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**RESEARCH REPORT ON LOCAL GOVERNANCE
IN MADAGASCAR
FINAL VERSION**

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ACRONYMS AND ABBREVIATIONS

ANGAP	<i>Association National pour la Gestion des Aires Protégées</i> (national association for protected areas management)
ARD	Associates in Rural Development
CI	Conservation International
DD(RA)	<i>Direction des Domaines et de la Réforme Agraire</i> (Department of Domain)
DFM	Decentralization : Finance and Management
DEF	Department of Forestry (<i>Direction des Eaux et Forêts</i>)
ICDP	Integrated Conservation and Development Project
KASTI	<i>Komitin'ny Ala sy ny Tontolo Iainana</i> (Forests and Environment Committee)
KEPEM	Knowledge/Effective Policies for Environmental Management
LTC	Land Tenure Center, University of Wisconsin
NEAP	National Environmental Action Plan
NGO	Non-Governmental Organization
NPA	Nature Protection Agent
ONE	<i>Office National de l'Environnement</i> (national office for environmental protection)
PS	Public Service
RAD	<i>Ray aman-dReny</i> , or elders
RNR	Renewable Natural Resources
RRA	Rapid Rural Appraisal
SAF/FJKM	<i>Sampan'Asa Momban'ny Fampandrosoana/Fiangonan'i Jesosy Kristy Mpamonjy</i> (local protestant church)
SAVEM	Sustainable Approaches to Viable Environmental Management
SNR	Strict Nature Reserve

SSI	Semi-Structured Interviews
USAID	United States Agency for International Development
WFP	World Food Program
WWF	World Wildlife Fund

GLOSSARY

- local** term denoting in this report the lowest collective action and administrative levels.
- community** group of people who live on a given set of lands and using the resources on it, and who acknowledge a shared structure for decision-making and conflict resolution. The Malagasy term for community is *fokonolona*.
- fokonolona** see *community*.
- internal institutions** the bodies of rules, sometimes tacitly accepted, formulated within and by a community.
- external institutions** the bodies of rules formulated outside of the community, and not by the community itself.
- local rules or institutions** rules applied at the community level. They may be solely internal, or may include external rules.
- These institutions are:
- *understood* when the purpose and usefulness of the institution are known to the members of the community. Residents resort to these institutions as required by circumstances;
 - *accepted* when people follow the rules either voluntarily or involuntarily (fear of repression, apathy).
- abundance (of resources)** specified depending on the local perception and observations made by outsiders (deterioration or non-deterioration of the resources studied).
- outmoded rules-in-use** rules-in-use which have not changed with local circumstances (climate changes, socio-cultural upheavals, changing systems of production), thereby becoming ineffective, a situation which often manifests itself through the revival of disputes over a given resource. The criteria for effectiveness applied are:

regarding technical management:

- sustainable use of resources
- satisfactory productivity;

regarding political management:

- the stability of the system of governance
- the fairness of the system of governance.

PREFACE AND ACKNOWLEDGEMENTS

This fifteen-month research program received funding from USAID/Madagascar through Contract No. DHR-5446-Z-00-7033-00 relating to the *Decentralization : Finance and Management* [DFM] Project executed by Associates in Rural Development [ARD]. Research focused on the links between local resource governance, the effectiveness of resource-management systems, and the preservation of biodiversity in the protected areas of Madagascar. In conjunction with this work, a team of researchers from the Land Tenure Center [LTC] of the University of Wisconsin, Madison, Wisconsin, USA, conducted research on the local natural resources tenure systems.

The ARD team included Nadia Rabesahala (leader), Heriniaina Rakotoarisoa, Faly Rasamison, Rasolofonjatovo Justin Emmanuel, and, for research undertaken in one of the three protected areas, Hery Ramambaoa, all of whom were researchers. Tovohery Ndriananja from the Department of Forestry [DEF] accompanied the team to the Amber Mountain sites. James Thomson and Maminiana Razafindrabe supervised research from the United States and in the field.

The research team wishes to thank Spike Millington and Frédérique Rakotoarivelo of USAID/Madagascar for their help throughout its work. The warm welcome and assistance it received from the staff of the three Integrated Conservation and Development Projects [ICDP] at Amber Mountain, Zahamena, and Andohahela, within which the studies were carried out, allowed the team to successfully complete its work. The four interpreters who accompanied the team made its work immeasurably easier. Finally, without the hospitality, the patience and understanding of the communities we visited, the research would not have been successful. Therefore, the team wishes most especially to express its deepest gratitude to them.

SUMMARY

At the request of USAID/Madagascar, the consulting firm Associates in Rural Development [ARD], in conjunction with the Land Tenure Center of the University of Wisconsin, carried out a research program as part of the component "facilitate local initiatives relating to natural resource management" of the KEPEM Program (Knowledge and Effective Policies for Environmental Management). The research was designed to produce data allowing policy modification, in order to create a legal and political framework promoting more effective management of renewable natural resources [RNR] and preservation of biodiversity at the community level. It proved necessary, on the one hand, to ascertain the existence or lack of a local natural resources-management capability, on the one hand, and, on the other, to study the relationship between the local and state-run systems of governance.

Accordingly, the ARD team conducted its research with eight *fokonolona* (communities) established on the periphery of three protected areas. The study of governance (technical and political management) focused on two sectors: renewable natural resources [RNR] and public services [PS]. Varied methods were used to carry out this research, i.e., the Rapid Rural Appraisal method [RRA], individual and group discussions, and finally, household surveys.

Research results produced the following findings: (1) the systems of governance¹ influencing the behavior of resources users derive from two sources, internal and external institutions; (2) internal institutions tend to be better understood and more readily accepted in the communities than are external institutions; (3) a local management capability does exist, as is apparent in the various aspects of community life; (4) the incidence of conflicts no longer amenable to community-based conflict resolution mechanisms results in large part from a competition between local, community-based and outside institutions, a phenomenon which decreases the influence of internal institutions on user behavior; and (5) resource management proves to be more effective when the users of these resources enjoy local autonomy of management and governance.

These findings prompted the team to formulate recommendations seeking to make official and strengthen the organizational and managerial capabilities of the participatory community structures, through the establishment of a suitable legal framework.

The report that follows contains the results of a major portion of the data collected during the twelve-month research and analysis effort, which correlated them with the issues that guided the research.

¹ The term "governance" refers to the way in which power is used within the decision-making process; in other words, who decides what for whom.

I. INTRODUCTION AND OBJECTIVES OF THE STUDY

For about a decade, the government of Madagascar [GOM] has attempted to deal with a serious dilemma: the upsetting of the balance between economic development and environmental conservation. To surmount this environmental crisis and increase the chances for preservation of biodiversity in Madagascar, a number of actions have been undertaken, including, most notably, support of both development and preservation projects. The GOM approach consists in improving natural resources management and preservation of biodiversity, through the promotion of the economic development of the peoples living around the protected areas.

The studies of which the results are presented here has its origin in the Environmental Action Plan of Madagascar [NEAP]. This program, certainly an ambitious initiative, aims at encouraging the preservation of biological diversity and the sustainable management of natural resources, through a variety of direct and indirect activities. KEPEM, a program supporting the NEAP implementing agents, is intended to strengthen, at several levels of Malagasy society, institutional capabilities for management of renewable resources and the preservation of biodiversity. This program calls for political reforms linked to resource law.

Through the SAVEM project, USAID/Madagascar is funding biodiversity-preservation efforts in a several protected areas (Amber Mountain, Zahamena, Andohahela, Mantadia/Andasibe, Masoala, and Ranomafana). By virtue of the texts establishing these protected areas, the Malagasy government artificially reduced user access to the natural resources contained therein, thus posing problems of survival for the communities living in the surroundings protected areas. It proved necessary, therefore, to enable the inhabitants to adapt their systems of production through intensification, thus allowing them to live on a natural resource base which, from their point of view, had shrunk, while at the same time exerting fewer pressures on the protected resources. These changes in the systems of production presupposed the existence of institutions capable of inducing the desired changes in users' behavior.

USAID/Madagascar conceived the idea of a "local initiatives for the management of natural resources" component and selected the *Decentralization: Finance and Management [DFM]* project, implemented on behalf of USAID/Washington by Associates in Rural Development [ARD] and the Land Tenure Center of the University of Wisconsin at Madison to carry out studies on local initiatives. This research, conducted jointly by the two organizations, studied two topics: (1) as a principal focus, the local governance of renewable resources and the effective provision of public services, considered to be a requirement for improved resource management; and (2) renewable resource tenure (land and related resources). This research was intended to provide information in support of recommendations for changing policies and legislation on natural resource management.

USAID/Madagascar, aware of the interaction of the two studies, asked ARD and LTC to work together to carry them out. Jamie Thomson and Peter Bloch drafted the final research plan in very close cooperation with the organizations active in the area (World Wildlife Fund, Care, Conservation International), the Ranomafana Project, etc.), the National Association for the Management of Protected Areas [ANGAP], the relevant agencies of the Government of Madagascar (DEF, the Property and Agrarian Reform Administration [DDRA], the Ministry of the Interior, and the National Office of the Environment [ONE]), and USAID.

The underlying hypothesis of this research program was that **there exists a significant local capacity for natural resources management**. However, this capability appeared to be weakened by existing legislation and by the actions of the Malagasy government, while being undermined by uncertainty arising from limited means to implement the regulations.

The two studies focused on:

- 1) Decentralization of resource-management responsibilities, which was made largely dependent on the effective provision of public services; and
- 2) natural resources tenure (land, forests, surface water), including, in particular, safe access to these resources by users in the adjoining areas. This subject was covered in the LTC reports.

What is involved in the topic of political management of resources and services? This question raises the basic problem of identifying who makes decisions about resource management and service provision.

The term "governance" refers to a series of issues relating to the way in which power is used in the process of decision making, the formulation and enforcement of laws, dispute resolution, and the evaluation of institutional operation. A study of "governance" is thus designed to establish:

- who decides on an initiative, in this instance by a collective decision-making authority;
- what will be undertaken; and
- how the project in question will be carried out (funding methods and organization).

"Governance" thus includes both a political (institutional arrangements) and a technical (resource management) aspect.

Decisions made in these areas include not only decisions regarding management or provision methods, but also the ways in which costs and benefits must be allocated.

Since the KEPEM Program has as its goal improved management of natural resources and the preservation of Malagasy biodiversity, why was the team interested in services as well as natural resources? There were two reasons:

- First, the capacities for collective action of a community (*fokonolona*) are made manifest in both sectors, i.e., services and resources;
- Second, the productivity of production systems is not solely dependent on internal factors, but also on public services, e.g., basic education, public health, road maintenance, etc., which affect the community's ability to survive while living on a diminishing resource base and to improve their production systems.

Applied research focused on three series of questions relating to:

- existing rules, current practices, and the changes required to increase rights of access and improve land use and management of associated RNR;
- local technical and political management ("governance");
- procedures for conflict resolution regarding RNR.

The approach taken by the two partners recognized that the basic hypothesis, i.e., the existence of local management capabilities, is as ideological in nature as its alternative: the omnipotent and omniscient State faced with an ignorant local population incapable of acting effectively by itself. It was necessary, therefore, "to let reality speak" by carrying out research in the field. The methods were neither conventional (ethnographic, socio-economic, descriptive) nor superficial (pure Rapid Rural Appraisal method - RRA), but rather: a) participatory, b) illustrated by case studies having a specific focus, but c) embodying a rigor making it possible to obtain results with complete confidence.

Each partner formed a team composed of four to six researchers having varied experience, including social and agronomic sciences. The plan stipulated that each team would conduct research in the field around four protected areas monitored by the NEAP and ANGAP, where an integrated conservation/development project had been set up, and in two or three sites (villages, *fokontany*, *fokonolona*) each. The sites were to be selected based on their connection with the neighboring protected site, in consultation with local authorities and the entity responsible for implementing the ICDP for that area. The studies lasted about three weeks at each site.

This report presents an overview of the results of the studies conducted during a twelve-month period by the ARD team in eight communities living in the peripheries of the protected areas at Amber Mountain, Zahamena, and Andohahela. It comprises four main sections: the introduction (Section I), research methodologies (Section II), research results (Section III), and finally, recommendations (Section IV).

II. SITE SELECTION AND RESEARCH METHODOLOGIES

A. Site Selection

The teams were first concerned with locating sites that had not previously been surveyed, especially using participatory research methods, hoping thereby to avoid apathy and bias on the part of the respondents.

In most cases, the sites visited by the ARD team were selected according to criteria recommended by ICDP staff and by the team itself.

1. *First Protected Area: Amber Mountain*

The ARD team chose a site-selection strategy inspired by its interest in studying locally-designed and -managed public services. After talking with the Antsiranana Rural Engineering Department and the leaders of the Mahavanona *firaisana*, the team chose the *fokontany* of Anjavimihavana because of a traditional irrigation system (*lakan-drazana*) the community had built and maintained. Upon arriving at the site, the team found there were two separate *fokonolona* within a single *fokontany*, one at Antsatrana and the other at Anjavimihavana (*fokontany* seat). Accordingly, they decided to study the two communities as separate sites (see Appendix 2).

2. *Second Protected Area: Zahamena*

Once the two teams had learned that all of the areas surrounding Zahamena had been surveyed to similar degrees, they arbitrarily divided the reserve into an eastern and a western zone.

The ARD team, interested in conducting a comparative study between the sites within the enclave and those located on the eastern perimeter of the reserve chose one *fokontany* at random in each region, using as criterion their membership in the same *firaisana*. The specific nature of the Ambatoharanana site, located within the reserve between the Ambodivoahangy and Mahasoia sites but still within the same *firaisana*, prompted the team to study this site as an entirely separate community (see Appendix 3).

3. *Third Protected Site: Andohahela*

After gathering secondary data and to ensure uniformity with the research already conducted in the areas surrounding the other two protected areas, the team visited the communities of Talakifeno and Marotoko *fokontany*. Betanimena, which lies opposite Marotoko on the "corridor" of vegetation linking parcels 1 and 2 and is part of the larger *fokontany* of Ambatoabo, was the last community chosen. These three *fokontany* form part of

the Ranopiso *firaisana* (see Appendix 4).

