

**Environmental and Social Impact Assessment  
Review of the Legal and Institutional Framework  
Yaoure Gold Project, Côte d'Ivoire**



Submitted to  
**Amara Mining Côte d'Ivoire SARL**



Submitted By

**2D Consulting Afrique**

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## ABBREVIATIONS AND ACRONYMS

<b>AGEPE</b>	Employment Management and Promotion Agency
<b>ANDE:</b>	National Environmental Agency
<b>CIM:</b>	Interministerial Commission for Mining
<b>CIPOMAR:</b>	Response Company against the Pollution of the Marine and Lagoon Environment
<b>DGH:</b>	Hydrocarbons General Direction
<b>PRSP:</b>	Poverty Reduction Strategy Paper
<b>ESIA:</b>	Environmental and Social Impact Assessment
<b>EP:</b>	Equator Principles
<b>EPFI:</b>	Equator Principles Financial Institutions
<b>ICME:</b>	International Council on Metals and the Environment
<b>ICMI:</b>	International Cyanide Management Institute
<b>EITI:</b>	Extractive Industries Transparency Initiative
<b>SRAP-WA:</b>	Sub Regional Action Programme against desertification in West Africa and Chad
<b>A-EMP:</b>	Environmental Audit- Management Plan
<b>ESMP:</b>	Environmental and Social Management Plan
<b>NEP:</b>	National Environmental Plan
<b>NEAP:</b>	National Environmental Action Plan
<b>UNEP:</b>	United Nations Environment Programme
<b>HIPC:</b>	Heavily Indebted Poor Countries
<b>MDG:</b>	Millennium Development Goals
<b>OP:</b>	Operational Policies
<b>SFI:</b>	International Finance Corporation
<b>SGES:</b>	Environmental and Social Management System
<b>SMIG:</b>	Guaranteed Minimum Interprofessional Wage
<b>TOR:</b>	Terms of Reference
<b>WAEMU:</b>	West African Economic and Monetary Union
<b>UNCCD:</b>	United Nations Convention to Combat Desertification

## Background and Key Issues

Since independence, the Ivorian economy was mainly based on agriculture. Mining activities, not including hydrocarbons exploitation, were not playing a leading role in the economy of Côte d'Ivoire.

However, important discoveries of mineral deposits for the past 15 years, have led the Ivorian Government to put particular emphasis on the development of the mining sector policy to revitalize it.

A policy and regulatory environment incentives have been created to attract local and foreign investors. Therefore Yaoure gold project fits in this political context of revitalization of the mining sector.

However, this project is also committed to a particular problem due to the potential impacts it will cause on the natural and socio-economic environment.

That is why, in compliance with the regulations in force in Côte d'Ivoire regarding environmental and mining matters, the project will be submitted to the Environmental and Social Impact Assessment (ESIA) Permit before a mining Licence can be granted for its completion.

The ESIA completion for Yaoure gold project incorporates the legal and institutional framework that we propose in the following pages.

Thus, the following themes have been evoked in this report:

- ESIA completion process;
- Process to obtain the exploitation licence;
- Political, legislative and regulatory framework;
- Institutional framework;
- Proceedings relating to the analysis of the sample;
- Identification of structures to be consulted;
- Framework for compensation and taking into account the Gold washers;
- Some regulatory provisions for: hydrocarbon deposit / pressure devices presence / Cyanide handling / explosive substances.

## I. ESIA COMPLETION PROCESS

The ESIA development process obeys to the regulatory procedure provided by Decree No. 96-894 08 dated November 1996 laying down rules and procedures applicable to the studies related to the environmental impact of development projects in article 12 and the requirements of the Terms of Reference (ToR) developed by the National Environmental Agency (ANDE).

On this basis, the process is described below.

### I.1. ESIA Completion Steps

#### Step 1: Request for ToR

The promoter AMARA MINING, sponsor of the Environmental and Social Impact Assessment (ESIA), shall submit a description of its project to ANDE as an application for the ToR.

#### Step 2: Drawing-up of the ESIA ToR

The ToR aim on one hand, at bringing the promoter of the project to develop an ESIA report complying with the regulations in force and on the other hand, defining an ESIA methodological framework including the major challenges of the project.

In compliance with article 11, paragraph 2, of Decree No. 96-894 dated November 8, 1996, ANDE is responsible for the drawing-up of the ESIA ToR. On the basis of the description of the project and a reconnaissance visit to the project site, it draws-up the ToR put at disposal of the applicant. As part of this project, AMEC and 2D Consulting proposed the TOR validated by ANDE.

#### Step 3: Completion or conduct of the ESIA

The promoter appointed an authorized Consulting group specialized in environmental studies to conduct and perform the ESIA and issue the report in compliance with the ToR.

The ESIA integrates a public consultation of the stakeholders.

The ESIA report published in 20 copies is submitted to ANDE by the Environmental Studies Consulting group, director of the study.

### I.2. Report Statement of the Environmental and Social Impact Assessment

#### Step 1: Review of the ESIA report

**Field visit:** It is made to recognize the site and understand the environmental and social aspects, in order to assess the compliance of the state of the project site in relation to the content of the ESIA report.

**Public inquiry:** A project designed in the perspective of a sustainable development that must integrate the principle of social equity as well as the integrity of the environment and the improvement of economic efficiency. On this basis, the participation of citizens in the planning and decision process is a requirement in the implementation of development projects. This survey aims at informing and gathering appreciations, suggestions and counter-

proposals of the populations likely to be impacted by the project, allowing ANDE to dispose of all the elements necessary for its information for clear decision (article 16 of Decree No. 96-894 08 dated November 1996 relating to the ESIA). The public inquiry took place in the main towns sheltering the project. Its effectiveness is left at the appreciation of ANDE which takes into account the issues relating to the project.

Public investigation report constitutes an important element of the folder on the socio-economic plan. The case is subject to analysis, during the technical evaluation session of the ESIA report.

Provisions related to the public consultation:

- Act No. 96-766 dated October 3, 1996 establishing the code of the environment: public participation is established by Decree No. 96-894 dated 8 November 1996 providing the rules and procedures applicable to the studies related to the environmental impact of development projects.

It includes the following aspects:

- Prior information of the authorities and the communities;
- Consultation of those affected by the project;
- The public inquiry.

This procedure of public participation helps present the project to the participants, assessing its impacts on the human environment and collect the concerns of the affected people.

Article 35: The public has the right to participate in all procedures and decisions that could have a negative impact on the environment.

- Decree No. 96-894 dated November 8, 1996.

Article 16: The project under consideration in the ESIA is submitted to a public inquiry. The ESIA is made public as part of this process and is part of the record for this purpose.

**Technical evaluation:** It is designed to verify the environmental and social relevance of the project. The technical evaluation is meant by the meeting of an interministerial committee put in place by ANDE. It is an analysis session of the content of the ESIA report which involved experts from public and/or private institutions, carefully identified organizations.

**Approval of the report:** in accordance with articles 4 and 14 of Decree No. 96-894 dated November 8, 1996 relating to the ESIA, the approval process has several phases. These phases are as follows:

- Notification of admissibility of the ESIA report: following the technical evaluation, ANDE notifies the promoter, through the validation report, the admissibility of the ESIA report;

- Issuance of the Ministerial Decree of approval of the ESIA report: in accordance with article 14 of Decree No. 96-894 dated November 8, 1996 relating to the ESIA, the approval decision shall be notified to the sponsor by an order of approval signed by the Minister in charge of the environment.

### Step 2: Environmental follow-up

Environmental follow-up is the responsibility of ANDE. It is designed to regularly assess the degree of implementation or the completion of the mitigation measures recommended by the ESIA, in order to allow the promoter to clarify, to adjust, to redirect or to adapt possibly some measures with regard to the characteristics of the components of the environment, according to the clauses of the Environmental and Social Management Plan (ESMP) advocated by the promoter as part of the implementation of its project. To do so, audits and controls are carried out respectively by the enterprise itself and ANDE.

The approach, presented in the figure of the next page, gives the main stages and the overall indications necessary for the implementation of the ESIA and the preparation of the related report.

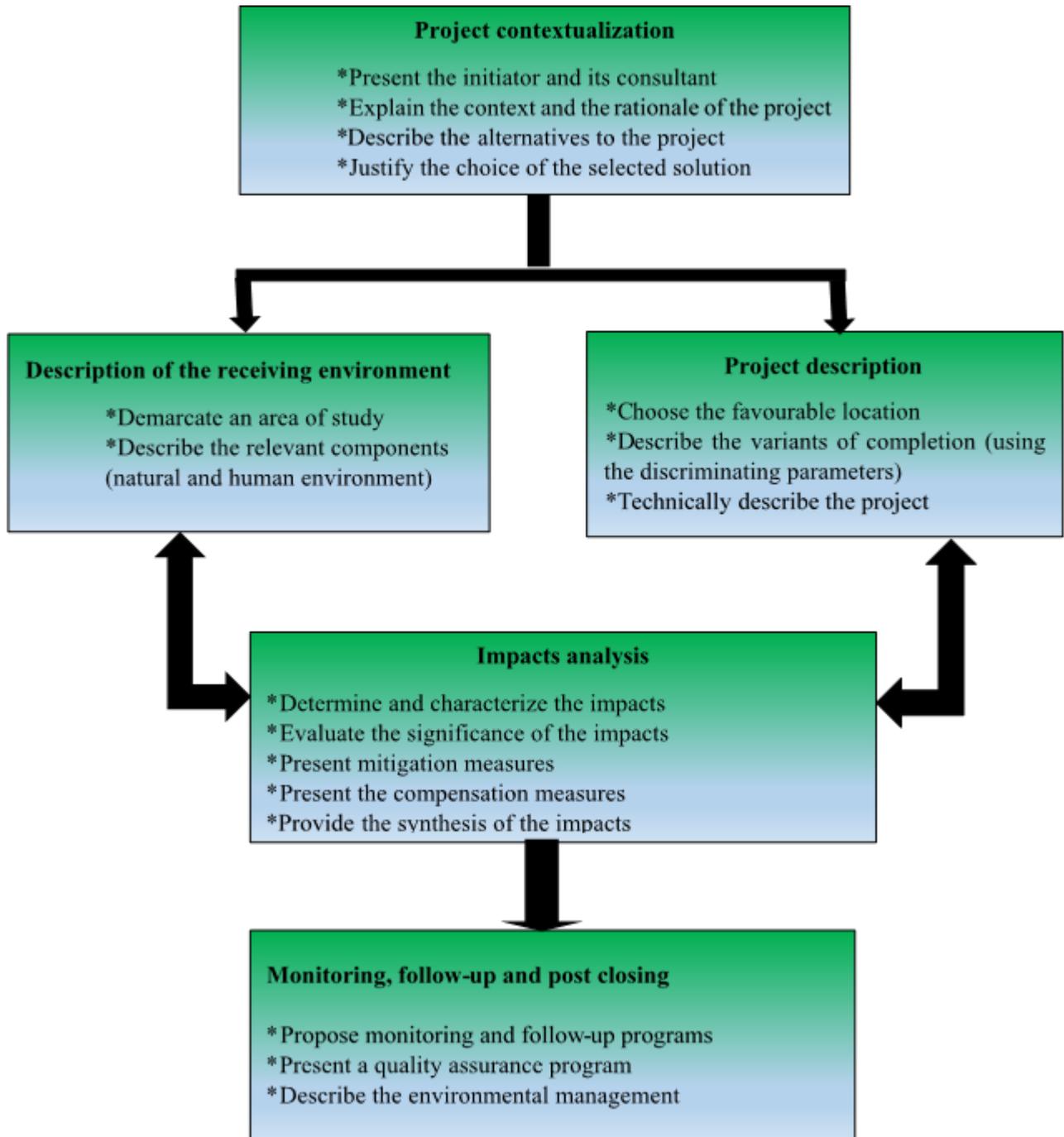


Figure 1: Diagram of the ESIA Completion Process

In compliance with article 40 of the Act n° 96-766 dated October 3, 1996 on the Environment Code, the requirements for the ESIA contents are as follows:

- A description of the activity proposed;
- A description of the environment likely to be affected including the specific information necessary to identify or evaluate the effects of the proposed activity on the environment;
- A list of the materials used, if applicable;

- A description of the alternatives, if any;
- An assessment of the likely or potential effects to the proposed activity and possible solutions on the environment, including direct, indirect, cumulative effects in the short, medium and long term;
- Identification and description of the measures to mitigate the effects of the proposed activity, possible solutions, on the environment and an evaluation of these measures;
- An indication of gaps in knowledge and uncertainties encountered in the development of the necessary information;
- An indication of the risks to the environment of a neighbouring state due to the proposed activity or possible solutions;
- A brief summary of the information provided under the previous items;
- The definition of the modalities of control and regular monitoring of environmental indicators before (baseline), during the construction, during the work operation or development and if appropriate, after the end of the operation (rehabilitation state or redevelopment of the sites);
- A financial estimate of measures recommended to prevent, reduce or offset the negative effects of the project on the environment and follow-up measures and regular control of relevant environmental indicators.

In summary, the ESIA completion process must enable to meet the requirements of the Decree No. 96-894 dated November 8, 1996 determining the rules and procedures applicable to the studies related to the environmental impact of development projects.

## II. ESIA POLITICAL, LEGISLATIVE AND REGULATORY FRAMEWORK

### II.1. Environmental Awareness in Côte d'Ivoire

In industrialized countries, and most recently in developing countries, the concern for the environment is demonstrated as a result of the following events:

- The economic growth of the 1950s and 60s based on an unsupervised exploitation of the natural environment;
- The scarcity of resources and economic vulnerability, recognized in the 1970s (examples Club of Rome (1970) and UNEP in Stockholm Conference (1972));
  - o The concept of sustainable development introduced in the 1980s (Brundtland report). The Brundtland Report, officially titled "Our Common Future" is a publication written in 1987 by the World Commission on Environment and Development of the Organization of Nations;
- The consecutive economic development approaches with an emphasis on the ability to preserve the environment and the management of integrated resources;
- The commitments made at the Rio conference in 1992.

Like many countries, after the United Nations Conference on the Environment and development in Rio de Janeiro in 1992, the protection of the environment enrolled among the priorities of Côte d'Ivoire who, rightly, perceived it as a condition of sustainable development.

It is with this in mind, that the National Environmental Action Plan (NEAP) was issued in 1992 to assess the state of the environment and lay the groundwork for the sound management of natural resources and the supported environmental protection.

The implementation of the NEAP is based on the respect for six strategies: continuity, dialogue and participation, coherence, concentration (efficacy), coordination, cooperation and exchange.

The process of the NEAP is to use environmental assessments (strategic assessment, environmental impact, environmental audit, and environmental observation) as the most efficient regulatory tools to reorient development actions in the direction of environmental sustainability. These assessments are designed to ensure that development options are environmentally sound and sustainable and that all environmental consequences are identified early in the project cycle and taken into account in its design.

Management of environment evolves in a transverse frame that may involve multiple partners. This management is therefore characterized by a multiplicity of stakeholders and by periodic and recurrent restructuration. Institutions caring for environmental problems are found in virtually all departments.

To promote a policy which respects the environment, Côte d'Ivoire, respectively in October and November 1996, introduced a law on the Environment Code (law n ° 96-766 dated

October 3, 1996) and a decree laying down rules and procedures applicable to the studies related to the environmental impact of development projects (Decree No. 96-894 dated November 8, 1996).

The national environmental policy is based primarily on important international conventions:

- **The Rio convention on environment and development (1992)** which proposes through the Agenda 21 a reference database to build an overall framework structuring the relations between environmental problems and development strategy;
- **The United Nations Convention to fight Desertification (1994).**

In strategic matters, the selected main axis are:

- Information, awareness, empowerment, education and training of populations on the sustainable development process;
- The integration of environmental aspects into all development programmes, education and training; the transfer of responsibility for management and protection of the environment and its natural resources to rural communities;
- Involvement of active development partners in the elaboration and completion process for environment development and protection programs;
- The decentralization of powers of decision and execution to territorial authorities and local populations;
- The adaptation of institutional, legal, legislative and regulatory environment in this dynamic of participatory and integrative management.

## II.2. Environmental Protection Policies

### II.2.1. At WAEMU Level

To have a common policy within the WAEMU, the States have defined a policy framework which foundations are established by several acts.

Article 101 of WAEMU Treaty devoted to sectorial policies requires the establishment of a legal framework to define the said policies that will be implemented by the States Member. The environment part of WAEMU sectorial policies, even if this provision does not stipulate it, it is permissible to think that the development of a legal framework provided by the Treaty is the manifestation of a political will to address issues relating to the protection of the environment.

At WAEMU level, chapter IV of the Additional Protocol No. 2 on sectorial policies of WAEMU, signed on 29 January 2003 in Dakar (Senegal), refers to the objectives and guiding principles of the policy of improvement of the environment and the modalities of their implementation.

The objectives to be achieved by WAEMU were defined in the additional protocol n ° 2 in article 10 thereof. They are related to the fight against desertification, the protection of

natural resources and biodiversity, to the improvement of the quality of life in rural and urban areas, exploitation of renewable energies and combating coastal erosion.

WAEMU contributes actively in the process of implementation of the United Nation Convention to Combat Desertification (UNCCD), especially through its Sub-regional Action Programme against desertification in West Africa and Chad (SRAP-WA).

The WAEMU Council of Ministers adopted a recommendation on the implementation of a programme of first generation of environmental management. To determine the components of the program and the measures to be undertaken for the harmonization of policies in this area. The components of the program are consisting in eight sub-programs listed in section 2 of the recommendation which elements are identical to the objectives set out in the Protocol adopted by the Heads of State and Government's Conference.

The eight (8) sub-programmes are:

- The fight against desertification;
- The preservation of biodiversity;
- Pollution management;
- The management of trans-border ecosystems;
- The fight against coastal erosion;
- The management of water resources;
- The promotion of alternative energy sources;
- Capacity reinforcement.

In addition, the Department of Rural Development and the Environment of the Union, monitoring of environmental issues regularly carries out field missions.

### II.2.2. In Côte d'Ivoire

The National Environmental Policy (NEP), adopted by the Government of Côte d'Ivoire in 2011, aims at creating a framework for taking into account the environmental issues in development strategies and policies.

The objective of the government policy regarding the environment is to ensure a healthy and sustainable environment and to preserve natural resources. Specifically, it is about:

- Finding ways to solve simultaneously the problems of economic development and poverty alleviation without depleting or degrade further the natural resources;
- Preserving or restoring the ability of ecosystems to provide goods and services essential to the maintenance of economic activities;
- Improving the quality of receiving environments and the living environment.

Environmental policy in Côte d'Ivoire arises from the state of our environment, environmental problems, the necessary integration of the natural resources management in the economy, the national will to fight poverty, and sustainable development prospects. In addition, it takes into account global concerns on the environment and sustainable development.

In this context, the environmental policy adopted, specifies the main directions and following intervention axes:

– **The transversal strategic directions**

- The promotion of sustainable development strategy and the rational management of the natural resources;
- The strengthening of the institutional and legislative framework;
- The development of human resources;
- The implementation of a national system of information, education, communication in environmental matters;
- The effective involvement of civil society;
- The prevention and fight against pollution and nuisances;
- The management of biotechnology and biosafety;
- The promoting of the rational management of hazardous chemicals;
- Climate change.

