

Covid-19 Status in Madagascar

Updated 23 March 2020

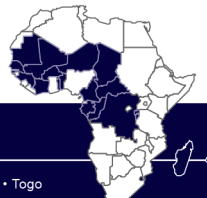
1. International and internal travel

As of midnight on 20 March 2020 the government of Madagascar closed its borders to international air traffic. This is for a period of 30 days to be reviewed on an ongoing basis.

Shipping is still arriving. Container movements (import and export) are proceeding as normal. Cruises and passenger vessels are banned.

On 20 March 2020, the President of the Republic announced that three cases of COVID-19 were confirmed earlier in the day by the *Institut Pasteur de Madagascar's* laboratory. Further cases have been identified since. As of last night (22nd March 2020) the President has taken the following measures:

- All public transport is suspended for the next 15 days;
- Around 1,000 persons are in quarantine and are subject to a daily health check by representatives of the Ministry of Health, doctors and police;
- All social gatherings and events remain prohibited for the next 15 days;
- Antananarivo and Toamasina are officially on lockdown but essential businesses remain open (pharmacies, shops and banks and similar);
- Only one member of the household is allowed to go out during the day for essential needs (e.g. food supply);
- Low cost market will be open in the morning in each Fokontany until 12 pm;
- Health and police check points are being set up on the roads in Tana and in other provinces;
- No circulation of individuals or vehicles are allowed beyond 8pm;
- The President will make a daily speech to give update or other measures.
- All gatherings and events whatever are their purposes are prohibited for a period of 15 days starting from 20 March 2020;
- All schools and universities are closed for a period of 15 days starting from 20 March 2020;
- Anyone displaying symptoms must self-isolate for a period of 14 days;
- The violation of quarantine measures leads to a forced isolation to a location to be determined by the government.



2. Status of stranded expatriate staff

As a consequence of the suspension of all international flights from/to Madagascar since, foreigners living or visiting Madagascar will have to remain in the country pending the expiry of the suspension period. This is not the case for expatriates who can benefit from repatriation flights organised by their governments in collaboration with the Malagasy government.

Air France has sent two aircrafts scheduled to land at the Ivato Airport respectively on 21 and 23 March 2020 to repatriate all French nationals wishing to return to France. Beyond these dates, all Air France flights between Paris and Antananarivo are cancelled until 6 May 2020.

3. Visa situation for expatriates

For resident visa holders: persons whose visa will expire before they are able to leave Madagascar may obtain, free of charge, a receipt for the submission of their request for visa extension from the Director of Immigration and Emigration at the Ministry of the Interior and Decentralization (contact : +261 34 07 523 14). The receipt can be used when required to justify their presence in the country, for example at police roadblocks.

For tourist visa holders: anyone whose visa will expire before they are able to leave Madagascar are invited to apply, free of charge, for a certificate authorising them to remain in Madagascar until the lifting of the measures to suspend international flights (the end of validity of their visa must coincide with the period of suspension of international flights). This certificate can be obtained from the immigration and emigration services (contact +261 34 05 703 90).

4. Requirements for social distancing and working from home

In addition to the recent measures set out in 1 above, the Government has issued public health protocols with regard to: handwashing (with an alcohol-based hand rub or with soap and water); one meter social distancing; avoiding touching faces; covering the mouth and nose with a bent elbow or tissue a cough or sneeze.

The above-mentioned public health protocols provides that anyone displaying symptoms of COVID-19 must call the emergency number 910/913 or go to the nearest hospital or health centre.



Anyone displaying symptoms or known to have had contact with a confirmed case of COVID-19 should self-isolate for a period of 14 days.

5. Self-isolation protocols

Since 16 March 2020, all international passengers from affected countries with a level 2 alert arriving in the country before 19 March 2020 at 23h59 must undergo a 14-day quarantine. They have two options:

- Self-isolation (at the passenger's home or temporary accommodation) with regular checks to monitor the passenger's state of health by the Ministry of Health; or
- Health authority quarantine at the Malagasy authorities' expense in an hospital designated by the latter (e.g. Anosiala Hospital in Antananarivo).

All passengers arrived in Madagascar before 19 March 2020 at 23h59 was asked to sign an undertaking on arrival to submit to the quarantine measure above. A breach of this undertaking leads to a forced isolation by the government. No other specific sanctions exist as of today.

