

MARANGE AND ARDA TRANSAU COMMUNITY PROTOCOL





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WHAT ARE COMMUNITY PROTOCOLS?

Community protocols articulate community-determined values, procedures and priorities. They set out rights and responsibilities under customary, state and international law as the basis for engaging external stakeholders. They can be used as catalysts for constructive and proactive responses to threats and opportunities posed by land resource development, conservation, research and other legal and policy frameworks.

Natural Justice: Lawyers for Communities and the Environment

community members identified the writing committee

The diamond mining activities in Marange and the forced relocation to Arda Transau have been continually violating our environmental, economic, social and cultural rights. As a result, the communities of Marange and Arda Transau collectively resolved to develop a community protocol to set out our concerns and community priorities to ensure our rights and dignity are respected.

The process to develop our protocol began in 2014 and has consisted of meetings with over 4000 people attending over a period of three years. We collected the views of community members and then collectively agreed on the key issues that we wanted addressed. We hope this community protocol acts as a communication tool with government, companies and other stakeholders.

In the first section of the protocol, we provide a brief history of the people of Marange, highlighting our connection to the Marange area as well as our dependence on the land and its natural resources. The second section, describes the challenges we are facing due to the activities of the mining companies. The third section sets out our rights to the environment and culture under international and national law. The final section outlines how these negative impacts can be resolved and how we wish to engage with those outside the community.

Community meetings - building community protocol



THE PEOPLE OF MARANGE

Our Vision

A well-managed and protected natural environment where people, plants and animals can thrive and where the community's right to participate in decision making, cultures and traditions are respected.

Our Mission

To protect and secure the environment, land, values, decision making processes and rights of the community so that human, plant and animal life can be sustained.

Our Core Values

Environmental Justice, Transparency, Accountability, Peace, Gender Equality, Mutual Respect for Diversity.

WHO WE ARE

The History of the People of Marange

The history of the Marange people can be traced back four generations before the native Zimbabweans had any contact with colonial settlers. Chieftaincy remained under *Marangeni* who was *Chipindirwe's* daughter. *Chipindirwe's* sons, at that time and until today, have not claimed the overall chieftaincy. They however remained Headman. The descendants of Marangeni who form part of today's chieftaincy are *Mukwada*, *Mutsago* and *Marange* lineages. There is debate on who the eldest son is or who the father was amongst *Mutsago*, *Marange* and *Mukwada* but they are all from one descendant who is *Marangeni*. The three traditional leaders do not report to each other.

The *Mutsago* traditional leadership were very powerful amongst the chiefs. This changed, however, when they refused to engage with the colonial administration. As a result, attempts were made to remove the chieftaincy from *Mutsago*. *Mutsago* resisted and remained in power amongst his people, thus, creating a parallel system of leadership.

Apart from the *Marange* people who occupied the land, other tribes were also given land by the *Marange* Chiefs. Land was given as a form of compensation for serious crimes committed by the *Marange* people against other tribes. *Chiadzwa* and *Chikwariro* villages are villages given for reparation of murders committed and are termed *nzvimbodzeropa*, which means place of blood. Such land is governed using the laws of the people receiving the land and not the *Marange* community's cultural laws. For example, *Chikwariro* is governed using customary laws from Chief *Mutambara* and not Chief *Marange*. This is despite the fact that the land is situated in *Marange*.

We have also given more detail about our history in Annexure 1.

A man called Nyashanu (meaning "of five") had five sons called Seke, Chiweshe, Maranganyika, Gwenzi and Hwata. Nyashanu occupied the Nyashanu area of Buhera. Their totem is the eland referred to in vernacular as Shava. The main source of livelihood for the five brothers was hunting and they were also fighters. The Nyashanu brothers moved North of the country and after a dispute they went separate ways. Seke settled in what is modern day Seke Communal Lands, Chiweshe settled into Chiweshe area and Gwenzi is said to have never had a child. Hwata occupied an area called Mufakose which was developed by the colonial system into an urban area in modern day Harare. Nyashanu stayed in modern day Buhera, Nyashanu area. Nyashanu had a land dispute with his son and they resolved the dispute by going their separate ways. Nyashanu's son Maranganyika crossed Odzi River and the father remained. Maranganyika's family settled between the two great rivers Odzi River and Save River in what is now called Marange. In this land they met with the Chipindirwe people of the Nzou (elephant) totem who were already habitats of the land. Maranganyika's son Chiruka was a great warrior and during the time they settled in the areas between Odzi and Save River, the Chipindirwe clan was faced with a challenge of raiders. The people of Mzilikazi, known by the local people as Madzviti used to raid the Chipindirwe people and take their grain, livestock and women. When Chiruka came to the area, all men were in hiding leaving their sister Marangeni in charge of the land. The Chipindirwe family did not have many sons and an established army and therefore could not fight Madzviti. Some versions say that Marangeni fell in love with Chiruka. Other versions state that when the Chipindirwe people came back and found Chiruka occupying their land they asked him to assist them fight Madzviti and he did on the understanding that he would marry Marangeni and also get land. It is this Marangeni whose name was used to call the Bocha area, Marange.



OUR CONNECTIONS TO THE LAND AND WAYS OF LIFE

We have intimate linkages with our ancestral land, mountains, rivers, forests and environment. The landscape gives a cultural, ancestral, spiritual and physical significance to us. These close connections form the basis of our identity, culture, language, and way of life. Our relationships with the land and environment are also largely shaped by customary laws, values and practices and this has been important for preserving the land and environment. The knowledge systems we developed have been passed on from generation to generation and used to sustainably conserve our environment, manage natural resources and derive livelihoods from the land.



Figure : Group work during legal empowerment training

Our expertise and skills are centered around our land and environment. These skills have led to us becoming farmers, herbalists, clay pot makers and spirit mediums. Farming contributed significantly to the well-being of the community. One saying we have to show the importance of farming to us is “*badza remurimi harina pachitsa*”, which means a farmer and his plough never rest. Farmers grow small grain crops such as sorghum and rapoko for starch as well as maize (though maize was not grown prior to the arrival of the colonialists).

