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Raising the Community Voice
in the extractive sector

News Flash



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Reflections on NDS1 progress Review

CRD reflections on 2 National Key Result Areas(NKRA) under National Development Strategy 1(NDS1)that government of Zimbabwe is implementing. Reflections follows recent announcement by government that it was evaluating progress made by NDS1 in the economy in order to inform possible interventions.

Environmental Protection, Climate Resilience and Natural Resources Management.(NKRA 1)

Mining Sector

In coming up with Transitional Stabilisation Programme(TSP 2018 -2020) and National Development Strategy(NDS1 2021-2025) government was conscious that weaknesses in the policy regime governing the mining sector were a limiting factor on environmental protection and sustainable natural resource management. The success of NDS1 in the mining sector was among other issues premised on government amending the Mines and Minerals Act, Gold Trade Act and Precious Stones Act among others. To achieve national vision 2030 strategies, government made an undertaking to table these mining reforms in the 1st session of the 9th parliament of Zimbabwe. President Mnangagwa delivered the proposals through his State of the Nation Address(SONA) to parliament on 12 September 2018.

However, the Mines and Minerals Amendment Bill(MMAB) was only tabled in the 5th session of parliament a few months before the dissolution of the 9th parliament of Zimbabwe. Parliamentary Legal Committee issued an adverse report on the bill for containing provisions that would violate the constitution if enacted. Civil Society including CRD had earlier on expressed reservations about the bill in parliamentary public consultation meeting on the bill. The other two bills were not tabled before the 9th parliament of Zimbabwe.

Enactment of MMAB was important to strengthen public accountability in mining contracting, community benefits, environment protection and safeguarding rights of citizens against arbitrary displacements. Amendments to the Gold Trade Act and Precious Stones Act were also important to curb mineral leakages whilst addressing issues of storage, transportation and security of precious minerals.



Victims of mining induced displacements on community exchange visit.Recent victims of Chinese displacements from Buhera and Manhize

In 2018, without mining reforms, government launched a US\$ 12 billion mining revenue target by 2023. The unbundling of the mining sector targeted accelerated exploration, opening of closed mines and new ones to produce minerals such as gold, lithium, platinum, chrome, iron ore, coal, diamonds among others. In launching the mining roadmap, President Mnangagwa highlighted that his government was going to "ensure sustainable mining by stakeholders through a well governed mining sector that is ethically inclusive, environmentally friendly, socially responsible and appreciated by surrounding communities." Without reforms, mining has been a worst case of resource capture by powerful elites. Thus mining practices have been dominated by environmental degradation, tax evasion, smuggling and illicit financial flows. Overbearing mining ventures supported by political elites have weaponised intimidation and fear to silence communities made vulnerable by their mining activities. Communities in ward 12 of Buhera North and ward 15 of Chirumhanzi and Ward 7 of Chikomba districts are latest victims of fast tracked displacements by Chinese mining companies that are protected by political elites. A number of them have lost their traditional land and secured livelihoods.

Public Service delivery(NKRA 2)

CRD recognise that implementation of devolution under TSP and NDS1 was a constitutional imperative for provision of public service delivery another National Key Result Area(KRA). As obliged by section 264 of the constitution, devolution will provide autonomy for local authorities to underpin their development priorities from natural resource endowments found in their provinces. Devolution will also provide for the equitable allocation of capital grants to provinces and local authorities including at least 5% of national revenues raised in any financial year.

CRD also recognise that government's legislative agenda on devolution delivered to the 1st session of the 9th parliament of Zimbabwe in September 2018 was critical to provide requisite legal framework for NDS1 to achieve its NKRA on public service delivery in line with national vision 2030. As such, proposed bills on devolution announced by the President were the Provincial and Metropolitan Councils Bill, Traditional Leaders Bill and Rural District Councils Bill. The Urban Councils bill was added in the SONA to the 3rd session of the 9th parliament of Zimbabwe.

CRD observed that none of the bills on devolution were tabled by government in the 5 year lifespan of the 9th parliament of Zimbabwe. CRD also observed that government lowly regarded the high court order to table the principal bill on devolution to parliament by 31 March 2021. Government gazetted a defective Provincial and Administration Council Amendment Bill on devolution that the responsible minister never brought to parliament.

The NDS1 strategy by government of disbursing devolution funds to provincial councils that began in 2019 without an act of parliament is in violation of section 301 of the constitution. Without an act of parliament NDS1 strategy on devolution is promoting space for opacity, political manipulation, financial abuse and corruption. This practice violates principals of public financial management such as accountability and transparency that are provided in section 298 of the constitution.

Moreso, transferring of 5% devolution shares under section 301(3) of the constitution without devolving powers of fiscal autonomy to provincial and local authorities remain restrictive to meet development needs of local communities. NDS1 strategy on devolution is therefore violating section 264 of the constitution on ensuring resources are shared equitably to establish a sound financial base for provincial and local authorities.

As government review NDS1 progress, CRD recommend the following interventions.

Government must consider to retable and expedite the legislative agenda on devolution in the 10th parliament of Zimbabwe. Legislation on devolution bills such as the Provincial Councils Amendment Bill, Urban Councils Amendment Bill, Rural District Council Amendment Bill and Traditional Leaders Amendment Bill is cornerstone to achieve NDS1 for vision 2030. Devolution reforms are essential to promote public accountability and transparency in local government systems. Empowering provincial and local authorities with fiscal autonomy will enable them to deliver quality service delivery for citizens in Zimbabwe.

Government must consider to retable the Mines and Minerals Amendment Bill ,Gold Trade Amendment Bill and Precious Stones Amendment Bill to curb leakages and illicit financial flows. Mining reforms are essential to improve public accountability on mining contracts and beneficial shareholding. Opaque mining ventures are largely responsible for ongoing human rights violations taking place in our communities. Government has an obligation to adopt international best mining practices such as the United Nations Declaration of Indigenous People's Free, Prior and Informed Consent(FPIC) in its mining reform agenda to protect communities from ongoing fast track relocations that are violating human rights

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community engagement.