

## **MADAGASCAR: Mapping of Legal and Policy Arrangements for Disaster Risk Management, including Public Health Emergencies and International Disaster Assistance**

The below information seeks to map the Disaster Risk Management (DRM) Legal and Policy Frameworks, including for Public Health Emergencies (PHEs) and international disaster assistance in Madagascar as provided in law, policy and agreements.

The questions below comprise of a combination of the questions from the IFRC's:

- Checklist on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance;
- the Checklist on Law and Disaster Risk Reduction;
- the Checklist on Law and Disaster Preparedness and Response;
- Pilot Guidance on the role of Law in PHEs; and
- ongoing research on the role of law in disaster recovery.

This document is the result of a desktop review of information either publicly available or shared by the Red Cross Society of Madagascar. This document was prepared by Candela Navarro Casquete, under the supervision of Jeanique Serradinho and Stella Ngugi. The document was reviewed by Andoniaina Ratsimamanga, Secretary General of the Red Cross Society of Madagascar. The information is up to date as at November 2021.

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While every effort was taken to ensure that the information contained herein is as accurate as possible, gaps or discrepancies may remain. IFRC Disaster Law would be grateful for any feedback or corrections relating to the contents of this document.

### **1. Institutional Roles and Responsibilities**

#### **DRM Specific Legislation**

**Is the approach of the relevant DRM law well-tailored to your country's natural hazards risk profile and disaster risk governance capacity, and are principles and priorities that guide your country's approach to preparedness and response; risk reduction and recovery set out?**

Madagascar regularly faces four major natural hazards, namely cyclones/tropical storms, floods, droughts, and locust invasions. Madagascar is also one of the most vulnerable countries to climate change, especially due to increasing extremes in weather events in recent years. Cyclones are reportedly more frequent and violent than in the past.<sup>1</sup> In addition, anthropogenic risks are increasing in relation to the development of the economy.

Law n° 2003/010 established the National Policy for Disaster Risk Management (PNGRC) to determine the general guidelines and list the basic principles necessary for its implementation and for the development of a future Disaster Risk Management Programme (PGRC). The explanatory statement to Law n° 2003/010 relating to the National Policy for Disaster Risk Management provides that effective disaster management must focus primarily on the period preceding it, while international experience shows that the post-disaster rehabilitation and recovery phases also offer the best opportunities for the introduction of good mitigation practices.<sup>2</sup> It also recognizes that the National Policy must take into account the risk and vulnerability profile of the country, as well as the cultural and socio-economic context.<sup>3</sup> More recently, in 2015, Law n° 2003/010 was revoked by Law n° 2015/031,<sup>4</sup> which provided an updated version of the previous law due to the changing national and international context.

Chapter II of Law n° 2015/031 provides the guiding principles of the PNGRC, establishing that disaster risk management (DRM) is a priority concern of the State and the Autonomous Provinces. It is integrated into the development planning process and in particular into in areas aimed at reducing vulnerability, mitigating and adapting to climate change, and reducing poverty.<sup>5</sup> As such, DRM provides for strategies, management structures, intervention plans and all other measures to ensure, in all situations, the maintenance of the conditions necessary for the well-being of the population, as well as its preservation from the point of view of human life, heritage and the environment.<sup>6</sup> Furthermore, DRM is based on the consistency and synergy of the actions of stakeholders throughout the national territory, through appropriate organizations, mechanisms and procedures, so as to:

- strengthen the institutional mechanism for DRM at all levels of intervention;

[Madagascar: Country Case Study Report / How Law and Regulation Supports Disaster Risk Reduction](#)

[Law n° 2003/010 relating to the National Policy for Disaster Risk Management](#)

[Law n° 2015/031 relating to the National Policy for Disaster Risk Management](#)

<sup>1</sup> IFRC, 2014, Madagascar: Country Case Study Report, page 14.

<sup>2</sup> Law n° 2003/010 relating to the National Policy for Disaster Risk Management, explanatory statement.

<sup>3</sup> Law n° 2003/010.

<sup>4</sup> Law n° 2015/031, article 32.

<sup>5</sup> Law n° 2015/031, article 5.

<sup>6</sup> Law n° 2015/031, article 6.

- promote investments in Disaster Risk Reduction (DRR);
- develop skills to reduce the vulnerabilities of the population and disaster risks by promoting knowledge and culture of risk, with a view to strengthening their resilience;
- protect the installations necessary for the defense and the safeguard of the life of the populations, their property and the environment; and
- ensure the protection and assistance of the population, in all circumstances, by strengthening the state of preparedness.<sup>7</sup>

As per article 10, the State defines the main strategic directions and coordinates the implementation of the PNGRC.<sup>8</sup>

In addition to Law n° 2015/031, the National Strategy for Disaster Risk Management 2016-2030 (SNGRC) sets out the fundamental principles, specific objectives, and the four strategic axes for DRM in the country. The four strategic axes of the SNGRC are greater political commitment in DRM/DRR taking into account the different specificities of the assets and the issues concerned, to improve resilience; better governance of DRM/DRR at all levels; strengthened capacities of actors in DRM/DRR and coordination; and practice of knowledge management for the benefit of DRM/DRR.<sup>9</sup>

The overall vision of the SNGRC is “a nation resilient to shocks, protected from all damage, in its social, cultural, economic and environmental dimension for sustainable development”.<sup>10</sup> The specific objectives include:

1. ensuring the effective integration of DRR and DRM into national development policy and sectoral development policies and strengthening legal and institutional frameworks;
2. strengthening the technical, material and financial capacities of institutions and other stakeholders in DRM/DRR in order to guarantee real knowledge of major risks and vulnerabilities throughout the national territory;
3. strengthening the use of knowledge, innovations and education to establish a culture of risk, security and resilience at all levels through support for research, identification and promotion of endogenous knowledge and awareness of behaviour change among the population;
4. strengthening the consideration of the underlying risks in programs and projects at both national and local levels;

[National Strategy for Disaster Risk Management 2016-2030](#)

<sup>7</sup> Law n° 2015/031, article 7.

<sup>8</sup> Law n° 2015/031, article 10.

<sup>9</sup> SNGRC 2016-2030, page 10.

<sup>10</sup> National Strategy for Disaster Risk Management 2016-2030, page 8.

<p>5. pursuing actions to improve technical tools for DRM/DRR and strengthening the capacities of actors and the resilience of the population; and</p> <p>6. ensuring early recovery.<sup>11</sup></p> <p>Furthermore, the fundamental principles underlying the SNGRC are based on actions that are:</p> <ul style="list-style-type: none"> <li>• human-centered: this anthropocentric aspect refers to taking into account all the principles of Human Rights and the principle of "Do no harm";</li> <li>• integrated into the general State policy, and into the National Development Plan and its Implementation Plan;</li> <li>• articulated and consistent with the decentralization policy, in a logic of subsidiarity, to help strengthen local and regional skills on the one hand, and for better effectiveness of interventions and for better internalization of actions at community level, on the other hand;</li> <li>• based on a "multi-risk, multi-hazard" (natural and anthropogenic), "integrated" (all humanitarian and development operations) and "global" (all stages of the DRM cycle) approach;</li> <li>• planned to reduce social physical, environmental and economic vulnerabilities of populations; and</li> <li>• based on regional and international cooperation.<sup>12</sup></li> </ul>	
<p><b>Are links to relevant sectoral legislation set out?</b></p> <p>One of the central ideas which is repeatedly highlighted across the SNGRC is the integration of DRR into policies, strategies, plans, programs, and sectoral projects. However, limited information and provisions could be located in the documents reviewed relating to specific sectoral legislation.</p> <p>The only link to sectoral legislation in Law n° 2015/031 is in article 24, which provides that the finance law sets the budgetary allocations for DRM to, among others, each Ministry concerned, for specific responses and rehabilitation, as well as for the integration of DRR into their sectoral activity programs.<sup>13</sup></p>	<p><a href="#">Law n° 2015/031 relating to the National Policy for Disaster Risk Management</a></p> <p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p> <p><a href="#">Decree n°2019-1954</a></p>

<sup>11</sup> SNGRC 2016-2030, page 9.  
<sup>12</sup> SNGRC 2016-2030, page 7-8.  
<sup>13</sup> Law n° 2015/031, article 24.

<p>To operationalize the National Strategy for Disaster risk Management 2016-2030, recently in 2019, a national platform for Disaster Risk Reduction, was established, which is a place of sharing, capitalization, cooperation, cross-sectoral dialogue and sharing of experiences acquired on DRR.</p>	
<p><b>Are links with relevant climate change law/policies and institutions established?</b></p> <p>As stated above, article 5 of Law n° 2015/031 states that one of the guiding principles is the integration of DRM into any development planning process and in particular in areas aimed at reducing vulnerability, mitigating and adapting to climate change, as well as reducing poverty.<sup>14</sup> Although no links to specific climate change laws or policies and institutions appear to be provided in the law from the documents reviewed for this mapping, Strategic Axis 3 of the SNGRC seeks, among others, to strengthen the capacities of institutions and structures involved in DRM/DRR taking into account, amongst others, emerging risks and climate change.<sup>15</sup></p>	<p><a href="#">Law n° 2015/031 relating to the National Policy for Disaster Risk Management</a></p> <p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p>
<p><b>What constitutes a “disaster” under the DRM Law?</b></p> <p>Law n° 2015/031 does not provide a definition of “disaster”. However, Decree n° 2019-1954, which establishes the modalities of application of Law n° 2015/031, includes detailed definitions in article 2.<sup>16</sup> The term “disaster” is defined to constitute a serious disruption of the functioning of a community or society at any level as a result of dangerous events, the repercussions of which depend on the conditions of exposure, the vulnerability and the capacities of the community or the company concerned, and which may cause human or material loss or have economic or environmental consequences.<sup>17</sup></p> <p>The term “hazard” is defined as a “process, phenomenon or human activity that can cause death or injury or have other effects on health, as well as causing material damage, socio-economic disturbance, or environmental degradation.”<sup>18</sup> Hazards can be of natural or anthropogenic origin. Natural hazards are essentially associated with natural processes and phenomena. Anthropogenic hazards, or human-induced hazards, are exclusively or essentially linked to human activities and decisions, to the exclusion of armed conflicts and other situations of instability or social tensions subject to humanitarian law and domestic law.<sup>19</sup></p>	<p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>

<sup>14</sup> Law n° 2015/031, article 5.

<sup>15</sup> SNGRC 2016-2030, page 16.

<sup>16</sup> Decree n° 2019-1954, article 2.

<sup>17</sup> Decree n° 2019-1954, article 2.

<sup>18</sup> Decree n° 2019-1954, article 2.

<sup>19</sup> Decree n° 2019-1954, article 2.

Biological hazards are defined by infectivity, toxicity or other characteristics of the pathogen concerned, such as the dose-response relationship, the incubation phase, the case fatality rate, and the estimated risk of transmission”.<sup>20</sup>

**Is there flexibility in the definition to allow to adapt changing circumstances / different hazards (ie technological/ oil spill)?**

These definitions provide high flexibility as they include different types of hazards, allowing the DRM system to adapt to changing circumstances.

**How does the definition sit with international standards?**

In terms of international standards drawn from the United Nations Office for Disaster Risk Reduction (UNDRR) and the United Nations Development Programme (UNDP), “disaster” is defined as “a serious disruption of the functioning of a community or a society, involving widespread human, material, economic or environmental losses and impacts that exceed the ability of the affected community or society to cope using its own resources”.<sup>21</sup> This definition shows that DRM law in Madagascar is line with international standards as to what constitutes a “disaster”.

**Who is mandated on different types of hazards – tech/oil spills?**

Decree n° 2019/1954 provides that although the Ministry of Interior alongside other central DRM bodies can intervene transversally, the technical coordination of management actions for specific risks as well as the coordination of the corresponding activities is delegated to different ministries, depending on the type of hazard, as follows:

- the Ministry of Public Security and the Ministry in charge of Transport for road accidents, shipwrecks at sea and air accidents;
- the Ministry of Public Health for major epidemics in human health;
- the Ministry of Agriculture and Livestock for large-scale locust invasions and epizootics;
- the Ministry in charge of Fisheries and the Ministry in charge of the Environment for the advancement of the dunes;
- the Ministry of Mines for mining and quarry accidents;

[The Handbook on Law and Disaster Risk Reduction 2015](#)

[Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031](#)

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<sup>20</sup> Decree n° 2019-1954, article 2.

<sup>21</sup> IFRC & UNDP (2015) *The Handbook on Law and Disaster Risk Reduction*, page 7.

<ul style="list-style-type: none"> <li>• the Ministry in charge of Transportation, the Ministry in charge of Hydrocarbons, and the Ministry in charge of the Environment for marine pollution and oil spills;</li> <li>• the Ministry of Industry for industrial accidents and pollution;</li> <li>• the Ministry of Agriculture and the Ministry of Population for drought and famine; and</li> <li>• the Ministry of the Environment for disasters linked to climate change.<sup>22</sup></li> </ul> <p>In the event that several Ministries come to be concerned by the same risk, it is up to the Prime Minister, Head of Government, to determine the levels of responsibility of each Ministry.<sup>23</sup></p>	
<b>Roles and responsibilities</b>	
<b>Do your laws establish clear roles and responsibilities for all aspects of DRM from national to local level?</b>	
<p>Law n° 2015/031 states in article 12 that all DRM and DRR activities are under the general coordination of the Prime Minister, Head of Government.<sup>24</sup> At each level of intervention, DRM is based on structures favouring participatory and inclusive approach methods, in their organization and operation, also advocating the principles of cooperation and synergy of actions.<sup>25</sup> The Risk and Disaster Management (GRC) structure includes a strategic level; and an operational level.<sup>26</sup></p> <p>The strategic level ensures the design, development, supervision and updating of the SNGRC and its action plan; and the promotion of DRR in sectoral development policies at all levels. The strategic level includes the National Council for Risk and Disaster Management (CNGRC) which is a consultation and decision-making structure at the national level;<sup>27</sup> a permanent technical support structure called the Emergency Management Support and Prevention Unit (CPGU)<sup>28</sup> attached to the Prime Minister's office supporting the CNGRC and the Prime Minister in their activities; and the National Platform for Disaster Risk Reduction (PNRRC), established by Decree n° 11014/2021<sup>29</sup> and set up to serve as a space for exchange and sharing between all</p>	<p><a href="#">Law n° 2015/031 relating to the National Policy for Disaster Risk Management</a></p> <p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>

<sup>22</sup> Decree n° 2019-1954, article 33.

<sup>23</sup> Decree n° 2019-1954, article 33.

<sup>24</sup> Law n° 2015/031, article 12.

<sup>25</sup> Law n° 2015/031, article 13.

<sup>26</sup> Law n° 2015/031, article 14.

<sup>27</sup> Law n° 2015/031, article 15.

<sup>28</sup> Decree n° 2019-1954, article 13.

<sup>29</sup> Decree n° 2019-1954, article 17.

<p>stakeholders in DRM, promoting cooperation, intersectoral dialogue and pooling of experiences in terms of good practices and lessons learned for the promotion of social resilience.<sup>30</sup></p> <p>On the other side, the operational level ensures the coordination and implementation of the SNGRC through the development of intervention plans and their implementation, monitoring and evaluation of activities of these different intervention plans throughout the territory.<sup>31</sup> The operational level has a central operational structure attached to the Ministry in charge of the Interior with branches at the territorial level; and a think tank for disaster responders that supports the central operational structure.<sup>32</sup> More specifically, the relevant entities in the operational level include:</p> <ul style="list-style-type: none"> <li>• the National Office for Disaster Risk Management (BNGRC), which is the central operational structure;<sup>33</sup></li> <li>• the Disaster Responders Think Tank Committee (CRIC), organ responsible for supporting the BNGRC;<sup>34</sup> and</li> <li>• the Ministries responsible for specific risks (as presented above).<sup>35</sup></li> </ul> <p>Furthermore, there are territorial intervention structures that implement their actions at the prefectural level and in the different districts across the country. These structures will be explained in further detail in a section below.</p>	<p><a href="#">Decree n° 11014/2021, establishing the attributions, organization and functioning of the PNRRC</a></p>
<p><b>Is there a national inter-ministerial/multi-sectoral committee established and does it meet frequently enough to be effective?</b></p> <p>The CNGRC is the highest decision-making body in DRM in Madagascar. The CNGRC is chaired by the Prime Minister, Head of Government, and its members include the Ministers of Interior and Finances as well as operational partners, which include any other relevant Ministry and specialized technical organizations which operate within the framework of DRM.<sup>36</sup> As the decision-making body, the CNGRC has two ordinary sessions per year, and an extraordinary session whenever the circumstances required it, convened by its president.<sup>37</sup></p> <p>The inter-ministerial body established at the operational level is the BNGRC, whose functions and attributions are established by Decree n° 2019/1958. As the central operational structure, the main mission of the BNGRC is the coordination and</p>	<p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>

<sup>30</sup> Decree n° 2019-1954, article 17.

<sup>31</sup> Law n° 2015/031, article 17.

<sup>32</sup> Law n° 2015/031, article 17.

<sup>33</sup> Decree n° 2019-1954, article 24.

<sup>34</sup> Decree n° 2019-1954, article 31.

<sup>35</sup> Decree n° 2019-1954, article 33.

<sup>36</sup> Decree n° 2019-1954, article 12.

