

## RAISING THE COMMUNITY VOICE IN THE EXTRACTIVE SECTOR

### Socio- economic and environmental impacts of the extractive sector on the immediate communities

#### FEATURES

Research Problem

Interview with Stakeholders

Survey findings

Legal framework



This news letter features a survey recently conducted by CRD in the mining communities of Chimanimani West in Manicaland Province in Zimbabwe. The research survey highlights socio-economic and environmental impacts of mining activities from the community's perspective. It also features interviews with various stakeholders working with the mining sector. Views expressed here is food for thought to Civic Society and all interested stakeholders as Zimbabwe sit down to deliberate on the new mining legal framework.

#### Ward 3, 5 and 8 of Chimanimani West: Background

Wards 3, 5 and 8 of Chimanimani district are communities living closer to Marange diamond fields and are separated from Marange by the river Odzi and Save respectively. The three wards boast of a population of approximately 20 000 people with prominent business centres such as Hot Springs, Chasiyama, Chakohwa, Nemaramba, Nenhowe and Nyanyadzi lining the Mutare –Masvingo Beitbridge road. These business centres attracted thousands of panners, local, regional and international buyers during the diamond rush due to the vital services that they provided and also because of their strategic positioning to both the diamond fields and easy transport access to various destinations. The centres experienced a business boom for traders, shop owners and several liquor outlets owners who besides running their businesses also acted as intermediaries between diamond panners and buyers realizing huge diamond profits in the process. The area like Marange is drought stricken hence crop production is supported by irrigation schemes that also produces cash crops for members of the communities. In order to augment their sources of livelihood people also rear cattle, goats and sheep and small livestock such as chicken and rabbits.

#### Socio-economic issues

The advent of formal mining operations in Marange in 2009 brought an end to thriving informal diamond mining and trade activities when the government drove out thousand of panners from Marange in 2008 through Operation Hakudzokwi. Today, increased security measures in the diamond fields has also driven most remaining illegal panners out of Marange to seek alternative shelter in communities around Nyanyadzi, Chakohwa, Chasiyama and Hot Springs business centres. These panners linger around during the day whilst waiting for opportunities to pounce into mining concessions to pan for diamonds. Their activities continue to attract spontaneous raids from the security services.

## RAISING THE COMMUNITY VOICE IN THE EXTRACTIVE SECTOR



*Nyanyadzi shopping centre prone to sporadic raids from the security sector*

In most instances the raids disrupt business and sometimes innocent villagers or visitors are mistakenly identified as potential buyers or panners and taken to the diamond base in Marange where they are also interrogated for several hours before they are released. The relationship between the security operatives and the community here remains strained and tense. Members of the community and business operators regard panners as their source of income and support their panning activities largely because they are not directly benefitting from the diamond proceeds. The community also believes that the role of these security operatives is to protect the interests of a minority group of foreign investors and powerful individuals in government who have captured their diamond resource.

### Unemployment

Unemployment in these wards is high and the diamond mining companies have not managed to absorb a significant number of people as employees from these communities. In an interview recently carried out by CRD to ascertain the economic impact of diamond mining on the adjacent communities, most people interviewed claimed that artisanal mining during the diamond rush was far much better because most people were fending for themselves by digging for diamonds in Marange.

According to these sources mining officials are corrupt and in most cases recruitment is done 400 kilometers away in Harare where all these companies are operating from. Only menial job opportunities are sometimes availed for people from their communities but again only a small number of locals have been absorbed by the mining companies because of corrupt recruitment practices.

### Irrigation Schemes

The economic boom experienced in the diamond rush also led to overpopulation which had a negative impact on the environment. Due to the high demand for firewood trees have been recklessly cut resulting in soil erosion and siltation of irrigation canals in Ward 3,5 and 8. According to the chairman of Nyanyadzi Irrigation Scheme Mr Masvino of ward 8 massive siltation in the irrigation canals have made desilting difficult. The alternative pump system that draws water from the Odzi River to supply the irrigation scheme has also stopped operating because the pumps have irretrievably broken down. The economic meltdown that Zimbabwe experienced over the last decade impacted negatively on the 800 plot holders at the 412 hectares of land at Nyanyadzi irrigation scheme. Without any form of financial assistance these farmers could not rehabilitate the 8 kilometer long canal system let alone repair the 4 pumps, two at Nenhowe and the other two at Nyanyadzi that have all broken down.

