
CHAPTER 5. SECURITY AND PERCEPTIONS ON JUSTICE IN RURAL MADAGASCAR

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Introduction

Bad governance and the prevalence of crime are seen as an important constraint on the economic development of a country. It needs to be tackled with vigor as good governance and secure property rights are crucial to foster investments in land, labor and capital and are therefore an essential condition for rapid economic growth (Soares, 2004; Stewart *et al.*, 1997).

Achieving better governance is therefore also one of the main priorities of the Malagasy government, as stated in the PRSP. While Madagascar started from a low base, it seems that the governance situation is slowly improving. For example, while Madagascar ranked 98th out of 102 countries in 2002, it was 88th out of 133 countries in 2003 and 82th out of 146 countries in 2004 (Transparency International, 2004).

The government took different measures to improve governance in recent years. For example, to tackle corruption, the government set up an Anti-Corruption Commission (CSLCC¹) in 2002. This commission created the independent Anti-Corruption Agency (BIANCO²) which is operational since September 2004 (Banque Mondiale, 2004). The government also vowed to fight cattle theft and insecurity in rural areas. The President himself promised at the start of the new year to reduce crime rates by 20% during 2005 (Midi, 2005). This was on top of the actions in 2004 as the government conducted at least three large security operations (*Rakotra, Ezaka, Tomoro*) in the rural areas of Madagascar during that year.

To evaluate the impact of the policies to improve security and governance, we rely on the commune survey that was organized in 2004 in 300 communes. Most questions concerning governance and security were formulated as recall questions on the same period two years ago (2002), last year (2003) and the year of the survey (2004). Some questions were formulated in a similar way as

in the commune census of 2001 as to allow for comparison between these two periods.

The structure of the chapter is as follows. First, we try to measure the impact of the new policies to improve security. More specifically, we study their impact on the incidences of theft in rural areas as well as on the reported sense of security by the local population. In the second part, we look at the perceived quality and trust in the justice system by local focus groups.

1. The security situation: Current situation and dynamics

a. Rural security improved slightly over the last two years.

Insecurity has been a major problem in rural Madagascar since centuries (Brown, 1995).³ This has led to an environment in rural areas where economic development has been curtailed as investments, benefits of trade, and economic exchange are much lower than would be expected in an efficiently functioning economy.

The results of our survey indicate that insecurity remains an important and worrisome problem in rural areas. We asked communal focus groups on their perception of security in the commune and the risk of theft of personal goods in 2002, 2003 and 2004, the year of the survey. 31% of the communes reported 'bad' or 'very bad' security conditions in 2004 (Table 1 and Map 1). 37% reported the security situation to be 'good' or 'very good'.

Table 1: Perceived security situation in the commune in 2004 as stated by local focus groups

	% of focus groups
Very good	6
Good	31
Average	32
Bad	23
Very bad	8

Source: Commune survey, 2004

³ At the end of 2001 INSTAT/DSM organized a household survey, representative at the national level. In this survey, rural households were asked on their perception of security in the village and the risk of theft of their goods. A high 64% of the households reported that the security conditions and risk of theft were bad to very bad.

¹ Conseil Supérieur de Lutte contre la Corruption

² Bureau Indépendant Anti-Corruption

However, security improved slightly over the last two years. The percentage of communes that state that security conditions are 'bad' or 'very bad' declined from 34% in 2002. On the other hand, the percentage of communes that perceive their security situation as good or very good increased by 7%, compared to two years earlier.

Given the arbitrary classification of these answers, a further perception question was asked to the focus groups of the communes on how they themselves perceived the evolution of the security situation in their commune over the last three years. Table 2 shows that 37% of the communes believes the situation improved, 37% thinks it is the same as before, and 26% perceives it as worse now.

Table 2: Evolution of the security situation in the commune (perception by communal focus groups)

Evolution over the last 3 years	
	%
A lot better	8
Better	29
The same	37
Worse	22
A lot worse	4

Source: Commune survey, 2004

b. There is strong variability between provinces. The situation improved significantly in the province of Antsiranana and Toliara, but worsened in Fianarantsoa and Toamasina. The provinces of Mahajanga and Toliara are still perceived to be the most insecure.

Large differences are noticed between provinces. Table 3 shows that the security situation in Antsiranana improved significantly. Only 13% of the communes reported bad security conditions in 2004. This compares to 35% in 2002. On the other hand, the provinces of Fianarantsoa and Toamasina show a deterioration in perceived security over the last two years (Table 3).

