

Background Report
Law and Regulation for the Reduction of Risk from Natural Disasters
in Madagascar
A National Law Desk Survey
February 2013

Acknowledgements

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Law and Regulation for the Reduction of Risk in Natural Disasters in Madagascar: A Country Desk Survey

Executive Summary

The laws and regulations analyzed in this paper provide a legal framework for state authorities and communities in Madagascar to cope with natural (not man-made) disasters. The legislative and institutional framework relevant to Disaster Risk Reduction (DRR) in Madagascar is vast and diverse, extending over a number of legal documents which are monitored by different governmental agencies. One remarkable feature is that current legislation does not, for the most part, directly addresses DRR as such, but rather it regulates important related issues. Although there is a legal framework on disaster management in place, which covers prevention, response and mitigation of natural disasters, an analysis of further legislation is needed in order to obtain a better picture of the legal framework relevant to DRR in the country. This paper consists of an analysis of the text of the key laws and regulations against a detailed set of questions. As a general rule, it does not include any consideration of the implementation or application in practice of the legal framework identified. The main aim of the study is to provide an account of the existing legislative measures for country-level DRR in place in Madagascar. Beyond addressing the questionnaire, the bibliography and copies of relevant laws and regulations provide material and suggestions for further research.

Although there is a stand-alone law on disaster management, which is regulated by a decree, not all issues pertinent to natural disasters are covered by such instruments, or not with a great level of detail. Therefore, attention is given to further specific areas relevant to the subject, for example building codes and legislation on forest protection. The difficulty here is to identify and analyze relevant provisions in a plethora of legal documentation, which often overlaps in some areas while presenting lacunae in others. For example, there is a complex set of legal rules relevant to the environment, and of potential interest in terms of DRR. On the contrary, certain areas, such as education on DRR issues are not subject to a particular legal framework.

An important feature is the fact that laws tend to create new state agencies and/or consultative bodies with the aim of monitoring their implementation, often at different levels of government, including at the community level. For example, the Disaster Management Law creates committees at different levels of the administration, including at the national, regional and local levels. Community participation is also largely guaranteed under the DM legal framework, although it does not necessarily attempt to render visible (through identification and express mention) particularly vulnerable groups that

should be part of the process, such as women and persons with disabilities. A further feature noticeable especially in the DM legal framework is the attempt to include different ministries in national bodies dealing with natural disasters. While the approach can be welcomed as an attempt to mainstream the subject across different areas of the government, how practical and effective it is for such bodies to regularly meet may render the provision totally ineffective.

Little or no comprehensive legislation was found on specific natural disasters affecting the country, such as floods and drought, although some legal documents were identified, especially regarding creating emergency cells to deal with a particular natural disaster in a specified location. One such example is Order No. 7539/99, of 02 August 1999, establishing a local emergency cell to protect the city of Toliara against floods, which was jointly adopted by the Ministries of Interior, Planning and the City, Agriculture, Environment, Water and Forests, and Public Works. It seems the lack of an overarching legal framework leads to inconsistent approaches to natural disasters. Legislative initiatives in this sense tend to be passed as a response to a particular disaster. They often aim to create stand-by structures to deal with certain disasters and areas, but make no or only little reference to allocation of resources for operations, preventive measures or education initiatives. In some instances, although evidence was found of the formal existence of legislation on the subject, it was not possible to obtain a copy of the legislation (which was not available online and not available for copy during the country visit), and therefore no further analysis was possible. Such is the case with legislation on locusts, for example, to which reference was found but no access to the actual legal text possible.

In relation to a particular type of natural disaster, namely cyclones, an interesting recent piece of legislation deals with the construction of cyclone-resistant buildings, which set mandatory rules especially for public buildings (including schools and hospitals). The relevant text is Decree 2010-243, of April 2010, and another novelty is that it expressly regulates on the possibility of civil and criminal liability of the contractor in cases of disregard for its provisions. Additionally, the decree empowers victims by setting the conditions allowing them to pursue tort liability action for damage against the constructor, and also against the office in charge of evaluating the conception and inspecting the building works. Earlier laws do not show a similar degree of originality, for example general rules on the built environment, especially the Urbanism and Habitation Code. Although this contains relevant provisions from the DRR perspective, it largely ignores precarious settlements – a living reality for many in the country of study.

On a positive note, the law recognizes the possibility of management of renewable natural resources by communities, which could serve as incentive for communities to genuinely engage in the protection of the environment and the prevention of natural disasters. The relevant standard is Law 96-025, of 30 September 1996, regulated by Decree 2000-027, of 13 January 2000. Customary practices are also strictly regulated – for example, the practice of ‘tavy’ (agriculture or pasture on burned land) is prohibited in risk areas, such as hilly areas, or in areas susceptible to the formation of dangerous ravines, and within 20 meters of riverbanks. Legislation (including penal) sets the limits and conditions on this practice, and there are penalties which may be incurred in cases of non-compliance. This includes imprisonment and fines, especially if the practice gets out of control and gives rise to wildfire. It is clear that highlighting the legal framework on the subject does not necessarily mean its strict observance by the population. However, an analysis of the effectiveness of the legal framework goes beyond the object of the current study, which is primarily an identification and analysis of the existing legal framework.

Further, legislation on Early Warning is rather vague, with little precision in relation to content, mandates and responsibilities. Similarly, little legal coverage is given to the collection and publication of data relevant to natural disasters, such as meteorological and population data.

Lastly, a review of the law and regulation demonstrates the adoption of some detailed provisions and tentative attempts to improve legal coverage of issues of relevance to Madagascar. However, it seems that changes in the government during recent years have resulted in the changing of the law, especially in terms of creating and abolishing bodies, and on issues relating to decentralization. With the current political crisis affecting the country, and with all eyes focusing on the imminent electoral process, it seems that currently the natural disaster agenda is being put on hold, with no ambitious legislative initiative in sight.

This paper and the accompanying compilation of legal documents are part of a global synthesis report on law and regulation for DRR in natural disasters. It is hoped that the outcome and findings of this study will serve as a useful guide to later research on the subject.

List of abbreviations

ANDEA	National Authority for Water and Sanitation (Autorité Nationale de l'Eau et de l'Assainissement)
APIPA	Authority for the Protection against Flood of the Plain of Antananarivo (Autorité pour la Protection contre les Inondations de la Plaine d' Antananarivo)
BNGRC	National Bureau for Risk and Disaster Management (Bureau National de Gestion des Risques et des Catastrophes)
CNGRC	National Council for Risk and Disaster Management (Conseil National de Gestion des Risques et des Catastrophes)
CPGU	Unit for the Prevention and Management of Emergencies (Cellule de Prévention et de Gestion des Urgences)
CRM/MRC	Malagasy Red Cross (Croix Rouge Malagasy)
DRR	Disaster Risk Reduction
HAT	High Authority of Transition (Haute Autorité de Transition)
HFA	Hyogo Framework for Action
IOC-COI	Indian Ocean Commission (Commission de l'Océan Indien)
IO	International Organization
MIA	Minister/Ministry of Internal Affairs (Ministre/Ministère de l'Intérieur)
MoU	Memorandum of Understanding
NGO	Non-Governmental Organization
ONE	National Office for the Environment (Office National pour l'Environnement)

PIROI	Platform for Disaster Response in the Indian Ocean (Plat-forme d'Intervention Régionale de l'Océan Indien)
PM	Prime Minister (Prémier Ministre/Primature)
PREE	Environmental Commitment Program (Programme d'Engagement Environnemental)
SADC	Southern African Development Community
SINE	National Institutional Structure for the Environment (Structure Institutionnelle Nationale pour l'Environnement)
UNFCCC	United Nations Framework Convention on Climate Change

1) Introduction

Disaster risk reduction (DRR) is the reducing of risks of disasters through systematic efforts to analyse and mitigate the causal factors of disasters. It is the lowering of vulnerability of people and property to disasters and includes the management of land, water resources and the environment, and preparation for and response to disasters. The purpose of the National Law Desk Survey is to create a country profile of the law pertaining to and regulation of DRR in Madagascar.

This study consists of an outline of the government and law-making structure and an identification and analysis of relevant laws and regulations for the reduction of risk in natural disasters. The legal and institutional framework concerning DRR at country level covers a wider scope than just preparation for and response to natural disasters. Matters that regulate daily life, such as safety codes for buildings, registration of land title, telecommunication, waste-water drainage, the rights of the people (the right to property, life, livelihood) too, come into consideration when coping with a natural disaster. Consequently, laws that deal with these subjects must incorporate disaster preparedness and response. The country profile outlined in this paper provides an assessment of these issues along with that of disaster management laws.

Analysis of the laws and regulations has been carried out against a given set of questions, organised around the first four of five priorities laid down in the Hyogo Framework for Action (2005-2015), focusing on:

1. Ensuring that disaster risk reduction (DRR) is a national and a local priority with a strong institutional basis for implementation, including through “policy, legislative and institutional frameworks”;
2. Identifying, assessing and monitoring disaster risks and enhance early warning;
3. Using knowledge, innovation and education to build a culture of safety and resilience at all levels;
4. Reducing the underlying risk factors.

Although the study was originally conceived solely as a 'desk survey', due to the fact that the consultant conducted a field mission in the country in Madagascar in December 2012, the online and library-based research was supplemented with material obtained during the field mission. The paper concentrates on primary sources to describe and analyze the text of laws and regulations concerning DRR and relevant related subjects in Madagascar.

2) Summary of Main Natural Hazards and Risks in Madagascar

Madagascar is a large island which lies in the southwest Indian Ocean, with a population of 19.7 million and a GDP (2007) of 4.5 billion USD. To the west, the Mozambique Channel separates it from Africa and, to the East, the Indian Ocean. Stretching 1,600 km from north to south and 580km wide, it has an area of 587 041km² with 5603km of coastline. Its terrain is varied and often uneven, although the highest mountain does not exceed 3000 m. Overall, the country is characterized by a tropical climate with two distinct seasons: (1) the rainy season or summer from November to April, with maximum rainfall during December and January; and (2) the winter or dry season, from May to October, with minimum rainfall in September and October.

The annual average temperature varies between 23°C to 27°C. In the extreme south-west, the climate is semi-desert and the region is prone to drought. In the region of the east coast, the climate is tropical and humid, and has been subject to tropical cyclones, such as cyclone Giovanna in February 2012, which brought torrential rain and wind speeds of up to 231 km per hour.