The desire to protect our land and environment is a desire to protect our dignity, heritage and identity. Our land provides us with the main livelihood opportunities and sustains our cultural and spiritual practices. We therefore seek to co-exist and co-evolve with our environment and ask that any type of development, mining included, take into account the inter-connectedness between our environment and community.





Figure 3: Community protocol validation meeting in Marange

Our Customary Laws, Values and Norms

Our customary laws, values and norms are intertwined with our natural environment, which includes mountains, forests, plant and animal life. Our traditional knowledge has continually fed these laws, values and norms. These have allowed us to sustain our environment for generations. External stakeholders should have an awareness of and respect for our customary laws, values and norms.

The Importance of Traditional Knowledge

Our traditional knowledge has been passed on from generation to generation. The rich traditional knowledge has been pivotal in conserving our land and environment, generating livelihoods, cushioning the community from different natural hazards, sustaining the health of the community through natural medicines and providing knowledge on sustainable farming methods. This knowledge has also worked to sustain peace amongst community members and promote harmonious living of the community with our ancestors, spiritual world and environment.



We have a number of areas and places that have a special cultural and spiritual significance to us. These areas include, sacred mountains such as the *Ushonje* Mountain Range, *Ubanje* and Mt. *Makomwe* (where chiefs are buried), caves and water bodies. They are all important for ceremonial use and to perform certain rituals, burials and commemorations.

Disturbing these areas requires certain rituals to be completed beforehand. These rituals must be guided by the traditional leaders in the community, particularly the chief and the spirit mediums. Person must bring a token to the traditional leaders if wanting to consult on the use of a sacred area. For example, a male sheep would be brought to the Chief. Once this is completed, the relevant traditional leader will conduct rituals to inquire and seek guidance from the spirits. Tobacco and small grain crops (*mhunga* and *rukweza*) to make traditional beer (*umera*), may be used in the rituals. This is aimed at appeasing the spirits,

seeking the protection of the community and those working in the sacred areas. Further, and importantly, “*masango*” (meaning forest land) must be obtained from the Chief. Omission of this ritual disrespects the community, the spirits of the land of Marange and may result in calamities. When in the sacred areas there are certain rules that must be observed. These rules can be obtained from the Headman or Village Heads.

There are certain community water sources such as springs, swamps and water logged areas in *Marange* that are sacred. These include: *Chipundo* in *Chiadzwa*; *Banya Tonhorai* in *Chiadzwa*; *PaMunyangadza* in *Chiadzwa*; *Murozvi* River; *Chipundo*; *Chiadzwa* dam and the *Chapungu* dam. Some of our water sources are of spiritual significance and are protected by spirits in the form of mermaids. Any type of activity that contaminates the water sources is strictly prohibited as some of the water sources are perennial and have supported

us during serious droughts. Flaunting these rules will anger the spirits of the land and the water sources will dry up.

The name given to any person who pollutes these springs is called a “*nhundiramutsime*”, meaning one who urinates in the well, and is made to pay a fine. However, if the charges are serious the person may be told to leave the village. Large rivers such as the Save River, not only benefit the *Marange* community but other communities such as *Chimanimani*, *Buhera* and others. These rivers are used not only by people, but by wild animals and domestic animals.

Significance and Protection of Trees and other Vegetation

There are certain trees that cannot be randomly cut down and whose protection is overseen by traditional leaders. These trees have different purposes and uses in *Marange* such as the provision of an alternative food source, rainmaking rituals, medicine and other uses. Examples of these trees include the *Mukamba*, *Mushakata*, Baobab and the *Munyii*. The *Mushenje* tree is used for the treatment of ulcers and other stomach ailments. For rainmaking ceremonies, we rely on the Baobab tree. *Manjokojori* and the *Masamvu* trees provide tasty fruits that are sold for livelihood purposes. There are also certain indigenous trees such as those used as breeding places by bees and make different types of honey. These are the *Bocha*, *Dendende*, *Nyunyu* and *Mukobvu*. Other indigenous trees that have been destroyed as a result of mining activities include the *Nyii*, *Mukwakwa*, *Magai*, *Muturi* and *Muuyu*. The *tsakadiya* grass is also protected and should not be cut, burnt or tampered with. Sitting on this grass is also prohibited. It is said the grass can turn into a snake if sat on. The laws on the protection of plant life govern their sharing and use. This is necessary for their preservation and the shared benefits we derive from their use.

Protection of Wildlife

Some wildlife animals have spiritual and cultural importance to the people of *Marange*. Animal species that are culturally protected include the pangolin, the leopard and python. These animals may not be killed or hunted. Discovery of this requires one to report it to any nearby traditional leader. Killing rare animal species attracts hefty fines from our leaders and the wrath of the spirits of the land.

Prohibition of Open Fires

Starting fires is prohibited and may result in imposition of a fine by the village head. Also, failure to report or control a fire is an offence that may attract a fine.

Reburial Procedures

It is usually taboo to exhume a dead body from its resting place. There are, however, extenuating circumstances, such as unrest of the deceased spirit, where the bodies of the deceased are permitted to be exhumed. In such cases the proper rituals must be conducted, including consulting with the family elders, who then carry out a brief ceremony at the grave of the deceased person. Other traditional rituals may have to be carried out as well. There is also need to petition traditional leaders for reburial land, which is known as “*kukumbira masango*.” Graves must be excavated on the day of the reburial and the body laid in a certain manner.

Cleansing the land of Murdered Victims

Diamond mining has seen the murder and mysterious deaths of a number of people from *Marange* and from outside *Marange*. When a person is murdered their blood contaminates the soil and their spirit stays in the area causing all sorts of calamities, haunting the area and its people. Traditional ceremonies should be carried out to avoid this. This

includes offering a beast known as “*mombe yemaropa*”; a cow for the spilt blood.