B. Team Members

To successfully complete the study of governance, a multidisciplinary team was formed including four (five in Zahamena) members trained in the following fields:

- agronomy, with specialization in socio-economics;
- agroforestry;
- private law;
- (communications in Zahamena); and
- political science.

A sociologist from the Department of Forestry [DEF] accompanied the team at the two Amber Mountain sites. In addition, for ease of communication given the dialects used locally, translators from the region were added to the team.

C. Research Methods

1. *Collection of Secondary Data*

The secondary data sought and collected included study reports, notes on the interviews conducted, and maps. Data were collected in Antananarivo and in the provinces.

2. *Courtesy Visits*

Courtesy visits to State representatives (government and ministerial departments) and

The criteria for elimination of sites, illustrated here by the example of Andohahela, were as follows:

- severe problems of access;
- an excessive distance between the site and the Andohahela reserve (the area close to the reserve had to be targeted);
- sites not recommended by the organization working in the area (WWF) because they had been "oversurveyed."

Final site selection took into consideration:

- inclusion of the sites in the Tolanaro *jivondronana* (Fort Dauphin);
- the possibility that the sites would become "pilot villages" in the second phase of the WWF project; or sites that might be affected by the new limits and status of the reserve (national park);
- the status of the *fokontany* and population size; existence of educational infrastructure or other public services.

to influential members of the communities visited preceded the work.

3. *Rapid Rural Appraisal Method (RRA)*

Once at the research site, the actual research began by conducting RRAs, which were carried out over a period of four to seven days. Group exercises took place beginning with the team arrival at the site. Because of their more sensitive nature, other group exercises were conducted during the second half of the last week of research. During the first period, informal conversations and semi-structured interviews (SSI) allowed the team to become quickly aware of local conditions. On average, each exercise lasted two to three hours. The team performed a preliminary analysis during the first week devoted to data-collection in the field. Information exchanges took place informally but on a daily basis among the team members.

4. *Surveys Among 30 Households (Only for Zahamena and Andohahela)*

Using a questionnaire prepared in Antananarivo, the team divided up into three groups to conduct a sampling survey of thirty (30) households in each *fokontany*. The number of persons surveyed per neighborhood/hamlet was proportional to the number of households counted per neighborhood/hamlet. The quota per neighborhood/hamlet was met by random selection. Fifteen men and fifteen women were asked questions about the tenure of renewable natural resources. As regards questions concerning "governance" specifically, instead of being posed directly they were used as a survey guide for the Andohahela communities. The results guided and supported the various analyses.

5. *In-Depth Research By Subject--Case Studies*

Each team member conducted in-depth interviews by subject according to his or her area of specialization. However, continuous exchanges of the data collected were employed to draft the various reports, each of the latter being the result of joint analysis. Following meetings of the team members, points for analysis were chosen to direct the interviews which closed the data-collection phase. The team's main concerns related not only to the continuity of the research topics from one community to another, but also respect for the specific characteristics of each site it visited.

6. *Problems Encountered*

The team encountered a number of problems affecting the research and, in consequence, results:

- Despite the team's efforts to ensure close communication with some communities, especially in Zahamena and Andohahela, the communities proved

communities, especially in Zahamena and Andohahela, the communities proved distrustful of the team members. The team was often confused with the local project or government staff;

- The team did not always become "part of" the *fokonolona*, given the distrust shown by some community members towards strangers. For this reason, and because of internal community problems, it sometimes proved difficult to encourage people to participate in the group exercises. The schedule of activities had to be changed on several occasions. Marotoko (Andohahela) and Mahasoa (Zahamena) were particularly difficult sites;
- Research was often conducted during the farming season, a fact which somewhat impeded community participation in the organization of group and individual interviews;
- Given these local circumstances, it was not appropriate to conduct sampling surveys among the inhabitants to collect information on local "governance." Some persons chosen gave comprehensive answers and were cooperative, but a significant number were exasperated by the numerous questions. Accordingly, only 24 household surveys (and not the 30 scheduled) were carried out in Marotoko. At Betanimena (Andohahela), the team decided deliberately to limit the number of surveys to 12, because of the small population size;
- Finally, members' health problems forced the team to suspend research at the Andohahela sites. At Betanimena, one of the researchers (the agronomist) was absent. The data gathered in 1993 by the team from Veterinarians Without Borders concerning production systems in Betanimena could help other researchers fill in the gaps for this site.

III. RESEARCH RESULTS

A. Site Descriptions²

1. Amber Mountain Communities

Location: The communities of Antsatrana and Anjavimihavana are located in the northeastern/eastern part of Amber Mountain National Park, fifty kilometers southwest of Diego Suarez.

Administrative Identity: Antsatrana and Anjavimihavana belong to the Anjavimihavana *fokontany*, however, because of strained relations between the two communities, their members are socially and physically distant from each other.

Social Structure: The two communities studied are similar in the sense that each is composed of a large central family into which individuals and families of foreigners (*mpiavy*) have been assimilated. The two settlements were established by waves of immigrants from various regions of Madagascar during the nineteenth century. The distinguishing feature is the fact that, in Antsatrana, foreigners are easily assimilated into the community, while at Anjavimihavana the *mpiavy* are marginalized, a factor which handicaps them both socially and politically.

Community Lands: While the approximately 160 inhabitants of Antsatrana are concentrated in one central village surrounded by a number of hamlets, the nearly 400 inhabitants of Anjavimihavana are more concentrated in the hamlets surrounding the central village.

Production Systems: Agricultural production at Amber Mountain centers on rice growing, vegetable farming, and cattle-raising. There are several market opportunities at Anjavimihavana, while those at Antsatrana are limited.

Ecological Situation: Regarding water and land resources, Antsatrana is experiencing an unquestionable ecological imbalance, while Anjavimihavana only faces the threat of such an imbalance.

2. Zahamena Communities

Location: The community of Ambodivoahangy is located to the north of the reserve and to the south of the enclosed part. The community of Mahasea is located some three kilometers east of the reserve, while Ambatoharanana lies between the first two in the northeastern part of the "horn" east of the reserve.

² For more explanatory detail, consult the detailed reports on the sites at each protected area.

Administrative Identity: The three communities in the Zahamena region are under the jurisdiction of the Abodimangavalo *firaisana*. Ambodivoahangy and Mahasoa are the principal *fokontany* communities, while Ambatoharanana belongs to the *fokontany* of both Ambodimangavalo and Mahasoa.

Social Structure: The three Zahamena communities are composed of relatives and are patriarchal societies. The elders, called *Ray aman-dReny* [RAD], are united by bonds of kinship, the degree of which varies from one community to another. Each community is a homogeneous group whose ethnic identity is *Betsimisaraka*. Despite this homogeneous character, it is striking to note the geographic division of each of the villages and communities visited, which is based on differences in religious practice (ancestor worship and *Fifohazana* religion) in the two larger communities, and on personal kinship in Ambatoharanana.

Community Lands: In Ambodivoahangy and Mahasoa, where there are more than 1,200 inhabitants, community lands include some farmland and dwellings forming three villages. The population of Ambatoharanana lives in a single village of about 200 inhabitants. Upland rice fields (or *tavy*) in Mahasoa are for the most part outside community boundaries, while the fields in Ambodivoahangy and Ambatoharanana fall within those boundaries.

Production Systems: At Zahamena, the production systems are based mainly on hill rice-farming (*tavy*) and perennial crops (coffee and cloves). The three communities are geographically isolated, a fact which handicaps them in their search for markets.

Ecological Situation: Mahasoa and Ambodivoahangy are in the same situation: both are surrounded by fallow *savoka* (secondary vegetation on slopes). Ambatoharanana, on the other hand, is closely surrounded by primary forest and slopes recently cleared for *tavy*. Contrary to the people's perceptions in the two larger communities, Ambatoharanana still thinks of itself as being surrounded by *ala be*, or primary forests.

3. *Andohahela Communities*

Location: The communities of Talakifeno, Marotoko, and Betanimena are located between parcels 1 and 2 of the Andohahela Strict Nature Reserve [SNR], several kilometers apart. Marotoko and Betanimena are located on either side and to the north and south of the "corridor" linking the two plots. Talakifeno lies to the south of Betanimena and to the north of the large village of Ambatoabo. These three communities are built on the banks of major waterways (the *Sambalahy* River at Talakifeno, the *Tomily* River at Marotoko, and the *Mananara* River at Betanimena).

Administrative Status: The three communities visited at Andohahela belong to the Ranopiso *firaisana*. Two are the chief communities of *fokontany*, i.e., Talakifeno and Marotoko, while Betanimena belongs to the main *fokontany* of the region, Ambatoabo.

Social Structure: The three Andohahela communities are similar in that they are composed of one family of *topom-tany* (original inhabitants, first landowners), to which immigrants searching for arable land were added. The distinguishing characteristic of these lies in the fact that "blood brotherhoods" relationships (*ati-hena*) allow the establishment of strong, long-lasting ties among individuals of different origins. The communities visited were mostly *Antanosy*, although *Antandroy* families are among the inhabitants of Talakifeno and Betanimena.

Community Lands: At Andohahela, dwellings are concentrated in hamlets and villages. Farmlands are located in immediate proximity to the villages (except for land holdings lying outside of the community lands), while some pasture land is included within the reserve. The three community landholdings encompass substantial forested areas.

Production systems: At Andohahela, irrigated rice farming and cattle-raising are the predominant agricultural activities. Water shortage is the main obstacle impeding improved agricultural production. Bartering exists, but most trade is carried out at the Ankarera market, thirty kilometers to the south of the three communities.

Ecological Situation: The communities of Talakifeno, Marotoko, and Betanimena remain quite close to the forest. In general, the status of their resources is still good, even though the three communities acknowledged the threat of an imbalance (especially with regard to farmlands) in the relatively near future.

B. Findings

1. First Finding

The systems of governance which influence/channel user behavior with respect to resources derive from two sources. There exist:

- a system of governance based on local, community-based institutions³, which often are of ancestral origin (*ara-drazana*);
- another system based on external, state, project, or non-governmental organization [NGO] institutions.

³ The term *institution* is used to refer to all of the rules which channel human behavior in an area. Labor organizations, governments, communities, and land-tenure systems are examples of institutions.

Overall, internal institutions have more influence than external institutions on resource users' behavior.

The internal institutions identified are:

The family, lineage, and community leadership

- the *Ray aman-dReny*, heads of families or lineages;
- the *Ray aman-dReny* heads of villages, leaders of entire communities.

Human groups

- the family (*fianakaviana*)
- the community (*fokonolona*)

The structure of collective action

- farming/agricultural activities (mainly for rice-farming);
- socio-cultural events (marriages, circumcisions, wakes and funerals);
- special interest groups (religion, education, sports, women).

The following general remarks can be made:

- Overall, with a few exceptions, each type of institution exists in all communities;
- Internal institutions have varying degrees of influence. Human groups and leadership at various levels are prominent among the most influential institutions.

N. B.: Communities include a varied number of *fokonolona* ranging from one (Betanimena at Andohahela) to three (Ambodivoahangy at Zahamena).

One striking example of the influence of the family as an institution on the behavior of community members occurs in the area of community resource mobilization. It is virtually inconceivable for a community member not to take part in the ceremonies organized around death. Each member participates *voluntarily*, according to his or her means (time, cash, contributions in kind, labor), in organizing a wake. No protest was mentioned by the communities visited. On the other hand, resource mobilization for provision of a public service, e.g., upkeep of a path giving access to the village, requires a virtually mandatory organizational effort, especially when the orders come from the *fokontany* or *fraisana*. Examples of punishments for lack of participation were mentioned on several occasions.

The external institutions identified included:

Official organizations

- local representatives (KASTI, NPAs, members of the *Fokontany* Committee or *komity*).

Institutions (establishments)

- the government (*fanjakana*);
- Government technical agencies (ministries): DEF, Department of Domaine, Courts, Rural Engineering, National Gendarmerie;
- NGOs: WWF, CI, SAF/FJKM ("projects").

Community activities

- community activities ordered by the government (*Firaisana, Fokontany*).

The following overall remarks can be made:

- NGOs have no presence (at least an acknowledged or identified presence) in half of the communities. There is no representative in two communities. No collective action ordered by outside institutions has yet been carried out within the community of Ambatoharanana. With these exceptions, all of the categories of external institutions were present in each of the communities visited.
- The ministerial technical agencies, in particular the DEF, are the most influential among the external institutions. The local representatives of the external institutions (KASTI) seem to be the least influential.

Table 1. Impact of Local Institutions on Resource Users Behavior

	INTERNAL INSTITUTIONS							EXTERNAL INSTITUTIONS				
	Individuals		Human Groups		Structures for Collective Actions			Indiv	Institutions			Community Work
	RAD f.	RAD v.	Fam	Fknl	Agric Work	S-C Events	Ad hoc Groups	Local Rep.	govt	TA	NGO	Community
Antsatrana	▲	◆	◆	◆	▲	yes	▲	no	▲	yes	no	▲
Anjav ⁴	▲	▲	◆	◆	•	yes	yes	•	yes	◆	▲	▲
Ambod ⁴	yes	yes	yes	yes	▲	yes	▲	▲	▲	◆	▲	◆
Mahasoa	yes	◆	yes	yes	▲	◆	•	◆	▲	◆	no	▲
Ambato ⁴	◆	◆	◆	no	yes	yes	yes	no	▲	◆	no	no
Talakifeno	◆	◆	◆	no	▲	◆	•	•	◆	◆	•	yes
Marotoko	◆	no	◆	yes	◆	◆	•	•	▲	▲	•	▲
Betanimena	◆	◆	◆	yes	◆	◆	•	•	◆	◆	no	•

Importance attributed by the community⁴:

- ◆ = of great importance
- ▲ = of moderate importance
- = of lesser importance

RAD f = family heads
 RAD v = village leaders
 Fknl = Fokanolona
 S-C = Soco-cultural
 Rep = representatives
 Govt = government
 TA = Technical agency

2. Second Finding

Internal institutions are better understood and more readily accepted by the communities than are external institutions.

