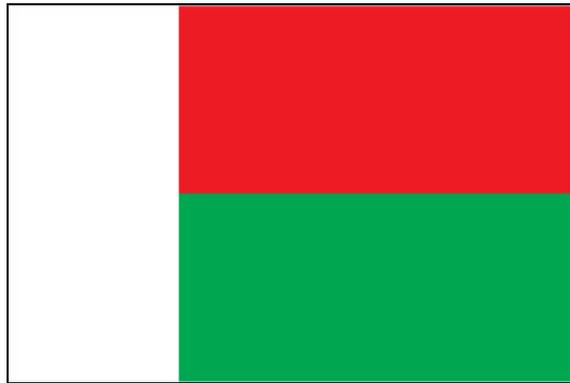


CLIMATE CHANGE LEGISLATION IN

MADGASCAR

AN EXCERPT FROM

The 2015 Global Climate Legislation Study A Review of Climate Change Legislation in 99 Countries



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Madagascar

Legislative Process

Madagascar, also known as the Malagasay Republic, is a semi-presidential representative democratic republic whereby the President is head of the state, and the Prime Minister is the head of the government. The latest Constitution was promulgated in 2010 after Andry Rajoelina seized power in 2009. Executive power is exercised by the government and legislative power is exercised both by the government and the Parliament. Parliament should have two chambers: the National Assembly and the Senate. The last election for the National Assembly was held in December 2013, and the next one is to be held in 2017.

The convening of the National Assembly on 18 February 2014 marked the official end of a Transitional Congress. The Higher Transitional Council ceased to function once the National Assembly was elected. No law has been adopted on the composition of the Senate, and no date has been set for Senate elections. Until the installation of the Senate, the National Assembly will exercise legislative power alone.

According to the 2010 Constitution, authority to initiate legislation is split between the Prime Minister, Deputies and Senators. Legislation is deliberated in the Council of Ministers and presented to the Bureau of one of the Chambers. Proposed legislation and subsequent amendments are submitted to the government. In the case of disagreement between the government and the National Assembly or the Senate, the High Constitutional Court, at the demand of the Prime Minister or the President of one of the Chambers, decides on the observations within eight days.

All proposed legislation is examined in first reading by one Chamber and then sent to the other Chamber. The discussion takes place successively until a text is adopted. When the two chambers disagree, the Prime Minister convenes a meeting of a mixed joint commission. The government may submit the text elaborated by the joint commission for approval by the two Chambers. If the commission does not reach an agreement or if this text is not adopted, the National Assembly will decide by absolute majority.

Approach to Climate Change

Madagascar is one of the world's biodiversity hotspots and one of the most vulnerable countries to climate change. At the same time, Madagascar has one of the highest poverty rates in Africa, with 81% of the island's inhabitants living on less than the international poverty threshold of USD1.25 per day and gross national income per person of just USD430. In 2011, Madagascar was ranked 151 out of 187 countries assessed for the United Nations' Human Development Index. An estimated two-thirds of the Malagasy population is considered undernourished and 82% of the rural population falls below the national poverty line. In the past 15 years, Madagascar has developed and implemented policies and legislation to address climate change, particularly adaptation and mitigation through reduced deforestation.

Madagascar has a National Climate Change Policy dating from 2010. The Policy aims to promote measures to reduce Madagascar's vulnerability to climate change and emissions of greenhouse gases, and to develop behaviours that aid in the fight against climate change.

In the same year, a Directorate of Climate Change was created under the Ministry of Environment and Forests. The Directorate is responsible for co-ordinating all national response actions to climate change, including adaptation and mitigation measures. It also represents Madagascar in

international negotiations. In past years Madagascar has been prominent in international efforts to move forward a national REDD agenda.

There are also informal platforms and technical committees that have been engaged in promoting climate change issues nationally and in international forums. The Thematic Climate Change Group (GT-CC), established in 2009, has been particularly active in promoting the exchange of information. The platform has 48 member institutions that represent national ministries, NGOs and cities, civil society, technical partners, and financial and research institutions. The GT-CC also assists the Administration drafting policies and framework documents, promoting consultation processes with stakeholders, and contributing to the country's position in international conferences. The Health and Climate Working Group is reinforcing Madagascar's competency with using climate and meteorological information in the health domain.

In 2010, Madagascar submitted its Nationally Appropriate Mitigation Actions (NAMA) to the UNFCCC. Its NAMA covers energy, forestry, energy/waste, agriculture and transport. The Third National Communication of Madagascar is currently in the design stage.

Energy supply

More than half of the electricity produced in Madagascar is derived from imported fuel. As reported in its Second National Communication to the UNFCCC, the hydraulic potential of the country is around 7800MW, but only about 250 MW are exploited, representing approximately 3%. According to the last figures of the World Bank, only 14% of the population has access to electricity, most of them in urban areas. The exploitation of forest resources provides wood and by-products that meet most households' energy needs. In the rural villages, firewood and charcoal are still used as a fuel source, and this traditional fuel impacts the forest and the health of residents.

Given this dependency on oil imports and in line with the long term development plans of the country, in 2008 the government set ambitious targets for extending electricity access under the Madagascar Action Plan 2007-2012 (MAP). The MAP set targets to increase the electricity access rate to 74% in urban areas and 10% in rural areas by 2011 through solar, hydro, wind, and bioenergy, which have not yet been achieved.