Table 3: Percentage of communes with bad or very bad security conditions (focus group perceptions)

	2002	2003	2004
Madagascar	34	32	31
Antananarivo	25	15	15
Fianarantsoa	28	36	39
Toamasina	16	14	18
Mahajanga	55	58	52
Toliara	58	52	48
Antsiranana	35	26	13

Source: Commune survey, 2004

While the security situation improved in the provinces of Mahajanga and Toliara, they still have big insecurity problems. Approximately half of the communes reported bad or very bad security conditions and especially the less populated and more remote communes seem to suffer most (Fafchamps and Moser, 2003).

The government - and more specifically the gendarmerie - set up a system where they classify the communes by colors to indicate the levels of insecurity. The 'red' communes are the most insecure. Consistent with Table 3, Table 4 shows that the provinces of Toliara, Fianarantsoa and Mahajanga have the highest percentage of communes belonging to a red zone. At the national level, 33% of the communes are classified 'red'.

Table 4: Percentage of communes that belong to a 'red' (i.e. highly insecure) zone

	% of the communes
Madagascar	33
Antananarivo	22
Fianarantsoa	45
Toamasina	12
Mahajanga	42
Toliara	56
Antsiranana	13

Source: Commune survey, 2004

c. The incidences of zebu theft declined during the last two years. The average number of zebu theft in 2004 decreased by about 20% compared to 2002. However, the situation is still worse now compared to the period before the crisis.

Our first quantitative measure of insecurity is cattle theft, considered one of the major causes of insecurity in rural areas. Overall, a decrease in the incidences of zebu theft is noticed between 2002, 2003 and 2004 (Table 5). It decreased with 20% compared to two years ago: in 2002, an average of 133 cases per commune was reported; in 2004, this number declined to 106.

An analysis by province shows that the biggest drop in zebu theft is noticed in the province of Fianarantsoa where incidences of theft decreased by approximately 51%. The two provinces most touched by the incidences of zebu theft in 2004 were the provinces of Toliara and Mahajanga. This reflects partly the higher number of cattle in these areas. Although the cases of zebu theft decreased in Toliara (-14%) during the last two years, the province is still seriously touched by this plague.⁴ The province of Mahajanga on the other hand shows even an increase in the incidences of zebu theft (+11%). However, this seems due to some incidences of large thefts as the median number stayed the same over time.⁵

The ratio of solved cases of theft over the number of incidences of theft increased significantly in 2003, compared to 2002. One year later – in 2004 – the ratio declined again,

⁴ The high numbers are caused by the incidences of large thefts in zebu market areas in Toliara.

⁵ The median stayed the same over time with 50 zebus per commune stolen in 2002, 2003 and 2004.

mainly due to the fact that the number of cases of zebu theft solved has declined in the province of Mahajanga (-31%). The ratio is still higher than the ratio of two years earlier, thus indicating that the efficiency of theft resolution improved over time but the ratio is still very low as only less than one fifth of the stolen cattle are reported to be retrieved.

Table 5: Incidences of zebu theft per year per commune (as reported in focus group interviews)

Average	2002	2003	2004	% change 2002/04
Number of zebus stolen				
Madagascar	133	113	106	-20
Antananarivo	7	8	4	-43
Fianarantsoa	152	81	74	-51
Toamasina	11	11	9	-18
Mahajanga	169	148	187	+11
Toliara	436	426	377	-14
Antsiranana	2	1	1	-50
Number of stolen zebus retrieved				
Madagascar	20	23	19	-5
Antananarivo	2	3	2	+0
Fianarantsoa	14	18	17	+21
Toamasina	2	1	3	+50
Mahajanga	54	50	37	-31
Toliara	56	70	59	+5
Antsiranana	1	1	1	+0

Source: Commune survey, 2004

Combining the commune census of 2004 and the commune survey of 2001, we find that while the average number of zebus stolen declined over the last two years, the situation is still worse now compared to the period before the political crisis (Figure 1). In 1999, on average 85 zebus were stolen per commune. This number rose dramatically in 2002, the year of the political crisis. After the crisis, it declined again, but it is still at a higher level than four to six years ago.

d. There is no change in the incidence of crop theft.

