QUESTIONS:
REGARDING RIO TINTO/ QMM MADAGASCAR MINE ON WATER QUALITY, COMMUNICATIONS, AND RELATED ISSUES

1. **QMM extraction process** concentrates uranium and heavy metals in the mining pond as a direct result of churning the sands during the extraction process. The company knows this and has acknowledged it in writing. It knows that the mining pond contains elevated levels of toxic metals and that the levels are not safe in terms of human health. It also concedes that the QMM settling pond system cannot guarantee the removal of these contaminating levels of toxic metals before its discharge waters are released into the general environment – the lakes and waterways where local people fish and gather their drinking water.

**Questions:** Why is Rio Tinto insisting to the affected communities, local stakeholders and its shareholders, that it ‘uses no chemicals’ for extraction at the QMM mine, only water, as if to answer questions on contamination? Why is RT not explicitly admitting what it already knows: that QMM’s extraction process (churning of mineral sands) causes the elevated levels of uranium and heavy metals that are the subject of the inquiry? Why is the company apparently trying to take advantage of the lack of information and scientific understanding of the situation in its audiences to divert attention away from the facts or create doubt?

2. **QMM water data** shared by Rio Tinto in the QMM wastewater report 2021, demonstrates elevated levels of uranium almost 60 times higher and lead twenty times higher than WHO guidelines for safe drinking water. In 2018, QMM data revealed lead concentrate almost 40 times higher than the WHO safe drinking water guidelines at a downstream monitoring station of the mine (Swanson 2019). This data was not included in the 2021 QMM wastewater report. Uranium and lead pose a serious threat to human health. Independent studies by Swanson (2019) and Emerman (2019 and 2020), have provided sufficient evidence of contamination and highlighted the health concerns, and these studies have been the basis of demands made over two years for the company to provide safe drinking water access to affected communities. The new QMM wastewater report confirms there are elevated levels of uranium and lead in mine discharge waters, and now also reveals elevated cadmium and aluminium levels. Emerman is currently reviewing all the data from QMM (including from the latest wastewater report 2021), ALT UK water data (2019), and from Rio Tinto’s external providers JBS&G (2020) and results to date strengthen his earlier analysis (2019) that the mine is having a detrimental effect on regional water quality in Anosy.

**Questions:** How much more data, how much longer, and how many more reports are needed before QMM will concede it is contaminating local waterways in Anosy and provide safe drinking water to the affected communities, made up of poor fisherfolk and rural producers living on less than $1.5 per day. Why the delay?

3. **Uranium levels** shown in the QMM wastewater report are between 1.6-1.8 mg/L, well over the WHO limit of 0.03 mg/L for safe drinking water, and which confirm independent findings and the reason for concern and demand for safe water provision. Rio Tinto/QMM claims that the elevated levels of uranium in the waters around the mine are “naturally occurring”. The claim has been used by Rio Tinto/QMM to deflect concerns, and also when refusing to provide safe drinking water to communities. However, the company could not substantiate this claim to its shareholders in 2019, and it still cannot evidence it now, two years later, especially when its own external provider’s (JBS&G, 2020) water report and findings do not support this position. The Rio Tinto commissioned JBS&G study showed low levels of uranium upstream from the mine, so this means the background uranium is quite low. There are serious anomalies in the company’s arguments around the uranium levels.

**Questions:** If data from the Rio Tinto external provider, JBS&G, is right, then how can high uranium levels be “naturally occurring”? Surely elevated levels would also show up in the JBS&G data and report if they were? Why does Rio Tinto and QMM continue to answer questions about contaminated waters by claiming that elevated uranium levels in water are “naturally occurring,” when they have yet to explain anomalies in their own data, and can provide no evidence or full scientific explanation to support their claim?
4. **Safe drinking water** is a right for the local community. It is also a Sustainable Development Goal, the basis of which informs ICMM international key principles for the mining industry and to which Rio Tinto is signed up. Rio Tinto/QMM claims it cannot provide potable water to affected communities, as this is the role of the state. However, Malagasy water policy and the national government promote the active participation of foreign companies’ investment in the water sector in order for the country to meet its national targets for drinking water. In this regard the state would surely welcome intervention and investment from Rio Tinto/QMM. The company is already in partnership with the Malagasy state (the mine is 20% is owned by the state) and Rio Tinto has declared that it has already worked with the state and World Bank on water infrastructure improvements for Anosy to the tune of 2 million dollars - and proudly presents this fact as contributing to their leadership qualities in the industry sector. The rural communities living directly around the mine in Mandena have yet to see the benefit of any such investment. The majority of villagers draw their drinking water from lakes and rivers around the mine and complain that its quality has deteriorated since the mine appeared, affecting both health and livelihoods (e.g., fishing).

