



By Tafadzwa Chiremba

FINANCE Minister Tendai Biti has stepped up efforts to institute a technical coup against President Mugabe following revelations that he is crafting a Bill aimed at giving him full control of the country's diamond claims and revenue.

The Diamond Control Revenue Bill of 2011 proposes the cancellation of all existing diamond claims while giving Mr Biti the powers to regulate the mining and trading of diamonds.

It is understood that Mr Biti is crafting the Bill in consultation with University of Zimbabwe law lecturer Mr Brian Crozier and the International Monetary Fund, which is aided by the US State Department.

Currently, economic powers pertaining to allocation of claims and exploitation of minerals is vested in the President.

Documents availed to The Sunday Mail show that Mr Biti is leading the crafting of the principles to the Bill, which, if enacted, will see him controlling Government entities such as the Zimbabwe Mining

Development Corporation and the Minerals Marketing Corporation of Zimbabwe.

Through the Bill, Mr Biti wants to cancel all the licences granted to such companies as Mbada Diamonds, Anjin and Marange Resources.

Section 4 (1) (a) of the draft Bill states: "Any mineral right, which was in force under the Mines Act immediately before the fixed date (date of commencement of Act) and which authorised the grantee or holder to prospect for additionally, or alternatively, to mine or work any alluvial deposit of diamonds, shall, to the extent of such authorisation, be void."

Minister Biti also wants exclusive authority to set terms and operational plans for various mining companies that want to conduct exploration work.

“The minister, with the approval of the minister responsible for mines, may, by written notice to the (claim) holder, fix appropriate terms and conditions subject to which mining operations may continue on the holder’s mining location,” reads Section 6 (4) (b) of the Bill.

Mr Crozier recently wrote to Minister Biti directing some changes to the Bill as advised by the IMF.

“The IMF chief of mission suggested an amendment to section 32 of the ZMDC Act in order to give you power to direct the disposition of the ZMDC’s revenues.



“With respect, section 32 of the Act is not an appropriate place to put the proposed amendment (section 32 merely states what the ZMDC’s revenues are, not how they should be dealt with).

“I have therefore altered this clause so that it will insert a new section 37A into the Act, giving you power to issue directives which will in effect place ZMDC under the supervision of your ministry and Zimra,” reads part of the letter Mr Crozier wrote to Mr Biti.

This is not the first time Mr Biti has faced accusation of trying to usurp the functions of the President. Last December, Mr Biti clandestinely sought to dissolve President Mugabe’s executive powers and transfer them to his office in his proposal to amend Section 2 of the Exchange Control Act Chapter 22:05 in the Financial Bill that sought to put the 2011 budget into effect.

The Bill was surprisingly passed in the Lower House, only to be rejected by the Senate. Section 2 of the Exchange Control Act Chapter 22:05 defines Zimbabwe’s sovereignty over all its natural resources and how these are traded with all the other countries and foreign nationalities. This section gives President Mugabe executive powers to chart the country’s regulation in relation to currency, imports and exports, gold and all other mineral exports, transfers and settlement of property between Zimbabweans and foreign residents, as well as regulations relating to debt.

Mr Biti was yesterday not reachable to comment on the crafting of the Bill as he was said to be out of the country on business.

Analysts have, however, deplored Minister Biti's manoeuvres saying he is not only seeking to usurp the powers of the President, but also wants to make policies for other ministries.

"Why is he not doing that with platinum whose mining is dominated by Western companies?" asked an analyst.

Under normal circumstances, the relevant ministry makes recommendations for a Bill before it is submitted to Cabinet after which it is passed on to the House of Assembly.

If a Bill is recommended by Members of Parliament who are not ministers, it is presented as a Private Members' Bill, which is believed to be the channel Mr Biti wants to use.-The Sunday Mail