

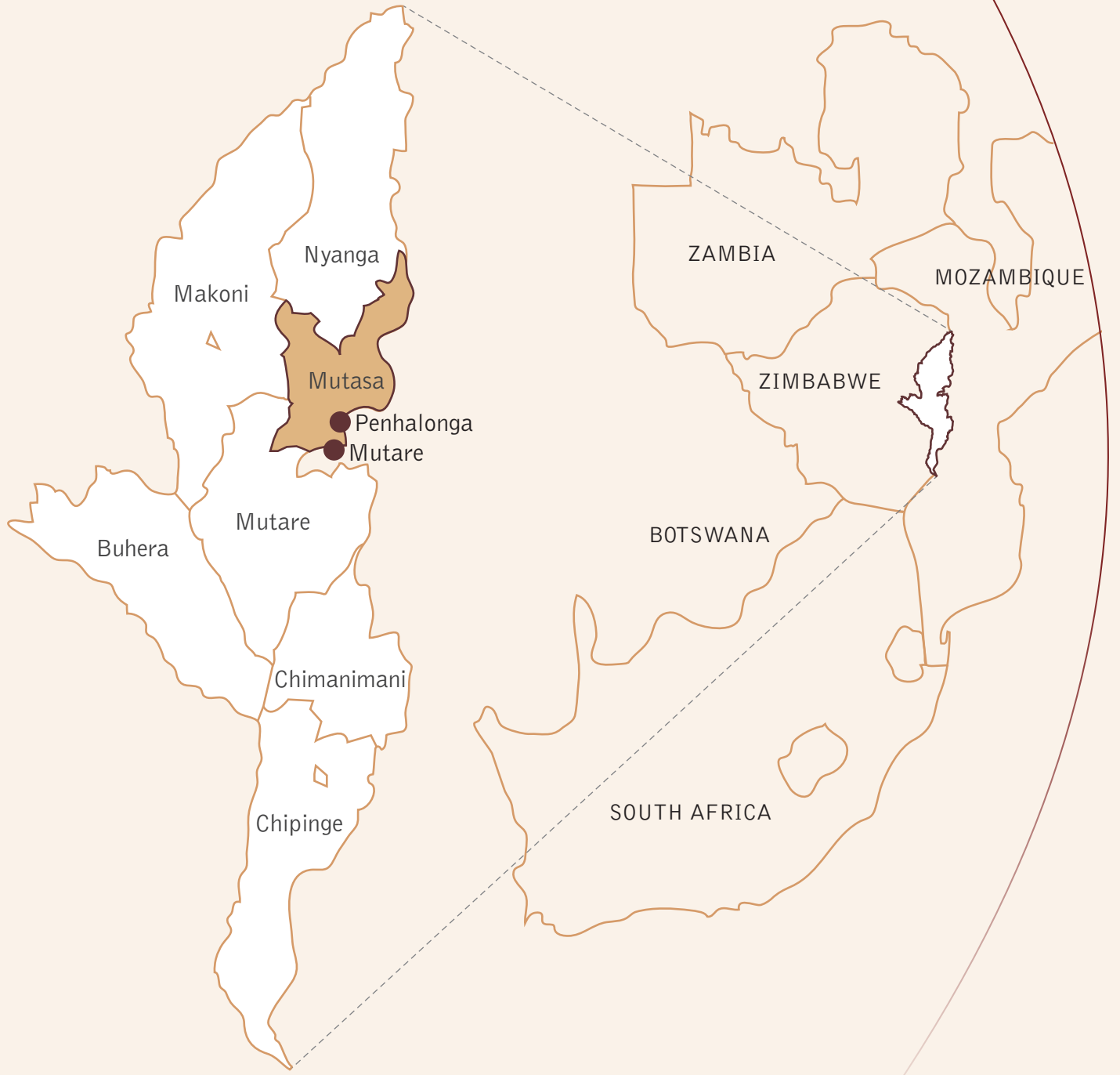
Penhalonga and Tsvingwe Community Opposition to Destructive Mining Impacts

Penhalonga and Tsvingwe
Community Protocol
2018



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*Map of Manicaland Province,
Zimbabwe.*

INTRODUCTION

Penhalonga and Tsvingwe are found in Ward 21 of Mutasa South Constituency in Manicaland Province, Zimbabwe. Our area is endowed with gold deposits and fertile red agricultural soils. We have a population of over 20 000 people. King's Daughter Mine (formerly Redwing Mine), owned by Metallon Gold, is the biggest gold mine in our area.