The same fate has also fallen on the villagers in ward 3 and 5 whose irrigation scheme at block 4 and 5 has also been affected by siltation and members have no funds to finance the desilting of these canals. According to Mr Mutetwa a fitter and turner in the department of irrigation, "the entire canal system needs overhauling if the chances of reviving the canals are ever to be seriously considered." His sentiments were also echoed by Mr. Dirikwe, one of the committee members for Nyanyadzi irrigation scheme who reiterated that the revival of these irrigation schemes must be seriously considered by government because they are a source of income for more than 2000 plot owners and a source of livelihood for more than 20 000 people in ward 3, 5 and 8 of Chimanimani West Constituency. The schemes produced cash crops such as beans, maize, tomatoes, wheat and okra which were readily sold to companies such as National foods and Bhadella Wholesalers in Mutare. Villagers from as far as Zaka and Buhera also came to barter trade clothes for food items such as beans and maize whenever they experienced drought in their regions.



## RAISING THE COMMUNITY VOICE IN THE EXTRACTIVE SECTOR

### Health facilities

According to councilor Mutsandukwa of ward 3 the mortuary at Chakohwa is not functioning because the refrigerators have broken down. The community has to rely on the mortuary at Nyanyadzi which is overwhelmed because it is small. In most cases bodies are transferred to Mutambara which is 30 to 50 kilometers away because of this crisis. The clinics also experiences drug shortages and surprisingly company workers and most victims of dog bites, gunshot wounds and members of staff also come to these centres for medical treatment but these companies have never made an effort to assist these health institutions.

According to the three councilors for ward 3,5 and 8 a concerted effort to resuscitate the schemes were made in 2012 when they approached mining companies mining diamonds in Marange to look for machinery for desiltation of canals and funds to purchase either new water pumps or spares for the aged pumps in these irrigation schemes.

A committee was subsequently set up that comprised local councilors of the affected areas and company representatives from Anjin, Marange Resources and Diamond Mining Company (DMC) who on several occasions inspected the canal systems and ascertained on what was required for the schemes to start operating. The much anticipated opportunity to revive these schemes were suddenly dashed when the irrigators raised the issue of compensation for their livestock in one of the committee meetings. River in 2012 only. Mr Masvino also informed CRD that he had compiled a list of up to 278 cattle that died in ward 8 in 2012 after drinking contaminated water from the two rivers. Villagers also complained of itching whenever they use the water for washing and other household requirements.

They also alleged that some of the mine dumps at companies like Anjin are not fenced and their livestock are drinking water from these contaminated sources. The councilors were puzzled by the behavior of these company officials who have ignored them since December 2012 when the issue of river pollution was raised

What has become clear here is that companies are afraid of committing themselves to compensate these villagers in the event of an independent inquiry into the cause of these death hence the decision to avoid any form of collaboration with the affected communities. No known environmental audits have been publicized on Marange.

### Community benefits from diamond mining

In July 2012 President Mugabe commissioned the Zimunya/Marange Community Ownership Trust where an initial 10 million dollars of revenue generated from each company mining in Marange would be deposited in the trust account for community development projects. The schemes are in line with the controversial indigenization programme championed by President Mugabe through the Ministry of Youth Indigenization and Economic Empowerment. In the case of the Zimunya/Marange Ownership Trust the trustees are Chief Marange and Chief Zimunya who chair the trust on rotational basis.