Overall incidences of crop theft did not change compared to 2002. However, strong provincial differences exist. The province of Mahajanga shows a significant increase in crop theft (+52%) (Table 6). It is also the province that appears to suffer the most from crop theft. On the other hand, the most significant declines are seen in Antananarivo (-37%) and Antsiranana (-21%). The decrease of crop theft in the province of Antsiranana is noticeable. This is seemingly linked to the decrease in the price of vanilla and the consequent decrease in rewards for theft.

Table 6: Incidences of crop theft per year per commune (as reported in focus group interviews)

Average	2002	2003	2004	% change 2002/04
Cases of crop theft				
Madagascar	42	41	42	+0
Antananarivo	51	36	32	-37
Fianarantsoa	13	14	16	+23
Toamasina	74	69	72	-3
Mahajanga	96	126	146	+52
Toliara	12	11	10	-17
Antsiranana	14	16	11	-21

Source: Commune survey, 2004

e. Communes suffering from burglaries increased over the last two years.

The percentage of communes suffering from burglaries increased over the last two years. In 2002, approximately a quarter of the communes (28%) mentioned incidences of burglary within their commune. This percentage rose by 11% during the last two years (Table 7). In particular, the occurrence of burglaries increased significantly with 30% and 20% in the provinces of Fianarantsoa and Toamasina respectively. This could provide an indication for the worsening sense of security in these two provinces, as mentioned above.

Figure 2 shows that the situation is back at the level of six years ago, with approximately 40% of the communes suffering from incidences of burglary. Although, there was a significant drop in burglaries during the year of the crisis, the situation worsened again in 2003 and 2004 reaching the same level as in 1999.

Table 7: Percentage of communes with incidences of burglary in 2004 (focus group perceptions)

	2002	2003	2004
Madagascar	28	31	39
Antananarivo	29	32	33
Fianarantsoa	21	28	51
Toamasina	45	53	65
Mahajanga	35	35	32
Toliara	12	10	14
Antsiranana	30	35	35

Source: Commune survey, 2004

The type of insecurity problem differs strongly between provinces. Toliara and Mahajanga suffer the most from zebu theft, whereas Mahajanga and Toamasina suffer the most from crop theft. On the other hand, Toamasina and Fianarantsoa are relatively harder hit by burglaries.

2. Reasons for the change in security

2.1. Punctual interventions

a. The number of punctual interventions increased. These are perceived successful by 36% of the population.

The government increasingly relies on punctual interventions - where a large number of law enforcement personnel is mobilized and

insecure areas are then visited - to address the insecurity problem (Operation Dahalo, etc.). Overall, an increase in punctual and specific interventions is noticed, from 2.3 in 2002, 2.6 in 2003, to 3.1 interventions in 2004, i.e. an increase by 35% over the last two years (Table 8).

The average number of interventions can be higher because of two reasons, i.e. an increase in the frequency of the existing interventions or in the number of communes visited. It seems that both reasons are important, but most of the change is driven by a higher number of communes visited. The number of communes where interventions were reported increased by 15% compared to 2002 and 2003 (Table 8).

Table 8: Punctual interventions against criminality (as reported in focus group interviews)

Average	2002	2003	2004	% change 2002/04
Number of interventions				
Madagascar	2.3	2.6	3.1	+35
Antananarivo	3.8	3.5	3.4	-11
Fianarantsoa	0.7	0.9	1.0	+43
Toamasina	0.9	1.0	1.5	+67
Mahajanga	6.8	8.7	12.2	+79
Toliara	0.9	1.0	1.0	+11
Antsiranana	0.7	1.2	1.5	+114
Frequency of existing interventions				
Madagascar	5.3	5.4	5.5	+4
Percent of communes controlled				
Madagascar	43	44	58	+15

Source: Commune survey, 2004

An analysis by province shows that the biggest increase in the number of communes controlled, appears in the province of Mahajanga, where now half of the communes are controlled compared to a low 13% in 2002. The total number of interventions increased the most in Antsiranana (+114%), possibly explaining the increased sense of security in this province.

These punctual interventions are mainly organized by the local gendarmerie, but there are also interventions on the communal and provincial level and on the level of the fokontany. 36% of the rural population perceives the actions taken against insecurity as successful (Table 9). More than half (62%) of them perceive the interventions to be 'average' to 'very good'. On the other hand, 11% of the population is not satisfied.

