



*Sowing the seeds of human rights, peace and sustainable development*

## **Raising the Community Voice in the Extractive Sector**

### **Challenges and future Prospects of the mining sector in Zimbabwe**

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### **List of Abbreviations and Acronyms**

<b>BIMCO</b>	Buchwa Iron Mining Company
<b>CDT</b>	Chimanimani Development Trust
<b>CSOT</b>	Community Share Ownership Trust
<b>CSU</b>	Counselling Service Unit
<b>CRD</b>	Centre for Research and Development
<b>DA</b>	District Administrator
<b>DTZ</b>	Development Trust of Zimbabwe
<b>EMA</b>	Environmental Management Agency
<b>EIA</b>	Environmental Impact Assessment
<b>EITI</b>	Extractive Industry Transparency Initiative
<b>GDP</b>	Gross Domestic Product
<b>MMCZ</b>	Minerals Marketing Corporation of Zimbabwe
<b>NIEEB</b>	National Indigenisation and Economic Empowerment Board
<b>OZGEO</b>	All Russian Economic Association on Geological Prospecting
<b>ZANU PF</b>	Zimbabwe National Union Patriotic Front
<b>ZMDC</b>	Zimbabwe Mining Development Corporation
<b>Zimplats</b>	Zimbabwe Platinum Mines
<b>ZIMRA</b>	Zimbabwe Revenue Authority
<b>ZMRTI</b>	Zimbabwe Mining Revenue Transparency Initiative
<b>ZINWA</b>	Zimbabwe National Water Authority

## 1.1 Executive Summary

The later part of the year 2013 saw the government of Zimbabwe making lukewarm efforts to address challenges bedeviling the mining sector that civil society groups working in this sector have been highlighting relentlessly for years with very limited response from government. Despite the mining sector failing to achieve the projected growth of 17.1 in 2013 statistics from the ministry of mines indicate that mining has significantly contributed to Zimbabwe's Gross Domestic Product (GDP) from an average of 10.2 percent in the 1990s to 19.9 percent in 2009 and 2013 surpassing agriculture. Similarly, figures from the Zimbabwe Investment Authority for 2013 also reveal an upward trend of the mining sector attracting 207 million out of the 660 million worth of investment with the remainder 460.30 million falling into other 5 sectors of the economy. Between 2009 and 2013 the mining industry became the leading export sector accounting for over 60% of Zimbabwe's total export earnings. In spite of this growth, the mining sector's contribution to fiscus has largely remains insignificant due to lack of transparency and accountability prevalent in the governance of the sector.

The mining industry in Zimbabwe is saddled with archaic laws and policy inconsistencies that are fuelling corruption in government and aiding plundering of mineral resources by foreign companies. The failure by government over the years to overhaul the mining sector and introduce policies that guarantee revenue inflows to fiscus in order to sustain the country's developmental needs, has impacted negatively on the economy and increased the vulnerability of communities living in resource rich areas. Unconfirmed reports estimate that more than 2 billion dollars realised out of Marange diamond sales between 2012 and 2013 has disappeared amid outrageous salaries and benefits for executive officers running diamond mining ventures in Marange. Reliable sources indicate that they have been massive accumulation of wealth by executives of these mining ventures in recent years and some of them are suspected to have channeled huge financial resources realised from Marange diamond sales to multiple private business investments.

In 2012 the then minister of finance Mr Tendai Biti was forced to reduce the national budget from US 4 billion to 3.4 billion dollars after receiving 41 million against the anticipated 600 million dollars from Marange diamond sales. In their first presentation report to parliament in June 2013, the portfolio committee on mines and energy raised concern over the discrepancies between revenue generated from diamond sales and revenue remitted to fiscus. Of notable interest was the realisation that out of 263 million dollars remitted to government by Mbada diamonds between 2011 and 2012 only 82 million had been remitted to treasury. In his address at a pre- budget seminar in Victoria Falls in November 2013, Chinamasa, the new minister of mines told parliamentarians that treasury had received nothing out of the targeted 40 million dollars expected from diamond sales.

<http://www.chronicle.co.zw/widen-probe-into-inefficient-companies/>

<http://www.herald.co.zw/mining-continues-to-drive-investment/>

<https://www.newsday.co.zw/2013/11/19/zimbabwe-investment-authority-approves-500m-projects/>

The hemorrhage experienced in the diamond sales were also compounded by massive scandals that rocked the mining industry in 2013 top among the list being the controversial Zimplats deal(NIEEBGATE Scandal),Masimirembwa 6 million bribery scam(diamond gate scandal),massive financial irregularities at

Hwange coal Colliery Company limited and a flawed Essar deal which intend to surrender approximately 33billion tones of iron ore reserves at BIMCO to Essar Africa Holdings of India for a paltry 750 million capital injection to government. Poor governance practices in the mining sector precipitated hazardous mining practices with severe ecological damages and human rights violations on communities living in mining areas. In Manicaland Province for example, alluvial diamond and gold mining activities in Chimanimani, Marange and Penhalonga has exposed communities to environmental degradation, water pollution, forced dislocations and loss of livelihoods. The state is bound by a constitutional mandate under chapter 4 section 44 to protect and promote fundamental human rights of its citizens. However the personalisation of mining proceeds by company executives supported by powerful elites who sit on the boards of government companies such as MMCZ and ZMDC has increasingly made it difficult for the state to protect community rights in resource rich areas like Marange and Penhalonga in Manicaland Province. Attempts by communities living in mining areas to fight for their rights to a secured environment has been met with brutality by mining companies leading to loss of life in some instances.

In his budget statement presented to parliament in December 2013 finance minister Chinamasa highlighted lack of transparency and accountability in the exploitation of Zimbabwe's mineral resources as one of the key economic challenges facing Zimbabwe's economy(page 91-93).The minister also admitted that there was lack of clarity on indeginisation policy and raised concern over delays by government in implementing policy reforms in the mining sector amid reports of leakages, smuggling ,under invoicing and externalization of exports proceeds. The minister came out with cross cutting measures that are meant to strengthen accountability in the mining sector inclusive of the need to embrace the principle of Extractive Industry Transparency Initiative (EITI). However CRD noted with concern that policy amendments that he proposed to the legal document that will guide the operation of the mining sector does not incorporate measures that will promote the rights of communities living in resource rich areas to benefit from the exploitation of minerals found in their localities.

His further call for the new mining policy to uphold the rights of farmers, "in order to protect some of the gains of the land reform", is a clear indication that the new government maybe interested in promoting the rights of a few ,mostly political elites with multiple productive farms acquired from white farmers during the agrarian reforms. In Zimbabwe over 60% of people living in rural areas are peasant farmers on communal land. The Communal lands Act does not provide security of tenure for communal

land and the right to mine under the Mines and Minerals Act overrides the usufructuary rights(the right to use) of communal farmers over land. Communal farmers have become victims to severe environmental degradation and forced dislocations at the hands of mining companies.

<http://www.financialgazette.co.zw/zia-approves-us10b-projects/>  
<http://www.dailynews.co.zw/articles/2013/12/20/govt-to-curb-diamond-cash/>

Rampant corruption in government has seen an upsurge in unregulated mining activities taking place on communal land in recent years negatively impacting on the communities. In Marange for example the mining operations and relocations were carried out without conducting due diligence to the social-economic and environmental rights of the communities resulting in serious human rights violations.

The year 2013 saw the new minister of mines making stop gap measures to improve the governance of the mining sector by dissolving the board of ZMDC and MMCZ and temporarily mandating the office of the permanent secretary of mines to assume the work of these boards. However, no investigations have since been conducted in order for the country to recover millions of dollars that are suspected to have been lost at the care of these state functionaries who also hold influential positions in Zanu PF. In his maiden visit to Marange diamond fields in December 2013 the minister took a swipe at mining companies for not paying dividend to government including companies like Marange Resources that are wholly owned by government.

