

**Explanatory Document and Procedure  
for the determination of  
Areas Temporarily Excluded (ATE)  
For the  
Fairtrade Standard for Gold and Precious Metals from  
Artisanal and Small-scale Mining**

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**1. Standards Text**

**Geographical scope**

The geographic scope of the Fairtrade Standard for Gold and Precious Metals is the Global South. See Annex 3 in the Standard for the complete geographical scope policy of producer certification for Fairtrade International.

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

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



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

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

## **2. Explanatory Notes**

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

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

Fairtrade is responsible for delimiting and publishing ATEs. The determination of ATEs according to the below described procedures shall be delegated to the Fairtrade Standards Committee.

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

### **2.1 Procedure for the determination of Areas Temporarily Excluded**

1. Proposals for ATEs may be presented by any stakeholder in writing to the Fairtrade Standards Unit. Electronic submission shall be directed to the Product Manager for Gold (PM) at gold-pm@fairtrade.net who will evaluate the proposal and submit it to the Standards Committee. The Product Manager shall also act without having received a proposal, if a conflict that requires an ATE comes to his/her knowledge. The Product Manager will keep records of all proposals.
2. The proposal for an ATE has to briefly describe the alleged conflict between farmers and artisanal miners and indicate the involved stakeholders. Proposals for ATEs should be presented using the template provided in Annex A, and be accompanied by related background information and evidence.
3. The Product Manager for Gold (or a person nominated by the Standards Committee for that purpose) will evaluate the proposal within 30 days after reception, conducting a desktop appraisal of the situation. The investigation covers an extensive Internet research, and includes - if necessary - correspondence with stakeholders. Field visits are not considered a requirement. The result of the investigation and the proposed action shall be documented as “preliminary decision” using the corresponding report template (Annex B).

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

Guidance for proposed action:

- 3.1 Proposals for ATEs shall be rejected only if no evidence of the conflict can be obtained, if the conflict is of minor significance (such as different positions during ongoing negotiations) or if evidence proves that the conflict has ceased to exist.
  - 3.2 If evidence of conflict between farmers and artisanal miners is confirmed, the ATE shall be declared for an initial period of 2 years. Subsequent reviews of the situation shall cover 3 years for the second period and 5 years for any subsequent periods.
  - 3.3 If a conflict has been found to be resolved, the ATE restrictions shall be lifted, without requirement for further periodic review.
4. Preliminary decisions regarding ATEs made by the Fairtrade Standards Committee (or the person nominated for that purpose) take effect immediately and will be reviewed by the Standards Committee at the next meeting.  
  
All preliminary decisions shall be reported to the Standards Committee at the next ordinary meeting. The Standards Committee takes the final decision and may ratify the preliminary decision, modify it, or request a second opinion from a third party nominated by the Standards Committee. The Standards Committee is free to reconsider its decisions whenever new evidence surfaces.
  5. Any result of an investigation (preliminary or final) which results in an ATE to be declared, shall be communicated within 5 days after decision making to FLO-CERT and Fairtrade and be published on the Fairtrade International. The ATE comes into force with publication.
  6. This document shall be made publicly available on the Fairtrade International website.



## ANNEX A: ATE Request Template

# Fairtrade Standard for Gold and Precious Metals from Artisanal and Small-scale Mining

### ATE Request (Area Temporarily Excluded)

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

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

#### Details of proposed ATE

<b>Region</b>	
<b>Country</b>	Country where the conflict between agricultural and artisanal mining producers exists ...
<b>State, District</b>	First and second level administrative unit where the conflict between agricultural and artisanal mining producers exists ...
<b>Proposed Excluded Area</b>	Location (village, valley, etc.) where the conflict between agricultural and artisanal mining producers exists ...  Please describe the proposed borders of the proposed ATE area ...
<b>Stakeholders</b>	List of involved stakeholders (including contact data if available) ...
<b>Short description of conflict</b>	Please provide a summary of the existing conflict (extended descriptions can be provided as annex) ...
<b>Provided evidence and other attached documents</b>	Please list all provided hardcopies or hyperlinks of presented evidence ... ... ... ...

Date:	Place:	Signature:
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## ANNEX B: ATE Report Template

# Fairtrade Standard for Gold and Precious Metals from Artisanal and Small-scale Mining

### ATE Evaluation Report (Area Temporarily Excluded)

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

### Evaluation

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



	<u>Videos</u> ... http:// Other ...
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### Preliminary decision and immediate action to be taken

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

### Final decision taken by the Gold SSC

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