Table 9: Quality and efficiency of interventions (focus group perceptions)

Percentage	2004
Very bad	1
Bad	10
Average	26
Good	23
Very good	13
No opinion	27
Total	100

Source: Commune survey, 2004

2.2. The presence of law enforcement personnel

a. *There is little change in the presence of permanent law enforcement personnel.*

Table 10 shows the number of permanent law enforcement personnel in the field. The number of communes controlled by gendarmes increased slightly now compared to 2001 (+4%). On the other hand, the number of communes inspected by the police decreased (-13%).⁶ Overall, the mobiles units ('quartiers mobiles') together with the gendarmes are the main law enforcement personnel in the field. Almost all communes (89%) are controlled by mobiles units (Table 10) and approximately half of the communes (43%) are monitored by gendarmes. 10% of the communes are inspected by policemen or soldiers and a low 7% is guarded by local policemen. Moreover, three quarters of the communes put in place local *Dina*⁷ in an effort to control local security.

Table 10: Percentage of communes with law enforcement personnel in the commune (focus group estimations)

	2001	2004
Gendarmes	39	43
Mobiles units ('quartiers mobiles')	89	89
Policemen	30	10
Local Policemen (Communal-Municipal)	*	7
Soldiers	10	10

Source: Commune survey, 2001; Commune survey, 2004;

* No distinction between national or local policemen, so the number of communes controlled by policemen includes both types of policemen

Table 11 illustrates that the presence of law enforcement personnel differs by province. Gendarmes are most frequently found in Mahajanga, Toliara and Antananarivo. It seems therefore that more law enforcement personnel is present in these areas that are most touched by rural insecurity.

Table 11: Percentage of communes with law enforcement personnel in the commune in 2004 (focus group perceptions)

	Gendarmes (% of communes)	Mobiles quarters (% of communes)
Madagascar	43	89
Antananarivo	52	100
Fianarantsoa	41	97
Toamasina	24	100
Mahajanga	61	90
Toliara	52	48
Antsiranana	22	100

Source: Commune survey, 2004

Another deterrent of crime is the distance people have to go to reach law enforcement personnel (Map 2). The average and median

⁶ The average number of gendarmes and policemen per commune – for the communes controlled by them – did not change over time.

⁷ However, local *Dina* can be very harsh. In some cases, the hands of a thief that is caught will be cut.

distance from a commune to the nearest law enforcement authority is 33 km and 19 km respectively (Table 12). The province of Toliara shows the highest distance to the nearest law enforcement authority. Given the high distance to law enforcement personnel, the low population density and the remoteness of most rural areas in general, this explains a large part of the perceived insecurity in this province (Fafchamps and Moser, 2003).

Table 12: Distance from the commune to the nearest law enforcement authority (focus group perceptions; 2004)

Distance (km)	Mean	Median
Madagascar	33	19
Antananarivo	24	16
Fianarantsoa	31	20
Toamasina	15	15
Mahajanga	24	0
Toliara	69	48
Antsiranana	37	28

Source: Commune survey, 2004

2.3. Changes in poverty

a. The majority of communes believe that the increase in insecurity is caused by an increase in poverty.

A perception question was asked on why focus groups thought insecurity increased in case it did. The majority (78%) believes that the increase in insecurity is mainly caused by an increase in poverty (Table 10). Poor people are often obliged in time of crisis to steal food or commit crimes for survival (Fafchamps and Minten, 2004). Given the large price increases in food and the decrease in welfare in rural areas (Chapter 1), this explanation is more important than changes in the efficiency of the police and justice system (Table 10).

Table 13: If increase in insecurity, stated reasons why (in %; 100% = all communes)

Reasons	%
Increase in poverty	78
Impact of the political crisis (i.e. more weapons available now than before the crisis)	5
Inefficiency of police and justice system	4
Other	13
Total	100

Source: Commune survey, 2004

Hence, the policies to improve security have had positive effects and have led to a decrease in the number of zebu thefts, compared to 2002. Thieves perceive that they have a higher chance to be caught and consequently for some of them the risk becomes too high and they give up their business. Moreover, for the ones who continue stealing, the chances to be caught appear to have increased again during the last two years. However, it seems that the increase in poverty in rural areas has led some people to use crime, especially crop theft and burglary, as a coping strategy (Fafchamps and

Minten, 2004). This 'smaller' type of crime has therefore been stable or on the increase.