<sup>37</sup> Decree n° 2019-1954, article 12.



implementation of the SNGRC through the development of intervention plans and their implementation, monitoring and evaluation of activities of these various intervention plans throughout the territory.<sup>38</sup> To this end, it is responsible for preventive preparation, coordination, and evaluation of responses to emergencies and disasters as well as early recovery. As part of its mission, the BNGRC is also responsible for mobilizing national and international funding for DRM actions and the availability of the disaster relief fund called the National Contingency Fund.<sup>39</sup> The BNGRC is placed under the technical supervision of the Ministry of Interior; under the budgetary supervision of the Ministry in charge of the Budget; and under the accounting supervision of the Ministry in charge of Public Accounts.<sup>40</sup> It has a Board of Directors (where representatives from all the relevant ministries sit), a General Directorate and the Accounting Agency.<sup>41</sup>

The Board of Directors meets in ordinary session twice a year when convened by its Chairman. It may be convened to an extraordinary session either on the initiative of the Chairman of the Board, or on the proposal of the Chief Executive Officer or on the proposal of the majority in office of the members of the Board formulated by a written request addressed to the Chairman of the Board.<sup>42</sup> If necessary, the Board of Directors may call on third parties to participate in its meetings within the framework of specific work.<sup>43</sup>

#### **How does this committee function in preparedness, response, DRR and recovery?**

The CNGRC is responsible for:

- a) establishing the national policy on DRM;
- b) defining the national strategy for DRM;
- c) approving the targets and impact indicators of the National Policy as well as the monitoring, supervision, control and evaluation mechanisms that will be implemented by the CPGU;
- d) approving the sectoral and multisectoral resilience and risk management strategies, which will be coordinated and technically supported by the strategic and operational bodies;

[Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management](#)

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<sup>38</sup> Decree n° 2019-1954, article 24.

<sup>39</sup> Decree n° 2019-1954, article 24.

<sup>40</sup> Decree n° 2019-1958, article 3.

<sup>41</sup> Decree n° 2019-1958, article 13.

<sup>42</sup> Decree n° 2019-1958, article 23.

<sup>43</sup> Decree n° 2019-1958, article 15.

- e) making the official declaration of national disaster and inform the government of the need to appeal for international assistance;
- f) diligently mobilizing support from national and international partners; and
- g) overseeing and coordinating all GRC activities including those related to climate change.<sup>44</sup>

The BNGRC is placed under the technical supervision of the Ministry of Interior; under the budgetary supervision of the Ministry in charge of the budget; and under the accounting supervision of the Ministry in charge of Public Accounts.<sup>45</sup> It has a Board of Directors (where representatives from all the relevant ministries sit), a General Directorate and the Accounting Agency.<sup>46</sup>

The Board of Directors meets in ordinary session twice a year when convened by its Chairman. It may be convened to an extraordinary session either on the initiative of the Chairman of the Board, or on the proposal of the Chief Executive Officer or on the proposal of the majority in office of the members of the Board formulated by a written request addressed to the Chairman of the Board.<sup>47</sup> If necessary, the Board of Directors may call on third parties to participate in its meetings within the framework of specific work.<sup>48</sup>

Some of the specific activities carried out by the BNGRC in preparedness, response, DRR and recovery are:

- to contribute to the identification, analysis and monitoring of risks and disasters likely to affect the safety of people and property;
- to support the preparation and sensitization of the population with regard to prevention actions to face disasters;
- to ensure early recovery, mitigate or reduce the negative impacts of hazards and disasters;
- to manage emergencies and humanitarian crises with regard to their nature, scale and consequences;
- to provide operational leadership in the design, organization, conduct, coordination and evaluation of relief operations, responses to emergencies and disasters;
- to establish information mechanisms open to the public on disaster management and early recovery;<sup>49</sup>

<sup>44</sup> Decree n° 2019-1954, article 8.

<sup>45</sup> Decree n° 2019-1958, article 3.

<sup>46</sup> Decree n° 2019-1958, article 13.

<sup>47</sup> Decree n° 2019-1958, article 23.

<sup>48</sup> Decree n° 2019-1958, article 15.

<sup>49</sup> Decree n° 2019-1958, article 8.

<ul style="list-style-type: none"> <li>• to coordinate the development of Annual Contingency Plans based on probable impact scenarios;</li> <li>• the assessment of impact situations according to the different phases of the humanitarian and / or civil protection response;</li> <li>• the establishment of national and inter-ministerial situation reports;</li> <li>• the identification and promotion of DRM actions necessary for the development of intervention plans and other operational planning instruments of national and territorial state actors; and</li> <li>• to establish procedures for exchanges and feedback of information at hierarchical and transversal level, from the local level to the national and sectoral level.<sup>50</sup></li> </ul>	
<p><b>Does the national committee include membership from key agencies outside government (humanitarian, development, private, scientific etc)?</b></p> <p>As stated above, the CNGRC is chaired by the Prime Minister, Head of Government, and its members include the Ministers of Interior and Finances as well as operational partners, which include any other relevant Ministry and specialized technical organizations which operate within the framework of DRM.<sup>51</sup> This appears to allow key agencies from outside government to be represented.</p> <p>At the operational level, as stated above, the Board of Directors of the BNGRC is composed by representatives from all the relevant ministries. On the other side, the General Directorate (i.e., the executive branch of the BNGRC), consists of the following:</p> <ul style="list-style-type: none"> <li>• the Director General;</li> <li>• Deputy Director General;</li> <li>• the General Project Coordinator;</li> <li>• the Department of Studies and Risk Management;</li> <li>• the Operations Department;</li> <li>• the Direction of the Center for Studies, Reflection, Monitoring and Orientation or CERVO;</li> <li>• the Department of Heritage and Administration; and</li> </ul>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p>

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<sup>50</sup> Decree n° 2019-1958, article 9.  
<sup>51</sup> Decree n° 2019-1954, article 12.

<ul style="list-style-type: none"> <li>the Person Responsible for Public Procurement.<sup>52</sup></li> </ul> <p>The BNGRC may call upon, as necessary, all other entities, state or non-state, which may be involved in the management of risks and disasters. It may also involve any person, institution or body whose assistance it deems useful for the pursuit of its missions.<sup>53</sup> However, no specific agencies/institutions are listed.</p>	
<p><b>Does the law establish linkages between scientific, meteorological and hydrological institutions and disaster management agencies and how does this link with local community early warning systems?</b></p> <p>As stated above, the PNRRC constitutes, at the strategic level, a place of sharing, capitalization, cooperation, intersectoral dialogue and pooling of experiences and achievements in DRR, in terms of good practices and lessons learned for the promotion of global social resilience in all its dimensions.<sup>54</sup> The PNRRC brings together any actor in DRM, thus including climate change actors. It also brings together all national actors from the public and private sector, civil society and academia and the national representatives of technical and financial partners.<sup>55</sup> Therefore, the PNRRC serves as an interface between decision-makers and actors as well as between the national and international level.<sup>56</sup></p> <p>At the operational level, the CRIC, chaired by the BNGRC, is articulated in sectoral groups and made up of all disaster stakeholders such as technical ministries and attached organizations, donors, associations and NGOs, national and international organizations, UN organizations and academic/scientific and research institutions.<sup>57</sup> The CRIC is a platform for reflection, analysis and monitoring with the aim of coordinating interventions. It brings together the stakeholders within the framework of the GRC corresponding to the attributions of the BNGRC.<sup>58</sup> The CRIC is responsible for, among other things, operationalizing the early warning, monitoring and evaluation system.<sup>59</sup></p>	<p>Decree n° 11014/2021, establishing the attributions, organization and functioning of the PNRRC</p> <p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>
<p><b>Has a national focal point agency for DRM with sufficient institutional authority to exercise effective leadership been assigned?</b></p>	

<sup>52</sup> Decree n° 2019-1958, article 38.

<sup>53</sup> Decree n° 2019-1958, article 38.

<sup>54</sup> Decree n° 11014/2021, article 2.

<sup>55</sup> Decree n° 11014/2021, article 8.

<sup>56</sup> SNGRC 2016-2030, page 26.

<sup>57</sup> SNGRC 2016-2030, page 29.

<sup>58</sup> SNGRC 2016-2030, page 29.

<sup>59</sup> SNGRC 2016-2030, page 29.

<p>From the research conducted, the BNGRC appears to be the focal point for operational coordination in disaster management. It is responsible for, among other things, providing operational leadership in the design, organization, conduct, coordination and evaluation of relief operations, emergency and disaster responses.<sup>60</sup> As stated above, BNGRC is composed by a Board of Directors, a General Directorate and an Accounting Agency,<sup>61</sup> bringing strong institutional authority to exercise and operationalize its duties.</p>	
<p><b>Apply the same questions above to subnational committees (inter-ministerial and cross sectorial committees, including membership outside government).</b></p> <p>There are different types of subnational committees for DRM in Madagascar. Intervention and relief actions at the prefectural level are led by the Territorial DRM Committee.<sup>62</sup> The Territorial DRM Committee at prefectural level makes its financial contribution to emergency preparedness and intervention actions to the extent of its possibilities. It also supports other territorial intervention structures and is responsible for monitoring and evaluating their activities.<sup>63</sup> The Committee at the District level is responsible for the routing of aid and donations intended for the Communes as well as the control of their distribution to the claims.<sup>64</sup> The Committee at the level of the Communes ensures the routing of aid and donations intended for disasters.<sup>65</sup> At the level of the Fokontany, the Local Rescue Teams (ELS) are responsible for receiving aid and donations intended for disasters in their locality and for distributing them.<sup>66</sup></p> <p>The committees at the prefectural, district and commune levels are all composed by administrative authorities, representatives from the respective government level, representatives from non-governmental organizations and from local civil society organizations.<sup>67</sup></p>	<p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>
<p><b>How do such committees coordinate with other committees/processes, both in terms of horizontal coordination (across different committees at the same level), and vertical coordination (across committees at different levels of government)?</b></p>	

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60 Decree n° 2019-1958, article 8.  
61 Decree n° 2019-1958, article 13.  
62 Decree n° 2019-1954, article 38.  
63 Decree n° 2019-1954, article 39.  
64 Decree n° 2019-1954, article 40.  
65 Decree n° 2019-1954, article 41.  
66 Decree n° 2019-1954, article 42.  
67 Decree n° 2019-1954, articles 45-47.

<p>In carrying out their respective missions within the framework of DRM, the territorially competent administrative authorities are empowered to requisition the private means of rescue in accordance with the laws and regulations in force.<sup>68</sup> As necessary, in the execution of their missions, the Regional, District and municipal Committees may call upon specialized bodies or any other personality or entity, public or private, in particular because of the specific circumstances surrounding the exercise of the missions of each Committee, of their specific skills or knowledge.<sup>69</sup></p> <p>In terms of vertical coordination, each level of territorial intervention structure reports on its activities to the territorial intervention structure of the level directly above it. The Territorial DRM Committee at the prefectural level sends its reports to the BNGRC and a copy is sent to the territorial office of the BNGRC.<sup>70</sup></p> <p>The law does not appear to further specify coordination procedures across the territorial intervention structures.</p>	<p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>
<p><b>Are national /subnational institutions consistently assigned clear responsibilities and authorities to carry out their mandate?</b></p> <p>Specific roles and responsibilities of DRM institutions at the national and sub-national levels have been outlined above.</p>	
<p><b>Are roles and responsibilities between civilian and military actors for disaster response clearly articulated in law/regulation/policy?</b></p> <p>Although national and sub-national committees for DRM involve representatives from civil society organizations, limited information could be located online relating to their specific responsibilities, as well as those of military actors. Therefore, from the documents reviewed, laws and policies in Madagascar do not appear to contain provisions on roles and responsibilities between civilian and military actors in disaster response. However, the SNGRC does emphasize the need to promote initiatives and activities aimed at empowering amongst others the military and members of civil society in DRR.<sup>71</sup></p>	
<p><b>Funding</b></p>	
<p><b>How does the law allocate funding distribution between risk reduction, preparedness and response?</b></p>	

<sup>68</sup> Decree n° 2019-1954, article 50.  
<sup>69</sup> Decree n° 2019-1954, article 49.  
<sup>70</sup> Decree n° 2019-1954, article 43.  
<sup>71</sup> SNGRC 2016-2030, page 15.

<p>As stated above, the BNGRC is responsible for mobilizing national and international funding for DRM actions and the availability of the disaster relief fund called the National Contingency Fund (FNC).<sup>72</sup> It could not be established whether this fund has been set up and is operational in practice from the documentation available online. However, Decree n° 2019-1958 states that, subject to the agreement of the Public Accounts Department, the financing intended for the FNC is deposited in a different account at the level of the Treasury, separate from the other resources of the BNGRC.<sup>73</sup> It further provides that apart from the FNC, the BNGRC also receives funding from state subsidies; state own resources and intervention funds; contributions of bilateral, multilateral and regional cooperation; insurance compensation; donations and bequests; income from movable and immovable property; and income from investments and alienations.<sup>74</sup></p> <p>In general terms, the expenses of the BNGRC are made up of the financing of preparedness activities, emergency relief and immediate responses related to disasters; the current operating costs specific to the BNGRC (purchases, works, supplies and external services, financial expenses and staff costs); and investment expenses specific to the FNC, and in general all expenses relating to the activities of the FNC.<sup>75</sup> Funding for emergency preparedness and response activities covers expenses related to:</p> <ul style="list-style-type: none"> <li>• the implementation of risk and disaster preparedness activities;</li> <li>• the provision of specialized means to reinforce the already existing local intervention capacities;</li> <li>• rapid assessments of disasters;</li> <li>• in-depth disaster assessments;</li> <li>• establishing the situation at national and inter-ministerial level;</li> <li>• the organization and management of emergency assistance; and</li> <li>• evacuations and taking charge of affected populations and disasters.<sup>76</sup></li> </ul>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p>
<p><b>Does the legislation establish mechanisms to ensure that dedicated funding would be available in the event of a disaster?</b></p> <p>Decree n° 2019/1958 provides that it is the responsibility of the BNGRC to ensure the availability of relief funds in the event of a disaster.<sup>77</sup> Furthermore, it states that the Heritage and Administration Department of the BNGRC is responsible for, among other</p>	

<sup>72</sup> Decree n° 2019-1954, article 24.

<sup>73</sup> Decree n° 2019-1958, article 65.

<sup>74</sup> Decree n° 2019-1958, article 78.

<sup>75</sup> Decree n° 2019-1958, article 79.

<sup>76</sup> Decree n° 2019-1958, article 80.

<sup>77</sup> Decree n° 2019-1958, article 11.

<p>things, organizing and coordinating the distribution of national or international donations, and preparing a reserve fund allocation and management plan.<sup>78</sup></p> <p><b>Are financial reserves and/or insurance coverage in place?</b></p> <p>One of the strategic axes of the SNGRC is dedicated to substantially increasing the financial resources allocated to DRM/DRR, stating that the availability of sufficient and easily mobilized financial resources guarantees freedom of action, speed of interventions and efficiency in all phases of DRM/DRR.<sup>79</sup> Some of the activities to be undertaken under this objective include to:</p> <ul style="list-style-type: none"> <li>• sensitize the Government, the Senate and the National Assembly to plan and/or increase the budget lines intended for the DRM/DRR;</li> <li>• conduct national budgeting exercises integrating DRM/DRR and submit it to the Government;</li> <li>• promote sustainable investment (direct or indirect) of sector budgets (agriculture, health, infrastructure, etc.) in DRM/DRR activities by encouraging each sector to promote and apply existing construction standards/guides/directives and by rechecking and adjusting budgets;</li> <li>• program advocacy activities and develop partnerships with all stakeholders, including the private sector, for resource mobilization;</li> <li>• develop and implement a permanent national, regional and local funding mechanism for prevention and emergency response actions (Reserve Fund: Reduction Window, Emergency Window, Recovery/Reconstruction Window);</li> <li>• promote risk transfer and financing mechanisms; and</li> <li>• improve the financial resources of fokontany (villages) and communes in order to constitute a contingency fund and local DRR.<sup>80</sup></li> </ul>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p> <p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p>
<p><b>Does the law set mechanisms for funding for early action based on forecasts (not impact)?</b></p>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p>

<sup>78</sup> Decree n° 2019-1958, article 56.  
<sup>79</sup> SNGRC 2016-2030, page 11.  
<sup>80</sup> SNGRC 2016-2030, page 11-12.



<p>As stated above, Decree n° 2019/1958 establishes that funding for DRM activities includes funding the implementation of risk and disaster preparedness activities, and the provision of specialized means to reinforce the already existing local intervention capacities.<sup>81</sup></p>	
<p><b>Are adequate resources for DRR allocated, through mechanisms such as development plans earmarking percentages in annual budgets; dedicated budget lines?</b></p> <p>As stated above, the law does not appear to set out mechanisms for national budgeting exercises with respect to DRR. However, the SNGRC provides some guidelines for advocacy and development of disaster-informed budgets, such as conducting national budgeting exercises integrating DRM/DRR; promoting sustainable investment of sector budgets in DRM/DRR activities by encouraging each sector to promote and apply existing construction standards/guides/directives and by rechecking and adjusting budgets; programming advocacy activities and develop partnerships with all stakeholders, including the private sector, for resource mobilization; and developing and implementing a permanent national, regional and local funding mechanism for prevention and emergency response actions.<sup>82</sup></p>	<p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p>
<p><b>Are resources allocated to enable sub-national authorities and civil society/communities to fulfil their responsibilities?</b></p> <p>No information on resources being allocated to civil society or communities could be found online.</p>	
<p><b>Is disaster insurance and/or risk finance mechanisms available?</b></p> <p>Limited information could be located online relating to risk finance mechanisms. From the documents reviewed, laws and policies in Madagascar do not appear to contain provisions on insurance and/or risk finance mechanisms. However, as mentioned above, one of the activities to be undertaken under the objective to substantially increase the financial resources allocated to DRM/DRR of the SNGRC includes promoting risk transfer and financing mechanisms.<sup>83</sup></p>	<p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p>
<p><b>Are funding mechanisms for recovery mandated?</b></p> <p>From the documents reviewed, laws and policies in Madagascar do not appear to contain provisions on specific mechanisms for disaster recovery funding. However, limited information could be located online relating to recovery funding.</p>	

<sup>81</sup> Decree n° 2019-1958, article 80.

