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RESIST, ENGAGE, CHANGE

Rural communities in Zimbabwe stand up against mining companies that grabbed and polluted their land.

SEPTEMBER 2020

5 YEARS

ActionAid's Fair, Green
and Global programme:
highlights and lessons
learned from 8 countries

‘WHY CORPORATE
ACCOUNTABILITY
MATTERS FOR HUMAN
RIGHTS AND WOMEN’S
LIVES EVERYWHERE’

Bangladesh • Cambodia • Kenya • Mozambique • Netherlands • Uganda • Zambia • **Zimbabwe**



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MAGAZINE

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INTRODUCTION

In the last decade there has been increased attention for the adverse impact of global trade and corporate conduct on the full realisation of human rights, gender equality and the Sustainable Development Goals.

For many people around the world, global trade and the influx of foreign interest and investment in their countries has meant displacement from their lands, pollution of water and air and human rights abuses. The imbalance of power between communities living in poverty and the multinational corporations taking their land and polluting their water is often stark. Governments oftentimes stand powerless against the might and riches of these corporations. A lack of international legislation to regulate increasingly complex supply chains means these human rights violations by corporations are met with absolute impunity, as they hide behind complex company structures to avoid the consequences for their actions.

The adverse economic and social consequences of the current global economic system are felt, first and foremost, by those who are most marginalised. In particular, they disproportionately affect women. When land is grabbed and families are displaced, for example to make room for a sugarcane plantation or mining activities as we will see in later chapters, it is women who bear the responsibility of sustaining their families and themselves. When tax revenue in developing countries is siphoned off by multinationals' aggressive tax planning and the lenient tax structures of tax havens, leaving less government income available for public services, it is women who take on invisible unpaid care and domestic work.

Governments around the world have made strong commitments to the 2030 Sustainable Development Goals agenda, and to upholding human rights and gender equality. International and national efforts have been made to better regulate corporate conduct and gain insights into corporates' complex and opaque value chains. These efforts have led to the unanimous adoption of standards such as the United Nation's Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises, clarifying the role of governments to protect human rights and those of businesses to respect human rights.



FOR MILLIONS OF PEOPLE, HUMAN RIGHTS VIOLATIONS REMAIN EVERYDAY ISSUES THAT REQUIRE STRUCTURAL SOLUTIONS.

However, for millions of people around the world, corporate human rights violations remain tangible, everyday issues that require structural, long-term solutions. Therefore, the need of communities to be able to resist remains as urgent as ever. In order to realise the Sustainable Development Goals, a strong, international regulatory framework is needed to bridge the governance gap and grant those affected an instrument to finally hold corporations to account and demand justice from their governments.



BY STRENGTHENING COMMUNITIES' CAPACITY AND KNOWLEDGE ON THEIR SOCIO-ECONOMIC RIGHTS, THEY GAIN THE RESILIENCE TO DEMAND A BETTER PRESENT AND EVEN BETTER FUTURE.

ActionAid has seen, over the last 10 years of being part of the Fair, Green and Global Alliance, that when women and communities take matters into their own hands, they can make great gains towards improved corporate conduct and the protection of human rights. By strengthening communities' capacity and knowledge on their socio-economic rights, they gain the resilience to demand a better present and even better future. By supporting communities with obtaining the tools and backing they need to engage in lobby and advocacy strategies, affected communities can fight injustices by holding governments and corporations accountable. The support of the Dutch Ministry of Foreign Affairs to fund and partner on this essential work has been an important asset, to ActionAid and to the communities we serve.