The chief then carries out a traditional ceremony communicating with the spirit of the deceased person to leave their area and go back to their homeland. This is done to ensure the murdered person does not seek revenge on the community and to maintain peace between people and the spirits.

Settlement

When a person or family wants to settle in the *Marange* area their first call should be with the headman. The headman allocates land and keeps a register of all people in his area. Therefore, a person seeking to stay in the area ought to approach the headman with a token and make their petition. Even if the person is renting a homestead, they ought to register with the headman so he is aware of any new members living in the village. This helps to ensure accountability on the part of the newcomers.

The Traditional Social Welfare System in Marange

The community is not to disrespect the poor and should support those with little or no food. Historically, it was seen as bad luck if you did not give food to a beggar. Beggars would move around the village with bags to fill with food. The bags were referred to as “*Makomwe*” (pockets). Mount *Makomwe* was thus named because many beggars would live in its proximity. Mount *Makomwe* remains a sacred place where we go to perform rituals and ask the spirits for a good harvest.

Traditional Leadership System

Chiefs

Our traditional leadership system comprises of four chiefs who govern under the guidance of spirit mediums (*Masvikiro*). The four

chieftaincies *Marange*, *Mutsago*, *Mukwada* and *NeChipindirwe* (who was formally called *Nechipote*) have authority over their land according to custom. Each chieftain rules with the guidance of advisors and spirit mediums. Power is also decentralized through subordinate chiefs according to their totems and clans. The subordinate chiefs have authority over their respective areas. They also have power to preside over issues and they can make decisions guided by the customs and norms in the area.

During the colonial era, the colonial Administration created the Office of the Native Commissioners to reduce the powers and authority of the traditional leaders. They imposed Isaiah *Hama* who was a young brother to *Mutsago* and distorted the traditional leadership structures and created conflicts that later resulted in the split of the *Marange* Chieftaincy into *Marange* and *Mutsago*. The present Government of Zimbabwe created the office of the District Administrators to weaken the authority of the traditional leaders and continue to interfere in the traditional leadership structures. For example, Chief Gilbert *Marange*, was appointed by the government but was not seen by the community as the legitimate chief.



Figure 5: Part of the BCP team with Chief Marange after a consultation meeting. Mt Makomwe behind the scene



Spirit Mediums

Spirit mediums are mostly women and provide the chief advice on community needs and challenges that may arise. Spirit mediums play a very important role as they are the link between the community and the spiritual realm of our ancestors.

Box 2 – The Power of Spirit Mediums

The Cases of Mwandambira and Sakireni

“ *There was a spirit medium called Mwandambira who would ask for rains from God when the rains were late. She would perform a ritual by sitting in the scorching sun in a fixed position without eating or drinking anything. Her eyes were very sharp and striking. She would sweat the whole day in the very hot sun of Marange and would turn her head to look in the East, North, West and South. The rains would then pour.*

Another spirit medium was a woman called Sakireni. She told her brothers that she has been possessed by the spirit of the Marange people and one of the brothers laughed at her and said that the spirit of Marange cannot possess a person like Sakireni. The brother's name was Zviudzwa. Sakireni turned into a lion and tore his brother into two. When the elders heard about what had happened to Zviudzwa they went to take the two pieces. Mutsago took the lower part and buried it while Marange buried the upper body.

Sakireni had the spirit of rainmaking. She would prepare the millet for beer brewing in the mountains but no bird or any creature would eat or destroy the grain. The rainmaking beer was prepared by women who had passed the child bearing age. The beer pots would be covered by the barks of the baobab tree. The beer would be drunk by people who would be standing at the door and facing outside. During the beer drinking ceremony, women would celebrate by exposing their bodies and dancing. The spirit medium is the one who would be distributing the beer. The beer is called “demba”. This is now done by a spirit medium in Munyoro who is a granddaughter of Sakireni. **”**

Our spirit mediums not only guide our leadership but also provide them with political legitimacy, as no chief is ordained without the approval of the spirit medium. Spirit mediums are the voice of our ancestors and also may intercede on our behalf. For instance, a request for rains for our crops, is taken to our ancestors through the spirit mediums. Spirit mediums also convey messages of warning, guidance and direction. The spirits of our forefathers are in *Ushonje* where major *Marange* rituals are performed. However, spirit mediums only have jurisdiction over their ancestral land and cannot be relocated to new areas.



“The spirit of our great, great grand-aunt *Sakireni* is in this land and lives in *Ushonje*. If I leave this land, I will die because the spirit of *Sakireni* cannot thrive in a foreign land. *Sakireni* was a very strong woman of the *Marange* Chieftaincy and leaving this land would imply going against *Sakireni*. ”

The Religious System in Marange

We have a strong tradition of prayer, Christian values and celebration of our traditional leadership, ancestors and God (*Mwari*). The most prominent churches in *Marange* are the Johanne *Marange* Apostolic Church (founded by the people of *Marange* Chieftaincy) the United Methodist Church (both of which have built schools and health centres in the community), the Anglican Church, the *Jekenisheni* and the Catholic Churches. The Johanne *Marange* Apostolic Sect adopted all the traditional beliefs of the *Marange* people and incorporated them into their church doctrine. Some of the religious groups have been used to maintain the patriarchal system as well as the practices and beliefs that oppress women while promoting the dominance of men. This has resulted in the girl child being given into marriage and the lack of education of girls.

THE CHALLENGES WE ARE FACING

How the Challenges Started

In 2009 the mining companies came with the District Administrator to inform the Chief about the discovery of diamonds and the need for relocation in-order to pave the way for diamond mining. There was no discussion or consultation regarding the relocation of communities living in the area where diamonds had been discovered. We were unaware of the impacts that it might have on the community and environment.

