

AFRICA RISK CONSULTING

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Madagascar Summary 13 September 2022

The ministry of mines and strategic resources hosts a stakeholder consultation to discuss overhauling the mining code. Mines and strategic resources minister Olivier Herindrainy Rakotomalala indicates that the council of ministers will review a September 2020 decision to suspend gold exports after police arrest four people and seize 17.3 kg of illicit gold at Ivato International Airport in Antananarivo. The European Union (EU) electoral monitoring mission to Madagascar publishes a report indicating that the government has enacted few of the 27 recommendations from the 2018 electoral monitoring mission. EU ambassador to Madagascar Isabelle Delattre presents her credentials to President Andry Rajoelina (2019-present) and confirms a donation of €325m (\$326m) to support the implementation of Madagascar's development plan, the Plan Emergence Madagascar (PEM). President Rajoelina confirms that he will present the PEM at the Ivato International Conference Centre on 28-30 October. Police in the town of Ikongo open fire on a crowd of protesters attempting to gain access to police barracks, killing 19 and injuring a further 21 people. The justice ministry has removed the administrative head of the Ikongo district and the general director of public security in the Vatovavy Fitovinany region from their posts ahead of an anticipated parliamentary inquiry. The World Health Organisation (WHO) publishes statistics suggesting that Madagascar's fourth wave of Covid-19 infections has been controlled and that new cases are diminishing.

Mining ministry begins mining code overhaul

The ministry of mines and strategic resources held a series of stakeholder consultations on 16-22 August at the **Mining Business Centre** in **Ivato, Antananarivo**.¹ The consultations mark the beginning of a process to create a draft bill to revise **Madagascar's** mining code, which has been in effect since 2005 (Law No. 2005-021).² The council of ministers voted on a preliminary bill in November 2019, but the bill was held up by members of civil society and industry who were strongly opposed to a hike in taxes proposed by the bill.³ The consultations in Ivato involved government officials at a branch level within the mines ministry and other actors including regional and interregional directorates, buyers, resellers of mining products, large mining corporations, mining unions and civil society organisations.

The new bill aims to define a taxation regime that suits industry, civil society and government actors as well as reviewing the mining permit regime and a new gold regime with a focus on value addition through the creation of processing industries in Madagascar.⁴ Madagascar is rich in natural resources, boasting reserves of nickel, chromium, cobalt, ilmenite, gold and precious gemstones including sapphires and rubies.⁵ The mining sector has significant economic importance, generating 60% of Madagascar's foreign exchange revenue and up to 30% of tax revenues.⁶

Madagascar has long faced a challenge in the form of illicit or informal mining operations. Analysts believe a driving factor in the rise in illicit operations is the suspension of mining permits issued by the ministry since 2011. In 2020, the administration of President **Andry Rajoelina** (2019-present)

¹ [Anadolou Agency](#), 16 Aug 2022

² [Anadolou Agency](#), 16 Aug 2022

³ [La Afrique Tribune](#), 1 Sep 2022

⁴ [La Afrique Tribune](#), 1 Sep 2022

⁵ [EITI](#), accessed 13 Sep 2022

⁶ [La Afrique Tribune](#), 1 Sep 2022

suspended gold exports, leading to several high-profile gold smuggling busts. In December 2020, police seized 73.5kg of gold at **O.R. Tambo International Airport in Johannesburg (South Africa)** en route to **Dubai (United Arab Emirates)**, culminating in the arrest of three suspects.⁷ Malagasy ministers have pushed for the return of the gold and extradition of the suspects.⁸

More recently, on 25 August officials seized 17.3 kg of illicit gold at **Ivato International Airport** in Antananarivo and arrested four people, who were subsequently charged with smuggling and forgery offences.⁹ The individuals were in possession of falsified documents including customs declarations and authorisations from the ministry of mines. The gold was due to be smuggled on a state-controlled national airline **Air Madagascar** flight bound for **Paris (France)** but its final destination would have been Dubai.¹⁰

By failing to implement a system whereby gold exports can be taxed properly, the Madagascar administration loses a source of government revenue. Furthermore, by banning gold exports in lieu of an operational system of taxation, it encourages illicit exports that see illegal operatives pocket 100% of the proceeds.

