



# PROPOSED AMENDMENTS TO THE MINES AND MINERALS BILL 2015

Malawi Parliamentary Committee On  
Natural Resources, Energy And Mining

Salima, Malawi

10-11 May 2015





# **Contents**

- 6 List of acronyms
- 9 Introduction
- 11 Recommendations
- 42 Conclusions
- 43 Appendix 1: List of workshop participants

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## List of acronyms

<b>ACHPR</b>	African Commission on Human and Peoples' Rights
<b>AMV</b>	African Mining Vision
<b>ASM</b>	Artisanal and small scale mining
<b>CFJ</b>	Citizens for Justice
<b>EIA</b>	environmental impact assessment
<b>EITI</b>	Extractive Industries Transparency Initiative
<b>EMA</b>	Environmental Management Act
<b>FPIC</b>	free, prior and informed consent
<b>MMA</b>	Mines and Minerals Act
<b>MMB</b>	Mines and Minerals Bill
<b>MP</b>	member of parliament
<b>RTD</b>	Right to development
<b>SARB</b>	Southern Africa Resource Barometer
<b>SARW</b>	Southern Africa Resource Watch
<b>SADC</b>	Southern African Development Community
<b>SADC-PF</b>	SADC Parliamentary Forum
<b>SIA</b>	social impact assessment



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**T**HIS WORKSHOP WAS A FOLLOW-UP TO THE PREVIOUS TRAINING WORKSHOP OF 25-26 FEBRUARY 2015 AT THE PARLIAMENT BUILDING IN LILONGWE ON THE SOUTHERN AFRICA RESOURCE BAROMETER (SARB) FOR MONITORING MINERAL, OIL AND GAS RESOURCES GOVERNANCE IN SOUTHERN AFRICA. The training workshop was also organised and conducted under the auspices of the Southern Africa Resource Watch (SARW) and the Southern African Development Community

(SADC-PF) in conjunction with Citizens for Justice (CFJ). The parliament of Malawi requested that a workshop for the Parliamentary Committee on Natural Resources, Energy and Mining be organised to analyse the proposed Mines and Minerals Bill and to identify areas of possible review and strengthening, to ensure that when the Bill is finally adopted it will protect the interests of the people of Malawi.

## Introduction

**M**ALAWI IS A YOUNG MINING COUNTRY. It is now ranked among the top destinations by the mining, oil and gas industry. Among its qualifiers is a vast undiscovered potential of minerals. Malawi is now known to have huge mineral deposits. The Department of Geological Survey says geological investigations have revealed that the Shire Valley in the country's southern region has over 1 600 metres thickness of sedimentary rock sequences and structures necessary to trap oil, while the northern part of the lake has a 2 000 metres thick target. Central Malawi consists of 8 070 km<sup>2</sup> of prime graphite terrain. This is in addition to uranium reserves of 10.46 million tonnes, containing 11 337 tonnes of oxide; 1.4 million tonnes of coal with over eight licenses to exploit; 13.2 million tonnes of niobium; 25.6 million tonnes of bauxite; 700 million tonnes of heavy mineral sand; and 2.5 million tonnes of rare earth with 4.2 per cent rare earth content. Currently the estimate is that Malawi has potential for at least fifteen mining ventures.

The government of Malawi has made an effort to review the Mines and Minerals Act (MMA) of 1981 in preparation for a rush for minerals, and in recognition of shortcomings that exist in the current Act. This effort will help in ensuring that the operations and dealings of the extractive industry are governed by sound legislation that promotes human rights, transparency, accountability and equity. Without an effective regulatory and enforcement system, communities and workers are abused and are at the receiving end of the environmental, social and economic impact of mining activities. Malawi could learn from other countries, and why they have not benefited optimally from their mineral resources. Malawi could become a model resource economy if the fundamentals are correctly put in place, and one of those fundamentals is the regulatory framework. Progressive mining policies are those that are designed to protect the national interest. Such policies should follow a transparent and inclusive design methodology.

Mining, oil and gas exploration and production in Malawi is currently regulated by the Environmental Management Act of 1996, the Petroleum Exploration and Production Act of 1983, and the Mines and Minerals Act of 1981. All the regulatory frameworks in Malawi are archaic and may not speak to the expectations of a modern society which should be in line with new international norms and standards, and the African Mining Vision (AMV). It is for this reason that the sub-committee on natural resources, energy and mining of the Malawi national assembly decided to analyse the Draft Mines and Minerals Bill with the intention of proposing any possible areas for improvement. The committee met in Salima, Malawi, from 9 to 10 May to evaluate the Mines and Minerals Bill, with a view to understanding it and proposing amendments, where necessary, to the Executive before the Bill goes to parliament for deliberation.

The committee recognises that the government has consulted significantly with key stakeholders on this Bill. However, the committee felt that it was important, with the help of experts from Malawi and the rest of the region, to go through the provisions of the Bill and look at them in a comparative way in relation to what exists in other SADC countries and how it is aligned to emerging international principles and standards. The meeting came just two months after the committee underwent a capacity-building workshop on its oversight role and its engagement with the extractive industries using the SADC-Parliamentary Forum (SADC-PF) and the Southern Africa Resource Watch (SARW) Resource Barometer in February of 2015.

This report captures the key areas where the committee feels adjustment is needed to ensure that the legislation is in line with the aspirations of the Malawi people, that it is predictable, and that it secures the interest of investors. The efforts from the committee will contribute to a mining sector that creates space for a win-win-win partnership (first win for the country, second win for the companies, and third

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win for mining communities). The meeting was organised by Citizens for Justice (CFJ) supported by SARW and SADC-PF.

These recommendations are initially organised in twelve sections: alignment of the Bill to the African Mining Vision (AMV); medium- and large-scale mining; small-scale licensing; artisanal mining permits; reserved minerals; restrictions, surface

rights and compensation; protection of the environment; the administration of the mines; mineral tenement; fiscal provisions and revenue management; transparency and accountability; and ownership of minerals. This is followed by a section dealing with various international norms and standards, and then by a set of general recommendations.

## Recommendations

### Section 1: Directions from the AMV for Malawi’s policy, legal and regulatory frameworks for the minerals industry

The goal is “transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio economic development”.

