



Photo: MIHARI



Madagascar

A national analysis on the status of territories of life

Author(s):¹ Jazzy Rasolojaona, Stefana A. Raharijaona, Jenny Oates, Rupert Quinlan, Vatosoa Rakotondrazafy, Toky Mananoro and Vololoniaina Rasoarimanana

The island of Madagascar is well known for its natural and cultural diversity. Madagascar shelters about 5 per cent of global biodiversity² and 80 per cent of the country's plant and animal species are found nowhere else. There are 18 ethnic groups, each with their own dialect. The traditional form of the Malagasy community is called *Fokonolona*; each ethnic group identifies with this despite their diversity. Many of the country's landscapes, territories and areas have been conserved by these communities for generations because they are vital to their ways of life. Often, they are the very symbol of a community's history and identity, the result of collective awareness that evolved over long periods of time and a shared effort to ensure the integrity of nature. Communities and their territories of life sustain each other. This is the space where communities continuously develop their knowledge about plants, the way of life of animals and the ecosystem in general.

A process underway since 2015³ has identified 14 so-called emblematic Indigenous and Community Conserved Areas⁴ (ICCAs) in Madagascar. The communities self-identified in relation to the three general characteristics of ICCAs, namely: (a) strong links between the community and their territory; (b) a legitimate and effective legal or de facto community governance structure; and (c) contributions to conservation and sustainable use of nature with positive results for livelihoods and well-being. ICCAs like **Etrobeke** (in the southwest part of Madagascar) have had these characteristics for generations. Others have not always exhibited these characteristics but have acquired them over time or are in the process of acquiring them through the efforts of communities. And for some of them, various external factors (e.g., impacts of the evolution of the legal framework at the national level, industrial projects, etc.) and internal



The ICCA of Tsiafajavona. Photos: TAFO MIHAAVO

factors (e.g., internal conflicts, disinterestedness of traditional values by youth, etc.) have disrupted some of these characteristics, a situation the communities are committed to redress.

These 14 emblematic ICCAs also differ according to their respective histories and the ways of life of the custodian communities. They all encompass rich and diverse natural, spiritual and/or socio-cultural components. Some are in coastal areas, others are on rangelands, in forests or within protected areas, and some take or aspire to take the form of a Community Protected Area. Apart from spiritual practices, the intimate link between communities and their territories comes also from their subsistence activities. They are mostly farmers and small-scale fishers but there are also pastoralists, suppliers of raw materials from nature and artisans. The spatial extent of these 14 ICCAs also varies, ranging from a few hectares to several thousand hectares. For example, the ICCA of Salary in the southwest of the island is a marine area of 38,293 ha with exceptional biodiversity, while the **ICCA of Sakatia Island** with its idyllic landscape and seascape in the north-west encompasses a total area of 1,230 ha, including a mangrove area of 10.5 ha, a natural forest of 12.4 ha, sandy beaches (7.2 ha) and a traditional fishing zone of 110 ha that is home to two protected species of sea turtles.⁵

¹ **Jazzy Rasolojaona** is the Programme Manager of Natural Justice (ICCA Consortium Member), Madagascar.

Stefana A. Raharijaona is the Programme Officer of Standing with Communities stream and Defense of Rights stream of Natural Justice, Madagascar.

Jenny Oates is the Knowledge Development Manager of Blue Ventures (ICCA Consortium Member), United Kingdom.

Rupert Quinlan is the Outreach Director of Blue Ventures, United Kingdom.

Vatosoa Rakotondrazafy is the President of the Board of Trustees of MIHARI Network (ICCA Consortium Member), Madagascar.

Toky Mananoro is the head of culture constituent of Tambazotran'ny Fokonolona Mitantana Harena Voanjanahary eto Madagasikara (TAFO MIHAAVO, ICCA Consortium Member), a network of around 600 associations and federations of local communities managing natural resources in all 22 Regions of Madagascar.

Vololoniaina Rasoarimanana is from Fanonga Fokonolona and an Honorary member and Council member of the ICCA Consortium.

² Madagascar's **National Biodiversity Strategy and Action Plans 2015-2025**.

³ This is a process initiated in 2015 by the NGO RAVINTSARA with support from the UNDP GEF Small Grants Programme in Madagascar within the framework of the Global Support Initiative for ICCAs.

