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PROPOSED REGULATIONS GOVERNING MINING UNDER A CLASS C MINING LICENSE OF THE REPUBLIC OF LIBERIA

USAID GOVERNANCE AND ECONOMIC
ASSISTANCE PROGRAM (GEMAP)

AUGUST 2010

This publication was produced for review by the United States Agency for International Development. It was prepared by Jennifer Hinton, J. Wood, and S. K. Mwenechanya for IBI International through the USAID Governance and Economic Management Assistance Program (GEMAP) Liberia Improved Budget, Assets and Mining Management (LIBAM) Project.

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This document was produced for review by the United States Agency for International Development. It was funded by USAID and prepared by IBI International for the USAID/GEMAP Project, task order/contract number GEG-I-00-04-00007-00.

DISCLAIMER

The views of the authors expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

CONTENTS

EDITORIAL NOTES ON THE PROPOSED CLASS C MINING REGULATIONS	iii
General.....	iii
Objectives.....	iv
Definitions.....	v
1. SECTION ONE: DEFINITIONS, INTERPRETATIONS AND APPLICABILITY	1
1.1. Definitions	1
1.2. Principles of Interpretation	2
1.3. Applicability	2
2. SECTION TWO: CLASS C MINING RIGHTS	3
2.1. Grant of Class C Mining Rights:.....	3
2.2. Limitations on the Right of a Licensee to Conduct Mining.....	3
3. SECTION THREE: TERM OF LICENSES	4
3.1. In General.	4
3.2. End of Term	4
3.3. Extension of the License Term	4
4. SECTION FOUR: CLOSURE AND APPROVAL DELAYS.....	5
4.1. Mine Closure	5
4.2. Response to Approval Delays.....	5
5. SECTION FIVE: OBLIGATIONS OF A LICENSEE	6
5.1. Obligation to Receive Advisory Support	6
5.2. Sale of Minerals	6
5.3. Record Keeping and Reporting.....	6
6. SECTION SIX: COMPLIANCE MONITORING AND RESPONSE TO NON-COMPLIANCE	7
6.1. Inspections	7
6.2. Non-renewal of the License	8
6.3. Requests for Reconsideration of the Non-renewal of the License	8
7. SECTION SEVEN: TRANSFER OF A LICENSE	9
7.1. Request and Approval of Transfer	9
8. SECTION EIGHT: FINANCIAL PROVISIONS	10
8.1. Fees	10
8.2. Procedures for Payment of Fees	10

9.	SECTION NINE: SAFETY, HEALTH AND ENVIRONMENTAL PROTECTION	11
9.1.	Environmental Protection: S 8 of the MMA	11
9.2.	Safety and Health: S 16 of the MMA.....	11
10.	Section Ten: Miscellaneous.....	12
10.1.	Force Majeure	12

ANNEXES

	ANNEX ONE: SCHEDULES TO INTERIM CLASS C REGULATIONS	13
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EDITORIAL NOTES ON THE PROPOSED CLASS C MINING REGULATIONS

GENERAL

Outlined below are considerations by USAID GEMAP technical review team which have resulted in changes to the form and content of the reviewed and edited regulations drafted by the USAID GEMAP Short-Term ASM Expert, starting on Page 1. They are:

1. The regulations should contain the application procedure for Class C mining licenses either separately or within its clauses. This omission will, in all probability be rectified when the mining cadastre regulations are promulgated.
2. Only regulations that provide procedures or specify authorised fees, charges, etc have been retained. Regulations which merely restate what is contained in the mining law have been deleted. Among the affected clauses are:
 - (i) **S 2.3**—License Area and Restricted Areas
 - (ii) **S 3.4**—Extension of the License Term
 - (iii) The whole of Section 5: **Land and Facilities**—(**S 5.1** - Limitation on Right to Enter Land; S 5.2 - Manner of Obtaining Access; S 5.3 - Use of Resources from the Land)
3. Clauses in the regulations which are considered unrealistic or unenforceable have been removed. Early termination of licenses has been substituted with non-renewal of licenses because the 1-year license term is too short to permit the procedures involved in early termination. Provisions relating to appointment of mine managers are not attainable under the current conditions of Class C mining license holders.
 - (i) **S 6.1**—Commencement of Work
 - (ii) **S 6.2**—Duty to Work During License Term
 - (iii) **S 6.3**—Conduct of Work
 - (iv) **S 7.2 and S 7.3 which are now S 6.2** and S 6.3—Instead of ‘Termination’ it now has ‘Non-renewal’
4. Clauses in the regulations which are not provided for in the mining law. Work plans are not a requirement for Class C license holders under the current mining law. Their removal from the regulations has also resulted in leaving Class C license holders without statutory guidance on compliance with safety, health and environmental protection. A decision is needed on how to provide for this critical requirement. The affected clauses are:
 - (i) **S 4.2**—Content of the Work Program
 - (ii) **S 4.3**—Approval or Disapproval of a Work Program

Schedule	Purpose	Main Contents
Schedule One: Class C Work Program	<ul style="list-style-type: none"> ▪ Meet MML EMP Requirements. ▪ Outline and promote comprehension of working obligations. ▪ Provide a simple-to-follow guide for Compliance Monitoring. 	<ul style="list-style-type: none"> a. Particulars of Licensee b. Site Details c. Mining Methods d. Processing Methods e. Environmental Management Plan f. Health, Safety and Labour Provisions g. Signature of Commitment h. Signature of MLME Officer.

