Implementing of EMA and Regulations: Challenges

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The Mining sector’s role in EMA implementation

• Expected to follow the EIA (Environmental Impact Assessment) process as outlined in the EMA regulations
• Appoint the EAP to manage the assessment process
• Conduct a public consultation;
• Prepare the scoping report and obtain comments;
• Submit to the competent authority the application for Environmental Clearance and scoping report with the payment of prescribed fees;
Ministry of Mines & Energy

- **Challenges:**
  - Legislation and funding mechanisms to address legacy mines – EMA/Minerals Act should make provision for this;
- **The Phosphate Mining Issue:**
  - Convincing applicants about mining activities in sensitive areas –
  - Activity is not undertaken anywhere else, how do we handle the challenge
Continued-

- Challenges with regard to the laws governing Engineering and Environment Division of the Geological Survey
- Absence of Guideline Values/Standards for pollution or contamination prevention, i.e. in air, soils and stream sediments within the vicinity of the mining areas
- Lack of resources for Implementing Agencies - Technology & Equipment to conduct certain studies
Continued-

- The work done by the Division of Engineering and Environmental Geology somewhat overlaps between the Minerals (prospecting and mining) Act, 1992, and the EMA, therefore it becomes a challenge as to which law should actually enforce the recommendations that come out of the Divisions monitoring reports.

- None of the two laws explicitly states who should manage the abandoned mines (MME or MET), in terms of carrying out rehabilitation work if there is a pressing need to carry out such an exercise.

- Small Scale Miners- they may not have the capacity to conduct EIA/EMPs.
Challenges Continued-

- Demarcation of no go zones for exploration/mining activities (sensitive area). The areas are not demarcated.
- Clear guidance on how to issue licenses in environmentally sensitive area. The maps that shows how sensitive the areas, are not in our possession if they are available
- Guidance on establishment of trust funds for rehabilitation of mine sites when the mining activities are over
- Who should be responsible for inspections of mine site for environmental compliances and enforcing the rehabilitation of mine site? The law is not clear on that
- Samples of how an environmental impact assessment should look like or what it should cover
MME Challenges-going on

- Lack of compliance of Small Scale Miners to environmental regulations associated with illegal mining and lack of education.
- Capacity limitations to investigate cases of non-compliance and enforce punitive/corrective measures.
- Capacity limitations to create awareness in all the parts of the country at a fast pace
Recommendations

- Continuing Environmental Education for Stakeholders
- Funding & More Funding - Under funding of environmental initiatives hampers the enforcement of environmental law.

- Regulations to address legacy sites is required

Thank you.