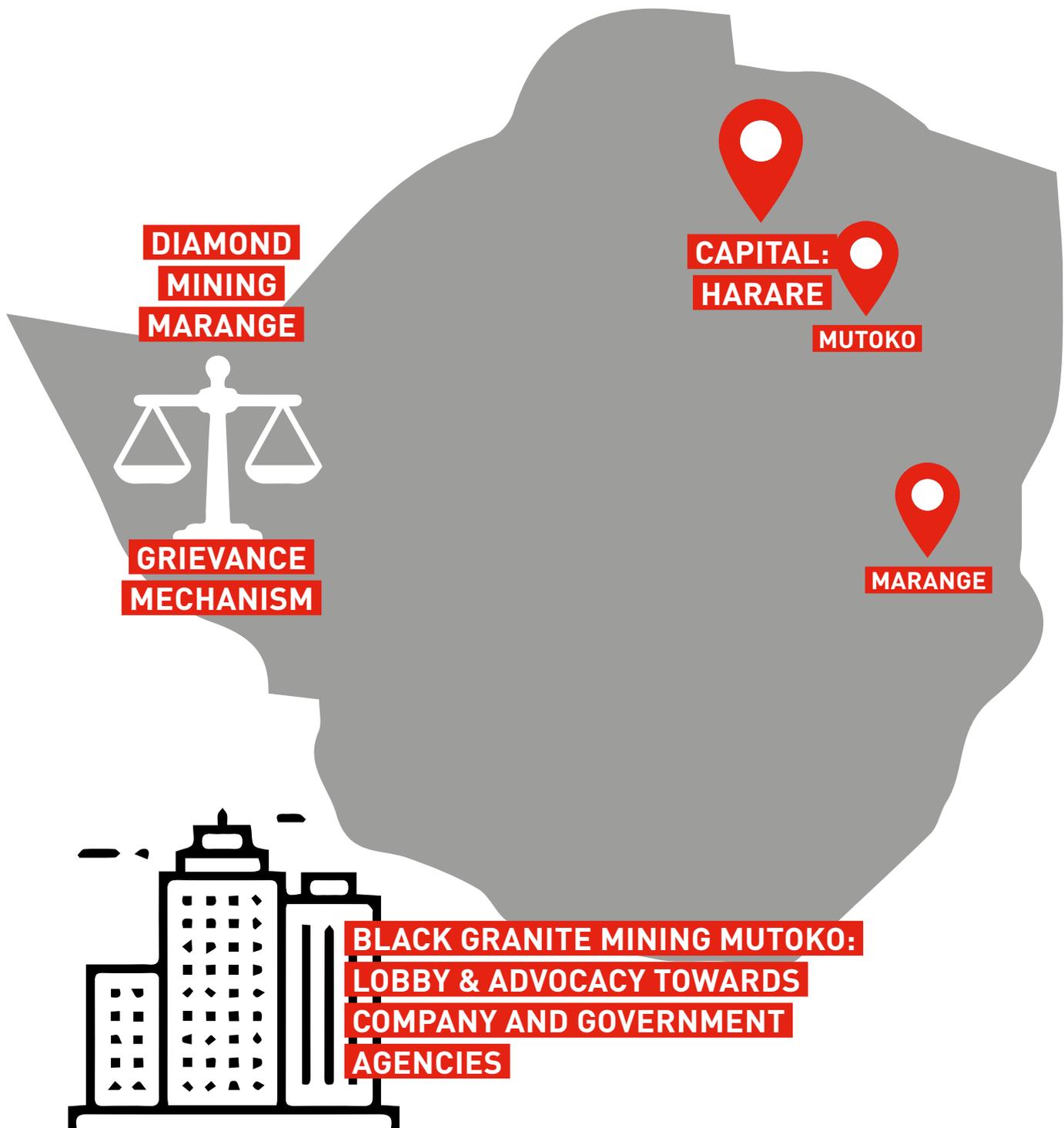
The following pages focus on Zimbabwe, one of the eight countries in which ActionAid has implemented the Fair, Green and Global programme. The report delves into two case studies that portray the ways in which women and their communities, supported by ActionAid and its partner organisations, have addressed corporate human rights violations.

BOX 1: THE FAIR, GREEN AND GLOBAL ALLIANCE: DIALOGUE AND DISSENT PARTNERSHIP WITH THE DUTCH MINISTRY OF FOREIGN AFFAIRS

Since 2010, ActionAid has been one of six member organisations of the Fair, Green and Global Alliance. ActionAid works together with more than 300 CSOs all over the world to build socially just, inclusive and environmentally sustainable societies. Women's rights are central to all our work. In January 2016, ActionAid began its second five-year programme under the 'Dialogue and Dissent' framework, a strategic partnership with the Dutch Ministry of Foreign Affairs. Within this framework, ActionAid and the other members have worked relentlessly to increase the voice of civil society and strengthen the resilience of communities, their organisations and movements. When addressing poverty and inequality, the Fair, Green and Global Alliance focuses on three interlinked areas of work: **1.** Improved corporate conduct **2.** Improved trade and investment and **3.** Improved tax and financial systems. Corporate accountability plays a pivotal role at the core of these three areas of work.

ZIMBABWE

Zimbabwe is a country rich in natural resources. The vast presence of various minerals makes it an attractive destination for foreign investment – an attractiveness made even more explicit by the government’s mantra *Zimbabwe is open for business*.³⁶ The underlying belief is that the country’s quick economic recovery can only be attained by heavily depending on the mining sector, financed mostly by foreign investment.





