



CEM Projet Taratra – Publiez Ce Que Vous Payez
Madagascar
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M. Fidiniavo Ravokatra, Minister of Mines and Strategic Resources

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Dear Ministers

Concern about the future of the extractive industries in Madagascar

We, the undersigned representative of civil society, are writing to share our profound concern about Madagascar's future.

There is a high risk that expansion of and investment in the extractive sector in Madagascar will fall prey to abuse and corruption if environmental monitoring and reporting mechanisms between operating companies and the Malagasy regulator, the Office National pour l'Environnement (ONE), are not urgently strengthened.

We draw your attention to the case of Rio Tinto/QMM's mine operation in Anosy, southern Madagascar. Please see the attached briefing, "Mining risks involving the environmental regulator in Madagascar: urgent need for remedy" and its annexes. In this case the company states that the environment regulator, the ONE, has ruled that the illegal breach of a protective environmental buffer zone, by as much as 90 metres beyond what was an *already reduced limit* (the statutory limit of 80 metres reduced to 50 metres) has "negligible" impact.

The buffer zone breach broke national laws and agreements and poses serious risk to the well-being of local communities. Rio Tinto/QMM has been unable to evidence whether elevated uranium levels found in the water around the mine – as high as 50 times World Health Organisation safe drinking water guidance in some places – are due entirely to natural "background radiation", as the company claims, or if this is at least partly a result of the mining operation and buffer zone breach.

Despite the breach and concomitant risks, the regulator, the ONE, which is responsible for protection of the environment and citizens in Madagascar, has taken no regulatory action. For full details please see the briefing attached.

Rio Tinto has a fiscal and contractual relationship with the ONE for monitoring and evaluation of the QMM mine. In 2018 the company claimed it was "compliant" with its 2014-18 Social and Environmental Management Plan (SEMP). It reinforced this position by claiming that the ONE considered there were "no significant concerns" presented by the buffer breach (25 September 2018) and later, publicly in 2019, that the breach had "negligible" impacts. However, neither the ONE nor Rio Tinto/QMM has been willing to

make available the studies or reports undertaken by the ONE that determine the QMM breach to be compliant against the authorised SEMP, or the impact to be “negligible”.

Rio Tinto is one of the world’s largest mining companies and therefore likely to influence the expanding sector in Madagascar. This case therefore demands urgent attention. The governance gaps and failings that the case highlights must be addressed – not just for the citizens of Anosy, but to ensure the Malagasy mining sector meets good standards of international practice in order to protect the future of our country and its population.

We respectfully request that you, the Malagasy Ministers responsible, urgently convene a roundtable dialogue at the highest level and with the inclusion of affected communities and civil society to address gaps in the current implementation of the MECIE Decree.¹ These gaps at present allow operating companies to pay for assessments/evaluations of their operations by the ONE without due transparency, public participation and accountability provisions. The objective must be that all recent and future studies, data and reports produced by the ONE for, and paid for by, operating companies are made fully accessible and available, including permanent and free-to-access online publication, for thorough and transparent public scrutiny.

We write in a spirit of solidarity with all who wish to see the environment of Madagascar protected, its peoples safeguarded from exposure to harm and hazard, and its future developed with a meaningful commitment to good governance.

In the same spirit, and with respect for the inclusive processes of the Malagasy Government, we will send a copy of this letter and the attached briefing to Chair Helen Clark and Executive Director Mark Robinson of the Extractive Industries Transparency Initiative (EITI), to civil society members of the international EITI Board, to senior executives at Rio Tinto and to other relevant actors.

Yours respectfully

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¹ MECIE Décret 99- 954 du 15 décembre 1999 modifié par le décret n° 2004-167 du 03 février 2004. Relatif a la mise en compatibilité des investissements avec l'environnement
http://eitimadagascar.org/wp-content/uploads/2014/06/decret_2004_167_guichet_unique_ONE1.pdf

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