<sup>82</sup> SNGRC 2016-2030, page 11-12.

<sup>83</sup> SNGRC 2016-2030, page 11-12.

<b>2. Disaster Risk Reduction</b>	
<b>Do your country's relevant sectoral laws include provisions to reduce existing risks and prevent the creation of new risks?</b>	
<p>Various sectoral laws and policies which contain provisions related to DRR have been found. These documents include mainly environmental management laws, urban planning and infrastructure laws, and national adaptation plans. Although these documents provide mechanisms for building resilience against the effects of climate change, there is no clear link to DRM specific laws/policies. Some sectoral laws will be presented in further detail below.</p>	
<b>Are there provisions related to DRR in the DRM Law?</b>	
<p>In order to understand the concept of DRR, Decree n° 2019/1954 provides in article 2 detailed definitions of the elements that constitute this concept. First, the term "risk" which is outlined as the combination of the probability of an event and its negative consequences which can be categorized into major risks and current risks (including disaster risks, residual risks and specific risks).<sup>84</sup> Thus, DRR consists of long-term measures focusing on strengthening the resilience of the population, structures, services and economic activities in relation to the hazards considered. These measures aim to reduce the vulnerability of the exposed elements, the threat and the severity of the hazard.<sup>85</sup></p> <p>Further, Decree n° 2019-1954 states that in operational terms, DRM constitutes the implementation of risk reduction policies and strategies aimed at preventing the emergence of new risks, reducing existing ones and managing residual risk in order to build resilience and limit losses due to disasters.<sup>86</sup> As provided in the law, DRM falls into three categories: preventive disaster risk management measures, corrective disaster risk management measures and compensatory disaster risk management measures.<sup>87</sup></p> <p>Preventive measures seek to prevent new disasters and reduce existing risks demonstrating the desire to completely avoid the possible negative consequences of dangerous events.<sup>88</sup> It aims to reduce vulnerability and exposure in contexts where the risk can be eliminated, in particular by means of measures such as the construction of dams or dikes to prevent the risk of flooding, land use plans prohibiting any human installation in high-risk areas, an earthquake-resistant design of buildings to ensure the</p>	<p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>

<sup>84</sup> Decree n° 2019-1954, article 2.

<sup>85</sup> Decree n° 2019-1954, article 2.

<sup>86</sup> Decree n° 2019-1954, article 2.

<sup>87</sup> Decree n° 2019-1954, article 2.

<sup>88</sup> Decree n° 2019-1954, article 2.

<p>preservation and proper functioning of important buildings in the event of an earthquake and vaccination campaigns against preventable diseases.<sup>89</sup> Preventive measures can also be taken during or after a hazardous event or disaster to prevent secondary hazards or their consequences, for example contamination of water.<sup>90</sup></p> <p>In addition, the National Policy for Disaster Risk Management as well as the SNGRC seek, among other things, to promote investments in DRR.<sup>91</sup> DRM is therefore based on integrated and comprehensive DRR procedures, providing for prevention, warning, preparedness, relief, rehabilitation, reconstruction and development.<sup>92</sup></p>	<p><a href="#">Law n° 2015/031 relating to the National Policy for Disaster Risk Management</a></p>
<p><b>Is there duplication or conflicting provisions between laws on DRR?</b></p> <p>Laws and policies on DRM in Madagascar appear to be aligned with each other in terms of DRR action. They appear to reinforce each other's vision and strategic priorities for investment in DRR and its promotion and integration in sectoral laws and/or policies to build resilience.</p>	
<p>Environment</p>	
<p><b>Are natural hazards and climate change risks addressed in laws related to the environment?</b></p> <p>Law n° 2015/003 provides the updated Environment Charter in Madagascar (the Charter), which is a legal framework setting out the fundamental rules and principles for environmental management.<sup>93</sup> Thus, its purpose is to define the principles and general framework for environmental actors and development actors, as well as the principles and strategic orientations of the country's environmental policy.<sup>94</sup> Although the Charter reaffirms that all legislation, policies, plans, programs and sector projects must take into account climate change and DRR, the Charter essentially provides a framework for environmental management, adaptation and sustainable development. Therefore, it emphasizes the need to prioritize adaptation and mitigation action projects that meet the country's real needs and are consistent with national and sectoral orientations in the face of climate change.<sup>95</sup></p>	<p><a href="#">Law n° 2015/003, updated Malagasy Environment Charter</a></p>
<p><b>Is DRR a criterion included in EIA for planned development?</b></p>	

<sup>89</sup> Decree n° 2019-1954, article 2.

<sup>90</sup> Decree n° 2019-1954, article 2.

<sup>91</sup> Law n° 2015/031, article 7.

<sup>92</sup> Law n° 2015/031, article 9.

<sup>93</sup> Law n° 2015/003, updated Malagasy Environment Charter, article 1.

<sup>94</sup> Law n° 2015/003, article 2.

<sup>95</sup> Law n° 2015/003, article 19.

<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. DRR, however, does not appear to constitute an explicit criterion for EIAs, but rather an intrinsic element for development.</p>	<p><a href="#">Law n° 2015/003, updated Malagasy Environment Charter</a></p>
<p><b>Are eco- systems approaches to DRR adopted?</b></p> <p>Although not explicitly related to DRR, Law 2015/003 provides in article 19 a list of actions for sustainable environmental management. Most of these actions involve an ecosystem approach to environmental management more generally, and include the following:</p> <ul style="list-style-type: none"> <li>• restore degraded ecological habitats;</li> <li>• carry out in situ and ex situ conservation of genetic resources;</li> <li>• fight against bush, forest and vegetation fires;</li> <li>• fight against the conversion of forests into agricultural land, in particular by the practice of slash-and-burn cultivation;</li> <li>• control soil erosion and watershed management;</li> <li>• develop reforestation actions by targeting different objectives;</li> <li>• promote the conservation of Protected and future Areas through the System of Protected Areas of Madagascar with a view to the preservation of biodiversity and Malagasy Heritage;</li> <li>• promote the valuation and local management of natural resources;</li> <li>• promote the conservation of the natural monument and the aesthetic qualities of the protected land or seascapes;</li> <li>• promote the sustainable management of tourist sites;</li> <li>• ensure the integrated and sustainable management of water resources;</li> <li>• effectively manage the various sources of pollution and nuisances by setting up a structure for environmental compliance and monitoring;</li> <li>• develop research which is the basis of knowledge useful for decision-making in environmental management;</li> <li>• promote technology transfer and technological innovations that respect the environment;</li> <li>• ensure and develop sustainable financing instruments for actions in favor of the environment; and</li> </ul>	<p><a href="#">Law n° 2015/003, updated Malagasy Environment Charter</a></p>

<ul style="list-style-type: none"> <li>• prioritize adaptation action projects, intervention responding to the real needs of the country and consistent with national and sectoral orientations in the face of climate change.<sup>96</sup></li> </ul> <p>Actions related to climate change adaptation and to the sustainable use of land and natural resources can be seen as an indirect path to DRR, building resilience and promoting sustainable development.</p>	
Natural Resource Management and Fire Control	
<p><b>Is forest or urban fire prevention and management linked with DRM laws and institutions?</b></p> <p>From the documents reviewed on forest/urban fire prevention and management, laws and policies in Madagascar do not appear to contain any links with DRM laws and institutions.</p>	<p><a href="#">Decree n° 60-127, regime of clearing vegetation fires</a></p>
Land Use Planning and Urban Development and Building	
<p><b>Is coordination with DRM institutions and mechanisms promoted?</b></p> <p>From the documents reviewed in land use planning and urban development, laws do not appear to provide specific mechanisms for coordination with DRM institutions. However, the Emergency Management Support and Prevention Unit (CPGU) developed the National Standard for Building Construction Resistant to Natural Hazards as part of their Pilot Program for Climate Resilience, establishing links with the Minister of Economy and Finance, the Minister of the Interior and Decentralization, the Minister of Regional Planning, Housing and Public Works, and the Minister of Communication and Culture for its implementation.<sup>97</sup></p>	<p><a href="#">National Adaptation Plan to Climate Change 2019</a></p>
<p><b>Are building codes and land use planning regulations updated and priority given to tical infrastructure such as schools, hospitals and other public buildings?</b></p> <p>The main legal document in Madagascar on this topic is the Urbanisation and Habitation Code, which contains provisions on building inspections, which are the responsibility of the authorities. No priority appears to be given in the Code to public infrastructure.</p> <p>Building codes were recently updated in 2019, through Decree n° 2019/1957, which established the National Standard for Building Construction resistant to different types of Natural Hazards. This decree sets the rules relating to the construction and</p>	<p><a href="#">Urbanisation and Habitation Code</a></p> <p><a href="#">Decree n° 2019/1957, establishing the national standard for building</a></p>

<sup>96</sup> Law n° 2015/003, article 19.

<sup>97</sup> NAP 2019, page 35.

<p>extension of buildings intended to make them more resistant to natural hazards. These standards include rules on siting, sizing and construction materials; specifications on architectural and engineering design; and a construction guide for residential buildings for family use.<sup>98</sup> Although this Decree does not specify which types of infrastructure are prioritized, article 9 states that the provisions apply to the construction of public buildings.<sup>99</sup> We understand that this would include public schools and hospitals.</p>	<p><a href="#">construction resistant to natural hazards</a></p>
<p><b>Are incentives / legal sanctions established, where appropriate, in cases of non-compliance leading to unsafe buildings or developments?</b></p> <p>Sanctions are provided. For example, the Urbanisation and Habitation Code provides for fines, interruption of the construction work (with the aim of rectifying construction according to the building permit), and demolition. The mayor may order such measures and can request police support for their enforcement.<sup>100</sup></p>	<p><a href="#">Urbanisation and Habitation Code</a></p>
<p>Climate Change</p>	
<p><b>Are links between NAPs and other climate related processes made with DRM framework?</b></p> <p>The National Adaptation Plan to Climate Change of 2019 (the NAP) identifies and organizes priority actions for climate change adaptation (CCA) in Madagascar. The NAP recognizes that DRM is inherent to CCA, and it should therefore serve as a basis for planning and guiding financing, as well as mainstreaming the fight against climate change through adaptation.<sup>101</sup> The NAP was developed under the national and international framework for DRM and climate action. In terms of DRM, it makes direct reference to the integration of DRM into climate change adaptation, as established by Law n° 2015/031 and the PNGRC.<sup>102</sup></p> <p>Furthermore, the NAP provides three strategic axes. One of the priority objectives is risk management of climate-related disasters, recognising that cyclones, drought, heavy rains and flooding are the main climatic hazards regularly affecting Madagascar and causing extensive environmental and socio-economic damage. The threat of climate disasters is also a potential factor for migration.<sup>103</sup> Under this objective, there are three strategic priorities:</p> <ol style="list-style-type: none"> <li>1. to coordinate actions or strategies between DRR/DRM and climate change adaptation;</li> </ol>	<p><a href="#">National Adaptation Plan to Climate Change 2019</a></p>

<sup>98</sup> Decree n° 2019/1957, establishing the national standard for building construction resistant to natural hazards, article 1.

<sup>99</sup> Decree n° 2019/1957, article 9.

<sup>100</sup> Decree n° 63-192, Urbanisation and Habitation Code, articles 185-186.

<sup>101</sup> National Adaptation Plan to Climate Change 2019, page 1.

<sup>102</sup> NAP 2019, page 30.

<sup>103</sup> NAP 2019, page 84.

<p>2. to strengthen political commitment to DRR and CCA; and</p> <p>3. to develop and implement multi-hazard early warning systems (EWS).<sup>104</sup></p>	
<p><b>Are DRM national laws including elements relating to climate change adaptation?</b></p> <p>As stated above, Law n° 2015/031 includes within its framework the principle of integrating DRM in any development planning process and in particular in areas aimed at vulnerability reduction, CCA, as well as poverty reduction.<sup>105</sup></p> <p>Decree n° 2019/1954 defines “adaptation” as, a process of adjustment, for human systems, to the current or expected climate, as well as to its consequences, so as to mitigate the harmful effects and to exploit the beneficial effects. For natural systems, an adjustment process to the current climate and its consequences. Human intervention can facilitate adaptation to the expected climate.<sup>106</sup></p> <p>In addition, SNGRC was specifically developed under the framework of integration of the transversal dimensions related to emerging risks, gender, and climate change.<sup>107</sup></p>	<p><a href="#">Law n° 2015/031 relating to the National Policy for Disaster Risk Management</a></p> <p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p> <p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p>
<p><b>Are DRM national laws formally endowing high-level governmental authorities and/or territorial administrations with the duty to harmonize implementing activities and promote climate change adaptation-DRR coordination, policies and plans?</b></p> <p>Decree n° 2019/1958 provides the institutional structure of the BNGRC. The Department of Studies and Risk Management, as part of the executive branch of the BNGRC, is responsible for, among other things, ensuring the consistency of the DRM methodology with territorial and national development plans; participating in the planning and strategic programming of actions related to prevention and risk reduction; setting up and updating a system of lessons learned through a system of monitoring and evaluation, at community and institutional level; and ensuring knowledge of the risks in relation to their evolution, both for natural risks due to climate change and for anthropogenic risks linked to development, by monitoring emerging risks.<sup>108</sup></p> <p>In addition, the SNGRC provides under one of its strategic objectives (of bettering DRM and DRR governance in all levels) the need to strengthen the power and managerial and operational capacities of Decentralized Territorial Collectivities (CTD) – which</p>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p> <p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p>

<sup>104</sup> NAP 2019, page 84-85.

<sup>105</sup> Law n° 2015/031, article 5.

<sup>106</sup> Decree n° 2019-1954, article 2.

<sup>107</sup> SNGRC 2016-2030, page 8.

<sup>108</sup> Decree n° 2019-1958, article 53.

<p>are the local territorial administrations and intervention structures – in terms of DRR and CCA by providing them with adequate human, technical and financial resources and by reviewing the missions and tasks of those responsible for all levels (fokontany (village), municipality, region).<sup>109</sup></p>	
<p><b>Are DRM national laws favouring information-sharing between the two sectors and/or complementarity between financial instruments relating to any thematic issue with some relevance for DRM and climate adaptation?</b></p> <p>From the documents reviewed, it has been found that DRM laws in Madagascar certainly tend to favour information-sharing among DRM actors. As stated above, the PNRRC is a place for information-sharing, dialogue and cooperation, responsible for ensuring the fluidity of exchanges and communications between all stakeholders at all levels, and for sensitizing all DRM stakeholders on the integration of DRM/DRR and the alignment of sector development policies and programs to the SNGRC, ensuring intersectorality and complementarity.<sup>110</sup> However, from the documents reviewed for the purposes of this mapping, the law does not appear to explicitly mention information-sharing within the thematic of CCA.</p>	<p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>
<p><b>Are DRM national laws creating or tasking specific advisory bodies with climate change adaptation competence supporting the work of DRR national committees or authorities?</b></p> <p>As found through the review of DRM laws, advisory and operational bodies are established for DRM and DRR and, although some of their mandates merge DRR and CCA (for instance the BNGRC is responsible for strengthening and promoting awareness in terms of risks relating to climate change to ensure comprehensive surveillance and EWS),<sup>111</sup> the law does not appear to create advisory bodies specifically for CCA in support to other DRR entities.</p>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p>
<p><b>Are sectoral laws and policies with relevance for DRR/M favouring institutional and cross-sectoral coordination with institutions, agencies and stakeholders responsible for climate change?</b></p> <p>Limited information could be located online relating to cross-sectoral coordination with stakeholders responsible for climate change. From the documents reviewed, laws and policies in Madagascar do not appear to contain provisions on specific institutions dedicated to climate change and adaptation and their coordination mechanisms with other sectors and agencies.</p>	

<sup>109</sup> SNGRC 2016-2030, page 13.

<sup>110</sup> Decree n° 2019-1954, article 20.

<sup>111</sup> Decree n° 2019-1958, article 53.



<p><b>Are laws and policies with relevance for DRR/M built on available science and practice on both present and future climate risk trends and patterns (i.e. climate-smart)?</b></p> <p>The SNGRC emphasizes that Madagascar is currently in a situation of critical vulnerability. This vulnerability is in turn exacerbated by the recurrence and extent of major hazards such as cyclones, flooding, drought which are aggravated by climate change, as well as by locust invasions and fires, which affect the country almost permanently.<sup>112</sup> The resulting socio-economic damages and losses erode livelihoods and often require large-scale humanitarian interventions.<sup>113</sup> In order to better cope with this situation and ensure better sustainable development in the country, initiatives have been taken since 2003 to strengthen national DRM mechanisms.<sup>114</sup></p> <p>On the other side, one of the guiding principles of the PNGRC entails the integration of DRM into any development planning process and in particular in areas aimed at reducing vulnerability, mitigating and adapting to climate change, as well as reducing poverty.<sup>115</sup></p> <p>Therefore, given that the SNGRC and the PNGRC were developed within the context of recognizing the interplay between climate change adaptation and disaster risk reduction, they can be said to be climate-smart policies.</p>	<p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p> <p><a href="#">Law n° 2015/031 relating to the National Policy for Disaster Risk Management</a></p>
<p><b>Are national DRR strategies and planning activities considering climate change adaptation perspectives, especially in terms of infrastructure and human settlements, and the development of a methodology to identify risks drivers which consider climate change patterns?</b></p> <p>CCA is widely integrated across the strategic objectives of the SNGRC as inherent to DRR and DRM more broadly. However, DRM laws and policies do not appear to contain provisions that establish a climate-informed methodology in terms of urban planning. Such methodology is however established in the National Standard for Building Construction Resistant to Natural Hazards presented above.</p>	
<p><b>Disaster Risk Assessments</b></p>	
<p><b>Do your country's laws establish clear procedures and responsibilities for conducting risk assessments and ensuring that risk information is considered in development processes?</b></p>	

<sup>112</sup> SNGRC 2016-2030, page 5.  
<sup>113</sup> SNGRC 2016-2030, page 5.  
<sup>114</sup> SNGRC 2016-2030, page 5.  
<sup>115</sup> Law n° 2015/031, article 5.