⁴ The formulations and abbreviation of this term have changed over several years and are slightly different in different contexts. Internationally, the formulation used by the ICCA Consortium at the time of publication (early 2021) is "territories and areas conserved by Indigenous peoples and local communities", which is abbreviated as "ICCAs—territories of life".

⁵ Statistics from NGO RAVINTSARA, 2020.



At the national level, Tambazotran'ny Fokonolona Miaro ny Harena Voanjanahary (**TAFO MIHAAVO**), the national network of local communities managing natural resources, brings together nearly 600 communities supporting the customary governance of around 30,000 km² of Madagascar's forests across all 22 regions of the country.⁶ Since 1998, more than 200 Locally Managed Marine Areas (LMMAs)⁷ have been self-identified or established, covering approximately 17,500 km² or 17 per cent of Madagascar's coastal and marine areas.⁸

The national framework for community rights and nature conservation

Although they exist in practice, there is not yet a conventional term for ICCAs and their diversity in all contexts in Madagascar. The French equivalent, "Aires et territoires du patrimoine autochtone et communautaire (APAC—territoires de vie)", is used in some contexts, but is not yet part of the national legal frameworks. However, communities do have opportunities to assert their rights over their territories.

Fokonolona (the Malagasy name for local communities) have long played an important and even vital role in the conservation of nature and the development of their territories. The country's Constitution rightly considers the Fokonolona to be the basis for development and socio-cultural and environmental cohesion. The extent of recognition of the Fokonolona's rights vary, however,

according to the specific legal framework governing each element of their territory (water, forest, land, mineral resources, etc.).

Madagascar's Environmental Code recognises natural resources as the common heritage of the nation. The country is one of the first in Africa to have legally endorsed the rights and responsibilities of the Fokonolona in this area through a decentralised system of natural resources management. These rights can be established through the following:

- A fixed-term contract by which the state transfers the management for a specific area or set of resources to a legally constituted association of local communities, in which any member of the larger community Fokonolona can integrate voluntarily, and which may also include local authorities.⁹
- The establishment of a Community Protected Area or a Marine Protected Area (managed by the local community), which is, according to the Code of Protected Areas,¹⁰ dedicated to the conservation of nature through customs and associated cultural and spiritual heritage as well as traditional sustainable practices and uses.

Experiences of Locally Managed Marine Areas (LMMAs)¹¹ also show that coastal and marine areas managed by local communities can be established a priori through a *dina*,¹² which is a social convention



The ICCA of Ranomay (Atsimo andrefana). Photo: NGO RAVINTSARA



Community managed fishery closure in Andavadoaka, southwest Madagascar. Photo: Blue Ventures / Louise Jasper

developed and used for generations by the Fokonolona, including for access to and use of a territory's resources on a consensual basis. Once developed by the community, a *dina* must be legally recognised by the administration on condition that it respects public order and is subject to state control.

Other *in situ* conservation measures exist but are not yet officially recognised. This is the case for village reserves created by associations of communities bordering natural resources or tourist sites. Local communities often form associations to facilitate administrative and fiscal management and they implement conservation actions through these associations. An example is the Anjà village reserve in the central highlands of Madagascar, which implements *de facto* protection measures. There is also the case of areas like the abovementioned ICCA of Etrobeke, which has no official status but has been well conserved for generations by communities through their customary values, practices, and rules through unwritten *dina*.

Management and governance of community conserved areas in Madagascar

Fokonolona traditionally exercise their responsibility for the sustainable management and development of their territories through unwritten, *de facto* systems of rules with a wide range of local specificities. However, certain similarities can be identified; most of all, the

management of the common heritage is collective and regulated by social values like the *teny ieràna* or prior consent that precedes any decision or action.

