



planet**GOLD**
Zimbabwe

STRENGTHENING THE MINES AND MINERALS BILL

**Advancing Reforms for the Benefit of
Artisanal and Small-Scale Gold Miners in Zimbabwe**

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Strengthening the Mines and Minerals Bill: Advancing Reforms for the Benefit of Artisanal and Small-Scale Gold Miners in Zimbabwe

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This policy brief has been developed under the planetGOLD Zimbabwe Project. Its purpose is not to be critical of the government but to provide constructive technical input that supports the ongoing reform and drafting of the Mines and Minerals Bill in a manner that benefits the country's artisanal and small-scale gold mining (ASGM) sector, strengthens environmental management, and promotes mercury reduction in line with the Minamata Convention on Mercury.

The findings and recommendations presented are the result of multi-stakeholder consultations, including dialogues with ASGM miners, representatives from government ministries, Parliament, and civil society, as well as desktop analysis of relevant legislation and international best practices. The brief reflects the voices and perspectives of artisanal miners and other stakeholders, aiming to inform policymakers and contribute to a more inclusive, transparent, and sustainable mining framework.

The opinions expressed in this report are those of the author and individual participants. They do not necessarily reflect those of the planetGOLD Zimbabwe project funders or partner agencies.



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ACRONYMS

ASGM	Artisanal and Small-Scale Gold Mining
ASM	Artisanal and Small-Scale Mining
EIA	Environmental Impact Assessment
EMA	Environmental Management Agency
GBV	Gender Based Violence
GEF	Global Environment Facility
MMB	Mines and Minerals Bill
NAP	National Action Plan
NGO	Non-governmental Organization
PMD	Provincial Mining Director
RDC	Rural District Council
UN	United Nations
UNEP	United Nations Environment Programme
ZSM	Zimbabwe School of Mines

INTRODUCTION

On the 25th of June 2025, the Government of Zimbabwe gazetted the long-awaited Mines and Minerals Bill, 2025.¹ The gazettement of Zimbabwe's Mines and Minerals Bill marks a decisive step in the country's efforts to modernize its mining legislation. The Bill seeks to overhaul the regulatory framework governing the mining industry, modernizing the law to reflect contemporary industry realities. However, for the Bill to achieve its intended goals of fostering an equitable, sustainable, and inclusive mining sector, it must adequately address the realities of those working in the artisanal and small-scale gold mining (ASGM) sector. Representing a vital part of Zimbabwe's gold output and rural economy, the ASGM sector continues to face structural barriers linked to licensing, environmental compliance, formal market access, and formalization. Informed by recommendations from artisanal and small-scale gold miners, that have been shared during consultations led by the planetGOLD Zimbabwe project, this position paper sets out practical proposals on how the Bill can be strengthened to better support ASGM, ensuring the sector's meaningful contribution to economic growth, poverty reduction, and responsible mining practices.²

1. Government of Zimbabwe, *Mines and Minerals Bill, 2025*, https://www.veritaszim.net/sites/veritas_d/files/Mines%20%26%20Minerals%20Bill_0.pdf.
2. The planetGOLD Zimbabwe project organized an in-person, multi-stakeholder dialogue on the Bill on 17 July 2025 in Harare.

EXECUTIVE SUMMARY


The Bill is commendable for addressing an antiquated framework, including the formal recognition of small-scale miners as integral actors within the mining sector—an identity the 1961 Mining Act did not confer.³ However, it falls short in acknowledging the 'artisanal' dimension of the artisanal and small-scale mining (ASM) sector. The ASM sector is already a vital component of Zimbabwe's mainstream economy and social fabric. Consequently, the Bill's approach towards regulation and integration of artisanal and small-scale miners requires significant refinement to fully capture and support this crucial sector. This brief outlines advocacy recommendations to align the Bill with the lived realities of the artisanal and small-scale gold miners. These recommendations and key findings are informed by concerns expressly raised by the artisanal and small-scale gold miners during consultations and a thorough analysis of the Bill's provisions.

Formalization cannot be achieved by mere inclusion in statutory text followed by compliance obligations similar to those applicable to large-scale operators. This approach overlooks the inherent realities of the ASGM sector and fails to address their specific interests and objectives. Challenges including lack of access to capital, limited scale of operations, absence of requisite technical skills, and structural vulnerabilities. A uniform compliance regime without transitional or tailored mechanisms, overlooks the varied capacities of operators and risks marginalizing the very group it seeks to empower.

Findings emerging from both a close reading of the Bill and consultations with ASGM actors reveal that the formalization of artisanal and small-scale miners must be approached in phases, progressively building their compliance capacity while offering support in capital mobilization, technical skills, and operational development. The Bill's current definition of small-scale mining raises significant concerns. By limiting the definition of a small-scale mine exclusively based on its physical size (not exceeding 40 hectares), workforce (not exceeding 50 employees), and annual ore output (not exceeding 1,200 tonnes), the Bill adopts a narrow, and potentially exclusionary frame. Furthermore, it appears to conflate 'artisanal' and 'small-scale' miners, despite their distinct operational and structural characteristics. The lack of a clear legal recognition and regulatory framework for artisanal miners represents a critical gap in the draft legislation.