According to sources on the ground there are no known structures or representatives for more than 30 wards of Mutare district, the area that the trust purports to cover. Reliable sources described the trust as covering Mutare west which is the entire Marange area up to Binya Road and areas as far as Zimunya, Sakubva, Burma, Chigodora 22 miles and St Welberts bordering away ward 3,5 and 8 through the Odzi river and Munyoro village of Mutare South Constituency. The trust also stretches to Mukuni north and Mukuni South which covers Odzi and Arda Transau respectively.

CRD is hoping that the revised mines and minerals act will regularize artisanal mining activities and reduce clashes between mining authorities and artisanal miners. CRD continue to receive incidences of human rights abuses on artisanal miners at the hands of company security guards.

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## RAISING THE COMMUNITY VOICE IN THE EXTRACTIVE SECTOR

Mechanisms to operationalise this scheme remain a mystery, confirmed by Minister Kasukuwere in February 2013 upon news that the scheme had not yet received funds from the mining companies. Several villagers interviewed by CRD in ward 3, 5 and 8 questioned the criteria that was used in selecting beneficiaries for this scheme where people living more than 100 kilometers away from the mines are set to benefit whilst villagers living closer to the mines are not beneficiaries because they belong to a different constituency.



*Mining taking place on the boundary between Marange and Chimanimani West Constituency*

Most councilors interviewed dismissed the scheme as political grandstanding and decried the idea of using Chiefs to spearhead these developmental projects instead of rural district councils who have a constitutional mandate to develop rural districts. According to Councilor Mutsandukwa Chiefs have traditional roles to play in the governance of areas under their jurisdiction and have no constitutional mandate to spearhead local government activities on our behalf. His sentiments were echoed by some villagers interviewed who felt that the idea of using Chiefs to manage these schemes were political, bent on stifling rural district councils because they are dominated by councilors from the MDC-T who came into office in the harmonized elections of 2008.

## INTERVIEWS WITH STAKEHOLDERS

### ***Compensation for loss of livestock***

Asked if the council was going to take measures to ensure that families are compensated for the loss of their livestock Mr Maringe replied that the council has no basis to offer that support to the affected families because they simply do not have evidence.

### **Are RDCs' an integrated stakeholder in the extractive sector?**

#### ***River Pollution***

In the quest to find the source of problems bedeviling the targeted communities of ward 3,5 and 8 of Chimanimani East CRD undertook a trip to Chimanimani where it met with different stakeholders including Chimanimani Rural District Council officials. In his response to allegations of river pollution by mining companies that is allegedly to have caused death of livestock in Chimanimani West, the head of environment at Chimanimani Rural District Council (CRDC) Mr Maringe, confirmed that he had received several reports of these "mysterious death" of livestock between 2011 and 2012 although the rate of death has drastically subsided at the present moment. He further went on to inform CRD that he had formally written to EMA and the Veterinary Department over the issue but he did not receive any official response.

### ***Benefits accrued from the mining sector***

CRDC concurred with CRD on its earlier findings on the state of affairs in these mining communities as they see no reason why communities living less than 20 kilometers away from the mining areas are alienated from benefitting because they are in Chimanimani District.

Although CRDC was receiving assistance here and there from DTZ OZGEO the company mining diamonds for the past 3 years at Charles wood farm it appeared the council has very little influence over mining activities in their area of jurisdiction because they are not consulted by the Ministry of mines when mining licences are issued.

## RAISING THE COMMUNITY VOICE IN THE EXTRACTIVE SECTOR

According to CRDC many individuals and companies have come into the area to explore and mine without approaching council including Mbada diamonds that have already started mining operations near Wengezi Business Centre. When approached by CRDC to regularize their mining operations the company professed ignorance of that legal obligation but somehow promised to amicably resolve the issue.



