

# Madagascar Dealing with Multi-Faceted Crime



**Mathieu PELLERIN**

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# Introduction

Has Madagascar really emerged from the crisis which started in 2009? In purely formal terms, it is customary to consider that the December 2013 presidential election<sup>1</sup> ended a political sequence of relative institutional paralysis since the coup in March 2009 and the transitional regime then put in place. More recently, the successful organization of La Francophonie summit in November 2016<sup>2</sup> and the success of the Donors' and Investors' conference in December of the same year<sup>3</sup> have ensured Madagascar's return to the international scene. However, careful observation of the state of the country leads us to question if the crisis has continued in other forms. The economic difficulties, despite some glimmers of hope<sup>4</sup>, and an increasingly vindictive opposition (in the National Assembly and elsewhere) are the most visible signs of it. The very identity of this opposition, largely built around the former transitional president, Andry Rajoelina's, party shows that the political sequence that opened in 2009 is still not closed, and that it promises to be subject to a new crisis in the next presidential election in 2018. However, the most difficult legacy of the transition to deal with, as we demonstrated in 2014<sup>5</sup>, is undoubtedly the ever more advancing pervasiveness of multi-faceted crime.

Whether it is a question of the re-emergence of the *dahalo*<sup>6</sup> or the development of trafficking, this crime is not new in the country. Each political crisis results in the erosion of the institutional frameworks in place, which promotes the development of banditry and the informal economy, a part of which is supported by trafficking. Hence, each crisis episode in Madagascar has seen cases of zebu theft perpetrated by the *dahalo* escalate, with the gendarmerie deployed in response as part of planned operations.<sup>7</sup> Similarly, natural resources were subject to trafficking prior to 2009. Precious stones, particularly since the

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1. "Hery Rajaonarimampianina remporte l'élection présidentielle", *RFI*, 3 January 2014.

2. "Sommet de la francophonie: UN sommet plutôt positif pour Madagascar", *RFI*, 28 November 2016.

3. "Madagascar lève 6,4 milliards USD pour son développement", *Afriqueinside*, 2 December 2016.

4. A. Faujas, "Des lueurs d'espoir pour l'économie malgache", *Jeune Afrique*, 24 November 2016.

5. M. Pellerin, "Madagascar. Gérer l'héritage de la transition", *Notes de l'Ifri*, Ifri, July 2014.

6. Literally "bandits" and it refers to the groups of bandits particularly specialized in zebu theft.

7. See also Madagate, "Madagascar : Dahalo ou le phénomène cyclique de plus en plus meurtrier", 6 September 2012.

development of the Ilakaka mine at the start of the 1990s,<sup>8</sup> have always been exploited by informal networks which benefited from complicity in the civil service and those in authority to develop their activities outside any formal framework. It was not until the start of the 2000s, particularly under the influence of the World Bank, that a tentative attempt at formalization was undertaken.<sup>9</sup> These resources, in the same way as other resources (international aid, government budget, public companies, land titles, etc.) are being monopolized by the various “elite pacts” which have followed one another since the country’s independence. Madagascar’s political economy operates on this model.

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8. Regarding Ilakaka, see R. Canavesio, *Exploitation informelle des pierres précieuses et développement dans les nouveaux pays producteurs. Le cas des fronts pionniers d’Ilakaka à Madagascar*, université Michel de Montaigne - Bordeaux III, 2010.

9. See also, World Bank, “Secteur minier: fiche de résultats sectorielle”, 14 April 2013, [www.banquemonde.org](http://www.banquemonde.org).

# A New Elite Pact Built on Shaky Foundations

Political regulation in Madagascar is in fact carried out by building these “elite pacts”, which are built between political actors, civil service officials, economic operators, security forces, and even sometimes religious actors.<sup>10</sup> A condition of the country’s political stability is maintaining these networks, which are interdependent on each other, in power.<sup>11</sup> Thus, some of the particularly coveted positions in the civil service are systematically offered to the President of the Republic’s closest advisors and serve as a preferred gateway for other actors in the system. The Customs Directorate (as well as its regional branches) is hence used to promote economic operators in the “elite pact”, who redistribute to other actors.<sup>12</sup> The Mining Directorate and particularly that of the Office for National Mining and Strategic Industries (OMNIS) is crucial in controlling, among other things, the granting of permits. The Tax Department is crucial in that it can act as a pressure lever on economic operators that dislike the existing government. The general management of the port of Toamasina, through which many trade flows pass, is also deemed crucial.<sup>13</sup> These few examples are far from exhausting the list of strategic positions which enable these “elite pacts” to function properly. In other words, corruption, the informal economy (including trafficking), and above all influence peddling have always existed in the country. Therefore, it is worth considering what has changed since 2009.

One of the explanatory hypotheses for the current situation may be that in 2009, Andry Rajoelina was partially hostage to a group of actors which he embodied the leadership of. The issue is not to go into detail here about the background which led to the coup in March 2009, but just to remember that Andry Rajoelina’s entourage were not only extremely heterogeneous, but mainly made up of very powerful actors.

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10. The ELIMAD survey identified nine elite spheres in Madagascar: the government, public institutions, politicians, political parties, security forces, business networks, churches, civil society and international organizations. “Les élites à Madagascar: un essai de sociographie”, Presentation to IFM in Antananarivo, 5 January 2016.