See Attached Example.

5. Decentralization will only be feasible when mlme has adequate capacity. The regulations are not linked to the current inadequacies of mlme staff but are catering for a developing regulatory institution.

OBJECTIVES

Ordinarily the objective of regulations is not to state the law; they give procedures on how the provisions of the law are to be implemented. Authority to issue regulations is given in a particular provision of the law or is sometimes broadly given but, always, without stepping out of the enabling law.

In an environment in which not complying will be easier than complying for most people, and in which it will be difficult, for some years to come, to effectively enforce compliance, it is important to structure the regulations so that compliance can be more financially rewarding than non-compliance i.e. miners should realize more return from selling legally than from selling to smugglers and other illegal dealers. At the local level, an open and fair value marketing strategy is needed. Local buyers and dealers should work with and be monitored by local stakeholders including mining agents but also locally-based ngos without undue influence from the local political establishment. To keep the Class C diamond traffic in legal channels it is necessary for legal buyers and dealers to come to the mine and immediately provide cash in exchange for production.

The purposes of regulating small mining operations, at the artisanal level, chiefly aim to provide health and safety of workers; environmental protection; avoidance of the destruction of agricultural lands; and getting product through the legal economy. Revenue generation through taxes is subordinate to the immediate objective of getting the product flowing through the licensed broker/dealer network and collect royalties and taxes at that level.

DEFINITIONS

Financier: means a Person who has been identified in the Work Program as such and who shall provide financing for the operation of the Licensed Class C operation. No justification for inclusion in the Regulations [Note: It is not necessary to mention a financier in a Work Program otherwise a Work Program would need to be amended or be deemed inaccurate if a Financier comes on board after the Work Program is filed or the case where there is a change in the identity of the Financier, consequently, the term Financier is recommended for deletion]

Mine Manager: means a Person who is designated by the Licensee as identified on the Class C License Certificate and further verified by a Photo Identify Card to supervise and manage all Work under the license and designate a representative in his or her absence from the site during hours of operation. Under the existing Act, appointments of Mine Manager and competent persons in general are impractical and inappropriate

Mining Law: means the Minerals and Mining Law of 2000, appearing as Part 1 of Title 23 of the Liberian Code of Law Revised, as from time to time amended, supplemented or modified, and unless the context otherwise requires, any regulations issued pursuant thereto other than these regulations.

Mine Worker: means a Person above 16 years of age who is engaged in digging, hauling, mineral processing or other persons engaged directly in the operations under the authority of the Class C License.

1. SECTION ONE: DEFINITIONS, INTERPRETATIONS AND APPLICABILITY

1.1. DEFINITIONS

Unless the context otherwise clearly requires, the terms listed below have for the purposes of these regulations the meanings set forth below:

Advisory Support: means recommendations for appropriate technical, financial, social or procedural action provided in verbal, pictorial or written form. Advisory Support may pertain to technical practices described in the Work Program; procedures, working requirements and obligations set forth in these regulations; the Law or any other regulations under the Law.

Authorized Person: Any Person that is authorized by the Minister or the Mines Inspectorate to exercise a power or function under the Act and holds written proof indicating such authorization.

Cooperative: Cooperative means a collective of freely organized artisanal miners, each holding a proper and valid mining license that has its own organizational structure and by-laws offering technical assistance to its members and organizing collective sales of the rough diamonds produced¹.

GDO Technical Officer: means any person authorized by the Minister to exercise a power or function in the Government Diamond Office as provided for under the Act.

Law: means the Minerals and Mining Law of 2000, appearing as Part 1 of Title 23 of the Liberian Code of Law Revised, as from time to time amended, supplemented or modified, and unless the context otherwise requires, any regulations issued pursuant thereto other than these regulations.

Licensee: means the Person to whom a Class C License is issued by the Republic. The term "Licensee" includes the successors and assigns of such Person permitted by these regulations.

Licensed Broker: means a Person who holds a valid Broker's License pursuant to Section 15.2 of the Mining Law.

Licensed Dealer: means a Person who holds a valid Dealer's License pursuant to Section 15.3 of the Mining Law.

Mines Inspector: means the Inspector General, Deputy Inspector General, Mines Inspectors each of whom shall hold a Photo Identity Card identifying such position and any other Person that is authorized by the Minister to act in any of those capacities.

Mining Agent: means a Mining Agent who holds a Photo Identity Card identifying such position and any Person authorized by the Minister to act in any of those capacities.

¹ As discussed in Section 4.3, this unfortunate description must adhere to MML Amendment (2004).

Renewal: means extension of the License Term for a period of 12 months in accordance with Section 3.4.

Work: means all activities undertaken by or on behalf of a Licensee under its Class C License, including the preparation for Mining, the conduct of Mining, the shutdown and demobilization of Mining, all post-Mining environmental and other restoration and remediation and all administrative and financial requirements as required in this Regulation.

1.2. PRINCIPLES OF INTERPRETATION

All references to these regulations or to Law are to these regulations or to Law from time to time in effect. References to a “Section” or a “Schedule,” without other specification, are references to Sections of or Schedules to these regulations.