Concerning internal institutions:

At all of the sites visited, the family ranks among the best understood institutions. In fact, community members abide by family rules, in order to maintain a certain order within and amongst families living in the community. In Antsatrana, however, this institution seems

⁴ According to the results of the interviews during the preparation of the diagrams relating to community institutions. For further detail, refer to the reports on the sites at each protected area.

less accepted because of tensions between generations and of community composition (families of mixed origins). In Anjavimihavana, family values appear to have lost their authority, because of a murder that took place within the large family which forms the social foundation of this community.

As for external institutions:

- when they appear to be *accepted* by the communities, this acceptance is conditioned by:
 - fear of repression and punishments (fines, imprisonment, etc.);
 - submissiveness or passivity on the part of communities (with the exception of Ambatoharanana, where these external institutions are not unanimously accepted, because of [a] the fact that this site belongs to two different administrative entities (*fokontany*); and [b] the fact that, at present, this site does not constitute a separate *fokontany*, since the inhabitants live there only during the farming season).
- they are more or less *understood* and reliable especially in the remote sites, far from government agencies.

Table 2. Community Perceptions of Local Institutions

	INTERNAL INSTITUTIONS		EXTERNAL INSTITUTIONS	
	<i>Fianakaviana</i> (family)		Technical Agencies	
	UNDERSTOOD	ACCEPTED	UNDERSTOOD	ACCEPTED
Antsatrana	yes	no	no	yes
Anjavimihavana	yes	no	yes	yes
Ambodivoahangy	yes	yes	no	yes
Mahasoa	yes	yes	yes	yes
Ambatoharanana	yes	yes	no	no
Talafikeno	yes	yes	yes	yes
Marotoko	yes	yes	yes	yes
Betanimena	yes	yes	yes	yes

General observations are as follows:

Compared to Andohahela:

- internal institutions at Amber Mountain are beginning to crumble, and the management of community affairs is tends to rely more on external institutions, probably because of the influence of the city of Diego Suarez, which is within relatively easy reach.
- external institutions exert pressure on some communities (extension work: NPAs, KASTI; or repression: DEF, Gendarmes);
- internal institutions in Zahamena enjoy the same degree of understanding and acceptance by the communities as do the internal institutions at Andohahela. This fact may be explained by the isolation of the sites and by the fact that, for individuals, compliance with internal institutions reduces transactions costs⁵ when compared with the demands of external institutions (travel expenses;

⁵ Investments of time, money, and energy in order to reach a decision.

transactions costs). Furthermore, because they are visible in different forms daily, internal institutions appear to be easily accepted.

- external institutions at Zahamena are poorly understood, especially because of the remoteness of the sites (enclave zone). Nevertheless, they are accepted (to the extent that they are not openly disputed) by the communities, because of the pressure exerted by government agents, and, in particular, because of a history of foreign domination (colonization, 1947 revolt, expulsion of the community of Ambatoharanana during the 1960s).

3. *Third Finding*

There exists a local management capability which is manifested in the following areas:

- *community decision-making;*
- *mobilization of resources for collective action;*
- *conflict resolution;*
- *management of renewable natural resources; and*
- *management of public services.*

Table No. 3. Existence of a Local Management Capability

	DECISION -MAKING	COLLECTIVE ACTIONS	CONFLICT RESOLUTION	RNR MNGT	PS MNGT
Antsatrana	yes	yes	yes/no	yes	yes
Anjavimihavana	yes	yes/no	yes/no	yes	no
Ambodivoahangy	yes	yes	yes	yes	yes
Mahasoa	yes	yes	yes	yes	no
Ambatoharanana	yes	yes	yes	yes	yes
Talafikeno	yes	yes	yes	yes	no
Marotoko	yes	yes	no	yes	no
Betanimena	yes	yes	yes	yes	no

Decision-Making Mechanisms

There are two internal organization and decision-making levels, which often complement each other:

- at the community level, with regard to community affairs, the actors are:
 - *Ray aman-dReny, Olombe, Tangalamena*, in general the councils of elders;
 - the community members gathered in a general assembly of the *fokonolona*.
- at the family level, for management of family assets.

On the whole, the overall organization established by these internal institutions and the decisions made by them are accepted and implemented by the community.

N.B.: Lack of decision-making in community affairs at Anjavimihavana is the result of a social break-down caused by a family conflict leading to a murder. The population of Ambatoharanana does not make up a *fokonolona*, since it is administratively divided into two different *fokontany*. For most of the inhabitants, the village is a temporary place of residence during the rice-farming season.

Community resource mobilization for collective action

Collective action carried out and overseen by internal institutions (agricultural self-help, collective participation in socio-cultural activities) is conducted voluntarily and without conflict.

N.B.: In the case of Anjavimihavana, because society is breaking apart, collective action is restricted to the extended family level.

Conflict Resolution

Conflicts, both social conflicts and those arising from the use of natural resources, are often resolved by means of a local mechanism, without recourse to outside institutions. The difficulties in solving the problems in Antsatrana and Anjavimihavana are tied to the influence of outside institutions, on the one hand, and the (generational) heterogeneity of the population, on the other. In Marotoko, conflicts are purely social in nature, and caused by the heterogeneity of its population (multiplicity of lineages).

Management of Natural Resources

Extraction and use of resources appropriated by communities, in particular land, water, pasture lands, follow well-established laws and customs (operational rules, including *fady*—or taboos , which inspire strict compliance among those affected by them), thereby leading to effective management of these resources.

Nevertheless, this management may be disrupted by the following, among other, factors:

- the increasing scarcity of a resource, and
- the influence of external institutions.

Management of public services

In contradistinction with natural resources, public services are in most cases conceived, put in place, and managed by state representatives (government, technical agencies), who run them, thereby encouraging communities to play the part of assisted, or subsidized, citizens.

At Antsatrana and Ambodivoahangy, it is possible to value the existence of local management of some public services, by virtue of the fact that the conception of, and decision-making bearing on, the public services in question were born of certain local initiatives.

Accordingly, the local management capability becomes manifest to varying degrees, depending on:

- the homogeneity of the community;
- the influence of outside factors (including the proximity to the city); and
- production systems.

4. *Fourth Finding*

The incidence no longer resolved at the community level by the community results, in large part, from an institutional competition between community-based and outside authorities, a situation which has reduced the influence of internal institutions on user behavior.

Conflicts over natural resources arise when one or all of the following conditions apply:

- demand exceeds supply, i.e., the real and potential number of users increases at a faster rate than that of the natural regeneration capacity of the resources;
- operational rules have become outmoded because of changed circumstances. This is the case when social cohesiveness; when changes occur in production systems or climatic conditions;
- there is "institutional confusion," i.e., when users behave or act according to different or conflicting rules.

Regarding the abundance of natural resources, the observations are as follows (see Table No. 4):

- the majority (five of eight) communities visited are currently in a "positive" situation, since supply still exceeds demand in four of the sites, or else there is a balance between supply and demand (one site). Three communities are in a "negative" situation, i.e., demand exceeds supply.

The positive situation at the Andohahela sites is explained by the predominance of irrigated rice farming and the effectiveness of the operational rules governing access to, use of, and control of natural resources. The positive circumstances at Ambatoharanana stems from the fact that the community recently moved and has been using resources for a short period of time.

- The positive, or equilibrium, situation (*current*) in these communities is threatened. All communities feel threatened by an imbalance because of galloping demographic growth, as communities themselves explain it.

Regarding operational rules concerning RNR governance and management that are outdated

- In Zahamena, rules governing croplands and forest resources are intricately linked. Indeed, it is by clearing the forest on an annual basis that the "tavists" gain access to land. At the other sites, the link between these rules is less direct.
- In all of the communities, there is a more or less effective system of resource governance and management, depending on the community and the particular resource.

- The local systems of governance are strongly established in half of the communities (Andohahela and Amber Mountain). They appear to be outdated in Zahamena.
- The fact that the systems of governance found at Zahamena are outmoded does not mean, for all that, that there are numerous conflicts and/or that these conflicts are not resolved at the local level.

Table No. 4. Resource Abundance, Effectiveness of Operational Rules, and Conflict Resolution

	Abundance					Outmoded Operational rules?					Effective conflict-resolution?
	CL	PL	FR	WC	D	CL	PL	FR	WC	D	RNR
Antsatrana	-	+	-	-	-	yes	no	no	yes	0	no
Anjavimihavana	0	0	+	-	0	no	no	no	yes	+	yes
Ambodivoahangy	-	-	-	-	-	yes	-	yes	-	-	yes
Mahasoa	-		-	0	-	yes	-	yes	-	-	yes
Ambatoharanana	0		+	+	+	yes	-	yes	-	-	yes
Talakifeno	0	+	+	-	+	no	no	no	no	+	yes
Marotoko	+	+	+	+	+	no	no	no	no	+	yes
Betanimena	0	0	+	+	+	no	no	no	no	+	yes

CL = Crop lands
 FR = Forest resources
 D = Diagnosis
 PL = Pasture lands
 WC = Water for crops
 RNR = Renewable natural resources

It must, therefore, be acknowledged that there is a direct relationship between the positive situation resulting from a relative abundance of resources and the local systems of governance and management of RNR (not outmoded). Similarly, where local systems of governance of the RNR are outmoded or not adequate, the resources are less abundant and/or show deterioration.

However, while there is a relationship between abundance and local systems of management of the RNR, no relationship exists between the local systems of RNR management and the local capacity to resolve conflicts effectively.

Regarding the resolution of conflicts concerning natural resources

The local mechanisms for resolution of conflicts about resources are judged to be *effective* when, on the one hand, these conflicts are resolved locally and their resolution is agreed to and complied with by the communities; and when, on the other hand, this resolution appears satisfactory to the conflicting parties and to the community as a whole.

- Depending on the resources in question, the conflicts are either latent (forest resources regulated by the DEF), or open (croplands and pasture lands, water for crops).
- In cases where conflicts arising from the rules governing resources (principally croplands and irrigation water) are openly stated, only one community has proved to be powerless to resolve them. All of the others resolve their disputes at the local level. (N.B.: This situation maintains more for conflicts over natural resources than for social conflicts).

Internal institutions have been weakened, thwarted, ignored, and manipulated by external institutions to such a degree that their capacity to influence the behavior of resource users has diminished.

- Internal institutions have been *thwarted* to the extent that external institutions have intervened, not for the purpose of opposing internal institutions directly, but in order to compel recognition of external rules by community members. Internal institutions have not disappeared entirely, but their value has lessened in the eyes of community members.

Example: The methods of land access encountered by the teams are (a) land improvements (direct or by diversion of water). This traditionally-implemented method of access has, in several cases, been replaced by (b) access obtained through formal procedures by applying to the Department of Domains.

- internal institutions *have not been taken into account*. Indeed, outside institutions intervened as government authorities and simply pushed aside the internal institutions, disdaining the fact that the latter had survived over time, as proved by the existence of traditional leaders in all of the communities.

Example: In the event of a dispute, the two opposing parties are brought into the presence of the *Ray aman-dReny* to seek reconciliation or to compensate the injured party. After accepting arbitration by the *Ray aman-dReny*, the two parties no longer have any claim on each other and bear each other no rancor. Now, when one of the parties appeals to the National Gendarmerie, the police officers immediately impose administrative and judicial procedures, often in an improper fashion, without giving any consideration to the ability of the internal institutions to settle the dispute effectively.

- Internal institutions have often been *manipulated*. Internal institutions, often effective in their communities, are diverted from their primary objective, so as to enable the administrative authorities to capture the majority of the population for political ends.

Example: Toward the end of the second term of the Second Republic (1982-1990), the administrative authorities instructed the communities in the *Betsimisaraka* region to name their respective *Tangalamena*, knowing full well that the *Tangalamena* have always exercised great influence on the population. To ensure that the existing national regime would have "clients," the administrative authorities address themselves to the *Tangalamena* to achieve their goals.

As a consequence, internal and external institutions are often confused, and internal institutions are caught up in a system of manipulation. External institutions are strengthened by the offices of local representatives such as the *Tangalamena*, the *Ray aman-dReny*, the members of KASTI, the NPAs, or by the commissions of the government agencies (health, public safety, and other commissions).

This state of affairs has diminished the power of (local) internal institutions, since there is a more or less widespread confusion among community members. The effects are felt by resource users through a loss of alternative options, or recourse, when they feel the need to turn to institutions.

Example: There are true *Tangalamena* only in a small part of the Tamatave region, for the regional government has given official status to the a whole set of non-traditional *Tangalamena*. It should be noted that, traditionally, *tangalamena* are the keepers of the *Betsimisaraka* civilization.

5. *Fifth Finding*

The management of a natural resource used by the members of a community is more likely to be effective when the users enjoy autonomy to develop and apply their own governance and management strategies (with partial exclusion of conflict resolution).

This finding emerges from the actual situations observed at the sites visited. Resources of great importance to users were chosen for the analysis, since the communities depend for their means of subsistence on these resources: crop lands, pasture lands, forest resources, and water used for farming.

The management of a resource is judged to be effective if:

- technical management is observed to be applicable in practice and to be characterized by **high productivity** (satisfaction of the user who achieves the anticipated results) and by **sustainability** of the resource used.

Local resource governance and management autonomy exists if and when:

- rules pertaining to resource tenure (access, use, and monitoring) are conceived and established by the community itself; this requires forms of internal organization by users (political management) that are derived from **reliable systems** (adapted to actual circumstances) and from local rules (tenure) identified for each resource; or, to a certain extent, if
- resource tenure rules formulated by outside entities are established by outside agents **with complete, voluntary support and cooperation of the community involved;**
- governance and management autonomy can also be assessed as a function of the extent of the external rules affecting user behavior. The more the local rules are replaced against the will of the members of the community, the more limited the degree of management autonomy at the local level.

Since there is no resource for which tenure is exclusively local or external, evaluation is focused, in this case, on the institutions which influence user behavior.

The table below suggests that in **75%** of cases, there is a *direct relationship* between local autonomy and effectiveness of governance and management systems. It was also discovered that ineffective management was the corollary of the intrusion of one or several outside institutions.