AMV-compliant policy directions	AMV-compliant legal and regulatory frameworks directions
Changing the sectoral vision and emphasising mining for development, underpinned by transparency, optimality, equity and sustainability	Enabling the implementation of AMV policy directions and developmental objectives – supports policy for enforcement by imbedding development objectives in the directions
Expanding the role of mineral sector linkages to extend the benefits in the local economy through emphasising forward, backward, lateral and technology linkages, development corridors and spatial development initiatives	Providing for price discovery (auctioning of known geological assets) based upon a competitive tender process, competitive tendering, introducing policy instruments which support beneficiation and value addition and the development of linkages
Optimising benefits through taxation systems that capture revenues optimally; efficient allocation of exploration ground through “use it or lose it” principles and auctioning principles; transparent distribution of revenues	Elimination of uncertainty and limitation on discretionary decisions through clear, simple rules and procedures governing the administration of licences, ground rentals, transfers of licences, etc.; standards understood and applied uniformly
Creating a transparent and accountable mineral sector governance system where accountability is at the core; public participation (communities, regional institutions) and disclosure of information are central	Reinforcement of the legal nature of mineral rights by providing security of tenure, which is important for investor confidence and facilitates smooth investment in the sector
Upholding highest standards of safety, health and environmental protection and integrating corporate social responsibility into the broader development agenda, emphasising EIAs and SIA	Reinforcement of the priority on domestic integration and on local empowerment which strengthens ownership along the value chain
Supporting regional integration and cooperation through policy alignment and harmonisation	Provision for the creation and manning of requisite institutions (geological surveys, mines department, mining commissioners offices, environmental agencies, mineral resources committees), strengthening their composition and their capacity to enforce the regulations and compliance, and their capacity to negotiate contracts

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**AMV-compliant policy directions****AMV-compliant legal and regulatory frameworks directions**

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Emphasising the pro-active role of the state – a developmental state which actively participates in the sector (as an investor and manager)

Clarity required on the role of the state, including indications on how the state acquires a stake in mineral projects

Emphasising the collection of geological information and the strengthening of institutional capacities

Providing budgetary resources for the generation and packaging of geo-scientific information and adequately supporting geological surveys, metallurgical departments, mining ministry departments

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**Section 2: Medium- and large-scale mining licences (Part VIII)**

This section details the requirements for medium- and large-scale mining licences, and establishes a licensing body. Please refer to the Bill for the exact wording of each clause.

Clause	What it means	Problem/ clarity	Recommendations
<b>137. When a large-scale mining licence is required</b>	This clause stipulates the requirements and describes what constitutes a large-scale mine.	There are too many different definitions, which may make the clause difficult to use effectively.	Streamline the definition of large-scale mining and remove the multiple definitions.

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Clause	What it means	Problem/ clarity	Recommendations
<b>138. Eligibility for medium- or large-scale mining licences</b>	The requirements for being granted either a large-scale or a medium-scale licence.	The clause incorporates both medium- and large-scale licences, which could be an issue. It incorporates a number of distinctly different licence conditionalities (such as reference to the government and citizens acquiring shares in the company), then it refers to the background of the shareholders. It also refers to cancellation of a previous licence and gives a two-year limitation window for a licence previously cancelled. It also refers to a limitation due to the existence of an exploration licence. This clause could be better structured, to improve its clarity.	To avoid misunderstanding, separate into different clauses the many points that need to be included when considering the eligibility of an applicant .
<b>139. Application for medium- or large-scale mining licence</b>	Having fulfilled the requirements for the application of a large or medium-scale licence, this part sets out the procedure and explains where the application is to be submitted.	The clause refers to providing evidence of technical competence – how will this be done? It is important to clearly provide for the means of attestation required under 139, 1(c). This could become difficult to implement. Clarity is required on how the justification for 139 (i) will be done.	Provide a form for submission of evidence of technical competence. Provide a form for the attestation required under 139, 1(c). The justification in 139,1 (i) should be provided for in a standard form. Other elements are acceptable.

Clause	What it means	Problem/ clarity	Recommendations
<b>140. Exemptions available to medium- and large-scale mining licence applicants</b>	The rights and duties set out in this section provide some exemptions to accommodate special circumstances. If an exemption applies, then (depending on the circumstances) a licensee will be exempt from certain requirements	The exemptions provided for under this clause are quite sensitive in regard to delivering on the local benefits of the country from the mining sector. Any exemption given should be only in the form of reduction in the depth of obligation, and not a complete elimination of the obligations.	Modify the clause to ensure that there will be NO exemptions to any provisions, but only a reduction in the level of obligations under this clause.
<b>141. Restrictions on grant of medium- or large-scale mining licence</b>	The limitation or control or condition of measure of some kind that applies to the issuance of the licence.	Very clear. Only concern is the access to finance component. There is a need to get the applicant to guarantee that once the licence is issued, project implementation will start within a very short given period or else the licence will lapse. This will remove speculators and time-wasters from the sector.	Link this clause to the clause (164) that stipulates the date by which mining must start.
<b>142. Mineral Resources Board to assess proposed plans</b>	This part stipulates what the Mineral Resources Board considers in assessing the application.	The objection to the application under 58 must not unreasonable and vexatious. The clause is very clear. As mentioned earlier, the licence conditions should include a project start-date.	Clause 58 should include a provision that "rejection of an application should not be unreasonably denied". This clause should also be linked to clause 164 (time to start production).
<b>143. Term of a medium- or large-scale mining licence</b>	The validity or period of the licence and conditions attached to it.	Very clear.	No changes necessary.

Clause	What it means	Problem/ clarity	Recommendations
<b>145.</b> <i>Form and contents of a medium- or large-scale mining licence</i>	The form, what appears on the licence, the signatorie,s and supporting sections of the legislation.	Very clear. However, the environmental management approval as required under the Environmental Management Act would add value here.	Provide for the inclusion of the approved EIA report from the Environmental Management Act with these licence documents.
<b>147.</b> <i>Size and shape of medium- or large-scale mining licence area</i>	The measurement of the licence area and shape in accordance to cadastral plan.	Very clear. However, how will the area of potential mineral reserves be determined to facilitate the exclusion?	Include reference to the fact that the Ministry of Mines will have in-house information that will allow the exclusion to be effected.
<b>148.</b> <i>Application for expansion of medium- or large-scale mining licence area</i>	Procedure and requirements for application of mining area expansion.	Very clear. However, most of the provisions here seem to be a repeat of those given in 139 – would cross-referencing, as appropriate, not be better?	Provide cross-referencing.
<b>152.</b> <i>Mining operations plan</i>	A plan of how the mining is going to be carried out.	Clarity on the meaning of subsection 2(d) would be helpful.	Clause 2(d) should either be further elaborated or deleted.
<b>157.</b> <i>Mine waste management plan</i>	Waste disposal management plan conditions.	Very clear. The disposal of solid waste has high environmental impact, so the attachment of the relevant portion of the environmental management report covering this portion approved under the Environmental Management Act (EMA), would be helpful.	Provide for the inclusion of the approved EIA report.