1.3. APPLICABILITY

These regulations apply to a License when issued. They do not apply to the process of applying for or obtaining a License. The license application procedure is covered separately.

2. SECTION TWO: CLASS C MINING RIGHTS

2.1. GRANT OF CLASS C MINING RIGHTS:

- (a) A License grants to the Licensee for the License Term the exclusive right to Work in the License Area on the terms and conditions set forth in these regulations for such Minerals as may be specified in the License.
- (b) The right to Work does not grant to the Licensee ANY RIGHT to conduct mining or exploration outside of the License Area, or to conduct mining in any portion of the License Area after the Class C License has been surrendered or deemed surrendered pursuant to the relevant provisions of these regulations or after the License Term has expired or otherwise been terminated as provided in these regulations.
- (c) A License grants the right to a Licensee, Mine Manager or Mine Worker under the License to receive Advisory Support from any Person Authorized by the Minister within two months of submission of a written request to the Minister, at the conclusion of a site inspection by an Inspector of Mines pursuant to Section 6.6 and promptly at any time during personal visits to Regional or Central Offices of the MLME Inspectors of Mines, GDO Officers or any other Person authorized by the Minister. Advisory Support shall be provided in accordance with the functions and job descriptions of aforementioned officers and shall be provided in good faith in accordance with competence levels.
- (d) A Licensee has the right to be orally informed upon receipt of any documentation pertaining to these Regulations, inclusive of related Schedules, of his or her right to receive Advisory Support from Authorized Persons at no fee with respect to the Law, the completion of Schedules and adherence to provisions of these Regulations.

2.2. LIMITATIONS ON THE RIGHT OF A LICENSEE TO CONDUCT MINING

- (a) Approval of the Work Program must be obtained from the Minister prior to commencement of Work and Work shall be undertaken only in accordance with that specified in the Work Plan.
- (b) The Licensee may not use large scale, heavy duty or earth moving or dredging equipment in its operations.

3. SECTION THREE: TERM OF LICENSES

3.1. IN GENERAL.

- (a) The term is for twelve months starting on the Effective Date and ending on the anniversary of the effective date.

3.2. END OF TERM

- (a) Each License automatically expires at the end of the Initial Term or Renewal Term (if it is a renewed License).
- (b) Following this, a Licensee has 3 months to fulfill working obligations for closure (and has the right to receive Advisory Support on how to do so).

3.3. EXTENSION OF THE LICENSE TERM

- (a) A Licensee can apply for a Renewal to extend the License Term for an additional period of twelve (12) months by submission of Schedule Three and new Work Program to the Minister or the Office of the Regional Mining Agent on behalf of the Minister no more than 60 days prior to Expiration. The Licensee has the right to apply for a Renewal to extend the License Term an indefinite number of times.
- (b) The Minister will approve the Extension if it satisfies the requirements of the new Work Program (Section 4), Schedule Three and working obligations have been fulfilled to the satisfaction of the Mines Inspectorate. If in default, the applicant shall be given 30 days within which to cure the default. If after 30 days the default is not remedied, the license shall not be extended and will expire on the expiry date of the license.
- (c) If the Licensee has satisfied submission requirements for Schedule Three and thereafter has in good faith sought diligently to fulfill working obligations then the Extension of License Term will be deemed to have been approved by the Minister within 60 days of the date stamped receipt of Schedule Three.
- (d) The License will terminate if the Licensee has not commenced Work within 90 days of the Effective Date of the extension.

4. SECTION FOUR: CLOSURE AND APPROVAL DELAYS

4.1. MINE CLOSURE

Following expiration, a Licensee has 3 months to conduct any environmental restoration and remediation work and decommissioning of any equipment or facilities .

4.2. RESPONSE TO APPROVAL DELAYS

If the Licensee is not notified within 30 days, then approval is assumed and work can commence with an effective date 30 days past the date of the submission Receipt.

The License will terminate if the Licensee has not commenced Work during the term of the license.

5. SECTION FIVE: OBLIGATIONS OF A LICENSEE

5.1. OBLIGATION TO RECEIVE ADVISORY SUPPORT

A Licensee has the right to seek and is obligated to receive Advisory Support from any Person Authorized by the Minister to provide such Advisory Support in the event that obligations provided in Section 6 cannot be reasonably fulfilled.

5.2. SALE OF MINERALS

- (a) A Licensee must sell only to a Licensed Broker or a Licensed Dealer.
- (b) Royalties on mineral production shall be paid prior to export and payment is the responsibility of the Exporting Licensed Dealer or Licensed Broker

5.3. RECORD KEEPING AND REPORTING

- (a) In the case of diamonds, the Licensee or Mine Manager shall report diamond production to the Regional Diamond Office and obtain a voucher from the Regional Diamond Office prior to sale.
- (b) In the case of diamonds, one voucher shall be provided to the Licensed Broker or Dealer and one copy shall be retained by the Licensee or Mine Manager together with a receipt obtained from the Licensed Broker or Dealer.
- (c) The Mine Manager shall keep record of all minerals sales indicating the date of sale, sale price, Licensed Dealer's or Licensed Broker's Name and their License number.
- (d) The Mine Manager shall keep a register with the list of Mine Workers to be updated on the first of every month.
- (e) The Mine Manager shall keep a register listing any accidents causing injury, the date of their occurrence and response measure taken.
- (f) In the event of a major accident, The Mine Manager shall follow emergency procedures outlined in the Work Program and shall report the incident by telephone or in Person to the nearest Authorized Person.