Stakeholders have expressed concern about the Bill's failure to address the inclusion of historically marginalized and vulnerable groups, particularly women and persons with disabilities. Although non-discrimination and equality are matters addressed in broader

3. Government of Zimbabwe, *Mines and Minerals Act*, 1961, <https://www.mines.gov.zw/wp-content/uploads/2025/01/MINES-AND-MINERALS-ACT-1.pdf>.



constitutional and statutory frameworks, the Mines and Minerals Bill should include clear references to these protections, to ensure inclusivity is part of the mining legal framework. Women in mining continue to face gender-based violence, exclusion from higher-value opportunities, and disproportionate exposure to mercury and other occupational hazards. Similarly, persons with disabilities are rarely accommodated in access to mining rights, funding, and capacity-building initiatives. An explicit legislative acknowledgement of these inequities, coupled with reference to constitutional and international obligations, would demonstrate strong commitment to equity within the mining sector.

Further, while the Bill mentions loan facilities and skills-development programs, these provisions are presented in aspirational terms rather than as binding obligations. Genuine formalization and compliance in the ASGM sector are impossible without explicit statutory provisions on access to affordable funding, technical skills training, and machinery-hire facilities. Clear and enforceable mechanisms are essential for the legislation to be more than a symbolic gesture.

Lastly, the Bill must rationalize overlapping compliance regimes. As currently structured, artisanal and small-scale miners are subject to multiple layers of statutory requirements, including environmental approvals from the Environmental Management Agency (EMA) and licensing obligations from the Ministry of Mines and Mining Development. The Bill ought to harmonize overlapping procedures, particularly between Environmental Impact Assessments (EIAs) and mining certificates, to reduce bureaucratic burdens and enhance compliance feasibility.

In sum, while the Mines and Minerals Bill, 2025 provides an unprecedented opportunity to create a progressive and inclusive framework for the mining industry, its provisions relating to the ASGM sector require targeted amendments to ensure that the legislation truly facilitates rather than frustrates the formalization, empowerment, and sustainable development of artisanal and small-scale miners in Zimbabwe.



ANALYSIS OF THE MINES AND MINERALS BILL

1. Inclusion of Artisanal Miners in the Provisions of the Bill

The Bill does not explicitly recognize nor make provision for artisanal miners. By remaining silent on their status, the Bill leaves significant room for ambiguity regarding whether they are encompassed within the broader category of small-scale miners or are to be treated separately. This omission is particularly concerning given the distinct operational, economic, and social characteristics of artisanal mining, which differentiate it from small-scale mining in terms of scale, informality, resource access, and regulatory engagement.

The omission leads to a conflation of artisanal and small-scale mining, implying that regulatory measures designed for formalized small-scale operations are being applied to a largely informal and marginalized group. Small-scale miners typically operate with some degree of legal recognition, including mining titles, registered claims, and adherence to environmental and safety regulations. In contrast, artisanal miners generally engage in informal, unregistered mining, often relying on traditional practices and local knowledge. The lack of differentiation in the legislation may therefore undermine attempts to create an enabling environment that responds to the realities of artisanal mining, potentially marginalizing those who rely on it for their livelihoods.

Furthermore, the absence of clear provisions for artisanal miners leaves the pathway to formalization undefined. Legal recognition is a critical enabler for integrating artisanal miners into the formal economy, providing access to finance, technical assistance, markets, and environmental safeguards. Without explicit legislative guidance, artisanal miners will continue to operate in a legal grey area, limiting the government's ability to regulate the sector, enforce standards, and realize the broader socio-economic and developmental benefits that formalization could deliver.

2. Phased Formalization of Artisanal and Small-Scale Miners

For decades, artisanal and small-scale miners have operated within informal systems that lack exposure to statutory procedures, credit markets, and structured technical training. It is recommended that the Bill adopt a phased, capacity building approach to the formalization of artisanal and small-scale miners, rather than expecting immediate parity with the compliance regime applicable to large-scale operators. Proper formalization should be viewed as a developmental process that involves regulatory sequencing, graduated obligations, and targeted state support so that compliance is achievable and not merely imposed.

The Bill should therefore establish an explicit roadmap that recognizes formalization as a progressive realization of regulatory duties. At the outset, the law should provide for a time-bound Transitional Compliance Period during which artisanal and small-scale miners move from basic legal recognition and simplified obligations to full compliance. This period should be anchored in a statutory instrument issued by the Minister on the recommendation of the Provincial Mining Directors (PMD), which sets out milestone obligations, timeframes, and the support measures to be delivered by state institutions. During this phase, compliance expectations should be calibrated to the artisanal and small-scale miner's operational scale and demonstrated capacity, with obligations intensifying only as capacity is built.

