

# The Whistle Blower

ISSUE 2- DECEMBER 2021



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## Dear reader



### Editor's Note

For the creation of a conducive environment that supports the activities of artisanal and small-scale miners (ASM), best practices and policies for mining must be developed. In this newsletter, we demonstrate how some of the structures, policies and strategies have affected local miners in Mat

South. The newsletter shows Matabeleland South Small-scale miners' concerns over EPOs which they believe have closed down spaces for locals since they cannot peg their titles in areas classified as EPOs. It goes further to show the impact of CYDT National Anti-Corruption Strategy (NACS) Outreach meetings across the province. The support of Zimbabwe Anti-Corruption Commission (ZACC) and other stakeholders like the Zimbabwe Republic Police (ZRP) in carrying out these campaigns is also captured in this newsletter. Other issues that are included in the newsletter are; the influence of outsiders in the development of Mat South, conflict resolution in the mining sector, and how corruption makes it difficult for young people to participate in the mining sector.

**We wish you a Merry Christmas and Happy New Year**

**#ZwakalaNtanga**



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## CONFLICT RESOLUTION IN THE MINING SECTOR

**FOR** a long time, mining communities especially in Matabeleland South have been experiencing serious conflicts due to various reasons such as double allocation of gold claims, corruption among others.

Reports of machete wielding terror gangs (popularly referred to as MaShurugwi or Mabhemba) using violence to gain access and control of gold deposits and artisanal small scale mining operations have been rampant in the past two years [2018-2020] in Zimbabwe, according the Zimbabwe Environmental Law Association report.

Researchers and mining sector analysts have attributed the rise in violence to the dangerous cocktail of unemployment, social exclusion, poverty, corruption and gold smuggling.

If not addressed, the conflict may result in lack of community development.

Below are some of the solutions to conflict in mining communities.

### **Expedite the cadastre system**

The government has announced its plans to migrate from the current manual to the more efficient and computer-based cadastre system in the administration of mining titles



but the pace by which the process is taking is not encouraging. Hence, it should be expedited.

A cadastre is normally a computer-based and up-to-date land information system containing a record of interests in land such as owners' rights, restrictions, and responsibilities. The current manual system has an outdated ownership database and is blamed for widespread disputes over claim boundaries.

In its recent study, the Community Youth Development Trust (CYDT) also highlighted that there is a need to lobby for the speeding up and completion of the Mining Act that will facilitate adoption of the cadastral system. More so, the organisation's study recommends that the mining act should recognize traditional leaders as key players especially in the licensing process.

### **Police must set up permanent bases in mining sites**

During a recent virtual meeting organised by CYDT, Nicholas Ngwenya, a villager, said police



should set up a permanent base in mining sites so as to protect miners. If they come temporarily the moment they leave violence erupts, he said.

While it was highlighted that in some cases law enforcers have been caught in the middle of the havoc, it was felt by some participants that communities have to some degree lost faith in the camp manning the law enforcement posts.

*“Since issue of conflicts and violence is somewhat linked to corruption, dealing with corruption reduces the extent of violence in the sector,” said Paul Matshona*

### **Deal with corruption**

Serious corruption cases involving officials in the Ministry of Mines and Mining Development who are allegedly causing man-made disputes in mining towns occurring around the country due to deliberate double allocation of registration certificates have been reported but with little action on the part of the government.

, an official from the Zimbabwe Environmental Law Association (ZELA) while participating in the virtual meeting.

Another participant, Runya Chile said to deal with corruption, there's a need to capacitate the locals in holding the police accountable.

“Report them to superiors so that the police base gain respect,” he said.

The Ministry of Mines should investigate corruption allegations such as double allocation of claims and publish findings and actions so as to earn public trust. The Ministry of Local Governance was also advised to engage the ministry of mines in a means to address mining allocation issues.

The study by CYDT also recommended the development of stakeholder skills on conflict resolution and peace building collaborations with organisations like Christian Alliance. In addition, corruption mapping campaigns like 'I paid a bribe' were identified to be part of other strategic means that could help erode the culture of corruption.

More so, the study recommended that there should be mechanisms which protect local miners should a mine be sold to a new owner.

### **ZACC to investigate corruption allegations**

The Zimbabwe Anti-Corruption Commission (ZACC) should investigate corruption allegations especially in the Ministry of Mines, while the National Peace and Reconciliation Commission (NPRC) should engage stakeholders and raise awareness on peaceful conflict resolution.

