

## RAISING THE COMMUNITY VOICE IN THE EXTRACTIVE SECTOR

### ZCDC commence mining operations in Marange without reforms.

The announcement by Minister Chidhakwa that Zimbabwe Consolidation Diamond Company has already started mining operations in Marange without adopting best practices raises questions on whether government move to halt diamond mining operations had anything to do with reforming the diamond industry. The CRD was of the view that government was going to expedite the diamond law making process first in order to come out with a diamond act to regularise the industry and operationalise the Zimbabwe Mining Revenue Transparency Initiative (ZMRTI) to promote accountability and transparency in the diamond value chain. The possibility that government has maintained the same fraudulent practices in ZCDC cannot be overruled now that due process has not been undertaken. More than two weeks have passed after the seizures and uncertainty haunts the diamond industry as government battles with diamond companies over control of Chiadzwa diamonds. It remains to be seen if government will comply with “unfavourable” court verdicts on Marange needless to say that government has already declared that “it is not going back on diamond mergers.” Meanwhile, with no resolve in sight, illegal panners have invaded Marange diamond fields.

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## Authors’ perspectives on recent mining seizures in Marange

### “Seizure of Marange Diamonds mining by the state”

In late 2015, the Minister of Finance, Patrick Chinamasa announced that the alluvial diamonds in Marange had been exhausted and companies had not prepared to embark on the more expensive underground mining. Some five years earlier, the then Minister of Mines, Obert Mpofu had announced that the government of Zimbabwe was going to earn billions of dollars from the alluvial diamonds and would never again borrow funds to run its affairs. However at the time of the Chinamasa announcement, only a handful of millions of dollars had trickled into the state coffers amid concerns about high levels of smuggling involving state officials and mining executives, opaque licensing deals and deliberate diversion of taxes that were due to accrue to the state. The government has now announced the takeover of the mines from private companies arguing that they



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were prejudicing the state. However the takeover is questionable in many respects and will not result in the much needed diamond income. It is clear that the days of cheap exploitation of alluvial diamonds is over and opaque deals are no longer viable. Therefore the plan is now to turn to the state and have it purchase the heavy machinery for underground mining that the existing and alleged improperly licensed companies cannot profitably afford. **The takeover of mining by the state is also questionable in that, in the last twenty years or so, the government has not managed to profitably run any public enterprises. In fact giant state enterprises have collapsed. It is unlikely that it will miraculously run the diamond mines. In fact there are strong signals that the influx of artisanal miners is back in the diamond fields following the state takeover. In response, the state is likely to increase police and military presence and with it, a new wave of human rights abuses. The problem of the Zimbabwean government is corruption, poor policy formulation and implementation as well as its battered international image. Without correcting these anomalies, the government will go in circles of failure.**

Previous article: [Zimbabwe’s Marange Diamond and the Need for Reform of the Kimberly Process](#)



“No more Marange”

**Conflict diamonds are blood diamonds but what about diamonds mined which uproot communities, destroy fragile ecosystems, feed corruption, and are part of a whole exploitive process which is neither transparent nor accountable.** These diamonds fall outside the current Kimberley Process and its certification scheme.

Yet it is true that the volume of conflict diamonds on the world market had drastically decreased due to the events that were not related to the Kimberley Process. Second, porous borders in Africa and the engagement of many African governments in corrupt activities allow rough diamonds from conflict areas to be shipped out as “polished diamonds” via neighboring countries. Third, the narrow definition of conflict diamonds, which includes only diamonds that are controlled and sold by rebel groups to fund their wars, is highly inefficient to ensure that only gems free from human rights violations enter the market.

**Previous Article:** [Conflict diamonds, the Kimberley process and the loopholes that persist](#)



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The list of critiques on the Kimberley Process is long. In Zimbabwe this very narrow definition of conflict diamonds opened the door to human rights violations.

**The closure of the mines does not and should not close the door on the discussions on how to make sure that another Marange does not happen again. The rallying cry should be: No more Marange.**

The challenge of the Kimberley Process is to seek ways to serve all stakeholders in the mining industry. Certainly legal, accountable and transparent practices ensure economic growth, sustainable growth and peace-building. The NGO community, affected communities, local and national governments, the mining industry and monitoring agencies can work together for compatible goals. This can indeed be a win-win situation.

### Chiadzwa Consolidation Question



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It is now ten years since diamonds were discovered in Chiadzwa. Since 2006 fiscal benefits from the precious stones have been meagre. Even after the flushing out the informal miners in 2008 and the subsequent installation of industrial mining in 2009, remittances to treasury have been paltry. The secrecy surrounding diamond revenue and resource governance has left all parties skeptical over the goings-on in Chiadzwa. Even the state sanctioned Zimunya Marange Community Share Ownership Trust, which was promised US\$50 million and commissioned by the President in 2012, has gone without receiving the pledged financial resources. The smuggling of diamonds and leakage of diamond financial resources has been subject to citizen outcry but government incessantly claimed that diamond governance was transparent and above board.