– **The vertical sectorial strategic directions**

- Agriculture, breeding and fisheries;
- Improvement of land policy;
- Forest, wildlife, terrestrial, aquatic, and pastoral resources, desertification and biodiversity;
- Resources in water;
- Transport and infrastructure;
- Energy;
- Industries, mining and petroleum operations;
- Human health and environmental health;
- Human settlements;
- Tourism and culture;
- National education and scientific research;

- Poverty reduction and population growth control.

The issue of the environment remains a major concern for the country's sustainable development.

### Social policies

#### – Poverty Reduction Strategy Document (PRSD)

The Government of the Republic of Côte d'Ivoire has to bring urgent and effective solutions especially in terms of peace consolidation, reconstruction of the country and sustainable development. Also, to ensure the population's well-being, the Government has always made poverty eradication a major concern. This commitment has already been expressed through the adoption of the priorities for fighting poverty in 1997 and the start of the process of the PRSD in 2000 and the initiative for the Highly Indebted Poor Countries (HIPC). This process, had resulted in the adoption of the intermarry PRSD (PRSD-I) in March 2002 by the International Community.

The PRSD aims at the improvement of the population's life conditions, especially the most vulnerable, by a healthy and adequate nutrition access to drinking water, the basic energy services, to services and quality health care, to education, to a healthy environment and a decent habitat. It is integrating the promotion and the respect of human rights, the gender equity and the achievement of the MDGs as conditions for sustainable development. In this perspective, issues related to vulnerable population infected and affected by pandemics such as the HIV/AIDS, were the subject of attention. It also offers Côte d'Ivoire an opportunity to assert its role as country of hospitality and solidarity. Accordingly, the question of the integration was erected as a priority and is one of the strategic axes.

Problems identified in the PRSD:

- Many public infrastructures are not operational;
- Macroeconomic performances are subject to recurrent burdens and macroeconomic framing tool does not integrate sufficiently the interrelations among the different sectors of the economy;
- Agricultural stakeholders do not benefit sufficiently from the impact of their activities;
- Employment is precarious and job seekers have insertion difficulties;
- The lack of recent data on the population for the purposes of development planning is recurrent;
- The coaching level, financial resources and accessibility to health services are low and those of the educational system are disorganized;
- The fight against HIV/AIDS suffers from insufficiency of proposed services and coordination, the weakness of strategic information and non-effectiveness of its integration in the various sectors;

- Social protection of populations, especially the most vulnerable remains low;
  - Population do not benefit from a healthy living environment and framework, and decent housing;
  - The proportion of households with access to drinking water remains low both in rural and urban areas.
- **National Development Plan (NDP)**

Banking on the long-term development vision based on the cross-sectional and vertical growth sources and drawing lessons from the past decades, Côte d'Ivoire decided to give a new impetus to its development policy, through the elaboration of the National Development Plan (NDP 2012-2015). This new strategy builds on a recovery program for ambitious and realistic development based on private and public investment. It also aims at bringing the country on the path to a vigorous, sustained, inclusive and solidary growth, to enable **Côte d'Ivoire to be emerging by 2020.**

The realization of this new strategy involves the creation of conditions that could transform the country in: (i) a haven of peace, security, social cohesion and well-being; (ii) an economic power of the sub-region; (iii) a country of workers in discipline and respect for moral values; (iv) a country cultivating the excellence and the promotion of merit in equity; (v) a friendly touristic country respectful of environmental values and (vi) a financial centre of international class.

The NDP replace strategic planning at the heart of public action and capitalizes on the achievements of the process of the Poverty Reduction Strategy Document (PRSP) through the taking into account of new challenges generated by various crises experienced by the country over three decades, bottlenecks for the achievement of the Millennium Development Goals (MDGs) of the Economic and Financial Program, the Presidential Program and the country's potential sources of growth.

The NDP is the new reference framework for public interventions and political dialogue, (i) to consolidate efforts towards the attainment of the completion point of the HIPC initiative, (ii) to promote the alignment of the budget of the State on the strategic priorities, (iii) to provide a basis for credible development actions programming, (iv) to professionally outline the operational outcomes of development actions, (v) to obtain greater coherence in the actions of the various ministerial departments, (vi) to improve the effectiveness and efficiency of public expenditure, (vii) to serve as an advocacy tool for the mobilization of external resources including private investment and (viii) to provide a tool for monitoring and assessing development actions.

The NDP presents three scenarios for the period 2012-2015 entitled: (i) the Triumph of the Elephant, (ii) the Awakening of the Elephant, and (iii) the missed start of the Elephant. The chosen scenario is that of the Triumph of the Elephant, fulfilling the minimum conditions of the emergence, namely: (i) achieving strong and sustained growth over a long period; (ii) arriving to constitute a significant middle class that has access to durable consumer goods; and (iii) participating in the global production system.

### II.3. Ivorian Legislative and Regulatory Framework Applicable to the Project

The legal framework will refer to the principle of the human right to the environment and to the texts in force regarding the environment protection and mining. The laws and regulations relevant for this project are presented below:

#### II.3.1. Ivorian Constitution of August 2000

##### II.3.1.1. At the Environmental Level

The people of Côte d'Ivoire, conscious of his freedom and his national identity, of its responsibility before history and humanity, aware of its ethnic, cultural and religious diversity, and eager to build a united and prosperous nation; convinced that unity in this diversity will ensure economic progress and social well-being, has freely and solemnly introduced as fundamental law, the law No. 2000-513 dated August 1, 2000 under the Constitution of the Republic of Côte d'Ivoire adopted by referendum. The Ivorian constitution made the environment a priority.

The project must be carried out in strict compliance with this constitution especially articles 19 and 28 which stipulate respectively that: "the right to a healthy environment is recognized to all" "the protection of the environment and the promotion of the quality of life are a duty for the community and for every physical or corporate body."

For so doing, AMARA MINING shall have an environmental policy that integrates aspects of environmental protection, the right to a healthy environment, to fight against pollution.

##### II.3.1.2. In terms of Expropriation for Public Purposes

The Ivorian Constitution states in article 15 that "the right to property is guaranteed to all" "No person shall be deprived of his property except for reason of public utility and subject to a prior and fair compensation."

Expropriation for public purposes is governed in Côte d'Ivoire by the Decree dated November 25, 1930, which provides in article 1 that "expropriation for public purposes within West Africa French speaking countries shall be implemented by the authority of the Court."

It is therefore for the Court to pronounce a judgment of expropriation and not only the administration.

The expropriation procedure indicates the following:

- Public utility must be legally established by the vocation of the Public Utility Statement (PUS);
- Everything must be done to avoid that expropriation, and the expropriation cannot be pronounced "f Except for public purpose";
- Compensation is a condition to the expropriation;
- Compensation must be fair;
- Compensation shall be done first.

### II.3.2. Act n ° 65-255 dated August 4, 1965 regarding Fauna Protection and the Exercise of Hunting

**Article 1:** The categories of animals that make up the fauna:

- Annex I relating to species listed as protected, rare or threatened with extinction with a specific purpose for man and its activities including the interests of sportive hunting and the value of the trophies;
- Annex II which lays down the list of animals so-called spectacular namely the birds involved in the touristic interest of the regions where they live;
- Annex III on predator species participating in the biological balance in the areas affected to wildlife;
- Annex IV corresponding to the species called small game and which are not listed in the previous categories which are sought for traditional hunting and small hunting that traditionally participates in local food.

**Article 9** creates four categories of licence namely small hunting permits, sportive hunting permits, hunting or scientific capture permits and wild animals hunting permits for breeding.

This act provides in its annex the protected species. These species are divided into three classes:

**Class A:** list of fully protected wild animals, including the capture, including those of their young and their eggs are forbidden to holders of scientific permits within the limits and with the means listed in the permit;

**Class B:** list of partially protected wild animals so-called specific, which hunting and capture, including those of their young and their eggs are permitted only to holders of permits to capture as per the limitation of the permits and holders of special permits for great hunting and tourism hunting of passengers but only as a unit for a trophy or a piece of collection;

**Class C :** list of wild animals partially protected so-called hunting for which only their adults hunting is authorized to holders of special permits of sportive hunting within the table set for each degree and which capture including that of their young species is authorized to capture permit holders as per limitation indicated in the permit.

AMARA MINING is concerned by this Act because it will have, on one hand to protect the species defined in the individual annexes, and on the other hand to have a permit for any exercise of hunting.

### II.3.3. Act No. 88-651 dated July 7, 1988 on the Protection of Public Health and Environment against the Effects of Industrial Toxic and Nuclear Waste and Harmful Substances

AMARA MINING will have to guarantee the health and the lives of the people by ensuring that they are not threatened directly or indirectly by actions or effects that its project could cause regarding waste.

**Article 1** states: "all acts relating to the purchase, sale, import, transit, deposit and storage of industrial toxic and nuclear waste and harmful substances are prohibited throughout the territory."

**Article 2** states: " anyone who will be caught for having dealt in any of the operations above mentioned in article 1" shall be punished by an imprisonment of fifteen to twenty years and a fine of one hundred million to five hundred million francs CFA.

**Article 3** emphasizes that "when the offence is committed in the context of the activity of a corporate body, the criminal responsibility shall be bore by any person applicant or not, which by virtue of its functions, bear the responsibility of the management, supervision or control of this activity. The corporate body is held jointly and severally with the convicts to pay fines, civil repairs, fares and expenses."

#### **II.3.4. Act No. 92-469 dated July 30, 1992 on the Suppression of Fraud on Petroleum Products and the Violations to the Technical Requirements of Safety**

Article 2 states that "the import, export, processing, storage, transport and distribution of petroleum products are subject to prior authorization, under conditions defined by Decree."

Thus, AMARA MINING must approach the Hydrocarbons General Direction (DGH) to be issued an authorization to store on its gold site any kind of hydrocarbon.

#### **II.3.5. Act No. 95-15 dated January 12, 1995 on the Labour Code, as amended by the Act No. 97-400 July 11, 1997**

This law regulates the sector of employment or professional activities and AMARA MINING project is not exempted of this law, which in its first article states: "the Labour Code shall apply throughout the territory of the Republic of Côte d'Ivoire. It regulates relations between employers and workers resulting from contracts to be carried out on the territory of the Republic of Côte d'Ivoire. It also governs the occasional execution, on the territory of the Republic of Côte d'Ivoire, a contract of employment concluded to be executed in another State. However, this latter provision is not applicable to displaced workers for a temporary mission not exceeding three months."

Article 3 states "forced or compulsory labour is absolutely prohibited. It means forced labour or compulsory work service required from any person under the threatening of any penalty for which the said individual did not proposed himself voluntarily."

It has to be noted that in its article 31.6 that code allows to specific Decrees taken after advise from the Consultative Labour Committee, to fix the Minimum Inter-professional Guaranteed Wages (SMIG). Thus, as per article 2 of the decree n° 20J3-79 dated November 20th, 2013 dealing with the revalorization of the Minimum inter-professional Guaranteed Wages abbreviated SMIG, the SMIG is fixed at 60,000 FCFA.

### **Engagement and Labour Contract**

Article 11.1: « The employers can engage directly their workers. They can also request the services of recruitment agencies private or public ».

Article 11.3: « Companies can call for the service of external personnel in the framework of casual work and lending of Labourer. They can hire jobber».

Article 13.1: “The Labour contract is signed freely and subject to the provisions of this code, noticed under the forms appropriate to be adopted by the signing parties.

Whenever it is written, the Labour contract is exempted of any duty stamp and registration.”

Article 13.2: “The Labour contract can be signed for an unfixed or a fixed term depending on the defined rules in chapter 4 of the present title.”

Article 13.3: “The existence of the Labour contract can be proven by all means.”

Article 13.4: “The Labour contract whether with fixed or unfixed term, can comprise a trial period which total maximum period is fixed by decree.

When the parties to the contract decide to submit their relation to a trial period or to renew it, the contract shall be written or notify by a letter of engagement mentioning the trial period duration.

However, the Collective Conventions can provide that the Labour Contracts for all or part of the salaried concerned shall bear compulsorily a trial period and their validity could not be subject to the signature of a written contract.”

Article 15.5: “is considered nil by full right, any clause of a contract forbidding the worker to practice any other activity upon termination of the contract.”

Article 15.8: “The contract is suspended, namely:

- a) In case of company close down further to departure of the employer by a call of the nation or a mandatory military instruction period;
- b) For the duration of the military service of the employee and during the mandatory military instruction period for which he is liable to do;
- c) During the absence of the employee, for any reason of sickness duly noticed by an accredited MD, as per conditions fixed by Decree, duration limited to 6 months; this duration can be extended till replacement of the employee;
- d) During the preventive detention period of the employee for reasons not related to its duty and when known by the employer within the time period of six months;
- e) During the exceptional permissions which can be granted by the employer to the employee for a special family event directly related to the employee's home;
- f) During the layoff period as provided in article 15.11 below.

### Disputes Settlement

All articles of Title VIII from the present Code deal with the disputes related to employment. Those disputes can be settled amicably or by litigation.

## Obligations of employers

The Operator is liable to comply with some provisions such as:

Article 93.1: « any person willing to start an enterprise of any nature should prior declare the same to the Labour and Social Law inspector from the competent jurisdiction».

Article 93.2: « The employer should maintain up to date, a register called "employer register" on its operation site, which model is fixed as per conditions determined by regulatory way.

That register consists in three parts:

- The first part contains the information on persons and contracts of all the company's workers;
- The second part contains all indications concerning the work done, the wage and the paid leaves;
- The third part contains signatures, formal notices and remarks from the Labour and Social Law inspector or his Representative.

The employer register shall be maintained without moving it and at disposal of the Labour and Social law inspector and kept for five years further to the last mention entered.

Some decrees can exempted certain companies or category of companies from the obligation to maintain a register because of their status, their low importance or nature of their activity».

**II.3.6. Act n°95-620 dated 03 August, 1995 dealing with the Investments Code modified by Order n°2012-487 dated 07 June, 2012 dealing with the Investments Code**

As per article 3, this code aims at favouring and promoting productive investments, green investments and socially responsible in Côte d'Ivoire and to encourage the creation and development as well of activities oriented towards certain categories of activities which production of commodities is competitive for the domestic market and the export as well.

It is the framework for AMARA MINING's investments as far as this project is concerned.

**II.3.7. Act n°96-766 dated 03 October, 1996 dealing with the Environment Code**

The Environment code establishes the principle of implementing an Environment and Social Impact Assessment for all development projects likely to have an impact on the environment (Article 39).

This law fixes the overall framework of the reinforcement fields of the legal and institutional texts related to the environment:

Article 22: The competent authority can refuse to deliver a license to build if the project can affect the characteristics or the integrity of the neighbourhood areas.

**Article 35.1- Principle of precaution:** During the planning or the implementation of any action, preliminary measures shall be taken to avoid or minimize all risks or hazards for the environment. Any person whose activities are likely to have an impact on the environment shall, before acting, take into consideration the interests of thirds as well as the necessity to

protect the environment. If, based on the experience and scientific knowledge, an action is deemed likely to cause a risk or hazard to the environment, such action should be undertaken only further to a prior assessment indicating that there will be no prejudicial impact on the environment.

**Article 35.2- Substitution:** If, in replacement to an action likely to have a prejudicial impact on the environment, any other action can be undertaken, presenting less risks or hazards, the same should be selected even if it has to engender higher costs due to the values to be protected.

**Article 35.3- Preservation of the biodiversity:** Any action should avoid to have a significant prejudicial impact on biological diversity.

**Article 35.4- Non destruction of the natural resources:** For sustainability, it is important to avoid harming the natural resources such as water, air and soils which as a matter of fact are part to the development process and shall not be taken alone into consideration. Irreversible effects on lands should be avoided as much as possible.

**Article 35.5- Principle "Pollute-pays":** Any person or corporate body whose behaviour and/or activities are causing or likely to cause damages to the environment is liable to the payment of tax and/or a royalty. He bears the responsibility of the rehabilitation.

**Article 35.6-** The public has the right to take part to all procedures and decisions that could have a negative effect on the environment.

**Article 39:** Any project likely to have an impact on the environment should be subject to prior impact assessment.

**Article 41:** The analysis of the environmental impact assessment by the office in charge, give right to the payment of a tax to the National Environment Fund, which Tax basis shall be precised by decree.

**Article 43:** Dealing with the prior authorization for any classified installations.

**Article 50:** Related to the environmental audit.

**Article 57:** The State alone determines the critical threshold of the atmospheric pollutant.

**Article 74:** An Observatory of the air quality shall be created to implement such law.

**Article 75:** All activities likely to harm the quality of the air, the water both of surface and underground are prohibited.

Through this Code, AMARA MINING should:

- Make sure that all its equipment used for the operation of its installation are complying with the technical standards for any atmospheric rejection be compliant;
- Eliminate ecologically the residual water such as rejected valve water, rainwater waste water... Besides, AMARA MINING shall ensure that the characteristics of the

waste waters are complying with the norms in force before rejecting it in the receiving environment;

- Put in place a management mode of its hazardous wastes, it is important to find an appropriate mode of collection and rejection;
- Ensure that the structures in charge of collecting these wastes are holding the license and follow up the final outcome of those wastes;
- Identify the potential risks and take the decision of mastering or replace them by less hazardous actions. Besides, AMARA MINING should ensure its social responsibility and cooperate to the decision making contributing to the environment preservation.

### II.3.8. Act n°98-749 dated 23 December 1998 dealing with the Repression of Regulation Violation on Weapons, Munitions and Explosive Substances

Article 4 of this law is stating that: “is punishable by the sentence provided in the previous article 2 above, whoever, without administrative authorization, imports, transports or stocks explosive powders or substances.”

AMARA MINING should, prior obtain an authorization from the administration to import, transport and store explosive substances, otherwise, the operator is exposing himself to an imprisonment of five to ten years and a fine from 500,000 to 5,000,000 de francs CFA.

### II.3.9. Act n°98-750 dated 23 December 1998 related to the Rural Estate as modified by Act n°2004-412 dated 14 August 2004

This Act is precisising the characteristics of the rural land and the nature of the rights (customary) that apply on it. It is establishing the foundation of the land policy in rural area namely (i) the recognition of a customary rural domain and the validation of the existing management of that domain and (ii) the association of the Villages authorities and Rural communities as well, to the rural domain management and specifically to the finding of customary rights and their transformation into real rights.

Therefore in its article 3, that law states that “The customary rural domain land is consisting in the whole lands upon which is applied:

- The customary rights as per traditions;
- The customary rights transferred to third parties.”

This law states in its article 5 that « the property of a land in the rural domain is transferred through purchase, inheritance, donation inter vivo or testamentary or by effect of an obligation ».

Article 7 states that “The customary rights are established through an official investigation performed by the Administrative Authorities or their representatives and villages councils, either by executing a program of intervention or upon request of the concerned parties. A decree is taken during the Ministers Council determining the modalities of the investigation.”

Article 19 states that “the administrative authority, to facilitate development program implementation or of general interest can, notwithstanding the property right of the collectivity or a person, forbid certain activities causing nuisance to the said programs or the environment.”

The gold project of Yaoure is subject to that law, as it shall be implemented within an agricultural environment, in a rural area where population are exerting their customary rights on the lands.