11. M. Pellerin, “Madagascar. Gérer l’héritage de la transition”, *op. cit.*

12. Interview with an economic operator, Antananarivo, March 2013.

13. *Ibid.*

Andry Rajoelina was then newly propelled into Antananarivo Town Hall, lacking local roots and without any elite base behind him. Some of these actors even decided from 2007 to support him in order for him to take control of Antananarivo Town Hall.<sup>14</sup> He quickly found himself a prisoner of powerful actors who made him king, whether they were the Army non-commissioned officers who played a decisive role in the conduct of the coup, the economic operators who financed his adventure, or former politicians, who were much more familiar than him with the workings of the country's political life and economy.

The relative weakness of the existing government has therefore benefited all these powerful actors who found themselves in positions of power that they took advantage of. The situation contrasted with what was happening in President Ravalomanana's time. Behind the patrimonial drift which characterized his governance (around his company Tiko),<sup>15</sup> the system he implemented, was characterized by its pyramidal nature. It was difficult, or even impossible, to be a significant economic actor in Madagascar, without belonging to the "elite pact" that he had set up, creating *de facto* many discontented people. All these would logically switch to the opposition and support Andry Rajoelina<sup>16</sup> from whom they would benefit from the lack of authority once he became the transitional president to "be made use of". The system then became rather horizontal, with different types of informal and trafficking activities developing and co-existing without necessarily going back to the highest level of state. Feeling the need to form his own "elite pact" and anxious to consolidate the power of his new government, the transitional president could not and probably did not then wish to alienate these new actors.<sup>17</sup> Finally, from the first weeks of his government, the president publicly stated his desire to find alternative sources of funding to international aid (which 70% of the Malagasy state's operating budget depends on), repeating here recent statements by Jean-Pierre Laisoa, a rosewood trafficking baron: "Andry Rajoelina said during his visit to Brickaville that sales revenue from rosewood had allowed the country to run for two years without the help of foreign donors."<sup>18</sup>

The personal and spiteful appetites, the lack of central authority, and the urgent need for new sources of funding have thus contributed to new trafficking or to the development of pre-existing trafficking: in gold,

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14. Interview with a member of this group of actors, Antananarivo, July 2009.

15. M. Pellerin, "Madagascar, UN conflit d'entrepreneurs", *Politique Africaine*, March 2009.

16. *Ibid.*

17. Interview with a Cabinet Chief of Staff, Antananarivo, January 2012.

18. Interview with J.-P. Laisoa, *Midi Madagasikara*, 26 May 2016.

precious stones and precious woods, and especially zebu theft. The transition in 2009 was built against this background, quickly making the situation uncontrollable even if the president wanted to control it. At the time, he repeatedly raised his inability to control the actors around him with the international community or to some members of his entourage.<sup>19</sup>

Recentralization of power would take place throughout the transition, at the same time recentralizing the control of the networks and the grey economy. Structuring of these elite networks would then operate through actors occupying important posts. They would constitute the main gateways to operate in the country, and in all areas, legal or informal: Haja Resampa, General Secretary to the Presidency; Mamy Ravatomanga, a very influential economic operator; Patrick Leloup, Presidential Advisor; Mamy Ratovomalala, Minister of Mines. So, all mineral exports had to receive the approval (and therefore probably share profits with) Patrick Leloup or Mamy Ratovomalala.<sup>20</sup> It was the same for the rosewood and zebu theft networks which also went up to the level of these actors.<sup>21</sup> Madagascar then entered into a “criminalisation of the state” phase, where the state rebuilt itself on a system where the boundary between illegal and legal became blurred.<sup>22</sup>

However, the verticality of the system is not comparable to that which prevailed in President Ravalomanana’s time, senior actors (ministers, senior officials, economic operators) took advantage of the fact that the institutions were diverted from their original purpose to engage in informal activities of lesser importance in their turn. During the entire transitional period, which ended in December 2013, the underground economic networks indiscriminately enriched the above-mentioned actors. At the same time, they have stabilized the actual economy (artificially supporting a currency, the then very devalued Ariary) and the consolidation of the transitional president whose concern was to maintain the loyalty of those who brought him to power by granting them scraps of prerogatives.

When President Hery Rajaonarimampianina came to power, he found himself in a similar situation to his predecessor. Lacking an electoral base and an elite network, he experienced many difficulties in building his elite network because of the promised break with Andry Rajoelina at the end of 2013. The latter, who was head of MAPAR,<sup>23</sup> managed to retain several actors from the elite network built in the transition period. While seeking

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19. Interview with an ambassador posted to Madagascar, Antananarivo, June 2010.