Clause	What it means	Problem/ clarity	Recommendations
<b>158. Resettlement management plan</b>	Procedure for resettlement of persons resident on the tenement area of the holder of a mineral tenement licence.	Very clear. However, the compensation provisions in section 215 need to be revisited. There could be difficulties delivering these without the government prescribing some guidelines on the elements due for compensation (such as land, fixed structure and other components). Discrepancies and differences that could arise from the capacity of different licence holders could lead to high socio-economic stress.	Provide in a standard format all the elements that will need to be dealt with under clause 215.
<b>159. Community development agreements</b>	Holders of a large-scale mining licences to integrate social and environmental concerns in their business operations and in their interactions with stakeholders, to promote sustainable development.	Very clear. However, there is a need to revisit the definition of “qualified community” to make the intended objective of this clause easy to be delivered. If the community is very large, then the possibility of agreeing to a community development plan might be difficult. The government may also need to define the possible elements to be incorporated into these agreements.	Re-adjust the definition of “qualified community” to ensure that the intended output of this clause is actionable.
<b>164. Obligation to commence mine development and maintain production</b>	When to commence mining activities, and procedures for non-commencement or delay.	Very clear and very important.	No need to change anything.

### Section 3: Small-scale mining licences (Part IX)

This section details the requirements for small-scale mining licences, and establishes a licensing body.

Clause	What it means	Problem/ clarity	Recommendations
<b>175.</b> <i>Application for small-scale mining licence</i>	Process, requirements and procedure for obtaining a small-scale mining licence.	Very clear. However, a prescribed form should be available for use to seek consent from the landowner. Is any government help (financial or otherwise) available to these applicants to enable their participation to succeed?	Provide a standard form for obtaining landowner's consent. Provide for access to financial support to Malawians who wish to participate in mining, if such financial resources are available.

### Section 4: Artisanal mining permits (Part X)

Clause	What it means	Problems	Recommendations
<b>197.</b> <i>Local government obligation to file permit with registrar</i>	Any local government authority that issues an artisanal mining permit, within thirty (30) days of issuing the permit, shall provide a copy of the permit to the registrar, who shall maintain a record of all artisanal mining permits currently in force.	It is not clear what happens to the fee paid.	Provide for the use of the management and utilisation of the fees collected by the local government.

### Section 5: Reserved minerals (Part XI)

Clause	What it means	Problem	Recommendations
<b>210.</b> <i>Discovery of reserved minerals by contractor</i>	Procedure to notify authorities when reserved minerals are discovered.	None	

**Section 6: Restrictions, surface rights and compensation (Part XII)**

Clause	What it means	Problem	Recommendations
<b>215. Compensation of lawful occupiers and owners of surface lands</b>	Situations of compensation	No major problem. This clause has the potential to make compensation onerous for the licence holder. Further guidance and limitation needs to be put in place by the government, especially when reference is made to future generations.	Provide a standard form that includes all the elements that need to be included in the compensation, and provide a methodology for evaluation and determination or estimation of compensation due. Appropriate government departments may be used for this.
<b>217. Liability and redress</b>	Protection to persons harmed by mining operations	High efficacy, but as usual the need to prove the damage lies with the claimant. Who has the right to claim for environmental or biological diversity damage?	Provide a linkage to the Environmental Management Act (EMA) where the elements due for biodiversity damage mitigation are provided for.
<b>218. Compensation dispute resolution</b>	Steps to resolve any disputes	High efficacy. However, it would help to minimise initial divergence if the government gave guidelines on the key elements in the form of offering to facilitate valuation. Provide a format for the inclusion of elements to be considered in the compensation so that this standard format minimises possible disagreements between the parties.	

## Section 7: Protection of the environment (Part XVI)

This sections provides for protecting the natural environment on individual, organisational or governmental levels, for the benefit both of the people and the natural environment.

Clause	What it means	Problem	Recommendations
<b>261. Environmental considerations</b>	The spectrum of environmental issues or considerations encompasses resources or programmes that may impact on, or are affected by the planning and execution of mining operations. Factors among many others include environmental compliance, pollution prevention, conservation, protection of historical and cultural sites, and protection of flora and fauna.	High efficacy. The detail lies in the EMA.	Provide for the linkage to the EMA.
<b>263. Rehabilitation and mine closure plan</b>	Mine closure is a process undertaken when the operational stage of a mine is ending or has ended, and the final decommissioning and mine rehabilitation is underway for the restoration of the mined landscape.	High efficacy. It is anticipated that the mine closure plan will include costings which will facilitate an evaluation of how realistic the plan is. There is a need to have capacity within the commission to evaluate these plans, and monitor them.	Provide for a standard approach to evaluating the cost of closure plans, to facilitate independent confirmation.
<b>264. Contents of rehabilitation and mine closure plan</b>	These are standard guidelines for mine closure, bearing in mind that closure planning can be complex as it usually deals with time horizons that can stretch over decades. Planners must deal with social, economic and environmental parameters.	High efficacy. There is a need to include the monitoring of occupational and community health in the operation of the mine licence and at closure of the mine licence.	Provide for the ongoing routine monitoring of the environmental, occupational and community health status of a mining project.

Clause	What it means	Problem	Recommendations
<b>265. Financial assurance</b>	<p>These guidelines are exclusive to medium- and large-scale mining. Site abandonment creates issues. Government, industry, and other stakeholders have a strong interest in understanding the issues related to financial assurance for reclamation and site maintenance after closure.</p>	<p>High efficacy. It would be helpful to involve the Reserve Bank of Malawi to verify the validity of the offered assurance to ensure that it is in order and valid for the period in question. Also the basis of determining the value of the cost should be prescribed by the commissioner, to standardise the process.</p>	<p>Provide for the limitation of the financial assurance to be in the form of assets that can readily be liquidated. Also provide for the Reserve Bank of Malawi to vet the assets for validity.</p>
<b>266. Finalisation of rehabilitation and mine closure plan</b>	<p>This does not affect small-scale mining. We must ensure that we leave a positive and sustainable legacy for our host communities after our operations have closed. The guidelines detail what is needed to achieve that goal. Aimed at the people in our operations, the clause provides practical support as to how to achieve this outcome that will further improve the quality of our closure planning. It increases the emphasis on the importance of designing, planning and operating a mine with closure in mind.</p>	<p>High efficacy. There should be a provision for an independent audit of the submitted final closure plan as this a final commitment of the licence holder to expenditure.</p>	<p>Provide for an independent audit at close.</p>

