



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON NATIONAL ECONOMY, TRADE AND LABOUR MATTERS**

**ON THE**

**RECONSIDERATION OF THE MINERALS REGULATION COMMISSION BILL,  
N.A.B. NO. 1 OF 2024**

**FOR THE**

**THIRD SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY**

*Published by the National Assembly of Zambia*

## **FOREWORD**

Honourable Madam Speaker, the Committee on National Economy, Trade and Labour Matters, has the honour to present its Report on the reconsideration of the Minerals Regulation Commission Bill, N.A.B No. 1 of 2024, for the Third Session of the Thirteenth National Assembly. The Bill was referred to the Committee for consideration and the Committee submitted its Report on the Bill to the House during the Legislative Meeting.

At the assent stage, however, His Excellency the President of the Republic of Zambia returned the Bill to the National Assembly for reconsideration pursuant to Article 66 (1) (b) of the *Constitution of Zambia, Act No 1 of the Laws of Zambia*. The Committee is mandated to reconsider any Bills that may be referred to it by the House, as per Standing Order No 210 (j) of the National Assembly Standing Orders, 2024.

In order to acquaint itself with the ramifications of the message from the President, the Committee sought both oral and written submissions from various stakeholders. The Report highlights a summary of submissions from stakeholders and the observations and recommendations made by the Committee.

Madam Speaker, the Committee is grateful to the stakeholders who tendered both oral and written submissions. The Committee also wishes to thank you, for allowing it to reconsider the Minerals Regulation Commission Bill, N.A.B No. 1 of 2024. Further, appreciation is extended to the Clerk of the National Assembly for the support and guidance rendered throughout the Committee's deliberations.



Ms Sibeso K Sefulo, MP  
**CHAIRPERSON**

July, 2024  
**LUSAKA**

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## **1.0 COMPOSITION OF THE COMMITTEE**

The Committee consisted of Ms Sibeso K Sefulo, MP (Chairperson); Mr Joel Chibuye, MP (Vice-Chairperson); Mr Gift S Sialubalo, MP; Mr Kabwe T Chewe, MP; Mr Davison Mungandu, MP; Mr Derricky Chilundika, MP; Dr Simon Mwale, MP; Mr Ronald Chitotela, MP; Mr Walusa Mulaliki, MP; and Mr Wesley Kolala, MP.

## **2.0 OBJECT OF THE BILL**

The objects of the Bill were to:

- (a) regulate and Monitor the development and management of mineral resources in the Republic
- (b) establish the Minerals Regulation Commission and provide for its functions
- (c) establish the mining appeals tribunal
- (d) repeal and replace the Mines and Minerals Development Act, 2015; and
- (e) provide for matters connected with, or incidental to, the foregoing

## **3.0 BACKGROUND**

The Minerals Regulation Commission Bill, N.A.B No 1 of 2024 was presented to the House on Tuesday 26<sup>th</sup> March, 2024 and after First Reading was referred to the Committee on National Economy, Trade and Labour Matters for scrutiny. The initial report was submitted to the House and the Bill passed through all the stages of the National Assembly and was presented to the President of the Republic of Zambia for assent.

The President did not assent to the Bill and exercised his powers pursuant to Article 66 (1) (b) of the *Constitution of Zambia, Chapter 1 of the Laws of Zambia* which provided as follows:

- 66 (1) Where a Bill is presented to the President for assent, the President shall, within twenty-one days of receipt of the Bill-*
- (b) refer the Bill to the National Assembly for reconsideration indicating any reservation that the President has concerning the Bill.*

The provisions of Standing Order 128 of the National Assembly of Zambia Standing Orders, 2024 relating to the procedure to be followed upon a Bill being returned by the President are outlined below.

- (1) Where the Bill is returned to the Assembly with a message from the President, under Standing Order one hundred and twenty-seven of these Standing Orders, the Clerk shall, on direction of the Speaker, read aloud the message to the Assembly.
- (2) The Bill shall, together with the message, stand referred to an appropriate committee for examination.
- (3) The committee shall, in considering the Bill, rely on the information on record on the Bill submitted by witnesses, and where the information is insufficient the Committee may resolve to call witnesses.
- (4) Where the committee resolves to call witnesses, only witnesses relevant to the specific issue raised in the President's message shall be called.