3. The justice system

3.1. Use of the formal justice system

a. The use of the justice system is very low in rural areas. Two thirds of the communes state that nobody within their commune uses the formal justice system.

The use of the formal justice system in Madagascar is very low. In an attempt to measure the use, we asked a question on how many persons would use the justice system in the commune. The majority of communes (66%) answered that nobody within their commune would do so (Table 14).

Table 14: Use of justice system (in %; 100% = all communes)

Answers	%
Used by nobody	66
Used by some persons in the commune	23
Used by half of the commune	3
Used by a lot of persons in the commune	4
Used by everybody	4
Total	100

Source: Commune survey, 2004

3.2. Perceived quality of the justice system

a. Only 17% of the focus groups rate the quality of the formal justice system as good or very good.

The quality of the justice system gets low marks by the communal focus groups (Table 15). A low 17% of the communes rates the quality as good to very good. On the other hand, 39% of the communes perceives it as bad to very bad. Moreover, only one quarter of the communes (26%) states that the quality improved over the last three years. The majority (59%) perceives it as the same. 15% thinks that it has gotten worse. This indicates that – despite the efforts by the government – still a lot remains to be done.

Table 15: Quality of the justice system in the commune (perception by communal focus groups)

	Now - Nov/Dec 2004 %		Evolution over the last 3 years %
Very good	1	A lot better	0
Good	16	Better	26
Average	44	The same	59
Bad	24	Worse	10
Very bad	15	A lot worse	5

Source: Commune survey, 2004

b. *The traditional justice system is trusted more than the formal one.*

To further evaluate the situation of trust in the justice system, a direct question was asked to the focus groups (Table 16). A high 33% of the communes answered that they only have ‘a little bit’ of trust in the formal justice system. Only 14% has a lot of trust in the system. On the other hand, the trust in the traditional justice system (*Dina*, etc.) is slightly higher as 30% of the communes ‘trust it a lot’. However, it does not get high marks either.

Table 16: Trust in the justice system (Nov/Dec 2004)

Percent	% of answers of focus groups to the question: ‘Do you trust...?’				Total
	A lot	More or less	A little bit	No opinion	
the formal justice system	14	53	33	0	100
the traditional justice system	30	41	14	15	100

Source: Commune survey, 2004

3.3. Examples on the functioning of the rural justice system

As to continue our evaluation of the functioning of the formal justice system in rural areas, focus groups were presented with some concrete situations and we asked their perceptions on the functioning of formal justice.

a. *Justice is not impartial. Rich people and politicians are perceived to get a preferential treatment.*

A question was asked to the focus groups of the communes on the differences in treatment of rich versus poor, man versus woman, politicians versus non-politicians and people of different ethnic groups. Table 17 illustrates that the majority believes that a man and a woman and people of different ethnic groups will most likely be treated the same. In the case that discrimination between women and men existed (23% of the focus groups stated they would ‘probably not’ be treated the same), it was said that sentences were in general more lenient for women than for men.

We notice on the other hand a significant perceived sense of discrimination for the other two categories. A high 60% of the communes believe that a politician and rich people will ‘probably not’ receive the same treatment and sentence as a regular citizen. Only about 20% of the focus groups believe that they would ‘likely’ get the same treatment. These answers indicate respectively that the political and judicial powers are not separated in Madagascar and that money buys a different kind of justice.

Table 17: Trust in the justice system (Nov/Dec 2004)

Percent	% of answers of focus groups to the question: ‘If two persons commit a crime, are they treated the same by the justice system?’		
	Likely	Maybe	Probably not
Rich versus poor	21	19	60
Man versus woman	54	23	23
People of different ethnic groups	81	14	5
Politician versus non-politician	22	18	60

Source: Commune survey, 2004

b. *60% of the communes believe that when a big zebu thief is caught, he will ‘probably not’ or ‘maybe’ be sent to and stay in prison.*

Table 18 and Map 3 illustrate the results of the perceived consequence on the capture of a big cattle thief. For the country as a whole, a quarter of the communes believe that it is unlikely that a cattle thief, if caught, would be sent to prison and stay there. Only 40% of the rural population believes that it is likely that he will go to prison. This indicates the kind of mafia practices that are prevalent in this business (Fachamps and Minten, 2004; Rasamoelina, 2000; Razafitsiamidy, 1997).