Clause	What it means	Problem	Recommendations
<b>268.</b> <i>Conditions for protection of the environment and human health</i>	Other than the environment there should be conditions to protect human health. Both natural and the man-made aspects are essential to human well-being and to the enjoyment of basic human rights (including the right to life itself).	High efficacy. A closing audit must be undertaken to verify that the closure has been done correctly and that the environment is innocuous, or that long-term monitoring arrangements are in place.	Provide for an independent audit at close.
<b>269.</b> <i>Commissioner may issue environmental guidelines pertaining to mining</i>	The commissioner is advised by the Mineral Resources Board and has full authority over the department to direct the activities of the mine.	High efficacy. This is a very good idea as the sector is unique in a number of respects (e.g. it has high-volume wastes unlike other sectors addressed by the EMA).	Nothing else is required.
<b>270.</b> <i>Rehabilitation on surrender, cancellation or expiry</i>	The process of surrendering a mining tenement.	High efficacy. This is most likely to be encountered with partial surrender as full surrender has elaborate closing arrangements already in place.	Provide for an independent audit at partial closure.
<b>273.</b> <i>Issuance of certificate of closure</i>	Final mine site closure protocol.	High efficacy. Need for closing audit.	Provide for an independent audit at close.

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## Section 8: Administration (Part II)

Clause	What it means	Problem	Recommendations
<b>Section 5. (2)</b> <i>Establishment of a Mineral Resources Committee</i>	The proposed composition of the Mineral Resources Committee will only include government officials.	This committee is very limited in terms of stakeholders.	The composition of the Mineral Resources Committee should be broadened to include other relevant stakeholders who are not part of government. In particular the following groups should be considered: associations of large- or medium-scale miners, small-scale miners, artisanal miners, community or civil society representatives, and experts (such as legal practitioners and accountants).

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Clause	What it means	Problem	Recommendations
<p><b>Section 6, Section 7(1) and (2) Functions of the Mineral Resources Committee</b></p>	<p>The power to grant the mining licence lies with the minister in terms of Section 7 (1) and (2). The section that provides for the powers of the minister refers to “approval” of applications by the Mineral Resources Committee.</p>	<p>The power or function of “approval” by the minister is not clearly stated in the functions section of the committee, where emphasis is only on “determining applications”.</p>	<p>Section 6 should be slightly revised to make it clear whether the committee just “determines and approves” applications for licences. This is because Section 6 only emphasises the words “determining applications” in most of its subsections. It only scantily refers to the power of the committee to “approve applications” in Section 7(1) and (2). This will be a simple correction to make sure that there is consistency in the formulation of the powers and functions of the Mineral Resources Committee. The power of the committee to “determine and approve” applications should be clearly defined so that it is different from the power of the minister to “grant” licences, which may arguably, at least from the way the Bill reads, mean endorsing licences with a signature representing the executive functions of the minister on behalf of government.</p>

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Clause	What it means	Problem	Recommendations
<b>Section 8</b> <i>Meetings of the Mineral Resources Committee</i>	<p>The original draft of the Bill included a proposal in Section 8 (subsequently deleted), giving powers to the Mineral Resources Committee to establish such advisory committees as may be necessary and appropriate for the conduct of its regulatory responsibilities, and stating that these could be from outside the permanent staff of the committee to assist in the conduct of the Mineral Resources Board's regulatory responsibilities. It is good practice that on any matters that may require particular attention, a special committee within a committee can be established to investigate or research the matter.</p>	<p>There is need for checks and balances in the conduct of the Mineral Resources Committee</p>	<p>A provision should be re-inserted into the Bill to give the Mineral Resources Committee the power to engage or establish such advisory committees as may be necessary and appropriate for the conduct of its regulatory responsibilities, and stating that these could be from outside the permanent staff of the committee as advisers, consultants, reviewers or technical experts to assist in the conduct of the Mineral Resources Board's regulatory responsibilities. In some cases, special sub-committees may be established with a particular mandate within the Mineral Resources Committee itself to investigate or consider any specific issues that may arise within the Mineral Resources Committee. However, this provision may be formulated as a separate provision and not under the meetings provisions.</p>

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Clause	What it means	Problem	Recommendations
<p><b>Section 12(2) (a)</b>  <b>and Section 6 (m)</b>  <i>Establishment of Office of the Commissioner for Mines and Minerals</i></p>	<p>There is potential for an overlap between the functions of the Commissioner for Mines and Minerals and those of the Mineral Resources Committee in terms of provision of technical advice and guidance in the administration of the Act and all policy matters pertaining to the mining industry. This because the same clause is included under the functions of the Mineral Resources Committee in Section 6 (m) and Section 12(2)(a).</p>		<p>What may be helpful is to make reference to the specific powers and functions of these two separate entities in relation to provision of technical advice and guidance that is specific to their mandates.</p>

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Clause	What it means	Problem	Recommendations
<p><b>Section 34 (2) (a)</b>  <i>Functions of the Department of Geological Survey</i></p>	<p>The Section may cause problems with some private land owners since officers of the Department of Geological Survey may pass through or enter into any land, including land the subject of a mineral tenement, without prior written permission (except for military installations), which it may be necessary to be on or pass through for the purpose of carrying out geological surveys. Some people may find this as a violation of their right to privacy and property if it is privately owned land, and if officials of the department enter or pass through a person's property without permission (whether written or unwritten) for purposes of surveying, unless the entry was for purposes of enforcing the law.</p>		<p>It would be important to add a provision related to the powers of the Department of Geological Survey in Section 34 (2) (a) that places a duty on the officers to seek either oral or written permission from the owner of any private land or the occupier of land before entering, and if permission is refused then an order can be obtained. This may not create major complications in terms of administration of the Act, if the entry was for purposes of enforcing the law. Alternatively, the right to enter into private land can be narrowed by stating that this can only be done in cases where the surveyors are investigating matters related to geological surveys that may constitute a violation of laws by the land-holder, provided the officers are also designated as inspectors.</p>

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## Section 9: Mineral tenement (Part III)

Clause	What it means	Problem	Recommendations
<b>Definition of licence types in the Bill</b>	The Bill identifies different categories of mining licences. The limitation in its current form is that some are not clearly defined to make it easy for anyone interested in applying for a particular licence to identify it and apply accordingly.		
<b>Section 38 (e), Section 2, Section 54 or 61, Section 190-196 (Section 190(iv)A) Small-scale mining licence</b>	Section 38 (e) provides for the granting of a small-scale mining licence that grant the exclusive right to mine all minerals in the licence area using only small-scale mining methods as defined in Section 2.	A reading of the definition in Section 2 of the Bill does not indicate the “mining methods” that are a feature of small-scale mining. Instead Section 2 states that a “small-scale mining licence” means a small-scale mining licence granted under Section 54 or 61. The definition section does not relate to any mining methods. In addition, the specific provisions applicable to small-scale mining (Section 190-196) are not clear on mining methods in terms of definition. Instead Section 190(iv)A states that a person who is applying for a small-scale mining licence has to give a description of the mining method.	It is recommended that the term “small_scale mining licence” should be clearly defined by either removing reference to mining methods, or by including a provision that identifies the mining methods being referred to in Section 2 (which is the definition section). Currently there is no clear provision that identifies the mining methods for small-scale miners.