*CRDC was not consulted in this mining operation*

The council lamented the deplorable state of irrigation schemes, roads, schools and drug shortages in clinics and small mortuaries that could no longer cope with the rising populations in the district and they strongly believe these companies could do more to uplift the living standards of the communities if they are properly coordinated. The other biggest challenge that was observed by CRD and confirmed by the council was that stakeholders in this sector like the traditional leadership, the ministry of mines, Environmental Management Agency(EMA),Indigenization ministry and local

government are running parallel to each other in natural resource management. Unfortunately this situation has been exploited by mining companies and very little contributions towards the development of the communities have been undertaken in the process. Mr. Maringe highlighted that council is not only the regulatory authority but it is strategically positioned through its 5 year development plans to handle developmental initiatives that are coming from the extractive sector if there is harmony among stakeholders. Mr. Maringe is hoping that the new mining legal framework will address some of these challenges noted here if communities are to realize any meaningful benefits from the management of their natural resources.

### **Relocations**

929 families have been relocated from Marange to Arda Transau in a fast track relocation exercise that came with the advent of large scale diamond mining in Marange in 2010. The following relocation figures were presented by the Provincial Administrator Mr. Fungai Mbetsa at the Portfolio Committee on mines and energy workshop held in Vumba in April 2013. The relocation exercise has negatively impacted on the lives of both the newly resettled families and those waiting for resettlement in terms of sources of livelihoods.



*Provincial Administrator F Mbetsa presenting before the portfolio committee on mines and energy*

According to the Provincial Administrator this project did not prioritize social amenities and no monetary compensation has been given to families for their losses other than the relocation incentives they received during the process of relocation. The remaining families in Marange have been ordered not to grow crops because they have been earmarked for relocations. Those that have been relocated to Arda Transau have been allocated one hectare each for residential, half a hectare for irrigation and one hectare for dry land irrigation. According to Mbetsa the land is not enough to meet the food requirements for these families and government delays on the irrigation schemes is now a cause for concern.



**RAISING THE COMMUNITY VOICE IN THE EXTRACTIVE SECTOR**

| Target Population | Company           | Relocated Families |
|-------------------|-------------------|--------------------|
| 474               | Anjin             | 474                |
| 487               | Mbada             | 100                |
| 350               | Marange Resources | 184                |
| 350               | Jinan             | 110                |
| 114               | DMC               | 30                 |
|                   | RERA              | 31                 |

Most families in both Marange and Arda Transau are surviving on erratic food handouts from mining companies against an ever rising population. Enrollment at the Anjin built School at Arda Transau has gone up to 1066 and the school now needs 24 learning rooms against the 7 rooms that were constructed by Anjin living school authorities with no option but to provide make shift classrooms for the school children.

According to Mr. Mbetsa as long as mining operations continue to expand in Marange relocations are unstoppable hence the government is clueless on where to settle more villagers coming from Marange.



*Population Increase at Arda Transau*

He went on to say that he is currently looking outside Mutare district for 14 000 hectares to settle families that have been affected by mining operations in Marange because Arda Transau was now congested. Asked by CRD during his presentation on why government was finding it difficult to finance irrigation schemes at Arda Transau when government either own or are in joint partnership with foreign companies in Marange the Provincial Administrator directed the question to the Inter Ministerial Task force on relocation.

**Social Corporate Responsibility; the case of Charleswood Primary School**

The survey took us to Charleswood Primary School where DTZ OZGEO is mining diamonds three kilometers away from the school. The chairman of Chimanimani Community Trust Mr. Pheneas Forichi led us to the School to ascertain on projects that the company has undertaken at the school as part of its social corporate responsibility. CRD met with the Deputy Headmaster of the School who explained to CRD that the Company had donated 3 computers, a water tank, furniture for two classrooms and quarry for the construction of a classroom block. The school which is under the authority of Agricultural and Rural Development Authority (ARDA) is however facing serious accommodation problems for both teachers and students due to enrollment increases.



*Charleswood Primary School.*

## RAISING THE COMMUNITY VOICE IN THE EXTRACTIVE SECTOR

CRD observed that students were using two traditional huts and an ARDA warehouse that is poorly ventilated as makeshift classrooms. These makeshift classrooms have no furniture and are likely to compromise the health of these young children with the upcoming winter season. CRD also noticed that ARDA had built a temporary wooden structure to alleviate accommodation shortages for teachers at the school. The school also submitted a proposal to the mining company for assistance in the painting of classrooms, building of toilets, classrooms, accommodation for teachers, electricity and a clinic because village health workers could no longer cope with the increasing population at the school and the surrounding community. According to the deputy head, the mining authorities promised to assist in due course. Authorities at the school called upon government to intervene in the development of the school because ARDA had no capacity to continue running the school. The chairman of CCT also called upon government to build a secondary school to cater for the growing number of pupils who are in need of secondary education.

