

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Presented by:

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IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

- Part A Introduction and background
- Part B Discussion
- Part C Implementation History and Challenges
- Part D Conclusion

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Part A Introduction and background

What is Flexicadastre?

1. Minerals resource management software which enables and facilitates administration of mineral and non minerals rights processes in a transparent, effective, efficient manner and tailored to governing legislation, rules and procedures.
2. The software provides data security and integrity and enables roles and functions of users to be defined to customer needs and
3. Provides an interface with other softwares such as ArcGIS thereby not only providing history of mineral or non mineral records but also the polygon representation in both Flexicadastre and ArcGIS.
4. Zambia chose to use Flexicadastre because of these advantages

INTRODUCTION TO IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Introduction and background (Cont.)

Licencing system was beset by numerous problems

1. Poor records management
 - Lack of General Records Information
 - Lack or inaccurate Spatial Information
 - Deliberate mistakes by some staff
 - Missing and or misfiled records
2. Deliberate shift from licenced areas to other areas by Mining Rights Holders
 - Overlaps leading to Conflicts
 - Long licencing procedures and resolution of conflicts and
 - Indecision on resolution of conflicts etc....
3. Ministerial discretion and
4. General political interference

INTRODUCTION TO IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Introduction and background (cont.)

1. Mining is at the centre of industrial development in Zambia – inspite of the credit crunch
2. Need to promote good governance through:
 - Good legislation
 - Transparent, and effective and efficient mechanisms through legislation and licencing processes and compliances to legal requirements – remove corrupt practices
 - Priority registration and
 - Timely notification became necessary
3. Removal of overlaps – was started and is on going where Govt. granted licences without consultations with licence holders
4. Removal of all discretions embedded in CAP 213 - repealed
5. Hence Modern Mining Cadastre System through application of Flexicadastre and interface with ArcGIS was found to be the answer to some of these issues

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA - LEGAL AND REGULATORY REFORMS

Introduction and background (cont.)

1. Mines and Mineral Act (No.31, 1995) – CAP 213

- Was enacted with main aim of attracting investment-hence unrestricted size of land
- There were no regulations to reinforce it
- Provided room for discretion
 - In granting of licences
 - In renewal of licences
- Licencing system beset by conflicts due to overlaps
- Mining boom from 2002 necessitated some level of legislative reforms

2. Mines and Minerals Development Act (No.7, 2008)

- Need to review and subsequent repeal of the CAP Act became necessary
- EU through MSDP and the World Bank through SEED Project funded
 - Diagnosis of the licencing system in Zambia
 - Inception report on setting up a Modern Mining Cadastre System in Zambia
- SEED Complimented what MSDP had started on the practical and technical aspect of modernisation-remove duplication of activities

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Part B Discussion

Activities carried out from 2004

- Diagnosis
- Data capture-updating of information, identification of and data processing and storage
- Identification of overlapping areas and resolution of these conflicts
- Re-classification and Re-codification of licences
- Physical count of dossiers and comparison with data entry figures
- Scanning of topographic maps in 1:50,000, 1:100,000 and 1:250,000
- Geodetic review to provide GPS transformation parameters
- Isolating problem areas pending resolutions by authorities
- Training of personnel in use of Flexicadastre, in ArcGIS and in change management
- Acquisition of appropriate workstations and other necessary implements through SEED projects (WB), MSDP (EU), and Ministry (Government)
- Notifications to Holders for data updates
- Moratoria to stop receipt of new applications
- Sensitisation meetings etc.....

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Discussion (cont.)

Administration of Mining Laws and Regulations with respect to:

1. Handling legal and technical aspects of mining rights/land tenure through application of laid down Rules and Procedures

a. Rules - Compliances

- As spelt out in the Ministry of Mines and Minerals (Development) Act No.7,2008
- The Ministry of Mines and Minerals Development (General) Regulations
- Compliances and

b. Procedures - Processes

- Requesting
- Administration/ Processing
- Granting of Mining and Mineral Rights
- Transfers, cancellation or abandonments of the Mining Rights
- Delineation /demarcation of land

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Discussion (cont.)

Mining Cadastre System ?

2. Basic rules for a Modern Mining Cadastre System (MMCS)

- a) First come first served principle
- b) Security and legal protection of investments - transparency
- c) Transferable Mineral rights
- d) Timely payment of mineral rights fees
- e) Licence areas measured in cadastre units i. e area = 3.3400 hectares
- f) Unrestricted information flow and dissemination of notices

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Discussion (cont.)

Mining Cadastre System ?