Clause	What it means	Problem	Recommendations
<p><b>PART VIII—Medium- and large-scale mining licences</b>  <b>Section 152 When a large-scale mining licence is required</b>  <b>Also see Section 2, Section 55 and Section 61.</b></p>	<p>There is no clear distinction between the medium-scale mining licence and the large-scale mining licence. This is because Section 152 which captures the basic provisions on granting of these licences only states the requirements for a large-scale mining licence. It is not clear if this was intentional or if it was an omission on the part of the drafters.</p>	<p>The question is whether the same requirements or factors apply to medium-scale mining? One is left to guess. The definition section in the Bill on what constitutes a medium-scale or a large-scale licence does not help either, since it makes reference to the application and granting process in Section 55 and 61.</p> <p>This position may make it difficult for one to make a decision whether to apply for a large-scale or medium-scale mining licence, unless the Mineral Resources Committee can assist in determining which class one can apply for.</p>	<p>A clear definition or distinction between a large-scale mining licence and a medium-scale mining licence may be necessary in Section 2 or Section 152 if these two types of licences are different, and this can be done through reference to size, shape or other factors as already included. At the moment only a description of large-scale mining licence is contained in the Bill.</p>

Clause	What it means	Problem	Recommendations
<b>Definition of a mineral and artisanal mining licence (Section 2, Section 4(2) and (3), Section 204 Section 208(2))</b>	<p>Definition of a mineral may have negative implications on artisanal miners or villagers.</p> <p>Section 4 (3) prohibits the use of minerals used for customary purposes for sale or commercial activities. Here what the Bill presupposes is that most of the materials used for customary construction of local houses and other structures are all minerals and one should apply for a permit.</p>	<p>In all provisions related to issuance of an “artisanal mining permit”, there is reference to granting of the permit for mining minerals used in local area construction, such as sand, gravel, stones, clay, aggregate, earth and minerals used for the customary making of pottery and bricks (Section 208(2)). The effect of this is that while the definition of “mineral” seeks to exclude soil that is not being taken for commercial purposes, the artisanal mining permit system is essentially making the soil a mineral by requiring a person to apply for a permit. This is significant when it comes to practical implementation and enforcement of the provisions by local authorities.</p>	<p>A clear definition of what constitutes a mineral (Section 2) may also be vital, and a clear explanation of what an artisanal mining permit entails will be key for purposes of ensuring smooth customary village-level activities. Instead of having a broad declaration of what constitutes a “mineral” as proposed in the Bill, the Minister can be empowered to declare any substance a mineral. This can help to ensure that whatever substance villagers extract in the communities is not considered as a mineral. It may be important as well to consider excluding the artisanal mining permit from the Mines and Minerals Bill, so that it is regulated under local government laws, since local authorities have the power to do that. This will at least not encumber the mining regime in Malawi. What may work better for Malawi is to make clear the meaning of what constitutes a mineral.</p>

Clause	What it means	Problem	Recommendations
<b>PART III – MINERAL TENEMENTS</b>	Section 57. Objections to grant of medium- or large-scale mining licence	Pursuant to the publication of notices of applications for mining licences, Section 57 provides scope for the lodging of objections to the grant of medium- or large-scale mining licences.	What is missing in the Bill, and in particular Section 57 on objections by members of the public, are clear and specific procedures on how the objections will be dealt with by the Mineral Resources Committee. Many people would want a situation where at least there are efforts to address their concerns or objections. Instead Section 58 only provides for an appeal against the decisions of the Mineral Resources Committee to the high court, based on the decision on the application itself by an applicant and not by members of the public objecting to the application. The other appeal processes included in the Bill only relate to disputes by applicants or licence holders; they are not about objections by members of the public.
<b>Assessments of applicants and due diligence</b>	While the Bill contains provisions that may be used to assess the eligibility of any applicant for a licence, it should be emphasised that it is always good practice to ensure that before a person is granted a mining licence, an investigation of their background is done to check if the information they supply is factual and that they have the skills, experience and track record of what they intend to do.	There is no specific requirement in the Bill for the Mineral Resources Committee to undertake any due diligence on the backgrounds of applicants before approval or granting of mineral tenements.	A clear reference to the need to conduct due diligence or an investigation of the background of any applicant will be critical, to check that the information they supply is factual and that they have the skills, experience and track record of what they intend to do. There are several factors that are included in the Bill, but a requirement on due diligence may be vital.

Clause	What it means	Problem	Recommendations
<p><b>Section 60</b>  <i>Reservation of areas for tendering on recommendation by Geological Survey Department</i></p>	<p>The Director of the Geological Survey may propose to the Mineral Resources Committee areas of known mineralisation to be temporarily reserved for possible competitive tendering purposes.</p>	<p>Problems may arise when the Geological survey does not make that recommendation or does not have adequate resources to carry out geological survey that can lead it to conclude that some minerals that are worth a tender process occur in a particular area. If this is the case, it means that large and valuable deposits of minerals may be granted through the normal application process and may not unlock value for the country since there will be no competitive bidding for those resources as would happen when it is opened to tender.</p>	<p>On acquisition of mining licences through the tender system, safety measures should be included in the Mines and Minerals Bill or put in place at the implementation level to make sure that the Department of Geological Survey does not deliberately desist from recommending the declaration of some areas for gazetting to ensure that mining licences are granted through a competitive tender process.</p> <p>Possibly, the Bill should include a provision that requires the department to produce progress reports or other information to demonstrate the work being done to identify areas that can be declared as Geological Survey Reserve Areas where competitive tendering can take place.</p> <p>In addition to the above, there may be need for the Bill to make reference to procurement laws in Malawi if they are adequate. While the terms and conditions of a competitive tender outlined in Section 61 (4) captures many of the most important aspects related to tender processes, it may be vital for Malawi to develop regulations that further elaborate the tender processes, or alternatively make reference in the Bill to the Public Procurement Act of Malawi which may have more elaborate systems and guidance on tender processes. This will ensure that the public officials in the mining sector do not contravene the provisions of other laws.</p>