<p>The CPGU is responsible for, among other things, the identification, analysis and dissemination of medium and long-term risk scenarios throughout the Malagasy territory, likely to undermine the security of the population and the development process, in its physical, social, economic and environmental dimension; and the promotion and contribution to the production and dissemination of assessment studies on hazards, risks and vulnerabilities.<sup>116</sup></p> <p>In addition, as stated above, the Department of Studies and Risk Management of the BNGRC is responsible for ensuring the consistency of the risk management methodology with territorial and national development plans; and ensuring knowledge of the risks in relation to their evolution, both for natural risks due to climate change and for anthropogenic risks linked to development, by monitoring emerging risks.<sup>117</sup> Some of the specific activities carried out by the BNGRC in preparedness, response, DRR and recovery are to contribute to the identification, analysis and monitoring of risks and disasters likely to affect the safety of people and property.</p> <p>However, no clear procedures for implementing such activities are provided.</p>	<p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p> <p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p>
<p><b>Are regular hazard and vulnerability mapping and risk assessments required, including both disaster and climate risks and are these tasks clearly assigned to appropriate authorities?</b></p> <p>Hazard, vulnerability and risk assessments are clearly tasked to the CPGU and the Department of Studies and Risk Management of the BNGRC, as stated above. These authorities are dedicated to supporting the DRM decision-making and operational bodies, and therefore they are appropriate to conduct such assessments. Although hazard, vulnerability and risk assessments are attributed to specific authorities to inform disaster preparedness, response, recovery and development processes, the law does not clearly state whether they are “required”.</p>	
<p><b>Are at risk communities, civil society as well as private sector involved in the risk assessment process and informed of the outcomes?</b></p> <p>Limited information could be located online relating to the involvement of civil society and private sector in risk assessments. From the documents reviewed, laws and policies in Madagascar do not appear to contain provisions on risk assessments conducted by civil society/private sector, or about information-sharing on risks and vulnerabilities with such actors.</p>	
<p><b>Do laws/regulations require sex and age disaggregated data (SADD) to be collected to inform risk and needs assessment?</b></p>	

<sup>116</sup> Decree n° 2019-1954, article 13.

<sup>117</sup> Decree n° 2019-1958, article 53.

<p>As stated above, no clear procedures or methodologies for undertaking hazard, vulnerability and risk assessments appear to be provided in the DRM law. Therefore, limited information could be located online relating to the collection of SADD. From the documents reviewed, laws and policies in Madagascar do not appear to contain provisions on the collection of SADD to inform risk and needs assessment processes.</p>	
<p><b>Is it mandatory to consider risk information in development planning, budgetary allocation and construction?</b></p> <p>Although there are entities dedicated to conducting risk assessments which can inform development planning, budgetary allocation and construction, the law in Madagascar does not appear to establish an obligation to do so.</p>	
<p><b>3. Preparedness and Response</b></p>	
<p><b>Early Warning Systems (EWS)</b></p>	
<p><b>Are responsibilities for all steps of the early warning process from assessing the hazard, to making decisions to issue warnings, to initiating early action, clearly assigned in law?</b></p> <p>Laws and policies in Madagascar have provisions on the early warning process. As a starting point, Decree n° 2019/1958 provides in article 9 that, in terms of early warning systems (EWS), the BNGRC is responsible for popularizing the means of warning and the training of each target organization, the general public, households and communities taking into account the gender approach, especially those located in areas at risk, to the appropriate and specific individual behaviours required by each level of alert and vigilance; and ensuring the operationality of the EWS by monitoring potential sectoral indicators revealing the emergence of a possible disaster.<sup>118</sup></p> <p>The SNGRC breaks down the activities of the BNGRC in detail, providing that it is in charge of monitoring, observations and studies of hazards, risk and vulnerabilities, the communication of a crisis and the EWS.<sup>119</sup></p> <p>Aside from the above, from the information available for review for the purposes of this research, laws and policies in Madagascar do not appear to contain any provisions that clearly assign responsibilities for every step of the early warning process.</p>	

<sup>118</sup> Decree n° 2019-1958, article 9.

<sup>119</sup> SNGRC 2016-2030, page 28.

<p><b>Are roles for technical ministries as well as communities, local authorities, scientific institutions, private media companies and civil society organizations in early warning systems set out?</b></p> <p>From the information above, the BNGRC appears to have the primary role in EWS in Madagascar. The documents reviewed do not appear to define the roles and responsibilities of different actors, aside from the BNGRC as described above.</p>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p> <p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p>
<p><b>Information Sharing</b></p>	
<p><b>Are there procedures in place to facilitate the expeditious sharing of information about disasters, including emerging hazards that are likely to cause disasters, with communities, relief actors and assisting humanitarian organizations as appropriate?</b></p> <p>Under its third strategic axis, the SNGRC seeks to promote vertical (between administrative levels) and horizontal (between sectors / themes) exchanges of information in normal times to establish a permanent vigilance network in order, on the one hand, to strengthen the EWS and ensure its effectiveness, during each disaster and on the other hand, for better coordination of response actions and emergency relief and after the shock to promote the recovery of victims.<sup>120</sup></p> <p>The NAP also seeks to promote the use and sharing of climate information. It states that the climatic data collected, observed and analyzed by the General Directorate of Meteorology (DGM) will be shared, monitored and used regularly for the planning of activities at the national and decentralized level.<sup>121</sup> On the basis of meteorological bulletins produced every month by the DGM and cropping calendars also available by season and region, the aim will be to promote rapid communication adapted to end users, recognizing the differentiated activity and capacity of the affected populations.<sup>122</sup> To do this, the mobilization of media and popularization methods will be necessary to make effective use of the results of these bulletins for the greatest number.<sup>123</sup> The NAP notes that the challenge is much more to systematize and perpetuate this sharing system, than to operationalize it, and</p>	<p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p> <p><a href="#">National Adaptation Plan to Climate Change 2019</a></p>

<sup>120</sup> SNGRC 2016-2030, page 17.

<sup>121</sup> NAP 2019, page 49.

<sup>122</sup> NAP 2019, page 49.

<sup>123</sup> NAP 2019, page 49.

<p>therefore important that the authorities appropriate it by seeking to ensure the sustainability of resources (human, financial, technical).<sup>124</sup></p>	
<b>Contingency Planning</b>	
<p><b>Does the country's legislation set out a process and framework for contingency planning?</b></p> <p>Law n° 2015/031 provides that intervention plans are to be developed for the implementation of the PNGRC. The intervention plans include a multi-risk and multi-hazard contingency plan for DRM, including emergency plans and emergency organization, and support plans for specific risks. Any response plan must be in accordance with the SNGRC implementation plan and must include warning systems.<sup>125</sup> As per article 20, a multi-risk and multi-hazard contingency plan for DRM is drawn up at each level of intervention – i.e., at the national level, by the central operational structure and, at the territorial level, by its branches and the Deputies of Madagascar concerned.</p> <p><b>Does it require planning that addresses multiple hazards, and does it also call for inclusiveness of public authorities and other civil society actors in contingency planning?</b></p> <p>Law n° 2015/031 provides that the multi-risk and multi-hazard contingency plan for DRM identifies the public and private resources likely to be implemented in the event of a disaster and defines the conditions for their mobilization by the competent authority to direct emergency assistance at each level of intervention.<sup>126</sup></p> <p>Furthermore, Decree n° 2019/1954 states that the contingency plans define the responsibilities of each entity and the intervention, relief and recovery procedures,<sup>127</sup> and that all officials at the level of each ministerial department and their branches, decentralized territorial communities, territorial intervention structures, non-governmental organizations and specialized bodies ensure the fluidity and speed of upward and downward vertical communication as well as of the horizontal communication of all information and data relating to hazards, risks and disasters as well as their effects and impacts.<sup>128</sup></p> <p><b>Does it require periodic updates?</b></p>	<p><a href="#">Law n° 2015/031 relating to the National Policy for Disaster Risk Management</a></p> <p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>

<sup>124</sup> NAP 2019, page 49.

<sup>125</sup> Law n° 2015/031, article 19.

<sup>126</sup> Law n° 2015/031, article 20.

<sup>127</sup> Decree n° 2019-1954, article 52.

<sup>128</sup> Decree n° 2019-1954, article 58.

<p>From the documents reviewed, the law does not appear to set out a specific period for updating the contingency plans.</p> <p><b>Does it establish linkages between forecast information and climate services in contingency planning?</b></p> <p>From the documents reviewed, the law does not appear to establish explicit linkages between forecast information and climate services in contingency planning.</p>	
<p><b>Does the country's legislation set out procedures and framework for evacuation?</b></p> <p>Decree n° 2019/1958 states that, in terms of DRM, the BNGRC is responsible for ensuring and protecting the organization of emergency relief and evacuations as well as the care of disaster victims.<sup>129</sup></p> <p><b>Does the DM law require that disaster contingency plans set out comprehensive procedures for evacuation, assigning roles and responsibilities, and does it provide for the evacuation of livestock or domestic animals?</b></p> <p>From the documents reviewed, laws do not appear to establish a framework and clear procedures for evacuation.</p> <p><b>Does it require that all endangered people be evacuated without discrimination, that the rights and dignity of evacuated persons be respected in situations of compulsory evacuation?</b></p> <p>As stated above, limited information could be located online relating to procedures, requirements and principles for evacuation.</p>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p>
<p><b>Does the country's legislation establish requirements for trainings, drills and simulations for people likely to be involved in responding to disasters (e.g. frequency, scope, testing means), and does the law set clear standards and responsibilities for prior training for disaster rescue and relief personnel (including volunteers)?</b></p> <p>As stated above, the BNGRC is responsible for, among other things, contributing to the education, training and sensitization of actors in the private sector, civil society and the population in general through the training mechanisms available.<sup>130</sup> In addition, the SNGRC provides under the strategic objective for capacity building some activities to be undertaken in terms of training.<sup>131</sup> These include: updating training modules, developing a communication strengthening plan and improving information and</p>	

<sup>129</sup> Decree n° 2019-1958, article 9.  
<sup>130</sup> Decree n° 2019-1958, article 9.  
<sup>131</sup> SNGRC 2016-2030, page 15-20.

awareness tools (directory, newsletter, etc.) for the various targets taking into account all the major risks at the national level; evaluating and carrying out an annual comprehensive analysis of training needs to strengthen the skills of members of DRM institutions and structures and other stakeholders; developing a training program on the DRM/DRR themes by focusing on multi-risk and multi-hazard aspects including emerging risks, gender, climate change, etc.; developing training materials and bilingual teaching aids, targeting all development actors and in particular local communities and disseminate them widely; setting up professional training centres in DRM/DRR and specialized rescue; and developing and implementing a training program for emergency preparedness and response and early recovery including all sectors and at all levels (national, regions, districts, communes) and on SAP and information management.<sup>132</sup>

However, further details relating to training, such as the standards applicable and the frequency of the trainings, do not appear to be provided in law.

**Legal Facilities (Preparedness and Response)**

**Treatment and care of the victims (including the dead):**

**Does the law give special attention to procedures for handling large numbers of casualties after a disaster?**

From the documents reviewed, the law does not appear to provide specific procedures for handling large numbers of casualties after a disaster.

**Does the law forbid or at least discourage mass burials in such circumstances, does it require authorities to make best efforts to identify the remains and notify next of kin, and does it require authorities to take into account cultural and religious rights with respect to the disposal of human remains?**

Limited information could be located in the documents reviewed in terms of procedures for handling human remains.

**Volunteering:**

**Does the law provide for a clear definition of the term “volunteer”, including the scope of volunteering activities, restrictions regarding volunteering and a clear distinction from the status of employees?**

<sup>132</sup> SNGRC 2016-2030, page 15-20.

Although DRM is not specifically referenced, Law n° 2015/015, relating to volunteering in Madagascar, establishes the provisions governing volunteering work in Madagascar, from their rights and duties to the different types of volunteers. Article 3 defines “volunteering” as any selfless activity carried out by people through their voluntary civic and citizen engagement, in the collective interest for the peace and development of Madagascar.<sup>133</sup> The volunteer is a natural person who undertakes:

- full-time, for a limited period or occasionally, for an unlimited period;
- selflessly; and
- for a mission of general interest.<sup>134</sup>

The term "full-time" means the constant duration of the exclusive engagement of the volunteer which is provided for in the volunteering contract and cannot exceed forty hours per week. The volunteer is neither a public official within the meaning of the General Statute of Civil Servants, nor an employee within the meaning of the Labor Code.<sup>135</sup> The volunteer is linked to the body responsible for the Promotion of Volunteering and the host structure by a volunteering contract governed by Law n° 2015/015.<sup>136</sup>

**Is there specific DM legislation that applies to volunteers and voluntary organizations?**

DRM legislation in Madagascar does not appear to contain provisions on volunteer work in DRM.

In terms of article 7 of Law n° 2015/015, voluntary actions concern peace and development. The types of volunteering existing on the national territory are:

- a) institutional volunteering: that which is practiced at the level of public administrations, decentralized services of the State, communities and decentralized services;
- b) traditional/community volunteering: that which is practiced at the level of the group of villagers or the inhabitants of a neighbourhood;
- c) religious volunteering: that which is practiced at the level of associations and groups with a denominational vocation;

[Law n° 2015/015, relating to volunteering in Madagascar](#)

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<sup>133</sup> Law n° 2015/015, relating to volunteering in Madagascar, article 3.

<sup>134</sup> Law n° 2015/015, article 5.

<sup>135</sup> Law n° 2015/015, article 5.

<sup>136</sup> Law n° 2015/015, article 5.



<p>d) national volunteering: it includes all the volunteering carried out within Civil Society Organizations and other organizations involving volunteers; and</p> <p>e) international volunteering: that which is practiced by natural or legal persons outside their country of origin.<sup>137</sup></p> <p>Although all these categories could be applied within the DRM framework, but there are no specific provisions related to DRM actions.</p> <p>In addition, Decree n° 63-489 recognized the Malagasy Red Cross as a voluntary relief organization, auxiliary to the public authorities, in particular within the meaning of Article 26 of the Geneva Convention of 1949.<sup>138</sup> As an auxiliary to the public authorities in the humanitarian field, the National Society (NS) assists and supports the State according to its means in the humanitarian field.</p>	<p>Decree n° 63-489</p>
<p><b>Cash programming:</b></p> <p><b>Are there legal facilities in place to facilitate cash programming in disaster preparedness and response operations, including the opening of bank accounts, monetary transfers, identify verification “know your customer” and other exigencies of financial service providers, and is there a legally defined procedure in place for loss of records or documentation?</b></p> <p>Limited information could be located online relating to cash programming. From the documents reviewed, laws and policies in Madagascar do not appear to contain provisions on legal facilities or simplified procedures for cash programming in DRM.</p>	
<p><b>Drones in disasters response operations:</b></p> <p><b>Is there legislation in place regarding the use of drones in disaster response operations, including registration, flight operations certificates, use of airspace, and insurance?</b></p> <p>The Malagasy Civil Aviation Code of 2012 (Law n° 2012/11) establishes in article L.4.3.2-7 that aircraft which circulate without a pilot must comply with the specific provisions laid down by regulation and relating, as necessary, both to the design of the devices and to the conditions of their use and the required capacities of the persons who use them.<sup>139</sup></p>	<p><a href="#">Law n° 2012/11, establishing the Malagasy Civil Aviation Code</a></p>

<sup>137</sup> Law n° 2015/015, article 7.

<sup>138</sup> Decree n° 63-489, article 2.

<sup>139</sup> Law n° 2012/11, establishing the Malagasy Civil Aviation Code, article L.4.3.2-7.

<p>In 2015, the General Director of Civil Aviation in Madagascar adopted Decision n° 75b/ACM/DGE/DRG, which applies to the use of drones. This Decision provides that for reasons of aviation safety and in the public interest, no one may operate a drone outside an enclosed space. Pending the publication of the regulations relating to drones, only the Director General of Civil Aviation of Madagascar can grant a technical operating exemption after analysis of the files and after notice of no objection from the administrative authorities concerned. The exemption will explicitly specify the conditions and restrictions on the use of the aircraft.<sup>140</sup> Anyone who has seen or learned of the use of an unmanned aircraft on board is required to notify the nearest local authority by phone or email.<sup>141</sup></p> <p>Instruction n° 1 ACM/DGE/DRG/17, compliments Decision 75b and is related to the operating conditions of drones. Article 2 provides that a remotely piloted aircraft must be operated in such a way that there is no risk of damage to other aircraft and third parties on the ground. The remote pilot is directly responsible and has final authority over the use of the remotely piloted aircraft. The use of a drone for a recreational activity is prohibited.<sup>142</sup></p> <p>However, no provisions in the reviewed document clearly establish mechanisms for the use of drones specifically in disaster response operations.</p>	<p><a href="#">Decision n° 75b/ACM/DGE/DRG</a></p> <p><a href="#">Instruction n° 1 ACM/DGE/DGR/17</a></p>
<p><b>Are appropriate tax exemptions provided to relief providers? Are tax exemptions available for preparedness actions (eg. prepositioning of stock)?</b></p> <p>The Customs Code 2021 (of which the draft version was available for review online) establishes the general customs regime in Madagascar. Article 190 provides the special regime of "temporary admission", which is defined as the customs regime which allows the importation of goods with total or partial suspension of duties and taxes, into the customs territory, for a defined purpose and intended to be re-exported within a determined period, without having undergone any changes, except for their depreciation normal as a result of the use made of them, and without being subject to prohibitions of a commercial nature.<sup>143</sup> Goods imported for humanitarian purposes and animals benefit from the temporary admission regime with total suspension of duties and taxes.<sup>144</sup></p>	<p><a href="#">Customs Code 2021</a></p>

<sup>140</sup> Decision n° 75b/ACM/DGE/DRG, article 1.  
<sup>141</sup> Decision n° 75b/ACM/DGE/DRG, article 2.  
<sup>142</sup> Instruction n° 1 ACM/DGE/DGR/17, article 2.  
<sup>143</sup> Customs Code 2021, article 190.  
<sup>144</sup> Customs Code 2021, article 190 ter.