### **Are mining companies in Marange behind the death of livestock in the communities?**

#### ***Nyanyadzi Veterinary Extension office***

CRD met with Mr. Muusha a Veterinary extension officer at Nyanyadzi who could not grant CRD an interview because he was prohibited under the official's secret act. He however highlighted that the department was responsible for disease control and diagnosis to different animals but they have not received any official complaint from members of the community over the death of animals or treated any animal with suspicious diseases related to drinking of contaminated water from Odzi river.

He also pointed out that in the event of such an occurrence their provincial epidemiologist will have to come down to take samples in order to ascertain the cause of death. This position was however refuted by members of the community who claimed that they had lodged complaints with their extension officer Mrs. Dumbarimwa at Hot Springs who had on numerous occasions blamed other diseases for the death of their livestock.

Councilor Chibuwe also said he had submitted several reports of cattle that had died after drinking water from the Odzi River but no action has been taken by this authority. He went on to tell CRD that the Veterinary officer at Hot Springs was also not very cooperative and in most cases failed to turn up to witness these incidences using the pretext that they have no mandate for field visits. Mrs. Dumbarimwa was reportedly on leave during the course of this survey. The councilor, who also stays close to Odzi River, told CRD that people are still losing their cattle and he had personally witnessed companies dumping toxins into Odzi River in most cases during early morning hours.

#### ***Management of irrigation Schemes***

CRD had a discussion with the Provincial Head in the Ministry of Agriculture Mechanization and Irrigation department about the state of affairs at the irrigation schemes in the targeted communities. Mr Chimhuno confirmed to CRD that due to overpopulation the area had been deforested and over cultivated leading to soil erosion that has resulted in the siltation of rivers and irrigation canals. Irrigators are also faced with mounting electricity bills, collapse of pumping machinery and closure of companies like Cairns where they used to sell their products. He also highlighted that the government had a mammoth task to resuscitate "the green belt" to its original state because of these inherent problems. He however mentioned that efforts towards the resuscitation of these projects were at an advanced stage since pumps have already been procured and they are waiting for their delivery.

Mrs Muyambo from ZNWA also added that stakeholders from local government, ZNWA, ZESA, Gazaland trust funds, CRDC and the mechanization ministry have also met and made recommendations towards the resuscitation of the schemes which included among other issues the building of a dam since Nyanyadzi was currently deriving its water sources from two boreholes. Mr Chimhuno also highlighted that any form of assistance towards the resuscitation of the projects in the green belt by mining companies would be more than welcome.

However some sources also told CRD that government alone cannot manage the work at hand because of shortage of funds. According to this source the irrigation schemes have long been allocated funds through the public sector investment projects from the ministry of finance on paper but nothing has been channeled towards procurement of the pumps because there is no money. This source also mentioned that several high ranking officials from government have met with mining companies in Marange in an effort to raise funds for these schemes which are estimated to be in need of more than 500 000 US dollars but nothing has materialized. The Minister of Water Mr. Sipepa Nkomo had also recently visited the irrigation schemes to assess the extent of the problem according to this source



## RAISING THE COMMUNITY VOICE IN THE EXTRACTIVE SECTOR

### ***Environmental Management Agency – Chimanimani District officer***

CRD followed up this issue with EMA at its provincial headquarters in Mutare and was referred to the district officer for Chimanimani Mr. Marange. Mr Marange confirmed to CRD that he had received several reports from the communities over the death of livestock due to the alleged contamination of the Odzi river as far back as 2011. The officer told CRD that he had referred the issue to the provincial ecosystems and quality officers who conducted tests and found no traces of excess metals, chemicals or abnormal sewage and sludge content in the Odzi river. Similarly, EMA take water samples in the Odzi River every month but no traces of river pollution has ever been identified according to Mr. Marange.