20. Interview with a chrome export, Antananarivo, June 2011.

21. Interview with a journalist focusing on zebu theft, Antananarivo, September 2014.

22. J.-F. Bayart, S. Ellis and B. Hibou, *La Criminalisation de l'État en Afrique*, Brussels, Complexe, 1997.

23. *Miaraka Amin'i Presidà Andry Rajoelina*, a platform bringing Andry Rajoelina's supporters together.

to absorb these elite networks, the new president attempted to form his own pact, whose varied nature we discussed in 2014, despite an over-representation of individuals affiliated to the former president, Didier Ratsiraka.<sup>24</sup> This later trend has since been confirmed, particularly with the appointment of Honoré Rakotomanana as President of the Senate, but simultaneously with an attempt at putting down local roots by the HVM,<sup>25</sup> the presidential party. One of the triggers for this attempt at putting down local roots is precisely control of the economic networks, including the informal ones, generators of income and therefore of a certain electoral power. This includes, among others things, the dismantling of leading figures of the former elite networks, such as the economic operator Mamy Ravatomanga, who since 2014 has been subject to arrest warrants and bans on leaving the country, irrespective of the administrative and fiscal red tape that control of state institutions allows. This dismantling is aimed less at breaking the operator in question's economic ventures than in regaining control. To do this, the president managed to convince his former right-hand man, Mbola Rajaonah, a forwarder from Toamasina, to re-join the presidential clan until he became one of his main current presidential advisors. The role of trafficking should be analyzed in the context of this consolidation of existing power.

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24. M. Pellerin, "Madagascar. Gérer l'héritage de la transition," *op. cit.*

25. The party's full name is: *Hery Vaovao ho an'i Madagasikara*.

# The State Dealing with Trafficking: from Powerlessness to Complacency

## Overview of trafficking and its organization

Trafficking now covers everything or almost everything in the country: natural resources (precious woods, minerals), protected species (tortoises, seahorses, lemurs, chameleons, and endemic flora) or unprotected species (zebus, crabs, vanilla), and illegal products (weapons and drugs) are subject to more or less organized trafficking. Some, like the trafficking of church bells or human bones, are very much uncontrolled and reflect the state of collapse of traditional Malagasy values, here ancestor worship and Christianity. Others are organized at local or regional level, like some trafficking in protected species, weapons or drugs, not without benefiting from the protections laid down in the administrative or security apparatus in the capital. Finally, trafficking in minerals, precious woods, and some protected or unprotected species (mainly zebus) represents the most significant financial interest, and therefore, attracts the most powerful networks at national level. They have the most advanced level of organization, with offshoots ranging from local authorities (mayors and elected politicians) to the heart of the national state apparatus, and up to the highest level of government.<sup>26</sup> Cannabis trafficking is likely to rank in this category too. It should be noted here that this is growing exponentially. At the end of June 2016, for example, two tonnes of cannabis were seized at Ambanja in a protected area. According to information from the security forces, it could be a production point which may feed the sub-regional market (Comoros, Djibouti, Mayotte).<sup>27</sup> All of this trafficking has been covered by the local or international media. Although this trafficking has never been quantified to date, its scale is unquestionable.

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26. Interview with a Malagasy officer, Antananarivo, September 2014.

27. "Trafic de drogue à Ambanja – Deux tonnes de cannabis découvertes", *L'express de Madagascar*, 20 June 2016.

The trafficking, depending on its nature and scale, does not necessarily go up to the highest levels of government. The above-mentioned disintegration of institutions and the central government's lack of territorial control throughout the country has led to the development of new networks organized with the approval of "influential actors", who now scarcely need to formally serve the president or prime minister. It should be noted from the outset that this influence peddling is very widespread in the country and money can be made from any administrative department.<sup>28</sup> The same practices prevail in the organization of large-scale trafficking in the country. Originally, a Malagasy or foreign operator – often a Chinese national, but not solely – identifies a "business opportunity" and then secures the services of an actor in the system (the "elite pact") who will play the role of the broker, here valuing the title of presidential or prime ministerial advisor, but paid for these private services. No data exists for the number of advisors of this kind, but it may be close to a thousand according to several sources.<sup>29</sup> Depending on the line of business, the level of the broker's intervention will be higher or lower in the government apparatus.

So, at the lowest level there will be many Chinese operators involved in the different trafficking in native species. The security services take action on most of this trafficking, which is small in scale and organized at local or regional level. Seizures of native species, as well as seizures of gold, are often carried out at the airport, the limitation here being the failure of the penal system, since the arrested traffickers are regularly released due to a lack of means for gathering evidence or through simple corruption.

For other more strategic sectors, the brokers are not just members of the elite pact. They belong to the close circle of power, which enables them to access the highest levels of government apparatus. Thus, they have the opportunity to bypass the government authorities in order to claim prerogatives for themselves. The fishing (fishing permits and crab exports), rosewood or mining sectors are involved here. In the last area, we can cite the case of a mining concession granted "on a piece of paper in handwriting" to an Indian company, without the Minister of Mines at the time being informed of it.<sup>30</sup> The case of an Asian mining operator can also be cited, who was brought by one of these brokers to a presidential office<sup>31</sup> in order to have the unofficial operating fees they would have to pay explained to them.

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28. Interview with a Malagasy political actor, July 2016.

29. Interview with a system broker, Antananarivo, July 2016.

30. Interview with the Minister involved, Antananarivo, March 2014.

31. Interview with a Malagasy political actor, Antananarivo, July 2016.

In the field of fishing resources, a former minister, appointed senator by the president less than a year ago,<sup>32</sup> was also accused of influence peddling by the press when he was head of the Ministry of Fisheries. Although the Minister of Fisheries had established annual periods for prohibiting crab fishing to protect the over-exploited mangroves, at the same time the latter granted special permits to Chinese operators, resulting in complaints filed with the Independent Anti-Corruption Office (BIANCO)<sup>33</sup>. More recently, a former Minister for Livestock, Jean De Dieu Maharante, whose name was often cited in files regarding the zebu network, has been implicated in a cannabis trafficking case. His vehicle (which had the cockade on it) was intercepted with 131 bags of cannabis. The parliamentary assistant of a deputy for Toliara, and a member of MAPAR (but who has gone over HVM), who is the nephew of the minister concerned, was arrested in connection with this case. The Minister's entourage has repeatedly claimed that he was not aware of the actions of his family members, but this despicable case is only increasing suspicion against the aforesaid minister.

