



Republic of Zambia

Ministry of Mines, Energy and Water Development

# **MINERAL RESOURCES DEVELOPMENT POLICY**

**July 2013**

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# FOREWORD

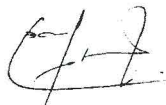
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Zambia is endowed with a variety of mineral resources and has a history of mining which spans over 100 years. Mining has and will continue to play a major role in the economic development of the country. Government is thus committed to ensuring a vibrant, well organized private sector and public-private partnership led mining sector contributing significantly towards GDP and providing reliable employment leading to wealth creation in the country. To achieve this, the principal objective of Government policy on mining is to create an environment in which small and large scale exploration, mining and value addition industries operate efficiently and profitably for effective contribution to economic development and wealth creation.

The role of the Ministry of Mines, Energy and Water Development is to promote and regulate the development of both small and large scale mines in order to enhance the sector's contribution to economic development.

The review of the Mining Policy has been dictated by a number of important developments which have taken place since 1995 when Government last reviewed and articulated its policy direction for the mining sector. The most significant development has been the transfer of ownership of the mining industry to the private sector following the completion of the privatisation of the copper-mining industry in March 2000. The challenges and lessons learnt during and after privatization of the mining industry have led to policy reforms that are contained in this revised policy framework.

The formulation of this Mineral Resources Development Policy was done in consultation with all stakeholders to ensure shared vision on how our mineral resources should be exploited for the benefit of all. The Policy will thus facilitate creation of an environment for the growth of a vibrant mining sector creating lasting benefits for the people of Zambia. The Mineral Resources Development Policy will serve as an outline of the direction Government and indeed the people of Zambia want to take with regard to the development of the mining industry. The success of the policy will be judged by the extent to which it will facilitate the creation of a vibrant mining sector making a contribution to the GDP and wealth creation commensurate with its position as a leading economic sector.



Hon. Christopher Yaluma, MP  
**Minister of Mines, Energy and Water Development**



# ACKNOWLEDGMENTS

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The Ministry of Mines, Energy and Water Development which commissioned the review of the Mining Policy wishes to acknowledge the support rendered by the World Bank through the Support to the Economic Expansion Diversification (SEED) Programme and the European Union through the Mining Sector Diversification Programme (MSDP) in the realisation of the policy.

The Ministry also wishes to put on record its appreciation of the participation of stakeholders in the review of the Mining Policy who include decision makers and other stakeholders from large and small-scale mining companies, mining associations, local and central Government representatives, Royal Highnesses from the House of Chiefs, Parliamentarians and environmental specialists.

Further, the Ministry wishes to thank Policy Analysis Coordination Division (PAC) for the guidance provided in the review of the 1995 Mining Policy.

Lastly, the Ministry wishes to register its appreciation to the team of consultants from SKM Consulting Associates Limited, for discharging their responsibilities professionally during the review of the Mining Policy.



Dr. Victor Mutambo  
Permanent Secretary

**MINISTRY OF MINES, ENERGY AND WATER DEVELOPMENT**





# WORKING DEFINITIONS

“**Gemstone Licence**” means a Gemstone Licence granted under the Mines and Minerals Development Act No 7 of 2008;

“**Gemstones**” means amethyst, aquamarine, beryl, corundum, diamond, emerald, garnet, ruby, sapphire, topaz, tourmaline and any other non-metallic mineral substance, being a substance used in the manufacture of jewellery, that is declared a gemstone by statute;

“**Holder**” means the person in whose name a mining right is registered;

“**Large-scale mining licence**” means a large-scale mining licence granted under the Mines and Minerals Development Act No 7 of 2008;

“**Mine**” means any place, pit, shaft, drive, level or other excavation, and any drift, gutter, lead, vein, lode, reef, saltpan or working, in or on or by means of which any operation connected with mining is carried on, together with all buildings, premises, erections and appliances, whether above or below the ground, that are used in connection with any such operation or for the extraction, treatment or preparation of any mineral or for the purpose of dressing mineral ores;

“**Mineral**” means any material substance, occurring naturally in or on the earth or in or under water and which was formed by or subject to a geological process and includes any mineral occurring in residue stockpiles or in residue deposit, but excludes-

- (a) Water, other than water taken from land or any water body for the extraction for any mineral from such water; and
- (b) Petroleum

“**Mineral processing**” means the practice of beneficiating or liberating valuable minerals from their ores which may combine a number of unit operations such as crushing, grinding, sizing, screening, classification, washing, froth flotation, gravity concentration, electrostatic separation, leaching, smelting, refining, calcining and gasification and includes processes incidental thereto.