However, the **Madagascar Tribune** reported on 23 August at the close of the stakeholder consultations that the mining ministry plans to hike royalty payments from 2% to 8%, and will submit its proposal to government and parliamentarians.¹¹ In addition to the new royalty fees, the ministry plans to implement a 15% export excise duty levied according to quantity of exports, which was included in the 2021 finance law.¹² Under the current 2% royalty regime and 2021 excise duties, a single ingot (1kg) of gold will generate 35 million Ariary (\$8,307) in taxes and duties.¹³ Currently, the purchase price of gold is 170,000 Ariary per gram (\$40.35) when purchased directly from gold washers.¹⁴

Mines and strategic resources minister **Olivier Herindrainy Rakotomalala** indicated on 12 September that the council of ministers was reviewing the suspension of gold exports in Madagascar, admitting that the ban on gold exports had not helped the ministry in a sector-wide clean-up operation.¹⁵ Rakotomalala confirmed that the quantity of gold seized as illegal exports was likely much lower than the actual quantity leaving Madagascar illegally.¹⁶ The announcement marks a U-turn in policy for Rajoelina's administration, which in July 2022 suspended flights between Madagascar and **Moroni (Comoros)** citing gold smuggling concerns.¹⁷

EU issues report on electoral commission ahead of 2023 elections...

The **European Union (EU)** electoral monitoring mission to Madagascar published a report on 2 September, determining that most of the 27 recommendations made in 2018 had not been enacted.¹⁸ Electoral monitoring mission head **Christian Preda** lamented at the launch of the mission in May that "*not much had been done*" and urged parliamentarians to focus on the independence of the **Commission électorale nationale indépendante pour la transition (CENI)** (independent national electoral commission for transition).¹⁹ The criticism is timely, as Madagascar waits for a date to be set for its next presidential elections due to be held in 2023.

The EU report noted that the Madagascar government had not executed the mission's previous recommendations that the CENI be elevated to the status of a state institution and made responsible

⁷ [Daily Maverick](#), 12 Jan 2021

⁸ [Daily Maverick](#), 12 Jan 2021

⁹ [Madagascar Tribune](#), 3 Sep 2022

¹⁰ [Madagascar Tribune](#), 3 Sep 2022

¹¹ [Madagascar Tribune](#), 23 Aug 2022

¹² [Madagascar Tribune](#), 23 Aug 2022

¹³ [Madagascar Tribune](#), 23 Aug 2022

¹⁴ [Madagascar Tribune](#), 23 Aug 2022

¹⁵ [Madagascar Tribune](#), 12 Sep 2022

¹⁶ [Madagascar Tribune](#), 12 Sep 2022

¹⁷ [RFI](#), 22 Jul 2022

¹⁸ [RFI](#), 15 May 2022

¹⁹ [RFI](#), 15 May 2022

for establishing the electoral calendar.²⁰ The report also highlighted a lack of electoral legislation in Madagascar, stating the importance of a comprehensive review of the electoral legal framework to correct weaknesses and allow for voters to exercise their electoral rights effectively.²¹ The EU's chief criticism was the removal of the law of opposition (**loi sur l'opposition/ Loi n° 2011-013**), which had permitted the leader of the opposition to hold its own cabinet and to nominate three members of the CENI.²²

The EU report also targeted the presidents of CENI and the **Haute Cour Constitutionnelle (HCC)** (high constitutional court). While the positions were awarded in compliance with constitutional and legal provisions, both presidents are considered allies of those in power.²³ CENI president **Dama Andrianarisedo** is married to public works minister **Gisèle Ranampy**.²⁴ HCC president **Florent Rakotoarisoa** is also exposed to political influence, having previously held the position of minister of the interior and interim minister of justice in Rajoelina's administration.²⁵

Andrianarisedo responded to the report by brushing off allegations that he lacked impartiality and reassuring Malagasy citizens that the CENI was focused on the organisation of transparent and inclusive elections.²⁶ Former Senegalese ambassador to Madagascar **Paraina Auguste** voiced his concerns that the "*stubborn*" current leadership and lack of engagement with EU recommendations may lead to an extreme crisis, including the potential suspension of financing for the elections due to be held next year.²⁷

Despite the negative review of Madagascar's electoral bodies, the new EU ambassador to Madagascar, **Isabelle Delattre**, confirmed a donation of €325m (\$326m) to support the implementation of Madagascar's development plan, the **Plan Emergence Madagascar (PEM)**, on 8 September during the presentation of her credentials to President Rajoelina. Rajoelina is due to publish and officially launch the PEM at the **Ivato International Conference Centre** on 28-30 October. The plan will provide a roadmap for government development plans and projects over a five-year period and is built around the framework that guided Rajoelina's 2018 electoral campaign. Rajoelina has less than one year remaining of his term as president, ahead of presidential elections due to be held in 2023.