## The case of rosewood

The example of the rosewood network deserves to be developed here. It was established from exporters on the east coast, and well before 2009, that some of them had been operating legally in Marc Ravalomanana's time. Indeed, the latter had issued a specific permit to export rosewood cut in 2004, subsequent to a cyclone which had uprooted several hundred trees. Some operators then bypassed the end of the permit in order to set up illegal export networks.<sup>34</sup> A study in 2013 identified the number of rosewood operators as 109 in the Sava region, as opposed to only 13 in 2009.<sup>35</sup> Since 2009, the brokers involved with exporters have facilitated the widespread shipment of precious wood, which due to its size, requires permits in due form issued at presidential and prime ministerial level.<sup>36</sup> There is little doubt that the security services have been largely powerless in curbing these criminal networks, not through a lack of knowledge of the

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32. President of the Republic of Madagascar, Decree No. 2016-067 of 1<sup>st</sup> February 2016, [www.presidence.gov.mg](http://www.presidence.gov.mg).

33.. "Corruption : un ancien ministre dénoncé par des opérateurs", *La Gazette*, 4 May 2016, [www.africanewshub.com](http://www.africanewshub.com).

34. "Rapport d'enquête sur le commerce mondial des bois précieux malgaches : bois de rose, ébène et palissandre", *Global Witness*, October 2010.

35. H. Randriamalala, "Étude de la sociologie des exploitants de bois de rose malgaches", *Madagascar Conservation and Development*, Vol. 8, No. 1, 2013.

36. See for example the defence of Jean-Pierre Laisoa who claims to have benefited from all the permits required. "Blanchiment de capitaux – La femme du député Jaovato convoquée par la chaîne pénale", *Midi Madaasikara*, 17 September 2016.

networks or operational inability, but rather *a priori* fear of interfering with the powerful networks. As proof, the letter sent to the President of the Republic dated 8 April 2014 by the Chairman of the Committee on Precious Wood, the former Prime Minister, Jean-Omer Beriziky, is enlightening<sup>37</sup>: warrant brought against a major rosewood operator remained without follow-up; prosecutor's notifications not complied with; no summons for rosewood operators, proof of the Antalaha prosecutor's involvement in rosewood trafficking; no proceedings initiated against actors known to be involved. These findings prepared by a very senior figure, who was then in charge of the fight against rosewood, highlight the impunity which prevails in the country. Although they especially accuse the magistrates *a priori*, this in no way exempts the senior leaders of the country from a responsibility in this impunity.

While control of the ports is essential for the transport of trafficked goods, the export networks are not fully controlled from Antananarivo. To the contrary, they may be largely independent, enabling coastal operators to switch to "informality" and to enrich themselves until they become untouchable, enjoying a local redistribution capacity which protects them. The Bekasy case highlighted this. This technical advisor to the Minister of Public Safety was arrested in 2015 for his alleged involvement in the export of precious woods.<sup>38</sup> Then, the latter benefited from the support of prominent citizens in the north, including Benjamin Vaovao, who publicly criticised the fact that economic operators from the coastal regions were the only ones targeted by the justice system whereas according to him, "the real nabobs of trafficking, originally from the Highlands, are not at all alarmed."<sup>39</sup> Against a background of latent tension between the highlands and the coastal regions, and attempted consolidation of power by HVM, it is believed that interfering with these coastal networks is politically risky, partly explaining the lack of condemnation of the trafficking "barons." In the context of the Bekasy case at any rate, his release would have been ordered by a presidential advisor.<sup>40</sup> Overall, over the last ten years, six convictions relating to 40 offences for the rosewood trade reported in Madagascar have been passed. The prison sentences imposed have not exceeded two years, while the total fines are estimated at \$ 440,280.<sup>41</sup>

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37. The letter in question can be accessed at the following address: [jeannotramambazafy.overblog.com](http://jeannotramambazafy.overblog.com).

38. "Trafic de bois de rose : Bekasy, conseiller du ministre de la Sécurité publique, devant la chaîne pénale ce jour", *Midi Madagasikara*, 24 September 2015.

39. "Affaires Bekasy – Joseph Yoland – Mektoub - Des bombes à retardement !", *La Vérité*, 20 October 2015.

40. Interview with a political actor, Antananarivo, July 2016.

41. L. Caramel, "Trafic de bois de rose : ultime avertissement pour Madagascar", *Le Monde*, 26 September 2016, [www.lemonde.fr](http://www.lemonde.fr).