Clause	What it means	Problem	Recommendations
<p><b>Sections 94, 189 and Section 207</b>  <i>Reservation of certain types of licences to Malawians</i></p>	<p>The Bill contains provisions that effectively reserve certain mining licences to Malawians.</p>	<p>What may be lacking in the Bill are provisions related to the management of the revenue to be derived from the ten per cent equity that the state may elect to hold. There is a trend in many African countries to follow the example of Norway, Nigeria, Botswana, Libya and recently Zimbabwe (among many others) that established Sovereign Wealth Funds for purposes of investing funds from the mining, gas and oil sector.</p>	<p>The Bill does not include clear provisions on the management of revenues or dividends that may be derived from state participation in the mining sector in the event that the state elects to get the prescribed ten per cent in any mining operation. Section 273 could include a provision that would enable Malawi to establish a special investment vehicle in the mining sector to hold the government shareholding in any company in which it holds the ten per cent equity. This can be in the form of a Sovereign Wealth Fund. Initial provisions on this can be included in the Bill. Such a special fund can be reinvested for the benefit of future generations or infrastructure development projects.</p>
<p><b>Section 66</b>  <i>Sub-leasing, pledging, mortgaging or hypothecation of legal or equitable interest</i></p>	<p>The provisions on sub-leasing, pledging, mortgaging or hypothecation of legal or equitable interest in a mining tenement may implicitly include the concept of sub-contracting of mining services in the mining sector (contract mining).</p>	<p>Contract mining (possibly for purposes of reducing operational costs, and in some cases to avoid paying taxes) is not clearly or specifically referred to in the Bill. Sub-contracting of services is emerging as a major issue in the mining sector worldwide.</p>	<p>Section 66 and 67 of the Bill can be further strengthened through inclusion of a specific provision related to contract mining. Contract mining should be clearly regulated. This can then be linked to the local procurement provisions in the Bill.</p>

Clause	What it means	Problem	Recommendations
<p><b>Section 86, Section 141</b>  <i>Cancellation, suspension, surrender or expiry of mineral tenements</i></p>		<p>There is no clear application of the “use it or lose it” principle in the Bill. What appears to be missing from the Bill are clear provisions on time limits within which exploration or mining activities should commence once a licence has been granted. The Bill relies on other factors as outlined below, but without a clear timeframe. This is important to preventing speculative tendencies in the acquisition of mining licences.</p>	<p>The point is that if the holder of a mining licence fails to commence work within a specific timeframe without reasonable excuse and evidenced by other factors, then the licence may be cancelled or suspended.</p>

## Section 10: Fiscal provisions and revenue management

Clause	What it means	Problem	Recommendations
<p><b>Section 264</b>  <i>Tax exemptions and remissions</i></p>	<p>The purpose of tax exemptions or remissions in most cases is to attract investments in the mining sector.</p>	<p>The Bill does not give details and instances when tax exemptions can be granted.</p>	<p>The Bill should complement the tax laws by stating some of the instances in which tax exemptions or remissions may be granted to holders of mining licences to attract or promote investments. These powers should be exercised sparingly and should be for specific periods and not too wide. The Bill should include a provision on consultation between the Minister of Mines and the Ministry of Finance on granting of tax exemptions. Discretionary powers should be limited to prevent cases of corruption.</p>

## Section 11: Transparency and accountability

Clause	What it means	Problem	Recommendations
<p><b>Section 272 (1)</b>  <i>Compliance with fiscal transparency requirements and guidelines</i></p>	<p>There are no clear and concrete legal obligations on the part of government and the mining companies or holders of licences to publicly disclose or publish the taxes, royalties, duties and other fees which they pay or receive. The section suggests that guidelines will be produced which may make it mandatory or voluntary for the keeping of fiscal records to provide transparency.</p>	<p>The section is not very clear on what the intention of submission of information will be, and in particular whether public disclosure is to promote transparency and accountability in terms of revenue collection.</p>	<p>The provisions in the Bill related to accountability and transparency (Section 272 (1) and Section 314) on revenues and taxes should be revised to include a requirement for public disclosure, and at the same time provide for disaggregated reporting (project by project). The Bill should only provide for a mandatory system of promoting access to information in the extractive sector, and not a mix of both voluntary standards and mandatory standards.</p>
<p><b>Section 272 (1) Section 314</b>  <i>Transparency and accountability</i></p>	<p>The Bill contains a limited number of provisions that can facilitate access to information, public participation and consultation related to fiscal aspects and awarding of mining licences.</p>	<p>There is a need to include more provisions in the Bill.</p>	<p>More provisions on access to information on financial aspects and licensing should be included in the Bill.</p>

Clause	What it means	Problem	Recommendations
<p><b>Section 314 (1)</b> <i>Information regarding minerals;</i></p>	<p>Section 314 requires the registrar to maintain good and accurate records of the ownership of mineral tenements and all payments related to mineral tenements for legislative and public review.</p>	<p>While parliament may use its powers provided for in laws that regulate parliamentary privileges and functions, the role of parliament has not been adequately provided for in this section. The Bill just mentions legislative review in passing.</p>	<p>Some provisions related to parliamentary oversight or presentation of reports by the minister on mining licences should be included. This will be in addition to the powers parliament already holds in terms of the constitution and other laws providing for its privileges and powers. The aspect of legislative review of mining contracts or licences should be elaborated. In other countries, mining laws make it very clear that the minister has a duty to report to parliament on mining-related developments, although this can still be done in terms of other laws that give powers to parliament. The Minister of Mines should be required to present reports to parliament or its parliamentary committees.</p>

## Section 12: Ownership of minerals

Clause	What it means	Problem	Recommendations
<b>Ownership of minerals Section 4 (1)</b>	Ownership of minerals is vested in the Republic, and the ownership of minerals vests in a person who legally separates the minerals from the land, pursuant to an authorisation under the Act. The proposed Bill omits this important exception in the section related to ownership of minerals, and this may create problems with private land owners.	What may be missing from the mineral ownership clause is an exception that is also commonly found in mining laws of other countries depending on the land tenure systems. This provision as can be noted from the legal position in Zimbabwe and Botswana relates to the rights other people may have over the land under which a mineral right is. In Zimbabwe and Botswana the law specifically states that "ownership of minerals belongs to the state notwithstanding any right of ownership or dominium which any person may possess in the soil (land) or under which minerals are found".	Section 4, which deals with ownership of minerals, should be revised through the inclusion of an exception clause related to the rights of private land owners or ownership of land by any person in terms of the land tenure system of the country. It is submitted that the clause on ownership of minerals should be revised to include the following clause as an addition "...ownership of minerals belongs to the Republic notwithstanding any right of ownership which any person may possess in the soil (land) or under which minerals are found". This clause can help to make land available for exploration and mining investments, but it should not be interpreted to mean that mining overrides all other land uses. Zimbabwe and Botswana have included this provision in their mining legislation.