Box5 – The Diamond area in Marange



The blocks in black belonged to Chinese investors (*Anjin* and *Jinaan*); the blocks in blue to *Marange Resources*; and the blocks in purple to *Mbada Diamonds*. *DMC's* block is not shown on this map but was situated in *Chishingwi* village. 2,910 families are living in this area under mining land. Source: Zimbabwe Mining Development Corporation (ZMDC)



1. Impacts on Culture

We were then extremely distressed when the mining companies started their mining operations on our land without consulting and seeking the approval of the traditional leadership. Some of the mines were said to be situated on sacred land and graves thereby violating our cultural and heritage rights. Diamond mining companies also exhumed and reburied the dead to make way for their activities without any consideration of our traditional requirements. The families of the deceased were not even involved in this decision. Bodies of children buried along riverbanks, which is done for cultural reasons, were also exhumed. When this occurs, our community believes that the mothers of the dead children will not be able to conceive and the spirits of the deceased infants will not rest. We see the cultural violations by some mining companies as angering the ancestral spirits, which have caused bad omens such as the change in rainfall patterns and droughts.

2. Environmental Impacts

Water Pollution

Mining operations in *Marange* have polluted major rivers and streams. Some of the polluted community water sources include the Save and Odzi River, *Chisave*, *Singwizi* and *Chenyu* streams. Mining companies were said to have polluted the following community water sources.

Mining Company	Water Body
Anjin	Save, Odzi and Chisave
DMC	Save, Chenyu and Singwizi
Mbada Diamonds	Odzi, Agoni stream, Singwizi, Save & Makodzi
Jinan	Save
Marange Resources	Odzi
ZCDC	Chenyu, Singwizi & Save

Miners disposed effluent, sludge and other waste materials into the rivers and streams. We are unable to consume water from these sources, given the risk of illness. There have been multiple cases of this occurring to both our community and livestock.



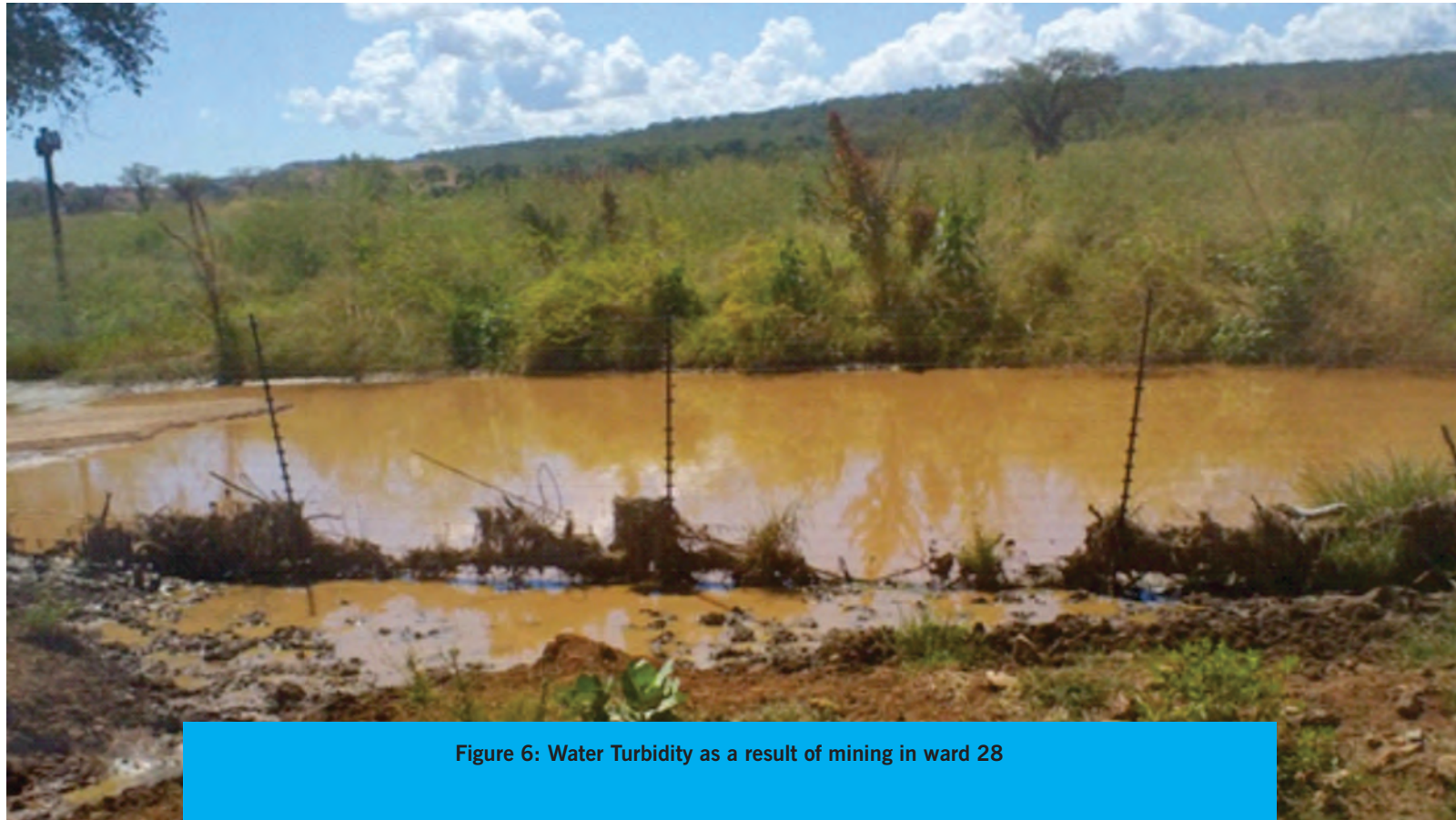


Figure 6: Water Turbidity as a result of mining in ward 28



Figure 7: Water turbidity in ward 28 caused by diamond mining

Various other community waters sources have also been destroyed as a result of diamond mining. Therefore, we are without a clean water source in close proximity. Zimbabwe Consolidated Mining Company (ZCDC) provided the community with a water tank, however, the tank is not safe and it does not provide adequate amounts of water for the community



Figure 8: Water tank provided for the community to replace the traditional water sources

Dust Pollution

Mining operations and fast-moving heavy mining vehicles continually cause dust pollution. The dust pollution covers a wide area in *Marange* and also includes parts of *Chimanimani* and *Buhera*. Villagers living around the mining concession are affected by the dust from blasting and other mining operations. The dust covers large tracts of farm-land, homes and pollutes water sources. The large amounts of dust are causing increased incidence of chest infection and impacts well-being more generally.

