



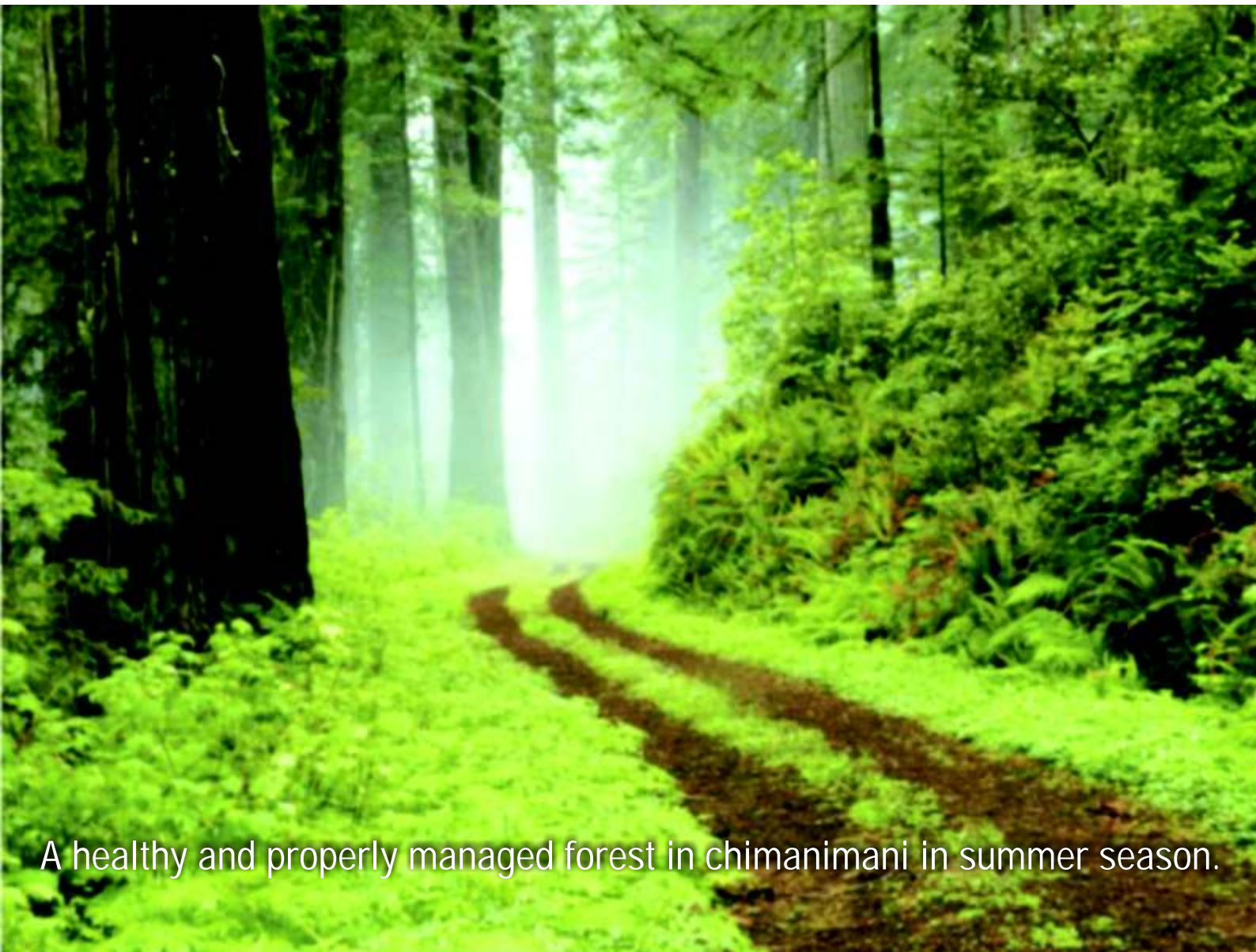
Zimbabwe Environmental  
Law Association

# ENVIRONMENTAL JUSTICE *in Zimbabwe*

Official Newsletter of the Zimbabwe Environmental Law Association

Vol. 9 December 2008

"Using the law to protect and  
conserve the environment"



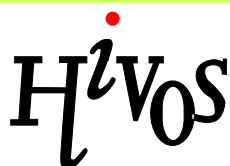
A healthy and properly managed forest in chimanimani in summer season.

## inside this issue...

Zimbabwe's political impasse and its effect on the environment

Poor Communities Bear the Burden of Environmental Injustice

The effects of the current unavailability of water and other environmental services on people living with HIV/AIDS in Zimbabwe



# Editorial

## In this issue

- 3 Zimbabwe's political impasse and its effect on the environment
- 4 Poor Communities Bear the Burden of Environmental Injustice
- 6 The effects of the current unavailability of water and other environmental services on people living with HIV/AIDS in Zimbabwe
- 7 ZELA takes part in Waste management issues and Clean up Campaigns
- 8 Tsamba yenyunyuto Kuvagari vemunharaunda
- 9 An update on the ZIMOZA Transboundary Natural Resources Management Project
- 10 Managing Forests for Sustainable Development
- 12 City of Harare in Contempt of Court
- 13 The roles and responsibilities of traditional leaders in environmental management
- 15 The National Waste Management Strategy

### ZIMBABWE ENVIRONMENTAL LAW ASSOCIATION

No. 6 London Derry Road  
Eastlea, Harare  
Tel: 252093 / 253381  
Email: zela@mweb.co.zw  
website: www.zela.org

### HIVOS

Regional Office Southern Africa  
20 Philips Avenue  
Belgravia  
Tel: +263 4 706704/706125  
Fax: +263 4 791981

### Ford Foundation Office for Southern Africa

P.O. Box 30953  
Braamfontein, Johannesburg  
South Africa  
Tel: 27-11-276-1200  
Fax: 27-276-1248



Finally we have come to the end of a year that every Zimbabwean would want to forget. 2008 has been riddled with problems from all fronts; political, economic, social and environmental. One of the environmental and health tragedies to hit the country during this year is the cholera outbreak in various parts of the country. In light of this, we dedicate this 9<sup>th</sup> edition of the Environmental Justice in Zimbabwe newsletter to the many lives that have been lost and that continue to be lost needlessly due to the cholera outbreak that has wreaked havoc in the country. It all started in Chitungwiza in September 2008 but quickly spread to other parts of the country and even beyond our borders. As of 19 November 2008, cases of Zimbabweans suffering from cholera were reported in the Limpopo Province of South Africa. Television footage was shown of the patients being attended to in a well equipped hospital in that country. This was in direct contrast to the poor conditions that cholera patients have had to endure in the clinics and hospitals that they are admitted to in Zimbabwe. Many have died because of lack of adequate medical attention since our health delivery system has virtually collapsed with no basic equipment and medication in most government hospitals including the big referral hospitals of Parirenyatwa and Harare.