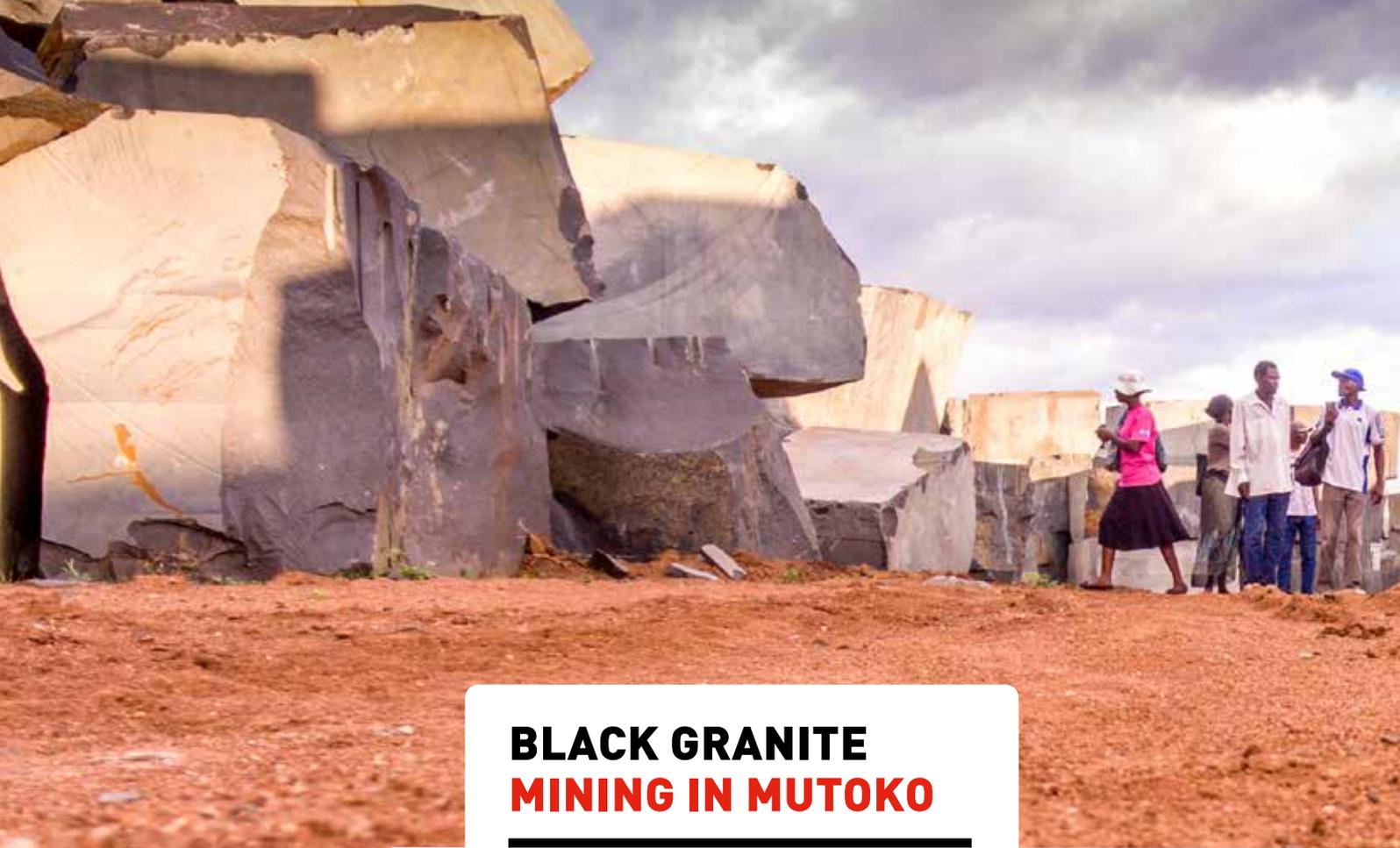
OVER THE PAST FEW YEARS, THE LACK OF BENEFITS FROM MINING HAS PROMPTED THOSE WHO ARE MOST AFFECTED TO STAND UP.

While being open for business, an inflow of investment and thus economic development should advance society. However, there is evidence that mining activities in rural areas of Zimbabwe have failed to benefit ordinary citizens, and gravely affected the human rights and livelihoods of communities. These include, but are not limited to, water pollution, land degradation, arbitrary evictions and forced relocations.