In spite of the glaring evidence of poor governance systems exacerbated by unsubstantiated claims of resource depletion made by these mining companies, the minister did not order an immediate cessation of mining operations in Marange as widely expected. Recent moves by Chidhakwa in suspending executives at ZMDC and top management at Marange Resources are a welcome development for the sector. However an immediate cessation of mining operations for all companies in Marange was critical to pave way for an independent inquiry into the conduct of business in Marange, let alone review all mining contracts for all the companies mining in Marange in order to promote transparency.

Mining ventures in Marange were born out of opacity and some of the foreign investors who won the rights to mine in Marange are either fraudulent or incompetent judging from their performances ever since they started mining operations. On top of that, some of the directors and executive officers representing government interests in these ventures were chosen either on military experience or political affiliation and have no proven record of working in the mining industry. This unethical arrangement has given answers to some of the questions raised about phenomenal leakages of diamond revenue that Zimbabwe has been experiencing since 2008 when formal diamond mining operations started in Marange.

<http://www.newzimbabwe.com/news-12860-Kasukuwere+deals+to+be+reviewed+Nhema/news.aspx>

<http://www.dailynews.co.zw/articles/2013/02/24/zimplats-speaks-on-messy-deal>

<http://www.dailynews.co.zw/articles/2013/10/08/20m-unaccounted-for-at-hwange-board-mum-on-explosive-report>

<http://bulawayo24.com/index-id-news-sc-national-byo-36872.html>

<http://www.herald.co.zw/ex-zmdc-boss-in-6m-scandal/>

<http://www.dailynews.co.zw/articles/2013/12/05/essar-engineers-management-jet-in>

<http://www.swradioafrica.com/Documents/Final%20draft%20Constitution%2025%20January%202013.pdf>

<http://www.scribd.com/doc/192529996/The-2014-National-Budget-Statement>

<http://www.dailynews.co.zw/articles/2013/12/12/gvt-to-cancel-gye-nyame-agreement>

The decision by the minister of mines to revive the Essar deal without disclosing the contents of the new agreement that now allows Essar to access the country's highly contested iron ore reserves at Bimco and Buchwa is a blow to the practice of accountability and transparency especially to a sector that is expected to drive the economy in 2014. According to Chidhakwa, Essar Holdings will now be allowed to get access to iron ore from the contested claims in order to facilitate the resuscitation of operations at Ziscosteel (miningmx.com 28/10/13). Whilst the deal will bring employment and the much needed financial capital to the country in the interim, the concern has always been on government's lack of capacity to ascertain on the amount of mineral wealth on the ground which is the determinant factor in signing such multimillion dollar projects for the nation. However the proposal by Chidhakwa to relax indeginisation laws at Zimplats as an incentive for the company to establish a platinum refinery in the country can be viewed as a positive step towards increasing value addition for Zimbabwe's platinum.

If statements released by the chamber of mines are anything to go by, Zimbabwe would need to raise platinum output to 500 000 ounces a year to justify a refinery. Chidhakwa's offer to Zimplats was somehow dismissed by President Mugabe who declared that there would no sacred cows to the indeginisation laws, a statement that was also reiterated by Chinamasa in his budget presentation to parliament in December 2013. Discord coming from government reflects the challenges associated with the implementation of the indeginisation act in the mining sector in Zimbabwe. Whilst there are no exceptions to the law at Zimplats, Essar has been allowed to control 54% stake at Ziscosteel against the same Indeginisation laws that require foreign companies to acquire only 49% against 51% stake reserved for indigenous Zimbabweans.

The minister also suspended unregulated alluvial gold mining activities that have been taking place in Mazoe and Penhalonga that had disrupted the entire ecological system against covert mining practices that had worsened the lives of communities living in those areas. CRD welcome the minister's decision and will continue to work with communities in Penhalonga and Chimanimani to ensure that companies are responding to the demands by the Environmental Management Agency (EMA) to rehabilitate those rivers that they have extensively damaged out of several years of unregulated mining.

The year 2013 saw the European Union lifting sanctions on ZMDC automatically allowing Marange diamonds to formally enter the European market. As such, about five mining companies excluding Mbada diamonds realised a paltry US 10.5 million dollars after auctioning 279 723 carats in Antwerp Belgium in December 2013 according to government sources.

[http://www.miningmx.com/page/news/ferrous\\_metals/1636175-Essar-back-on-track-in-750m-New-Zim-deal#.Uskj3fsvnLY](http://www.miningmx.com/page/news/ferrous_metals/1636175-Essar-back-on-track-in-750m-New-Zim-deal#.Uskj3fsvnLY)  
[www.newzimbabwe.com/news-13279-Zim+dangles+ownership+for+platnum+refinery/news.aspx](http://www.newzimbabwe.com/news-13279-Zim+dangles+ownership+for+platnum+refinery/news.aspx)  
[www.newzimbabwe.com/news-13415-indeginisation+contradicts+minister/news.aspx](http://www.newzimbabwe.com/news-13415-indeginisation+contradicts+minister/news.aspx)  
<http://www.herald.co.zw/diamond-miners-hit-hard-rock/>  
<http://www.chronicle.co.zw/mining-firms-ordered-to-cease-operations-along-river-banks/>  
<https://www.newsday.co.zw/2013/10/21/govt-cracks-whip-chinese/>  
<http://www.herald.co.zw/diamond-miners-hit-hard-rock/>  
<http://www.chronicle.co.zw/mining-firms-ordered-to-cease-operations-along-river-banks/>  
<https://www.newsday.co.zw/2013/10/21/govt-cracks-whip-chinese/>

Speaking after the auction, Mines and Minerals Development secretary Professor Francis Gudyanga commented that the parcels sold did not only reflect the potential of the five mining companies but in his own words ,“ the majority of the parcels offered did not reflect a complete run-in-in mine(or production footprint)of each individual mining company.” Revelations by Professor Gudyanga point to the accountability crisis in Marange diamonds that civil society has been highlighting all along. The startling statistics that 89 % of the diamonds sold at Antwerp were low quality industrial goods demonstrates that quality gems from Marange are disappearing at the hands of strategically positioned individuals working in the diamond supply chain in Zimbabwe .Incidences of foreigners nabbed at various international airports with uncertified diamond packages from Marange have been reported with little commitment shown by government in investigating the supply chain of these diamonds.

In his budget statement for 2014 finance minister Chinamasa also highlighted that there was no legal and standard operational guidelines to regulate operations of diamond mining companies. In his bid to stop leakages in the sector the minister proposed unlimited access for (ZMRA) to monitor the flow of diamonds across the value chain not to mention the channeling of diamond revenue direct to treasury and not through ZMDC as previously practiced. However, these measures are of no consequence without a new functional piece of legislation to govern the operations of the mining sector. The delays by government in coming out with new mining laws in the past years is regrettable. It remains to be seen in 2014 whether the ministry of mines will come up with a new legal framework that embraces best practices that promote community rights, accountability and transparency in the governance of the entire mining industry.

## **1.2 Purpose of the report**

- The report evaluate some of the governance challenges in the mining sector seen in 2013 with a view of impressing on policy makers to adapt policies that encourage economic growth of the sector at the same time upholding principles of human rights for communities living in resource rich areas.
- The report reflects on the effects of poor governance practices in the mining sector in the eyes of vulnerable communities living in resource rich areas of some parts of Manicaland Province from July to December 2013.