The Zimbabwe government acknowledgement of the shortcomings of the industrial mining in Chiadzwa should not only be seen in the cancellation of company licenses and closure of operations but also in the subsequent setting of inquiry into the extent of the mismanagement of the national strategic resource and prosecution of the looters. Further government should also proceed to transparently share its turn-around strategy with other stakeholders. As at March 2016, the companies' eviction has seen a new influx of artisanal miners. In view of the current deflationary economy, **Government should be warned that even the security service men themselves will eventually be tempted to engage in illegal mining activities. Solid and effective mechanisms for diamond regulation are required and should be communicated to the people. While state monitoring of diamond leakage and smuggling could have been tighter in the past decade everyone thinks that government efforts are rather too little and too late and might actually be geared towards a new wave of accumulation by another chosen few.**

Previous Article: [The Social Economic and Environmental Implications of Diamond Mining in Chiadzwa](#)



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### Police raids in Chiadzwa maim local villager



*Farai Zidutye at private hospital*

Relatives of Fungai Zidutye are up in arms against the police for trying to cover up for gruesome assault on Fungai in Chiadzwa. According to Fungai, the police raided Tenda business centre in Chiadzwa looking for illegal panners on 26 February 2016 around 9pm. They caught up with him at the shops and took him to their camp at Mbada diamonds where they severely assaulted him. Fungai explained that at first he received 8 strokes on his buttocks and was made to roll on the ground for an hour. There after three police officers continued with the assault and only stopped after he had lost consciousness. Upon realizing that they had injured him, the police drove Fungai to a local clinic at Mukada for medical treatment but could not be attended to because of the seriousness of his injury. They took him to St Andrews mission hospital in Marange but were refused admission. A medical examination report carried out at St Andrews indicated that the victim had a painful testicle, unable to walk and came in to the hospital in company of police without a police report. St Andrews hospital advised police to take the victim to Mutare Provincial hospital for examination. The police instead took him back to Chiadzwa and dumped him at his family homestead.

Upon realizing that his brother was in excruciating pain, Kudzi alerted the same police officers who came back 4 hours later and took Fungai to Mutare Provincial Hospital. It was at this hospital that the police made a false report claiming that Fungai had sustained injuries when he fell down running away from police in Chiadzwa, Fungai said. Fungai had swollen testicles from the assault and had to be operated. Since he did not recover from the operation Fungai was transferred to a private hospital where more tests were conducted. His nephew Ishmael Fungai who gave an eye witness account of the incident told CRD that although he had made a police reports (RRB number 2591399) at Bambazonke in Marange, the alleged perpetrators were already denying the case. According to Kudzai, a sister to the victim “it boggles our minds that the accused officers are now denying that they committed this crime when in fact they have given us \$150 dollars for us to cover some of the medical bills for Fungai,” One of the accused police officer has also visited Fungai at the private hospital to monitor his condition, said Kudzai. Meanwhile the doctor fears the worse for Fungai as the scan results indicate that he has to undergo a surgical operation (orchidectomy) to remove one of his testicles. The family has been devastated by the realisation that Fungai has been left with a disability out of police brutality and are now seeking legal advice on the matter.



Springfield, Chimanimani.

15 families relocated from Charleswood to Springfield by DTZ-OZGEO in Chimanimani in 2013 are at cross roads following government directive to cease DTZ-OZGEO mining operations in Chimanimani. These former small scale commercial landholders were dislocated when the company began diamond mining operations in 2011. The government awarded a special grant to DTZ-OZGEO to mine diamonds in the reserved mining district of Chimanimani covering Charleswood and beyond in 2008. The right to mine under the Mines and Minerals Act overrides the usufructuary rights (the right to use) of land holders. The act has no provision for community rights in mineral exploitation leaving communities impoverished and also vulnerable to mining induced spatial dislocations. Efforts by government to amend the act by drafting an amendment bill in 2007 have not materialised. The Chairman for Chimanimani Development Trust (CDT) Mr Gladmore Maronde bemoaned their loss of fertile agricultural land at Charleswood to alluvial diamond mining project. According to him, the mining activity has not added any meaningful value to the development of their community.

He believes that individuals in government who issue such mining permits care more of what they personally gain from such projects and care less about the negative impacts of such projects on the environment where the community derive their livelihoods. He also lamented government for arbitrary halting mining operations before they could hold the company to account for reneging on their promises. According to Maronde the mining company made an undertaking before the district administrator and the relocation committee in 2013 that they would meet the following commitments in the shortest of time possible but had not done anything.

- Provide clean water and electricity for every household.
- Build houses for polygamous families.
- Build a clinic, an ECD classroom block for the community.
- Construct a dip tank for their cattle.
- Erect a fence around the community because the settlement is located in a cattle grazing area.
- Ripping roots of trees in the 2 and half hectares of land allocated to enable them to grow crops.
- Provide farming inputs including seeds and fertilisers.
- Provide US \$200 dollars per month to every household because company did not prepare their land in time for the planting season.
- Provide food handouts for families that were last to be relocated to Springfield.

#### Related Article: **The sad Chiadzwa Diamond Story**

*"Explaining the legal shortcomings that will affect the Chiadzwa people and Zimbabweans at large from fully benefitting from their mineral resources, the director of Centre for Research and Development, Mr James Mupfumi, said: "The Mines and Minerals Act is exclusionary and supersede any other law including the Communal Lands Act whenever minerals are discovered"*  
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In his response mining director Ismael Shillaviek told CRD that the relocated families must be grateful that the company built good houses for them because they were staying in temporary structures at Charleswood estate. He went on to say that the company gave each family US \$6000 in relocation allowances far beyond the government stipulated amount of US\$ 1000 which were given to communities that were affected by mining operations in Marange.

Mr Shillaviek also denied that their company had obligations to commit to issues raised by the resettled community as it was the responsibility of government to meet development needs of their community. He however acknowledged that the company had promised to fund a piped water project for the community but stopped when Allied Timbers took them to court over water rights. Allied Timbers contested against the move by mining company to draw water from its river stream according to the mine director. Mr Sillaviek also expressed gloom on the future of their mining operations after they were forced to be marched out of company premises by the police two weeks ago. According to him, "we were moved out at gunpoint by a special branch of the police, we were labelled banditos and we were not allowed to take anything" The government of Zimbabwe ceased some diamond mining operations in Manicaland accusing them of failing to merge with government into one mining company. The government is of the view that consolidation of many diamond players in Zimbabwe will curb diamond leakages.

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