The government institutions are largely responsible for the lack of effective measures and enforcement to hold corporates accountable. This dire situation is further aggravated by a lack of transparency and accountability as well as widespread corruption, enabling foreign companies, protected by the government, to act undisturbed and completely disregard responsible investment principles, workers' rights, communities' wellbeing and environmental integrity.

Over the past few years, the lack of benefits from mining has prompted those who are most affected to stand up. This emergence of human rights defenders all over the country has been, however, met by the government with intimidation, abuse and arbitrary detentions. The existence of draconian legislation, such as the Public Order Security Act, greatly restricts the rights of community groups to organise and express their opinions freely. Furthermore, the politicization of the extractive sector due to vested interests by the political and economic elites makes the issue even more pressing.

Within the country, ActionAid actively supports grassroots community-based organisations. By working together and combining our strengths, women and rural communities have demanded public participation in the mineral value chain. Our joint lobby and advocacy work has challenged the Zimbabwean government to respect human rights, women's rights and land rights in all decision-making, including natural resource governance, fair trade, taxation and public finance policies.



BLACK GRANITE MINING IN MUTOKO

Community monitors address environmental pollution by granite mining company and stop pollution by the company.

FACTS & FIGURES

- **Number affected:** about 12,600 people
- **Impact:** environmental pollution, loss of labour, loss of livelihoods, loss of land
- **Type of company/sector:** black granite mining company, extractive sector
- **Strategy applied:** strengthening the capacity of community members, community monitoring, engagement with governmental agencies
- **Current status:** the company addressed some of the rights violations

WHAT HAPPENED AND WHY?

Mutoko district in Mashonaland East province is home to quarries of black granite rock, a highly valued stone treasured for its shininess and easy crafting into artefacts such as tombstones, kitchen tables, multi-story building surfacing materials and other important uses.³⁷ Classified as a mineral by the Zimbabwean government, black granite's semi-precious nature makes its value on the market high.³⁸ Its extraction for export purposes has heightened the interest of several foreign investors, coming from China, Italy and Croatia mostly; their companies are present all over Mutoko district.

But decades after mining activities began in the 1970s, no tangible socio-economic benefits for the wider community have been seen. Mining, if anything, has posed a myriad of challenges to those who live in the surrounding areas. In Mutoko, the community has long felt anger due to the negative environmental impacts of black granite mining, something that the foreign companies have not mitigated. In response to these negative environmental impacts, the district has seen a growing sense of activism amongst residents, who are now demanding social, cultural, economic and environmental justice.

In 1980, Ilford Services Limited, a Zambian black granite mining company and subsidiary of an Italian mother



company, started operating in Mutoko. Since the 80s the company has been moving from one place to another in Mutoko, always looking for new quarries. Community members have for long complained about the Ilford's environmental violations, which came to the attention of ActionAid's partner Zimbabwe Environmental Law Association (ZELA) during interviews conducted in 2019.

As a result of these interviews, the community monitors trained by ZELA began to gather more information on the environmental damages and human rights violations. They told ActionAid and ZELA that the Mutoko community has repeatedly addressed its problems with the conduct of the Italian-owned mining company, Ilford Services Limited. They reported that Ilford had committed several human rights violations and that grave environmental impacts were noted in the area. Ilford, taking no precautions, had been dumping rubble in the water sources and failing to contain the dust produced by its operations.

IMPACT ON THE COMMUNITY

Black granite mining has caused worrying socio-environmental impacts in Mutoko for decades.

From an environmental perspective, toxic materials produced by the extraction process are often left behind, without being cleaned up by the mining companies. As such, it is common to find open pits and silted rivers, which disrupt livelihoods and pose great dangers. Along with the deforestation carried out prior to the mining, communities suffer from heavy dust as well as noise pollution. Additionally, the rubbles dumped by Ilford has sometimes dried up sources of water crucial to the community's livelihood. This has disproportionately impacted the women, who have been forced to travel longer distance to fetch water, leaving them less time to undertake other activities, such as formal, paid work or education.

Black granite mining is also worrying from a social perspective. The pollution released by Ilford produced great health risks for the population, as they frequently come into contact with the toxic material left behind. Importantly, Mutoko's economy relies heavily on small-scale agriculture. People cultivate the surrounding land to obtain produce that is used for sustenance as well as trading. As such, the environmental pollution has had a great impact on the livelihoods of Mutoko communities and their economy.



Ilford also carried out forced evictions and encroached on the community's land, without respecting their right to it. The complexity of these issues was further aggravated by the fact that many residents are employed by the company and are therefore reluctant to complain.