- (5) The Speaker shall determine the day on which the Bill shall be considered for Second Reading Stage.

## **THE MINERALS REGULATION COMMISSION BILL N.A.B NO 1 OF 2024 RETURNED TO THE NATIONAL ASSEMBLY FOR RECONSIDERATION**

Pursuant to Standing Order No 128 (1), the Minerals Regulation Commission Bill N.A.B No 1 of 2024 was returned to the Assembly with a message from the President at appendix III, which was read to the House on Wednesday 26<sup>th</sup> June 2024. The President requested that the Bill be reconsidered and extensive all-inclusive consultations be conducted.

Further, pursuant to Standing Order No 128 (2) the Hon Madam Speaker referred the Bill to the Committee on National Economy, Trade and Labour Matters for reconsideration.

In accordance with Standing Order 128(3), the Committee convened to reconsider the Bill, in view of the message from the President. The Committee engaged the major stakeholders, as in appendix II in order to establish the way forward.

### **4.0 STAKEHOLDERS' SUBMISSIONS AND CONCERNS**

Most stakeholders who appeared before the Committee stated that they were consulted during the finalisation of the Bill. It was important to note that during the process leading to the finalisation of the Minerals Regulation Commission Bill N.A.B No 1 of 2024, the Ministry of Mines and Minerals Development undertook consultations with various stakeholders which included government institutions and non-state actors as listed at Appendix V.

Stakeholders who appeared before the Committee and were not consulted raised the following concerns:

- a) Clause 7 provided for the board of the commission which consisted of representatives from the ministries responsible for Mines and Minerals Development, Lands and Natural Resources and Finance and National Planning, a representative of the Attorney General, and three representatives from organisations dealing with matters relating to the Act.

Stakeholders observed that the board only included three representatives from organisations dealing with the mining sector, which may not provide adequate representation for affected communities, civil society, and other key stakeholders. This undermined the commission's ability to address important social and environmental issues.

Stakeholders recommended the expansion of the board composition to include representatives from organisations in the mining sector such as environmental Organisations, Labour Unions, women in mining, community groups and independent experts in environmental protection, public health and sustainable development. They proposed that in order to enforce local content and link mining to other sectors, the Ministry of Commerce, Trade and Industry, or Ministry of Small and Medium Enterprises should be included on the board.

- b) Clause 15- Acquisition of mining rights and investment by Government  
This section stated the following:

Clause 15 (1) Despite the other provisions of this Act, the Minister responsible for finance may, in consultation with the Minister, prior to the granting of an exploration licence under this Act acquire an interest over the proposed exploration area as prescribed.

(2) Where minerals are discovered in an area where an exploration license is granted under subclause (1), the Minister responsible for finance shall, on granting of a mining license maintain the interest acquired under subclause (1) as prescribed.

Stakeholders submitted that this clause was unclear in its intent as the sweeping discretionary powers granted to the Minister/s, lacked transparency. Unilaterally acquiring a stake or participation in a mining right, especially without the state investing or commercially negotiating for that stake, was not good practice.

This impression was further developed within subclauses (2) to (4), where sweeping powers were granted to the Commission to acquire mining rights for investment by Government, or to declare identified areas as reserved for Government. This conferred an improper dual role upon the Commission as both regulator and market participant.

Stakeholders further submitted that exploration was a very high risk undertaking and adding another layer of risk in the form of the likelihood of government taking an unqualified interest in successful projects would stop meaningful exploration investment in all commodities. Therefore, they recommended that Government should establish a balanced regulatory framework that limits excessive ministerial control by ensuring that any discretionary powers are accompanied by robust accountability mechanisms and transparent decision-making processes.

- c) The Committee was informed that Clause 21(1-5) highlighted the importance of citizen involvement in mining activities, particularly for artisanal and small-scale mining, with strict regulations regarding ownership and the extraction of radioactive minerals as follows:

- All mining activities (artisanal, small-scale, and large-scale) require a license from the Commission. (subclause 1).
- Artisanal mining is limited to citizens or cooperatives solely composed of citizens. (subclause 2).
- Small-scale mining is restricted to citizen-owned, citizen-influenced or citizen-empowered company. (subclause 3).
- Artisanal or small-scale miners are not eligible for licenses to extract radioactive minerals. (subclause 4).
- Foreign nationals or companies can partner with artisanal miners with the written consent of the artisanal miner and prior approval from the Commission. (subclause 5).