“**Mineral Processing Licence**” means a mineral processing licence granted under the Mines and Minerals Development Act No. 7 of 2008.

“**Mining**” means the extraction of material, whether solid, liquid or gaseous from land or from beneath the surface of the earth in order to win minerals, and includes any operations directly or indirectly necessary or incidental thereto;

“**Mining area**” means an area of land subject to a licence or permit under the Mines and Minerals Development Act No. 7 of 2008.

“**Mining operations**” means operations carried out in the course of mining;

“**Mining plant**” means any building, plant, machinery, equipment, tools or other property that has been used for mining, whether or not affixed to land, but does not include any timber or other material used or applied in the construction or support of any shaft, drive, gallery, terrace, race, dam or other work;

“**Mining right**” means a licence or permit, or an artisan's mining right, granted under the Mines and Minerals Development Act No. 7 of 2008.



# ACRONYMS

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AIDS	Acquired Immune Deficiency Syndrome
CEE	Citizen Economic Empowerment
DAs	Development Agreements
EPF	Environmental Protection Fund
ZEMA	Zambia Environmental Management Agency
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
GSD	Geological Survey Department
HIV	Human Immune Virus
IAEA	International Atomic Energy Agency
MDD	Mines Development Department
MRDP	Mineral Resources Development Policy
MMEWD	Ministry of Mines, Energy and Water Development
MSD	Mines Safety Department
NCCM	Nchanga Consolidated Copper Mines
PAC	Policy Analysis Coordination Division
R&D	Research and Development
RST	Roan Selection Trust
SADC	Southern African Development Community
ZCCM- IH	Zambia Consolidated Copper Mines Investment Holdings



# 1.0 INTRODUCTION

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The Government of the Republic of Zambia has reviewed the 1995 Mining Policy in order to ensure the development of the mining industry in a manner that will create lasting benefits for the people of Zambia.

The 1995 Mining Policy was aimed at encouraging private investment in exploration and development of new large and small scale mines to exploit base metals, gemstones, energy and industrial minerals. The policy was also aimed at encouraging downstream processing. The implementation of the Policy was expected to yield the following outcomes:

1. Development of new mines;
2. Increased Government revenue;
3. Increased generation of foreign exchange earnings;
4. Industrial growth;
5. Employment opportunities; and
6. Development of infrastructure and social services.

The policy created a conducive environment for private investment in the mining sector, and the consequent resurgence of mining and exploration activities in the country. Mining has diversified regionally and by mineral type. It is estimated that US\$5 billion Foreign Direct Investment (FDI) has been injected in Zambia's mining industry between 1996 and 2011 leading to the expansion of existing mines and opening of new mines. Between 1996 and 2011, four (4) large scale mines were opened and these are Lumwana Copper Mine, Kansanshi Copper Mine both in North Western Province, Mulaishi Copper Mine on the Copperbelt and Munali Hills Nickel Mine in Southern Province. In addition, two large scale mining projects were commissioned for construction. To enhance mineral processing in the country, two modern smelters (Chambeshi Copper Smelter and New Nchanga Smelter) were constructed and commissioned. These developments resulted in the increase in mineral production. Copper in particular increased by an average of 15.9 percent during the period 2000 to 2011.

Despite contributing 9 percent of GDP, the sector's tax contribution to the treasury was very low at 1.1 percent of GDP. This was mainly on account of the incentives that were granted to large-scale mining companies through Development Agreements between 1995 and 2008. This resulted in a weak fiscal and regulatory framework. In addition, the contribution of the small-scale mining sector which is dominated by Zambians to the economy was insignificant. Thus the potential of the sector to contribute to economic development has not fully been realised.