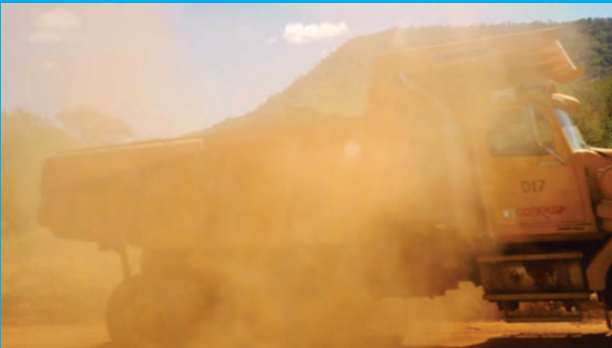


Figure 9: Heavy diamond mine vehicles causing dust pollution

Land Degradation

All diamond mining operations resulted in land degradation. Mining companies operating prior to the consolidation of diamond companies in *Marange* left pits, gullies and hill sized mine dumps. This continues to completely restrict our ability to use the land and is a major health hazard.



Figure 10: Unprotected dam sized gullies in the diamond area ward 30

The open pits trap villagers and livestock. For example, in 2015 a 13-year-old child was trapped and died in a gully abandoned by Anjin mining company. In 2016, a man died in the gullies in *Muedzengwa*. The high number of deaths as a result of the gullies is a huge cause of concern. The gullies are also a breeding place for mosquitos, increasing the incidence of malaria.



Figure 11: Unrehabilitated hill sized dumps in Marange

Loss of Flora and Fauna

Diamond mining in *Marange* has resulted in the loss of much flora and fauna. Disturbance of forest areas, such as the *Ushonje* Range, and land clearance has resulted in loss of habitats and breeding areas for various birds and animals. We have lost indigenous trees that provided sources of food to us, including the *nyii*. Traditional herbs and medicines known as *mitombo* were also cleared. We also lost areas with grass, which we used for house thatching, animal feed, craft and household utensils.



Figure : Land clearance by diamond mining companies

Destruction of Community Infrastructure

Mining in the area destroyed much of the infrastructure we needed for our livelihoods and domestic use. Some of the infrastructure destroyed included wells and livestock dip tanks.

3. The Impacts of Relocation

Large areas of land were taken up by diamond mining companies resulting in many of us, living around the diamond mining area, losing our homes and land used for farming. The Government of Zimbabwe (GoZ) and diamond mining companies relocated families in *Marange* from 2009 to 2017.

The companies involved were *Mbada* Diamonds, Anjin, Diamond Mining Corporation (DMC), Rera, Jinan and recently the Zimbabwe Consolidated Diamond Company (ZCDC), which relocated villagers from *Chiadzwa* and *Mukwada*. Wards 29 and 30, which consist of *Dzoma*, *Chirasika*, *Gamunorwa*, *Muedzengwa*, *Rombe*, *Tonhorai*, *Tarindwa*, *Betera*, *Chishingwi*, *Mwapamba*, *Garanewako* and *Kuedzerwe*, were mainly affected by the relocations. The process of relocation was undertaken without providing adequate information nor consulting with the affected villagers. Our community members close to the mining area continue to lack crucial information on the mining processes, including the



Figure 13: A livestock dip tank destroyed by mining

plans for displacement. Some of the impacts that we suffered as a result of displacement include:

Inadequate land provided as compensation and housing

The land allocated was inadequate to sustain the farming and livestock production livelihoods of the relocated families. Families only received 0.5 hectares of land, which is completely inadequate for farming. Grazing land was not provided and many of us lost livestock. We were not provided means to alternative livelihoods. Further, there have not been enough houses to accommodate all of us and some of the houses are in a dilapidated state.

Restricted access to water

We lack access to water sources such as community wells, rivers and boreholes as a result of the poorly planned relocation process. A number of families are unable to afford the water supplied by Zimbabwe National Water Authority (ZINWA) and ZINWA continues to cut water supply for weeks at a time as a result of accumulation of water bills. Some families have resorted to using unsafe water.



Traditions and ways of life

There was a failure to carry out cultural rituals needed for relocation to new areas. We were required to perform these rituals in order to appease the spirits. This has resulted in spiritual problems for some members of our community. We feel we have been forced into a semi-urban lifestyle, which is entirely different to the traditional ways we were living before relocation. We now also have no access to cultural sites, traditional herbs and medicines. Our traditional systems are destroyed when we must relocate.

Traditional leaders' resistance to relocation

“Mwana washe muranda kumwe” meaning “A prince (chief's son) is a slave when he goes to another chief's land”,

A traditional leader's authority is limited to their ancestral land only. They and spirit mediums cannot be relocated to another area because they are the custodians of the land, the environment, sacred shrines and cultural sites of the area.

Our traditional leaders, including the spirit mediums, cannot practice traditional ceremonies in the relocated area (outside of *Marange*) given that the spirits of the land do not belong to our community. The spirits of the chiefs' forefathers are located in *Ushonje (Marange)*; the place where all the *Marange* rituals are performed by chieftaincy, and Mount *Makomwe (Marange)* is where the *Marange* Chiefs are buried. Both the chiefs and spirit mediums believe that they lose their identity, respect, dignity when they are forced to relocate from their ancestral areas.

Imposition of leaders and loss of power

We have lost our traditional leadership through the relocation. Those of us relocated are now under the traditional leaders of *Zimunya*. We feel we do not have the same voice in community decisions as we did previously.