The situation, however, saw a U-turn when Ilford announced its intention to halt operations in the area, in March 2019. There was great risk that all the damage caused by the company, such as open pits left behind and the contaminated water, would remain unaddressed, causing greater issues for the community.

STRATEGY AND RESULTS

ActionAid and ZELA relied on several strategies to challenge the company and its unsustainable behaviour, including monitoring and documenting the state of the surrounding environment. Subsequently, our findings on the state of the environment and human rights violations were shared with the appropriate governmental agencies, including the Environmental Management Agency.

The key to success was the close collaboration that ActionAid and ZELA have established with community groups and state departments such as local authorities, district administrators and the Environmental Management Agency.

ActionAid's partner ZELA actively safeguarded people's interests by making training and workshops available. With these, people from the community learned how to independently carry out human rights monitoring, including civil, political, economic, environmental, social and cultural rights.

This enhanced the community's ability to raise their voice and hold both the government and Ilford accountable for their violations. Importantly, it was the community that gathered and documented evidence of violations in their areas. And it was the proof they presented that was used to approach the relevant government institutions.



The human rights mobile clinics and the education provided to communities by ZELA and the Zimbabwe Human Rights Commission enabled people to take up unresolved human rights issues. Alternative dispute resolution and litigation were used to ensure that the company takes full responsibility for its operations.

ZELA and ActionAid conducted a mobile legal aid workshop in Mutoko, which was attended by representatives of the Rural District Council, Environmental Management Agency, a member of parliament from Mutoko North and community paralegal Evelyn Kutyaup. During this workshop, ZELA highlighted the issues experienced by the people in Mutoko. It was stressed that the great environmental damage caused by Ilford risked being left unmitigated, as the company suddenly announced it was stopping activities.

Following this meeting, with the community's input, ZELA sent a letter of demands to both Ilford and the Environmental Management Agency, which indicated that the conduct by the mining company was violating the environmental rights provisions upheld by the Zimbabwean constitution. The rubble dumped and left in the river, for instance, violated the right to water.

As a result of this letter, the Environmental Management Agency issued two environmental protection orders against the company, which forced them to close the open pits and remove dumped rubble from the Rungira River.

TIMELINE

1970
Black granite mining starts in Mutoko district.

1994
Re-classification of granite as a mineral by the Zimbabwean government, hence increasing control over the revenues of black granite. Beforehand, the revenue was under the control of the local district.

2019
April
A multi-stakeholder meeting is convened to address the decommissioning and outstanding issues.

2019
June
Iford addresses environmental issues.

1980
Italian-owned Iford starts mining operations in Mutoko

2019
March
News of Iford Services Limited's intent to decommission reaches Mutoko Community. Mutoko North MP calls for a meeting with the company which bears no fruit. Mutoko North MP reaches out to ActionAid's partner ZELA.

2019
June
Zimbabwe's Environmental Management Agency issues an order for removal of rubble from Runjira river.



HER STORY



Written by Evelyn Kutyaauripo, a Mutoko community paralegal

“On 8th June 2019, Environmental Management Agency officials engaged with us as the community. I was the community paralegal who attended the scene. We visited all the people who were affected in our community and talked to some community members who were being paid and relocated to another area. The Environment Agency then charged one of the companies, Ilford, and asked the company to remove the rubble before 11th July 2019.

We then engaged the company to construct a bridge where they have deposited much rubble. This water was used by five villages to irrigate their crops. Here in Mutoko we are known as farmers and we are the ones who supply tomatoes to the Capital City Market of Mbare. We have faced a lot of challenges to win this case because there was a lot of interference from politicians and bribery also of local traditional leadership. Some of the councillors are also employed within the companies hence they are now neglecting their duties as community representatives.”



THE MARANGE DIAMONDS

Community mobilisation in Marange leads to a diamond mining company establishing a grievance mechanism where rights violations can be reported.

FACTS & FIGURES

- **Number affected:** 20,000 people
- **Impact:** environmental pollution, loss of health, loss of livelihoods, loss of land, dire working conditions
- **Type of company/sector:** diamond mining, extractive sector
- **Strategy applied:** strengthening the capacity of community members, community monitoring, engagement with government agencies
- **Current status:** ongoing

WHAT HAPPENED AND WHY?