[www.herald.co.zw/eu-lifts-sanctions-on-zmdc/](http://www.herald.co.zw/eu-lifts-sanctions-on-zmdc/)

<https://www.newsday.co.zw/2013/09/26/eu-lifts-zmdc-trade-embargo/>

<http://www.voazimbabwe.com/content/zimbabwe-sanctions-mining-development-corporation/1751737.html>

[www.herald.co.zw/diamonds-rak-in-us105-at-antwerp/](http://www.herald.co.zw/diamonds-rak-in-us105-at-antwerp/)

<http://www.herald.co.zw/pilot-caught-with-us2m-diamonds/>

<http://virtualjerusalem.com/news.php?Itemid=2034>

[http://www.idexonline.com/portal\\_FullNews.asp?id=36579](http://www.idexonline.com/portal_FullNews.asp?id=36579)

<http://www.zimtreasury.gov.zw/budget-policy-statementshttp://www.zimtreasury.gov.zw/budget-policy-statements>



- The report recommends to policy makers, views expressed by a variety of stakeholders drawn from government, communities in mining areas, mining companies, civil society, and academia, regional and international partners that CRD interacted with in 2013 for incorporation in the new policy framework that will guide the operations of the mining sector.

## **2.0 Incidences of human rights violations in Marange**

### **2.1 Context**

The advent of large scale commercial diamond mining in Chiadzwa in 2008 saw the government declaring Marange a protected area under protected places and areas act chapter 11:12. Whilst the law applies to non residents of the area, rural communities in Marange are randomly settled making it very difficult for security officers working in the area to distinguish residents from non residents. For long, members of this community have been subject to all forms of harassment and in some cases passes are demanded at roadblocks for verification purposes. There are also restrictions on public transport and business operations.

With five years of commercial diamond mining, communities in Marange have not benefitted anything from diamond proceeds. The Zimunya-Marange Community Ownership Trust has not received any remittances from all the seven companies mining in Marange since its inception in 2012. Communities continue to live in poverty together with hazardous mining activities that are polluting their sources of water and degrading their agricultural land. Their livestock continue to die from drinking contaminated water from Odzi and Saver rivers as a result of hazardous substances and sludge disposed into these rivers by mining companies operating in Marange. Unemployment in these communities is high and corrupt recruitment practices in the mining companies makes it difficult for local people to access employment. In his maiden visit to Marange the new minister of mines took a swipe at companies for the poor state of the roads in Marange. The following exclamations quoted by the herald of 9 December 2013 were made by Chidhakwa before mining company officials in Marange.

“We were almost involved in an accident because of the poor state of your roads. It only shows your fly by night attitude. That we are just coming to take and don’t care what we leave behind”

What is appalling is the fact that all the 7 companies mining in Marange are either wholly owned by government or government has 51 percent controlling stake. Driven by economic hardships and bitterness stemming from the realisation that they will never benefit from this diamond resource, people from Marange and Zimbabweans alike continue to break into Chiadzwa diamond fields to pan for diamonds in order to make ends meet. Responses from company security officials continue to be brutal and heavy handed. The law provide for companies to use due diligence in upholding human rights when dealing with artisanal panners caught in the diamond fields.

[http://articles.timesofindia.indiatimes.com/2012-02-21/ahmedabad/31082435\\_1\\_marange-zimbabwe-diamonds-surat-diamond-association](http://articles.timesofindia.indiatimes.com/2012-02-21/ahmedabad/31082435_1_marange-zimbabwe-diamonds-surat-diamond-association)

On top of this brutality on panners, no efforts have been made by mining companies to alleviate communities living in Marange to come out of abject poverty. Billions of dollars have disappeared in Marange diamond sales with government admitting that mining companies in Marange are not paying dividend to government. Moreso over 60 000 jobs have been created in India out of Marange diamonds at the expense of local communities.

## **2.2 compiled incidences of human rights abuses**

23/07/2013

Joseph Murisa 30 years of Gweru and Malvin Malema aged 23 years together with a syndicate of five panners were caught panning in Marange Resources diamond concession around 2.00am. The two tried to escape whilst ferrying about 45 kilograms of diamond ore but were arrested by the national eye security guards who set dogs on them. The two were taken to the guard room where Joseph was made to frog jump the whole night as punishment for illegally entering the diamond fields. Malvern lost a lot of blood due to bleeding from the dog bite wounds on his hands. The two were later on freed.



*Inside Joseph's palm severed by dog bites.*



*Malvin's dog bites injuries on his hand.*

31/07/2013

Collins Kusina ID number 63-124686-W 80 of Waterfalls in Harare was caught by Anjin guards carrying a sack of diamond ore inside Anjin mining company with a syndicate of two people. Collins was arrested and taken to Anjin Base where he was severely assaulted throughout the night. He was released the following morning and dumped at Hot Springs.

01/08/2013

Leonard Makazi aged 21 of Gaza in Chipinge was severely assaulted by Anjin guards after he was caught panning for diamonds inside Jese, a mining concession of Anjin diamond mining company. He sustained an eye injury from the beating.



*Leonard's swollen eye*



*Gainmore's bandaged leg with bullets in it.*

03/08/2013

Gainmore Gamunorwa ID number 75-2003551-N 75 of Arda Transau got into Mbada diamonds around 12.00 pm and was shot on the leg by Mossberg gun by an irate Mbada guard. He was whisked to Mutare provincial Hospital where CRD caught up with him. CRD assisted Gainmore to receive financial assistance from Counseling Support Unit (CSU) was operated to remove bullets from his leg. Many panners who were shot in Marange in the past years are living with Mossberg bullets in their bodies because they cannot afford medical treatment.

10/08/2013

40 armed soldiers and police officers on horseback pounced at Nenhohwe, Nyanyadzi and Hot Springs business centres looking for illegal panners. Business grounded to a halt as people ran for dear life. Villagers found without IDs were harassed and made to frog jump repeatedly before they were eventually released.

16/08/2013

Blessing Dhliwayo aged 22 years was bitten by a dog on his hands at the hands of Anjin security guards as punishment for entering into Anjin diamond mining company to pan for diamonds together with a syndicate of 5 panners at 11.00 pm. He was later on released and treated at Nyanyadzi clinic.



*Blessing's bandaged hands sustained deep cut dog bites wounds*

Peter Mauya aged 28 years from Nyanga and Avoid Moyana aged 27 years from Gaza in Chipinge were caught at "six corner" a mining concession of Marange Resources with a syndicate of eight diamond panners. The rest of the panners fled in different directions but Peter and Avoid were cornered by Anjin guards who had vicious dogs accompanying them. Peter sustained dog bite injuries after a dog was set on him and Moyana was severely assaulted with a log on the head and he sustained serious head injuries.



*Peter Mauya's dog bites injuries and Moyana's forehead injuries.*

30/08/2013

Samson Chamunorwa aged 27years of Muzokomba in Buhera was caught with a syndicate of 3 panners at Chirasika a mining concession for Anjin. He was bitten by dogs on the orders of Anjin guards and he sustained dog bites injuries on his hands.



*Samson's bandaged dog bite injuries*

03/09/2013

Luke Sigauke aged 47 years of Chipinge was caught at Chirasika mining concession of Anjin around 7.00pm and was thoroughly beaten by Anjin guards. One guard let a dog on Luke and he was bitten on his hand whilst in captivity.



*Luke's dog bite injuries to his arm*



*Towanda's severed feet*



04/09/2013

Tawanda Shongwi Tauza aged 33 years of Rusitu in Chimanimani ID number 44-096758H 44 was caught by Anjin guards with a syndicate of 4 panners at Chirasika, Anjin mining concession around 10.00pm. He was arrested and taken to Anjin mining company where he received 30 strokes on his feet. He was driven to Hot Springs by the company's chief security officer Mr Ndlovu and dumped there in great pain.

09/09/13

Joseph Jacob aged 34 years of Dangamvura in Mutare 1D number 24-141825-N24 was caught at Chirasika Anjin mining concession and sustained minor dog bite wounds on his leg when a dog was let on him by Anjin guards.



*Jacob's minor dog bite injuries*



*some of Evian's dogbite injuries.*

09/09/13

Evian Tinago aged 47 years ID number 77-034821-A77 of Glen View in Harare was caught at Jese mining concession panning for diamonds and sustained dog bite wounds all over his hands. He received treatment at the diamond base.



