such majority cannot be obtained, the President is elected

12 *Awami / Kupemba*, supra, note 8.

13 Art. 49 of the Constitution.

14 Madagascar Tribune, note 5.

15 *Dimitrios Parashu*, *Geschichte der Parlamentswahlen der Welt; Teil IV. Afrika: 17. Madagascar* (unpublished)

16 Art. 50 et seqq. of the Constitution..

17 Art. 45 of the Constitution.; See also e.g. the Organic Law No. 2018-009 concerning the Election of the President of Republic of 10 April 2018; and generally regarding comparable office terms on the African continent, *Micha Wiebusch / Christina Murray*, *Presidential Term Limits and the African Union*, *Journal of African Law* 63 (2019), pp. 131-160.

18 Art. 47 of the Constitution..

19 Madagascar Tribune, note 5.

20 BBC; note 6.

21 *Basillioh Rukanga*, *Madagascar court confirms Andry Rajoelina's election as president*, BBC, 1 December 2023, <https://www.bbc.com/news/world-africa-67586565> (last accessed on 9 December 2025).

22 *Ibid.*

in the second round—held no later than thirty days after the official announcement of the results of the first round—by a simple majority of the votes cast among the two candidates who received the highest number of votes in the first round.²³ A second round win occurred for Hery Rajaonarimampianina in 2013²⁴ and for Rajoelina in 2018²⁵; the latter being re-elected in the first round in 2023.²⁶

Furthermore, the Constitution provides for the general—which has so far not been of significant relevance in presidential elections—possibility of electoral procedure postponements in the event of a candidate's death before a round of voting, or in the event of *force majeure* (if certified by the High Constitutional Court).²⁷

In terms of relevant eligibility, any such candidate must be of Malagasy nationality and must further enjoy full civil and political rights.²⁸ Some discussion took place following Rajoelina's acquisition of the French nationality in 2014,²⁹ which according to Art. 42 of the Ordonnance about the Code of Malagasy nationality, should have barred him from being a candidate.³⁰ Irrespective of this, the Constitutional Court did not bar him from participating in elections as a candidate.³¹ It was only in late October 2025, after his political downfall, that the loss of Rajoelina's Malagasy nationality was officially declared.³² In subsequent terms of *checks and balances*, there has been some criticism of constitutional judges (criticism which has to do with the very creation of constitutional judges and whether this creation allows for them to indeed act as a balancing institution between powers) by constitutional science.³³

23 Art. 47 of the Constitution.

24 VOA News, Madagascar Court Confirms President-Elect, 17 January 2014, <https://www.voanews.com/a/reu-madagascar-court-confirms-ex-finance-minister-rajoonarimampianina-president-elect/1832208.html> (last accessed on 9 December 2025).

25 BBC, note 6.

26 *Aradi*, note 7.

27 Art. 47 of the Constitution, see further about the High Constitutional Court in this paper's context, part E.

28 Art. 46 of the Constitution, which is supplemented by Ordonnance n° 60-064 concerning the Code of Nationality of 22 July 1960.

29 Through the décret n°046/881 of 19 November 2014, published in the Journal officiel français on 21 November 2014; cf. further, for instance, Newsmada, Andry Rajoelina: perte de la nationalité malgache, 25 October 2025, <https://newsmada.com/2025/10/25/andry-rajoelina-perte-de-la-nationalite-malgache/> (last accessed on 9 December 2025).

30 *Ibid.*

31 See especially *Ramalina Ranaivo Mikea Manitra*, Constitutional Fragility and Dual Nationality Disputes: Legal Implications of Madagascar 2023 Presidential Election, *Constitution Journal* 4 (2025), pp. 93-120 (96).

32 Newsmada, note 29.

33 See, for instance, *Éric M. Ngango Youmbi*, Le juge constitutionnel et la rationalisation du régime politique malgache sous la IV République, *Revue du droit public* 4 (2017), pp. 999-1027 (999 et seq.).