The country regularly faces four major natural hazards, namely cyclones, tropical storms, floods and droughts, together with locust invasion. Madagascar is also one of the countries most vulnerable to climate change. In March 2010, Cyclone Hubert seriously affected agricultural production, destroying 61,000 hectares of agricultural land, and in February 2011, Cyclone Bizinga hit the North East of the Island. These cyclones are reportedly more frequent and violent than in the past. In addition, locusts regularly destroy crops, especially in the south-west. The country's vulnerability to natural disasters is extreme:

the country has witnessed 46 natural disasters over the past 35 years, cumulatively affecting over 11 million people and causing damage estimated at USD 1 billion.¹

Additionally, the natural resources of the country are severely degraded: 1.2 million hectares of forest were lost between 1990 and 2005, and deforestation continued at an annual rate of about 40 000 hectares per year between 2000 and 2005. Although natural disasters have contributed to this situation, it also has human origins. Deforestation is due mainly to the clearing for charcoal production and gathering firewood or wood for construction. Also the practice of *tavy* (the slash-and-burn method of agricultural cultivation), uncontrolled bush fires, illegal commercial exploitation of precious woods and mining activities pose huge challenges to the country. Slopes are cleared and planted to crops to meet population growth, using non-adapted agricultural practices that weaken the soil by exposing them to rain. Deforestation accelerates soil erosion, which has reached proportions found in few other places on the planet.²

¹ According to A/HRC/19/59/Add.4, of 26 December 2011- Report of the UN Special Rapporteur on the right to food, Olivier De Schutter – Mission to Madagascar, pages 3-4.

² According to A/HRC/19/59/Add.4, of 26 December 2011- Report of the UN Special Rapporteur on the right to food, Olivier De Schutter – Mission to Madagascar, page 6.

3) Governmental & Law-making Structure (including hierarchy of laws)

Since December 2008, Madagascar has been facing a political crisis. Following protests against the previous ruling Government, the then President of the Republic (Mr. Ravalomanana) transferred full powers to a military directorate, who in turn transferred power to the leader of the opposition movement, Mr. Rajoelina. In March 2009, the High Constitutional Court took note of this transfer and recognized Mr. Rajoelina as the Transitional President exercising the functions of President of the Republic.³

On 17 November 2010 a referendum was held in which 52,61% of the population took part. Approval of the new Constitutional text was given by 74,19% of participants.⁴ Be that as it may, several members of the international community and part of the Malagasy population criticized the process leading to its adoption and consequently its legal status remains to a certain extent disputed.

Over the next few years, several international attempts were made to reach an agreement between opposing parties in Madagascar. Under the auspices of the SADC, a roadmap to end the crisis was signed in September 2011 by different political parties. In this framework, presidential elections according to international standards and with UN support are under preparation. Elections are expected to take place in May 2013, although the recent crisis has seen several election dates scheduled but later postponed.

Although governmental structures remain in place, their work has been adversely affected by the crisis, due to the climate of uncertainty and political divisions, together with the considerable decline in international aid. This is negatively impacting various sectors of the country, including the observance of

³ Key documents authorizing such changes are: Ordinance n° 2009-001 (Giving full powers to the Military Board), 17 March 2009; and Ordinance no. 2009-002 (Transferring full powers to Mr Rajoelina), 17 March 2009.

⁴ According to the site of the Office of the Prime Minister, <http://www.primature.gov.mg/index.php/item/1309>, visited on 22 December 2012.

the laws already in place and the drafting of new legislation. With the crisis poverty is on the rise, and less stringent control (due to lack of means and/or the rise of corruption) is exercised over the legality of important economic activities such as timber and mineral exploitation, with a likely negative impact upon the environment and disaster prevention.

The crisis has also brought a significant amount of confusion and dissent in terms of the organization of the country and its institutions. According to the new government, the 4th Republic started with the passage to power of the current president (in fact President of the High Transitional Authority, Mr. Rajoelina), and the new constitution adopted by referendum in 2010 is the main legal text of the country. Political opponents dispute this, suggesting that the country is still living in the 3rd Republic, at least as long as institutions provided for in the new constitution are not yet put in place, due to the political crisis (for example, a democratically elected president). In fact, the new constitution does not significantly depart from the previous one, though it contains some specific novelties. One of them reduces the minimum age for presidential candidates, thus benefiting the incumbent President of the High Transitional Authority, who would otherwise not be allowed to run for elections.

Besides these facts, the roadmap agreed under the auspices of the SADC lists a series of provisional institutions due to be put in place during the transition of the country towards the end of the crisis. For the purposes of the current report the text of the 2010 Constitution will be used as the main text organizing the country, but account will be taken, when relevant, of the SADC roadmap, as well as to the 1992 Constitution (as amended up to 2007).

Madagascar is divided into 22 regions, 119 districts, 1,558 municipalities ('communes') and 17,433 village communities.⁵

According to the Constitution, the Republic of Madagascar is a unitary and republican state, based on a system of decentralized territorial communities

⁵ See the report submitted by the Government of Madagascar in the framework of the Universal Period Review/Human Rights Council, document A/HRC/WG.6/7/MDG/1, of 3 November 2009, §4.

composed of Municipalities, Regions and Provinces.⁶

In relation to the legal system, Madagascar follows the French model and therefore the civil law tradition. The types and hierarchy of norms are the following (from the top downwards): (1) Constitutional norms; (2) ratified International Treaties; (3) Organic Law (adopted by a qualified majority, namely two-thirds of votes in Parliament); (4) Law (adopted by simple Parliamentary majority) and Ordonnance (in English: 'Ordinance' – with same status as law, though it is a Presidential act taken in exceptional circumstances, subject to later Parliamentary endorsement). All the referred norms, except for Ordinance, belong to the legislative sphere and can be considered as primary legislation. There are further official acts with mandatory force, but which have rather a regulatory character, being secondary legislation. They are: (1) Decree passed by the Council of Ministers, aiming to supplement a statute; (2) Decrees; (3) Arrêté (in English: 'Order', normally provide details in relation to decrees) and; (4) Notes (normally passed at the Ministerial level, for example, assigning a specific role to a civil servant).

⁶ According to Articles 1 and 3 of 2010 Constitution. Although the new Constitution refers to 'Provinces' they are not yet in place, along with further references especially to bodies and governmental institutions.

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1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	Constitution of 2010	Art. 3	<p>The Republic of Madagascar is a unitary and republican state based on a system of decentralized territorial communities composed of Municipalities (Communes), Regions and Provinces.</p> <p>Although referred to in the new 2010 Constitution, Provinces are still to be organized and set up (they existed in the past but were later abolished, and have recently been reintroduced, albeit only formally).</p> <p>Currently the country is divided into 22 regions, 119 districts, 1,558 municipalities and 17,433 communities (called 'Fokontany').</p>
2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government?	<i>2010 Constitution</i>	<p>Art. 142</p> <p>Art. 147</p>	<p>Having a unitary system of government, Madagascar's organizational framework follows the principle that the powers of the separate constituent parts are vested in a central body (or national/central bodies).</p> <p>Be that as it may, Madagascar has numerous laws providing for decentralization, including references in the 2010 Constitution. It is also noteworthy that different laws point to different decentralized units (some once existed but were later abolished – for example 'Departments'; whereas others were abolished and later</p>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>Law no. 93-005, of 26 January 1994, provides general rules on the decentralization policy</p> <p><i>Law no. 94-007, of 26 April 1995, relating to powers, competences and resources of decentralized territorial units</i></p> <p>Law no. 94-008, of 26 April 1995, relating to the organisation, functioning and tasks of decentralized territorial units</p> <p><i>Organic Law no. 2000-16, of</i></p>	<p>Art. 2 Art. 3 Art. 12</p> <p>Art. 4 Art. 9 Art. 23</p> <p>Art. 3; Art. 52</p> <p>Art. 43</p>	<p>reestablished – for example ‘Provinces’), so the matter is under development and there is some lack of clarity at the moment.</p> <p>Provides that decentralized territorial units have financial autonomy, and that they design and manage their own budget. Lists the sources of income of decentralized territorial units. On the whole, laws on decentralization have as their main idea the development of the country as a whole, through delegation of powers to decentralized units, and providing for public participation in the process. The transfer of powers is parallel to a budget transfer, so as to enable decentralized units to discharge their functions.</p> <p>Similar rule on transfer of budget according to tasks assigned to decentralized territorial units. It lists powers and sources of revenue assigned to decentralized territorial units. For example, competences of Regions and respective income sources.</p> <p>This law indicates that an elected Council with deliberative powers is to be set up at each of the different levels of decentralized territorial units. It is led by the President of the Executive Bureau (for example, the Mayor/Maire in case of Municipalities/communes).</p>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p><i>29 August 2000, on self-management by autonomous provinces</i></p> <p>Law no. 2004-001, of 17 June 2004, on Regions (see also Decree no. 2004-859, of 17 September 2004, on the organisation, functioning and role of Regions, in connection with Law 2004-001; and Decree no. 2007-531, of 11 June 2007, on the general organisation of Regions)</p> <p><i>Decree no. 2009-890, of 02 July 2009, on the organisation, functioning and attributions of Fokontany</i></p>	<p>Art. 2</p> <p>Art. 2</p>	<p>Reaffirms the principle that decentralized territorial units (here autonomous Provinces) shall be assigned with a budget according to their respective tasks.</p> <p>Defines Regions and sets economic and social development as their main tasks. Regions have two different roles: (1) Decentralized Territorial Units –under this role they have autonomy to administer themselves, through the Council of elected representatives and its president; (2) Administrative circumscriptions – under this role Regions represent and discharge all services provided by the State (national government) at the regional level. The second role is discharged by the Head of a Region (Chef de Région), representing the State (executive power) in the region.</p> <p>Defines Fokontany as the most basic administrative subdivision, set at the commune/municipal level. Fokontany includes hamlets, villages, sectors and neighbourhoods. Fokontany have their own Committee led by an elected head (chef), and the idea is to administer and to foster the development of the Fokontany, while assisting with the discharge of tasks assigned to the national government at the Fokontany level.</p>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?	Decree no. 2009-890, of 02 July 2009, on the organisation, functioning and attributions of Fokontany	Art. 17	<p>There is no such reference either in the Constitution of 2010, or in the relevant laws/decrees etc. pertaining to decentralization.</p> <p>The only exception regards the Fokontany level, in which there is a reference to obligations related to security, including the drafting of a security plan by the Fokontany Committee. Also, the same committee, led by its head, is in charge of participating in disaster management activities, as well as of taking preventive measures pertaining to civil security, among other tasks.</p>
4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisation(s).			<p>Madagascar is a member of the SADC, and under its auspices the roadmap to ending the political crisis was signed, setting up provisional authorities meant to take the country through to the end of the crisis.</p> <p>It is part of PIROI, the regional disaster response platform led by the French Red Cross.</p> <p>It is also part of IOC-COI which also covers environmental and disaster-related issues (among other issues).</p>

