REPUBLIC OF MALAWI

DRAFT

NATIONAL ARTISANAL AND SMALL SCALE MINING POLICY
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FOREWORD

The Government of Malawi recognizes the contribution of Artisanal and Small-scale Mining (ASM) sub-sector to the economy which includes the discovery of mineral occurrences, mineral production, creation of employment, generation of income in the rural communities, providing alternative economic activities and reducing rural-urban migration.

Currently, ASM is a poverty driven activity dominated by a large number of people engaged in informal mining activities, bringing with it loss of revenue, social and environmental problems. In view of this, the Government has developed this policy in order to address these challenges faced by the sub-sector.

Government is committed to support the sub-sector by facilitating the transformation of the ASM activities into more organized and modernized mining operations, and further promote modalities of mineral marketing which encourage transparent business transactions and discourage smuggling.

The implementation of this policy will be done in line with the Malawian Growth and Development Strategy II (MGDS), which seeks to promote the participation of Artisanal and Small Scale Miners in mineral development. Furthermore, one of the priority themes in the MGDS is on the sustainable economic growth as a key to poverty reduction and improvements in the livelihoods which is also one of the focal points of this policy.

The Government has, therefore, developed this Policy to guide and stimulate ASM by administering, regulating and facilitating the growth of the sub-sector.

Atupele A. Mutharika, MP
MINISTER OF NATURAL RESOURCES, ENERGY AND MINING
The Government of Malawi recognizes that the Artisanal and Small-Scale mining sub-sector has a significant potential to contribute towards the rapid economic growth and development of the country through rural job creation and providing alternative economic activities.

However, there are several challenges that exist in the sub-sector and need to be addressed. These include;

1. Limited access to:
   a. Modern technologies
   b. capital for investment in mining and mineral value addition
   c. established markets

2. Inadequate marketing skills

3. Informal mining operations

4. Inability to understand geological information and

5. Disregard to basic mining occupational health, safety and environmental considerations.

In view of this, Government has taken steps to address these challenges through the formulation of this Artisanal and Small Scale Mining Policy.

The Policy was formulated through consultations with stakeholders ranging from Artisanal and Small Scale miners, traditional authorities, Government Departments, parastatals, academic institutions, donors, financial institutions, civil societies, exploration and mining companies through workshops and meetings. Therefore, this document represents aspirations of individuals, private entities and the public sector. The Policy also benefited from consultations of Mining Policies in other countries, notably South Africa, Namibia, Ghana, Zambia, Burkina Faso, Tanzania, Bolivia and India.

The Policy seeks to stimulate and guide ASM by administering, regulating and facilitating the growth of the sub-sector through a well-organized and efficient institutional framework. The Government will intensify provision of technical extension services to the Artisanal and Small Scale miners.

This policy is in line with Southern Africa Development Community (SADC) Protocol on Mining of 1997 – Article seven, African Mining Vision and New Partnership for Africa’s Development (NEPAD) initiative for mining.

Finally, I wish to express my gratitude to all those who contributed to the development of this Policy in various ways. It is my hope that the Policy will provide a clear guidance towards sound exploitation of our mineral resources.

Ben Botolo
SECRETARY FOR NATURAL RESOURCES, ENERGY AND MINING
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<tr>
<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<td>ASM</td>
<td>Artisanal and Small-scale Mining</td>
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<td>DOM</td>
<td>Department of Mines</td>
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<td>EAD</td>
<td>Environmental Affairs Department</td>
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<td>ECAMA</td>
<td>Economic Association of Malawi</td>
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<td>EMP</td>
<td>Environmental Management Plan</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>GSD</td>
<td>Geological Survey Department</td>
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<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<td>ILO</td>
<td>International Labour Organisation</td>
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<td>LSM</td>
<td>Large Scale Mining</td>
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<td>MCTU</td>
<td>Malawi Congress of Trade Union</td>
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<td>MEDI</td>
<td>Malawi Entrepreneurial Development Institute</td>
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<td>MGDS</td>
<td>Malawi Growth Development Strategy</td>
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<td>MITC</td>
<td>Malawi Investment and Trade Center</td>
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<tr>
<td>NAC</td>
<td>National AIDS Commission</td>
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<td>NEPAD</td>
<td>New Partnership for Africa's Development</td>
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<td>OSHE</td>
<td>Occupational Safety, Health and Environment</td>
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<td>OVOP</td>
<td>One village one product</td>
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<td>PLWA</td>
<td>People Living with HIV and AIDS</td>
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<td>RBM</td>
<td>Reserve Bank of Malawi</td>
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<td>SADC</td>
<td>Southern African Development Community</td>
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1.0 INTRODUCTION

