

# Policy and Regulation in Artisanal Mining Communities:

Examining Strategies, Experiences and Key Lessons

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## Presentation Objectives

### 1) Review key governance challenges in ASM sector

- What are the main challenges with regulating and formalizing ASM?
- How to address socioeconomic & environmental goals?
- What does a “participatory approach” mean?

### 2) Concrete lessons from recent development programs

- highlight insights from UN pilot initiatives in Tanzania, Zimbabwe and Indonesia
- examine the importance of building collaborations with poorer ASM communities (unlicensed and licensed)

### 3) Outline policy options and points for discussion

## Governance Challenges Are Growing - Understanding the Diverse Identities of ASM Populations is Key

- 80 to 100 million people depend on ASM
  - “push factors” and “pull factors”
- Populations are diverse – often both women and men; working on land (reef mining), in forests, in rivers (alluvial gold panning), etc.
- Work as organizations, groups, associations, individuals, families
- Usually working without official legal status – “informal sector”



## The value of sharing ideas about licensing models...

- Many governments have not yet developed “artisanal” or “small-scale” mining policies.
- Some countries have “artisanal mining” laws (non-mechanized)
- Some countries have “small-scale mining” policies (mechanized)
- Multiple definitions need to be discussed... Do laws exclude/marginalize ASM?

### **From the Perspective of Miners Interviewed...**

- Lack of assistance
- Policing and military crackdowns do not work

### **Are Regulations and Administrative Procedures Too Complex and Bureaucratic?**

- Many miners do not know how to apply for a mining license
- For many people, the laws are bureaucratic, excessively complicated (need to travel long distance to cities on the other side of the country), and mining licenses can be expensive
- Miners want to know their rights and obligations; but there are unclear environmental regulations/guidelines on mercury use/best practices – and no support services available

### **How to remove barriers to adoption of cleaner practices?**

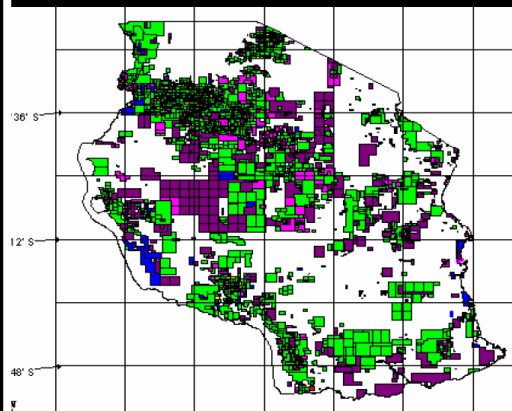
- Integrate mercury reduction into community development priorities
- Build trustful relationships; continuous support for communities
- Work with leaders - strengthen formal and informal governance
- Seek out vulnerable groups (women amalgam burners, etc)
- Improve marginalized groups' participation and access to licenses
- Promote equitable distribution of resources and opportunities
- Participatory diagnostic of community development plans

## Case Study 1: Training ASM Workers in Tanzania



## Are there "legal spaces" where ASM communities can work?

Tanzania Mineral Rights Map  
- mostly large & medium size companies



- 1) Government has begun a process of DESIGNATING SPECIAL ASM AREAS (and developed mercury management guidelines)
- 2) Create policies that ensure companies relinquish concession areas that are not used after a certain time period
- 3) Policies promoting collaboration between companies and ASM groups
- Other study findings: improving local access to micro-finance and technology assistance is key

## Policy Goals: Finding the right local organizations to support



Training on Retorts (Reducing Mercury Risks) in Zimbabwe



Training on Sluice Designs in Indonesia

- Field experiences show that numerous benefits accrue when governments and other agencies form partnerships with local groups, to assist miners and improve technology

-Increase funds for local district offices to provide outreach services in mining areas

## How can governments develop effective mercury policies?

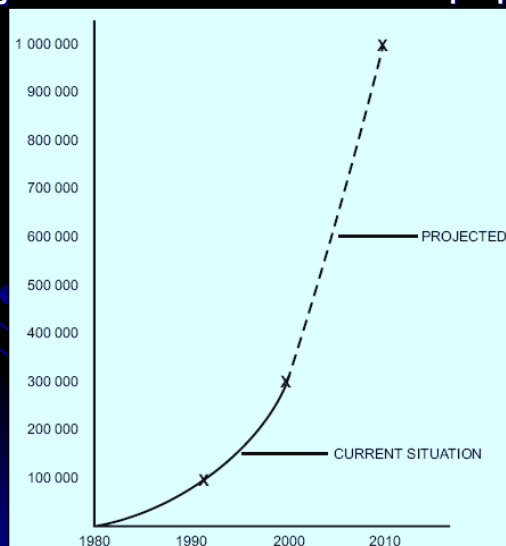


Numerous studies indicate that:

- Criminalizing mercury use is often not an effective approach
- Improvements can be made by setting simple minimum requirements for eliminating mercury misuses and hazards in ASM (in Law/Policy/Regulatory Codes of Practice)