To make the transition real, the Bill should mandate the Ministry of Mines and Mining Development, working with accredited institutions such as the Zimbabwe School of Mines and relevant agencies, to deliver structured programs in environmental management, occupational safety, rudimentary mine planning, bookkeeping, and basic governance. The law should connect successful participation in these programs to access to opportunities for working capital, machinery-hire facilities, and technical advisory services, so that knowledge acquisition is complemented by the means to implement it.

Access should be framed as a statutory duty of the implementing authorities during the Transitional Compliance Period.

The compliance architecture should be tiered. At entry, obligations should be confined to registration, adherence to minimum safety standards, and adoption of a simplified environmental management instrument appropriate to the scale of activity. Thereafter, obligations should expand in defined stages to encompass fuller environmental, social, and fiscal requirements as capacity, finance, and technical competence accumulate. This approach preserves the integrity of the regulatory objectives while avoiding the legal fiction that immediate, full compliance is practicable for artisanal and small-scale miners, many of whom will be emerging from informality.

Section 155 of the Mines and Minerals Bill establishes a multi-tiered accountability framework that authorizes complaints by Rural District Councils (RDCs), the Environmental Management Agency (EMA), and other credible sources, and links those complaints to consequential controls over inspection certificates, including suspension and permanent withdrawal. The principles of responsible resource exploitation, environmental protection, and community safeguards, remain important; however, they must be integrated with a cure-and-capacity model during the Transitional Compliance Period. Where a complaint is raised under section 155 against an artisanal and small-scale miner who is within the Transitional Compliance Period and substantially meeting their staged obligations, the PMD should be required to prefer remedial directives, monitored action plans, and short, defined cure periods over immediate punitive measures that extinguish the right to operate. Suspension or withdrawal of inspection certificates should be reserved for egregious, wilful, or persistent non-compliance after documented assistance has been provided and reasonable cure periods have lapsed.

Harmonization with environmental regulation is essential. The Bill should provide for procedural integration between the EMA and the Ministry of Mines and Mining Development so that environmental approvals are sequenced with mining tenure in a single, predictable pathway. During early phases, the law should recognize a simplified environmental instrument suitable for artisanal and small-scale operations, with full EIA obligations triggered only at



specified thresholds or upon transition to later phases. The PMD's inspection certificate and the EMA's environmental authorization should be aligned temporally and substantively, with joint or coordinated inspections and shared information systems to eliminate duplication and reduce compliance costs.

To secure certainty and due process, the Bill should provide that the PMD issues each qualifying operator with a Transitional Compliance Schedule that specifies phase-appropriate duties, timelines, and the state support to be delivered. Decisions under section 155 that affect an operator within this schedule should be reasoned, recorded, and subject to prompt review by the Mining Affairs Board within fixed timelines, applying a standard of proportionality that considers the miner's phase, capacity gains, and conduct. Where a temporary cessation is ordered under section 155, the statute should require a contemporaneous remedial plan, clear conditions for resumption, and priority access to technical assistance so that the cessation operates as a corrective tool rather than an instrument of exclusion.

The legislation should further provide for performance monitoring of the phased regime through audits. The Minister should be obliged to table an annual report to Parliament detailing the number of operators within each phase, completion rates for milestones, incidence and disposition of section 155 complaints during the Transitional Compliance Period, the volume of training and finance disbursed, and any adjustments proposed to timelines or thresholds. This creates a feedback loop that allows Parliament to oversee whether the phased approach is delivering genuine formalization rather than simply deferring non-compliance.

3. Inclusion of Marginalized Groups: Women, Youth, and Persons with Disabilities

The Bill ought to expressly provide for the participation of marginalized groups in the mining sector, including women, youth, and persons with disabilities, and specify a non-discrimination policy that applies to all actors within the industry. As the principal regulatory framework for Zimbabwe's mining sector, the Bill cannot afford to ignore entrenched barriers that these groups face. Without targeted provisions, the industry risks perpetuating historical patterns of exclusion, inequity, and disempowerment.



Women in Mining

Previous studies on gender and mining have repeatedly shown that women are systematically marginalized in the mining sector. The sector remains predominantly masculine, shaped by cultural, social, and economic barriers, exposure to gender-based violence, and unequal access to finance, land, markets, and decision-making processes. Globally, ASM employs approximately 40.5 million people directly, with an additional 150 million dependent on the sector for their livelihoods. Women make up nearly 30 percent of the ASM workforce worldwide, and in some regions, up to 50 percent.⁴ Their contribution is therefore not peripheral but central.