The minimal contribution of the mining sector to the treasury despite high metal prices and increasing production is one of the major challenges the Mineral Resources Development Policy (MRDP) has addressed. The challenge is to achieve a strategic





re-positioning of the mining sector in order to arrive at a balance that will create a competitive, thriving and sustainable mining industry that benefits Zambians while concurrently rewarding the investors.

The change in the title from Mining Policy to Mineral Resources Development Policy has been necessitated by the need to reflect the diversity of operations associated with mining such as mineral prospecting, exploration, mining, processing and metal treatment operations.

The Mineral Resources Development Policy which is a revision of the 1995 Mining Policy draws heavily on the Vision 2030 for Zambia which provides the blueprint for achieving accelerated growth aimed at raising the standards of living of the people of Zambia. The goal of the Vision 2030 is to attain middle-income status by 2030. To achieve this, the objectives are to:

1. Maintain annual real economic growth rate in excess of seven (7) percent;
2. Create the required environment that is conducive for private investment in sectors;
3. Maintain efficiency, effectiveness, transparency and accountability in private and public financial management;
4. Stop the spread of HIV and AIDS; and
5. Eliminate gender imbalances.

The major challenge faced by the Government is to achieve a strategic re-positioning of the mining sector in order to arrive at a balance that will create a competitive, thriving and sustainable mining industry that contributes to sustainable economic development of the country. Therefore, the formulation of the Mineral Resources Development Policy will contribute to the creation of a sustainable and orderly mining industry contributing to the economic development of the country by:

1. Attracting both local and foreign investment in the sector for the orderly and sustainable exploration and exploitation of mineral resources;
2. Integrating the mining sector in the domestic economy; and
3. Ensuring acceptable standards of health, safety and environmental protection.

This policy document is structured to cover situation analysis, vision, rationale, guiding principles, objectives, measures, and implementation framework. These themes and their sub-themes provide a holistic framework for reviewing Zambia's Mining Policy.





# 2.0 SITUATION ANALYSIS

## Historical Perspective

Since the 1930s when large scale copper production commenced in Zambia, the copper industry has been the most important sector and the engine of economic growth. From the 1930s to 1970 the mining industry in Zambia was private sector driven under two multinational corporations, Roan Selection Trust (RST) and Anglo American Corporation.

From 1970 to 1997, the mining industry was state-controlled. In 1982, Government created the state owned Zambia Consolidated Copper Mines (ZCCM). In 1997, Government began to privatize the mining industry which was completed in 2000.

The re-privatization of the mining sector was necessitated by the poor performance of the sector and the need to attract investment. It was envisioned that privatization would increase the efficiency of the copper industry and attract Foreign Direct Investment into the sector for its development.

## Mining Policy

The 1995 Mining Policy was designed to facilitate the development of a private sector driven mining industry, primarily through the privatization of state controlled ZCCM. Specifically, the Policy aimed at addressing the challenge of inadequate investment which resulted in the decline in the sector's contribution to the economy and the subsequent adverse effects on the performance of other sectors of the economy and drastically lowered the living standards of the people. Thus the objectives of the Mining Policy were:

- To make the private sector the principal producer and exporter of mineral products through putting in place a privatization program and promoting private sector initiative in the development of new mines in order to increase and diversify mineral and mineral based products and exports. This will maximize long term benefits to the country;
- To promote the development of the small-scale mining industry which has the potential to significantly contribute to the economy
- To promote the development of gemstone mining and facilitate liberalized marketing arrangements in order to realize the industry's potential to contribute to the development of the economy;
- To promote the exploration and exploitation of industrial minerals, energy minerals and encourage the establishment of a ferrous industry;
- To reduce the danger of environmental damage arising from mining operations as well as damage on the health of workers and inhabitants of the neighborhood through air, water and land ; and



- To promote the local processing of mineral raw materials into finished products for added value.

After privatisation, Zambia has become a preferred investment destination for mining projects and has attracted an influx of investors which has resulted in increased mineral exploration and mining activities. The conducive investment environment created by the mining policy has transformed a poorly managed and under-performing mining industry into a vibrant one.

