



FAIRTRADE AND FAIRMINED STANDARD FOR GOLD FROM ARTISANAL AND SMALL-SCALE MINING, INCLUDING ASSOCIATED PRECIOUS METALS

Explanatory Document and Procedure for the determination of Areas Temporarily Excluded (ATE)

Contents

1. Standards Text	1
2. Explanatory Notes	2
2.1 Procedure for the determination of Areas Temporarily Excluded	2
ANNEX A: ATE Request Template	4
ANNEX B: ATE Report Template	5

1. Standards Text

0.2.4 Geographical scope

The geographic scope of the STANDARD is Latin America.

The scope excludes areas where conflict between the agricultural activity and artisanal and small-scale mining activity occurs. Such areas will be identified by FLO and ARM according to the “Explanatory Document and Procedure for the determination of Areas Temporarily Excluded (ATE)”. The list of such areas is maintained by both organizations.

In these areas small-scale mining organizations can receive an exception and apply for certification if they can demonstrate to an independent body that no conflict exists between their organization and surrounding agricultural sector.

© Alliance for Responsible Mining Foundation - ARM, 2010. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without full attribution.

...
The request for exclusion of specific areas for certification of artisanal and small-scale mining must specify the exact areas and the reasons for exclusions. Identification of conflict areas must be specific and cannot cover entire provinces or countries.

Applicants, in the case of exceptions, need to provide positive endorsement by an independent body to the certification body who will be the ultimate authority to decide on certification. Audits include a verification of the non-existence of prevailing conflicts.

2. Explanatory Notes

The STANDARD aims at avoiding conflicts between agriculture and artisanal mining, as producers of both sectors are part of the Fairtrade scheme. Although both activities may be equally important for the livelihood of communities, only the (gold) STANDARD considers the possibility of limiting the geographical certification scope through exclusion of conflict areas. This is not to be understood as setting priorities on economic activities, but honors the fact that agricultural producers have been those who built the Fairtrade system.

It is in the mutual interest of farmers and miners in affected communities to resolve their conflicts. Responsible Artisanal Mining in compliance with the requirements of the STANDARD is the most promising way for conflicts mitigation. Consequently, according to the evolving and temporary nature of conflicts, decisions on “excluded areas” are to be periodically reviewed, and the areas are therefore denominated “Areas Temporarily Excluded” (ATE).

FLO and ARM are responsible for delimiting and publishing ATEs. As the definition of the geographic scope of the STANDARD is the responsibility of the joint Gold Standards Sub-Committee (SSC), the determination of ATEs according to the below described procedures shall also be delegated to the joint SSC.

FLO and ARM are committed to best efforts in identifying conflict areas and proactively delimiting ATEs, and will act on all cases brought to their knowledge. In accomplishment of this task, FLO and ARM rely mainly on information provided by third parties and public information sources; FLO and ARM can therefore not be held responsible for identifying areas where conflicts have not been reported.

2.1 Procedure for the determination of Areas Temporarily Excluded

1. Proposals for ATEs may be presented by any stakeholder in writing to the Chair of the SSC. Electronic submission by email shall be directed to the contact addresses indicated in the STANDARD. The Chair shall also act without having received a proposal, if a conflict that requires an ATE comes to his/her knowledge. The Chair will keep records of all proposals.

2. The proposal for an ATE has to briefly describe the alleged conflict between farmers and artisanal miners and indicate the involved stakeholders. Proposals for ATEs should be presented using the template provided in Annex A, and be accompanied by related background information and evidence.
3. The Chair of the SSC (or a person nominated by the SSC for that purpose) will evaluate the proposal within 30 days after reception, conducting a desktop appraisal of the situation. The investigation covers an extensive Internet research, and includes - if necessary - correspondence with stakeholders. Field visits are not considered a requirement. The result of the investigation and the proposed action shall be documented as “preliminary decision” using the corresponding report template (Annex B).

The term “extensive Internet research” covers up to one day desk research of local, national and international media and scientific publications.

Guidance for proposed action:

- 3.1 Proposals for ATEs shall be rejected only if no evidence of the conflict can be obtained, if the conflict is of minor significance (such as different positions during ongoing negotiations) or if evidence proves that the conflict has ceased to exist.
- 3.2 If evidence of conflict between farmers and artisanal miners is confirmed, the ATE shall be declared for an initial period of 2 years. Subsequent reviews of the situation shall cover 3 years for the second period and repetitively 5 years for subsequent periods.
- 3.3 If a conflict has been found to be resolved, the ATE restrictions shall be lifted, without requirement for further periodic review.
4. Preliminary decisions regarding ATEs made by the Chair of the SSC (or the person nominated for that purpose) take effect immediately and will be reviewed by the SSC at the next meeting.