Malawi is host to vast mineral resources, a lot of which are extracted on the basis of Artisanal and Small Scale Mining (ASM) like gemstones, coal, construction materials, dimension stones, gold and some of the industrial minerals such as clays, limestone, gypsum, salt and talc. In Malawi, ASM is a poverty driven activity dominated by a large number of people engaged in informal activities, bringing with it serious social and environmental problems and loss of revenue. A considerable percentage of those employed in the ASM sub-sector are women and children. There is no baseline information available that has determined the actual number of ASM operators active in various parts of the country, what minerals they are mining, the extraction and processing methods being used.

Malawi Government is committed to the promotion and protection of all ASM operators through effective regulations and facilitation that support prospecting, exploration, mining, quarrying, processing, and sale of minerals within and outside of Malawi.

The subsector has significant potential to contribute to socio-economic development of the country. Such contributions include the decisive role it can play in poverty alleviation, especially in rural areas, reducing rural-urban migration especially for the unemployed youth, maintaining the vital link between people and the land, creating alternative economic activities and contributing to National income.

Much of the actual economic potential of ASM operations are lost due to rudimentary prospecting, extraction, processing and marketing techniques. In the SADC region, mining is the only known economic alternative to agriculture and figures for those working within the sector jump dramatically during the recurrent droughts in the region.

The role of the State is to facilitate and regulate the mineral exploration, mining, and mineral processing activities by investors and entrepreneurs, and initiate provision of infrastructure. Malawi Government has therefore, developed this policy in a bid to guide and regulate the activities of ASM operations. The Policy document includes a discussion of appropriate frameworks for investment in the subsector, particularly the nature of investments in mining; the enhancement of institutional, administrative and operational capacity and governance issues in this field.

Linkages with other Policies
The Policy is in line with the Malawi Growth and Development Strategy (MGDS) which indicates that the contribution of the mining sector to the GDP is expected to increase significantly by 2020. One of the medium term expected outcomes of the MGDS is increased participation by small and medium scale miners. The Government recognizes that to achieve this outcome, it has to formalize the ASM subsector. Other key policies and strategies with linkages to this Policy include the Mines and Minerals Policy of 2013, National Environmental Policy of 2004, National Land Resources Management Policy of 2000, Gender Policy of 2008, Malawi National HIV and AIDS Policy of 2003, National Land Policy and National Energy Policy for Malawi, 2003. Below is an outline of the main focus of each Policy.

The Mines and Minerals Policy
The Mines and Minerals Policy of 2013 seeks to promote artisanal and small scale mining which will in turn expand employment opportunities in Malawi. This will contribute to socio-economic development of the country including poverty reduction and sustainable development. The Mines and Minerals policy also seeks to promote the development of the
National Environmental Policy
While the National ASM Policy seeks to foster better mining practices that are environmentally friendly, the National Environmental Policy: facilitating active participation of local communities and other stakeholders in environmental planning, management and institutional frameworks into the decentralized enforcement of legislation; and integration of environmental planning and management into the decentralized enforcement structure. In the National ASM Policy there is a call for proper monitoring and enforcement of compliance of mining environmental standards.

National Land Resources Management Policy
The National ASM Policy, while ensuring that operators benefit from small scale mining activities, it emphasizes on proper management of the land resources and property rehabilitation of mined out areas so that the land can be put to other uses after mine rehabilitation of mined out areas so that the land can be put to other uses after proper development of land resources by promoting the efficient and diversified and sustainable use of land resources both for agriculture and other uses in order to avoid sectoral land use conflicts and ensure sustainable socio-economic development.