A recent report of the Ministry of Energy says that although there is no specific renewable energy policy in Madagascar, it is determined to increase access to affordable, sustainable electricity, by tapping the renewable energy potential of the country. The Ministry is therefore updating the energy policy with the support of the European Union. The new policy is expected to encourage the increase of renewables in the energy mix, at least 5%, 20% and 80% respectively by 2020, 2030 and 2050 – with a focus on small and large scale hydro and other sources.

REDD+ and LULUCF

Madagascar has suffered significant deforestation and forest fragmentation over the last 50 years, in large part due to agriculture, with forest cover decreasing almost 40% from the 1950s to 2000. In addition, much of the agricultural land is severely eroded owing to unsustainable land-use practices.

As a result, REDD is emerging as a core component in national conservation strategies. There are five REDD+ pilot projects ongoing in Madagascar and at least six more being developed – all by international NGOs, or national NGOs closely allied to them. The five operational pilot projects cover 16 sites and 1,762,400 ha in four of Madagascar's five major forest habitats. Estimates put their carbon offset potential over the next 30 years at around 40-45 million tonnes. These projects have led the government and its partners to work through some of the implications of carbon projects, such as, who has a right to benefit and what regulations are needed.

The government is working on a proposal for REDD+ Readiness. The roadmap establishes that carbon payments will be used to carry out studies, address issues of land tenure and gaps in legislation, as well as build institutions. The Ministry of Environment, Ecology and Forestry entrusted the development of this document to the REDD Technical Committee (CT-REDD). The process has benefited from the contribution of different stakeholders at national and regional levels and in all sectors affecting the land (Agriculture, Livestock, Energy, Mine, Transportation, Planning). The proposal of REDD+ Readiness was received and approved in July 2014 by the Forest Carbon Partnership Facility (FCPF).

In addition, a programme to cover the majority of the humid forest eco-region is being prepared for proposal to the Carbon Fund. If accepted, the project could contribute to a national REDD+ strategy.

Adaptation

Madagascar is already subject to periodic extreme weather events, including cyclones, flooding and droughts, and it is expected that these events will intensify under climate change. Madagascar has a National Strategy for Disaster Risk Management. The implementation of the strategy is the responsibility of the National Disaster Risk Management Office part of the Ministry of Interior. However, the Strategy for Disaster Risk Management is generally outdated, and its institutional structure is not really operational. As a result, the strategy is being updated in a process led by the Emergency Prevention and Management Unit.

In parallel to the management of disasters, Madagascar's national strategic framework for climate change adaptation is contained in the National Climate Change Policy (2010) and the National Adaptation Program of Action (NAPA) (2006). Climate change adaptation activities have been developed under the mandate of the Directorate of Climate Change. Four projects are implementing the NAPA in Madagascar, financed by the Adaptation Fund, the Least Developed Countries Fund and the Global Environment Fund. The Thematic Climate Change Group (GT-CC) has also been particularly active in promoting climate change adaptation issues nationally and in international forums.

In addition, the government is designing a National Adaptation Plan and a National Action Plan to Combat Climate Change. The National Adaptation Plan aims to evaluate the country's vulnerability and the required measures of climate change adaptation in the medium and long term. The National Action Plan includes not only technical, but also institutional components. The government is yet to communicate the relationship between these two plans and the NAPA.

Madagascar: Legislative portfolio

Name of law	Law 2003-2010 National Strategy for Disaster Risk Management
Date	6 October 2003
Summary	<p>According to the law, risk management and disaster fits into the overall framework of activities relating to civil protection and security. The guiding principles are: guarantee the protection of the population and of the environment; improve the resilience of the population in cases of risks and catastrophes; and develop conditions to reduce the vulnerability of the population – although there is no explicit mention of climate change adaptation.</p> <p>The law provides mechanisms and measures to safeguard hazards and disasters. The strategy for DRC is based on preventive measures, warning, preparation, management, relief, recovery, reconstruction and development.</p>

The institutional structure for DRM activities includes: the National Council for Disaster Risk Management, a high level co-ordination and strategic decision-making body that is presided over by the Prime Minister and comprised of ministerial representatives; and the National Office for Disaster Risk Management, under the Ministry of Interior. The law calls for the decentralization of DRM responsibilities to the regional, district and commune level.

The SNGRC is currently being revised.

Madagascar: Executive portfolio

Name of policy	National Strategy to Face Climate Change in Agriculture-Livestock-Fishery
Date	13 October 2013
Summary	The Ministries of Agriculture, Livestock and Fisheries, developed a "National Strategy to Face Climate Change in Agriculture-Livestock-Fishery" for 2012-2025. This strategy has four strategic axes, in accordance with the National Policy to Combat Climate Change (adaptation, mitigation, mainstreaming, financial mechanism and research and technology): (i) adapting agriculture, livestock, fishing to climate change; (ii) generating socioeconomic benefits via mitigation for agriculture-livestock-fisheries; (iii) developing a sustainable financial mechanism for adaptation actions on agriculture-farming-fishing; and (iv) promoting applied research and technical innovations to agriculture-livestock-fisheries.

Name of policy	National Climate Change Policy
Date	18 November 2010
Summary	<p>The Policy aims to promote a national response to reduce the vulnerability of the country against climate change. It has five axes: promoting adaptation; promoting mitigation; integrating climate change at all levels; developing funding instruments; and promoting research, development and technology transfer and adaptive management.</p> <p>It is expected that the national policy on climate change will be put in place through a National Action Plan (PANLCC). Its implementation should be carried out in partnership with actors from the public sector, private sector, civil societies, non-governmental organizations, local communities, among others</p> <p>Implementation will be co-ordinated by the Ministry of Environment. The policy and national action plan on climate change provide the framework reference for any action taken in the field of climate change in Madagascar.</p>

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