All preliminary decisions shall be reported to the SSC at the next ordinary meeting. The SSC takes the final decision and may ratify the preliminary decision, modify it, or request a second opinion from a third party nominated by the SSC. The SSC is free to reconsider its decisions whenever new evidence surfaces.

5. Any result of an investigation (preliminary or final) which results in a ATE to be declared, shall be communicated within 5 days after decision making to FLO-CERT, ARM and FLO and be published on the FLO and ARM websites. The ATE comes into force with publication on the websites.
6. This document shall be made publicly available on the respective websites of FLO and ARM.

ANNEX A: ATE Request Template

FAIRTRADE AND FAIRMINED STANDARD FOR GOLD FROM ARTISANAL AND SMALL-SCALE MINING, INCLUDING ASSOCIATED PRECIOUS METALS

ATE Request (Area Temporarily Excluded)

Contact Data (*contact data will be kept confidential*)

Contact data of person or institution proposing ATE	Institution: (optional)	...
	Name of contact person:	...
	Postal address	...
	Email:	...
	Tel.:	...

Details of proposed ATE

Region	Latin America
Country	Country where the conflict between agricultural and artisanal mining producers exists ...
State, District	First and second level administrative unit where the conflict between agricultural and artisanal mining producers exists ...
Proposed Excluded Area	Location (village, valley, etc.) where the conflict between agricultural and artisanal mining producers exists ... Please describe the proposed borders of the proposed ATE area ...
Stakeholders	List of involved stakeholders (including contact data if available) ...
Short description of conflict	Please provide a summary of the existing conflict (extended descriptions can be provided as annex) ...
Provided evidence and other attached documents	Please list all provided hardcopies or hyperlinks of presented evidence <ul style="list-style-type: none"> • ... • ... • ... • ...

Date:	Place:	Signature:
-------	--------	------------

ANNEX B: ATE Report Template

FAIRTRADE AND FAIRMINED STANDARD FOR GOLD FROM ARTISANAL AND SMALL-SCALE MINING, INCLUDING ASSOCIATED PRECIOUS METALS

ATE Evaluation Report (Area Temporarily Excluded)

Record Data	Country code	Country record number	Report number	Decision Date	Preliminary (P) or Final (F) decision	Report prepared by:
	0000	00	yyyy-mm-dd

Evaluation

Region	Latin America, Andean Countries
Country	...
Province	...
Area	Location and delimitation of area ... Delimitation (borders): ...
Map	Include sketch map of conflict area ...(picture)... Source: ...
Overlap with protected areas	Overlapping IUCN I-IV and AZE conservation targets according to IBAT (http://www.ibatforbusiness.org) – include map ...(picture)... Situation: ...
Geospatial information	Filename of attached spatial database file; Google Earth (kml, kmz) or ARC-GIS (shp) ...(filename)...
Stakeholders	List of stakeholders (including contact data if available) ...
Description of conflict and rationale for decision making	Short description of conflict and Rationale for decision ...
Evidences	References (Hyperlinks where available, hardcopies to be kept in archive) <u>Observatorio de Conflictos Mineros (conflictosmineros.net)</u> • ... <u>http:// News Articles</u>

	<ul style="list-style-type: none"> • ... http:// <u>Documents, Reports, Papers</u> <ul style="list-style-type: none"> • ... http:// <u>Videos</u> <ul style="list-style-type: none"> • ... http:// Other <ul style="list-style-type: none"> • ...
--	---

Preliminary decision and immediate action to be taken

Exclusion period and Re-evaluation date	<input type="checkbox"/> not declare ATE	<input type="checkbox"/> declare ATE
		Duration of exclusion / Start Date – End Date ... years / ... 20... – ... 20... Proposed Review Date ... 20...

Final decision taken by the Gold SSC

<input type="checkbox"/> not declare ATE	<input type="checkbox"/> Request second opinion, or other	<input type="checkbox"/> declare ATE
Details:	Details:	Exclusion period and Re-evaluation date Duration of exclusion / Start Date – End Date ... years / ... 20... – ... 20... Proposed Review Date ... 20...
Date of SSC meeting:		