While stakeholders observed that artisanal mining was being limited to citizens and provided for partnership as in Clause 5, the partnership needed to clearly state the minimum of 50 percent ownership of profits earned from the mining activity. Additionally, small-scale mining activities needed to be restricted to citizen-owned (where at least fifty-one percent of its equity was owned by citizens and in which citizens had significant control of the management of the company)

Therefore, they recommended that Clause 21(3) and 21(5) be revised to require, that small-scale mining activities to be restricted to citizen-owned and the partnership should clearly state the minimum of 50% ownership of profits from the mining activity.

- d) The Committee was informed that there had been protocols which were signed that proposed the 50/50 gender representation but not much progress has been achieved. One such protocol was the, Southern African Development Community Declaration on Gender and Development 1997 which was signed by the SADC heads of state. Taking into account that some women had broken the barrier in the mining industry that was historically male dominated, some stakeholders submitted that special benefits such as giving women a preference in the application queuing system was necessary. They stated that women applications should have their own queuing system for any Licence of any nature provided for in the Bill.

## **5.0. COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS**

The Committee acknowledges that most witnesses who appeared before it were consulted during the finalisation of the Bill. The Committee makes the following observations and recommendations:

### **(a) Gaps in the Legal Framework**

The Committee observes that the complete absence of provisions regulating the operations of the Mining Cadastre, which appears to be subsumed without trace into the Commission. The Committee observes that provisions detailing the operations of the office and the accountability of its officers is essential in restoring trust and confidence in the office.

The Committee, therefore, acknowledges that, statutory instruments (SIs) are a key tool that should be used to fill in the details and will address gaps in the primary legislation. In this regard, the Committee recommends that the Government should continue to engage relevant stakeholders such as mining industry experts, legal professionals, and the public, during the drafting process. This will help identify potential gaps and ensure that the SI addresses practical concerns.

### **(b) Collection and Management of Mining Revenues**

The Committee observes that the Bill includes measures for the collection and management of mining revenues, which is crucial for ensuring that the benefits of mining activities are shared equitably.

The Committee therefore recommends that the Government should put in place measures for the implementation of automated systems for the collection of royalties, taxes, and fees to minimise human error and reduce opportunities for corruption.

### (c) **Reactive Tax Regime**

The Committee observes that Zambia has been implementing what can be termed as a reactive tax regime which frequently changes in response to economic conditions, political pressures, or specific events.

The Committee, therefore, urges the Government to consider progressive taxation which entails implementing a progressive tax regime where larger and more profitable mining operations pay a higher tax rate. This could help ensure that there is a fair contribution of tax from all mining entities. Additionally, the Government should create a long-term tax strategy that outlines the government's vision for the tax system over the next 10-20 years. This should include objectives for revenue generation, economic growth, and social equity.

Further, there is need for regular review of tax rates. The Committee is of the view that there is need for periodic review and adjust tax rates to reflect changes in the global mining market and ensure that they remain competitive and fair.

### **Extensive Consultations**

The Committee notes that the finalisation of the Minerals Regulation Commission Bill N.A.B No 1 of 2024 in Zambia involved extensive consultation with a diverse range of stakeholders, including:

- a) **Mining Companies:** Large-scale and small-scale mining operators, including multinational corporations and local mining enterprises.
- b) **Community Representatives:** Local communities affected by mining activities, including traditional leaders and local government officials.
- c) **Civil Society Organisations (CSOs):** NGOs and advocacy groups focused on environmental protection, human rights, and sustainable development.
- d) **Industry Associations:** Professional associations representing the interests of the mining sector, such as chambers of mines and trade unions.
- e) **Academia:** Universities and research institutions providing expertise on mining, environmental science, and economics.
- f) **International Organisations:** Bodies such as the World Bank

The Committee in its first round of consultations on the Bill, interacted with a wide range of stakeholders whose names are listed at Appendix IV.