Regarding age limitations, a presidential candidate must be at least thirty-five years old—the deadline being on the closing date for applications—and must have further resided within the territory of the Republic of Madagascar for at least six months prior to the deadline for applications.³⁴ Apparently, that was the case and these respective criteria were fulfilled by relevant candidates in the Madagascar presidential elections since 2013. But this requirement obviously excludes potential opposition politicians living in exile.

Electoral transparency *per se* (including financial aspects)³⁵ is emphasised quite extensively through the Constitution, which requires any incumbent president—who wishes to be re-elected—to resign from office sixty days before the date of the presidential election.³⁶ During this period he/she is being replaced either by the Senate's president or the government collectively (if the Senate's president should stand for election him-/herself).³⁷ Such resignations occurred in the case of President Hery Rajaonarimampianina in 2018, when he resigned in order to seek re-election³⁸ (which he lost, failing even to reach the second round),³⁹ as well as in the case of incumbent President Rajoelina, who resigned in 2023⁴⁰ in order to seek (eventually successfully in his case)⁴¹ re-election in that year. Furthermore, presidential candidates holding public office are generally prohibited from using—for electoral propaganda purposes—any means or prerogatives available to them by virtue of their office.⁴²

Transition of power from an outgoing to a newly elected President shall take place as smoothly as possible and is therefore also regulated by the Constitution. The Constitution obliges a sitting president who is not a candidate in the elections to remain in office until the inauguration of the successor.⁴³ This allows for the official transfer of power between the outgoing and the newly elected president, following the latter's oath of office.⁴⁴ Such

34 Art. 46 of the Constitution.

35 See generally *Miarintsoa Rasamoely*, Droit constitutionnel étranger. Le contrôle des comptes de campagne électorale à Madagascar : d'urgentes clarifications pour réduire les risques d'une crise politique, in: *Revue française de droit constitutionnel* 134 (2023), pp. 479-498.

36 Art. 46 of the Constitution.

37 *Ibid.*

38 *Rivonala Razafison*, Madagascar president resigns ahead of November poll, *The East African*, 8 September 2018, <https://www.theeastafrican.co.ke/tea/news/southern-africa/madagascar-president-resigns-ahead-of-november-poll-1401984> (last accessed on 9 December 2025).

39 BBC, note 6.

40 Reuters, Madagascar president resigns ahead of polls in November, 10 September 2023, <https://www.reuters.com/world/africa/madagascar-president-resigns-ahead-polls-november-2023-09-10/> (last accessed on 9 December 2025).

41 *Aradi*, note 7.

42 Art. 46 of the Constitution.

43 Art. 47 of the Constitution.

44 Art. 48 of the Constitution.

transfer of power took place following the 2013⁴⁵ as well as the 2018⁴⁶ presidential elections.

D. The Constitution and Presidential Powers

The presidential powers are constitutionally limited,⁴⁷ and most of the presidential acts need to be countersigned.⁴⁸ Typical presidential competences include exercising the right of pardon and conferring decorations of Madagascar;⁴⁹ accrediting and recalling ambassadors;⁵⁰ being the supreme commander of the Armed Forces (assisted by a High Council of National Defense);⁵¹ and promulgating laws (within three weeks following the transmission by the National Assembly of a definitively adopted law), given a veto possibility.⁵²

Politically crucial is the President's possibility to appoint, as Prime Minister, a person nominated as such by the majority party in the National Assembly—and, on the Prime Minister's proposal, the further government members.⁵³ The very same constitutional article allows for the president to also terminate the term of office of the Prime Minister in cases of the latter's resignation or misconduct. The President's cooperation with the council of ministers shall be a close one, e.g. leading to the ability to sign ordinances or decrees deliberated in the council.⁵⁴ This provision seems to have been fulfilled generally so far.