In Zimbabwe and other African countries, ASM has long been dismissed as an activity driven by poverty. Yet, experience has shown its massive potential for employment generation and poverty alleviation, especially in rural areas. Despite this, women often find themselves confined to the lowest-paying and most insecure roles, such as ore processing, panning, and vending, while men dominate access to claims, equipment, financing, and decision-making spaces. Unless the 2025 Mines and Minerals Bill explicitly recognizes these challenges and mandates remedial action, the systemic exclusion of women will persist as part of formalization efforts.

4. Many studies exist on women's roles in ASM. See for example: International Institute for Sustainable Development, *Women in Artisanal and Small-Scale Mining: Challenges and Opportunities for Greater Participation*, April 2018, <https://www.iied.org/sites/default/files/pdfs/migrate/G04307.pdf>; Doris Buss et al., *Gender and Artisanal and Small-Scale Mining in Central and East Africa: Barriers and Benefits*, July 2017, https://impacttransform.org/wp-content/uploads/2017/10/GrOW-Working-Paper_2017.pdf. In addition see the work by IMPACT in Zimbabwe with the Digging for Equality project, <https://impacttransform.org/en/work/project/digging-for-equality/>.

Persons with Disabilities

For persons with disabilities, the legal imperative to ensure equal access to opportunities applies in the mining sector, where inherent inequalities of power already run deep. Globally, there is increasing recognition that the extractive industries must embrace inclusion as part of a “just transition.” The UN Working Group on Business and Human Rights (2023) has stressed that meaningful consultation with vulnerable and marginalized groups, including persons with disabilities, is indispensable for rights-based climate action and sustainable resource governance.⁵ In Zimbabwe, however, persons with disabilities continue to face practical barriers to participation, ranging from inaccessible infrastructure to discriminatory hiring practices.

Mining's centrality to Zimbabwe's energy transition and economic recovery means that deliberate policy action is needed to ensure that persons with disabilities are not left behind. A mining law that fails to reference accessibility, equity, and reasonable accommodation risks entrenching exclusion and violating both constitutional guarantees⁶ and Zimbabwe's obligations under the UN Convention on the Rights of Persons with Disabilities, to which it is a party.⁷

5. United Nations Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, *Information Note on Climate Change and the Guiding Principles on Business and Human Rights*, June 2023, <https://media.business-humanrights.org/media/documents/Information-Note-Climate-Change-and-UNGPs.pdf>.
6. The Constitution of Zimbabwe guarantees equality and non-discrimination in Section 56. The Constitution is available online: https://www.veritaszim.net/sites/veritas_d/files/Constitution%20Consolidated%20%282023%29.pdf.
7. Zimbabwe signed and ratified the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol on 23 September 2013. The convention is available online: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.



Youth Participation

Youth inclusion is equally critical. The sector faces global and national labor shortages, according to studies like McKinsey & Company's work on extractive industries,⁸ a surprising contrast to Zimbabwe having one of the youngest populations in the world. The failure to integrate youth into formal and professionalized mining not only denies them opportunities for empowerment but also undermines the sustainability of the industry itself. Young people bring innovation, energy, and adaptability essential traits for modernizing the sector, especially under a regime that aspires to promote formalization, compliance, and environmental stewardship.

8. McKinsey & Company, *Increasing diversity in mining: Three years on*, November 10, 2023, <https://www.mckinsey.com/industries/metals-and-mining/our-insights/increasing-diversity-in-mining-three-years-on>.

Why the Bill Must Lead on Equality

While equality and non-discrimination are addressed in the Constitution and other statutes, the Bill—as the prime legal framework governing mining—must recognize the sector-specific challenges faced by women, youth, and persons with disabilities. Doing so strengthens compliance with national and international standards and sends a clear signal that the future of mining in Zimbabwe is equitable, sustainable, and inclusive.

Proposed Provisions

- ▶ The Bill should insert a dedicated clause mandating compliance with constitutional provisions on equality and prohibiting discrimination in licensing, employment, and access to mining rights.
- ▶ Non-discrimination should be a condition precedent for the grant and retention of mining rights, with regulatory consequences (including suspension of rights) for non-compliance.
- ▶ The Bill should provide for equitable representation of marginalized groups in statutory bodies established under the Act, including the Mining Affairs Board, advisory councils, and community share ownership schemes.
- ▶ State-led training, financial support, and capacity-building programs should be legally required to prioritize women, youth, and persons with disabilities.
- ▶ The Minister should be required to table an annual report before Parliament detailing the participation of women, youth, and persons with disabilities in the mining sector, including statistics on employment, access to rights, financing, and representation.
- ▶ Mandate workplace policies prohibiting forced labor, physical violence, sexual assault, emotional abuse, harassment, coercion, intimidation, and all other forms of gender-based violence (GBV), with clear enforcement procedures and accountability for non-compliance.
- ▶ Establish clear reporting, investigation, and redress mechanisms for all forms of abuse, including confidential on-site grievance officers, anonymous hotlines, mobile reporting platforms, and secure suggestion boxes, ensuring protection from retaliation and follow-up for unresolved complaints.