Asked whether EMA has set best environmental practices for these companies to ensure that they do not dispose hazardous effluent into the rivers Mr. Marange was quick to point out that EMA ensure that companies have water reticulation facilities of recommended standards that use the evaporation system but admitted that some mining companies unfortunately do not have these ponds. He also acknowledged that some of the mining operations in Marange started without carrying out environmental impact assessment (EIA) hence the disposal of hazardous waste into the rivers could not have been ruled out at that time. He also highlighted that sometimes sewage waste and chemicals used at the mines may eventually find themselves into the Odzi River due to leaching but the officer fell short of admitting that these substances might be the cause of death of cattle drinking water from this catchment area.

CRD also asked EMA if they had an community awareness activities to help communities monitor their environment from hazardous mining activities, to which he replied that they have education units that regularly meet with communities but he emphasized that the environment was everyone's business because they are in most cases powerless as an organization to manage some of these activities on their own. He also felt sorry for members of these communities who on several occasions have tried to access these mining companies to seek redress over these issues but are continuously turned away because they do not have clearance letters. Mr. Marange also admitted that they had received communication from CRDC over the death of livestock in the area under survey but they had preferred to speak to them rather than to respond in writing.

### ***Zimbabwe National Water Authority (ZNWA)***

CRD visited the Provincial ZNWA offices in Mutare for a discussion on water management in relationship to the issues raised by the targeted communities of ward 3, 5 and 8 of Chimanimani district. ZNWA is a parastatal under the ministry of water development and management. This parastatal is a revenue generating organization managing hydrological zones which are rivers flowing into the Save River. The authority also purifies water for rural districts councils and peri urban centres. CRD met with the ZNWA operations Manager Mrs. Muyambo and when asked about the issue of river pollution in the Odzi River She pointed out that their role as an organization was to check the quality of water and purify it. She went on to say that EMA was responsible for monitoring the disposal of hazardous substances into the water and fining polluters. She however mentioned that at one point tests were done by ZNWA at Birchenough to check water contamination but the tests came out negative.

CRD engaged sources from ZNWA and EMA in a discussion on water management and realized that some of the challenges related to water pollution rest in the way these parastatal are administered. Whilst EMA is the regulatory environmental Authority with a chemistry department to test river pollution it does not have engineers to treat water in case of river pollutions. At the same time EMA collects revenue through the polluters must pay principle but does not give these funds to ZNWA the authority with engineers to treat the water. According to these sources ZNWA cannot use its own funds to treat water whilst EMA collects revenue and use it for its own administration. This disparity in the two ministries is a vicious cycle with ripple effects on the end user who is the vulnerable communities and their livestock living near mining areas the case of Ward 3, 5 and 8 of Chimanimani West Constituency.



## RAISING THE COMMUNITY VOICE IN THE EXTRACTIVE SECTOR

### ***Mining Companies***

CRD wrote to all the established companies mining in Marange inviting them to participate in the survey by providing answers to some of the issues that were raised by different stakeholders that met with CRD in the affected communities. Although officials at these companies initially expressed interest in speaking to CRD about these issues their corporate affairs managers failed to grant interviews to CRD claiming that their executive officers had not granted them permission to do. CRD however managed to speak with Martha Chitaka of Anjin Investments at their company headquarters in Harare and she was able to respond to some of the questions before the meeting was abruptly stopped by one of her superiors in spite of the invitation that the company had extended to CRD. When asked about allegations of dumping toxic substance into the Odzi River Martha claimed that Anjin was using one of the best practices to ensure that there is zero discharge of harmful substances into the rivers. Martha also refuted allegations that some of their mining areas and slime dams were not fenced and that livestock continue to drown in these ponds. She also denied that Anjin has been fighting running battles with illegal panners who are easily finding their way into these allegedly open areas at their concessions in order to pan for diamonds. According to Martha all their concession areas were fenced and CRD was free to visit their mining area to see for themselves. Martha also denied allegations that Anjin was prioritising employees from as far as Harare and Bulawayo at the expense of the local communities. In her defense she mentioned that of the 1000 employees at Anjin 600 of them were from the local community despite the fact that these people are semi skilled and under qualified for the jobs. The discussion was immediately stopped and CRD was asked to leave questionnaires so that the company could have time to deliberate on them and respond through email in due course.