Table No. 5. Relationship Between Local Autonomy and Effectiveness of Technical and Political Management

	Local Managerial Autonomy				Effectiveness of Technical (T) and Political (P) Management							
	CL	PL	FR	WC	CL		PL		FR		WC	
					T	P	T	P	T	P	T	P
Antsatrana	DI	Dex	Dex	DI	yes	no	yes	yes	no	no	yes	yes
Anjavimihavana	DI	Dex	Dex	DI	yes	no	yes	no	no	no	yes	no
Ambodivoahangy	Dex	DI	Dex	-	no	yes	yes	yes	no	no	-	-
Mahasoa	Dex	-	Dex	-	no	yes	-	-	no	no	-	-
Ambatoharanana	Dex	-	Dex	-	no	yes	-	-	no	no	-	-
Talakifeno	DI	Dex	Dex	DI	yes	yes	yes	yes	no	no	yes	yes
Marotoko	DI	DI	Dex	DI	yes	yes	yes	yes	no	no	yes	yes
Betanimena	DI	DI	Dex	DI	yes	no	yes	yes	no	no	yes	yes

CL = Crop lands

FR = Forest resources

- = not applicable

PL = Pasture land

WC = Water for crops

DI = Dominance by internal institutions

Dex = Dominance by external institutions

There are five categories of relationships, which give rise to specific interpretations:

- Local autonomy leads to effective technical management. This situation was verified with respect to non-itinerant rice farmers and on other crop lands (gardens or perennial crops);
- on the other hand, political management of resources is not always effective, even if there is local autonomy in management. This situation results from many factors: increased numbers of users, heterogeneity of a community, incoming migration;
- the equilibrium status of pasture lands may prove to be in effective equilibrium as long as no constraints govern access to the resources considered to have been *acquired* by a community;
- There may exist a relationship between local political management and externally-imposed rules if technical management is complex (case of *tavy*);

- The supposedly exclusive management of a resource by an outside institution (as occurs with respect to forests and reclaimed lands) may cause deterioration, just as it may make possible the conservation of the resource in question. However, actual circumstances reveal that cases of deterioration are more numerous than those of conservation.

N.B.: The effectiveness of resource management depends on the importance attributed by the community to that resource (local perceptions) and on the opportunity to implement alternatives. Also, the specification/interpretation of local property rights may strengthen the local system of governance of a resource (e.g., family rice fields, community forests).

IV. RECOMMENDATIONS

A. Introduction

Findings reveal the need to formulate recommendations geared towards granting official status to local and community institutions at citizen initiative. This report includes five such recommendations. Official status must be granted by the creation of an adequate legal framework, whose purpose is to strengthen organizational and management capacities of participatory community structures.

This legal framework must enable community members to confront community problems, while promoting the solution of problems arising at the sub-community levels of community institutions (management of renewable resources on a lineage basis, i.e., land, trees, or by associations, e.g., irrigation systems). Finally, this framework represents the attempt to facilitate, through the establishment of an ad hoc political authority, the solution of problems affecting the inhabitants of several *fokonolona* jointly (i.e., management of RNR--forests, streams, pasture lands--and of infrastructures, such as paths serving local areas, and public security).

When a problem exceeds the scope of a community's capabilities, the legal system in question must facilitate the appeal to outside authorities from both a technical and an organizational standpoint.

B. Historical Summary of State Efforts to Integrate the *Fokonolona*

The proposals to follow must be placed in their proper historical context. Although the *fokonolona* has never been formally included in the administrative divisions of the State, this does not mean that this institution had not previously been recognized either formally, in the legal texts, or "quasi-formally," in the way the State conducted its business. To the contrary, the formal or quasi-formal manifestations of the *fokonolona* in Madagascar can be traced well before the arrival of the French.

In fact, King Andrianampoinimerina, whose reign began in 1787, recognized and strengthened the *fokonolona* by making them his allies in a war against the feudal powers which were thwarting his intentions to bring about the unity of the country and to consolidate his kingdom. He respected the judicial and administrative autonomy of the *fokonolona* and involved them in the expansion of agriculture and livestock-raising. Thus, from the beginning of the nineteenth century, the *fokonolona* was a living entity enjoying unquestioned independence, but under the supervision and control of the king.

Following the death of Andrianampoinimerina, the *fokonolona* was gradually broken up by the successive monarchies, which sought above all to consolidate their increasing

centralized authority. Under the French administration, the *fokonolona* was acknowledged to be an entity, to the extent that a large number of administrative reforms were aimed at it. To mention one example, in March 1902 the French administration issued a decree attempting to codify ancient Malagasy customs, while modernizing them. Other decrees ensued, making the *fokonolona* a territorial administrative entity. Subsequently, in 1948, new reforms of the *fokonolona* were instituted, based on the recognition that the revival of this institution was "an essential step in the work of political and administrative reconstruction we must bring about."⁶

During the First Republic, the *fokonolona* was once again targeted by a number of State actions expressed in legislation. For example, Edict No. 60.175 of 1960 concerning *fokonolona* agreements was intended to "endow the ancestral institution of the *fokonolona* with authority and effectiveness and to bring into consonance the functions of the *fokonolona* and the modern institutions established by the Constitution of the Malagasy Republic."⁷

During the Second Republic, the *fokonolona* was defined as a socialist, democratic community on which the Malagasy State was founded.⁸ Several years later, the socialist *fokonolona* was organized into decentralized communities which "enjoy full powers within the Second Republic."⁹

Finally, the Constitution of the Third Republic also refers to the *fokonolona*. In fact, the sub-title covering economic, social, and cultural rights and responsibilities includes the article stipulating that "the *fokonolona* may take appropriate steps to oppose actions that might destroy their environment, take away their lands, or seize the areas traditionally reserved for cattle or their ritual patrimony. However, these measures may not constitute a threat to the general interest promoted by law and order."¹⁰

This summary of some of the instances in which the *fokonolona* is mentioned in

⁶ Circular of May 4, 1948 concerning the revival of the *fokonolona*.

⁷ Edict No. 60.175 of October 3, 1960.

⁸ 1975 Constitution of the Republic of Madagascar, Article I.

⁹ Edict No. 76-044 establishing the laws regarding the organization, the operation, and the powers of the Decentralized Communities.

¹⁰ 1992 Constitution of the Republic of Madagascar, Article 35.

Malagasy law or in State strategies shows that the *fokonolona* has for many years been an institution recognized by the Malagasy State.¹¹

C. Principal Recommendation

In comparison with these previous attempts to give official status to the *fokonolona*, most of which were attempts by successive leaders to manipulate these communities, the principle underlying our recommendations is based on actual local conditions as the starting point for potential technical and organizational measures taken by authorities outside the communities.

The basic recommendation can be stated as follows:

No. 1. Local management autonomy must be conferred by empowering members of the *fokonolona* to achieve official recognition of their community and local institutions when and if they see fit.

This approach can strengthen the systems of local governance. *It must be emphasized that the legitimacy of the local structures is the presupposition underlying this approach.* Official recognition of community and local institutions necessarily entails three stages (see the summary diagram on page 40).

D. First Stage: Gain Knowledge of Current Local Conditions

Under the supposition that community structures are legitimate, outside actors must accept the fact that their activities in fact necessitate a collaboration with the institutions existing within the land of the *fokonolona*. These institutions require no official recognition in order to function. A list of these institutions is thus a tool which helps outside actors rather than local populations. However, with respect to the ICDPs, these inventories are useful in understanding the institutional, economic, and social context in which these projects propose to work with the communities.

Agents from outside the community may ascertain current local circumstances by drawing up inventories in order to determine:

- the existence of local institutions to which these communities attribute a degree of importance with respect to the management of their natural resources and public services;

¹¹ Personal communication from Atty. Ana María Linares, August 1, 1994.

- the existence of a community territory a physical entity, demarcated by and known to the communities themselves; and
- the location of the RNR on this land and the use thereof by the communities.

The list of resources could be drawn up using participatory methods, such as those used during this year of research activities. In any event, a second recommendation appears essential:

No. 2. Users must direct the preparation of these inventories. If necessary, they can be assisted by workers from outside the communities.

Encouraging examples were noted during the study of some communities; they point to the existence of local knowledge and initiatives that deserve to be highlighted. We can mention in particular:

- the creation of community forests at the instigation of local peoples in an area in which the system of production is dominated by itinerant farming on burnt lands, or slash-and-burn agriculture (*tavy* in the *Betsimisaraka* region at Zahamena);
- the development of local systems of resource tenure. These systems are often dynamic and changing (Andohahela);
- community mastery at all stages of the technical and political management of irrigation systems for rice-farming (Amber Mountain);
- the resolution and/or effective management of internal conflicts over renewable natural resources (all three sites).

Promotion of local management autonomy does not mean handing over all responsibilities to resource users. In fact, some local systems of resources management are limited, with regard to either political management (land and water for irrigation in Antsatrana at Amber Mountain) or technical considerations (lack of production equipment mentioned by the Andohahela communities). Accordingly, the communities may require outside assistance, on the one hand, and the establishment of a legal framework, on the other. They recognize, moreover, that the lack of controlled access to resources by means of effective management would cause deterioration of these resources. *Therefore, the existing local institutional structures should be strengthened, without eliminating the possibility of establishing a fruitful collaborative arrangement between internal and outside entities.*

In addition, and given (a) the defects inherent to traditional (i.e., "ancestral") technical management of some resources, and (b) the limited local resources available to the communities for the provision of public services, assistance from outside entities ("development activities" run by the State, NGOs, ICDP organizations, the surrounding communities, etc.) is advisable.

E. Second Stage: Recognition of Current Local Circumstances

1. Definition and Recognition of the *Fokonolona* at the Instigation of Its Members

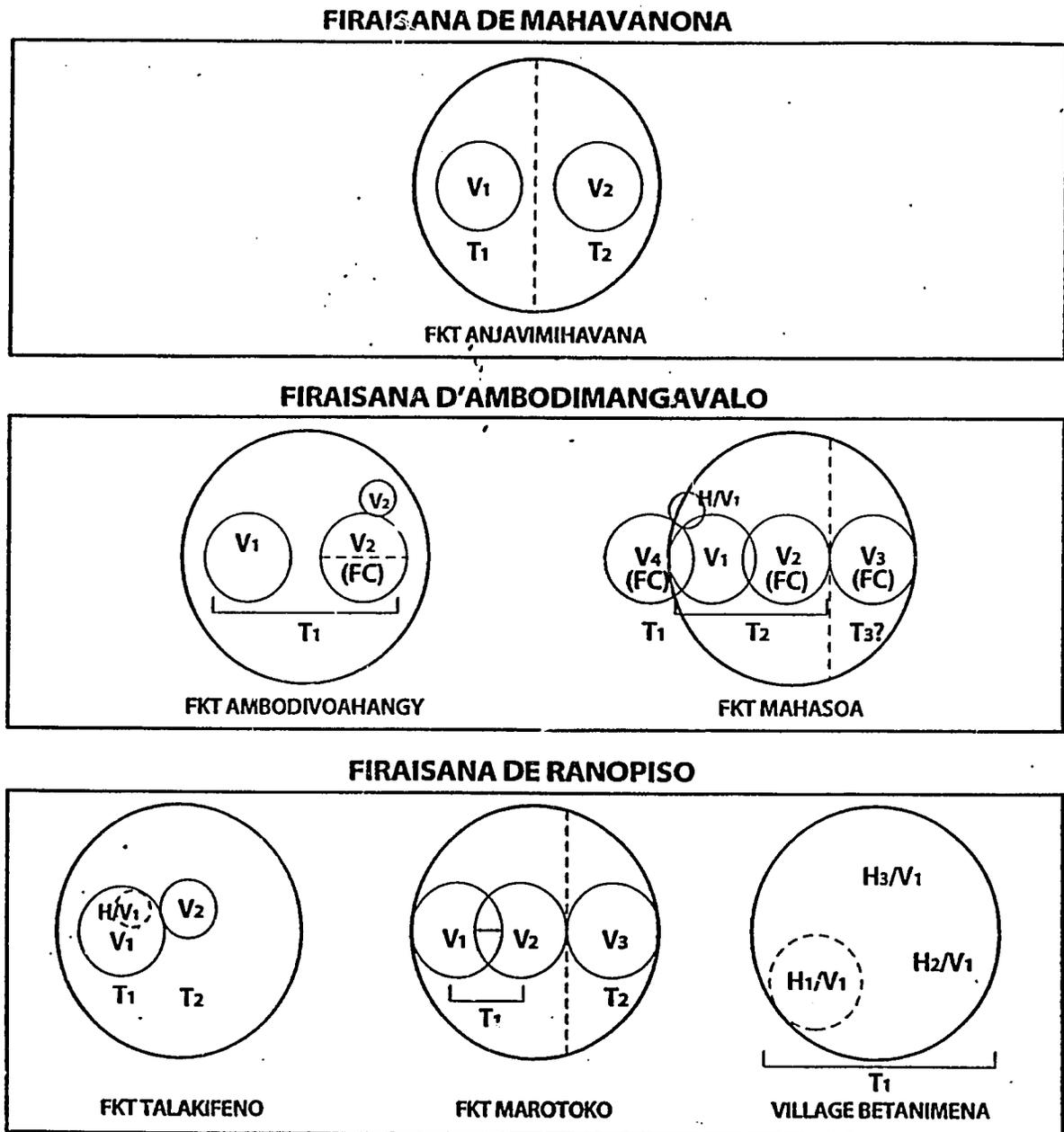
Within the context and framework of current administrative divisions, situations in which the *fokontany* reflects local institutional realities occur almost at random and make up a small percentage of cases. A multitude of structures exist at this level. Within a single *firaisana*, there are more community territories than there are *fokontany*. It must be acknowledged, therefore, that the *fokontany* by itself is an inaccurate basis for decision-making regarding the management of renewable natural resources. The diagram and table below illustrate the fact that one *fokontany* most often includes more than one *fokonolona*, and that one *fokonolona* often encompasses several hamlets. This is not to say necessarily that the *fokontany* is an institution without a mission. It may in fact offer a suitable framework for solving problems affecting two or three *fokonolona* at one time.

