

Flexicadastre In A Changing Legal Environment

C Sealy

Goal and Method

- Goal: A well functioning Mining Titles Registry (Mining Cadastre)
 - Investors confident that security of tenure and objective awarding assured
 - Government assured that mining policy is implemented and appropriate revenues collected.
- Method: Introduce a system to implement international best practice.

A System of Understanding!

- What is a cadastre system?
 - The software?
 - The software and the hardware to run it?
 - The software, the hardware and the admin that provides the data?
 - The software, the hardware, the data admin and the regulations?
 - The software, hardware, data admin, regulations and the law where the regulations are anchored?

Environmental issues

- Under-resourced and over-stretched ministry
- Multiple cooperating partners with plans to improve performance
- Multiple project activities (some shared)
 - Institutional reform
 - Legislative reform
 - Regulatory reform
 - Fiscal reform*

As time goes by:

- Ducks never line up in the real world.
 - Cadastre regulations drafted and agreed in principle in March 2006
 - Legislative change proposals not completed until December 2007
 - Institutional reform pending for two years
 - Fiscal reform given priority because the boom income not being shared with the nation

Uncomfortable realities:

- The legislative changes required to empower the cadastre regulations made to wait:
 - Other changes recommended through consultative process
 - Other changes required for new fiscal arrangements
- The institutional changes made to wait for the ministry-wide changes.

On the ground

- The electronic system ready before the legal, regulatory and institutional arrangements.
- Going live delayed.
- Uncertainties until the legislation is on the statute book

Lesson 1

- Establish clearly if the project will introduce a totally new mine licensing registry or computerise an existing operation.
 - Sensitise and educate the decision makers and priority setters that the system is not just the black box and its contents

Lesson 2

- Look carefully at the environment and calculate the impact on the Flexicadastre project.
 - Who else is operating?
 - What are they doing?
 - What are the cross-overs?
 - Who is setting the priorities and on what basis?

Lesson 3

- Every project needs a local champion and a local key informant.
 - To ensure that all the relevant factors are known.
 - To ensure that the project requirements are given priority

Lesson 4

- Murphy worked in a Ministry of Mines
 - The terrain for the project is built from all that is happening
 - Priorities change and WILL affect what is being done.
 - ❖ Non-technical and non-logical decisions will affect the project
 - The real world is messy.