**Question:** When it comes to providing potable water and a safe environment for the rural poor of the region, those very people targeted to be “lifted out of poverty” by the presence of the QMM mine but who are instead negatively affected by it, how does Rio Tinto/QMM explain and justify its reluctance and delay to address potable water needs of the mine affected communities?

5. **Withholding data** or failing to gather adequate data is part of the challenge in the way the QMM water quality issues are being addressed by Rio Tinto. The lack of a baseline water study by QMM is the first problem. Either no baseline study on water quality was done in Anosy before the mine started, which raises questions, or the water baseline studies have been withheld. Data collection process failures arise when there is no coherence in the methodological process. The water sampling and detection limit measurements by QMM have raised numerous questions. Also, Rio Tinto’s commissioned JBS&G report on water, which was shared by QMM in 2020, was analysed by Emerman (2020) and criticised because the study made conclusions as if no other water data had ever been collected, which is not the case. It is standard procedure to incorporate existing water data into new studies. Rio Tinto and its external provider did not adhere to this standard procedure.

**Questions:** Why was no water baseline study ever undertaken or shared? Why was standard procedure not adhered to in the JBS&G study, by including existing water data from QMM (QMM clearly sees its own data to be valid since it just published much of it in the QMM 2021 wastewater report)?

6. **QMM mine wastewater management** is under review, according to Rio Tinto’s 2019 Strategic Report which states: “QIT Madagascar Minerals (QMM) operations present a significant risk from a water and broader environmental perspective due to their location, the nature of the surrounding environment and the mining process. So, we have committed to reviewing our current practices and infrastructure to develop and implement an improved site water management approach by 2023.” Rio Tinto Annual Report, 2019, p67.

**Questions:** What mitigation work has already been done? What is planned beyond extending its settling pond system - since there is yet to be evidence that this system is successfully removing contaminants before wastewater release? What is planned for ‘wetland’ areas left long term in the landscape that likely hold high deposits of contaminants? What measurements are taking place – and what safety criteria being applied if locals will access these areas in the future? How will Rio Tinto/QMM avoid the possible ‘chemical time bomb’ in respect of mining-related elements that are sorbed onto the surfaces of solid particles, if and when the aqueous environment changes and these elements are then mobilised into a dissolved form in the water?

7. **Respecting Statutory Limits** is required of QMM under Malagasy law, especially where limits have been defined in order to protect the environment and the rights of local people. For example, respecting buffer zone limits established to protect waterways from the harmful effects of mining. In 2014 QMM renegotiated the limit of the buffer zone at its Mandena site to reduce it from 80 m to 50 m in order to accommodate its infrastructure. It did not respect the revised limit and breached the local lake by over 100 metres. QMM received no penalties or sanction for this breach. QMM is currently discharging water with levels of cadmium and aluminium above the permitted levels according to Malagasy law. QMM claims to be a “green” and “model” mine.
Questions: What measures is QMM taking in order to ensure it is respecting Malagasy law and local people’s rights and environment? Why will QMM not provide safe drinking water in respect of the Malagasy law, which demands that the polluter pays?

8. QMM communications continue to pose problems. On 25th March QMM asked Civil Society Organizations (CSOs) in a meeting in Tana “How can we communicate with civil society better?” In 2020, we were told that Rio Tinto had adopted the recommendation from Andrew Lees Trust’s (ALT UK) advisory paper on communications (2019) to provide “independent expert leadership” for addressing communications, and had understood that QMM had requested the Malagasy Ministry to convene a national “commission” with the WHO to assist assessing communications requirements regarding radioactivity around the QMM mine. Expert advice was recommended because QMM has been the subject of repeated complaints and concerns with regard to its failed communications and stakeholder/social engagement practices for the last twenty years. Each time processes have been undertaken and recommendations made, and we are assured that the QMM team is receiving training, is revising and upgrading its processes, is renewing its “Normes de Procedures” on social engagement, and/or is receiving international trainers from Rio Tinto’s social team to build capacity of QMM teams in communications and social engagement. QMM has been in receipt of significant unpaid consultancy and recommendations on these matters, not only from ALT UK but also from advisors on its external independent panels and other external experts, as well as many academic researchers who have written about the QMM communications and social issues over many years. It has also been in receipt of internal visits and attention from Rio Tinto executives and social team trainers and experts.