*Hardlife was beaten by National Eye Security guards*

09/09/2013

Hardlife Chirayeraye aged 24 years of Chipinge ID number 13-217284-M13 was raided by National Security guards of Marange Resources together with his colleagues. Hardlife and his friend Gibson Mwerahari were assaulted for being found in a restricted area of Chiadzwa. Gibson sustained serious dog bites injuries after a dog was let on him.

13/09/2013

CRD tracked Given Ngaruvhime aged 24 ID number 44-090383-D44 of Arda Transau who was shot at Marange Resources on 19 July 2013 around 3.00am when he was found with a syndicate of 12 panners loading tailings(waste material from diamond concentrate) into sacks with the hope of picking diamonds from these tailings. Information that Marange Resources was using old machinery and not recovering 100% of diamonds from diamond concentrate has been attracting hundreds of panners to pan in their tailings. The bullets lodged in his arm could have severed some of his nerves leading to paralysis of his hands. Given was living with 8 bullets in his arm because he could not raise money to undergo medical operation since he was unemployed and his parents had died a few years ago. Given had been having sleepless nights because of pain from these bullets imbedded in his arm for the past two months. Given was successfully operated in September 2013 with the financial support from CSU victims fund.



*Given had Mossberg bullets all over his left hand Incapacitating his hand*

16/09/2013

### **2.2.1 Villagers takes law into their own hands as illegal panner is murdered in Chiadzwa**

Munyaradzi Jaramombe of Nyashanu Mission in Buhera was murdered by villagers after stealing a chicken from Muedzengwa village. Having gone for weeks without food several panners are resorting to steal from villagers and mining companies. In this instance Munyaradzi and his syndicate of three panners raided Shupikai Muedzengwa's homestead and stole a chicken and vegetables. Youth from the village led by Daniel Myedzengwa, Adam Mutuwadziya and Shupikai Muyedzengwa raided the panners' base and attacked them with machetes and stones resulting in the death of Munyaradzi. The attackers were taken to Bambazonke police station and later on released. This incident highlights the magnitude of poverty in communities living in resource rich areas of Marange.

24/09/2013

### **2.2.2 Diamond panners way lay Anjin driver**

A mob of diamond panners ambushed and attacked a 32 year old Biggy Ziyachacha a security officer of Anjin diamond mining company at 9.00pm whilst he was escorting dumpers that were ferrying diamond ore from Jese to the main plant at Anjin. Biggy who was riding a motor bike fell and sustained injuries on his right hand. He also lost his cell phone in the scuffle. In their desperate attempts to find diamonds illegal panners on several occasions ambush dumpers transporting diamond ore from mining fields to the processing plant.



*Biggy sustained arm injuries from an attack by diamond panners*



*Quesdisani's bandaged hand and shirt with blood stains*



28/09/2013

Quedisani Gudyanga 22 years of Nyanydzi was caught panning for diamonds at Anjin mining concession of Chirasika around 9.00 am .Together with a syndicate of four panners Quedisani made efforts to flee from the scene when spotted by Anjin guards but was caught and heavily assaulted. The guards also let dogs on him and he was bitten several times on his left hand and released then around 12 midnight bleeding profusely. He managed to receive medical treatment at Birch enough Bridge hospital.

30/09/13

Bismark aged 30 of Buhera was beaten under the feet by National Eye Security company guards of Marange Resources after he was caught in Marange Resources diamond mining concession carrying a sack full of diamond ore around 12 midnight.

01/10/13

Edmore Sithole aged 32 ID number 13-145132A-13 of Chipinge was caught in a syndicate a of six panners in Chiadzwa by National Security guards of Marange Resources who were armed with rifles and dogs.Edmore and his group were assaulted and had dogs let on them. Edmore sustained dog bite injuries on his arm and had to find his way to Birchenouch Bridge to seek medical treatment.



*Bismark's swollen foot*



*Edmore's healing dog bite wound.*

07/10/13

Jacob Chibvuma aged 19 years of Nyanyadzi together with three panners were caught digging for diamonds around 12 midnight at Chirasika Anjin mining concession were severely beaten and had dogs

set on them by Anjin guards. Jacob sustained dog bite injuries and complain of sharp back pain due to the beating that he endured at the hands of Anjin guards.



*Jacob recovering from dogbite injuries and beatings*

010/10/13

Khama Mugebe aged 35 years of Nyanyadzi and four other panners were cornered by armed guards of Anjin diamond mining at Chirasika Anjin mining area panning for diamonds. Khama fell into a deep hole and sustained serious injuries to his left leg. Khama has been in and out of hospital but his leg keeps on swelling with severe pain.



*Fears of disability for Khama as leg keep on swelling*



*Calvin recovering from grievous attack that disturbed his eyesight swelling*

22/10/13

Calvin Mandizvidza aged 25 years from Murambinda and Malvin Maleni aged 23 years from Chipinge together with other six panners were caught digging for diamonds in a disused tunnel by National Security guards of Marange Resources. The guards who were armed with guns and vicious dogs threw teargas canisters into the tunnel and caught the panners as they tried to come out of the tunnel. One guard hit Malvern with a barrel of a gun on his left eye critically injuring him. Calvin Managed to escape with minor injuries but Malvern was arrested and spend the night tied to a pole whilst bleeding. He was later released around 6am and assisted by villagers to Nyanyadzi to seek medical attention. Malvern complains of severe headaches and a blurred vision ever since the attack.

22/10/13

Challington Mangena aged 24 years of Mutanga close in Masvingo was caught digging for diamonds at "6 corner "mining area under Marange Resources by 6 National Eye Security guards. The guards released dogs on the panners as they tried to flee.Challington was bitten twice on his right hand and he received treatment at Nyanyadzi clinic.



*Tatenda recovering from his injuries*



*Challington's dog bite injuries*

23/10/13

Tatenda Chatanga aged 22 years from Chipinge was assaulted by Anjin guards when he was caught digging for diamonds at Chirasika Anjin mining concession. Tatenda was forced to abandon about 30kgs of diamond ore as vicious dogs were let on him. The guards caught up with him and assaulted him and he fell on the ground and lost consciousness. Tatenda was taken to Nyanyadzi clinic where he received treatment for dog bites and assault injuries.

28/10/2013

Lovemore Mpofu aged 24 years ID number 58-233819 C58 of Kwekwe was waylaid in Marange Resources by 20 guards of National Eye guards around 9.00 pm digging for diamonds with a syndicate of 3 panners. Lovemore was assaulted and sustained deep cut wounds to his head. He was sewn 5 stitches at a local clinic and released complaining of severe backbone pain.



*Lovemore's injuries on the back of his head*

*Clemence's dislocated toe from dog bites*



*Clemence's dislocated toe from dog bites*

30/10/2013

Clemence Mwendera aged 23 years ID number 13-256649 A44 from Chipinge was caught by a reaction of 15 armed Anjin guards digging for diamonds at Chirasika mining area. One retired army officer named Colonel Mukango is alleged to have ordered the guards to release dogs on these defenseless panners. Most panners sustained serious dog bite injuries according to Clemence. Clemence was taken to Birchenough Bridge hospital to receive treatment for dog bite injuries.

01/11/13

Panashe Makombe aged 15 years from Hwedza with a syndicate of 5 panners were caught digging for diamonds at Chirasika by Anjin guards around 9.00 am. He sustained injuries on his left hand as he tried to prevent an irate guard who wanted to strike him with a sharp object on his head. He was withheld in captivity by Anjin guards and set free the next day.

03/11/13

Canaan Mutakura aged 26 years ID number 44-089073 E44 of Nyanyadzi in a syndicate of 3 panners were tear gassed by security guards whilst digging for diamonds in a tunnel at Marange Resources mining

concession. Canaan was immediately arrested but as the guards went on to search for other panners one dog turned on Canaan and grabbed him by the throat. He was taken to diamond base bleeding profusely and was sewn 7 stitches under his jaw. He was dumped at hot springs but was again re arrested and taken to Mutambara hospital for further treatment.