<p>In addition, Law n° 2020-013 provides the Finance Law for 2021. It establishes in article 192 that in order to benefit from temporary admission, importers must take out a guarantee by which they undertake to re-export, or place under another economic regime with a view to their re-export, products admitted temporarily, within a period which may not exceed twelve months. This period may be extended by the Administration at the request of the principal. However, specific deadlines may be set by the Customs Administration either for organizations benefiting from a headquarters agreement in Madagascar, or for Embassies, Consulates governed by the Vienna Convention, or for other international organizations, or for goods for which the duration of use in Malagasy customs territory is provided for by other legislative provisions.<sup>145</sup></p> <p>In addition, in terms of article 240, the Minister in charge of Customs may authorize the importation free of duties and taxes with respect to the following goods:</p> <ul style="list-style-type: none"> <li>a) donations offered to the Head of State;</li> <li>b) donations offered by foreign state bodies to sitting Ministers and Parliamentarians, during official trips abroad;</li> <li>c) goods provided for by international conventions or agreements ratified by Madagascar;</li> <li>d) goods designated by bilateral treaties concluded by Madagascar with another State or another international organization;</li> <li>e) goods imported by foreign NGOs having concluded headquarters agreements with the Ministry of Foreign Affairs;</li> <li>f) consignments intended for the Malagasy Red Cross;</li> <li>g) donations of medical materials, equipment and consumables intended for public hospitals and military hospitals; and</li> <li>h) donations made by legal persons established outside the country intended for approved centers of solidarity work.<sup>146</sup></li> </ul>	<p><a href="#">Law n° 2020-013, Finances Law 2021</a></p>
<p><b>Are there laws on data privacy that would apply to the gathering, storing and sharing of information (in relief distribution, restoring family links or cash programmes as examples)? If so, are exceptions provided, as appropriate, for tracing activities by RC National Societies in disaster settings?</b></p> <p>The SNGRC highlights that information resources both ante and post-disaster are the basis of all the orientations to be taken in terms of DRM/DRR. The strengthening of the organization and operationality of information and data collection mechanisms as well as the promotion of cooperation in this direction is the keystone of the reliability of information.<sup>147</sup></p>	<p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p>

<sup>145</sup> Law n° 2020-013, Finances Law 2021, article 191.

<sup>146</sup> Customs Code 2021, article 240.

<sup>147</sup> SNGRC 2016-2030, page 18.

<p>Limited information could be located online relating to data privacy in disaster relief operations. From the documents reviewed on data privacy, including Law 2014-038 on Personal Data Protection, laws and policies in Madagascar do not appear to contain specific provisions on exceptions of data privacy in information gathering/sharing processes in disaster settings.</p>	<p><a href="#">Law n° 2014-038, Personal Data Protection</a></p>
<p><b>Are there legal barriers in particular sectoral laws that may inhibit disaster rescue and relief personnel (including volunteers) in emergencies?</b></p> <p>Generally, sectoral laws in Madagascar do not appear to take into account disaster scenarios – e.g. opening of offices, use of drones, tax exemptions (with the exception of good to be re-exported and certain imports) or simplified cash programming procedures. This may result in disaster relief personnel facing some barriers in emergency response, or it may simply pose a challenge in the coordination.</p>	
<p><b>Are there provisions in the law to ensure that State-operated offices and services essential to the relief be provided are open /operate outside of normal business hours?</b></p> <p>From the documents reviewed, DRM laws in Madagascar do not appear to contain any provisions outlining the opening hours of state-operated offices and services essential to disaster response.</p>	
<p><b>Stakeholder Engagement [INCLUSION AND PARTICIPATION]</b></p>	
<p><b>Do your country's laws ensure the engagement of all relevant stakeholders including civil society, private sector, scientific institutions and communities in DRM decision making and activities?</b></p> <p>Decree n° 2019/1958 provides that the BNGRC is responsible for, among other things, contributing to DRM education, training and sensitization of actors in the private sector, civil society and the population in general through the training mechanisms available.<sup>148</sup> In addition, the SNGRC emphasizes the need to promote initiatives and activities aimed at empowering communities, political decision-makers, religious, youth, military, volunteers, journalists, members of civil society and vulnerable groups in DRR.<sup>149</sup></p>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p>

<sup>148</sup> Decree n° 2019-1958, article 9.

<sup>149</sup> SNGRC 2016-2030, page 15.

<p>As stated above, the PNRRC constitutes, at the strategic level, a place of sharing, capitalization, cooperation, intersectoral dialogue and pooling of experiences and achievements in DRR, in terms of good practices and lessons learned for the promotion of global social resilience in all its dimensions.<sup>150</sup> The PNRRC brings together any actor in DRM, thus including climate change actors. It also brings together all national actors from the public and private sector, civil society and academia and the national representatives of technical and financial partners.<sup>151</sup> Therefore, the PNRRC serves as an interface between decision-makers and actors as well as between the national and international level.<sup>152</sup></p>	
<p><b>Is there representation (seat at table) of (a) Red Cross (b) civil society (c) private sector (d) communities (e) specialised agencies i.e. academic/ scientific etc in decision making institutions and processes required?</b></p> <p>Although provision is made for the representation of various actors on the PNRRC as set out above, from the documents reviewed, the composition of the decision-making bodies in DRM is mainly constituted by representatives of the relevant Ministries.</p> <p>At the strategic level, the CNGRC is chaired by the Prime Minister, Head of Government, and its members include the Ministers of Interior and Finances as well as operational partners, which include any other relevant Ministry and specialized technical organizations which operate within the framework of DRM.<sup>153</sup> At the operational level, the BNGRC is only composed by representatives of each relevant Ministry. Thus, the law does not appear to outline the representation of specific stakeholders such as the Red Cross, civil society, private sector or scientific institutions in decision-making DRM institutions.</p>	<p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>
<p><b>Are specific roles and duties of (a) Red Cross (b) civil society (c) private sector (d) communities (e) specialised agencies academic/ scientific etc clearly assigned?</b></p> <p>Aside from what has been stated above, limited information could be located online relating to roles and duties of stakeholders other than the main DRM institutions. From the documents reviewed, laws and policies in Madagascar do not appear to contain provisions that clearly assign specific roles and responsibilities to such stakeholders.</p> <p>However, it has been found that one of the main activities in which the Malagasy Red Cross (CRM) is involved is DRM. Although laws and policies in Madagascar do not explicitly mention the CRM and its role in DRM, there are a few action and contingency plans adopted by CRM itself to prepare and respond to natural hazards such as cyclones.</p>	<p><a href="#">CRM Madagascar Cyclones Contingency Plan and Associated Risks 2019-2020</a></p>

<sup>150</sup> Decree n° 11014/2021, article 2.  
<sup>151</sup> Decree n° 11014/2021, article 8.  
<sup>152</sup> SNGRC 2016-2030, page 26.  
<sup>153</sup> Decree n° 2019-1954, article 12.

**Is the special role of Red Cross as auxiliary to its authorities in the humanitarian field formally acknowledged in DRM Legislation? Does it set out expectations about NS's activities?**

From the documents reviewed, the auxiliary role of the CRM is acknowledged in Decree n° 63-489, which recognizes the National Society (NS) as a public utility. Article 2 of the decree specifically stipulates that it is a voluntary relief society, auxiliary to the public authorities, in particular within the meaning of Article 26 of the Geneva Convention of 1949 for the amelioration of the condition of the wounded and sick in the armed forces in the field.<sup>154</sup>

Also, as stated above, the PNRRC is composed by representatives from all relevant DRM entities, including a representative from the CRM, among many others.<sup>155</sup> However, specific expectations about the National Society's activities do not appear to be set out.

The most recent Statutes of the CRM, adopted in October 2008, provide the constitution, institutional structure, fundamental principles, and the general objectives of the CRM. More specifically, article 6 states that the general purpose of the CRM is to prevent and alleviate the suffering of the vulnerable with complete impartiality and without any discrimination of ethnicity, race, sex, religion, language, social condition, and political opinion, through activities at national and international level following the seven Fundamental Principles. To this end, its mission consists in particular of:

- acting in the event of armed conflict or any confrontation, and preparing for it in peacetime in all areas provided for by the Geneva Conventions and in favor of all victims of war, both civilian and military;
- contributing to the improvement of health, the prevention of diseases and the alleviation of suffering through education, training and mutual aid programs adapted to national and local needs and conditions;
- organizing, within the framework of the National Plan in force, emergency relief services for victims of disasters of any kind;
- teaching the population how to prepare for and respond to disasters of any kind;
- promoting the Fundamental Principles of the Movement and of International Humanitarian Law in order to develop humanitarian ideals within the community and public authorities;
- collaborating with the public authorities to ensure respect for International Humanitarian Law and ensuring the protection of the emblems recognized by the Geneva Convention of 1949 and their additional protocols;

Decree n° 63-489

Decree n° 11014/2021, establishing the attributions, organization and functioning of the PNRRC

Statutes of the Malagasy Red Cross

<sup>154</sup> Decree n° 63-489, article 2.

<sup>155</sup> Decree n° 11014/2021, article 8.

<ul style="list-style-type: none"> <li>• encouraging the participation of children and young people in the activities of the Red Cross;</li> <li>• contributing to the development of the population and particularly of the most vulnerable groups by carrying out community-based projects in the most varied fields and which make them more autonomous;</li> <li>• recruiting, training and assigning the personnel necessary for the accomplishment of the tasks entrusted to him;</li> <li>• strengthening its capacities by developing human resources and more particularly volunteering, financial and material resources to carry out its mission;</li> <li>• establishing its position as a main actor in the humanitarian field; and</li> <li>• promoting cooperation with national or international organizations pursuing the same objective.<sup>156</sup></li> </ul>	
<p><b>Does the law provide for financial support and/or tax exemptions for the Red Cross-National Society when acting in its auxiliary role to assist persons affected by disaster?</b></p> <p>The Customs Code 2021 provides in article 240 that the Minister in charge of Customs may authorize the importation free of duties and taxes to, among other things, consignments intended for the CRM.<sup>157</sup></p>	<p><a href="#">Customs Code 2021</a></p> <p><a href="#">Order n° 60-133</a></p>
<p><b>Does the law guarantee the RC National Society the ability to act independently of the government and to take any distance necessary from it to guarantee its independence and neutrality?</b></p> <p>As stated above, Article 2 of Decree n° 63-489 stipulates that CRM is a voluntary relief society, auxiliary to the public authorities. As an auxiliary organization, the CRM can have its own strategy and develop its own contingency plan in order to make coherent the actions between its different structures and intervention teams (national, regional, district and community levels).</p>	<p><a href="#">Madagascar IDRL Report, 2017</a></p>
<p><b>Is meaningful engagement of (a) women, (b) minorities, (c) people with disabilities (d) displaced/migrant groups and (e) older persons (f) indigenous groups (g) youth ensured?</b></p> <p>Just as with relevant stakeholders, limited information could be located online relating to the engagement of especially vulnerable groups in DRM activities. From the documents reviewed, laws and policies in Madagascar do not appear to outline the clear engagement of women, minorities, people with disabilities, displaced or migrant groups, the elderly, indigenous or youth groups.</p>	

<sup>156</sup> Statutes of the Malagasy Red Cross 2008, article 6.

<sup>157</sup> Customs Code 2021, article 240.

<p>However, the SNGRC emphasizes the need to promote initiatives and activities aimed at empowering amongst others, the youth, and vulnerable groups in DRM.<sup>158</sup></p>	
<p><b>Is there minimum mandated proportional representation of (a) women, (b) minorities, (c) people with disabilities (d) displaced/migrant groups and (e) older persons ensured in DRM Decision Making (i.e. quotas) (f) indigenous groups?</b></p> <p>As stated above, the law does not appear to set out clear guidelines for engagement and representation of especially vulnerable groups in DRM activities and decision-making processes.</p>	
<b>Education/ Training and Awareness</b>	
<p><b>Is DRM training mandatory in the school curriculum?</b></p> <p>From the documents reviewed, laws in Madagascar do not appear to specify whether DRM training is mandatory in school curricula.</p>	
<p><b>Is training for public officials and relevant professionals promoted for (i) DRR (iii) Response and Preparedness?</b></p> <p>As stated above, the BNGRC is responsible for, among other things, contributing to the education, training and sensitization of actors in the private sector, civil society and the population in general through the training mechanisms available.<sup>159</sup> In addition, the SNGRC provides under the strategic objective for capacity building some activities to be undertaken in terms of training.<sup>160</sup> These include: updating training modules, developing a communication strengthening plan and improving information and awareness tools (directory, newsletter, etc.) for the various targets taking into account all the major risks at the national level; evaluating and carrying out an annual comprehensive analysis of training needs to strengthen the skills of members of DRM institutions and structures and other stakeholders; developing a training program on the DRM/DRR themes by focusing on multi-risk and multi-hazard aspects including emerging risks, gender, climate change, etc.; developing training materials and bilingual teaching aids, targeting all development actors and in particular local communities and disseminate them widely; setting up professional training centers in DRM/DRR and specialized rescue; and developing and implementing a training program for emergency preparedness and response and early recovery including all sectors and at all levels (national, regions, districts, communes) and on SAP and information management.<sup>161</sup></p>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p> <p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p>

<sup>158</sup> SNGRC 2016-2030, page 15.

<sup>159</sup> Decree n° 2019-1958, article 9.

<sup>160</sup> SNGRC 2016-2030, page 15-20.

<sup>161</sup> SNGRC 2016-2030, page 15-20.



<p><b>Are there specific provisions on promoting public awareness and understanding of rights, roles and responsibilities in (i) DRR (ii) preparedness and response?</b></p> <p>As stated above, the SNGRC includes as one of its strategic objectives the need for developing a communication strengthening plan and improving information and awareness tools (directory, newsletter, etc.) for the various targets taking into account all the major risks at the national level.<sup>162</sup> The BNGRC is also responsible for supporting the preparation and sensitization of the population with regard to preventive actions to face disasters.<sup>163</sup> Aside from these provisions, the law does not appear to contain provisions on the promotion of public awareness and understanding of rights, roles and responsibilities in DRR, preparedness and response.</p>	<p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p> <p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p>
<b>Protection, Dignity and Safety</b>	
<p><b>Does the law clearly provide a right to humanitarian assistance based on clear and specific needs?</b></p> <p>From the documents reviewed, laws and policies in Madagascar do not appear to provide a right to humanitarian assistance based on clear and specific needs. However, one of the guiding principles of the SNGRC establishes that planning is aimed at reducing the physical, social, environmental and economic vulnerabilities of populations, and that priority should be given to the most exposed and to the most vulnerable groups.<sup>164</sup> Such vulnerabilities will be reduced by strengthening the capacities of the multisectoral national teams to assess post-disaster losses, damage and needs during post-disaster interventions, among other things.<sup>165</sup></p> <p>Furthermore, the BNGRC is responsible for analyzing, centralizing and synthesizing all the information relating to disasters and urgent needs emanating from the territorial intervention structures to be communicated to the National Council for Risk and Disaster Management.<sup>166</sup></p>	<p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p> <p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p>
<p><b>Does the DRM law explicitly forbid discrimination in preparation and relief efforts, both by government and other actors?</b></p> <p>DRM law in Madagascar does not appear to explicitly set out non-discriminatory approaches in DRM.</p>	

<sup>162</sup> SNGRC 2016-2030, page 15.  
<sup>163</sup> Decree n° 2019-1958, article 8.  
<sup>164</sup> SNGRC 2016-2030, page 8.  
<sup>165</sup> SNGRC 2016-2030, page 16.  
<sup>166</sup> Decree n° 2019-1958, article 9.

<p><b>Does the DRM law ensure that needs assessments and relief operations look for and address the potential for specific needs (a) women, (b) minorities, (c) people with disabilities (d) displaced/migrant groups and (e) older persons (f) indigenous groups (g) youth?</b></p> <p>As stated above, one of the guiding principles of the SNGRC is that planning is aimed at reducing the physical, social, environmental and economic vulnerabilities of populations, and that priority should be given to the most exposed and to the most vulnerable groups.<sup>167</sup> Apart from this provision, DRM law does not appear to address specific needs of especially vulnerable groups.</p>	
<p><b><u>Unaccompanied children:</u></b></p> <p><b>Are roles/responsibilities clear for ensuring the placement, shelter and aftercare of unaccompanied children in disaster settings?</b></p> <p>From the documents available for review, laws and policies in Madagascar do not appear to outline roles and responsibilities for ensuring adequate support and protection for unaccompanied children in disaster settings.</p> <p><b>Does the DRM law, policy or planning set out specific measures to combat heightened risks of trafficking and child exploitation in post-disaster settings?</b></p> <p>Decree n° 2007/563 provides the regulations governing child labour. It states that all forms of forced or compulsory labour, including the sale and trafficking of children, the use of children as collateral to pay family debt, slavery, forced or compulsory recruitment for the use of children in armed conflicts are prohibited.<sup>168</sup> However, no provisions explicitly relate to child protection in disaster/post-disaster settings.</p> <p><b>Are special protections included in laws about adoptions (particularly international adoptions) in the aftermath of major disasters?</b></p> <p>Law n° 2017/014, relating to adoption, establishes the administrative and judicial procedures for adoptions in Madagascar, national and international, as well as the conditions for approval/refusal depending on the type of adoption. However, the law does not appear to provide special procedures and protections specifically for adoptions in post-disaster settings.</p>	<p><a href="#">Decree n° 2007/563, relating to child labour</a></p> <p><a href="#">Law n° 2017/014, relating to adoption</a></p>

<sup>167</sup> SNGRC 2016-2030, page 8.