### **Why revise the mines and minerals Act 21.05 of 1961?**

#### ***Special Grants***

- The special mining lease is granted to a holder who intends to develop a mine with the investment in the mine being mainly foreign and exceeds US 100 million in value and the mine's output is intended primarily for exports. This lease is granted through application to the Mining Affairs Board (MAB), the Ministry of mines and the President. The requirements of this lease are beyond the capabilities of local communities yet all large scale mining operations taking place in our communities belong to this title arrangement (Saungweme 2005:78) including alluvial mining that can easily be undertaken cheaply by locals. This survey found out that all mining companies in Marange and Penhalonga are holders of the special mining grant.
- Critical stakeholders that have been interviewed in this survey like EMA, Local government, ZNWA and local community representatives are not legally represented in the awarding of special mining grants. The ministry of mines has no legal obligations to consult these critical stakeholders when awarding both contracts and mining concessions to prospective investors making it almost impossible for mining companies to conform to the expectations of the communities in their area of operations. This survey has shown that mining companies operating under the special mining grants in Manicaland Province are politically connected and extremely powerful because they have not only impoverished communities but are also responsible for human rights abuses and environmental degradations without any notion of guilty. In both Penhalonga and Chimanimani DTZ – OZGEO is mining in the river bed.

## RAISING THE COMMUNITY VOICE IN THE EXTRACTIVE SECTOR

- EMA's duty is to see to it that mining is done in a way that minimizes environmental degradation but it is not involved in the licensing of mining operations. The survey has shown that it is difficult for EMA to enforce environmental regulations as it is ignorant of the agreement between the miner and the ministry of mines. Most companies in Marange started mining without carrying out EIAs and in Penhalonga DTZ OZGEO were allowed to mine in the river bed against environmental regulations set by EMA. Small scale gold miners are resisting paying fines to EMA for environmental degradations because DTZ has been illegally allowed to mine in the river bed by the Ministry of mines.
- Pieces of legislation as shown by the survey governing mining practices are fragmented and difficult if not impossible to implement. Fragmentation of responsibilities reflected in the survey between ZNWA and EMA on water pollution need to be addressed in the new mining charter.
- Social Corporate Responsibility is not a legal issue and mining companies are not legally bound by it. The survey has revealed the level of poverty and under development in communities where highly valued minerals like diamonds and gold are being mined in Manicaland Province. The deplorable state of affairs at Charleshood primary school, Arda Transau, Irrigation Schemes and health facilities in Ward 3, 5 and 8 of Chimanimani district is a clear indication that companies are not ploughing back proceeds from the mining sector to the communities. Instead of providing sustainable livelihoods for the communities mining companies ensure that people do not starve to death by giving them food handouts from time to time.
- This piece of legislation does not provide for the environmental, social, economic and cultural rights of the affected communities. The survey has shown that communities living in the mining areas have no legal basis to environmental, social, economic and cultural rights. Communal land belongs to the state and it is the state that grants special mining leases to mining companies. The state and mining companies can easily displace helpless villagers at will as in the case of Marange without compensation. The law does not provide for community share of resources found in their locality hence members of the community are constantly harassed, arrested or killed by authorities as they try to illegally pan for these resources which they believe they are entitled to.

### Sources

Mines and minerals Act Chapter 21:05  
Government Printers, Harare

Implications of Diamond Mining in  
Chiadzwa, CRD (2012) Mutare Zimbabwe

Zimbabwe Environmental Law Association  
(ZELA)(2011) Extractive Industries Policy  
Handbook, Harare, Zimbabwe