According to a Zimbabwean medical non governmental organization, the Zimbabwe Doctors for Human Rights; with adequate basic medical supplies, cholera is a very simple disease to treat and it is unfortunate that anyone should die from cholera. Whilst we acknowledge that government might be facing problems in acquiring enough funds to meet all the needs of the country in a difficult political and economic environment, it is the skewed priorities in the allocation of available resources that put into question the sincerity of the government in resolving the cholera crisis and the needs of the ordinary people in general. Even the Minister and Deputy Minister of Health have both questioned the priority list of the Reserve Bank of Zimbabwe when it comes to the allocation of resources. After this criticism, the



*Makanatsa Makonese*

Reserve Bank eventually announced that it had allocated money and cars to the Zimbabwe National Water Authority (ZINWA) for the supply of water in an effort to combat cholera but this was too little to late because many lives had already been lost. In any way, no significant difference has been noticed in terms of water supply in Harare ever since the pledge was made. ZINWA has not helped things either, with reports that the cars that have been availed by the Reserve Bank have been allocated to senior managers instead of the engineers who work on the ground to ensure water supply to Zimbabweans.

The cholera outbreak itself is a symptom of the general infrastructural decay and lack of service delivery in the country. ZINWA can not supply adequate water to the people, local authorities are not collecting refuse and burst sewer pipes have become the order of the day. Addressing these problems would be the first step in the fight against the deadly disease. We hope that the responsible authorities will seriously consider the suffering that ordinary Zimbabweans are going through and help stop the unnecessary deaths from cholera. ZELA will on its part continue to raise environmental rights awareness; encourage people to keep their surroundings clean and participate in clean up campaigns to keep our urban environments clean. In the end we hope that everyone will play their part to ensure that Zimbabweans can live in a healthy and clean environment that is not harmful to their health. This is a basic human right.



## Zimbabwe's political impasse and its effect on the environment

By Gilbert Makore

The current political crisis in Zimbabwe has had a debilitating effect on the socio-economic fabric of local communities. The absence of a working government system since the March elections has resulted in worsening inflation and economic conditions for the general populace. The economic crisis has in turn resulted in social disintegration as communities fail to self sustain. The country's natural environment has not been spared either.

This is evident in the massive deforestation across the country as people use unsustainable forest harvesting as an alternative livelihood source. A drive along the major highways in Zimbabwe shows the extent of deforestation as there are innumerable small stacks of firewood for sale along the roads. The political crisis has meant that government has failed or has had no time to sit and deliberate on an innovative and responsive energy policy that addresses the energy crisis in Zimbabwe or at least regulate cutting down of trees for firewood.

While those who sell firewood illegally should be fined by the Environmental Management Agency, this has not been the case. This is attributable to the fact that the political crisis has resulted in a weakened capacity of state environmental bodies to carry out their mandates. This is also apparent when one compares the campaigns against veld fires. The occurrence of veld fires in 2007 resulted in a massive media and civic education campaign to reduce the phenomenon. Regrettably, while casual observations arguably show that the veld fires this year have been worse than in 2007, the campaigns for 2008 have not been as sustained as those for 2007.



Veld fires have been raging throughout the dry season

The two cases of deforestation and veld fires are also due to the fact that the political crisis has diverted attention from environmental concerns. Local



Deforestation is taking place in most parts of Zimbabwe



communities and indeed policy and decision makers have been solely focusing on the seemingly more pressing needs of the economic and political sphere. The political crisis has therefore resulted in an apparent policy and decision making vacuum in Zimbabwe. Thus while local councils have been constituted and are discussing plans for their constituencies, they remain unable to implement any of the agreed strategies because they need budgetary allocations from central government. Parliament has only sat once and for a limited period (As of 20 November 2008). What this means is that the local communities and the local constituencies have not had their issues of concern and their interests amplified at the policy and decision making platforms. This is very important when one considers the cholera outbreak in the Harare high density suburbs of Chitungwiza, Mabvuku and Budiriro among others. If the Members of Parliament or Senators representing these communities had been given the opportunity to clearly articulate the water crisis in these areas in Parliament, the outbreak may have been averted or at least attended to timely. The country's preoccupation with economic and political problems has all but overshadowed the more pertinent environmental problems such as service delivery. The cholera outbreak is a sad testimony to this and the reactive actions of government and the responsible public institutions shows how unprepared the country is to address serious environmental challenges in the country.

The lack of adequate enforcement of mining laws and policies has resulted in the illegal miners being accepted as a normal and maybe even necessary facet of the society. Enforcing mining laws and policies does not however mean intermittent and unplanned brutalization of desperate mineral

panners as has been happening in the Chiadzwa Diamond Fields of



# Poor Communities Bear the Burden of Environmental Injustice

By Gilbert Makore

The Zimbabwe Environmental Law Association (ZELA) has constantly argued that there is need to effectively mobilise resources to ensure that the poor have access to adequate clean water. Access to clean water should not be dictated by the area or suburb where one resides. It is a right under the United Nations Convention on Social, Economic and Cultural Rights. As such, all poor women, children and men should be able to have access to water points that provide clean water. However, this is not the case in Zimbabwe. The Environmental Management Act: (EMA) Chapter 20:27 states that every person has the right to live in a clean and healthy environment that is not harmful to their health.

Weak institutional capacity on the part of the Zimbabwe National Water Authority (ZINWA), which is the institution responsible for water and sewer management, has resulted in some suburbs like Chitungwiza, Mabvuku, Budiriro, Glen View and Tafara going for months without water. This has resulted in the residents sourcing water from unprotected wells and even practicing unhygienic habits like not washing hands after using the toilet. This situation is compounded by the fact that the problem is not restricted to lack of clean water but also includes the fact that residents have to contend daily with burst sewer pipes. The cumulative effect of lack of clean water, uncollected garbage and burst sewer pipes is that residents are increasingly made vulnerable to diseases such as cholera and diarrhoea.