Table No. 6. Relationships among *fokontany*, *fokonolona*, and hamlets within the *firaisana* entity

<i>Firaisana</i>	<i>Fokontany</i>	Number of <i>Fokonolona</i>	Number of hamlets
Bobasakoa	Ambondrona	1	10
	Andonakaomby	1	6
East Manakambahiny	Anosivola	1	1
	Sahamalaza	5	7
Maromby	Marohotro	1	5
Ifarantsa	Montifeno	1	6
Andasibe	Andasy IV	1	5

Source: Data gathered in the field by the LTC team, 1993-1994.

Diagram No. 1. Configurations of *fokontany* and *fokonolona* within the *firaisana* entity.



V=village T=Community Lands FC=Community Forests FKT=*fokontany* H=Hamlet

Source: Data collected in the field by the ARD team, 1993-1994

Within the present-day decentralization system¹², the *fokonolona* and other community structures (institutions) should be given the power to make decisions about the political and technical management of resources, both natural and others, and about the public services they use. But how can the goal of supporting community organizational structures be achieved?

2. *Definition and Recognition of Internal Institutions on the Initiative of the Institution Members*

To strengthen the community structures, the latter must be taken as the starting point and their strong and weak points acknowledged. A multitude of institutions exists in all of the *fokonolona* visited (see Table No. 1). The *fokonolona* is the umbrella institution encompassing the others. This omnipresent organizational structure is of ancestral origin and is maintained by the current *Ray aman-dReny*. Each time they resolve a dispute or propose a solution to a problem, along with a *dina* to implement propositions, the contemporary *Ray aman-dReny* adapt, change, and often strengthen these institutions. At the same time, they tighten the bonds of reciprocity and the shared duties and rights which are at the heart of the *fokonolona* structure.

The analyses revealed that, in most cases, these *Ray aman-dReny* are acknowledged and respected by community members and that their authority is subject to few disputes. They possess spheres of competence legally acknowledged by their fellow citizens. They know how to build institutions starting from community agreements, such as the *dina*, which inspire the support of community members. These generally strongly-implanted institutions are proving to be durable over time and deal relatively well with problems. This is a strong point of the institutions run by the *Ray aman-dReny*. Therefore, it seems essential to acknowledge the role and status of these community decision-makers, or leaders.

Nevertheless, the *Ray aman-dReny* should perhaps not be the sole decision-makers, for several reasons:

- In all of the communities, the *Ray aman-dReny* are mainly older men. They do not, therefore, always represent all of the interests of the community members.
- Because of their age and powers, they are the guardians of ancestral customs and are not always the most receptive to change and innovation brought in from the outside. Thus, they may, on occasion, slow the technical improvements to which the communities they lead may aspire.

¹² The current administrative divisions are, in descending order: the nation, the *faritany*, the *fivondronana*, the *firaisana*, and the *fokontany*.

These two aspects of *Ray aman-dReny* leadership are the weak points of the institution of the *fokonolona*. And yet, by launching a frontal attack, for example by attempting to introduce other decision-makers into this group widely acknowledged to be the true leaders by virtue of their status, experience, and contributions, one runs the substantial risk of weakening rather than strengthening the organizational capabilities of the *fokonolona*. What should be done in this case?

An alternative strategy less disruptive of the *Ray aman-dReny*, since it is founded on other institutions rooted in the *fokonolona*, consists precisely in taking these other elements of the effective constitution¹³ of the *fokonolona* as strong points. A third recommendation derives from this strategy:

No. 3. A legislative framework must be established, so as to allow the leaders of the other community institutions (*Ray aman-dReny* of the irrigation systems, leaders of women's groups, of young persons, of lines of descent, etc.) and their members to be officially recognized as institutions, should they judge this measure useful.

Accordingly, the problems related to supervision are avoided ("Do the *Ray aman-dReny* of a given *fokonolona* truly represent all of the interests of the inhabitants?"). This is especially important because it removes the risk of thwarting local initiatives, which are too often associated with supervisory procedures.

This strategy calling for the establishment of a legislative framework enabling the inhabitants of the *fokonolona* to gain recognition for their institutions *as they actually exist* is associated with risks, in particular that the *Ray aman-dReny* of certain communities will act in a non-representative manner. But if it is supposed that the Malagasy inhabitants of the *fokonolona* are responsible adults, one is obliged to accept that they be made accountable. If they are not happy with a decision made by their local leaders, it is incumbent on them to modify that decision. The research revealed that these processes are already on-going in some *fokonolona*, e.g., Antsatrana (generational conflict) and Talafikeno (where the community rejected the decision to supply tables/benches for parents to the school).

¹³ The term *effective constitution* denotes the *constitutional* rules applied on a de facto basis in a community. In this meaning, a *constitution* contains rules specifying (1) the members of the institutions, (2) the positions, (3) how to gain access to these position, and (4) how to modify *the collective decision-making rules*. The latter are rules authorizing the establishment, amendment, and elimination of the *rules of operation*. The rules by means of which the *Ray aman-dReny* formulate the *dina* are examples. The *rules of operation* channel human actions regarding access and use of the renewable natural resources or the public services and the methods of management of these resources and services.

If they do not immediately find the ways to change a decision made by the *Ray aman-dReny* which, they feel, does not embody the interests of the inhabitants (or of some among them), it may still be considered that a new opportunity will arise in the near term to call the disputed decision into question. This is especially true since the political, economic, and ecological conditions may still change. It is considerably easier, or at least more plausible, although still difficult, for a Malagasy farmer to change a *dina* applied in his or her community than to modify the rules imposed from the outside, e.g., the paragraphs of the Forest Code.

3. *Incorporation of the internal institutions and the areas of competence of the decision-makers into official texts*

To date, internal institutions have been limited, not by their effectiveness, but by the fact that they are often transmitted verbally. At the community level, this does not appear to be a handicap. On the other hand, the unwritten status of the local rules has encouraged outside actors, and sometimes even members of the community, to ignore them when faced with official rules.

The inhabitants of the *fokonolona* must have the authority to decide whether or not to write down the rules governing their institutions. Written rules require a degree of effort, which may prove to be in vain in many specific situations (management of a pasture land by a line of descent). In other cases, the advantages will prove to be worth the effort.

No. 4. However, the inhabitants of the *fokonolona* must be given the responsibility and the task of transcribing their rules when they feel the need to do so.

The textual transcription of the internal institutions is not new for the communities. Indeed, the *dina*, a traditional concept, was given official status by the State under the Second Republic. The Malagasy State approved the principle of the *dina* in order to guarantee citizens' basic rights (*dina fototra*). To this end, it endowed the *firaisana* with the authority to approve the local *dina* (called *dinam-pokonolona*), and the communities, with the power to adapt their *dina* to the conditions they actually experience.

4. *Official Status given to the community lands as a physical unit (level) serving as a basis for decision making*

Each of the communities visited showed itself capable of clearly defining territorial boundaries containing the natural resources it uses. A final recommendation can then be formulated:

No. 5. The *Ray aman-dReny* and the members of the *fokonolona* may have the boundaries of their land registered, if they judge this stage useful and necessary.

F. Third Stage: Guide local and governmental efforts toward technical improvements in the agricultural and public services sectors.

In addition to the political organization of community affairs and resources, technical management plays an important role (in that it becomes a supplementary factor) in ensuring the effectiveness and durability of resource use. If political management problems find solutions, or if, quite simply, they do not exist, it remains true that technical problems may pose an obstacle to the effective management of community resources.

1. *Toward the technical management of natural resources (land, water, pasture lands, forests, and trees)*

Since agriculture, the most important means of subsistence for the communities studied, benefits the most from resource use, our recommendation aims at:

- the improvement of the system of production based on increasing the value and the improvement of local techniques, thus leading to the effective increase in production and to the streamlined use of resources; i.e.:
 - intensification of production techniques to increase productivity;
 - orientation toward income-generating activities such as perennial crops.

2. *The findings* in the field reveal the necessity to consider the fact that:

- because of demographic pressure, production techniques evolve very slowly in relation to population needs;
- resource users undertake the expansion, and not the intensification, of production (increased yields);
- outside actors neglect technical outreach and development of the system of production, concentrating instead on the political management of resources (forest legislation, agrarian reform, etc.);
- these actors teach techniques that are often inappropriate, without taking into account or improving farmer know-how based on the resources they have available. The result is failure of outreach/extension efforts (mutual misunderstanding).

3. *The levels involved*

Improvement of the technical management of resources begins at the local level and may extend to the regional level, if the systems of production and the modes of use of the resources are similar.

The technical process varies from one region to another depending on:

- the system of production and the mode of use and conservation of resources;
- the mode of internal organization of the resource users; and
- the existing resources (technical capabilities, equipment, infrastructure, etc.).

The improvement of technical resource management is thus made dependent on:

- the political management capability of the users, i.e., farmers and livestock breeders and the interest groups aided, depending on the case, by technicians or NGOs. It is important to note the distinction between the principal actors and technical assistance personnel, or "catalysts" ("Development Projects," NGOs, State technical agencies, etc.) when it comes to progressive change of the management system ;
- improved basic infrastructure.

4. *Toward technical management of public services (PS)*

It must be noted that the failure of public services is a major problem in all of the communities studied. Indeed, as the table below indicates, public services are among the three main problems in all of the communities studied. Public health and primary education are the problems most frequently raised.

Table No. 7 Problems mentioned by the communities

Community	First ¹⁴ Problem	Second Problem	Third Problem
Antsatrana	Social cohesiveness	- Health - Agriculture - Roads	Transportation
Ambodivoahangy	Land boundaries	Health	Education
Talafikeno	M*: Agriculture W: Roads	M: Roads W: Health	M: Health W: Market opportunities
Marotoko	Roads	Agriculture	Health
Betanimena ¹⁵	Roads	Education	Health

* M: as ranked by men W: as ranked by women

The reasons mentioned were:

- The state does not monitor the maintenance or check the operational levels of the existing public services (schools, health centers, roads), which, however, it had previously encouraged;
- there are no means of communication with the outside world precisely because of the failure of the public services.

Now, the public services are among the means indispensable for improving technical management of resources and the conditions for development of the local peoples. Testimony from the communities suggests that their health status (work force) is deteriorating increasingly because of the difficulty of access to health care (financial cost and distance). They complain that they are ignorant (*bado*) because of the difficulty of access to education (cost and mediocrity of the teachers sent by the State), a handicap which prevents the institution of technical improvements. The failure of public services affects the ways in which resources are used and, in general, contributes to the deterioration of the socio-economic life of the communities.

¹⁴ In order of importance as ranked by the communities themselves.

¹⁵ The problems in the communities of Anjavimihavana and Ambatoharanana were not ranked. Those in Mahasoa were covered in group discussions.

It thus becomes necessary to re-invigorate and encourage the supply of certain public services: schools, health centers, road infrastructure, irrigation dams, and markets, since these services promote development. Two types of public services can be distinguished:

Economic PS

- dams: for expansion of improved rice-farming as a result of more effective use of resources;
- road infrastructure: for alleviating economic isolation of the communities;
- regional markets: for improving marketing opportunities for local products and supplying the communities.

Social PS

- education for improving knowledge and receptivity to improved techniques;
- health for harmonious physical development and for improving labor quality, thus leading to increased productivity;
- public security for protecting individual and community property in order to allow community activities to flower.

There are two other (complementary) opportunities for improving technical management of public services:

- internal organization of the community, including:
 - mobilization of local resources for collective projects (paths and irrigation canals maintenance, building construction, etc.);
 - establishment of independent funds (receiving contributions in cash or in kind) to pay doctors' fees and a teacher's salary (Antsatrana), and to produce equipment needed for public services, etc.
- support and assistance to ICDP ("projects") or technical services as part of their "development activities." The ICDPs and technical services would be the partners of the internal institutions.

Thus, the actors would be" (a) the local institutions (internal and external); (b) the ICDPs; and the regional government as restructured within the current decentralization scheme.

In conclusion, like the RNR, the PSs functioning in the long term need stable, effective political management by the internal institutions, whose local representatives should be the main people in charge. Since the accountability of the communities in managing the PSs presupposes a degree of State disengagement, the communities would stop behaving like perpetual passive beneficiaries.

RECOMMENDATIONS

GAINING KNOWLEDGE OF LOCAL CIRCUMSTANCES BY MEANS OF PRELIMINARY LISTS

- what are the institutions?

- what are the territorial boundaries?
- what are the resources on the land?

RECOGNITION OF LOCAL CIRCUMSTANCES

- definition and recognition of the *fokonolona* at the instigation of its members.

- official status given to the land as physical unit used as basis for decision-making.

- definition and recognition of internal institutions on the initiative of the members of the institutions.

- incorporation of internal institutions and range of authority of the decision-makers into official texts.

ORIENTATION OF LOCAL AND GOVERNMENTAL EFFORTS TOWARD TECHNICAL IMPROVEMENTS IN THE AGRICULTURAL (RNR) AND PUBLIC SERVICES SECTORS

- identification and prioritization of agricultural problems and of the solutions by the communities

- identification and prioritization of problem PS and of the solutions by the communities.

MONITORING AND EVALUATION

G. Monitoring and evaluation - Governance

Changes in local regulations are contemplated for sites located on the perimeter of the three protected areas where the studies were carried out.¹⁶ These recommendations could potentially lead to legal reforms at the national level, which would permit the devolution of the rights and responsibilities of local communities and, accordingly, improved "governance" of natural resources.

Basic Hypothesis

The local systems of governance of renewable natural resources are more effective and better adapted to local circumstances than are the centralized State systems. These local systems would be more productive (as regards effectiveness, viability, and adaptability of political and technical management of resources) if they were supported, rather than ignored, weakened, or even opposed by the State systems.

Recommendations

The principle recommendation bears on the improvement of the local self-managing¹⁷ capability through the creation of a political and social environment promoting local participation in:

1. decision-making and the formulation and enforcement of rules regarding the management of renewable natural resources;
2. the resolution of conflicts tied to renewable natural resources; and
3. the mobilization of resources required for the operation of community "governance" systems.

These recommendations are especially relevant because they are presented in the current political context of decentralization.

¹⁶ Amber Mountain, Zahamena, and Andohahela.

¹⁷ This term denotes the authority officially acknowledged by a higher jurisdiction to belong to a local jurisdiction to legislate in specified areas, enforce the rules emanating from the legislative processes, resolve conflicts which may result from enforcement of these rules, and mobilize resources (labor, materials, and cash) to ensure the operation of local institutions.

