EXPLORATION AND ENVIRONMENTAL CONSERVATION ON MINE SITES

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PRESENTATION OUTLINE

1. INTRODUCTION
2. LEGAL FRAMEWORK
3. INTERSECTORAL INITIATIVE
4. PROSPECT TO REVISE THE MINING CODE
1. INTRODUCTION

- Located in the Central part of Africa

- Official Language: *French* to which we can add 4 main local languages: Lingala, Kikongo, Tshiluba and Swahili.

- Population: ca. 75,000,000 inhabitants.

- The official Legal is Romano-Germanic System.
2. MINERAL RESOURCES

The Democratic Republic of Congo has several mineral substances in its soil and subsoil, among others, there are Copper, Cobalt, Lead, Zinc, Silver, Cassitérite, Gold, Diamond, etc.

Mineral substances mentioned above are, to date, industrially exploited such as Copper, Cobalt and Diamond. But, Cassitérite and Gold are still exploited on an artisanal basis. This year, Gold may be exploited on an industrial basis.
2. LEGAL FRAMEWORK

1. Mining activities in DRC are conducted under Law No 007/2002 of 11 July 2002 respecting Mining Code and Decree No 038/2003 of 20 March 2003 on the Mining Regulation.

2. Four Zones are defined as tools for environmental protection, namely:

2.1. Protected areas: any geographic area delineated on the surface, which is forming national park, hunting forest, zoological and/or botanic garden or protected sector.
2.2. Restricted areas: any portion of the national territory, the use of which for mining purposes is subjected to the prior authorization from the relevant Authority, the owner or lawful occupant (graveyard, dam, airport, town, city, village, road, railway, highway, etc.)

2.3. Restricted access areas: any geographical area situated in the vicinity of mining or quarry sites created through Departmental Order;
2.4. Natural reserves: any portion of the national territory classified as a natural reserve (biosphere reserves, natural reserves, forest reserves, etc.)
MAP OF MINING RIGHTS AND PROTECTED AREAS

Decembre 2013
ENVIRONMENTAL OBLIGATIONS FOR THE HOLDERS OF MINING AND QUARRY RIGHTS

• Any mining operator shall comply with the provisions of the Mining Code and Regulations with regard to the environmental and/or ecosystem protection with the purpose of mitigating the impact related to mining operations on the environment

• **During Explorations**
  Before starting mining exploration activities, the holder of an exploration licence must prepare the Mitigation and Rehabilitation Plan and, which should be approved for the projected activity

**During Exploitation**

Any applicant for an Exploitation Licence must submit an Environmental Impact Study together with an Environmental Management Plan for the Project and obtain the approval of his EIS and EMPP, as well as implement the EMPP.
• The Environmental Impact Study (EIS) shall describe the ecosystem and fauna and flora, soils and the land form as well as air quality before starting any mining operations. It specifies the aspects which may be affected qualitatively and quantitatively by the mining exploitation activity.

• In addition, the Environmental Impact Study (EIS) shall state measures to be taken for the environmental protection, disposal and mitigation of pollutions and sites rehabilitation and to check the effectiveness of such measures as well.

• Holders of mining and quarry titles that will not comply with the legal provisions regarding the environmental protection are liable to penalties as provided for in law.
MINERAL RIGHTS AND PORTFOLIO EVOLUTION

2011: 606 Opérateurs

2012: 557 Opérateurs

2013: 468 Opérateurs

- Exploration
- Exploration Avancée
- Développement
- Production
3. INTERSECTORAL INITIATIVES

In addition to environmental obligations as set forth in the Mining Code and Regulation, there are three (3) other intersectoral initiatives, namely:


The forest zoning is a core process regarding the sustainable management of DRC forest resources. It results in the completion of allocation plan of forest lands as stipulated in forest law, i.e., classified forest, protected forests and permanent commercial forests.
in order to avoid land-related disputes and conflicts of interests among different stakeholders (miners, oil companies, Energy, farmers, forest companies, preservers, etc.)

2. Africa Biodiversity Collaborative Group (ABCG), initiative from an American agency.

The purpose of this initiative is to inform USAID and its partners on emerging subjects and high priorities for biodiversity conservation and environmental protection on the African Continent.
3. **The participatory mapping, the initiative of OSFAC** (Monitoring the forests of Central Africa using remotely sensed data sets)

This group deals with the monitoring of forests.

This group deals with the publishing of the risk map (overlaps maps mining, hydrocarbons, farms, forest, energy, etc) that overlap with the REED pilot project in the DRC, which have an impact on the REED process.
4. PROSPECT TO REVISE THE MINING CODE

DRC is currently in the revision phase of the Mining Code. In this regard, DRC is revising any provisions relative to the environmental protection by stressing on the improvement of supervision of tools and departments responsible for the environmental evaluation during exploration and exploitation phase.
THANK YOU