



Raising the Community Voice in the Extractive Sector

Mining developments in Marange haunt government for ignoring Chindori Chininga findings.

1.0 Powers of parliament in Zimbabwe to effect accountability under spotlight as parliamentary portfolio committee on indigenisation meet diamond impoverished Marange communities.

The portfolio committee on mines and energy in Zimbabwe conducted an inquiry in the diamond mining sector between 2009 and 2013 with the intention of holding the executive to account. Although standing order 167 empowers the committee to summon anyone to appear before the committee for a hearing except the president, Mbada and Canadile miners initially refused to attend the committee hearings and only attended after the committee had invoked section 9 of the Privileges, Immunities and Powers of Parliament Act. In their report presented in parliament in June 2013, the Chindori Chininga led committee indicated that the executive was not willing to be held accountable by parliament. The report also mentioned that the ministry of mines discouraged mining companies from attending committee hearings during that time. Furthermore, the committee also highlighted that they were on two occasions denied entry into the diamond fields by state security agencies in 2010. When they were finally granted permission into Chiadzwa in 2012, security operatives denied them the right to meet with communities impacted by mining operations for "security reasons", said the report.

The committee unearthed serious irregularities in the selection process of joint venture partners, corporate governance systems in the joint venture companies and the mining contracts signed by Government in all mining ventures in Marange. The committee recommended that government undertake immediate reforms such as creating a one-stop mineral administration system with sufficient capacity to deliver on their critical mandate, operationalise a domesticated Zimbabwe Mining Transparency Initiative (ZMTI), enact a diamond law to regulate the industry, adapt a transparent contract negotiating system and develop a law for parliament to ratify all major mining contracts. The committee also recommended that a statutory instrument be enacted to empower local communities in diamond mining areas and also that the government develop a standard relocation model to protect community rights. The executive largely ignored the Chindori Chininga portfolio committee findings by failing to implement their recommendations. At the same time parliament made insignificant efforts to hold the executive to account for the irregularities unearthed by committee investigations long after the report had been presented in parliament.

The portfolio committee on indigenisation was recently in Marange to conduct public hearings on the impacts of social corporate responsibility programmes undertaken by Marange diamond mining companies for the Marange communities. The hearings follow inquiries the committee had been conducting on the status of the US\$50 million pledges made by Marange diamond mining firms to Zimunya-Marange Community Share Ownership Trust in recent years. When they summoned Zimunya Marange Community Share Ownership Trust to appear for hearing before parliament back in 2014 the trustees indicated that they had not received any meaningful contribution towards pledges made by mining companies. The mining companies also denied ever making such pledges when they appeared before the same committee. The then minister of Indigenisation Francis Nhema

pointed out that his ministry had not received documentation from former minister of Indigenisation Saviour Kasukuwere to prove that mining companies had made commitments to those pledges. The ministry of mines also denied any involvement in the Zimunya Marange CSOT saga and claimed that they only knew about the pledges through reading in the press. When invited to shed light on the matter in parliament, Minister Kasukuwere accused chairperson of the portfolio committee on indigenisation for abusing his position to fight a personal war with him. The accusation came shortly after the minister had indicated that discussions relating to Zimunya Marange pledges were made at very high political level, according to parliament sources. No funds were ever remitted to Zimunya Marange Community Share Ownership Trust ever since parliamentary investigations were initiated in 2014.



Board of Zimunya Marange Community Ownership Scheme claimed they only received a paltry US\$400 000 from two Marange diamond companies when they appeared in parliament in 2014

The parliamentary public hearings in Marange have come at the backdrop of arbitrary state seizures of diamond operations amid claims by the executive that mining companies operating in Marange have robbed the nation of over US\$ 15 billion worth of diamonds in unscrupulous mining practices. Meanwhile the ministry of mines has already kick started operations of Zimbabwe Consolidated Diamond Company (ZCDC) in Marange without parliamentary oversight. Parliament has a key role in ensuring that the executive is held accountable for their actions when implementing government policies and programmes. Judging from the findings of portfolio committees undertaken so far, it is evident that the executive has over the years deviated from their constitutional obligation of securing the diamond resource for economic development of the people of Zimbabwe for their personal benefits. Now that the executive has finally admitted that billions in revenue were lost in Marange, will their admission give impetus on parliament to take necessary measures to force the executive to account for their role in diamond resource plunder?

2.0 Minister Chidhakwa promises to resolve outstanding issues at Arda Transau.

Minister Chidhakwa came face to face with challenges facing relocated families on his visit to inspect houses earmarked for new relocations at Arda Transau a fortnight ago. The Chindori Chininga report tabled in parliament in June 2013 recommended that;

“a standard re-location model should be developed by the national and provincial task force on relocation of communities to reduce any inconsistencies and ensure that the communities concerns are treated in a humane manner. The development of these standards should be done in consultation with all relevant government institutions, communities and civil society.”