Police open fire on protesters

Police in the town of **Ikongo**, 350 km south of Antananarivo, opened fire on a crowd of protesters on 29 August, killing 19 people and injuring 21 others.²⁸ Protesters had gathered outside police barracks in Ikongo demanding that four suspects arrested for their alleged involvement in a kidnaping case be handed over to the crowd, described as a "*lynch mob*".²⁹ **Fitovinany region** member of parliament **Jean-Brunelle Razafintsandraofa** confirmed that there had been a report of a child with albinism kidnapped from Ikongo the week before the protest.³⁰

A **United Nations (UN)** statement published in March reports that over a dozen abductions, attacks and killings have occurred in the past two years across Madagascar in **Atsimo-Andrefana, Menabe, Haute Matisatra, Ihorombe** and **Anosi**.³¹ The UN believes the actual number of attacks to be higher than this estimate and anticipates that the worsening economic situation in Madagascar may drive an increase in human rights violations against people with albinism whose body parts are considered to

²⁰ [Madagascar Tribune](#), 2 Sep 2022

²¹ [Madagascar Tribune](#), 2 Sep 2022

²² [Justice MG](#), accessed 13 Sep 2022

²³ [Madagascar Tribune](#), 2 Sep 2022

²⁴ [2424](#), 1 Sep 2022

²⁵ [2424](#), 1 Sep 2022

²⁶ [Madagascar Tribune](#), 7 Sep 2022

²⁷ [Madagascar Tribune](#), 7 Sep 2022

²⁸ [France24](#), 31 Aug 2022

²⁹ [Al Jazeera](#), 30 Aug 2022

³⁰ [Al Jazeera](#), 30 Aug 2022

³¹ [ReliefWeb](#), 28 Feb 2022

bring good fortune and protection.³² Similar attacks on people with albinism have been reported in **Burundi, Democratic Republic of the Congo, Malawi, Mozambique and Tanzania.**³³

A crowd of 500 protesters reportedly armed with blades and machetes responded to the arrest of the four suspects by marching to the police barracks and attempting to enter the building.³⁴ National police chief **Andry Rakotondrazaka** confirmed that tear gas was deployed into the crowd but it did little to prevent the mob from advancing. Officers then discharged firearms over the heads of the crowd but ultimately had “*no choice but to resort to self-defence*”.³⁵

Madagascar has a history of mob justice. In February 2017, a group of 800 people broke into Ikongo prison in search of a murder suspect they intended to lynch.³⁶ Prison guards were overpowered in the incident and 120 inmates escaped as a result. In another incident in 2013, a crowd burned alive a **French** national, a dual French-**Italian** national and a local Malagasy citizen, accusing them of killing a child on the island of **Nosy Be.**³⁷ An **Afrobarometer** survey published in 2019 confirmed that 54% of Madagascans believe that mob justice is an effective way to achieve justice. However, 38% consider the practice to be incitement to further violence and one which drives a wedge between the population and the legal justice system.³⁸

Madagascar’s tendency for immediate vigilante or “*mob*” justice may be explained by a lack of access to its court system. The presidency announced on 22 August, less than two week before the Ikongo incident, that 44 of 119 districts in Madagascar have opened a district court in the past three years. This includes a new court of first instance (*tribunal de première instance*) on the island of **Sainte Marie**, the first of its kind since Madagascar’s independence in 1960.³⁹



The ministry of justice has received strong criticism in the aftermath of the Ikongo incident. Justice minister **François Rakotozafy** defended his ministry from a flurry of accusations, while justice