Gender Policy
The National ASM Policy recognizes that gender issues affect both men and women. However, women face more challenges than men. Some of the challenges include: difficulties in accessing financial, technical and legal support; ill socio-economic perceptions about their status and unfair cultural traditions that impose a heavy family burden and limit their independence and mobility. In this regard the ASM policy will encourage equal participation in the ASM sub-sector. This cause is in line with the Gender Policy of 2008 which seeks to mainstream gender in the national development process in order to enhance participation of women and men, girls and boys for sustainable and equitable development.

Malawi National HIV and AIDS Policy
The National ASM policy recognizes that in the ASM sub-sector there is continued spread of the epidemic. Inadequate awareness of HIV and AIDS as well as stigma and discrimination against people living with HIV and AIDS, and the policy proposes mechanisms to facilitate HIV and AIDS awareness campaigns as well as trainings on the same. The strides by the policy supports the goal of the National HIV and AIDS Policy of 2003 which is to prevent the spread of HIV and mitigate the impact of HIV and AIDS on the socioeconomic status of individuals, families, communities and the nation. The National HIV and AIDS policy purports that this will be achieved through improving the provision and delivery of prevention, treatment, care and support services for people living with HIV and AIDS (PLWAs), creating an enabling environment to reduce individual and societal vulnerability to HIV and AIDS and through strengthening the multi-sectoral and multidisciplinary institutional framework for coordination and implementation of HIV and AIDS programmes in the country.

National Land Policy of 2002
While the National ASM Policy encourages environmentally friendly practices in exploiting mineral resources, the National Land Policy stipulates that it will thus promote community participation and public awareness at all levels to ensure environmentally sustainable land use practices, and good land stewardship. The National Land Policy of 2002 also seeks to ensure tenure security and equitable access to land, to facilitate the realization of social harmony and broad based social and economic development through optimum and ecologically balanced use of land and land based resources.

The National ASM policy recognizes that Artisanal and Small scale miners prefer
employing children as they do not have a bargaining power for wages and also that the presence of children in the mining sites has negative effects on their health and education. Through the ASM policy, the government will enforce regulations and laws against child labour and abuse. The ASM policy will also facilitate sensitisation and awareness campaigns about child labour issues. The efforts by the ASM policy collaborates with the National Action Plan on Child Labour 2009-2016 which is intended to guide well-coordinated and concerted efforts in the fight against child labour. Child labour which is any activity that employs a child below the age of 17 and prevents him or her from attending school or concentrating on school, or negatively impacts on the health, social, cultural, psychological, moral, religious and related dimensions of the child’s upbringing has received a lot of condemnation. There are efforts to curb child labour in different spheres and the action plan provides a coherent framework and sense of direction for the various actors in curbing the vice.

**National Energy Policy for Malawi, 2003**

The National ASM policy recognizes that Artisanal and small scale mining in Malawi has been focusing on the extraction of raw minerals that are consumed locally or exported to other countries with minimal or no value addition. Lack of value addition is depriving Malawi of much needed employment, foreign exchange earnings and revenue. The government through the policy will facilitate provision of support infrastructure, such as electricity in mining areas in the subsector to enhance downstream processing of mined minerals. This also is in tandem with National Energy Policy for Malawi, 2003 which seeks to make the energy sector sufficiently robust and efficient to support Government of Malawi’s socio-economic agenda of poverty reduction, sustainable economic development, and enhanced labour productivity.

**International Instruments**

At international level, Malawi is signatory to several agreements and protocols. The Policy takes into account these key agreements and protocols. These include; the Southern African Development Community (SADC) Protocol on Mining of 1992; The Africa Mining Vision and International Labour Organisation (ILO) Minimum Age for Employment Convention. The SADC Protocol on Mining of 1992 calls for Member States to promote policies that will encourage and assist small-scale mining in the Region and facilitate the development of small-scale mining. Among others, the protocol calls for countries to provide technical extension services, establishment of marketing facilities, including, exhibitions and establishment of mineral exchanges. The protocol stipulates that member countries shall also encourage the provision of training, institutional and financial support for the small-scale mining sector in the Region.

The policy also supports the Africa Mining Vision which was adopted in 2009. It is Africa’s own response to tackling the paradox of great mineral wealth existing side by side with pervasive poverty. It aims at integrating mining much better into development policies at local, national and regional levels. The Policy furthermore supports Malawi’s obligation related to the ILO Minimum Age for Employment Convention No. 138 of 1973.
CHAPTER TWO

2.0 BROAD POLICY DIRECTIONS

2.1 Policy Goal
The goal of this Policy is to contribute to economic growth and poverty reduction in Malawi through sustainable ASM activities.

