



HEBERT CHITEPO LAW SCHOOL

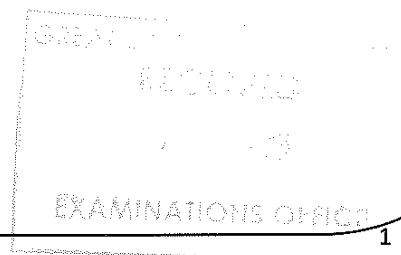
BARCHELOR OF LAWS HONOURS DEGREE

EXAMINATION QUESTION PAPER

MODULE CODE	LLB 614
MODULE NARRATION	ENERGY AND MINING LAW
DATE	2025
DURATION	3 HOURS

INSTRUCTIONS TO CANDIDATES

1. Answer question one from section A, which is compulsory and any two questions from section B.
2. This paper carries 70 marks.
3. You are advised to read all questions carefully before attempting to answer any.
4. You are reminded of the need to cite relevant authorities to bolster your arguments and/or convictions.
5. This question paper is four (4) pages long, including the cover page.
6. Write legibly.



SECTION A

THIS QUESTION IS COMPULSORY

QUESTION 1

Soon after graduating from Law School, you join a top Mining and Environmental Consultancy firm dedicated at protecting the environment through giving expert advice on responsible and sustainable mining. Your first client is Friends of the Earth (FOE) a non-profit organisation based in Masvingo and is committed to environmental protection. FOE is enraged by a decision by the authorities to allocate coal mining concessions in the middle of the surrounding Sikato Safari Area to Jiam Coal Ltd, a Japanese Coal Mining firm. Jiam Coal Ltd facility's property line lies alongside a 10 hectare stretch of farmland belonging to rural farming inhabitants drawn almost entirely from the Sikato Area. The facility's coal production site sits next to the mighty and bio-diverse Shagashe River Channel, with a sizeable biological community growing onsite. Some of the biological resources in the Safari Area include zebras, rhinos, gazelles and migratory birds which use the site as a roosting spot during migrations. Time and again, the Japanese take to this idyllic sanctuary to poach for meat to supplement their diet.

Your client tells you that they act on behalf of the Sikato Wildlife Trust as well as the rural farming inhabitants of the Sikato Area. They state that when coal mining was first discovered in the area, the mining company promised reasonable compensation to landowners for giving their land and that the inhabitants would be relocated to some other place, but that did not happen. They tell you that the local farmers were not opposed to the mining, but they were concerned that coal mining was likely to trigger multifarious environmental and health problems as well as nefarious (immoral) deeds in the area. They also wanted the Mining Company to give them reasonable compensation and to settle them in a new place. In response, Jiam Coal Ltd said that with regard to the ill effects of coal mining, there was no evidence that harmful effects had been so far experienced.

Your client also tells you that the Sikato Wildlife Trust's Monitoring Team recently found some Japanese people in the middle of the Sikato Safari Area. They managed to ascertain that they were drilling core samples for coal. With the help of Park Officials, these coal miners were arrested and handed over to police. However, they soon appeared with a permit giving them the right to carry on mining in the Safari Area with exploratory drilling. When investigations were carried out, it emerged that the miners did this without consulting the Area

Manager and they seem to feel they have a right to go wherever they like. It also emerged that the government had allocated two mining concessions to Jiam Coal Ltd, in the middle of the Safari Area.

Your client has approached you for legal advice as they intend to seek an interdict to restrain the Japanese Coal Mining Firm, Jiam Coal Ltd from carrying out acts of coal mining in the area. As part of your advice to them, critically discuss all the legal issues arising from the given set of facts. In your answer, comment on the prospects of success in the interdict order they intend to seek. **[30 Marks]**

SECTION B

ANSWER ANY TWO QUESTIONS FROM THIS SECTION

QUESTION 2

Discuss the role of energy law in facilitating the transition to renewable energy sources in Zimbabwe. In your answer, evaluate the legal frameworks, policies, and incentives in place to promote the development and adoption of renewable energy technologies, as well as discussing any weaknesses or challenges in the energy law framework that hinder the country's transition to cleaner energy sources and propose recommendations for improvement. **[20 Marks]**

QUESTION 3

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]**

QUESTION 4

Examine the impact of mining activities on climate change in Zimbabwe and evaluate the legal measures in place to mitigate these effects. In your answer, assess the effectiveness of current regulations in promoting sustainable mining practices and reducing greenhouse gas emissions from mining operations. **[20 Marks]**

QUESTION 5

Citing relevant factual examples of circumstances prevailing in Zimbabwe's mining sector, analyse the extent to which surface and subsurface rights may conflict at law. Use case law authorities to support your answer. **[20 Marks]**

TOTAL MARKS: 70

END OF QUESTION PAPER