At no other point this year has this vulnerability been so exposed than in the months between September and November 2008. The town of Chitungwiza as well as Budiriro, Glen View and Dzivarasekwa in Harare have been heavily hit by a cholera outbreak. This outbreak has unfortunately resulted in many deaths, some of which have gone unreported. As of 5 September 2008 35 people had been admitted into Chitungwiza Central Hospital and many had succumbed to the disease. It may be argued that the number of people admitted into hospitals due to cholera and those whose lives have been claimed by cholera may actually be higher as some cases may have gone unreported. The catastrophe resulted in the government sending a high-powered delegation that included the Governor of Harare Metropolitan Province, officials from Ministry of Health and Child Welfare, Ministry of Water and Infrastructural Development and ZINWA. In Budiriro many deaths have been recorded and huge numbers of people hospitalised at Budiriro Polyclinic and the Beatrice Road Infectious Diseases Hospital in the months of October and November 2008. Despite the announcement by the Reserve Bank Governor that ZINWA has been given resources including money and vehicles to ensure adequate water provision in Harare, the situation has deteriorated further since then. In the Southern Suburbs of Budiriro, Glen View and Glen Norah, water was only available for 2 days after that announcement and the taps have since run dry again. For many in these areas the availability of water was a one-day wonder.

Despite these deaths ZINWA has denied responsibility for the cholera outbreak. The state institution has categorically stated that it supplies clean water and therefore has never advised the general public to boil water. Instead the institution has put the blame on other issues like the buying of dirty foods by residents (ipsnews.net 2008).

Some organisations such as the Doctors for Human Rights and

the Zimbabwe Lawyers for Human Rights have even stated that the deaths of residents in Chitungwiza are a result of criminal negligence. In analysing this situation of clear human rights and environmental justice violations it is important to note that the economic crisis in Zimbabwe has contributed to the deplorable service being delivered by government institutions like ZINWA. In addition a case of lack of proper prioritisation also comes into play. The government is not utilising the available resources in key priority areas like water and sewerage services provision but is diverting resources to non core areas that do not benefit the generality of the population.

A more complete assessment of the situation is drawn from the 24 October 2008 statement by the Zimbabwe Association of Doctors for Human Rights. According to the statement the affected areas between September and October 2008 include Chinhoyi, Kariba and Makonde in Mashonaland West and Chitungwiza, Chikurubi, Dzivarasekwa, Kuwadzana Extension, Mabvuku, Highfield and Zengeza. It goes on to state that 120 deaths were cumulatively recorded this year including earlier outbreaks between February and August in Manicaland, Mashonaland Central, Mashonaland East and Masvingo. A case fatality rate of 11.5% was recorded in Chitungwiza with 16 deaths from a total of 149 reported cases and 12.7% in Chinhoyi from a total of 47 cases as at 14 October 2008. The organization blames irregular water supplies, obsolete and strained water infrastructure and inadequate refuse collection as some of the root causes of the outbreak.

The fact that ZINWA takes time to repair burst sewer pipes while local authorities have literally stopped collecting refuse has resulted in increased vulnerability on the part of women and children. Women have increased vulnerability because they do most of the household chores such as washing, cooking and cleaning, all of which require the use



The cause of the cholera outbreak: raw sewage flowing



## Poor Communities Bear the Burden of Environmental Injustice (continued)



Poor refuse collection has contributed to the cholera outbreak

of water. Children are also highly vulnerable as they are mostly not aware of the consequences of playing in sewer water and on waste dumps that have become a common phenomenon in most residential areas. While ZINWA may not have the funds to quickly repair burst sewer pipes, the organisation should recognise the right of residents to access information. Therefore, residents should be made aware of what ZINWA is doing to ensure a healthy environment for them. ZINWA and the Chitungwiza and Harare and other affected municipalities should at least be going on community public health campaigns, which ensure that the community is continuously educated and reminded of basic hygiene habits in the face of the threat posed by poor service delivery. Organisations like Population Services International and UNICEF have played a critical role in assisting the vulnerable through provision of water bowsers and aqua or water treatment tablets for free and the local authorities and ZINWA should facilitate the work of these organizations for the benefit of the people.

Chitungwiza also has Community Based Organisations (CBOs) that operate in the area such as the Green Africa Trust. These CBOs comprise of young men and women who have a passion for the environment and voluntarily engage in activities that help ensure a clean and healthy environment for the communities they live in. ZINWA and the Chitungwiza Municipality should

also learn to leverage on the grassroots presence of CBOs and use them as avenues for information dissemination and community participation. These CBOs could also help as they voluntarily engage in activities such as storm drain clearing and waste collection, which help in relieving the

already weak local authority.

The lack of capacity of the local authorities and ZINWA should also not be an excuse for the deaths of residents. UNICEF launched a cholera alert campaign on 25 October 2008. The campaign targeted cell phone users as it sent random text messages to people informing them that they should wash hands with soap and water after helping take care of the sick, using the toilet and before handling food. The treatment of cholera patients was also largely conducted by non-governmental organisations such as Doctors Without Borders. This therefore shows that the ZINWA and local authorities in Zimbabwe should consistently try to engage civil society in environmental issues if sanitation for all is to be

achieved in line with the Millennium Development Goal number 7, which is to reduce, by half (relative to 1990) the people without sustainable access to safe drinking water. This is particularly urgent in Zimbabwe where only 40% of the population has access to sustainable and safe drinking water according to the Government of Zimbabwe and UNICEF (2006). It is also regrettable that the cholera outbreak has occurred in what has internationally been declared "the year of sanitation".

In conclusion, 2008 has been a disaster in terms of ensuring environmental health in urban areas. Considering the apparent failure by our government to contain the situation, there is need for the international community and humanitarian organizations to provide support to the local authorities and ZINWA to ensure provision of water and timely repair of damaged infrastructure. The local authorities and ZINWA should also ensure provision of basic hygiene information to the public and implement participatory budgeting processes while also creatively harnessing the organising capacity and human resources of community based organisations to disseminate information. The local authorities and government should also try to accommodate NGOs in their plans and not consistently view them suspiciously. After all, the intention of all these players is to ensure that lives are saved and that people do not suffer unnecessarily.

**Weak institutional capacity on the part of the Zimbabwe National Water Authority (ZINWA), which is the institution responsible for water and sewer management, has resulted in some suburbs like Chitungwiza, Mabvuku, Budiro, Glen View and Tafara going for months without water.**



# The effects of the current unavailability of water and other environmental services on people living with HIV/AIDS in Zimbabwe

By Farai Machinga

## Introduction

AIDS stands for acquired immune deficiency syndrome, a pattern of devastating infections caused by the human immune virus (HIV) which attacks and destroys certain white blood cells that are essential to the immune system. There is neither a cure nor a vaccine for the devastating scourge but the condition can be effectively managed through practicing good eating habits, health seeking behaviors and living in a healthy and clean environment amongst other things. HIV can be transmitted through four major routes which are

- i. Unprotected sex with an infected partner.
- ii. From an infected mother to a child during pregnancy, birth or breastfeeding.
- iii. Through sharing contaminated drug injections/needles and or sexual toys and
- iv. Transfusion of unscreened infected blood.