Since time immemorial, our community has survived through artisanal mining, iron smelting and agriculture (growing crops and raising livestock). Mining has impacted negatively on our environment and livelihoods. We have been effectively dispossessed of both our farming land and access to our minerals. We have been made into criminals on our own land. When we engage in mining we get arrested and charged for being 'illegal miners'. We have even lost members of our community for alleged trespassing or for 'illegal mining'. Our community is in distress. We are now a community of jobless poor people.

The small-, medium- and large-scale miners who have been licensed to extract our gold also destroy and pollute our environment. Scores of cattle have died after drinking water contaminated with cyanide from the river. The environmentally destructive methods of mining by the titleholders are a far cry from our time-honoured environmentally friendly and ecologically sustainable mining techniques.

This community protocol will be used to demand our right to land and minerals and to live in a clean environment. We will engage all relevant stakeholders in order to protect our environment, social life and community health. We seek to engage mining companies, government and its agencies, and everyone else involved in the mining process and value chain.

COMMUNITY GOAL

Our goal is a community that is free from destructive mining activities and whose interests and constitutional rights are protected and nurtured.



*Location where the Great Indaba Tree
used to be.*
Courtesy of CNRG

WHO WE ARE

Our Origins

The traditions and culture of the people living in Penhalonga are predominantly those of the Shona-speaking people found on the plateau between the Limpopo and Zambezi Rivers. Shona-speakers, who today form about 77 percent of the population of Zimbabwe, were spread over great distances and did not share a common cultural or political identity. The Shona-speaking people did not originally see themselves as a 'tribe'. National 'Shona-ness' is a creation of the past hundred years.

Colonial missionaries and administrators categorised Shona into sub-tribes on a regional basis. These artificial divisions took on lives of their own, and hierarchies emerged. The three largest blocs are Zezuru (central), Karanga (south-central) and Manyika (east). The people of Penhalonga are predominantly Manyika.

The opening of the Penhalonga Mine in 1895, and the influx of Europeans setting up plantations and farms to support the mine, created a labour market that attracted people of different ethnic and tribal affiliations. This resulted in cultural clashes between the incoming migrants and the existing community. According to oral evidence, the first Europeans to come to Penhalonga were Portuguese, followed by the British and finally Germans. African migrants came from present-day Mozambique, Malawi, and Zambia. Although the Manyika shared similar cultural and traditional values with those coming from Mozambique, the same could not be said of the Malawians, who had a different culture, language and way of life. The Malawians have maintained their traditions up to this day: for example, the Nyau cultural dance is still popular in mining towns throughout Zimbabwe.

The coming of settlers also resulted in the loss of shrines. A story is told in Penhalonga about how Chief Mutasa lost his Dare (a place where the chief and his subjects used to meet) to three pioneer nurses who were accompanied by Anglican Bishop George Knight-Bruce. The place where this was reported to have happened is affectionately known as the Great Indaba Tree. Our traditional Dare is now a monument of remembrance to the British nurses – Sister Rose Blennerhassett, Sister Lucy Sleeman and Sister Beryl Welby – whilst our historical attachment to the place is being erased.

In Box 1, an elder describes how the culture of the original Penhalonga people and the geography of their area have been changing from the advent of colonialism and mining up to now.

An Oral Historical Account of the Impact of Mining

During the early 1900s, when the Europeans came in large numbers, everything changed. It is changing again as a result of the Russians clandestinely mining gold along Mutare River, leading to severe water pollution and land degradation. King's Daughter Mine has done the same over the past hundred years that they have been mining. When foreigners came, like the Malawians, they maintained their language and dances, which has diluted the local language and customs. What the Manyikas regard as sacred, the foreigners did not.