Table 18: Trust in the justice system (Nov/Dec 2004)

Percent	% of answers of focus groups to the question: ‘Suppose a big cattle thief is caught in this commune, would he be sent to prison and stay there?’					Total
	Very likely	Likely	Maybe	Probably not		
Madagascar	21	19	36	24	100	
Antananarivo	14	36	28	22	100	
Fianarantsoa	27	10	37	26	100	
Toamasina	43	29	20	8	100	
Mahajanga	29	16	23	32	100	
Toliara	2	4	63	31	100	
Antsiranana	9	9	52	30	100	

Source: Commune survey, 2004

Strong provincial differences are noticed. In Toliara, only 6% of the population gave a positive answer to this question. A high 31% of the rural communes think a thief, if caught, would not get the sentence he deserves. This lack of trustworthy justice probably explains partly the remaining high sense of insecurity in this province as shown above. In the province of Toamasina on the other hand, 72% of the population thinks that it is likely that a thief will go to prison.

c. *One third of the communes believes that land is sometimes acquired through the abuse of titling rules.*

Another insecurity problem in rural areas is the theft of land. This is usually done through the abuse of the land titling system where, often politically connected and powerful, individuals obtain the legal right to land to the detriment of the traditional users. To evaluate the importance of this problem, a question was formulated this way (Table 19). Two thirds of

the focus groups state that this is not a problem in their commune. 29% believes it happens sometimes while 3% thinks that it happens regularly.

Table 19: Likelihood that an outsider will show up with a legal title to the land of this commune

Percentage	% of focus groups
Never	67
Sometimes	29
Regularly	3
Total	100

Source: Commune survey, 2004

4. Conclusions

The government has done significant efforts to improve security in rural areas. It more specifically increased the number of punctual and specific interventions against criminality in the communes (Operation Dahalo, etc.), increased the number of communes controlled and improved the functioning of the formal justice system.

These policies have contributed to a slightly better security situation as more communes perceive the security situation to have improved than to have worsened during the last two years. This also shows up in objective numbers as the incidences of zebu theft declined by about 20% but compared to the period before the crisis, the incidences of zebu theft are still higher than before. The incidences of burglaries increased compared to two years ago and are at the same level of five years ago. This increase is seemingly caused by an increase in poverty over the last year.

The high insecurity in rural areas is linked with a badly functioning justice system. The use of the formal justice system is low. This lack of use is seemingly explained by a lack of trust. While the formal system has, on average, improved over the last three years, the majority of the rural focus groups still believes that the formal justice systems treat the rich different than the poor, that politicians use their power to thwart the justice system and that big cattle thieves often do not have to go to prison once they are caught. It is therefore not surprising that focus groups state they have relatively more trust in the traditional system. Hence, it seems that still a lot of work remains to be done in this area.

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Figure 1: The evolution of the incidences of zebu theft