2. Institutional frameworks, resourcing and community participation in DRR:

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Part One. Disaster Management Law & Institutions			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
A. Disaster Management Institutions			
5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	Law No. 2003-010, of 05 Sep 2003, about the national policy on risk and disaster management (hereinafter: 'DM Law')	Art.2	<p>Yes. The key texts are one single law on the national policy on DM and the decree regulating the DM Law, namely, the DM Decree.</p> <p>There are further decrees concerning DM (which will be referred to when appropriate), but they concern the setting up of and/or providing details about DM bodies.</p> <p>The DM Law provides that risk and disaster management integrate the overall framework of activities relating to civil protection and security. It provides mechanisms and measures to ensure, in any situation of risk and disaster, whatever its nature, origin and significance, the maintenance of conditions necessary for the life</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<i>Decree No. 2005-866, of 20 Dec 2005, laying down detailed rules for the application of Law No. 2003 - 010 of 5 September 2003 (hereinafter: 'DM Decree')</i>	Art. 1	and protection of the population. It relies on integrated procedures providing comprehensive prevention, early warning, preparedness, management, relief, rehabilitation, recovery and development. The DM Decree concerns mainly the management of risks and disasters, providing details in relation to the DM Law.
6. Is there also a national disaster management policy? Is this established by a law? Provide details.	DM Law	Art. 1	The DM Law and its relatively brief annex entitled "National Strategy for Risk Management and Disaster" set the national policy for and risk management of disasters. However, they provide rather general principles with no great level of detail. There is a much more detail document (of 102 pages) entitled 'National Strategy for Risk and Disaster Management', which was prepared in a consultancy led by the government with UNDP support around 2003 (but never endorsed/approved as an official document). This document is currently being reviewed with several stakeholders and updated, and the idea is to adopt a revised and updated version (though it is unlikely to gain the status of law).
7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it	DM Law	Art. 5	Yes, the DM Law is a national law applicable throughout the country. It establishes an integrated national system in which risk and disaster management are shared by the State, Autonomous

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>establish an integrated national system with elements at provincial, local and/or community level?</p>	<p><i>DM Decree</i></p>	<p>Art. 5</p> <p>Art. 10</p>	<p>Provinces and their branches.</p> <p>The DM Decree further specified the units comprising the national system.</p> <p>At the national level they are:</p> <ul style="list-style-type: none"> - National Council for Risk and Disaster Management (CNGRC), a strategic body with conceptual and supervisory roles; - National Bureau for Risk Management and Disaster (BNGRC), with the tasks of managing, coordinating, monitoring and supporting the CNGRC; - The Ministries responsible for specific risks; - Support entities in charge of emergency rehabilitation and structural activities. <p>For all other levels, they are:</p> <ul style="list-style-type: none"> - Provincial Committee on Risk and Disaster Management at the provincial level; - The Regional Committee and Risk Disaster Management at the regional level; - Committee on Risk and Disaster Management at the District level; - Communal Committee Risk and Disaster Management at the level of municipalities; - Local rescue team at Fokontany (community level). <p>However, in practice, the setting up and the running of subnational</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			bodies is for the most part non-existent or defective (see case study).
8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?	<p>Order (Arrêté) no. 007/REG/ATS/AG/GRC, of December 2012, sets the creation of a DM Committee in the Region of Atsinanana</p> <p><i>Order (Arrêté) no. 004/2012 of 12 September 2012, establishing an Industrial Risk Management Commission</i></p> <p>Order (Arrêté) no. 015/2012-REG/ATS/GRC, establishing a Regional Committee for Essential Services, in the framework of preparation and response to major disasters.</p>	<p>Art. 1</p> <p>Art. 1</p> <p>Arts. 1-3</p>	<p>No, there are no separate provincial or local DM laws. Nevertheless, there are some other legal instruments relating to DM and adopted at provincial (regional) level.</p> <p>This document has just been adopted, and it establishes a Regional DM Committee (following the model contained in the DM Law) in charge of all aspects relating to DM in the Atsinanana region. It refers to the DM Law.</p> <p>This document establishes within the Atsinanana Region DM Committee a Commission in charge of managing risks linked to industries. The aim of such commission is to protect the public and the environment against risks and accidents linked to industrial activities. It refers to the DM Law, but the Arrêté seems to go beyond the DM Law, setting up a body specialized in one type of disaster risk.</p> <p>This document makes reference to the DM Law, setting up the Atsinanana Regional Committee to ensure that basic essential services remain operating in the event of major disasters. It seems it goes beyond the DM Law.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
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	DM Law	Art. 3	Also worth noting is that, according to the DM Law, authorities other than national may declare a situation of disaster. Thus, the state of disaster is declared by the Sub-Prefect based on a report from the Mayor or the District Administrative Officer based on the response capacities of communities, the extent of damage and, if applicable, the extent of areas affected.
9. Does the DM or other law establish one or more specialist DM institutions? What are they (i.e. what are their names and what type of body are they) and what are their mandates?	<i>DM Decree</i> Decree 2006-904, of 19 Dec 2006, on the BNGRC	Art. 5 Art. 7	<p>The two key DM Institutions are:</p> <ul style="list-style-type: none"> - BNGRC, with the tasks of managing, coordinating, monitoring and supporting the CNGRC. Though originally attached to the PM (Art. 9 DM Decree), this has been amended by Decree No. 2006-903, of 04 Jan 2007 (Art. 1). Currently, the BNGRC is attached to the Ministry of Interior. In practice this amendment reduced BNGRC's hierarchical status, although it remains as the key operational body in terms of DM. - CPGU, a technical body meant to assist the Prime Minister, Head of Government and CNGRC in designing the strategy, development and evaluation of what constitutes the management of risks and disasters. Its functions are first and foremost consultative, though in later years it has organised training and capacity building initiatives. It is currently accorded a higher status than the BNGRC, and both bodies seem to be disputing the national leadership in terms of DM (see case study). <p>Two other Decrees respectively regulate each of the two bodies</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<i>Decree No. 2006-892, of 12 Dec 2006, on the CPGU</i>	Art. 3	(BNGRC and CPGU), providing further details of each body's structure and organisation.
10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.	-	-	The DM policy consists of the DM Law and its annex. See 2.Q.6
11. Does the DM law or other law deal with: a. Disaster response ⁷ ? b. Disaster preparedness ⁸ ? c. Disaster mitigation ⁹ and prevention ¹⁰ ? d. Disaster risk reduction ¹¹ (DRR)? e. If it includes DRR, how is it	DM Law <i>DM Decree</i>	Art. 2 <i>Art. 4</i>	In the DM Law there is a general mention without further definition regarding each type of activity in DM. See 2, Q.5 The DM Decree refers to Disaster and Risk Management as a dynamic process starting well before the actual event and extending beyond its conclusion. It includes: - A prevention and preparedness phase; - A management phase, comprising response and rehabilitation.

⁷ "The provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected."

⁸ "The knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions."

⁹ "The lessening or limitation of the adverse impacts of hazards and related disasters."

¹⁰ "The outright avoidance of adverse impacts of hazards and related disasters."

¹¹ "The concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events."

Note: These definitions are taken from the 2009 UNISDR Terminology on Disaster Risk Reduction, obtained here: <http://www.unisdr.org/we/inform/terminology>.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
defined? (include definition)		Art. 33	<p>The DM Decree further specifies each of the two phases.</p> <p>Later the same DM Decree further indicates that in the management of risks and disasters interventions are carried out in three steps:</p> <ul style="list-style-type: none"> - Prevention in normal times; - Relief and rehabilitation during emergency; - Structural rehabilitations. <p>No legal instrument defines DRR.</p>
12. Does the DM law (or any other law) or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.	<p>DM Law</p> <p><i>DM Decree</i></p>	<p>Art. 12; Art. 15</p> <p>Art. 11</p> <p>Art. 6; Art. 7</p>	<p>Yes. There are a few references to the Minister of Internal Affairs, who is one of the key actors in the field of DM (under the authority of the PM). Among its allocated roles are: to coordinate and control the execution of plans to support government departments; and, at national level, to prepare the general plan for risk and disaster management and to coordinate public relief resources across the entire territory.</p> <p>The DM Law also contains a provision according to which Ministries shall prepare and execute support plans relevant to risks related to their own area (cyclones, floods, drought, epidemics, and further national disasters).</p> <p>The DM Decree assigns to the following Ministries responsibility regarding specific risks:</p> <ul style="list-style-type: none"> - The Ministry of the Interior for hurricane, flood, fire, tsunami, drought and famine;

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		<p>Art. 8; Art. 21</p> <p>Art. 29</p>	<ul style="list-style-type: none"> - The Ministry of Agriculture and Livestock for locust and major animal disease outbreaks; - The Ministry of Health for large scale epidemics; - The Ministry of the Environment for hydrocarbon spills and marine pollution; - The Ministry of Transport for shipwrecks at sea and major air accidents; - The Ministry of Industry for industrial accidents and pollution; - The Ministry of Energy and Mines for mine accidents. <p>Such Ministries will also be members of the CNGRC.</p> <p>The main allocated role is that each Ministry concerned with specific risks is in charge of all prevention, relief and response mechanisms in the event of a disaster. It can appeal to other ministries, non-governmental organizations and specialized agencies as needed. The BNGRC will provide support to the affected Ministry.</p> <p>Finally, Ministries which are part of GNRC must set a support plan and a contingency plan for each risk type they are meant to cover.</p>
<p>13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels?</p> <ul style="list-style-type: none"> a. National? b. Provincial/state? 	<p>DM Law</p> <p><i>DM Decree</i></p>	<p>Art. 5</p> <p>Art. 8</p>	<p>Yes.</p> <p>A general clause indicates that risk and disaster management is to be undertaken by different administrative levels with the participation of, among others, regularly registered NGOs.</p> <ul style="list-style-type: none"> a. At national level, NGOs may be asked to support Ministries

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
c. Municipal/local?		Art. 11; Art. 13; Art. 15	<p>affected by specific risks. See 2.Q.12.</p> <p>b. At provincial, regional and district level, representatives of NGOs and of civil society organizations based in the locality take part in the Committee in charge of Risk and Disaster Management.</p> <p>c. At municipal and local levels, one representative of a local NGO and one representative of a civil society organization based in the locality take part in the Committee in charge of Risk and Disaster Management.</p>
<p>14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>	<p>DM Law</p> <p><i>DM Decree</i></p>	<p>Art. 8</p> <p><i>Art. 16</i></p>	<p>As a general rule, there is no express reference to the CRM/MRC. However, the MRC may benefit from the legal provisions referred to in 2.Q.13.</p> <p>Also, it is understood that there is a forthcoming new piece of legislation relevant to IDRL, which refers to the National Red Cross. Follow-up with the CRM to obtain copy of the text due to be adopted.</p> <p>The following provision may also be interpreted as being applicable to the RC/RC movement, according to which: "A MoU will govern the relationship between the Government and national and international partners in the field of risk and disaster management notwithstanding the conclusion of specific agreements within the framework of regional and decentralized cooperation." The provision relates to the national level.</p> <p>The DM Decree also makes no particular reference to the MRC. Nevertheless, it indicates that when performing their duties</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>Order (Arrêté) no. 004/2012 of 12 September 2012, establishing an Industrial Risk Management Commission</p> <p><i>Order (Arrêté) no. 015/2012-REG/ATS/GRC, establishing a Regional Committee for Essential Services, in the framework of preparation and response to major disasters.</i></p>	<p>Art. 8</p> <p>Art. 4</p>	<p>provincial, regional, district and communal Risk and Disaster Management Committees may ask support from specialized agencies or further entities due to their skills or specialist knowledge. The provision is relevant to the Provincial/State and Municipal levels.</p> <p>Additionally, at the Regional (Provincial/State) level, with regard to Atsinanana there is a reference to the Malagasy Red Cross being a member of three cells in charge of dealing with Industrial Risk Management: (1) Orientation and Evaluation; (2) Information, Education and Communication; and, (3) intervention.</p> <p>Again, at the Regional level, the CRM is referred as part the Committee of essential services committed to operate in the face of major disasters. It is a member of the committee as Essential Technical Services (Health) and Humanitarian Actor.</p>
15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law provide for women's participation in DM	DM Law	Art. 5	<p>No, there is no such specific provision.</p> <p>However, there are general rules which also cover women. For example, the DM law indicates that risk and disaster management is to take place with the participation of all citizens. However, the law provides no further detail. This applies to all levels of the administration.</p>