2.2 Policy Outcomes
i. Increased income generation from ASM activities
ii. Strengthened institutional capacity
iii. Sustained ASM operations
iv. Reduced rural-urban Migration

2.3 Policy Objectives
The main objectives of Artisanal and Small-Scale Mining Policy are as follows:
(i) To promote entrepreneurship and job creation
(ii) To promote environmentally sustainable mining practices
(iii) To promote value addition techniques;
(iv) To address gender and social issues associated with ASM
(v) To promote revenue collection
(vi) To build institutional capacity
CHAPTER THREE

3.0 POLICY PRIORITY AREAS
The Artisanal and Small-scale Mining Policy is presented in four priority areas namely:

- Mineral Development,
- Investment Climate in the minerals sector,
- Environmental Management
- Socio-economic issues.

Each priority area describes the background and emerging policy issues. The corresponding policy strategies, implementation plan and monitoring and evaluation strategy are presented separately.

3.1 Mineral Development in ASM Sub-Sector

3.1.1 Background
Malawi has a variety of known mineral resources, some of which are being exploited by Artisanal and Small scale Mining (ASM). ASM activities are concentrated on mining gemstones and some of the industrial minerals which include limestone, granites, kaolinitic clays, salt, and river and dambo sand.

The Government of Malawi recognizes the potential contribution of ASM sub-sector to the discovery of mineral occurrences, mineral production, and creation of employment and household incomes. In view of this, the Government is committed to support the ASM sub-sector by facilitating the transformation of the present ASM activities. An organized and modernized ASM will promote modalities of mineral development and marketing which further encourages transparent business transactions and discourage smuggling.

3.1.2 Legal framework for ASM sub-sector
The mining sector in Malawi is governed by the Mines and Minerals Act of 1981 which does not adequately regulate the ASM sector.

3.1.2.1 Issues
There are several challenges faced by ASM to operate within the legal framework. Thus, there is inadequate legal and regulatory framework designed specifically for artisanal and small Scale mining activities. The legal challenge coupled with illiteracy levels of most ASM operators has caused operators to have inadequate understanding of the mining laws that govern the sub-sector.

ASM operators are also burdened with delays in issuance of mineral permits and rights and duration of tenure is usually short with no guarantee for renewal. Short duration of tenure is unattractive to prospectors, investors and financiers.

Policy Statements
Government will develop new legislation for ASM subsector which can be easily understood and relevant to the Artisanal and Small scale miners; and Government will streamline and simplify licensing procedures for ASM sub-sector.

3.1.3 Formation and strengthening of ASM Cooperatives
The grouping of ASM into organizations is seen as a way of establishing and defending ASM rights. It is a way of accessing supplies through collective purchase, and to access materials or resources which may be restricted for individuals. The Artisanal and Small-scale miners see organization as a means of creating better trading conditions and maturity; this encompasses certification and access to international markets. Working in groups can confer significant advantages to ASM in terms of
3.1.3.1 Issues
Despite the ASM operators being active in mobilizing and conducting activities, there has been inexistence of aimed at benefiting them and the industry as a whole. There ASM cooperatives in some areas and few and weak cooperatives in others. There has also been a lack of coordination among themselves and other stakeholders in the subsector. As a result of this shortfall in the subsector, the miners do not coordinate and organize training programs for them in various areas including mining, mineral value addition, and business management. Skills is becomes difficult.

**Policy Statement:**
The policy will facilitate the formation and strengthening of ASM cooperatives.

3.1.4 Research and Technical Assistance
Artisanal and Small-scale miners require information on the availability of mineral rights and mineral deposits. Currently, the ASM sub-sector is characterized by the use of archaic tools which result in low production. Technical assistance and training is therefore required for Artisanal and small-scale miners in the broad spectrum of mineral-related activities such as identification and mining of mineral deposits.

3.1.4.1 Issues
Technological issues are among the constraints that limit small-scale mining from attaining its full potential. These issues emerge as the sector lacks availability of channels for access to technologies in; technical skills for prospecting and mining, modern mining and processing equipment, inadequate research in mineral processing, specialized technical training programs for artisanal and small scale miners and inadequate access to information and technology by artisanal and small scale miners.