Decisions on important matters are debated in inclusive general assemblies, which may create management

⁶ UNDP GEF SGP. 2019. **TAFO MIHAAVO: A national social movement to support the customary governance of natural resources in Madagascar.**

⁷ A Locally Managed Marine Areas (LMMA) is an area of nearshore waters and its associated coastal and marine resources that is largely or wholly managed at a local level by coastal communities, sometimes along with partners, who reside or are based in the immediate area. LMMAs are characterised by local ownership, use and/or control, and in some areas follow traditional tenure and management practices. LMMAs can vary widely in purpose and design, but two aspects remain constant: (a) a well-defined or designated area; and (b) substantial involvement of communities and/or local governments in decision-making and implementation. LMMAs do not necessarily share the three general characteristics of ICCAs—territories of life but there are often significant overlaps and synergies. LMMAs are not yet legally recognized as such in Madagascar. For more information, see Immanetwork.org

⁸ MIHARI Network. 2020. **Public database of LMMAs.**

⁹ This system is established by Law No. 96-025 of 30 September 1996 on the local management of renewable natural resources, commonly referred to as the GELOSE Law. Specifically for coastal and marine resources, also relevant is the Transfer of Fisheries Resource Management established by Decree No. 2016-1352 of 08 November 2016 and Interministerial Order No. 29211-2017.

¹⁰ Law 2015-005 on the recasting of the Protected Areas Code.

¹¹ Refer to footnote 6.

¹² *Dina* is legally established by the Law No. 2001-004 of 25 October 2001.



Traditional leaders of the Tsimbahambo ICCA. Photo: NGO RAVINTSARA

units for the different resources of the territory, each of which has an obligation to report back to the assembly. The settlement of disputes is often carried out according to local customary practices, usually with the mediation of the *Raiamandreny*¹³ or a council of elders in the name and on behalf of the community, with the witness of third parties. The sanction for their transgressions varies from one Fokonolona to another, but generally consists of a social penalty (leading to the ostracism of the member and the restriction of access to services) or a sentence to repair the damage suffered (payment of a fine to the injured party or performance of an expiatory rite).

In effect, the customary system and the state legal framework continue to coexist, albeit not without tensions. This conciliation has led to the recognition of the *dina* (local collective agreement) in the system of management and governance of resources and territory in general. However, the legal framework requires that Fokonolona organise themselves into a legally constituted structure to count as a “legal personality” and participate as such in the conservation or development of the various elements of their territory. This can be an association of a local community, an association of small-scale fishers, a cooperative of

seed farmers or any other form of structure with legal personality. This applies both to land resources and coastal and marine resources. Several observations show that such organisation through associations is not always legitimate for the Fokonolona, especially when the association’s constitution has not considered the existing local customary structure and rules.

Apart from communities, other actors also have interests in their territories, with implications for the extent of community power in decision-making processes. Often communities are involved in co-management agreements for certain areas and share governance with other actors (e.g., state or local government, conservation NGOs). Aside from the ICCAs that do not yet have official status, the areas that benefit from a delegation of management by the state (as is the case with Community Protected Areas) seem to give more latitude to the Fokonolona in the decision-making process. However, the balance of power of communities with the other actors in the context of co-management often depends, on the one hand, on their negotiating capacities, the knowledge of their rights, their leadership and, on the other hand, on the willingness of local authorities or some local organisations to support the community interests.

Building the knowledge base from the ground up

Information on community-governed and -managed areas is scattered among the various public institutions and organisations working with them. The **MIHARI Network**, for example, manages a database on **Locally Managed Marine Areas** that is available on its website; access to specific data is subject to specific rules and conditions established by the members of the network¹⁴ who own it. **TAFI MIHAAVO**, the national network of local communities managing natural resources, is also planning to set up a digital library to integrate information on the areas managed by their members,¹⁵ including the abovementioned 14 emblematic ICCAs. The aim is to facilitate their recognition by showing their contributions to the conservation of nature, livelihoods and community well-being. It is also a way for communities to revitalise and disseminate the knowledge and wisdom that the elders acquired and developed over time, especially to younger generations.

At the national level through the relevant Ministry, the government centralises and manages information on all natural areas in Madagascar, including those managed by communities. This includes the Madagascar Protected Areas System, a national

platform set up to integrate information on protected areas. However, there is not yet a harmonised system specifically dedicated to documenting ICCAs—territories of life in Madagascar.

Factors contributing to the power and success of Fokonolona and ICCAs in Madagascar

Several Fokonolona have already received international awards for their contributions to sustainable management of nature, including the prestigious UNDP Equator Prize. **One of these Fokonolona** manages one of the 14 emblematic ICCAs mentioned. Overall, the dynamics of ICCAs’ contributions to nature conservation

¹³ Raiamandreny can be literally translated as “father and mother” or, more generally, “parents”. In its broadest sense, it includes the village elders and authorities, who are the parents of the community.