In accordance with the functioning of the elite pact as described in the first part, the government in power would moreover find a greater interest in co-opting actors in the grey economy rather than bringing them to justice. In a context of very strong polarization between the political forces competing for the control of power in Madagascar, particularly in the run-up to the election in 2018, controlling the network heads is not only a means of preventing the opposition from financing itself, but also perhaps of strengthening its local control over the whole area. Thus, it is not an accident if several network heads in the country, particularly involved in rosewood and zebu trafficking, are deputies and members of the HVM. The only case that is sufficiently public to be mentioned is that of Jean-Pierre Laisoa, but other actors with the same profile are also members of the ruling party. The case of the deputy for South Ankozoabo, Mara Niarisy, is extremely informative. With the reputation of “sponsoring” a ring of zebu thieves, he was questioned by the Malagasy justice system for zebu and weapons trafficking at the end of 2015, after security forces had found hunting rifles and nearly 360 stolen zebras at his home. Questioned by the justice system when he was a supporter of MMM (Malagasy Miara Miainga) and a fierce opponent of the president, he was finally acquitted and now flies the flag for the ruling party, the HVM. Another deputy from a region very affected by zebu theft, secured from the capital city, that the gendarmerie lieutenant in his region would be replaced following several anti-*dahalo* operations harming his interests. This deputy, elected as an independent, has also gone over to the HVM. It remains to be seen if this co-opting hides political parties’ funding, or even the involvement of senior figures in these trafficking networks. Does the political cover, enjoyed by these local actors, largely neutralize the effectiveness of the fight against organized crime carried out by the ruling government? Similarly, individuals questioned in rosewood trafficking belonging to the current president’s “elite network”, brings the current regime face to face with its contradictions. According to *La Lettre de l’Océan Indien*, there were several actors close to the current regime on the list of alleged rosewood traffickers given to the president of the republic in 2014 by Omer Beriziky, such as Lucky Nazaraly, father of the economic operator Éric Nazaraly, and Narson Rafidimanana, Minister of the Presidency for Presidential Projects and Land Development.<sup>42</sup> On the evening of the municipal elections in

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42. “Bois de rose : l’éternelle épine dans le pied du Président”, *Lettre de l’Océan Indien*, No. 1436, 14 October 2016.

2015, Omer Beriziky publicly questioned three HVM heads of lists in the Antsiranana region for their involvement in rosewood exports.<sup>43</sup>

The Malagasy regime is nowadays torn between its desire to regain its international respectability – with the funding it entails – and its legitimate need to consolidate its political base, which ranges from managing or even co-opting strategies for these important operators. The case of the rosewood seized in Singapore and which received coverage by the international media reflects the ruling government’s embarrassment. In March 2014, 3,372 tons of Malagasy rosewood (or a value of US \$ 44.5 million) belonging to a Chinese operator, were seized in Singapore. The Minister for the Environment at the time stated that the export documents were legal, effectively laundering for the Chinese exporter. At the start of the year, the new Prime Minister Jean Ravelonarivo, reconsidered the then Minister’s position in February 2016, stating that the transaction violated the CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) regulations and the national laws, and asking the Singaporean court “to use his letter [...] to defend Madagascar’s interests.” This letter, which was sent too late, could not be used to prosecute the export company, and since then the government has obstinately refused to be a witness at the trial to confirm the illegality of this export. This attitude suggests that the Malagasy government is doing nothing to improve its image with the international community or to set an example locally. According to a person close to the regime, if the Malagasy government is so cautious in this matter, it is because it is protecting very senior people who are directly involved.<sup>44</sup> Madagascar has been under increased surveillance by CITES for three years, and the organization has already issued an “embargo” on rosewood, which has not been implemented. This time in order to avoid “trade suspension”, the Malagasy authorities have tried to put on a good show, conducting a major operation against 22 rosewood operators and facilitators only three days before the CITES summit on 27 September, and promising to testify at the trial in Singapore. However, these promises do not seem to fool observers familiar with the matter.

The goodwill of the Malagasy authorities has been challenged here, and behind the protection or complicity with the criminal networks, the question arises as to its commitment to strengthen the state’s capacity in terms of justice and the fight against corruption. The handling of the “anti-corruption centers” (PACP) issue raises doubts here about the authorities’ good faith. These centers have been keenly supported by the international

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43. “Omer Beriziky : des candidats HVM dans la liste des trafiquants de bois de rose”, *Midi Madagasikara*, 27 November 2015.

44. Interview, Antananarivo, 26 July 2016.

community, including the UNDP and the United States, to supplement the difficulties of an anti-corruption chain regularly suspected of being under the government's control. BIANCO itself has already referred to this lack of independence, explaining in large part the difficulties in convicting bandits and white-collar criminals. Yet, this project which has been the subject of a consultation with the various departments involved (BIANCO<sup>45</sup>, SAMIFIN<sup>46</sup>, CIS<sup>47</sup>, Ministry of Justice), was competing with another project supported by the presidency, the creation of a "Special Court", whose members would be appointed by the President of the Supreme Court and whose independence is openly doubted.

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45. Independent Anti-Corruption Office.