- ▶ Require mining operators to provide safe access to mining sites, secure working zones, gender-segregated sanitation facilities, adequate lighting, safe housing or shelters for overnight stays, and protective infrastructure such as fencing, gates, and monitoring systems to reduce exposure to physical threats.
- ▶ Implement mandatory and ongoing training for all workers, supervisors, and management on gender sensitivity, GBV prevention, human rights, ethical conduct, personal safety, conflict resolution, and emergency response. Include targeted programs for women miners on self-protection, legal literacy, negotiation skills, leadership, and accessing remedies.
- ▶ Train law enforcement officers assigned to mining districts on gender-sensitive policing, GBV response protocols, investigation of forced labor and exploitation, and handling complaints involving women miners. Where feasible, establish specialized mining liaison units or officers to ensure rapid response and monitoring.
- ▶ Establish community-based safety initiatives, including local watch groups, women-led safety committees, and partnerships with traditional authorities and local leaders, to monitor mining areas, intervene in incidents, and provide early warnings or assistance to vulnerable miners.
- ▶ Guarantee access to immediate and long-term support services for victims, including emergency medical care, psychosocial counselling, legal aid, trauma support, shelter relocation, and economic assistance, coordinated with non-government organizations (NGOs), women's organizations, and government agencies.
- ▶ Require operators to collect detailed sex-disaggregated data on all incidents of harassment, GBV, forced labor, sexual exploitation, and other abuses, and submit these to regulatory authorities to inform monitoring, evaluation, and policy development.
- ▶ Link compliance with safety and gender-protection measures to mining licenses, permits, and renewal processes, including incentives for exemplary compliance and enforceable penalties for breaches, such as fines, suspension, or revocation.
- ▶ Promote community awareness campaigns targeting miners, local leaders, and surrounding communities on women's rights, GBV consequences, ethical conduct, workplace safety, and reporting procedures, fostering a culture of accountability and zero tolerance for abuse.

- ▶ Encourage collaboration with NGOs, civil society, advocacy groups, and women's associations to provide mentorship, technical assistance, education, training, and monitoring of women's safety at mining sites.
- ▶ Conduct regular audits, inspections, and monitoring visits to mining sites to evaluate adherence to safety and gender-protection standards, including physical security, reporting systems, training effectiveness, and enforcement of workplace policies.
- ▶ Develop rapid-response protocols for all incidents involving forced labor, physical assault, sexual abuse, emotional abuse, or GBV, ensuring timely intervention, protection of victims, impartial investigation, and legal or disciplinary action against perpetrators.
- ▶ Integrate women miners' representation into mine governance structures, safety committees, licensing consultations, and sectoral advisory boards to ensure their voices inform operational policies, regulatory standards, and enforcement priorities.
- ▶ Provide mechanisms for alternative dispute resolution and mediation in cases of conflict, harassment, or abuse, prioritizing safe and confidential processes for women miners.
- ▶ Establish public reporting and transparency requirements for mining operators regarding incidents, safety measures, and compliance with gender-protection regulations, enabling accountability to regulatory authorities and communities.
- ▶ Ensure financial and technical support for women miners, including access to credit, equipment, safety gear, and insurance, which reduces vulnerability to exploitation, coercion, or unsafe practices.
- ▶ Promote research and policy development on women's participation in mining, including studies on GBV, forced labor, occupational risks, and socio-economic impacts, to inform targeted interventions and legislative improvements.

By incorporating such provisions, the Bill will operationalize Zimbabwe's constitutional and international obligations, as well as contribute to a mining sector that recognizes and addresses the different challenges its diverse stakeholders face. In this way, the law becomes instrumental in dismantling systemic inequities, ensuring that the benefits of mineral wealth are shared fairly among all citizens.



4. Participation of Artisanal and Small-Scale Miners in Strategic Minerals Value Chains

Section 6(5) of the Bill allows for the participation of small-scale miners in the exploitation of strategic minerals. Under this provision, small-scale mining may be permitted to exploit a strategic mineral deposit located within an area designated by the Minister, subject to certain cumulative conditions. Firstly, the Director of the Geological Survey must report that the deposit is of such a size and configuration that it can reasonably be exploited by one or more small-scale miners. Secondly, the proposed exploitation must not interfere with the operations of any other holder of a mining title or undermine the State's broader strategic interests in the mineral. Thirdly, the small-scale miner or group of small-scale miners must enter into an individual or collective agreement with the State setting out the terms and conditions under which the exploitation is to be undertaken.

This framework is unprecedented in Zimbabwe's mineral law as it provides a legal pathway for artisanal and small-scale miners to access high-value mineral resources. Until now, these resources have been restricted, often on the grounds of their strategic importance. It represents a significant step towards inclusive mineral governance, and in

principle legitimizes the participation of artisanal and small-scale miners in areas of the sector from which they were historically excluded.