6. SECTION SIX: COMPLIANCE MONITORING AND RESPONSE TO NON-COMPLIANCE

6.1. INSPECTIONS

- (a) A Mines Inspector may, without prior notice, visit and inspect any facilities or operations of a Licensee in Liberia while operations are occurring.
- (b) The failure of MLME or other authorized Agency to make any such inspection or ascertain in any such inspection the existence of any breach by the Licensee of any of its obligations will not affect the ability of the Government to require compliance by the Licensee with such obligations.
- (c) As a condition to permitting any such inspection, a Licensee is entitled to insist upon the display by the Inspector of his or her MLME Identity Card
- (d) A Licensee or Mine Manager is further entitled to review the Mines Inspection Report Form together with the Mines Inspector at the conclusion of any inspection, both parties, without prejudice, must sign the report of the review.
- (e) In the event no work or activity is taking place on the site, the Mines Inspector shall undertake the inspection and indicate as such on the Mines Inspection Report Form.
- (f) The Licensee shall rectify reported infractions within the following time frames:
 - (i) Within a maximum of 90 days from the Inspection Date for infractions that are not immediately life threatening inclusive of, but not limited to: inadequate functioning of, or failure to construct, a sedimentation basin; gold amalgamation using mercury without the use of a retort; inadequate distance of ore and overburden stockpiles from water bodies and open pit walls; absence of pit latrines or toilets and hand-washing stations on site when more than 10 Mine Workers are active; inadequate personal protective equipment (PPE) for Mine Workers; inability of Mine Workers to state the terms agreed with the Licensee or Mine Manager; upon absence of a photo identification of a Mine Manager; absence of, or inadequate use of, a waste disposal site for rubbish; and lack of, or inadequate record keeping or reporting.
 - (ii) Within a maximum of 10 days from the Inspection Date for immediately life-threatening infractions or those that represent violations, which include but are not limited to: signs of impending failure of an open pit wall or underground shaft or tunnel; absence of a Mine Manager or designee on site during hours of Work; deprivation of food or a cash equivalent to Mine Workers; deprivation of reasonable medical care in response to an accident causing injury to Mine Workers; and under age children engaged in any Work.
 - (iii) An immediate Termination of Work as provided in Section 7.2 and, within a maximum of 3 days from the Inspection Date, conclusion of decommissioning of all equipment and tools, for infractions that

contravene the prohibitions on: use of large scale, heavy duty or earth moving or dredging equipment; and Work undertaken in Protected Zones.

In the event that subsequent inspections or Schedule Four: Quarterly Reports indicate that mitigation measures have not been employed to satisfy provisions of Section 6 within the identified time frames in Section 6.1, then the Licensee is in non-compliance and the Minister may give notice for License Termination as provided in Section 6.2.

6.2. NON-RENEWAL OF THE LICENSE

- (a) The Minister or Person Authorized by the Minister may give notice of Non-renewal of a License (“a Non-renewal Notice”) at any time that a the Class C License as provided in Section 9.14(c) of the Mining Law due to:
 - (i) Lapse of the License term
 - (ii) Violation of the provisions put forth in these Regulations following notice of a Mines Inspector as evidenced by a copy of the Mines Inspection Report signed by the Mine Manager and subsequent failure to cure any such material violation within the time conditions put forth in Section 6.1. In this case, the Termination Notice shall be effective two months after the Termination Notice is sent to the Licensee.
 - (iii) Contravention of prohibitions on the use of large scale, heavy duty or earth moving or dredging equipment; and Work undertaken in Protected Zones. In this case, the Termination Notice shall be effective upon failure to cure the default within the stipulated period following the Termination Notice being sent to the Licensee.
 - (iv) Failure to pay fees as put forth in Schedule Six of these Regulations. and the Licensee has not cured the default in two months following the date when the fees fell due..
- (b) The Non-renewal Notice must provide the grounds for its issue and must include a statement of the right of the Licensee to request reconsideration of the License non-renewal within the time period provided.

6.3. REQUESTS FOR RECONSIDERATION OF THE NON-RENEWAL OF THE LICENSE

- (a) If the Licensee exercises the option to request reconsideration of the non-renewal, the Licensee shall submit a written response to the Minister within the time periods provided in Section 6.1. The Minister shall have 15 days to review the response and determine if grounds for revocation of the Non-renewal Notice exist.
- (b) If a Licensee wishes to challenge the determination of the Minister that a License Non-renewal Event has occurred and is continuing, or the issuance of an order to stop Work, it shall give notice requesting a hearing to the Minister and the Minister of Justice within 30 days of receipt of the Minister’s determination. The notice must contain a summary in reasonable detail of the facts expected to be relied upon to establish that a License Non-renewal Event has not occurred or the order to stop Work is not justified under these Regulations.