*Panashe's minor hand injuries*



*Canaan survived a life threatening dog bite attack to his left jaw*

9/11/2013

Joseph Nyazvigo aged 24 years ID number 48-134575 P48 of Mudzi with a syndicate of 6 panners were caught in Marange Resources mining concession digging for diamonds. 10 security guards accompanied by 4 dogs made a circle around the panners and let dogs on them. Joseph courageously fought one vicious dog and all his clothes were torn apart by the dog whilst the guards watched from a distance. Joseph was eventually arrested and briefly detained by the guards before being released around 12.00 midnight. He sustained hand injuries defending his life from a vicious dog. Joseph cannot stretch his hand due to acute pain.

10/11/13

Farai Chipise aged 20 years of Mugomo village in Marange was found by Anjin guards at Chirasika digging for diamonds around 7.00pm with a syndicate of 4 panners. The guards let dogs on the panners and Farai was bitten on his left hand. He was then arrested and detained at Anjin guardroom where the guards took turns to assault him. He was driven by Anjin Chief Security officer and dumped at Hot Springs road block. Farai was treated at Nyanyadzi clinic and then referred to Birchenough Bridge hospital for further treatment.





*Farai recovering from dog bites injuries to his left arm*



*Joseph cannot stretch his hand due to excruciating pain*

14/11/13

Tawanda Dumbarimwe aged 23 years ID number 75-963366 C-75 of Chibuwe Village under Chief Mutambara went into Chirasika, Anjin mining area to dig for diamonds with a syndicate of 6 panners around 9.00pm. They entered a tunnel and started digging but were soon confronted with 6 Anjin guards accompanied by dogs. The guards threw tear gas canisters into the tunnel and the panners came out running. One guard threw a sharp object on Tawanda and hit him on the back of his head and he collapsed to the ground. He lost consciousness for several hours and he was eventually driven by company officials and dumped at Hot Springs. Tawanda was helped with transport to Nyanyadzi Hospital by soldiers manning the roadblock at Hot Springs.

30/11/2013

Lee Matabuka aged 21 years of Chipinge and a syndicate of 5 panners was tear gassed by National Eye Security guards in a tunnel at Marange Resources whilst digging for diamonds. The guards also threw stones in the tunnel causing head injuries to Lee who was trapped at the bottom of the tunnel. He was taken to the diamond base where he received minor treatment.



*Tawanda's head injury from a gruesome attack*



*Lee healing from a stone attack on his head*

03/12/13

Trymore Nechipote ID number 75-2029437 A 75 of Rusitu in Chimanimani was in a syndicate of 4 panners when they entered into an Anjin mining concession of Jese at 12.00 midnight to dig for diamonds. Upon entering the tunnel, 7 Anjin guards armed with rifles and dogs and fronted by a Chinese security officer descended on the tunnel and threw tear gas into the tunnel. Tear gas effects forced the panners to stream out of the tunnel to be confronted by vicious dogs. Two dogs pounced on Trymore and brought him to the ground. He was seriously bitten on his mouth and buttocks and started bleeding profusely. Out of fear of being asked to account for this brutality, the guards drove Trymore to Anjin and bandaged his wounds before dumping him close to the road block at Hot Springs without alerting the police. Trymore was assisted with transport to Birchenough Bridge hospital by the police at Hot Spring roadblock .CRD is reliably informed that Trymore lost some of his teeth because of the severity of injuries and he is still nursing wounds at his rural home in Chimanimani.



*Trymore sustained serious dog bite injuries to his face and buttocks*

05/12/13

Washington Ndlovu aged 27 years of Mount Selinda in Chipinge was found digging for diamonds at Marange Resources mining area by about 14 guards of National Eye Security company who had dogs with them. One guard released a dog on him and he was bitten on his hand as he fought for his life. He was later arrested and assaulted with a baton stick all over his back. He was released around 12.00pm.



*Lizzy's dog bite wound*



*Washington sustained dog bite injuries on his right hand*

07/12/13

Lizzy Matake aged 26 years of Mhandarume in Chimanimani working with a syndicate of 10 panners was caught at Chirasika waiting to collect diamond ore from his male colleagues who were digging in the tunnel. The guards who had 4 dogs with them threw tear gas canisters in the tunnel and panners came out running in different directions with dogs following in hot pursuit. Lizzy was bitten by a dog in the scuffle and arrested with two other panners. She was later released and dumped at Hot Springs road block. She received medical attention at Mutambara Hospital

20/12/13

Elijah Mutsadyanga aged 45 years ID number 44-046121-44 of Nyanyadzi with a syndicate of 4 panners were caught panning diamonds in Chirasika by Anjin guards. The guards let dogs on the panners and Elijah was bitten on his arm. He was detained at Anjin for several hours and eventually released. He walked all the way to Nyanyadzi for treatment.



25/12/13

Professor Sigauke ID number 04-848316 Z 04 of Mashoko in Masvingo together with Tawanda Mudzengerere from Juru in Goromonzi in a syndicate of 5 panners were invited by some Anjin guards to come and pan at Chirasika around 9.00pm on Christmas day. However their luck ran out when a reaction of other Anjin guards with vicious dogs pounced on the panners and arrested the two. They were taken to the guardroom and severely assaulted before being dumped at Hot Springs around 12.00pm in serious pain.



*Progress's severed back from an assault at Anjin*



*Elijah sustained two deep cut dog bite wounds*

03/01/14

Alex Sithole of Epworth in Harare and Pheneas Mlambo of South downs in Chipinge were caught panning for diamonds in Chirasika by Anjin guards with 5 vicious dogs. The guards let dogs on the two and they were bitten on their feet sustaining serious injuries. Company officials drove them to Odzi River and dumped them there. The two later received medical attention at Birchenough Bridge Hospital before departing for their respective homes.



*Alex and Pheneas were mauled by vicious dogs at the hands of Anjin guards*

### **3.0 Environmental Impacts of large scale mining**

The later part of the year 2013 saw government of Zimbabwe suspending river bed mining activities in the wake of serious ecological damages to Mazowe River and Mutare River to mention but just a few. Whilst the suspension was welcome, what remains critical is for the government to harmonise laws that regulate mining activities in Zimbabwe in order to close existing gaps that have allowed unregulated mining practices. The current legal framework that guides operations in the mining industry is not synchronised. The following are some of the important acts that govern the mining sector in Zimbabwe (National Water Policy 2013).

- i. Zimbabwe National Water Authority(ZINWA)ZINWA Act of 1998
- ii. Environmental Management Agency(EMA)Act (Chapter 20:27)2002
- iii. Mines and minerals Act (Chapter 21:05)1996 edition
- iv. Rural District Councils Act Chapter 29:13)1996 edition

The mines and minerals act does not embody the above listed regulatory acts because they fall under different ministries. As a result, critical stakeholders like EMA and ZINWA are made to police the environment after mining concessions had already been issued by the ministry of mines. In some instances mining activities commence on the ground without the knowledge of rural district councils. Issuance of mining claims depending on the size is done by different office bearers from the mining commissioner up to the President inclusive of the provisions of the Indigenisation Act that requires foreign investors to partner indigenous people in order to carry out mining activities in Zimbabwe. However rampant corruption in government has also seen some bogus investors especially from China partnering indigenous Zimbabweans to prospect and mine without the approval of rural district councils, EMA and ZINWA. Local partners in these mining ventures have used their political influence to protect unscrupulous mining practices simply because the indigenisation act guarantees them shares out of the mining proceeds. Under these circumstances, several mining projects in recent years have been undertaken sometimes in strategic water sources with devastating ecological results. CRD managed to capture some of these mining activities that have been taking place in Manicaland province during the course of the year 2013.