For determining the customary land owners on which the project shall be implemented, AMARA MINING shall get in touch with the administrative authorities to carry out an official investigation in view of taking necessary provisions to master or clear the customary right. This project in its implementation could end some of the agricultural activities.

#### II.3.10. Act n°98-755 dated 23 December, 1998 dealing with the Water Code

It defines the mechanism destined to a sustainable management of that renewable resource. It establishes the notion of management of the hydrographic drainage basin. It reinforces the institutional framework of the water sector and specifically stresses upon the planning and cooperation in terms of resource management.

The present Act dealing with the Water Code has for object an integrated management of water resources, developments and hydraulic works.

That management aims at ensuring:

- The preservation of the aquatic wildlife, sites and humid areas;
- The protection against any polluting form, the rehabilitation of the surface waters, underground waters and sea waters within the limit of the territorial waters;
- The protection, the mobilization and management of water resources;
- The development and protection of hydraulic amenities and works;
- Water valuing as economic resource and its spreading in view of satisfying or matching the various usages, activities or works, the requirements in drinking water for the population;
- The health, public sanitation, civil protection;
- The conservation and the free water flowing and protection against water flooding;
- The agriculture, fishery and marine cultures as well as fresh water fishery activity, industry, power production, transportation, tourism, leisure and nautical sports and all human activities legally practiced;
- The coherent planning of the water resources use both at the level of the hydraulic draining basin and national level;

- The improvement of life conditions for the various category of population, in respect of the surrounding environment balancing;
- The conditions to a rational and sustainable use of the water resources for present and future generation;
- The setting up of an institutional framework characterized by the redefinition of the stakeholders' role.

As per this code, the lakes, ponds and lagoon are water resources being part of the public hydraulic domain. Article 12 states that “Collecting water from the hydraulic public domain and the realization of amenities or hydraulic works are subject whatever be the case, to authorization or prior declaration.”

It is stipulated in article 89 that “the use of waters for agro-pastoral, industrial purposes and for satisfying other needs such as fishery, leisure and transportation requires servitudes and shall comply with the texts and standards in force and the requirements targeted by this law dealing with the Water Code.”

For the implementation of this project, AMARA MINING is liable to avoid liquid rejection likely to deteriorate the surface waters that will be used.

Thus, the company shall ensure the compliance with the quality standards of the waste waters before rejection in the receiving environment.

Moreover, AMARA MINING shall obtain an authorization before performing the drilling planned and before collecting the surface water.

**II.3.11. Act n°99-477 dated 02 August, 1999 dealing with Social Security Code modified by Order n° 2012-03 dated 11 January, 2012**

This act establishes a public service for the Social security aiming at providing services to remedy the financial consequences of some risks or certain situation in terms of:

- Labour accidents and professional diseases;
- Motherhood;
- Retirement, disability and death;
- Family allowances.

The company AMARA MINING shall compulsorily registered itself near the Social Security Fund due to the employments given as defined in article 2 of the Labor Code. That registration enters into force from the first day of recruitment of a salaried worker.

**II.3.12. Act n°2003-208 dated 7 July, 2003 dealing with the Transfer and Repartition of the State's Competences to the Territorial Authorities (in terms of Environment Protection and Natural Resources Management)**

Article 1 of this law is stating that « the territorial authorities contribute with the State to the economic, social, sanitary, educational, cultural and scientific development of the population

and generally to the constant improvement of the life environment. In this purpose, they are benefiting from an overall specific competences conferred by the law and regulation. »

This law allows to orient the company AMARA MINING, through the site localization of its project inside a territorial jurisdiction, on procedures and rules to observe. In this project framework, the Sub-District of Bouaflé is the one authorized to carry out the commodo and incommodo investigation considering the fact the project is located in that department.

### **II.3.13. Act n°2014-138 dated 24 March, 2014 dealing with the Mining Code**

#### *II.3.13.1. Exploitation Permit*

As per article 5: « Any person or corporate body, being Ivorian or a foreigner, can undertake or lead an activity governed by this law on the Ivorian territory, provided that this latter prior obtain a mining title or an authorization ». The gold project of Yaoure is subject to the receipt of a mining title namely the exploitation permit.

The exploitation permit will be granted by right to the AMARA MINING, through decree taken during a Ministers' Council on the evidence of the proven existence of a deposit inside its research permit. That proof is materialized by a feasibility study which content is determined by article 28 as follows:

- a) Assessment of the minable reserve's quality and importance;
- b) Determining the necessity to submit the ore to a metallurgical process;
- c) Planning of the mining operations;
- d) Presentation of a construction program of for the mine and specifying the works, equipment, installations and requirements for the commercial production start-up of the deposit, as well as the estimated costs thereto related, along with the provisional expenses to be made per annum.;
- e) The socio-economic impact of the project;
- f) The survey for the project's impact on the environment (earth, water, air, wildlife, flora and human settlements) with the appropriate recommendation in compliance with the Environment code and subsequent texts;
- g) The complete Financial planning for the exploitation period;
- h) The community development plan;
- i) Any further information the surveyor preparing the feasibility should deem useful, specifically to bring any banking or financial institution to fund the mining of the deposit;
- j) The conclusions and recommendations concerning the economical feasibility and the timetable scheduled for the commencing the commercial production, taking into account the points herein above mentioned.

The permit shall be granted further to a commodo and incommodo investigation in compliance with the regulation in force in such matter.

The exploitation permit granting is subject to the payment of fixed fees provided in article 149.

### *II.3.13.2. Relations with the Land Occupants*

Relations between the company AMARA MINING and the land occupants are determined in article 127 stating that: « the occupation of lands required for mineral substances prospection, research or exploitation and industries thereto related, both inside and outside the mining title or authorization perimeter, as well as the passage on some of those lands for the same purposes, has to be done as per the conditions and modalities established by decree.

The occupation of those lands also give rights to a fair compensation of the rightful occupant of the land. The modalities of such compensation are determined by decree.

That compensation is subject to an agreement between the operator, the occupant of the land and the rightful occupant of the land under supervision of the mines administration.

The sole passage on those lands does not confers right of indemnification if no damage is resulting from the same. However, the repeated passage causing inconvenience, damages or trouble of benefit, confers the right to a fair retribution negotiated in the presence of the competent administrative bodies.

Such occupation comprises, if any, the right to cut the wood necessary to the activity and to use the free falling waters, all inside the permit boundary as determined by the mining title or the authorization, subject to compensation or payment of the taxes or royalties provided by the regulations in force. »

### *II.3.13.3. Activities of the Operator on the Site*

Article 31 states that: « the exploitation permit confers to its holder, the exclusive right for mining the deposits contained inside the boundary of its perimeter. The exploitation permits comprises, in compliance with the law and regulations in force, the authorization to carry or cause to carry the extracted mining substances, their concentrates or primary derived products and metals and alloys of those substances as well till the storage, processing or loading place, to deal with the same on domestic or international markets and to export them. »

The exploitation permit also authorizes the setting up, in compliance with regulation in force, of the installations for packaging, processing, refining and transforming of the mineral substances as well as commodities related to the object of the permit.

The exploitation permit represents an undividable estate right. It can be pledged subject to prior authorization of the Minister in Charge of Mines in conditions provided by decree.

#### *II.3.13.4. Children Labouring*

The labour of children in the mining activities is prohibited. Therefore the point c of article 43 is stating that: « the mining title granted can be withdrawn without indemnification nor compensation, by the authority who issued it if the operating company employs children ».

#### *II.3.13.5. Disputes Settlement*

Article 128: « The works performance inside the permit's perimeter or an exploitation authorization by the owner or by the State, confers the right to the beneficiary, to a reimbursement of the expenses made or to the payment at fair value, further to deduction, if any, of the advantages this latter can get from it.

Disputes related to the compensation amount to be paid or any matter thereto related are submitted to arbitration of the competent administrative bodies in the conditions determined by decree (refer to article 135 of decree n°2014-397 dated 25 June, 2014 determining the application modalities of the Act n°2014-138 dated 24 march, 2014 dealing with the Mining Code).

##### **– Restricted Areas and Protected Areas**

Article 113: «are considered as Restricted Areas the spaces within a radius of hundred (100) meters around:

- Closed properties;
- Walls of equivalent facility;
- Protected areas;
- Wells;
- Religious buildings;
- Cemeteries or places considered as sacred.

Are also considered as restricted area, the surroundings over a distance of 100 meters:

- From main roads;
- From water pipes and body;
- From any public utility work;
- From Arts works;
- From dependences of public domain.

The list of restricted areas can be supplemented as per conditions fixed by decree ».

Article 114: “prospection, research and exploitation within the restricted areas are subject to the prior consent of the owners, the occupants or concerned communities and the authorization from the Minister of Mines. Modalities of such authorization are determined by decree.”

Article 115: « Some specific areas can be determined for preventing the mining works around public interests infrastructures or works, as well as around all places where the overall interests requires it, by Ministerial order and after investigation. »

Article 116:« A decree determines the limits and details representing the protected area as well as the conditions of stay and circulation inside the said area.

The protected area thus created, can be reduced or cancelled under the same form and conditions ».

This Title VIII of the Mining Code deals with the restriction to some spaces or places around which any mining activity should not be implemented.

However, such activity can be authorized by order by the Minister of Mines.

On the mining deposit of Yaouré, places used as cemeteries and places considered as sacred have been discovered. Any activity within these restricted areas are subject to authorization.

– **Sharing the principle of good governance**

Article 117: « Any holder of a mining title commits to apply the principles and criterion of good governance, mainly the Equator principles and those of ITIE ».

Article 118: « Any holder of a mining title his liable to the compliance of the principles and requirements of ITIE standards. Specifically the holder of the mining title, in the framework of ITIE report elaboration, has to disclose the information based on data object of audit by the competent authorities in the matter».

The holder of a mining title has to declare to the national bureau of the ITIE all information related to its payment to the State, including the social welfare investments.

Article 119: « All mining incomes due to the State and received by the State, including the social welfare investments made by the mining companies are subject to declaration to the national bureau of ITIE ».

Article 120: « The labour of children is prohibited in all the activities governed by the present Act ».

To favour the good governance in the mining sector and to comply with the international commitments of the Côte d'Ivoire, this law takes into account the Initiative for Transparency in the Extractive Industries (ITIE) and the Equator. It has been established the Social Responsibility of Companies.

– **Community Development**

Article 121: « The State guarantees the respect, protection and human and community rights fulfilments, those who are impacted by the mining operation.

The State looks after the Social Responsibility fulfilment by the mining companies.

Article 122: « The mining titles holders or beneficiaries of mining exploitation authorization as well as other commercial entities involved in mining exploitation have the duty to respect, protect and promote Human Rights ».

Article 123: "The mining titles holders or beneficiaries of mining exploitation are liable to the respect of population and local community rights."

Article 124: "The holder of an exploitation permit is liable to the elaboration of a community development plan by discussing with the local communities, the local administrative and territorial Authorities, with precise objectives and investment plan.

The exploitation permit holder is liable to create a fund fed yearly. This fund is for the implementation of socio-economic development projects to the benefit of the local communities decided within the community development plan. These amounts are not taxable for the industrial and commercial profit tax. The feeding modalities and for the management of this fund shall be precised by the mining regulation."

Article 125: "The mining administration put in place, for each mining operation, a local mining development community in charge of the economic and social development project for the local communities. The creation modalities, the attributions and functioning of the local mining development communities are fixed by decree. Technical assistance and capacity reinforcement measures for the local mining development communities allowing an efficient use of the funds are implemented by the exploitation permit holder."

Article 126: "The beneficiary of an artisanal or semi-industrial mining license, as well as the beneficiary of an industrial mining license for quarry have to contribute to the funding of socio-economical activities of their settlement localities as per modalities determined by decree."

This code provides the support to the local communities of the mining operation sites through the elaboration of a local development plan for implementation of socio-economic projects to their profit via the local mining development fund. The development plan is implemented by a local mining development committee comprising the local communities, the administrative, territorial and local authorities with the support of the operating company.

#### – Relations between sub-contractors and operators

Article 131: "The holder of a title or the beneficiary of an exploitation authorization can, under its responsibility, use qualified sub-contractors for the mining operation he is in charge to perform. He should give preference to Ivorian companies showing equal condition of quality, price and quantities. Subcontracts must be communicated to the Administration of Mines. Subcontractors are accredited under conditions laid down by Decree."

Article 132: "the holder of the exploitation permit is required to implement a training plan for national SMEs, identified for its needs, to increase their participation in the provision of goods and services to the mining project."

Article 133: "the holder of a title or the beneficiary of an exploitation authorization as well as its subcontractors must give preference to Ivorian companies for construction contracts, supply and services, showing equivalent conditions of quality, price and quantities."

Article 134: "the holder of a title or the beneficiary of an exploitation authorization as well as its subcontractors must give priority to staff of Ivorian nationality for the needs of their operations. To this end, the holder of the mining title shall establish and fund a program of training of Ivorian staff identified for its needs, of all qualifications, in the conditions determined in the mining convention."

Article 135: "the permit holder is required to contribute to the financing of the capacity building of mining Administration agents and the training of Ivorian geologists and mining engineers. The terms of this contribution shall be determined by Decree."

The present Mining Code takes into account the need:

- To implement a training plan of national SMEs used in quality of subcontractors and local Ivorian staff used for the mine;
- Of capacity building of the mining Administration agents through training of Ivorian geologists and mining engineers.

– **Safety, hygiene and measures to take in case of accident**

Article 137: "any person or corporate body carrying out research or exploitation of mineral substances under the provisions of the titles II, III and IV of this Act, must run to an excellent standard in order to ensure the safety of persons and properties."

The rules of safety and hygiene applicable to the prospecting, research and exploitation work of, minerals, transportation, storage and use of explosive substances are fixed by Decree."

Article 138: "prior to the undertaking of some work either as part of a mining title or an authorization, the holder or the beneficiary prepares a safety and hygiene rules specific to the proposed work. The holder of a mining title or an authorization recipient is required to comply with and cause the compliance of the regulations approved by the Administration of Mines."

Article 139: "in case of accident in a mine or a quarry or in their dependencies, or in case of identified hazard, the mining title holder or the beneficiary of an authorization is required to take all necessary measures to contain or prevent the accident."

It shall immediately bring the facts to the knowledge of the Mines Authorities.

Whenever the holder of a mining title or the beneficiary of an exploitation authorization is not able to inform or circumscribe the incident by its own, the authorized agents from the Administration of Mines as well as the police officers take all necessary measures to stop the hazard and prevent it to happen again, all at the cost of the operator.

In case of extreme emergency or in case of refusal by the operator to comply with these measures, the same is automatically implemented by the Administration and charges to be bore by the operator.

The Mining Code provides that for all work either as part of a mining title or authorization, the operator develops a rule on safety and hygiene specific to the proposed work. The operator is required to comply with it and cause the rule approved by the Administration of Mines to be respected."

#### **II.3.14. Act No. 2014-390 dated June 20, 2014 dealing with the Orientation on Sustainable Development**

Article 37 stipulates that the private sector applies the principles and objectives of sustainable development provided in this Act for its operation and in implementation of its actions namely by:

- The adoption of responsible procurement, operations, production and management methods, and modes meeting the requirements of a sustainable development;
- Environmental and social assessments in order to verify the impact of their activities on the environment;
- The contribution to the dissemination of the values of a sustainable development and the requirement of their partners, including their suppliers, the respect for the environment and such values;
- The adoption of a transparent communication of their environmental management;
- Compliance with the requirements of social responsibility of organizations for the promotion of a sustainable development.

Under this project, AMARA MINING will have to engage a policy on company social responsibility encompassing initiatives that use a precautionary approach throughout the life of the mine, in compliance with the mining code.

#### **II.3.15. Act No. 2014-427 dated July 14, 2014 on Forestry Code**

This law aims at preserving and promoting biodiversity and contributing to the balance of the forestry ecosystems and other associated ecosystems.

The site hosting the mine is located in forests owned by rural communities. However, article 77 stipulates that: "rural communities, forest owners, exercise their right of ownership on the products of any kind, with the exception of mining products and protected species of wild flora and fauna."

The operator is required to preserve and enhance biodiversity on the project site.

#### **II.3.16. Act no 2014-138 of 24 March 2014 on Mining Code**

##### *II.3.16.1. Protection of the Environment*

Article 140: Activities governed by this Act shall be carried out so as to ensure the protection of the environment quality, the rehabilitation of the sites operated and the conservation of the forests according to terms and procedures determined by the current regulations.

Article 141: Any applicant for an exploitation permit or authorization for industrial or semi industrial mining, before undertaking any operation works whatsoever shall carry out and

submit to the approval of the Mining Administration, Environment Administration and any other services provided for by the mine regulations, the Environmental and Social Impact Assessment, abbreviated as ESIA.

ESIA will consist in an Environmental and Social Management Plan including a rehabilitation plan of the sites and estimated costs thereof.

Any substantial amendment to the Environmental and Social Management Plan shall be subject to a prior authorization of the Mining Administration, Environment Administration.

In view of preserving the health and welfare of the neighboring populations of mine's sites, periodical controls shall be made by holders of exploitation permits or authorization for industrial or semi industrial mining, at their costs, within the framework of the Environmental and Social Management Plan as approved by the relevant administrative bodies, and whenever required, by a specialized organization in this field, accredited by relevant administrative bodies, at the costs of such administrations.

In the event of non-standard pollution, the cost of monitoring, verification and subsequent fines incurred shall be charged to the holders of operating permits and beneficiaries of mining authorization as per conditions specified by decree.

Article 142: Holders of exploitation permits or authorization for industrial or semi industrial mining shall implement the Environmental and Social Management Plan as approved by the Mining Administration and Environment Administration.

Article 143: Holders of mining titles or beneficiaries of authorization for industrial or semi industrial mining shall be submitted to special legal and statutory provisions governing namely the preservation of the environment, the urban planning, the establishments classified as hazardous, unhealthy or obnoxious and protection of forest resources.

#### *II.3.16.2. Rehabilitation and Closure of Mine*

Article 144: An escrow account shall be opened, upon starting of the mining operation, for environment rehabilitation purpose, domiciled in a leading financial institution in Côte d'Ivoire.

This account shall cover the costs related to the environment rehabilitation plan at the end of the mining life. Payments are made on the account, according to a schedule established by the competent administrative bodies, and shall be accounted as expenses in the context of the determination of the tax basis on industrial and commercial profits. Holders of exploitation permits or authorization for industrial or semi industrial mining shall feed such account.

The terms of supply and operation of escrow accounts are defined by decree.

Article 145: Any applicant for an exploitation permit or authorization to operate industrial quarry shall provide, along with the Environmental and Social Impact Assessment, a closing and rehabilitation plan of the mine.

The closure and rehabilitation plan shall be submitted to the approval of the Authorities responsible respectively of Mines and Environment.

When changes in mining justify a change in the closure plan, the mining title holders or beneficiaries of the mining authorization for industrial quarry exploitation shall be submitted to a review.

The closure plan shall take into account the following aspects:

- Cleaning of the mine site;
- Dismantling and removal of mining facilities;
- Treatment and rehabilitation of the site;
- Post-rehabilitation monitoring of the site;
- Possible conversion of the site;
- Official delivery of the site to the competent authorities.