In Zimbabwe the infection was first diagnosed in 1985 and since then the pandemic has spread to alarming levels. In 1999 HIV/AIDS was declared a national disaster permeating all areas of life, ravaging every sector of development, leaving behind millions of orphans and creating wide spread poverty and helplessness among the population. As the pandemic unfolds it poses complex problems, relentlessly eroding human productivity and future prospects. Stigma and discrimination associated with HIV/AIDS is still widely prevalent resulting in the marginalization of people living with HIV/AIDS (PLWHA) within the communities.

HIV/AIDS is not only a health problem but also negatively impacts on other sectors including the environmental sector. The pandemic and the environment are inextricable as far as poverty, land degradation, malnutrition, waste management and service delivery are concerned. It is against this background that ZELA has embarked on a programme to mainstream HIV/AIDS in its environmental programmes and activities amidst efforts to help its employees to deal with the pandemic as well as ensuring a sustainable environment. HIV/AIDS issues have been at the periphery of ZELA's activities and programmes yet the pandemic has proved to be a major huddle to development. People living

with HIV/AIDS are discriminated against and have minimal or limited opportunities to access and utilize natural resources. These imbalances perpetuate socio-economic vulnerabilities thereby increasing the chances of people engaging into risk sexual behaviour in exchange for money, food or school fees. ZELA endeavors to ensure equal access to natural resources by members of the community regardless of their HIV status. The organization also seeks to ensure an environment that is not harmful to human health as provided for in the Environmental Management Act (EMA): Chapter 20:27.

Poor waste management systems and unavailability of water have become a time bomb in most urban areas in Zimbabwe. Most towns and cities especially the low income areas are experiencing poor sewage and solid waste disposal as well as inadequate and unsafe water thereby creating a conducive environment for the spread of disease causing pathogens like cholera germs. Cholera has so far killed many people in various parts of the capital such as Budiriro, Dzivarasekwa and Mbare as well other cities like Chitungwiza and Chinhoyi. Of late cases of cholera have also been reported in the country's rural areas. Besides cholera, the unhealthy conditions also result in the spread of other diseases like malaria and dysentery. These diseases hit hard people that are infected with HIV/AIDS because of their already compromised immune system thereby leading to premature deaths. Without exposure to the dirty environment and these unhealthy conditions, these people can live long, healthy and productive lives. It is therefore important for environmental rights activists to appreciate the link between the unhealthy living conditions that people are currently experiencing in Zimbabwe and the welfare and health of people living with HIV/AIDS. It is particularly unfortunate that the spread of cholera and other environment related disease are coming at a time when the country's health delivery system has collapsed meaning that people are finding it more and more difficult to access adequate health care. Advocacy and information dissemination initiatives should therefore be focused on prevention; which can only be effectively achieved if people are provided with adequate

and safe potable water, effective waste management and provision of adequate sewerage services. Government should also set its priorities right and channel resources towards critical areas like those above that have a bearing on people's health, lives and wellbeing instead of channeling the few available resources on non essentials.

In addition, there is need for government to realize the following critical areas in relation to availability of water and other environmental services and the welfare of people living HIV/AIDS:

- ? Poor service delivery exacerbates the suffering of people living with HIV/AIDS as it leads to the spread of opportunistic infections.
- ? Safe and clean water is a requirement for every individual especially for the infected people to maintain their well being and boost their immune systems. They need huge amounts of water for everyday use like cleaning their surroundings to keep them safe and free of pathogens that can cause opportunistic infections
- ? For those that are bed ridden water is also required to clean their bed linen and other essentials
- ? Both in rural and urban areas water is needed for general nursing of those suffering from any life threatening disease such as HIV/AIDS. Unavailability of water therefore increases the burden of care for those that are caring for people living with HIV/AIDS as they spend considerable amounts of time looking for water. In most cases this burden of care is heavily tilted against women.

As the pandemic is unfolding it is leaving behind large populations of orphans and vulnerable children thereby increasing the dependency ratio. Some of the children can not expect any help from any other people once their parents have died. This suffering of innocent children and other vulnerable people can be delayed if government takes the necessary steps to ensure that environmental services are adequately provided and that people get an opportunity to live in a healthy and safe environment that is not harmful to their wellbeing; which is a basic human right.



## ZELA takes part in Waste management issues and Clean up Campaigns

By Jeremiah Mushosho

Of late the Zimbabwe Environmental Law Association (ZELA) has been a key participant in waste management and clean up campaigns in the capital Harare as part of civil society initiatives to help in reducing the solid waste pile up in the capital. In doing this, ZELA has been partnering with Community Based Organizations (CBOs), residents, councilors and other NGOs like Environment Africa to organize and facilitate stakeholder meetings and clean up campaigns in a bid to tackle the waste management and collection problems that have inflicted Harare residents especially those from the low income residential suburbs.

In many instances, ZELA has been invited by residents, councilors, CBOs and NGOs to facilitate waste management workshops, stakeholder meetings and clean up campaigns in various suburbs in Harare. In addition, ZELA has taken it upon itself to, as part of the waste management and clean up programme, educate and equip all the relevant stakeholders including local authorities on the laws, policies, regulations and strategies related to waste management in the country. This has seen stakeholders equipped with the relevant environmental laws and policies as well as strategies on how to reduce and manage waste. The intention of educating all people on environmental laws is to ensure that everyone is aware of their rights and responsibilities in the fight for environmental protection.

Environment Africa, CHRA, LARFAGE CEMENT/CIRCLE CEMENT, City of Harare and ZELA facilitated the clean up campaign in Mabvuku and the participants/beneficiaries were the



ZELA and CHRA members participating in a clean up campaign in Mabvuku



Environment Africa and Lafarge cement members demonstrating during the clean up



The mabvuku residents participating at the clean up campaign



mabvuku residents who spelt out their environmental challenges to the representative of the Harare Mayor and all the NGOs that were present at the clean up campaign.

ZELA is also part of the steering committee on National Waste Management Strategy formulation, which will see the drafting of a National Waste Management Policy. The organization also participated in a clean up campaign that took place in the Central Business District of Harare early in September and also in various residential areas in Ruwa. The Ruwa clean up campaigns were organized by

a CBO situated in Ruwa called Nyikachena Trust and the Nyikachena trustees, the Ruwa Local Board and Councilors were some of the participants. The clean up campaigns have been a way of empowering residents and making them understand that they can deal with some of their problems in situations where government and local authorities fail to fulfill their mandate. It is hoped that the environmental consciousness that has been created in the residents will continue as residents take a lead in protecting and conserving their environment.