Subsequently, after the Bill was returned to the National Assembly for reconsideration, the Ministry of Mines and Minerals Development submitted to the Committee that some stakeholders, prominent among them being the Zambia Chamber of Mines, were of the view that stakeholder engagement was not comprehensive enough. The Committee, therefore, called for a second round of submissions and interacted with stakeholders among them the Zambia Chamber of Mines, Federation of Small Scale Mining Association and many others who are listed at Appendix II.



The above notwithstanding, the Committee recommends that forums for regular consultations are established where stakeholders can regularly meet to discuss ongoing issues and provide feedback on the implementation of the Bill.

In light of the above, the Committee fully supports the Bill, subject to the amendments that maybe presented to the House.

**6.0 CONCLUSION**

The Committee supports the Bill and commends the Government for its initiative to establish the Minerals Regulatory Commission to regulate and monitor the development and management of mineral resources in Zambia. This initiative is expected to enhance stability and predictability in the mining industry, significantly contributing to the Government’s aim of positioning the mining sector at the forefront of Zambia's next industrial revolution. The Committee notes that this a forward-thinking bill that will establish the commission, provide for its composition and responsibilities related to the regulation and management of the utilisation of minerals in Zambia, as well as provide for matters related to those functions, and advance related matters forward. The Committee is hopeful that the commission will restore rationality to the industry.

We have the Honour to be, Madam, the Committee on National Economy, Trade and Labour Matters mandated to consider the Minerals Regulation Bill, N.A.B No. 1 of 2024.

  
Ms Sibeso K Sefulo, MP  
**CHAIRPERSON**

July, 2024  
**LUSAKA**

**APPENDIX I - National Assembly Officials**

Mr Stephen Chiwota, Director ó Financial Committees

Mrs Angela M Banda, Deputy Director ó Financial Committees

Ms Chitalu R Mulenga, Senior Committee Clerk (FC2)

Mr Emmanuel Bwalya, Committee Clerk

Ms Inutu Mwiya, Acting Administrative Assistant II

Mr Daniel Lupiya, Acting Senior Committee Assistant

Mr Muyembi Kantumoya, Acting Committee Assistant

**APPENDIX II – List of Witnesses**

Ministry of Justice

Association of Zambian Women in Mining

Caritas Zambia

Ministry of Mines and Minerals Development

Zambia Chamber of Mines

National Economic Advisory Council

Federation of Small Scale Mining Association





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*Handwritten signatures and initials*  
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SECRET  
SH/70/4/1

16<sup>th</sup> April, 2024.

The Speaker of the National Assembly  
Parliament Building  
Speaker's Chambers  
LUSAKA

Attention: Mr. Roy Ngulube


Dear Madam Speaker,

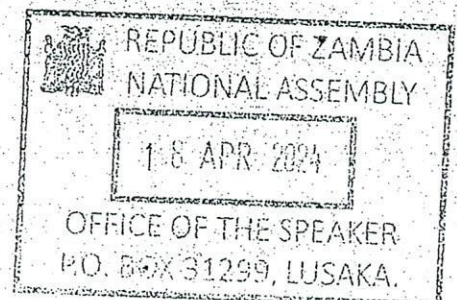
RE: RECONSIDERATION OF THE MINERALS  
REGULATION COMMISSION BILL 2024

I refer to your minute dated 12<sup>th</sup> April 2024 addressed to me containing duly authenticated Bills among them, the Minerals Regulation Commission Bill 2024, which were passed during the recent meeting of the National Assembly.

Pursuant to the powers vested in me under Article 66 (1) (b) of the Constitution of the Republic of Zambia, I hereby refer the Minerals Regulation Commission Bill 2024 to the National Assembly for reconsideration and extensive all-inclusive consultations with stakeholders before the said Bill can be assented to.