### **Engagement of stakeholders**

For one to address conflict in communities, there is a need also for

stakeholders' engagement. This will help in the development of a stakeholder specific action plan. Traditional leaders must be assisted in documenting and creating local miner's database.

### Other solutions

Other recommendations to conflict resolution according to CYDT study include but are not limited to the setting up of 'miners walk-in' centers within districts, making fencing of mining areas mandatory, investment in technology such as

GIS to map land use in their jurisdiction, develop mechanisms that will make their mining related income and expenditure transparent and investigation of the involvement of police service in corruption and gang related conflicts.

CYDT has been involved in coverage of conflict in the mining sector where they have previously monitored the Khuphuka Mining Cooperative Saga and Thuthuka Women's Cooperative

## CORRUPTION: YOUNG WOMEN FIND IT DIFFICULT TO PARTICIPATE IN THE MINING SECTOR



of small-scale miners in Zimbabwe and in this percentage, only 5% are young women.

This shows that the mining sector is still dominated by men and older women.

In its latest research, the Zimbabwe Environmental Law Association (ZELA) revealed that only a few women working in Zimbabwe mining companies are in

Young women are still finding it difficult to participate in the country's mining sector due to a host of challenges, chief among them corruption, societal opinions on gender equality, legal and policy restrictions.

According to recent studies, women now constitute approximately 50%

managerial positions and of the few women, none are youth.

This, report says, raises an alarm as to the future we are preparing for our country.

The challenges that young women are facing revolve around societal opinions on gender equality, legal

and policy restrictions and lack of adequate support from the government, report shows.

Society plays a bigger role in demotivating young women into this sector usually by the patriarchal approach that demean the mind-set, physic and general capability of women, it noted.

Young women from Matobo, Umzingwane and Gwanda districts said they were finding it difficult to penetrate the country's mining sector due to various reasons.

"There is too much corruption in the mining sector to an extent that acquiring a gold claim becomes a mammoth task as some officials in the Ministry of Mines will be demanding bribes for you to be allocated a claim," Nomagugu Zondo of Umzingwane said.

Thando Moyo of Matobo district urged the government to come up with policies supporting young women.

"With adequate support from the government, it will be possible for young women to participate in the mining sector," she said.

Accepting young women in the mining industry will help alleviate poverty and will help the government's goal of 100 tons of gold by 2023, says Thubelihle Nkala from Gwanda district.

Matabeleland South province is rich in gold and has been consistently the highest gold producing provinces of the country in the recent past, but the sector is being controlled by men.

Without involvement of young women in the mining sector, it would be difficult to alleviate poverty in the communities.

Transparency International (TI) also notes that sextortion, which is a form of corruption primarily affecting women seeking access to government services, is also rife in the country's mining communities.

Sextortion involves an implicit or explicit demand from a person in a position of authority for any kind of sexual favour in exchange for performance of their formal duties.

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## ANTI-CORRUPTION CRUSADE TO MINING COMMUNITIES (CYDT & ZACC)

**THE** Community Youth Development Trust (CYDT) and the Zimbabwe Anti-Corruption Commission (ZACC) have embarked on a mobile caravan outreach program in Matabeleland South, where the two organisations are reaching out to the mining communities, sensitising them about the national anti-corruption strategy (NACS).

So far, they have done road shows in areas such as Matobo, Gwanda, Umzingwane, West Nicholson, Colleen Bawn, Mopani and Irrisvale.

Shelton Maphosa, CYDT project officer, said what they have realised

so far is that people do not understand what NACS is.

“We are doing a mobile caravan outreach program, where ZACC is going to the mining communities to sensitize miners in their areas where mining activities are more prevalent,” he said.

“What we have realised so far from this outreach is that people really need information. There is a need for more outreach awareness campaigns. We have communities who do not understand what NACS is, so we are trying by all means to make people know the strategy,” Maphosa said.



“We need to come up with a bottom-up approach, not a top-down approach so that people can relate to that document and have a buy-in.”

Maphosa said there was a need for stakeholder engagement where various stakeholders would converge and come up with measures to localise the strategy.

“We also realised that there is hostility between law enforcement agents and ordinary people,” he said.

NACS, launched last year in October and expected to end in 2024, seeks to combat corrupt practices and address grey areas in the mining sector.

It also seeks to address conflict in the mining communities.

The program seeks to strengthen collaborations between stakeholders in promoting inclusivity on anti-corruption efforts from the downstream so as to ensure a bottom up decision-making approach and an active citizen participation in natural resource governance.

## HOW EPOS ARE CLOSING SPACE FOR LOCALS

Early this year, the government issued 25 exclusive prospecting orders (EPOs)

across the country, giving mining firms the rights to prospect for minerals over the next three years.