7. SECTION SEVEN: TRANSFER OF A LICENSE

7.1. REQUEST AND APPROVAL OF TRANSFER

- (a) A Licensee may apply for the right to transfer the Class C License by completing and submitting to the Minister a Schedule Five: Application to Transfer a Class C License.
- (b) Approval of a Request to Transfer a Class C License shall be on the basis of eligibility of the transferee as provided in Section 4 of the Mining Law.

8. SECTION EIGHT: FINANCIAL PROVISIONS

8.1. FEES

The Licensee shall pay fees provided in Schedule 6 as follows:

- (a) Fee for the Class C License upon approval of the application is in the amount of 50 USD (fifty United States Dollars). Proof of payment shall be required prior to release of the License.
- (b) Fee for the Renewal of a Class C Mining License in the amount of 50 USD (fifty United States Dollars). Proof of payment shall be required prior to release of the renewed Certificate.
- (c) Fee for the Transfer of a License in the amount of 20 USD (twenty United States Dollars). Proof of payment shall be required prior to release of the Approval of the Transfer.

8.2. PROCEDURES FOR PAYMENT OF FEES

Fees shall be paid to the Ministry of Finance. An official receipt shall be immediately issued upon payment and shall be retained by the Licensee as proof of payment.

9. SECTION NINE: SAFETY, HEALTH AND ENVIRONMENTAL PROTECTION

9.1. ENVIRONMENTAL PROTECTION: S 8 OF THE MMA

- (a) For the protection of the environment in the mine license area, the holder of a Class C Mining License shall conduct the mine operations in accordance with the environmental protection plans, guidelines and instructions issued or given by the Mines Inspectorate established under the mining law
- (b) A Class C License holder shall notify the Mines Inspectorate and/or Mine Agent to inspect a license mine area a month before closure of a mine. The holder will be required to undertake environmental rehabilitation of the area within the control of the Class C Mine License Holder. A Holder who fails to comply is liable to being declared ineligible for applying for a Class C Mining License.

9.2. SAFETY AND HEALTH: S 16 OF THE MMA

- (a) A Class C License holder must employ measures that with the standards of safety and health set by the Mines Inspectorate. For this purpose, the Mines Inspectorate shall assist the Holder in developing appropriate safety and health instructions for the particular mine operations. The instructions which shall be in writing must be kept in good condition and in such a location that they can be promptly produced on request

10. SECTION TEN: MISCELLANEOUS

10.1. FORCE MAJEURE

- (a) If a Licensee is rendered unable, in whole or in part, by force majeure to carry out any obligation imposed on it by these regulations, the Licensee's obligation to perform such obligations is suspended to the extent provided in the Mining Law.
- (b) For the purposes of these regulations, "force majeure" has the meaning set forth in Section 9.21 of the Mining Law.

ANNEX ONE: SCHEDULES TO INTERIM CLASS C REGULATIONS

Contents of Recommended Schedules for Interim Class C Regulations should be developed using basic language and simple formats to aid applicants, licensees and others in using them. Lists of options with check boxes (with options for “other”) and space for descriptions will be useful. This is also an opportunity to monitor performance of MLME Officers, who should “sign off” at the bottom of each form if they provided assistance in their completion.

The list of proposed schedules and their contents include:

Schedule	Purpose	Main Contents
Schedule One: Application to Surrender a License	<ul style="list-style-type: none"> Provides a simple fill-in-the-box template to apply for surrender of a License 	<p>A simple statement requiring filling in the blanks and a dated signature by the Licensee and Mine Manager. For example:</p> <p><i>I <u> [name] </u> holding Class C License No. <u> [lic. #] </u> hereby express my intent to surrender this license as of <u> [date] </u>.</i></p>
Schedule Two: Application to Extend a License Term	<ul style="list-style-type: none"> Enables Renewal of a License (which implies re-granting of a concession) but does not contravene PPCA. Provides a simple fill-in-the-box template to apply for Renewal. Requires resubmission of a new Work Program (<i>Note: this may change very little, but supports re-review of obligations by Licensee</i>). 	<p>(a) Particulars of License.</p> <p>(b) Have any Inspections been conducted on your License within the past 12 months? (Y/N). If yes:</p> <p>(c) When and who did the inspection (leave option for “don’t know”)</p> <ul style="list-style-type: none"> If yes, check any infractions below that apply to you and how they were mitigated. Indicate if you had difficulty mitigating some infractions and why. (<i>Include list of options to check Y/N and space for description if needed</i>) If yes, did you receive advice from an MLME Officer on how to mitigate these infractions? (Y/N). If yes, was this assistance not useful, somewhat useful, useful or very useful. (<i>allow for comments</i>) <p>(d) Have all Working Obligations of Section 6 of the Regulations and the Previous Work Program been met? (Include list of options to check Y/N and space for description).</p> <p>(e) Have you attached a new Work Program? (Y/N)</p> <p>(f) What are main differences between your previous and new Work Program? (List check box options and leave space for “other” and “comments”)</p>