<sup>168</sup> Decree n° 2007/563, relating to child labor, article 15.

**Sexual and Gender Based Violence:**

**Are there laws or policies that assign roles/ responsibilities to carry out (a) education, awareness-raising, (b) advocacy, and (c) prevention of gender discrimination and/or SGBV?**

Law n° 2019/008 establishes the framework for the fight against Gender Based Violence (GBV) in Madagascar, providing clear definitions and categorizing the various types of GBV. Article 13 provides that the State formulates and implements the policy to combat GBV. It mobilizes the necessary resources in the matter. A national mechanism for combating GBV ensures the coordination, management and monitoring of actions.<sup>169</sup> As per article 14, the state provides health, psychosocial and legal support to victims to assert their rights.<sup>170</sup> Anyone, including family members, neighbours, friends, local authorities, religious officials, social workers, medical personnel, who have knowledge of a case of GBV should report it to the competent administrative or judicial authorities under sanctions provided in article 62 of the Criminal Code.<sup>171</sup>

Furthermore, the National Strategy to Combat Gender-Based Violence 2016-2020 (NSCGBV) aims to provide stakeholders with a reference document to lead actions to prevent and respond to GBV in a coordinated and efficient manner through five Strategic Axes.<sup>172</sup> The Strategic Axes include a) prevention of acts of violence; b) medical, legal and social response; c) socio-economic reintegration of survivors of GBV and psychosocial support for perpetrators; d) coordination and monitoring/evaluation; and e) optimization of results by setting up support measures.<sup>173</sup>

**Does the legal framework (DRM framework and laws applicable “in normal time”) provide special measures to guard against and/or sanction sexual and gender violence and how does it apply in disaster circumstances?**

Madagascar periodically suffers from the effects of natural disasters such as floods or torrential rains, from which women and children are the first to suffer the consequences. The environment, not to mention displacement to places of accommodation, promotes insecurity accompanied by all forms of violence, including GBV.<sup>174</sup> The NSCGBV emphasizes that it is essential to

[Law n° 2019/008, relating to the fight against Gender Based Violence](#)

[The National Strategy to Combat Gender-Based Violence 2016-2020](#)

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<sup>169</sup> Law n° 2019/008, relating to the fight against Gender Based Violence, article 13.

<sup>170</sup> Law n° 2019/008, article 14.

<sup>171</sup> Law n° 2019/008, article 15.

<sup>172</sup> National Strategy to Combat Gender-Based Violence 2016-2020, page 25.

<sup>173</sup> NSCGBV 2016-2020, page 28.

<sup>174</sup> NSCGBV 2016-2020, page 32.

strengthen collaboration for the establishment of a synergy of actions between the actors concerned.<sup>175</sup> To this end, the development of a manual for the care of victims of humanitarian crises should be based on the good practices identified.<sup>176</sup>

The NSCGBV also highlights that, in times of crisis or natural disaster, the contribution of governmental and non-governmental actors is strongly requested. The state plans, organizes and coordinates activities and ensures that the synergy of actions is respected.<sup>177</sup> Prevention and protection measures against GBV are reinforced, especially at the level of accommodation camps, especially for women, girls and children.<sup>178</sup> The actors are called upon to respect the minimum commitments so that the efforts made by local, national or international organizations are better understood.<sup>179</sup>

More specifically, one of the strategic objectives of Strategic Axis 2 provides is focused on preventing and responding to GBV in a humanitarian crisis.<sup>180</sup> This involves strengthening collaboration between actors intervening in a humanitarian crisis; strengthening the resilience capacities of the population to cope with humanitarian crisis situations; and support victims of GBV in humanitarian crisis situations.<sup>181</sup>

**How do “normal time laws and systems related to GBV” work in times of disasters, are there coordination mechanisms established with DRM system?**

Although the NSCGBV emphasizes that it is essential to strengthen collaboration for the establishment of a synergy of actions between the actors concerned, from the documents reviewed, no clear coordination mechanisms are provided for strengthening the linkages between GBV and DRM actors in times of disaster.

**Security:**

**Does the legal framework provide special measures to guard against looting? Are mechanisms in place to assure the safety and security of relief personnel?**

<sup>175</sup> NSCGBV 2016-2020, page 31.  
<sup>176</sup> NSCGBV 2016-2020, page 31.  
<sup>177</sup> NSCGBV 2016-2020, page 27-28.  
<sup>178</sup> NSCGBV 2016-2020, page 27-28.  
<sup>179</sup> NSCGBV 2016-2020, page 27-28.  
<sup>180</sup> NSCGBV 2016-2020, page 31.  
<sup>181</sup> NSCGBV 2016-2020, page 31.

Limited information could be located online relating to security measures against looting. From the documents reviewed, laws and policies in Madagascar do not appear to contain provisions on specific mechanisms in place to ensure the safety of relief personnel and humanitarian equipment, although criminal law would apply in such circumstances.

**Displacement:**

**Are human mobility dimensions taken into consideration as part of DRM planning and DRM decision making (including both internal and cross-border displacement)? Does the law and/or policy mandate or facilitate practical measures to reduce the risk of disaster and climate related displacement, explicitly addressing the following points on disaster and climate related internal displacement?**

- **protecting communities against displacement;**
- **preparing for unavoidable displacement;**
- **responding to displacement; and**
- **finding durable solutions.**

Limited information could be located online relating to the support and protection mechanisms for displaced persons in disaster settings. From the documents reviewed, laws and policies in Madagascar do not appear to contain provisions on mobility and displacement, practical measures for reducing displacement, preparedness and response measures for displacement, and sustainable and long-term solutions to displacement.

Although not specified in Malagasy law, as part of the Red Cross/Red Crescent Movement, the CRM actively participates in the ICRC Restoring Family Links Network.<sup>182</sup> Thus, the CRM, in collaboration with the ICRC, helps people look for family members within Madagascar.<sup>183</sup> They try to help when the contact has been lost due to armed conflicts or other situations of violence, natural or man-made disasters, migration processes or in other situations of humanitarian need, when possible. Furthermore, the CRM helps people in Madagascar look for family members in another country where the contact has been lost due to the reasons mentioned previously.<sup>184</sup>

<sup>182</sup> ICRC Restoring Family Links, [online] Available in: <https://www.familylinkstest.org/en/Pages/Countries/Madagascar.aspx>  
<sup>183</sup> ICRC Restoring Family Links, [online] Available in: <https://www.familylinkstest.org/en/Pages/Countries/Madagascar.aspx>  
<sup>184</sup> ICRC Restoring Family Links, [online] Available in: <https://www.familylinkstest.org/en/Pages/Countries/Madagascar.aspx>

<p><b>Are there legal guarantees for the provision of shelter in case of displacement due to disasters, or does it set out alternatives to using schools as shelter or other mechanisms for undertaking necessary relocations?</b></p> <p>There do not appear to be any procedures in place for the provision of shelter and relocations of displaced persons due to disasters.</p> <p><b>Is there a legally defined procedure in case of loss of records or documentation?</b></p> <p>From the documents reviewed for the purposes of this research, the law does not appear to provide special procedure for support to displaced persons in case of loss of documentation.</p> <p><b>Is there equity in the assistance provided to persons with and without land title, and are there procedures in place to take into account legal disputes with regard to land titles and property? Are there preparedness arrangements to reduce legal issues regarding housing, land and property irregularities and disputes?</b></p> <p>No information could be found in the documents reviewed relating to assistance and procedures to displaced persons in regard to potential disputes due to land titles and property.</p> <p><b>Do gender-specific needs or considerations exist in DRM law, including gender-sensitive needs assessments, standards for planning and construction of post-disaster accommodation and other arrangements for displaced communities?</b></p> <p>From the documents reviewed, DRM legislation in Madagascar does not appear to include gender-sensitive needs assessments in shelter planning and construction for displaced communities.</p>	
<b>International Assistance</b>	
<p><b>Does your country's legal framework include procedures related to international disaster assistance?</b></p> <p>Law n° 2015/031 establishes the guiding principles of the PNGRC, one of which provides that a general framework memorandum of understanding will govern relations between the Government and international partners in DRM notwithstanding the conclusion of specific conventions within the framework of regional cooperation and decentralized cooperation.<sup>185</sup></p>	<p><a href="#">Law n° 2015/031 relating to the National Policy for Disaster Risk Management</a></p>

<sup>185</sup> Law n° 2015/031, article 11.

<p>In terms of procedure, Decree n° 2019/1954 provides that the CNGRC makes the official declaration of national disaster and informs the government of the need to resort to the appeal for international aid; and diligently mobilizes support from national and international partners.<sup>186</sup> Thus, based on information from the CNGRC, the Government calls for international aid and defines the statement of needs and the related execution procedures. In the event of insufficient aid received as a result of the appeal for international aid, all other funding initiatives are coordinated by the Government.<sup>187</sup> Furthermore, the CPGU provides support for humanitarian emergency interventions, in close collaboration with the BNGRC by facilitating the preparation of official national disaster declaration procedures and calling for international assistance; and by participating in the mobilization of technical and financial support from national and international partners.<sup>188</sup> In addition, the PNGRC participates in the international exchanges and meetings of the national DRR platforms.<sup>189</sup></p> <p>At the operational level, the BNGRC is responsible for coordinating and supporting foreign means of intervention in the context of a major disaster following a request for international assistance, in particular by setting up a coordination centre for field operations as well as centres for managing the reception and departure of such means.<sup>190</sup> The BNGRC is also responsible for managing and coordinating the distribution of national and international donations as well as budgets allocated by Technical and Financial Partners and also the transfer of funds.<sup>191</sup></p> <p>The SNGRC promotes a framework for strengthening international and regional cooperation taking into account that DRM/DRR is multidimensional (both international and national). It requires collaboration and an affirmed and strengthened cooperation at the national, bilateral, regional, international and multilateral levels. However, the activities and interventions within the framework of this cooperation must be carried out in a coordinated manner and in synergy with one another.<sup>192</sup></p>	<p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p> <p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p> <p><a href="#">National Strategy for Disaster Risk Management 2016-2030</a></p>
<p><b>Do relevant sectoral laws contain any provisions related to international disaster assistance?</b></p> <p>Limited information could be located in sectoral laws relating to international disaster assistance. From the documents reviewed, sectoral laws and policies in Madagascar do not appear to contain provisions on international disaster assistance with the</p>	

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<sup>186</sup> Decree n° 2019-1954, article 8.  
<sup>187</sup> Decree n° 2019-1954, article 10.  
<sup>188</sup> Decree n° 2019-1954, article 13.  
<sup>189</sup> Decree n° 2019-1954, article 20.  
<sup>190</sup> Decree n° 2019-1958, article 54.  
<sup>191</sup> Decree n° 2019-1958, article 56.  
<sup>192</sup> SNGRC 2016-2030, page 13.

<p>exemption of the Customs Code, which provides special regimes for goods imported for humanitarian purposes,<sup>193</sup> and goods to be re-exported.</p>	
<p><b>Do your country's laws and regulations set out a focal point for coordinating international assistance?</b></p> <p>As stated above, the BNGRC is responsible for coordinating and supporting foreign means of intervention in the context of a major disaster following a request for international assistance,<sup>194</sup> and for managing and coordinating the distribution of national and international donations as well as budgets allocated by Technical and Financial Partners and also transfer funds.<sup>195</sup></p>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p>
<p><b>Are there adequate and efficient procedures in place to ensure coordination of international and domestic efforts at national and subnational levels and across all government agencies, and who is responsible for developing and implementing the rules and procedures related to international assistance?</b></p> <p>As outlined above, at the strategic level, the CPGU provides support for humanitarian emergency interventions, in close collaboration with the BNGRC by facilitating the preparation of official national disaster declaration procedures and calling for international assistance; designing, developing, supervising and updating of the SNGRC and its action plan; promoting and contributing to the production and dissemination of assessment studies on hazards, risks and vulnerabilities; promoting insurance and financial protection mechanisms for DRM and the effects of climate change; and reviewing and promoting consistency and improvement of national and local DRM legislative and regulatory frameworks.<sup>196</sup> On the other side, the BNGRC is the executive DRM body responsible for implementing and coordinating national and international resources.<sup>197</sup></p> <p>However, the documents reviewed do not appear to provide clear procedures to ensure efficient coordination of international and domestic efforts.</p>	<p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p> <p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p>
<p><b>Do your country's laws/ regulations outline a process for requesting/ welcoming offers of international disaster assistance and for terminating international assistance?</b></p>	

<sup>193</sup> Customs Code 2021, article 190 ter.

<sup>194</sup> Decree n° 2019-1958, article 54.

<sup>195</sup> Decree n° 2019-1958, article 56.

<sup>196</sup> Decree n° 2019-1954, article 13.

<sup>197</sup> Decree n° 2019-1958, article 56.



<p>As stated above, Decree n° 2019/1954 provides that the CNGRC makes the official declaration of national disaster and informs the government of the need to resort to the appeal for international aid; and diligently mobilizes support from national and international partners.<sup>198</sup> Thus, based on information from the CNGRC, the Government calls for international aid and defines the statement of needs and the related execution procedures.<sup>199</sup></p> <p>The appeal for international aid is made by the Malagasy government and the decree produced is the basis for all government facilitation. In the case of government facilitation of humanitarian aid, response stakeholders must provide a letter of donation so that the BNGRC can work with those stakeholders, facilitating the response and provision of aid to disaster affected populations. In the case of assistance provided by humanitarian partners (e.g. UN coordination, NGOs, the Red Cross and Red Crescent Movement), it is mandatory that a clear agreement exists with Madagascar – i.e., humanitarian stakeholders must have a headquarters agreement to intervene and respond to the emergency in country.<sup>200</sup></p>	<p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>
<p><b>Do your country's laws and regulations provide for necessary legal facilities to be provided for international assisting actors?</b></p>	
<p><b>(i) Landing rights and general customs arrangements</b></p> <p>The Civil Aviation Code and its amendments provide the civil aviation regime in Madagascar, applying to all areas of civil aviation in accordance with international conventions, treaties and agreements ratified by Madagascar. This law does not appear to include specific provisions on the landing rights of international flights carrying humanitarian assistance.</p>	<p><a href="#">Law n° 2012/011, establishing the Malagasy Civil Aviation Code</a></p>
<p><b>(ii) customs arrangements for specialised goods and equipment</b></p> <p>The Draft Customs Code 2021 establishes the general customs regime in Madagascar. Article 190 provides the special regime of "temporary admission", which is defined as the customs regime which allows the importation of goods with total or partial suspension of duties and taxes, into the customs territory, for a defined purpose and intended to be re-exported within a determined period, without having undergone any changes, except for their depreciation normal as a result of the use made of them, and without being subject to prohibitions of a commercial nature.<sup>201</sup> Goods imported for humanitarian purposes and animals benefit from the temporary admission regime with total suspension of duties and taxes.<sup>202</sup></p>	<p><a href="#">Customs Code 2021 (Draft)</a></p>

<sup>198</sup> Decree n° 2019-1954, article 8.

<sup>199</sup> Decree n° 2019-1954, article 10.

<sup>200</sup> PIROI, IDRL South-West Indian Ocean Workshop Report, available at <https://sites.google.com/croix-rouge.fr/atelierdroceanindien/accueil>, page 7.

<sup>201</sup> Customs Code 2021, article 190.

<sup>202</sup> Customs Code 2021, article 190 ter.

<p>In addition, in terms of article 240, the Minister in charge of Customs may authorize the importation free of duties and taxes to the following goods:</p> <ul style="list-style-type: none"> <li>i) donations offered to the Head of State;</li> <li>j) donations offered by foreign state bodies to sitting Ministers and Parliamentarians, during official trips abroad;</li> <li>k) goods provided for by international conventions or agreements ratified by Madagascar;</li> <li>l) goods designated by bilateral treaties concluded by Madagascar with another State or another international organization;</li> <li>m) goods imported by foreign NGOs having concluded headquarters agreements with the Ministry of Foreign Affairs;</li> <li>n) consignments intended for the Malagasy Red Cross;</li> <li>o) donations of medical materials, equipment and consumables intended for public hospitals and military hospitals; and</li> <li>p) donations made by legal persons established outside the country intended for approved centres of solidarity work.<sup>203</sup></li> </ul> <p>From the documents reviewed, customs arrangements are provided in general terms, without specification of special procedures in respect of specialized goods and equipment.</p>	
<p><b>(iii) immigration</b></p> <p>The law does not appear to provide simplified procedures or expedited processes for visas for international relief personnel. In practice, international relief personnel or NGO volunteers can apply for a courtesy visa, and the BNGRC can cooperate to facilitate the expedition of visas and their entry to the country as it is the focal point for DRM operations in Madagascar.<sup>204</sup></p>	<p><a href="#">Decree n° 1994-625</a></p> <p><a href="#">IDRL in the South-West Indian Ocean</a></p>
<p><b>(iv) Registration of international assisting actors</b></p> <p>From the documents reviewed, laws in Madagascar do not appear to contain specific provisions related to the registration of international assisting actors. However, the laws establishing the regime of associations provide some guidance on their operability in Madagascar.</p>	<p><a href="#">Order n° 60-133</a></p>

<sup>203</sup> Customs Code 2021, article 240.