³² [ReliefWeb](#), 28 Feb 2022

³³ [Under the Same Sun](#), accessed 13 Sep

³⁴ [Al Jazeera](#), 30 Aug 2022

³⁵ [Al Jazeera](#), 30 Aug 2022

³⁶ [France24](#), 31 Aug 2022

³⁷ [Al Jazeera](#), 30 Aug 2022

³⁸ [Madagascar Tribune](#), 6 Sep 2022

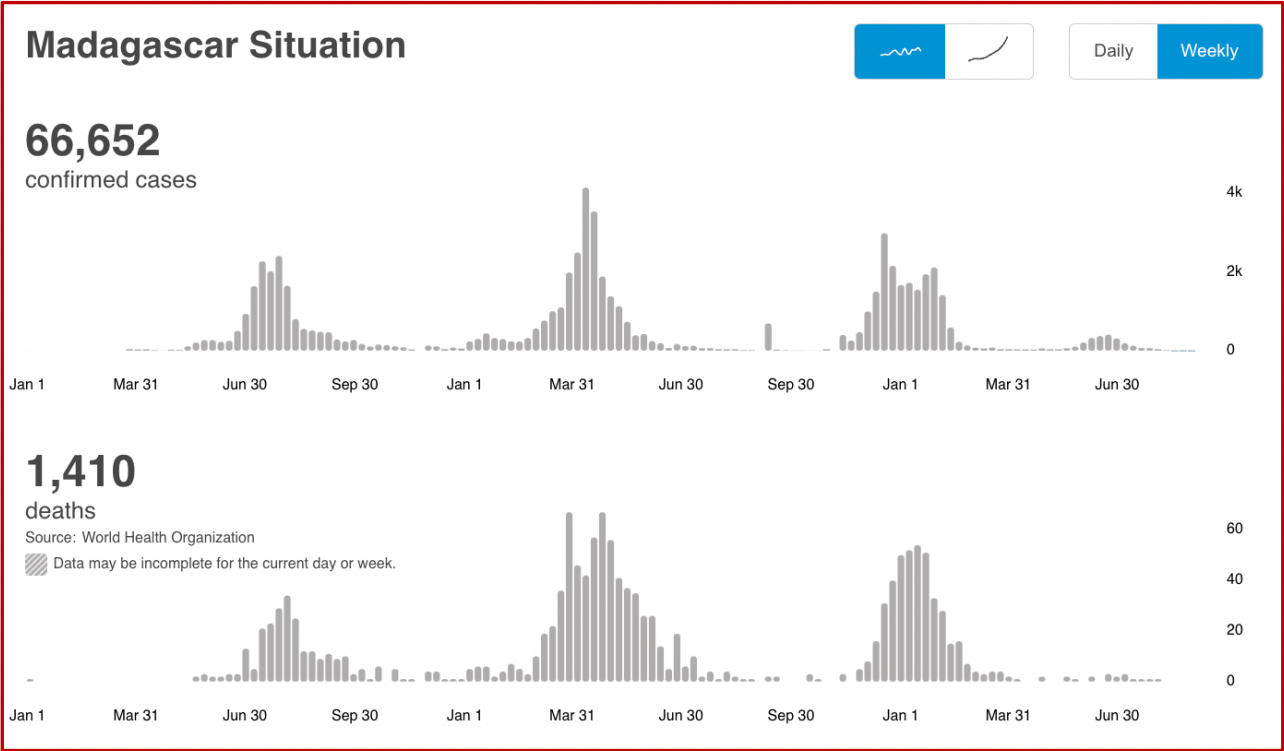
³⁹ [Orange](#), 22 Aug 2022

ministry secretary general **Savatsarah Aina Raby** released a statement levelling responsibility across the entire judicial system, including all police units, magistrate and court clerks.⁴⁰ Despite a strong early defence, the justice ministry buckled and removed the administrative head of Ikongo district and the general director of public security in the **Vatovavy Fitovinany** region, and now faces calls for an investigation and parliamentary enquiry.⁴¹ The **Madagascar Tribune** claims Malagasy citizens hold a “*persistent mistrust*” of Madagascar’s system of justice.⁴²

The Ikongo tragedy follows a series of anti-government and cost-of-living protests that erupted across Madagascar in July. Protests of size are rare in Madagascar, a country where the ruling party suppresses press freedom and the political opposition’s civil rights. These protests and vented frustrations against a slow and unreliable judicial system do not bode well for Rajoelina ahead of the presidential elections expected in 2023.