## Section 13: Harmonisation with the SADC Mining Protocol, AMV and ACHPR

Clause	What it means	Problem	Recommendations
<b>Human Rights</b>	The Bill will guide the protection and enjoyment of people's rights in regard to the extractive industry sector.	There is no mention of human rights anywhere in the MMB.	The MMA should speak to human rights in the context of the industry, protecting them and supporting the realisation and enjoyment of such rights. There needs to be a special focus on gender and environmental impact.
<b>ACHPR</b>	Malawians cannot claim certain rights within the current context of the MMB, although the constitution is explicit on human rights in relation to multi-national corporations and extractive industries.	Not included in the MMB.	MMA should adopt and incorporate the ACHPR and RTD to meet its international commitments and for the Malawian people to benefit.
<b>Free, prior and informed consent (FPIC)</b>	People can be moved and lose their ancestral land without due process and protection of the law.	The Act does not require that there must be FPIC of the surrounding community as per international best practices. Indeed the Act is silent on the rights of the surrounding population.	The law should protect people from being moved off their land, and this should be part of the Mines and Mineral Act.
<b>Section 227(2)(a) Consent to enter land to be given by the minister</b>	The minister can order a rightful landowner to allow a corporation to enter their property against their will.	Most countries have legislation giving landowners control over their land	The MMA should be harmonised with the Land Act which gives landowners a say on their land
<b>Section 230(1) Compensation to lawful occupiers of land as a result of loss or damage suffered or foreseen to be suffered by them</b>	Compensation will be made to the landowner for the structures or anything of value.	The same interpretation should have been used to acknowledge that these are rightful owners of the land in the context of FPIC.	The MMA should protect landowners who may not want to move off their properties, or benefits should accrue to them by virtue of their ownership.

Clause	What it means	Problem	Recommendations
<b>Section 230(8)</b> <i>No compensation paid in respect of value of any mineral beneath the land.</i>	The rightful landowners may not claim any monetary value for what is found under their land.	Payment for surface infrastructure only.	Other countries (such as the USA) enable rightful owners of land to claim some monetary value from what lies under their land.
<b>Section 230(8)</b> <i>No compensation paid on the use of public infrastructure or water</i>	Public resources (e.g. water) can be used as the industry pleases without compensation.	Water bodies are mostly shared with local communities, and pollution may deprive the community of access to them.	The MMA should prevent industry from using public infrastructures such as water, as this may infringe on other very important social rights.
<b>Section 231</b> <i>Notice of intention to commence activity</i>	The holder of a non-exclusive prospecting license shall inform any lawful occupier at least 30 days in advance of the intention to commence activities on the land.	The owner of the land will not be consulted, but will be informed of a decision that has already been taken.	The law should encourage consultation.
<b>Section 235(1)</b> <i>Where a tenement holder is denied access to any area, the holder may request a land access order</i>	This means that the government can force rightful land owners to provide access to corporations.	Most countries have moved away from forceful evictions, and international best practice does not encourage that.	The law should prevent this from happening. People shouldn't be forced from their land as they will become more vulnerable.
<b>Section 235(3)</b> <i>Land access order and (4) appeal</i>	Commissioner grants, and (4) appeal can be made to the minister whose decision is final	The authority and interest of a lone commissioner may protect the interests of the industry rather than those of communities.	In this case the authority of the commissioner should be reviewed and replaced with a committee involving the Human Rights Commission, the Ministry of Justice, and the ombudsman. Protection of rightful landowners should be the priority.
<b>Section 235 on force majeure and land access orders</b>		The law should not allow forceful eviction. Land owners have to be consulted.	This section should be reviewed and harmonised with the Land Act.

Clause	What it means	Problem	Recommendations
<b>Section 304</b> <i>Community engagement</i>	Communities will be engaged, but the Bill does not define whether this engagement includes consultation.	The law should go beyond just community engagement.	The bill should define free prior and informed consent (FPIC), and make it mandatory.
<b>Section 264</b> <i>refers all mineral payments and royalties to the Taxation Act unless exempted</i>	The MMA does not extrapolate on the fiscal and tax regime and it instead refers to the Taxation Act, which is old and in need of review.	Other countries have included the fiscal regime in their mining laws. The Taxation Act includes secrecy clauses which may inhibit EITI.	The Taxation Act should be reviewed and harmonised with the MMA.
<b>Section 266(2)</b> <i>of the Taxation Act encourages transfer pricing</i>	This allows the selling of mineral products between a subsidiary and parent company which is based outside of Malawi.	This loophole allows the subsidiary to sell the mineral product at production cost to the parent company, which sells it at the international cost. The host government loses out.	The Taxation Act should prevent the selling of mineral products between a subsidiary and parent company.
<b>The Taxation Act does not prohibit stabilisation clauses</b>	Stabilisation clauses exempt companies from complying with any changes in the law.	This practice has been stopped in many countries, because of the cost to host governments.	The law should prevent the exemption of companies to new or emerging laws.
<b>Punitive measures for non-payment of mineral royalty or tax as in section 265</b>	The Taxation Act provides for penalties in the form of fines, but they should be in the form of prisons terms.	The corporate body should be subjected to prison terms.	The law should prohibit the industry from evading tax. Minor penalties may not deter would-be offenders.
<b>The Taxation Act and the MMA should provide monitoring and compliance mechanisms for non-payment of tax</b>		It is not well defined in the Taxation Act whether exports are tracked by revenue authorities, the Malawi Bureau of Standards, mining inspectors, the Ministry of Trade (where the industry secures export permits) or the Department of Mines inspectors.	The law should establish a centralised tax monitoring and compliance mechanism.

Clause	What it means	Problem	Recommendations
<b>No provision for community development agreements</b>	Community development agreements would allow taxation and regulation of what communities receive.	The Bill does not speak to community development agreements.	The Act should provide the space for community development agreements.