#### **3.1 Alluvial mining in Penhalonga**

The environmental management act chapter 20 prohibits mining activities within 30 metres of a water course, thus mining activities in the river is prohibited. DTZ-OZGEO was issued with a special grant by the ministry of mines to mine in both the river and an extensive farming area away from the river in direct violation of environmental laws. The company which has been mining for over a decade was finally ordered to stop operations in Penhalonga by the EMA. However, CRD interviewed company authorities soon after the granting of the order and realised that the measure was only temporary and mining activities would resume as soon as rehabilitation of mined areas has been completed. Asked on why their company was allowed to mine in the river bed DTZ mining director Mr Shillaev told CRD that gold deposits in Penhalonga were prioritised by government, moreover the company has the best technology that is environmental friendly. He went to tell CRD that they could not rehabilitate the mined areas in time because rehabilitation was expensive and on that account they would need to continue mining in order to finance the rehabilitation exercise.

Selective application of law in this mining venture has made it difficult for EMA to control small scale artisanal mining activities taking place in Penhalonga. Penhalonga residents find no reason why they should not be allowed to pan when a foreign mining giant is mining in Mutare river against the law at the same time the company has not made any significant contribution to the development of their community. Infrastructure in Penhalonga including roads and bridges is in dilapidated state. The following pictures illustrate the scale of environmental damages caused by alluvial gold mining in Penhalonga.



*Fig 1: Large scale environmental degradation at DTZ premium mining site yet to be rehabilitated*

Land preparation for alluvial mining means removal of all surface material and loss of biodiversity. Farming has been disrupted in Penhalonga because of mining and some farmers have agreed to US 8000 dollars to allow DTZ-OZGEO to mine on their land for the next three years.

<http://www.chronicle.co.zw/mining-firms-ordered-to-cease-operations-along-river-banks/>  
[http://www.maweresibanda.co.zw/index.php?option=com\\_content&view=article&id=29%3Aa-practical-steps-to-investing-in-zimbabwes-mining-sector&catid=1%3Alatest&showall=1](http://www.maweresibanda.co.zw/index.php?option=com_content&view=article&id=29%3Aa-practical-steps-to-investing-in-zimbabwes-mining-sector&catid=1%3Alatest&showall=1)





*Fig 2: Diverted Mutare River at DTZ Premier Estate*

Alluvial mining in the river disturb the water source through sediment release and construction of impoundments that affect natural flow of river. This mining method destroy the riverine ecosystem and aesthetic beauty of the countryside.



*Fig 3: Impoundments affects natural flow of water*

### 3.2 Illegal gold mining in Odzi River

The Zimbabwe National Water Authority (ZINWA) established through the ZINWA Act of 1998 was established to plan, develop and manage Zimbabwe's water resources on a sustainable manner according to the ministry of water resources development and management water policy document. Statutory instrument 206 of 2001 mandates ZINWA to issue water permits to mining companies in tandem with their Environmental Impact Assessment Plans (EIAs) approved by EMA. Therefore, mining companies intending to mine in the river bed must apply "for rights to conduct operations which will interfere with the river bed of a public river and swamps etc, forming the source of the stream or found along its course" from ZINWA.

The following pictures are of Chinese mining companies namely Linefall investments and Kingfrost gold mining companies who mined alluvial gold in Odzi River for over 6 months in 2013 without both water permits and approved EIA plans. Although the mining operations here were eventually stopped, nothing could be done to reverse the scale of ecological damage more so the plundering of the gold resource without any contribution to the development of the community at Odzi, who were exposed to polluted water and degraded pastoral land as a result of the mining activities. Mining operations at Odzi reflect on the weaknesses of the mines and minerals act that give room for individuals and companies to carry out mining activities without clearance from other important stakeholders like communities, rural district councils, EMA and ZINWA with disastrous impacts to communities and the environment.



*Rare boat mining equipment used by Linefall to illegally extract gold in Odzi River*





*River damages caused by linefall illegal mining activities at Odzi*



*.Concealed alluvial gold processing plant at Kingfrost illegal gold mining in Odzi*



*Pits left by a Chinese company that was mining alluvial gold in Nyamukwarara without legal documents*

People and livestock in Odzi and Arda Transau have suffered the downstream effects of these mining activities because they dumped hazardous substances and sludge into Odzi River. Odzi river is the source of water for surrounding communities including about 4 500 relocated people at Arda Transau. Unscrupulous mining activities has increased siltation and death of water bodies amid reports of livestock dying after drinking contaminated water from these river sources.

### **3.3 Environmental Impacts of Small Scale Artisanal Mining**

#### **3.3.1 Context**

The year 2013 saw the government of Zimbabwe warming to the idea of formalising small scale artisanal mining operations. According to government sources small scale mining can produce upward 40% of national production if properly regulated and funded. The same sources also reveal that small scale miners contributed 30% of gold output in 2012. The demise of the Zimbabwean economy from the late 1990s saw the increase of small scale artisanal panning activities throughout the country. Many Zimbabweans turned to gold panning because of high unemployment as a result of company closures and the fall of large commercial agriculture ([Chimonyo 2012](#)). Increased panning activities forced government to carry out operations such as “chikorokoza chapera” in order to clamp down on illegal panners and safeguard the environment.

However, lack of transparency and accountability in the formal mining sector has embolden panning activities by small scale artisanal panners in recent years, who see no reason why they must not pan everywhere when government is awarding mining licenses to foreign companies to mine in river beds against environmental laws. Increased poverty has also made environmental considerations take second place to livelihoods in Zimbabwe ([Chimonyo 2012](#)) not to mention the high level of unemployment among able bodied youth who have been forced to take up panning. Despite the mining sector taking up the lead in terms of growth; the sector has failed to reduce unemployment in Zimbabwe mainly because of corruption aided by poor mining policies that have allowed foreign investors to transfer both human capital and technology to Zimbabwe. Thus in their bid to cut labour costs mining companies especially of Chinese origin are importing sophisticated machinery to Zimbabwe including semi skilled workers to work in their mining companies at the expense of local industry and people as seen in Marange in companies such as Anjin.

In addition to that revenue from mining sector has been lining the pockets of individuals at the expense of the fiscus and rural district councils who have responsibilities to develop communities out of taxes and royalties remitted to them by mining companies. Bogus mining companies who have been awarded mining rights in recent years in Zimbabwe have failed to fund diversified community projects like irrigation schemes in order to alleviate poverty in the community let alone create employment for the people of Zimbabwe. Increased panning activities in Marange, Chimanimani and Penhalonga where several mining companies are mining diamonds and gold is evidence of the failure of the mining sector to meet socio-economic expectations of the communities.

In addition to this, Community Share Ownership Trusts (CSOTs) meant to address developmental needs of the community are either not receiving funds or they are poorly governed. The indigenisation law that allows mining companies to cede 10 % shares to CSOTs is optional and in some instances companies may choose not to cede the 10% as has been shown by companies mining diamonds in Marange. Some CSOTs that have been luck to receive funds in recent years have managed to kick start projects in their communities but allegations of mismanagemt of funds is rife within the structures of these CSOTs.

Against this background, the scale of environmental degradation because of panning activities has now exceeded to unacceptable levels on slopes and hills in Penhalonga and Chimanimani living scars and trenches that are difficult to rehabilitate ([CRD 2012](#)). The swelling in numbers of people taking up panning in resource rich areas has also made it difficult for EMA and ZINWA to manage the environment against the backdrop of limited financial resources. What then remains to be seen in 2014 is how the government will live up to this challenge and formalise small scale mining, considering the dwindling financial resource base affecting government operations. The following pictures reflect on some of the small scale panning activities taking place in Manicaland and the enormous damages that they are impacting on the environment.