There are noticeable technological innovations and expansion works in the copper industry which have boosted production. In addition, new mines which include Kansanshi Copper Mine, and Lumwana Copper Mine in North Western Province, Muliashi Copper Mine on the Copperbelt and Munali Hills Nickel Mine in Southern Province were opened. Investments in the mining sector to date has accumulated to an estimated US\$5 billion and the annual copper production has increased to 819,574 metric tonnes by the end of 2011 compared to about 250,000 metric tonnes in 2000.

Notwithstanding the successes scored, the 1995 Mining Policy has a number of outstanding challenges which include:

- a) Inefficiency in the administration of mining rights;
- b) Efforts to improve marketing and mainstream the gemstone and small-scale mining sub-sectors have not yielded the expected results;
- c) Skills inadequacies, gender imbalances, inadequate innovation and lack of Research and Development facilities;
- d) Low revenues from the mining sector to the treasury;
- e) The impact of HIV/AIDS in the mining sector;
- f) Poor infrastructure development in mining areas;
- g) Inadequate investment in downstream processing and value addition; and
- h) Low levels of ownership and participation by Zambians in mining companies and the associated businesses of supply of inputs, sub-contracting and other support services; and
- i) Lack of financing for small-scale mining.

All the foregoing factors are pointing to the urgent need to review the 1995 Mining Policy.



# 3.0 VISION

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## Government's Vision for the Mining Sector is:

*“To have a vibrant, well organised private sector and private-public partnership-led mining sector contributing in excess of 20 per cent towards GDP and sustainable economic development in the country by 2030”.*

# 4.0 RATIONALE

From 1995 to-date, the mining sector has been governed by the 1995 Mining Policy. At the time the Policy was being introduced, Zambia had adopted a liberalized market economy driven by the private sector. Consequently, the primary purpose of the 1995 Mining Policy was to facilitate the development of a private sector driven mining industry.

The Government has reviewed the Mining Policy of 1995 to enhance the development of the mining industry contributing to the sustainable economic development of the country. Specifically the review has been prompted by the need to:

- a) align the Mining Policy with the Vision 2030 to achieve a strategic re-positioning of the mining sector in order to arrive at a balance that will create a competitive, thriving and sustainable mining industry that benefits Zambians while concurrently rewarding the investors.;
- b) incorporate policy changes arising from the lessons learnt during the period that has lapsed since the last policy review;
- c) cater for new national aspirations for the mining sector; and
- d) adapt the policy to suit changing political and economic factors and other conditions pertaining to mining.

# 5.0 GUIDING PRINCIPLES

The guiding principles in the Mineral Resources Development Policy are as follows:

1. Government commitment to ensure sustainable exploitation of mineral resources for the maximum benefit of Zambians;
2. Government's commitment to a free-market enterprise economy;
3. The application of modern principles of transparency, checks and balances, and accountability in administration of mining laws and regulations;





4. Adherence to regional and international conventions and other instruments that are relevant to mining and to which Zambia is a party or a signatory; and
5. Promotion of Citizen Economic Empowerment (CEE).

## 6.0 OBJECTIVES

In order to realise the vision, the policy objectives of the Government for the mining sector are to:

1. attract and encourage local and foreign private sector participation in the exploration for and commercial exploitation of Zambia's mineral resources;
2. facilitate the empowerment of Zambians to become owners/shareholders in the mining industry;
3. promote the development of a mining sector that is integrated in the domestic economy and which promotes local entrepreneurship, increased demand for local goods and services and, creates employment for Zambians and also promotes value-addition;
4. encourage and facilitate orderly and sustainable development of small-scale mining sub-sector in order to enable it contribute to economic development and wealth creation;
5. achieve a socially and internationally acceptable balance between mining and the bio-physical environment and to ensure that acceptable standards of health, safety and environmental protection are observed by all participants in the mining sector;
6. promote Research and Development (R&D) and its application in the mining sector;
7. encourage mining companies to develop a participatory and collaborative approach to mine planning, development and decommissioning taking into account the needs and concerns of local communities, thereby fulfilling their role as socially responsible corporate citizen; and
8. ensure transparency and accountability in the management of mineral resources in the country.