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<p>institutions?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>	<i>DM Decree</i>	Art. 15.	Similarly, the DM Decree does not assign any particular role to women, though it provides that Local Risk and Disaster Management Committees shall have one representative of the people concerned.
<p>16. Does the DM law or policy prescribe a role in DM institutions for communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>	DM Law	Art. 4 Art. 5	<p>As a general principle, the DM Law indicates that risk and disaster management shall prioritize communities most at risk and high-risk areas in order to reduce vulnerabilities and mitigate risk.</p> <p>Participation is the role assigned to communities in terms of risk and disaster management. However, there is no further detail.</p> <p>a. For women, see 2.Q.16</p> <p>b. There is no particular reference to cultural/ethnic groups.</p> <p>c. Yes, vulnerable groups in general, see above (Art. 4 DM Law).</p> <p>d. Yes, vulnerable groups in general/high risk areas, see above (Art. 4 DM Law).</p> <p>There are also general formulas which can apply to different elements in the community. See 2.Q.16</p>
<p>17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention and disaster risk reduction.</p>	-	-	See 2.Q.10 and 2.Q.6.
<p>18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting</p>			<p>No, there are no specific oversight mechanisms on DRR implementation.</p> <p>There are only rules concerning DM in general (which would</p>

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and/ or parliamentary oversight?	DM Law <i>DM Decree</i>	Art. 21 Art. 21 Art. 39 Art. 41; Art. 42; Art. 23 (provincial level)	<p>implicitly also cover DRR activities).</p> <p>In relation to financial control, at all levels of the administration accounts relating to DM shall be subject to annual audit controls, with the publication of results.</p> <p>The DM Decree assigns reporting obligations to Ministries in charge of DM activities (including DRR) regarding specific risks related to their domain. They have to report actions undertaken to the President and the PM, with a copy to the BNGRC.</p> <p>Equally the BNGRC has reporting obligations regarding DM activities undertaken (potentially including DRR activities), which are subject to administrative, accounting and financial review by competent authorities. In addition, there is an annual external audit of accounts dedicated to DM, and the result is subject to of approval by the CNGRC, and later published.</p> <p>General oversight and reporting obligations on DM activities also apply to different DM structures throughout the country.</p>
B. Hyogo Framework for Action & Climate Change Institutions			
19. Does legislation establish any institutions (including committees), or allocate to an existing body,			<p>No, there is no legislation referring to the Hyogo Framework for Action.</p> <p>DM Law predates the HFA and contains very few vague references</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR?	Decree 2006-904, on the organisation, role and tasks assigned to the BNGRC Decree 2006-892, on the organisation and tasks assigned to the CPGU	Art. 7 Art. 3	to DRR. See 2.Q.11 It seems however that the institution most likely to be in charge of DRR is the BNGRC, which conducts activities related to disaster prevention, including raising the awareness and preparedness of the population. Indeed, the BNGRC has produced reports about the implementation of the HFA - see, for example, the 2009-2011 report at http://www.preventionweb.net/english/professional/policies/v.php?id=15584 The CPGU could also be involved with DRR activities, but much more in terms of the monitoring and evaluation of preventive actions.
20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their designated roles in DRR?			No specific legislation was found on this. However, it is the Ministry of Environment that reports within the framework of the UN Framework Convention on Climate Change. There is also a National Committee on Climate Change, which was consulted during the preparation of Madagascar's Action Programme for Adaptation to Climate Change, but no legal texts on this could be found. No information was found regarding DRR in this context.
21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do			Since no legislation was found in relation to the HFA, it is difficult to be precise about whether and how mechanisms in the two areas intersect. However, it seems they are developed separately. In Madagascar's Action Programme for Adaptation to Climate Change there is only a brief reference to DRR (p. 19).

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
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they overlap? Describe.			Also, according to the Madagascar 2009-2011 report on the implementation of the HFA (authored by the BNRGC), DRR was not included in national strategies and policies for adaptation to climate change (p. 5). Although the DM legal framework has been put in place, setting responsibilities to specific Ministries and different levels of government, it has not yet been translated into action.
C. DRR priority and resource allocation in government			
22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?	DM Law <i>DM Decree</i>	Art. 19 Art. 37 Art. 38 together with Art. 2	The only reference found on this is in the DM Law, indicating that annual finance/budget laws set a budget allocation for the prevention and mitigation of disasters. Additionally, the DM Decree indicates that the CNGRC receives funds from: (1) National budget; (2) public subsidy; (3) donations in kind; (4) collected or assigned national or foreign funds; and (5) funds assigned by foundations. It also provides that among CNGRC expenses figure those related to the different phases of DM (thus including DRR). Finally, the CNGRC benefits from a reserve fund formed by state funds and those of further sources deposited in a particular public account. The Reserve Fund shall ensure the implementation of preventive and relief measures.
23. Is there a budget allocated to DRR at provincial/state level (if relevant)?			No reference could be found on this.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
How is this prescribed?			
24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?			No reference could be found on this.
Part Two. Responsibility, accountability and liability for natural disaster risk reduction			
The aim is to identify relevant constitutional or other guarantees that may underpin government responsibility, liability and affected persons' rights to compensation. These may include rights to: safety /life; not to be discriminated against; protection of livelihoods; health; compensation; and to information relevant to DRR. One specific issue on the question of liability, is whether governments are liable for failure to prevent natural disasters affecting the population, including for failure to warn, or for making an erroneous warning. A second, related, issue is whether private individuals are liable for damage caused to others from their property during natural disasters, or for faulty advice/warnings given. A third element is whether there is any system of compulsory insurance against the effects of natural disasters.			
A. Constitutional Rights & Guarantees for the Population			
25. Are there any guarantees in the constitution or another law relating to individual or collective rights that may underpin government responsibility or liability, and affected persons' rights to compensation for damage from natural disasters? If so, do these relate to: a. DRR in general? b. Safety /Life c. Right to Food? d. Right to adequate shelter or	2010 Constitution	Art. 8 Art. 35 Art. 6 Art. 27 Art. 29	a. No provision on DRR in general could be found. b. General clause protecting the right to life. c. No reference to the right to food could be found. d. According to the Constitution, the State shall facilitate access to housing through appropriate financing mechanisms. e. Equality and non-discrimination clause. It also mentions equal access and participation by women and men in public functions and in tasks pertaining to the political, economic and social life of the country. f. Work is recognized in the constitution as a right and a duty of all citizens.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
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<p>themselves?</p> <p>c. Are there costs that mean the poorest people cannot access the remedy?</p> <p>d. Are there financial limitations on any such claims (minimums or maximums)?</p>	OF LEGAL ACTION)	Art. 32	<p>represented by spouse, relatives or representative with powers) in what regards personal rights. However, before higher courts, and regarding other type of rights, claimants are generally to be represented by a lawyer.</p> <p>c. Legal aid can be sought by those unable to otherwise access justice.</p> <p>d. No clear reference could be found.</p>
B. Liability & Insurance			
<p>27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?</p>	<p>Law no. 66-003, of 02 July 1966, on the general theory of obligations (part of the Civil Code)</p> <p><i>Penal Code (CHAPTER II: OFFENCES AND PENALTIES. SECTION II: SECOND CLASS)</i></p>	<p>Arts. 204-205</p> <p>Article 473 (4)</p>	<p>No clear reference could be found on this.</p> <p>However, the Civil Code contains the following general responsibility clause: 'Each person is responsible for damage caused by his fault, also in case of negligence or recklessness.' Even in the absence of any fault, according to the Civil Code certain damages must be repaired by those who are found responsible.</p> <p>A penal provision sets a fine which may be combined with imprisonment of up to twenty-nine days for those who could, but have refused or neglected to do the work, service, or to provide the required assistance in the circumstances of an accident, tumult, shipwreck, flood, fire, swarms of locusts or other calamities as well as in cases of robbery, looting, theft of oxen, flagrante delicto, public outcry or seizure.</p>
<p>28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability?</p>			<p>No clear reference could be found on this.</p> <p>See B.27</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>– civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p>			
<p>29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?</p>			<p>No clear reference could be found on this.</p>
<p>30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p>	<p>Loi no. 66-003, of 02 July 1966, on the general theory of obligations (part of the Civil Code)</p> <p>Penal Code</p>	<p>Art. 229</p> <p>Art. 230</p> <p>Art. 283-290</p>	<p>No clear reference could be found on this.</p> <p>See B.27</p> <p>Some general provisions apply here: for example, for civil liability to be found there shall be a causal link between the act or fault of one part, and the loss of the other.</p> <p>Also worth noting is that there is no civil liability in the case of damage caused by force majeure, among other situations. Eventual responsibility will probably depend on the interpretation given to disaster and related-information.</p> <p>Also, there are some provisions in the penal code regarding dissemination of false news by the press, but the precise text of these particular provisions could not be found.</p>
<p>31. Are private persons (individual or</p>			<p>No clear reference could be found on this.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p>	<p>Loi no. 66-003, of 02 July 1966, on the general theory of obligations (part of the Civil Code)</p>	<p>Art. 206 Art. 231</p>	<p>However, the Civil Code contains a provision suggesting that: any person who, by deploying animals or things that she has custody, kills or affects the physical integrity of another person, or causes damage to animals and things belonging to others must repair the damage caused.</p> <p>The general exception clause to this rule provides that there is no liability when the wrongdoer caused the damage as a result of a deliberate act, in order to avoid greater harm.</p> <p>See B.27</p>
<p>32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?</p>	<p>DM Law</p>	<p>Art. 20</p>	<p>No clear reference could be found on this.</p> <p>However, the DM Law provides that the State shall strive to put in place a financial and legal environment favourable to the development of compensation and insurance schemes, so as to protect subsistence farming and its output. The State shall also strive to put in place particular mechanisms to support community initiatives, such as insurance and credit for subsistence farming.</p>