46. Financial Information Service.

47. Central Intelligence Service.

# From Trafficking to Armed Violence: the Case of the *dahalo*

Beyond the economic and political consequences of this organized crime, it leads to the formation of armed groups and the rise in violence in Malagasy society for the most sensitive trafficking. Madagascar is indeed falling prey to an increasing growth in militias, which was already observed<sup>48</sup> in 2014, whose actors are often the security forces themselves, but also civilians. The involvement of elements of the security forces in crime or in the training of militia groups is no longer questioned. It demonstrates the collapse of institutional frameworks and the fact that a number of elements of the security forces are diverting from their public service role to sell their services to criminal actors. The involvement of the security forces in kidnappings or in hiring service weapons to the armed gangs is widespread. On 23 September 2016, in the Toamasina region, a gendarme was disarmed and lynched by the crowd near Foulpointe for having robbed a grocery store. He was handed over to the gendarmerie company in Tamatave on the following day.<sup>49</sup> Last July, a minister's bodyguard was arrested for being involved in a series of kidnappings.<sup>50</sup> A recent act attests to the acuteness of the issue of hiring weapons by the security forces. On 7 September, a gendarme, a senator's bodyguard, was arrested by police officers from the Rapid Response Unit (UIR) in the act of selling his service weapon. Three others colleagues were detained several days later. Far from being anecdotal, these cases occur very regularly in the country. This tendency in the growth in militias in the security forces can be read in light of the event which occurred on 8 August last year, when police officers surrounded the Palais de Justice and threatened the plaintiffs after charges were brought against a member of the Central Anti-Gang Department, suspected of participating in an armed attack. The involvement of these government forces is not just limited to the hiring of weapons, but may extend to direct participation in criminal operations. Several names are

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48. M. Pellerin, "Madagascar. Gérer l'héritage de la transition", *op. cit.*

49. "Gendarme bandit", *L'Express de Madagascar*, 23 September 2016.

50. S. Andriamarohasina, "Kidnapping – Un garde de corps de ministre arrêté", *L'Express de Madagascar*, 22 July 2016.

regularly circulated for their involvement in kidnapping networks – “kidnap for ransom” of Indian operators (or their children) is a very prolific growing industry in Madagascar.<sup>51</sup> Cases of involvement of elements of the gendarmerie in drug cargo escorts have also been raised, as well as the collaboration of some elements with the *dahalo*.<sup>52</sup> Although the gendarmerie is most suspected of being undermined by this criminal shift, by the admission of one of its most influential representatives,<sup>53</sup> very fortunately these cases should not overshadow operations conducted by the gendarmerie against different types of trafficking, including cannabis trafficking<sup>54</sup>, and against the *dahalo*.

The case of the *dahalo* more than any other reflects the progression of economic crime (zebu theft) towards violence. This phenomenon, which we had already discussed the main dynamics of,<sup>55</sup> is not decreasing due to widespread indifference. According to the Secretary of State for the Gendarmerie, General Paza, 2,000 attacks have been recorded between 2011 and 2016, or more than one attack per day.<sup>56</sup> The death toll is in the thousands.

It should actually be remembered that zebu theft is the driving force behind the *dahalo* phenomenon, and that it must not overshadow the existence of other areas of theft, which are carried out particularly by foreigners, and which are focused on pigs or sheep. The major meat export networks are known and established: uncut zebras are sold to Comoros from Vohemar, Toamasina or even Mahajanga. The frozen meat is sold in China after having been cut up in the Chinese abattoirs. These form the driving force behind zebu theft, as they help to support foreign demand, mainly from Asia. The Chinese abattoirs, legally established with permits issued by the Ministry for Livestock, indeed receive a lot of stolen zebu. They equally serve to “launder” these zebu *via* false accounting in these abattoirs: only 10% of the zebras slaughtered are actually declared with the remaining 90% being stolen.<sup>57</sup> Several abattoirs were closed in 2016. Several interviewees we met testified that they have seen, particularly in the Toliara region, alleged breeders accompanied by zebu herds heading towards the Chinese abattoir in the region. They were more likely *dahalo* as they were armed. The former Minister, Anthelme Ramparany, cancelled

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51. Interview with a soldier in a senior post, Antananarivo, July 2016.

52. Interview with a Colonel in the Malagasy army, Antananarivo, July 2016.

53.. Interview with a General in the police force, Antananarivo, July 2016.

54. By way of illustration, the seizure of two tonnes of cannabis in Ambanja in June 2016 was the work of the gendarmerie forces.

55. M. Pellerin, “Madagascar. Gérer l’héritage de la transition”, *op. cit.*

56. “Lutte contre l’insécurité : l’Usad, officiellement active à Mahabo”, *Les Nouvelles*, 20 June 2016.

57. Interview with an observer of zebu thefts in Madagascar, Antananarivo, July 2016.

the permits, now issued in dribs and drabs. The laundering methods vary from one region to another. According to one source, from the south of the country, in Iakora the stolen zebus would be kept for six months in a nature reserve (Ikalabatsitra) before receiving new papers (identity and vaccination certificates).

At this stage, three solutions have been preferred, and there is risk that each of them will only accentuate the problem since the Malagasy state would lack firmness for their effective application.