Schedule	Purpose	Main Contents
		<p>(g) Did you receive assistance in completing this form? (Y/N). (If yes leave space for name and signature.)</p> <p>(h) Name and Dated signature of Licensee or Mine Manager</p>
<p>Schedule Three: Quarterly Reporting Requirements</p>	<p>(j) Monitor status of work, assess performance of Licensee <i>and</i> MLME and aid in compilation of national and local ASM statistics.</p>	<p>(a) Particulars of License.</p> <p>(b) Reported Production in the Quarter.</p> <p>(c) Number of workers active in Month 1, 2 and 3. (each by male/female).</p> <p>(d) Number of active pits ____ and/or underground tunnels ____ at time of reporting.</p> <p>(e) Number of inactive pits ____ and/or underground tunnels ____ at time of reporting.</p> <p>(f) Have steps been taken to safely close inactive pits and or tunnels? (Y/N). Brief outline of what has been done (if measures not yet started, should include description of what will be done and when).</p> <p>(g) Number of accidents causing death: ____ [Describe with response measures taken].</p> <p>(h) Number of accidents causing injury: ____ [Describe with response measures taken].</p> <p>(i) Have you received any advice, training or assistance in completing any forms from an MLME Officer in the past 12 months? (Y/N). If yes:</p> <ul style="list-style-type: none"> • Who provided the advice (leave option for “don’t know”) • What type of advice/training/assistance was provided. (Include list of options to check Y/N and space for description)? Have a parallel column for each indicating (circle one) not useful, somewhat useful, useful or very useful. • Any other related comments. <p>(j) Do you intend to change or have you changed any of the mining and processing methods described in your work program? (Y/N) (If yes please explain. Significant changes may require a Revised Work Program)</p> <p>(k) Did you receive assistance in completing this form? (Y/N). (If yes leave space for name and signature.)</p> <p>(l) Name and Dated signature of Licensee or Mine Manager</p>

Schedule	Purpose	Main Contents
Schedule Six: Fees	<ul style="list-style-type: none"> ▪ To ensure costs associated with licensing are reasonable and accessible given the constraints facing the majority of Liberian miners and mine workers. 	<p>Note: As Fees for Application cannot be specifically prescribed and the Work Program shall accompany the application, no “application fee” exists, per se, according to the Regulations.</p> <p>(b) License fee upon Approval = 50 USD /acre</p> <p>(c) 1-year Extension of = 50 USD/acre</p> <p>(d) Preparation of Mine Managers Identify Card = 10 USD</p> <p>(e) Transfer of a License = 20 USD</p>

The sample of the Work Program below will only apply when Work Programs are provided for under the mining law.

Section B: Mining (Ore Extraction) Activities Schedule One: Class C Work Program

Note to Licensees and Mine Managers:

1. You have the right to receive assistance in completing this form from an Officer of the Ministry of Lands, Mines and Energy authorized by the Minister to do so. Also see the Class C License Guidelines for step-by-step assistance.
2. Any information provided on this Schedule may be verified by Mines Inspectors or other Authorized MLME Officers at any time while the license is valid. If the information provided herein is proven to be untrue, the Licensee may be held in non-compliance which may result in cancellation of the License.
3. Sections A and B are used to ensure that issues identified in Sections C, D and E are appropriate to your site. In some cases, your Work Program may change as mining progresses and should be indicated on Quarterly Reporting Forms.

Class C License No.:	Official Reference No.: <i>(To be filled by MLME)</i>
Name of Licensee:	Name of Mine Manager:
Telephone No. <i>(if available)</i> :	Telephone No. <i>(if available)</i> :
Is this a Cooperative? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide name of authorized representative:	Number of years experience in mining: <input type="text"/> Years Number of years experience in the License Area: <input type="text"/> Years
Telephone No. <i>(if available)</i> :	
Address:	General Description of License Location: <i>(E.g. distance to nearest village, rivers, forests, highways or other landmarks near to or within the License Area)</i>
District:	
County:	

(Leave blank if not known. Will be filled by the MLME Officer reviewing your Work Program)

Mining District:	Mining Zone:	Mining Agency:
Mineral of Interest <i>(circle all that apply)</i> : Diamonds Gold Other <i>(please specify)</i> : _____		

Section A: General Information about Land Owners and Occupants of the License Area:

1. Are villages, houses, farms or crops located within your license area?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Possible
2. Will your mining activities disturb any homes, houses, land or crops?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Possible
3. If yes, have you come to agreement with all land owners (if not GOL) or land occupiers whose houses, land or crops may be disturbed about terms of compensation? If no or not yet, explain why:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Yet

(Note: The Law prohibits "mining employing large scale, heavy duty or earth moving equipment" on a Class C License. Use of this equipment shall result in Termination of the License).

1. Will your operation be (circle one):	Open Pit	Underground	Both
2. Where will extraction activities take place? (check all that may apply)	<input type="checkbox"/> In a river, stream or lake. <input type="checkbox"/> Next to a river, stream or lake. <input type="checkbox"/> On land	<input type="checkbox"/> In a forest. Please provide name of forest(s): _____	
3. What type of tools and equipment will be used for extraction? (check all that may apply)	<input type="checkbox"/> Sledgehammers <input type="checkbox"/> Iron bars or pry bars. <input type="checkbox"/> Shovels/spades <input type="checkbox"/> Jackhammers or concrete breakers <input type="checkbox"/> Other (please specify):	<input type="checkbox"/> Water pumps <input type="checkbox"/> Wheelbarrows. <input type="checkbox"/> Buckets and basins <input type="checkbox"/> Pulleys and winches	

Section B: Mineral Processing Activities

(Note to Reviewers of this Report: although most ASM activities are limited to alluvial or colluvial materials at present, particularly if interest in gold mining increases, artisanal miners may begin to recover coarse gold associated with quartz, even in highly weathered material. Thus, this section necessarily leaves the door open for some crushing and grinding).