**Policy Statements:**
The policy will facilitate provision of technical training and other forms of assistance on sustainable development of ASM in order to ensure optimal exploitation of mineral resources; Government will coordinate and promote demand-driven mineral research and dissemination of results to relevant stakeholders; and Government will facilitate creation of an enabling environment for easy access to information and technology; and plant and equipment for mining and value-addition for ASM.

3.1.5 ASM Mineral Value Addition in Malawi
Artisanal and small-scale mining in Malawi has been focusing on the extraction of raw minerals that are consumed locally or exported to other countries with minimal or no value addition. Lack of value addition is depriving Malawi of much needed employment, foreign exchange earnings and revenue.

3.1.5.1 Issues
There are inadequate skills in mineral identification and value-addition techniques.
techniques. The deficit of these skills has plagued the subsector.

Underperformance in mineral identification and value-addition has also been due to inadequate support infrastructure in the sub-sector such as fully equipped laboratories, power, water and transport infrastructure.

**Policy Statements:**
The policy will promote provision of training to ASM in downstream processing of minerals; and Government will facilitate provision of support infrastructure in the subsector.

### 3.1.6 Formal Mineral Marketing Systems
Artisanal and small-scale miners face problems in securing markets for their mineral products.

#### 3.1.6.1 Issues
The ASM sector faces challenges in promotion of mineral marketing arrangements that are receptive to the needs of the subsector. The subsector faces this problem because it has been hampered with lack of institutions to facilitate mineral marketing in the country, local mineral pricing systems, strategies or incentives to discourage illegal mineral trading, under-declaration of mineral product values and inadequate marketing centres located strategically in the major mining areas.

**Policy Statements:**
Government will facilitate establishment of mineral marketing centres; Government will put in place mechanisms to monitor the whole marketing chain for mineral sales; The policy will promote the growth of both competitive local and export mineral markets for ASM products; and Government will promote and facilitate participation of artisanal and small-scale miners in Exhibitions, Trade Fairs and through foreign missions.

### 3.1.7 Coexistence between Small and Large-scale Mining operators
The relationship between large and small-scale miners is usually of a suspicious nature, to the detriment of both groups. Large Scale Miners (LSM) and ASM often compete to exploit the same mineral resources. Large-scale operators regard small-scale mining as being synonymous with illegal mining and small-scale miners accuse large companies of denying them access to potential mineral resources by tying up large tracts of land. Large companies also accuse ASM operators on trespassing into concessions acquired by companies.

#### 3.1.7.1 Issues
The key issues on relationship with Large-Scale Mining companies are due to lack of collaboration between ASM and large-scale mining operators and encroachment of mineral licensed areas by either parties. These issues often lead to confrontations.

**Policy Statement:**
Government shall continue creating an enabling environment that will support and encourage co-existence of both ASM and large-scale mining operations.
3.2 Investment climate in ASM sub-sector

3.2.1 Background
Currently the investment climate is not suitable for the ASM sub-sector in Malawi. The climate is characterized by lack of access to credit facilities and an incompatible tax regime.

3.2.2 ASM Royalty and Fiscal Regime
The ASM Sub-sector has the potential to contribute to Government revenue through royalties and taxes if well organized and formalized. At the moment the sub-sector is making adosmal contribution to the government revenue because most of the Artisanal and Small scale miners are either operating illegally or export their mine products in raw form.

The current legislation requires that the Artisanal and Small scale miners pay between 5 and 10% of the value of their mine products as royalty. This is too high to motivate them to declare the value of their mine products for the purposes of royalty. Similarly, the artisanal and small scale miners are subjected to the same tax regimes as the large scale operators who get better market deals and returns.

3.2.2.1 Issues
Some of the challenges faced by ASM in royalty and fiscal regime include lack of consideration to address special challenges, such as lack of incentives to promote production, absence of tax holidays and tax subsidies and higher royalty rate, the miners encounter compared to their large scale miner counterparts. The subsector is a conduit of Government revenue loss through illegal exports of the mined products.

Policy Statements
Government will review royalty rates and develop appropriate fiscal and taxation regime for the ASM subsector.