3. Early warning and reduction of underlying risk factors through regulation

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.</p>			
<p>Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation</p>			
<p>A. Cyclones, tornadoes, or storms?</p>			
<p>33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			<p>No clear reference could be found on this.</p> <p>There is however a law pertaining to the construction of public buildings resistant to cyclones. It will be dealt with in Part Four (under ‘A. Building Codes’).</p> <p>See also 2.B.28.</p>
<p>34. Does this law specify how management of this risk is financed? If so, describe.</p>			<p>See 3.A.33.</p>
<p>35. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action 			<p>See 3.A.33.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>36. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>See 3.A.33.</p>
<p>37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the</p>			<p>See 3.A.33.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
very poorest people?			
38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			See 3.A.33.
39. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			See 3.A.33.
B. Earthquake/Tsunami?			
40. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No clear reference could be found on this. See also 2.B.27.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
41. Does this law specify how management of this risk is financed? If so, describe.			See 3.B.40.
42. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			See 3.B.40.
43. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			See 3.B.40.
44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts			See 3.B.40.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
<p>45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			<p>See 3.B.40.</p>
<p>46. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			<p>See 3.B.40.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
C. Fire?			
47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	<p>Loi no. 66-003, of 02 July 1966, on the general theory of obligations (part of the Civil Code)</p> <p>Penal Code</p>	<p>Art. 216</p> <p>Art. 434</p> <p>Art. 473 (17) together with Art. 320bis</p> <p>Art. 459</p>	<p>No specific law was found on fire.</p> <p>Nevertheless, the Civil Code contains the following provision: “He who holds in any capacity all or part of a building or movable property in which a fire started is liable vis-à-vis third parties for damages caused by the fire only if the fire is attributed to his fault or the fault of persons for which he is responsible.”</p> <p>There are some penal provisions on fire wilfully set to certain objects, and punishment may amount to capital punishment or lifelong imprisonment. Fire wilfully set to forests that do not belong to the author, shall be punished with hard labour for life.</p> <p>Fire to movable or immovable property of others, caused due to lack of precaution, negligence or recklessness, shall be punished with fine and possibly imprisonment.</p> <p>Punishment shall be increased if death is caused due to fire.</p> <p>Covers wilful fire set in cars of third persons.</p> <p>See also 2.B.27.</p>
48. Does this law specify how management of this risk is financed? If so, describe.			See 3.C.47.
49. Does this law attribute liability for damage caused by:			See 3.C.47.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			
<p>50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			See 3.C.47.
<p>51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including 			See 3.C.47.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>			
<p>52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			See 3.C.47.
<p>53. If communities are involved in EWS, does this law provide that they:</p> <p>a. Assist in the design of local and community EWS?</p> <p>b. Establish or maintain EWS?</p> <p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			See 3.C.47.
D. Floods?			
<p>54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility.</p>	<p>Law no. 95-034, of 30 October 1995</p>		<p>There is a law authorising the creation of bodies in charge of protection against floods, but it was not possible to obtain a copy of the text.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
At what level(s) of government is this regulated?	<i>Order No. 7539/99, of 02 August 1999, establishing the local emergency cell to protect the city of Toliara against floods. Document jointly adopted by the Ministries of Interior, Planning and the City, Agriculture, Environment, Water and Forests, and Public Works</i>	Art. 1 Art. 2	<p>However, an example of one such body was found, in relation to a specific geographic location (Toliara):</p> <p>“There shall be a local emergency cell to protect the city of Toliara against flooding. Its mission is to take the necessary measures in both the prevention and the protection of the Protective Dyke of Toliara and its related structures in case of disasters.</p> <p>Shall be considered as disasters in particular hurricanes or tropical storms, floods caused by torrential rains, fires of a large-scale, earthquakes and similar situations.</p> <p>Such cell shall ensure, according to its possibilities, prevention initiatives, such as education, information and raising public awareness.”</p> <p>See also 2.B.27.</p>
55. Does this law specify how management of this risk is financed? If so, describe.	<p>Order No. 7539/99, of 02 August 1999</p> <p><i>Order No. 33594/2010, of 15 September 2010, on the reorientation of the Authority for the Protection against flooding of the Antananarivo Plain. Jointly adopted by the Ministries of Water and of Finance and Budget</i></p>	Art. 1 Art. 2	<p>There is no provision on financing of the cell.</p> <p>Regarding financing of flood-related activities, below is summary of relevant provisions:</p> <p>“All infilling works or construction of embankment lowland within the perimeter of the large Tana [Antananarivo], are subject to the payment of participation fee start-up costs and annual fee on land protected or dyked backfilled.”</p> <p>“The Director General of APIPA is authorized to establish roles and to issue a revenue order on the annual fee on land protected</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Art. 3	<p>or dyked backfilled within the perimeter of Grand Tana.”</p> <p>“Revenue collection including of fees is provided by the Accounting Officer exercising the function with the APIPA by order of the Minister of Finance. He shall, for this purpose, issue a receipt certifying payment whose copy is passed to the Directorate General for APIPA control and verification.”</p>
<p>56. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			<p>No information was found on this.</p>
<p>57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>No information could be found on this.</p>
<p>58. Does this law provide for consultation and/or participation about risk mapping, early warning or</p>	<p>Order No. 7539/99, of 02 August 1999</p>	<p>Art. 3</p>	<p>Although the majority of the cell members are public authorities (administrative and governmental), there is some popular representation, especially through the representative of local</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			<p>farmers' association, and of the President of the Federal Association of Users of Water of Toliara;</p>
<p>59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			<p>No information could be found on this.</p>
<p>60. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, 			<p>No information could be found on this.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
radio or internet access to meteorological or seismological data and analysis)?			
E. Heat/cold waves?			
61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No specific law was found on heat/cold waves. See also 2.B.27.
62. Does this law specify how management of this risk is financed? If so, describe.			See 3.E.61.
63. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			See 3.E.61.
64. Does this law regulate the collection			See 3.E.61.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			
<p>65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			See 3.E.61.
66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			See 3.E.61.
67. If communities are involved in EWS,			See 3.E.61.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			
68. Describe form of regulation, and institutional responsibility.			See 3.E.61.
F. Insect Infestations?			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			<p>Two references were found on this subject; allegedly, both texts are still valid, but no copy of either was available.</p> <p>They are:</p> <p>(1) Order(Arrêté) No. 557/71 of 12 February 1971, establishing an advisory committee to monitor the studies and work undertaken in the research project on the Malagasy Migratory Locust.</p> <p>(2) Circular of 2nd December 1925, concerning measures to be undertaken for the destruction of locusts.</p>

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			See also 2.B.27.
70. Does this law specify how management of this risk is financed? If so, describe.			See 3.F.69.
71. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			See 3.F.69.
72. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			See 3.F.69.
73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for			See 3.F.69.

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<p>participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
<p>74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			<p>See 3.F.69.</p>
<p>75. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			<p>See 3.F.69.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
G. Landslides and avalanches?			
76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No clear reference was found on this. See also 2.B.27.
77. Does this law specify how management of this risk is financed? If so, describe.			See 3.G.76.
78. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			See 3.G.76.
79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is			See 3.G.76.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
their mandate?			
<p>80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			See 3.G.76.
<p>81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			See 3.G.76.
<p>82. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? 			See 3.G.76.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			
H. Volcanoes?			
83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			<p>No clear reference was found on this.</p> <p>See also 2.B.27.</p>
84. Does this law specify how management of this risk is financed? If so, describe.			See 3.H.83.
85. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or 			See 3.H.83.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>See 3.H.83.</p>
<p>87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>			<p>See 3.H.83.</p>
<p>88. Does this law provide for Early</p>			<p>See 3.H.83.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			
89. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			See 3.H.83.
Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation			
I. Drought and related famine?			
90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular: <ul style="list-style-type: none"> a. Rain and river water storage, distribution and conservation 			No clear reference was found on this. There are some specific documents related to desertification, but none of the texts could be found. They are: <ol style="list-style-type: none"> 1. Decree no. 2003-199, of 11 March 2003, establishing the National Program to Combat Desertification. 2. Order(Arrêté) no. 6162-2003, of the Ministry of the

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>measures?</p> <p>b. Development and maintenance of ground water extraction, storage and distribution?</p> <p>If so, describe the forms of regulation. At what level(s) of government is this regulated?</p>			<p>Environment, of 16 April 2003, setting up the body for national coordination of the UN Convention to Combat Desertification.</p>
<p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a. Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b. Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government?</p> <p>c. Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government?</p>			<p>See I.90.</p>
<p>92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so,</p>			<p>See I.90.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
describe.			
93. Do the above laws or mandates regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?			See I.90.
94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			See I.90.
J. Other food security risks?			

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural land and/or mass migration).</p> <p>a. If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility</p> <p>b. At what level(s) of government is this regulated?</p>			No clear reference was found on this.
<p>96. Does the above law or mandate specify how management of food security is financed? If so, describe.</p>			See J.95.
<p>97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?</p>			See J.95.
<p>98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food</p>			See J.95.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>security? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>			
Part Three. Early Warning, Hazard Mapping and Risk Information			
A. Early Warning			
<p>99. In addition to the sectoral laws above, is there any general obligation to establish early warning systems (EWS) in the disaster management law?</p> <p>a. If so, does this include institutional mandates on EWS?</p> <p>b. Which institution(s) are involved and what are their mandates on EWS?</p> <p>c. Is there legal provision for</p>	DM Decree	Art. 32	<p>There is not much on this subject.</p> <p>The only reference is rather vague, with no precision regarding mandates or responsibilities.</p> <p>“In addition to the general measures for prevention and mitigation contained in the various intervention plans, four alert phases are, at least, to be observed in case of disaster:</p> <ul style="list-style-type: none"> - A phase of warning announcing to the public the possibility of hazards and disasters; - A phase of threat telling people about the actual risks and

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financing of EWS?			<p>disasters;</p> <ul style="list-style-type: none"> - A phase of imminent danger notifying the public of the occurrence of disasters in the short term; - A phase of termination informing the public of the safe termination of the threat. <p>These phases vary according to the nature and degree of the threat posed by risk.”</p>
100. Does EWS regulation include requirements for community consultation and participation in development of EWS? Describe.			See A.99.
101. Does EWS regulation provide for community-based early warning data collection? Describe.			See A.99.
102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological or seismological data (as relevant)? Describe.			See A.99.
<p>103. Does the law regulating telecommunications infrastructure and delivery include any DRR criteria in general, or any specific measures such as:</p> <ul style="list-style-type: none"> a. geographical coverage of telecommunications to include 			No reference could be found on this.