1. What type of equipment will the operation use to process and recover your mineral(s) of interest? (check all that may apply)	<input type="checkbox"/> Small hammers <input type="checkbox"/> Grinding stones <input type="checkbox"/> Manual Jigs <input type="checkbox"/> Mechanized Jigs. <input type="checkbox"/> Sluice boxes. <input type="checkbox"/> Grease Tables <input type="checkbox"/> Crushing and grinding machines (please specify type and size): <input type="checkbox"/> Other (please specify):	<input type="checkbox"/> Basins, pans or bateas <input type="checkbox"/> Shaking Tables <input type="checkbox"/> Amalgamation of gold with mercury. <input type="checkbox"/> Retorts (gold mining only) <input type="checkbox"/> Water pumps. <input type="checkbox"/> A Generator
2. Where will mineral processing activities be located in working areas on your License? (check one option from each column)	Distance to the nearest river, stream or lake: <input type="checkbox"/> In the water or on the shore. <input type="checkbox"/> 0 – 5 metres away <input type="checkbox"/> 6 – 10 metres away <input type="checkbox"/> More than 11 metres away	Distance to open pit or underground workings: <input type="checkbox"/> In the pit or underground. <input type="checkbox"/> 0 – 5 metres away <input type="checkbox"/> 6 – 10 metres away <input type="checkbox"/> More than 11 metres away

Section C: Environmental Management Program

1. Water and Tailings Management

(a) Indicate the source of water the operation intends to use for mineral processing: (check all that may apply)	<input type="checkbox"/> River, stream or lake. <input type="checkbox"/> Borehole <input type="checkbox"/> Rainwater collection	<input type="checkbox"/> Spring water. <input type="checkbox"/> Other (please specify):
(b) Will the operation divert water from a river, stream or lake using a dug channel or trench?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(c) Will the operation include construction of a water impoundment or basin to contain water?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> Maybe	<input type="checkbox"/> Maybe

<p>(d) After processing, where will tailings (fine sand and waste material) and process water be discharged? <i>(check all that may apply)</i></p>	<p><input type="checkbox"/> Back to the river, stream or lake.</p> <p><input type="checkbox"/> Into a dug basin or natural depression on land</p> <p><input type="checkbox"/> Onto open land</p>	<p><input type="checkbox"/> In an abandoned or un-used pit.</p> <p><input type="checkbox"/> Other (please specify):</p>
<p>(e) Based on responses above, indicate commitment to fulfill the following obligations: <i>(check only those that apply)</i>. Use general criteria in the Class C Guidelines and/or in consultation with an MLME Officer to help you fill in blanks and respond. The Licensee shall ensure:</p>		
<p><input type="checkbox"/> (i) Any water is not taken from a river, stream or lake for use in the operation in quantities that will deprive downstream water users of sufficient supply of water.</p>		
<p><input type="checkbox"/> (ii) A river or stream is never completely dammed or blocked.</p>		
<p><input type="checkbox"/> (iii) Tailings and process water are discharged to a simple sedimentation pond with an opening on the downstream side to release excess water. This shall be a dug basin or natural depression with dimensions of ___ metres deep, ___ metres wide; and ___ metres long with a water outlet located on the downstream side. If the level of tailings reaches within ___ metres of top of the embankment, an additional pond will need to be dug. If full, no additional tailings should be discharged to the pond as it may break the embankment.</p>		
<p><input type="checkbox"/> (iv) In the case of gold mining and if mercury is used, amalgamation is never conducted within a natural water body, all Mine Workers use a retort and gloves during amalgam burning and waste containing mercury is kept in a separate location such that it cannot enter any natural water body.</p>		
<p><input type="checkbox"/> (v) If work has ceased in a given area of a License or if the License is terminated, suspended or has expired:</p> <ul style="list-style-type: none"> ▪ Any blockages placed in water bodies for the purpose of redirecting water are removed and the point where water enters a diversion channel or trench is blocked to a degree that stops the natural water from entering the trench using stable materials (rocks, packed soil) of no less than 0.5 metres and to an adequate thickness such that it is unlikely to be later eroded, even in the rainy season. ▪ If diversion trenches exceed 0.5 metre deep, trench walls are pushed in and diversion trenches or channels are backfilled with waste rock (if available) followed by overburden/soil so that trench depth does not exceed 0.3 m. ▪ The point where water or waste discharges to a river, stream or lake is closed off using stable materials (rocks, packed soil) and to a sufficient extent that it is unlikely to be later eroded, even in the rainy season. 		
<p>2. Overburden, Waste Rock and Ore Management</p>		
<p>(a) Will overburden be excavated in the course of mining?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>	
<p>(b) Will waste rock be excavated in the course of mining?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>	
<p>(c) Will ore need to be stockpiled before processing in the course of mining?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>	
<p>(d) Based on responses above, then indicate commitment to fulfill the following obligations: <i>(check only those that apply)</i>. Use general criteria in the Class C Guidelines and/or in consultation with an MLME Officer to help you fill in blanks and respond to questions. The Licensee shall ensure:</p>		

- (i) All large bushes and trees overlying the area of intended excavation are removed before digging commences.
- (ii) Overburden, soils and vegetation are stockpiled separately from waste rock and ore stockpiles.
- (iii) If work has ceased in a given area of a License or if the License is terminated, suspended or has expired:
 - Waste rock, if available, is backfilled into the bottoms of open pits and/or trenches, followed by backfilling of overburden to promote vegetation regrowth. This shall be done in conjunction with provisions in Section D.
 - Level any remaining stockpiles to a reasonable extent and so their height is a maximum of 3 metres.