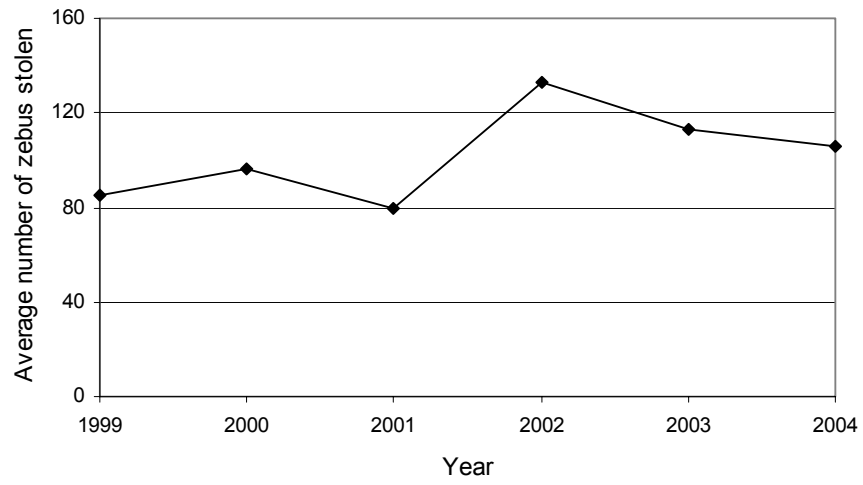
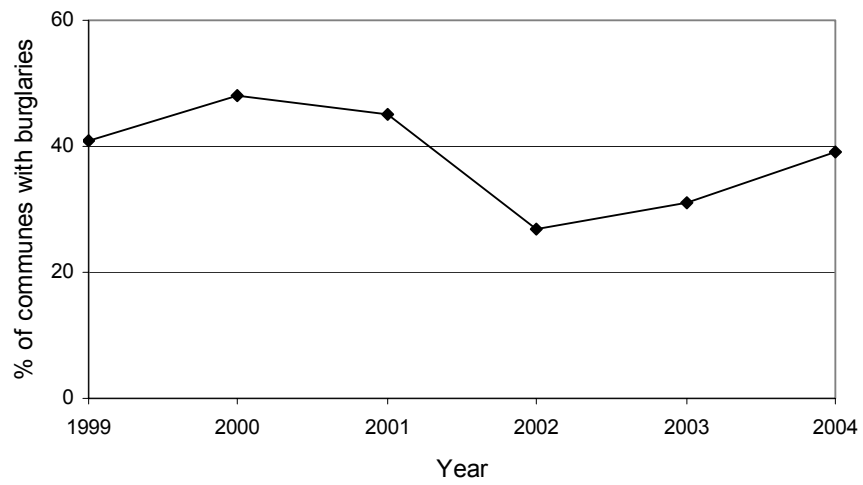
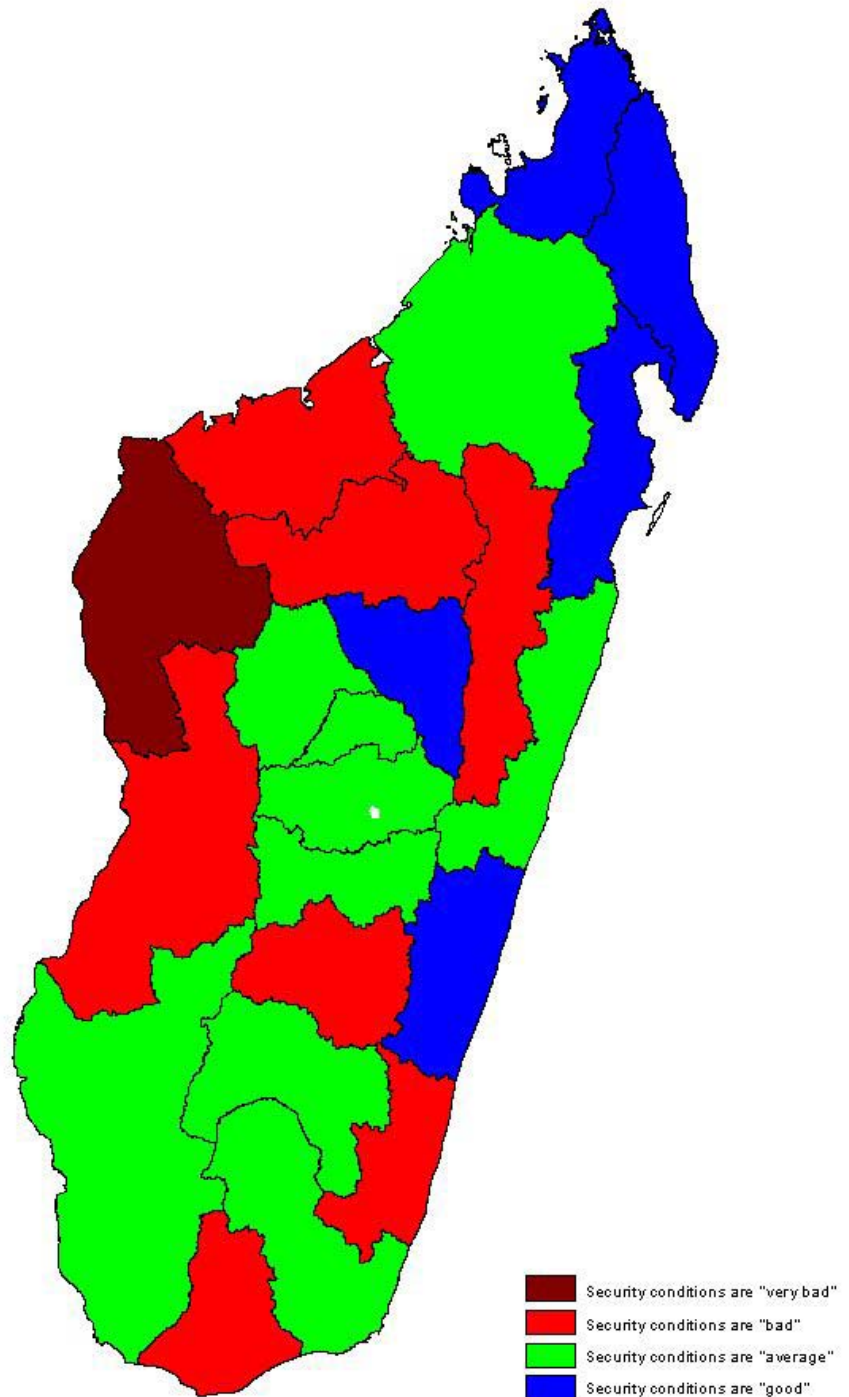