Notwithstanding these positive developments, it is recommended that the Bill be refined to provide clearer and more detailed provisions governing the participation of artisanal and small-scale miners in the exploitation of strategic minerals. In particular, the law should recognise that artisanal and small-scale miners may lack individual capacity to meet the technical and financial thresholds required for participation and should therefore explicitly provide for the possibility of artisanal and small-scale miners working together, either through cooperatives, associations, or joint ventures, to meet such thresholds collectively. This would ensure that the provision is not rendered illusory by capacity constraints and would operationalize the stated intention of inclusivity.

Furthermore, the provision should not limit participation to extraction alone but should extend to the broader value chain, including processing, beneficiation, and marketing of strategic minerals. By expressly recognizing the role of artisanal and small-scale miners in downstream activities, the Bill would create genuine empowerment and shared value rather than confining ASM actors to the least lucrative stage of the mineral value chain.

Finally, while Section 6(5) vests broad discretionary powers in the Minister with respect to the designation of areas and the authorization of participation, it is recommended that such discretion be tempered by clearer statutory guidelines and procedural safeguards to avoid arbitrariness, favouritism, or exclusionary practices. Mechanisms such as transparent criteria, consultative processes, and published guidelines would reinforce the fairness, predictability, and accountability of the system.

In sum, the recognition of ASM participation in strategic minerals is a commendable innovation in the Bill. However, to give the provision real effect, the law ought to be amended to provide clearer, more comprehensive, and enforceable guarantees of participation, including collective access, value chain integration, and safeguards against ministerial overreach.

5. Resolution of Farmer–Miner Disputes

The Bill introduces important provisions for the resolution of disputes between land occupiers and miners. It requires that a miner obtain the consent of the occupier prior to undertaking certain activities and decentralizes the dispute resolution process from the High Court to the offices of the PMDs. This is a commendable step as it seeks to make dispute resolution more accessible and less costly for parties, particularly artisanal and small-scale miners who often lack the resources to pursue remedies in superior courts.

Notwithstanding these positive reforms, artisanal and small-scale miners have highlighted several concerns that warrant attention. First, the procedures for dispute resolution remain complex, fragmented, and insufficiently outlined. Disputes between farmers and miners are among the most frequent sources of conflict in the mining sector, and as such, the Bill ought to set out simplified, detailed, and clearly accessible procedures for lodging, hearing, and determining such disputes. Without such clarity, the decentralization of jurisdiction to the PMDs may not yield the intended benefits of efficiency and predictability.

Secondly, the current provisions appear to be drafted in a manner that presumes fault on the part of the miner. They outline scenarios in which the artisanal and small-scale miner is alleged to be in the wrong and prescribe measures that may be imposed upon them, yet they fail to contemplate situations where the land occupier infringes upon or obstructs the miners lawfully granted mining rights. This creates an imbalance in the protection of rights and risks undermining the constitutional and statutory guarantees afforded to holders of mining titles. The Bill should be amended to provide for reciprocal obligations and remedies, ensuring that artisanal and small-scale miners have enforceable recourse in instances where their rights are violated by occupiers.

Thirdly, the Bill provides that notices of hearings or rulings by the PMD may be placed on a notice board. Artisanal and small-scale miners have noted that this form of notice is inadequate and impractical as it does not guarantee that affected parties will become aware of the proceedings or outcomes. The Bill must mandate more effective and practical notification methods, such as direct service of notices on the parties, electronic communication (SMS, email, or online portals), or publication through other widely accessible channels. Clear rules on service of process would enhance transparency and safeguard the right to a fair hearing.

In summary, while the Bill represents progress by decentralizing farmer–miner dispute resolution to PMDs, it must go further to:

- ▶ establish clear, simplified, and accessible procedures for dispute resolution.
- ▶ recognise and protect the rights of miners where the occupier is in breach; and
- ▶ provide for effective, practical, and reliable notification mechanisms to ensure fairness and transparency.

Only through such refinements can the dispute resolution framework achieve its intended goal of reducing conflict and fostering peaceful coexistence between miners and farmers.



6. Mining Industry Environmental Protection Fund

The Bill introduces critical mechanisms to promote environmental stewardship and support for the ASM sector. The establishment of the Mining Industry Environmental Protection Fund provides a pioneering institutional and financial framework to enhance compliance with environmental standards and promote sustainable operations across the mining sector. Financial support from the Fund will enable artisanal and small-scale miners to invest in environmentally sound infrastructure such as tailings storage, mine rehabilitation, water management, and clean technologies.

The Bill introduces an inclusive governance structure for the Environmental Protection Fund. It includes small-scale miners who contribute financially, fostering accountability and responsiveness. Additional technical advisory services, loan administration support and equipment hire facilities further strengthen this support system. However, to fully safeguard ecological integrity and ensure sustainable sector growth, the Fund must have improvements to ensure better capacity and management.