Each of the EPOs cover 65 000 hectares, according to the Government Gazette.

### What is an EPO?

The EPOs confer exclusive rights to prospect for specified minerals in any identified location within Zimbabwe. The maximum is 65,000 hectares in Zimbabwe and a minimum size is up to the company or individual to choose. In Zimbabwe, EPO's tenure is three years with an option to renew for another three years.

EPOs are used by companies as first-pass exploration areas. This means that companies after doing the highly technical exploration studies will eventually drop the EPO ground in three years.

### Concerns over EPOs

There has been disquiet among an estimated 1,5 million small-scale and artisanal miners who have complained that EPOs now cover the whole country. This is because once a place is classified as an EPO, small-scale miners cannot peg their titles in that area. The small-scale miners said many EPOs had been idle for many years.

According to the Zimbabwe Prospectors Association, the way EPOs are blanketed across all mining provinces disadvantage indigenous small-scale miners who want to help in the national fiscus.



The association said it is of importance for the Ministry of Mines and Mining Development to consider other small players who are participating in the industry other than blocking them from mining for quite a long period of time with nothing being done on the ground.

### **What is the situation in Matabeleland South?**

According to the Community Youth Development Trust (CYDT), about 95% of mining land in Matabeleland is now under EPOs, making it hard for new players to enter the mining sector.

The youth advocacy group in 2018 convened an all-stakeholders meeting in Gwanda to deliberate on the issues affecting the mining sector, and it discovered that 95% of the mining land in the region was under EPOs.

“CYDT notes with sadness that while the organisation is clamouring for young people in the mining sector to formalise their activities, this seems like a pipe dream as 95% of mining land in Matabeleland is now under exclusive prospective orders,” the organisation said in a communique released after the meeting.

“This licence protects one from competition with other interested parties. This really came as a surprise to the stakeholders who were in attendance as it dawned on them that only 5% of the land is left for all and sundry to get mining claims,” it said.

With almost the whole country now under EPOs, it would be difficult for small-scale miners, especially in Matabeleland South, to venture into mining for living.

The province is rich in gold and many people depend on it for survival. Therefore, without mining, people in Matabeleland South will find it difficult to survive given that the province is prone to drought.

### **Way forward**

Government must allow small-scale miners to peg mining claims in areas that are under EPOs.

Mines and Mining Development deputy minister Polite Kambamura last year told journalists in Bulawayo that they were working on a modality or trying to restructure the formalities in order to allow miners to be able to peg in the EPOs.

For example, he said, an EPO holder will apply for maybe 60 000 hectares and if there is a small-scale miner who wants to peg a 10 hectares mining block, that small-scale miner should be allowed to peg.



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Women dependent on artisanal and small-scale mining for their livelihood may be vulnerable to sexual extortion by government officials in exchange for processing or approving their licence application, especially when attending the licensing agency and interacting with officials alone, TI said.

This is an area that deserves further research and investigation.

"Corruption can have a disproportionate and unique impact on women in mining host communities by exacerbating the inequality that women already experience," TI said.

"Women, particularly those in remote or rural areas where mining takes place, are often in a disadvantaged position because of unequal gender and power relations, lack of access to and control of land and economic resources, and because of entrenched discrimination."

## CORRUPTION: THE HURDLE IN THE PATH OF ZIMBABWE MINING DEVELOPMENT



**Z**imbabwe's mining sector plays a significant role in the development of the country as it brings in foreign currency and contributes towards export earnings.

Since 2009, the mining sector has become the fastest growing with both small-scale mining companies, artisanal miners and multinational companies taking part in the gold rush.

But as a result of corruption involving government officials and individuals, the southern African country has been struggling to realise full benefits from the sector.

The country is also losing money through gold smuggling into neighbouring South Africa and the United Arab Emirates, according to the International Crisis Group Africa Report titled: All That Glitters is Not Gold: Turmoil in Zimbabwe's Mining Sector.

The report estimated that cash-strapped Zimbabwe is losing at least US\$1.5 billion annually through the smuggling of gold.

The figure is, however, higher than the government's estimates of US\$1.2 billion a year lost through the illicit gold trade.

With this kind of money, Zimbabwe could develop her infrastructure, build schools and clinics in rural areas.

As it stands, Matabeleland South province is lagging behind in terms of infrastructural development with roads in most parts of the province poor while schools and clinics inadequate.

Clinics and schools that are there are poorly equipped and resourced.