Objective of the monitoring and evaluation system

The objective is to measure:

- institutional changes (governance), the institutions being defined as the entire body of rules-in-use¹⁸;
- the influence of these institutions on the behavior of natural resource users;
- finally, the impact of changes of behavior caused by changes in rules on the biodiversity of the protected areas.

The changes in governance are measured in terms of the decrease/increase in community participation in:

- the formulation, adaptation, and enforcement of rules governing access, investment, and use of renewable natural resources, as well as the provision and production of public services;
- the resolution of conflicts arising as the result of these rules;
- resources mobilization (labor, materials, cash) required for the operation of the systems of management of renewable natural resources and public services; and for the investments judged to be suitable by the resources and services users.

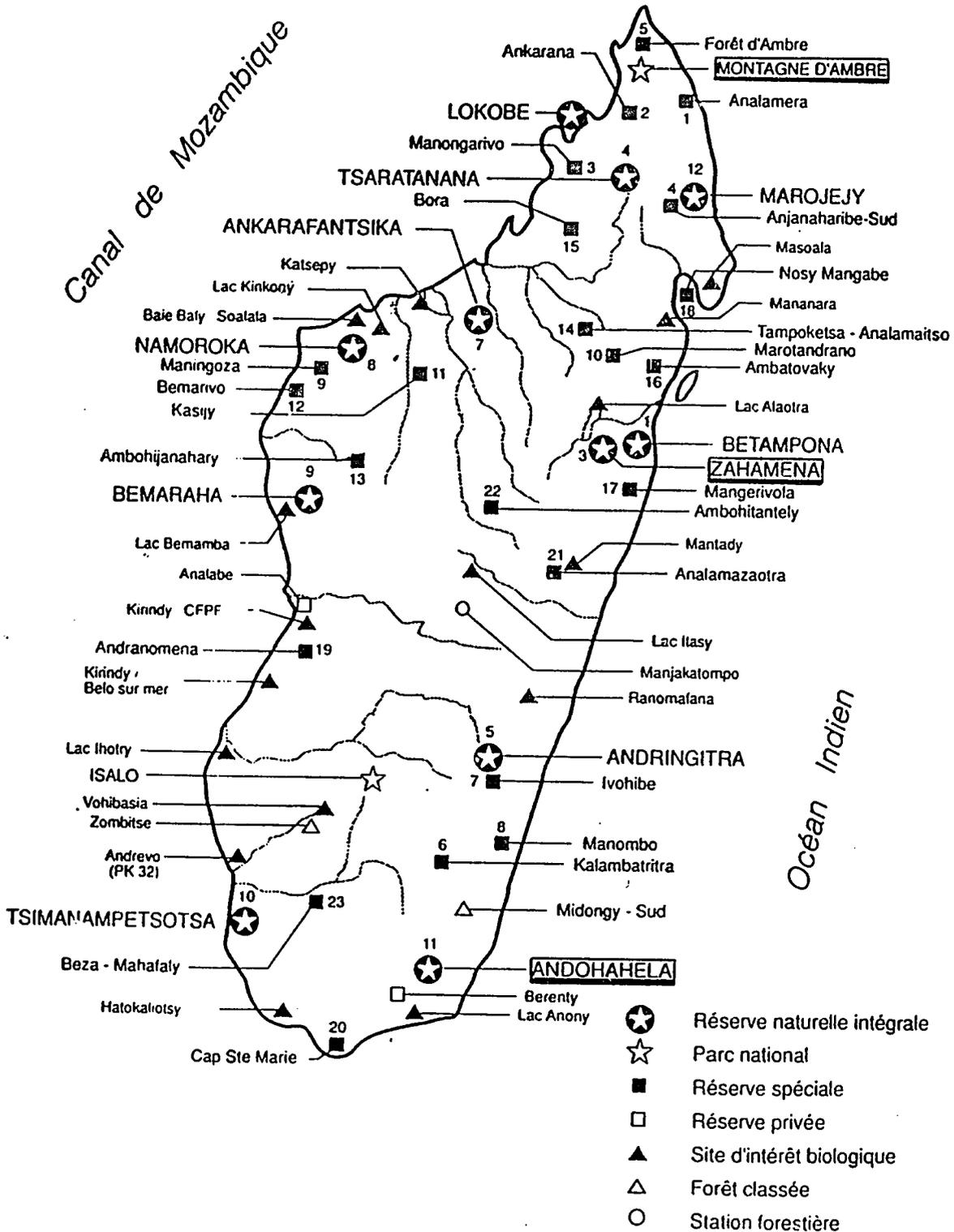
The proposed methodologies will be covered in a separate report.

¹⁸ These are rules which, *in practice*, guide and direct human behavior (not to be confused with the law).

APPENDICES

APPENDIX 1

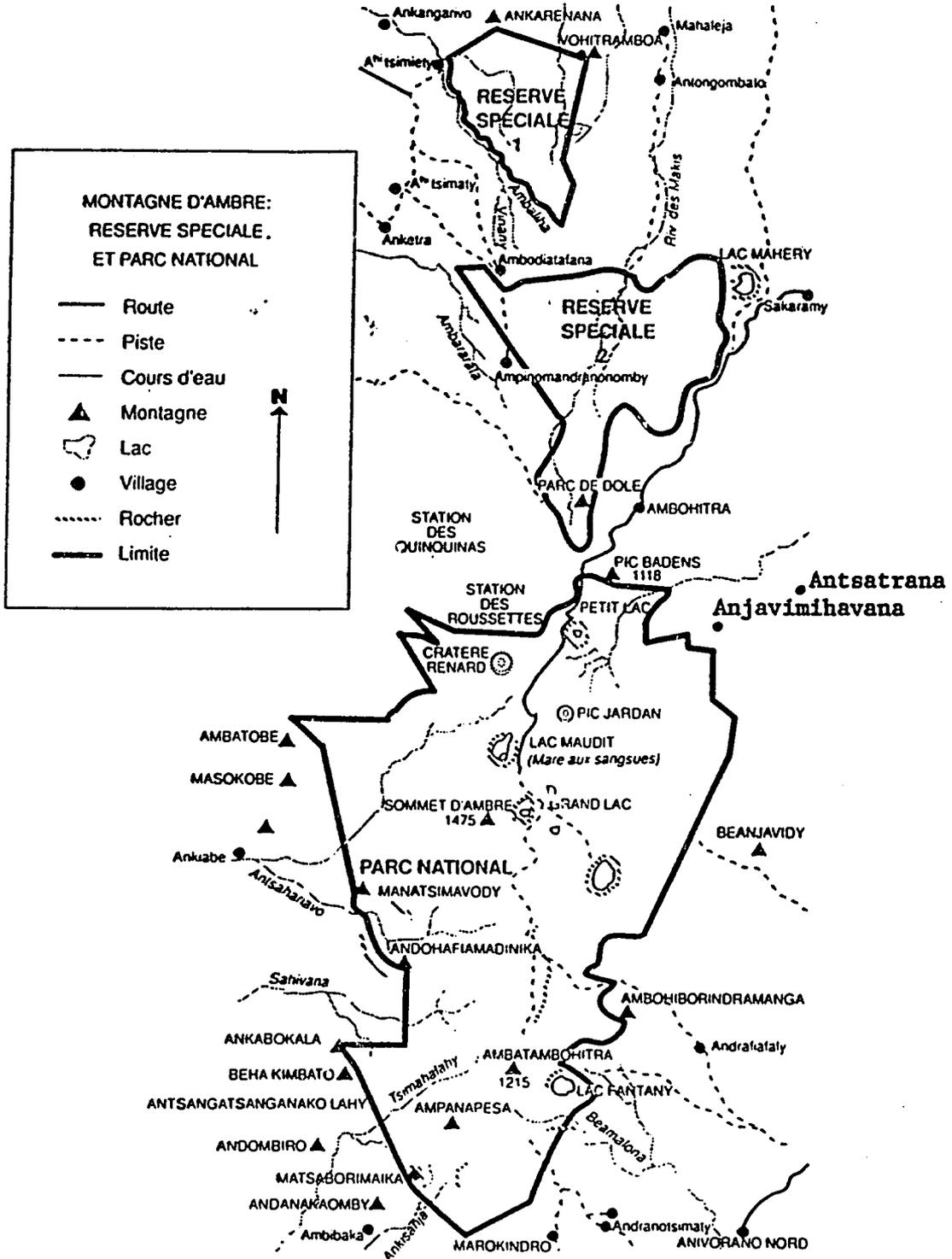
LOCALISATION DES AIRES PROTEGEES ET DES SITES D'INTERET BIOLOGIQUE



Source: Nicoll, M.E. et Langrand, O. 1989.
Madagascar: Revue de la Conservation et des Aires Protégées.
 WWF, Gland, Suisse.