Section D: Health, Safety and Labour

1. Safety of Open Pits and Underground Workings

(a) Based on whether the operation will be based on open pit or underground mining or both, then indicate commitment to fulfill the following obligations: (*check only those that apply*). Use general criteria in the Class C Guidelines and/or in consultation with an MLME Officer to help you fill in blanks and respond. The Licensee shall ensure:

- (i) Work is halted and affected excavations are evacuated immediately in the event of rapid water inflow or signs of ground movement until the excavation is drained and/or stabilized.
- (ii) In the case of open pit excavations, once an excavation depth reaches ____ metres, benches of ____metres wide and ____metres high are dug into the walls of the pit.
- (iii) In the case of open pit excavations, overburden is stripped at least 3 metres back from the edge of the open pit wall.
- (iv) In the case of open pit excavations, overburden is never undercut.
- (v) In the case of open pit excavations, stockpiles of ore and/or stockpiles of overburden and vegetation are located *no less than* 10 metres from the edge of the open pit wall and the river, stream and lake and with maximum stockpile heights not exceeding 5 metres.
- (vi) In the case of underground excavations, in areas where rock or soil is weak, supports comprised of timber or other competent materials must be used to stabilize walls and roofs of shafts and tunnels.
- (vii) In the case of underground excavations, collars of timber, sand bags or other competent materials are constructed around all openings/entrances.
- (viii) In the case of underground excavations, a shade is constructed to direct water away from the entrance.

2. General Safety and Health

(a) Indicate commitment to fulfill the following obligations (*check only those that apply*). Use general criteria in the Class C Guidelines and/or in consultation with an MLME Officer to help you fill in blanks and respond. The Licensee shall ensure:

- (i) A Mine Manager holding a valid photo identification card or his/her designee are on-site and within the areas of active Work at all times during working hours.
- (ii) All Mine Workers are provided with and use reasonable personal protective equipment (PPE) appropriate to their tasks and functions.
- (iii) Children under the age of 16 years are prohibited from Work at the operation.
- (iv) In the case of gold mining and if mercury is used, women of childbearing age and children are prohibited from handling mercury or being within 10 metres of any area where and while amalgam burning is taking place.
- (v) In the case where more than 10 Mine Workers are active in a given site for a duration of more than 30 days, a minimum of one pit latrine or toilet and basic handwashing station (jerrycan or bucket) is installed.
- (vi) In the case of an accident causing injury on the work site, Mine Workers are provided with adequate and prompt medical treatment at the cost of the Licensee.

- (vii) In the case of a major accident, inclusive of a tunnel or shaft collapse, pit wall failure or other event that poses an imminent risk to human life, the affected area is immediately evacuated until the situation is rectified, with the exception of any reasonable and safe measures undertaken to rescue affected Persons.
- (viii) Any fatality of a Mine Worker or other Person that occurs in the course of, or as a consequence of, mining activities and infrastructure of the mine (open pits, equipment etc) are immediately reported to the nearest Authorized MLME Officer.

3. Labour

(a) Indicate commitment to fulfill the following obligations: (*check only those that apply*). Use general criteria in the Class C Guidelines and/or in consultation with an MLME Officer to help you fill in blanks and respond. The Licensee shall ensure:

- (i) Terms of work and payment are clearly agreed between the Licensee/Mine Manager and every Mine Worker prior to commencement of their work on the License Area and every Mine Worker should be able to expressly state these terms at any given time and terms are complied with throughout the License term.
- (ii) Women and men engaged in the same functions receive equal treatment with respect to negotiated terms of employment.
- (iii) Verbal and physical abuse in the work place is prohibited. In the event that the Mine Manager is a perpetrator of verbal and physical abuse, Mine Worker(s) should be free to report incidences to Licensee without repercussions to the Mine Worker(s).
- (iv) Drugs and alcohol are prohibited from the work site(s) and any Mine Manager or Mine Worker under the influence of drugs and alcohol is immediately sent away from the site until the following day.
- (v) Any Mine Worker is free to resign at any time, provided notice is given in accordance with agreed upon terms.
- (vi) The contents of the Work Program are reviewed with all Mine Workers, including within the first 3 days of commencement of work on a License Area and again on a quarterly basis.

I, _____, hereby affirm that all information provided herein has been provided to the best of my
Name of Licensee or Cooperative Representative
 knowledge and shall ensure all commitments shall be fulfilled as indicated herein.

_____ *Signature* _____ *Date*

Did any MLME Officer provide you with assistance in preparation of this Work Program? Yes No

If yes, the officer should complete the section below:

_____ *Name of MLME Officer*

_____ *Signature* _____ *Date*

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