The discovery in June 2006 of significant alluvial diamond deposits in Marange should have been a means of salvation, helping the country's economic recovery. In eastern Zimbabwe, from the Chiadzwa district of Marange to the Chimanimani Mountains (on the Mozambique border), there is a 70km belt of kimberlite diamonds. The discovery in June 2006 of significant alluvial diamond deposits in Marange should have been a means of salvation, helping the country's economic recovery. But following the discovery of the diamond deposits, there was a chaotic diamond rush that only stopped when then president Robert Mugabe announced that only the state would be allowed to mine diamonds through a state company, the Zimbabwe Mining Development Corporation (ZMDC), in 2009. The company had joint ventures with foreign investors from Dubai and China. After facing some problems, a new and 100% state-owned company, the Zimbabwe Consolidated Diamond Company (ZCDC), was formed in 2016. The influx of mining activity in Chiadzwa led to an upsurge of negative environmental and social impacts in surrounding communities. The mining companies polluted air and water with waste material and grabbed land, displacing communities. Even though some men from the communities found employment in the mines, it was under dire working conditions.



Under Zimbabwean law, specifically the Environmental Management Act, all large-scale mining operations are required to perform an Environmental Impact Assessment before commencing any mining activity. These assessments are important as they show the potential environmental, economic, social and cultural impacts of the scheduled mining operations. Environmental Impact Assessments

also require the mining operations to indicate mitigation measures for any identified possible negative impacts. ActionAid is aware, however, that in the Marange area many mining companies operate without an Environmental Impact Assessment and thus continue to violate the rights of communities to land, water and adequate housing. Therefore, under the Fair, Green and Global programme, ActionAid and its partner ZELA have been training communities on their rights and environmental monitoring, to enable them to hold these corporations to account.

THE IMPACT ON THE COMMUNITY

- The pollution of water and air affected communities' health, for example people who bathed in the polluted river developed rashes and other skin ailments, and those who drank water from the river were later ill.
- The loss of land, coupled with pollution of available land, severely affected the community's self-reliance, as their main source of sustenance was agriculture.
- As some community members were employed in the mines, it made it very difficult to speak out, as they were threatened with being fired. In addition, mine labourers worked in dire conditions, subject to bad treatment by the management of the mines.

STRATEGY AND RESULTS

Under stage II of the Fair, Green and Global Alliance, ActionAid, in partnership with the Zimbabwe Environmental Law Association (ZELA), has been implementing a five-year project in Manicaland Province. ActionAid focused on strengthening the capacity of community members to monitor the operations of mining companies, which have serious bearings on the environment and the livelihoods of affected communities.

To make the community monitors' impacts more valuable, ActionAid and ZELA fostered partnerships between community groups and government departments, such as the Environmental Management Agency. These partnerships focused on promoting the rule of Zimbabwean law, as well as pointing out the importance of local and national policy dialogue meetings. These dialogue platforms aimed to ensure that grievance redress mechanisms to demand corporate accountability from companies operating in Manicaland were established and easily accessible. This was a success, and an operational grievance redress mechanism was developed.



At the regional and international levels, the existence of platforms for communities and CSOs presents opportunities for learning and sharing advocacy and lobbying strategies. The participation of both CSOs and communities in these platforms, such as the Alternative Mining Indaba and the Global Forum on Business and Human Rights, was essential for success against instances of abuse in Marange. ActionAid and ZELA equipped the community groups with advocacy and lobbying techniques. Moreover, they were trained on the importance of prior and independent Environmental Impact Assessments, which enabled them to seek justice and stop ZCDC's mining operations, as it operated without an Environmental Impact Assessment document.³⁹

After engaging with the Environmental Management Agency, the community monitors trained by ZELA found out, after sustained pressure, that the companies mining diamonds in Manicaland did not perform any kind of social or environmental impact assessments. ActionAid and ZELA knew that mining companies only carried out the much-needed Environmental Impact Assessment after community monitors started suspecting that the law was being violated and they confirmed that with Environmental Management Agency. With this information, the community monitors decided to challenge the companies and take them to court.

As a result, the company was ordered by the court to stop its operations until it acquired an Environmental Impact Assessment. In 2017, after conducting one, the company assumed operations again. Not only did the advocacy of the community and ZELA lead to an Environmental Impact Assessment, the company has also established a working relationship with the community, which led to an operational grievance mechanism being put in place at the end of 2019. This allows for the provision of a fair, effective and efficient mechanism that rectifies or eliminates policies, practice and actions that have negative impacts on the communities.

TIMELINE

2006
Large deposits of **alluvial diamonds** are discovered.

2008
Outburst of violence against artisanal diggers that leads to an estimated **250 deaths** and sparks a two-year Kimberley Process ban that comes close to ripping the certification scheme apart.