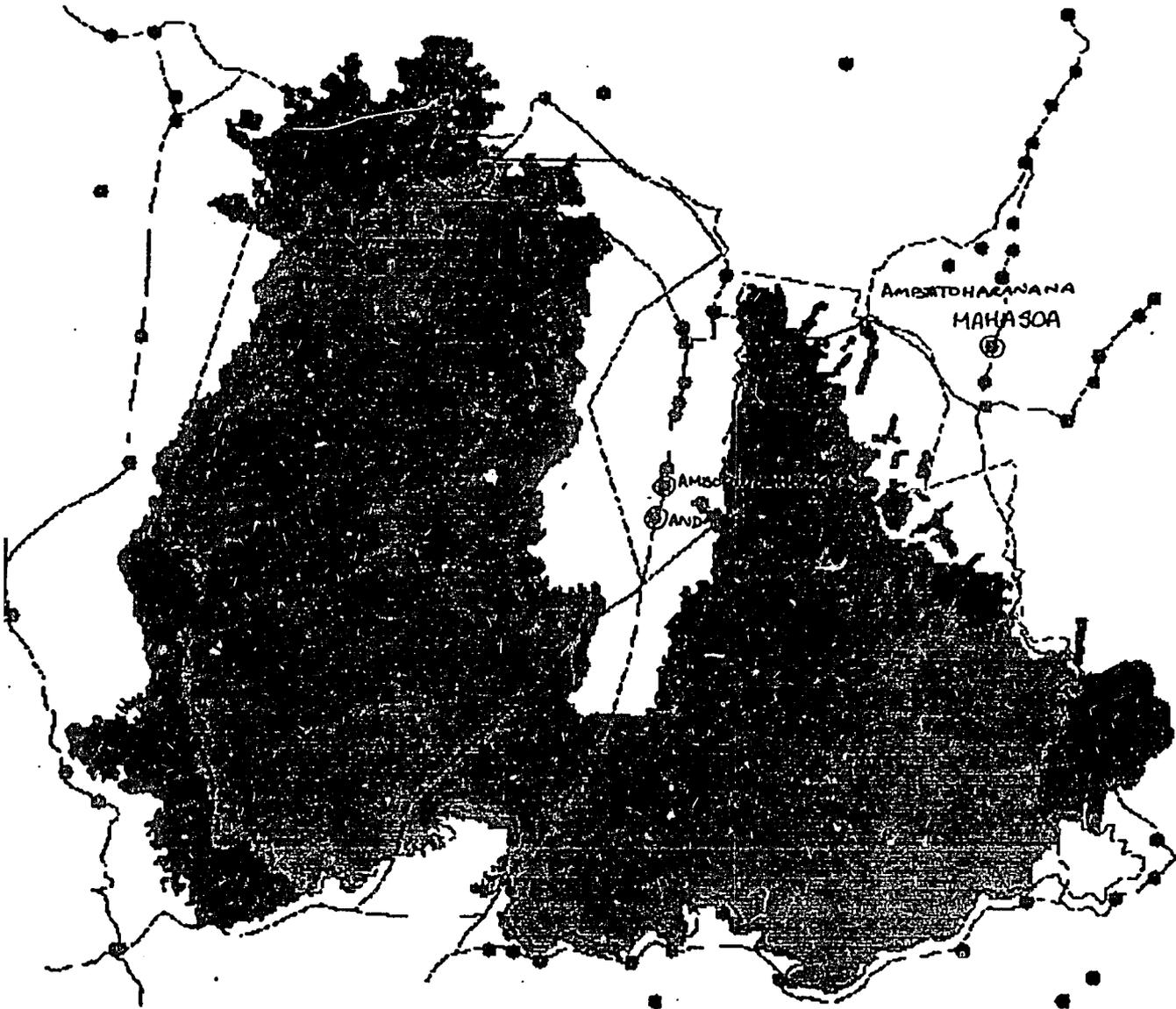
APPENDIX 2

ARD SITES AT AMBER MOUNTAIN



APPENDIX 3

ARD SITES AT ZAHAMENA

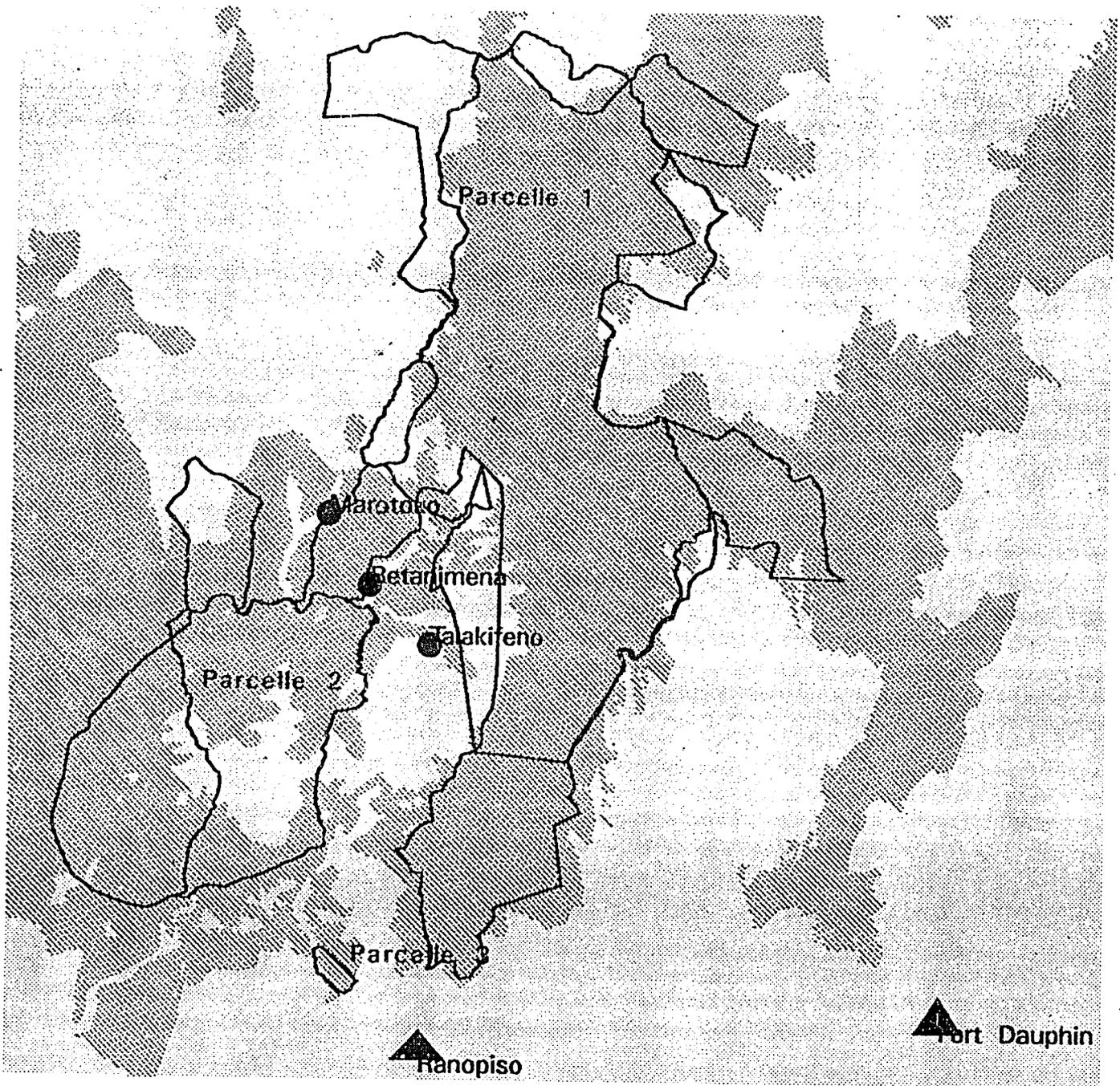


MAP: MAP0

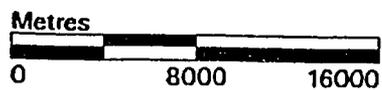
Scale 1: 250000

Name of classes	Frequency (cells)	Area (Km ²)	(%)
 LIMITE RESERVE	4483	11.21	1.5
 FORETS DE GESTION COMM.	19780	49.45	6.4
 ZONES TAMPONS	33777	84.44	11.0
 FORETS RESERVE	237914	594.79	77.5
 VILLAGES	4726	11.82	1.5
 PISTES	6197	15.49	2.0
TOTAL	306877	767.19	100.0

Sites ARD - Andohahela



- Fokontany
- Fokonolona
- Fivondronana
- Firaicana
- Limite Proposée
- Limite de la Reserve
- Vegetation
 - Forêt
 - Decouvert



Appendix 5

IMPLEMENTATION OF RECOMMENDATIONS RELATING TO LOCAL GOVERNANCE FOR MANAGEMENT OF RENEWABLE NATURAL RESOURCES IN MADAGASCAR

**by Atty. Ana María Linares
ARD Consultant**

A. Introduction

The present study confirms the working hypothesis which states that there is a significant capacity for management of natural resources in the communities and villages surrounding the protected areas of Madagascar. From the perspective of the State, this capability is an opportunity to improve the level of management of renewable natural resources and public services, and to realize substantial savings in the costs of management of these resources and services, within the current decentralization program

This study sets forth five recommendations, the principal one of which encompasses the others and focuses on the need to support the local governance systems established by the communities as a response to the needs and demands expressed by these communities. With this focus as the starting point, this document proposes to suggest a legal framework which authorizes consideration of several options. These choices would enable the communities so inclined to erect a more or less official framework governing their efforts to manage renewable natural resources and public services.

B. Context

1. Decentralization

The context within which the options for a legal framework would be considered inheres in the decentralization process that has been on-going since 1992 in Madagascar. Some additional explanations appear necessary for the better understanding of our proposals.

The actual circumstances that have existed since independence have prompted the government of Madagascar, as well as the majority of the Malagasy citizenry, to contemplate decentralization in order to eliminate the many obstacles hindering development. Decentralization implies the existence of local-level administrative units that can be self-governing and manage their own affairs, while remaining integrated into a single, indivisible State.

For this reason, the Constitution of 1992 stipulates that the State must divide duties, powers, resources, and assets between the central government and the decentralized Malagasy

communities (the latter incorporating a new structure)¹⁹. After significant amendments to the bill submitted by the government, the National Assembly approved the basic texts regarding decentralization.

The result was the notion of a degree of local autonomy based on the principle of *subsidiarity*. According to this principle, competence for the management of affairs is given to the decentralized administrative unit possessing the capabilities to undertake the needed measures at the level closest to the communities. The higher administrative echelon is obliged to take action only at the request of the local administrative unit or when this latter acts in contravention of the law.

Moreover, a law on decentralization should not only describe the decentralized structures or local administrative units as such, but must also stipulate the operation and management of these units and the resources placed at their disposal.

2. Factors to Be Considered in a Law on Decentralization

Transmission of Competence

The granting of autonomy to the local administrative units, which is the cornerstone of decentralization, must be effected unambiguously. It is, accordingly, important to specify the framework within which their powers are exercised, and these powers must be expanded as their managerial capability and financial resources grow. The State must ensure that there are no lapses with respect to political and administrative support, in order to guarantee that the allocation of competence, duties, and powers is clearly defined.

Financial Resources

Financial resources are limited with respect to lofty ambitions and the consequent development needs. The issue of financial resources at the local administrative unit level raises many questions: e.g., their limited nature, end use (operations vs. investments), the difficulties involved in finding resources, etc.

Human Resources

The quantity and, in particular, the quality of human resources is a high-priority concern with regard to decentralization policy. To achieve sound, sustained management of renewable natural resources and public services, the personnel belonging to the decentralized administrative units must monitor the communities and place at their disposal their own technical skills. To this end, government leaders (technical agents, civil servants, and politicians) must fulfill their duties with the goal of responding quickly and effectively to the concrete demands of the communities. The Malagasy government enjoys the advantage of a skilled body of civil servants who need only be trained in this new approach and be

¹⁹ Constitution of the Republic of Madagascar of 1992, Article 131.

inculcated with this idea of "community services."

Risk of Drift

If decentralization is poorly understood or controlled, it may promote the emergence of regionalist or tribal feelings and demands. Accordingly, decentralization presupposes political maturity, which naturally gives rise to the defense of collective interests.

Other Factors

Finally, the decentralization process is not simple. It requires time, patience, and a degree of flexibility of thought and action to be able to confront the many obstacles in its path.

The factors noted above, most notably those relating to the lack of financial and human resources, are constraints which could block true decentralization in Madagascar. For this reason, the issue consists in knowing how the Malagasy State can support community initiatives for the management of renewable natural resources and public services, which have proved their effectiveness as mechanisms promoting sound, sustainable management of the environment. The answer would appear to lie in the legal acknowledgement of the community organizational structures. To achieve this goal:

C. Community Participation: The Importance of Recognizing and Supporting Organizational Structures

Greater community involvement requires, first, the government's conviction that the communities have the ability to manage the natural resources in their geographical area and the public services they enjoy.

From this perspective, the findings of the ARD Research Team relating to local governance take on an unquestioned importance. These findings show the existence of a local, community managerial capability as shown in its various aspects, such as the management of renewable natural resources and public services, the raising of resources for collective actions, etc.

These findings lead to the logical conclusion that, to have sound, sustainable management of the environment under a decentralized system, the State must acknowledge the organizational and managerial capabilities of the communities. This recognition would enable them to develop the means for finding their own solutions to the problems they confront daily. It finds particular justification in the fact that the management of renewable natural resources has been shown to be more effective when the users of these resources enjoy local managerial autonomy.

Only in the event that a community feels it is overmatched by a problem should the governmental administrative unit to which this community addresses its request offer technical assistance, while taking special care to always support the existing local systems. It is by

virtue of this recognition and support that the communities will be encouraged to participate actively in the governmental actions relating to renewable natural resources and public services.

To achieve this objective, it would appear essential to establish a legal framework offering the various communities the opportunity to structure their activities more or less officially, depending on their needs and will; and to create a legal framework that would establish closer ties between the governmental administrative units and the communities.

D. The Legislative Framework: Absolute Requirements for the Establishment of a Productive Relationship Between the Communities and the Decentralized Administrative Units

As suggested by the report on local governance, the promotion of local managerial autonomy of the communities does not mean giving free reign to the resource users. For example, some local resource-management systems encounter technical, financial, or political restrictions and, accordingly, need outside assistance.²⁰

To date, because the State functioned under a highly-centralized system, a large vacuum separated the village communities from the Government. To illustrate this situation, we might mention the example of the *fokontany* (the lowest government units prior to the new decentralization law). The *fokontany*, an entity which should theoretically form a bridge between the government and the communities, did not in fact embody a local identity and, therefore, did not provide an adequate effective foundation for local decision-making.

Consequently, it appears necessary to establish a legal mechanism by means of which the decentralized administrative units could be drawn closer to the communities in order to facilitate cooperation between them, when the communities feel the need to do so.

This mechanism should be given official status through a legislative text stipulating the prerogatives and obligations of the decentralized administrative units. This text would derive from the decentralization law. In principle, it would embody the following elements:

- proposal of mechanisms allowing communities to organize themselves on their own initiative, in accordance with their own structures or those suggested by the legislation (see the next chapter), thereby adhering to the right of association guaranteed in the Constitution of 1992.²¹ Moreover, should the communities so desire, nothing

²⁰ On the political level, we might mention the example of irrigation lands in Antsatrana, and Amber Mountain. Technical limitations are made manifest, for example, in the lack of production equipment mentioned by the Andohahela communities.

²¹ The right of association is established in Article 10 of the Constitution of 1992, which states: "Article 10. The freedoms of opinion and expression, communication, press, association, meeting, travel, conscience and religion are guaranteed to all and may be abridged only by the respect of the freedoms and rights of others and by the need to safeguard law and order."

prevents the establishment of groups of communities;

- recognition by the decentralized administrative units of:
 - the existence of systems of organization within the communities;
 - the capacities and the power of the communities to formulate rules governing the management of renewable natural resources and public services; and
 - the power of the communities to make decisions, in order to resolve community disputes regarding the management of natural resources and public services;
- the acceptance by the decentralized administrative units of the decisions made by the community organizations, by enforcing the rules formulated by these communities as they apply to renewable natural resources and public services, provided that these rules do not contravene existing legislation.

The mechanism allowing monitoring of the legality of the rules proposed by the communities for management of their renewable natural resources and public services and for the resolution of conflicts arising from these two areas (*dina*) would embody two aspects: first, the a priori acknowledgement by the State of the *dina* governing renewable natural resources and public services, given that a large number of these *dina* are in conformity with State policies; and second, the legality of the *dina* should be examined a posteriori, when a dispute over renewable natural resources or public services exceeded the scope of these local conflict-resolution mechanisms (for example, when one of the parties decided to submit its case to a government legal authority);

- the establishment of a support system within the decentralized administrative units, thereby allowing implementation of community decisions so as to respond to the demands expressed by the communities when they feel the need to do so. This support may be extended in the form (a) of legal information (i.e., concerning the legal requirements to be fulfilled in order to form an officially-recognized organization), but also technical information (e.g., how to better use resources); (b) of technical assistance (e.g., how to build a better school); (c) or of financial assistance (e.g., how to obtain funds from the other party to build a road);
- support given to monitoring and evaluation systems used to measure the effects of the local management of renewable natural resources on the environment;
- the establishment of a monitoring system enabling the communities to ascertain the conformity of actions undertaken by the decentralized administrative units to the legislation;
- the creation of appropriate mechanisms for disseminating information regarding the

new laws bearing on the opportunities extended to the communities to give an official structure to their activities in the areas of renewable natural resource and public service management. These mechanisms should make use of the media (especially radio), NGOs, environmental and development conservation projects, associations, communities, etc., since it is indispensable that the communities be informed about the new legal provisions.

E. Options for the Support of Local Governance Systems Through Legislation

Option No. 1: Officialization of the Fokonolona

The *fokonolona* is an ancestral Malagasy institution found throughout the country. Although other groups exist within the communities, the *fokonolona* is omnipresent and encompasses all of them. Within the *fokonolona*, the *Ray aman-dReny* (RAD), or lineal chiefs, hold the power, and their decisions are not often disputed.

Officialization of the *fokonolona* through legislation would offer communities the opportunity to establish the "*fokonolona* legal entity" having legal power as given by the new law, since, at present, no law exists.

The requirements of this text would be simple and would relate to the following elements:

- specification of the main objectives of the members of the *fokonolona* in establishing themselves as a legal entity;
- specification of an internal operating structure (e.g., how many decision-making mechanisms or levels, etc.);
- specification of powers within the *fokonolona*, at least as regards the rights and obligations of its members, the authority empowered to issue rules governing renewable natural resources and public services, the scope of activities, financial management responsibilities, and conflict-resolution mechanisms.

Two advantages would derive from giving the *fokonolona* the opportunity to become a legal entity having legal power. First, All Malagasy citizens are familiar with the term *fokonolona* and all of them identify with it, at least in the traditional acceptance of the word. Second, the *fokonolona* as institution has existed for a very long time and occupies an important place in Malagasy tradition and culture. Accordingly, the members of the *fokonolona* know how this institution works and its strong and weak points.