This got worse when parts of Penhalonga were designated as private mining concessions. The traditional leaders lost their grip and control over their land and people. The Zengeni area was taken by Queen Elizabeth's relative, Sir Wilson, and Border Timbers took over Imbeza for forestry plantations. Some white farmers took land for crops and miners took land for minerals. The people were moved to areas like Manica Bridge, Dora and Marata. Those who remained had no option but to work for the white settlers. The first location of the Africans was upstream of Imbeza Bridge and then they moved to an area near St Augustine turn-off.

With the continuous expansion of mining, African settlements were constantly being shifted. When Rezende Mine closed in 1943 most African families were moved to occupy the vacant workers' houses. This area came under the control of Village Management Board (VMB) and it was known as Marata township. This settlement was again moved in 1973 to present-day Tsvingwe location.

Mining activities since the 1900s have always been displacing people. Back then it was the colonial government but these days it's very painful because it is our own black government protecting the Russian company doing the human rights abuses.

Source: Interview with an elder from Penhalonga

Mining in Penhalonga Today

King's Daughter Mine, a subsidiary of Metallon Gold, is the largest mining company in Penhalonga, with both underground operations and surface sand/slime retreatment operations. The company uses cyanide in its gold-processing operations.

The other major company, DTZ-Ozgeo – a joint venture between the Development Trust of Zimbabwe and Russia's Econedra – was forced by the Environmental Management Agency (EMA) to stop its operations in 2013, due to an outcry from us regarding the environmental catastrophe it was causing along Mutare River.

There are also dozens of small-scale miners who are not from our community dotted around Penhalonga and Tsvingwe. Several mills that use mercury and cyanide to recover gold operate in the area. The increase in small-scale miners has meant the decrease of our farming lands since, according to Mines and Minerals Act (1961) and Communal Lands Act (1981), mining titles override our traditional rights to our ancestral land. We continually wake up to find our fields fenced or declared to be someone's mining claim. There is no consultation with us prior to the awarding of these mining claims.



Penhalonga and Tsvingwe Ways of Living

We Manyika people are traditional subsistence agriculturalists and gold-mining descendants of the Mutasa area. Our traditional knowledge of the geological formation of the landscape was passed down from generation to generation. We have also passed from generation to generation the art of gold mining. Ancient workings of gold panning, iron smelting and smithing bear testimony to the role of mining in the local economy of Tsvingwe and Penhalonga. Apart from gold mining, the Penhalonga and Tsvingwe communities are sustained by subsistence agriculture, which is practised along the Mutare river, on stream banks, and in wetlands throughout the year, and on rain-fed arable land during the rainy season. Reef and alluvial gold-mining were seasonal activities,



conducted by our communities during winter. We used earnings from gold mining to support farming, among other things.

Until the late 1990s, the Penhalonga–Tsvingwe area remained pristine, with a rich biodiversity – thanks to our stewardship of our land and natural environment. Our traditional way of life has been tampered with by urbanisation, small-, medium- and large-scale farming programmes and gold-mining activities. The land reform programme also saw several powerful and politically connected people acquiring land in and around our community. This has intensified small-scale mining activities, but by people who do not live in our community. Their profits are not invested in our community and yet we suffer from the effects of their activities.

A section of the once scenic Mutare River that now resembles a dam due to DZT-Ozgeo and artisanal mining activities.

Courtesy of CNRG

These activities have left the community with limited livelihood options, less land for subsistence agriculture, polluted rivers, and lack of access to our abundant gold reserves. If we are found panning gold, we are arrested and/or assaulted by the police and mine security. The vast bare lands left by Russian mining operation DTZ-Ozgeo and King's Daughter are no longer usable for subsistence farming because the fertile red topsoil has been washed away by open-cast mining of alluvial deposits.

Our traditional subsistence farming as a livelihood

We Manyika people of Penhalonga traditionally grow a variety of food crops that includes *rapoko*, yams (*madhumbe*), *tsenza* (a yellow-flowered member of the mint family) and maize. We also grow traditional vegetables, such as mushroom, pumpkin leaves, black jack, *musungusungu*, *muboora*, *mbowa*, *wenera*, *tapa*, *mukakashango*, *dongo*, *nyevhe*, *feso* and *nyatando*. Our cropping season coincides with the season of gathering wild vegetables and fruit. These include *mazhanje*, *nzvuru*, *checheni*, *nhengeni*, *ndwide*, *maroro*, *hute*, *maonde*, *matohwe*, *matamba* and *tsombori*. In addition to being ongoing sources of nourishment, most of these crops and trees provide traditional medicines for many common ailments.