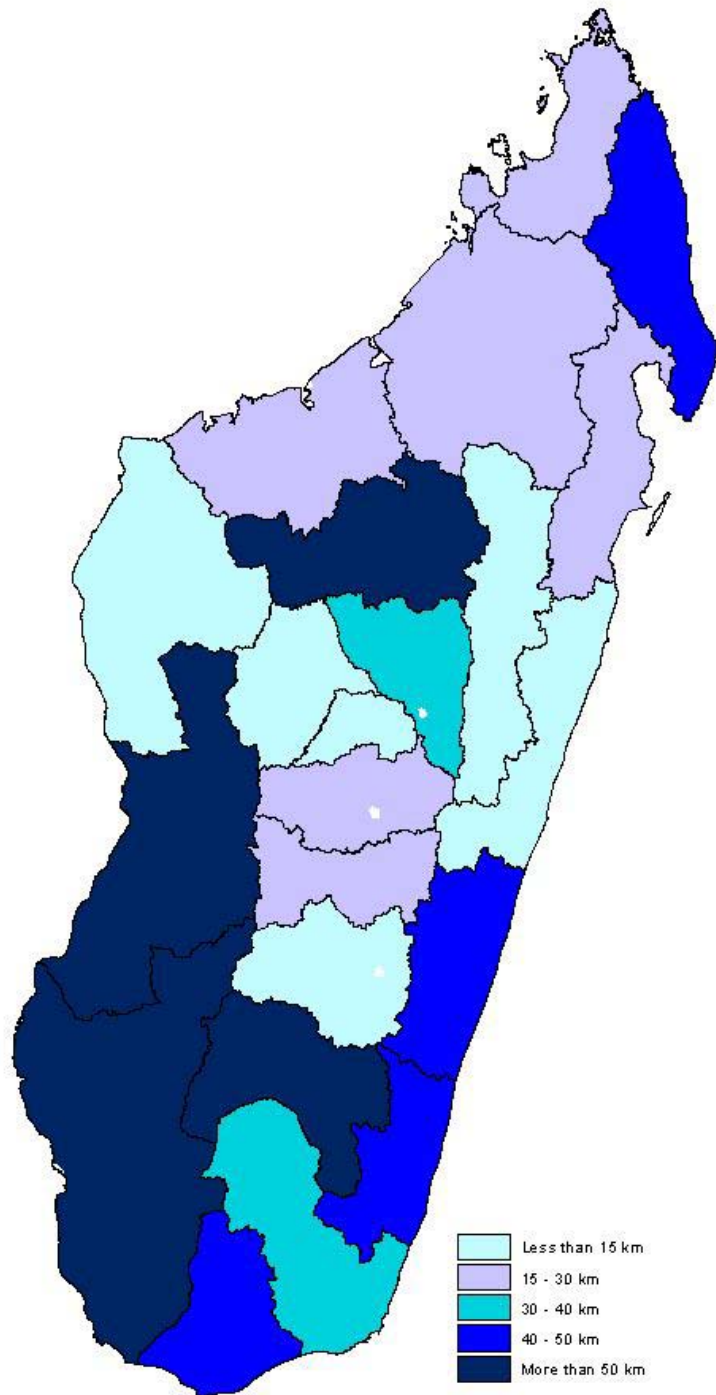
Figure 2: Communes with incidences of burglary



Map 1 : PERCEIVED SECURITY CONDITIONS IN 2004



Map 2 : DISTANCE TO LAW ENFORCEMENT



Map 3 : LIKELIHOOD THAT A CATTLE THIEF WILL GO TO AND STAY IN PRISON