Yours sincerely,

  
**Hakainde Hichilema**  
**PRESIDENT**  
**REPUBLIC OF ZAMBIA**



**APPENDIX IV – LIST OF WITNESSES DURING FIRST ROUND OF COMMITTEE  
CONSULTATIONS**

Ministry of Finance and National Planning  
Ministry of Justice  
Ministry of Small and Medium Enterprise Development  
Ministry of Land and Natural Investment  
The University of Zambia  
Zambia Institute for Policy Analysis and Research  
Zambia Revenue Authority  
Zambia Chamber of Commerce and Industry  
Industrial Development Corporation  
Caritas Zambia  
Zambia Development Agency  
Zambia Chamber of Mines  
Citizens Economic Empowerment Commission  
Zambia Environmental Management Agency  
Centre for Trade Policy and Development  
Maamba Collieries Limited  
Mr Mwiya Songolo, Member of the Public  
Mr Heartson Mabeta, Member of Parliament  
Mr Makweti Sishekanu, Member of the Public

**APPENDIX V-LIST OF STAKEHOLDERS CONSULTED BY THE MINISTRY OF MINES AND MINERALS DEVELOPMENT AS SUBMITTED TO THE COMMITTEE**

NO	INSTITUTION	NAME OF REPRESENTATIVE
1.	Zambia Chamber of Mines	Mr Sokwani Chilembo ó CEO, Zambia Chamber of Mines  Mr Talent Ngøandwe ó Deputy CEO, Zambia Chamber of Mines
2.	First Quantum Minerals Ltd	Mr Hugh Carruthers
3.	Nkana Alloy Smelting Company Ltd	Mr Robson K. Malipenga
4.	CNMC Luanshya Copper Mines Plc	Ms Lizzy Sondashi
5.	Albidon Mining Ltd	
6.	Center for the Constructive Resolution of Disputes (SACCORD)	
7.	Diakonia Zambia	Mr Edward Goma
8.	Civil Society of Poverty Reduction (CSPR)	Mr Edward Musosa  Mr Elvis Mwila
9.	Zambia Council for Social Development (ZCSD)	Ms Leah Mitaba  Mr Zebbies Mumba
10.	Youth Alliance for Development (YAD)  Lusaka	Mrs Ziwase Mulenga
11.	Extractive Industry Transparency Alliance (EITA)	Mr Mwiya Mwandawande
12.	Publish What You Pay (PWYP) Zambia	Mr Nsama Chikwanka
13.	Caritas Zambia	Mr Edmond Kangamungazi
14.	Action Aid Zambia	Mr Nalucha Ziba
15.	Transparency International Zambia	Ms Tamika Halwiindi
16.	Jesuit Centre for Theological (JCTR)	Mr Micomyiza Dieudonne
17.	Center for Trade Policy Development	Mr Isaac Mwaipopo (Executive Director)

	(CTPD)	Mr Isaiah Mbewe
18.	Extractives Expert	Ms Mando Chiundaponde
20.	Council of Churches in Zambia (CCZ)	Mr Andisen Zulu
21.	National Empowerment Forum	Mr Edgar Siakaacoma
22.	Zambia Association of Manufacturers	Ms Florence Muleya
23.	Policy Monitoring & Research Centre (Lusaka)	Ms Ester Nyemba
24.	Zambia Institute for Policy Analysis & Research (Lusaka) (ZIPAR)	
25.	Federation of Small scale Mining Association of Zambia (Lusaka)	Ms Pauline Mundia Mr Martford Mumba
26.	Maamba collieries ltd	Mr Arthur Shinamangolo
27.	Association of Zambia Woman in mining (AZWIM)	Ms Mary Lubemba Ms. Christine Chimpala
29.	Association of Mines Suppliers and Contractors	Mr Costar Mwaba
30.	Lubambe Copper Mines	Mr. Tim Duffy Mr. Ikayi Mushinge
31.	AZMEC - Association of Zambian Mineral Exploration Companies	Mr Willie Sweta
32.	Southern Africa Resources watch	Mr Edward Lange
33.	Copperbelt University	Dr Edward Chisakulo
34.	Citizen Economic Empowerment Commission	Mr Moonga
35.	World Wildlife Fund	Ms Nachilala Nkombo
36.	Zambia Land Alliance	Mr Nikiwe Musonda
37.	Mining Consultant	Dr Lungu Chozi
38.	Geological Society of Zambia	Mr PumuloMukube