6. Face-to-face meetings

Meetings face to face are not yet prohibited, but caution must be observed (see social distancing).

7. Suspension (or not) of religious activities (including evangelism)

The President has announced during his speech of 20 March 2020 that all gatherings and events are prohibited for a period of 15 days starting from that date. This is likely to include religious activities including door to door visits.

8. Possibility of suspending employees on temporary unemployment, and procedure

The Malagasy Labour Code provides for the possibility of suspending the contract for *chômage technique* (temporary unemployment for technical reasons) for a period limited to six (6) months. The *chômage technique* is defined as a collective interruption of work, due to a non-definitive situation or



accidental causes such as accidents to equipment, interruption by *force majeure*, a natural disaster, accidental shortage of raw materials, tools and/or means of transport.

The suspension must cease when the cause(s) of the interruption no longer exist(s). If the *chômage technique* continues beyond six months, the employment contract is deemed to be terminated. In this case the employer must settle the outstanding rights of the worker, including remaining salary, payment in lieu of notice period, payment in lieu of untaken leave and severance pay.

In practice, the labour inspector is usually consulted by either the staff representatives and/or the employer prior to the suspension decision.

9. Obligations to make corporate filings and tax payments, any concessions etc

Corporate filings and tax payments should be completed as usual. No official decision has yet been taken by the government to suspend or delay the performance of these obligations during the COVID-19 outbreak.

Further Assistance

Should you have any questions or wish to discuss any of the above in more detail, please get in touch with your usual contact at John W Ffooks & Co. Alternatively, please contact any of the people listed overleaf who would be delighted to assist.



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John is the founding partner of John W Ffooks & Co. He has over 25 years experience acting for listed natural resource companies in Australia, London, New York and Toronto with assets across Africa as well as the financial institutions which provide their finance. He has acted on some of the largest and most complex investments in the Natural Resources sector in Africa over the last two decades and brings an invaluable range of experience and vision to client transactions. John is fluent in English and French.

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Richard is an English-law qualified, City-trained corporate solicitor and the managing partner of the Madagascar and Mauritius offices. Richard has a broad corporate practice encompassing project finance and oil & gas which has developed over the past few years across West and Central Africa. Richard holds dual English/French nationality, is bilingual English/French and has significant

deal-experience in the sub-Saharan Francophone Africa.

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Vanja is a partner in our Antananarivo office. Vanja advises several international upstream Oil & Gas and mining clients with assets in Francophone Africa. Vanja also advises on a range of corporate / commercial legal issues in French-speaking Africa and Madagascar with an emphasis on banking & finance. Vanja led a team on the development of a "toolkit", a guide on the procedure for granting mining titles in the hydrocarbons sector, the awarding of oil contracts, as well as the contractual framework of production sharing contracts in Madagascar. Vanja speaks English and French.



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Hoby is a partner in the Antananarivo office with over twelve year's experience of international cross-border deals and regulatory issues. Hoby advises on financial services regulation in its broadest sense, helping inward investors navigate the increasingly complex regulatory framework across a number of industry sectors. Hoby also has extensive experience of corporate and banking transactions across French-speaking sub-Saharan Africa including restructurings, acquisitions and joint-ventures as well as senior and mezzanine debt financing. She is fluent in French and English.

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Sitraka is a Partner in the firm's Antananarivo office. Sitraka advises on a wide range of commercial matters and specialises in energy and aviation sectors in Madagascar and across French-speaking Africa. He advised private entities on the drafting of power purchase agreements and concession agreements in order to make them comply with legal requirements. He is also assisting public entities on the negotiation of power purchase agreements and concession agreements. Before joining the firm, Sitraka lectured on corporate, civil and employment law at the University of Antananarivo. Sitraka speaks English and French.

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Adrien is head of the OHADA practice and helps to coordinate the firm's team of locally qualified attorneys in French-speaking Africa. Adrien is a Rwandan qualified avocat and former member of the Rwandan Parliament. He is a graduate of the University of Ottawa in Canada (Bachelor in Public Law), of the CEDS in Paris (Masters in Diplomatic and Strategic Studies) and holds a Masters in the OHADA legal system from the University of Abidjan. Adrien is based in Rwanda and has considerable experience in all aspects of commercial and business law across the Francophone world, especially in the OHADA countries.