### 3.3.2 Panning in Chimanimani



*Chimanimani panning site in the catchment of Nyabamba River near Ross Commons Tea Estate*



*Muddy Nyabamba river caused by panning upstream in Chimanimani*



*Mud water from Nyabamba river polluting Nyahode River*

### **3.3.3 Panning in Penhalonga**



*Panning site at Premier site in Penhalonga*





*Deep holes left by panning activities in Penhalonga*



*Pits left by panners in Mutare River where DTZ-OZDEO is mining gold*



### 3.3.4 Panning in Nyamukwarara



*Muddy flowing stream caused by panners in Nyamukwarara*



*Alluvial gold panning stream Zimbabwean side Nyamukwarira*

#### 4.0 Relocations ; Arda Transau

The year 2013 saw mining companies in Marange abandoning relocated families at Arda Transau without fulfilling commitments made to more than 1500 families who were moved from Marange to Arda Transau beginning of 2010. With government acting as a guarantor, families were assured of compensation for loss of property in Marange, clean water supply at Arda, employment in diamond companies Marange, enough accommodation and a thriving irrigation facility at Arda in addition to the one hectare pieces of land allocated for subsistence farming among other issues. Three years down the line families are living in abject poverty at Arda Transau without any meaningful source of livelihood other than the one hectare pieces of land allocated for each household ([CRD Newsletter July 2013](#)).

The irrigation scheme meant to boost food production was abandoned by government in 2012 and families who are mostly polygamous were left to derive food from the one hectare pieces of land at Arda Transau. Furthermore food handouts that companies had committed to provide every three months until food production had begun at the irrigation scheme were stopped by the end of 2012 leaving families with serious food shortages. On top of that, companies like Anjin have failed to provide enough accommodation for each married family member as initially agreed forcing extended families to share available three bed roomed houses. The situation has been further worsened by the failure by Anjin to provide electricity for the houses leaving families to stay in total darkness.



*Evidence of malnutrition seen in some of the young ones at Arda Transau*

Overpopulation has increased enrollment at the Anjin built primary school and calls to built more classroom blocks for the school has been ignored by Anjin and pupils continue to learn from makeshift classrooms improvised by the school. Appaling living conditions at Arda Transau has forced people to cut firewood and sell in Odzi in order to buy mealies to feed their families. Unemployment at Arda Transau is high and mining companies have failed to honour their commitment to employ young people from Arda to work as semi-skilled workers in Marange diamond fields. In addition to that companies have failed to compensate families for their property that they destroyed when they started mining in Marange hence government has been quiet about the issue of compensation.

Sources in the ministry of local government in Mutare told CRD that companies were no longer obliged to pay food handouts for relocated families because just like any ordinary rural community, they must grow crops on their small pieces of land. Provincial administrator Fungai Mbetsa however expressed concern over the delays in the construction of irrigation schemes at Arda Transau which he believe is important to secure food requirements for the community. The irrigation project at Arda Transau is in the hands of the cabinet inter ministerial task force on Marange.

Out of desperation young men from Arda Transau have also joined illegal panning activities in Marange diamond fields and two of them covered in this report under the human rights section were shot and injured in Marange in 2013. Gainmore Gamunorwa and Given Ngaruvhime were on different occasions shot by armed guards in Marange whilst panning for diamonds. CRD noticed that two were orphans who lost their parents at tender ages in Marange and they were adapted by their extended families. They were then relocated together with their extended families to Arda Transau in 2010 but were denied houses of their own irregardless of the fact that their parents had built houses in Marange in their living years. Due to economic hardships at Arda Transau and souring family relationships people like Gainmore were forced to risk the brutality of security guards in Marange diamond fields to pan for diamonds. Gainmore has been panning for diamonds whilst living with friends in Marange for the past two years because he has no place to call home.

#### **4.1 Relocations; Chimanimani**

The year 2013 also saw the ministry of local government commissioning houses built by DTZ-OZGEO for communities resettled at Springfield and as in the case of Marange only food and cash handouts was given to the resettled families by the mining company. According to officials from Chimanimani Development Trust (CDT) there are no schools, clinics and shops in the relocated area and families do not have sufficient land for growing crops. More than 13 families at Charleswood have been ordered by the company to stop planting this season because they are likely to be relocated. There is no written documentation signed by DTZ-OZGEO, government and families affected by relocations to issues of compensation for property losses. Because of shortage of land, some relocated families at Springfield are streaming back to Charleswood in order to grow crops at their former plots.

Asked to comment on the company's commitments to resettlements mine director Mr Ismail Shillaev told CRD that government set the conditions for relocations through the District Administrator and

construction of the houses for relocated families was done by indigenous companies. According to Shillaev, his company has already paid for the houses that were built and a one of payment for food handouts has already been made. He also alluded to the fact that his company had wanted to erect a pipe that draws water from the nearby mountain to ensure a permanent water supply for the relocated families in Chimanimani but government shot down the plan for unknown reasons preferring boreholes instead.

#### **4.3 Government Insensitive to the rights of relocated families**

The portfolio committee on mines and energy in its report submitted to parliament in June 2013 noted with concern that ZMDC and the provincial task force in Manicaland Province did not have a clear re-location policy to guide re-location activities. As such the relocation exercise in Marange was left to the discretion of mining companies.

The beginning of 2014 saw the government finally admitting that mining companies had dumped and reneged on their commitments to families relocated at Arda Transau. For the first time Minister Mushohwe admitted that mining activities have disturbed subsistence farming in Marange, at the same time edging companies to continue giving food handouts to communities living at Arda Transau. He also added that government would continue to provide alternative land for more families likely to be affected by relocation in Chimanimani, Penhalonga and Marange. What remains a challenge with relocations in Zimbabwe is that government is not using best practices that secures the rights of affected communities as indicated by Chindori Chininga's report submitted to parliament in 2013. Government continues to facilitate fast track relocations, dumping families in uninhabitable areas without any notion of guilty.

### **5.0 Socio-economic impacts of mining in Bikita East: Survey conducted by Mudadi Chida**

#### **5.1. Geographical Background**

Devure river borders Masvingo and Manicaland provinces and the mining company under survey falls under Masvingo province but is operating just three (3) kilometers from the boundary of Manicaland Province. Bayrich Enterprises, now trading as Nan Jiang Africa Resources is mining diamonds in Devure. Ward 24 fall under the government initiated 1980-81 resettlement programmes where the village system is dominant. Mining operations are taking place in villages 1, 2 and 3 of Ward 24 which falls under region 5 characterized by very little rainfall below 300mm per year.

#### **5.2 Context**

Bayrich Enterprises started mining operations in ward 24 in March 2011. Officially the company applied for a licence to mine diamonds in 2013 according to the then permanent secretary of mines Mr Mupazviripo. The local councilor Mrs Munyoro appalled by secretive mining activities that were taking place in 2013, approached the DA's office, EMA and the police who according to Munyoro had very little information about company mining operations other than the fact that they were prospecting.

CRD interviewed the District Administrator Mr. Siyenza, the Provincial Administrator Mr. Chikovo and the rural district council Chief Executive Officer Mr. Mupamhadzi who all concurred that the company did not have all the documents when they started mining in 2011.

In October 2013 Chinese company officials met with the DA, EMA, Police and the Chief Executive Officer for Bikita Rural District Council to inform them that they had formally started mining and that the company name had also been changed from Bayrich to Nan Jiang Africa Resources. Consequently company moved in to put structures on village land without any consultations with villagers and therefore no compensation was done to loss of farming land.

### **5.3 Company-Community Relations**

According to Mrs Munyoro when the company started mining operations, it recruited locals to work in the mine but soon corruption started creeping in and most people from the Birchenough Bridge area began to work at the mines because company management were housed at Birchenough Bridge Hotel.

CRD interviewed one of the employees at the mine who confirmed that management sought for bribes in the form of goats for locals to gain employment. The Chairpersons of villages 1, 2 and 3 when interviewed by CRD also concurred that the company was no longer employing locals as before and no local women were employed at the company despite the fact that they were directly affected by loss of land for growing crops to feed their families.



*Mrs. Chipo Munyoro, ward 4 Councilor during an interview with CRD at her place of residence in Bikita.*

### **5.4 Socio- economic Impact of Mining**

CRD interviewed a local teacher at Madzivire Primary School near the mine Mr Muchemwa and he acknowledged that the mine had come as a relief to the locals since the majority of employees working at the mine could now afford to pay school fees for their children. The presence of the mine uplifted the lives of people in the ward especially those engaged in some form of businesses. There was also an 40



increase in school enrolment since some parents who had given away their children to other relatives because of economic hardships have returned them after securing employment at the mine.