First, governance should expand to include representation from the entire ASM community, including informal and marginalized miners who often cannot contribute financially. This broader inclusion, possibly through recognized associations, would strengthen legitimacy and equity in decision-making.

Second, sustainable, climate-smart mining practices should be prioritized and incentivized for all ASM operators, with the Fund supporting capacity-building, technology adoption, and environmental compliance tailored to address the diverse needs of the sector. Central to these sustainability efforts is the urgent need for mercury reduction, given the severe health and environmental risks associated with its widespread use in gold extraction. Mercury exposure not only threatens local livelihoods but also undermines national efforts toward environmental sustainability and public health protection.

As a signatory to the Minamata Convention on Mercury, Zimbabwe is obligated to take national action to eliminate mercury use in the mining sector. Incorporating strong mercury reduction measures into the Bill, along with technical training and compliance incentives for mercury-free technologies will ensure alignment with international standards.⁹

Third, transparent and accountable management must be ensured through clear institutional roles, rigorous auditing, and community engagement so that Fund resources effectively address environmental rehabilitation and sector needs.

7. The Cadastre System: Transitional Safeguards, Accessibility, and Equitable Implementation

The Bill introduces provisions for the establishment and operation of a computerized Mining Cadastre System, envisaged as an online platform for the mining industry. The cadastre is designed to centralize and streamline the lodging of documents, issuance and renewal of mineral rights, maintenance of cadastral maps, access to records, and resolution of conflicts relating to mining titles. This reform is, in principle, aligned with best international practice and is a necessary step toward ensuring transparency, accountability, and predictability in the administration of mineral rights. However, artisanal and small-scale miners who constitute the most mining rights holders in

9. Zimbabwe became a party to the Minamata Convention in August 2019. It released its National Action Plan in November 2019 where it sets out national level commitments to reduce and eliminate mercury. The plan is available online: <https://minamataconvention.org/en/documents/national-action-plan-zimbabwe-2019>.

Zimbabwe, have raised significant concerns about the structure, accessibility, and implementation of the cadastre system, which, if left unaddressed, may turn a reform intended to promote inclusion into a mechanism of exclusion.

A major source of contention is the requirement, either explicit or implied in the administration of the cadastre, for miners to re-peg existing claims or procure surveyor-authenticated spatial coordinates for their rights to be properly captured within the cadastre. For artisanal and small-scale miners, this translates into substantial additional financial costs in the form of surveyor's fees, pegging agent

charges, transport costs, and in some cases, new application fees. Consultations held by planetGOLD Zimbabwe revealed that the requirement to re-peg or re-survey has caused great anxiety and uncertainty among ASM actors, particularly as many hold long-standing claims pegged under previous legal frameworks and fear losing such rights due to technical or procedural barriers. The reliance on accredited pegging agents or licensed surveyors also introduces opportunities for exploitation, with miners reporting inflated costs, opaque fee structures, and, in some cases, corrupt practices. In this sense, the cadastre risks replicating and amplifying the very problems it was meant to solve, namely, double pegging, disputes, and lack of confidence in title administration.

In addition, while the Bill rightly envisages the cadastre as an online, computerized system, this raises concerns regarding practical accessibility. Many artisanal and small-scale miners operate in rural and remote areas, often without digital literacy, electricity, or reliable access to internet connectivity. If the cadastre is solely accessible online from a centralized system located in Harare, or the provincial capitals, the practical effect would be to exclude the very group it is meant to serve. Miners underscored the need for decentralized and user-friendly access points, including mobile registration units, local helpdesks in district centres, and simplified digital interfaces that can be navigated with limited training. Without such measures, the cadastre could become an elitist instrument accessible primarily to large investors, urban operators, and those with the financial resources to navigate its technical demands.



The Bill also fails to provide clear transitional provisions governing how existing rights are to be migrated into the cadastre. While the objective of creating a harmonized spatial database is sound, the law must expressly guarantee that existing claims pegged and registered under the terms of the current Mines and Minerals Act will be recognized as valid without compulsory re-pegging, save where genuine spatial overlaps or disputes are proven. The absence of such guarantees creates fertile ground for administrative abuses and for the dispossession of small-scale claim holders under the guise of “regularizing” the cadastre.

Moreover, the current framework appears to assume individual compliance, whereas most ASM actors lack the individual financial or technical capacity to meet the cadastre's requirements. The Bill should therefore expressly provide for collective participation, whereby groups of miners, cooperatives, or associations may pool resources and lodge claims collectively. This would democratize access to the cadastre, prevent duplication of effort, and empower miners to negotiate services such as surveying on a collective basis, thereby reducing costs.

Consultations with miners also highlighted the absence of effective dispute resolution mechanisms within the cadastre framework. Given that one of the cadastre's purposes is to reduce double pegging and claim overlaps, the law should provide clear, simplified, and expedited procedures for resolving disputes that arise during cadastral registration. A miner who is aggrieved by the refusal of the cadastre office to register a claim, or by the registration of a competing claim, should have recourse to an accessible internal review mechanism and, where necessary, to the PMD or a specialized tribunal. In the absence of such provisions, disputes will continue to escalate into costly litigation, thereby frustrating the intention of efficiency.