Nevertheless, there are numerous disadvantages:

- First, even though all Malagasy citizens know the *fokonolona*, it is virtually impossible to agree on a precise definition of this institution. Indeed, there are

many definitions, all of them equally valid²², thereby demonstrating the problems hindering a consensus about this concept. By wishing to "officialize" the *fokonolona*, there is thus the risk of using a term which means different things to each person;

- the communities are not necessarily homogeneous or united. Thus, recognition of the *fokonolona* as the internal institution par excellence could exacerbate the polarization of interests within some communities²³;
- given the present-day power of the RAD in the vast majority of communities, it is quite likely that authority over the areas mentioned above will end up being concentrated in their hands. This concentration of power could, in addition, lead to abuses if the RAD do not represent the interests of the members of the community;
- since the RAD are, in most cases, older men, they tend to preserve the ancestral customs and could, for a number of reasons, be less receptive to change or innovation;
- finally, it must be recognized that all of the regimes that have followed each other since the reigns of the kings have tried to use the *fokonolona* to promote their policies. Virtually all of these attempts failed because they were perceived by the communities as State manipulation of community affairs. In giving official status to the *fokonolona*, the communities may see only a new form of State interference.

Option 2: Recognition of the Fokonolona and Officialization of Other Groups

This second option represents an attempt to solve the main problems cited in the preceding option, while giving the *fokonolona* the important position it merits within the

²² The traditional origin of the *fokonolona* lies in the extended family, which, over time, became the group of families living in the same village. Therefore, the *fokonolona*, since it was made up of people having a common ancestor, was first and foremost a family- and religion-based community. Later on, the *fokonolona* ended up identifying itself with the village, in the sense that the village gave it its material support. This definition of the *fokonolona*, based on a territorial consideration, corresponds to the legal conception of the term as forged under French rule. Under the First Republic, the *fokonolona* was seen as an institution "composed, depending on the individual case, of all of the inhabitants of a hamlet, a village, a neighborhood, a commune, a sub-prefecture, or even several sub-prefectures united by common interests." Another definition of the *fokonolona* can be found in the works of Malagasy ethnologists, who consider the *fokonolona* to be the incarnation of a social contract between different groups in a circumscribed territory, which was intended to establish the rules governing the systems of production in this territory.

²³ For example, in Marotoko the community is neither homogeneous or united. Only family events and issues of public safety appear to mobilize the various groups living there. From a political perspective, these groups have difficulty agreeing on and accepting a common leader. This is a definite handicap for the governance and management of community resources, and is made manifest by the lack of community actions.

Malagasy communities.

Through legislation, the communities wishing to do so would be given the opportunity to establish themselves as legal entities having legal authority. They would have the status of "non-profit associations or profit-making groups." Those communities not wishing to adopt an officially-recognized structure of this kind would be given the opportunity to be recognized as "ad hoc groups." Finally, with respect to those communities which have developed a pattern of organization of their activities that does not correspond to any of the options mentioned in the laws, attempts would be made to establish mechanisms to be able to locate and, accordingly, support them.

As a start, a text could acknowledge the cultural identity of the *fokonolona*, which conditions Malagasy morals substantially. This recognition means that the *fokonolona* must have a degree of flexibility as regards its internal organization and workings. This flexibility would be expressed by the fact that, instead of having a rigid structure imposed on it, the *fokonolona* would be allowed to "speak" through its various faces and variants. The authority of the RAD in those communities where it is exercised would be acknowledged in socio-cultural and religious events, both to establish the required rules and to solve disputes. To the extent that they are not in contradiction with the laws, the *dina* would have force of law for the purpose of conflict resolution. In other areas, the traditional authorities (the RAD or others) would have a consultative power.

As regards the possibility that villagers could form themselves into legal entities having legal power, as either non-profit associations or profit-making groups, the existing laws would have to be amended to set forth simple requirements for establishment and operation.

An association is the union of two or more persons who pool their knowledge or activities on a continuing basis, provided that its purpose involves only the sharing of revenues.²⁴ If these pooled efforts take on a profit-making purpose, it will then become a group having such a purpose. In Madagascar, associations are governed by Order No. 60-133, as amended in 1975. At present, there is an on-going movement toward revision of this order, in order to simplify the procedures for establishment of associations and to better stipulate their powers and obligations.

Although the laws governing companies could, in theory, be made applicable to profit-making groups, it would seem appropriate to draft a new law which takes into account the simpler nature of these groups.

The factors to be specified by the communities wishing to form an officially-recognized association or profit-making group include:

²⁴ That is, association profits cannot be allocated among the association members at the end of the fiscal year, but are reinvested in accordance with the community objectives of the association.

- *formulation of rules:* by deciding on the authority which would be responsible for formulating the rules governing the management of renewable natural resources and public services in the community;
- *the scope of activities* of the organization as legal entity. This stage would not necessarily be taken for the purpose of restricting the activities the organization can undertake (although this could be the case depending on the wishes of the community), but rather, in order to determine what activities require the preliminary approval of all of the members of the association;
- *financial management* in its capacity as legal entity: The community organization could demand and receive financial resources directly, for the purpose of utilizing them in the community. The organization's members should then choose the person or persons who would exercise control over these funds and would account for their use;
- *conflict resolution:* Even if, in most cases, the RAD would appear to be the obvious authority charged with resolving disputes between organization members and outside persons over issues concerning renewable natural resources or public services, the community organization would have the right to choose another mechanism, should it seem more appropriate.

For small-scale or short-term projects, in which an association or profit-making group would constitute excessively-unwieldy structures, ad hoc groups could be recognized as being viable actors having, in consequence, the right to ask for the support of decentralized administrative units, when they find it necessary. Legislation bearing on the recognition of ad hoc groups could form part of a text on the powers and duties of the decentralized administrative units, or it could be covered under a separate law.

Finally, with respect to the organizational structures created by the communities, it would be necessary only to include in this law on the responsibilities and prerogatives of the decentralized administrative units the obligation to respond to the demands express by these community structures. However, the problem stems from the fact that an effort must often be made to find and identify the sometimes unconventional expression of needs or local initiatives. It is imperative that these needs and initiatives be identified and pinpointed, in order to support them.

The main advantages of this option include:

- The presence and importance of the *fokonolona* within the Malagasy context would be acknowledged, without however becoming enmeshed in the problems cited in the first option. The status and authority of the RAD would not be upset, since they would continue to dominate the socio-cultural life of communities, and the RAD could even take part in the discussions concerning the best way to manage renewable natural resources and public services;

- The (non-profit) associations and profit-making groups would extend to the communities the opportunity to place their community activities within an official framework allowing them to become legal entities having legal authority;
- Moreover, in Madagascar associations have long existed as opportunities to structure civil society. In addition, the on-going movement for reform of the law on associations is a positive factor from which the communities could benefit.
- Finally, the associations, profit-making groups, ad hoc groups, and community formulae form a sufficiently-flexible framework to allow community participation in the management of renewable natural resources and public services, depending on their needs and desires;
- Additionally, as regards small-scale projects, this second option would extend to villagers the opportunity to have rapid access to the technical and informational services provided by the decentralized administrative units, without being forced to become legal entities and without having to spend money and time in the attempt to comply with the requirements of the legislative texts governing associations and profit-making groups.

The main disadvantages are:

In order to inform the communities about the opportunities offered according to this option, it would be necessary to disseminate the new laws, a task demanding time and human and financial resources.

- The creation of a number of specifically-focused associations and ad hoc groups empowered to take part in a partnership arrangement with the Government would have the effect of opening village associations to the outside world. This occurrence could create strains with traditional authorities, since power over areas outside of the socio-cultural arena would no longer be in their hands.

Option No. 3: The "Laisser-Faire" Approach

Another option is a "laisser-faire" approach. The government would give the communities complete freedom to organize their initiatives in the field of the management of renewable natural resources and public services. In theory, the major advantage would lie in the independence the communities would have to undertake community actions.

The main disadvantages of this third option include:

- The risk of a certain amount of drift. In fact, although there are cases in which communities have joined together to carry out a community action with no

interference from the government, it has often been found that this lack of support resulted in community inertia in the management of natural resources and public services;

- The "laissez-faire" approach would imply that no power to manage natural resources and public services would necessarily be passed on to the communities, since Madagascar would then be in the situation in which no actors within the communities would be recognized by the government.

Option 4: Option Formulated at the Mantasoa Workshop

Based on the discussions held during the Mantasoa Workshop on September 7, 8, and 9, 1994, a fourth option for support of local governance systems of the communities was considered.

First of all, this option began by recognizing the importance of certain principles which must govern the extension of the power to manage renewable natural resources and public services to the communities, i.e.:

- The principle of *subsidiarity* as explained in point B contained herein;
- The principle of *proximity*, according to which the communities must turn to the decentralized administrative unit to which they belong by virtue of their geographic position;
- The principle of *resource sharing*, according to which the communities must have the ability to find and collect the financial and material resources they need to manage their renewable natural resources and public services;
- The principle of *autonomy*, according to which the communities must have the authority to decide on the way to manage their renewable natural resources and public services, within the framework of the true decentralization policies; and
- The principle of *equal treatment*, according to which the laws must be enforced justly and in egalitarian fashion for all.

Once these principles were acknowledged, the requirements for establishment of a productive relationship between the communities and the decentralized administrative units, mentioned in point D of this document, were validated.

As regards the mechanisms for organization of the communities based on more or less officially recognized structures, the workshop's conclusion was that the communities must have the freedom to choose the type of organization most suited to them, in order to respond to concrete needs. However, to facilitate this choice, it is absolutely necessary to update the laws on the various forms of voluntary assembly, in order to simplify procedures and specify a number of minimal rules governing internal operation. Once this is done, the communities

will have to be informed about the types of assembly they could adopt.

Finally, this option inspired the idea of a possible reinvigoration of the modes of community action, which could ensure that community actions complement those undertaken by the State.

E. Final Observations

Decentralization underlies the spontaneous participation of the community, in the light of the current economic and political circumstances. Thus, one of the main objectives of decentralization must be to increase popular participation in decision-making at the local level, especially as regards the management of renewable natural resources and public services. At the same time, it must be recognized that community participation cannot be dictated. The level of participation and the nature of the community's contribution are necessarily inspired by motivation, and established and affirmed by contacts between the State and the communities.

Options designed to facilitate the active participation of the communities in the management of renewable natural resources and public services were proposed in this report. All of them are intended to strengthen the existing managerial capabilities and organizational structures. These options are neither exhaustive or restrictive; they are presented above all as a basis for discussion, in order to identify their strong and weak points. However, quite apart from the advantages and disadvantages of each option considered, consideration must be given to the fact that some communities have had negative experiences with the authorities. Consequently, they are mistrustful of those who suggest that they work in harmony with these authorities and that they utilize their complete availability. For this reason, whatever the option chosen to strengthen community capabilities, it is essential to consult with the communities before putting it into practice.

Appendix 6

RECOMMENDATIONS OF THE PARTICIPANTS IN THE WORKSHOP ON THE RESULTS OF THE FIELD STUDIES OF THE KEPEM PROGRAM

MANTASOA, SEPTEMBER 7-9, 1994

I. GOVERNANCE

To establish a legal framework which stipulates the ways in which the communities participate in local development as part of the implementation of decentralization.

- Determine the powers for management of the RNR and PSs which the communities can assume through a contractual relationship (contract, joint program) taking into account the principles of: a) a system of subsidiary relationships, b) proximity, c) profit-sharing, d) autonomy, e) egalitarian treatment within the framework of decentralization and structural adjustment policies.
- Conduct an in-depth study in these areas, in the context of decentralization and the general environmental policy.
- Ensure the consistency of the legal sequencing of the texts.
- As regards conflict-resolution based on the *dina*:
 - Empower the communities to issue rules of operation by means of the *dina*;
 - *Accompany decentralization with decentralization of the judicial apparatus, while ensuring the conditions allowing effective access by the communities to appeals and to judicial avenues, in the absence of which the risk of arbitrary solutions will persist.*
- Forms of community organizations: possibilities.
 - Update the texts concerning the various forms of voluntary organization, in order to simplify procedures and stipulate a number of minimum rules of internal operation;
 - Educate the communities about the forms of organization they have available;
 - Create the opportunity for a multidisciplinary re-invigoration of the modes of community action, in order to ensure that community actions

will complement those taken by the State.

II. TENURE

- **Make the State system of land tenure and natural resources consistent with the local systems of management of land and RNR. The actions to be undertaken are as follows:**
 - **Conduct a study of the laws to:**
 - a) **evaluate the regulatory changes in order to allow this consistency to be instituted;**
 - b) **identify and understand the social practices by means of which the communities use the existing legislative/legal apparatus.**
 - **Undertake additional sociological studies to understand the changes occurring in land practices as a function of the social dynamic, and to bring about changes in the diversity of the methods of appropriation and of the rules governing resources management.**
- **Establish pilot networks for better local development of natural resources. The following actions should be undertaken:**
 - **Identify and select the product(s) representing the most effective gateway to local development, through the valorization of the resources.**
 - **Evaluate conditions to enable viable long-term management and enhanced valorization of the resources to become more widespread in the market economy.**
 - **Identify the priority areas of intervention.**
- **Recommendations addressed to the Administration of Lands:**
 - **Analyze the regulatory mechanisms and administrative operation in the area of land, for the purpose of managing natural resources;**
 - **Evaluate the needs, achievements, and impacts of cadastral operations at the four Protected Areas.**

- **Recommendations addressed to the Department of Forestry.**
 - **Study the possible methods for transferring the responsibilities for management of the forest resources to the communities, in the following cases:**
 - a) **classified and national forests, including reforestation.**
 - b) **protected State forests, including reforestation.**
 - **Specify the new functions of forestry agents as part of this transfer of responsibility. Evaluate the needs for the training of agents and the reorganization of the department to achieve this goal.**
 - **Identify the indispensable or useful supporting measures need to facilitate the transfer of responsibility to the communities, and propose their implementation;**
 - **Begin experiments in the tested areas in accordance with the following options:**
 - a) **If the legal texts allow, begin immediately;**
 - b) **If the current texts do not allow it, begin the experiments as soon as the requisite conditions are in place, in particular:**
 - **complete studies within the shortest possible time-frames (in consideration of the conditionalities of the KEPEM Program);**
 - **revise the texts and, if necessary, promulgate new texts.**