

STATEMENT ON THE PROPOSED CHANGES TO BE CONSIDERED IN THE NEW MINING ACT

We, the civil society and media, having analysed and debated on the changes proposed by the Ministry of Energy and Minerals to the new mining Act, hereby acknowledge the good intention and commitment of the Government of Tanzania to address the key challenges that undermine the meaningful contribution of the sector to economic and social development of the country and invaluable initiatives the government has taken to identify the challenges and potential remedial actions: Initiating the Bomani Commission and subscribing to the Extractive Industry Transparency Initiative (EITI) to enhance transparency in the entire industry, to mention but a few.

Admitting the limitation of not having privilege to interact with the Draft Mining Act, this statement is based solely on the review of: (1) the existing Mining Act of 1998, (2) the document entitled "Proposed Areas for Consideration in the New Mining Act" (shared with stakeholders in Arusha in October 2009 and with the Parliamentary Standing committee for Energy and Minerals) which we understand to be suggestive of likely changes to the Mining Act of 1998 and other legislation bearing on the mining sector), and (3) the Bomani Commission report.

We hereby affirm that:

To a reasonable extent, the proposed changes if properly implemented may bring a positive change in terms of:

- i. Potential to increase government revenue resulting from proposed new fiscal regime.
- ii. Minimizing the negative effect on the livelihoods of the affected community members through improved legal obligations to offer adequate compensation, relocation and resettlement.
- iii. Purportedly, increased government control by increasing its participation in the industry.
- iv. Creating linkages with other local economies so as to ensure streaming of benefits for the country and its people.
- v. Improving environmental management and protection and strengthening the oversight body on environmental management.
- vi. Increasing equal participation in decision making and promoting human rights and justices, particularly, to people who are residing in mining areas.
- vii. Increasing awareness in the country on linkages between mining and its contribution to the country's economic development

We therefore call upon both the Government and the Parliament of Tanzania to ensure the following:

1. Enhance transparency in the management of the extractive sector, EITI in particular. We believe that transparency is a key element of good governance, hence, the integrity of the government.
2. Broader consultation with stakeholders and provide reasonably ample time for wider consultations after the bill has been presented to the parliament for the first reading. The proposed timeline for tabling of the bill does not allow for broader consultation in the future and may lead to submission of the bill under Certificate of Urgency!
3. **Provide Political/civic** implications of mining operations at the local government level in terms of involving the local community in decision-making and planning their development.
4. **Socio-cultural** assessment should come out strongly in the law to ensure minimal disorientation or disturbance of the people psychologically, religiously and culturally brought about by the culture shock.
5. Orienting the local people so that they can cope with the new mining **science and technology** which may create unexpected demands on the people.
6. International standards/criteria used to **assess the environment** should be contextualised in terms of the prevailing hygienic immunity levels and provide contextually appropriate treatment.
7. Undertaking of scientific and integrated mining closure after the expiry of the life of the mines.
8. Legal requirement for mining companies to deposit in NEMC and to the Minister responsible for Environment's office mining closure plans before they start mining operations.
9. Gender considerations should be included in mining operations. This needs to be incorporated in the Mining policy and legal provisions should be included in the proposed Bill to give women a role in mining.
10. Legal provisions to mandate NEMC (as an authority in charge for environmental issues) to suspend mining operations for a couple of years until land and the environment is reclaimed. This suspension should be issued in the event there is a grave environmental degradation in the mining areas, as was the case with the North Mara.