¹⁴ More than 200 LMMAs have been set up since 1998 in Madagascar, and these are supported by 25 NGO partners (MIHARI, 2021).

¹⁵ TAFI MIHAAVO brings together around 600 associations and federations of local communities spread over the 22 Regions of the island (TAFI MIHAAVO, 2021).



LMMA representatives at an awareness raising event. Photo: MIHARI



and community well-being in Madagascar seem to be determined by several factors. Among others, the following stand out:

- **The synergy and leadership of communities** in developing their own initiatives for their ICCAs is a crucial element. This often also involves the ability to mobilise community members in an inclusive manner. At the local level, communities have taken diverse actions such as voluntary patrols for the control of forests and reinvestment of monetary benefits from the management of their territories in reforestation and other conservation activities. At the national level, representatives from emblematic ICCAs participate in advocacy for the revision of legal texts and policies to recognise and strengthen communities' traditional governance and management of their territories and the resources within it. The national networks of TAFO MIHAAYO and MIHARI Network also have significant convening power and growing social and political capital.
- **The strengthening of collective values and rules linked to their ways of living together and to their territory** often allows the Fokonolona to better face challenges (such as the integration of new migrants, the perpetuation of values, rules and customary practices, the hosting of external projects, etc.)

and opportunities (such as collaboration with an external organisation or entity for the valorisation of traditional knowledge or local resources under fair conditions).

- While advocating for an appropriate form of legal recognition at the national level, **the integration of community-governed and -managed areas into territorial development schemes and plans at the communal and regional levels** is an important way to initiate their bottom-up recognition and above all to harmonise territorial development interventions. In addition, it can also be a way to ensure the support of local authorities.
- **The availability of resource persons and organisations that can facilitate and support communities** in their self-strengthening processes is a considerable asset. A group of individuals and organisations working on community governance and management meets regularly to harmonise their support for and with communities. This support often takes the form of technical and/or legal or even financial advice and assistance, according to priorities defined by the communities themselves. Communities might be supported by an external organisation to help define and formulate these priorities according to their needs.



LMMA leaders bringing together to decide their future in MIHARI forum. Photo: MIHARI



MIHARI members learning together 2017. Photo: MIHARI

- **The orientation of political decisions towards greater recognition of communities and their rights** strengthens communities' sense of ownership of their territories "Make Madagascar green again" is the ambition coordinated by the current government and shared by all national actors. The political discourse in this sense places local communities as key partners. This is the case, for example, with the implementation of social and environmental safeguards favourable to the interests and rights of communities in and around protected areas and the development of a legal framework for securing community land tenure. This orientation favours opportunities to assert the rights and good practices of communities.

Remaining challenges

Some challenges are specific to individual ICCAs or groups thereof, often relating to their internal dynamics. But there are also shared challenges, mostly arising from their interactions with their external context and the broader systems that affect them.

From the perspective of many communities, it can be difficult to manage policy and legal frameworks that separately and differently address their rights over different parts of their lives and territories, including forests, agriculture and community land, water and traditional knowledge. These elements are often

inextricably linked at the community level, with each part depending on the others. This requires appropriate consideration of and respect for communities' holistic worldviews, but it is not easy to communicate this in an understandable way to external actors. Furthermore, without being sufficiently informed about their rights under national and international frameworks, communities often have limited capacities to negotiate with other actors with different interests.

The place and role of communities in "who decides and how" on matters concerning their territory is not always clear. This sometimes calls into question the social acceptability of decisions when they have not been sufficiently debated in an inclusive manner. In addition, there is the question of representation of the communities. It is often not clear who can speak on behalf of the whole community and how to approach them. For example, until now, the state decision to create protected areas is usually accompanied by public meetings with local communities, but there are no prescriptions of how to hold these public meetings, nor is there any guarantee that the communities' views are respected in the final decision.

Many communities in Madagascar still directly depend on nature's resources for their livelihoods. However, the availability and the benefits arising from the management of resources may not always be sufficient to meet this vital need, often due to broader pressures on ecosystems and land outside of communities'



Workshop for the identification of the Tuléar ICCA. Photo: NGO RAVINTSARA

control. The vulnerability of the socio-economic living conditions of the communities then sometimes limits their access to essential services (such as education, food and health), which can in turn negatively impact their motivation and their dynamics in the management of their territory.