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<p>remote and/or at-risk areas?</p> <p>b. priority access to communications technology for at-risk communities and responders to disaster?</p> <p>c. access for vulnerable groups such as the elderly and persons with disabilities?</p> <p>d. Support for early warning systems?</p>			
<p>104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment</p> <p>a. Generally throughout the territory?</p> <p>b. In specified areas?</p> <p>c. Under specified circumstances?</p>	<p>Law No. 2005-023, of 17 October 2005, on the institutional reform of the telecommunications sector</p>	<p>Art. 18</p>	<p>There is a provision imposing restrictions on telecommunications, as follows: "The State or its representative in a certain territorial jurisdiction may, in exceptional situations, such as the declaration of a state of war, state of siege or a natural disaster affecting an area, a sector or a group of people, order the temporary requisition either of facilities of an operator or of frequencies that have been allocated."</p>
B. Risk identification, assessment and monitoring			
<p>105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their</p>	<p>DM Law</p> <p><i>DM Decree</i></p>	<p>Arts. 9-18.</p> <p>Art. 4</p>	<p>There is no provision on risk mapping as such in the DM Law, but only provisions on different plans regarding DM.</p> <p>Contains a brief reference indicating that risk identification, analysis and surveillance belongs to the prevention and preparation phases of DM.</p>

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mandate?	<p>Decree 2006-904, of 19 Dec 2006, on the BNGRC</p> <p><i>Decree No. 2006-892, of 12 Dec 2006, on the CPGU</i></p>	<p>Art. 20</p> <p>Art. 10</p> <p>Art. 9</p>	<p>The BNGRC shall centralize all information related to disasters and needs for urgent intervention arising from decentralized structures. For BNGRC's mandate see 1.A.9.</p> <p>Sets tasks for the BNGRC's Direction of Operation, Information and Communication. It includes the tasks to set up a database and an information management system; to share information with transparency; and to set up a mechanism for ensuring speediness, reliability and effectiveness of information.</p> <p>Sets tasks for the CPGU's two Deputy Executive Secretaries, including those relating to analysing information relating to risks and threats that can provoke crisis.</p>
106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and under what law?	Decree 2010-243, of 20 April 2010, on the construction of cyclone-resistant buildings	Art. 6	<p>No clear reference could be found on this.</p> <p>For general info, see 3.B.105.</p> <p>There is a related provision on the collection and publication of meteorological data concerning cyclones, relevant to the construction of cyclone resistant buildings. It provides that "anti-cyclone construction rules are mandatory in all regions of Madagascar divided into four zones determined by the risks incurred during the hurricane season identified by the Department in charge of meteorology in Madagascar."</p>
107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially			Same as above.

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in high risk areas? If so, what does it require and who is responsible for this, and under what law?			
Part Four. Regulation of the Built Environment			
The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.			
A. Building Codes			
Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.			
108. Is there a national building and construction law? If so, what authority is responsible for its implementation?	Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code. [Note also the Decree 2010-234, of 20 April 2010, modifying some provisions of the Urbanism and Habitation Code, which will be referred to when relevant]	Art. 1 Art. 5 Art. 6 Art. 8	Yes, there is the Urbanism and Habitation Code. Several entities are in charge of implementing the Code. The Ministry of Public Works is in charge of policy. The relevant architecture, urbanism and habitat service at the Ministry of Public Works is in charge of the practical execution of general provisions of the building code. A consultative body is set up at the national level, namely the "National Committee on Urbanism and Habitat", which mainly issues views regarding the general policy of urbanism and habitat.

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			Finally, an advisory committee called the "Prefectural Urbanism Committee" shall be established in each prefecture. It issues views on projects of local planning and development, of communal or inter-regional character.
109. If there is not a national building and construction law, is this issue regulated at provincial/state or local level? If sub-national regulation only, can you find an example of such a law?			Not applicable. See 4.A.108.
110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation.	Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code Decree 2010-243, of 20 April 2010, on the construction of cyclone-resistant buildings	Articles 133-142; 156; 162; 164; 175; 178 Art. 4; Art. 6	The provisions of the Urbanism and Habitation Code are generally mandatory and binding (though there are some provisions that may allow for exceptions). There are various technical instructions, including on localization of buildings, sanitation and security rules. They touch upon general building design and construction, fire, flood, water & sanitation. The rules contained in the Decree on anticyclone buildings are mandatory to all public and parastatal buildings. Some of them may also apply to buildings used for residential purposes of a private nature and for constructions of a private nature intended to receive the public, but this shall be subject to the urbanism plan of each municipality. The Decree on anticyclone buildings includes an annex containing all anticyclone building rules. However, no copy of this annex was

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			available.
<p>111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?</p>	<p>Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code, together with Decree 2010-234, of 20 April 2010, modifying some provisions of the Urbanism and Habitation Code</p>	<p>Art. 104 Art. 106 (new)</p>	<p>Yes, anyone who wishes to erect a building in a town of over 2,000 inhabitants must first obtain a building permit. This requirement applies to both public services and private individuals.</p> <p>The Mayor of the municipality issues the building permit on behalf of the State, after receiving the approval from official service in charge of urban planning and habitat.</p>
<p>112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to:</p> <ol style="list-style-type: none"> New buildings? Renovations / extensions of existing buildings? Existing buildings where there is no building application, such as old buildings that may no longer be safe? 	<p>Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code, together with Decree 2010-234, of 20 April 2010, modifying some provisions of the Urbanism and Habitation Code</p>	<p>Art. 183 (new) Art. 104 Art. 104</p>	<p>Yes. The Mayor and representatives of the service in charge of planning and habitat may at any time visit the buildings and / or developments in progress and carry out checks they deem necessary.</p> <ol style="list-style-type: none"> This applies to new buildings. It seems yes, since the same building permit is required for, among other things, external changes made to existing buildings and reparation of large works. No reference could be found.
<p>113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which</p>	<p>Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code, together with Decree 2010-234, of 20 April 2010,</p>	<p>Articles 185-186 (new)</p>	<p>Yes. The law provides for fines, interruption of the construction work (with a view to rectifying it according to the building permit), and demolition. The Mayor shall order such measures, and can request police support for their enforcement.</p>

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<p>institution(s) have responsibility for this?</p>	<p>modifying some provisions of the Urbanism and Habitation Code</p> <p>Decree 2010-243, of 20 April 2010, on the construction of cyclone-resistant buildings</p>	<p>Articles 8-11</p>	<p>The Decree on anticyclone buildings contains more detailed provisions in which the contractor may be liable for damage caused by defects identified in the construction, if it has not complied with the requirements of the Decree. Tort liability of the contractor may be incurred if the damage resulted from a breach of the rules contained in the Decree. The contractor may also be criminally liable for any injury directly related to deficiencies identified, and further provisions of the Penal Code will also apply (in case of loss of life, for example).</p> <p>Victims may pursue tort liability action for damage against the constructor, and also against the Office in charge of evaluating the conception and inspecting the building works.</p>
<p>114. Do the building regulations have special standards or requirements for:</p> <ul style="list-style-type: none"> a. schools? b. hospitals? c. fire stations? d. other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, 	<p>Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code</p> <p>Decree 2010-243, of 20 April</p>	<p>Art. 177</p> <p>Art. 178</p>	<p>There is a reference that further regulations can be adopted by those living in communal premises, such as schools, barracks, hospitals, hotels, asylums, etc., but no further information is provided.</p> <p>It indicates that the Minister of Public Works may allow for exceptions to the observance of rules on sanitation and security when temporary buildings are to be built in order to meet urgent needs.</p>

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churches, mosques etc.)?	2010, on the construction of cyclone-resistant buildings	Art. 4	See 3.A.110 (the decree in principle applies to all public buildings).
115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify & describe.	Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code, together with Decree 2010-234, of 20 April 2010, modifying some provisions of the Urbanism and Habitation Code	Art. 89 (new) Art. 91 (new)	It indicates that the creation or development of subdivisions for the installation of industrial establishments is subject to the issuance of a license by the State Representative in the region. Also, subdivisions for industrial use may only be permitted if they comply with the provisions of the development plan approved and published or, in the absence of such a plan, if they receive a favourable opinion from the Regional Commission for Planning and Urbanism. Competent authorities shall assess consequences that may result from the realization of the subdivision project, especially in relation to hygiene, safety and security against various risks such as natural, technological and industrial, giving the reasons for their decision.
116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify & describe.	Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code	Art. 166	There is a requirement that residential buildings with more than five floors above ground floor shall be equipped with an elevator.
117. Do the building laws/regulations include small self-built constructions? Identify & describe.			No reference could be found on this.
118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations	Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation	Art. 178 (a)	Indicates that the Ministry of Public Works may decide upon exceptions to the observance of general rules in relation to rural areas.

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<p>are different in rural settings, what are the main differences compared with urban settings? E.g.</p> <ul style="list-style-type: none"> a. the extent of regulation? b. the level of government at which it is regulated? c. other? 	Code		
<p>119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for this?</p>	Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code	Art. 176 and Art. 178 (d)	Indicates that the Ministry of Public Works may decide upon exceptions to general rules in case of temporary constructions aimed at meeting urgent needs.
<p>120. Do the building laws/regulations include:</p> <ul style="list-style-type: none"> a. Inspections? b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)? <p>If so, what form of regulation and which institution(s) have responsibility for this?</p>			<p>For inspections, see above, 3.112.</p> <p>No reference could be found regarding programmes/incentives for making existing buildings safe.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) & mandate(s).			No provision on this matter could be found. The ministry in charge of this area is the Ministry for Public Works (Ministère des Travaux Publics).
122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?			No further reference could be found here.
B. Land Use Planning Laws			
<p>The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).</p>			
123. Are there national laws and statutory authorities with responsibility for land zoning and/or land use planning?	Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation	Articles 1-2.	<p>It seems the matter is currently the responsibility of both the Deputy Prime Ministry in charge of Development and Spatial Planning (Vice-Primature en charge du Développement et de l'Aménagement du Territoire – set up by the transitional authority) and the Ministry of Public Works. However, no text could be found specifically on the topic.</p> <p>Some provisions relating to land zoning/land use planning were found in the Urbanism and Habitation Code, referred to in the previous section.</p>

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	Code		
124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a law at each level?			Only general material at the national level could be found. See 3.B. 123.
125. Does the land use planning and/or zoning law include processes for: a. Formal release of land for new developments? b. Approval of each new urban development? c. Approval of major commercial developments?	Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code	Art. 11	The Urbanism Plan may, in certain areas, prohibit or regulate the installation or operation of new industrial facilities and the expansion of existing facilities. See 3.B.115 for industrial developments.
126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated sites)?	Order No. 6986/1999 Min.ATV/SG/DVEHL.3/99, of 20 July 1999, on urban planning regulations in flood zones in the delta of Fiherenana. Jointly adopted by the Minister of Planning and of the City	Art. 2 Art. 3	It delimits areas considered as flood plain, prohibiting their use for other than agriculture activities. See also 3.B.115.
127. Does the planning / zoning law include public open space for evacuation?	Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code	Art. 11	Brief and vague reference only, saying that the Urbanism Plan shall contain rules relating to land use according to the character of the area, general or local needs, as well as the <i>needs of civil protection</i> or public services.