3. Modern Mining Cadastre Procedures must be:

- Simple and direct
- Fast
- Transparent
- Clear
- Timely processes
 - Priority Register and
 - General Register
 - Time specific

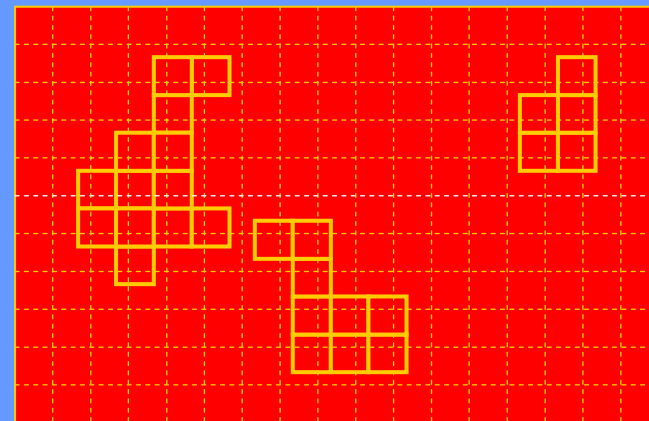
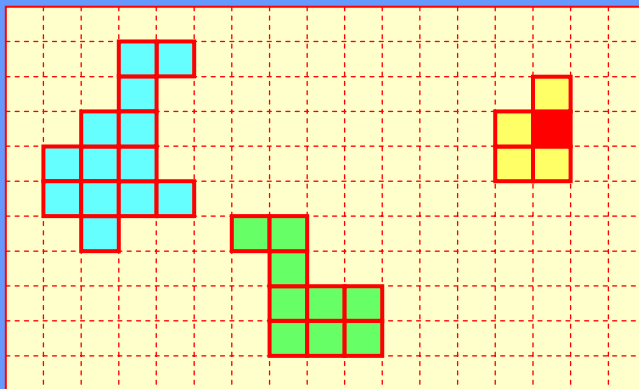
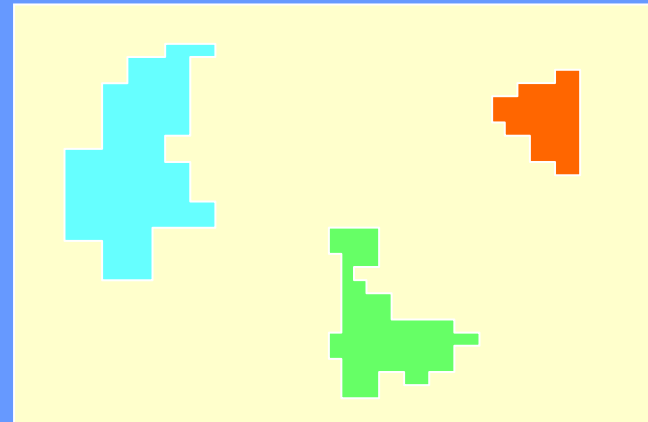
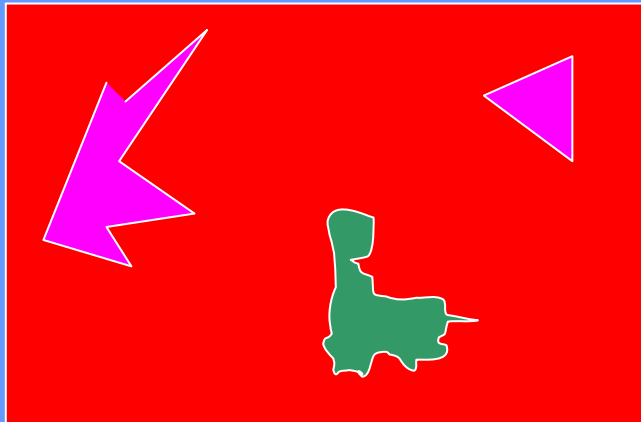
**NO DISCRETION
SYSTEM BASED THAN MAN BASED**

Debatable: Failure to grant autonomy and financial control
Political leaders, traditional leaders and prominent
figures need of mining rights

RESTRICTIONS OF THE LICENSES GEOMETRY

Discussion

- Need for change



IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Part C Implementation history and challenges

Types of licences and area limitations

A. Large-scale Operations

1. Large-scale Prospecting Licence
Duration is 2 years renewable up to max. 7 years
29940 CU = 1000km²
2. Large-scale Mining Licence
Duration is 25 years renewable
7485 CU = 250 km²
3. Large-scale Gemstone Licence
Duration is 10 years renewable
7485 CU = 250 km²
4. Mineral processing licence 15years renewable
60 CU = 200 hectares

B. Small-scale Operations

1. Prospecting Permit
Duration is 5 years non renewable
300 CU = 1000 hectares
2. Small-scale mining licence
Duration is 10 years renewable
120 CU = 400 hectares
3. Gemstone Licence
Duration is 10 years renewable
120 CU = 400 hectares
4. Artisan Mining Right
Duration is 2 years renewable
2 CU = 6.68 hectares

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Implementation history and challenges (cont.)