3.2.3 Access to Financial and Credit Schemes
Access to financial services by the ASM is the major challenge for purposes of mine development and production. This is as a result of the artisanal and small scale miners’ failure to fulfill the requirements of the credit institutions. Limited financing has resulted in low productivity and revenues.

3.2.3.1 Issues
ASM operators face challenges in dealing with formal financing. It is difficult to obtain initial financial capital assistance for the development of their operation. These challenges are brought about because there are factors that make ASM operators unattractive to money lending institutions. These constraints include lack of collateral, inability of miners to access loans due to high interest rates and inadequate information for risk analysis by creditors.

Policy Statements
The policy will promote and facilitate access to finance by linking ASMs to financial institutions and organizing them into cooperatives; and Government will endeavor to lobby with lending institutions to have lower interest rates for the ASM subsector.

3.4 Environmental Management, Occupational Safety and Health

3.4.1 Environmental Management
Most of the ASM operations impact negatively on the environment during exploration, exploitation, processing and closure.
3.4.1.1 Issues
ASM operators lack appropriate knowledge and training in mining and environmental management which makes their operations environmentally unfriendly. On the other hand, there is inadequate monitoring and enforcement of mining environmental standards in the sector.

Policy Statements
The Policy will support the provision of training in environmental management; and Government will facilitate monitoring and enforcement of compliance of mining environmental standards in ASM.

3.4.2 Occupational Safety and Health
The enforcement of and adherence to safety and health standards in ASM operations is important. In the absence of enforced ASM regulations, it has proved difficult to regulate the sector resulting into serious and persistent occupational health and safety related problems.

3.4.2.1 Issues
A critical issue in ASM is inadequate adherence to OSH Standards. Knowledge, awareness and training in OSH are rarely disseminated and even more rarely enforced. Furthermore, inadequate specific legislation addressing issues on health and safety in the ASM subsector coupled with inadequate capacity to inspect and enforce occupational safety and health issues effectively lead to negligence in the use of safety equipment.

Policy Statements:
Government will facilitate provision of training in OSH standards to both inspectors and artisanal and small-scale miners; and Government will set up mechanisms for routine monitoring and inspection of ASM operations.

3.4.3 Mine Closure and Rehabilitation
Upon completion of mineral extraction, ASM operators are required to rehabilitate their mined out areas. This rehabilitation is aimed at restoring the environment as close to its original state.

3.4.3.1 Issues
ASM operators do not implement necessary rehabilitation measures on mine closure. Most ASM sites are left without rehabilitation. This problem has caused environmental degradation due to unmanaged mined out areas.

Policy Statement:
Government will enforce proper decommissioning and rehabilitation of mined out areas.

3.5 Socio-Economic Issues

3.5.1 Background
Mining is associated with a number of socio-economic issues that need to be taken into consideration. While the ASM operations improve living standards of people, it has the potential to affect lifestyle and the social matrix of communities within and away from the mine sites. Some of the offshoots of such challenges border on: HIV and AIDS and health, child labor, and gender.

3.5.2 Gender
The problem affects both men and women in the ASM operations. Women, however, tend to experience most challenges with regard to Gender, despite the fact that they play a significant role in the ASM sub-sector.
3.5.2.1 Issues
In the ASM subsector women face more challenges than men. These challenges include financial, technical and legal support, ill socio-economic difficulties in accessing financial, technical and legal support, ill socio-economic and unfair cultural traditions that impose a heavy family burden and limit their independence and mobility.

Policy Statements:
The policy will encourage equal participation in the ASM sub-sector.

3.5.3 Child Labour Issues
Experience has shown that Artisanal and Small scale miners prefer employing children as they do not have a bargaining power for wages. The presence of children in the mining sites also has negative effects on their health and education.

3.5.3.1 Issues
The reasons for child labour in mining are mainly poverty driven. Most families involved in ASM operations are at low income levels and therefore, they regard or opt for child inclusion for cheap labour. Inclusion of children in mining areas tends to be practiced by the operators because there is lack of awareness about risks of child labour and inadequate enforcement of child labour laws. In many areas where ASM activities take place there are limited educational infrastructures. This challenge engenders lack of motivation for children to attend school.