Article 146: The closure and rehabilitation plan shall be established according to the site and type of mining.

Article 147: The closure plan and rehabilitation should indicate the procedures provided for dismantling and recovery of all aspects of the mining facilities, including facilities and equipment that are specified in the Application decree.

The closure and rehabilitation plan should foresee the achievement of progressive rehabilitation works during the mining process and not just at the end of the mining operation.

It should also provide a post closure environmental monitoring.

Article 148: Any holder of mining permit or beneficiary of mining authorization for industrial quarry operation shall retain a civil liability for damages and accidents which might be caused by the previous facilities over a period of five (5) years after the closing of the mine.

**II.3.17. Order No. 2014-148 dated March 26, 2014 prescribing Fees, Royalties and Taxes Governed by the Mining Code**

In compliance with article 2 of this order, the annual surface rent to be paid by AMARA MINING will be 250 000 FCFA per square kilometre.

**II.3.18. Decree No. 71-74 dated February 16, 1971 on Public and Land Procedures**

Article 1 states that "all real estate transactions, all subdivisions, all parcelling of land and as a general rule, all conventions relating to rights on estate, remaining subject to a State or a mandatory property procedure. " Any occupation of land to be lawful must be justified.

For rural land, by the possession of a provisional or final concession issued by the Minister of agriculture or an occupation as precarious and revocable authorization, issued by the Minister of the Interior or his representative. This authorization may give rise to a final concession or long term lease."

Article 2 states that "rights to the use of the ground, so-called customary rights, are personal to those who exercise and cannot be transferred in any capacity whatsoever." No one can become assignee of those rights throughout the territory of the Republic.

This would mean that AMARA MINING must have a permission from the State to the different constructions to be carried out.

Any occupation of land by AMARA MINING during the realization of his project, because of its location in the countryside to be lawful must be justified by the possession of a provisional or final concession issued by the Minister of Agriculture or an occupation as precarious and revocable authorization, issued by the Minister of the Interior or his representative. This authorization may give rise to a final concession or long term lease.

### **II.3.19. Decree No. 71-413 dated August 13, 1971 on the Regulation of Gas Pressure Equipment**

Article 17 stipulates that gas pressure equipment must be subject to periodic verification.

Verification should be made for the compressors that will be installed on the site.

### **II.3.20. Decree No. 96-206 dated March 07, 1996 on Committee of Hygiene, Security and Living Conditions at Work**

The creation of a Committee of hygiene, security and living conditions at work is required for AMARA MINING if it employs more than fifty (50) people within its working staff. This Decree recommends in the operational phase of the project the setting up of this Committee. Article 1 states: «in compliance with the provisions of article 42.1 of the Labour Code, in all establishments or enterprises usually with more than fifty employees, the employer shall create a Committee of Hygiene, security and living Conditions at work."

### **II.3.21. Decree No. 96-894 dated November 8, 1996 determining the Rules and Procedures Applicable to the Studies related to Environmental Impact of Development Projects**

It determines the rules and procedures applicable to the ESIA and specific detailed rules for the application of article 39 of the Act establishing the Code of the environment.

This Decree defines the provisions relating to the completion of studies on the project environmental impact.

**Article 2:** Are subject to study of Environmental Impact (EIA), located on or near hazardous areas or environmentally sensitive projects (annex III of Decree).

**Article 12:** Describes the contents of an EIA, a model of EIA is in Schedule IV of the Decree.

**Article 16:** The project under consideration in the EIA is submitted to a public inquiry. The EIA is made public as part of this process and is part of the folder set up for this purpose.

In its annexes, this Decree also specifies the particularities of environmental studies.

**Annex 1:** Gives the categories of projects subject to environmental impact assessment;

**Annex 2:** Give the categories of projects submitted to environmental impact statement;

**Annex 3:** Identifies the sites on which any project must be subject to an EIA (wetlands and mangrove forests, environmentally sensitive areas);

**Annex 4:** Specifies an indicative model of EIA report.

The Yaoure gold project is subject to the Environmental and Social Impact Assessment. Offices of study (AMEC Earth, Environmental UK Ltd. and 2D Consulting Afrique) must complete the ESIA based on this Decree.

**II.3.22. Decree No. 97-678 dated December 3, 1997 dealing with the Protection of the Marine and Lagoon Environment against Pollution**

Article 19 stipulates that it is forbidden to any operator of classified installations to reject into the sea and in the lagoon environment, sewage, waste oils or material of any kind without prior treatment, in accordance with the provisions of article 96 of the Environment Code.

The operator shall treat waste water on site prior to discharge to the receiving environment. Failure to comply with the provisions of this Decree, operator shall be liable to criminal penalties.

**II.3.23. Decree No. 98-40 dated January 28, 1998 dealing with the Technical Advisory Committee for the Study of Issues Related to the Workers' Health and Safety**

This Decree requires from AMARA MINING the establishment of a Technical Advisory Committee for the study of issues of concern in the workers' health and safety, including in its article 1, is hereby notified: "the Technical Advisory Committee for the study of issues of concern to the health and safety of workers under section 92-1 of the Labour Code has for mission to dismiss opinions, to formulate proposals and resolutions on all questions concerning the health and safety of workers."

In article 6, it is stated: "the Advisory Technical Committee Secretariat is ensured by an official of the Labour Medical inspection.

Each meeting of the Committee or Subcommittee should be reported through minutes.

Any member of the Committee or Subcommittee may request the insertion in the minutes of the statements made by him and the annexation of notes to the minutes prepared and filed before the end of the meeting.

Minutes are submitted to the Advisory Technical Committee members within a maximum of one month. These minutes are kept in the archives of the Medical Labour Inspection.

**II.3.24. Decree No. 98-42 dated January 28, 1998 dealing with the Organisation of the Emergency plan against Accidental Pollution of Sea, Lagoon and Coastal Areas**

POLLUMAR Plan Organization:

- The company of Intervention against the pollution of the sea and lagoon environment (CIPOMAR);
- All the authorities, agents of the State, officers of public and private corporations and any person discovering a marine, coastal and lagoon pollution, must transmit this information in short time and by fastest routes to the CIPOMAR (VHF: channel I7) in

the form of a message or of a communication which model is indicated in the MARPOL convention.

In the event of accidental pollution of the Bandama, AMARA MINING will urgently notify CIPOMAR.

### **II.3.25. Decree No. 98-43 dated January 28, 1998 dealing with the Classified Installations for the Environment Protection**

This Decree is ruling the classified installations likely to present any hazard or disadvantages for the protection of the environment.

**Article 1:** subject to the provisions of the present Decree, plants, depots, shipyards, quarries, underground storage, shops, workshops and, in overall, the facilities operated or owned by any public or private, person or corporate body who can present hazards or disadvantages for the convenience of the neighbourhood, for the health, safety, public health, agriculture, for the protection of nature and the environment and for the conservation of sites and monuments.

**Article 3:** are subject to prior authorization of environmental compliance of the Minister of Environment, facilities that are representing a hazard and disadvantages as mentioned to in article 1. The authorization may be granted only if such dangers or disadvantages may be warned by the implementation of the measures laid down by order of the Minister of the Environment.

The nature of the activities requires AMARA MINING to obtain authorization of the Minister in charge of the environment and is committed to implement measures to control environmental risks.

### **II.3.26. Decree No. 2005-03 dated January 6, 2005 on Environmental Audit**

This Decree recommends AMARA MINING to protect the Environment during the functional phase of its facilities. Thus, articles below are the regulation and procedure list.

#### **Article 6:** Regulation framework

Environmental auditing allows the Ministry of the Environment to ensure compliance with the standards, to require the prevention, mitigation measures and repair or sanctions in the case of intentional non-compliance or recidivism.

#### **Article 17:** Establishment of an Environmental Management Plan – Audit

The Environmental Management Plan-Audit (EMP-A) is designed by ANDE to assist companies to take into account the environment in their activities. The EMP-A implementation is mandatory within companies without an Environmental Management System.

ANDE is responsible for the implementation of the EMP-A, the costs thereof are borne by the company. All environmental management tool, implemented within a company on the initiative of the proponent, should be validated by the national environment agency.

**Article 19: Record keeping**

Any person or corporate body managing a facility or work representing a threat for the environment is liable to maintain systematically a register evidencing a sound management of its activities.

**Article 20: Concerned records**

The records cited in article 19 are regarding:

- The Industrial waste water;
- The Atmospheric emissions;
- The Management of solid, liquid and hazardous wastes;
- The management of chemicals.

This list is not exhaustive and the registers can be adapted by the concerned company depending on its activities.

**II.3.27. Decree n ° 2012-1047 dated October 24, 2012, determining the Procedures for the Application of the Principle Pollute-pays as defined by the Act No. 96-766 dated October 3, 1996 on the Environment Code**

This Decree specifies that if Yaoure gold mine activities cause or are likely to cause damage to the environment, AMARA MINING must use green technologies for the rehabilitation of the environment. Furthermore, this principle applies when the installation is responsible for the production of industrial waste, hazardous or non-biodegradable waste. It allows to set the rules for the allocation of the environmental measures cost.

**II.3.28. Decree No. 2013-440 dated June 13, 2013 determining the Legal Regime of Protection Perimeters of Waters Resources, Hydraulic Amenities and Works in Côte d'Ivoire**

In article 2, it is stated that: "protection perimeters are public safety measures. They aim at protecting quality and quantity of water resources, hydraulic amenities and works."

There are three types of perimeters:

- The immediate perimeter of protection;
- The close perimeter of protection: The remote perimeter of protection.

The last paragraph of Article 38 of the Water Code states that "the boundaries of these areas are determined by decree ..." The decree on the limits of boundaries has not yet been taken.

AMARA MINING must protect optimally the water resources, the hydraulic amenities and works in order to avoid pollution of any kind.

**II.3.29. Decree No. 2013-441 dated June 13, 2013 determining the Terms and Conditions of Classification and Declassification of the Water Resources, Hydraulic Amenities and Works as well as the Attribution of the Character of Public Utility to Water Resources, Hydraulic Amenities and Works**

**Article 1:** This Decree is to determine the terms and conditions of water resources declassification and classification, hydraulic works and amenities, as well as the attribution of the character of public utility to water resources, hydraulic amenities and works.

**Article 10:** Declaration of the character of public utility concerning water resources, hydraulic amenities and works is given by Decree during the Council of Ministers. The declaration of public utility may be imposed for the benefit of the State, a territorial community or a grouping of territorial communities.

AMARA MINING must use water rationally to avoid shortages, waste of these resources and the deterioration of these sites and hydraulic structures and inter-community disputes on these.

**II.3.30. Decree No. 2013-507 July 25, 2013 determining the Frequency of Inventory of Water Resources, Hydraulic Amenities and Works in Côte d'Ivoire**

**Article 1:** This order is to determine, in compliance with article 91 of Act No. 98-755 dated December 23, 1998 dealing with the Water Code, hydraulic works and amenities.

**Article 2:** Inventory of water resources, hydraulic amenities and works is carried out every three years.

AMARA MINING must comply with this order to take preventive measures to reduce the destruction and depletion of water resources.

**II.3.31. Decree No. 2014-25 dated January 22, 2014 amending the Decree No. 2013-224 of March 22, 2013 regulating the Clearance of Customary Rights on the Land for General Interest**

This order brings a few adjustments to the scale fixed by Decree No. 2013-224 dealing with the regulations of clearance of the customary rights on the land for general interest. The previously fixed clearance amounts were established by this Decree as maximum rates to allow private land and real estate, as well as operators in the State, infrastructure of public interest costs more controllable.

Indeed, article 5 states that: "the clearance of customary rights is exercised by the State acting on its own behalf or for the account of local authorities.

It operates administratively.

Corporate bodies governed by private law may exceptionally, on the basis of a convention of clearance agreed with the State, proceed to the clearance of the customary rights.

Any agreement related to the customary rights, passed between such rights holders and a corporate body governed by private law which are not previously linked with the State through a clearance convention, shall be reputed nil and void.

Article 6: the clearance of customary rights on soils gives rise, for the holders of the rights, to compensation in cash or in-kind, and indemnification.

The compensation corresponds to the loss of the source of income which could have been generated from the land. It can be done either:

- In kind, by the granting for free, of land plots of;
- Equipped or not, so-called "compensation lots";
- In cash;
- In kind and cash.

The compensation corresponds to the destruction of crops and upkeep on the agricultural land at the time of the clearance.

Allowances are determined from the scale fixed by the Ministry of agriculture."

Article 7 stipulates: "the scale of the clearance for the loss of use of the soil is fixed as follows:

- Autonomous district of Abidjan: two thousand (2,000) francs CFA per square metre;
- Autonomous district of Yamoussoukro: thousand five hundred (1,500) francs CFA per metre square;
- Regional districts: one thousand (1,000) francs CFA per square metre;
- Departments: seven hundred and fifty (750) francs CFA per metre square;
- Sub-Prefecture: six hundred (600) francs CFA per square metre.

AMARA MINING shall comply with this Decree, for the clearance of customary rights on lands.

**II.3.32. Decree No. 2014-397 dated June 25, 2014 determining the Procedure for the Application of the Act No. 2014-138 of March 24, 2014 on Mining Code**

*II.3.31.1. Terms of Indemnification*

This Decree determines the compensation arrangements for the soils occupation in a mining project and indicates the related formula in respect to articles 133 and 134.

Article 133 stipulates: "occupation of the lands required for the activities governed by the mining code and passing on such land for the same purpose are carried out according to the conditions defined by joint order of the Minister of Mines, by the Minister of Agriculture and the Ministry of the territory."

Article 134 States: "compensation to the benefit of the occupant or lawful occupant of the soil whose lands have become unfit for culture is determined by the following formula:

$$D = 15 \times R + P \times S$$

With

D = compensation in CFA francs;

R = Annual income of the parcel;

P = average price of application or usufruct of a hectare;

S = area in hectares.

The values of the variables are determined by the Ministry of Agriculture.

The terms of payment of this allowance are specified by the Minister in charge of Mines.

AMARA MINING shall comply with this Decree, for compensation relating to the occupation of the soil.

Also, article 2 of this Decree provides that the conditions of import, transport, use, storage of explosive substances are defined by joint order of the Minister of Mines, the Minister of the Budget and the Minister of Trade.

Thus, for the import, transport, storage and use of explosive substances on site, AMARA MINING must obtain authorization from incorporated administration including the ministries in charge of the Mines, the Budget and Trade.

#### *II.3.31.2. Disputes Settlement*

**Article 135:** "the arbitration of disputes referred to in paragraph 2 of article 128 of the Mining Code is the competence of the inter-ministerial Commission on mining, CIM. It takes place in a special session of the CIM in the presence of all stakeholders. The decision of the CIM is subject to validation of the Minister in charge of mines.

#### *II.3.31.3. Ores Samples Analysis*

AMARA MINING in operating phase can proceed to the analysis of ore samples extracted from its mining cottage. To do this, it must comply with certain provisions of this Decree. These provisions are as follows:

**Article 9:** an export authorisation for non-commercial purpose of samples of mineral substances for testing and physico-chemical analyses can be issued to the holder of a mining title or beneficiary of an authorization validated by the administration of mines.

The total volume of samples of mineral substances for each export is determined by order of the Minister of mines.

#### *II.3.31.4. Relations between the Operator and the Local Community*

Article 128: the community development plan referred to in article 124 of the Mining Code covers inter alia the following areas of intervention:

- The development of infrastructure and basic amenities;
- The development of social services base and the living environment;
- The promotion of employment;
- The development of the local economy;
- The development of human capital.

Article 129: the holder of the permit create a local development fund "Local development fund" for the benefit of the villages identified as "affected communities" by the Environmental and Social Impact Assessment, ESIA.

Article 130: the local development fund serves to finance annually and exclusively development projects identified on the basis of the needs expressed by the affected localities. These projects are approved by the Committee of local mining development mentioned in the article below.

Article 131: for each mining, it is created by joint order of the Minister in charge of mines and the Minister responsible for the Administration of the territory, in compliance with article 125 of the Mining Code, a local mining development Committee. This Committee includes:

- The prefect of Department;
- The president of the regional Council;
- The sub-prefects, members of Parliament and mayors of the localities affected;
- The representatives of the communities;
- The administration of mines;
- The representative of the operating company.

The Committee is chaired by the departmental prefect. The Vice Presidency is assured by the president of the regional Council. The administration of mines provides the secretariat of the Committee.

### **II.3.33. Decree no 2014-397 of 25 June 2014 determining the Means of Implementation of the Act n° 2014-138 of 24 March 2014 on the Mining Code**

#### **PART XI: PROTECTION AND REHABILITATION OF THE ENVIRONMENT**

Article 151: In accordance with Article 144 of the Mining Code on crediting and operation of the escrow account, the contributions of licensees of exploitation authorization or beneficiaries of industrial or semi-industrial exploitation shall appear as transfer of financial resources and guarantee on first request.

The amounts of these contributions are determined by the Environmental and Social Impact Assessment, ESIA, which shall consider the risks related to the closure of the mine and the cost of environmental post-closure monitoring.

Article 152: A committee shall be set up to monitor the use of the escrow account resources consisting in a representative of:

- The Minister of Mines;
- The Minister of Finance;
- The Minister of Budget;
- The Minister of Environment;

- The holder of the operating license or the holder of industrial or semi-industrial mining authorization.

The representative of the Minister of Mines shall chair this committee.

The mission of this monitoring committee are defined by order of the Minister of Mines.

Article 153: The escrow account is opened in a major bank and fed by the operator. This account is activated by the double signature of a representative of the operator and a representative of the Mining Administration.

Article 154: In case of failure of the operator in his obligations relating to environmental rehabilitation and mine closure, the State may, after a notice of three months remained unanswered, use the funds for meeting the obligations of the operating company.

In this case, the Mining Authority may authorize a court to use the resources of the fund under his sole signature for the rehabilitation of the environment.

#### **II.3.34. Order No. 10 SEM/DMG dated March 04, 1972 regulating Plants Piping**

Are subject to the requirements of this order, provided that they are installed inside the Yaoure gold site the fluid content used, all lines of super-heated water, gas or steam.

#### **II.3.35. Order No. 55/MINES/MG dated June 19, 1980 dealing with the Establishment of a Control on the Sales of Pressure Devices**

Section 1 of this order notifies that: "local manufacturers, importers and sellers of pressure devices shall keep a register in which shall be recorded all sales equipment falling within the scope of the regulation. This register shall include the following information:

- Type of device;
- Name of the manufacturer;
- Year of manufacturing;
- Serial number;
- Heating (for boilers) surface;
- Volume;
- Stamp;
- Name and address of the purchaser.

The Technical Control service of the Ministry of Industry and Mines is responsible for monitoring the application of the regulation of the pressure of steam and gas equipment. AMARA MINING will need to approach this service for pressure devices.

#### **II.3.36. Order No. 0462/MLCVE/SIIC dated May 13, 1998 on the Nomenclature of Classified Installations**

It allows to distinguish facilities subject to authorisation from those subject to declaration according to the gravity of the hazard or disadvantages that activities may present.

Contained in section 02-58 of the order n ° 0462MLCVESIIC of May 13, 1998 on the nomenclature of the classified Installations, Yaoure gold project is subject to authorization and must comply to the rules of this Order.