Matabeleland South province is in need of more than 120 new schools, according to official figures.

A report prepared by the Centre for Conflict Management and Transformation notes that accessibility is a major challenge since primary schools in the province are estimated to be 11km apart while secondary schools are 17km apart, leading to school children having to walk long distances.

It also said there is also an outcry regarding 'A' level studies as the schools offering education at that level, are not properly equipped and need upgrading.

Therefore, without corruption, the province which is rich in minerals especially gold, could be highly developed by now.

But due to corruption, that is not the case.

According to media reports, Provincial Mining Directors (PMDs), though armed with full knowledge on the ownership of mine claims in the country, deliberately re-allocate mine claim certificates to their loyal syndicates who either give them cash upfront or a percentage of the loot.

All these corruption cases are costing the country billions of dollars and undermine President Emmerson Mnangagwa's vision of building a US\$12-billion mining sector by 2023.

For a long time now, artisanal miners have been bemoaning the high level of corruption in the mining sector in the country which they say hinders the growth and development of the lucrative sector.

To understand the depth of corruption in the mining sector, Transparency International Zimbabwe (TIZ) in 2019 conducted a community dialogue indaba with artisanal miners in Gwanda.

One of the participants, Cosmas Nyathi, a miner, said the double allocation of mining claims was a cause of concern in the mining town.

Nyathi said there were people who fraudulently acquire prospecting

licences and when you approach the surveyor to get your claim you are told that the land you identified belongs to someone else.

"These people always pay the surveyor in advance so that they are given first preference to any new claim and if you voice out you risk your chances of being awarded a mining claim," Nyathi said.

TIZ legal advisor Marylin Sibanda, said TIZ conducted a research on mining called the Mining Awards Corruption Risk Assessment (MARCA) where corruption gaps in the sector were observed.

She said the current mining act has become obsolete as it does not

speak to the current challenges faced by the sector.

"Laws were written in favor of the private interest as they were effected in 1964, the act is not in touch and context with what is happening today and the lack of standards in the timeline increase chances of corruption," Sibanda said.

"If you apply for your license they do not tell you when it will be awarded to, even a prospectus license you do not know whether it will be out in a month or two weeks you just get it when they hand it to you and that is where corruption takes place," she said.



## NATIONAL ANTI-CORRUPTION STRATEGY: WHAT YOU NEED TO KNOW

In a bid to ensure that miners and stakeholders in the mining sector fully understand the national anti-corruption strategy (NACS), the Community Youth Development Trust (CYDT) in partnership with the Zimbabwe Anti-Corruption Commission (ZACC) has conducted a number of awareness campaigns in Matabeleland South province.

The strategy, launched last year and expected to end in 2024, seeks to combat corrupt practices and address grey areas in the mining sector.

Its objectives include supporting citizen empowerment and

awareness of their rights and responsibilities relevant to the fight against corruption; enhancing the structures for deterrence, detection, adherence, and enforcement through improved compliance with anti-corruption and integrity management obligations and mechanisms across sectors.

It also seeks to increase public demand for transparency and accountability as well as rejection of corruption in government offices, ministries, agencies and State-owned enterprises (SOEs) or parastatals, public institutions, media houses and the private sector.



The strategy ensures protection of whistle-blowers and victims of corruption, thereby encouraging active participation in anti-corruption efforts by members of the public.

It also seeks to recover assets and proceeds from corruption crimes, and compensate damages inflicted on the state and corruption victims as well as increase the level of political parties' transparency, political will, and accountability.

Late this year, CYDT in collaboration with ZACC and Transparency International Zimbabwe (TIZ) conducted NACS outreach meetings in the mining districts of Gwanda, Umzingwane and Matobo.

The outreach meetings sought to ensure that miners and stakeholders in the mining sector fully understood the contents of the NACS and its relation to combating corruption in the mining communities and assuring miners as well as victims of corruption of their protection when they expose the vice.

During the meetings, Artisanal and Small Scale Miners (ASSM) and women in mining in Matabeleland South implored ZACC to use a bottom up approach in implementing the strategy to ensure that miners identify with opportunities it possesses at a local level.

This will also encourage their active participation in combating corrupt

practices and addressing grey areas in the mining sector.

The meetings were attended by officials from the Ministry of Mines and Mining Development, artisanal and small scale miners, Small Scale Miners Association, Environment Management Agency, whistle-blowers, traditional leaders, TIZ and Zimbabwe Republic Police.

This was done to ensure inclusivity and consultative debate spaces that brought different perspectives and experiences from stakeholders in the mining sector in relation to the NACS.