In many instances, ZELA has been invited by residents, councilors, CBOs and NGOs to facilitate waste management workshops, stakeholder meetings and clean up campaigns in various suburbs in Harare.

## Tsamba yenyunyuto **Kuvagari vemunharaunda**

**V**eduwe, ndanyarara kwenguva yakati kuti, Zvobva zvokupai manyawi ekuramba muchindibaya panyama nhete.

Ane wake munondo unotanga kuona kushanda kwawo pandiri

Kunge ndisinawo kukosha pamberi peuso hwenyu.

Bva gwazvino, ndangoti ndiburitsewo zviri kutsi kwemoyo.

Asi mufunge henyu, hapana wandinosarura.

Ungava wekereke ipi kana ipi zvayo kana wezera ripi neripi,

Mese ndinongokupai zvakafanana asi iyemwi munondivodza moyo vadikani.

Kuti mufare muve nehwanakana utano, hunge muri mandiri ndakachena,

Ndine miti yangu, zvicherwa zvangu uye pasinawo anondikanganisa mamiriro angu. Munondidzimba moyo vadikani.

Zvakadaro hazvo, regai nditi ndayaura.

Asiri hawo masangano akaita seZELA nevamwe vanokuudzai kukosha kwangu

Ndinodaira kuti ndingadai ndave pane chimwe chinhanho.

Pamwe mungati kuda nharaunda haichemi, kwete

Ndinochemawo uyezve ndinogwadziwawo.

Hoyo mumwewo afunga usavi Nechikonzero chekuti ini

ndinochengeta mbeva mumwena iri mandiri

Ndave kutsvira iyo mbeva imwe chete.

Bva chiona zvotsva nemhaka yekuda kwembeva.



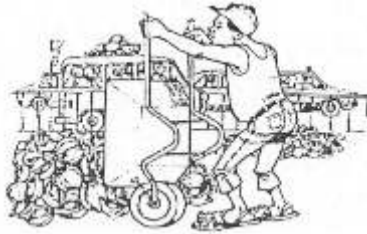
Masango mazhinji oparadzwa nevavhimi vachisundira mhuka kumambure vachishandisa moto.

Iyo nyika mudenga hwangova utsi.

Heya mungandipisa nenyaya yekuda mbeva here nhai veduwe?

Murikundidzimba moyo.

Zvekundishungurudza izvi hakuna kwazvisiri.



Ukati ufambe mumaguta mazhinji, ndahwa nemazirara endudzi nendudzi.

Ukati ucheuke chero divi rawacheukira

Meso anotanga kusangana namakomo amarara endudzi dzose. Heya ndizvo zvamakaona kuti ini ndigare ndiri nhai?

Vamwe kungovuya vachidira marara sevasingazivi kuti inotoriwo mhosha kurasa marara paasingabvumudzwe.

Kurasa marara pese pese imhaka huru.

Izvozvi ukatarisa nyika rangove gwenga.

Zvinoreva here kuti kukosha kwemiti hamukuzivi.

Ko inga miti yacho inokupai mweya wamunofema, mimvuri, nhungo uye ndiyo misha kune mhuka nezvimwe zvisikwa zvaNyadenga.

Kwamuri zvinoita sezvisina maturo asi zivai kuti zvinodzimbaka kupisigwa musha kana kupazigwa musha nedemo. Dai muchigosiyawo henyu zvigutsa zvaiva nani

Pamwe miti yaizotunga zvino tsvo.

Vamwe ndivo vave kutochera nemidzi chaiyo.

Sango reCleveland

Catchment(Harare) rangove gwenga napamusana pekutemwa kwemiti uko

kuri kunyanya kukonzegwa

nekushaikwa kwemagetsi mudhorobha reHarare



mandiri hunzi ndikaure.

Itai henyu hama dzangu pakuti nguva ndeyenyu.

Chamunofanira kungozivawo ndechekuti ini ndikashatigwa chaizvo

Ndinongodzoserawo matambudziko kwaakabva.

Kana yasvika nguva iyoyi, hapafaniri kuwana anozoti a- a mavara azara ihvu.

Ndichengetedzeiwo kuti nguva yakaita saiyozi isasvika.

Ndinodzoka ndogwadziwa moyo kuti ndidzorere chitema kwamuri pakuti varipovo vasina daka neni vakadai sevacheche.

Kugunun'una ndiko hako asi

handingatadzika kurumbidza

vanokurudzira kuchengetedzwa kwangu



kunyanya gwemari

vakadaizvi seFord Foundation, Hivos, SAT neveGreen Grants

kuti dai varamba vakamira nemwi

zvimwe ruzhinji rwese rungagamuchira

kukosha kwangu vagondichengetawo

Shoko ranguvo guru nderekuti zvese

zvamungaita muchiti muri kundikaurisa

Munenge muchizvibaya mushoka

nemiseve

Pakuti rimwevo zuva ndicharatidza

kutsutsumwa kwangu kwamuri

Kuburikidza nezvinotevera kunyangwe

zvazvo zvisingagumiri ipapo:

- Kusanaya zvakanaka kwemvura
- Mafashamu emvura
- Kupisa kwakapfuuridza
- Kungochinja-chinja kwekunze
- Kukukudziwa kwevhu

Kurudziro yangu ndiyoyi, ndibateiwo zvakanaka kuti musaona divi rakashata rangu. Ndinokudai mose vadikani.

Musapindura henyu nekunyora asi neshanduko muzviito zvenyu.

Wenyu anokudai

Nharaunda (ENVIRONMENT)

*To next page*



*continued from previous page*

## Tsamba yenyunyuto Kuvagari vemunharaunda

### An update on the ZIMOZA Transboundary Natural Resources Management Project

The objective of the Transboundary Natural Resources Management (TBNRM) programme is to empower or build the capacities of local communities to effectively participate in and benefit from the management of shared natural resources in Southern Africa. The Zimbabwe Environmental Law Association (ZELA) is currently implementing a transboundary natural resources management project called “promoting community engagement in the proposed ZiMoZa regional transfrontier conservation area for improved livelihoods.” The project encompasses Zimbabwe’s Mbire district, Mozambique’s Zumbu and Mague districts and Luangwa district in Zambia. This project is being implemented in collaboration with Africa Wildlife Foundation (AWF) and Centro Terra Viva (CTV) with sponsorship from Southern Africa Trust (SAT). ZELA and CTV are public interest environmental organisations working to promote environmental justice. In this project, ZELA and CTV focus on building community capacities to engage and participate from a legal and policy perspective, while AWF build community capacities from an entrepreneurship perspective. This article is an update on the activities that are being implemented under the project and the results.