Our ancestors managed the forests and grasslands because they depended on them for food and medicines. They also gathered mopani worms (*madora*) and hunted small game for food. Taking care of forests was a collective job for the community.

Our traditional gold mining practices and their role in our livelihood

Prior to the exploitation of the much bigger reef sources, the extraction of gold in Zimbabwe seems to have begun with alluvial deposits around AD 600¹. The Mutare River ('river of metals') that flows down from the Penhalonga Valley had rich alluvial gold in its gravel beds. There is proof of ancient alluvial gold workings along the Mutare and its tributaries, the Imbeza and Tsambe Rivers. Gold-panning and goldsmithing techniques have been passed down through generations until now. Makorokoza (artisanal miners) constitute a significant segment of the Penhalonga–Tsvingwe community. Royals used gold as

¹ Bhila, H.H.K., 1982. Trade and Politics in a Shona Kingdom: The Manyika and Their Portuguese and African Neighbours, 1575-1902. Harare: Longman.



a medium of exchange for important goods like cloth, iron hoes, axes, weapons, gold wire and beads.

Present-day artisanal mining continues to sustain the local livelihoods through selling gold, even though this is illegal under Zimbabwean law. We, as a people, lived in this area for centuries before King's Daughter Mine and smaller-scale miners, most of them politically connected, came to our area and declared us 'illegal miners', 'trespassers' and 'squatters' on what they now call 'their' land. Some of our children are serving prison sentences for alleged 'illegal' possession of gold. Some of our people have been killed by security guards of King's Daughter Mine and DTZ-Ozgeo.

Our traditional cultural practices and their role in environmental conservation

Our culture has been changing since the advent of colonialism, resource extraction and urbanisation. Our ancestors left sophisticated indigenous knowledge systems (IKS) that enabled us to conserve the natural environment whilst using it for sustainable livelihoods. These included *zvierwa/zviera* (taboos), *unhu* (ethics), *ngano* (folktales), *mitupo* (totems) and a conception of natural resources as sacred common property. We learned how to relate with the natural world and to ensure that natural resources were not abused.

Artisanal mining at a site once mined by DTZ-Ozgeo along Mutare River.
Courtesy of CNRG

Taboos were a useful way of keeping environmental and other social norms in check. For example, *Usatema kana kukwazha michero yesango* ('Do not cut down or knock down unripe wild fruits') meant that wild fruits were not wasted. It was also forbidden to use certain species of trees as firewood, and each clan had a certain kind of animal they were not allowed to eat. The effect of such taboos was conservation of wildlife. In our traditional culture, the highest form of honouring someone is to call them by their clan totem, which is symbolised by an animal.

OUR CURRENT CHALLENGES AND WHAT NEEDS TO BE DONE

Socio-economic Concerns

The grabbing of our land by small-, medium- and large-scale gold mines has affected our traditional way of life and our livelihoods. Our small amount of arable land, which has sustained us for generations, has suddenly become private property and we are subjected to trespassing laws that carry sentences of imprisonment or fines or both. As our arable land was lost, we were transformed from peasants to labourers or unemployed. As noted earlier, foreigners of varying origins started trickling into Penhalonga and Tsvingwe and the clash of cultures greatly disturbed the Manyika way of life. When DTZ-Ozgeo started alluvial gold-mining in Penhalonga and Tsvingwe around 2004, land conflicts between the community and the company were inevitable.

The company, in a move reminiscent of colonial times, grabbed our arable land without compensation. Just like our ancestors in the 1890s, we lost our land, and with it our livelihoods. We could not resist: the mining companies had strong ties with the state and sometimes used violence against community members and artisanal miners. In March 2017, the government of Zimbabwe geared up its onslaught on our community by announcing that the Tsvingwe residents will be displaced to make way for diamond mining. We resisted this move, as we continue to do, and the government temporarily backed off.

