



"Investing in Africa's Future"

SCHOOL OF LAW

NLLB512: MINING AND NATURAL RESOURCE LAW

END OF SECOND SEMESTER EXAMINATIONS

APRIL 2026

LECTURER: E. MASIYA

GENERAL INSTRUCTIONS TO CANDIDATES

1. Do NOT write your name on the answer sheet
2. Answer ALL questions from Section A and any THREE (3) questions from Section B
3. Begin your answer for each question on a new page.

Candidates may bring into the examination room clean

- Constitution of Zimbabwe, 2013

-Mines and Minerals Act, 1960

-Parks and Wildlife Management Act [Chapter 20:14]

-Water Act [Chapter 20:24]

-Environmental Management Act [Chapter 20:27]

-Forestry Act

SECTION A (THIS SECTION IS COMPULSORY)

QUESTION ONE

Tendai, a small-scale prospector, identifies a promising area for gold mining in the Shurugwi district. He immediately files an application for a prospecting licence, and a registration notice with the Mining Commissioner's office. However, due to transport challenges, he does not visit the site to peg the claim or erect any beacons. He simply marks the coordinates on his application form and assumes this is sufficient to secure his rights. Two weeks later, another prospector, Nyasha, physically visits the same area, pegs the claim, erects beacons, and records the boundaries in accordance with the Mining (General) Regulations. She then submits her registration documents to the Mining Commissioner. When Nyasha's registration is processed, Tendai objects, arguing that he filed his paperwork first and therefore has priority. He insists that his application alone constitutes a "physical act" sufficient to establish his claim. The Mining Commissioner rejects Tendai's objection, prompting him to appeal to the High Court.

Using the facts above:

a) Identify the legal principle established by the courts and the relevant legal framework. In your answer, explain how this principle applies to the dispute between Tendai and Nyasha. **[10 Marks]**

b) Critically analyse the constellation of legal frameworks, policy instruments, and regulatory commitments that shape Zimbabwe's pathway toward a Just Energy Transition (JET). In your answer, evaluate the extent to which existing domestic laws, regional obligations, and international climate-energy norms collectively facilitate, or constrain, the country's transition from carbon-intensive energy systems to a low-carbon, socially equitable energy future. **[20 Marks]**

c) In the mineral-rich district of Mutoko, a private security company, BlackShield Security Services, is contracted by a foreign-owned granite-mining corporation, Eastern Stone Holdings (ESH), to guard its mining concessions. Over several months, BlackShield guards allegedly assault villagers, confiscate livestock, and violently disperse community meetings opposing the mine's expansion. Several villagers suffer serious injuries, and one elderly man dies after being beaten during a forced eviction from land earmarked for quarrying.

Community leaders report these incidents to the local police on multiple occasions. Despite receiving detailed complaints, medical reports, and witness statements, the police take no action. They neither investigate the allegations nor restrain the security guards. Instead, officers repeatedly tell villagers that “this is a private dispute” and that the mining company “has government backing.” Human-rights organisations file a petition before the High Court, arguing that Zimbabwe is internationally responsible for the violations committed by BlackShield.

Critically analyse whether Zimbabwe may be held responsible for the human-rights violations committed by BlackShield Security Services. **[10 Marks]**

SECTION B

ANSWER ANY THREE QUESTIONS FROM THIS SECTION

QUESTION TWO

Makorokoto Cement (Pvt) Ltd is a large, privately-owned cement manufacturer operating in Mashonaland West. Although it is not listed on the Zimbabwe Stock Exchange, the company is one of the country’s largest industrial emitters and has recently secured a major loan from an international climate-finance institution. As a condition of the loan, the lender requires Makorokoto Cement to produce an annual ESG report aligned with global sustainability reporting standards.

- a) Discuss the extent to which unlisted companies in Zimbabwe may be compelled by statute, regulation, contract, or policy, to produce ESG reports.

[10 Marks]

- b) Write brief notes of the legislative shift brought about by the Mines and Minerals Bill relating to mining in Parks.

[10 Marks]

QUESTION THREE

“Human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850-1900 in 2011-2020. Global greenhouse gas emissions have continued to increase, with unequal historical and ongoing contributions arising from unsustainable energy use, land use and land-

use change, lifestyles and patterns of consumption and production across regions, between and within countries, and among individuals” – *Climate change 2023 Synthesis Report by the Intergovernmental panel for climate change*.

Critically discuss Zimbabwe`s policy and institutional response to climate change mitigation and adaption. **[20 Marks]**

QUESTION FOUR

With the aid of examples, critically discuss the nexus between mining, energy law and climate change law. **[20 Marks]**

QUESTION FIVE

It is understood that the Mines and Minerals Act [Chapter 21:05] has made significant inroads to the common law property maxim *cuius est solum eius est usque ad caelum et ad inferos*, (the owner of the land is the owner of everything built upon the land and everything below the surface).

Using case law and statute, discuss what the common law position was and how the Mines and Minerals Act [Chapter 21:05] has transformed ownership of severed and unsevered minerals in Zimbabwe. **[20 Marks]**

TOTAL MARKS 100

END OF QUESTION PAPER