## Section 14: General recommendations for inclusion in the MMB

- The government should set up a mining regulatory committee, the regulatory committee will have more powers and competence to limit government monopoly and bureaucracy over policy and management responsibilities of the mining sector, considering that the regulatory committee will comprise professionals from various fields.
- The Bill needs to include a provision that will encourage some spirit of national ownership (nationalisation) of the mining industry in Malawi.
- The Bill needs to specifically indicate government's intention and commitment on implementation of the Extractive Industries Transparency Initiative (EITI).
- The Bill should particularly mandate the government to take full responsibility to regulate and monitor sampling and feasibility studies, considering that multi-national corporations have shown a tendency to steal Malawi's resource wealth under the guise of sampling and feasibility studies.
- The Bill should be specific in providing for efficient mining governance with regard to decentralisation and capacity building for local government structures.
- "Contract Negotiation" needs to be the responsibility of some specific institution or the regulatory authority, instead of leaving it open-ended for government.
- The Bill should make provision for the mining communities to carry out some environmental audit before the company closes down its operations. It would be better for these environmental audits to be conducted regularly during the life of the mining operation.
- The Bill needs to stipulate some effective system of user fees from the mining industry in order to prevent abuse by government and expenditures that may not necessarily be for the good of sustainable national development.
- The Bill should specifically provide ownership rights for customary land.
- The Bill should make detailed provision for the establishment of a trust fund. This should include the introduction of a mining levy to be used for the nation's capacity building in the mining sector as well as for investment in sustainable development projects.
- The Bill should include a provision on "Financial Assurance".
- The Bill should include a specific provision for parliament to play an oversight role of the mining sector in Malawi for the best interest of the nation.
- The use of "the president" in the Bill should be carefully applied and consistent in order to avoid the temptation of personalising the office.
- The Bill must make specific provisions for engendering the mining sector.
- The Bill should provide more powers to the local authority, considering the importance of decentralisation and the provisions of the Local Government Act. The local authorities need to be given more powers in the mining sector (e.g. over ASM, small-scale mining, and revenue generation and management).
- There was a suggestion to remove Section 230 (8) on the basis that it is controversial.

- The Bill should clearly stipulate punitive measures to companies for selling their mining rights to a third party.
- In order to ensure efficient revenue generation, the Bill should specifically make provisions on transfer pricing, double taxation, stabilisation clauses, etc.
- The Bill should include a provision which will repeal some provisions in the Taxation Act (e.g. on confidentiality).
- Section 3(c) of the Bill should include a provision on the introduction of a mining levy.
- Members of parliament have a general feeling that the creation of the commissioner is a duplication of the Director of Mines.
- The Bill should provide for a ten per cent share for government, plus a five per cent share for the mining community as a shareholding principle in the mining sector.

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## Conclusions

- The parliamentary sub-committee on natural resources will take a strong position and contribute effectively on the draft Bill for submission to the Department of Mines, to make recommended changes before it is brought to parliament for debate.
- The workshop rapporteur will quickly compile a summary of the input and recommendations made by the MPs during the workshop for the consultants to develop them into a position-paper for the MPs' substantive debate on the Bill in Parliament. (find summary in Appendix 1)
- The parliamentary sub-committee on natural resources will seek their inclusion and participation on the EITI multi-stakeholder group (MSG) in order to strengthen parliamentary oversight of the mining sector in Malawi.

## Appendix 1: List of workshop participants

No.	Name of participant	Gender	Designation
1	Rt Hon Richard Msowoya,	M	Speaker of the Malawi parliament
2	Hon Goodwin G Kanjere	M	MP
3	Hon Francis EL Nkungula	M	MP
4	Hon Olipa Chimangeni	F	MP
5	Hon Njoka Chipeni	M	MP
6	Hon Werani Chilenga	M	MP
7	Hon Alex C.M. Major	M	MP
8	Hon Commodius Nyirenda	M	MP
9	Hon Daniel Chiwere	M	MP
10	Hon Deus Gumba-Phiri	M	MP
11	Hon Billy Kanjira-Banda	M	MP
12	Hon Pemba Adusa	M	MP
13	Hon Richard Chimando	M	MP
14	Hon M. Ching'onga	M	MP
15	Hon Louis Chakwantha	M	MP
16	Hon Dr Jesse Kabwira	F	MP
17	Hon Rev. Kamuyambeni	M	MP
18	Rt Hon Richard Msowoya	M	MP
19	Hon Edward Kazombo	M	MP
20	Hon H.P.P Chinkhondo	M	MP
21	Hon B. Malunga	M	MP

<b>No.</b>	<b>Name of participant</b>	<b>Gender</b>	<b>Designation</b>
22	Hon Juliana Lunguzi	F	MP
23	Mr BG Mwafurirwa	M	MP
24	Hon G Chiwondo	M	MP
25	Hon Kassim Liguluwe	M	MP
26	Hon K Chiponda	F	MP
27	Hon Aisha Adams	F	MP
28	Mr Fredrick Kamwani	M	Clerk of Parliamentary sub-Committee on natural resources
29	Mrs Janet Kachika	F	Parliament Secretariat
30	Mrs Mary Chiona	F	Dept of Mines
31	Mr Kondwani Dombola	M	Dept of Geological Surveys
32	Dr Esau Chiviya	M	SADC-PF, Secretary General
33	Yapoka Mungandi 77	F	SADC-PF
34	Dr Claude Kabemba	M	SARW, Director
35	Mrs Moratuo Thoke	F	SARW
36	Mr Reinford Mwangonde	M	CFJ Executive Director
37	Dr Margaret Sikwese	F	CFJ Board Chairperson
38	Dr Oliver Maponga	M	Resource person
39	Dr Jewette Masinja	M	Resource Person
40	Mr Shamiso Mtisi	M	Resource Person
41	Mr Kaulungu Simwaka	M	Rapporteur
42	Mr Spyton Kaonga	M	CFJ Finance
43	Miss Loice Makuwira	F	CFJ Finance

**Proposed Amendments to the Malawi Mines and Minerals Bill 2015**

Malawi Parliamentary Sub-Committee on Natural Resources, Energy and Mining

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<b>No.</b>	<b>Name of participant</b>	<b>Gender</b>	<b>Designation</b>
44	Miss Matilda Mkandawire	F	CFJ Administration

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**The mission of the Southern Africa Resource Watch (SARW) is** to ensure that extraction of natural resources in southern Africa contributes to sustainable development, which meets the needs of the present without compromising the ability of future generations to meet their needs.

SARW aims to monitor corporate and state conduct in the extraction and beneficiation of natural resources in the region; consolidate research and advocacy on natural resources extraction issues; shine a spotlight on the specific dynamics of natural resources in the region and building a distinctive understanding of the regional geo-political dynamics of resource economics; provide a platform of action, coordination and organization for researchers, policy makers and social justice activists to help oversee and strengthen corporate and state accountability in natural resources extraction; and, highlight the relationship between resource extraction activities and human rights and advocate for improved environmental and social responsibility practices.

SARW focuses on 10 southern Africa countries but is also working to build a strong research and advocacy network with research institutions, think tanks, universities, civil society organizations, lawyers and communities in southern Africa, the African continent and beyond that are interested in the extractive industries as it relates to revenue transparency, corporate social responsibility, human rights and poverty eradication.

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