However, the future of our community remains uncertain. Before large-scale mining, our agricultural productivity was much higher and yields were healthy. Livelihood activities such as reed-craft and weaving thrived. We used to have an abundance of livestock and food.

We believe that the government of Zimbabwe has for too long neglected our genuine concerns in favour of mining companies. We have noted that the state failed to consult the community when it brought in mining companies. The state also failed to intervene when workers were laid off without compensation by King's Daughter Mine and DTZ-Ozgeo. State regulatory bodies like the Environmental Management Agency (EMA) were slow to act when both companies polluted the environment along the riverbanks. It took nine years, from 2004 to 2013, for the EMA to stop DTZ-Ozgeo from mining along the Mutare River. Although DTZ-Ozgeo pledged to rehabilitate the land and to complete an environmental impact assessment, this order has not been complied with, five years later.

Another key area of concern is human rights abuses by the mining corporations, with the tacit support of the country's law enforcement agencies. Local artisanal miners caught panning in the so-called 'premises' of Redwing Mine and DTZ-Ozgeo are often severely beaten by mine security, resulting in more than 15 documented deaths since 2005. Others were thrown down disused shafts and gullies only for their corpses to be later recovered by their colleagues. Cattle-herders were not spared either by the mine security personnel. Unfortunately, as some of the security staff were born in Penhalonga and are our relatives, this has also generated social problems that will haunt our community for many decades to come. Additionally, in spite of the deaths having been reported, to date no one has been prosecuted. Our lives are considered to be very cheap by the Zimbabwe government and King's Daughter Mine.

Therefore, we call upon

- the Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement to engage with us and attend to our land grievances;
- the Ministry of Mines to engage with us and ensure that mining rights given to mining corporations do not infringe upon our constitutional and sovereign rights over our ancestral land;
- Mutasa Rural District Council to give us title to our land so that we are protected from mining corporations.

Socio-economic Impacts of Mining

- Displacement
- Distortion of way of life
- Increase in corruption/co-optation of different actors
- Increase in violence and crime
- Lack of work security
- Land dispossession
- Loss of livelihood
- Loss of traditional knowledge/ practices/ cultures
- Militarisation and increased police presence
- Social problems (alcoholism, prostitution, etc.)
- Specific impacts on women and families (see below)
- Unemployment
- Unfair labour practices
- Violations of human rights

Source: CNRG Report

Health Impacts of Mining

- Exposure to unknown or uncertain complex risks
- Infectious diseases related to socio-economic impacts
- Malnutrition due to shrinking space for farming and/ or pollution of food source
- Mental-health problems, including stress, depression, alcoholism and suicide, and related physical problems
- Occupational hazards for miners and other workers
- Other environmentally related diseases
- Physical injuries
- Violence-related health impacts (homicide, assault, rape, etc.)

Source: CNRG Report

Our Constitutional Rights to Land

Part 2 Section 72(8) (c) of the Constitution of Zimbabwe states that the people of Zimbabwe must be enabled to re-assert their rights and regain ownership of their land. We believe and consider ourselves to be bona-fide citizens of Zimbabwe and will not allow ourselves to be dispossessed of our land again.

Further, Section 71(3) (b) (ii) states that no person shall be compulsorily deprived of their land except if that is done 'in order to develop or use that or any other property for a purpose beneficial to the community'. We are fully convinced the ongoing dispossession of our land and threats of further dispossession have nothing to do with the development of our community but rather disempowers and impoverishes us and serves the economic interests of people external to our community.

Health Impacts of Mining

The environmental degradation caused by mining operations, including air and water pollution, is negatively affecting our health. For example, during the dry season, we inhale dust that is swept up from open-cast mining sites and mine/sand/slime dumps, which also contains cyanide. Many people in our community complain of breathing problems. Along Mutare River, cattle die after drinking water polluted with cyanide.

In Rezende area, animals and people frequently fall into pits left open by mining companies, resulting in serious injuries and sometimes deaths.

The socio-economic effects of mining also have significant impacts on public and personal health.

