

# Legal, policy and Institutional Management : ZELA's experiences

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# Outline of presentation

- Introduction on the AMV & the importance of legal and institutional management
- ZELA's work
- Challenges

# Introduction

- 8 years since the adoption of the AMV
- Number of pillars or clusters
- Legal and institutional mechanisms
- Country Mining Visions

# Importance of law , policies and institutional frameworks

- At the national level, the AMV is realised through laws, policies and institutional frameworks
- Law
- Policy
- Institutions

# ZELA's work

- Training & Capacity Building of CSOs, CBOs ,Government and the Private sector
- Advocacy to have the Mines and Minerals Act reformed based on the Africa Mining Vision
- Research to benchmark reforms in the mining sector on the AMV – legal, policy and institutional frameworks
- Draft Minerals Policy , 2012

# ZELA's work on the AMV

- Facilitated outreach by Members of the Portfolio Committee on Mines and Energy on the Draft Mines and Minerals Amendment Bill
- Review of the draft Mines and Minerals Amendment Bill

# Findings on the review of the MMAB

- Use it or lose it policy
- Designation of Strategic Minerals
- Mining cadastre establishment
- Improved access to information
- Safety Health and Rehabilitation Fund
- Strict Liability for directors of mining companies for environmental damage
- Value Addition & Beneficiation
- Listing on the Local Stock Exchange

# Findings of the review of the MMAB

- Failure to reform the Mines and Minerals Act based on the AMV
- Riverbed Mining
- Ousting of the role of the Ministry of Environment , Water & Climate
- Free , Prior and Informed Consent
- Lack of provisions for Fair & Adequate compensation
- Marginalisation of other stakeholders from the Mining Affairs Board



# Challenges in the realisation of the the AMV

- Reluctance by the Government of Zimbabwe to adopt it
- AMV offers legal and technical support , but Government seems reluctant to utilise this resources
- Reforms are not guided by the AMV
- Linkages are as a result of coincidence rather than by plan

# Findings cont'

- Lack of recognition and formalisation of Artisanal miners
- Gender blind

# Conclusion

- Weaknesses and gaps in the ongoing legal reforms on the Mines and Minerals Amendment Bill
- Amendment rather than a new Act
- THANK YOU!!