Covid-19 cases remain low

The **World Health Organisation (WHO)** recently published statistics suggesting that Madagascar’s fourth wave of **Covid-19** infections has been controlled and that new cases are diminishing.⁴³ Madagascar’s last wave of Covid-19 infections peaked in early January when new infections rose to levels last seen in March 2021.⁴⁴



Government testing between 4 and 9 September revealed only 12 active cases of Covid-19, of which 12 were new cases.⁴⁵ This is a significant decline from the first week of July, when health authorities counted over 300 new infections. The **Analamanga** region has the highest rate of new cases, recording 10 of the 12 new cases, followed by the **Diana** region with one case, and **Itasy** region with one case.⁴⁶

⁴⁰ [Madagascar Tribune](#), 6 Sep 2022
⁴¹ [Madagascar Tribune](#), 8 Sep 2022
⁴² [Madagascar Tribune](#), 6 Sep 2022
⁴³ [World Health Organisation](#), accessed 13 Sep 2022
⁴⁴ [World Health Organisation](#), accessed 13 Sep 2022
⁴⁵ [Madagascar Tribune](#), 12 Sep 2022
⁴⁶ [Madagascar Tribune](#), 12 Sep 2022

The Malagasy government lifted all Covid-19 restrictions to facilitate nationwide celebrations for Madagascar's **62nd Independence Day** on 26 June.⁴⁷ A military parade in **Barea Stadium** (Antananarivo) drew large crowds and may have facilitated the spread of the virus in early July.

Health restrictions continue to apply to international flights arriving in Madagascar, including:

- Proof of a negative PCR test taken no more than 72 hours before boarding;
- Presentation of a reservation certificate for two nights and payment of at least one night at an approved quarantine hotel;
- Submission to a PCR test upon arrival (at the traveller's expense) and confinement until the test result is known;
- Treatment at an approved hospital or medical hotel in the event of a positive test.⁴⁸

Since 23 February, domestic travellers flying within Madagascar are no longer required to submit to a **Rapid-Diagnostic Test (RDT)** three hours before departure.⁴⁹

Madagascar joined the WHO vaccination access scheme, **COVAX**, in April 2021 after initially opting out of the programme and instead using a local herbal remedy named **Covid-Organics** (see *ARC Briefing Madagascar Apr 2021*).⁵⁰ WHO data revealed that as of 12 September, 1.52 million residents of Madagascar's 28 million population (5.03%) have received at least one dose of a Covid-19 vaccine, while 5.28% of the population is fully vaccinated.⁵¹

Planner

28 Oct 2022 **Antananarivo (Madagascar)** President Andry Rajoelina to present the **Plan Emergence Madagascar (PEM)** at the **Ivato International Conference Centre (IICC)**;
2023 **(Madagascar)** Presidential elections (TBA);

Chronology

12 Sep 2022 **Antananarivo (Madagascar)** *Madagascar Tribune*. Minister of mines and strategic resources **Olivier Herindrainy Rakotomalala** announces that the council of ministers is likely to lift a suspension on gold exports, in place since September 2020, imminently;

9 Sep 2022 **Antananarivo (Madagascar)** *Madagascar Tribune*. **Lova Ranoromaro**, spokesperson and director for communications at the presidency, announces that the long-awaited development plan, **Plan Emergence Madagascar (PEM)**, will be presented at the **Ivato International Conference Centre (IICC)** on 28 October;

9 Sep 2022 **Antananarivo (Madagascar)** *Orange*. The council of ministers approves a project to create a digital control system for tobacco supply chains proposed by the ministry of economy and finance;

9 Sep 2022 **Antananarivo (Madagascar)** *Orange*. President **Andry Rajoelina** arrives in **Vohémar** to open the 159-km **RN5A** road linking **Ambilobe** and Vohémar;

9 Sep 2022 **Antananarivo (Madagascar)** *Orange*. **Russia's** ambassador to Madagascar, **Andrey Anadreev**, meets with Madagascar's minister for foreign affairs, **Richard Randriamandrato**, to confirm a positive relationship between their nations;

8 Sep 2022 **Antananarivo (Madagascar)** *Madagascar Tribune*. An administrative sanction removes the head of **Ikongo district** and the general director of public security for the