We call upon the Environmental Management Agency to exercise its power to protect us from the negative effects of mining without partiality or political influence. We want EMA to monitor the mining projects in Penhalonga and Tsvingwe jointly with us and to share the results of its assessments with us, the affected people.

We have a constitutional right to live in a clean environment. Section 73 of the Constitution provides every person the right

- a. to an environment that is not harmful to their health or well-being; and
- b. to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that –
 - i. prevent pollution and ecological degradation;



*Top: Hazardous ponds created by DTZ-Ozgeo and left open.
Bottom: Dust rising from the King's Daughter / Redwing slime dam.*
Courtesy of CNRG

- ii. promote conservation; and
- iii. secure ecologically sustainable development and use of natural resources while promoting economic and social development.

We believe the operations of King’s Daughter Mine and many other small-scale miners in Penhalonga–Tsvingwe area are infringing on our constitutional right to live in a clean environment.

Gendered Impacts of Mining

Our women work on the land and it is the source of our food. Loss of land means loss of our families’ livelihoods. The influx of migrant workers has also resulted in many problems.

We call upon:

- the Ministry of Women Affairs and King’s Daughter Mine to engage with the women of Penhalonga and Tsvingwe. Listen to their grievances and help them start or scale up small to medium enterprises to sustain our families;
- the Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement to protect the constitutional rights of the women of Penhalonga and Tsvingwe to land and decent livelihoods.

Section 80 of the Constitution states that:

1. Every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities.
2. Women have the same rights as men regarding the custody and guardianship of children, but an Act of Parliament may regulate how those rights are to be exercised.
3. All laws, customs, traditions and cultural practices that infringe the rights of women conferred by this Constitution are void to the extent of the infringement.

Traditional and Cultural Concerns

Although Penhalonga and Tsvingwe are under Mutasa Rural District Council, traditionally we are under Chief Mutasa. We are concerned with mining companies’ disrespect for our traditional authorities and cultural practices. Mining companies that come to operate in the area have not acknowledged the fact that, as Penhalonga and Tsvingwe, we have our own traditional and cultural hierarchies and practices

Gendered Impacts of Mining

- Child marriages
- Divorces
- Lack of access to land
- Poverty
- Prostitution
- Reproductive health problems
- Sexual harassment and unwanted pregnancies
- Unpaid labour

Source: CNRG Report



that we have maintained since time immemorial and are determined to continue observing.

As a sign of their disregard for our culture, mining companies and some community members have desecrated places that we considered sacred to make way for their business operations. For example, the Great Indaba Tree in Penhalonga – once a very sacred place – has for years been neglected. Most of the trees and sacred places no longer exist because of the rapid urbanisation of Tsvingwe and Penhalonga. Cultural ceremonies were once held in such sacred areas. Since they have been decimated, rainmaking ceremonies, once popular with the Manyika, have been abandoned.

According to our culture, deceased toddlers are buried on riverbeds. This practice dates back many centuries. Consequently, hundreds of infants were buried on the riverbed of Mutare River. However, DTZ-Ozgeo destroyed all the graves of infants along Mutare River, including those of infants buried recently, whose parents still live in the Penhalonga–Tsvingwe area. This has caused double pain to the bereaved families and the entire community.

Religion and tradition play an important role in maintaining our African way of life as the people of Penhalonga. Such disturbance is bound to exacerbate cultural conflicts between residents and disrespectful foreigners who care about nothing but profit.

A slime dam belonging to King's Daughter / Redwing Mine.
Courtesy of CNRG



Abandoned mining equipment.
Courtesy of CNRG

We call upon

- companies to continuously consult with our traditional authorities and respect the existing cultural and traditional norms of the community. Traditional ceremonies need to be performed and proper consultation with the traditional leadership must be carried out.

Section 5 of the Traditional Leaders Act stipulates that the functions of chiefs with regard to the environment, land and natural resources include

- ensuring that the land and its natural resources are used and exploited in terms of the law and in particular controlling over-cultivation, overgrazing, indiscriminate destruction of flora and fauna and generally preventing the degradation, abuse or misuse of land and natural resources in his/her area; and
- adjudicating in and resolving disputes relating to land in his/her area.

Our chief and their traditional system must be independent in the execution of their duties.

NOTES

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