Desktop researches were carried out on the ZiMoZa draft agreement, Southern Africa Development Community (SADC) protocols and Zimbabwean environmental laws and policies. Once signed the ZiMoZa draft agreement will become the legal document for the establishment of the ZiMoZa initiative. The objective of

the desktop researches was to assess the opportunities and constraints that the laws, policies, protocols and draft agreement offered for community participation and engagement in the ZiMoZa initiative. The desktop researches showed that the ZiMoZa draft agreement, SADC protocols as well as the Zimbabwe environmental laws and policies provide both opportunities for community engagement and participation in environmental governance of shared natural resources. Despite its shortcomings, the ZiMoZa draft agreement has very good provisions which can be leveraged to enhance community participation in natural resources governance in the ZiMoZa area. Once signed, the ZiMoZa agreement can be used as a model on how communities can effectively and genuinely participate in natural resources governance in the region. The same is true of the Zimbabwe environmental laws and policies and SADC protocols in terms of the opportunities and challenges that they offer for community engagement and participation.

The community feed back workshops held in Mozambique and Zambia to share the research findings were enthusiastically received. The communities see the project as a means to address some of their environmental, social and economic challenges. In other words, the project will go a long way in addressing some of their developmental aspirations. Despite the fact that the initial ZiMoZa project as implemented

by the then IUCN- Regional Office for Southern Africa, came to an end in 2003, the current project partners were heartened by the sustained interest that the communities have retained in the project. Feed back workshops could not be held on the Zimbabwean side due to preparations for the presidential runoff. It is hoped that the feed back meetings on the Zimbabwean side will be conducted in the near future.

A field visit was conducted in September which involved the implementing partners and a representative of the Southern Africa Trust, the funding partner of the project. The objective of the visit was for the funding partner to have knowledge of the area, an understanding of the economic, social and environmental issues in the ZiMoZa area and how the project is trying to address them. The field visit helped to break the barrier between the funding partner, the implementers and the communities. After the visit, the funding partner will be able to link the issues on the ground to the reports written by the implementing partners.

The field visit also provided an opportunity to the implementing partners to lay the ground work for a grant extension. The current grant is for two years. However, the partners are of the view that for them to achieve the desired impact, they need to be in the project area for at least two more years. The funding partner seems to be receptive to this suggestion and the partners are hoping to get an extension.

# MANAGING FORESTS FOR SUSTAINABLE DEVELOPMENT

Masasire Kumbirai

**S**ustainable forest management is the management of forests according to the principles of sustainable development. It is the term currently adopted and used to describe approaches to forest management that set the very broad social, economic and environmental goals. Some authorities view it as an art and science of managing forests whose growth exceeds timber harvest, produces continuous economic benefits, sufficient environmental or ecological services, social benefits and goods on a sustainable basis to forest dependant communities and other ecosystems as well as itself.

Forest management institutions in Zimbabwe such as the Forestry Commission have adopted sustainable forest management principles incorporating principles that were agreed upon at the Rio Conference on Sustainable Development in 1992. Currently indicators of sustainable forest management regionally and internationally include the following:

- Extent of the forest resources
- Biological diversity of the forest resources
- Forest health and vitality
- Productive function of the forest resources
- Protective function of the forest resources
- Social-economic function of the forest
- Legal policy and institutional framework

These thematic areas were acknowledged by the international forest community at the 14<sup>th</sup> session of the United Nations forum on forests and the 16<sup>th</sup> session of the committee on forestry management.

It is important to note that sustainable forest management will only be possible where there is good governance of forestry resources which calls for the respect of the rule of law, respect of human rights, a willingness to give space and a voice to the weak and more vulnerable people in societies, the respect of the voice of the minority, while accepting the decision of the majority and respecting diversity.



A health and properly managed forest in chimanimani in summer season.

Forests are amongst Zimbabwe's most important natural resources and their sustainable management comprises an integral part of the national development strategy. They are uniquely positioned to make a major contribution to addressing problems of environmental degradation and rural poverty given the multiple roles that trees can play in the provision of food, the generation of income through commercialization of forest produce, and the maintenance of the natural resource base. Forests do not only protect the soil from both wind and water erosion processes but also conserve water and biodiversity.

They also act as shelter for wild animals and birds. A research carried out by the Zimbabwe Environmental Law Association (ZELA) in Domboshava revealed that indigenous fruits such as mazhanje play an important role in terms of food security as well as the socio-economic wellbeing of rural communities. This applies to many other parts of the country like Bikita in Nerumedzo area where forests provide mazhanje, guavas, tsubvu, medicine, water,

building materials and edible insects like harurwa. In Mvuma the ZELA research team came across whole communities that were surviving on chakata or hacha, a wild fruit in light of the food scarcity that is being experienced in the area just like in any other part of the country.

The importance of forests in Zimbabwe is highlighted in national laws and policies. *Guiding Principle 15 of the Draft National Environmental Policy states that "forests have many economic, environmental, cultural, spiritual and aesthetic functions and values that should be maintained, both for their intrinsic worth and for the contributions they make to human welfare."*

As a result of this diverse importance of forests, in Zimbabwe forest management has been put under the control of different State institutions such as the Zimbabwe Tourism Authority [ZTA], the Forestry Commission, Allied Timbers, the Environmental Management Agency [EMA], and the National Parks and Wildlife Management Authority. At community level traditional leaders and the local people also play a pivotal role in



ensuring forest management through the implementation of traditional norms attached to forest resource exploitation and use such as restrictions on cutting down certain trees for example fruit trees. These institutions particularly the Forestry Commission have adopted the shared forest management approach in gazetted areas in a bid to reduce conflicts between state forest officials and the neighbouring communities. This approach allows for the sustainable use of forest products by communities thereby reducing over exploitation of forest resources as communities derive benefits from the forests and therefore see the need to protect the forests. Communities will engage in resource sharing projects such as bee keeping, harvesting of thatch and broom grass, collection of mushrooms and edible fruits. It is however also important to include communities in the management of major forest produce like timber so that they can derive real economic benefits from forest management.

However, there are several challenges that are encountered in forest management for sustainable development. One of them is the general reluctance by national forest management institutions to meaningfully involve communities in the management of forest resources as well as allowing them to access these resources. This leads to indifference by community members towards the wellbeing and integrity of forests and forest resources. As a result, forests are randomly destroyed for example through veld fires as community members seek to access forest resources illegally. In the picture below, almost 98% of Mtao Forest, a commercial timber forest in the Midlands Province was destroyed by a veld-fire in October 2008, causing severe environmental damage and economic losses to the government timber company, Allied Timbers.