Some of the key outcomes of the outreach meetings from the stakeholders were the testimonial cases in the mining sector that were highlighted by miners and stakeholders.

In Matobo and Mzingwane districts, for example, miners were given contacts and channels to approach in reporting or giving their testimonials to ZACC. This approach was adopted due to the severity and risks associated in derailing investigations and efforts in addressing the cases that the miners wanted to share in the platforms.

It was highly noted that in the NACS, there was lack of harmony with the Ministry of Mines in addressing some of the grey areas in the mining sector, facilitating increased cooperation and integration of programs between government agencies and other relevant bodies at provincial and local authority

level, to combat criminality in mining communities.

Some of the grey areas highlighted by stakeholders were relating to corrupt practices at administrative level by individuals in the mines offices as well as catch and release syndrome of perpetrators of corruption by law enforcement agents.

ZACC, through its NACS Steering Committee was challenged to clear the backlog of corruption cases at the National Prosecuting Authority (NPA) which was

highlighted as one of the challenges hampering efforts around combating corruption in the country.

The anti-corruption body was also encouraged to localise the strategy through decentralization of offices, encouraging active participation by miners and whistle-blowers in reporting corruption cases.

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## **‘OUTSIDERS’ STIFLE DEVELOPMENT IN MAT SOUTH**

**SMALL-SCALE** miners in Matabeleland South Province continue to lose their gold claims to people coming from other

provinces, a move that has stifled development in their communities.

The province has rich gold reserves in areas such as Gwanda, Insiza, Matobo, Umzingwane and

Mangwe districts where large and small-scale miners are operating.

But due to double allocation of gold claims by the Ministry of Mines and Mining Development as well as invasion by outsiders among other challenges, the province is still lagging behind in terms of development.

Khumbulani Moyo, one of the villagers in Matobo district who lost his gold claim to 'outsiders' said the issue needed to be addressed as it was anti-development.

"Matobo is one of the areas in Matabeleland South which is rich in gold. So what we have realised of late is that there are people coming from other provinces who come here and take over gold claims belonging to the local people. This has created hostility and animosity in the community," he said.

Moyo said those people usually take gold claims that have been, something which is not fair as one would have invested a lot in terms of machinery and other equipment.

"Remember, mining is a capital intensive sector. So one would have invested large sums of money trying to develop his or her mine but someone just comes with papers saying he or she has been allocated your gold claim. We appeal to the government to intervene," he said.

"We are not saying we don't want people coming from other areas. We are saying they should come in peace and through proper channels. They should not take

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This was highlighted as a bottom up approach that would ensure speedy process in addressing corruption cases affecting miners in their districts.

These sentiments were shared from the backdrop that there were corruption cases in the mining districts that were not addressed in the mining districts, due to lack of accessibility and visibility of ZACC in the local communities.

In response, ZACC said they were in the process of decentralising their offices in Matabeleland South and further into district levels to achieve strategic objectives of the NACS.

As the country is moving towards achieving a US\$12 billion mining industry by 2023, the fight against corruption must therefore remain a priority for the government of Zimbabwe if the country is going to achieve the Sustainable Development Goals (SDGs) and the country's Vision 2030 (Upper Middle Income Economy by 2030).

other people's claims but develop theirs from scratch," Moyo said.

Due to the fact that local people have lost their gold claims to outsiders, Moyo said development in the district has been stifled.

"This is because those people take their money to their respective areas, leaving Matobo district underdeveloped. For instance, during the time when gold claims were in the hands of the locals, the district witnessed some development with people building nice houses. Now businesses are suffering due to lack of support. They also import labour instead of employing the locals. This issue needs to be addressed," he said.

A recent study conducted by the Community Youth Development Trust in three districts in Matabeleland South which include Umzingwane, Gwanda and Matobo revealed that double-allocation of gold claims and invaders were the main drivers of conflict within resource rich mining areas.

Gwanda villagers said "invaders" were causing serious conflict in the mining communities.

"They come here to cause havoc. Many small-scale miners, especially women, have lost their gold claims to the outsiders. This is not fair. Government should intervene," one villager said.

For instance, last year a group of about 10 machete-wielding men invaded a mine belonging to Sanelisiwe Maseko and attacked her workers, killing one before disappearing with about 180 bags of gold ore.

Her mine is situated in Colleen Bawn.

Besides machete gangsters, women in mining areas are experiencing many other challenges such as victimisation by male miners, dispossession of their claims without notice, police harassment and various other forms of gender-based violence, resulting in many women fearing to venture into mining.





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