# 7.0 POLICY MEASURES AND STRATEGIES

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The following sub-sections give policy measures and strategies intended to achieve the outlined objectives.

## 7.1 Exploration and Mining

Mining has for a long time been the mainstay of Zambia's economy and since the country is endowed with a variety of mineral resources and good geological potential for further discoveries, opportunities exist for the sector to continue contributing to economic development. Therefore, there is need to enhance the ability of the sector to grow and create the much needed wealth for the country. In this regard the Government will:

- a) Expedite geological mapping of the remaining unmapped parts of the country, through non-tax incentives aimed at attracting private companies to partner with Government for purposes of conducting geological mapping;
- b) Promote exploration of energy minerals including oil and gas to diversify energy sources;
- c) Promote the exploitation and marketing of uranium in accordance with national and international safety, health and environmental guidelines;
- d) Spread the benefits of mining across Zambia;
- e) Promote exploration of industrial minerals for industrial development; and
- f) Maintain a stable and internationally competitive fiscal regime that adequately caters for the industry's volatility and that serves the interests of the people of Zambia.

## 7.2 Mining Rights Administration

In order to ensure efficiency and transparency in the administration of mining rights, Government will maintain an efficient computerised mining cadastre system.

## 7.3 The Legal Framework

It shall be the policy of the Ministry to regularly update the legislative framework for the mining sector in line with the changing environment. The reviewed legal framework will be characterised by the following features:



- a) A mining law which is clear and non-discretionary to the extent possible; and
- b) Strengthened legal provisions which aim to deter sterility in minerals development due to information hoarding on new discoveries and inactivity in licensed exploration areas.

## **7.4 Safety, Health, Environment and Quality**

Exploration and mining activities always have negative impact on safety, health and environment of communities which in turn affects the potential for long-term sustainable development. There is need to ensure that the impacts are avoided, minimised and mitigated in accordance with the environmental and mining laws. This will be achieved by:

- a. Government ensuring that exploration, mining and processing of minerals complies with safety, health and environmental regulations;
- b. Maintaining the Environmental Protection Fund (EPF);
- c. Developing environmental assessment processes;
- d. Building capacity of the institutions responsible for ensuring safety, health and environment in the mines; and
- e. Gazetting national parks, game management areas, national forest, local forest, bird sanctuary and any other such environmentally sensitive areas as protected areas. Government shall ensure that exploration and mining activities within protected areas comply with the environmental and economic regulatory frameworks. This will be achieved by developing improved clear environmental assessment processes. Exploration and mining in protected areas will only be allowed when rehabilitation is guaranteed.

## **7.5 Large Scale Mining**

- a) Government will promote development of at least one large scale mine in provinces with economical mineral deposits; and
- b) Collaborate with large prospecting and mining associations

## **7.6 Small-Scale Mining**

To develop the small-scale mining sub-sector Government will undertake the following measures:





- a) Encourage the use of appropriate, affordable and safe-technology, by increasing its support to the collation and dissemination of information about appropriate technologies, the provision of extension services and, technology demonstrations.
- b) Build capacity in Regional Mining offices to enhance their service delivery;
- c) Collaborate with small-scale miners' associations;
- d) Disseminate information to raise awareness on occupational safety, health and environmental risks, and provide occupational health and safety guidelines for small-scale mining;
- e) Improve the system of information flow for the mining sector to sensitize and create awareness, especially for artisanal and small-scale miners and rural population, on the opportunities present and the regulations governing the sector; and
- f) Facilitate small-scale miners' access to finance for the development of the sub-sector.

## **7.7 Citizen Economic Empowerment in the Mining Sector**

In order to promote economic empowerment for Zambians in the mining sector, Government will:

- a) encourage mining companies to float their shares on the Lusaka Stock Exchange;
- b) promote Zambian ownership of large scale mines through the Citizen Economic Empowerment Act; and
- c) Review legislation in order to reserve certain categories of mining rights and minerals for Zambians.
- d) Reserve a portion of the mineral royalty for the development of businesses in mining communities

## **7.8 Integrating the mining sector in the domestic economy**

To enhance the contribution of mining to the national economy, Government will:

- a) encourage mining cluster development to link the mining sector to the broader economy;
- b) promote linkages between mining and agriculture, mining and tourism, and mining for the value-adding processing industries;



- c) In partnership with the private sector, implement, social sustainability plans during the life of a mine.
- d) spearhead promotional campaigns to sensitise the public about opportunities for involvement in the mining sector business activities; and
- e) make provisions in the law to compel mining companies give preference to Zambian products, local contractors and services and to employ and train Zambians.