The energy crisis that the entire country is experiencing has also presented challenges for sustainable forest management. This has led to massive deforestation of viable forests as people look for firewood for home consumption. In the Harare environs for example massive deforestation has been witnessed in the Cleveland area to the east and the Sam Levy Farm to the west.

There is therefore need to empower local communities by increasing their capacity to monitor and manage their resources in a sustainable way for example through enabling the formulation of community

forest associations and Community Based Natural Resources Management (CBNRM) initiatives. Any deliberate forest management programme should involve and benefit the communities that live with or close to the forest resources. Involving communities will not only entail giving the communities access rights but outlining their responsibilities towards the forests as well. For example, communities need to

be educated about the dangers and destruction that can be caused by veld-fires and therefore be encouraged to desist from any burning activities that may lead to the spread of veld-fires. Effective implementation of these ideas can however only be achieved through community involvement in forest management and ensuring that communities are given incentives for managing the forests.



Part of Mtao forest destroyed by a veld-fire in Mvuma in October 2008



Women and men busy destroying forests in Sam Levy farms near Harare



# CITY OF HARARE IN CONTEMPT OF COURT

By George Gapu

Since the beginning of October 2008, fires have been raging at the infamous Pomona dumpsite much to the chagrin of environmentalists and the environmental regulatory authority, the Environmental Management Agency. The dumpsite is maintained by the City of Harare. Generators of waste in Harare dump their waste at this site upon payment of a fee to the Harare City Council. It is the poor management of this waste and the failure to put in place adequate fire prevention measures which results in the eruption of fires during the dry season. What is happening at the dump site now (October 2008) is a recurrence of what happened at this time last year, only that this time round the city is allowing this to happen despite the existence of a High Court order prohibiting this.

In June 2008, the Environmental Management Agency filed an Urgent Chamber Application in the High Court seeking an order compelling the council to put in place adequate fire prevention measures which would prevent the occurrence of fires at the Pomona dumpsite. In the event of the occurrence of any fires, the Agency sought an order compelling the council to ensure that such fires were put out immediately and in any event within 48 hours of the fire having occurred.

The matter was heard in chambers before Justice Mtshiyi on 18<sup>th</sup> June 2008 who, with the consent of both parties, granted an order with inter-alia the following terms:

1. The City Council was to put in place adequate fire prevention measures at Pomona dumpsite, to the satisfaction of the Agency, within 30 days of the date of the order failing which the council would be deemed to be in contempt of court.
2. In the event that a fire occurred at the dump-site, the council was obliged to put out

such fire within 14 days of its occurrence

3. The Council was obliged to furnish the Agency with a detailed incident report pertaining to the occurrence of fires at the dump site on or about 29th September 2007 and such report was to contain details on the environmental damage caused by the fires and volume, quantity and quality of waste destroyed by the fires, within ten days of service of the order.

Despite the existence of the Order, the council allowed fires to erupt at the dump-site in September 2008 and the fires raged on for more than 14 days despite the clear terms of the Order. The eruption of the fires is also clear testimony to the fact that the council did not comply with the requirement to put in place adequate fire prevention measures at the site. The contempt of court is magnified by the fact that the council had over 3 months to put in place the necessary measures before the fires erupted. Although the council has done some work to contain the fires, the fires have not been completely extinguished.

The dangers posed by the fires include the destruction of biodiversity, air pollution, emission of ozone depleting gases such as carbon monoxide, nitrogen dioxide and sulphur dioxide. These gases also pose a threat to human health. The smoke emissions are so thick that they hinder the free flow of traffic and it has been observed by the Agency that the smoke affects the free flow of traffic in areas as wide as Marlborough, Westgate, Vainona, Warren Park, and even Glendale which is about 40km away.

There is need on the part of the authorities to ensure that the council complies with its legal obligations. Apart from the High Court order, the country has laws such as Statutory Instrument no. 7 of 2007 which criminalize the lighting of fires, failure to put out fires on one's property and failure to put in place adequate fire prevention measures on one's property. Despite paying the various fines prescribed under the law, the council has not gone the extra mile of preventing the occurrence of such fires. A concerted effort by the Agency in enforcing the court order, and utilization of the extra powers conferred on the Agency by the Environmental Management Act, such as the issuance of orders to the Council, is needed to ensure that the Harare city council does not continue damaging the environment because of intermittent fires at the Pomona and other dump sites under its jurisdiction.

It is the poor management of this waste and the failure to put in place adequate fire prevention measures which results in the eruption of fires during the dry season.



# The roles and responsibilities of traditional leaders in environmental management

By Nyasha Chengeta

Section 89 of the Zimbabwean Constitution recognises a dual system of law; *Customary* and *General Law*. As a result of this recognition, traditional leaders are a legally recognised level of governance in our legal system. Their governance roles and responsibilities extend to environmental management as espoused in different pieces of legislation. Traditional leaders are also respected in their different areas of jurisdiction because from a cultural perspective, they are the custodians of cultural practices such as guiding traditional prayers at sacred sites, leading rain making ceremonies, appeasing the ancestors and designation of burial sites. It is against this background that traditional leaders are expected to play a pivotal role in the protection of the environment especially in light of the influence that they have over their people and the land and natural resources under their jurisdiction.



Gilbert Makore of ZELA making a presentation at a Traditional Leaders workshop in Kwekwe

Environmental Law Association (ZELA) and other environmental players have embarked on a programme to educate

traditional leaders about environmental management and the pivotal role that they play in the process. The workshops and base line surveys carried out have revealed that not all traditional leaders are aware of the various pieces of legislation that they should use in protecting the environment. ZELA organised a workshop in Kwekwe for traditional leaders

on the 19<sup>th</sup> of September 2008. At the workshop, the traditional leaders indicated that they were not aware of the laws that they are supposed to enforce although they use customary ways of

ensuring environmental protection. aspire to host. While the current economic, social and political context makes the hosting of such a meeting not feasible, this is something that ZELA should plan for in the future. It will be a great honor for ZELA to be the first organization to host the E-LAW annual meeting in Southern Africa.

It is important for traditional leaders to be equipped with the necessary basic legal information in order for them to effectively play their environmental management roles and ZELA regards the environmental law education workshops for traditional leaders as one way of achieving this. In addition, ZELA has also summarised the Traditional Leaders Act: Chapter 29:17 focussing on environmental management roles of traditional leaders as espoused in the Act and translated the summary into Shona and Ndebele. Copies of the summaries can be obtained from the ZELA offices.