The government has not come out with a relocation model 3 years after the report was published in parliament. At the same time, mining companies have completely reneged on the promises they made to relocated families at Arda Transau. The young boy in the picture below is one among hundreds of secondary school going age living at DMC, Mbada, Marange Resources and Jinan mining companies relocated communities who walk more than 7 kilometres everyday to attend secondary school at Anjin relocation area because mining companies did not build secondary schools in their communities. Already the new mining outfit ZCDC is planning to resettle more people without securing educational rights for affected children.



Mines Minister Chidhakwa and local resident Minister Chimene on their recent visit to Arda pictured here listening to a young boy as he pointed further, the direction of Anjin secondary school where he and others walk more than 7 kilometres every day to attend school.



Wellington Primary School built by Mbada diamonds. The school enrolls students from Mbada, Marange Resources and other surrounding communities. However there is no secondary school nearby for pupils to attend after completing primary school.

3.0 Government evasive on the future of diamond mining companies as security battles with illegal panners in Marange.



Villagers in the picture above gather at Mafoya homestead in diamond impoverished village of Betera close to Mbada Diamond fields in Marange soon after the burial of Guard Mafoya aged 18 who is suspected to have been fatally shot in Mbada Diamonds concession last week on Thursday 7 April 2016. An eye witness, Clever Gozho, told CRD that there were in a syndicate of 7 panners and had sneaked into Mbada Diamonds around 4pm with the intention of panning for diamonds when two Mbada guards and one Zimbabwe Republic Police(ZRP) officer opened fire on them resulting in Guard falling on to the ground. Other 2

members of the group, Trevor Mukarakate and Bright Gwiti sustained gunshot injuries according to Clever. The police report however indicated that Guard died out of injuries sustained when he fell down in a stampede and was trampled down by his fellow members fleeing from the police. This claim was bitterly refuted by his relatives interviewed by CRD who accused police of covering up for his murder. According to his brother Thomas Mafoya, Guard died from gunshot wounds but he suspected that the police made sure that Mossberg bullets were removed from his body before the family could arrive at Mutare Provincial Hospital. His other brother Kefias Mafoya also accused the police at Bambazonke in Marange for conniving with police operatives from the diamond fields in denying him the right to open a murder case for his deceased brother at Bambazonke police station.

The government seized mining operations in Marange on 22 February 2016 after accusing mining companies of declining government offer to amalgamate into ZCDC and also for their failure to renew their operating licences. The minister of mines Chidhakwa declared that government was not going back on consolidation and gave mining companies 90 days to remove their equipment from the diamond fields. The order saw mining companies like Mbada, Anjin and DMC making unsuccessful attempts to reverse government decision in the courts. A month after the seizures, the minister of mines announced that negotiations for government take over of DMC and DTZ OZGEO were in progress. Other than indicating that he will soon respond to Mbada Diamonds' request for the regularisation of their mining grant, the minister was evasive on the future of both Anjin and Mbada diamonds in Marange. In their submission to parliament in 2013 the Chindori Chininga portfolio committee questioned the integrity of the executive in allowing Dr Mhlanga who was listed in the Zimbabwe Mining Development Corporation (ZMDC) report as an investor in the Reclaim Group to cross the floor and represent the interests of government as Chairman of Mbada Diamonds. There were no reforms made on the board of Mbada diamonds by government amid reports that Robert Mhlanga a trusted lieutenant of President Mugabe had become a multi millionaire out of his chairmanship at Mbada diamonds. Meanwhile the President recently admitted that the country had lost an estimated US\$15 billion of diamond revenue due to underhand dealings by mining companies in Marange. With all this information at government's disposal, It remains to be seen how the minister of mines will respond to Mbada's request.

Following a successful court ruling, Mbada Diamonds security personnel were allowed back into the mine to secure company assets. Their return has however been marked by an increase in organised illegal panning activities and human rights abuses.



Tichaona Mlambo aged 29, ID number 75 420094 M75 of Mutare severely bitten on his leg by Mbada diamond dogs in Marange after he was caught in a syndicate of 5 illegal panners,

panning for diamonds in Mbada diamond concession on 1 April 2016.illegal panners continue to flock to Marange diamond fields as a result of the worsening economic situation in Zimbabwe.

The minister of mines announced before the nation that government had done its home work when they seized mining operations in Marange and Chimanimani diamond. Events that followed the seizures have shown that government had done very little homework. The escalation of illegal diamond digging and smuggling activities in Marange hold proof that government alone cannot manage the situation in the diamond fields. The communities of Marange have become perennial victims of state brutality as their unemployed youth make relentless attempts to access the diamond resource in protected mining areas. A lot of them have lost their lives. Mean while, the communities have not benefited from diamond mining. The Chindori Chininga report concluded by acknowledging that challenges bedeviling the diamond sector were insurmountable in the presence of a modernized administration founded on the principle of transparency and accountability, and strong legal and policy framework as well as its implementation according to their report. The committee edged government, legislature and civic society to work together to achieve that. The Chindori Chininga report was ignored by government and the results have been disastrous. The credibility of the state remains questionable if government cannot engage all relevant stakeholders in order to come out with appropriate remediation measures in Marange.