<sup>204</sup> PIROI, IDRL in the South-West Indian Ocean: Study of legal frameworks to facilitate and regulate international disaster response in: Union of the Comoros, Mayotte and Reunion, Madagascar, Mauritius, Mozambique, Seychelles, and Tanzania (PIROI 2020), page 12.

Order n° 60-133 establishes the general regime of associations. It provides in article 13 that associations recognized as being of public utility can carry out all acts of civil life which are not prohibited by their statutes, but they cannot own or acquire other buildings than those necessary for the purpose they are propose.<sup>205</sup> All the securities of an association recognized as being of public utility must be placed in registered securities. They can receive donations and bequests after having been authorized to do so by decree in the Council of Ministers.<sup>206</sup> The buildings included in a deed of gift or in a testamentary provision that would not be necessary for the operation of the association are alienated within the time limits and forms prescribed by the decree which authorizes the acceptance of the donation; the price is paid to the association fund. They cannot accept a movable or real estate donation with a usufruct reserve for the benefit of the donor.<sup>207</sup>

Unless otherwise provided for in international conventions, no foreign association may be formed in Madagascar without the prior authorization of the Minister of the Interior. It can only have establishments in Madagascar by virtue of a separate authorization for each of these establishments.<sup>208</sup> The authorization may be granted on a temporary basis or subject to periodic renewal. It may be subject to the observance of certain conditions and it can be withdrawn at any time.<sup>209</sup> The Minister of the Interior and the Secretaries of State delegated to the provinces may, at any time, invite the leaders of any group or any establishment to provide them in writing, within one month, with any information likely to determine the seat to which they are attached, their real purpose, the nationality of their members, their directors and their effective directors.<sup>210</sup>

Lastly, requests for authorization are sent to the offices of the province in which the association or establishment operates.<sup>211</sup> To be admissible they must mention the name and object of the association or establishment, the place of its operation, the names, first names, professions, domiciles and nationalities of foreign members and of those who, in any capacity whatsoever, are responsible for the administration or management of the association or establishment. Foreigners residing in Madagascar who are part of the association must hold an identity card or a regular residence permit.<sup>212</sup>

**(v) Recognition of professional qualification of foreign personnel**

<sup>205</sup> Order n° 60-133, article 13.

<sup>206</sup> Order n° 60-133, article 13.

<sup>207</sup> Order n° 60-133, article 13.

<sup>208</sup> Order n° 60-133, article 14.

<sup>209</sup> Order n° 60-133, article 15.

<sup>210</sup> Order n° 60-133, article 17.

<sup>211</sup> Order n° 60-133, article 18.

<sup>212</sup> Order n° 60-133, article 18.

<p>Limited information could be located online relating to the recognition of foreign professional qualifications. From the documents reviewed, laws and policies in Madagascar do not appear to contain provisions on simplified procedures and requirements for the speedy accreditation of foreign qualifications.<sup>213</sup></p>	
<p><b>(vi) Tax and currency exchange for disaster relief activities</b></p> <p>In addition to the provisions of the Customs Code set out above, Law n° 2020-013 provides the Finance Law for 2021. It establishes in article 192 that in order to benefit from temporary admission, importers must take out a guarantee by which they undertake to re-export, or place under another economic regime with a view to their re-export, products admitted temporarily, within a period which may not exceed twelve months. This period may be extended by the Administration at the request of the principal. However, specific deadlines may be set by the Customs Administration either for organizations benefiting from a headquarters agreement in Madagascar, or for Embassies, Consulates governed by the Vienna Convention, or for other international organizations, or for goods for which the duration of use in Malagasy customs territory is provided for by other legislative provisions.<sup>214</sup></p> <p>From the documents reviewed, there do not appear to be any additional laws relating to tax in disaster relief operations.</p>	<p><a href="#">Customs Code 2021</a></p> <p><a href="#">Law n° 2020-013, Finances Law 2021</a></p>
<p><b>(vii) Freedom of movement of international assisting actors during a disaster response</b></p> <p>There do not appear to be any provisions that explicitly facilitate the free movement and access of international assisting actors in Madagascar.</p>	
<p><b>(viii) Safety and Security of international assisting actors</b></p> <p>There do not appear to be laws and policies which explicitly relate to the safety and security of international disaster assistance actors.</p>	<p><a href="#">Decree n° 63-253</a></p>
<p><b>(ix) Additional facilities for international disaster relief</b></p> <p>There do not appear to be additional facilities related to international disaster relief operations in Malagasy law. However, as stated above, Law n° 2015/031 establishes the guiding principles of the PNGRC, one of which provides that a general framework</p>	

<sup>213</sup> PIROI, IDRL South-West Indian Ocean Workshop Report, page 7.

<sup>214</sup> Law n° 2020-013, Finances Law 2021, article 191.

<p>memorandum of understanding will govern relations between the Government and international partners in DRM. It is possible that specific assisting actors will be provided legal facilities through such agreements.</p>	
<p><b>Please include other applicable information relating to legal facilities here.</b></p> <p><u>Legal facilities under international law</u></p> <p>Madagascar subscribes to the monist approach to international law, according to which international agreements automatically become part of domestic law as soon as they are ratified and published. This is provided for in terms of Article 137 of the Constitution of Madagascar, which states that treaties or agreements regularly ratified or approved have, from their publication, an authority superior to that of the laws, under reserve, for each agreement or treaty, of its application by the other party.<sup>215</sup></p> <p>There are a number of international agreements of relevance to international disaster assistance. Most relevant to this study are those instruments that expedite and facilitate the provision of international humanitarian assistance. The Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations (Tampere Convention) provides legal facilities for the importation of telecommunications equipment and resources during emergencies, specifically requiring state parties to reduce or remove regulatory barriers to the use of telecommunication resources for disaster relief.<sup>216</sup> With regards to transport, of most relevance is Annexe 9 of the Chicago Convention on Civil Aviation (Chicago Convention) which provides procedural guidance for the clearance of aircrafts containing humanitarian assistance in response to disasters. Further, the Convention on the Facilitation of International Maritime Traffic mandates parties to facilitate the entry and exit of vessels engaged in natural disaster relief work and facilitate the entry of persons and cargo related to natural disaster relief work.<sup>217</sup></p> <p>In terms of customs, the International Convention on the Simplification and Harmonisation of Customs Procedures (Kyoto Convention),<sup>218</sup> which was adopted in 1973 and revised in 1999, and the Convention on Temporary Admission (Istanbul Convention),<sup>219</sup> simplify and harmonise customs clearance procedures for the importation of goods. Specifically, Annexe B3 of the Kyoto Convention recommends as practice that states exempt goods, including “foodstuffs, medicaments, clothing and blankets sent as gifts to an approved charitable or philanthropic organisation for distribution free of charge to needy persons by the organisation or under its control”.<sup>220</sup> Annexe J5 provides guidelines to expedite the clearance of relief consignments intended</p>	

<sup>215</sup> Madagascar’s Constitution of 2010, article 137.

<sup>216</sup> See article 9 of the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, June 18, 1998, UN depositary notification C.N.608.1998.TREATIES-8 of Dec. 4 1998 (entered into force Jan. 8, 2005) (Tampere Convention).

<sup>217</sup> See article 5.11 and 5.12 of Annexe 1 of the Convention on the Facilitation of International Maritime Traffic, 9 April 1965, 591 U.N.T.S. 265.

<sup>218</sup> Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures of 18 May 1973, 26 June 1999.

<sup>219</sup> Convention on Temporary Admission, 26 June 1990.

<sup>220</sup> Annexe B.3 to the Kyoto Convention, recommendation 7.

to assist those affected by disasters. Annexe B2 to the Istanbul Convention regulates the importation of professional and communication equipment for practitioners of various disciplines in support to relief efforts. The measures and exemptions for temporary admission of goods specifically for humanitarian purposes in response to natural disasters and other catastrophes are stipulated in Annexe B9. In addition, Annexe C of the Istanbul Convention allows for the temporary admission of means of transport used by a foreign entity and Annexe D allows for temporary admission of animals, including those involved in rescue operations.

It is also relevant to note treaties related to privileges and immunities law. The doctrine of privileges and immunities is not directly linked to disasters.<sup>221</sup> However, it is essential for those entities involved in disaster response to which it applies, as it addresses many of the access and operations related issues identified as problematic in field operations, as it typically allows the holder of privileges and immunities to easily enter, exit and operate in a foreign country with minimum interference from domestic authorities.<sup>222</sup> Much of the customary law in the area of privileges and immunities has been codified in the Vienna Convention on Diplomatic Relations<sup>223</sup> and the Vienna Convention on Consular Relations.<sup>224</sup> However, personal diplomatic and consular privileges and immunities generally do not extend outside the scope of mission staff and their families, and therefore civil protection, military and other disaster responders generally do not benefit from them.<sup>225</sup> Intergovernmental organisations have also traditionally been granted privileges and immunities to enable them to carry out their functions without undue interference, but in general NGOs do not benefit from privileges and immunities under international law.<sup>226</sup>

In addition, the Framework Convention on Civil Defence Assistance provides a legal framework to reduce obstacles for effective international cooperation between states in disaster settings. It is also worth mentioning the Convention on the Safety of UN and Associated Personnel (UN Safety Convention) and the Optional Protocol thereto, which imposes an obligation on a state hosting a UN operation to protect UN personnel and property to prevent or reduce any impunity for those who attack UN or associated personnel or property.<sup>227</sup>

In terms of human rights treaties, the Convention on the Rights of Persons with Disabilities references disaster assistance the most directly. State parties are required to take all necessary measures to ensure the protection and safety of persons with

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<sup>221</sup> 2007 IDRL Study, page 39.

<sup>222</sup> 2007 IDRL Study, page 39.

<sup>223</sup> Vienna Convention on Diplomatic Relations, April 18, 1961, 500 U.N.T.S. 95.

<sup>224</sup> Vienna Convention on Consular Relations, April 24, 1963, 596 U.N.T.S. 261.

<sup>225</sup> 2007 IDRL Study, page 40.

<sup>226</sup> 2007 IDRL Study, page 40.

<sup>227</sup> UN Safety Convention, articles 7 and 11.

disabilities in situations of risk, including humanitarian emergencies and natural disasters.<sup>228</sup> In addition, there are a number of global human rights treaties, such as the International Covenant on Civil and Political Rights<sup>229</sup> and the International Covenant on Economic, Social and Cultural Rights<sup>230</sup> that set out rights closely linked to disaster relief and recovery assistance. These include the rights to life, food and water, housing, clothing, health, livelihood, and freedom from discrimination.<sup>231</sup>

There are also instruments which regulate the management of specific types of disasters or emergencies. For example, the International Health Regulations (the IHR)<sup>232</sup> regulate health emergencies with potential transboundary effects, defining the rights and responsibilities for state parties in handling outbreaks and providing public health measures for international traffic and travel. Another example is the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which sets out rules for the initiation, coordination, and operation of international assistance operations in case of nuclear or radiological events as well as for legal facilities to be granted for the effective administration of assistance.<sup>233</sup> A third example is the International Convention on Oil Pollution Preparedness, Response and Cooperation<sup>234</sup> and its Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances<sup>235</sup> which require state parties to cooperate and provide advisory services, technical support, and equipment when necessary and within their capabilities and resources, to respond to an oil pollution incident, as well as to take the legal or administrative measures necessary to facilitate the arrival and utilisation of vessels and the expeditious movement of personnel, cargoes, materials and equipment.<sup>236</sup>

In terms of regional instruments, article 23 of the African Charter on the Rights and Welfare of the Child (ACRWC)<sup>237</sup> provides that states shall take all appropriate measures to ensure that refugee children as well as children who have been internally displaced, including by disasters, receive appropriate humanitarian assistance. In addition, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), provides in article 5(7) that state parties are obligated to facilitate the coordination of international relief and allow rapid and unimpeded passage of humanitarian relief

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<sup>228</sup> See article 11 of the Convention on the Rights of Persons with Disabilities.

<sup>229</sup> International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171.

<sup>230</sup> International Covenant on Economic Social and Cultural Rights, 16 December 1966, 999 U.N.T.S. 3.

<sup>231</sup> 2007 IDRL Study, page 34.

<sup>232</sup> World Health Assembly, Revision of the International Health Regulations, Doc. No. WHA58.3 (23 May 2005).

<sup>233</sup> Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency Sept. 26, 1986, 1439 U.N.T.S. 275, articles 1, 2, 3, 4, 7, 8, 9, 10, and 11.

<sup>234</sup> International Convention on Oil Pollution Preparedness, Response and Cooperation, 30 November 1990, 30 I.L.M. 733 (1990).

<sup>235</sup> Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 15 March 2000.

<sup>236</sup> See article 7 on the Convention on Oil Pollution Preparedness, Response and Cooperation and article 5 of the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances.

<sup>237</sup> African Charter on the Rights and Welfare of the Child, 11 July 1990, OAU Doc. CAB/LEG/24.9/49 (1990).

to internally displaced persons. Further, states shall enable and facilitate the role of local and international organisations and humanitarian agencies, as well as other relevant actors, to provide protection and assistance to IDPs.

The tables below examine which of the above mentioned agreements Madagascar is a state party to:

<b>Convention</b>	<b>State party</b>
<b>Tampere Convention</b> <sup>238</sup>	Signed, but not ratified.
<b>Chicago Convention</b> <sup>239</sup>	Yes
<b>Convention on the Facilitation of International Maritime Traffic</b> <sup>240</sup>	Yes
<b>Annexe B.3 to the Kyoto Convention</b> <sup>241</sup>	Yes
<b>Annexe J-5 to the Kyoto Convention</b> <sup>242</sup>	Yes
<b>Annexe B2 to the Istanbul Convention</b> <sup>243</sup>	No
<b>Annexe B9 to the Istanbul Convention</b> <sup>244</sup>	No
<b>Annexe C to the Istanbul Convention</b> <sup>245</sup>	No
<b>Annexe D to the Istanbul Convention</b> <sup>246</sup>	No
<b>Vienna Convention on Diplomatic Relations</b> <sup>247</sup>	Yes
<b>Vienna Convention on Consular Relations</b> <sup>248</sup>	Yes
<b>Framework Convention on Civil Defence Assistance</b> <sup>249</sup>	No

<sup>238</sup> Information obtained from the UN Treaty Collection (UNTC) available at [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXV-4&chapter=25](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXV-4&chapter=25).

<sup>239</sup> Information obtained from ICAO available at <https://www.icao.int/publications/Pages/doc7300.aspx>.

<sup>240</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280129d04>.

<sup>241</sup> Information obtained from the World Customs Organization (WCO) available at [http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf\\_revised\\_kyoto\\_conv/Instruments](http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments).

<sup>242</sup> Information obtained from the WCO available at [http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf\\_revised\\_kyoto\\_conv/Instruments](http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments).

<sup>243</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>244</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>245</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>246</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>247</sup> Information obtained from [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=III-3&chapter=3&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=III-3&chapter=3&clang=en).

<sup>248</sup> Information obtained from the UNTC [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=III-6&chapter=3](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=III-6&chapter=3).

<sup>249</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280086ecb&clang=en>.



UN Safety Convention and Optional Protocol <sup>250</sup>	No		
Convention on the Rights of Persons with Disabilities <sup>251</sup>	Yes		
IHR <sup>252</sup>	Yes		
Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency <sup>253</sup>	Yes		
International Convention on Oil Pollution Preparedness, Response and Cooperation <sup>254</sup>	No		
ACRWC <sup>255</sup>	Yes		
Kampala Convention <sup>256</sup>	Yes (signed)		
<b>Do your country's laws and regulations set out quality standards for international assisting actors?</b>			
From the documents reviewed, laws and policies in Madagascar do not appear to provide minimum quality standards for international humanitarian assistance.			
<b>Do your country's laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?</b>			
There do not appear to be eligibility requirements set specifically for international assisting actors to receive legal facilities in Madagascar.			
<b>Do your country's laws and regulations establish a specialised unit for expediting the entry of international disaster assistance?</b>			

<sup>250</sup> Information obtained from the UNTC available at [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-8&chapter=18](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-8&chapter=18) and [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-8-a&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-8-a&chapter=18&clang=en).

<sup>251</sup> Information obtained from the UNTC available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-15&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4).

<sup>252</sup> Information obtained from World Health Organisation available at [https://www.who.int/ihr/legal\\_issues/states\\_parties/en/](https://www.who.int/ihr/legal_issues/states_parties/en/).

<sup>253</sup> Information obtained from the International Atomic Energy Agency available at <https://www.iaea.org/topics/nuclear-safety-conventions/convention-assistance-case-nuclear-accident-or-radiological-emergency#:~:text=The%20Convention%20on%20Assistance%20in,in%20the%20event%20of%20nuclear>.

<sup>254</sup> Information obtained from the UNTC <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800aada6>.

<sup>255</sup> Information obtained from the AU available at <https://au.int/en/treaties/african-charter-rights-and-welfare-child>.

<sup>256</sup> Information obtained from the AU available at <https://au.int/sites/default/files/treaties/36846-sl-AFRICAN%20UNION%20CONVENTION%20FOR%20THE%20PROTECTION%20AND%20ASSISTANCE%20OF%20INTERNALLY%20DISPLACED%20PERSONS%20IN%20AFRICA%20%28KAMPALA%20CONVENTION%29.pdf>.