Questions: Where is the expert leadership promised? How many years of experience, how much money, how much international resourcing, how many complaints, consultations and recommendations, trainings and capacity building, local protests, conflict resolution processes and discussions are needed for QMM to arrive at a place where they are not asking: “How can we do better at communicating with civil society,” or indeed with any of its local stakeholders?

9. QMM Community Relations
Andrew Lees Trust (ALT UK), which brings over a decade of Communications for Development (C4D) and community engagement experience in southern Madagascar, has raised issues about QMM’s communications and community engagement practices since 2000 (since during the preparatory stages). For example, by sharing findings and recommendations following the ALT PANOS oral testimony programme in Anosy (2007-2009) in order for QMM to address failed communications and compensation for displaced villagers who lost their land due to the mining project. Also, by participating in an NGO liaison committee to Rio Tinto between 2011-2013, which was specifically set up following local protests. It was facilitated by an external conflict resolution specialist, contracted by Rio Tinto, with the express purpose of learning lessons from the failed QMM communications and compensation processes (at which a senior executive conceded that QMM communications had been flawed), and with a view to avoiding the same failures in the future. And, between 2017-2019, in close discussion with the Head of Rio Tinto’s HSEC to discuss and put forward recommendations about QMM communications and engagement processes after ALT UK made a formal complaint about QMM’s abusive community relations in Antsotso. ALT UK also submitted a communications strategy paper to Rio Tinto in 2019 to scope and make recommendations for communicating the findings of the Swanson (2019) independent radioactivity report to local communities in Anosy. Before the independent Swanson study commenced ALT UK had insisted and Rio Tinto had agreed to undertake a communications phase for the findings of this report. To date this remains an unfulfilled promise. There have been many more processes beyond those mentioned here, including multiple CSO platform meetings in Anosy, and recommendations from QMM’s own advisory panels in relation to QMM communications. It should be noted that the QMM Director is Malagasy with over 20 years of experience of the Anosy setting, including during protests and civil unrest against QMM following displacement of local people from their lands and due to broken promises QMM made about jobs, supports to local traders/producers etc.

1 Email Rio Tinto, 27th November 2019
The current Head of QMM’s social programme has more than 20 years of experience of community relations in Anosy, including head up the local civil society platform in Anosy. QMM recently participated in a two-year project funded by the IUCN Netherlands (over a million dollars) entitled Shared Resources Joint Solutions (SRJS), whose aim was to build Malagasy civil society capacity to hold extractives in Madagascar to account, and in which QMM’s presence in the project was explained as their being able to share all the lessons they had learned in Anosy.

Question: What has QMM and its personnel been doing for the last 20 years and what do they feel they still lack or don’t understand about community relations, engagement and communications, especially after the recent two years of exchange with civil society in the IUCN funded SRJS project?

For more information

and for access to the independent water and radioactivity studies, visit:

http://www.andrewleestrust.org/studies_and_reports.html

http://www.andrewleestrust.org/blog/

Organisations/Contacts:

Andrew Lees Trust (ALT UK) is a British based charity working to serve the people of Madagascar since 1995. It has a long-standing relationship with communities in the south of the island where it delivered social and environmental education programmes for over ten years. In 2009 it realised its sustainability strategy with a full hand over to its Malagasy team. It has since provided technical advice and fundraising assistance to the Malagasy NGO in a commitment to local ownership of development, and supports local actors for change, civil society and communities, amplifying their voice and advocating for their rights.

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Publish What You Pay Madagascar (PWYP MG) is a coalition of civil society organizations in the extractive industry sector. This organisation works to ensure that natural resource extraction benefits to the Malagasy people and to drive development. It also works for more effective civil society engagement in the Extractives Industry Transparency Initiative (EITI) process in the country and an open and accountable extractive industry. It promotes community participation in decision-making and works to influence the Government on mining and petroleum laws. The PWYP MG Coalition is currently led by Transparency International Initiative Madagascar (TI-MG).

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Publish What You Pay UK (PWYP UK) is a coalition of UK civil society organizations working on extractive sector transparency, accountability and sustainability. Through research and advocacy, we address corruption, mismanagement, and social and environmental harms arising from the activities of UK-incorporated and London Stock Exchange-listed oil, gas and mining companies worldwide and from extractive activity in the UK including the UK North Sea. We engage with the UK and other governments, with companies and with other actors to raise awareness of harms and promote better extractive sector governance, policy and practice.

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