In purely military terms, the various operations launched so far have not been able to contain an extremely widespread threat, and the *dahalo* are closely intermingled with the population.<sup>58</sup> The establishment of the Special Anti-*Dahalo* Unit (USAD) in Mahabo (Betroka district) is the latest innovation to date. This elite national gendarmerie unit, created specifically in response to the zebu thefts, has an armored vehicle and should eventually have two drones and a helicopter. These searches, which are very difficult for the generally inexperienced forces to conduct, may however have been accompanied by abuses. An Amnesty International report particularly criticizes the abuses committed by the army as part of the “Fahalemana 2015” operation, without any investigation so far.<sup>59</sup> These abuses and the associated impunity reinforce the unpopularity of the security forces engaged in the fight against the *dahalo* and nourish the phenomenon’s political dimension, as supported by the example of Henri Rasamoelina.<sup>60</sup> The question of the political shift in the phenomenon continues to be raised, as well as it being asked by the leadership of the political party TIM (*Tiako i Madagasikara*), the deputy Guy Rivo Randrianarisoa: “At the current rate, the *dahalo* will go so far as to demand the independence of southern Madagascar.”<sup>61</sup> Several attacks by the *dahalo* have actually assumed a political dimension, mainly when they target the administration’s representatives. Hence, at the end of April, the Director of General Department for the Territory (DAGT) for the Melaky region was killed by two *dahalo* during an ambush. The clashes that occurred at South Ankazoabo also have a more political coloring, the gendarmerie forces sent by Antananarivo as reinforcement were caught in a deadly ambush set up by the *dahalo* clearly enjoying support among the local gendarmerie.<sup>62</sup>

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58. Interview with a journalist based in Fort Dauphin, August 2015.

59. Annual report, Madagascar 2015/2016, Amnesty International, [www.amnesty.org](http://www.amnesty.org).

60. H. Rasamoelina, “La solution est politique”, *Newsmada*, 7 September 2015.

61. G. F. Ranaivoson “Lutte contre les *dahalo* – L’État remet à jour la tolérance zéro”, *L’Express de Madagascar*, 24 June 2016.

62. Interview with a Malagasy officer, Antananarivo, July 2016.

The other solution favoured by the government is an amnesty for former *dahalo*, the “*dahalo miova fo*.” So, several thousand *dahalo* have been granted amnesty by means of official ceremonies since 2013. 4,000 were announced at Amboasary, 2,000 at Miandrivazo (Menabe) and 2,000 at Sakaraha in 2014 for the greatest waves of amnesty, but this process has been emulated in most of the regions. The former Prime Minister, Roger Kolo, from the south, is presented as the actor of these processes which aim to use these *dahalo* in protecting villages and roads in agreement with the *Fokonolona*.<sup>63</sup> There is little doubt that these re-integrations have concrete results in terms of security, as the former *dahalo* are obviously more likely to flush out their former comrades-in-arms than the security forces. Some older cases of amnesty have produced real results, like *Dina Melaky*<sup>64</sup> led by a famous *dahalo* who was granted amnesty and converted to protecting the Fohara populations. This process is recorded in a sequential logic, based in the short term on food distribution, in the medium term on delivering basic social services (building schools and health centers), and in the long term on the implementation of common development plans. However, given the lack of planning by the Malagasy state, budgetary difficulties encountered by the authorities and the very high level of corruption in institutions, it is difficult to imagine that such a strategy can be implemented over time. Besides which the Prime Minister who carried out this project, is currently no longer in office. The latter at least deserved credit for remembering that hiding behind the *dahalo* were individuals motivated by concerns to improve their socio-economic conditions. Therefore, the international community, which is currently considering the most useful ways to spend its budgets in the country, like the United Nations’ Peace Building Fund, would be well advised to concentrate its efforts on consolidating these amnesty processes. Due to a lack of respect of commitments towards those granted amnesty, there is indeed the danger of creating frustrations and encouraging them to turn again to banditry.

The last solution considered, which is reinforced by amnesties, is *Dina*<sup>65</sup> or *Dinabe*. This has been and is regarded as the preferred solution

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63. Fokonolona is a village community in a given area.

64. *Dina* applied to the Melaky region.

65. The *dina* is an agreement drawn up between the members of a specific community (Fokonolona) where each member must show their support by oaths or curses under pain of incurring sanctions or curses. Since the Act of 2001-004 dated 25 October 2001, in order to reduce the burden on the courts, an approval procedure has been introduced for the *dina*. The *dina* must have the approval of the communal and government authorities, as well as the judge’s approval. It must be governed in accordance with decree 2001-2004 dated 25 October 2004. The performance of the *dina* is passed entirely to the *Fokonolona*.

to deal with the *dahalo*,<sup>66</sup> firstly because it is laid down and regulated legally, but also because it allows the security forces with limited resources to delegate security to local civilian actors. It is not appropriate here to repeat the history of the *Dina*, which has already been documented, but it is worth remembering that this solution is proved and renewed with each crisis episode in Madagascar, each one resulting in a development of the *dahalo* phenomenon. Since 2009, many regions have concluded *Dina*, whereby the civilian populations are allowed to arm themselves to defend themselves. In the area most affected by the *dahalo*, Betroka, the “*Dinan’ny Zanak’i Mangoky*”<sup>67</sup> was validated by the court in 2015, allowing militias equipped with 2,000 rifles to defend themselves against the *dahalo*. Far from being based on voluntary service, the *Dina* forces men of fighting age to mobilize. Objectors risk being banished from their communities. Officially, the *Fokonolona* cannot take revenge and have the role of supporting the gendarmerie forces, including handing over arrested *dahalo*. The reality is unfortunately different.

The training of these *Dina*, as useful as it is for the protection of villages and the settling the *dahalo* problem in the short term, is likely to cause more problems than anything else due to a lack of a legal framework that the government is able to uphold. We pointed out the risk in 2014 that defense undertaken by the people, permitted under the *Dina*, is planting the seeds of self-defense militias that the government would not be able to control. Several isolated incidents which have not always been covered by the media point to a shift towards mob justice. Many summary executions bear the mark of the *Dina*, which have claimed self-defense powers exceeding those conferred on them by the law. By way of illustration, on 27 September, a thief was executed at home in the Beroroha district before even being handed over to the security forces.<sup>68</sup> The risk is even that the militias will eventually turn against those who support them.