Internal Displacement

From 2007 to 2016 families in *Mukwada Ward* and *Betera, Chishingwi, Chiadzwa, Tarindwa Villages* were displaced as a result of diamond mining activities. Large areas of land were taken up by diamond mining companies resulting in many of us living around the diamond mining areas losing the land we used for farming. This was undertaken without consulting us and we lacked information about the process. Some of the impacts of displacement include:

1. Loss of access to farming land.
2. Lack of compensation for loss of access to land.
3. Lack of freedom of movement.
4. Exposure to unprotected gullies which are a hazard to the lives and safety of the villagers and their livestock.
5. Overcrowding.

4. The Impacts on Women in Marange

We have not been permitted to own land due to culture norms and are only able to use land under the guidance of the male household head. We believe that some aspects of the *Marange* culture, traditional and religious practices result in discrimination against us, affecting our rights and freedoms. Coupled with the negative traditional practices, the





impacts of mining place a disproportionate burden on women in our community.

Though we play key roles in using the land for subsistence agriculture, contributing a great deal to our families' food security and sustenance, we were not consulted by mining companies before their operations as male household heads were said to represent women during meetings.

We continue to be subjected to abusive and dehumanizing searches by security forces in the diamond area, including in our villages. In some instances, we have been sexually abused or raped if found illegally in the diamond fields.

We now stand firm to assert our rights to live and thrive on our traditional lands.

Box 4 –Gendered Impacts of Mining

- Lack of consultation on decision making processes such as relocation
- Sexual Harassment and rape
- Girls lured into prostitution
- Girls dropping out of school
- Increased burden on domestic roles
- Lack of access to land

5. The Impacts of Children in Marange

Our children suffer a larger burden of the impacts from diamond mining. They are more susceptible to health impacts as a result of the dust and water pollution and unprotected gullies. The destruction of forests and water sources limited the access to recreational areas for children and also destroyed indigenous fruit and medicinal trees, which formed an important part of their diet and medicine.

The demolition of schools meant that some of our children have to travel long distances to attend school or they drop out of school altogether. Some schools lost parts of their land used for sporting, gardening and recreational activities. The school pass rate in *Chiadzwa* area has dropped significantly since the commencement of diamond mining. For example, *Gandauta* School's pass-rate dropped from 30% in 2009 to 0% in 2011. At *Chiadzwa* Primary, only two pupils passed their ZIMSEC grade seven examinations 2012.

1. Freedom of Movement

Marange was listed under the areas classified under the Protected Places and Areas Act of Zimbabwe, Chapter 11:12, section 5. The Act controls the entry of people into the protected area as well as their movement and conduct. This has impacted on the rights of the people living in the protected area in *Marange*.

Ever since the listing of the area, community members have been subject to searches and have to move around with identity cards. In some instances, failure to produce identification documents has resulted in harassment of the individuals. Individuals with vehicles are required to acquire a permit from *Mutare* City, *Murahwa* Building which is about 100km away from *Marange*.



This has infringed on the Constitutional rights of families living in the protected area to freely move as provided for by section 66 of the Constitution of Zimbabwe.

CLAIMING OUR RIGHTS

We have fundamental rights to a clean environment, land, culture, spirituality, information and to participate in decisions. These rights cannot be taken away from us and we demand that their violation not be ignored. An obligation therefore rests on each person in our community, the mining companies and the government to ensure that these rights are realized and respected.

Annexure 2 lists the relevant international and national laws



Figure 14 : Legal empowerment workshop - presentation on rights

COMMUNITY INVOLVEMENT IN ENVIRONMENTAL GOVERNANCE

Central to environmental management is the participation of the community: section 4(1)(b) of the Environmental Management Act (EMA). Our participation as interested and affected parties must be promoted and we should all be given an opportunity to develop the understanding, skills and capacity

necessary for achieving equitable and effective participation: section 4(2)(c) of EMA. We should be consulted and involved throughout the Environmental Impact Assessment (EIA) process to ensure that the process is transparent, open and robust: SI 7/2007. Consultation processes are carried out at EIA screening, scoping, assessment, review, decision and monitoring stages.

Protection of our own Environment

Our lives depend on the natural environment and destruction of the environment destroys our community. Therefore, we should take a leading role in the protection of forests, mountains, water sources, animal and plant species. We wish to promote our cultural practices of preserving the forests, sacred sites and water sources. We also wish to resume harvesting of water, which has been disrupted by diamond mining activities.

Environmental Rehabilitation

We seek to work closely with EMA in order to start land rehabilitation, and heal the rivers that have been polluted by mining activities. Rehabilitation processes must take into account the different types of indigenous trees, shrubs and medicines and ensure that these are replanted. It is imperative that we participate in rehabilitation planning processes and implementation, given our knowledge on the different tree species, shrubs and plants used as medicines. It is crucial to note that our participation in rehabilitation works requires our involvement in the formulation of rehabilitation plans, access to mining companies' rehabilitation plans and Environment Management Plans (EMPs). Proponents of projects should also compensate the cost of rehabilitating the lands and rivers: EMA Section 4 (2)(g)

Timely and Participatory Execution of EIAs

A timely and participatory EIA should be carried out for mining projects so as to identify, predict and assess potential impacts of the mining activity to be undertaken: EMA Sections

97 – 108. Mining companies operating prior to the consolidation of companies did not conduct timely and participative EIAs prior to mineral extraction, which denied us the opportunity to take part in the decision-making process that influence environmental management and governance.

Access to Information

Project information, particularly EIA reports, and EIA certificates should be freely and timeously availed to affected communities. EIAs contain vital project information, such as the anticipated environmental impacts and the mitigation measures project proponents will take to minimize or remedy the impacts. EIA certificates contain conditions imposed by the Environmental Management Agency, which must be fulfilled by the project proponent: Section 102(1)(d) of EMA, as well as the expiry dates of the certificates: Section 102 (1)(c). We, as the people of Marange, are therefore entitled to have access to this information: Section 108 of the EMA, so that we monitor for environmental compliance, hold mining companies accountable and ensure enforcement of license conditions and EMPs. We ask that we be provided all relevant information about projects on our traditional lands before they are approved. The payment of \$250 to access EIA documents completely prohibits us from accessing this information. This requirement should be waived by EMA for communities affected by projects.