### **II.3.37. Order No. 6421 dated June 15, 2004 amending the Decree No. 1437 dated February 19, 2004 concerning the Regulation of Recruitment and the Contract of Employment of the Non-national Staff Visa Fees**

Article 3 of this order mentions: "prior to his recruitment, the non-national worker must be holder of a contract of employment or a letter of employment covered by AGEPE on a form established for this purpose.

In addition, within a maximum of three (3) months from the date of his hiring, the non-national worker must request the issuance of a work card established in his name to the competent administrative services."

### **II.3.38. Order No. 01164 MINEF/CIAPOL/SDIIC dated November 4, 2008 dealing with the Regulation of Rejects and Emissions from Classified Installations for the Protection of the Environment**

This order allows to set requirements for the emissions from classified installations for protecting the environment. However the Yaoure gold project through its core activities of drilling, handling, storage and transportation, must meet the thresholds of rejection (cyanide water, waste water...) and emissions (dust, smoke, noise, vibrations, smells...).

These requirements, depending on the type of pollution or nuisance, are defined in the following articles.

#### *II.3.38.1. Pollution of the Receiving Environments*

**Article 4:** Limits of concentration of wastewater rejected into the natural environment.

Wastewater rejected into the natural environment must meet the following concentration limit values, depending on the authorized maximum daily flow:

- 1 °. Flow: the authorization order defines the daily throughput of (or releases), taking into account the flow of the receiving water body;
- 2 °. The potential Hydrogen (pH): the pH of the effluent reject must range between 5.5 and 8.5 or 5.5-9.5 in the event of chemical treatment;
- 3 °. Temperature: it must be less or equal to 40 ° C;
- 4 °. The Total Suspended Solids (TSS): with regard to suspended solids and organic materials. The present order defines two levels of purification:
  - Level A: reduction of 80 on the BOD5 and the TSS. 75 on the COD, nitrogen and phosphorous substances;
  - Level B: it takes into account the flow:150 mg/l if the authorized maximum daily flow does not exceed 15kg/day beyond 15kg/day, the permitted concentration is 50mg/l;

5 °. The biochemical Oxygen Demand (BOD5): Biochemical Oxygen Demand (BOD) non-decanted effluent is 150mg/l if the authorized maximum daily flow does not exceed 50kg/day, beyond 50kg/day, the permitted concentration is 100mg/l;

6 °. The Chemical Oxygen Demand (COD): Chemical Oxygen Demand (COD) on non-decanted effluent is 500mg/l if the authorized maximum daily flow does not exceed 150kg/day hereafter, the permitted concentration is 300mg/l.

However the concentration values limits or different flows, imposed below, can be set by the authorization order of specific cases including when the ability to auto cleaning of the receiving environment is insufficient;

7 °. Nitrogen: nitrogen (total nitrogen including organic nitrogen, ammonia nitrogen and oxidized nitrogen): 50 mg/l for monthly concentration average when the daily authorized maximum flow is equal to or greater than 100kg/day;

8 °. Phosphorus (total phosphorus): 15 mg/l for monthly concentration average when the authorized daily maximum flow is equal to or greater than 30 kg/day.

However, different concentration limits values may be fixed by authorization order for specific cases particularly when one takes into account the characteristics of the receiving environment (receiving environment heavily polluted or intended for specific uses);

9°.The oils and greases: 30mg/l in monthly concentration if the daily authorized maximum flow does not exceed 5kg/day, beyond 5kg/day concentration allowed is 10mg/l;

10°. Other substances: with respect to other substances, they must respect the values following concentration limits.

Table 1: Concentration of Certain Substances in Wastewater

N°	PARAMETERS	CONCENTRATION
1	Phenols	0.3 mg/l if the rejection exceeds 3 g/day
2	Hexavalent Chrome	0.1 mg/l if the rejection exceeds 1 g/day
3	Cyanide	0.1 mg/l if the rejection exceeds 1 g/day
4	Lead (Pb )	0.5 mg/l if the rejection exceeds 5 g/day
5	Copper (Cu)	0.5 mg/l if the rejection exceeds 5 g/day
6	Chrome (Cr)	0.5 mg/l if the rejection exceeds 5 g/day
7	Nickel (Ni)	0.5 mg/l if the rejection exceeds 5 g/day
8	Zinc (Zn)	2 mg/l if the rejection exceeds 20 g/day
9	Manganese (Mn)	1 mg/l if the rejection exceeds 10 g/day
10	Tin (Sn)	2 mg/l if the rejection exceeds 20 g/day
11	Iron, aluminium compounds (Ir+Al)	5 mg/l if the rejection exceeds 20 g/day
12	Total Hydrocarbons	10 mg/l if the rejection exceeds 100 g/day
13	Fluorine compounds (F)	15 mg/l if the rejection exceeds 150 g/d
14	Toxic substances, bio accumulative or harmful to the environment (actually workshop output or final rejection, in cumulative flow and concentrations):	

<ul style="list-style-type: none"> <li>• Substances listed in the annex I.a</li> <li>• Substances listed in the annex I.b</li> <li>• Substances listed in the annex I.c.1</li> <li>• Substances listed in the annex I.c.2</li> </ul>	<ul style="list-style-type: none"> <li>• 0.05 mg/l if the rejection exceeds 0.5g/day ;</li> <li>• 1.5 mg/l if the rejection exceeds 1g/day</li> <li>• 4 mg/l if the rejection exceeds 10g/day</li> <li>• Stop authorisation sets discharge limits if the rejection exceeds 10 g/day.</li> </ul>
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For substances not included in this decree, the standards of the European Community are used as rejection limits reference.

**Article 6:** Spreading of water and sludge.

*II.3.38.2. Air Pollution*

Article 7: Subject to the special provisions for certain activities, the waste gas must respect the limits values depending on the maximum hourly flow allowed.

Table 2: Limit Values of Gaseous Emissions

Substances	Total hourly flow	Maximum allowable concentration (mg/m <sup>3</sup> )
Total dust	< 1kg/h >1kg/h	100 50
Carbon monoxide	>1 kg/h	50
Sulphur oxide (expressed as sulphur dioxide)	>25 kg/h	500
Nitrogen oxide (expressed as nitrogen dioxide)	>1 kg/h	50
Chloride hydrogen and other gaseous inorganic compounds of chlorine (expressed as HCL)	>1kg/h	50
Inorganic compounds fluorine from Fluorine (gas, vehicles and particle expressed in HF)	>500 g/h	5 for gaseous compounds 5 for all the vehicles and particles
Rejects of cadmium, mercury and thallium, and their compounds.	>1 g/h	0.2
Rejects of arsenic, selenium and tellurium, and their compounds.	>5 g/h	1 mg/m <sup>3</sup> (expressed in As+Se+Te)
<b>METALS AND COMPOUNDS OF METALS</b> Rejects of antimony, chrome, cobalt, copper, Tin, manganese, nickel, lead, vanadium, zinc and their compounds.	>25 g/h	5 mg/m <sup>3</sup> (expressed in Sb + Cr + Co+ Cu+ Sn +Mn + Ni+Pb +V+Zn)
Rejects of various gaseous substances Hydrocyanic acid (HCN) or bromine and inorganic gaseous compounds (HBr) bromine or chlorine in HCL or hydrogen sulphide	>50mg/h	5 mg/m <sup>3</sup> for each product
<u>Ammonia</u>	>1mg/h	50
<u>Asbestos</u>		0.1 for asbestos

Substances	Total hourly flow	Maximum allowable concentration (mg/m <sup>3</sup> )
If the quantity of asbestos implementation exceeds 100kg/ year		0.5 for total dust
<u>Others fibres</u> If the amount of fibres, other than asbestos, implementation exceeds 100kg/ year		1 for fibres
		50 for total dust

### II.3.38.3. Noise and Vibration

**Article 9:** Eligible emission levels are shown in the following table.

Table 3: Limit Values of Sound Emission Thresholds

Zones	Time or time of day		
	Day (in decibel)	Intermediate period	Night (in decibel)
Hospitals area, rest area, protection of natural areas	40	35	30
Residential or rural areas with low circulation of road, waterway or air traffic	45	40	35
Urban residential areas	50	45	40
Urban residential areas, with some workshops or business centre, or with road traffic, waterway, or air somewhat important or in the rural communes	60	55	45
Areas with predominance of commercial, industrial activities	70	65	50
Area with predominance of industrial activities	75	70	60

**Article 10:** Monitoring of rejections and emissions.

During its activities, AMARA MINING must:

- Ensure to comply with the standards required before any spreading of water;
- Ensure compliance of atmospheric emissions;
- Put in place provisions for the management and control of rejections and emissions.

### **II.3.39. Interministerial order No. 247/MINAGRI/MPMEF/MPMB dated June 17, 2014 fixing the Scale of Compensation of the Crops Destroyed**

This Decree updates the rate of compensation in the context of crops destruction caused by the implementation of works being of public utility. The payment of the compensation is borne by the person or corporate body responsible of the destruction.

The sworn officers of the Ministry of Agriculture, in the presence of the victims and the person civilly responsible for the destruction or his representative shall establish the compensation calculations based on criteria contained in article 6 of this order.

### **II.3.40. Inter-ministerial instruction No. 070/INT/P.C. dated May 13, 1994 dealing with the Organization of Technological Disaster Relief (ORSEC Plan)**

The general point of this statement is as follows:

The manufacturing, storage, transport and use of hazardous materials have been developed in such a way that, despite prevention measures and technological progresses, accidents with serious consequences cannot be excluded. Interventions against the accidents of this nature can only have full efficiency by bringing together, in a planned organization, public emergency means services, and those of private institutions and businesses.

The fight against accident occurring in a hazardous industry in the first place concerns the site leaders who must be able to start operations with the means that have been prescribed for this purpose.

The Technological Disaster Relief Organization (ORSEC Plan) will therefore involve two (2) closely hinged flaps:

- Internal Operation Plan (POI) specific to each establishment;
- Particular Intervention Plan (PPI) relating to a claim concerning the outside of the establishment.

AMARA MINING must establish an emergency and intervention Plan or Plan of risk management on the basis of a study of potential hazards.

#### *II.3.37.5. Environmental Requirements Applicable to Classified Installations*

At all phases (development of facilities, operation and termination of activities) of the project, AMARA MINING must comply with the administrative and technical provisions relating to all forms of pollution and nuisance on its site.

All relevant laws and regulations for the Yaoure gold project are shown in the table of the next page.

Table 4: Relevant Legislative and Statutory Texts in Connection with the Project

Legal texts	Extracts of articles bound to the study	Relevance in the activities of the project
Act No. 2014-138 dated March 24, 2014 on Mining Code	<p>Article 5: Any natural or legal entity, of Cote d'Ivoire or foreign nationality, can undertake or lead an activity governed by the present law on the territory subject to obtain beforehand a mining title or an authorization.</p> <p>Article 30: the business license is granted after an investigation of commodo and incommodo according to the regulations in force on the subject.</p> <p>Article 28 makes obligation to every applicant of a business license, to submit before commencing any works on ground, to the approval of the administration of Mines and of the Environment as well as any other authority as provided by the mining regulations, a complete impact study and a program of management of the environment.</p>	AMARA MINING has to realize and make validate the ESIA before beginning the works of exploitation.
Act No. 96-766 dated October 3, 1996 on the Environment Code	Article 20: buildings, classified installations, vehicles, and power-driven machines, industrial, commercial, homemade, or agricultural activities, held or exercised by any person or legal entity must be conceived and operated according to the current technical standards regarding conservation of the atmosphere.	Equipment used within the framework of this project must comply with the technical standards so that any air emission is in conformity.
	Article 25: the characteristics of rejected residual waters have to allow the receiving environment to satisfy the objectives, which are assigned to them. The pouring of residual waters in the public sewer system should not damage neither the preservation of the works nor the management of these networks.	Waste water must be ecologically eliminated by respecting the prescribed standards.
	Article 26: all the waste, in particular the hospitable and dangerous waste, must be collected, treated and eliminated in an ecologically rational way to prevent, eliminate or reduce their harmful effects on the health of mankind, on the natural resources, on the flora and fauna and on the quality of the Environment.	To set up a dangerous mode of waste management, it is advisable to find an adequate mode of collection and elimination.
	<p>Article 35: during the planning and during the execution of acts which can have an important impact on the environment, the public authorities and the private individuals have to comply with the following principles:</p> <ul style="list-style-type: none"> <li>- Precautionary principle;</li> <li>- Substitution;</li> <li>- Biodiversity conservation;</li> <li>- Non-degradation of natural resources;</li> </ul>	Within the framework of this project, AMARA MINING will have to identify the potential risks and take measures of control or substitute high tasks risk by others less dangerous. All the taken measures have to contribute to protect the biodiversity and the natural resources. Besides, AMARA MINING has to assure its social

Legal texts	Extracts of articles bound to the study	Relevance in the activities of the project
	<ul style="list-style-type: none"> <li>- Polluter-payer principle;</li> <li>- Information and participation;</li> <li>- Cooperation.</li> </ul>	responsibility, take into account notices of the populations and cooperate in the decision-making contributing to the environmental protection.
	Article 39: any important project likely to have an impact on the environment has to be the object of a preliminary environmental study.	AMARA MINING has to realize an ESIA before the starting up of its activities of exploitation.
Act No. 98-750 dated December 23, 1998 related to the rural land domain modified by the Act No. 2004-412 dated August 14, 2004	Article 1: rural land is made up of all land highlighted or not and regardless of the nature of development. Any person or corporate body can access to a national heritage. However, only the State, public authorities and Ivorian individuals are allowed to be owners.	<p>The occupation and enjoyment of the lands from the national estate patrimony requires the detention of one of the below titles, issued further to payment, or exceptionally free. It is one of the following titles:</p> <p>The provisional concession with three (3) following modalities:</p> <ul style="list-style-type: none"> <li>-the permit to occupy;</li> <li>-the provisional concession subject to the rights of third parties;</li> <li>-the pure and simple concession.</li> </ul> <p>The final concession regarding already registered land with two (2) terms and conditions:</p> <ul style="list-style-type: none"> <li>-the long term lease (18 to 99 years);</li> <li>-the concession in full ownership</li> </ul> <p>AMARA MINING must hold one of the above titles.</p>
Act No. 2014-427 dated July 14, 2014 on Forestry Code	Article 77: rural communities, forest owners, exercising their right of property on products of any kind, excepting mining products and protected species of wild flora and fauna	AMARA MINING must ensure the preservation of biodiversity on its site.
Act No. 98-755 dated December 23, 1998 on the Water Code	<p>Article 12: the collection in waters from the public water domain and the making of hydraulic work and amenities are subject, depending on the case, to permission, or prior notification.</p> <p>Title III: (Water protection Regime, hydraulic works and amenities) chapter II: (Articles 48, 49, 50 and 51).</p>	The exploitation of surface and hydraulic drilling water is subject to an authorization or a prior declaration.

Legal texts	Extracts of articles bound to the study	Relevance in the activities of the project
	<p>Article 48: spillage, waste of any kind or radioactive effluent, that causes or increases the pollution of water resources are prohibited.</p> <p>Article 49: rejection of wastewater into the receiving environment must meet the standards in force.</p> <p>Article 51: it is forbidden to reject into the sea, rivers, lakes, lagoons, ponds, channels, canals, groundwater, in their bank and alluvial groundwater, any waste material, any residual fermentable of vegetable or animal origin, any solid substance or liquid, flammable or toxic likely to constitute a danger or a cause of unsanitary, cause a fire or an explosion.</p>	<p>AMARA MINING is responsible for the protection of the receiving environment for all damages caused during its activities.</p>
<p>Act No. 2003-208 dated July 7, 2003 dealing with transfer and allocation of powers from the State to regional authorities (protection of the environment and natural resources management)</p>	<p>Article 10: the partition of the territory is vested in the territorial authorities.</p>	<p>In the framework of the Yaouré gold project, the Sub-Prefecture of Bouaflé is entitled to carry out investigations of commodo and incommodo.</p>
<p>Act No. 65-255 dated August 4, 1965, attached to the protection of wildlife and the practice of hunting.</p>	<p>Article 3: protection of wildlife tends to ensure the conservation and qualitative and quantitative enrichment of the wild animals living naturally in the country, both on the surfaces within the domain of the State and on the lands of individuals.</p> <p>Article 8: nobody can, a part from the exceptions provided in articles 11 and 12 (traditional hunting) and in articles 20, 21 and 22 self-defence, be engaged in any act of hunting or capturing if he is not a holder of a license.</p>	<p>The present law concerns the Yaouré gold project.</p>
<p>Act No. 95-15 dated January 12, 1995 on the Labour Code modified by Act No. 97-400 July 11, 1997</p>	<p>Article 41.1 to 43.2: hygiene, safety, and health at work.</p>	<p>AMARA MINING must identify the risks, train and raise awareness on occupational risks, provision of personal protective equipment (PPE).</p>
<p>Decree No. 96-894 dated November 8, 1996 determining the rules and</p>	<p>It determines the rules and procedures for ESIA and precise rules for the application of Article 39 for the Environmental Code Act.</p>	<p>Yaouré Gold Project is subject to Environmental and Social Impact Assessment</p>

Legal texts	Extracts of articles bound to the study	Relevance in the activities of the project
<p>procedures applicable to studies on the environmental impact of development projects</p>	<p>This decree defines the condition to conduct studies on a project's impact on the environment.</p> <p>Article 2: are subject to Environmental Impact Assessment (EIA) projects located on or near hazardous areas or environmentally sensitive (Annex III of the Decree).</p> <p>Article 12: describes the contents of an EIA, a model of EIA is in Annex IV of the decree.</p> <p>Article 16: The project concerned in the EIA is submitted to a public inquiry. EIA is made public, as part of this process and it is part of the dossier compiled for this purpose.</p> <p>In its annexes, the Decree also specifies the particularities of the environment related studies.</p> <p>Appendix 1: gives the categories of projects subject to environmental impact assessment;</p> <p>Annex 2 provides the classes of projects subject to environmental impact statement;</p> <p>Appendix 3: identifies sites on which every project must be subject to an environmental impact study (wetlands and mangroves, environmentally sensitive areas defined);</p> <p>Appendix 4: specifies an indicative model of EIA report.</p>	
<p>Decree No. 97- 678 dated December 3, 1997 dealing with the Protection of the Marine Environment and lagoon against pollution</p>	<p>Article 19: It is forbidden to any operator of classified installations to evacuate into the sea and the lagoon environment, wastewater, waste oils or any kind of materials, without prior treatment, in compliance with the provisions of Article 96 of the Environmental Code.</p>	<p>AMARA MINING must treat wastewater on its site prior to reject it into the receiving environment. In case of non-compliance with the provisions of this Decree, he is liable to criminal penalties.</p>
<p>Decree No. 98-43 dated January 28, 1998 dealing with the classified Installations for the protection of the environment</p>	<p>Article 7 and 13: declaration and authorization to operate.</p> <p>Article 32: installations, referred to in article 1 of this Decree, are subject to a semi-annual royalty control and inspection among which the plate and rates are fixed by the Finance Act no. 73-573 dated December 22, 1973.</p>	<p>AMARA MINING declares its activities and expects approval before any work.</p>

Legal texts	Extracts of articles bound to the study	Relevance in the activities of the project
Decree No. 2005-03 dated January 6, 2005 dealing with the environmental auditing	<p>Article 30: Every three (3) years, businesses, industries and structures, or part or branches undergo an environmental audit by public or private law, sources of pollution, which have their own functional and administrative structure.</p> <p>Article 19: any person or corporate body managing a facility or a work constituting a threat to the environment is bound to systematic record keeping contributing to give proof of a sound management of its activities.</p>	AMARA MINING will have to maintain records of follow-up of waste and establish a procedure of preservation of the recordings.
Inter-ministerial Order No. 247 / MINAGRI / MPMEF / MPMB dated June 17, 2014 determining the compensation scale of crops destroyed	The whole order.	AMARA MINING will have to indemnify crops destroyed in the framework of the project while respecting the capacities of the present order.
Order No. 01164MINEEF CIAPOLSDIIC dated November 4, 2008 dealing with the regulation of rejections and emissions from classified Installations for the protection of the environment	Article 3: emission limit values fixed in the Decree of authorization based on the use of the best technologies available at an acceptable economic cost, and the particular character of the environment. These limit values are fixed for effluent, for stream flow and the concentrations of the main pollutants in accordance with the provisions of this order.	AMARA MINING must comply with the standards required before rejecting any water and sludge; ensure compliance of air emissions in compliance with the regulatory requirements in force in Côte d'Ivoire.
Inter-ministerial Instruction No. 070 / INT / P.C. dated May 13, 1994 dealing with the organization of relief in the event of technological disaster (ORSEC Plan)	<p>The general set point of this instruction is as follows:</p> <p>The manufacturing, storage, transport and use of hazardous materials have been developed in such a way that, despite prevention measures and technological progresses, accidents with serious consequences cannot be excluded. Interventions against the accidents of this nature can only have a full efficiency by bringing together, in a planned organization, public emergency services means, and those of private institutions and businesses.</p>	AMARA MINING must establish an emergency and intervention Plan or Plan of risk management on the basis of a study of potential hazards.