These views were not however shared with village 1 Chairperson Mr. Rambanapasi who blamed the company for loss of cattle that fell into unrehabilitated mining trenches dug out of mining activities and bemoaned the company's failure to compensate villagers for all their losses. Information on the ground indicate that at least 40 households were going to lose farming land due to mining activities. Mr Charamba, village 2 Chairperson told CRD that company had promised villagers employment for loss of land but they was no guarantee because under the communal land act, communities have no entitlement to land.

### **5.5 Safety of workers**

Some of the employees working as security guards interviewed by CRD said that they worked for long hours of up to 12 hours a day and they were no facilities to shelter them from bad weather conditions. Some workers at the mine were observed by the CRD team working without helmets and safety shoes. Some of the employees complained that they were travelling thirty kilometers to and from work because the company had no accommodation. However, the mine later on provided transport after one of its employees was mugged and killed by criminals during the month of September 2011.

### **5.6 Corporate Social Responsibility**

The company embarked on electrifying the nearby school and clinic when it started mining operations in 2011 but the project was eventually abandoned. Request for the company to erect boreholes and build an irrigation scheme for the community in order to undertake a sustainable agricultural project has been ignored.



*House at the local clinic for members of staff. Promises to provide electricity by the company were not fully met* **41**



*Abandoned electrification project that was started by Bayrich Enterprises in 2011 for Madzivire primary school and Devure*

### **5.7 Recommendations from the community**

- Company must exclusively employ locals for semi skilled work that locals can do such as land clearing, security, stone crushing and many others
- Company must compensate households that lost their farming land, maintain roads and built additional blocks at the schools.
- Company should drill boreholes at the school, clinic and nearby villages.
- Councilor Munyoro suggested that Bikita Rural District council must give the company land to built accommodation for the employees and at the expiry of the mining contract the council will retain the houses or give them to the school or clinic
- There were also suggestions for the company to build a training center for self help projects targeting women and an irrigation scheme to improve food production in the dry region.

### **6.0 Conclusion**

The report touched on critical governance issues affecting the mining sector in Manicaland Province and areas adjacent to the province. The report focused on socio-economic and environmental impacts of unregulated mining activities impacting on different communities in Manicaland with a view of influencing policy reforms in the extractive sector in Zimbabwe. Human rights and environmental impacts highlighted in this report reflects the worsening governance crisis in the mining sector seen in the eyes of communities living in the resource rich areas of Manicaland Province. The report makes an impression on policy makers to incorporate community rights in the new mining policy document in order to protect citizens affected by mining activities from human rights violations at the hands of

powerful mining ventures. Corruption in government has taken its toll in the mining sector and Zimbabwe has lost billions of dollars because of linkages in the mining sector. Thus, if the sector is to become the mainstay of the economy the report recommend stringent measures to be enshrined in the new legal framework in order to improve on transparency and accountability in the mining sector. The report also proposes recommendations expressed by key stakeholders in the mining industry in 2013 for consideration to the new regulatory framework to govern the mining sector.

## **7.0 Recommendations**

- Synchronisation of all acts that underpin the mining sector. The new mineral policy must incorporate provisions that guide the mining sector from acts such as the ZINWA Act Chapter 20:25, EMA Act Chapter 20:27, Urban Councils Act Chapter 29:15, Rural District Councils Act Chapter 29:13 as requirements before issuance of mining licences. The report has shown that most mining companies started mining operations without carrying out EIAs because mining laws are not in tandem with environmental and other regulatory frameworks governing the mining sector.
- The new mineral policy must incorporate community rights and force companies to submit human rights impact assessment plans before mining operations. A human rights impact assessment plan protects the socio-economic and environmental rights of communities living in resource rich areas in Zimbabwe. The report has shown that government does not have a regulatory framework to protect the rights of communities living in rich resource areas including families affected by relocations as in the case of relocated families at Arda Transau, Chimanimani and Marange. Relocations at Arda Transau were carried out without a legal policy framework as indicated in Chininga's report.
- Transparency and Accountability; New laws to govern the mining sector must embrace World Bank's Extractive Industry Transparency Initiative. The (EITI) is an international best practice in the extractive sector aimed at improving transparency and accountability in natural resource governance. The principles of EITI will allow companies and government to disclose revenue generated, taxes and payments made by mining companies in the sector. (EITI) will allow Zimbabweans to know how much the government is generating from the mining sector.
- Government must revive the Zimbabwe Mining Revenue Transparency initiative (ZMRTI) as a vehicle to operationalise the practice of EITI. Through ZMRTI parliament and civil society can play an oversight role in discussing mining contracts and mining ventures on behalf of the state to ensure that they are done in a transparent manner. The report has shown that opacity in the mining sector especially the diamond sector in Marange was made possible through secretive mining deals costing the country billions of dollars in revenue leakages. Mining laws must be aligned with the provisions of the new constitution by reforming the access to information laws to allow public access to information and public scrutiny on all mining contracts and deals.

- Incorporation of Corporate Social Responsibility in the new mineral policy to become mandatory in order for communities to benefit from the exploitation of resources found in their localities
- Establish beneficiation and value addition policy for country 'mineral resources in order to diversify mining sector through forward and backward linkages to derive more value and creating employment (Ministry of finance 2013).
- Government must establish an exploring company to carry out geological surveys and determine the value of minerals underground. Exploration by private companies has prejudiced Zimbabwe of millions of dollars since some companies carry out mining operations on the disguise that they are exploring in the case of Nan Jiang in Bikita and De Beers in Marange. Government largely relies on estimate figures given by mining companies on the quantity of mineral resources being exploited.
- Formalisation of small scale miners: Government need to invest in research in order to adapt best practices that can be applied over a period of time in order to formalise small scale mining activities. Good governance of the mining sector will see mining feeding into industry and creating employment for the youth thereby reducing large scale panning activities currently taking place in Zimbabwe.
- Expediently enact a diamond policy in Zimbabwe that cancels existing mineral rights in alluvial diamond mining and vest those rights in the state. The Zimbabwe Revenue Authority should play a prominent role in the entire value chain from production to marketing of diamonds. Government must establish a diamond board for Zimbabwe to control and protect the diamond resource including overseeing the establishment of a fund known as the diamond inter-generational fund where a certain percentage from diamond proceeds will be invested in projects such as infrastructural development or investments that will ensure that future generations benefit from the diamond wealth found in Zimbabwe (CRD Diamond bill 2012).
- Review all mining contracts signed in the past 15 years to assess if they benefit the country and communities. Mining rights especially those that came through special grants were done secretly and they are benefitting a few individuals. Government is receiving paltry figures in terms of remittances from the mining sector and poor communities living in resource rich areas like Marange are subjected to gross human rights violations by mining companies operating in those areas.
- Government must meet its constitutional obligations of protecting human rights of all citizens and force mining companies to respect human rights. The report has shown that government is turning a blind eye on human rights violations in the mining sector especially in companies where government has a controlling stake.
- Revise Indigenisation laws to ensure clarity and transparency at the same time promoting investor confidence in the mining sector. The year 2013 saw an increase in shady mining deals



that collapsed because of lack of clarity in the indeginisation laws the Zimplats deal and the Masimirembwa diamond scandal in Marange being examples.

- Community ownership trusts must be regulated to allow members of the community to choose their own representatives other than the ones prescribed by the state. Most CSOTs have failed to take off because some companies are taking advantage of the legal gaps in the indeginisation laws that give them options in terms of remitting funds to CSOTs and those that have received funds from mining companies are dogged in stories of financial mismanagement (ZELA 2013).
- Revise the communal lands Act to give some rights to local communities to claim compensation from mining companies for loss agricultural land and property before undertaking the relocation exercise.

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