Constitutional practice during the Fourth Republic had shown that presidents used to appoint independent politicians as prime ministers (backed by parliamentary majority), like Roger Kolo (2014⁵⁵-2015), Olivier Solonandrasana (2016-2018) and Christian Ntsay (2018-2025).⁵⁶ In autumn 2025, the President had announced that the office term of Ntsay would be terminated, in order to address the widespread protests against government⁵⁷—but the military coup occurred and created its own realities. In the case of calamities during

45 *Rukanga*, note 21.

46 BBC, note 6.

47 Art. 45 of the Constitution.

48 Art. 62 of the Constitution.

49 Art. 58 of the Constitution.

50 Art. 57 of the Constitution.

51 Art. 56 of the Constitution.

52 Art. 59 of the Constitution.

53 Art. 54 of the Constitution.

54 Art. 55 of the Constitution.

55 BBC, Madagascar: Roger Kolo, nouveau Premier ministre, 11 April 2014, https://www.bbc.com/afrique/region/2014/04/140411_roger_kolo_premier_ministre_madagascar (last accessed on 9 December 2025).

56 *Parashu*, note 15.

57 *Le Monde*, Madagascar president sacks government over deadly protests, 29 September 2025, https://www.lemonde.fr/en/le-monde-africa/article/2025/09/29/madagascar-s-anti-government-protests-flare-up-as-police-respond-with-tear-gas_6745896_124.html (last accessed on 9 December 2025).

the Kolo government,⁵⁸ the Prime Minister may have been replaced by a military general—Jean Ravelonarivo—in 2015 due to political reasons of government stability, but President Rajoanarimampianina followed a relevant proposal by the parliamentary majority by his appointment.⁵⁹

Interestingly, the President may dissolve the National Assembly, albeit the Constitution does not enumerate any relevant reasons or criteria which must be fulfilled. Only after informing the Prime Minister and consulting the presidents of both legislative chambers, general elections can be held at least sixty (and at most ninety) days after the declaration of dissolution.⁶⁰ The Constitution forbids any further dissolution within two years following such elections.⁶¹ Such dissolution, before Rajoelina's recent unsuccessful attempt to dissolve the lower parliamentary chamber, which ultimately impeached him,⁶² had not taken place in Madagascar under the aegis of the 2010 Constitution; Rajoelina had actually dissolved both chambers, without a relevant constitutional basis but he was backed mainly by the military in 2009 before the current Fourth Republic of Madagascar commenced.⁶³

E. Conceptual Section: The Role of a Constitutional Court as *gardienne des institutions*—The Madagascar Case

Within the Constitution,⁶⁴ the High Constitutional Court (*Haute Cour Constitutionnelle*, hereinafter HCC) is entrusted with a significant role in safeguarding, among other, the institutional provisions about the presidency—in order to help maintaining the rule of law as well as political stability: To fill, where necessary, constitutional *lacunae*.

Consecutively the HCC had to become particularly active in October 2025, in light of the aforementioned political developments.

I. Décision n°10-HCC/D3 of 14 October 2025

On 14 October 2025, the HCC declared the offices of President of the Republic (as well as the President of the Senate) vacant, according to the provisions of Art. 52 of the Constitution, in order to serve regular and continuous functioning of public authorities and national

58 BBC, Madagascar “corruption unacceptable”, BBC, 4 July 2014, https://www.bbc.com/afrique/region/2014/07/140704_madagascar_corruption (last accessed on 9 December 2025).

59 BBC, Madagascar a un nouveau Premier ministre, 15 January 2015, https://www.bbc.com/afrique/region/2015/01/150115_madagascar-premier-ministre (last accessed on 9 December 2025).

60 Art. 60 of the Constitution.

61 Ibid.

62 *Ntshangase / Inganga / Tétaud / Imray*, note 9.

63 BBC, Madagascar officers in coup claim, 17 November 2010, <https://www.bbc.com/news/world-africa-11776570> (last accessed on 9 December 2025).

