



## **PRESS STATEMENT ON THE SITUATION IN CHIADZWA DIAMOND MINING AREA**

The Zimbabwe Environmental Law Association (ZELA) wishes to express concern about the continued disruption of livelihoods and increasing fear amongst the villagers of Chiadzwa as a result of the continued presence of security forces in the area acting under the Protected Places and Areas Act (Chapter 11:12). While the need to protect natural resources (diamonds) from smuggling and to ensure strict compliance with the Kimberley diamond trading requirements and processes is understandable, it is disheartening to note the effect the presence of the security forces has had on the economic, social, cultural and environmental rights and interests of the community. In particular, ZELA is concerned about the following;

- The continued threats by authorities to villagers living in and around Ushonje Mountain and adjoining areas that they will be relocated to ARDA Transau Farm which is more than 60km from Chiadzwa to make way for diamond mining operations. What is more disturbing on the issue of relocation is the fact that except for a few villagers who have been consulted on this issue, the government has not made any major efforts to give official information and to consult the majority of the villagers about the intended relocation. This 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. Despite the proposal to relocate the villagers, the government and the private owned companies setting base in the area to mine the diamonds have not yet demonstrated whether the geological occurrence of the diamonds necessitates relocation of 4000 families or just relocation of those families that are sitting directly on the diamond belt to other places within the same communal land.
- The ban on all public transport from reaching the Chiadzwa villages that are near the diamond mining area including Zengeni, Tonhorai, Betera, Chirasika among others. The ban has resulted in people walking long distances on foot (at least 20km) to get public transport at Bambazonke Business Centre. Apart from banning public transport the authorities also require all local people with cars to have their cars cleared by the Zimbabwe Republic Police once a week in order to pass through the area. Surprisingly, once the permit to pass through is issued to a motorist he/she is not allowed to carry any passengers into Chiadzwa or out of Chiadzwa. All these measures are detrimental to the economic and social interests of the villagers who would want to see infrastructural and economic development in the area. The measures are also escalating poverty levels in the area and limiting freedom of movement as people can not freely pursue alternative livelihood options in Chiadzwa. In effect the measures do not fall within the ambit of reasonable measures that should be taken in a protected area in terms of the Protected Places and Areas Act.
- The limit placed on business people from selling alcoholic beverages even in instances where they have lawfully issued licences is unjustified as this limits their sources of income.
- While the people of Chiadzwa want to benefit from the diamonds inasmuch as the whole country should benefit, what is depressing is failure by government to expeditiously put in place legislative or policy measures that ensure that communities living in mining areas also benefit from the mineral resources as what is happening under the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) projects in wildlife management where communities are given authority to manage and benefit from wildlife resources. Sadly, there have not been any consultations in mining communities like Chiadzwa about the ongoing efforts to reform the mining laws.
- Further, ZELA noted with concern the refusal by the Zimbabwe Republic Police to give permission to ZELA to visit Chiadzwa communal area with members of parliament from the Mines and Energy Portfolio Committee, the Environment and Tourism Committee and social and environmental justice activists on the 23rd of September 2009. Such action denied parliamentarians the rare chance and opportunity to meet the Chiadzwa communities and get to see and hear the problems and challenges they face as a result of the diamond mining activities in the area. The community visit would also have been beneficial and ideal in light of the fact that legislators may soon be called upon to debate the proposed legal reforms in the mining sector.

### **In light of the above, ZELA demands the following;**

- The government and the private sector investors should first conduct proper geological surveys and assessments of the occurrence of the diamond in the area before embarking on the relocation of villagers. In the event that the survey indicates that there is need for some families to be moved within Chiadzwa or outside Chiadzwa, there is need to ensure that international standards are followed in relocating the affected. In addition, there will be need to pay adequate and prompt compensation to the affected families and to create incentives that will promote the realisation

ensure that international standards are followed in relocating the affected. In addition, there will be need to pay adequate and prompt compensation to the affected families and to create incentives that will promote the realisation and respect of their environmental, economic, social and cultural rights.

- The government should transparently consult all the affected villagers about the proposed relocation and what benefits will flow to the community out of the mining activities. In that regard, ZELA reminds the government that the Environmental Management Act recognizes the right of access to information and public participation in decision making processes related to environmental management while the Constitution of Zimbabwe also recognizes the right to receive and impart information.
- The government must expeditiously reform mining legislation and ensure that it caters for the interests of community based groups in mining so that the people of Chiadzwa and other communities that are being affected by mining activities at least derive some tangible benefits from these resources and not simply food handouts.
- Parliamentarians and other interested stakeholders should be allowed to meet and hear the views of the people of Chiadzwa as a way of ensuring transparency and accountability in the operations of the diamond mining companies, government officials and even the communities themselves.
- Public transport should be allowed to enter and pick passengers in Chiadzwa provided reasonable measures and actions are taken that do not to open the area for smuggling of diamonds and that do not result in violation of people's rights.
- That all business people be allowed to lawfully order and sell all the line of products that they have been selling before the area was declared a protected area.

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