2011
The Kimberley Process ban is lifted. But Zimbabwe diamonds' **reputation is ruined**. Market players trade them reluctantly and with a significant discount.

2016
Villagers take ZCDC to **court** over forced evictions; NGOs say mining company and government must respect human rights.

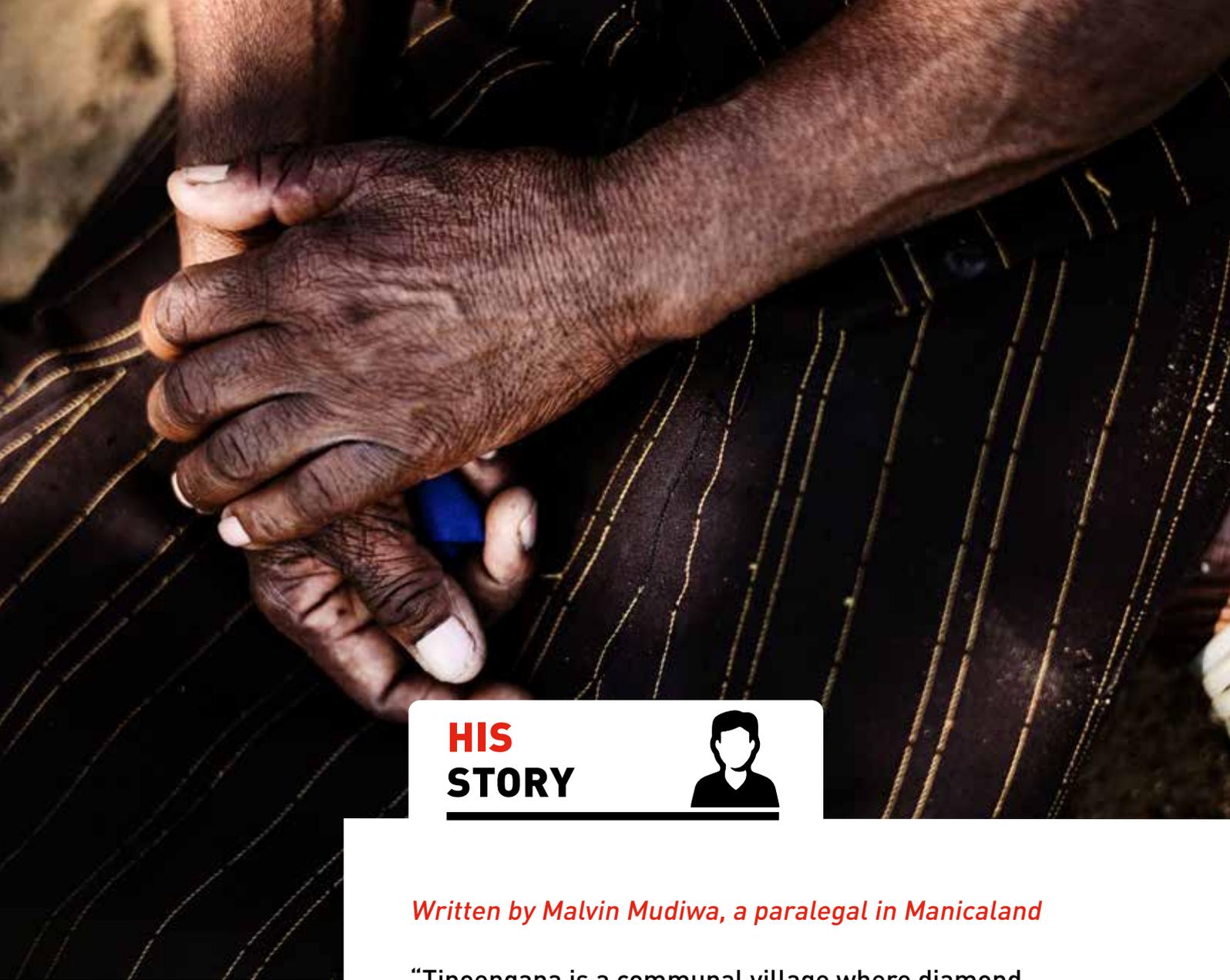
2019
Anjin returns to mine, Alrosa signs a **mining deal** with ZCDC.

2007
Former president Robert Mugabe publicly announces the government's intention to **take over the mining** of diamonds in Zimbabwe.

