

ZIMBABWE ENVIRONMENTAL LAW ASSOCIATION (ZELA)

Using the Law to Protect and Conserve the Environment



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PRESS RELEASE

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Chiadzwa Villagers under Threat of Relocation without Compensation

The Zimbabwe Environmental Law Association (ZELA) has noted with concern the actions of government through the District Administrator (DA) for Mutare Rural District Council to give a verbal two-week notice to more than 10 families in Chiadzwa diamond mining area to start preparing to be relocated to Arda Transau Farm. The District Administrator visited some families in Chirasika village in Chiadzwa diamond mining area a week ago to inform them about relocation so as to facilitate diamond mining by new mining companies. The DA did not mention the name of the company that will be moving in to mine diamonds in the area. Further, he did not explain anything about the issue of compensation, how the people will be relocated and what infrastructural and sanitation facilities will be provided to the affected families at Arda Transau Farm. Some of the villagers and their families who will be affected are; Timothy Ndamera, Solomon Chirigo, Yoni Gowo, Faith Gowo, Caphas Gowo, Pearson Sigauke, Mathias Chauke, Martha Gowo, Artwell Sithole Chirigo, Mbengo. N. Sithole, Solomon Mhlanga, Alec Mhlanga and Peter Zero.

The manner in which the proposed relocation is being handled is unjust and not in accord with international standards on relocation of people. The media statements often issued by government officials are not true in so far as they relate to completed construction of adequate infrastructure and social amenities at Arda Transau Farm. While politicians may paint a good picture on progress, a lot of work still needs to be done since the area where the people will be relocated has not yet been fully developed and serviced to accommodate the affected families. There are no adequate sanitation facilities, water facilities and houses. At the moment only two model houses have been constructed at the farm and there is ongoing work to convert and refurbish a former dairy-centre or building into temporary shelters for the families. Further, an old school and church are being renovated and there is still a lot of work to be done. The two-week notice given to the families shows that government and the mining companies intend to provide temporary shelter to the people.

The ongoing works can not be treated as if the area is ready for the poor families to move in and lead a normal life. However, the problem is that there is no guarantee at all that once the people are moved into temporary shelter they will eventually be given decent accommodation and other social services. The likelihood is high that these people will be forgotten. If government and the mining companies are not careful they will create another squatter camp at Arda Transau. This assertion is supported by the deposition of the Permanent Secretary in the Ministry of Local Government Rural and Urban Development in an affidavit filed in High Court Case HC 6334/09 in which the residents of Chiadzwa took the Ministry of Local Government and the Ministry of Mines and others to court over the issue of compensation and relocation. In his affidavit the Permanent Secretary clearly deposed that the issue of compensation will only be dealt with after the people have been relocated and having determined the expenses incurred by government in building the structures at the site. This will be a grave situation for the people as they may not be compensated after all. Unfortunately, the High Court dismissed the case stating that it was not an urgent matter.

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The other problem is that government has not been effectively consulting and communicating with the people of Chiadzwa. Yet access to information and public participation in decision making processes is very critical as proclaimed in Principle 10 of the Rio Declaration on Environment and Development. What is also emerging in Chiadzwa is that there is no predictability, openness and fairness in terms of government and mining companies' actions. For example it is not clear to the villagers how many families will eventually be relocated from the diamond mining area. This uncertainty has resulted in many families failing to plan and invest in agriculture and other livelihoods projects as they are not sure whether they will be moved or not. This has increased poverty and food insecurity in the area.

Given the above situation, ZELA advises government and the mining companies to negotiate with the communities transparently and in good faith on the compensation scheme and the various options available before the people are relocated. The mining companies and government should also allocate adequate funds to ensure that the affected people are fully and promptly compensated and not only the proposed \$5 million. ZELA is also advising government and the private companies to construct proper houses, service centres and provide adequate sanitation facilities for the people before they are moved to Arda Transau. It is also recommended that the people should be given adequate notice in line with international standards and not the two-week notice as given by the District Administrator. In fact the families should not be moved before a compensation scheme is agreed between the affected families, government and the mining companies. What is happening in Chiadzwa is contrary to internationally accepted standards of relocations (General Comment 7 of the UN Committee on Economic, Social and Cultural Rights) which recommend consultations with the affected people, reasonable notice of relocation and updates to the people by government officials about the process. ZELA also recommend that the Parliamentary Committees on Mines and Energy and the one on Environment and Natural Resources as well as on Local Government should actively investigate the imminent relocation and ensure that the local communities are protected by the State.

In addition, the mining companies are encouraged to practice corporate social responsibility and not just to extract the diamonds and make profits without taking care of the people displaced by their operations. People should not be moved like cattle. The ghost of operation Murambatsvina should at least inform government and other stakeholders about the proper channels to follow in displacement of people. It is also vital for the government and mining companies to provide the people of Chiadzwa with adequate information and to consult them in decision making and planning processes. In the same vein, our judiciary should also be ready to defend the environmental, economic, social and cultural rights of people under threat of displacement, since the judiciary is always viewed as the last bastion in defence of people's rights. In terms of diamond mining, we also encourage the government to ensure that they come up with a framework within which the community of Chiadzwa gets a share or equity in diamond mining through provision of mining claims which will then be worked on by mining companies on behalf of the community. Another important step for Zimbabwe to take is to start considering joining the Extractive Industry Transparency Initiative (EITI) which basically entails making public all revenue and payments made to government by mining companies. The obligation lies on government and mining companies to make public the revenue, taxes and contracts paid and entered into. The important issue is to ensure that the revenue and payments benefit the people of Zimbabwe and not just multinational or domestic companies.

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