40.	Maziba Resources	Mr Philomen Nyirenda
41.	Chiluluma Mines	Mr Narenda
42.	Zambia Environmental Management Agency (ZEMA)	Mr Sichilongo
43.	Ministry of Land and Natural Resources	
44.	GIZ	
45.	World Bank	Mr Chambuba
46.	Provincial Administration- North Western	
47.	Law Association of Zambia	
48.	Economic Association of Zambia	
49.	Engineering Institute of Zambia	
50.	Albidon Mining (Z) LTD	
51.	Luanshya Copper Mines PLC	
52.	First Quantum Minerals LTD	
53.	Chibuluma Mine	
54.	Kalumbila Minerals LTD	
55.	Nkana Alloy & Melting Company LTD	
56.	Konkola Copper Mines Nchanga	
57.	Mabiza Resources	
58.	Lumwana Mine	
59.	CNMC Luanshya	
60.	NFC Africa Mining	
61.	Mamba Collieries	
62.	Universal Minerals and Chemicals	
63.	Chambishi Copper Smelter	
64.	Oriental Quarries	
65.	Ndola Lime Company	



66.	Neelkanth Lime	
67.	Zambezi Lime	
68.	Kariba Minerals	
69.	Kagem Mine	
70.	Baudot Cement	
71.	Dangote Cement	
72.	Mphande limestone	
73.	Portland Cement	
74.	University of Zambia	
75.	Business regulatory Review Agency	
76.	Zambia Revenue Authority (Lusaka)	Ms Beatrice
77.	Competition and Consumer protection commission	
78.	Zambia Chamber of Commerce & Industry	
79.	Chambishi Metals PLC	
80.	Mopani Copper Mines PLC	
81.	Sino Metals Leach (Z) LTD	
82.	Grizzly Limited	
83.	CNMC Luanshya Mine	Mr Robert Kamanga
84.	Zambia Development Agency	
85.	Mining Consultant	Mr Brian Kapilikisha
86.	Prospero Zambia	Mr Chibesa kalunga
87.	Catholic Commission for Justice and Peace	Mr Jackson Mujege Mbewe
88.	Citizens for National Transformation	Mr John Mongo
89.	NFC Africa Mining PLC	

90	Federation of Small Scale Mining Association of Zambia	Mr Victor Kalesha
91.	School of Mines Copper Belt University	
92.	General Secretary ESMAZ	Mr Shadrick Mwape
93.	Konkola Copper Mines	
94.	Kagem Mining	
95.	United Mine Workers Union of Zambia	
96.	Copper Belt Trade and Development Forum	
97.	Pastors Fellowship	Reverend George Palo
98.	ZEMA	
99.	Jesuit Theological Reflection	Mr. Dieudone Micomyida
100.	Lafarge cement	Ms. Charity Kunda
101.	Council of Churches	Mr. Richard Mbinza
102.	New DEF	Mr. Billy Kakunta
103.	Lumwana Mine	Mr Chibomba Mukonde
104.	North Western Council of Elders	Mr Kenneth Kapata
105.	Youth Alive	Mr Calvin Chisongo
106.	Kalumbila Mine	Mr Rees Magrath
107.	Kansanshi Mine	Mr Clayton Reeves
108.	Action Aid	Mr Goodbye Chinyama Ms Exildah Chisongo
109.	Bresmar Building Materials Limited (BBM)	Mr Brighton Kajoba
110.	Musanya Quarries Limited	Mr Edward Mujoma
111.	Synite Quarries Limited	Mr Brandon Quinn
112.	Provincial Administration North Western Province	Permanent Secretary

		(Col Katambi)
113.	NGOCC	Ms Pauline zulu
114.	Caritas Solwezi	Father Musonda
115.	Provincial Administration	Mr D Mpiiza
116.	Oxfam Zambia	Ms Daisy Mwilima
117.	Goviex Uranium ltd	Mr Lyapa Manza
118.	Bird Watch Zambia	Ms Mary Malasa
119.	WWF	Ms Agatha Chisha
120.	Zambia Revenue Authority	The Commissioner General
121.	Temo Teflo Mining Zambia Limited (Kalulushi)	Ms Rhoda N M Nyirenda (Director)
122.	Mr Gershom Chituta (Secretary General	Mining Trading and Processing Association - Mkushi
123.	Mr Lloyd Nyirenda (President)	Mining Trading and Processing Association - Mkushi
124.	Mr Lazarous Ngoma (Vice President)	Mining Trading and Processing Association -Mkushi