2009
The Kimberley Process bans trade of Marange diamonds. **Relocation of over 4,000 families** from Marange to Arda Transau, a government farm located about 40km north of Marange, to make way for mining.

2016
The government **evicts seven companies** that were mining in Marange and appoints a government-owned company, the Zimbabwe Consolidated Diamond Co. (ZCDC), to take over.

2017
Villagers successfully take ZCDC to **court** for mining without a valid Environmental Impact Assessment.



HIS STORY



Written by Malvin Mudiwa, a paralegal in Manicaland

“Tinoengana is a communal village where diamond mining activities are taking place. The effects mostly felt in this community include land degradation, vandalism of community infrastructure such as cattle dipping tanks, pollution of community water sources and forced displacements. I represented Marange Development Trust (MDT), a CBO supported by ZELA and ActionAid, which was involved in a fact-finding mission in Tinoengana. We came to realise that ZCDC might be mining without going through the Environmental Impact Assessment process.

This led MDT to verify with the Environmental Management Agency whether they had an Impact Assessment. It turned out that they had not gone through the process. MDT related the information to ZELA for legal advice. We both agreed that there was need for litigation as it was the only available opportunity. I was cited as the Applicant representing the community, and ZELA provided the legal services. In that combination, we had a field day in court. We secured a sweet victory and ZCDC was ordered to stop mining operations. For this, I will give credit to ZELA for their legal support.”

LESSONS LEARNED

Given its vast mineral resources, Zimbabwe's further economic development is projected to be highly dependent on the future of its extractive sector. Ensuring there are no mineral governance gaps helps ensure that everyone in Zimbabwe benefits from the economic development.

The cases analysed above show how the law can be used to successfully safeguard communities and their wellbeing. At the same time, the setbacks inform us how to achieve better, more successful strategies. In Mutoko, for instance, the company's initial unresponsiveness to community demands, together with its sudden exit, posed a great challenge.

A fundamental role was played by the human rights training ActionAid implemented within the community. People from the community were able to become valuable environmental monitors, who approached the company and asserted their rights without fear. We learned the effectiveness of human rights education: when communities know their rights, they are much better equipped to spot and challenge corporate violations. Strengthening this capacity also means holding public officials accountable on mineral governance and public finance management in the mining sector.

Another critical challenge was the Environmental Management Agency's laxity in carrying out due inspections on the mining sites. The community, as a result, had to endure a lot at the hands of the mining company before it could see any tangible improvement. This pushed ActionAid, together with ZELA and the community, to mount additional pressure, achieved by engaging in a multi-stake holder approach, thereby informing the companies, the Environmental Management Agency and local authorities as well as national policymakers.

ActionAid in Zimbabwe will keep working on two key issues: protecting and safeguarding host communities, their livelihoods and socio-economic rights, and ensuring that large mining companies contribute fairly and justly to the country's budget to finance much-needed public services. To do so, ActionAid will continue to support communities affected by mining, provide them with advocacy and lobby skills, and use our knowledge to influence large mining corporations in Zimbabwe and, if necessary, the Global North.

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- 32** This is when a business establishes its domicile in a country with a favourable tax regime with just a mailing address, while in reality its operations are conducted in other countries. The purpose of a letterbox company is to avoid higher taxation.
- 33** Soft Power (2019) 18 Years Later: Mubende Coffee Plantation Evictees Demand Shs140Bn In Compensation, www.softpower.ug/18-years-later-mubende-coffee-plantation-evictees-demand-shs-140bn-in-compensation
- 34** Witness Radio (2019) Ugandan Government Finally Accepts to Compensate Kaweeri Coffee Illegal Land Eviction Victims, www.witnessradio.org/ugandan-government-finally-accepts-to-compensate-kaweeri-coffee-illegal-land-eviction-victims
- 35** Real names have been hidden due to sensitivity issues.
- 36** CNBC (2018) Zimbabwe is 'open for business,' new president Emmerson Mnangagwa tells Davos, www.cnbc.com/2018/01/24/zimbabwe-is-open-for-business-new-president-emmerson-mnangagwa-tells-davos.html
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- 38** Mining Zimbabwe (2018) Zimbabwe Economic Minerals, www.miningzimbabwe.com/minerals-of-zimbabwe
- 39** The Insider (2017) Zimbabwe Consolidated Diamond Company ordered to stop mining, www.insiderzim.com/zimbabwe-consolidated-diamond-company-ordered-to-stop-mining/; Zimbabwe Independent (2017) ZCDC suffers major setback, www.theindependent.co.zw/2017/08/08/zcdc-suffers-major-setback

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