The legal framework does not yet consider the ways in which communities' land is secured on a customary basis. Although there is a law recognising collective land registration (see Law No. 2006-031 on non-titled private property), this does not apply to land with specific status in which certain ICCAs are located such as protected areas, forest areas, land under natural resource management transfer, etc. However, a legislative process currently underway and initiated by the state relates to the protection of community land and other land with specific status in a way that could be affordable and accessible for communities.

The way forward

Recognising and supporting the Fokonolona and their practices, innovations and knowledge has significant implications for the conservation and sustainable use of nature and for human well-being in Madagascar. It is primarily an act of political will that would lead to strengthening collective responsibility and to rethinking how we relate to and interact with nature. This is

particularly relevant in the current situation, where making the economy 'greener' and more humane has become critical, especially regarding extraction and exploitation of natural resources. The following actions in support of ICCAs, among others, appear to be a priority in this context:

- **Continuing the process of self-identification and self-documentation of ICCAs and encouraging the establishment of an ICCA federation in a mutually supportive movement.** Custodians of ICCAs recognise themselves and each other; this can take the shape of a peer-to-peer approach where emblematic ICCAs pair up with their counterparts and in the process, build an increasingly compelling case to convince others of their importance for humans and nature and the need for their appropriate recognition and support.
- **Continuing efforts to support the self-strengthening of ICCAs** to maintain their integrity and to seize opportunities and address external and internal threats. This may involve developing community protocols, strategies and land use plans that articulate communities' visions, priorities and needs in relation to their ICCAs. The valorisation and intergenerational transmission of values and good practices is central to this process.
- **Developing and granting appropriate forms**

of legal recognition for ICCAs as physical territories and areas imbued with deep social, cultural, spiritual and environmental values and relations. This includes supporting ICCAs both through the diversity of community decision-making systems and customary laws and through the state legal system (e.g., as Community Protected Areas, collective properties, etc.) where appropriate to do so. In efforts to reconcile and harmonise different legal systems, it is necessary to prioritise and centre communities' customary

laws and worldviews, given the continuing dominance of national and international legal frameworks.

- **Integrating Fokonolona's rights to self-governance and to give or withhold free, prior and informed consent into all legal frameworks and sectoral policies that affect them,** including systems that enable them to follow up on their decisions and recommendations and address violations such as through appeal and grievance mechanisms.



Nosy Manandra - a sandbar in the Barren Isles, western Madagascar. Traditional migrant fishers live here for as long as the weather permits, leaving only during the cyclone season. They free dive for sea cucumbers and fish for sharks on the reefs farther out into the Mozambique Channel. It is only in remote areas such as this that fishers can still find sea cucumbers and catch large sharks. Despite having fished some of these areas for generations, traditional fishermen have no formal claim to them. Far offshore they occasionally cross foreign industrial longliners; illegal, industrial-scale teams use scuba to dive for sea cucumber and have stripped out the same reefs Vezo free-dive on; closer to shore there are undustrial shrimp trawlers scouring the seabed. While these newcomers severely undermine the resources traditional fishers survive on, the Vezo have no voice in trying to stop them. Marine Protected Areas and hotel developments have deprived migrant fishers of their fishing grounds and coerced them into leaving islands. Photo: Blue Ventures / Garth Cripps



About this report

This chapter is part of the Territories of Life: 2021 Report, composed of local, national, regional and global analyses of territories and areas conserved by Indigenous peoples and local communities (sometimes abbreviated as “ICCAs” or “territories of life”). The report is part of an ongoing process to develop the knowledge base on territories of life in support of Indigenous peoples’ and local communities’ self-determined priorities. It is produced by the **ICCA Consortium with the support of several partners**.

ICCA Consortium. 2021. Territories of Life: 2021 Report. ICCA Consortium: worldwide.
Available at: report.territoriesoflife.org.

About the ICCA Consortium

The ICCA Consortium is a global non-profit association dedicated to supporting Indigenous peoples and local communities who are governing and conserving their collective lands, waters and territories. Its organisational Members and individual Honorary members in more than 80 countries are undertaking collective actions at the local, national, regional and international levels across several thematic streams, including documenting, sustaining and defending territories of life, as well as youth and intergenerational relations.

Learn more about the ICCA Consortium at
www.iccaconsortium.org



The ICCA
Consortium

