

# IM4DC Action Research Report SUMMARY

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**School/ Centre:**

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**Key themes:**

Governance and Regulation  
Community and Environmental Sustainability  
Operational Effectiveness

**Key countries:**

Ghana, Mali, Mozambique, Tanzania, Zambia

**Completion:**

June 2013

**Research aims:**

This project aimed to document the existing legislation governing the management of tailings and waste rock, as well as mine closure legislation, in the IM4DC target countries of Ghana, Mali, Mozambique, Tanzania and Zambia. The driver was to enable the preparation and presentation of more meaningful in-country training courses on mine waste management in Africa.

**For further information on this action**

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## Documenting Existing Legislation Governing Mine Waste Management in Target Countries

The focus of this report was to summarise the regulations, if any, governing the management of tailings and waste rock, including requirements for mine closure, in the IM4DC target countries of Ghana, Mali, Mozambique, Tanzania and Zambia. In many cases these regulations were found to be minimal and the management appears to devolve to regulations such as Environmental Impact Assessments. The report highlights when this is the case and provides some interpretation of the guiding regulations where possible. In some cases, sections are included on regulations governing Waste Disposal and Hazardous Waste, as in some instances these regulations may be invoked to cover mine tailings.

Aside from the Ghanaian regulations, which are very specific in some instances, the other four target countries have relatively undeveloped regulations governing the management of tailings and waste rock and mine closure. The primary approach that is common to these other countries is to require the submission of an Environmental Management Plan (EMP) to the authorities. This document is then evaluated and, if deemed necessary, referred back to the applicant for clarification, correction or improvement; it appears that it might also be the case that at this stage of the process, rejection of the Plan may occur. A difficulty that surely arises from this arrangement is lack of clarity and lack of transparency of the process.

The Ghanaian regulations are much more explicit and indeed prescriptive in their approach. The so-called AKOBEN program is an environmental performance rating and disclosure initiative of the Environmental Protection Agency (EPA) of Ghana. Under this initiative, the environmental performance of mining operations is assessed using a five-colour rating scheme. The intention is to strengthen public awareness and participation in the monitoring of mining activities. AKOBEN ratings are evaluated by analysing more than one hundred performance indicators, including quantitative data as well as qualitative and visual information. Aside from this fairly rigorous system of calling companies to account on their environmental performance, the Ghanaian regulations contain some very detailed (and perhaps controversial) requirements, such as not allowing single point discharge, and very specific requirements for monitoring of embankments. The Ghanaian regulations regarding mine closure are much less detailed, only requiring that closure plans must be submitted timeously.

As the regulations in most of the target countries are still evolving, the summaries presented in this report will, over time, lose some relevance. Updating and revision of the country-specific components of the report could be done through future in-country courses run by IM4DC, where discussion with delegates would help to clarify some of the current confusion. Continual improvement would be useful not only to presenters at such courses (the primary aim of the report), but also to any Australian company currently working, or planning to work, in the mining industry in one of the target countries.