An incident occurred at the end of September in Tsiroanomandidy to support this assumption. This area in the north-west of the country, which is very affected by *dahalo* attacks, formed a *Dina* in 1982. On 29 September, the leader of the *Dina* intervened with the gendarmes to get a member of the *Dina* arrested for bicycle theft released. When the leader of the *Dina* was also taken into custody, the *Dina* members attacked the

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66. For a historical perspective, see I. Rakoto, “L’insécurité rurale liée au vol de bœufs : quelques propositions de solution”, *Revue scientifique internationale des civilisations*, No. 19, 2010.

67. Literally *Dina* means the children of Mangoky, from the name of the river between the Menabe and Atsimo-Andrefana regions.

68. *MadagascarMatin*, 28 September 2016.

gendarmerie, stealing weapons and seriously wounding a gendarme.<sup>69</sup> On 8 October, the barracks of the national gendarmerie area brigade at Ankazomborona Mahajanga were attacked by a crowd of a thousand people who decided to remove a person convicted of murder, who was then lynched by the population.<sup>70</sup> At Antanimora Ambovombe, on 4 November, four *dahalo* escorted by gendarmes were shot.<sup>71</sup> Finally, on 5 November, the Mampikony *Fokonolona* attacked the prison and the gendarmerie station (which was ransacked and burnt) which refused to hand over twins arrested for the murder of a doctor to them.<sup>72</sup> The recurrence of these incidents undoubtedly reflects the widening gap between the security forces and the population, but also the danger posed by delegating police powers to the *Fokonolona*, particularly when this delegation is operated by a weak state having difficulty in securing all or part of its territorial sovereignty. This pattern is not unique to Madagascar. In West Africa and especially in the Sahel, the creation of “civil militias” encouraged by the government to shut down armed movements (Mali, Cameroon, Chad and Nigeria) or simply to provide basic security (Burkina Faso) ultimately tends to escape the authorities’ control.<sup>73</sup>

The involvement of senior Malagasy authorities in the zebu network also affects the function of the *Dina*. Indeed, these authorities sometimes have no interest in seeing the *Dina* as being too effective. Their proper function is based on perfect agreement between the actors who formed it. Once one of these actors, particularly in the civil service, is replaced, the structure which the *Dina* is built on can be weakened. It is therefore not uncommon for elements of the gendarmerie, too conscious about their mission, to be recalled by the central government and replaced by agents whose mission is not to recognize the *Dina*. This is what may have been happening in the Bongonlava region since 2015. A *Dina*, effective from 2011, had helped to restore minimum security by means of an agreement between the population, the civilian government and the Emmoreg (Joint Operational Regional Staff of the Gendarmerie). Yet, in 2014, the president of the court and the Emmoreg commander were reallocated and replaced by actors who neglected the *Dina*. The *dahalo* were released by the court

69. “Tsiroanomandidy: Biraon’ny kaominina sy zandary voatafika, very ny basy ‘kalach’ iray”, *Midi Magasikara*, 30 September 2016.

70. S. Andriamarohasina “Mahajanga – Un millier de personnes attaque une caserne”, *L’Express de Madagascar*, 10 October 2016.

71. A. Manase, “Vindictes populaires : quarante morts et aucunes arrestations”, *L’Express de Madagascar*, 12 November 2016.

72. “Émeute sanglante à Mampikony : la caserne de la Gendarmerie saccagée et incendiée”, *Les Nouvelles*, 7 November 2016.

73. “Mali : silence des autorités face aux accusations des États-Unis sur le Gatia”, *RFI*, 29 September 2016.

and insecurity resumed<sup>74</sup> from 2015. Again in 2016, the Bongolava region activated three *Dina* to deal with escalated *dahalo* attacks. Like the Bongonlava case, the justice system was challenged by many interviewees who raised the case of *dahalo* released in several regions in the country. The case of Betroka where dozens of *dahalo* were liberated by a magistrate close to the networks who ran this sector, is illustrative for this reason.

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74. Interview with an investigative journalist focusing on zebu theft matters, Antananarivo, 25 July 2016.

# Conclusion

Madagascar, like other countries around the world, has seen economic networks emerge which operate both in the legal and illegal economy. These networks, as has always been the case in Madagascar since independence in 1960, are a condition of stability for the government in power. When the legal economy partially supports the socio-political equilibria, there is a tendency to talk about a risk of patrimonial drift. When these equilibria become partially protected by an illegal economy, it is appropriate to speak of “systemic crime”, where crime becomes an integral mode of governance and no longer a peripheral phenomenon in the state. Madagascar, from this point of view, is at a crossroads. Will the normalization of the current regime be based on this mode of governance which is no longer unusual if, for example, we look at how states in the Sahel belt, such as Mali or Niger are developing? If so, Madagascar, even more than ever would be governed from weak equilibria with the development of actors in the grey economy that are scarcely or not controllable. On the contrary, is the regime powerful enough to remove this grey economy from its elite base or to rebuild an elite base outside of this grey economy? Nothing seems less likely, and the electoral deadline of the end of 2018 will probably not encourage it.



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