<p>As stated above, the BNGRC is responsible for coordinating and supporting foreign means of intervention in the context of a major disaster following a request for international assistance, in particular by setting up a coordination centre for field operations as well as centres for managing the reception and departure of such means;<sup>257</sup> However, further details are not provided.</p>	
<p><b>Do your country's laws and regulations provide adequate transparency safeguards and accountability mechanisms governing international disaster assistance?</b></p> <p>Although not directly related to international disaster assistance, Decree n° 2019-1958 provides in Section 3 a control system for a transparent administrative, accounting, and financial management of the BNGRC, including that of the FNC. As the BNGRC is the focal point for coordination of DRM in the country, it is crucial to have a control system to ensure that any resource provided to the BNGRC is managed with transparency and accountability.</p> <p>Article 74 states that the Financial Control ensures the accounting control of the operations of the Authorizing Officer of the establishment. In the exercise of its attributions, the Financial Control can carry out all verifications and all controls on documents or on the spot that it deems appropriate. A posteriori control of expenditure is exercised by the representative of the competent Financial Control in order to ensure the reality of the work or services carried out.<sup>258</sup> As per article 75, the Accountant ensures the control of operations which covers two aspects in particular: administrative by the hierarchical authorities and the Public Finance Control Bodies; jurisdictional by the Court of Auditors.<sup>259</sup> Although the BNGRC must set up an internal control system to ensure transparency in the management of funds,<sup>260</sup> for each financial year, the accounts of the BNGRC are also submitted to an independent accounting firm, appointed by the Board, for verification in accordance with the audit principles. They may also be subject to monitoring and supervision missions operated by the technical and financial partners of the FNC.<sup>261</sup></p>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p>
<p><b>Do your country's laws and regulations outline rules and procedures for international disaster assistance sent from, or transiting through your country?</b></p> <p>From the documents reviewed, laws do not appear to outline a reduction of any restriction on the transit for relief personnel, reduction of export restrictions as well as duties or feed on relief goods and equipment, apart from that, as stated above, the</p>	<p><a href="#">Circular n° 1994-05</a></p>

<sup>257</sup> Decree n° 2019-1958, article 54.

<sup>258</sup> Decree n° 2019-1958, article 74.

<sup>259</sup> Decree n° 2019-1958, article 75.

<sup>260</sup> Decree n° 2019-1958, article 76.

<sup>261</sup> Decree n° 2019-1958, article 77.

<p>Customs Code 2021 provides that goods and services authorized under the regime of temporary admission – i.e., goods that will be re-exported (including humanitarian goods and equipment), can be exempted of duties and taxes.</p>	
<b>4. Recovery</b>	
<p><b>Are there clear institutional mandates that specify the role of each agency, and clarify the responsibilities of the various stakeholders, in the recovery?</b></p> <p>From the research conducted, there do not appear to be detailed provisions on disaster recovery in Madagascan laws and policies. However, Decree n° 2019-1958 provides that, in terms of recovery operations, the mission of the BNGRC includes, among many other things, monitoring of humanitarian emergency response and early recovery operations; leading and coordinating early recovery activities; and establishing public information mechanisms on disaster management and early recovery.<sup>262</sup></p> <p>In addition, Decree n° 2019-1954 establishes that the CPGU is responsible for, among other things, the in-depth assessment of post-disaster loss and damage for sustainable reconstruction in collaboration with the BNGRC.<sup>263</sup></p>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p> <p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>
<p><b>Is early involvement of line ministries provided for?</b></p> <p>As stated above, limited information could be located online relating to the engagement of various stakeholders in the recovery phase, including that of relevant ministries. From the documents reviewed, laws and policies in Madagascar do not appear to contain provisions on early involvement of line ministries.</p>	
<p><b>Are authorities and mandates for recovery from local to national clear?</b></p> <p>Following what has been stated above, mandates for recovery, from the local to the national level, do not appear to be clearly outlined either in the DRM laws reviewed for the purpose of this mapping.</p>	
<p><b>Is community participation mandated in recovery decision making?</b></p> <p>Community engagement does not appear to be explicitly mandated in recovery decision making as per the documents reviewed.</p>	

<sup>262</sup> Decree n° 2019-1958, article 8-9.

<sup>263</sup> Decree n° 2019-1954, article 13.

## 5. Liability and Accountability

### Are there public reporting or parliamentary oversight mechanisms for government agencies tasked with DRM, DRR, Response and Recovery established and is such information made publicly available, and is there a role for the judiciary in enhancing accountability for DRM?

Decree n° 2019-158 contains some provisions relating to reporting and oversight of activities undertaken by the BNGRC. Article 71 states that the administrative, accounting and financial management of the BNGRC is subject to the control of the competent courts and any other control body in force.<sup>264</sup> The General Inspectorate of the State has a general power of control to ensure the proper functioning of public services and the good management of public finances at the level of the establishment.<sup>265</sup> The Board of Directors exercises control over the management and performance of the BNGRC through the examination of the Financial Account submitted to it.<sup>266</sup>

The Financial Control ensures the accounting control of the operations of the Authorizing Officer of the establishment. In the exercise of its attributions, the Financial Control can carry out all verifications and all controls on documents or on the spot that it deems appropriate.<sup>267</sup> For this purpose, he may request any documents he deems useful for the performance of his mission. A posteriori control of expenditure is carried out by the competent Financial Control representative in order to ensure the reality of the work or services carried out. The definition of the nature or the threshold amount of the expenses remaining subject to a priori control depends on a decision of the Director General of Financial Control.<sup>268</sup> The Accountant ensures the control of operations which covers two aspects in particular: administrative by the hierarchical authorities and the Public Finance Control Bodies, and jurisdictional by the Court of Auditors.<sup>269</sup> The BNGRC must put in place an internal control system to ensure transparency in the management of funds.<sup>270</sup> For each financial year, the accounts of the BNGRC are submitted to an independent accounting firm, appointed by the Board, for verification in accordance with the audit principles. They may also be subject to monitoring and supervision missions operated by the technical and financial partners of the FNC.<sup>271</sup>

<sup>264</sup> Decree n° 2019-1958, article 71.

<sup>265</sup> Decree n° 2019-1958, article 72.

<sup>266</sup> Decree n° 2019-1958, article 73.

<sup>267</sup> Decree n° 2019-1958, article 74.

<sup>268</sup> Decree n° 2019-1958, article 74.

<sup>269</sup> Decree n° 2019-1958, article 75.

<sup>270</sup> Decree n° 2019-1958, article 76.

<sup>271</sup> Decree n° 2019-1958, article 77.

<p>In addition, Decree n° 2019-1958 further provides that funds intended for specific activities may be allocated by the BNGRC to the regional offices for DRM.<sup>272</sup> These funds are transferred to the account opened in the name of these offices at the level of the Treasury or the Main Perception of the territorial jurisdiction.<sup>273</sup> The head of the office concerned is the authorizing officer of these funds. Annually and by type of activity, the structure concerned must draw up an annual or special report, as the case may be, supported by supporting documents for the use of the funds allocated or held.<sup>274</sup> In addition, the annual management accounts of the operational structures are subject to external audit. The management accounts together with the annual activity report and the audit report are sent to the BNGRC, a copy of which is sent to the Ministry of the Interior.<sup>275</sup></p>	
<p><b>Are there legal and/or administrative sanctions (as appropriate) established for public officials, individuals and businesses for a gross failure to fulfil their duties on (i)DRR (ii) preparedness and response and (iii) Recovery?</b></p> <p>DRM legislation in Madagascar does not appear to outline any legal or administrative sanctions.</p> <p>However, more generally, the Malagasy Criminal Code of 2005 provides in article 473 that those who refuse or neglect to do the work, the service, or to lend the assistance which they will have been required, in the circumstances of accident, tumult, shipwreck, flood, fire, theft of locusts, or other calamities as well as in cases of robbery, looting, theft of oxen, public outcry or seizure, will be punished with a fine from 2,000 Ariary up to 100,000 Ariary and may also be imprisoned for up to twenty-nine days at most.<sup>276</sup></p>	<p><a href="#">Criminal Code 2005</a></p>
<p><b>Are rights relevant to DRM established, including the right to disaster information, and enforcement mechanisms provided?</b></p> <p>From the documents reviewed, laws in Madagascar do not appear to clearly establish rights relevant to DRM.</p>	
<p><b>Are there incentives for compliance with laws and regulations for DRM (i) DRR and (ii) Response and Preparedness, and Recovery?</b></p> <p>There do not appear to be any incentives for compliance with laws and regulations for DRM included in the documents reviewed.</p>	

<sup>272</sup> Decree n° 2019-1958, article 82.

<sup>273</sup> Decree n° 2019-1958, article 82.

<sup>274</sup> Decree n° 2019-1958, article 82.

<sup>275</sup> Decree n° 2019-1958, article 82.

<sup>276</sup> Criminal Code 2005, article 473.

<p><b>Does the law provide liability protections to disaster rescue and relief personnel (including volunteers), governments, National Societies and civil society organisations?</b></p> <p>There do not appear to be any specific procedures for ensuring liability protections.</p>	<p><a href="#">Decree n° 63-253</a></p>
<p><b>Are mechanisms in place to prevent unlawful diversion, misappropriation, or fraud concerning disaster relief operations?</b></p> <p>The only mechanism in place to prevent unlawful diversion, misappropriation, or fraud concerning disaster relief operations are the provisions of Decree n° 2019-1958 outlined above, establishing a control system for the management of the BNGRC.</p> <p>More generally, the Malagasy Criminal Code contains provisions to prevent corruption. This is provided in terms of article 177, stating that will be punished by two to ten years of imprisonment and a fine of 1,000,000 Ariary to 200,000,000 Ariary or one of these two penalties only, a person holding public authority, responsible for a public service mission or one invested with a public elective mandate, to solicit or approve, without right directly or through an intermediary, offers, promises, donations, gifts or advantages whatsoever to accomplish or refrain from accomplishing an act of his function, mission or mandate, or facilitated by his function, mission or mandate.<sup>277</sup></p> <p>As per article 177.2, promising, offering or granting to a foreign public official or an official of a public international organization, directly or through an intermediary an undue advantage, for himself or for another person or entity, so that he does or refrains from doing an act in the exercise of his official functions, with a view to obtaining or maintaining a market or other undue advantage in connection with international trade activities will be punished by two to ten years of imprisonment and a fine of 1,000,000 Ariary to 200,000,000 Ariary or one of these two penalties only. Any person having served as an intermediary in the commission of the offenses referred to in this article shall be punished with the same penalties.<sup>278</sup></p>	<p><a href="#">Decree n° 2019/1958, functioning and attributions of the National Office for Disaster Risk Management</a></p> <p><a href="#">Criminal Code 2005</a></p>
<p><b>6. Public Health Emergencies</b></p>	
<p><b>What are the main laws, policies and plans which govern preparedness and response to public health emergencies?</b></p> <p>Decree n° 2019/1954 includes biological hazards in its definition of “disaster”, which are defined by infectivity, toxicity or other characteristics of the pathogen concerned, such as the dose-response relationship, the incubation phase, the case fatality rate,</p>	

<sup>277</sup> Criminal Code 2005, article 177.  
<sup>278</sup> Criminal Code 2005, article 177.2.

and the estimated risk of transmission.<sup>279</sup> This type of hazard would include public health emergencies (PHE) and therefore we understand that the legal framework for disaster management applies to PHEs.

However, we have seen that, during the Covid-19 pandemic, other additional laws also govern preparedness and response operations to PHEs in Madagascar. These include laws related to the state of emergency, the Health Code of Madagascar, and any other presidential orders legislated within the framework of the state of PHEs.

As a starting point, the Constitution of Madagascar provides in its article 61 that the President can proclaim a state of emergency on all or part of the country when the institutions of the country, the independence of the nation, its unity or the integrity of its territory are threatened and that the regular functioning of public powers are compromised.<sup>280</sup> Law n° 91/011, relating to exceptional situations, provides in article 13 that the emergency situation may be declared either in the event of imminent danger resulting from serious attacks on public order or State security, or in the event of an event which, by their nature and seriousness, presents the character of public calamity.<sup>281</sup>

Law n° 2011-002 establishes the Malagasy Health Code. Chapter 1, section 2 outlines the fight against epidemics through preventive measures. Article 24 states that in the event of a determined epidemic threat, generally in a region or locality recognized as having a high risk of spreading the disease, the Minister in charge of Health may order, by decree, the requisition of stocks of vaccines against the epidemic in the Regions with supply centers, whether public or private.<sup>282</sup> The conditions under which the requisition must be executed are specified in the regulatory text.<sup>283</sup> In addition, in order to prevent the spread of contagious diseases, the following measures should be taken:

- a list of contagious diseases to which the provisions of this section are applicable is drawn up by the Ministry in charge of Health, by regulation;
- contagious diseases are the subject of a mandatory declaration drawn up by regulatory texts. This list can be modified or supplemented in the same forms; and

[Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031](#)

[Madagascar's Constitution of 2010](#)

[Law n° 91/011 relating to exceptional situations](#)

[Health Code 2011](#)

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<sup>279</sup> Decree n° 2019-1954, establishing the modalities of application of Law n° 2015/031, article 2.

<sup>280</sup> Madagascar's Constitution of 2010, article 61.

<sup>281</sup> Law n° 91/011 relating to exceptional situations, article 13.

<sup>282</sup> Law n° 2011-002, Health Code, article 24.

<sup>283</sup> Law n° 2011-002, Health Code, article 24.

<ul style="list-style-type: none"> <li>subject to mandatory reporting of data to the health authority by health professionals, public or private and managers of public or private medical biology analysis laboratories are: diseases that require urgent localized intervention, and diseases that require urgent national or international intervention.<sup>284</sup></li> </ul>	
<p><b>Which government and non-government actors do laws, policies and plans identify as responsible for responding to public health emergencies? Please list each relevant actor and describe their roles and responsibilities.</b></p> <p>As per article 236 of the Health Code, a National Interministerial Coordination Committee bringing together senior officials from all Ministries and Services is created in order to ensure the collaboration of the sectors in question, to guarantee the rapid execution of the above-mentioned preventive actions and to make the fight against the spread of the epidemic effective.<sup>285</sup> However, the specific role and responsibilities of this Committee do not appear to be outlined.</p> <p>In terms of DRM actors, although DRM legislation might apply to PHEs, the laws do not appear to include specific roles of each relevant actor in response to PHEs.</p> <p>However, there are some reports that outline the role of the CRM in coordination with the Indian Ocean Regional Intervention Platform (PIROI) and the World Health Organization (WHO) during the response to the COVID-19 pandemic and other epidemics. The PIROI report highlights that the CRM cooperates closely with the Ministry of Health in patient follow-up, psychosocial support, community mobilization campaigns, and hygiene promotion during epidemics. Being a humanitarian organization close to the communities, these volunteers allow the NS to intervene in the field of damage and needs assessment, first aid, emergency responses, disaster accommodation, water-sanitation, shelter, food security.<sup>286</sup> The objective of the CRM during the response to the Covid-19 pandemic was to contribute to reducing the risk of the spread and contamination of COVID-19 through risk communication and community engagement (CREC), health and hygiene promotion activities, community-based surveillance, contact tracing, home health care, infection prevention and control system.<sup>287</sup> Some of the activities carried out by the CRM during the response included:</p> <ul style="list-style-type: none"> <li>courtesy with local authorities to involve and engage all stakeholders in the strategy and the smooth running of our activities;</li> </ul>	<p><a href="#">Health Code 2011</a></p> <p><a href="#">Malagasy Red Cross (CRM) - Indian Ocean Regional Intervention Platform (PIROI) COVID-19</a></p>

<sup>284</sup> Law n° 2011-002, Health Code, article 24.

<sup>285</sup> Law n° 2011-002, Health Code, article 236.

<sup>286</sup> Malagasy Red Cross (CRM) - Indian Ocean Regional Intervention Platform (PIROI) COVID-19, page 1.

<sup>287</sup> Malagasy Red Cross (CRM) - Indian Ocean Regional Intervention Platform (PIROI) COVID-19, page 2.



<ul style="list-style-type: none"> <li>• capacity building of volunteers for implementation;</li> <li>• setting up handwashing devices;</li> <li>• community sensitization on measures against COVID-19 through home visits and handwashing promotion.<sup>288</sup></li> </ul>	
<p><b>Is there a coordination mechanism for the actors that are involved in responding to public health emergencies and, if so, which actors are included in the coordination mechanism? Who has overall command and control for the response?</b></p> <p>There do not appear to be any specific coordination mechanisms in place for the actors involved in the response to PHEs. However, the National Interministerial Coordination Committee mentioned above seems to be the main body responding to PHEs and promoting coordination among sectors.</p>	
<p><b>Are public health emergencies governed by the same legal and institutional framework as other types of disasters (e.g. floods, storms)? (That is, are they regulated by the same laws and managed by the same actors?) If public health emergencies are governed by a separate, specialised legal and institutional framework, are there any linkages between that framework and the framework for other types of disasters?</b></p> <p>PHEs appear to be governed by various legal and institutional frameworks. On one side, the Malagasy Health Code and other health-related legislation and, on the other side, DRM legislation which provides the general framework for preparedness and response to emergencies, and which includes biological hazards in its definition of “disaster”.</p> <p>However, from the documents reviewed, there are no clear linkages between the two frameworks governing different types of disasters.</p>	<p><a href="#">Decree n° 2019/1954, establishing the modalities of application of Law n° 2015/031</a></p>

<sup>288</sup>

Malagasy Red Cross (CRM) - Indian Ocean Regional Intervention Platform (PIROI) COVID-19, pages 2-4.