The Traditional Leaders Act: Chapter 29:17, groups traditional leaders into three categories, namely the Chiefs, the Headmen and the Village Heads and



Traditional leaders at a workshop organised by ZELA on environmental management in Kwekwe

Recognising this important role that traditional leaders have in environmental management, the Zimbabwe



## The roles and responsibilities of traditional leaders in environmental management (continued)

### The chief shall be responsible for allocation of communal land in terms of the Communal Lands Act: Chapter 20:04 and shall ensure compliance with laws relating to occupation and use of communal land and resettlement land

their environmental management roles at the different levels are detailed below.

#### CHIEFS

Environmental management duties of chiefs are provided for under Section 5 of the Act as follows:

- The chief shall be responsible for allocation of communal land in terms of the Communal Lands Act: Chapter 20:04 and shall ensure compliance with laws relating to occupation and use of communal land and resettlement land
- The chief shall ensure that land and its natural resources are used and exploited in terms of the law. Relevant laws that should be complied with include the Environmental Management Act: Chapter 20:27, the Water Act Chapter 20:24, the Forest Act: Chapter 19:05 and the Communal Land Forest Produce Act: Chapter 19:04 amongst others.

Some of the important environmental issues that the Chief is required to look out for as provided for in the Traditional Leaders Act are the following:

- Over-grazing
- Indiscriminate destruction of flora and fauna (plant and animal life)
- Illegal settlements and generally preventing the degradation, abuse or mis-use of land and natural resources in his/her area of jurisdiction

The chief also resolves disputes relating to land in his/her area and notifies the Rural District Council of any outbreak of diseases, floods or other natural or unnatural disasters affecting their people, livestock, crops, plants and animals. In addition, the chief also assists and liaises

with development Committees in matters relating to planning and implementation of local development programs which might include environmental programs such as gully reclamation or reforestation.

#### HEADMEN

Headmen are appointed in terms of Section 8 of The Traditional Leaders Act: Chapter 29:17 to assist the Chief to carry out his/her duties. The duties of the headmen are provided for under section 9 of The Traditional Leaders Act and include amongst others:

- Reporting to the Zimbabwe Republic Police the commission of any crime or offence. This also applies to environmental crimes that may be committed in his/her area such as water and air pollution or indiscriminate cutting down of trees.
- More importantly the headmen is empowered to enforce all environmental conservation and planning laws including local field boundaries on behalf of the Chief, Rural District Council and the State
- The Chief can also delegate some or all of his/her powers to the headman and in that regard the headman can perform all the environmental management roles of the chief.

#### VILLAGE HEADS

- ❖ Duties of the village heads are provided for under Section 12 and the duties relevant to environmental management include the following:
- ❖ To assist the Chiefs and Headmen to perform their duties. These include

environmental management duties

- ❖ To ensure proper use of land in his/her area in accordance with the laws dealing with the use and occupation of communal or resettlement land.
- ❖ To ensure the security of infrastructure in the area as well as contour ridges, water points, public fencing and any public property.
- ❖ Most importantly, the village head has to assist in apprehending and securing offenders against the law and to ensure observance of the law by all inhabitants. This includes observance of all environmental laws and ensures the apprehension of environmental offenders.

In terms of Section 48 of the Traditional Leaders Act, it is an offence for any person to obstruct, hinder or interfere with traditional leaders as they carry out their duties. This provision is important in that it seeks to protect the traditional leaders so that they can undertake their functions effectively. This is also important for environmental protection as it enables the traditional leaders to enforce the environmental conservation laws without fear. On the ground however, traditional leaders are facing obstacles in the enforcement of various laws including environmental management laws as they are threatened and at times physically attacked by residents. During workshops held with traditional leaders in Kwekwe, Chiredzi and Shurugwi similar sentiments were raised by various traditional leaders. It is therefore important that members of the public are educated about the importance of traditional leaders and that the police and other laws enforcement agencies should move in to protect traditional leaders in situations where their lives are threatened because of their work.



## THE NATIONAL WASTE MANAGEMENT STRATEGY FACTSHEET

- ♦ National Waste Management Strategy Objectives
- ♦ To ensure involvement and participation of all stakeholders in waste management;
- ♦ To promote efficient and effective enforcement of environmental legislation
- ♦ To develop waste management enterprises among CBOs and industries.
- ♦ To develop a sound technical National Waste Management Strategy for the collection, transportation, treatment and final disposal of all types of waste in Zimbabwe, with the aim to improve and safeguard public health and welfare and to further promote resource recovery and environmental protection.
- ♦ To develop a feasible implementation plan for all proposals made in the National Waste Management Strategy, including an immediate, a short term and a long term Solid Waste Management improvement plan

### Why a National Waste Management Strategy?

The waste management situation in Zimbabwe has caused concern to all sectors and stakeholders. There is poor management of waste in all the five aspects of waste management, ranging from the generation, storage, collection, transportation right through to the disposal of waste. This is evidenced by the accumulating waste and illegal dumps that have become a common feature of almost every suburb in urban areas, and is particularly glaring in most high density suburbs. Different sectors of society have tried to solve the problem through various initiatives such as clean up campaigns and recycling, but the piecemeal approach has not managed to address the

endemic waste management problem. In view of this, the Government of Zimbabwe, through the Environmental Management Agency, (EMA) the implementing arm of the Ministry of Environment and Tourism, developed the draft Waste Management Strategy as a plan of finding a lasting solution to escalating problem of waste management, and the Strategy formulation process is building on the extensive consultations and documentation process that EMA and the Ministry of Environment and Tourism that began in 2006.

### At what stage of development is the National Waste Management Strategy?

The Steering Committee of the Waste Management Strategy, who comprise of EMA, Practical Action, Environment Africa, Zimbabwe Environmental Lawyers Association, Business Council For Sustainable Development and the Urban Council Association of Zimbabwe, is soliciting for inputs into the Waste Management Strategy from all stakeholders such as residents, industrialists, institutions and others, through regional and national consultative workshops. The regional workshops are being held in Bulawayo, Gweru, Harare and Mutare, between September-October 2008 with the consultative process culminating in the national workshop aimed at the adoption of the strategy in November 2008, while the Strategy is expected to be launched in January 2009. Stakeholders can communicate the issues they want included in the strategy, through the EMA office or through any urban local authority before December 2008.

### For any further details on the National Waste Management Strategy:

Please contact EMA on 04-705671-3;  
Practical Action Southern Africa on 04-776631-3 or  
Environment Africa on 492143/48/55 or  
through the email [wastem@practicalaction.org.zw](mailto:wastem@practicalaction.org.zw)





The cause of the cholera outbreak: raw sewage flowing