Legal texts	Extracts of articles bound to the study	Relevance in the activities of the project
	<p>The fight against accident occurring in a hazardous industry in the first place concerns the site leaders who must be able to start operations with the means that have been prescribed for this purpose.</p> <p>The Technological Disaster Relief Organization (ORSEC Plan) will therefore involve two (2) closely hinged flaps:</p> <ul style="list-style-type: none"> <li>– Internal Operation Plan (POI) specific to each institution;</li> <li>– Particular Intervention Plan (PPI) relating to a claim concerning the outside of the institution.</li> </ul>	
<p>Environmental requirements applicable to classified Installations</p>	<p>All prescriptions.</p>	<p>At all phases (development of facilities, operation and termination of activities) of the project, AMARA MINING must comply with the administrative and technical provisions relating to all forms of pollution and nuisance on its site.</p>

## II.4. International Requirements

It concerns the international texts that extractive companies are required to comply with. These international rules on protection and management of the environment include the principles of Equator, the standards of the International Finance Corporation (IFC), the Initiative for transparency in the management of revenues from the Extractive Industries (EITI)... Thus, article 117 of the Act n° 24 dated March 2014 2014-138 bearing Mining Code stipulates that: "any holder of a mining aims to apply the principles and criteria of good governance, including the principles of Equator and those of EITI."

### II.4.1. Equator Principles

The Equator Principles (EP) are principles used by large international banks. They imply the consideration of the social, societal, and environmental criteria in the financing of projects. The principles are the base to a responsible financing and respect the standards promulgated by the World Bank.

The Equator Principles (EP) are a repository of finance for the identification, assessment, and management of social and environmental risks for project financing operations. These principles rely on standards of environmental and social sustainability performance, and guidelines specific to the financial industry, in matters and general environment, health and safety of the Finance Corporation International. It is possible to find more information on these standards and guidelines on the site dedicated to the environmental and social standards of the International Finance Corporation. 78 financial institutions from 33 countries have adopted the Equator Principles at the end of April 2013 representing a majority share of projects financing in the world.

The Equator Principles (EP) establishes a risk management framework allowing to identify, to estimate, and to manage the social and environmental risks in project financing. Their main purpose is supplying minimal standards regarding reasonable diligence and for the decision-making concerning the risks. So, the negative effects on the ecosystems and on the communities concerned by the project must be avoided as much as possible. If these latter are unavoidable, they must be limited or compensated in a suitable way.

The financial institutions that adopted EP (Equator Principles Financial Institutions or EPFI) made it to make sure that the projects they finance are developed in a socially responsible and environment-friendly way. 78 banks and financial institutions in 35 countries adhered. To get a loan from an EPFI, projects must comply with the ten Equator Principles:

- Review and categorization;
- Social and environmental assessment;
- Social and environmental applicable criteria;
- Drafting and management system plan;
- Consultation and communication;
- Grievance settlement mechanism;

- External expertise;
- Obligations to do or not to do;
- Independence of the monitoring and reporting;
- Presentation of reports by EPFI.

#### II.4.2. Environmental Practices of the World Bank

The World Bank Group (WBG) consists in two types of environmental policies, that of the World Bank (policy and operational directives) and the performance standards of the International Finance Corporation (IFC), a branch of the World Bank in charge of investment in the private sector.

Projects and activities of the World Bank are governed by Operational Policies (OP). They ensure that projects stand on health, economic, financial, social and environment. In the case of financing private sector projects, the Operational Policy 4.03 provides the application of the IFC performance standards.

##### *II.4.2.1. Standards of the International Finance Corporation*

The International Finance Corporation (IFC) is one of the five institutions from the World Bank Group. The IFC finances loans, equity, and advisory services to stimulate private investment in developing countries.

The IFC has adopted eight performance standards to manage environmental and social issues in the financing of projects (IFC, 2012). Performance standards require that the impacts and the social and environmental risks of a project are identified and estimated from the first stages of the development of the project and should continue to be managed during the entire project. The IFC requires its customers benefiting from its direct investment (including project finance and lending to businesses through financial intermediaries), they apply the performance standards to manage the risks and the environmental and social impacts to enhance development opportunities.

The eight (8) performance standards of the IFC defining the criteria that the project manager has to satisfy are as followed:

- Performance standard 1: assessment and management of risks and environmental and social impacts;
- Performance standard 2: Labour and working conditions;
- Performance standard 3: Rational use of resources and pollution prevention;
- Performance standard 4: Health, safety, and security of communities;
- Performance standard 5: Acquisition of land and involuntary resettlement;
- Performance standard 6: Biodiversity Conservation and sustainable management of living natural resources;
- Performance standard 7: Indigenous peoples;

- Performance standard 8: Cultural heritage.

The Performance standard 1 establishes the importance:

- i) Of an integrated evaluation allowing to identify the impacts, the risks and the opportunities associated to a project on the environmental and social plan;
- ii) Of the real participation of communities through the distribution of information concerning the project and in the consultation of the local communities on the issues which affect them directly;
- iii) Of the management by the customer of the environmental and social performance during all the life expectancy of the project.

Performance standards 2-8 establish objectives and requirements to anticipate and avoid the negative impacts that could occur for workers, communities and the environment and, if it is not possible to avoid these impacts, minimize, and finally compensate in order to compensate the risks and impacts appropriately. Although all the risks and the relevant impacts that can exist on the environmental and social plan must be examined within the framework of the evaluation, performance standards 2 - 8 describe the risks and the potential environmental and social impacts in which it is important to pay a particular attention.

When risks and environmental and social impacts are identified, the customer is required to manage them through its System of Environmental and Social Management (SESM) in accordance with the performance standard 1.

Procedures for long-term follow-up and reporting on effectiveness of risk management measures are also required by the standard.

The following elements should be incorporated into the management system:

- Social and environmental assessment;
- Management program;
- Organizational capacity;
- Training;
- Community commitment;
- Control;
- Reports (IFC, 2006).

#### *II.4.2.2. Environmental and Social World Bank Safeguard Policies*

The involvement of the World Bank in the financing of a project (either in the form of donation or loan) results that the project must comply with its backup policies. For that purpose, the World Bank with a set of operational policy that establishes a mechanism of integration of the environmental and social concerns in the decision-making and during the implementation and the follow-up of the projects. The policies of environmental and social protection of the World Bank include at the same time, the Operational Policies (OP) and the Procedures of the

Bank (PB). Backup policies are designed to protect the environment and the society from the potential negative effects of projects, plans, programs, and policies.

The following table presents guidelines for the project related to the 10 main guidelines.

Table 5: OP Applicable to the Project in Relation with the 10 OP of the World Bank

Subject and number of Operational Policy	Application to the Project of AMARA MINING
<b>Environmental assessment including the participation of the public (OP 4.01)</b>	Yes
Natural habitats (OP 4.04)	No
Pest management (OP 4.09)	No
Indigenous peoples (OP 4.10)	No
<b>Physical cultural Resources (OP 04.11)</b>	Yes
<b>Involuntary Resettlement (OP 4.12)</b>	Yes
Forests (OP 4.36)	No
Safety of Dams (OP 4.37)	Yes
Projects on international waterways (OP 7.50)	No
<b>Projects in disputed areas (OP 7.60)</b>	No

#### II.4.2.3. Applicable Policy Analysis

##### Protection 4.01 Policy: Environmental Assessment

The World Bank conducts preliminary sorting of each project proposal to determine the environmental assessment type to undertake and to determine the other backup policies that it triggers. The Bank classes the project proposal in different categories (A, B, C and FI) depending on the type, location, degree of vulnerability and level of the project envisaged and the nature and magnitude of the potential impacts on the environment.

The environmental category "A": A project is classified in this category when it may have a very negative, sensitive, diverse, or unprecedented incidences on the environment. These effects can be felt in a zone vaster than sites or facilities subject to the work. For projects of category "A", the environmental study consists in examining the negative and positive environmental incidences that the project can have, comparing them with the effects of the other practicable options (including if necessary the scenario "without project"), and recommending any measures possibly necessary to prevent), minimizing, mitigating or offsetting the negative impacts of the project and enhancing its environmental performance.

The environmental category 'B': A project is classified in this category if the negative effects that it is likely to have on human populations or significant areas from the point of view of the environment -wetlands, forests, grasslands, and other habitats are less severe than those of a project category 'A'. These effects are local in nature, few of them (if not any), are irreversible. Moreover, in most cases, it is easy to conceive mitigation measures than in category "A" projects. The environmental study here, may vary from one project to another, but it has a narrower reach than that of the projects in category "A". As it, it is to examine the

positive and negative effects that could have the project on the environment and to recommend all possible measures to prevent, minimize, mitigate or offset the negative effects of the project and enhance its environmental performance (amplify the positive effects).

The environmental category "C": a project is classified in this category if the probability of its negative effects on the environment is considered minimal or zero. After environmental screening, no further action to environmental assessment is required for projects of category "C".

The category 'FI': a project is classified in this category if the Bank is investing funds through a financial intermediary, in subprojects that may have negative effects on the environment.

The objective of OP 4.01 is to ensure that projects financed by the Bank are viable and environmental feasible and that the decision-making is improved through appropriate analysis actions and their probable environmental impacts. This policy is triggered if a project is likely to know the risks and potential environmental impacts (negative) in its area of influence.

OP 4.01 covers impacts on the physical environment (air, water and land), the quality of life, health and security of the populations, physical cultural resources; and cross-border and global environmental concerns. OP 4.01 also describes the requirements for consultation and dissemination. In category (i) on projects A and B; and affected by the project and the non-governmental organizations (ii) the sub-projects classified as A and B in a programmatic loan, the borrower shall consult with groups (NGOs) about the environmental aspects of the project and takes account of their views. This consultation must be done throughout the implementation of the project and as often as necessary.

The Yaoure gold project is classified in the category «A », which justifies the realization of this ESIA.

#### **Protection policy 4.04: Natural Habitats**

The OP.4.04 aims to protect natural habitats and biodiversity and ensure the sustainability of services and products that provide natural habitat to human societies. The World Bank refused to fund projects that could have significant damage in a Natural Habitat Review (CST) whatsoever. The World Bank seeks as much as possible to avoid financing through projects, conversions or degradation of natural habitats.

The OPPB 4.04, Natural habitats does not allow the financing of projects degrading or converting critical habitats. Natural habitats are to be given special attention when performing EIA. The project excludes any intervention in natural habitats. The Project will not finance activities that could trigger this policy and therefore it is not envisaged that the project will have any impact on natural habitats.

The World Bank defines natural habitats as land or water areas where the biological communities sheltered ecosystem are largely made up of native plant and animal species, and

where human activity has not fundamentally changed the key ecological functions of the area. The site hosting the project, no area can be special attention.

#### **Protection policy 4.09: Pest Management**

The OP 4.09 supports integrated approaches to pest control. It identifies pesticides that may be funded under a project and develop an appropriate plan to address pest risk. In this project, it is expected the purchase of pesticides. However, sometimes to clear the rights of way that we proceed to a trimming trees or on some sites pylons found termite mounds and in these cases, instead of using chemicals, it is recommended the project to use mechanical methods of control and destruction of termite mounds. Also, the activities under the Project will not trigger this policy.

#### **Protection policy 4.11: Physical Cultural Resources**

OP 4.11 is to ensure that the resources that constitute a cultural heritage are identified and protected in projects financed by the World Bank.

Provisions must be taken to protect cultural sites (national and world heritage) and protect even potential archaeological discoveries. However, during the work, it is possible that archaeological remains are discovered. In this respect, the policy is triggered. Also, in the ESMP, there is provided a procedure for "lucky find" is a procedure to apply in case of discovery of remains. Respect for the implementation of this procedure will allow the project to be in full compliance with the requirements of this policy.

#### **Protection policy 4.12: Involuntary resettlement of populations**

The OP. 4.12 focuses specifically on the involuntary displacement of populations. Its objective is to avoid or minimize new acquisitions of involuntary land where it is feasible, exploring all the other alternative ways of viable projects.

In addition, it aims the improvement of the living conditions of the people affected by the project, or at least their restoration to the level of before the move. It encourages community participation in the planning and conduct of the reintegration and the granting of assistance to those affected, regardless of the legal status of land tenure. It also aims to guarantee to the displaced populations or having lost the access to their properties or revenue streams receive right compensation. For that purpose, it requires a compensation of the people affected by the project. Where national legislation does not provide compensation to a level corresponding to the full cost of replacement, compensation based on this legislation must be complemented by additional measures to fill any gaps.

This policy is triggered as soon as than a World Bank-funded project involves not only a physical movement, but also loss of land or other assets such as real estate, income, sources of income or means of existence, the costs of moving to other locations.

It is more often a precondition for the implementation of the project.

This policy helps displaced people in their efforts to improve or at least restore their living standards. It aims situations that involve the acquisition of land, restrictions on protected

areas, and the involuntary resettlement of populations. Occupation by dwellings and human activities is likely on some prospective sites, where the application of the provisions of this measure.

It is based on the following objectives:

We will seek to avoid, insofar as possible, or minimize the involuntary displacement by examining all feasible alternatives in the design of the project. When the population displacement is unavoidable, resettlement should be conceived and executed in the form of providing displaced people sufficient investment resources development program enabling them to enjoy the benefits of the project. Displaced populations should be consulted in a constructive manner and have the opportunity to participate in planning and implementing resettlement programs.

Displaced people must be assisted in their efforts for improvement, or at least in recovering their means of existence and standard of living these being considered in real terms to the levels that prevailed at the time of the previous movement phase or that of the implementation of the project, according to the most advantageous formula.

#### **Protection policy 4.20: Indigenous Peoples**

Indigenous people, in the understanding of the World Bank do not exist in Ivory Coast. Consequently the activities under the Project will not trigger this safeguard policy.

#### **Protection policy 4.36: Forests**

The OP 4.36, Forestry provides support for sustainable forestry and conservation-oriented forest. It does not support the commercial operations in primary tropical moist forests. Its overall goal is to reduce deforestation, enhance the contribution of woodland to the environment, promoting reforestation. The World Bank does not finance commercial logging operations or the purchase of equipment for the exploitation of humid tropical primary forests. The activities planned under the Project will not trigger this policy because no logging (or requiring logging) will not be in this project. Reforestation will be made to compensate any loss of trees on the plot.

#### **Protection policy 4.37: Safety of Dams**

OP 4.37 is divided into two distinct sections. The first section applying to the new dam and the second section applying to the existing dam.

OP / BP 4.37, Safety of Dams also distinguishes the large dams from small dams. The policy recommended for large dams (that is to say, the works of more than 3 meters high), the completion of a technical study and periodic safety inspections by independent experts in dam safety.

The Bank may finance the types of projects not involving new dam but known to depend on the proper operation of an existing dam or a dam under construction as a central or power lines.

If a project is included in the category involving an existing dam, the Bank requires the Borrower to use the services of one or more independent experts to:

- a) Inspect and evaluate the safety level of the existing dam and associated structures and performance in the past;
- b) Review and evaluate procedures for operation and maintenance of the Borrower;
- c) Provide a written report on their findings and recommendations on any corrective action necessary security measure or to put the existing dam at an acceptable level of safety by the Bank.

The construction or management of dams will concern the Project because Amara mining will build up a dam on TMF 3.

#### **Protection Policy 7.50: Projects on International Waterways**

The OP 7.50, Projects affecting international waters verifies that there riparian agreements and guarantees that the riparian states are informed and do not oppose objection to the project interventions. All investment projects are concerned. The activities in the Project will not trigger this policy.

#### **Protection policy 7.60: Projects in disputed areas (litigation)**

OP 7.60, Projects in disputed areas ensures the guarantee that, persons claiming their right to the disputed areas have no objection to the proposed project. The activities in the Project will not trigger this policy.

#### **II.4.3. Principles of the Extractive Industries Transparency Initiative (EITI)**

The EITI association is an international multi-level initiative in which participate representatives of governments and their agencies, oil, gas and mining companies, management companies of assets and fund, groups of local civil society and international non-governmental organizations. The EITI aims at making the principles of the EITI criteria standard recognized internationally on transparency in the oil, gas and mining sector. Indeed, EITI recognizes that enhancing transparency of revenues from natural resources helps to reduce corruption, and that incomes from extractive industries can transform economies, reduce poverty, and improve the standard of living of the population of the countries rich in natural resources.

#### **II.4.4. International Cyanide Management Code**

Beyond its regulatory obligations and in accordance with its corporate and environmental vision, AMARA MINING should prepare on a voluntary basis to accede to the international code of management of cyanide at the corporate central level. Its operation at Angovia should possibly be compliant when business conditions are conducive.

The international Code of management of cyanide for the production, transport and use of cyanide in gold mining (Code) is a voluntary industry program for gold mining companies developed by a Steering Committee made up of several stakeholders under the auspices of

the United Nations Environment Program (UNEP) known then as being the International metals and the environment (ICME) Council. The Code is managed by the International Institute of management of the cyanide (IIGC), a non-profit organization based in Washington, D.C. The Code aims to improve the management of the cyanide used in the extraction of gold and contribute to the protection of human health and reduction of impacts on the environment. The program focuses exclusively on safe cyanide management, residues of the cyanidation and solutions of lixiviation. The companies of gold extraction, manufacturers of cyanide and carriers of cyanide who become signatories of the Code have to undergo an audit of their exploitations every three years by an independent third party to prove their compliance with the Code. These exploitations which meet the requirements of the Code are certified. Audit results are made public on a Web site dedicated to inform the stakeholders of the practices of management of the cyanide followed by certifications. A unique symbol of trademark can be then used by the certified exploitation to prove the compliancy with the Code.