Full participation in Decision Making Processes

We ask to fully participate in environmental decision making and environmental management regarding mining projects as is required by law. EIAs are one opportunity for communities to be involved and these should be carried out as is required by law prior to project implementation and with wide public consultation. We also wish to be involved with EMA in the monitoring of mining companies' compliance with project certificate conditions and environmental laws.

Respect for Traditional Decision-Making Processes

Consultations and engagements with external stakeholders, including government agencies and departments, mining companies and NGOs, should be discussed at the Chief's Court. External stakeholders should first approach the lower traditional leader, Sabhuku, who will then inform other community stakeholders. Decisions should never involve one person. It is also traditionally unacceptable for the chief to make decisions single-handedly. Traditional leaders should engage technical persons if they have challenges understanding some of the issues brought to them by external stakeholders.

Respect for Traditional Leadership Structure

Traditional leaders are the custodians of the land, culture and tradition as highlighted in section 282 of the Constitution and section 5 of the Traditional Leaders Act. We therefore ask that the Government does not interfere in the traditional leadership structures and respect their processes.

Respect for Spiritual and Cultural Rights and Values

Our cultural values and spirituality should be respected so as to promote our dignity and equality: Section 16 (1) of the Constitution of the Republic of Zimbabwe. To realize this right, our heritage which includes our culture, natural resources and traditional institutions must be respected and protected: Section 16 (3) of the Constitution of the Republic of Zimbabwe.

Least invasive methods of extraction of minerals

Extraction of natural resources should not destroy our sacred sites, graves, mountains, forests, animal and harm the lives of our community. Therefore, there is need to engage the government and mining companies to ensure that plant life, especially the baobab tree, the sacred sites and mountains are protected. Paths to development that result in

the displacement of our community, destroy our environments and our livelihoods should not be an option.

Community Development

The land and natural resources belong to the people of Zimbabwe and therefore we should benefit from the proceeds of the extraction of minerals. Currently, the mining projects have caused us significant pain and have not advanced but further marginalized us.

Compensation for Forced Relocation and Provision of Amenities Communal land is our economic and social safety net. The seizure of lands for mining purposes without adequate compensation diminishes our ability to secure livelihoods and sustain our families. We therefore seek to be compensated for the loss of our homes and fertile farming land. Adequate housing, land for farming, access to clean and portable water, education and health should be provided to us.

Protection of Land Rights for People in Communal Lands

Our country's laws on land are inadequate in protecting the rights of people living in communal areas and facilitate land grabbing. Use of these laws continues to entrench rural communities who formulate the larger population percentage in Zimbabwe. There is need for mechanisms that empower people living in communal lands so that we are able to assert our land rights and negotiate on proposed developments.

Provision of Alternative Free Water Sources

Those of us relocated to Arda Transau continue to lack access to water (section 77 of the Constitution). Though ZCDC has, on occasion, paid the accumulated water debt to ZINWA, we do not believe this is a sustainable solution. There is need to provide free sources of water such as boreholes.

Fair and Just Processes in Relocation

The relocation process was undertaken without a proper legal framework to guide the process. The result has been a continued infringement on our rights, including on information, consultation, culture, access to water and compensation. The framework must ensure adequate planning and assistance is provided to strengthen, and not diminish, the resilience of relocated families.

Evolution of the Marange Culture to be more Gender Sensitive

We realize that parts our culture continue to be oppressive to women. Women should be allowed equal platforms to voice their concerns and to participate in all issues that affect their lives. We should work with other organisations to raise awareness within the community on the rights of women. Traditional leaders ought to take a lead in the campaign and there should be 50% gender representation in all community meetings, whether traditional, political, or administrative.

Provision of Alternative Energy Sources

Marange women's ways of life are tied to the environment and they are dependent on the availability of land. The seizure and clearance of land impacts the ability of women to access energy sources used to sustain our families. It is crucial that alternative sustainable energy sources are availed and that women are provided with alternative land to sustain their livelihoods.

Revocation of Marange as a Protected Area

Our freedom and ability to move continues to be restricted. Friends and family are unable to visit us. This goes against our rights and freedoms provided for in the Constitution section 66. Vehicles owners are put under unnecessary expenses of going to Mutare City to collect a permit. Therefore, the restriction placed should be revoked.

ANNEXURES

Annexure 1 Marange's History
The original name of Marange is Bocha because of the honey found underground. All land belonged to the Chipindirwe Clan and the area was known as Chimhiti. However, the Chipindirwe had challenges with raiders and other tribes such as the Tshangani who fought with a big spear and perpetrated war known as Dowo. Chipindirwe lacked the capacity to fight these raiders resulting in their people hiding in caves and mountains during the attacks.

Five commanders that had their groups came from Guruuswa and settled at Harare hill. As the groups grew larger some members moved to other parts of the country. The Nyashanu clan moved also while others settled in Buhera some moved to Marange.

Mutsago

Upon arrival in Marange, the Mutsago people (whose forefather was Maruda) met NeChipote. NeChipote asked Mutsago if he could assist his wars against raiders. They were given land after assisting NeChipote in the battles. This is how the Mutsago came to settle in Marange.

Chikwariro

The village was land given to compensate the murder of Mutambara's people. It is therefore not governed by Marange traditions but by Mutambara. Marange does not involve himself in the matters of the people in Chikwariro.

Mukwada

Mukwada is Nyakapeni's son with his sister Gandidzanwa. Historically, when a new chief was to be installed, he was to be intimate with his sister as a display of courage. Mukwada was born out of this ceremony known as "*nzveura*". The son was given his own land which today is still called Mukwada.