⁴⁷ *Le Matinal*, 27 Jun 2022

⁴⁸ *Anadolu Agency*, 5 Mar 2022

⁴⁹ *2424*, 24 Feb 2022

⁵⁰ *VON*, 1 Apr 2021

⁵¹ *World Health Organisation*, accessed 13 Sep 2022

Vatovavy Fitovinany region from their posts after police in **Ikongo** opened fire on a crowd of protesters on 29 August, killing 19 people and injuring 21 others;

8 Sep 2022 **Antananarivo (Madagascar)** *Orange*. Consumption minister **Edgar Razafindravahy** confirms that the price of fuel is unlikely to rise before the end of the year;

8 Sep 2022 **Antananarivo (Madagascar)** *Madagascar Tribune*. **Isabelle Delattre**, the new **European Union (EU)** ambassador to Madagascar, announces that the EU will provide \$329.2m (€325m) to support **Le Plan Emergence Madagascar**, with funds to be distributed over a four-year period;

7 Sep 2022 **Antananarivo (Madagascar)** *ANI*. **India's** ambassador to **Madagascar**, **Abhay Kumar**, presents President **Andry Rajoelina** with 5,000 tonnes of rice as humanitarian aid;

7 Sep 2022 **Antananarivo (Madagascar)** *Madagascar Tribune*. President of the **Commission électorale nationale indépendante (CENI)** (independent electoral commission) responds to a **European Union (EU)** electoral observation mission report stating that he remains focused on organising transparent and inclusive elections;

3 Sep 2022 **Antananarivo (Madagascar)** *Madagascar Tribune*. Police arrest four people following the seizure of 17.3 kg of gold at **Ivato International Airport** on 27 August destined for **Dubai**;

31 Aug 2022 **Ikongo (Madagascar)** *EWN*. Government is accused of committing "state terrorism" after police shot dead 19 civilians who were angered by the kidnapping of an albino child;

30 Aug 2022 **Ikongo (Madagascar)** *Al Jazeera*. **Tango Oscar Toky**, chief physician at a hospital in south-eastern Madagascar, confirms that nine individuals died after police opened fire on a mob attempting to enter a local police station in protest of a recent kidnapping of a child with albinism, with nine further individuals dying later from their injuries;

30 Aug 2022 **Antananarivo (Madagascar)** *2424*. **Commission électorale nationale indépendante (CENI)** (independent electoral commission) president **Andrianarisedo Retaf Arsène Dama** estimates that another three million eligible voters are missing from the register ahead of an electoral list overhaul planned to begin in October;

29 Aug 2022 **Cairo (Egypt)** *Egypt Today*. Egypt's minister of irrigation and water resources, **Hany Sweilam**, and **Madagascar's** minister of water, sanitation and hygiene meet to discuss a draft **Memorandum of Understanding (MoU)** to share Egyptian expertise on rainwater harvesting and groundwater management;

29 Aug 2022 **Paris (France)** *Orange*. France's President **Emmanuel Macron** receives **Madagascar's** President **Andry Rajoelina** at the **Elysée Palace** in **Paris** to discuss bilateral partnership projects;

27 Aug 2022 **Antananarivo (Madagascar)** *Orange*. Madagascar's foreign affairs ministry publishes a rejection of allegations that **Russia**-based **Kremlin**-linked private military group **Wagner Group** is present in Madagascar;

26 Aug 2022 **Tunis (Tunisia)** *Twitter*. President **Andry Rajoelina** arrives in Tunis to attend the 8th **Tokyo International Conference on African Development (TICAD8)**;

21 Aug 2022 **Antananarivo (Madagascar)** *Orange*. President **Andry Rajoelina** announces the intention to sign an MoU to lease more aircraft to national airline **Air Madagascar** to provide short-haul flights between the island of **Sainte Marie** and Antananarivo;

17 Aug 2022 **Antananarivo (Madagascar)** *OMH*. The **Office Malgache des Hydrocarbures (OMH)** (Malagasy hydrocarbons office) announces the suspension of diesel sales in jerry cans or

other mobile containers for service stations in **Betsiboka, Boeny, Sofia, Vakinankaratra, Amoron’Imania, Haute-Matsiatra, Vatovavy, Fitovinany and Ihorombe;**

16 Aug 2022 **Antananarivo (Madagascar)** *Madagascar Tribune*. A national stakeholder consultation workshop begins as part of a process to revamp the Malagasy mining code;

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