#### II.4.5. Regional and International Conventions

Since 1938, Côte d'Ivoire has signed and ratified about forty conventions, international agreements and treaties related to the environment. These conventions are under the guidelines and the content of the national policy.

These treaties regularly ratified have from their publication a superior authority to the national laws. Furthermore, in the absence of national texts on a given subject, Ivory Coast refers to international conventions. However, the implementation of conventions remains weak because of some difficulties due to:

- A lack of political support and commitment resulting in incentive measures;
- A low capacity for effective implementation;
- A lack of financial resources;
- A lack of economic incentive and benefit-sharing;
- Recurrent poverty and demographic pressure;
- The misunderstanding by the populations of the measures of the conventions.

AMARA MINING must integrate the requirements of these conventions into its environmental protection policy. These conventions are presented in the table on the next page.

Table 6: Agreements and International Agreements Related to the Project and Signed by Côte d'Ivoire

Conventions or agreement	Objects of agreements and Conventions	Date of ratification	Aspects related to the project activities
Convention – Framework of the United Nations on Climate Change (UNFCCC)	Concerning the greenhouse gases emissions	14/11/1994	Release of carbon monoxide(CO)and carbon dioxide ( CO2)
Vienna Convention for the protection of the ozone layer	Protect human health and the environment against the adverse effects of changes in the ozone layer	30/11/1992	Fight against the atmospheric pollution by reducing the quantity of generated dust and gas emissions
Protocol of ABIDJAN concerning the cooperation regarding fight against pollution in case of critical situation	Natural protection of natural resources Especially aquatic	5/08/1984	Existence of watercourses in the project area
MONTREAL Protocol on substances that Deplete the ozone layer (1987)	Protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely de modify the ozone layer	1992	The greenhouse gas emissions
BAMAHO Convention on the ban in Africa on hazardous waste ( 1991 )	Import ban in Africa of all the hazardous waste, for whatever reason, from not contracting Parties. Their import is declared illicit and liable to penalties	1994	It lays down the principle of absolute prohibition to import waste
Amendment in the international convention for the prevention of the water pollution by hydrocarbons, concerning the arrangement of holds and limits in the size of holds	Sound management of petroleum products near streams or drilling on the project site	18/05/1972	Use of petroleum products on the site for machines

Conventions or agreement	Objects of agreements and Conventions	Date of ratification	Aspects related to the project activities
BASEL Convention on the control of the cross-border movements of hazardous waste and their elimination ( 1989 )	Control of cross-border movements of materials and hazardous recyclable waste and the promotion of environmental management	12/01/1994	Reduce the cross-border movements of waste submitted to the convention in a compatible minimum with an effective and sensible environmental management of such waste. Minimize the quantity and toxicity of the waste generated and ensure an efficient environmental management, as close as possible to their source of emission. Help member states to set up a successful environmental management of hazardous waste and other substances they generate.
Stockholm Convention on persistent organic pollutants	Prohibition and elimination of hardly degradable and toxic chemicals	21/05/2003	It prohibits the production and export of the most harmful substances in the extractive industry and adopts measures to reduce or eliminate releases resulting from production and uses other intentional substances
Convention on Persistent Organic Pollutants (POPs)	Management of electrical equipment (transformers and PCB capacitors)	2004	Installation of electrical equipment on the site
OPRC Convention 1990 and its Protocol of 2000 <b>“Oil Pollution Preparedness, Response and Cooperation (OPRC Convention 1990)”</b>	This convention concerns the preparation, the fight and the cooperation regarding pollution by Hydrocarbons (Convention OPRC on 1990), it aims to commit Parties to take all the appropriate measures, according to prepare for the fight against oil pollution event	2007	When the use of hydrocarbons during all phases of the project on the site, AMARA MINING must take measures to prevent and act in case of spillage

Conventions or agreement	Objects of agreements and Conventions	Date of ratification	Aspects related to the project activities
RAMSAR Convention on wetlands of international importance to ensure a better protection of habitat and the nesting sites of certain migratory species	Develop and maintain an international network of important wetland areas for the conservation of global biological diversity and sustainability of human life, preserving their components, processes and ecosystem benefits or services	27/06/1996	Protection of the aquatic fauna
Rio de Janeiro, 1992 Convention on biological diversity	Keep the biological diversity and use him in a sustainable way; share the advantages of the biological diversity in a just and fair way	29/11/1994	Protection of the endemic species during the phases of the project Protection of the aquatic fauna
London Convention on the conservation of fauna and flora in its natural state (1933)	Keep the flora and fauna natural	31/05/1938	Protection of the wildlife and the wild flora
Kyoto Protocol to the framework convention of the United Nations on climate change	Reduction in the of greenhouse gases emission	23/04/2007	Reduce GHG emissions during the work
WASHINGTON Convention on the international trade of fauna and flora species threatened with extinction. CITES (1975)	Ensure that international trade in specimens of wild plants and animals does not threaten the survival of the species to which they belong	03/02/1993	Protection of Endangered species of fauna and flora

REPORT ON THE LEGAL AND INSTITUTIONAL FRAMEWORK

Conventions or agreement	Objects of agreements and Conventions	Date of ratification	Aspects related to the project activities
The UNESCO world cultural and Natural Heritage Convention (1972)	Ensure the identification, protection, conservation, enhancement and transmission to future generations of the cultural and natural heritage natural and cultural monuments, natural sites, geological and physiographic formations.	1977	Aspect of sustainable management of sacred sites
African Convention on the preservation of the nature and natural resources	Protection and rational management of natural resources	15/06/1969	Exploitation of natural resources

### III. INSTITUTIONAL FRAMEWORK

The procedure to carry out environmental assessments in Côte d'Ivoire involves many stakeholders, depending on the purpose of the study. For this project, the institutional framework concerning the National Public Institutions with various levels of intervention, at all stages of implementation of the project. These interventions will be in the form of control and audit of environmental compliance, assistance and support in the implementation of measures to remove, reduce, and offset the damaging consequences of the project on the environment.

Public organizations involved in environmental and mining of Côte d'Ivoire policies are essentially the administrative and technical organizations of the Ministry of Environment, Urban Safety and Sustainable Development and the Ministry of Industry and Mines.

#### III.1. Ministry of the Environment, Urban Safety and Sustainable Development

**Ministry of the Environment, Urban Safety and Sustainable Development** is the first institution in charge of environmental policy of Côte d'Ivoire. As such, and in conjunction with the various ministerial departments concerned, it has the initiative and the responsibility for the following actions:

– **Under environment**

- Planning and control of environmental policy: evaluation, studies and plans;
- Implementation of the environment code and protection of nature and environmental legislation;
- Management and monitoring of projects financed by the Global Environment Facility (GEF) and the United Nations Environment Programme (UNEP);
- Development of the environmental services of the national parks system and natural reserves in conjunction with the Ministers of tourism and Minister of waters and forests;
- Protection and development of aquatic ecosystems, rivers, lagoon, littoral, and wetlands;
- Management of national parks and natural reserves in collaboration with the Minister of Water and Forests;
- Control of classified installations for environmental protection;
- Coordination of the management of major natural hazards;
- Information, education and awareness in the field of the environment in collaboration with the Ministers of National Education, Higher Education and Communication;
- Capacity building means and monitoring control of industrial waste in association with the relevant Ministers;

- Participation in the control of the operation of sewerage and drainage systems, in conjunction with the Minister of Construction, Housing, Sanitation and Urban development;
- Participation in the development of sewerage and drainage policies, in conjunction with the Minister of Construction, Housing, Sanitation, and Urban Development;
- Supervision and monitoring of the management of industrial, agricultural, toxic or dangerous waste in association with concerned ministers.

– **Under sustainable development**

- Development and implementation of Government policy in the areas of sustainable development;
- Preparation and implementation of the Government's policy on renewable energy, development and promotion of green technologies helping to improve the quality of environment by reducing toxic discharges into the water, air and soil as well as the reduction of energy consumption in conjunction with the Minister of Mine, Petroleum and Energy;
- Development and implementation of the policy to fight against global warming and air pollution;
- Promoting sustainable management of scarce resources;
- Participation in international climate negotiations;
- Integration of sustainable development objectives in the development and the implementation of all of the policies implemented by the Government and their environmental assessment;
- Contribution to the development of the policy designed to involve citizens in determining the choice of projects with a significant impact on the environment;
- Proposal of any measure to improve the quality of life;
- Contribution to the development of education, training and environmental information to citizens;
- Establishment of sustainable development commission;
- Development, animation and coordination of water policy and biodiversity protection.

– **Under Urban Safety**

Since November 22, 2012, this Department is in charge of urban safety. As such, it has the initiative and responsibility to the following actions:

- Assistance and advice to the cities, Districts and Boroughs, in relation with the Minister of Interior;

- Project management, approval and monitoring of the realization of the garbage disposal infrastructure and industrial or household waste in urban and suburban areas;
- Supervision and monitoring of the management of domestic waste;
- Regulation and control of urban safety, including the prevention of the risks associated with domestic and industrial wastes;
- Development of cleanliness regulations;
- Prevention and alerts on urban pollution;
- Fight against urban nuisance and pollution;
- Promotion of cleanliness and civic spirit in term of health and comfort of life in city;
- Creation and monitoring of the management of support funds and support to development programs and urban safety;
- Coaching of the economic actors of the sector.

The structures under the supervision of this Ministry likely to be involved in this project are the National Environmental Agency (ANDE), the Ivorian Anti-Pollution Centre (CIAPOL) and the National Agency for Urban Safety (ANASUR).

### III.1.1. National Environmental Agency (ANDE)

ANDE, established by Decree No. 97-373 of July 02, 1997, has to ensure the coordination of the implementation of environmental development projects, follow-up and assessment of PNAE project, to establish and manage the portfolio of environmental investment projects, to practice alongside the Ministry in charge of Economy and Finance looking for financing and ensure the integration of environmental concerns in development projects and programs, ensure the establishment and management of a national system of environmental information, to implement the procedure of impact assessment and the assessment of the environmental impact of macroeconomic policies, to implement the International Conventions in the field of the environment and to establish a relationship with NGO networks. It includes an Environmental Impact Assessment Office (BEIE) whose duties established by Article 11 of Decree No. 96-894 of November 8, 1996 are among others:

- Technical assistance to the different organizations involved in the protection of the environment, including Administration, NGOs and other development partners (engineering offices, private companies, donors, etc.);
- The recording and evaluation of Findings Impact and Environmental Impact Studies for approval or authorization, under the seal of the Minister in charge of the Environment;
- Audit and monitoring measures recommended by the Environmental Impact Assessment;
- The Organization of public inquiries, with the concerned institutions.

The distribution in case of need, of information that could objectively inform the assessment of the proposed measures and their litters.

### III.1.2. Ivorian Anti-pollution Centre (CIAPOL)

CIAPOL, established by the Decree No. 91-662 dated October 9, 1991, aims to fight pollution and prevent risks and nuisances caused by economic activities, whether industrial or agricultural, in application of the legislation and the regulation of classified installations for the protection of the environment, participate in the assessment of the ecological quality, of water and air, execute the general policy control of industrial pollution sources. Four (4) major objectives underlying CIAPOL missions:

- Reduce current industrial pollution in industrial areas;
- Ensuring the security problem and risks to the protection of workers, populations and the production tool;
- Ensuring a rational use of raw materials used in manufacturing process and especially to water resources economy;
- Promote the use of low-waste technologies and promote the valorisation of by-products and industrial waste.

As such, CIAPOL may conduct inspections on the project site.

The CIAPOL is therefore the responsible body in the field of all spills of pollutants in nature in Côte d'Ivoire. To this end, the Company of Intervention against Marine and Lagoon Pollution (CIPOMAR) within CIAPOL manages these spills.

In addition, CIAPOL has an obligation to implement the POLLUMAR plan, national emergency plan in case of oil spills.

### III.1.3. National Agency for Urban Safety (ANASUR)

Created by Decree No. 2007-587 of October 4, 2007, the ANASUR is designed:

- The regulation of the operation of the industry of waste of all kinds having impact on urban safety;
- The concession of public service of cleaning and cleanliness of towns, cities, and districts of Côte d'Ivoire;
- The concession of treatment and processing of the waste;
- The Organisation and management of emergency operations;
- Planning, extension and equipment of urban safety infrastructure;
- The delegated project management of all maintenance and rehabilitation of the infrastructure;
- Control for the infrastructure conceded by the State to third parties or local authorities for transfer, sorting and garbage and waste processing.

As such, the ANASUR ensures:

- Planning, extension, equipment for of urban safety infrastructure;
- Delegated project management of all maintenance and rehabilitation of the said infrastructure;
- Assistance to communities and control of regulatory compliance of the intervention of service providers in the public health service in the terms of reference as defined by the specifications or otherwise by any regulations made by the competent authority.

AMARA MINING should therefore refer to this structure to ensure that the mine waste management system meets the prescribed standards.

### III.2. Ministry of Industry and Mines

This Ministry deploys policy of industrialization of the country and helps the development of the private sector. It is the Ministry of supervision of this project because it must, through its competent services, guide the proponent on the axes allowing it to pursue its activities in the Ivorian regulatory compliance and optimize its investments. Successive renewals of mining title, exploration authorization and production, granting permissions and successive renewals of the various authorizations (artisanal gold and diamond exploration, exploration of the sand quarries and construction materials, marketing of precious metals, export, import and use of explosive substances, etc.) are the exclusive responsibility of this Ministry.

The structure directly concerned by AMARA MINING project is the General Direction of Mines and Geology. It develops and coordinates the implementation of the national policy on mines. It deals, among other things, the preparation of various requests for authorizations files and mining titles, and the control and monitoring of mining exploration and exploitation activities on the national territory among others, the development and the progressive updating of the geological mapping of the country. To accomplish its tasks, the General Direction of Mines and Geology (DGMG) has:

- Four (4) Central Directions:
  - The Direction of the mapping and geological prospecting (DCPG);
  - The Direction of mining development (DDM);
  - The Direction of small-scale Artisanal Mining and Quarries (DEAPMC);
  - The Direction of mining monitoring and regulation (DRSM).
- Two (2) related Services:
  - Management of the Geosciences information and mining statistics Centre;
  - Administration and equipment Service.

Under this project, the institution within the Ministry in charge of the processing of mines is the Direction of the Mining Development. The latter shall submit after favourable technical opinion of the General Direction of Mines and Geology, the authorization for operation of the

mine to the attention of the Minister in charge of Mines in accordance with article 83 of Decree No. 2014-397 of June 25, 2014, fixing the procedure for the application of the Act No. 2014-138 of March 24, 2014 dealing with the Mining Code.

Moreover, the General Direction of Mines and Geology will ensure the control and monitoring of activities relating to the explosives and cyanide.

In addition to the Ministries in charge of the Environment and of Mines, there are other institutions and administrative organizations which could be concerned by this project.

### **III.3. Ministry of Construction, Housing, Sanitation and Urban Development**

The Ministry of Construction, Housing, Sanitation and Urban Development with the Planning Branch, the Direction of Construction and Habitat which promotes construction standards and land, sanitation and drainage with local authorities. This Department ensures compliance with the Ivorian legislation on population movement and expropriation. For this purpose he established construction standards adapted to the insertion area of any structure. Thus, its mission will be to control the insertion of the works carried out in the area and in respect of construction standards for this purpose.

This Department may be approached by the promoter to set building standards adapted to the project site.

### **III.4. Ministry of Economic Infrastructures**

Ministry of Economic Infrastructure with the General Direction of water Supply, the National Drinking Water Agency (ONEP) which ensures the control, protection and monitoring of water resources that could be used for the production of drinking water and guarantees the achievement, extension, strengthening and renewal of the water supply infrastructure; Roads Management Agency (AGEROUTE) whose missions are summarized in the preparation and execution of programming tasks, the procurement, monitoring work, road network monitoring, the constitution and operation of road data bank and capacity-building.

The project, during its construction phase, will require the implementation of road infrastructure for the transport of materials. The Direction of road Infrastructure (DIR) will be involved in monitoring the design and the realization of the road network infrastructures.

### **III.5. Ministry of Water and Forests**

Ministry of Water and Forests is responsible for the implementation and monitoring of the Government's policy on protection of water and the forest. As such, and in conjunction with the various ministerial departments concerned, it has the initiative and responsibility for the following actions:

#### **Under sustainable management of forests, fauna and flora**

- Promotion of sustainable operating conditions of forest resources;
- Definition and implementation of the national reforestation plan;

- Task of encouraging the development of the forestry sector by public authorities and private operators;
- Control forest exploitation;
- Control trading and marketing of wood products in liaison with the Minister in Charge of Economy and Finance;
- Management of hunting resources;
- Implementation of national policies for the sustainable management of wildlife and its rational use in conjunction with the Minister of Environment.

#### Under sustainable management and water protection

Implementation of water code with the respective Ministers in charge of economic infrastructure, environment, agriculture, health, and animal resources and fishery;

#### For the protection of fauna and flora

- Maintain integrity of the forest of the State;
- Fight against Bush fires and defend forests in association with Ministers in charge of Defence and Agriculture;
- Implementation of conventions and treaties concerning the protection of fauna and flora;
- Protection of soils and waters in association with Ministers of Agriculture and Animal Resources and Fishery.

#### Under planning

The planning of the botanical gardens and zoos in collaboration with decentralized communities.

The Direction of Management and Protection of Water Resources is responsible for the sustainable management policy and protection of surface waters. Operating a part of Lake Kossou is subject to authorisation or declaration from said direction.

Also, this Department will follow up on deforestation, during the development activities of Yaoure gold mine, through the Direction of Reforestation and forest Cadastre.

### III.6. State Ministry, Ministry of Interior and Security

**The State Ministry, Ministry of Interior and Security** with its devolved and decentralized entities (Prefecture of Bouaflé, sub-prefecture of Bouaflé, Town hall of Bouaflé) which ensure the involvement of local authorities and communities living in the project area in local development actions developed by AMARA MINING.

#### – Local authorities

As part of the implementation of this project, the entire actions are under the responsibility of the project area local authorities who are under this Ministry.

As part of its decentralization policy, the State has transferred some of its powers to local authorities. They compete with the State in the economic, social, health, educational, cultural and scientific development of populations and, in general, with the constant improvement of their living environment.

As such, local authorities are responsible for:

- Regional planning;
- Development planning;
- Urbanization and habitat;
- Communication channels and various networks;
- The transport;
- Health, public hygiene and quality;
- The protection of the environment and management of natural resources;
- Safety and civil protection;
- Education, scientific research and professional and technical training;
- Action, cultural and human promotion;
- Sport and recreation;
- The promotion of economic development and employment;
- The promotion of tourism;
- Hydraulic, sanitation and electrification;
- Promote family, youth, women, children, the disabled and people of the third age.