The founder of the Mukwada lineage is called Mupfumbamwe. The children of Mupfumbamwe were MuMpangayi, Nyamarira, Kuhudzehwe, Mukunuhunu, Mambara and Chikwere and now form the traditional leadership households of Marange. The Mukwada traditional leadership rotates amongst these six households.

Chipindirwe

The Chipindirwe people are the known dwellers of the Bocha and this is evidenced by various files from the registrar, traditional leaders and from the community. This is also evidenced by the graves "*nhumba*" of their ancestors and traditional leaders found at the bottom of mountains across Marange. The Chipindirwe people faced challenges of war and raids known as "*dowo*". The clan bore many daughters and had very few sons to fight in the wars. This then prompted Chipindirwe to form relations with other tribes in-order to be assisted to fight of the raiders and the wars. In turn, Chipindirwe gave land and other gifts to the tribes that helped him. Marangeni was Chipindirwe's daughter given in marriage to Chiruka, a hunter, who helped Chipindirwe fight off invaders. Marangeni was devious and carried out many tricks in-order to consolidate power for her sons to take over the chieftaincy from her father, Chipindirwe. She bore many sons and managed to consolidate her chieftaincy by placing her son as chief and unscrupulously eliminating any challengers (even through killing any person who challenged her son's legitimacy).

International Rights

- *The right to a clean and health environment is a human right* – **Principle 1 of the Stockholm Declaration of the UN Conference on Human Environment**
- *We as the people of Marange have the right to take part in our cultural life* – **Article 15(1)(a) of the International Covenant on Economic, Social and Cultural Rights**
- *The right to use, protect and manage our land and environment according to our cultural practices*- **Article 10 (c) of the Convention on Biological Diversity**
- *We have the right to adequate food, clothing, shelter, and sufficient standards of living* – **Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights**
- *It is our right to have access to information concerning our land and environment and natural resources* - **Article 13 (a) of the Convention on Biological Diversity**
- *We have the right to help make policies and to implement such policies that affect our community and environment* -**Article 10(2) (f) of the United Nations Convention to Combat Desertification and -Article 14(1) (a) of the Convention on Biological Diversity**
- *The right to access justice whenever our environmental rights have been violated* – **Principle 10 of the Rio Declaration on Environment and Development**

National Legal Framework Supporting Marange Community Rights

Environmental Management Act (Chapter 20:27)

Conservation of and Access to Biological Diversity: The Act acknowledges the need to protect indigenous property rights and the integration of traditional knowledge.- Section 116 Environmental Management

Act (Chapter 20:27)

Section 4 (1) (a) provides every person with a right to a clean environment that is not harmful to health and access to environmental information.Environmental

Management Act (Chapter 20:27)
Section 4 (1)(b) Every person shall have a right to access to environmental informationEnvironmental Management

Act (Chapter 20:27)
The Act provides for the participation of all citizens through section 4 (2) (c)Environmental Management Act

(Chapter 20:27)
any person who causes pollution or environmental degradation shall meet the cost of remedying such pollution or environmental degradation - Section 4 (2) (g)SI 7 of 2007 section 10 (4) project proponents are required to carry out wide consultations for EIAs.

Environmental Management Act (Chapter 20:27)
According to section 108, EIA report is open for public inspection at all reasonable times at the Director-General's officeThe National Museums and Monuments Act (1972)

The act provides for the protection of sites of historic or cultural interest. An example is the sacred Mushonje Range.Communal

Land Act (Chapter 20:04)
Right to Compensation: Section 12 (1) (c) (i) states that any person dispossessed of or suffers any diminution of his right to occupy or use any land Traditional Leaders Act

Chapter 29:17

The functions of Traditional leaders within their areas of jurisdiction are to promote and uphold the cultural values of their communities and, in particular, to promote sound family values, to take measures to preserve the culture, traditions, history and heritage of their communities, to facilitate development, to administer Communal Land and to protect the environment.



LAWS & REGULATIONS INFLUENCING MINING

Water Act Chapter 20:24 Control of Alluvial Mining SI 92 of 2014 Environmental Impact Assessment and Ecosystems Protection Regulations, SI 7 2007 Hazardous Substances, Toxic Substances Regulations Waste Management Regulation SI 10, 2007 Atmospheric Pollution Control Regulations SI 72, 2009, Effluent and Solid Waste Disposal Regulation SI 6 of 2007 Hazardous Substances, Pesticides and Other Toxic Substances, SI 12 2007 The Mines and Minerals Act (Chapter 21: 05) (being amended)

Annexure 5

Sacred Sites and Species

Mountains

- Denda,
- Chinyasikana,
- Mabudire,
- Chandimhara: the top of this mountain has a green forest with perennial streams where wildlife waters.
- Dumbaushe: where traditional leaders are enthroned and also use the Munzwi River.
- Devure range: this range has rich wildlife including Marange lions.
- Derama: has perennial streams that do not dry out even during dry spells.
- Matiere and Hapinda in ward 19, these have caves where people can hide.
- Nyarurwe, Domboremhara is a burial place for traditional leaders and for traditional rituals.

Water Sources

- Masvaure dam is believed to have mermaids and no dirt, reckless talk is allowed.
- Bopoto: where traditional leaders are enthroned and carry out traditional rituals.

Sacred Days

The 8th of every month is a sacred day of rest for the people of Chiadzwa and no productive or economic activity should be carried out by anyone in the area. Diamond miners break this law and carry out operations on the sacred day. The soil is not supposed to be dug on this day.

Sacred Wildlife

Pangolin "*hurukubvu*" and the Python - oil is used by the Chief to strengthen himself and appear fearsome. Pangolin can only be eaten by the Chief and when found should be handed over to traditional leaders in the area and a token of appreciation is awarded. This animal is dangerous if it lands in the wrong hands because it can be used to cast spells. Leopard - is protected and in the event that one is killed the skin is used by the Chief to make traditional clothing. Lion – believed to be the embodiments of sacred spirits, Bateleur eagle (*chapungu*) and Fish Eagle (*hungwe*) - These are sacred birds that bring good omen and protect the community.