## Case Study 2: ASM policy in Zimbabwe...

### Projected increase in ASM population



➤ 1 million  
ASMs  
working in  
Zimbabwe  
sector  
(included non-  
mechanized and  
mechanized ASM)

## GMP Policy Recommendations in Zimbabwe: Focus on Milling Centres



- Focus on national policies to reduce Hg misuse & replace inequitable technology in mills
- Hundreds of registered milling centers nationwide
- Mills are main sites of pollution
- Fixed centers, often near villages

## *Managing Concessions and Mills: Community-based monitoring through multi-actor accountability*



*Mine owners, mine managers, and gold dealers  
are legally responsible (as well as miners)*

## Eliminating Major Hazards in Milling ("Centralized" / "Semi-Formal" ASM)



### Need to Simplify or Replace "EIA" (Environmental Impact Assessment) Protocols

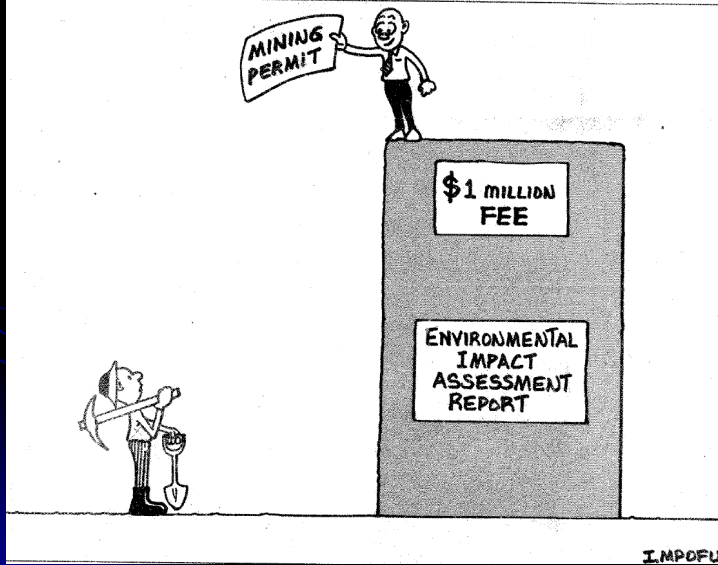
Model needs to be specific for ASM (not designed for LSM):

- Simple, Clear
- Address all major risks (incl. Hg)
- Streamlined, Not bureaucratic
- User-friendly
- Appropriate for subsistence workers



**Policy options: Replace EIA system with Environmental Management Plans (EMPs) or simplified set of Regulatory Codes**

**National environmental regulations –  
Top-down model in Zimbabwe...too expensive  
(designed for LSM)**



The Herald, 2007 - Zimbabwe

**Case Study 3:  
Policy Lessons in Indonesia**

Rural Gold Mining Areas



Urban Gold Shops





## New Mercury Management Policy Adopted in 2007 (Central Kalimantan)

- Engaging 5 local government departments, working with UN project workers, focused on developing a new mercury management regulation while conducting outreach campaigns that promoted environmental health education and technology training
- Main focus on gold shops in urban areas, less on rural mining areas.



■Program's results in urban gold shops proved to be very successful (>40 gold shops adopted fumehoods. The program was not successful in rural areas due to limited resources and as the government is currently uncertain about how to manage the mining activity

## New Mining Law to License/Regulate Small-Scale Miners

### "People's Mining Law" (2006)

-establishes licensing framework for ASM individuals and cooperative mining



## **New Law on "People's Mining" Adopted in 2006 (Katingan District, Central Kalimantan, Indonesia)**

3 key concerns raised in response to new regulation:

- 1) Policies are irrelevant if special land areas are not designated for ASM
- 2) Need to developing plans for educating miners about how to comply
- 3) Effective implementation requires stakeholder dialogue and administrative coordination (especially between local government and central government)

## **National Mercury Trade – Not Easily Regulated**



Some Ideas:

- Raise Capacities to detect and halt illegal traffic in Hg
- Raise the legal classification of Hg to the class of Hazardous Substance (requires labeling, licensing, etc)

**Priority: Building Miners' Capacities**

## The Move Toward International Mercury treaty Underscore the Need for Local Capacity-Building



## Policies to improve access to microfinance and equipment



## Conclusions/Lessons Learned

- Regulation approaches are most effective when governments actively support ASM communities and create incentives for miners to formalize.
- Community-based approaches for decision-making, management and monitoring are key.
- Simplified regulatory requirements (e.g. mercury policy, etc) are more effective than complex ones; multi-actor accountability is key - miners, mine owners, etc.
- Multiple types of ASM licenses need to be accessible; promoting fair access to land is key.
- Participatory approaches can lead to great benefits.

## Next two presentations

\*Laura Barreto,  
Director of Material Research Efficiency Group,  
based in Canada  
(Presentation - Lessons on ASM Policy in South  
America and Mongolia)

\*Ms. Olinda Orozco Zevallos  
Presidenta  
Instituto Redes de Desarrollo Social, based in  
Peru  
(Presentation - Lessons on ASM Policy in Peru)