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128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?			No reference could be found on this. See 3.B.127.
129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?	Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code	Art. 11	Brief and vague reference only, saying that the Urbanism Plan shall contain draft projects on water supply and sanitation.
130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure access for emergency services such as fire and ambulance?	Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code	Art. 11	Brief and vague reference only, saying that the Urbanism Plan shall outline which main roads are to be kept, modified or created, together with an indication of their width and characteristics.
131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which it is regulated? c. other?	Decree No. 63-192, of 27 March 1963, establishing the Urbanism and Habitation Code	Art. 17 Art. 178	No distinction is made in the Urbanism Plan between urban and rural areas. However, only certain categories of communities are mandated to have such a plan, according to the following criteria: <ul style="list-style-type: none"> • conglomerates of urban development; • communes of 10,000 inhabitants and over; • municipalities that suffered extensive destruction (flood, cyclone etc ...); • municipalities in which the establishment of these plans is justified by population growth, or by the picturesque, historical or artistic character of these places.

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			Furthermore, rural areas may be excepted from following certain rules on sanitation and safety, as pointed out in 3.A.119.
132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?			No further reference could be found.
C. Land tenure			
133. Is there a national system of land title registration established under law? a. If sub-national regulation, at what level of government does this occur, if at all? If sub-national, can you find an example of such a law? b. Does the legal mandate for this system require computerisation and/central record at national level? If not, how and where does it require records to be kept?	Law No. 2005-019, of 17 October 2005, laying down the principles governing the [legal] status of land	Art. 1 Preamble	Yes, there is a national law regulating the subject. a. Not applicable b. There is reference to the need for using modern technologies capable of combining both alphanumeric and geomantic information, including digitalized images, but no detailed information.
134. Are there institutions mandated to survey land and/or register title? Does this mandate: a. require or allow community participation in land mapping or surveying for the purpose of	Law No. 2005-019, of 17 October 2005, laying down the principles governing the status of land	Art. 23	Yes, the Land Conservation Service (Service de la Conservation Foncière).

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<p>establishing titles and/or occupancy and/or usage rights?</p> <p>b. establish a timeframe for the conclusion of land mapping?</p> <p>c. allocate resources for land mapping?</p>	<p>Law No. 2006-031, of 24 November 2006, setting the legal framework for private and non-titled land property</p> <p>Law No. 2005-019, of 17 October 2005, laying down the principles governing the status of land</p>	<p>Article 11(b)</p> <p>Preamble</p>	<p>a. The procedure for the recognition of occupation of non-titled land includes the setting of a ‘commission for local recognition’, in which local community representatives, among others, take part.</p> <p>b. No reference could be found on this.</p> <p>c. There is reference to the need for allocating resources to implement the law, especially in terms of staff and materials.</p>
<p>135. Does the land title system allow anyone to purchase or own land, or does it exclude anyone? E.g. can the following own and inherit land under this system:</p> <p>a. Women?</p> <p>b. All ethnic or religious groups?</p> <p>c. Non-nationals?</p>	<p>Law No. 2006-031, of 24 November 2006, setting the legal framework for private and non-titled land property</p>	<p>Articles 8 and 10</p>	<p>In relation to the request for collective recognition of the right to property over non-titled land, reference is made to ‘a group of occupants of Malagasy nationality’. Similarly, in relation to individual recognition of the right to property over non-titled land, one requirement, among others, is that the applicant ought to have the Malagasy nationality.</p> <p>See 3.C.138 for squatters’ rights.</p>
<p>136. If there is no standardised land title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or</p>	<p>Law No. 2005-019, of 17 October 2005, laying down the principles governing the status of land</p>	<p>Articles 23-28</p> <p>Articles 34-35</p>	<p>There is land tenure arising from a standardised land title.</p> <p>It is also possible to legally recognize the occupation of the land without a standardised land title. This can be done by an individual, a commune or a registered association of land users, through an ad hoc procedure in which the competent administrative authorities issue a certificate recognizing the</p>

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hunting or water rights)? Describe.			occupation as ownership. The procedure is public and led by ad hoc committee; a report is prepared; eventual oppositions are noted in the report and are to be solved as provided by law: finally, the particular title to the land is signed by the head of the local executive.
137. Is there any legal recognition of traditional or customary law and practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.			See 3.C.136.
138. Is there legislation or case law that recognises land tenure as a result of occupation, such as: a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)? b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?	Decree No. 2007-1109, of 18 December 2007, on the application of the Law No. 2006-031 of 24 November 2006 Ordinance No. 60-146 of 3 October 1960, on the land tenure system and registration (JORM No. 129 of 22/10/60, p.2205) – which is part of the Civil Code	Articles 39-41 Article 82	a. It is possible to claim adverse possession in the case of vacancy of a property over a continuous period of ten years. In such cases, the state will be curator of the land in question for a maximum of two years, and after that (if there is no third party opposition), it may be transferred to the occupant who initiated the procedure. b. The occupation of a registered building for at least twenty years by Malagasy nationals or thirty years by people of another nationality, coupled with the permanent enhancement of the building, will result in its acquisitive prescription.
139. If there are parallel systems for recognition of land tenure, such as	Law No. 2006-031, of 24 November 2006, setting the	Preamble	The result of both processes seem to have similar legal value, namely the certificate of recognition of the right to property (for

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>customary law vs. registered freehold title, does one type of legal claim take precedence over the other?</p>	<p>legal framework for private and non-titled land property</p>		<p>the recognition of customary land tenure), and the title of property (for registered freehold title).</p>
<p>140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes? If so, do these purposes include:</p> <ul style="list-style-type: none"> a. risk reduction from natural disasters? b. land to be kept for evacuation or emergency or transitional shelter? 	<p>2010 Constitution</p>	<p>Article 34</p>	<p>No precise law was found on this, though the Constitution provides that: 'The State guarantees the right to private property. No one may be deprived thereof except by expropriation in the public interest and with just compensation in advance.'</p>
<p>141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals?</p> <ul style="list-style-type: none"> a. Can people without financial means access this system? E.g. are there fees, or requirements to engage lawyers? b. Are such tribunals or mechanisms available throughout the territory, including in rural areas? 	<p>Law No. 2006-031, of 24 November 2006, setting the legal framework for private and non-titled land property</p>	<p>Articles 12, 24-25</p>	<p>In relation to opposition to the recognition of the right to property regarding non-titled land (for the recognition of customary land tenure/occupation), it has to be filed before the competent land service where the disputed land is located. Decisions taken can be appealed within 20 days before the Civil Tribunal.</p> <ul style="list-style-type: none"> a. No particular reference could be found on this. b. Competent land services are expected to be represented throughout the country, especially covering rural areas.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
D. Informal and precarious settlements			
<p>Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.</p>			
<p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p> <p>a. If so, what is the policy reason given (if any) for such clearance?</p> <p>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</p> <p>d. If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land</p>			<p>No clear reference was found on this.</p> <p>It seems the matter is regulated by the Urbanism and Habitation Code, already discussed in Part Four (A) Building Codes. As already stated, most parts of the code are mandatory and binding, and anyone wishing to build in a town of over 2,000 inhabitants must first obtain a building permit. The Code provides for sanctions in cases of non-compliance, including the possibility of demolition and the request for police force.</p> <p>It seems, however, that in reality the Urbanism and Habitation Code is largely ignored, especially in regards to informal and precarious settlements, which proliferate in towns, including in risk areas, such as close to heavy traffic roads.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>tribunals?</p> <p>e. Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated?</p>			<p>It seems the government has allowed the situation to get out of control and that it has to turn a blind eye in relation to irregular constructions, for it is not in a position to offer alternative solutions, and lacks the means to enforce the code.</p>
<p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p> <p>a. If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b. Does regularization include the introduction of building codes? Are these mandatory and binding?</p> <p>c. Does regularization include the construction of public infrastructure? If so, how is this financed?</p> <p>d. Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e. Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>			<p>No particular reference found. See 4.D.142.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
144. Does any law require that informal settlements are included in: a. Early Warning Systems? b. Community based DRR education and training?			No particular reference found. See 4.D.142.
145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements? a. If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)? b. If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?			No particular reference found. See 4.D.142. In relation to types and possibilities of tenure (including occupation, squatters' rights and public expropriation), see above 4.C (Land Tenure).
E. Urban Water and Flood Management			
146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility?	Law No. 98-029 of 20 January 1999, on the Water Code	Article 10; Articles 75-78	The key national law on the subject is the Water Code (Code de l'Eau). The general management of water throughout the country is assigned to the National Authority for Water and Sanitation (ANDEA - Autorité Nationale de l'Eau et de l'Assainissement), which is meant to rationally develop the water and sanitation sectors. The same law also establishes a Regulatory Body of technical,

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Article 47-48 Articles 79-80	<p>advisory and executive character specialized in the field of water supply, sanitation and collective domestic wastewater. Its tasks include the monitoring of standards for the quality of service and the identification and implementation of the price of water and sewerage.</p> <p>Finally, the same law refers to existing organs and structures set up by previous legal frameworks, notably the state-owned JIRAMA (created in 1975), which exploits and supplies water to the public. The new Water Code requires JIRAMA to celebrate a contract of concession (dealership agreement) in order to continue its activities.</p>
147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?	Law No. 98-029 of 20 January 1999, on the Water Code	Articles 25-27	It refers to the importance of forest cover in terms of preservation of water, and thus the need to avoid erosion, siltation and sand encroachment of hydropower infrastructure. It also highlights that combined action is needed to identify specific measures to maintain standards of water quality, regulate hydrological regimes and prevent serious flooding.
148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If so, what authority is responsible?	Law No. 98-029 of 20 January 1999, on the Water Code	Article 76 Article 23; 31-32; 36	<p>There is a reference that ANDEA is in charge of executing plans for the prevention of and fight against floods and drought, but without further detail.</p> <p>It is also important to note that in the Water Code there are several references indicating that the construction of facilities, structures or works executed by public or private sector interests shall be preceded by a public inquiry and an environmental impact assessment when, because of their nature, they are likely</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			to affect the environment and the aquatic ecosystem.
149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?	Law No. 98-029 of 20 January 1999, on the Water Code	Article 82	There is reference only to the fact that the transfer of power [regarding the issues defined in the Water Code] may be made to the Autonomous Provinces by regulation. See also 3.D.55 for a national regulation regarding emergencies affecting a particular location (namely the city of Toliara) against floods.
Part Five. Regulation of the Natural & Rural Environment			
Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.			
A. Human Risks in Environmental Change			
150. Is there legislation on environmental protection? If so, what institution has responsibility?	Environmental Charter (Code de L'Environnement et ses Modificatifs: Law No. 90-033 of 21 December 1990, modified by Law 97-012 of 06 June 1997 and Law No. 2004-015 of 19 August 2004)	Article 1 See Annex,	There are several legal texts covering environmental issues. The most comprehensive of them is the Environmental Charter, which contains a detailed annex outlining the governmental approach to the subject, especially in terms of policy. There are further legal texts which cover specific environmental features, and these will be referred to when relevant. The prime responsibility for environmental issues in Madagascar