64 Art. 114 et seq. / 46 et seq. of the Constitution.

unity.⁶⁵ This was justified by the fact that president Rajoelina was deemed as not being able to fulfil the constitutional missions entrusted to him. After acts of repression carried out by law enforcement against demonstrators from 25 September until 11 October 2025, he was no longer present on the Republic's territory, and he was charged with passive abdication of power. The constitutional judges determined that such a power vacuum at the highest level of the State, which would effectively undermine the constitutional value of the President of the Republic' duties, could not be allowed to continue.

It was further decided that the current government was unable to fulfil the functions of President of the Republic and that it was necessary to entrust the competent military authority, represented by Colonel Michaël Randrianirina, with the functions of Head of State.

II. Décision n°11-HCC/D3 of 22 October 2025

The HCC declared in October 2025 that there was no further need to decide on a motion which it had received in order to impeach President Rajoelina, given the aforementioned case as well as Art. 52 (1) of the Constitution, which emphasises that any kind of presidential vacancy is declared by this very Court.⁶⁶

III. Decision n°12-HCC/D3 of 22 October 2025

In another decision the HCC⁶⁷ declared that Rajoelina's request for the Court to reconsider its previous decisions and thereby restore "constitutional order" should be rejected, on the grounds that Art. 120(3) of the Constitution provides that HCC judgments and decisions must be reasoned and are not subject to appeal.

Seen altogether, the consecutive three decisions mentioned above are consequent to the letter of the Constitution (thereby not justifying certain general criticism⁶⁸ as well as a potentially perceivable⁶⁹ HCC partiality—otherwise Rajoelina would most probably have returned to office meanwhile) and they seemingly helped for an at first sight smooth

65 Décision n°10-HCC/D3 du 14 octobre 2025, HCC (published under the auspices of Samuel Ralison, Greffier en Chef).

66 Décision n°11-HCC/D3 du 2 octobre 2025, HCC published under the auspices of Samuel Ralison, Greffier en Chef).

67 Décision n°12-HCC/D3 du 22 octobre 2025, HCC (published under the auspices of Samuel Ralison, Greffier en Chef).

68 Midi Madagasikara, Pr Raymond Ranjeva : « La HCC n'applique pas à la lettre la Constitution », Midi Madagasikara, 11 November 2023, https://midi-madagasikara.mg/pr-raymond-ranjeva-la-hcc-n-applique-pas-a-la-lettre-la-constitution/#google_vignette (last accessed on 9 December 2025).

69 Art. 114 of the Constitution asks for three of the (in total nine) HCC members being appointed by the President of the Republic, as well as two being elected by each of the two legislative chambers, (which in recent past usually mirrored presidential majorities), only further two of the members being elected by the Supreme Council of the Magistrature.

political transition without further victims. The fact that the military was given power is *per se* problematic; given the recent political history of Madagascar it will likely evolve into a democratic, constitutional system—as happened after 2009/10. The HCC could be seen as a safeguard for this system.

F. Summing Up

In total, the 2010 Constitution enhanced presidential powers in Madagascar, giving the head of state a certain edge in its relationship with the government. It seems that the country's presidents have not taken advantage of the highly political, constitutional possibilities to dissolve the parliament prematurely, and they respected parliamentary majorities whenever appointing prime ministers.

Questions of constitutionality have to be addressed in regard to the number of President Rajoelina's office terms, his obtaining of the French nationality in 2014 as well as his close connection—in *praxis*—to a political party. Besides, the ever-growing poverty and popular dissatisfaction have led Madagascar to the current turmoil. The Constitution, as safeguarded by the HCC, provided for a solution of calm political transition at first sight. But the overall outcome, and possible new developments in regard to creating a new Constitution, remain unclear. Despite this, the country's suspension by the African Union (AU) from all its bodies needs to be recalled.⁷⁰ 2025 has a strong resemblance to 2009, and Rajoelina has lost political power in the very way he had gained it.



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⁷⁰ Africanews, African Union suspends Madagascar from the bloc following military coup, 16 October 2025, <https://www.africanews.com/2025/10/16/african-union-suspends-madagascar-from-the-bloc-following-military-coup/> (last accessed on 9 December 2025).