Mining Advisory Committee-Role and Mandate

1. Appointed in terms of section 150 of Mines and Minerals development Act (No.7, 2008) to advise the Minister, the Director or the Director of Geological Survey on matters referred to it
2. The composition is as at First Schedule of the Act – 10 institutions outside Ministry and 4 from Ministry, total 14 members
3. There shall be alternate members from all institutions prescribed under this schedule
4. Tenure of office is three years and members may be re-appointed for a further period of three years
5. The proceeding of the committee shall be as prescribed
6. There shall be sub-committees
7. There shall be disclosure of interest
8. There shall be prohibition of publication or disclosure of information to unauthorised persons

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Implementation history and challenges

Mining Cadastre System Licencing Procedures

1. Completeness of receivability list leads to payment of administrative fees
2. Date and time stamping
3. Entry in Priority Register for new applications and General Registry for other applications
4. Scanning and data entry in database
5. Validation of status
6. Presentation/ Recommendation to MAC
7. Recommendation to Minister, Director or Director GSD to Grant or Reject
8. Appeals referred to Minister
9. Notification and documentation – Mining cadastre Office

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Implementation history and challenges (Cont.)

Licensing Procedures

Fees

Incremental and are in fee units – K180

Appeals

Provided for in terms of Part XIV of the ACT

Section 152 - appeals against decisions of the Director or Director of GSD

Section 153 – appeals in relation to licences issued by the Minister

Section 154 – appeals in relation to insurance

Section 155 – Notification of decisions and right of appeal of the affected
person

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Implementation history and challenges

Current status of issued mining rights-15th December,2008

GEMSTONE LICENCES:	25
LARGE-SCALE PROSPECTING LICENCES:	226
LARGE-SCALE MINING LICENCES:	8
PROSPECTING PERMITS:	90
SMALL-SCALE MINING LICENCES:	44
ARTISAN MINING RIGHTS:	52

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Implementation history and challenges

CURRENT STATUS

FlexiCadastrre - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address: http://localhost/FlexiCadastrreZambia/FlexiCadastrre.htm

Windows Live | What's New Profile Mail Photos Calendar MSN Share | Sign in

User: FlexiCadastrre ADMIN
Version: 3.0.0.01 (Release) Database: 3.0.0.30120
Instance: Zambia

flexicadastrre

License Search

Home
Diary
Regions
Type Group
Licenses
Actions
Approvals
Companies
People
Agreements
Documents
Maps
Reports
My Settings
Admin Tools
Help
Legal
Logout

Map Contents

- Zambia
 - Towns
 - Villages
 - Rail
 - Major Rivers
 - Major Roads
 - Licenses
 - Active
 - Application
 - Inactive
 - Lakes
 - Parks
 - Zambia Border
 - Districts
 - Provinces
 - Exclusion Area

Copyright ©
Spatial Dimension
2005 - 2009

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Implementation history and challenges

Where are we now?

- Data capture, codification and processing completed
- Refurbishment of offices completed
- Processing of applications procedures spelt out in conformity with the MMMDA (No.7, 2008)
- Mining Advisory Committee and Relevant Sub-committees in place
- Flexicadastre workflow management system completed as at 30th January 2009
 - Technical design and specifications – completed
 - Legal and Regulatory specifications – completed
 - Training of staff completed/on going
 - Upgrading and Maintenance on going

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Implementation history and challenges

- Delays in making policy decisions
- Insufficient funds for operations
- Inadequate Personnel emoluments
- Restructuring raising anxieties among staff – REFORMS DELAYED
- Customers attitude still indifferent – still believe in discretionary approach
- Change management and sensitisation - internal and external
 - Workshops
 - Sensitisation programmes; Media - print and electronic (radio & TV)
- Change in technical management during implementation phase
- Change in contracts (From MSDP to SEED)
- Change in management at policy level – political champion
- Movement of dossiers during data capture and evaluation, processing
- LAN- ITS EFFICIENCY dependant on service providers

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

Implementation history and challenges

Desired future

- Provision of CDs on transformation parameters – contracts underway
- Integrated Information Management System with all Departments and Regional Bureaux and other stakeholders e.g. Environmental Council of Zambia (ECZ)
- Attendance of international seminars/workshops on mining cadastre extremely important
- Improvement on links between Lusaka and Cape Town to facilitate back up services on day to day issues
- Improved data security and integrity
- Establishment/setting up of a website is the ultimate by 2011
- Control of finances
- Departmental Autonomy

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

CONCLUSION

- MAC has to dispose of all cases referred to it
 - Zambia is in global village and that we are in competition
 - Should be objective and not subjective
- MAC is providing additional professional and unbiased advise and guidance to the Ministry thereby enhancing transparency in the licencing process.
- MCO is therefore at the centre of the development of the mining sector and should be seen as a builder and with Flexicadastre in use, Mining Cadastre Operations have become fully compliant with the LAW and therefore has fulfilled Government intentions of providing good governance in the mining rights processes
- Any lapses will be addressed as observed until Flexicadastre is fully integrated in mineral and non minerals rights processes in Zambia

IMPLEMENTATION OF FLEXICADASTRE IN ZAMBIA

IT IS SEEN AS A SUCCESS STORY

THANK YOU

THE END