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		<p>Title V, Chapter 1</p> <p>See 'Annex' - 'Resume'</p>	<p>lies with the Ministry of the Environment (sometimes referred to as Ministry of the Environment, Water and Forests).</p> <p>Beyond the Ministry of the Environment, the Environmental Charter refers to several structures when it defines the environmental policy for the country, especially:</p> <ul style="list-style-type: none"> - A National Institutional Structure for the Environment (SINE - Structure Institutionnelle Nationale pour l'Environnement) - An advisory structure: the National Conservation Commission for Development (Commission Nationale de Conservation pour le Développement) - An operational structure: the National Office for the Environment (ONE - Office National pour l'Environnement) - Structures for the management of operations.
<p>151. Does the above mandate include environmental management from the perspective of:</p> <ol style="list-style-type: none"> a. human safety? b. preservation of livelihoods? c. food security, especially concerning protection of crops and livestock? 	<p>Environmental Charter (Code de L'Environnement et ses Modificatifs: Law No. 90-033 of 21 December 1990, modified by Law 97-012 of 06 June 1997 and Law No. 2004-015 of 19 August 2004)</p>	<p>Annex, Title I, Chapter III and II, respectively</p>	<p>Passages pertinent to the subject were found in the Annex of the Environmental Charter, which is phrased more like a national policy than a standard legal text.</p> <p>It suggests that the country is experiencing an increasing impoverishment of the population, with greater demographic pressure especially in areas dedicated to agriculture, industrial production and the extraction of natural resources. The effects of such demographic pressure can be verified in relation to exploitation of land and natural resources, public health and security.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			Reference is also made to the fact that according to conservative estimates the land area needed for rice culture to feed the Malagasy population in 2010 exceeds the area that should reasonably be assigned to this crop.
152. Does this law provide for environmental impact assessments (EIAs) of any proposed new private and public industrial developments?	<p>Environmental Charter (Code de L'Environnement et ses Modificatifs: Law No. 90-033 of 21 December 1990, modified by Law 97-012 of 06 June 1997 and Law No. 2004-015 of 19 August 2004)</p> <p>Decree No. 99-954 of 15 December 1999, On the compatibility of investments with the environment</p>	<p>Article 10</p> <p>Article 3</p> <p>Article 5</p>	<p>According to the law, projects of a public or private nature likely to harm the environment must be subject to an environmental impact assessment, given their technical nature and magnitude and the vulnerability of the area of the project execution.</p> <p>This is further defined in this decree, which details all requirements regarding not only EIAs, but also an Environmental Commitment Program (Programme d'Engagement Environnemental - PREE) – which is required from business considered less damaging to the environment. It contains two annexes listing the types of businesses that shall produce either an EIA or a PREE.</p>
153. If there are EIAs, do the criteria include: a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security? b. assessment in light of the known	Environmental Charter (Code de L'Environnement et ses Modificatifs: Law No. 90-033 of 21 December 1990, modified by Law 97-012 of 06 June 1997 and Law No. 2004-015 of 19 August 2004)	Article 10	There is no further detail on the criteria applicable to EIAs, but mere indication that a decree will regulate different types of EIA, the applicable procedure and the body authorised to implement such studies and procedures.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>natural hazards affecting the relevant locality, or downstream communities (where relevant)?</p>	<p>Decree No. 99-954 of 15 December 1999, On the compatibility of investments with the environment</p>	<p>Article 7</p> <p>Annex I</p> <p>Article 11</p>	<p>a. The regulatory decree hints that social costs ought to be taken into account when evaluating the EIE. Accordingly, “The EIA consists of prior review of the potential impacts of expected activity on the environment; it must implement all the scientific knowledge to predict such impacts and reduce them to an acceptable level to ensure the integrity of the environment within the best available technology, and at an economically viable cost. The level of acceptability is assessed particularly on the basis of environmental policy, legal standards, the value of emissions, social and cultural costs, and economic losses.”</p> <p>Furthermore, in the same decree, when listing businesses that require an EIA, there is reference to human health, namely: ‘Any proposed chemical spraying likely, by its scale, to affect the environment and human health’.</p> <p>b. Though not expressly stated, this may be inferred from the likely effects on the original environmental situation found before the commencement of the prospective business activity. Among other features, the EIA shall contain: (a) An analysis of the environmental system affected or likely to be affected by the project; (b) a prospective analysis of possible effects on the system described above, and all planned interventions.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of extraction methods to manage flooding and/or erosion?			No reference could be found. See, where applicable, 5.A.153.
B. Forests			
155. Is there legislation on forest management (if relevant to the subject country)? If so, what institution has responsibility?	Law No. 97-017, of 8 August 1997, on the revised forestry legislation	Article 41 Article 44	Yes, there are several legal texts on the protection of forests (which will be referred to when relevant). The main law on the subject refers somewhat vaguely to the 'Ministry in charge of forests' (Ministère chargé des Forêts), which is the main body in charge of administering forests, especially in assessing whether areas are to be considered forests according to the law. This seems to be now the Ministry of the Environment and Forests (Ministère de l'Environnement et des Forêts - http://www.meeft.gov.mg), but in the recent past forests were under the authority of the Ministry of Water and Forests. The law also refers to the 'Forestry Public Service' (Service publique forestier), which is the operational arm administering forests, to be regulated in a later decree.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as:</p> <ul style="list-style-type: none"> a. prevention of wildfires? b. deforestation and erosion relevant to prevention of landslides and floods? c. other hazards, (such as encroachment by wildlife into agricultural land or villages)? <p>Describe the scope.</p>	<p>Law No. 97-017, of 8 August 1997, on the revised forestry legislation</p>	<p>Article 42</p> <p>Article 1</p> <p>Article 2</p>	<ul style="list-style-type: none"> a. The law indicates that the ordinance on land clearing and wildfire remains valid, namely ordinance n ° 60-127 of 3 October 1960. b. The law covers the issue indirectly (not expressly the prevention of landslides and floods, but this may occur through the protection of forests). For example, the legal definition of forests includes areas occupied by trees and bushes on the banks of rivers and lakes and on eroded lands. For the purposes of the same law further risk areas are to be treated similarly to ‘forests’, such as: (1) non-forested land suitable for forestry, particularly for conservation and restoration of soils, biodiversity conservation, regulation of water systems or enhancing forest production; (2) land that has been cleared within the last five years despite lacking authorization for clearing. c. No reference was found on this.
<p>157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?</p>	<p>Ordinance No. 60-127, of 1960, establishing the regime of clearing and vegetation fires</p>	<p>Article 3</p>	<p>Yes, to the extent that they do not conflict with legislation protecting the forests and their resources. See 5.B.159.</p> <p>For example ‘tavy’ (agriculture or pasture on burned land) is a custom very common in Madagascar. It is strictly regulated in legislation, and it is prohibited in risk areas, such as hilly areas, or in areas susceptible to the formation of dangerous ravines, and within 20 meters of riverbanks. Legislation sets the conditions</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			regulating this practice. Penalties in cases of non-compliance include imprisonment and fines.
158. Does the law provide for use, conservation or management of forests and their resources by communities?	Law No. 97-017, of 8 August 1997, on the revised forestry legislation	Article 41	<p>The law indicates that in order to enable the effective participation of rural populations in the sustainable conservation of renewable natural resources, as provided by the law relating to local community management of renewable natural resources, community members are allowed to exercise their rights of traditional use individually or collectively in the forests of the State, decentralized territorial authorities, public institutions and private individuals to the extent that such rights have not been repealed.</p> <p>The law relating to local community management of renewable natural resources is Law 96-025, of 30 September 1996. The Decree 2000-027, of 13 January 2000, on the same subject, regulates this law.</p>
C. Rivers and watercourses			
159. Is there legislation on river and watercourse management (if relevant to the subject country)? If so, what institution has responsibility?	Law No. 98-029 of 20 January 1999, on the Water Code		<p>The key national law on the subject is the Water Code (Code de l'Eau).</p> <p>See 3.E.146</p>
160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as:			<p>a. See 3.E.148</p> <p>b. See 3.E.147</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>a. Riverbed management relevant to flood prevention and mitigation?</p> <p>b. Water storage and distribution for human, agricultural and industrial consumption in rural areas?</p> <p>Describe the scope.</p>			
161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?	Decree 2000-027, of 13 January 2000, regulating the law relating to local community management of renewable natural resources	Article 18	No particular reference was found on this. In general, customary laws will be recognized as long as they do not conflict with legislation, and are not against general interest and public order.
162. Does the law provide for use, conservation or management of rivers and their resources by communities?	The law relating to local community management of renewable natural resources is Law 96-025, of 30 September 1996 (article 2). The Decree 2000-027, of 13 January 2000, on the same subject, regulates this law.	Article 2	Communities may be authorised to manage rivers as one type of renewable nature resource covered by the law.
D. Drought and food security			
163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people,			See 3.1.90

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
livestock or crops in the face of drought?			
164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?			See 3.1.90
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?			No reference was found on this.

4. Information management and exchange, community level DRR education & awareness

Most elements of information, education and awareness will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			<p>a. See 3.B.107.</p> <p>b. No information could be found on this.</p>
<p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			<p>See 3.B.107.</p>
<p>168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?</p>			<p>No reference was found on this.</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR?</p> <p>a. If so, which authorities and what are they required to do?</p> <p>b. In particular does it require DRR education in schools?</p>			<p>No specific reference was found on this.</p> <p>See 2.Q.9 and 2.Q.11.</p>
<p>170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness campaigns?</p>			<p>No specific reference was found on this.</p>
<p>171. Does legislation provide for any designated role for the Red Cross or Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level?</p>			<p>See 2.Q.14 and 2.Q.15.</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?			See 2.Q.13. for the role of civil society in DM institutions.
173. Does any law provide for community-level results in DRR, such as: <ul style="list-style-type: none"> a. Natural disaster warnings that extend to community level? b. Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural disasters? c. Community involvement in land-use and urban planning? d. Community involvement in and education concerning building codes? 			See 2.Q.16 and 2.Q.17.

Bibliography

A. Constitution

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B. List of Laws

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Law no. 94-008, of 26 April 1995, relating to the organisation, functioning and tasks of decentralized territorial units (in French: Loi no. 94-008 du 26 avril 1995, fixant les règles relatives à l'organisation, au fonctionnement et aux attributions des collectivités territoriales décentralisées)(not available online)

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