Finally, the cadastre must publicly share useful, non-sensitive data in simplified and affordable formats to maintain the credibility of the system. Artisanal and small-scale miners require the ability to register claims and verify the existence of competing or overlapping titles. If this information is locked behind inaccessible databases or high fees, the result will be opacity rather than openness. At the same time, the system must provide practical and enforceable measures to prevent corrupt practices such as predatory reallocation of claims or manipulation of cadastral records.

Proposed Measures

Accordingly, it is recommended that the Bill be amended to incorporate the following comprehensive measures:

- ▶ **Transitional Safeguards:** Insert express provisions guaranteeing the recognition of existing rights pegged under the current Act without compulsory re-pegging, except where genuine overlaps exist. Establish a reasonable grace period and provide technical assistance for gradual compliance with new spatial data requirements.
- ▶ **Control of Pegging Agents and Costs:** Require the licensing of pegging agents under transparent statutory criteria, accompanied by published fee schedules and caps on charges applicable to artisanal and small-scale miners. The Bill should provide for subsidized or state-supported surveying services, particularly for groups of artisanal and small-scale miners.
- ▶ **Collective Access:** Recognise cooperatives, associations, or joint ventures of artisanal and small-scale miners as eligible cadastral applicants. Such collective mechanisms would allow miners to pool resources and meet technical requirements collectively.
- ▶ **Simplified Evidentiary Rules:** Permit miners to provisionally register claims using simplified forms of evidence, such as GPS coordinates, affidavits, or community attestations, with subsequent verification to follow. This would ensure immediate protection of rights pending technical upgrades.
- ▶ **Accessibility and Resourcing:** Require that the cadastre be adequately resourced and decentralized, with regional offices, mobile registration units, and simplified user platforms to ensure grassroots access. Annual resourcing plans and service standards should be published to ensure accountability.
- ▶ **Dispute Resolution:** Establish a statutory mechanism for the swift resolution of cadastral disputes, including internal review within the cadastre office and fast-track appeals to PMDs or tribunals.
- ▶ **Transparency and Accountability:** Mandate publication of cadastral information in accessible forms and criminalize corrupt manipulation of records, including double-pegging, fraudulent allocation, or abuse of administrative discretion.



While the cadastre system represents an important modernization in Zimbabwe's mining law, its success will depend on whether it is implemented in a manner that is inclusive, equitable, and sensitive to the realities of artisanal and small-scale miners. Without statutory safeguards, the cadastre risks entrenching exclusion and dispossession under the banner of digitalization. By embedding transitional protections, collective participation, simplified procedures, and resourced accessibility, the Bill can ensure that the cadastre becomes a genuine tool for formalization, empowerment, and conflict reduction in the mining sector.

CONCLUSION

A strengthened Mines and Minerals Bill will transform Zimbabwe's artisanal and small-scale gold mining sector from one marked by informality and vulnerability into a driver of inclusive, sustainable growth. By addressing definitional gaps, adopting phased and supportive compliance pathways, and embedding protections for women, persons with disabilities, and other marginalized groups, the Bill can become a genuine instrument of empowerment. Such reforms would not only align the legal framework with the lived realities of ASGM actors but also unlock their capacity to contribute to national development, environmental stewardship, and the formal economy.

Going forward, the planetGOLD Zimbabwe project will continue to engage with key stakeholders to support the finalization and implementation of the Mines and Minerals Bill once enacted. The project will provide technical assistance for mercury-free technologies, capacity building for artisanal and small-scale gold miners, and policy support to strengthen formalization and environmental compliance. Policymakers are encouraged to consider the identified priority reforms, such as recognizing artisanal miners, establishing transitional compliance mechanisms, and improving access to support service, as practical measures to unlock the full potential of the ASGM sector for sustainable national development.

The planetGOLD Zimbabwe project aims to reduce the use of mercury in artisanal and small-scale gold mining, which is the largest source of mercury pollution in the world, while improving the health and lives of local mining communities. By supporting 7,500 men and women at 11 districts in Zimbabwe, the project aims to reduce mercury use by 4.85 tonnes. In addition to mercury reduction, the project aims to support formalization of the artisanal gold mining sector and increase miner's access to finance. This will lead to the adoption of mercury-free technologies and promote more responsible and traceable gold supply chains. The project is part of a global program implemented in 25 countries.

The planetGOLD Zimbabwe project is supported by the Global Environment Facility (GEF) and led by the United Nations Environment Programme (UNEP). The project is executed by IMPACT, in close coordination with the Ministry of Mines and Mining Development, the Ministry of Environment, Climate and Wildlife.

To learn more, visit www.planetgold.org/zimbabwe



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