Policy Statements:
- Government will enforce regulations against child labour and abuse;
- The policy will facilitate sensitisation and awareness campaigns about child labour issues;
- Government will provide more educational infrastructure in remote areas where ASM activities are taking place.

3.5.4 HIV and AIDS
HIV and AIDS remains a key challenge in the area of health within the context of ASM. Artisanal and Small scale miners tend to engage in risky behavior due to the nature of their activities which involve working away from their sexual partners over an extended period of time.

Artisanal and Small scale miners tend to engage in risky behavior due to the nature of their activities which involve working away from their sexual partners over an extended period of time.

In addition, young women and mothers struggling to earn a living, tend to get involved in sex trade and prostitution to support themselves and their families. As a consequence of these social challenges, HIV and AIDS is a growing concern in all small scale mining communities.

Furthermore, low literacy levels have also contributed to the rise in HIV and AIDS cases because relevant and sufficient information is not clearly understood. It is generally noted that their normal traditional values is also a challenge because most of them are not open to HIV and AIDS issues - they treat HIV and AIDS issues as private and confidential matters.

3.5.4.1 Issues
In ASM subsector there is inadequate awareness of HIV and AIDS as well as stigma and discrimination against people living with HIV and AIDS. Policy Statements
The policy will facilitate HIV and AIDS awareness campaigns.
Government will facilitate training in HIV and AIDS.
CHAPTER FOUR

4.0 Implementation Arrangements

4.1 Institutional Arrangements

Various relevant ministries, key sector agencies and institutions will play a role in the implementation of this policy. These include:

the Ministry of Natural Resources, Energy and Mining, Malawi Investment and Trade Center (MITC), Training Institutions, Ministry of Labor, Environmental Affairs Department (EAD), Ministry of Gender, Financial Institutions and Ministry of Trade.

The Ministry of Natural Resources, Energy and Mining.
The ministry shall retain the main responsibility in the implementation of this policy.

Ministry of Environment and Climate Change
The ministry, through the Environmental Affairs Department, will be responsible for the regulation and enforcement of environmental standards in ASM.

Ministry of Labour
The ministry will be responsible for the regulation of involvement and employment of children in the ASM sub-sector.

Ministry of Gender and Child Development
The ministry shall work on the barriers that block women participation in ASM and other broader gender issues in the industry.

Ministry of Industry and Trade
The ministry shall facilitate the promotion of industrial development and technology transfer, trading and development of business in ASM.

Malawi Investment and Trade Center (MITC).
As the main vehicle of investment in the country, MITC shall be responsible for issues of promotion of production and marketing of the ASM products; the training institutions shall play a pivotal role in training provision and capacity building in financial and other technical aspects of work under ASM.

Ministry of Finance
Through the Malawi Revenue Authority, the Ministry will have the responsibility to ensure that revenue from the ASM sub-sector is not lost through illegal sales of ASM products and that revenue is properly managed.

Ministry of Justice
The ministry will provide policy guidance and direction on legal and constitutional matters as it is mandated.

Competition and Fair Trading Commission
The commission will ensure that ASMs are protected from acts likely to disadvantage them in fair trade.
Ministry of Education Science and Technology

As the custodian of the country's education system, the Ministry will have the primary responsibility of provision of education facilities and services and for matters on training and capacity building in the ASM subsector.

Department of Nutrition and HIV and AIDS

As the overall guide and provider of direction on HIV and AIDS issues in Malawi, the Department will assist with capacity building and awareness raising on issues of HIV and AIDS in the ASM subsector.

4.2 Implementation plan

To achieve the objectives set out in this Policy, an implementation plan has been developed. The set targets and outcomes will relate to the following priority Policy areas: development, the promotion of mineral development, improvement of the investment climate, environmental management, occupational safety and health and a diverse range of social issues. The implementation plan is in a separate but complementary document called Implementation Monitoring and Evaluation Strategy.

4.3 Monitoring and Evaluation

A comprehensive Monitoring and Evaluation Plan has been developed to ensure that the Policy is being implemented according to the set plan, and effectively to meet the intended goals and objectives. It is anticipated that the minerals sector will continue to evolve rapidly locally, regionally and internationally. This will necessitate periodic reviews of the Policy to address where necessary, not only the changes in the minerals sector, including technological advances, but also other policy developments in Malawi. Such reviews shall be undertaken every five years.