## **7.9 The Institutional Framework**

- a) Restructure, streamline and strengthen the administrative and organizational framework necessary to properly and effectively administer, promote and service the mining sector;
- b) Developing capacities and operational adequacies of the Geological Survey, Mines Development and Mines Safety Departments; and
- c) Establish a Monitoring Department in the Ministry.

## **7.10 Value addition**

Government will promote and facilitate the development of downstream processing capacities for minerals by:

- a) Providing an appropriate legal and fiscal regime;
- b) Exploring opportunities to expand the local metallurgical plant capacity in the country; and
- c) Identifying market potential for national and regional consumption of value added products.

## **7.11 Marketing of Gemstones**

To ensure realisation of the full value of gemstones, Government will devise mechanisms of auctioning gemstones within the country.

## **7.12 Human Resources Development**

Government will enhance development of human resources to meet the requirements of the mining sector by:

- a) Regularly identifying skills deficiencies and promoting measures to address them;



- b) Encouraging mining companies to support training through provision of bursaries, in-house training and apprenticeships; and
- c) Ensure adherence to “equal pay for equal work” principle.

### **7.13 Research and Development (R&D)**

The Government will facilitate Research and Development in the mining sector and encourage industry to participate by creating the necessary conditions for Research and Development. The Government will encourage partnerships between mining companies and learning institutions.

### **7.14 Gender**

Government will mainstream gender in the mining sector by:

- a) Supporting gender equality in the mining sector through mining legislation;
- b) Promoting the participation of women in mineral sciences educational programmes; and
- c) Providing support to ensure equal opportunities for both men and women participation in mining.

### **7.15 HIV/AIDS and other opportunistic diseases**

The Government will undertake the following measures to address the challenges posed by the HIV/AIDS pandemic:

- a) Promote and encourage industry to implement industry best practice in addressing HIV/AIDS and opportunistic diseases;
- b) Facilitate the implementation of the National AIDS policy in the mining sector; and
- c) Support the implementation of HIV/AIDS programmes in the mining sector.

### **7.16 Regional and international co-operation**

Government will explore and engage in regional initiatives to facilitate the development and also cooperate with other Governments, private industry and international organisations to address challenges and utilise opportunities in the mining sector.





## **7.17 Accountability and Transparency in the management of mineral resources**

To promote accountability and transparency in the management of minerals resources, the Government will promote good governance principles by developing appropriate laws and initiatives. In addition, the Government will subscribe to international initiatives that promote transparency in the extractive sector.



# 8.0 IMPLEMENTATION FRAMEWORK

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The implementation framework will be as follows:

## 8.1 Institutional Arrangements

In the implementation of the Mineral Resources Development Policy, the Ministry will play a leading role and collaborate with relevant institutions in the mining sector. For effective implementation, there will be need to restructure the Ministry of Mines, Energy and Water Development to include the establishment of the Monitoring Department and Mining Cadastre Department.

## 8.2 Legal framework

The Mines and Minerals Development Act No. 7 of 2008 provides the legislation covering exploration, mining and processing of minerals. Other legislation in the sector include the Explosives Act No. 10 of 1974 and its subsidiary legislation, Gold Traders Act and relevant subsidiary legislation. These laws and regulations need to be reviewed or updated.

The fiscal regime for the mining sector is governed by the relevant tax laws.

## 8.3 Monitoring and Evaluation

The Ministry of Mines, Energy and Water Development shall undertake to monitor and evaluate of implementation of the Policy annually with the involvement of the stakeholders. The performance of the Policy will be reviewed after five years.

## 8.4 Resource mobilization and financing

The implementation of Mineral Resources Development Policy shall be funded from the following sources:

- i. Government budgetary provision; and
- ii. Cooperating partners.