– **National Office of Civil Protection (ONPC)**

Created by Decree No. 2000-822 of November 22, 2000 amended by Decree No. 2008-60 February 28, 2008, transforming ONPC into a general direction, ONPC is responsible for:

- Implementation of the policy defined by the Government regarding civil protection;
- Application of regulation on civil protection;
- Civil protection training;
- Civil risk prevention;
- Awareness and first aid training;
- The Organization and coordination of emergency operations in the event of accidents, disasters, natural and technological disasters;
- Development and implementation of emergency plans;
- Emergency planning and equipment;

- The Organization and coordination of relief regarding humanitarian action;
- The fight against Bush fires;
- The refugee's management.

As part of this project, ONPC will intervene in the implementation of the system of prevention against fire and civil protection design phases, execution of works and operation of the mine. An IOP (Internal Operational Plan) should be developed and submitted to this organization for validation.

Due to the project site location in a territorial community area, it is the Sub-Prefecture of Bouaflé which is empowered to carry out investigations of commodo and incommodo.

The Minister in charge of Security, disaster launches the ORSEC plan. Also, for the convoy of toxic chemical substances (cyanide), this Department is involved in the convoy through the National Firemen Brigade (GSPM).

### III.7. Ministry of Health and the Fight against AIDS

The Ministry of Health and the Fight against AIDS with the Direction of Public Hygiene which is responsible for developing actions for the prevention of diseases encountered in the project area and to ensure the control of epidemiological surveillance by HIV infection and other types of pathologies.

As part of this project, the Public Hygiene Department will ensure through the National Institute of Public Hygiene to the hygiene conditions in which will be carried out operations, in order to protect the health of workers and the local population. Bouaflé health district could provide data on the health status of the department and especially the area housing project.

### III.8. Ministry of Agriculture

The Ministry of Agriculture with the General Direction of Rural development that is involved in the development of modalities for applying the compensation calculation of the losses of land and farms according to the Mining Code, due to careers development and access roads.

### III.9. Ministry of the Animal and Fishery Resources

The Ministry of the Animal and Fishery Resources through its Direction of Aquaculture and fisheries (DAP), will ensure the preservation of endemic species or typical of the aquatic ecosystem of the waterways. It is responsible for the implementation and monitoring of the policy of the Government in animal production and fisheries resources. It has the initiative and the responsibility for actions of planning and promotion. The AMARA MINING project has in its area of influence the Lake Kossou which is a fishing area.

### III.10. Ministry of State, Ministry of Employment, Social Affairs and Vocational Training

**The Ministry of State, Ministry of Employment, Social Affairs and vocational training** which is in charge of the implementation and monitoring of the Government policy on employment, the fight against poverty and issues related to social affairs. It is very involved through the economic and social challenges posed by the project, such as the creation of jobs for the local residents, improving the living conditions of the populations.

The structures supervised of this ministry that will occur under this project include:

– **The National Social Security Fund (CNPS)**

It manages the mandatory regime of social welfare of the private sector and assimilated.

It operates also in the field of health and social action (**CNPS**).

It manages the mandatory regime of social welfare of the private sector and assimilated.

It operates also in the field of health and social action.

– **The Labour Inspection**, whose role is to:

- Control the application of the legislation and regulation of labour, employment and social welfare;
- Advise the parties and mediate individual disputes and conflict of labour and employment;
- Ensure compliance with occupational health regulations.

AMARA MINING must declare its expatriate and local employees at AGEPE.

### III.11. Ministry of Economics

The Ministry of Economics is responsible for the formulation of laws and economic strategies, of the economic administration for all public institutions, and companies owned in part or entirely by the State. It is also responsible for the tax and customs services. AMARA MINING will work directly with the customs services under this Ministry, as its products concerned are subject to customs regulation. AMARA MINING will deal with the relevant services of the tax departments under this Ministry for all tax related matters in his activities. Customs is also involved in the importation of building materials and equipment for the work, and also in the conveying of explosives and cyanide on the project site.

### III.12. Ministry Delegated near the President of the Republic in Charge of Defence

The Ministry delegated near the President of the Republic in charge of defence has a monitoring role in the fight against acts of terrorism. Given the particular nature of mining activities, this department will organize visits in the project area.

Also, its oversight role of the territorial waters and the Exclusive Economic Zone (ZEE) provides to this Department a monitoring role in the fight against the pollution generated by the activities of industrial companies. This Ministry, through the National Gendarmerie is involved in the conveying of explosives and cyanide on the project site

### III.13. Ministry of Transport

The Ministry of transport is responsible for the monitoring and implementation of all actions that can ensure the fluidity of any transport chain in association with the organizations and structures whose activity interferes with the transport.

The structure supervised to intervene in this project is the Office of Road Safety (**OSER**).

OSER was created by the Act n ° 78-661 of August 04, 1978, in the form of a national public administrative institution, with legal personality and financial autonomy. It aims to fight against road accidents. In this project, it may intervene in the establishment of a management system for the transportation of machinery and equipment.

#### III.14. Ministry of Trade, Crafts and the Promotion of SMEs

The Minister and his Cabinet, the General Direction and Central design coordinate and implement the national trade policy. They ensure compliance with the price fixed in the territory as well as to the implementation of the legislative and regulatory texts on Ivorian territory. Thus it will intervene in the process of commercialization of products of AMARA MINING and fraud control.

#### III.15. Ministry of Higher Education and Scientific Research

Universities, research centres and institutes, laboratories supervised by this ministerial department participate by their teaching and research programs in sustainable environmental management. Their jurisdiction affects all areas affected by the problems of the environment (physical, natural and human environment). The Yaoure gold project is of scientific interest for universities, research centres and institutes, laboratories supervised by this Ministerial Department.

#### III.16. Ministry of Petroleum and Energy

**The Ministry of Petroleum and Energy** has a right to inspect all hydrocarbons storage activities, among others, throughout the national territory. As part of AMARA MINING project, this Department will issue, on the basis of the stored quantities of hydrocarbons, the authorisations.

#### III.17. Main NGOs, Institutes and Scientific Organizations involved in the Management of the Environment

Beside the above-mentioned technical structures, we also have the action of organizations or non-governmental associations involved in the protection of the environment.

The movement of NGOs and associations began in the 90s with the economic downturn creating more difficult living conditions. Since 1999, the emergence of NGOs is stronger.

In the field of the environment, there are a hundred NGOs largely organised in networks. Several NGOs are the Federation of NGO Networks and Associations of the Environment (FEREAD). There is a political will to involve civil society and, increasingly, NGOs involved in the political dialogue.

Simultaneously, universities, research centres, institutes and research laboratories have a good reputation and their relationship with the State structures responsible for the environment is good, based on a long tradition of cooperation. Specifically, it concerns the following structures:

- National Centre of Floristic;

- Nangui Abrogoua University (UFR of Sciences and Environmental Management and the Station);
- LAMTO Ecological and Geophysical Station Centre of Ecology Research (CRE);
- The Tropical Geography Institute (IGT);
- Oceanologic Research Centre (CRO);
- The Institute for Renewable Energy Research (IREN);
- The Physic Laboratory of Atmosphere (Félix Houphouët Boigny University, UFR of SSMT);
- The National Test Laboratory, Metrology and Analysis (LANEMA);
- The Industrial Processes Laboratory, Synthesis, Environment and New Energies (LAPISEN) of the INPHB;
- Institute of Oceanography, etc.

### III.18. Structures to be Consult

For the success of the implementation of this project, the proponent should involve in its decision-making membership of certain structures, including those listed in the table below.

Table 7: Institutions and Organizations to Consult in the Project Framework

Institutions	Organizations	Roles
Ministry of the Environment, Urban Safety and Sustainable Development	ANDE	-ToR Drafting - ESIA report Validation -Issuance of order of approval -Environmental monitoring -Environmental audit
	CIAPOL	-Environmental authorization -Inspection of facilities -Approval of subcontractors -Convoy of toxic substances
	ANASUR	Support for the establishment of a waste management plan for the site
Ministry of Industry and Mines	General Direction of Mines and Geology (DGMG)	Control and monitoring of mining exploration and exploitation activities Exploration Licenses issuance
Ministry of Industry and Mines	Company for the Mining Development of Côte d'Ivoire (SODEMI)	-Identification and implementation of the national mineral potential through acquisition of mining titles -Signing agreements of partnership with credible mining companies Participation in major mining projects in the country
	Interministerial Commission of Mines (CIM)	Technical examination of the application of the operating licence

Institutions	Organizations	Roles
		-Disputes resolution between mining title holder and land occupants mentioned in paragraph 2 of Article 128 of the Mining Code
Ministry of Construction, Housing, Sanitation and Urban Development	Direction of Construction and Habitat	Establishment of construction standards adapted to the area of insertion of any structure
Ministry of Economic Infrastructures	- General Direction of water Supply - National Drinking Water Agency (ONEP)	Implementation, extension, strengthening and renewal of drinking water infrastructure (Request for authorization for hydraulic drilling)
	Direction of Road Infrastructure (DIR)	Monitoring the design and implementation of the road network infrastructure (road and engineering structure such as the dam)
Ministry of water and Forests	Direction of Management and Protection of Water Resources	Issuance of authorisation or declaration from said direction for the operation of a portion of Lake Kossou
	Direction of Reforestation and forest Cadastre	Monitoring of deforestation, during development of the gold mine
State Ministry, Ministry of Interior and Security	- Prefecture of Bouafle, - sub-prefecture of Bouafle, - Town hall of Bouafle	Ensure the involvement of local authorities and communities living in the project area
	ONPC	- Establishment of the system of the fire prevention and preparedness in phases of design, execution of works and operation of the mine - Validation of POI
	GSPM	Conveying of toxic substances
Ministry of Health and the Fight against AIDS	Direction of Public Hygiene	Epidemiological data from the project area
Ministry of Agriculture	General Direction of Rural development	Application of the calculation of compensation for loss of land and agricultural holdings according to the Mining Code
Ministry of the Animal and Fishery Resources	Direction of Aquaculture and fisheries (DAP)	Data on endemic or any typical species of Lake Kossou
Ministry of State, Ministry of Employment, Social Affairs and Vocational Training	National Social Insurance Fund (CNPS)	Declaration of personnel recruited or causal
	Agency for Promotion of Employment (AGEPE)	Declaration of expatriates

Institutions	Organizations	Roles
Ministry of Economics	General Direction of Customs	Economic and financial monitoring and ensuring the financial control of mining activities
	General Direction of Taxes	-Payment of the annual surface rent -Payment of the ad valorem tax sitting on the sales reached after deduction of transportation costs (price FOS) and refining -Payment of community fees on all of the imports
	CEPICI	Exemption from certain taxes
Ministry delegated near the President of the Republic in charge of defence	- National Gendarmerie - Republican Forces of Côte d'Ivoire (FRCI)	Conveying of explosive substances
Ministry of Transports	Office of Road Safety (OSER)	Fluidity of the entire transport of gear and equipment
Ministry of Higher Education and Scientific Research	Fundamental Research Units (UFR) Research Institutes, Laboratory Research and Analysis	Supply of environmental research data, social and mining
Ministry of petroleum and Energy	Direction General of Hydrocarbons (DGH)	Authorization of storages of hydrocarbons Electricity supplying
NGO	Federation of NGO Networks and Associations of the Environment (FEREAD)	Taking into account environmental and social civil society

#### *Hierarchical Organization of the Structures to be consulted*

In the decentralized administrative system, the President of the Republic appoints the prime minister. Upon proposal of the prime minister, the government members (ministers) are appointed by decree of the president of the republic.

The ministers during the ministers council propose the directors general who are appointed by decree. The regional and departmental directors are appointed by ministerial order from the supervising minister.

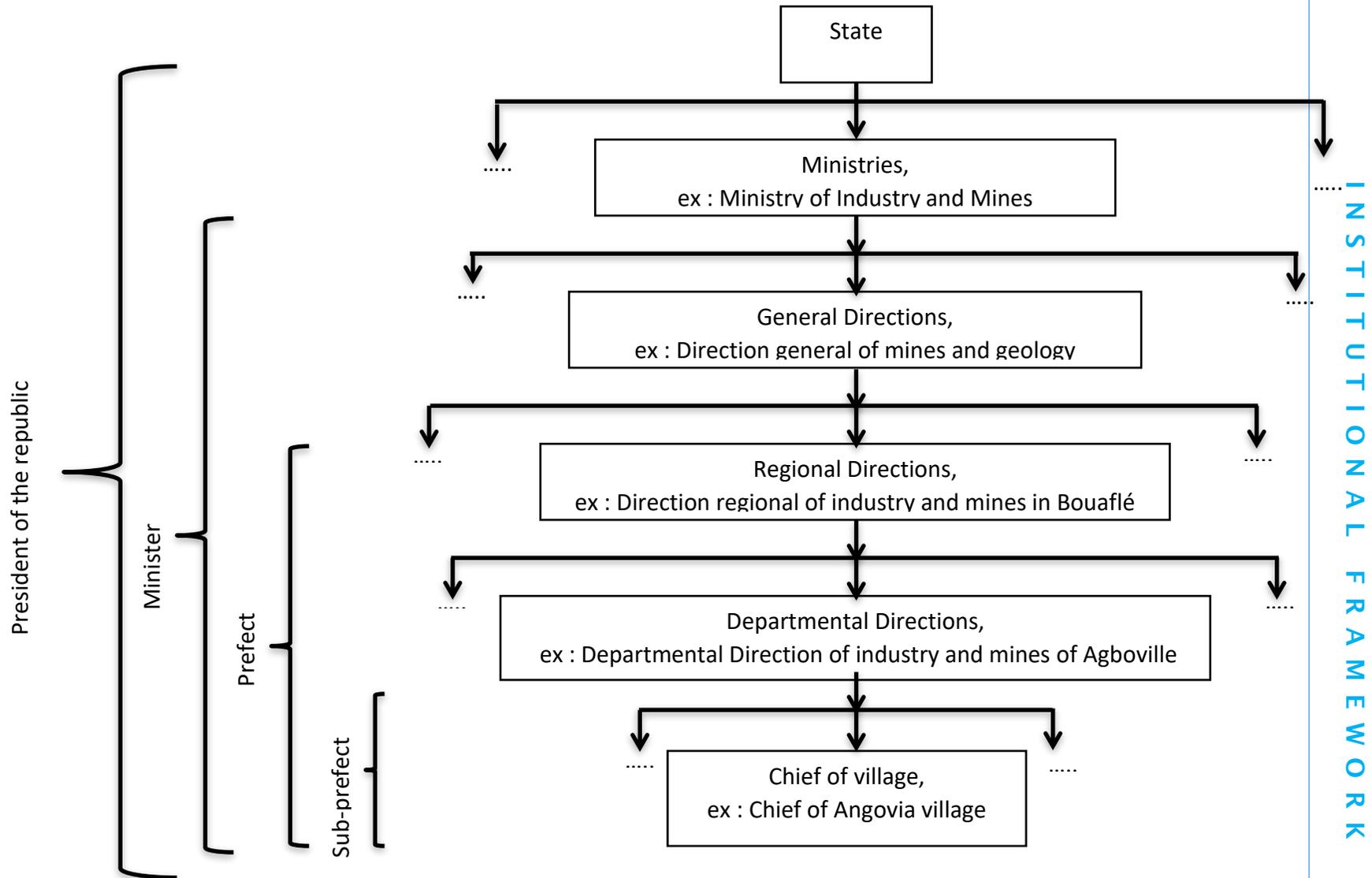
Moreover, each ministry has its local representative. That representation is in charge of applying the decisions made at the level of the supervising ministry in such a way that all decisions made at a higher level of the State are applied all over the territory.

In the Framework of the decentralized administrative system, the ministries are represented in order of importance by the general direction, the regional and departmental direction under the supervision of the Prefects of Region and Department, who are representing the president of the republic within their administrative districts.

As such, the regional and departmental directions are answerable to the prefect. Upon proposal of the State minister, minister of interior and security, prefects and sub-prefects are appointed by decree taken during the ministers' council.

The Chiefs of villages are under the supervision and authority of the sub-prefect himself under the authority of the region and department prefects.

In general, the decentralized administration in Côte d'Ivoire is hierarchically structured and is as hereunder shown in below diagram:



Picture 2 : Overall Organization of the decentralized administration in Côte d'Ivoire  
 Source : 2D Consulting Afrique

#### IV. TAKING INTO ACCOUNT THE GOLD WASHERS

Gold mining activity provides income for thousands of families.

These are mostly foreigners from the West African sub-region, which constitute the workforce in this activity.

At the level of small-scale and artisanal gold extraction, there is a Mining Code, which gives authorisation resulting from the liberalisation of the sector, to Ivorians to practice this activity. Thus in its article 65, it is stipulated: "artisanal mining operating permission is granted by order of the Minister of Mines, subject to prior rights, after consultation with the competent administrative authorities and the urban municipalities or rural communities, to the:

- Persons of Ivorian nationality;
- Ivorian shareholding co-operative companies.

The awards of authorisation artisanal mining operating conditions are determined by Decree. Usually the craft sector is not subject to this legal procedure.

The Gold washers are largely in hiding, there is no organization official said sector. They live mainly the resources of this activity. However, the realization of the project of AMARA MINING will compel the present Gold washers on its site to cease their activities.

In Côte d'Ivoire, there is no legal framework for the compensation of the Gold washers who must be moved from the gold deposit of Yaoure.

As such, a three-year strategic plan to ensure the mastery and control of the consequences is proposed by the Ministry in charge of mines. It includes four (4) axes:

- Knowledge of the environment;
- Capacity building of the actors and reducing risks associated with use of mercury;
- The organization and the enhancement of gold panning;
- The development of related activities for the social reinsertion of Gold washers.

The plan's main objective is to organize and supervise the activity of gold mining so that it passes an illegal artisanal mining activity to legal and authorized and respects the rules of the trade especially the physical and social environment.

Sites that do not meet these requirements will be systematically closed down by the police. All prospector or other collector who refuses to identify and record will be expelled by the forces of panning for gold.

For those miners who enter legally, a mentoring program will enable them to better develop their activity on sites which have been authorized by the mining administration. This program will focus on best practices in gold mining to avoid any adverse consequences. The framework

will also focus on the non-use of children on gold mining and non-use of chemicals on the sites.

Gold panning must occur in compliance with the rules. The Ministry of Industry and Mines is working on it. The plan, which was adopted also, aims at identifying all sites, identifying all those who work and close to all sites that are not allowed. All those, whose work must be enrolled. And they will be organized and supervised. So far, 148 gold panning sites have been identified in the Centre and North of the country. These sites will be systematically closed. The Government through the Ministry of Industry and Mines will ensure this activity of gold mining is practiced in standards as in all countries that have a mining sector. There will be a training and especially for children awareness. The activity must also lead to commercialization in the standards. Gold panning is an activity that can be positive and contribute to the development of the country. But this must be done in the rules. There will be local committees, chaired by the Prefects with all relevant departments that will be in all areas where this activity is practiced.

It should be noted that Ivorian legislation in General does not make mention of gold panning. What the Government wants to do is to urge them to organize themselves in cooperative to become semi-industrial or artisans, in order to receive a permit.

Under the current law, they are in illegality. However they constitute a very large population to consider in the negotiations. The best practice would be to negotiate with landowners; those who help them settle or promote their retention.

## CONCLUSION

This set of acts, decrees and orders defines the regulatory framework of the Yaoure Mining project.

However they are not exhaustive. Certain activities or transactions, which will be done within the implementation of the project, could be referred to other pieces of legislation that have to be integrated.